

New Jersey. Legislature. Assembly. Committee
on Air & Water Pollution and Public Health.

Public Hearing on Assembly Bill #1429
"Major Coastal Area Facilities Review Act"

1972.

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Pollution and Public
Health.

Public Hearing on AB #1429
"Major Coastal Area Facilities
Review Act"

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PUBLIC HEARING

New Jersey Legislature before

"ASSEMBLY COMMITTEE ON AIR & WATER POLLUTION AND
PUBLIC HEALTH ,

on

ASSEMBLY BILL #1429

"Major Coastal Area Facilities Review Act",

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Held:
December 11, 1972
Assembly Chamber
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman John I. Dawes, Chairman
Assemblyman James J. Mancini
Assemblyman Donald H. Stewart

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* * * * *

ASSEMBLY, No. 1429

STATE OF NEW JERSEY

INTRODUCED JULY 17, 1972

By Assemblymen KEAN, APY, MABIE, FAY and BASSANO

Referred to Committee on Air and Water Pollution
and Public Health

AN ACT to provide for the review of major facilities in the coastal
area and making an appropriation therefor.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Major Coastal
2 Area Facilities Review Act."

1 2. The Legislature finds and declares that New Jersey's coastal
2 area constitutes a unique and irreplaceable natural resource, that
3 the economy of the area and of the entire State will suffer serious
4 adverse effects if the environmental impact resulting from the
5 future location of major facilities is not carefully assessed; that
6 decisions, concerning the location of major facilities, have such
7 broad reaching impact that they should not be made solely by one
8 level of government acting unilaterally, and that, therefore, the
9 State must assist in making that necessary assessment in accord-
10 ance with the provisions of this act.

11 It is further declared that it is in the best interests of the people
12 of the State that the coastal area situated along the Atlantic ocean
13 should be dedicated principally to recreational and compatible
14 residential uses; that the coastal area situated along the Delaware
15 bay should be dedicated principally to uses compatible with con-
16 servation and the shellfish industry; that the coastal area situated
17 along the Delaware river between the Delaware Memorial Bridge
18 and the extent of tide at Trenton should be dedicated to mixed uses
19 compatible with the environment of the area, and that future loca-
20 tion of major facilities anywhere in the coastal area shall be care-
21 fully assessed to be assured that adverse environmental impact is
22 minimized.

1 3. For the purposes of this act, unless the context clearly requires
2 a different meaning, the following words shall have the following
3 meanings:

4 a. "Commissioner" means the State Commissioner of Environ-
5 mental Protection.

6 b. "Department" means the State Department of Environmental
7 Protection.

8 c. "Major facility" includes any of the facilities designed or
9 utilized for the following purposes:

10 (1) Electric power generation—

11 Oil, gas, or coal fired or any combination thereof.

12 Nuclear facilities.

13-14 (2) Food and food byproducts—

15 Beer, whiskey and wine production.

16 Fish processing, including the production of fish meal and fish oil.

17 Slaughtering, blanching, cooking, curing, and pickling of meats
18 and poultry.

19 Trimming, culling, juicing, and blanching of fruits and vege-
19A tables.

20 Animal matter rendering plants.

21 Operations directly related to the production of leather or furs
22 such as, but not limited to, unhairing, soaking, deliming, baiting,
23 and tanning.

24 Curing and pickling of fruits and vegetables.

25 Pasteurization, homogenization, condensation, and evaporation
26 of milk and cream to produce cheeses, sour milk, and related
27 products.

28 Coffee bean and cocoa bean roasting.

29 (3) Incineration wastes—

30 Municipal wastes (larger than or equal to 50 tons per day).

31 Automobile body (20 automobiles per hour or larger).

32 (4) Paper production—

33 Pulp mills.

34 Paper mills.

35 Paperboard mills.

36 Building paper mills.

37 Building board mills.

38 (5) Public facilities—

39 Sanitary landfills,

40 Waste treatment plants (sanitary sewage).

41 Road, airport, or highway construction.

42 New housing developments of 25 or more dwelling units or
43 equivalent.

44 Expansion of existing developments, wherever present, or future
45 development plans projects by the construction of 25 or more dwell-
46 ing units or equivalent.

47 Any subdivision of parcels of land in sections 5.4 and 5.5 for
48 residential or any other purpose.

49 (6) Agri-chemical production--

50 Pesticides manufacture and formulation operations or either
51 thereof.

52 Superphosphate animal feed supplement manufacture.

53 Production of normal superphosphate.

54 Production of triple superphosphate.

55 Production of diammonium phosphate.

56 (7) Inorganic acids and salts manufacture--

57 Hydrofluoric acid and common salts.

58 Hydrochloric acid and common salts.

59 Nitric acid and common salts.

60 Sulfuric acid and common salts.

61 Phosphoric acid and common salts.

62 Chromic acid, including chromate and dichromate salts.

63 (8) Mineral products--

64 Asphalt batching and roofing operations including the prepara-
65 tion of bituminous concrete and concrete.

66 Cement production, including Portland, natural, masonry, and
67 pozzolan cements.

68 Coal cleaning.

69 Clay, clay mining, and fly-ash sintering.

70 Calcium carbide production.

71 Stone, rock, gravel, and sand quarrying and processing.

72 Frit and glass production.

73 Fiberglass production.

74 Slag, rock and glass wool production (mineral wool).

75 Lime production, including quarrying.

76 Gypsum production, including quarrying.

77 Perlite manufacturing, including quarrying.

78 Asbestos fiber production.

79 (9) Chemical processes--

80 Ammonia manufacture.

81 Chlorine manufacture.

82 Caustic soda production.

83 Carbon black and charcoal production, including channel, furnace,
84 and thermal processes.

85 Varnish, paint, lacquer, enamel, organic solvent, and inorganic or
86 organic pigment manufacturing or formulating.

87 Synthetic resins or plastics manufacture including, but not
88 limited to, alkyd resins, polyethylene, fluorocarbons, polypropylene,
89 and polyvinylchloride.

- 90 Sodium carbonate manufacture.
- 91 Synthetic fibers production including, but not limited to, semi-
- 92 synthetics such as viscose, rayon, and acetate, and true synthetics
- 93 such as, but not limited to, nylon, orlon, and daeron, and the dyeing
- 94 of these semi and true synthetics.
- 95 Synthetic rubber manufacture, including but not limited to,
- 96 butadiene and styrene copolymers, and the reclamation of synthetic
- 97 or natural rubbers.
- 98 The production of high and low explosives such as, but not limited
- 99 to, TNT and nitrocellulose.
- 100 Soap and detergent manufacturing, including but not limited to,
- 101 those synthetic detergents prepared from fatty alcohols or linear
- 102 alkylate.
- 103 Elemental sulfur recovery plants not on the premises where
- 104 petroleum refining occurs.
- 105 Used motor or other oil or related petroleum product reclamation
- 106 operations.
- 107 Petroleum refining, including but not limited to, distillation, crack-
- 108 ing, reforming, treating, blending, polymerization, isomerization,
- 109 alkylation, and elemental sulfur recovery operations.
- 110 Organic dye and dye intermediate manufacturing.
- 111 Hydrogen cyanide or cyanide salts manufacture or use.
- 112 Glue manufacturing operations.
- 113 Manufacturing, fabricating, or processing medicinal and phar-
- 114 maceutical products including the grading, grinding, or milling of
- 115 botanicals.
- 116 (10) Storage—
- 117 Bulk storage, handling, and transfer facilities for crude oil and
- 118 finished petroleum products not on the premises where petroleum
- 119 refining occurs.
- 120 Bulk storage, handling, transfer and manufacturing facilities of
- 121 gas manufactured from inorganic and organic materials including
- 122 coal gas, coke oven gas, water gas, producer, and oil gases.
- 123 (11) Metallurgical processes—
- 124 Production of aluminum oxide and aluminum metal and all com-
- 125 mon alloys, such as those with copper, magnesium, and silicon.
- 126 Production of titanium metal, salts, and oxides.
- 127 Metallurgical coke, petroleum coke, and byproduct coke manu-
- 128 facturing.
- 129 Copper, lead, zinc, and magnesium smelting and processing.
- 130 Ferroalloys manufacture such as, but not limited to, those com-
- 131 bined with silicon, calcium, manganese and chrome.

132 Integrated steel and iron mill operations including, but not
133 limited to, open hearth, basic oxygen, electric furnace, sinter plant,
134 and rolling, drawing, and extruding operations.

135 Melting, smelting, refining, and alloying of scrap or other sub-
136 stances to produce brass and bronze ingots.

137 Gray iron foundry operations.

138 Steel foundry operations.

139 Beryllium metal or alloy production, including rolling, drawing
140 and extruding operations.

141 Operations involving silver, arsenic, cadmium, copper, mercury,
142 lead, nickel, chromium, and zinc including, but not limited to, pro-
143 duction, recovery from scrap or salvage, alloy production, salt
144 formation, electroplating, anodizing, and metallo-organics com-
145 pound products preparation.

146 Stripping of oxides from and the cleaning of metals prior to
147 plating, anodizing, or painting.

148 (12) Miscellaneous—

149 Operations involving the scouring, desizing, cleaning, bleaching,
150 and dyeing of wool.

151 Wood preserving processes which use coal or petroleum based
152 products such as, but not limited to, coal tars and/or creosotes.

153 Manufacture, use, or distillation of phenols, cresols, or coal tar
154 materials.

155 Manufacture of lead acid storage batteries and/or storage
156 batteries produced from other heavy metals, such as nickel or
157 cadmium.

158 Installation of above or underground pipelines designed to
159 transport petroleum, natural gas, and sanitary sewage.

160 Operations involving the dyeing, bleaching, coating, impregnat-
161 ing, or glazing of paper.

162 Dyeing, bleaching, and printing of textiles other than wool.
163 Chemical finishing for water repelling, fire resistance, and mildew
164 proofing, including preshrinking, coating and impregnating.

165 Sawmill and planing mill operations.

166 d. "Person" means and shall include corporations, companies,
167 associations, societies, firms, partnerships and joint stock companies
168 as well as individuals and governmental agencies.

169 e. "Governmental agencies" means the Government of the United
170 States, the State of New Jersey, or any other states, their political
171 subdivisions, agencies, or instrumentalities thereof, and interstate
172 agencies.

