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# *Committee Meeting*

of

## SENATE ENVIRONMENT COMMITTEE

Senate Bill No. 795

*(Appropriates \$33 million from the Garden State Green Acres Preservation Trust Fund for State acquisition of lands for recreation and conservation purposes)*

Senate Bill No. 796

*(Delays effective date of recycling tax)*

*“The Committee will also receive testimony from the public concerning their primary priority for change to environmental laws or programs for 2008”*

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**LOCATION:** Committee Room 10  
State House Annex  
Trenton, New Jersey

**DATE:** January 28, 2008  
10:00 a.m.

### **MEMBERS OF COMMITTEE PRESENT:**

Senator Bob Smith, Chair  
Senator Jeff Van Drew, Vice Chair  
Senator John H. Adler  
Senator Robert M. Gordon  
Senator Christopher "Kip" Bateman  
Senator Andrew R. Ciesla



### **ALSO PRESENT:**

Judith L. Horowitz  
Algis P. Matioska  
*Office of Legislative Services  
Committee Aides*

Kevil Duhon  
*Senate Majority  
Committee Aide*

John Hutchison  
*Senate Republican  
Committee Aide*

***Meeting Recorded and Transcribed by  
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Hearing Unit, State House Annex, PO 068, Trenton, New Jersey***

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## TABLE OF CONTENTS

	<u>Page</u>
Lisa P. Jackson Commissioner New Jersey Department of Environmental Protection	2
Nancy Wittenberg Assistant Commissioner Environmental Regulation New Jersey Department of Environmental Protection	12
Bradley M. Campbell Former Commissioner New Jersey Department of Environmental Protection	32
Dena Mottola Jaborska Executive Director Environment New Jersey	37
David Brogan Vice President Environmental Policy New Jersey Business and Industry Association	40
Ed Wengryn Representing New Jersey Farm Bureau	46
Tim Dillingham Executive Director American Littoral Society	48
Tony Russo Representing Site Remediation Industry Network	53
Jeff Tittel Executive Director New Jersey Chapter Sierra Club	56

## TABLE OF CONTENTS (continued)

	<u>Page</u>
Michael Egenton Vice President Environment and Transportation New Jersey Chamber of Commerce	60
Cynthia Zipf Executive Director Clean Ocean Action	65
Tom Fote Chair Legislative Committee Jersey Coast Anglers Association, and Legislative Chair New Jersey State Federation of Sportsmen’s Clubs	68
Cheryl Reardon Project Director South Jersey Bayshore Coalition Association of New Jersey Environmental Commissions	72
Tom Wells Director Government Relations New Jersey Chapter The Nature Conservancy	76
Alison E. Mitchell Director of Policy New Jersey Conservation Foundation	79
Thomas J. Gilmore President New Jersey Audubon Society, and Chair Keep it Green Campaign	83

## TABLE OF CONTENTS (continued)

	<u>Page</u>
James T. Raleigh President Friends of Monmouth Battlefield	86
Michael L. Pisauro Jr. Legislative Director New Jersey Environmental Lobby	89
David Pringle Campaign Director New Jersey Environmental Federation	92
Bill Wolfe Director New Jersey Public Employees for Environmental Responsibility	98
<b>APPENDIX:</b>	
Testimony plus attachments submitted by Cynthia Zipf	1x
Testimony submitted by Cheryl Reardon	30x
List of priorities submitted by Bill Wolfe	32x
lmb: 1-51 rs: 52-101	

**SENATOR BOB SMITH (Chair):** That's what happens when you're a little late. Somebody takes your chair. (microphone malfunction; the Chair goes to another microphone) We're having a little microphone problem at the front seat. So until Senator Van Drew gets here, I'm going to steal his seat.

Let me welcome everybody to the first meeting of the Senate Environment Committee in the new term. And we thought we'd do something a little different today, and that is to hear from not only the people who are responsible for the environment in New Jersey, but also the public in general, to give everybody a chance to give us their best ideas -- what they think we should be doing, etc.

Before we do any of that, however, welcome Senator Bob Gordon to our Committee.

**SENATOR GORDON:** Thank you.

**SENATOR SMITH:** Bob has a great and distinguished record on the Assembly side in his participation in environmental matters, and I know he's going to do the same thing here.

When Senator Van Drew gets here, we're going to give him a big welcome.

And Senator Adler is -- is behind me. And we're also waiting for Senator Bateman, who is going to be a great addition to the Committee.

I know the Commissioner has a number of obligations today, so I think our first speaker will be Commissioner Lisa Jackson, who has the second toughest job in State government -- the tougher one being the Governor's. We asked the Commissioner to come by today to do a couple of things. First to give us a little update on Highlands, diesel particulates,

and funding for our State parks; and then to give us an idea of what she'd like to see us focusing our attention on in this term.

Commissioner Jackson, if you'd come over. Welcome. And it's good to see you again. Happy new year.

**COMMISSIONER LISA P. JACKSON:** Thank you. Thank you.

Do you mind if call Irene, and maybe one other Assistant Commissioner, to the hot seat?

SENATOR SMITH: Sure.

COMMISSIONER JACKSON: I'll be happy to introduce them.

Good morning, and thank you. Wonderful to begin a new year after the last session of what I'm sure will be this Committee's hallmark of progressive environmental policy, and move it forward in the state.

So thank you and happy new year to everyone.

I don't have prepared remarks. I thought I would just speak off the top of my head.

I'd like to introduce Assistant Commissioner Irene Kropp. Irene is responsible for our site remediation program. That includes brownfields site cleanup. I also have my Assistant Commissioner, Nancy Wittenberg, here. She is responsible for what most people think of as the traditional permitting programs in the Department. So I thought they would be here in case questions come up, and also because I know I can't stay too long.

I'd actually like to start with my priorities and then move into the specific issues, if that's okay, Mr. Chair.

SENATOR SMITH: Okay.

COMMISSIONER JACKSON: And I only really think we should be talking about a few things for this upcoming year, and I'll explain why. It is no secret that, as the Governor prepares his new budget for the fiscal year that's coming up, we in the Cabinet are all being asked to figure out how to do more with less, to use an overused euphemism. And as we do that, the Department of Environmental Protection, at least to date, is down about 200 FTE from the time that I became Commissioner two years ago. That's a rough number, and I don't want to be held to any specific number, because how we count FTE changes when we open up the State parks in the Summer. We hire lots of seasonals, so I'm happy to get any information on resources to this Committee that anyone would like to see.

With that being said, in light of a budget where I think the likelihood of new resources is slim -- and in fact, we are being asked to cull through our current budgets and find cuts wherever possible -- it means two things: It means that I am increasingly managing the Department with my senior staff from the standpoint of finding ways to do the really important work, to set priorities, to acknowledge that while there are many things we've been asked to do over the years, there may be some things that are much more important than others. There may also be ways to do our job differently that mean we can get some levels of efficiency or cost savings from the staff and from the resources we already have.

I think I testified last year before this Committee and I mentioned two things: The first resource we have in the Department, in my mind, is information technology. It is not an understatement to say that when I meet with my colleagues across the country, each one of them would

tell you that New Jersey literally leads the country in its use of information technology with respect to its environmental programs. Our database for information, the NJEMS program, our e-permitting programs, our e-data submittal programs, our G.I.S. system, the investment that we make in land use, land cover, and learning what that says about our state, all actually help us do our job better and with fewer resources. So the more we can invest in and keep those systems current and as close to state-of-the-art as we can afford to make them, the more we're able to do our jobs better.

The second resource, quite frankly, we have is people, and the thing we need to do in the Department, in my mind, over the next year from a people perspective is find a way to leverage the people we have to work across programs, out of silos, to figure out how to get our job done even better. I like to use the example of global warming and greenhouse gas reduction. As important an issue as that is -- and it's one of my five priorities for the year that you'll hear me list -- we cannot make meaningful changes in greenhouse gas emissions and how the State deals with greenhouse gas without looking at land-use permitting. And to make a land-use permitter, on the front line of that program, understand his or her connection to greenhouse gas is something we don't do enough of in the Department. We want to; we're just very, very busy. And so we need to find ways to make people work across programs to look at permitting in an integrated manner -- to look at the environmental problems that we face in an integrated manner so we can at least leverage the resources we have in a time when we may not be getting new resources for some time.

With that said, I'll go over the five priorities that I've outlined with my senior staff. Obviously, we are open to suggestions from this

wonderful Committee. So if you have any-- I know, Senator, you and I speak often, regularly, and I'm happy to sit down with this Committee at any time.

The first is climate change. This State continues to be a national leader with respect to the issue of climate change. By all accounts, I believe most people who are watching the issue more closely than I do in Washington believe that at some point in the next year, two years, we will have pathbreaking new legislation that addresses the issue of global warming, climate change, and emissions of those gases in the country. Whether it is a cap-and-trade program, whether it is a new tax, whether it is a traditional regulatory program, whether it is a market-based program, or some combination of all of the above -- and what sectors it embraces and which sectors it leaves out, and how it deals with transportation, and how it deals with issues such as land use and forestation -- are all going to be very important at the national level. And I think New Jersey continues to be poised to lead that discussion. And in fact, I spend a good deal of my personal time and the staff spends a good deal of their time working on national issues, to try to ensure that New Jersey is a leader in determining what the future of greenhouse gas regulation will be in our state, as well as greenhouse gas programming. So that will continue to be a focus of effort.

Obviously, in the last session, this Legislature approved and the Governor signed into law the Regional Greenhouse Gas Initiative legislation that authorizes the State to participate in that process. By MOU, the first auction of greenhouse gas allowances should happen this year. I cannot give you a month at this point. By MOU, it was supposed to be June or July of this year. That could slip a bit, but I'll be leaving, actually today, to

go up to Connecticut to a meeting of the Regional Greenhouse Gas Initiative states to talk about auction design to continue to move that program forward. The RGGI initiative is only one piece of our greenhouse gas world.

As you know, the Global Warming Response Act requires me to report back to the Legislature and the Governor with a list and a suite of recommendations for reducing global warming emissions in our state, and I intend to do that this Summer at the latest, and possibly earlier.

A water supply master plan -- second priority -- is overdue for our State. When I became Commissioner, I thought that that was an extraordinarily important document. It hadn't been updated in well over 10 years, I believe it is. And water supply continues to be one of the driving issues in our state -- if not the greatest driving issue in our state, when it comes to economic growth, when it comes to environmental protection, when it comes to human health. Because water supply is not just about where we have water, but whether it's clean once you pump it out of the ground or once you pump it from a surface water supply, and how we recycle and reuse water.

So my commitment to my staff, my staff's commitment to me, is that we will get the long overdue water supply master plan out on the street in draft so that we can start to have meaningful discussions with stakeholders publicly and privately about what that means from a policy perspective. We have done a lot of work with stakeholders already. The plan is not being drafted in a vacuum. But we need to get it out. We need people to understand what the real picture for water supply is in our state.

And then we need to make, with the Governor's office, recommendations in terms of any policy choices that that drives.

Assistant Commissioner Kropp is sitting next to me because my third priority is to address the site remediation program. I sat here in the wake of the Kiddie Kollege issue. And since Kiddie Kollege, we've dealt with issues in Senator Gordon's district -- and he has been extraordinarily attentive to those issues -- and issues around the state that continue to ask tough questions of the Department, and its managers, and its staff about what we do, how we do it, how we can do it better, how we can do it efficiently, since we continue to have 1,800 or more sites, and a couple of hundred -- three, four, you can count it however you want -- people who are assigned to that program in terms of addressing them. And again, that program means everything from homeowner underground storage tanks, all the way to--

Welcome, Mr. Vice Chair. Nice to see you.

--all the way up to complex remedial sites. We continue to have an eye on redevelopment. We continue to prioritize sites that mean economic development for a community. And we also try to find and will continue to try to find innovative ways to make that economic development mix so that we incorporate open space, green space as part of development plans, and don't simply pave and wave, as has been alleged of the Department in its approval policies in the past.

I would expect, Mr. Chairman knows this, that we will be putting forth, after meeting with him and others, a suite of what we would like to see in terms of legislative reforms to that program. Right now, we have draft white papers up on the Internet, in the Internet site, and I think

we will very shortly be putting revised white papers out. We took comment on those white papers, and we'd like to get them out. We'd like to get them to this Committee. And then we'd like to sit down and talk about what that means from a legislative initiative perspective.

My fourth is what I like to call the *green side of the house*, in terms of trying to figure out how to make that side of the house sustainable, if you will, not just economically. When I talk about the green side, I talk about our parks, not the acquisition of land, but the operation of State parks, and money to operate and maintain our State parks, our forests -- so important, not just from an environmental perspective and a watershed perspective, but also from a climate-change perspective; our fish and our wildlife. Those programs, in tight budget times, have now become a drain on the General Fund. Parks have always been subsidized by the General Fund, and that's probably as it should be to some degree, because they are public parks and they are for the use of our citizenry who saw fit to authorize their acquisition. But our forests are suffering.

Our Fish and Wildlife programs have traditionally paid for themselves through fees -- hunting fees and fishing fees. They do not any more. Fully 25 percent of those programs come from the General Fund. And at a time when General Fund resources are scarce and where we know we face a \$2 billion deficit or so in our programs, I'm very worried that we must find a different way to make those programs move into this century without having to rely on hunting and fishing fees in their entirety. We need to be creative.

I don't have an answer right now. I've challenged my staff to work with people outside the Department to come up with those answers. I

really foresee a situation where if we don't, we spiral into programs that finally and horribly reach a point where they cannot be sustained, and where we lose our forestry program, where we lose our wildlife program. Not the hunting portion, because that will be paid for from fees, but all the work that our wildlife management professionals and biologists do that isn't directly related to hunting, but is related to protection and management of the resources of our state.

Last but not least is what I like to call the smart growth side of the world. We have spent a lot of time in the last two years trying to think about and noodle on how to encourage good development in the right places in our state. We're not finished yet. And we have to find a way to integrate the resources in the Department to do permitting in a more efficient manner. And I'm here to tell you that doesn't mean that we're going to get to every permit. It's just not physically possible. So we need to find a way to prioritize permits to do the good work that lines up with the priorities of our state. We know we prioritize brownfields. We know that the Governor has made it clear that workforce housing is a priority in our state. We understand the importance of siting renewable energy. We understand the importance of maintaining open space and public access to our waterfront.

All of our regulatory programs should reinforce those extraordinarily important goals. And right now, unfortunately, not for lack of trying, but definitely for lack of success, they don't yet. And we would like to come up with a way of lining our staff resources -- limited though they are -- to the programs that make the most sense and that will do the most good for the citizens of our state.

You asked me to speak briefly on a couple of issues -- I think it was Highlands. First, the Highlands Regional Master Plan is out for public comment. I would say the following: I think that the plan is much improved over the draft that was put out previously. And I think that it reflects good science but not necessarily complete science. And I think the staff and the council would say that there remains work to be done with respect to fleshing out some of the policies and frameworks that would form actual activities in the Highlands area, especially in the Highlands planning area. I've had a couple of very good conversations, personally, with the Executive Director, Eileen Swan, and I believe that we are on a path to move to a set of revisions that we can agree on -- I can't say that for sure yet -- that would make the plan even stronger.

There are concerns about ensuring that the Highlands Preservation area -- that the intent of the legislation, with respect to the preservation area core is honored. And there are also concerns with making sure that we build in the same kind of smart growth flexibilities into the planning area. And I think they've done a good job of visioning this. We need to make sure that the regulatory programs support the same kind of things I just spoke of, which is brownfield redevelopment, workforce housing, renewable energy, those things -- those ideas that are important statewide are also important in the Highlands planning area. So we will work together. My goal would be that we come to a set of revisions that we agree on with the council. If that doesn't happen, we'll certainly put our comments in writing to the council to ensure they know where the Department and the administration stand.

The diesel retrofit program is an extremely important one, and I do appreciate you giving me a few seconds to talk about it. Assistant Commissioner Wittenberg is here in case I get into trouble. The diesel retrofit program got off to a slow start. That's the program that the citizens of our state authorized -- that we use CBT money over the next 10 years to retrofit school buses and garbage trucks and other buses, in order to remove diesel particulate matter.

