

A NEW ERA OF ENVIRONMENTAL PROTECTION FOR NEW JERSEY

*By Scott Weiner **

New Jersey is entering a new era of environmental protection.

Under the leadership of Governor Jim Florio, the state Department of Environmental Protection (DEP) is moving ahead to design and implement environmental protection strategies that will meet the challenges of the next century.

We expect that our greatest challenge will be to assure a growing population that our air and water will be cleaner, our beaches, parks, forests and other natural resources will continue to be preserved and that the overall quality of life in New Jersey will be even better than it is today.

At the same time, the state will have to consider an often competing need to guarantee continued social and economic growth, which will also become more important in the future.

Those who are steering statewide environmental policy into this new era are also dealing with an overriding certainty: We no longer can afford to make decisions affecting the environment as though we were dealing with a series of disconnected people, polluters and natural resources.

From now on, environmental protection must become a daily responsibility that includes consistent policies and management by the state. The public has a vital role, too, in carrying out a lifestyle of stewardship and vigilance that lasts a lifetime and applies across the board—from corporate smokestacks and automobile tailpipes to how we use household spray cleaners and whether we buy products that can be reused or recycled.

Some may think the cost is too high; others say we can't afford not to pay it.

We are beginning to implement some of the programs that will help shape New Jersey's future environmental protection efforts, including pollution prevention and facility-wide permitting. We are also working to make sure DEP operates in a way that helps us meet our goals and objectives as thoroughly and effi-

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ciently as possible, and we are seeking to increase public awareness about what each of us can do to improve the environment.

Since DEP's creation on Earth Day, April 22, 1970, it has implemented programs that have well served the citizens of New Jersey, and will continue to provide such programs. Of course, we realize that we have a long way to go toward further improving the state's environment. For example, we know that as part of the congested, industrial northeastern United States, New Jersey shares the nation's second-worst ozone and carbon monoxide air pollution problems.

In recent years, the state has implemented dozens of major initiatives that are improving the quality of the air we breathe and water we drink, cleaning up many of the state's most serious hazardous waste problems, and greatly reducing the amount of toxic pollution being spewed from industrial smokestacks. The state is also recycling more than 40 percent of its solid waste on the way to meeting the Governor's goal of recycling 60 percent. Additionally, New Jersey is preserving hundreds of thousands of acres of open space, ensuring cleaner ocean water and beaches, and restoring rare wildlife species.

Unfortunately, however, we can't afford the luxury of taking time to reflect on these accomplishments. Even though the state is working to stay clean and green, we must ensure that we are ready with new answers when tomorrow's environmental problems appear.

Pollution prevention is a revolutionary philosophical approach that will fundamentally shift the focus of the state's environmental protection efforts. Instead of retroactively controlling pollution that has already been released into the environment, pollution prevention will concentrate on reducing the amount of hazardous substances generated—*before* contamination can take place.

This new emphasis on preventing pollution by reducing the amount being generated *at the source* is a logical step in DEP's efforts to better protect New Jersey's air, water, land and shoreline. It is a broad goal that will require a commitment by citizens, environmental groups, business and industry, local, county and state government policymakers and academic leaders.

The state's pollution prevention initiative has been developed in concert with pending legislation, the Pollution Prevention Act. The bill was created through a cooperative effort of DEP, the environmental community and business and industry.

It would require DEP to develop regulations within 18 months, governing the implementation of pollution prevention programs. The pollution prevention law would also require about 800 priority industrial facilities to prepare pollution prevention plans every five years that identify ways and set goals for reducing pollution sources.

That is where another important initiative comes in. It is called facility-wide permitting, and it will be a key component of New Jersey's future environmental efforts as we begin to deal with pollution at the level of an entire industrial facility rather than focusing on individual discharges.

Facility-wide permitting will also take into account the cumulative effect of *all* pollution discharges, making us better able to achieve *real* reductions of the overall toxic load on the environment.