1 4. The "coastal area" shall consist of all that certain area lying
2 between the line as hereinafter described and the line formed by the

3 State's seaward (Atlantic Ocean) territorial jurisdiction on the
4 east thereof, the State's bayward (Delaware Bay) territorial juris-
5 diction on the south and southwest thereof, and the State's river-
6 ward (Delaware River) territorial jurisdiction on the west thereto.
7 Beginning at the midpoint of the Garden State Parkway bridge
8 crossing the Raritan River; thence southeasterly along the Garden
9 State Parkway to its intersection with Everett Road (County 52);
10 thence southerly on Everett Road (County 52) to its intersection
11 with County Road 520; thence westerly along County Road 520 to
12 its intersection with S. R. 34; thence southeasterly along S. R. 34
13 to its intersection with County Road 537 at Colts Neck; thence
14 northeasterly along County Road 537 to its intersection with the
15 Garden State Parkway; thence southerly along the Garden State
16 Parkway to its intersection with Spur 549; thence northwesterly
17 along Spur 549 to its intersection with County Road 547; thence
18 southwesterly along County Road 547 to its intersection with the
19 tracks of the Central Railroad of New Jersey; thence southwesterly
20 along the tracks of the Central Railroad of New Jersey to its junc-
21 tion with the tracks of the Pennsylvania Railroad near Whiting;
22 thence easterly along the tracks of the Pennsylvania Railroad to its
23 intersection with the Garden State Parkway near South Toms
24 River; thence southerly along the Garden State Parkway to its
25 intersection with County Road 539 at Garden State Parkway exit
26 58; thence northerly along County Road 539 to its intersection with
27 Martha-Stafford Forge Road; thence westerly along Martha-
28 Stafford Forge Road to its intersection with Spur 563; thence
29 northerly along Spur 563 to its intersection with County Road 563;
30 thence southerly along County Road 563 to its intersection with
31 County Road 542 at Green Bank; thence northwesterly along County
32 Road 542 to its intersection with Weekstown-Pleasant Mills road;
33 thence southeasterly along Weekstown-Pleasant Mills Road to its
34 intersection with County Road 563 at Weekstown; thence south-
35 easterly along County Road 563 to its intersection with Clarks
36 Landing Road leading to Port Republic; thence easterly along
37 Clarks Landing Road to its intersection with the Garden State
38 Parkway; thence southerly along the Garden State Parkway to its
39 intersection with Alt. 559, and thence northwesterly along Alt. 559
40 to its intersection with County Road 559 at Gravelly Run; thence
41 northwesterly along County Road 559 to its intersection with U. S.
42 40 and S. R. 50 at Mays Landing; thence westerly along combined
43 U. S. 40 and S. R. 50 to its intersection with S. R. 50; thence south-
44 erly on S. R. 50 to its intersection with Buck Hill Road near Buck
45 Hill; thence westerly along Buck Hill (River Road) Road to its

46 intersection with S. R. 49; thence southerly along S. R. 49 to its
47 intersection with County Road 585; thence southwesterly along
48 County Road 585 to its intersection with S. R. 47 at Dennisville;
49 thence northwesterly along S. R. 47 to its intersection with County
50 Road 78; thence northerly along County Road 78 to its intersection
51 with County Road 548 and to its intersection of County Road 46;
52 thence to the intersection with the tracks of the Pennsylvania-Read-
53 ing Seashore Lines; thence northwesterly along the tracks of the
54 Pennsylvania-Reading Seashore Lines to its intersection with S. R.
55 49 at Millville; thence through Millville along S. R. 49 to its inter-
56 section with County Road 555; thence southerly along County Road
57 555 to its intersection with County Road 27; thence southerly along
58 County Road 27 to its intersection with County Road 70; thence
59 southerly on County Road 70 to the Center of Mauricetown; thence
60 through Mauricetown westerly on County Road 548 to its intersec-
61 tion with the tracks of the Central Railroad of New Jersey; thence
62 northwesterly on the tracks of the Central Railroad of New Jersey
63 to its intersection with County Road 98; thence easterly along
64 County Road 98 to the intersection with County Road 38; thence
65 northerly along County Road 38 to its intersection with S. R. 49
66 east of Bridgeton; thence westerly along S. R. 49 through Bridgeton
67 to its intersection with County Road 5; thence westerly along
68 County Road 5 to Roadstown; thence northerly on County Road
69 20 to its intersection with S. R. 49 at Shiloh; thence northwesterly
70 on S. R. 49 to Burdens Hill; thence northerly along unnamed road
71 to its intersection with County Road 581; thence northeasterly along
72 County Road 581 through Alloway to its intersection with County
73 Road 3; thence northerly on County Road 3 to the intersection with
74 the tracks of the Pennsylvania-Reading Seashore Lines; thence
75 northerly along the tracks of the Pennsylvania-Reading Seashore
76 Lines east of Woodstown to its intersection with County Road 551
77 southwest of Swedesboro; thence northeasterly along County Road
78 551 through Mickleton, Clarksboro, and Mt. Royal to its intersection
79 with S. R. 45 at Woodbury; thence through Woodbury on S. R. 45
80 to its intersection with U. S. 130 at Westville; thence northerly
81 through Westville on U. S. 130 to the intersection with County
82 Road 551; thence northerly along County Road 551 (Broadway)
83 through Gloucester and Camden to its intersection in Camden with
84 County Road 537 (Federal Street); thence easterly along County
85 Road 537 through Camden to its intersection with County Road 543
86 (River Avenue); thence northerly along County Road 543 to its
87 intersection with S. R. 73; thence southeasterly along S. R. 73 to its
88 intersection with U. S. 130; thence northeasterly along U. S. 130 to

89 its intersection with U. S. 206 at Bordentown; thence northerly
90 along U. S. 206 at Bordentown to its intersection with County Roads
91 533 and 524 at White Horse; thence northerly along U. S. 206
92 (Broad Street) to its intersection of U. S. 206 (Broad Street) with
93 Lalor Street in Trenton; thence Westerly along Lalor Street in
94 Trenton to its intersection with Lamberton Street in Trenton;
95 thence northwesterly along Lamberton Street to its intersection
96 with S. R. 29 (John Fitch Way); and thence northwesterly along
97 S. R. 29 (John Fitch Way) to its intersection with U. S. 1.

1 5. No person shall construct, expand or utilize or cause to be
2 constructed, expanded or utilized a major facility in the coastal
3 areas until he has applied for and received a permit issued by the
4 commissioner; however, this shall not apply to major facilities which
5 were constructed or utilized as such on the effective date of this act.

1 6. Any person proposing to construct, expand or utilize or cause
2 to be constructed, expanded or utilized a major facility shall file an
3 application for a permit with the commissioner, in such form and
4 with such information as the commissioner may prescribe. The
5 application shall include an environmental impact statement as
6 described in this act.

1 7. The environmental impact statement shall provide the in-
2 formation needed to evaluate the effects of a proposed project upon
3 the environment of the coastal area.

4 The statement shall include:

5 a. An inventory of existing environmental conditions at the
6 project site and in the surrounding region which shall describe air
7 quality, water quality, water supply, hydrology, geology, soils,
8 topography, vegetation, wildlife, aquatic organisms, ecology,
9 demography, land use, aesthetics, history, and archeology;

10 b. A project description which shall specify what is to be done
11 and how it is to be done, during construction and operation;

12 c. A listing of all licenses, permits or other approvals as required
13 by law and the status of each;

14 d. An assessment of the probable impact of the project upon all
15 topics described in a.;

16 e. A listing of adverse environmental impacts which cannot be
17 avoided;

18 f. Steps to be taken to minimize adverse environmental impacts
19 during construction and operation, both at the project site and in the
20 surrounding region;

21 g. Alternatives to all or any part of the project with reasons for
22 their acceptability or nonacceptability;

23 h. A reference list of pertinent published information relating to
24 the project, the project site, and the surrounding region.

1 8. a. Within 30 days following receipt of an application, the
2 commissioner shall notify the applicant in writing regarding its
3 completeness. The commissioner may declare the application to be
4 complete for filing or may notify the applicant of specific defi-
5 ciencies. The commissioner, within 15 days following the receipt of
6 additional information to correct deficiencies, shall notify the
7 applicant of the completeness of the amended application. The
8 application shall not be considered to be filed until it has been
9 declared complete by the commissioner.

10 b. The commissioner, within 30 days of declaring the application
11 complete for filing, shall set a date for the hearing. The date for the
12 hearing shall be set not later than 75 days after the application is
13 declared complete for filing.

14 c. The commissioner, within 15 days after the hearing, may re-
15 quire an applicant to submit any additional information necessary
16 for the complete review of the application.

1 9. The commissioner, or a member of the department designated
2 by him, shall hold a hearing to afford interested parties standing and
3 the opportunity to present, orally or in writing, both their position
4 concerning the application and any data they may have developed
5 in reference to the environmental effects of the proposed facility.

1 10. The commissioner shall review filed applications, including the
2 environmental impact statement and all information presented at
3 public hearings. He shall issue a permit only if he finds that the
4 proposed facility or activity:

5 a. Conforms with all applicable air, water and radiation emission
6 and effluent standards and all applicable water quality criteria and
7 air quality standards.

8 b. Air emissions and water effluents do not exceed the existing
9 natural dilution, assimilative, and recovery capacities of the air and
10 water environments at the site and within the surrounding region.

11 c. Provides for the handling and disposal of litter, trash, and
12 refuse in such a manner as to minimize adverse environmental
13 effects and the threat to the public health, safety, and welfare.

14 d. Would result in minimal feasible impairment of the regenera-
15 tive capacity of water aquifers or other ground or surface water
16 supplies.

17 e. Would cause minimal feasible interference with the natural
18 functioning of plant, animal, fish, and human life processes at the
19 site and within the surrounding region.

20 f. Is located or constructed so as to neither endanger human life
21 or property nor otherwise impair the public health, safety, and
22 welfare.

23 g. Would result in minimal practicable degradation of unique or
24 irreplaceable land types, historical or archeological areas, and exist-
25 ing scenic and aesthetic attributes at the site and within the
26 surrounding region.

1 11. If the commissioner finds that the proposed facility would
2 violate or tend to violate the purposes and intent of the act, he may
3 deny the application, or he may approve the permit and impose such
4 conditions as are necessary to promote the public safety, health and
5 welfare, to protect public and private property, wildlife and marine
6 fisheries, and to preserve, protect and enhance the natural
7 environment.

1 12. The commissioner shall notify the applicant within 90 days
2 after the hearing as to the granting or denial of a permit. The
3 reasons for granting or denying the permit shall be stated. In the
4 event the commissioner requires additional information as provided
5 for in section 8, he shall notify the applicant of his decision within
6 90 days following the receipt of the information.

1 13. In the event of rental, lease, sale or other conveyances by
2 an applicant to whom a permit is issued, such permit, with any
3 conditions, shall be continued in force and shall apply to the new
4 tenant, lessee, owner, or assignee so long as there is no change in
5 the nature of the facility set forth in the original application.

1 14. The denial of an application shall in no way adversely affect
2 the future submittal of a new application.

1 15. The commissioner shall be authorized to prepare an environ-
2 mental design which shall consist of an inventory of the environ-
3 mental resources of the coastal area and their interrelationships.
4 The commissioner shall develop from this design long-term alter-
5 native environmental management strategies for the coastal area
6 which promote the purposes and intent of this act.

1 16. The department is hereby authorized to adopt, amend and
2 repeal rules and regulations to effectuate the purposes of this act.

1 17. If any person violates any of the provisions of this act, rule,
2 regulation or order promulgated or issued pursuant to the pro-
3 visions of this act, the department may institute a civil action in
4 the Superior Court for injunctive relief to prohibit and prevent such
5 violation or violations and said court may proceed in a summary
6 manner. Any person who violates any of the provisions of this act,
7 rule, regulation or order promulgated or issued pursuant to this act

8 shall be liable to a penalty of not more than \$3,000.00 to be collected
9 in a summary proceeding or in any case before a court of competent
10 jurisdiction wherein injunctive relief has been requested. If the
11 violation is of a continuing nature, each day during which it con-
12 tinues shall constitute an additional, separate and distinct offense.
13 The department is hereby authorized and empowered to compromise
14 and settle any claim for a penalty under this section in such amount
15 in the discretion of the department as may appear appropriate and
16 equitable under the circumstances.