I just want to focus on the school bus piece for a second. The legislation authorized the State to put out an RFP, which was put out for crankcase controls on school buses, and crankcase and tailpipe controls on garbage trucks. And that was, indeed, done. It took a while, as usual. Things take longer than we like, but procurement is a tricky business, and I'll never judge timelines when it comes to that. But that RFP is on the street, it has been awarded.

But the legislation also asked us to do something else very important, which was to do a study which was commissioned to look at whether or not crankcase emissions on the school buses were enough. So whether or not, for lack of a better term, engine controls were enough, or did you need to also deal with tailpipe controls to ensure that the atmosphere inside the bus, where school children are, was clean. And that study, which was done at Rowan University, was at best inconclusive. I don't want to overgeneralize the results, but I will say that having sat through several briefings, I am not convinced. There is some limited -- very limited evidence that putting only crankcase controls on without tailpipe controls actually results in higher levels inside the bus than if you do nothing. That doesn't mean we should do nothing. That means, I think,

we should go ahead and put the regulation in place to require tailpipe controls as well as crankcase controls. And I've so asked my staff to move forward with a fast-track rule to do so.

Garbage trucks can move right ahead. But school buses, rather than take the chance that we might actually do some unintended harm, we're putting a rule in place to require both. And we're working with the school districts now, because that rule won't be final until September of this year, and we don't want to lose next school year, in terms of starting to retrofit buses. So we will be reaching out to the school districts to try to get them in so they're positioned to make the changes in anticipation of the rules' finalization come September.

SENATOR SMITH: Have we had any retrofitting of some of the fleets on the garbage or commercial bus side?

ASSISTANT COMMISSIONER NANCY WITTENBERG: (speaking from audience) No.

SENATOR SMITH: Where are they? Where do we stand with that?

ASSISTANT COMMISSIONER WITTENBERG: (speaking from audience) The contracts have been awarded. There was a delay on awarding the contract for somebody who contested it. Within a couple of months--

(at microphone) We expect the truck retrofits to start in a couple of months.

SENATOR SMITH: Okay.

So it is moving ahead?

ASSISTANT COMMISSIONER WITTENBERG: Yes. And we've brought them all in. We've educated the fleet owners and operators, and they're ready to go. So that should start smoothly within a couple of months.

SENATOR SMITH: Okay.

And then the only place where we need some additional study or a decision is on the school bus side? There it seems to be conflicting evidence about what we should be doing?

COMMISSIONER JACKSON: Absolutely. Yes.

SENATOR SMITH: Okay.

Thank you.

COMMISSIONER JACKSON: And it is by far conclusive. But it's a chance that I don't think is worth taking, if we can essentially work with the districts now and end up in probably the best possible place come September.

SENATOR SMITH: Thank you.

COMMISSIONER JACKSON: Okay.

And the last thing you asked me to address is the corporate business tax funds that the taxpayers authorized year before last, November before last, for the development of open space. And the Department is very close to putting up on its Web, for comment, a draft of what we call our *CBT capital spending plan for State parks*. I would implore the Committee as it reviews that to remember one thing, because I know that your constituents will ask, "Well, why is all this money being spent in the State Parks? Why do people not see money coming for local parks?" I would ask you to remember that the Green Acres Program has spent hundreds of

millions, on the order of \$230 million, on local park development projects, exactly the kind of projects that we'll be looking to fund in our State parks. I ask you to remember that. Even if we bond the money -- and we have not made a decision to bond the money yet -- we would like to do that with this Committee's agreement. But if we make that decision to bond money, once we come up with a capital spending plan -- and it may make sense to bond some or all of it -- it is because the needs far outweigh, at the State level, the money that we have. So we will put that up. I'll get it to the Committee, and I ask you to review it with an eye towards those priorities.

SENATOR SMITH: Right.

How far out does the capital plan go?

COMMISSIONER JACKSON: I believe it's a five-year plan.

SENATOR SMITH: Okay. Great.

First, let me welcome aboard Senator Jeff Van Drew, who I think is going to be a magnificent addition to the Committee, especially since you know shore issues. You represent a coastal community, and I think that's a great source of input for our Committee.

And also, we have Senator Kip Bateman, representing glorious rural Somerset County.

SENATOR BATEMAN: I apologize, Mr. Chairman. I was in your district, believe it or not -- New Brunswick Municipal Court.

SENATOR SMITH: Well, you're always welcome.

And so, let me welcome both of you, officially, to the Committee.

SENATOR VAN DREW: Thank you.

SENATOR SMITH: And if the Committee would like, you can ask questions of the Commissioner. Any questions for Commissioner Jackson and her suggestion for priorities?

Senator Adler.

SENATOR ADLER: I'm not sure this is a priority item, given the scope of the issues you just discussed-- And thank you for that very comprehensive description of where we are with the Department and with the State's environment.

I know Oyster Creek Nuclear facility is going through a licensing procedure right now, and I'm wondering where you are on that issue and whether the State is going to take an active role in making sure that the environment in Ocean County is safe from possible problems that can arise from an older facility like Oyster Creek?

COMMISSIONER JACKSON: Thank you.

Senator, where the State is -- not even me personally -- but where the Governor and the State are, is that we have several issues that we've raised through, in some cases, the Federal courts and have tried to move forward with respect to Oyster Creek. The first and most important one is one that you've heard before, I'm sure, from constituents, which is the safety associated with the drywell liner at the facility. That issue, as well as issues about the vulnerability to terrorism attack, have -- continue to plague the process. The most recent issue there is, I think, the drywell liner issue, from NRC's perspective, has been reviewed by their licensing board. And all of the reports they have say that the margin of safety has not been compromised. We have called for an independent review of that information. We actually did have an independent review of that

information. And while our conclusion from our independent expert was not necessarily as strong, it was not supportive of the need to overturn the NRC's decision on the drywell liner issue.

The terrorism issue is one that I think is far from settled, from our perspective. The NRC -- the State had, I think, led the charge nationally of this idea that relicensing is the right time to look at a plant and say, "Hey, things have changed in our world." First, people move towards the plant. That just happens. Not because it's there, but because it happens to be, in that case, in a very beautiful area of our state. And 9/11 happened. And as a result, we owe it to people to ask again at relicensing whether or not we still think we're making the right decision with respect to security issues.

NRC's position on that issue has plainly been stated -- I'm not a lawyer -- as, "We do security all the time. Licensing, relicensing is not the time to ask about security. We ensure security all the time." And the State doesn't agree with that -- to the tune of joining in an appeal of that decision, which I think was strengthened by a recent Circuit Court decision that said, "We actually agree with the states." In this case, it was California. And it said, "Relicensing should include a review of the threats due to terrorism." We have not prevailed yet, and the NRC hasn't changed its position yet, but that case is still very much alive.

From a regulatory perspective, the Department's big decision is with respect to the cooling water that the plant uses. Right now, the plant has what's called *open-cycled cooling*. It draws cold water in, it uses it, and it discharges warm water. And when it does, it can discharge warm water at a certain rate, and the ecosystem around that discharge has learned to adapt

to it. But when the plant has a blip or a shutdown, as it has twice recently, and has a couple of times in the last couple of years, the aquatic life can't adjust. And if it's very cold outside, the lack of that warm water means fish freeze. If it's warm outside, more warm water means that fish do the opposite -- they get too hot for comfort and they can't live either.

So in those cases, the question becomes: Do we go to closed-cycle cooling, which basically means that you recycle and reuse the water and only use some water for makeup? And that decision I expect the Department to make this year with respect to a proposed permit. There was a permit on the street by my predecessor and the Department at that point, that basically told the plant they had to install cooling towers and go to closed-cycle cooling, unless they could show it was technically impractical to do so. But since that permit was put on the street, there was another court ruling that overturned how you make a determination with respect to whether or not cooling towers are required. And that came from the Supreme Court.

As a result, EPA, at least right now, hasn't come up with new regulations for whether or not to -- how to determine whether or not to require closed-cycle cooling. And I think the Department is not going to necessarily wait for that. I think we're going to use Best Professional Judgment, which is the standard the Supreme Court asked us to use, and we're going to make that determination. And it's going to be a big one. The plant has made it clear that if they're required to put in closed-cycle cooling, that's a business set of constraints that they feel make it very uneconomical to operate the plant. And we're aware of that, but that's not the criteria set by the Supreme Court. The Supreme Court was very clear

that its Best Professional Judgment, and it seems to be a technical judgment.

SENATOR SMITH: Well, thank you, Commissioner.

Any other questions, Senator Adler? (no response)

Senator Gordon, and then Senator Van Drew.

SENATOR GORDON: Thank you, Mr. Chairman.

And thank you, Commissioner, for that overview.

I have three comments about the priorities. In the site remediation piece, when you're developing the suite of legislation, I hope you will consider addressing the problems that many school districts and municipalities are having now as they discover residues after disturbing some soil. Many are wrestling with the question, "Should we be testing every school? Should we incur the expense, and all that's involved in an extensive testing process?" And I think it would be helpful if the Department develops some criteria to guide school districts and municipalities in addressing that. Because that subject was raised in stakeholder meetings last year. I think it would be very helpful if you addressed that.

In terms of some other priorities you may want to consider: One dear to my heart is flood prevention. The Assembly held a series of hearings last Fall on the flood prevention problem, and we heard from a number of municipalities that said they could address their flooding problems through simple stream cleaning projects. But they've been impeded by the DEP because of wetland issues or other permitting issues. And it just seems to me that we need to look at our priorities a little bit

more carefully in those areas. Some of these areas may be fully developed and wildlife should really not be present, but flooding problems are.

The only other issue I would raise is the subject of chemical plant security. There was a front page story in the *Record* this week about one of the major -- well, one of the higher risk facilities in Bergen County that has chlorine on its premises -- presents a risk. And there was an effort to try to mitigate those risks, and there's been a problem because of the -- either a dispute between the Federal Government and the State over who should pay. But in any case, I think we really need to make chemical plant security a priority.

SENATOR SMITH: Sure.

COMMISSIONER JACKSON: Thank you.

And I have them all. Flood protection -- I couldn't agree more. The new rules actually have general permits for some amount of stream cleaning, and it's still a consistent and persistent problem that municipalities are frustrated with that process. It's interesting to me, because often if you can get out into the field and get the right people sitting around a table the problem goes away. And we had some wonderful success in Burlington County doing just that after the last flood. So we'll continue to do both to the extent we can, which is work individually on the problems as they arise, and perhaps look at whether there's not a regulatory need to once again look at our rules there. I'm not sure we'd need legislation to do that.

On chemical security, the only thing I'd like to add there is that the Toxic Catastrophe Prevention Act, which regulates those facilities that have the worst chemicals stored on site, like chlorine -- the regulations are

expiring this year, they sunset. So as we look to the next round of the TCPA, clearly there's an opportunity to look at where we want to push the envelop even a little further. Yet another place where the State is, I think, out front. And we fought, and our folks in Washington have fought, so that we aren't preempted in our struggles to stay out front. And I think we have to take the next -- and I'll say it -- measured step. Because I think it's a thin line between total intrusion to the point where people can't operate their businesses, and government regulation and oversight to ensure the safety of its citizens.

SENATOR SMITH: Thank you, Commissioner.

Senator Van Drew.

SENATOR VAN DREW: Thank you, Commissioner, and I thank you for being here and for all the good work you've done over the years. I have had the opportunity to bother the Commissioner on a very regular basis, unfortunately for her at times.

I have two questions -- actually three. The first was, if you could go just in a little more detail -- and it's somewhat my fault for being a few minutes late -- on why we are falling short, as far as the fishing and hunting fees and exactly-- Or there's more need? Are the costs going up? Exactly what the issues are there?

And secondly -- and Chairman, if I may, through the Chairman -- I was looking for -- to perhaps in the future having a dialogue with the business community. I know you've done a tremendous amount of good work with this, with the business community, local government, and county government in some areas to -- I don't even want to use the word *streamline* -- but ease the difficulty of the process, sometimes, that we all need to go

through with the DEP. And you've done excellent work with that. And I believe, respectfully, we could even do more, and look at a way that we can work together to kind of work through that process together in the future. So I don't know if you have any thoughts on that, what the best way would be to do that.

Thirdly, would be beach replenishment, with the Federal Government not really fulfilling its obligations nearly as well as it should. And I think most everybody on this Committee is familiar with the formula, and the DEP has really stepped up and helped out, and we really, truly do appreciate that. And perhaps for the 24/7 access as well with that.

COMMISSIONER JACKSON: Thank you.

The fishing and hunting fee issue, simply put, is that my kids play the Wii more than they go fishing. I have a 12 year and an 11 year old. They happen to be boys, but boys and girls -- doesn't matter. They actually have fishing on the Wii, I think. (laughter) They also have -- my favorite is that they play ping pong on the Wii, and the ping pong table is literally right next to the Wii. (laughter) It's just part of what we're dealing with in terms of what folks like to do.

And so the fees -- actually, fishing isn't the best example. Because the fishing program can -- if you look at the money they bring in from fishing licenses, and the money they spend at our hatcheries and on program staff, it comes closer to balance than our hunting program, which is -- hunting is less popular than it was maybe a few decades ago.

SENATOR VAN DREW: Commissioner, the numbers have gone down? And I'm sorry. Commissioner, the numbers have gone down in hunting -- there's less hunters?

COMMISSIONER JACKSON: Correct. The license numbers. The revenue from the licensing and from the sale of the wildlife license plate, which are the two main funds that would keep that program self-sufficient, if you will, aren't enough. And right now -- I don't have the number in my head -- but I know we're above 25 percent of its operating costs have to come down from the General Fund.

And let me just say something. When I say have to come from the General Fund -- because I think it's a matter of pride in that program, the people who worked in that program for years -- it's a culture change to go from, "Hey, we run a program that, you know-- It's our program. It's our world. We got it. We bring in our fees, and everything is good;" to now realizing that they're General fee-funded is tough, but it's an important one. And it's also reflective of the work they do. When you talk about the response to coyotes, for example -- it's a good example. In our very suburbanized state, the coyote issue in Monmouth County, I think it was last year--

UNIDENTIFIED SPEAKER FROM AUDIENCE:  
Middletown.

COMMISSIONER JACKSON: Yes. Middletown. Thank you. We spent a lot of time and resources in that program dealing with the local law enforcement, dealing with the local code and game officials trying to keep them educated, trying to keep them staffed. We went out, we did a lot of surveillance. Coyotes are awfully wiley -- they're hard to find. (laughter)

SENATOR VAN DREW: Is that on purpose? (laughter)

COMMISSIONER JACKSON: Listen, everything you need to know comes from Bugs Bunny, honestly. (laughter)

But, you know, and it is not by accident. So those things cost a lot of time and maybe it's appropriate that people realize that that's General Fund money. But what we do in this state when 25 percent of our funds come from the General Fund might be different from what we did when we were mostly an organization that needed to support hunting and fishing because we were being responsive to our fee payers. So I think there is an incredible opportunity, and it's a little bit intimidating, because it's the worst possible time to try to find a new way to pay for something. But if we believe these programs are important-- First, you have to define what they are, what makes them important? How do you make sure you're doing the right things today? And then move into how to pay for them. And I think that that's the issue we're going to have to deal with. We have incredible biologists on staff. I'm always amazed at how often we get calls, not just nationally, but internationally, asking for our folks to come out. Because they have to, by definition, know how to manage wildlife in a developed state. And that's not the same as in the Midwest or in the wild, wild West. We have to do it differently here.

With respect to the business community, local government, county government -- thank you. I know that that is an area I did before you came in. I mentioned as one of my five priorities that we have to find a way to incentivize what we want to see built, the good things we want in the right places. And that doesn't mean that the right places mean that we're going to put big lines through most of the state and say, "You can't do something here." It means what's smart. What's the smart way once you

land in an area, depending on whether sewer service is available or not, depending on whether there's a water supply nearby that's not overly tapped or not? Those are the kinds of questions we have to answer. And I absolutely agree with you that our best allies in that are all the entities you mentioned. Because if I go to one more business meeting and have them say, "All we want is some regulatory certainty" -- really, I think that the folks out there really do want that for the most part. There's also the ones who just want a "yes," but that's never going to happen.