Three industrial facilities have volunteered to participate in a facility-wide permitting pilot project, which promises to yield great benefits as the companies are encouraged to find new manufacturing processes that improve efficiency and don't pollute. As part of this project, the three companies will be required to incorporate detailed pollution prevention strategies into their permit applications, meet approved pollution prevention goals, and comply with the same—or tougher—standards that have always been enforced. The pilot project focuses on reducing the amount of hazardous waste that is generated by substituting less hazardous materials for those currently used in manufacturing, using less wasteful equipment and processes, training employees to use better methods for avoiding accidents that lead to pollution, and recycling hazardous and nonhazardous materials.

Facility-wide permitting will be a major DEP initiative for ensuring the success of pollution prevention efforts. Air, water and hazardous waste discharges always have been regulated as individual environmental media subject to standards monitored by independent enforcement units assigned to separate divisions in DEP. During the pilot project, however, only one permit will be issued to cover an industrial site, and the state for the first time will regulate facilities by a new system designed to improve internal communication and coordination between regulatory programs at DEP.

All of our pre-planning and forward-thinking, however, won't help us achieve the level of environmental protection that New Jerseyans deserve if DEP is not organized internally to oper-

ate efficiently and cohesively. In April, I named members of a new management team who are helping me plan an evolutionary restructuring of DEP.

The department needs to be restructured so we can implement the programs that will help New Jersey's environment continue to improve in the future. Throughout DEP's brief history, the Legislature has conferred vast responsibilities on the department. These responsibilities have been assigned to many individual programs. The department grew to meet the growing legislative mandate, but unfortunately the growth of DEP was explosive rather than managed. The result has been a DEP that is a confederation of divisions, rather than a coordinated, unified department. In some cases, inefficiency and unresponsiveness at DEP has led to an erosion of public confidence.

We know that we can protect the environment more effectively by functioning as an integrated department focusing on pollution prevention, permitting, enforcement, contamination clean-up and preservation of natural resources. To achieve this, I have set several goals for the way business should be conducted at DEP. As we meet these goals, we will become more open, accessible and efficient. We will set environmental standards that are fair, predictable and, above all, firm.

When people call DEP for information, they should be able to get answers. When we set regulatory policy, our expectations should be clearly expressed to those whom we regulate. When those clearly stated standards are violated, we should be expected to respond with strong, firm, unmitigated enforcement measures. Ultimately, we are interested in helping the citizens and businesses in New Jersey comply with state environmental law. From now on we also will be sending a message with our enforcement actions that will deter others who would fail to comply.

My plan for restructuring the management of DEP is not designed to be a "big-bang" reorganization, but rather a deliberate, flexible process that will evolve over time. Some aspects will continue over the next several months, some may not become evident for more than a year; By next spring we will be able to look back and see that demonstrable changes—and demonstrable improvements in the way DEP operates—have indeed occurred.

In the future, environmental protection will also depend on homegrown efforts. All of us—whether we are at work, doing chores around the house or enjoying the great outdoors—must

take greater responsibility for daily activities that often unwittingly cause pollution. One measure of the success of the state's environmental protection efforts is that the number one pollution problem right now is *not* sulfur dioxide from smokestacks or chemicals flowing into streams or automobile emissions.

More pollution now comes from what are called "non-point" sources than from anywhere else. "Non-point" means that the source is not a fixed place like a smokestack or sewer outflow pipe or hazardous waste site. Rather, it is a thousand points of blight emanating from automobile oil carelessly dumped by weekend do-it-yourselfers, improper use and disposal of garden pesticides, animal wastes, and the everyday practice of discarding old flashlight batteries, cleaners and many other household products.

The effect is one of myriad, relatively minute toxic spills that leak through the soil and into groundwater where they cumulatively form a devastating, albeit mercurial pollution problem.

The basic elements of the overall environmental protection initiative that will take us beyond the year 2000 are being put into place. We are examining the programs that helped the state achieve two decades of clear environmental accomplishments and we are beginning to develop tomorrow's successful approaches.

Pollution prevention and facility-wide permitting are among the solid strategies that will ensure New Jersey's environment is better, protected our air and water measurably cleaner.

In addition, DEP itself must be structured to meet the challenges ahead efficiently, and public involvement in environmental protection will be an added resource in the state's overall efforts.

I am confident that these efforts will help make New Jersey a better place to live, work and raise a family, which in itself will be a worthy environmental legacy for us to leave our children and grandchildren.