1 18. The provisions of this act shall be regarded as supplemental
2 and in addition to powers, including municipal zoning authority,
3 conferred by other laws, and shall not be regarded to be in deroga-
4 tion of any powers now existing, except that those areas regulated
5 pursuant to enforceable orders under the Wetlands Act, C. 13:9A-1
6 et seq., shall be exempt from compliance with this act.

1 19. This act shall be liberally construed to effectuate the purpose
2 and intent thereof.

1 20. If any provision of this act or the application thereof to any
2 person or circumstances is held invalid, the remainder of the act
3 and the application of such provision to persons or circumstances
4 other than those to which it is held invalid, shall not be affected
5 thereby.

1 21. There is hereby appropriated to the Department of Environ-
2 mental Protection for the purposes of this act the sum of \$100,000.00.

1 22. This act shall take effect immediately.

STATEMENT

The Major Coastal Area Facilities Review Act recognizes that New Jersey's coastal area constitutes a unique and priceless natural resource to the entire State. It establishes a procedure for reviewing the environmental impact of proposed major facilities.

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ASSEMBLYMAN JOHN I. DAWES (Chairman): If I can have your attention, please, we will now begin our hearing on Assembly bill 1429. I am the Chairman of the Assembly Committee on Air and Water Pollution and Public Health. I am Assemblyman John Dawes from Monmouth County, District 5A. On my immediate left is Donald Stewart, Assemblyman from Salem and Gloucester Counties. Some of the other Assemblymen will be joining us today, although we will have a rather small Committee because some of the members are ill and will not be able to attend.

I apologize for being so abrupt to some of you earlier. I realize that everybody would like to be first, second or third. Everyone has a problem. It is the Chairman's decision that we will go according to the list. I am sorry ladies and gentlemen. Unfortunately we will probably have to have another hearing after the first of the year anyway so I would suggest that in the event you cannot wait until your name is called, that you either give a copy of your statement to Mr. Mattek, our aide sitting over here on my immediate right, or give him your name and, if we feel it is necessary to conduct a second hearing we do so.

The first speaker this morning on Assembly bill 1429 will be Mr. Donald H. Scott, President of the Chamber of Commerce for the State of New Jersey. D O N A L D H. S C O T T: Good morning, Mr. Chairman and Mr. Stewart. My name is Donald H. Scott. I am a resident of Bloomfield and I am President of the New Jersey State Chamber of Commerce.

In order to save time at this hearing, and because our Chamber's views with respect to A-1429 were made known to you informally last September in a memorandum which summarized the findings of our two-committee study of this bill, we are simply re-submitting the text of that memorandum now so that it can become a matter of public record at this hearing.

However, since that memorandum was first submitted to you, President Nixon has signed into law Federal Senate Bill No. 3507 -- the "Coastal Zone Management Act of 1972" -- and this new Federal law (Public Law 92-583) has some direct bearing upon today's hearing on A-1429.

Public Law 92-583 amends an existing Federal statute which, among other things, established in the mid-'60's the National Council on Marine Resources and Engineering Development and a Commission on Marine Science, Engineering and Resources. Public Law 92-583 now adds to this Federal law a fairly substantial program of grants to be made available to those states which initiate and administer coastal zone management programs. It authorizes Federal grants to coastal states to pay two-thirds of their costs of preparing their coastal zone water and land management programs, plus two-thirds of their cost of administering them once approved by the Secretary of Commerce.

This, Mr. Chairman and members of the Committee, is an environmentally, economically and indeed fiscally meaningful measure, based on a policy "giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development." (Sec. 303 (b)). We respectfully suggest that our state should be striving to reap the benefits of this program, and not banish them as we would be doing by adopting a measure such as A-1429.

We call your attention specifically to Section 306 (e) of this new Federal law which provides that, in order to qualify for grants in furtherance of its coastal zone management program, a state must comply with one of three techniques for the control of land and water uses within its coastal zone.

Technique "A" is described as ". . . . State establishment of criteria and standards for local implementation, subject to administrative review and enforcement compliance "

We think this is the approach that should be undertaken in the development of state legislation to protect New Jersey's essential coastal lands. It is the approach most in the public's interest because (1)- it would allow and encourage constructive cooperation on vital land use control matters between the state and local governments in New Jersey (2)- it would provide for more responsive, citizen-oriented controls of New Jersey's coastal lands through existing local agencies long established under state law specifically to plan and control land usage, (3)- it would provide for optimum exercise of local discretion in land use decisions but within guidelines established by federal and state requirements to protect the overall interest of New Jersey citizens, and (4)- it would avoid further, unwise concentration of governmental powers in a single branch of state government -- a branch which has already received unprecedented land use powers under the "Wetlands Law of 1970" (Title 13, Chapter 9-A) and the more recently approved flood plain control act (Assembly No. 572).

Our memorandum on A-1429, now submitted to you for the record of this hearing, points out that this measure represents very largely the thinking of only one department in State Government -- Environmental Protection -- whereas the administrative responsibilities and the constituency interests of at least three other departments are also directly involved in what it proposes, i.e., the Agriculture, Community Affairs and Labor & Industry Departments.

We have suggested that, to be broadly acceptable and genuinely in the overall interest of the public, a measure of this type must have a wider base of substantive input than can be gained from staff in just one department.

We call your attention to the fact that the Coastal Zone Management Act of 1972, that is P.L. 92:5-83, particularly provides that the State's coastal zone management program is to be developed and adopted with the full participation of all relevant state agencies, local governments and other interested parties, both public and private. (Sec. 306 (c) (1)).

We suggest now, in the light of the provisions of the new Public Law 92-583 and because of the critical infirmities of A-1429, that a wholly new legislative bill should be drafted. Such legislation should utilize, as its basic approach, technique "A" of the Federal law and it should be developed with the opportunity for full participation by all relevant agencies and interested parties, public and private.

We suggest and endorse this approach toward solution of what is admittedly a difficult issue. We sincerely hope that your committee will do all it can to encourage legislative action along these lines. (see page 69A)

ASSEMBLYMAN DAWES: Thank you, Mr. Scott. We have no questions, thank you.

Mrs. Graves?

M R S. D I A N E G R A V E S: My name is Diane Graves and I am Conservation Chairman for the New Jersey Chapter of the Sierra Club.

Before I start my statement I would like to make a comment. It has come to my attention that several groups in

South Jersey didn't learn of this hearing until this weekend and they would like me to request, on their behalf, that the record be kept open for at least two weeks so that their comments can be made available.

ASSEMBLYMAN DAWES: The record will be kept open for one month.

MRS. GRAVES: Good.

Thank you for the opportunity to comment on A-1429 the Major Coastal Area Facilities Review Act. We strongly support this bill.

The coastal area is recognized as being extremely valuable to the health, welfare and well being of New Jersey and the nation. It is also recognized as being one of the most environmentally sensitive areas of the country. Yet, man's thoughtless and intensive assault upon this delicate region has caused irreparable damage. A-1429 seeks to control the use of the area. This control is essential.

According to an article in the March-April 1972 Marine Technology Society Journal, titled, "Legal Bases for State Coastal Zone Management", "The coastal zone is the band of dry land and adjacent ocean space (water and submerged land) in which land ecology and use directly affect ocean space ecology and use, and vice versa."

We understand that today we are to direct our comments to the area covered by the bill, whether to extend to the north, and comments regarding a three-member board.

It is urgent to protect as much actual coastal area as possible. It is not the amount of area covered that is important. The important thing is to include all the area that qualifies as coastal. Therefore, we support the use of roads and railroad tracks as an appropriate aid in delineating the coastal area encompassed by this bill.

As for extending the scope of A.1429 to include northern stretches, we would favor such extension to include qualified areas if this would not in any way confuse or undermine the intent and the provision of this Act. There are, unquestionably, areas in the north that should receive protection by some measure. Considerable rehabilitation and restoration would also be possible in the north and should be attempted. However, that consideration is not within the scope of A.1429. The intent of this Act is to preserve areas not already desecrated and to prevent the despoilation that has occurred in the north from happening in the south.

Whether this Act is administered by the Commissioner of the Department of Environmental Protection (DEP) or by a three member Board, as proposed, is not so important as the qualifications of the administrator or administrators, and the staff involved. A high degree of professionalism and expertise is essential. Preparing an "environmental design which shall consist of an inventory of the environmental resources of the coastal area and their interrelationships.." (page 10 Sec. 15), to develop "environmental management strategies" and to review environmental impact statements, requires a broad range of specialized disciplines. (For instance, see pg. 8, Sec. 7.a.) The bill should state clearly that the Commissioner or the Board must protect the environment of the coastal area. Whatever questions arise, the answers must provide maximum environmental quality.

We would like to offer the following observation and suggestion. Construction of preliminary or preparatory phases of development prior to or pending approval impairs sound administration of the review

responsibility authorized by this act. Such preparatory work may impose substantial financial risk upon developers and may adversely affect the coastal area. For these reasons, we propose the addition to the act of the following: Whenever a project is subject to review and approval by the Commissioner of the DEP, or the Board, there shall be no substantial construction activity on the site, including related preparation of land, unless and until the project has been approved by the Commissioner or the Board.

The question of deep water port facilities off New Jersey's coast has been raised. This is a question attendant to the matter at hand. Therefore, I am appending for your information and for the record, a copy of the Sierra Club statement on Deep Water Harbor facilities and the Use of Supertankers presented to the U.S. Senate Committee on Interior and Insular Affairs, May 10, 1972. We call to your attention our additional suggestion regarding oil pipeline construction and the applicability of the DEP's new "Environmental Guidelines for Planning, Designing and Constructing Interceptor Sewers."

We believe that A-1429 is essential to New Jersey. We wholeheartedly support it and urge its prompt passage. Thank you.

ASSEMBLYMAN DAWES: Thank you, Mrs. Graves.

Let the record show that Jim Mancini from Ocean County has joined the Committee at this time.

I would just like to ask you one question, Mrs. Graves. When you say extending this area to the north, do you mean the western section of our State and the eastern portion of our State - both coasts? Do you mean up to the Delaware River when you make this broad statement?

MRS. GRAVES: Wherever there may be qualified areas. I don't know the area, personally, that well to

be able to say this.

ASSEMBLYMAN DAWES: You were talking about the deterioration and I assumed that you probably were talking more so about sections along our eastern coast.

MRS. GRAVES: More so, yes.

ASSEMBLYMAN DAWES: Are there any questions by any of the other members?

ASSEMBLYMAN STEWART: You say you are not qualified to discuss these areas; do you feel you are qualified to discuss the areas along the Delaware Bay and Delaware River?

MRS. GRAVES: I have seen a lot of it in evaluating the area and I have seen pictures of it. I have some familiarity with it. I have also seen some of the northern areas and up the Delaware too.

What I meant by that is I don't know specifically where there may be an area that should be preserved in the northern section.

ASSEMBLYMAN DAWES: Thank you, Mrs. Graves.

Mr. Joseph J. Cordiano, Chairman of the Environmental Quality Committee, New Jersey Manufacturers Association?

J O S E P H J . C O R D I A N O: Members of the Committee, my name is Joseph J. Cordiano, Vice President of U. S. Metals Refining Company in Carteret. I am here today as Chairman of the Committee for Environmental Quality of the New Jersey Manufacturers Association. Our Committee appreciates this opportunity to present its views.

We intend to comment directly on the specific questions posed by this Committee regarding Assembly bill 1429. We trust, however, that we will be permitted additional comments since this hearing may well be the only opportunity we shall have to present our views on this far-reaching legislation. Parenthetically, we wonder why the people to be most affected by this bill

were not afforded better opportunities to present their views, Cape May County being a long way from Trenton.