So I'm happy to work through that. I have some ideas. I'd love to share them with this Committee. We're pretty close to thinking about a new way to try to get some bright ideas in. And when we do, we'll come back and talk to you.

The last thing you asked about is beach replenishment. I absolutely agree that the Federal Government has made it clear under this administration that at least they would prefer to be out of the beach replenishment business. I'm not sure that our good Legislature -- our delegation in Washington is going to let that entirely be the case. We've had some great successes in getting money for beach replenishment.

And then we have the Shore Protection money, which we can use, often, to match Federal money. But in some cases, we can use it in lieu of Federal money. The problem with that is, obviously, it's not going to go very far compared to the tens of millions that we might be able to get in from Washington. I absolutely am aware of the 24/7 access provisions. What I'd ask from this Committee -- I'm sure you may be hearing from your constituency, Mr. Vice Chair -- is give us a chance to clarify what that means for communities before we move to something draconian. The case

law is pretty clear that if you take it to its extreme, every person in this state has the right to access what is essentially theirs, which is the water and riparian areas of the state. But that's not practical. And it isn't practicable in our state. And what I'd like to do is to try to give my staff, and therefore the regulated community, some additional ideas about what that means when it comes to shore protection projects, beach replenishment projects, Green Acres projects -- all of which have to comply with the Public Trust Doctrine.

So I think there is an opportunity here to move to a place that people can feel comfortable. It will require everyone to consider each case a little bit differently, because not every case is the same when it comes to public access to the waterfront. And some places have it already and don't have a problem. And some places don't have anything close to it, but are trying. And we need to find a way to move them in the direction of meeting that requirement. Not necessarily today, but over time.

SENATOR SMITH: Any other questions for the Commissioner?

SENATOR CIESLA: Yes.

SENATOR SMITH: Senator Ciesla.

SENATOR CIESLA: Commissioner, thank you for the opportunity. And I have two issues: One, I think, which is relatively easy, but probably handled by a regulatory review, and that's: recently the issue that has been brought by some of the marina owners with respect to public access and their ability to be able to do improvements -- stormwater improvements and whatnot -- without triggering the need for additional public access at their facility. I know many have contacted me and they

have some concerns that it's going to be difficult for them to comply to the regulations and still continue to operate. And I've encouraged them to give me a better sense of that so that I could convey it to the Department, because I'm not so-- I understand the intent of the regulation to provide access to the waterways which are held in trust by the State, but yet the way in which we've gone about implementing, I think, may have a chilling impact on some of the improvements that are necessary at the marinas if we're going to continue to have some sort of environmental clean--

The second issue is one which I think is very consistent with two of your priorities, which is the green side of the business and the Smart Growth development. And I think, right now, we are in threshold times. I mean, things are going to happen in the State of New Jersey, particularly with respect to what the Governor is proposing, with the monetization of the toll roads, the way in which I think that the State is going to develop.

I have served for a long period of time on Transportation and Environment. And sometimes I note that the priorities of each are distinct and they don't seem to be as coordinated as well as they possibly should. My vision for the State of New Jersey is probably more that we should be aligned with some of the ideas that Europe has developed, where we have some sort of policies in place that would encourage the redevelopment of areas that have already been disturbed; mass transportation alternatives that would allow our people to be able to move throughout the state to those particular areas; and then some sort of developmental criteria that would allow redevelopment to generate businesses that would support a model that would centralize population growth, allow for mass transportation alternatives, and allow people to move through the state so

that we could continue to have it grow; preservation of open spaces, limitation of green gas, and whatnot. But highly coordinated between what we're doing from a transportation policy planning view and what we're doing on the environmental side. I think at times we are at odds with that. We build roads into areas that we want to preserve and we don't have mass transportation alternative systems that will allow us to redevelop areas that have already been disturbed. I don't think we're coordinated as well as we should be. State Planning would have to be involved, I'm sure.

My vision, if you will, as we move forward with the way in which we're going to change the very fabric of New Jersey -- and we are with respect to the way that we're going to fund it -- is that we coordinate the policy and planning of both transportation master planning and environmental planning so that we can achieve the synergies that I think would allow New Jersey to generate some dollars that will get us out of the hole that we're in.

SENATOR SMITH: Any other questions for the Commissioner?

One more, Senator Gordon.

SENATOR GORDON: Just very quickly. In the past, we've all discussed the precipitous decline in recycling rates within New Jersey, and we've taken some steps to try to get on the road back. There has been some discussion about the container deposit legislation such as *smart container* deposit bills. Do you have any thoughts you'd like to share on that?

COMMISSIONER JACKSON: I actually think I need to get up to speed on that one, Senator, so I'm going to reserve thoughts.

Nancy?

ASSISTANT COMMISSIONER WITTENBERG: There is one interesting quirk to that, in that the recently enacted, enhanced Recycling Act has language in it that prohibits the bottle bill. So without change there, we can't consider it. And over the years, New Jersey has not supported a bottle bill. But in recent times, with the rates declining and evidence from other states that when you have such a bill the rates do go up, we've even been more open to looking at it. But at this point, with that recently passed law, we can't consider it.

SENATOR SMITH: Well, let's clarify that. We're the Legislature. We are the government. We can do anything we want. (laughter)

COMMISSIONER JACKSON: You can. We, personally.

SENATOR SMITH: So long as we get elected, we can do anything we want. (laughter)

So that particular paragraph was in there because it mirrored the prior legislation -- the earlier recycling tax.

COMMISSIONER JACKSON: Right.

SENATOR SMITH: But bottom line is, we can do what we want.

COMMISSIONER JACKSON: Right.

SENATOR SMITH: But let us see how our recycling goes. In fact, maybe that should be the final word. We have now an Electronic Waste Recycling law and we now have the return of the recycling tax, wherein back in 1996 we had one of the highest recycling rates in America. We now have resources and want to see a recycling program both for

municipal waste and electronic waste that sets a standard for the country. So you have a big job in 2008 to put together those programs.

COMMISSIONER JACKSON: And thank you, Mr. Chair.

I actually should add recycling to my list of five, now six, priorities. And that's not just because of those bills, but because you're absolutely right. We're at a moment in time with respect to those issues where we will not be able to say any more, "Well, if we could just go back to the good old days where we had county recycling coordinators and accountability." We have that now. And so implementation of those two acts together, I think, is a tremendous opportunity. I couldn't help but smile at the foresight of the Legislature in passing them right now. Because I guess the thought is, everyone is going to take their new Federal tax rebate and go out and buy a flat-screen TV. So we are going to see a lot of TVs in our waste stream, and it really will happen fairly quickly.

So thanks.

SENATOR SMITH: Commissioner, we appreciate your coming in today. It's been very, very helpful. And let's continue the dialogue that we've had during the years.

COMMISSIONER JACKSON: Thank you.

SENATOR SMITH: Let's do our work very quickly. We have two -- and then we're going to go to the meat of the program, which is hearing from all the environmental stakeholders about your best idea for 2008 and 2009. But let's do our two bills first:

Senate Bill S-795, by Senator Sarlo, which appropriates \$33 million from the Garden State Green Acres Preservation Trust Fund. FYI, this was working through the last Legislature and somehow the ball got

dropped; but it's a terrific bill. And I've never seen anybody opposed to Green Acres.

We have Mr. Pisauro, from the New Jersey Environmental Lobby, in favor; Mr. Flynn, from the DEP, in favor; Tom Fote, from the Jersey Coast Anglers, in favor; and Enid Torok, New Jersey Recreation and Park Association, in favor. I assume nobody needs to testify.

Are there any questions from Committee members? (no response)

SENATOR BATEMAN: I'll move the bill.

SENATOR SMITH: Motion by Senator Bateman.

SENATOR VAN DREW: Second.

SENATOR SMITH: And seconded by Senator Van Drew.

Let's take a vote on that.

MS. HOROWITZ (Committee Aide): On Senate Bill 795, Senator Ciesla.

SENATOR CIESLA: Yes.

MS. HOROWITZ: Senator Bateman.

SENATOR BATEMAN: Yes.

MS. HOROWITZ: Senator Gordon.

SENATOR GORDON: Yes.

MS. HOROWITZ: Senator Adler.

SENATOR ADLER: Yes.

MS. HOROWITZ: Senator Van Drew.

SENATOR VAN DREW: Yes.

MS. HOROWITZ: Senator Smith.

SENATOR SMITH: Yes.

Our second bill is S-796, which is the first tweak to the recycling tax -- changes the date of collection to start on April Fool's Day, 2008. And it also changes certain reporting deadlines, as suggested by the Department of Treasury. Okay, and that's an amendment to put the Treasury dates on there.

We have recorded in favor: Nick Staniewicz, from the Hudson County Improvement Authority; Jeff Tittel, from the Sierra Club.

And of course, the reason for this is that when we passed the bill, we made it effective immediately. That was a little unfair in that there wasn't notice to customers. This allows for the date to be changed to April 1, so that in the second quarterly billings the recycling tax will be made known to the customers of the various solid waste entities.

Is there any discussion of the bill? (no response)

Can we have a motion?

SENATOR VAN DREW: Move the bill.

SENATOR SMITH: Motion to release by Senator Van Drew.

SENATOR BATEMAN: Second.

SENATOR SMITH: Second by Senator Bateman.

MS. HOROWITZ: On Senate Bill 796, with Senate Committee amendments, Senator Ciesla.

SENATOR CIESLA: Yes.

MS. HOROWITZ: Senator Bateman.

SENATOR BATEMAN: Yes.

MS. HOROWITZ: Senator Gordon.

SENATOR GORDON: Yes.

MS. HOROWITZ: Senator Adler.

SENATOR ADLER: Yes.

MS. HOROWITZ: Senator Van Drew.

SENATOR VAN DREW: Yes.

MS. HOROWITZ: Senator Smith.

SENATOR SMITH: Yes.

The bill is released.

And now, if we might, let's get to the heart of today's program, which is hopefully soliciting from the regulated community, the environmentalists, and anybody else who is an environmental stakeholder, your best idea. We'd like five minutes of everybody on their best idea. Hopefully, we'll steal a few of them and do legislation.

First, we give deference to all prior commissioners, so Brad Campbell is in the room. Brad asked for an opportunity to speak. Former Commissioner Campbell, we'd love to hear from you.

**COMMISSIONER BRADLEY M. CAMPBELL:**  
Thank you, Mr. Chairman, for the opportunity to speak today. And thank you members of the Committee. And I apologize for my informal appearance. I was literally prevailed upon to come over as I rode to work thinking I had no public commitments today. So apologies in advance.

I first want to begin by applauding the priorities and objectives outlined by Commissioner Jackson on behalf of the Corzine administration. I think they're the right ones. As is appropriate for a former commissioner, I'm here today to testify about the importance of three items of old business. And who better to testify than the former commissioner on old business.

The first is one that's both an environmental, and a financial and fairness issue. And that's the issue of the Farmland Preservation Program. If I were to tell the Committee in this budget climate that there's a government program, an environmental program no less, in which tens of millions of dollars are being spent each year with no assurance the taxpayers are receiving full value, the Committee would understandably be concerned. And that's precisely what's happened in the Farmland Preservation Program, because of the lack of any limits to the impervious cover that can be placed on preserved farmland. This is an issue that the Committee has raised previously. The bill-- Previous legislation by the Chairman, in this Committee, directed the two departments -- Agriculture and Environmental Protection -- to address this in a rulemaking. As is often the case when you ask, even by statute, two agencies to agree, no agreement resulted. And here I fault myself, despite good faith efforts by Secretary Kuperus, at the time, and myself. The two agencies, because their missions and constituencies are divergent, we couldn't reach agreement. But it's a serious, serious issue. It's a resource issue, because we're losing prime New Jersey soils because of the lack of this restriction.

It's a landowner fairness issue because some landowners are taking an impervious cover limit while others are not. And finally, it's a tax issue. Because there is significant uncertainty as to whether those donors, who are donating land with farmland preservation easements without a limit on impervious cover, may later find that their donation does not get full credit from tax as a donation from the Internal Revenue Service. There is plenty of guidance out there. The National Resource Conservation Service to the Federal Government, for example, usually adopts a 3 to 6

percent limit on impervious cover. In fact, their limit has an impact on New Jersey because the NRCS is unwilling or reluctant to bring Federal funding to the table for our projects when they lack that restriction.

And so I would urge the Committee to really move forward. You heard Commissioner Jackson speak to the issue of limited staff, the inability to really take on additional rulemakings. This is one, I think, where the Committee could exercise leadership, fulfill its original promise in the legislation that Senator Smith sponsored, bring together the constituencies, and quickly enact an impervious cover limitation. This is an issue in which we are losing acreage by the day. There's currently a project in Franklin Township where we'll lose probably 30 or more acres to impervious cover, simply because there is no restriction. So I would commend that to the Committee's attention.

The second issue I would commend to the Committee's attention -- again, a bit of old business, again one that coincides with Commissioner Jackson's priorities, in terms of funding mechanisms for the green side -- is to -- for this Committee to once again take up S-889, the Chairman's water tax bill, to make clear and to establish a dedicated funding mechanism for water resource protection according to the principles and objectives outlined in that bill. I realize this has been a contentious issue, as is any new tax. But I think in this funding climate in particular, and given the strains on our water resources generally-- You've heard the Commissioner speak to the fact that the water supply master plan was delayed. In part, that was delayed because of the funding needed for it, something that would be addressed by the water tax. I really commend, to

the Committee's attention, to once again take up the Chairman's leadership on the water tax issue and move forward with that legislation.

Third, and with those first two priorities in mind, I think it remains a priority to establish dedicated funding for the Garden State Preservation Trust. This is obviously something that was a subject of stop-gap legislation, approved by the voters despite an otherwise hostile climate to new spending and bonding initiatives in the last election. I think a longer-term solution is necessary, and I'm going to defer on the specifics of that issue to the many friends in and among the environmental community who are here, who are going to speak more directly to that issue.

But with that, and with uncharacteristic brevity, let me end my remarks (laughter) and answer any questions you may have.

SENATOR SMITH: Let me first thank you for your service to New Jersey.

Are there any questions for our former commissioner?

Senator Van Drew.

SENATOR VAN DREW: Very briefly -- because we have another long day -- I couldn't agree with you more on the Garden State Preservation Trust. Obviously, we do need a dedicated source of funding.

With the Farmland Preservation issue, Chairman, I think we have to be so careful representing a good number of farmers -- and some of the largest farms are in my district, in the western part of my district -- as we go forward with that in rulemaking, that we ensure that we do maintain also the viability of the farms. Farming is something that's going away in New Jersey. The number of farmers are decreasing. The number of farms are decreasing themselves. And the viability as a way of life, as an industry,

what was continually passed on through generation to generation, is being lost. And because of that, in some cases, there's abuse. But in other cases, it is a flexibility because of the changes that are in the marketplace now and the type of farming that needs to go on. It's not simply a case of building fast food convenience stores on farms. These are different types of farming -- is occurring. And I think we're going to have to be very careful as we approach that issue. And very respectfully, as well, the water tax issue as well, I think, is something that we're going to have to look at very, very carefully because of the climate, which ended up with the Garden State Preservation Trust. To think that a vote could even be -- even near close on that shows the state of mind -- that we have to be mindful in the New Jersey. People are tapped out, and they are taxed out, and they are tired. So as we maintain the environment, we also have to maintain the economic viability of the state as well.

And I thank you for the wonderful work that you did and the interaction that I had with you over the years. It's good to see you.

COMMISSIONER CAMPBELL: Thank you, Senator.

As ever, I agree with you. I think it is a tough balance. We do need to preserve farming.

We also need to recognize there is some unfairness currently among those farmers who are voluntarily taking an impervious cover restriction, those that are not. And even for those that are not, what I wouldn't want to see happen is to have them caught in a *gotcha* game with the IRS, where working through the State program and the SADC they assume -- they make certain assumptions about the deductibility and the tax consequences of their donation. And later, as it sometimes does, the

IRS comes back and says, “Well, no, we’re really only going to give you that benefit if you’re within the NRCS guidelines.” So it’s really a matter of making sure even those that might not want the restriction understand, and there’s very clear rules in terms of what the tax consequences are.

