



Your water. Your environment. Your voice.

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NEWS RELEASE

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Opinion: Early Earth Day Assault on the Environment *Watershed Association Urges DEP to Take "Waiver Rule" Off the Table*

By: Jennifer Coffey, Policy Director, Stony Brook-Millstone Watershed Association

One week before Earth Day (April 22), New Jersey's environment is being threatened by a new rule proposed by the NJ Department of Environmental Protection (DEP). The "Waiver Rule" would give the DEP the authority to provide anyone applying for an environmental permit a waiver from compliance.

Up for review at a public hearing on April 14, this new rule is essentially a "get out of jail free card" for anyone looking to skirt their environmental responsibilities. Although the "Waiver Rule" is being proposed under the guise of efficiency and economic growth it opens up the potential for a tremendous negative impact on our environment.

Our environmental rules are strong and have been adopted in the best interest of the state and its residents. For example, tourism is one of New Jersey's leading industries. Ensuring clean freshwater streams for fishing, clean beaches for sandcastles, healthy oceans for surfing, clean soils blueberries, peaches, cranberries, pumpkin picking, hayrides and corn mazes is in New Jersey's best economic interest.

When we start compromising on our environmental rules we will compromise the health of our environment, the health of our residents and the health of our economy.

The "Waiver Rule" proposes four "easy outs" for complying with our strong environmental rules: Hardship, "net environmental benefit," public emergency and conflict. While these arguments may seem benign they have negative consequences.

Hardship Is No Excuse

If the new rule is adopted, anyone proposing a new development could apply for a waiver from compliance simply by claiming an environmental regulation poses a hardship. The rule provides no criteria for decision-making on what constitutes a "hardship" putting our public health and safety, and clean air, water and soil at risk.

Is Clean Water Better Than Clean Air?

Under the new rule, the DEP could also issue waiver if doing so would result in a "net environmental benefit." This means an applicant could do environmental harm in the

name of some environmental good. It pits environmental objectives against one another – clean soils against clean water, or clean water against clean air. For example, why should the DEP get to choose to allow a developer to destroy wetlands that protect against flooding if the developer agrees to clean up site contamination? Flooding and clean water should both be a consideration when cleaning up a contaminated site. New Jersey residents should not have to settle for one or the other.

Emergency Provisions In Place

The new proposed rule also provides waiver provisions for cases of public emergency. However, many of our tough environmental regulations already allow rules to be waived for public emergencies.

“One-stop-shop” Already Prevents Conflict

Finally, the proposed rule would allow the DEP to issue waivers to environmental rules in cases in which two or more rules conflict. However, the DEP’s own “one-stop-shop permitting group” of air, water and soil departments already coordinate with one another and have flexibility within existing environmental rules to ensure that they do not conflict with one another.

The “Waiver Rule” is an invitation to abuse of power. The DEP should not be allowed to pick and choose who gets to follow the rules and who doesn’t. New Jersey’s strong environmental rules have been adopted to protect the health and welfare of all New Jersey residents. Those rules rely on science, are open to the public for comment when proposed, and are required by law to be reviewed every five years to ensure that they are fair, efficient and protect the environment.

With our industrial history and dense population, New Jersey needs tough environmental rules to make sure we cleanup the problems of the past and ensure that we have enough clean water for our families to drink, and healthy air to breathe. Don’t let the DEP allow those with the right political influence to skirt their environmental responsibilities.

Please join us in telling the DEP to stand up for the environment and strike down the “Waiver Rule” at a public hearing on April 14 at 3 p.m. at the DEP’s first floor hearing room at 401 East State Street, Trenton, NJ.

Jennifer M. Coffey is Policy Director for the Stony Brook-Millstone Watershed Association, central New Jersey’s first environmental group. Learn more: www.thewatershed.org.

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The Stony Brook-Millstone Watershed Association is central New Jersey’s first environmental group. Since 1949 we have been protecting clean water and the environment through conservation, advocacy, science and education. www.thewatershed.org.