For the past six or seven years, attempts to legislate and regulate improvement in the quality of our environment have multiplied to the point where at times it is difficult to state with certainty just what the current status of the law is. Five years ago the Air Pollution Control Commission was abolished and the Department of Health's Clean Air and Water Division assumed the major pollution control responsibilities until the Department of Environmental Protection was created. Since 1967, seven new chapters have been added to the State's Air Pollution Control Code and 6 out of a total of 15, including 3 of the new ones, have been amended.

Noise control, floodplains and wetlands legislation are of the most recent State enactments, not to mention the many federal environmental quality bills which affect New Jersey as well. The list could go on.

Nowhere, however, do we observe a definitive, overall policy emanating from the State or even regional level. Recommendations for added air, water and land use controls and regulations are fragmented not only by the specific activities to be controlled, but also by the apparent lack of any over-all coordination at the highest level of government. Does the Commissioner of Environmental Protection consult with the Commissioner of Transportation, Labor and Industry, or Community Affairs, and vice versa concerning policy and programs which may affect the activities of the citizens of this State?

The Legislature itself adds further confusion by considering each environmental control bill in a vacuum, as though it were not going to affect or be related to other laws and regulations already in existence.

A-1429, for instance, would set up a regulatory procedure to operate almost as though Chapter 9 and the other 14 chapters of the Air Pollution Control Code didn't exist; and that Congress hadn't just passed S-2770, the "zero discharge" water pollution control bill; or that the Environmental Protection Agency didn't exist. The legislature may well be able to pass legislation and then turn to the next problem at hand; but those who are more directly affected by the new laws must add on the time and cost of compliance to that of the dozens of other regulations which must also be adhered to.

We submit that such an uncoordinated process is not in the over-all best interests of a rapidly growing, congested state. We respectfully urge that before legislation such as A-1429 be acted upon, due consideration be given to enacting legislation which would enable the public to define a land use policy capable of meeting the needs of the state and its people. As was stated in our testimony on June 1, 1972 before the Clean Water Council, New Jersey may need "some degree of overall control and coordination," but its citizens must first be made aware of the "social, political and economic consequences likely to result" and should be "provided ample opportunity for making their views known." If after extensive consultation with the public, the decision is to give one department the powers over land use such as those prescribed in A-1429, then so be it. Just so long as the decision is made with the public having full knowledge of the policy as well as of the price to be paid.

WE SUGGEST THAT A DECISION CANNOT BE MADE AT THIS TIME REGARDING EXPANSION OR CONTRACTION OF THE AREA COVERED BY A-1429. NOT ONLY WOULD ANY LINE DRAWN BE AS ARBITRARY AS THE ONES NOW CONTAINED IN THE BILL, BUT ANY ACTION AT ALL WOULD BE PREMATURE UNTIL FULL PUBLIC DISCUSSION OF LAND USE POLICY OCCURS.

We'll not go into the details of our objections to A-1429. Suffice it to say that it (1) gives the Commissioner of Environmental Protection de facto authority to ban the construction of new major facilities; (2) provides absolutely no remedy at all for the property owner or entrepreneur who is deprived of a major usage of his land; (3) subordinates the responsibilities legally shared by other state agencies such as housing, industrial development, jobs, transportation and power generation for what happens in the covered areas; and (4) delegates more power to the Commissioner of Environmental Protection over the future well-being of citizens in those areas than may be had by any other single state office.

For these reasons, we have no choice but to oppose the bill outright. We will not, however, pass up the opportunity to respond to the second question put to us by the Committee.

In order to obtain review of proposed activities from as representative and responsive a body as possible, we would suggest that a multi-member council be given the responsibility for ruling on permit applications and for initiating plans for developing a well-balanced land use program. This council should include representation from the scientific and academic disciplines, the industrial development, transportation, management and labor communities, the resource management,

ecological, sporting and recreational interests and departments of State Government, particularly Environmental Protection, Community Affairs and Labor and Industry.

We recommend that a broad-based public council be responsible for generating proposals for a well-defined land use program and for ruling on major facility permit applications.

Thank you for this opportunity to present our views.

ASSEMBLYMAN DAWES: Mr. Mancini, do you have any questions?

ASSEMBLYMAN MANCINI: No.

ASSEMBLYMAN DAWES: Thank you, Mr. Cordiano.

I would like to note at this time that the Committee really appreciates the brevity of Mr. Scott, Mrs. Graves and Mr. Cordiano. Also, the last few speakers did particularly address themselves to the question that the Committee is most concerned with and I hope that the other speakers, including the public officials, will keep their remarks as brief.

We will now hear Mrs. Rooney, or the representative from the League.

M R S. F R A N K R O O N E Y: I am Mrs. Frank Rooney, Director of the League of Woman Voters of New Jersey, with responsibility for the Environmental Quality portfolio. We support policies and procedures which promote comprehensive long range planning for conservation and development and management of water resources in New Jersey. I am pleased to have this opportunity to comment favorably on Assembly bill 1429, which makes possible a planned coordinated approach to the development of our State's coastal areas.

During the 16 years we have focused our attention on the management of the water resources in New Jersey, we have been increasingly distressed by the lack of a

comprehensive long-range plan on which to base important decisions- decisions which have a vital significance to the future health, welfare and economy of New Jersey. We have testified frequently urging that a State plan be developed which would provide the basis for wise decisions and action priorities. We are concerned that these urgings have not been heeded.

Recently public attention has been focused on the environmentally fragile estuarine and coastal areas, which are fast disappearing under the developer's shovel with little or no regard for environmental considerations. In testimony given on several occasions, we have recited the importance of these areas to all the citizens of New Jersey and their development limitations. I would like to repeat here once again that while it is important to plan comprehensively for the management of water resources of the entire State, it is vitally important to plan comprehensively for the proper use of the estuarine and coastal land where there are no second chances. Once a decision is made to develop these areas, the opportunity to use them for environmental purposes ceases to exist.

Presently our system of government allows the use of coastal lands to be decided by private individuals with municipal concurrence. The resulting fragmentation of use and loss of biologically valuable coastal and estuarine lands is appalling. These decisions are rarely, if ever, motivated by environmental concerns or by concern for the welfare of the entire state. They are made on the basis of economical consideration with a profit motive.

The competition for the use of these lands is increasing daily as our population and economy continue to grow, and the multiple uses for which these lands are most suited are decided on a fragmented basis. Conflicts between industrial development, residential development, recreational development, or no develop-

ment are most often resolved by the force of economic arguments, leaving unmet and forgotten important environmental considerations. The people of New Jersey have the right to an environment which will meet all their needs. To protect this right the League of Women Voters of New Jersey feels it is absolutely essential that some regulatory steps be taken which will incorporate the concept of comprehensive long-range planning. This concept, we feel, is found in Assembly bill 1429 and we urge its adoption as quickly as possible. We recognize the need for continued economic health in New Jersey; however, there must be a balance reached between economics and the environment. A-1429 can assure this balance in the coastal areas of our State as well as allocate uses of the land which are most commensurate with the area.

The need for a comprehensive coordinated planning approach in our coastal lands and the right of the citizens to a beneficial environment brings up the subject of how decisions affecting these lands should be made. Our members feel strongly that the use of these lands is not just a private and local concern, but a public statewide concern. Decisions made on their use should reflect the needs, desires and thinking of the citizens of New Jersey. They, after all, are the ones who will be affected most by the decisions. Previous legislation suggested establishing a board with representation of Department heads. This legislation gives the decision-making power to the Department of Environmental Protection. The League members in New Jersey would like to see a citizen advisory board a part of the decision-making process. We believe that citizen participation in plan formulation should be mandatory from the beginning. In order to make the best use of the expertise and broad perspective of the

Department, and the expertise of the public and their chosen professional environmental leaders, a citizen advisory board should be made an integral part of the Department's review and decision-making process. Direct involvement of the public in the decision-making process from the beginning will often pave the way for public acceptance of the final decision.

Some comment has been heard about the possibility of including, to those areas presently delineated in A-1429, the coastal areas north of the Raritan Bridge, the Hudson River shore and the Delaware shoreline above Trenton. The inclusion of areas north of the delineated area would be important to the state if there were large expanses of undeveloped land with a potential for many uses requiring priority decisions. However, we fail to see how extending the scope of this act to the Hudson, Newark or Kill areas can benefit New Jersey. The industrial development of the land there is already so concentrated that any other use decisions would be ludicrous. The Delaware shore above Trenton does lend itself to priority decisions; however, we question how this legislation would function in conjunction with the existing authority of the Delaware Basin Commission. If it would supplement their functions and serve to facilitate development decisions in that area it should be considered.

In conclusion, guidelines balancing the possible conflicting uses of land in our coastal areas do not exist in New Jersey. In addition, increasing consideration must be given to both economic and environmental factors when making land-use decisions. Therefore, we urge favorable legislative action on A-1429 be taken as quickly as possible in order that New Jersey may get started on the much needed job of regulating the use of our coastal lands. Thank you for this opportunity.

ASSEMBLYMAN DAWES: Mrs. Rooney, if you had a choice between Assembly bill 722 and Assembly bill 1429.

which bill would you prefer, personally?

MRS. ROONEY: I would not pick either one because there are factors in 1429 that we like and there are things in A-722 that we like.

ASSEMBLYMAN DAWES: All right, which bill do you feel has the clearest, or the best, defined area for coastal protection?

MRS. ROONEY: I think 1429 has the best delineation.

ASSEMBLYMAN DAWES: Which would broaden the original scope of 722, right?

MRS. ROONEY: Right. We felt that 722 was weak in the elevation degree because there are areas where this elevation takes place within a few feet of the shore line.

ASSEMBLYMAN DAWES: Mr. Stewart?

ASSEMBLYMAN STEWART: No questions.

ASSEMBLYMAN DAWES: Thank you, Mrs. Rooney.

Assemblyman Tom Kean, do you wish to speak now?

A S S E M B L Y M A N T H O M A S H. K E A N:
Mr. Chairman, members of the Committee, I appreciate very much the opportunity to appear before you today to testify in support of my bill, A-1429, the "Major Coastal Area Facilities Review Act."

I am sure that you all recall that I appeared before you at a similar hearing in April in behalf of my original proposal, A-722, the so-called "Coastal Areas Protection Act."

The legislation before the committee today represents another approach to what I consider an essential and attainable goal - the protection of the ecological integrity of the coastal and bay regions of New Jersey, including some of the last remaining unspoiled natural areas in our State.

When I testified before the Committee in April, I described the legislation before you at that time as the most significant proposal in the field of environmental protection to come before any Legislature

in the history of this State. And, while the bill under consideration here today differs in several respects from the original proposal, this description remains an accurate and appropriate one.

I would direct the Committee's attention for a moment to the first page of this bill, where it is declared to be in the best interests of the people of New Jersey that the coastal area along the Atlantic Ocean be dedicated principally to recreation and compatible residential uses, that the coastal area along the Delaware Bay be dedicated primarily to uses compatible with conservation and the shellfish industry, and that the coastal area along the Delaware River be dedicated to mixed uses compatible with the existing environment in the area.

Mr. Chairman, this statement constitutes a brief summation of the intent of this legislation and is, I submit, an aim with which all of us can agree.