SENATOR SMITH: Commissioner, we appreciate your comments today and your participation.

COMMISSIONER CAMPBELL: Thank you, Senator.

Thank you, Mr. Chairman.

Thank you, members of the Committee.

SENATOR SMITH: Thank you so much.

Our first witness -- and remember, the plan here is five minutes of your best ideas where you think our priorities should be -- let’s start with Dena Mottola, of Environment New Jersey.

Dena, how do you say your last name? I can’t read the handwriting.

**DENA MOTTOLA JABORSKA:** Jaborska (pronunciation).

SENATOR SMITH: Jaborska.

MS. MOTTOLA JABORSKA: I go by Mottola Jaborska now.

Good morning.

SENATOR SMITH: Good morning.

MS. MOTTOLA JABORSKA: I’m Dena Mottola. I’m the Executive Director of Environment New Jersey, which is the new home for New Jersey PIRG’s environmental advocacy, if any of you haven’t heard that yet. We are looking forward the next few years getting a lot done for the environment. I was just going to run through some of our priorities for

the current session. So I'll focus more on the legislative priorities that we have.

First and foremost, we do a lot of work on energy policy and global warming policy. And we'd like to see the State move forward with some efforts that would expand renewable energy in the state. We do have a very good solar program in the state, and it's undergoing some transition right now over to a market-based system. And one of the things we'd like to do, with the help of the Legislature, is perhaps put together more incentives for solar, and also work with the development community to make it easier to, right up front, develop solar homes right from the start. California did something similar just recently and set a goal to have a million solar homes in the next 10 years. And we'd like to do something on that scale to New Jersey, something similar -- ask the developers to offer as an option to people when new construction goes up. So that's one priority we have for the year.

None of the things that I'm talking about are necessarily bills. Some of them are just ideas that we're just wanting to get started on. Second, New Jersey-- You'll hear from probably both the business community, consumers, and the environmentalists that New Jersey -- our grid is constrained. Our electricity grid is constrained. And then we have, going into the next few years and definitely the next 10 years, some concerns about reliability of electricity. And what we'd really like to see be the solution and the answer to that is much more energy efficiency and energy conservation policy being adopted in the state. We can go two paths: We can decide that we have reliability concerns and so that we're going to build lots of new power plants and pipe in dirty power from the

Midwest, or we can decide that we're going to go with a cheaper and a better option for the environment and do more energy efficiency.

And I guess I just want to say, I'm just -- we've barely scratched the surface in terms of energy efficiency policy that we've done so far. We can do a lot more. I'm very interested in working with the Legislature on reducing our demand in the state through not only funding for energy efficiency, but also things that we can do that don't cost money in the fiscal climate we have right now. We can do lots of energy efficiency through mandates -- making more appliances more efficient, homes more efficient. So we'd like to do more of that. There's two bills pending right now that we ask your support of: one that makes our building codes more energy efficient, and the second that makes common household appliances more efficient.

The third priority is to be working more towards implementing the Global Warming Response Act. And I think one unexplored area is much more on the transportation side. We have some work happening now with renewable energy and energy efficiency, to start cleaning up our electric side of the total energy use in the state. But we'd like to do more work with the Legislature on encouraging plug-in hybrids, electric vehicles, doing things to get people to drive less. You know, people going to work to drive less, more telecommuting, and more incentives for just the pure zero emission cars -- that technology that is actually available that we'd want to get into the mainstream and onto the roads.

Fourth priority -- these are in no particular order, by the way -- is to renew funding for the Garden State Preservation Trust Fund, which will be going out of money in the next year, depending on how aggressively

we spend the money we have left. We do support a water user fee or a water tax to fund that program. It's not the only way that we'd like to see the program funded. We're open to suggestions. But the bottom line for us is the timing issue, and that we think we need to do this very quickly. We don't want this program to run dry. And honestly, the Legislature needs to play a large role in that.

We think-- We represent a lot of people around the state. We do a lot of work in communities all over the state. We think we can build the support for a water user fee to fund open space. We understand that taxes are pressing on people right now, but we think this is one user fee or tax that we can move forward in New Jersey, because open space preservation is so important to people in New Jersey .

I'll stop there, but that's just a sampling of some of our priorities this year.

SENATOR SMITH: You know, we appreciate your comments and you certainly have some wonderful suggestions.

Our next witness will be Dave Brogan, NJBIA.

Mr. Brogan.

**DAVID BROGAN:** Thank you, Senator.

My name is David Brogan. I'm Vice President of Environmental Policy of the New Jersey Business & Industry Association. We represent over 23,000 companies throughout the State of New Jersey. And I'd just like to take a minute to discuss some of the issues that we think are very important going forward.

As a body, we would ask that any time you're promoting future legislation and creating new acts that you give specific direction to the

Department and put boundaries on the regulatory process. What we've seen many time is that DEP has interpreted the legislation in certain ways that may or may not be in line with your goals. And it's been difficult to-- And I see you smiling -- because you don't believe it?

SENATOR SMITH: Go right ahead. (laughter)

MR. BROGAN: It's been difficult to try to comply with those regulations. One of the problems that we're seeing is in the response to comments. There actually is no physical response, in essence. They do respond in the *Register*, but there will be -- and we were told point blank -- that no substantive changes will be made to regulations under the current format. We have been told that future regulations would be proposed the day those old regulations are adopted. But that creates a real problem, because you're still not addressing the concerns.

SENATOR SMITH: What specific ones are you referring to?

MR. BROGAN: Well, there are a couple. Public access rules are a perfect example. Right now, I don't think anyone has a problem with providing beach access. I don't think anyone would deny that. One of the problems that we see, though, is that you're requiring companies who have been here for perhaps 100 years, who have owned that property, to either provide access on-site-- Most of the time it's not feasible due to-- If you're talking about large chemical companies or otherwise, due to security reasons they can't do that. Now, the Department is saying either, "You provide that access on-site, or you provide it off-site. Basically, you're going to pay for it either way." It sends the wrong message to the business community. I don't think it was the goal of the regulation, to begin with, to include everything. And it doesn't just include the waterways or the beach access

on the major oceanfront, you're talking about tidally flowed waterways. Sometimes tidally flowed waterways come inland 15, 20 miles. So we're not sure if that was the intent. Clearly, the beach access part was the intent, and we don't have a problem with that. But you're going to see future litigation from towns and from companies basically stating that it isn't fair.

Prior to that rule, the Department said, "If it's not feasible or practical to provide that access on-site, we would take that into consideration." Now you either pay for it on-site or you pay for it off-site. And we feel that that's unfair.

Again, we would ask that the Legislature urge the Department to have some more stakeholder processes so we can vet the regulations that implement your legislation. Right now, they're only vetted internally, and I don't think they're getting the perspective of the regulated community on how those issues will be implemented.

Furthermore, we'd like to see more accountability placed on the Department with regard to various funds. We would like to see a report that's drafted given to the various environment committees, demonstrating how those funds are spent, what the balance of those funds are, and what they see going forward.

Fourth, I think that what we're seeing difficulty in -- and I think the Commissioner touched upon it -- is the lack of staffing levels. And that's not going to go away any time soon. So any time the Legislature proposes or implements a new act, a major new proposal, they're then placing that burden on the Department, which in many cases cannot implement that act. So what that means is, when the Department is trying

to implement these new programs, developing regulations -- the Department put out 2,500 pages in new land-use regulations in the last year and a half -- they're not able to facilitate those permits and the process stops. So we're concerned about the impact of business and the impact to the permitting process.

SENATOR SMITH: Dave, how about the flip side? In the last session, the Commissioner threw on the table the idea of outsourcing some of the lower-level cleanup site remediation issues, underground storage tanks, that kind of thing. But you would have the applicant pay into a trust fund and then the outside consultant might be used. Or I've also seen a memorandum from Carla Katz, I think, to the Commissioner saying, "You could use this to pay for overtime and hire additional staff." And I don't know what the correct mechanism is.

MR. BROGAN: Right.

SENATOR SMITH: But back in the 1980s, the business community was very successful in seeing to it that the cost of the permit, the cost of review, was not collected as a fee -- that it should come out of the General Fund. And then the next thing that everybody was successful in was chopping the DEP to shreds in the 1980s and '90s. So when you say you're concerned about staffing levels, take back to your group whether or not they're willing to pay for the actual cost of the permit review so that we can, in fact, have adequate staff.

MR. BROGAN: I would just respectfully respond by saying we've seen our permit fees go up by 300 percent. And in certain cases, exponentially, for smaller companies we've seen those -- their permit fees --

go from 3,600 to 36,000. If that isn't paying enough money to fund the programs, then I guess we'll have to address that.

I do support what you said in terms of, perhaps, a licensed site professional program in the site remediation program to help facilitate the lower-level remediations. There aren't as many lower-level contaminated sites out there as there were back in the '90s. So you're seeing -- the low-hanging fruit has already been picked. So you're seeing the mid-level and the high-levels of contamination at sites. You need to see a massive investment from the regulated community to come in and clean up those sites. We should incentivize that. We shouldn't be putting roadblocks in.

So I agree with you. I agree with you that there should be some level of outsourcing. I'm not entirely sure if the DEP should be the middleman for that, but if that's the only way we can do it, I would support that.

SENATOR SMITH: John Hazen, if I could ask -- because I've heard this thing about the air permit fees before. Maybe you can send a memo over to Kevil on this issue of air permit fees, whether there is some relationship between the staff time and the size (*sic*) of the permit. All right? Or the cost of the permit, rather, cost of the application.

Dave.

MR. BROGAN: Very briefly, I think Senator Ciesla rightfully said that there seems to be a lack of coordination between the departments, and we would ask that you urge the Department to have that coordination between departments and between the front office and the Department. I don't think you can have an aggressive environmental agenda and an aggressive economic growth agenda -- there are some conflicts there. I'm

not saying there's a direct conflict, but there are some conflicts there. And we'd like to see a little bit more coordination along that front.

Very quickly, just to go over-- We'd like to see the Department provide you with a list of the funds that they oversee -- the amount of those funds and where that money is going. Perhaps in a report of some sort. If there is such a thing as an expedited permitting process -- I'm not sure if that's feasible -- we'd like to see that.

Commissioner Jackson has said to us before that she has trouble meeting the requirements of the Administrative Procedures Act. And that's one of the reasons why they don't make substantive changes to regulations. It's my understanding that we've made substantive changes in the past, so that hasn't been a real problem. But if there needs to be a change in the APA to extend that timeline, we would support that.

We'd also like to see a legislative fix to the public access rules, if it's at all possible. You're going to see litigation. You're going to see the arguments that are made out there. But again, requiring companies to pay for on-site access to an area that they would never otherwise access, or pay for it off-site, just doesn't seem to be very fair for companies who have been here for a very long time.

And finally, maybe as Senator Ciesla said, provide you with a report of examples that demonstrates the coordination between the departments. That may be helpful to, again, perhaps, buoy the idea that the Department is taking those steps; and clearly, it would help the regulated community.

SENATOR SMITH: Thank you for your comments.

Mr. Ed Wengryn, from the New Jersey Farm Bureau.

Mr. Wengryn.

**E D W E N G R Y N:** I'd like to thank the Committee on behalf of our president -- Rich Nieuwenhuis is back there.

Agriculture is a land use that uses the environment. And that's what it comes down to, basic and simple. So there's a lot of areas of things where we can do things the right way to help the environment and ways to improve the environment. And that needs to be part of the environmental agenda.

An important part for agriculture is water. And the water regulations and rules that govern farmers receiving water in the last rule-making process kind of turned their system upside down. And a lot of farmers are stressed over "where's my water going to come from?" I think agriculture and agriculture water use needs to be a priority. And there will be some bills coming up that look into that.

Land use, land preservation -- you've heard it, and you'll hear it again. And we wholeheartedly support it. There needs to be a long-term funding source for preservation and land use. The Highlands region is an area where the State is looking at how do you develop and protect natural resources. Agriculture is part of that. There was an outstanding promise on providing funding for those preservation efforts in that region. And as the State runs out of money and its big pot, we need to see how that gets linked together and that commitment can continue to happen, not only in the Highlands region, the Pinelands region, but statewide. Land use planning and agriculture all fit together on those issues.

Again, part of it is, is DEP's regulations. When you have a regulation that applies to a business and industry, and you try to apply that

same regulation to a land use and a land-use pattern like production agriculture, and you have a policy of 300-foot stream buffers-- But agriculture can happen within those buffers and can mitigate some of the water quality impacts that you're looking to protect. Treating agriculture like you would treat putting up a building or a MacDonald's is a little different -- or a chemical plant -- than the way you treat somebody putting in a renewable resource. But they're all important, they're all linked together.

The sort of-- The practices that farmers use can be applied in other opportunities when-- And we'll use the State gypsy moth program. Like, right now, there's an environmental crisis about to sort of happen in our State Forests. We're facing a huge gypsy moth population explosion due to come out this Spring. Farmers practice IPM -- they use integrated pest management. The State needs to do the same kind of procedure. When one tool is no longer working, you go to the next tool in the toolbox. The State Forests' health -- everything you're looking about doing, carbon sequestering and helping the environment -- is at risk because of an insect that's out of control.

I think having those flexibilities, having those programs, and looking at things broadly are going to be ways that can help improve that environment and sustain the resources we already have and keep them going. And that's how we look at agriculture and agricultural use. It's sometimes choices, sometimes -- doing the right thing is what every farmer wants to do. But there is a profitability and a sustainability program to it, and they all come together in the environment.

You heard the impervious cover issue raised by the previous Commissioner. Within the Highlands Act we addressed that. When you increase your impervious coverage from 3 percent to 9 percent, and over 9 percent, there are standards and practices you have to follow to address the environmental concerns of that thing. Are you looking to control stormwater? Are you looking to control water quality? Is it sheet flow you want? Is it water retention? All of that's addressed in the conservation plan that that farmer would implement when he increases his impervious coverage. The solutions are there. I think they just need to be used, they need to be looked at, and they need to be recognized.

SENATOR SMITH: Thank you for your comments.

Mr. Tim Dillingham, American Littoral Society.

**TIM DILLINGHAM:** Good morning, Mr. Chairman. Thanks very much for the opportunity to speak before you.

And I'd like to welcome the new members to the Committee, most of whom I know and have worked with in the past, and I appreciate their expertise that they'll bring to this and their experiences.

My organization works along the coast. The word *littoral* means *of or pertaining to the coastline*. And we are primarily concerned about and focus our program work on habitat -- fisheries habitat, but often also other associated wildlife. The focus is below the tide line, I guess.

But the idea that I'd like to bring to you is reflective of many of the comments that the Commissioner made: That there is a need to utilize the authorities that we have already in the State of New Jersey, more effectively, to address the issues that we're seeing along the coast. In terms of fish and shellfish trends, we are unfortunately seeing key species that are

of commercial and recreational value to us trending down. Many of those impacts -- those are the result of water quality declines related to land use, related to atmospheric deposition of nitrogen coming from power plants. It's also linked to physical alterations without good planning and foresight in terms of what the impacts are there.

The idea that I'd like the Committee to consider is the idea of leveraging the State's resources across programs, tapping into the science and the information technology that the Commissioner described, and planning better for the coastline. We have regulatory programs across the media as we do in other parts of the state. But we have not effectively taken stock, so to speak, of what the issues are, what are the root causes of the problems that we're seeing, what pieces need to be in place in order to move toward the goals of enhancement, restoration, sustainable fisheries. And then going back in a mandatory way, require the State, and the municipalities, and counties, and other folks who have the authority over these sources of impact to bring their activities into line. So the idea of coordinating -- within the silos, as the Commissioner talked about, but I think also between governmental levels.

