



2 N.J. bills would do more harm to environment than good: Opinion

sewage-column.jpg

In this 2011 file photo, a sewage system, with a flapper (tie gate) attached, is seen with a new warning sign (in yellow), photographed in part of Jersey City along the Hackensack River. There are numerous places in New Jersey where state rules allow raw sewage to spew from sewer systems and pollute the water. Antiquated sewer systems across the state dump more than 23 billion gallons of raw sewage every year into rivers and the ocean, according to the U.S. Environmental Protection Agency. *(Mitsu Yasukawa for The Star Ledger)*

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on January 10, 2015 at 10:00 AM, updated January 10, 2015 at 10:11 AM

By Hal Bozarth, John Galandak and Jeff Tittel

Although the business and environmental communities often are on opposite sides in public policy debates, one question experts in both communities rely upon when reviewing legislation is, "does this measure create reasonable policy that better protects society?" That question must be answered affirmatively to effectuate any meaningful legislation. Therefore, it is quite shocking to us that measures are being considered in Trenton that would allow local governments and their respective subdivisions "off the hook" if they pollute the environment with hazardous substances.

Sound environmental public policy dictates that any entity should be held accountable for willful or irresponsible acts that despoil a natural resource such as

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our waterways, lands and atmosphere. However, **Assembly Bill 3880** and its companion legislation being considered, **Senate Bill 444**, would prohibit any person, business, or property owner from filing a lawsuit against a local government entity for the cleanup and removal costs associated with that entity's release of a hazardous substance into the environment.

These proposed bills are patently unfair to private businesses that are held to strict environmental standards for the handling of industrial materials and manufacturing by-products. These measures also are unfair to the environmental stewards that fight to hold responsible parties accountable for the harm they purposefully or inadvertently cause to the environment. Equally important, these measures would seriously impact homeowners, as they would have fewer options to recover cleanup costs attributable to the irresponsible environmental actions of local governments.

As an example, there are approximately 200 Combined Sewer Overflow points in New Jersey -- many that are owned or operated by local governments -- that release billions of gallons of hazardous stormwater and raw sewage each year into New Jersey's waterways. All too often after heavy rains, it is common to see millions of gallons of effluent illegally flowing through these government operated CSOs. If bills A-3880/S-444 become law, no citizen or business would be allowed to bring contribution lawsuits against the local government entity that discharged the effluent. This means that public water and sewer utilities could dump hazardous materials into our rivers, streams, or private property with much less concern about being held accountable for the necessary cleanup costs. This is in direct contrast to a proposal recently put forth by the state Department of Environmental Protection that forces 25 communities to reduce CSO overflows due to the associated public health risks.

In the spirit of preventing man-made ecological disasters,

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both the business and environmental communities have worked for decades to shape public policy that punishes responsible parties for their detrimental or illegal actions. Ironically, the provisions in this bill create incentives for local governments to act carelessly when handling, transporting, or disposing of hazardous waste as every environmental and business guard dog will be deprived of its litigious fangs. Passage of this measure inevitably will lead to environmental disasters, great or small, for which cleanup costs would be monumental compared to the costs of preventing hazardous discharges in the first place.

By de-emphasizing environmental safeguards and protocols, the state would be giving tacit approval to local governments to move toward reckless behavior. If we have learned nothing else from unfortunate local environmental catastrophes within our own state, we do know that well-reasoned public policy provides a significant deterrent against irresponsible environmental actions. Since A-3880 and S-444 do not meet this basic public policy threshold, we are in agreement that the measures should be scrapped.

Hal Bozarth is president of the Chemical Council of New Jersey, John Galandak is president of the Commerce and Industry Association, and Jeff Tittel is chapter director of the Sierra Club of New Jersey.

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