At this point, Mr. Chairman, I would like to discuss briefly the principal differences between A-722 and A-1429.

The major revision, perhaps, was the deletion from the original proposal of the flat prohibition on certain types of heavy or high-pollution potential industry from the coastal or bay areas.

Secondly, the bill before you today does not contain a provision for a three-member Coastal Areas Protection Board to consider applications for industrial development in the affected area.

Third, A-1429 does not divide the oceanfront, bayfront or riverfront areas into three zones, but defines a "coastal area" as the part of the State running from the mouth of the Raritan River south to Cape May, along Delaware Bay to the Delaware Memorial Bridge, and northward along the Delaware River to the City of Trenton. This is the same

territory covered in A-722 but in this bill it is not subject to the restrictions placed on each zone in the earlier bill.

A fourth revision concerns the inland boundaries of the coastal areas. A-722 provided that the coastal area extend inland to the point of 10-foot mean high tide. If you remember there were a lot of questions about this definition at your hearing in April and I have been informed that this is exceedingly difficult to determine accurately. Accordingly, this bill makes use of existing roadways to delineate the inland boundary lines.

These four changes constitute the major differences in the two proposals.

In essence, A-1429 requires that an application for a permit to construct a major facility, as defined in this bill, in the area designated as the coastal area, be filed with the Commissioner of the Department of Environmental Protection. This same provision, incidentally, applies to proposed expansion of an existing facility.

The Commissioner is empowered to hold hearings on the application and to issue the permit for construction or expansion if it is determined the proposed facility meets applicable environmental standards. For the Committee's knowledge, these standards are outlined under section 10 in the bill.

The Commissioner is further empowered to deny the application if he finds the proposal would violate the law. Or, he may approve the application and issue the permit with conditions to be met by the applicant to bring him into conformity with the law.

However, rather than dwell on the differences in the two bills, I would like to emphasize to the Committee that this legislation personifies a new approach to carry out an essential program - protection

of the coastal and bay regions of the State and provide for the orderly industrial and economic growth of this area.

Obviously, Mr. Chairman, legislation of this sort, in which the actual use of land is regulated by a State Agency, moves us into an area of considerable debate and controversy. It brings up the principle of home rule.

Were it possible to roll back the years to a point in time when the oceanfront, the bay area and riverfront were relatively undeveloped, I would be among the first to advocate that local governing bodies be extended the sole right to regulate development of their municipalities.

However, today I believe we must look at this situation with a certain amount of practicality.

It is not unfair to say that many municipalities have failed to exercise judicious self-control when faced with programs for local industrial development. Others simply have not had the wherewithal to withstand the enormous economic pressures placed on them by industrial development proposals.

Those of us who have served in government at the municipal level or who have been active in civic organizations at that level are aware of the keen competition which existed between municipalities to lure the ever-larger tax ratables represented by industrial facilities. In many cases, little foresight was exercised and one town's ratable became another town's polluter.

The inevitable result - in addition to polluted air and water - has been uncontrolled, unregulated industrial growth.

In an area as susceptible to environmental degradation, as the ocean and bay front areas of New Jersey are, orderly growth and the maintenance of

ecological quality become primary and home rule becomes secondary. Faced with local governing bodies who are either unwilling to act or incapable of acting - for whatever reason - it is incumbent upon the State to act.

I would point out, Mr. Chairman, that we are not breaking new ground here or establishing any sort of legislative precedent.

Instances in which the State has moved into areas heretofore reserved under the home rule principle are many and varied. In fact, this Legislature deals with such proposals many times during the course of a year, the most recent example being the enactment of legislation for State regulation of areas designated as flood plains.

A-1429 seeks to protect the ocean and bay regions from destruction by pollution in much the same fashion as the flood plains legislation seeks to protect life and property from destruction by flooding.

Stated simply, Mr. Chairman, we cannot afford continued inaction while the pollution of the ocean and bay waters goes on.

Ocean pollution and the hazards it poses to marine life, along with its potential for the destruction of beachfront recreation areas, must be brought to a halt. Phrases such as "dead sea" and "salt water garbage dumps" have become accepted terminology in describing the waters of the Atlantic Ocean off the New Jersey coast.

Reversing the tide of ocean pollution and restoring the purity of the waters which wash our coastline depend almost entirely upon what kind of development we permit along our coast.

But, continued use of the ocean for disposal of chemicals, sewage, sludge or other waste materials - in addition to being an ecological disaster - poses

an enormous economic threat.

A widespread incident of beach pollution, for instance, or ocean pollution, could serve to ruin New Jersey's lucrative tourist industry. The cost in jobs and the hardship which would befall those individuals whose livelihood depends on a "good season" at the shore would be inestimable. And, whether we wish to recognize it or not, just such a disaster is possible unless we act.

Addressing myself for a moment to the contention that this legislation will bring about economic disaster in the areas it affects, let me state unequivocally that this bill does not ban industrial development, does not prevent the expansion of existing facilities, and will not lead to a headlong flight of industry from New Jersey to neighboring states.

We need only to look around our State - the northern part, unfortunately, in particular - to see graphically the wholly unacceptable consequences of haphazard industrial growth.

Had legislation such as that under consideration here today been in force as that area of New Jersey was undergoing development, it is not illogical to say that the face of northern New Jersey would be far different today. However, it is not my intention to indulge in "what might have been" but to speak in terms of "what might be."

With the enactment of this legislation, New Jersey will place itself in an enviable position. We will be able to inform any industry interested in locating in the coastal or bay areas precisely what kind of anti-pollution standards will have to be met, thus avoiding later disputes and costly litigation in an effort to bring about compliance with these regulations.

Further, we will have taken - through the approval

of this legislation - an enormous step toward developing comprehensive, long-range planning for the orderly growth of this area.

I spoke earlier of rolling back the years to a point in time where we could start afresh. To a certain extent, our coastal and bay areas offer us this new beginning.

These areas represent a "second chance", an opportunity for us to act decisively to prevent uncontrolled and haphazard growth with all its unwelcome consequences.

To do less than our utmost to protect the integrity of these areas, to permit the desecration of some of the nation's finest beaches and ecologically valuable land, would be, in my mind, a tragedy of immense proportions.

I will be glad to answer any questions on the bill itself.

ASSEMBLYMAN DAWES: Before Assemblyman Stewart asks you a few questions I'd just like to ask you, how do you feel that 1429 improves upon the concepts set forth in 722?

ASSEMBLYMAN KEAN: I don't think it necessarily does. It is a different way of trying to accomplish the same goal. I think it is better to define an area by roadways. That is, in a sense, an improvement.

If you ask my advice, I like the Board principle we had in 722 better than the principle of having it all in the one Department, such as we have in this bill.

I think there are good portions in both bills and I think, perhaps, the best thing to do, as far as your Committee is concerned - if you accept my advice - would be to combine the best provisions of both.

ASSEMBLYMAN DAWES: Mr. Stewart?

ASSEMBLYMAN STEWART: Tom, I don't have that many new questions on 722. You answered most of them

and they are available to everybody in the transcript from the last hearing.

I don't find, so far today, too much testimony that is any different than we had on 722, to be honest with you, and that is one of the reasons why we aren't asking that many questions. We have asked the questions already and so far I still haven't heard many of the answers to satisfy myself.

One of the questions I wanted to ask was, 722 was drawn by Mr. Potter who was here last time and I assume will be here today, did he also draw 1429 or was this drawn by yourself, the administration, or who?

ASSEMBLYMAN KEAN: Mr. Potter was helpful in drawing 722. 1429 was drawn by the office of Environmental Protection.

ASSEMBLYMAN STEWART: The Commissioner's office of Environmental Protection? (nods yes)

Do you know whether or not Governor Cahill, for instance, supports this particular bill - 1429?

ASSEMBLYMAN KEAN: No. I think you would have to ask him that.

ASSEMBLYMAN STEWART: You haven't asked him?

ASSEMBLYMAN KEAN: No. I don't ask him if he supports any of my bills, I find out.

ASSEMBLYMAN STEWART: I would assume, though, since this bill came from the Department of Environmental Protection that it has the support of the Governor of New Jersey?

ASSEMBLYMAN KEAN: I wouldn't want, honestly, to assume anything without getting it directly from him.

ASSEMBLYMAN STEWART: Do you agree with the League of Women Voters that to extend the limits of this bill is ludicrous - further north?

ASSEMBLYMAN KEAN: Given the stated purpose of

this bill it would be. On the first page it says the area "should be dedicated principally to recreational and compatible residential uses" and then it talks about the shellfish industry, etc. You just can't talk that way about the Arthur Kill. If you were to draw a bill for the northern part of the State you would have to draw a different bill.

ASSEMBLYMAN STEWART: I am not a shellfisherman myself. Possibly some of the people who will testify later on today can throw some more light on this. But to be perfectly honest with you I don't know too many shellfishermen off the coast of Salem, Gloucester, Camden or Burlington Counties either. I still can't understand why this line stops where it does. Can you throw any new light on that question that I asked you on the hearing for 722 - why does it stop where it does?

ASSEMBLYMAN KEAN: It's impossible to say that this line goes through Monmouth County -- When you go further north than that, one, there isn't that much Atlantic Coastline left; secondly, that coastline that is left certainly can't be described as this bill describes the coastline it wants to affect. There is no way you can describe that area, under the purposes of this bill, that way.

As I say, another bill -- you know, if you want to draw a bill to help conserve things in North Jersey, such as the flood plains legislation which probably has a greater effect in North Jersey than South Jersey, you will have my full support.

ASSEMBLYMAN STEWART: For instance, this bill affects the Port of Camden, how does that compare with the beaches off Atlantic City?

ASSEMBLYMAN KEAN: The Port of Camden? It doesn't. It would affect the Port of Camden, I presume, only insofar as the Department of Environmental Protection would say that uses for that port were

environmentally harmful to the area.

ASSEMBLYMAN STEWART: Why can't we do the same thing to Perth Amboy and further north?

ASSEMBLYMAN KEAN: I think it is a little late.

ASSEMBLYMAN STEWART: That is the only reason?

ASSEMBLYMAN KEAN: That is certainly a good reason.

ASSEMBLYMAN STEWART: How about further up along the Delaware River - further north?

ASSEMBLYMAN KEAN: Well, the Delaware River becomes very small as you go further north along the Delaware River. You get into the area of the Tocks Island project and I don't think you need it.

ASSEMBLYMAN STEWART: Would you have any objections to - or what would be your comments, rather - limiting the area covered by the bill to cover areas that I think are truly coastal areas, that being from the tip of Cape May to the Raritan Bay?

ASSEMBLYMAN KEAN: I would, obviously, rather see the other areas included also. This bill, really-- all that it requires is an environmental impact statement at which point the Department can come back and say either you are going to help the environment, or you are going to hurt the environment, or you can do this or that to make what you are doing more compatible with the environment. I don't think this kind of a thing is going to hurt anybody, not unless some industry or something would really be harmful to the environment of the area.

ASSEMBLYMAN STEWART: Thank you.

ASSEMBLYMAN DAWES: Assemblyman Mancini?

ASSEMBLYMAN MANCINI: Tom, considering the great difference between the areas affected here, more specifically that area between Sandy Hook and Cape May, as compared to that area from the Delaware Memorial Bridge to Trenton, do you think the elimination of the zone approach, as 722 provided, is good or bad,

what is your opinion on that?