If you look at it through that lens, I think it will hopefully take us to a more effective, more efficient place in dealing, and managing, and stewarding this resource, which is obviously very important given the commercial, the recreational fishing industries; the fact that the water quality in places like Barnegat Bay is key to assure tourism, to the quality of life there. I think we've all heard and we hear constantly now about the impacts of jellyfish in Barnegat Bay on swimming and people's enjoyment of that water body. The scientists at Rutgers University tell me that that's a

direct result of land-use impacts, of nitrogen coming into that estuary resulting in eutrophication, causing phytoplankton shifts, causing changes. So there clearly is -- we are not dealing with the right problems, we are not focusing, and we are not coordinating all these resources that we're putting our money -- dollars into.

I also would just like to echo that Senator Ciesla's comment -- about transit, and growth, and economic developments -- and the Commissioner's comments about the growth management are also key. We have been working extensively with the State Planning Commission around plan endorsement and trying to bring together local and State-level policies. It hasn't come to completion yet. There's still that sort of transient resistance of the agencies to work together. I will tell you, though, that last week we brought 15 mayors in Salem County, four of the freeholders together, to talk about TDR. And they saw that very much as an answer to some of their issues.

And lastly, I have to speak to the access issue, because the Littoral Society had for years been involved in defending and helping to move forward the right of the public to access, access to beaches, but also all the tidal waters. But just to speak to Mr. Brogan's comment, access is founded on the idea of the Public Trust Doctrine -- that these are waters and lands in which there's an inalienable right of the public to have access to and to utilize. And the public does that in a lot of different ways. It's not just beachgoers. It is people fishing in tidal creeks, it's people using for nature observation. But also there are people who depend upon access to those waters to live. There is probably an underappreciated amount of sustenance fishing that goes on in the State of New Jersey. And much of it,

for better or for worse, is in areas of the more urbanized parts of the state. It raises deep concerns with us about the healthiness -- the healthfulness of that, and the contamination of those waters and the contamination of some of the seafood that the folks are catching out of it. But be that as it may, there still is an overriding need for people to have access in urban areas, and access around facilities that have been for a long time. Granted, there needs to be an addressing of the rules -- in the rules to make sure that that's appropriate from a security perspective and a safety perspective. I think the rules do that, and I think the accommodation of people who are utilizing filled lands, which many of those facilities are, is very equitable in requiring them to provide for access in other places, from a legal perspective, I think. And the challenges that the Builders Association brought to the Hudson River Walkway pretty clearly laid out the idea that there still is an obligation, and that the State is clearly within its rights to create an exaction for the use of those tidal waters no matter how long they've been historically filled.

On the question of access on a 24/7 basis, I would hope that we would think about this as a policing issue and an enforcement issue. Because implicit in the idea of there being a problem with fishermen, or surfers, or others being able to use sites at hours of the day that, perhaps, most of us wouldn't use them -- casts the aspersion that they are vandals and that they are going to be doing illegal things -- that we simply provide them of the opportunity to do that. I think that the Hudson Walkway situation and other experiences that I've worked with show that simply providing access to people does not create criminals out of them. It does not entice them into either thievery or property destruction.

So I think we have to be very careful, because it's a very short leap to say industrial facilities shouldn't have to provide access here to homeowners in towns along beachfronts, which is historically where we've had some of the problems, saying, "We don't want to provide access for the public either." So I think that it's a very, very dangerous approach to start to talk about limiting it, as opposed to talking to increasing our policing presence where that's appropriate.

So we look forward to working with the Committee on a whole range of issues over the years.

And thank you for your time.

SENATOR SMITH: Three quick suggestions, if I might: Senator Karcher's coastal commission bill passed.

MR. DILLINGHAM: Yes, sir.

SENATOR SMITH: And that will be a group that will be advising the State about ecosystem-based management of the shoreline -- the coast and the ocean. It will be great for the Littoral Society to write a letter to the Governor and ask for some representation on that commission. I think they'd have a lot to contribute.

Secondly, in the RGGI bill, we have 10 percent in there for forests and tidal marshes. It would be nice if the Littoral Society could come up with some suggested projects for a tidal marsh restoration.

And then lastly -- and we didn't talk very much about our priorities -- but one of the things we're going to do is make provision for municipalities and counties to do stormwater utilities so they begin to get some funding to stop this constant flow of heavy metals, and debris, and whatever into the ocean. So help is on the way.

MR. DILLINGHAM: Thank you, Senator. I appreciate that, and I appreciate the efforts, particularly in the RGGI bill, that you took. We are, indeed-- We have collected inventories. We are working with Rutgers University to identify where the most effective places for the restoration to take place are. And we are in conversations, particularly with the Barnegat Bay Estuary Program, about stormwater fixes.

SENATOR SMITH: Terrific.

MR. DILLINGHAM: Thank you.

SENATOR SMITH: Thank you for your comments.

Tony Russo, Site Remediation Industry Network.

Mr. Russo.

**T O N Y R U S S O:** Good morning, Mr. Chairman, and members of the Committee.

Thank you for the opportunity to talk about a couple of ideas on the site remediation front.

I'm here on behalf of the Site Remediation Industry Network. And just to give you a sense of who they are, they are site remediation professionals from about 20 companies that meet on a bimonthly basis here in Trenton to discuss nothing but remediation issues. And they've been doing that for about 14 years now. We were part of the legislative stakeholder reform process last year. And as the Commissioner mentioned -- I think it was her third priority -- that she is going to focus in on a suite of reforms, on the legislative side, for site remediation.

And two issues I want to bring up to the Committee for consideration are: If you really want to effectuate some change -- positive change -- and get through the backlog of the 18,000 cases, you have to

focus in on a process. It doesn't make a lot of sense to me -- and I've been involved with this group now eight years, but I also was an environmental consultant and a former DEP employee -- that from the time you spill or have a release and you call it into the hotline, to the time you get a no-further-action letter from the Department, you have to -- every step you take, you have to get an approval from the DEP case manager. And if you think about the fact that, as the Commissioner mentioned, there's about 250 case managers, 18,000 sites, I think that works out to about 200 cases per case manager. Add on top of that, that just this past year, at least five new regulatory initiatives are put on their plate. It just doesn't improve the process to get through. It creates a backlog, it creates a bottleneck. And one of the things that we're pushing for and recommending is that -- again, if you really want to reduce that backlog, clean up the sites -- is really just change the process.

The second issue I want to bring to your attention is -- and there are many, many cases that are in this situation -- is-- And I'm not here to discuss how the standards are arrived at, but rather how the standards are implemented at the DEP. The sense is, you could have a cleanup going on for 10, 15 years. And let's just say the standard is one part per billion. A lot of times, the sources have been removed, soil has been excavated. But when you sample the groundwater and the soil, you're at two or three parts per billion. And the way the regulations read right now, you cannot cross the finish line, you cannot get your no-further-action letter until you actually have, I think, two or three sample results below the one part per billion. And a lot of these cases are stuck in that kind of scenario, and that hurts the Department, because obviously they have to

devote resources to it, businesses have to spend money. So there has to be a better solution on how to get across the finish line. When you have cases where you're minimally above the standard, there's no risk to the public or the environment, again the sources have been removed -- and you just want to cross the finish line.

So, in closing, I hope that the Committee will hit the reset button when they discuss these legislative reforms and include, again, process changes, streamline the process, and also how the standards are implemented. And they have to factor in scenarios where, again, the risks have been eliminated based on land use -- that you're allowing these responsible parties to get closure, receive their no-further-action letters, and cross the finish lines.

Thank you.

SENATOR SMITH: You said you were a participant in the study group?

MR. RUSSO: Correct.

SENATOR SMITH: And the white papers that have been released by the Commissioner online, are they -- is that something that your group agrees with or disagrees with?

MR. RUSSO: Well, there's 11 white papers, and we have positions on all 11. We agree with some. The two that I mentioned are, I think, two position papers which we obviously agree with. And we submitted comments to the Department. At this point, we're waiting to see what the revisions look like.

SENATOR SMITH: We're going to be spending a lot of time on site remediation this year. So when you submit your comments to the

Department, it would be helpful to your point of view to also submit copies to all the members of the Environment Committee so we could take a look. And I'd suggest that on both sides, the Assembly side as well.

MR. RUSSO: Okay.

SENATOR SMITH: All right?

MR. RUSSO: Thank you.

SENATOR SMITH: Thank you very much.

Jeff Tittel, Sierra Club.

**J E F F T I T T E L:** Thank you, Mr. Chairman.

I'll try to keep it specific for some ideas, but I just want to start off with a general comment.

As the State of New Jersey is moving forward in trying to grapple with fiscal and environmental problems, we really need to become a lot more strategic; that the systems that we have put in place over the years have evolved from many different places, at different times, with different pieces of legislation. And I really think we need to start pulling things together to look at a lot -- look at things a lot more holistically, to look at secondary and cumulative impacts, and to have a much clearer system of standards and guidance so that we can move forward in a more timely fashion, but in a way that actually protects the environment better.

And so I think, first and foremost -- I think that New Jersey should think about something that other states have, whether it's Vermont's act 206; or Massachusetts SEQRA process, which is a mini NEPA process. And the concept is that for large-scale development projects, whether they're governmental funded or not, over a certain threshold -- that there has to be an environmental review permit. And the

idea of doing that is so that you look at the site in its complexity. And once it either passes muster or comes up with a needs for mitigations and offsets, it goes forward.

And the reason I say that is, right now, we have the DEP -- which I sometimes call the *compartment of environmental protection*, because you have to run all over the place. You're working on a contaminated site, and you have to go over to the site remediation program. And then you realize that there's a wetlands on the site, so you've got to go to the wetlands program. And then you've got to go over toward, maybe, stream encroachment, and then stormwater. And there are so many different places.

But in that process, no one is looking at, "Is this a good project to begin with? How does it fit in with all the different environmental conditions on the site?" And I think because we have such a compartmentalized system, it takes a lot longer. And as you've heard me joke in the past, we always call it the *department of eventual permits*. Because if you're willing to jump through enough hoops, do enough studies, scream and yell enough, you usually end up with your permit. It may take a lot longer.

And I think by having a clearer measure up front on the environment -- looking at the site -- and allowing the other permits to come out of that process, I think you can move things more expeditiously but in a way that also helps protect the environment. Because, right now, no one is looking at: every time we cross a stream, what's the impact to that watershed. You can keep crossing one time after another until the whole stream pretty much becomes -- cross from one side to the other. It's the

same thing with wetlands. We keep filling in watersheds without realizing what the cumulative impacts are and why we have downstream flooding.

So I think one of the reforms we need to look at is really how best to reform our permitting process so that we protect the environment better, look at the secondary cumulative impacts, and be more strategic.

I also think that when you look at the other issues that are out there that are -- whether it's site remediation -- having a clearer guidance system, instead of the voluntary program where everybody kind of dances around the issues, will move things quicker. If a responsible party is willing to come in and do a more aggressive cleanup, as we've tried in Jersey City, then you can go through -- should be able to go through the process quicker, versus the system we have now, where everybody kind of dances around. And the environment doesn't get as protected, and the regulated community complains all the time. And I really think that we need to look much more specifically in that area.

Also, one of the issues that we plan on working on this year is on the relationship between transportation, and land use, and global warming. The Sierra Club has been doing a lot of work on this nationally in trying to come up with a methodology that would work to help tie the different issues together.

The other-- One part of that, I think -- which would be important -- is to have a trip reduction program. Whether we widen highways or not -- especially now that we may be raising tolls -- having large employers working with the State in a cooperative basis to actually have carpooling and vanpooling will, one, protect the environment, help limit global warming; but help save people money on tolls. So I think that may

be another issue that we should look at as part of the overall global warming picture and transportation picture.

Water will always be a big issue, because New Jersey, I think, has severe problems. And, again, being strategic, we want growth in New Jersey; but one of the problems we face is: some of the best areas in the state for growth have limited availability for water and for sewer. And I'll use the example of southern Bergen County, where the BCUA is overcapacity and needs a major upgrade. We have a lot of brownfields in other areas that could be redeveloped, but there's no capacity. The city of Newark, under a previous mayor, sold a lot of their water supply capacity to the suburbs to get quick fixes of money, and now they don't have the amount of water they need for the redevelopment of the city.

So we really need to take a strategic look, not only where growth can go because of lack of environmental constraints, but also what are the resources that are going to be necessary, from an infrastructure standpoint to make it happen. Where do we need to invest in water? And so we're running a water line out into the middle of a farm field in the middle of nowhere while, at the same time, 25 percent of the water in the city of Newark is leaking into the ground because no one is repairing those lines. It doesn't make sense from either a sprawl standpoint or from a redevelopment standpoint, and it definitely doesn't make sense from a water standpoint.

I also would just like to say that the concept of developing stormwater authorities is something that we've worked on in Florida and other states, and I think it's something that's absolutely necessary.

And then my last and final point is on open space. As we need to invest in infrastructure, whether it's transportation, water supply, or wastewater, we also need to invest in open space, because it is a key component of New Jersey's infrastructure. And I think we need to come up with a way of doing it that will help not only further the environment, but also further the State's economy. Seventeen million people a year visit our State Parks. Outdoor recreation and tourism is a \$3.4 billion industry in New Jersey. And so investing in open space not only makes sure that we have sustainable agriculture in New Jersey, helps protect our water supply, but also helps protect our economy. And so we need to come up with a way of doing it in a balanced way that will move New Jersey forward, just as we do with other pieces of infrastructure and with the environment overall.

Thank you.

SENATOR SMITH: Thank you, Jeff.

Mike Egenton, New Jersey State Chamber of Commerce.

**MICHAEL E G E N T O N:** Thank you, Chairman.

Thanks for the opportunity to offer some remarks.

And congratulations to the new members of the Committee.

I'm Mike Egenton, Vice President of Environment and Transportation with the State Chamber.

I won't repeat some of the issues that were brought up from some of the other business representatives, Chairman. I just want to highlight some of the issues that are important on the Chamber's agenda.

Obviously, you talked about site remediation, expediting the cleanup process, and protecting the environment while accomplishing cost-effective site remediation. Chairman, we're a resource to help with those

endeavors as you look on, hopefully, focusing on the process at that the Department, and helping us promote economic development and brownfields development in all the right places.

We have to keep in mind, at the same time, the challenges that are before us. As we go away from the pristine parcels of land and start to develop in those areas, there are challenges of developers with regard to natural resource damages, permit delays, environmental justice, and other litany of issues. So we look forward to that.

The State Chamber, under the Platform for Progress, put together a benchmarking study with data that we will provide to the Committee as we move forward on that endeavor.

The Department -- DEP is also in the process of sort of, in the enforcement division, looking at a stewardship policy. We would encourage this body be involved in promoting sort of a stewardship within enforcement that recognizes good actors.

When we had sort of the spot checks done in Camden and Paterson, Chairman, over the years, one of the encouragements that I gave Commissioner Lisa Jackson when she was in enforcement was, understandably, you're going to find violations and such. But when you walk into somebody -- say, like, the dry cleaner -- and everything is being done on the up and up, and you get a good, clean bill of health, there should be some recognition of that, sort of a thumbs up, maybe a plaque or something for that business as they comply with the litany of regulations.

In the area of recycling, the Chamber was the organization that worked collaboratively with the Association of Recyclers, New Jersey Association of Counties, and other groups in the Reinvigorating Recycling

Coalition. We continue to do countywide, business-to-business seminars to help promote recycling within the state. One of the encouragements I would suggest is-- There's still a problem, I think, in getting the message out to the individual citizen and particularly the schools, Chairman. So if you're looking to push those recycling numbers up, maybe there could be some outreach to the schools, both at the grammar school, high school, and college level, to see what they're doing as far as recycling is concerned.

Senator Ciesla mentioned about collaborative efforts with the departments, particularly Transportation. I happen to work on environment and transportation issues for the State Chamber. I highly encourage that. There's a lot of overlap. It's amazing how, over the years, I would go to meetings at DEP, and I would go to the same meetings at DOT. For instance, when we were looking at the big map, and when I went to DOT and asked them -- we were working on the general aviation, small airports -- and where their future lies in that map -- they didn't talk to DEP, as far as where those airports were going to be. They weren't even consistent on the map. So there has to be some collaborative effort there.

I think there are a lot of good things that we can do with that, like transit villages and things of that nature, as you're trying to get more vehicles off the road and such. So there should be more of a collaborative effort, through this body, on transportation issues linked to environment.

