



## Opinion: Proper N.J. stormwater management requires financial support

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**Times of Trenton guest opinion column**

By

**By Barry Chalofsky**

When we flush the toilet, waste is carried away through a system of pipes that are owned and maintained by a wastewater utility. Similarly, when we turn on the faucet, the water comes through pipes that are owned by a water utility. These services come at a price — we pay both wastewater and water utility fees, either to a municipality or to a private entity. Yet, for some reason, when the concept of storm water utilities was raised by Sen. Bob Smith (D-Piscataway) and Assemblyman John McKeon (D-South Orange), there was great reluctance to pay for maintaining our storm water infrastructure. Opponents referred to the fees as a “rain tax.” Does that mean that our wastewater fees are a “poop tax”?

Our society relies upon various types of infrastructure to ensure that our impact on the environment and, in turn, our lives, is minimized. Storm water systems, while not as personal as water supply and wastewater, are just as necessary to ensure that our environment is protected, we don't experience flooding and our storm water is safely directed away from homes, buildings and streets. However, for some reason, we seem to believe that this infrastructure is less important than other infrastructure that we rely upon.

Before 2004, storm water systems were unregulated. Their maintenance was often only considered when they became clogged. In 2004, the state Department of Environmental Protection (DEP), pursuant to federal law, developed rules that required most municipalities to maintain their storm water systems. While these rules brought maintenance of storm water systems into a legal context, they only highlighted a need that has existed for decades. Since 2004, under the new rules, New Jersey's municipalities, counties and state agencies have swept more than 2 million miles of roadways, cleaned 1.4 million catch basins and collected more than 1.2 million tons of trash, sediment and debris. This is a remarkable achievement, but one that comes with a significant cost in manpower, equipment and disposal fees.

Many municipalities blame the DEP for regulating and permitting storm water systems, thereby driving up the cost of maintaining them. While there is a minimal permit fee associated with the Municipal Storm Water Permit, the real cost lies in maintenance requirements. However, these same maintenance needs have always been there — they were merely hidden in the budgets of the public works departments, whose staffs are overburdened by tasks they are not capable of performing, given recent budget cutbacks. So, is the

answer to not perform the maintenance, as some would argue? Get rid of the permit? Unfortunately, either of these solutions will only cause the infrastructure to fail, streets and buildings to be flooded and our waterways to be polluted.

The answer lies in the same process that now takes care of our wastewater and water supply needs — utilities. Rather than consider these systems as “another layer of government,” the state allowed the public and private sector to arrive at alternatives that work best for each municipality. For wastewater, some municipalities established authorities or formed partnerships with county government, while others contracted with private entities. Similarly, we have public water supply agencies and private water companies that provide our water supply. I am not advocating one over the other; I am simply recommending that municipalities and/or counties be given the opportunity to use the same options for storm water infrastructure. According to the University of Western Kentucky, there are between 1,200 and 1,500 storm water utilities in 38 states and “more are being formed all the time.” It’s hardly an experiment.

What about the “rain tax”? To argue that a fee for maintaining storm water infrastructure is a tax is disingenuous. Whether we call it a fee or a tax, the result is the same — we need to pay for the services that society demands. If we are going to change the natural environment, we need to pay for ongoing maintenance of critical infrastructure, whether it is wastewater, water supply, roads, bridges or storm water. In 2010, the average residential user fee was about \$4 per month. Forty-eight dollars per year is a very small price to pay for such critical services. More important, the fees would create a group of skilled professionals whose jobs would be dedicated to maintaining the storm water infrastructure — we wouldn’t be taking bits and pieces of time from an already overstretched public works department. Besides creating badly needed jobs, it would free up municipalities from the burden of maintaining the systems without adequate resources.

As we fight our way out of the recession, we need to be aware that we are quickly losing our ability to maintain our entire infrastructure. If we don’t find creative ways to fix the problem now, we will be faced with problems that will be much worse down the road. We must work together to revive proposed storm water utility legislation and take charge of our future.

*Barry Chalofsky, P.P., former chief of the New Jersey Department of Environmental Protection’s storm water and ground water programs, is an environmental and land-use planning consultant ([bchalofassociates.com](http://bchalofassociates.com)).*

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