ASSEMBLYMAN KEAN: In my original bill we used the zone approach. I think as long as you can zone, if you can do it and do it properly without making a zone that is incompatible within itself, I think it is a good idea to do it. This covers, of course, the whole coast with the same brush. This is the kind of thing which I think I would like your Committee to consider. I don't have any firm opinion on it. My own view is that the only thing I would ask the Committee not to do is nothing. I think there has to be some action in this area and I think there has to be some action soon. What combination of the two bills you come up with or what approach you come up with will probably have my support - as long as you come up with something.

ASSEMBLYMAN MANCINI: One more question, Tom. 722 specifically deals with what is called the "coastal industry bill" more or less. In this new version I find that this goes into - although we talk about industry - residential development. Do you think that this will conflict with the new package of land use bills that is now being proposed by Assemblyman Merck? Don't you think that this bill should deal more with the industry factor? Do you think that it will conflict with this new approach that is being proposed?

ASSEMBLYMAN KEAN: Well, the new approach in Assemblyman Merck's bills, as I remember - I am going back in my memory a bit - is to standardize building codes in some of the bills and in other bills it suggests that on a county level each area has a certain responsibility toward housing. No, I don't think it would conflict under the terms of the bills as I remember them because this also says that people in certain areas would have the responsibility for housing. It just says that before you build that housing you have to determine whether or not you are going to be

ruining someone else's housing next door because of an adverse environmental impact.

ASSEMBLYMAN MANCINI: Perhaps you can help me with this technical little question here. At the top of page 3, "any subdivision of parcels of land in sections 5.4 and sections 5.5", I have been unsuccessful in trying to find where these sections are. Do you have any idea what they represent? We did ask the Department at one of our Committee meetings and they did not know at that time.

ASSEMBLYMAN KEAN: Well, if the person that drafted the bill doesn't know, I would suggest you ask him or her to come before the Committee today.

ASSEMBLYMAN MANCINI: Thank you.

ASSEMBLYMAN DAWES: Do you have any more bills you plan to drop in the hopper for this Committee between now and the first of the year?

ASSEMBLYMAN KEAN: Actually I do.

ASSEMBLYMAN DAWES: I think it would now be appropriate, Assemblyman Kean, to follow you with Assemblyman Black.

A S S E M B L Y M A N K E N N E T H A. B L A C K, J R.:
Good morning, Mr. Chairman, Mr. Mancini, Mr. Stewart, My name is Kenneth Black, Assemblyman from Salem-Gloucester County and it is my pleasure to have the opportunity of addressing you very briefly today.

In response to your request, Assemblyman Dawes, I may drift only slightly from the bill. I will be brief. I say that I will drift slightly from the content of the bill simply because in my opinion the impact of this particular piece of legislation goes far beyond a mere stroke of coastal land protection; it enters into a realm where I feel we should not tread. That realm is this, traditionally our form of government has provided that revenues to support the cost of municipalities and counties has rested mainly with

the local and county officials.

It has been their responsibility to go to the people, indicating their budget, indicating their projected capital expenditures, and then face the people on election day.

In this one bill we destroy all that has traditionally rested with the people. We destroy it because the Commissioner will now have the final say over planning boards, over zoning ordinances, over mayors, councils, directors and boards of freeholders. The Commissioner is not an elected official. He does not even reside within the community or the county in which his power prevails.

It is true that we are a democracy and we have the right of the majority which will prevail but, at the same time, there is a counterpart to that point. The counterpart is this: that the will of the majority will be imposed so long as it does not unfairly injure the minority.

I have heard it mentioned that we have a vast recreational industry that we must protect. Granted, this is true. However, that recreational industry does not exist 10, 12, 18, 20 miles from the sea. It does not exist at all along the shores of the Delaware Bay. The recreational industry that we speak of in the southern part of this State is, in the main, under the control of laws governing wetlands, not coastal uplands.

The benefits that this industry provides assists only those municipalities that boarder the sea. You can drive down the coast and you can see nice high schools. You can see good roads. You can see bridges that will support more than five tons. That is what you see in that fringe area and that is what that industry has provided.

What provides the income for those municipalities that are not adjacent to the sea? Very simply this,

any industry that can be attracted into a municipality.

When we sit here and we say that we must protect the estuarine areas of this State, we want to stop for a minute and realize that we already have on the books vast and sweeping legislation, probably the strongest in the nation, concerning air and water pollution.

We have very little industrial activity in the southern part of this State at this time. We would like to have more. The law clearly states that any plant that is going to be constructed must be constructed in accordance with the air and water pollution laws of this State. Right now it says this. Right now our industries are being told that they have to compete in the market place with factories that are not subjected to this control. This is well and good. I voted for many of the pieces of legislation which brought about good air and water pollution law. I cannot in good conscience support this particular legislation.

Industry will not construct expanded facilities if they do not know what regulations will be promulgated or what guarantee they must give.

As I read through the bill I note on page 8, section 6, line 1 through 6, that the bill states very clearly, "any person proposing to construct, expand, or utilize or cause to be constructed, expanded or utilized a major facility . . . shall file an application for a permit with the commissioner, in such form and with such information as the commissioner may prescribe." But the bill does not list what form the applicant is to file. However, if you turn to the last page of the bill, the last item, section 22, before the statement, it clearly spells out that "this act shall take effect immediately."

This is simply a continuation of a situation

in which the Legislature and, in effect, your Committee is being asked to pass on something you neither know about fully nor fully understand.

The Commissioner has been outstanding in putting forth this type of legislation in the past and apparently he continues to wish to do so and as long as we continue to abdicate our responsibility he will continue to be successful.

There are certain needs of the people of the Southern part of this State and, I have said before, in my opinion they are disadvantaged, disadvantaged from a geographic standpoint. It is a shame we cannot all live in the Watchung Mountains or Three Bridges or in the Northwestern part of the State. We live where we live because we want to live there. It is our home. The situation that existed in the North when it destroyed, let's say, its ecology, existed in the South. We did not destroy our ecology. The North does not have the vast areas of green acres that we have. I say to you, sir, we have done enough. We have adequate safeguards. We must have the opportunity of raising the funds necessary to provide our residents with good education - good educational facilities - with roads that are necessary, with sewage facilities that must come.

If you pass this bill in this house and later in the Senate and it is signed into law, you will have effectively bottled the opportunities for the people in these particular areas.

You need only look at that Great Seal above you which has beneath it, "liberty and prosperity." This bill will take control of an individual's land. When you take control of the individual's land you have taken away that which is liberty. If the right to free ownership of land is not liberty, I do not know what is. You have certainly destroyed the possibility of

prosperity in these southern counties.

I plan to put in a piece of legislation urging that those two words be stricken from the Great Seal of this State. I will have that legislation drafted today.

In addition to that, I feel so strongly about this legislation, and about this one particular point, that if this bill unfortunately does become law I would have no alternative myself, as a representative of the people of Salem and Gloucester County, but to resign from every position of leadership I hold in the Legislature after five years, to disassociate myself from my party, which is the Governor's party, -with the exception of the county level - and to work actively for the overthrow of anyone who, in my particular area of the State, saw fit to endorse this particular type of bad legislation.

Thank you very much, sir. I will now answer any questions.

ASSEMBLYMAN KEAN: There are no questions. I think we know. There are no questions.

ASSEMBLYMAN BLACK: Thank you very much.

ASSEMBLYMAN KEAN: Commissioner Sullivan?

COMMISSIONER RICHARD J. SULLIVAN: Thank you, Mr. Chairman. I have given out, for the record, some fact sheets concerning the coastal area. There is also a copy of a typewritten revised version of Assembly bill 1429 which contains some, mostly technical, amendments that we think were appropriate after review of the bill, and which we recommend for your consideration.

It has become quite apparent to me in the last few years that the protection of our environment is a lot more than enforcement of stringent statutes. The enforcement will have to continue. The people want it, they make strident demands upon us bureaucrats to

provide it. I don't think it is because there are a lot of bad guys out there who want to contaminate our environment but simply because it is not in the nature of things in our almost free enterprise system for people to willingly make investments in pollution controls in the knowledge that those investments will raise the cost of their product but it won't make it sell any better.

For that reason I can say publicly we will continue an active enforcement program and, to the extent that our resources will permit, will increase its scope and intensity. The State of New Jersey will collect one million dollars this year in penalties, whereas five short years ago, penalty collections for one year was less than ten thousand dollars.

Some people, I think, oversimplify our problems though and identify environmental protection as being simply this, the need for stronger and stronger enforcement or, as this attitude has been characterized by my counterpart in Pennsylvania, the notion that it is a constant campaign for the ten most wanted polluters. Unfortunately, the problems that beset us are not quite that simple.

In my opinion the basic confrontation on the air and water pollution problems in New Jersey is all over. We will argue, I am sure, at forums like this one and elsewhere, over the technical ingredients of new regulations but whether or not the environmental problems we suffer are all that bad as to require the substantial expenditures by industry and by Congress and by our citizens I think has been answered affirmatively by the courts in some very significant acts. I think as we move ahead with enforcement we will move closer to our air quality goals. If the funds come from Washington, in keeping with their legislative promises, I think we will see, in the next five years, a massive

construction program to provide the regional sewage facilities that we need in order to achieve our water quality goals.

I think there is another issue that will ultimately be determinative of the kind of an environment we have in this State and as we move into it I think we will look back and realize that getting injunctions in Superior Court was probably the easiest part of our task.

If I had to put that other issue under a single heading, I would call it "resources management." It comes up in many forms. It comes up in the need to reuse many of our resources that we now once use, or half use, and then throw away; either bury in the Hackensack Meadowlands or gasify in some incinerator. We see it in the way in which the rising use of electricity imposes demands upon our resources in a consumption curve against time that is real scary. We see it in our proclivity for disposing of sewage sludge in the ocean because it is a lot cheaper than removing from it the heavy metals that can be used again, using the balance of the material as soil nutrients.

That is a kind of frontier mentality, in my opinion, that dictates the notion that there is plenty more where that came from. As we get more and more involved in the environmental problems of our State we come to realize that this is not true. Probably it is least true of one of our resources and that is the land over which we have custody. In my judgment, the kind of environment we will have in the future in New Jersey will be more determined by the land use decisions that we make than by any other single issue.

We find not only, in my opinion, municipal officials who are essentially in a position of conflict because they have to decide, through the zoning and planning

processes, what use will be made of their land but they also have to decide where they are going to get the money from to run the government next year. I think this incredible fiscal treadmill that they are on because of our insane dependency upon the property tax has paved the way for some environmentally silly uses of the land. I invite your attention, now that you have adopted the flood plains bill, to that kind of insanity on the flood plains of the Passaic Basin.

We have many land resources in New Jersey for which the future use will affect not just the people who happen to live in the town where the lands are located but will affect many, or all, of the citizens of our State.

Of course, we could collectively wring our hands and lament some of the bad land-use decisions of the past but I don't think that would be very constructive. I think there are things that we ought to try to do through executive determinations and by new legislation to change the decision-making pattern so that municipalities do not exclusively decide uses that can be made of the land in their community without bringing into the process at all the views of those who live outside the municipality but whose resources can be affected by these decisions.

Now I think there are things happening right now in the Legislature and also in the Departments of State Government that reflect this judgment. The 1970 Legislature adopted the Wetlands Act, presumably because it believed that the decisions made to use or preserve wetlands would work for or against the interests of citizens that live in other communities. The Wetlands Act is a historic departure from the sacred doctrine of home rule and I think it is a departure that is in the public interest.