And I will also say, Chairman, with regard to the new Commissioner at DCA, Joe Doria-- And hearing Commissioner Doria speak about the importance of housing, an issue that's important to the State Chamber because our employees of the state need affordable housing as well-- And interestingly enough, those who will build these houses have the

same challenges when it comes to the environmental rules and regulations. So I would encourage a collaborative effort there with Commissioner Doria as we're looking to promote and advocate more housing.

Finally, Chairman and members of the Committee, you've heard me say this time and time again, and I'll bring it up until the cows come home. It's no surprise that the economy is sputtering. The financial market is in an up and down fluctuation, and companies are really worried. And as new ideas and suggestions are crafted into legislation, we strongly urge this Committee to keep in mind that everything that passes through here that has some financial component -- whether it's a tax, a fee, or an assessment -- will have an impact on the overall business climate of the state. Priority number one must be, as a body and collectively, to get our fiscal house in order. The State cannot afford, right now, to continue to spend money, no matter how critical the issue or the cause, until we get New Jersey back on a better financial standing and, obviously, we see to what effect the Fiscal '09 State budget has in store for us.

Commissioner Jackson mentioned a \$2 billion hole. We have it estimated probably as high as \$2.5 billion, maybe \$3 billion. That coupled with some of the high priority issues that you as legislators, when you cast votes on the Senate floor -- are looming. And that, I would mention, includes whatever happens with the Paid Family Leave issue that's up at 1:00 today in the Senate Budget Committee, school construction, health care, the Transportation Trust Fund, and open space funding. You have a lot of big issues to grapple with, so please keep those in context as we look to promote and advocate some of the programs here through this Committee.

Finally, as far as principles are concerned, I would suggest that anything that comes through this Committee -- obviously as we're crafting legislation -- that the State base any new environmental laws and regulations on what we always used to call *sound science*. And, obviously, I would ask that you would advocate and apply Federal standards where appropriate.

I'd also, in the-- Since some of the comments have come up on regulations and some of the problems or hurdles that we've had with it in the past, Chairman, I would suggest that if, collectively, you hear from enough of us-- I know there was a committee years ago -- a legislative oversight committee -- that used to address those problems. Maybe that's another role that the Senate Environment Committee can take on, if we see that things that have passed through here don't stand the muster within the DEP, and there's enough of us that say there's problems in implementation, and in standards, and consistency.

And finally, Chairman, I guess the resounding voice of the business community is -- and you've heard it time and time again -- we need more predictability, we need certainty, we need finality when it comes to permits, when it comes to building and construction, when it comes to economic development. We are in a competitive challenge with our surrounding states. So I encourage you all to keep those issues and principles in mind.

I appreciate the opportunity to testify.

SENATOR SMITH: Thank you, Mike.

MR. EGENTON: Thank you.

SENATOR SMITH: Let me ask two advocates of the ocean to come forward: Tom Fote, from the Jersey Coast Anglers; and Cindy Zipf, from Clean Ocean Action.

Cindy, let me ask you to go first.

CYNTHIA ZIPF: Oh, great.

Thank you, Mr. Chairman.

Hello, Committee.

My name is Cindy Zipf. I'm Executive Director of Clean Ocean Action, which is a coalition of 125 organizations representing boating, business, surfing, diving, environmental, commercial and recreational fishing interests; religious, service groups. I think you get the idea. It's a very broad-based coalition that's been an advocate for a clean and healthy marine environment since 1984. We have worked successfully with Federal and State leaders. Many of you are here today. And we have come a long way for the Jersey Coast. No longer are we the ocean-dumping capital of the world.

Indeed, we ended ocean dumping of eight sites, prohibited industrial strip mining of our very critically needed sand resources, worked to prohibit offshore oil and gas development, closed industrial pipelines, and reduced ocean discharges of raw sewage.

It wasn't easy, but we did it. We brought the Jersey Shore back. We've transformed it from a polluters' playground and the laughingstock of the nation to a premier shore destination and an essential economic engine for the state. Today, swimmers see their toes, fishermen are fishing, and now we need to lock in that success.

And that's what I'm here to talk to you today about: the Clean Ocean Zone, a legislative initiative to permanently protect on that success. To date, it has the support of over a hundred organizations, 43 municipalities, and nearly 20,000 citizens. Why is it needed? Because there are those that see the ocean as the next vast industrial complex or park. And make no mistake, the industrial proposals loom.

There is now a race. There are two proposals for two foreign fossil fuel mega-projects. Not only is more fossil fuel used, in the wrong direction to reduce greenhouse gas emissions, but also these projects are proposing technologies that have never been proven anywhere else in the world.

One, ironically called Safe Harbor, would require the dumping of millions of tons of material into the ocean in a ridiculous effort to build the world's first open ocean island, and then slap an industrial LNG facility on top.

The other proposal by ExxonMobil is a floating LNG facility, off Manasquan Inlet, called BlueOcean Energy. When this same unproven floating technology was proposed off the California coast, Governor Arnold Schwarzenegger rejected the proposal due to environmental concerns. Closer to home the floater technology is being proposed in Long Island Sound and is called Broadwater.

Connecticut Governor Jodi Rell vehemently opposes the project. And her Attorney General, Richard Blumenthal, has committed to take every effort to prohibit the environmentally harmful proposal. However, Connecticut's solution is very simple: put the Jersey Shore at risk. To quote Mr. Blumenthal, "The Exxon proposal off the Jersey Shore is a

clear, direct alternative to Broadwater” -- the one in the Long Island Sound, -- “which is obviously-- “The Exxon proposal is far less dangerous and destructive to the environment.” It is the same environmentally destructive technology that they’re opposing in Long Island Sound. But somehow Connecticut politicians think the ocean off our coast is not worthy of the same protection.

We worked hard to bring our ocean back. And the extraordinary economic benefits they provide must be protected. And so we, along with our colleagues, support many initiatives that have been talked about: the funding for open space; water quality protection; measures to promote energy conservation and efficiency to address global climate change, which is also an extraordinary economic opportunity for our state; and examining the benefits of creating a stormwater utility.

But we are here today to ask the New Jersey Senate to support a Federal legislative initiative called the New Jersey/New York Clean Ocean Zone. And it would be in the form of a Senate resolution -- ideally a joint resolution between the Senate and the Assembly -- as well as accompanying legislation. It’s a simple concept. The legislation would prohibit transportation activities through New Jersey waters for any purpose or action related to the activities prohibited in the Federal Clean Ocean Zone. These prohibitions would include new ocean dump sites, new point sources of pollution and increases of discharge capacity, permanent extraction of our nonrenewable resources like sand -- we need it where it is and near to shore -- industrial-- It would prohibit industrial and fossil fuel energy facilities and infrastructure, and the legislation would also require

responsible regulations and criteria for the development of offshore renewable energy facilities.

As you may know, support for the Clean Ocean Zone was specifically highlighted by then-Acting Governor Richard Codey in his landmark New Jersey Coast 2005 agenda.

The above is Clean Ocean Action's greatest priority. It's a quick and easy answer, and it would send a strong message to Congress, the nation, and citizens that we will not go back to the bad old days of the Jersey Shore. Our economy and our quality of life are at stake.

Thank you for the opportunity.

SENATOR SMITH: Ms. Zipf, have any states adopted the coastal protection zone legislation?

MS. ZIPF: This is the nation's first. We are proposing that New Jersey and the New York area be a landmark initiative. This would be the ocean -- this would be the first Clean Ocean Zone in the nation. And it is based on all the hard work that so many of us have done. It specifically deals with the industrial and habitat-destructive activities, such as the fossil fuels that I talked about. And it just basically locks in the political reality that we worked so hard for.

SENATOR SMITH: Thank you very much.

Mr. Fote.

**T O M F O T E:** I'd like to thank this Committee for passing the park bill last session. And I'd like to thank the Senate President for basically putting it up for a vote, which was passed unanimously. It's a shame that the Speaker didn't have the time to get it posted in the Assembly, and we're going to have to start this process all over again to go through. And

hopefully you'll support it. I know Senator Jeff Van Drew is the co-sponsor of this legislation, so we'll hopefully get this moved through. The same thing with the Hooked on Fishing, Not on Drugs bill that you passed last time -- we failed to get through. And as you've notice, we're never involved with controversial issues. (laughter) So I'll talk about when that--

SENATOR VAN DREW: And if there aren't some, they'll find them. (laughter)

MR. FOTE: Well, I mean, the summer flounder, as you know, Senator, is a tough issue along the coast and has brought a lot of heat.

But what we really haven't gotten to is the underlying cause of why we don't have a summer flounder population, winter flounder population, or a whole bunch of other species that are there, that were there before and should be able to build to higher stocks.

You just have to look at the study in Jamaica Bay, when we look at the winter flounder there. And the New York Sea Grant has looked at and found that there are nine females to one male, and the male has female genes. Look at the study in the Colorado River. Above the sewer plant, the ratio of females to males is 52 percent females, 48 percent males. Below the sewer plant, it is 76 percent female, 12 percent males, and 12 percent contain both organs. We are basically putting drugs down the drain that are causing this.

John and I have talked, Kevil and I have talked about this over the years -- how do we basically eliminate that? When a hospice nurse goes into a house after a person passes away, what does he or she do? The first thing is flush all those drugs down that toilet bowl, right into the ocean, or into the rivers, and streams. When a hospital has expired drugs in the

hospital, they basically empty them out, and they flush them down the drain. We cannot afford to do that anymore. We cannot get rid of the drugs that we're taking to live longer lives and basically -- that are basically winding up in the sewer systems. And none of those-- People don't realize that none of those sewer systems treat that or take that out.

The Commissioner, I guess, is doing a pilot project in Camden -- put a water purification system -- that they are going to take it out of the drinking water when it goes back in. But we're not taking -- and it's affecting fish habitat. And it must be affecting us.

You know, we look at the increases in autism and everything else that goes on in this state and other states. And we think about the water we drink. We know it has caffeine. We know we can find Prozac in fish now. We know that it causes -- if you put Prozac in a tank with oysters and clams, it basically causes them to spawn. This is-- All these kinds of effects-- It's a sleeping giant, as I said in numerous of articles, that is worse than global warming in some ways. Because global warming -- we can build this giant bulkhead around Trenton when the water gets too deep. But if we screw up with the gene pool -- as Agent Orange vets like me know -- we basically affect the next generation, and the generation after that. So I think that would be one of our top priorities in the coming years.

The Federal government -- congressional hearing -- is going to have on it this year. Hopefully-- We were hoping for a joint committee between Health and Environment. And maybe this is the way we should be looking at this issue. This issue is both freshwater and salt water. And it really is--

Now we're talking about recharging. One of the areas we're looking -- about recharging sewer water. When we look at the studies, we find that those drugs, those chemicals, the surfactants, and everything else are in -- are going out into the system. So we're causing the next problem. There's a cause and effect for everything we do, so we need to look at, seriously, what the effects will be of that cause.

And I guess, since I'm Legislative Chairman for the New Jersey State Federation of Sportsmen's Clubs, I should also talk about the hunting and the fishing licenses, as was discussed by the Commissioner.

It has become very-- I'm not a hunter. I don't hunt, but I do represent them on environmental issues. It's tough to hunt in this state. It's amazing how many hunters don't buy a license in this state anymore, but hunt someplace else because it's more available to hunt on those pieces of property. It's a problem because we're built-up. There are restrictions on how close you can basically fire a gun, and a bow, and everything else. It's just the mentality of some -- where people have-- Look what happened in Essex County yesterday when they announced the deer hunt. I mean, more people are killed by deer than any other animal in the United States, because we hit them with our cars. And we need to curb that population.

So, with that -- I know your busy schedule. Thank you for this time. We will be working with your Committee on all those issues. And thank you for all the new members, which I have worked with before down in the lower House.

SENATOR SMITH: Tom, thank you for coming in.

We'd appreciate it if you'd send in any information you have about the medicines, and discharges, and the effects that are -- may be caused. We like to see whatever research there is, if you have some.

MR. FOTE: I have about 25 studies that I could give you.

SENATOR SMITH: That would be great. If you could give us those references, we'd appreciate it.

Thank you so much.

I'm going to ask Tom Wells, from The Nature Conservancy; and Cheryl Reardon, from the Association of New Jersey Environmental Commissions to come on up.

I have a feeling you might be talking about the same thing. Could be wrong.

Whoever wants to go first--

**C H E R Y L R E A R D O N:** Good morning.

SENATOR SMITH: Good morning.

MS. REARDON: My name is Cheryl Reardon, and I'm here representing the Association of New Jersey Environmental Commissions, as well as the South Jersey Bayshore Coalition, which is comprised of 21 nonprofit organizations which have conservation and environmental interest in the New Jersey/Delaware Bayshore region. SJBC's mission is to preserve the cultural heritage and environmental integrity of the South Jersey Bayshore. The Coalition seeks to build state and local awareness and appreciation of the South Jersey Bayshore, leading to its protection. ANJEC, the Association of New Jersey Environmental Commissions, coordinates the Coalition, organizing meetings and facilitating communication between the member organizations.

Since its inception, the Farmland Preservation Program has preserved about half of its goal of 3,000 acres needed to sustain New Jersey's agricultural industry, thus protecting our regional food supply. Locally grown produce has become ever more important due to increased risks of food contamination posed by security threats and uncertain conditions and controls of food production, packaging, and transportation outside of our borders.

In addition, local produce provides an alternative to the high-energy demands and resulting carbon emissions caused by transporting food to New Jersey from around the world. It should be noted that, on average, every food item consumed in this country travels 1,500 miles from production to end use.

In order to reach the goal of securing a viable agricultural landbase, we must have a stable and permanent funding source for the Garden State Preservation Trust, for farmland as well as open space protection. Preservation efforts continually compete with development pressures, rising land costs, legal challenges, ever-changing COAH requirements, and limited funding sources.

SENATOR SMITH: Cheryl, we're all in agreement with that. Do you have any-- Does your group have any suggestion on what that funding source should be?

MS. REARDON: Well, actually, in Salem County, in the last election, we highly supported the Garden State Preservation Trust Fund. And we do need to move forward, whether it coincides with the Turnpike monetization or a separate-- We have to find a permanent funding source.

SENATOR SMITH: So you don't have a specific recommendation on the source?

MS. REARDON: No, but we're willing to work with you in whatever one that you might come up with.

SENATOR SMITH: All right. Well, we're all agreed on the principle. We need money for open space.

MS. REARDON: Okay. And we are willing to work with you.

SENATOR SMITH: Good.

MS. REARDON: One other thing that I would like to mention is mining in the South Jersey Bayshore region.

SENATOR SMITH: Sure. Go ahead.

MS. REARDON: I'll just talk about the Burden Hill Forest area, which is a very unique ecosystem. And over the last few years, there have been mining operations, both there and in Cape May, which -- new mining operations, expanding mining operations. They're basically stripping our old forests and--

SENATOR SMITH: Is this sand mining?

MS. REARDON: It's sand and tree mining -- logging -- both.

SENATOR SMITH: Okay.

MS. REARDON: The wood is being sent out of New Jersey to Europe and the Middle East for furniture making. And we would just like to request this Committee to use regulatory powers to protect our old forests and these unique ecosystems that don't-- Once they're gone, it will take centuries to replace.

And just one other thing, is the field drainage tiles. I'm sure that they're in North Jersey, but we're very -- we're becoming more familiar

with them in southern New Jersey. And they were installed post-Civil War to bring agriculture to areas that were basically wetlands. And they were -- most of them were put in by the Army Corps of Engineers. And they can run for miles, and they usually drain to a water body. And what is happening is, as lands transform from agricultural use to residential housing developments, the field tiles are rarely dealt with by local planning boards or county planning boards. Boards of health don't recognize them. And they're often haphazardly removed. Some remaining -- they'll move the water to a drainage retention pond, but there are other field tiles that will remain. And what happens is, when septic systems are installed, they can be installed very close to where there was a field tile, and no one is even aware of it. And the nitrates from the septic systems then drain into the field tiles and have a direct route to our waterways. And it's a very dangerous situation. And we have had the DEP come down to Salem County, given them -- and Cumberland County -- given them tours, showing them how these tiles drain continuously. There used to be many vernal ponds in these areas, which have been filled in. And when they're disturbed, another area will flood. The farmers know where they are, they know when there's a problem. But when the developers come in, it changes all that. And we really need-- The only stipulation that the DEP has is that if field tiles exist in an area where there are hydric soils, that the tiles can be removed for a period of one year or average rain fall. But, honestly, it rarely happens. It's just totally overlooked. And I would really hope that this could be addressed in the future.

