



It is the 14th anniversary of landmark legislation to protect the Highlands called the Highlands Water Protection Act. This is our 13th Report Card issued by the New Jersey Sierra Club on the Highlands Act Anniversary based on the Governor, DEP, and other agencies' implementation of the Act. The Highlands Act put in place critical protections for one of the most environmentally sensitive and ecologically important areas in our state. The Highlands is home to numerous threatened and endangered species and some of the state's most beloved parks including Round Valley, Waterloo Village, Lake Hopatcong, Wawayanda, and Pyramid Mountain. The region provides drinking water to 6 million people.



Highlands Fishing at Ken Lockwood Gorge Wildlife Management Area

Governor Murphy: Incomplete

For his work so far and for not being Chris Christie, Governor Murphy earns a 'B' on Highlands protection, but there's still too much left undone for a final grade. The Governor has temporarily halted logging on Sparta Mountain and has appointed Carl Richko as Chair of the Highlands Council, a long-standing environmental champion. However, he has yet to make any new appointments to the Council to replace Christie's appointments. We need members better fit to make decisions that benefit the



people and environment of the Highlands. We're waiting to see what major changes and protections will be made under Governor Murphy for the Highlands.

"After eight years of Christie failing, the Highlands is still mostly intact and we now have a new Governor. When he first came into office, Governor Christie has said he wanted to repeal the Highlands Act, but the Legislature would never let him. Instead he tried to do it one roll back at a time by stacking the Highlands Council and rolling back regulations. Now we have a Governor who campaigned for protecting the Highlands and making smart appointments to the Council. The two appointments he's made so far have been beneficial to the Highlands. There's still much left to be done, including replacing other members of the Council and removing dangerous rollbacks put in place under Christie," **said Jeff Tittel, Director of the New Jersey Sierra Club.** "The Highlands region is New Jersey's Yellowstone and Yosemite. It provides drinking water for over 6 million people but what's even more important is that this water runs our economic engine. Highlands' water is found in everything from M&M's to Tylenol, Manischewitz Matzo, Goya beans to Budweiser."



Monksville Reservoir from Horse Pond Mountain. Photo by [Dan Balogh](#).

The Legislature: A

Both the Senate and Assembly have passed **SCR163 (Smith)/ACR255 (McKeon)** that determines DEP Highlands Septic Rule is against legislative intent. The DEP's proposed Highlands Forest Preservation Area is a major source of drinking water for up to 6 million people that includes pristine trout streams, and reservoirs. These rules will not only threaten our water supply but are based on arbitrary science that target open space and will increase flooding.

"This resolution was an important vote since for the first time, the Legislature has voted to overturn one of Christie's terrible environmental rules. The changes in DEP's Highlands Septic Density rule will open the entire Forest Preservation Area in the Highlands to development. These standards prevent the degradation of water quality in one of the most environmentally sensitive areas in the entire state. The Highlands protect 64% of our state's drinking water. By allowing the extension of sewers, it will impact open space and nearby reservoirs and streams. This rule will not only rob our clean water supply, lowering our aquifers, but will pollute our streams, rivers, and drinking water," **said Jeff Tittel.**





Highlands Natural Swimming Pool, Ringwood NJ

The Highlands Council Staff: B

When Governor Christie came in he tried to politicize the Highlands Council by getting rid of many of its members and stacking the Council with his political cronies. He took money away from the Council for town conformance and eliminated monies for payment in lieu of taxes for open space. Even though members has been politicized by the Christie Administration with pro-development political cronies, the Highlands Council hasn't made any significant changes to weaken plan. Under Governor Murphy, Lisa Plevin has been named Executive Director of the Highlands Council. Plevin currently lives in the Highlands and worked as the Chief of Staff for the EPA Region 2 for 7 years. Before that, she worked as the Deputy Director for US Senator Frank Lautenberg for 7 years.



Norvin Green State Forest

The Highlands Council: D

The Highlands Council is split between members who work for the environment and deserve an 'A' Grade. This includes blocking Christie's attempts to change the RMP last year. Members of the Council



who have tried to weaken protections deserve an 'F'. Overall the Council is graded a 'D'. We hope this grade will go up with new appointments in the future.