Our own Department, with the recommendations of

of the Governor to support us, has remarkably changed its policy concerning the sale of riparian or tideflowed lands. We are not in the mail order land sale business anymore and will only convey these properties if it can be shown that the use will be in the public interest and that the environmental effects will be minimal.

While I regard it as an experiment I think that the Pinelands Protection Council is another reflection of this view, that any kind of development that goes on in that ecologically unique region of our State should be subject, at least, to scrutiny by people beyond the municipality in which the development will occur because the harm, if there is harm, will spill over the boundaries as well. We are hopeful that that experimental legislation will prove to be protective, as its title indicates.

We now have an Agricultural Blueprint Commission which is searching for ways in which we can lawfully preserve at least a portion of the agricultural lands in our State which are now being obliterated.

We had Hackensack Meadowlands Commission established in order to provide a concerted land use plan for that 20,000 acre region that is not likely to have come forward if the 14 municipalities figured it out for themselves. They have recently published a land-use plan that I think is sensitive to environmental needs.

The citizens spoke on the question last fall when they, by a wide margin, adopted the green acres bond issue so that some of these lands that are sensitive and should be protected can actually be put in public ownership. There was an overwhelming vote in favor of sharing of land-use decisions in the flood plains for environmental reasons and for public safety reasons.

We now have a bill before us that would do this for another region of the State, our Coastal Protection bill. Now I didn't hear all the previous testimony because I couldn't be present but I have had questions put to me in my travels concerning this bill. One of them is, why are you picking on the south? Well, in this bill we are picking on the south because that is where the coast is. The other bills would be picking, if that is the word to use, on other portions of New Jersey. The Flood Plains bill covers all of New Jersey. The Governor has already announced that he will recommend legislation in January for the State to share in land-use decisions in the Tocks Island impact area, 30 or 35 municipalities up in the northwest quadrant. At some point in the future, when we think the time is right, I hope to see a revival of the proposal for shared land-use decisions up in the skylands region, hundreds of thousands of acres bordering the northern boundaries of our State.

I would like to make a couple of comments about the bill itself. Essentially what this bill does is describe an area which we think, because of its special character, should have at least a review mechanism at the State level for future development. We are talking about the Atlantic Coast, from the Delaware Bay and the Delaware River to --

We are also talking in terms of the boundaries in 1429, a zone that embraces the principal waterways that feed into these areas in the knowledge that development along those waterways can have an important harmful impact upon the edge of the coastal zone itself with, defined in the bill, certain kinds of development which we think should be subject to extra municipal review before proceeding. We have set up a process for this review to determine the likely environmental

impact before these developments proceed. We have imposed time constraints upon ourselves, - when I say we, I am talking about State Government collectively - provided for a public hearing, and required the administrators to come up with specified findings of an environmental type before approval can be given for the development to proceed.

The bill affirms local control of planning and zoning. Nothing in the bill would interfere with the planning and zoning ordinances now in effect. No municipality would be required to take anything that it doesn't want, in terms of its local zoning ordinances. What the bill provides for is a review, before construction, from an environmental point of view, of those developments that otherwise would be authorized by the local government.

Some people think that this is vesting too much authority in State Government, as if we bureaucrats can make decisions in isolation, in our windowless rooms someplace, that would affect the whole community. I can assure you, after a considerable time in government, that it doesn't work that way. As a matter of fact, I get more concerned sometimes about our frustration and our inability to do things than I do about any concern about unbridled authority. Whatever decisions we make have to be in keeping with the overall goals of the administration. They have to be responsive to public opinion. Any steps that we take, or fail to take, are subject to review by the courts, as they should be.

I have heard recommendations that we should broaden or make more narrow the boundaries of the zone. I heard one recommendation that we ought to broaden it to cover the whole state. In a moment of wickedness I can't hope but speculate that that recommendation is derived from the hoax that if it were broadened

that much it would sufficiently broaden the opposition to it so that it wouldn't pass at all. There is an element, obviously, of arbitrariness in defining a zone of this kind. This just doesn't lend itself to precise definition.

I have here someplace, I don't know if I brought it down with me or not, some maps, including those taken from the satellite which traverses our State every 17 days. It gives some notion about the special characteristics of the zone that we recommend be in the bill. Beyond that, we have used cultural boundaries such as highways and railroads, etc., so that if the zone is defined people won't have a lot of trouble knowing whether they are in it or out of it. I present this to anyone's scrutiny who would like to see it. This is a satellite picture. Some of the members of the committee have seen it already. We hope it will tell us remarkable things but I think it is interesting to relate what it shows with the boundary that we are recommending.

I mentioned earlier, in reviewing this bill in the last couple of months, we have formed the opinion if certain changes were to be made, they are not fundamental changes, they are changes that we think will polish the bill and we recommend them for your consideration. They are contained in the revised version of the bill that I handed out at the beginning of my testimony.

First we have altered, and I will not bore you with the recitation of it, the declaration of legislative policy that preceeds the regulatory portions. We have excluded the word "major." We have left essentially undisturbed the definition of facilities that are subject to the act. We have excluded in our version the verbs "expand" and "utilize", limiting the application to new facilities.

We have excluded the application of the act to any subdivision of lands. We think the act ought to go to a proposal to construct something and not as a subdivision itself. We have left untouched definitions of the zone itself.

In section 7 we had limited the extent of environmental inventory called for when the proposal is to build houses. We have made technical adjustments to section 11, which we think help it, more accurately, to say what was intended. We have done the same thing with section 18, and we have made minor changes in the statement.

In my opinion this bill, with or without further amendment, is the number one piece of legislation dealing with the environment that is now before the Legislature. We would be happy to review testimony and form opinion and give advice as to what amendments, beyond these, that we think can be made to improve the bill. But in my judgment this is number one. This kind of environmental review, in my opinion, has to be the way we go in New Jersey if we are going to be able to rescue the resources that we have left to us and I urge its adoption.

In conversations with the Governor it has been made clear to me that he favors coastal zone protection legislation. I am sure that he wouldn't quarrel with what variations were made in the bill to improve its effectiveness. He is in favor of coastal zone legislation and I respectfully urge this Committee to report the bill out in the hope it will receive favorable action in the near future.

ASSEMBLYMAN DAWES: Assemblyman Stewart?

ASSEMBLYMAN STEWART: You have answered my first question. We asked Tom Kean, when he was here, the administration's viewpoint. Obviously the Governor and the administration favors this type of legislation.

I am sure the people in Gloucester, Salem and Cumberland Counties will be tickled to death to hear that.

One remark you made which struck me was you thought if this bill were amended to include the entire State it would not be able to pass the Legislature. Why do you feel that would be so?

COMMISSIONER SULLIVAN: What I said was I thought some of those who were suggesting that it be broadened in scope were hopeful that the opposition would be broadened as a result.

ASSEMBLYMAN STEWART: Do you think it would be?

COMMISSIONER SULLIVAN: I have no idea.

ASSEMBLYMAN STEWART: I thought what you said was pretty clear. I will have to read the transcript but I thought it was pretty clear that you said if the bill were widened the opposition would grow and I was wondering why that would happen. If everyone is concerned about an improved environment and everyone all around the State is as concerned as you are, I don't see how that can weaken the bill. I would think we would separate the men from the boys if we enlarged the area that this bill encompasses. To be perfectly honest with you, I feel just the opposite. It is my opinion, and it is getting stronger every day, that this bill was drawn the way it was simply because no matter how you draw it - no matter how you look at it - there aren't enough votes in that section of the State to defeat it. All our friends above that line who will have no interest in it, who will have nothing to lose, who will have no constituents living in that district, will be able to bend to whatever pressures are brought to bear on them and support this measure. That is my opinion.

I don't buy the maps that we have seen showing the elevations. I can't help but wonder where those

maps were when 722 was introduced because this bill picks up the exact same areas. It appears to me -- I ask your comment on this because we are supposed to be asking questions and not giving speeches here. Where were these maps when 722 was originally introduced? It appears to me, and I would appreciate your response, that a conclusion was drawn as to the boundaries of this bill and then you went about justifying it by saying, "o.k. here is how we will justify that." Because I have asked the question several times, "how did you arrive at this boundary" and nobody had an answer. Now, all of a sudden, eight months later this map showing elevations pops up.

COMMISSIONER SULLIVAN: When 722 was introduced these maps did not exist. The boundary line in Assembly 1429 is remarkably different from the one in 722. It is drawn on an entirely different basis.

The one in Assembly 722 was drawn on the basis of a ten-foot elevation above sea level.

ASSEMBLYMAN STEWART: I am talking about the Perth Amboy to Trenton line. I realize that this 1429 goes a lot further inland than 722. I am talking about the boundary between the Raritan Bay to Cape May and from Cape May to --

COMMISSIONER SULLIVAN: Well actually what we did was, when 722 was introduced we, in our own offices, took a long, hard, look as to whether, as is required in any kind of environmental legislation, it served the environmental need. We came to the conclusion that we agreed special protection for the coastal area should indeed be provided but we didn't agree with the way in which the boundary was drawn. We did not change the extremity of the boundary but we did change the extent to which it goes inland and the manner by which it would be determined. But the maps to which you refer were a product of that study. They did not exist when 722 was

drawn.

ASSEMBLYMAN STEWART: Will we have maps showing us the same contour of the land beyond Trenton, beyond the Raritan Bay so we can see how you justify this? We have a map here that shows us the boundaries, as affected, but it doesn't say what the difference is beyond Trenton City, for instance, and why that area is not included in this definition.

COMMISSIONER SULLIVAN: Well, we could extend the boundaries of this, to be sure. As I say, there is an element of arbitrariness as to whether we want to go the whole State of New Jersey or whether we want to take zones that we think have special characteristics.

We have aerial photographs upon which we have based a lot of our mapping for the whole State. You are welcome to see any of them that you would like.

ASSEMBLYMAN STEWART: It has been suggested that this bill include only the area from the Raritan Bay to the tip of Cape May. Do you feel that that would defeat the purpose of this legislation?

COMMISSIONER SULLIVAN: It would defeat a substantial portion of the purpose. That is an area that obviously deserves protection but I think to omit, certainly, the region from Cape May to the Turnpike Bridge would be a mistake. I think there are different characteristics of the three regions separately identified in the original bill and those special characteristics should be taken into account - would have to be taken into account - in the environmental findings called for by the act.

But I think a compression of the size of the zone would limit the effectiveness of the bill.

ASSEMBLYMAN STEWART: I asked Assemblyman Kean, who is the sponsor of the bill, how he would compare the Port of Camden, for instance, also the Delaware

Memorial Bridge area where there is a major industrial growth in that area.-there is an atomic energy plant not far from there.-how he would compare that with the coast off of Asbury Park or Atlantic City and how you justify including these two sections in one bill and not including the area north of the Raritan Bay which is very similar to the Port of Camden.

COMMISSIONER SULLIVAN: Well, as I say, you could draw the boundaries however one chooses. We feel that protection of the Delaware estuary, which means regulation of the kind of development that will border on its banks, calls for including that estuary to the head of tide in the bill.

If you are asking me will the bill go down the drain if the region from the bridge north of Trenton is excludable the answer is no. It would still be providing a form of environmental protection for the development that would take place from the bridge, around the point up to Sandy Hook. I think this kind of review is a very sensible kind. I see nothing in here that suggests that industry is going to be excluded from the banks of the Delaware River or from any other appropriate place, for that matter.