SENATOR SMITH: Thank you very much for your comments.

MS. REARDON: Thank you.

SENATOR SMITH: Mr. Wells.

T O M W E L L S: Thank you very much, Mr. Chairman, and members of the Committee.

I represent The Nature Conservancy. We're an international organization. We have a Chapter here in New Jersey with about 29,000 members. We've participated in the preservation of over 44,000 acres around the state. And we maintain 36 nature preserves around the state, totaling about 22,000 acres, built mainly through the support of the Green Acres program and the matching grants program for nonprofit organizations.

Just to give you an idea of the scale: the size of our number of preserves is equal to about a large county park system. And, in fact, we have one preserve in Senator Van Drew's district, our Cape May Migratory Bird Refuge, which we facilitate the visits in the range of about 350,000 per year to that preserve, which is a mecca for wildlife watching and bird watching through the years.

SENATOR SMITH: I imagine it's a pretty busy place during the World Series of Birding?

MR. WELLS: Absolutely. Yes, it's very-- But it's busy other times, as well. It's busy during the shore bird migration, it's busy during the raptor migration in the Fall. So it's a great resource. And I think it--

I'd like to echo some of the comments of other people who talk about the economic impact of some of the preserves and the open space around the state. It draws a lot of tourism dollars to Cape May County -- that and some of the other sources of money there.

Just to give you an idea, we don't have enough Green Acres matching funds to complete projects that we're negotiating on right now.

SENATOR SMITH: Now, are those projects acquisition or are they actual infrastructure?

MR. WELLS: They are acquisition.

SENATOR SMITH: Okay.

MR. WELLS: They're all acquisition preservation projects.

Now, clearly with the funds that we anticipate -- and we can't really know what those will be -- but from funds that we would get from this year's budget, plus the \$200 million -- and thank you, members of the Legislature, for approving that stopgap funding -- we anticipate that we'd be able to run an efficient program and deal with some of the offers and the negotiations that we're in the process -- for another year or so. And at that point, if another funding source isn't identified, our efforts would slow to a crawl.

And I know you asked about ideas. We're in support of possibly some kind of a water-user fee. I know you've championed that cause in the past. We'd like to work with you on that. If the monetization plan that the Governor has put forward does pay off the debt related to the GSPT, perhaps the stream of funding that's within the dedication of State sales tax -- that could maybe be another factor.

Clearly, nobody has the silver bullet. And we're going to work with you, and other members of the Committee, and the Legislature to figure out what those sources should be.

But we're just here to say that even though we did pass the stopgap measure, we haven't gotten to the finish line on this, and we really

need to move forward. And I know I'm preaching to the choir when speaking to you on this issue.

SENATOR SMITH: It's okay. We always like to hear that there are more members of the choir out there.

MR. WELLS: In terms of some of the open spaces that we've preserved -- and as you well know, we've preserved about a million acres throughout the state -- many of those are under siege from other impacts. Now that we've taken the development impact away from those, there are other things.

Unfortunately, the off-road vehicle registration bill died in lame duck. We hope that would be revisited in this current legislative session. Also-- I mean, that's got not only issues related to habitat preservation, but there's also liability issues. Off-road vehicles on our preserves are a huge liability issue for us.

And then the other issue that, hopefully, you'll be able to deal with later in this session -- hopefully later this year, not later -- second year of the session -- would be the Invasive Species Council, which has been studied by -- through an executive order. The Council hopes to make its recommendations to the Governor, hopefully by the Spring, maybe early Summer. And I think one of those recommendations is not a secret, which would be a permanent Invasive Species Council, which would help to pull all the issues together, all the information together, about invasive species. Because even though we've preserved these areas, many of them are overrun by invasive species, which will result in them not providing the ecosystem services and the benefits that we've preserved them for in the first place.

SENATOR SMITH: Right.

Just one thing we'd like you to take a look at: In the RGGI bill, the Regional Greenhouse Gas Initiative--

MR. WELLS: Yes.

SENATOR SMITH: --there is money set aside for stewardship there. That might be helpful to your organization.

MR. WELLS: That's great. I really appreciate that--

SENATOR SMITH: You might want to talk to the DEP about it.

MR. WELLS: --that effort. I think that's great. I know we're working on the national level to get that in cap and trade legislation as well. I didn't mention RGGI because everybody else did. But we are very much engaged in that and very supportive of the Legislature. I think New Jersey, and the region in general, will provide the model for national action.

SENATOR SMITH: We hope.

MR. WELLS: So thank you very much.

SENATOR SMITH: Thank you for your comments.

Let me ask Alison Mitchell, from the New Jersey Conservation Foundation; and Tom Gilmore, from New Jersey Audubon, to come forward.

**A L I S O N E. M I T C H E L L:** It is on? (referring to PA microphone) Okay.

Thank you.

My name is Alison Mitchell. I'm the Policy Director for the New Jersey Conservation Foundation. We're a statewide conservation group that's been working in New Jersey for 47 years now. We've saved somewhere in the neighborhood of 100,000 acres of land, much of which

we passed on to State agencies or county parks' organizations; but a decent amount of which we've retained -- somewhere probably around 20,000 acres or so.

I want to speak to a few issues. I have to echo many of my colleagues on the need for a permanent source for funding of the Garden State Preservation Trust. The bond act -- we're grateful for its passage, but it provided only interim stopgap measures -- funding, as you know. And we're already in a situation where landowners with very important properties for water resource preservation, for recreation, for farmland are being turned away because the State is running out of funds again. So that is definitely our top priority for this coming year.

I want to speak to forest stewardship. There is a real need to address the devastation of much of New Jersey's forest land, which is occurring basically because people are trying to meet the requirements of the Farmland Assessment program, which now encourages destructive cutting of trees in order to meet the income requirements. And I want to be clear, we are supportive, in general, of the Farmland Assessment program. I'm speaking specifically about the portion of the program that relates to woodlands.

I think the program worked fine when forests regenerated -- a number of decades ago when that regeneration process still worked. But it does not work in most of New Jersey. That's particularly true in the northern and central parts of the state. So we really need to change the Farmland Assessment Act, specifically as it relates to woodland management, to save the forests of New Jersey. And Senator Smith's

current forest stewardship bill is really, I think, ideal to address the problem. And we really hope to see it move forward in this coming year.

There is no good reason not to require better stewardship of both our public and our private forest lands, especially now given the forests role in carbon sequestration and its role in the fight against global warming. And, indeed, the money in the RGGI bill makes this whole proposition even easier. So we're very supportive of that bill, and we really hope to see it move forward.

A word about off-road vehicle damage, following up on Tom Wells' comments. We desperately need legislation to curtail the illegal use of off-road vehicles, both on conservation lands held privately by organizations such as mine, as well as State, county, and municipal lands. There is an Assembly bill in, and we thank the Senator -- Senator Smith for your support of a bill last session. This is a national problem, it's an environmental problem, it's a public safety problem. And we need legislation to register these powerful vehicles and to establish meaningful deterrents to riding illegally, while generating funds for rider safety and education programs.

The Conservation Foundation's properties are suffering, State land is suffering from the ORV damage. And we need to begin to get a grip on the problem. The DEP estimates about \$900,000 worth of expenditures each year to restore the damage that's being created by the off-road vehicles. And that doesn't even count the conservation lands held by groups like The Nature Conservancy and the Conservation Foundation. So I hope the members of this Committee will consider legislation like the bill sponsored by the Chairman last session.

I just want to finish with a comment on the issue raised by former commissioner Campbell earlier, about protecting soils on preserved farmland and the need to take some action.

We feel very strongly right now that there is a significant flaw in the Farmland Preservation Program. It does not actually protect the soil resources that, I think, generally the public expects it to do. The example that former commissioner Campbell gave about the farm in Franklin Township, in Hunterdon County, is an example of a problem that can occur right now on almost every preserved farm in the State of New Jersey. And what they are doing more specifically on that farm right now -- which is permitted under the program -- is, they are scraping and rolling -- compacting -- with a large mechanical roller, somewhere around 30 acres of preserved farmland. That farmland was preserved with taxpayer dollars. It's Quakertown soil. According to soil scientists at Rutgers University, it takes thousands of years for that soil to generate.

SENATOR SMITH: Is it being sold off-site?

MS. MITCHELL: I don't think it's clear what's happened here yet. I don't think it has been sold. I think, right now, it's probably being rearranged. So some of it's being scraped, and then they're rolling it with a compactor.

And I think, with all due respect to Ed Wengryn from the Farm Bureau and his comments about conservation plans being able to address water resource considerations -- with compaction and impervious cover, such as stormwater runoff, and recharge, and the like -- that doesn't get to the fact that we are compacting very important agricultural soils. And the program actually ranks and chooses the farms that it will preserve on the

basis of the soil resources on the property. And they're not being preserved, and we're very concerned about that. And we're hoping that something will be done in the very near future so that the problem is remedied.

Thank you very much.

SENATOR SMITH: When you get a chance, maybe you could send us some information about that specific farm so we could do a little further investigation.

MS. MITCHELL: Thank you.

SENATOR SMITH: Mr. Wells. (*sic*)

**THOMAS J. GILMORE:** Thank you, Senator.

My name is Tom Gilmore. I'm the President of the New Jersey Audubon Society. We're independent of the national organization. We co-founded them and predate them. And we have a statewide membership of over 24,000.

I want to thank the Senator for mentioning the World Series of Birding. That's our event. And it brings in several hundred teams literally from around the world -- thousands of participants.

SENATOR SMITH: Not only that, but-- I've made this suggestion before -- and I forget to whom -- but it would be a great thing if you could have a little -- sponsor a legislative field trip for the Assembly Environment Committee and the Senate Environment Committee -- not where our hands have to be held for the 24 hours, but maybe for two or three hours where you could actually go -- and not interrupt the team, but just go out and see how it works, see what dollars it brings into the state, in terms of ecotourism. I mean, it's a great event, and internationally known. And I don't know if all of our legislators realize just what a terrific natural --

nature exposure opportunity this is and what a benefit it is to the state. So let me just throw that idea at you.

MR. GILMORE: We would be delighted to do that, and we'd be delighted to have you participate in the event and see what's happening.

Also, we have a brunch the following day, and it's just amazing. Each of the teams get two minutes -- and to hear people from around the globe, and from states like Alaska, say, "Oh, my God, we can't believe the natural diversity and beauty of the State of New Jersey." So it's a great PR as well as economic event for New Jersey. And I appreciate you bringing it up.

We also maintain 10 environmental centers and 35 wildlife sanctuaries. But I'm here today in my role as Chair of the Keep It Green coalition (*sic*), a coalition of over a hundred organizations working to strengthen and renew the Garden State Preservation Trust. That's been talked about. I know it has your support. So I won't repeat what has been said.

But just a couple of points related to that: In 1997 and 1998, I had the pleasure of being the vice chair of the Governor's Council on the Outdoors. It was that Council that paved the way in the report for the creation of the Garden State Preservation Trust. And in that report, the Council called for not just acquisition, but -- to the Commissioner's comments earlier today -- funding for maintenance, and stewardship, and operations. And New Jersey brings in almost \$4 billion in ecotourism a year, supports over 37,000 jobs, and brings in \$170 million in sales tax from ecotourism.

Mr. Fote mentioned earlier that our hunters are starting to leave the state. I was at a three-day conference over the weekend in New Jersey -- had 10,000 fishermen coming. And the workshops on fishing the Catskills and the Poconos were standing-room only. They're investing in their parks, and they're getting our tourism dollars to leave the state. So I really want to make that call for this group to -- when we renew GSPT, make sure there is money in there to take care of our parks and forests.

We probably increased our preserved land in the last decade by about 30 percent. During that time, we reduced our staff in parks and forests by about 30 percent. So if we're going to have world-class parks and keep our ecotourism in this state, we've got to invest in that.

I know we're all concerned about taxes. But I want to remind this group -- and I know you don't need to be reminded -- but all 21-- In the last decade, all 21 counties, and over 230 municipalities -- citizens voluntarily voted to increase their taxes for open space. And they did that with the understanding that that was going to be matched and leveraged by the State, and so they're counting on those dollars for the local projects.

Thank you for the opportunity to comment.

SENATOR SMITH: Thank you very much.

SENATOR BATEMAN: Mr. Chairman, if may.

SENATOR SMITH: Yes, sir.

SENATOR BATEMAN: What's the date on the event, the World Series?

MR. GILMORE: It's a Saturday in mid-May. And what we'd probably like to do is do an event with you on Friday. And we'll get

working on the scheduling of that. Our Board of Trustees, who have some excellent birders on there, will take you around. It would be wonderful.

SENATOR SMITH: Right.

MR. GILMORE: Thank you.

SENATOR SMITH: And we're going to wear our boots.

MR. GILMORE: And we'll have binoculars for you, spotting scopes.

SENATOR SMITH: Yes, perfect. It sounds like a good plan.

MR. GILMORE: Thank you, Senator.

SENATOR SMITH: Thank you very much for your comments.

Mr. James -- is it Raleigh (phonetic spelling)? I can't read your handwriting, sir. So I apologize for that. You're Friends of Monmouth Battlefield, yes?

**J A M E S T. R A L E I G H:** Thank you very much for having this hearing and taking input.

My name is Jim Raleigh. I scrawled it badly on the form. It gives me a perfect lead to say I got here on time, and I want to commend you and the Commissioner for starting your hearing on time.

The reason my handwriting is scrawled is, I couldn't hear what the Commissioner was saying because I was standing outside the door. I would like to make a suggestion. When you get an overflow crowd like that, set up-- At least on the Web, I can replay it tonight and listen to it. It ought to be available in an overflow room to--

SENATOR SMITH: We never know how popular our hearings are going to be until we have them. (laughter)

MR. RALEIGH: I understand. But that leads me to the--

SENATOR SMITH: But it's a good suggestion.

MR. RALEIGH: --the next problem -- with what Senator Ciesla brought up about transportation and DEP. I was torn between going to the Assembly Transportation Committee meeting at 10:00 and this -- what I consider more important. But Senator Ciesla gave me a lead -- that maybe you have to work more closely with the Assembly and not put competing sessions in the same time slot. I know that's a little harder to do. But if we're going to set an example for the DEP and DOT to work together, we want to show the Assembly and the Senate are working together.

I didn't come with a prepared speech. I didn't want to devote the paper to -- more trees. And I've been busy making notes. I'm only a volunteer. And I guess that's the thing I want to say. I testified to the Senate -- the Assembly Tourism Committee on Friday that we need to make better use of the money we've got. We've got to be better coordinated, as Senator Ciesla said, between transportation and agriculture -- or he said transportation, somebody else brought up agriculture. And we need to coordinate within our departments to make better use of the limited money we've got.

I was going to say, on a positive side, I'm here because I jumped on the solar panel grant program three years ago. And this time of the year, my house is generating two-thirds of my electric bill. So at least I'm aware of some of these questions, and I'm trying to help.

But there are so many things where, I think, we're stubbing our toe. And I would like to say, from my standpoint as President of the Friends of Monmouth Battlefield, I see this again and again. I came back to New Jersey in 1972. AT&T was building a massive facility out in Basking

Ridge, they were building a facility at Bernardsville. The local zoning started to become aware of runoff from the parking lots. The AT&T and Long Lines buildings were built with limited parking space to encourage vanpools. The AT&T facility, which is now the Verizon headquarters -- this was in the '70s -- was -- took out their water fountain and their artwork -- with water, and electricity, and all of that -- and put in an earth sculpture. Down at Basking Ridge -- or at Bernardsville, they cut down the size of the parking more and then everybody complained, coming down 287, there was a constant line of vans coming up the road. Well, both of those facilities have been significantly downsized.