Chickahokie Falls by Michael Kucinski

The Department of Environmental Protection (DEP): D

During her testimony in front of the Senate Budget Committee, Commissioner McCabe was unclear on whether or not the DEP will repeal the Highlands Septic Density Rules. She made promises to further evaluate the data and re-run the model to create new Rules as a “compromise” effort. The DEP granted Phoenix Energy Center LLC approval for a redevelopment exemption from the Highlands Rules for their proposed 663 MW power plant located on the Musconetcong River. The DEP under Governor Murphy has still not replaced Christie’s bad versions of the Flood Hazard Rules or Wetlands Rules as Governor Murphy said he would do.

“The DEP is ignoring the decisions of the Legislature to set aside the Highlands Septic Density Rules. Even worse, Commissioner McCabe said she would come up with a ‘compromise.’ You cannot compromise when it comes to protecting the drinking water for six and a half million people. The Christie Highlands Septic Density Rules violated legislative intent and threaten the most environmentally-sensitive part of the region. We believe we should immediately repeal the rules created under the Christie Administration and reinstate the original 2004 Highlands Rule,” **said Jeff Tittel**. “The Legislature has already ruled that the Highlands Rules are void. McCabe should uphold this by immediately replacing them with the previous version to better protect the drinking water for millions of people.”



Environmental Protection Agency (EPA): F

The EPA proposed mitigation plan for the Ringwood Mines Superfund site does not require a full cleanup of the site. Instead capping and institutional controls will be used to limit the spread of pollutants. Even though the cleanup of Acid Brook Delta and Pompton Lakes is long overdue it is not being done properly. The EPA has changed the requirements to clean-up the toxic plume and now it is under 450 homes. The EPA has also failed to take over the Fenimore Landfill. Ever since the DEP took control of the Fenimore Landfill clean-up, things have been getting worse. This site will be spewing noxious odors for the next 20 years unless the clean-plan is changed.

“The EPA is not fulfilling their obligations to clean-up Superfund and contaminated sites in the Highlands. This can have serious consequences to the communities and region’s drinking water. For example, by allowing by Ford Motor Company to not adequately clean-up the toxic paint sludge site and just cap it, it will impact groundwater and Highlands’ streams. We are also deeply troubled about the Acid Brook Delta clean-up because it is above a water supply intake so that mercury could not only get back into the environment and fisheries but could impact our major water supply intake,” **said Jeff Tittel.**

What Still Needs to Be Done

- ✓ The DEP must pull down the Highlands Septic Density Rules that were determined to violate legislative intent by the New Jersey Legislature.
- ✓ We also need the DEP to pull down other weakened rollbacks put in place by the Christie Administration that increase development and pollution in the Highlands. These include the Flood Hazard Rules, Water Quality Management Planning Rules, and Wetlands Rules.
- ✓ Governor Murphy must make appointments to the Highlands Council to ensure that the Council is acting in the best interest of the people and environment of the region.
- ✓ We need to stop the proposed 663 MW plant on the Musconetcong River in the Highlands Preservation Area. This project would threaten drinking water for the entire Delaware Watershed, be a major source of air pollution generating almost 1.25 million metric tons of carbon dioxide a year and interfere with Governor Murphy’s clean energy goals.
- ✓ We need funding for town conformance and for payment in lieu of taxes for open space.
- ✓ The Highlands Regional Master Plan must be updated to include the issues of climate change.

- ✓ Working with communities to implement appropriate agricultural, historic, and eco-tourism is important to protect and preserve the Highlands.
- ✓ Develop a Transfer of Development Rights (TDR) system to prevent inappropriate development. We need to expand the program by providing more funding for TDR purchases and establishing receiving areas for development.
- ✓ There needs to be a restoration program to clean-up streams and riparian corridors.
- ✓ The Council should re-examine policy on infrastructure that allows for pipelines such as Pilgrim or PennEast to cut through the Highlands or other fossil fuel infrastructure to be built.
- ✓ New Jersey must end the practice of “stewardship” projects that act as an excuse for logging such as Sparta Mountain.

“We still have a lot to do to protect the Highlands and fix the rollbacks of the last eight years under Governor Christie. It’s imperative that the DEP complies with the Legislature and pulls down the dangerous Highlands Septic Density Rules. We also have to remove other weakened regulations such as the Wetlands Rules and Flood Hazard Rules that lead to more development and pollution in the Highlands. Governor Murphy must make more appointments to the Highland Council so that these members act in the best interest of the Highlands and not developers. He also must stop dangerous infrastructure such as power plants from being built in the region,” **said Jeff Tittel, Director of the New Jersey Sierra Club.** “The Highlands is one of the most environmentally sensitive area of the region and is a major source of drinking water for up to 6 million people that includes pristine trout streams, and reservoirs. We must do more to protect this precious region.”

