

# Genova, Burns & Vernoia

## NEWS ALERT

June 10, 2009

For more information  
contact:

**William F. Harrison, Esq.**  
(973) 535-4430  
[wharrison@gbvlaw.com](mailto:wharrison@gbvlaw.com)

Please visit our  
website at:  
[www.gbvlaw.com](http://www.gbvlaw.com)

## Major Reductions in Sewer Service Areas Proposed

This alert is to educate developers and property owners concerning the proposed reduction in the size of existing sewer service areas by the New Jersey Department of Environmental Protection ("DEP") and the need to take action now to ensure that your property remains in a sewer service area.

DEP's current Water Quality Management Planning rule took effect on July 7, 2008. It required all counties to update their Wastewater Management Plans by April 7, 2009. No county met this deadline and DEP has granted extensions of the deadline, either formally or informally, until November 30, 2009.

DEP has given counties maps that recommend revisions to existing sewer service areas. There are substantial areas of undeveloped land that are being recommended for removal from sewer service areas on these DEP maps. These reductions in sewer service areas are supposed to be based on environmental features; however, these recommended sewer service area maps are based on outdated aerial photography and do not take into account site specific information provided to DEP in permit applications. As a result, DEP is recommending that many parcels that have received Planning Board and State approvals, including DEP wetlands and flood hazard permits, as well as large areas which are not currently proposed for development be deleted from sewer service areas.

DEP has not made its recommended sewer service area maps available to the public. Its rationale is that the maps are not final and are subject to change. This is precisely why they should be available to the public-so that interested persons, including property owners and developers, have an opportunity to provide information to DEP to justify why parcels should remain in sewer service areas. Unless DEP makes its proposed sewer service area maps public, property owners and developers should meet as soon as possible with the appropriate county officials to review the DEP maps to determine whether their property is being proposed for removal from a sewer service area.

If DEP is recommending that your property be removed from a sewer service area, it is imperative that you provide as much information as quickly as possible to the county and DEP to justify why your property should remain in a sewer service area. Your best opportunity to have your property remain in a sewer service area is to have the county make that recommendation in the plan that it submits to DEP with strong

supporting documentation as to why the property belongs in a sewer service area. If your property is proposed to be excluded from a sewer service area in the plan that the county submits to DEP and DEP approves that plan, it will be difficult to then have that plan amended to include your property back into a sewer service area.

If you are concerned that your property may be removed from a sewer service area, we encourage you to seek professional assistance.

This Alert is provided for educational and informational purposes only and is not intended and should not be construed as legal advice. This publication may be deemed advertising under applicable state laws. To opt out of future E-Mails, Announcements, Invitations or Alerts altogether, please click SafeUnsubscribe® on the bottom of the e-mail.

Newark, NJ ■ New York, NY ■ Camden, NJ ■ Red Bank, NJ ■ Philadelphia, PA

**[Forward email](#)**

 **SafeUnsubscribe®**

This email was sent to jsimpson@gbvlaw.com by [jsimpson@gbvlaw.com](mailto:jsimpson@gbvlaw.com).  
[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

Email Marketing by



Genova, Burns & Vernoia | 494 Broad Street | Newark | NJ | 07102