And the point is, a lot of what I've heard today is, we're reinventing the wheel from the '70s. Because we had the gas lines. And AT&T, having built that facility that they since abandoned -- and it went through a batch of hands -- apologized to the Governor for encouraging suburban sprawl. They said, "We should have been building close to more public transportation." But that's the point I want to get to at this point.

I testified in the last set of hearings on our open -- on our State plan, our Smart Growth -- whatever it was called at the time. I said, "We've got the wrong bogey in there." We've got a goal to increase public transportation by 15 percent. At Monmouth Battlefield, I have a problem with that, because I'm being impacted with highway widening, bus parking lots, and the Monmouth-Ocean-Middlesex Rail Line. Here's another case where we have letters from the National Park Service saying the Battlefield is supposed to be protected. But we have other people saying the most important thing is to build parking lots for people to get on buses. I think, in the case of Route 9, Route 1, and several other places, we need to be

careful that we don't add more people in the waiting line to go into the Port Authority, where we don't have any facilities, and encourage the growth of and expansion of rail transportation.

I could go on at length with other examples at Monmouth Battlefield. But I just wanted to make a point that we need to use what we've got and, in my case, use the volunteers. Because I used to be allowed to interpret the park, do trail work without State supervision. Now we've got the building closed when we -- when the State isn't there to supervise me. And the visitors from out-of-state have to go away with nothing.

Thank you.

SENATOR SMITH: Thank you so much for your comments.

Mr. Pisauero -- Mike Pisauero.

And there's Dave Pringle. Why don't we bring up Pisauero and Pringle as a tag team?

That's the end of our slips. But if there's anybody who the spirit has descended upon and feels the need, after Dave and Mike-- If anybody wants to speak, we'll take them as well.

Gentlemen, go ahead.

**MICHAEL L. PISAURO JR.:** Thank you very much.

My name is Mike Pisauero. I represent the New Jersey Environmental Lobby, a state organization made up of individuals, businesses, and other environmental organizations.

I'd like to thank you for this opportunity. And I will try to be extremely brief.

You've heard about open space. We need it. Open space provides not only recreational facilities, health benefit facilities, but also it actually helps protect our economic and environmental well being.

Jeff said earlier, in the very beginning -- if we all can remember back -- that we need a State-level NEPA. I think we do. Many, many other states have that. It helps-- It will probably help deal with the silo effect that you've heard over and over again. It will help coordinate things, so maybe the regulated community has a better certainty. NEPA -- one of the other great benefits is, it helps look at alternatives so we try to mitigate some of these unintended consequences.

With a State-level NEPA, I think we should also look at the precautionary principle. I think one of the prime examples -- and if I heard the Commissioner right, I would like to commend her. They did the studies on the crankcases for the buses. It was inconclusive and maybe even indicated there was harm. Instead of waiting to do something, if I heard her right, she said we're going to move forward with doing the tailpipes. We must--

SENATOR SMITH: I think she said they're still going to study it a little bit more.

She didn't say she was moving it, did she?

MS. HOROWITZ: Yes.

SENATOR SMITH: She did?

MR. DUHON (Committee Aide): She said she was looking to do tailpipes before the next school year.

SENATOR SMITH: Okay. Sorry.

MR. PISAURO: I think that's a great example. We have an issue. Instead of waiting to be proven, let's move to be protective. Let's not-- Let's move away from the concept of, "Let's prove that it is harmful." Let's assume that it is harmful, be protective.

Mr. Fote testified about the impacts that medicine and chemicals that are being dumped into our waterways are having. What type of economic impact that is having on our state, both in lost work days, additional treatment, medical costs -- astronomical. And I think if we actually took a look at it-- So if we instill a State-level NEPA, we take a look at really moving forward through a precautionary principle. Let's try to err on the side of caution.

I also think we should look at a constitutional amendment. We have tons of laws indicating that the State has a right and the citizens have a right to a healthy environment. I think that's a God-given right. I think we should have that. Multiple states have that. Hawaii, Illinois, Montana, California all have, in their constitutions, that we, as a society, have a right to a healthy environment; future generations have a right to a healthy environment.

And I'd like to-- Renewable energy and recycling: To some extent they go hand in hand. We need to-- We have laws on the books to promote it. Everyone agrees it's a good thing. Now we need to create the incentives in the markets to promote them. Every State facility should have some sort of renewable energy on it, whether it's vertical windmills, solar panels, whatever. The State should lead. It would help with the budget, as well.

Global warming: again, hand in hand. Recycling -- if we reduce the materials we use. Recycling materials take less energy than using virgin materials. In addition, with global warming, we should take a look at what other sectors we need to bring in -- transportation, refineries. It's a problem that we have to address. The economics of not addressing it, again, will be astronomical.

And lastly, I'd like to thank the Chairman and Senator Gordon -- when he was in the Assembly -- and Senator Karcher, and others for the Coastal and Ocean Protection Council. But CAFRA is a big issue. You've heard a lot of the issues directly or indirectly today. We need better enforcement of the laws that are there. And we need to close the 24-unit loophole. The impacts we're experiencing on our ocean from runoff -- impacts on fisheries, impacts on tourism -- it's harming the State, both economically and environmentally, and we need to look at that.

So I'd like to thank you very much. And I look forward to working with you all this year.

SENATOR SMITH: Thank you, Mr. Pisauero.

MR. PISAURO: Thank you.

SENATOR SMITH: Mr. Pringle.

**DAVID PRINGLE:** Thank you, Mr. Chairman.

David Pringle, Campaign Director for the New Jersey Environmental Federation. And I will do my darnedest to be brief and not be repetitive.

I do concur with virtually everything -- all the comments from the various environmental advocates that have testified today. And it's tough to make choices. And if we really want New Jersey to be as

environmentally and economically vibrant as we want it to be, we really can't make those choices. We can't choose between CAFRA, and site remediation, and open space funding. We need to do them all -- not all of them in this Committee this minute, but we need to do them all.

I'm going to talk -- some of these will be one-liners -- on the eight priorities for the Environmental Federation. Most of them are in your Committee and direct jurisdiction -- a few don't. But folks -- not just my organization, but I think the Legislature as a whole -- will be looking to your role as the Environment Committee and your thoughts on these matters.

The first is money. DEP is a shell of its former self. It doesn't have the resources. It hasn't recovered from the devastating cuts from the Whitman years. We're in-- And we're even in worse financial shape than we were then. So we're not anticipating a massive infusion of funds but, as this budget process goes forward, I hope this Committee, and the Legislature, and the Governor recognize that DEP has borne more than its fair share of cuts over the years. And that is truly critical. Most of the problems you've heard about today -- whether it be from the business or the environmental sector -- all requires DEP to have more funding, whether it be site remediation, permits not happening fast enough, not enough open space. It ultimately boils down to water -- excuse me, money.

That said, the biggest-- I find it interesting that there's been very little talk about the elephant in the room: toll hikes. And that's going to be dominating the discussion in the next few months. My organization doesn't have a position on the Governor's plan. I, frankly, think it's premature for anybody to have a position on the Governor's plan, because it hasn't been laid out yet.

SENATOR SMITH: Hence no comments on the elephant in the room.

MR. PRINGLE: Right. There are a lot of unanswered questions. There's also a lot of risk of unintended consequences. And I just wanted to talk about a couple of them as they directly relate to the environment.

Highway expansion: I've yet to see a road that has been expanded that has solved congestion in the long haul. All it does is-- We are at risk of increasing the state's already too (*sic*) reliance on autos, and now we're potentially going to become increasingly financially reliant. So we need to go down this road with open eyes, understanding those impacts.

Unintended consequences: It is very difficult to see how there won't be significant increased congestion on the non-toll roads because of folks avoiding tolls. And that will have significant environmental and quality-of-life impacts. I would like to see the gas tax and some other options explored more deeply that provide a lot of the same benefits as a toll hike, in terms of increased revenue, in terms of having out-of-state folks paying their fair share; but eliminating a lot of the risks for some of the unintended consequences.

There is not enough focus on mass transit and Fix It First in what the Governor has laid out. And that is a cause for concern. If we are in the financial troubles that we are, and we are going to require the political courage and leadership, then these toll hikes should happen now, not after the next set of legislative and gubernatorial elections. The Governor said he is willing to put his job on the line, then he should put his job on the line and push forward with this plan now, not in 2010.

The second major issue -- and I'll be very brief, because it's been discussed a lot -- is just the overall air, energy, global warming issue. I'd like to applaud the Committee for their leadership on the Global Warming Response Act. It is an absolutely critical piece of legislation.

Unfortunately though, it is the goals and not the details. And the Legislature really dropped the ball on the first important detail, and that being the RGGI legislation. It provides the funding, but it doesn't spend the funding in the right ways. It doesn't invest enough in energy efficiency, and it does invest -- at least permit investment in new fossil fuel generation.

The other thing equally -- and through no fault of the Chairman, because he is sponsoring the bills -- the two other very critical pieces of global warming response and limitation didn't move forward into law this past term. Two bills passed the Assembly and they passed the initial committees in the Senate, but died in the Senate Budget Committee. Your bill on green buildings, and requiring updated building codes; as well as Senator Karcher's bill -- I'm not sure who is taking it up this term -- on increasing energy efficiency of several appliances. That one -- the energy efficiency -- those bills would provide the amount of power that Oyster Creek does. So when we talk about the need to shut down Oyster Creek, or how can we shut down Oyster Creek -- two relatively small-potato bills save the same amount of power as Oyster Creek produces. So we will be working very closely with you as you move forward on that.

And unappreciated-- You know, ultimately, my organization is a water and environmental justice group. And what goes unappreciated in the global warming debate isn't just what's going to happen-- We don't have enough water, and what's going to happen and how will rainfall

patterns and the like change? In addition to the massive amounts of carbon that are emitted when we produce our energy from fossil fuels is the enormous amount of water that is used and wasted in the process. Right now in Georgia, they are-- The drought is so severe there that they are having trouble producing power, because they do not have enough water in the streams to draw. In the state of Washington, they've actually paid farmers not to farm so that there would be enough water to generate the power. So I think, as we move forward, we need to take a much closer look at how we're generating our power, not just from a carbon footprint, but also from a water footprint.

Third: site remediation. We're very much appreciative of your leadership in making that happen. There's a dire need for legislation. The administration led the stakeholder process that we participated in. It was very flawed. And I would say it failed, and worse than failed, because it just created months -- now years -- of delay. So I hope-- And I know it's your desire to expedite the Committee's review of what kind of reforms need to happen. Everybody wants faster cleanups. There is going to be lots of disagreement as to whether those cleanups are going to be cleaner or not. And we hope you will keep that in mind as you move forward.

Open space is our fourth. And these are in no particular order. Open space is a huge priority for us as well. We certainly support the water tax, certainly support existing sales tax revenue. As long as it's relatively fiscally responsible and socially just, we're there. And we recognize the political difficulty of either existing revenue or new revenue. And we will continue to work with you as we seek the magic bullet that might be politically tolerable.

I've already quickly mentioned water. I will just say there is an enormous amount of rules that are either moving forward in the DEP, or need to move forward, or are outright stalled. And I would say-- And I keep hearing the water supply master plan is going to be prioritized. But I keep waiting to see a water supply master plan at all, let alone one with teeth. We don't have enough water in this state, and what water we do have is too polluted. And we really need that document, we really need it to have teeth, and we really need DEP to have the resources and the political will to implement that plan.

SENATOR SMITH: Dave, I don't think you were here earlier when the Commissioner made that almost her top priority for the year.

MR. PRINGLE: Right. And I appreciate that, and I know she means it. But I also have heard that before.

The sixth priority is environmental justice and disproportionate impacts. Our urban, low-income, and minority communities bear too much of the burden of pollution in this state, whether it be from diesel, or contaminated sites, or what have you. The DEP does not have the authority -- not withstanding the Governor's commitment during the campaign to give DEP the authority -- does not have the authority to factor in cumulative and disproportionate impacts, whether it be on air permits, or site remediation, or what have you. And as you move legislation on these various issues, I hope we can keep that in mind.

Seventh is eminent domain -- obviously not the germane -- domain of this Committee, but it has-- We are a developer -- we have a developer-driven power structure in this state. And how we develop, where we develop, where the resources are utilized -- eminent domain has a lot to

do with it, especially when it comes to redevelopment. And we hope that you will, as environmental leaders, look at this as the legislation goes forward -- and Assemblyman Burzichelli and Senator Rice continue to duke it out on competing bills -- that you keep the environment and environmental justice in mind as that legislation moves forward.

And then finally: ethics. We aren't going to be able to do any of the things we talked about if we continue to fund campaigns and we continue to allow developers and contractors to fund campaigns and influence government the way we do. So we hope that there-- I was very pleased to hear the Senate President's and Assembly Speaker's commitment -- New Year's resolution to really come -- the strongest commitment I've heard them make to date, in terms of real pay-to-play reforms and continuing expansion of the public financing efforts. And I hope the Committee as individuals, and maybe even as a Committee, support that effort.

Thank you very much.

SENATOR SMITH: We appreciate your comments.

Is there anyone else who wishes to testify?

Mr. Wolfe, I think you may be the last one.

Anyone else? Raise a hand. Anything? (no response)

Okay, Mr. Wolfe.

**B I L L W O L F E:** Good afternoon.

My name is Bill Wolfe. I'm the Director of a group called New Jersey PEER. It's an acronym for Public Employees for Environmental Responsibility. We're a national- and State-based support group for environmental professionals in Federal and State agencies.

I'd just like to-- I have written comments, programmatically, about the priorities. And I'd just like to make two points. I won't go through the list of programmatic-oriented priorities.

But I wanted to touch base on your observation. And thank you for mentioning the coastal ocean commission -- council bill, and particularly with respect to ecosystem-based management. Because I think that's the thread that flows through virtually all the testimony I heard today. And I think there's enormous common ground, whether the objective is to streamline the bureaucracy, to promote economic development, to make better decisions, to have sound science -- through that as being the overarching policy and management framework where the competing concerns are brought together, and decisions are based on that. So I think that there's rich promise in that. And I'm hopeful that that council can start looking at it. But this Committee may want to sit down and try to bring together a work group that could look at how ecosystem-based management could be brought as the framework toward some of the business community's concerns, as well as some of the more emergent concerns with respect -- which I heard repeatedly today -- with respect to integration, better coordination, environmental justice, cumulative impacts, science-based decision making. Everybody who testified made very similar points from very -- maybe different perspectives. But when you look at how decisions are actually made within government agencies, the framework, frankly, is paramount. And we're dealing with antiquated regulatory frameworks that the Commissioner referred to as *silos*. And it was very refreshing to hear her talk about breaking down those silos. So I think that's very important.

Senator Ciesla made a very important observation about how it's done in Europe -- how things are done in Europe. And the European Union has a framework for precaution that could become the policy basis, and the management focus could be ecosystems. So I think that that's something that is very exciting, and I think it's something we could do. We always lead the way in New Jersey. And I think it's something we could look at in a formal fashion.

The second issue I'd like to just put on the table is, again, a fundamental one, which we're now, I think, experiencing a bad taste of, which is the citizens' engagement in government. And I think that there's deep mistrust, distrust, lack of respect for government. And I think that the way to take -- tackle that issue, frankly, is to do it headfirst, like we're doing today. Open it up, let the people have their say. And I think that the Governor is experiencing that firsthand, right now. But it's primarily through a very negative lens. But there are ways to do this, and you put one out there about the World Series of Birding. That's a very positive way to bring the public and bring government officials into a dialogue that puts people in safe territory and has a legitimate exchange of views. And you could have some real progress.

So I would hope that whatever we do, we're thinking about how the people in the street feel about things, how they're involved in things, and how it can be done in a way that promotes the integrity of government in a way that promotes democratic accountability. And I think that's the 800-pound gorilla that is in the room -- is the people and the democratic say-so of the State. And I'm just very pleased that we're starting the year and this Committee on that very positive note.

Thank you.

SENATOR SMITH: Thank you, Mr. Wolfe.

And let me thank everybody for participating today. And hopefully we'll do better legislation because of some of your suggestions today.

Have a great day.

**(MEETING CONCLUDED)**