I know you know the bill well enough that you don't have as much misunderstanding as some do. Some people may feel that this bill is designed to keep things out of the coastal zone. As a matter of fact, that was the chief change we wanted to make with 722; we are not in favor of bills that slam doors but we do feel very strongly that an environmental type review of whatever is built in this zone, whatever its boundaries, should be given beyond that given by the municipality itself.

ASSEMBLYMAN DAWES: Assemblyman Mancini?

ASSEMBLYMAN MANCINI: Commissioner, the problem that we have run up against mostly with regards to

wetlands legislation and this type legislation is the vagueness of what is to be done about compensation in the event that ground is rendered as useless, not only to the individual but to the municipality that would be affected when the ground is rendered useless, and therefore would be virtually not taxable. We find this bill very vague in this area. The Wetlands bill, of course, states that the courts will decide ultimately what is to happen here. But would it not be a good move to come out with something affirmative, perhaps, in this bill? This bill encompasses a much larger area than the Wetlands bill. I think that something should be done here that is definite and this would alleviate much opposition to the bill. I know it is a funding situation and there is no way of estimating what this would cost. What is your opinion with regard to this?

COMMISSIONER SULLIVAN: My opinion, first, is that if in any of these land use measures we, by individual acts or by regulation, make it impossible for a person to make any use of his land the courts will find that to be confiscation and throw the regulation out.

Our task, and it is a very interesting one, is to draw the regulations such that the lands get the protection that they need and the public gets the protection they need without rendering them useless and therefore confiscated.

With regard to the point in general, my own opinion is this would be bad public policy, in effect, to compensate people for the market value changes in their property that are brought about by zoning type steps. A municipality that changes an R2 zone into an industrial zone does not ask beneficiary property owners to pay to it the improved market value of the property nor does it compensate the property owner if the zoning goes in the other direction.

Again, I regard this as a review mechanism that is not designed to render land useless but to try to see to it that the use that is made is more environmentally sensitive than is likely to be made if only the municipality has made the decision. So I would recommend against that kind of compensation.

ASSEMBLYMAN DAWES: Thank you, Commissioner Sullivan. (see page 93 for revised version of A-1429)

COMMISSIONER SULLIVAN: Thank you, gentlemen.

ASSEMBLYMAN DAWES: The only other people that will be heard this morning will be Assemblyman Chinnici from Cape May, Freeholder Ayres from Salem County will follow him and Mr. Ambler from New Jersey Central Power and Light will then speak. We will then break for one-half hour and when we return we will lead off with Mr. Louis Dalfert followed by Mr. Halsey.

Assemblyman Chinnici?

A S S E M B L Y M A N J O S E P H W. C H I N N I C I: Good morning gentlemen. I am going preface my remarks by saying that I am starting my 20th year in government very shortly. I served for many years in local government, for a number of years in county government and this is my first year in the General Assembly and I represent the Counties of Cape May and Cumberland. I am rather shocked, very frankly, at the proposal of this bill, A-1429. To me this means just one thing, that the county and municipal officials of Cumberland and Cape May Counties don't know what they are doing so the State, who doesn't live there, is going to come down and tell the people, who have been born and raised in this area, how to use their land.

Over the past 20 years I have seen State government continually commence to overtake local and county government and eventually I don't think we are going to have any county or municipal government left.

Of the 21 counties in this State, and I think

this bill encompasses about 12 or 14 counties, Cumberland and Cape May Counties are the most severely injured by this bill. Why?

This is the map that represents A-1429. It takes 69% to 70% of Cape May County and it tells the officials that they don't know what they are doing and we are going to tell you how to use your land. 69% to 70% of Cape May County will be frozen and under the control of one man who, incidentally, I have the fondest respect for, Commissioner Sullivan.

Cumberland County is affected to the tune of between 35% and 40%. There again freeholders and the municipal government in this county loses complete control of the area which will be controlled by this bill.

I wonder, really, if the people responsible for this bill consulted anyone in any of the counties affected by this bill. Did they call the officials, municipal and countywise, in Cape May County? They are affected almost 70%. Did they ask their advice to find out, "well what do you think?" I can answer that, no. Did they afford the officials of Cumberland County the same courtesy? The answer again is no.

This tells me that the people who were born and raised and have been governing themselves for several hundreds of years in the southern part of this State today don't know what they are doing and the State is going to come down and show them what to do. This is absolutely asinine. It is wrong and I can't understand how anyone can propose a bill of this nature.

This is a map of Cumberland County. It encompasses, the diagonal red lines, the counties and the municipalities involved under this bill. What does it really do? Greenwich Township, Lawrence Township, Downe Township, Commercial Township, Maurice River Township, even half of the City of

Bridgeton, which is almost 85% developed, now comes under these regulations. Outrageous.

These townships that I mentioned in Cumberland County are almost entirely under this bill and therefore the township committees and the mayors of these townships and cities will have no control if this bill is passed.

Now I agree with a few exceptions with Kenny Black's remarks that we are losing control of local government and this is not in the precepts of our Constitution of this State or of this country. We are losing the home rule aspect of it.

In Cape May County and in Cumberland County both - I am talking about the counties, I am leaving the municipalities out of it temporarily - each of them have a county planning board and they have in their employ experts to tell them how to properly develop their townships. They truly don't need anyone who doesn't live there to tell them how to do it. They don't want their counties destroyed by a disorderly growth of industry or residential. They want it just as orderly as anyone else and I think that you fellows who live in the southern end of this county agree with me wholeheartedly. But yet, this bill takes away this home rule right and no matter what the local or county governments say the Environmental Protection Commissioner will have the final say and he will either accept or reject any application. I can tell you that the Chamber of Commerce in both Cumberland and Cape May Counties, including the State Chamber of Commerce, is opposed to bill A-1429.

Now I don't want anyone to get the interpretation from my statement that I am not for orderly growth. I am. I don't think there is a man, woman or child in the southern end of this State that would want their land developed in a manner which is not conducive to

good healthy living.

Now Kenny Black mentioned seashore resorts and believe me, what he said is true, it is only one or two miles from the shore that is affected in the seashore resort business of our counties, especially Cape May County. The Chamber of Commerce in Cape May writes and tells me Cape May County municipalities have stringent zoning and planning regulations and are further guided by a county planner with an adequate staff and department. Do we need someone else to come in there and tell Cape May County how to run their affairs? Of course not.

In the City of Bridgeton - the City of Bridgeton is about 80% developed. This bill would take one-half of the city and take it away from the mayor and city council's control and from here on out, if this bill is passed, the city of Bridgeton will come to the Commissioner of Environmental Protection for instructions on what to do with the land. There isn't that much left, although in the southern end, which is involved, there is some open space. However, the people in Fairfield Township and Downe Township and in Commercial Township know exactly how they want to use their land. They have planning boards and zoning boards in each of the municipalities. They don't want disorderly growth either.

The City of Bridgeton writes and tells me, by resolution, that this bill would hamper economic development of counties, municipalities within the jurisdiction of these proposals thereby precluding natural tax growth which will, thus, adversely affect future operations of municipal, county and state government. I agree wholeheartedly since I served in the City Council of Bridgeton for about 14 years.

You know, not too long ago the Governor appointed a Delaware Bay and Marine Council and a very knowledgeable

gentleman who was on the Cumberland County Planning Board was appointed by our Governor. He asked Mr. John Holland to submit a report on what he thought ought to be done in the Bay area - we are concerned now with the Delaware Bay area. The proponents of this bill did not wait for that report. The report hasn't been submitted as yet. But yet the bill just overrode any of the thoughts of this council and went ahead and proposed a bill.

Commissioner Sullivan just stated that industry would not be banned from these coastal areas. But, remember, he is probably right, industry will not be banned but he is the only man that can grant permission. The County and local municipal governments have no more control as to what industries go and can I tell you something, gentlemen, Cape May and Cumberland Counties are sleeping, beautiful giants. This bill would freeze them forever and it is unfair to the people of Cumberland and Cape May Counties and, especially, to the elected officials who were elected to do a job for these counties.

We heard mention of the Wetlands Act, which I opposed, and I too-- now here again I am not opposed to all the facets of the Wetlands Act but I think it is entirely too strict and it is entirely out of contact in many, many ways and it should be amended to make it livable. As far as A-722 is concerned it is identical to this bill. It is a bad bill and it absolutely should not be enacted.

Gentlemen, let me say this.-I am not going to take up too much more time because I think you have gotten my message, loud and clear - there is no one that I have spoken to, with the exception of a few very strong environmentalists in our area, who are for this bill. The Chambers of Commerce are against it and, just as someone said earlier today, unfortunately

Cumberland and Cape May Counties only have two Assemblymen votes and the southern counties don't have that much force to be able to override the force of the northern counties who, in some counties, have 8, 10 and 12 Assemblymen. But it is the duty, it is our duty as representatives of the people of that area - Mr. Hurley and myself and Senator Cafiero - to bring to the attention of this House and the Upper House the facts that are truly prevalent in our area. We do not need anyone on the State level to tell us how to run and build our counties up. We have fine experts that we have hired. Every county, every municipality, every little hamlet has a planning and zoning board. Why do we need this bill? I have no idea and I am opposed to it 100%. I will do everything I can to have this bill defeated. I intend to speak to, and make contact with, anyone that will listen to me and get their views and I will assure you that the final analysis of the county that I represent will prove beyond the slightest shadow, they do not want the State of New Jersey to take over the local government. They know what to do. They were born and raised there and, yet, we get an expert that lives in North Jersey somewhere that tells us, by making one trip down in the area, or two trips, or a dozen trips, exactly what we need or don't need.

Gentlemen, I am going to do everything I can to defeat this bill because I think it is very discriminatory and that it is a bad bill for the southern counties. Thank you very much.

ASSEMBLYMAN DAWES: Thank you, Assemblyman.

The record should note that Assemblyman Kiehn has joined us now. I was going to say before you came, Joe, that it is interesting to note - of course it doesn't apply now - that those three Assemblymen who sit on the Air and Water Pollution Committee

whose areas are greatly affected are the only three that are present.

ASSEMBLYMAN CHINNICI: I can see that.

ASSEMBLYMAN DAWES: But that doesn't apply now.

ASSEMBLYMAN CHINNICI: If you have any questions, gentlemen, I will be glad to answer them.

ASSEMBLYMAN DAWES: We will see you at your desk if we do. Joe, thank you.

Freeholder Ayres?

F R E E H O L D E R G E O R G E W. A Y R E S :
Good afternoon, Mr. Chairman and members of the Committee. My name is George Ayres and I am here as a member of the Board of Chosen Freeholders of Salem County. On behalf of that entire Board I am here to oppose passage of Assembly bill 1429, just as we did bill A-722.

Paragraph 2 of this bill infers the inability of home rule to maintain the natural resources within its jurisdiction, continues with the proposal that decisions are of such vital importance that they should not be made solely by one level of government acting unilaterally and then proceed to give the power, not to one level of government but to one man, the State Commissioner of Environmental Protection.

For more than three hundred years, since the Swedes first settled in Salem County, our local and county government has protected and preserved its natural resources for all the world to see.

This bill is a little like the preacher chastizing the people in the congregation for the lack of attendance of the majority of the congregation. It is the people who do not attend that should be chastised. So here, you seek to take control of lands where the natural resources have been adequately preserved by home rule and do nothing with those areas that have destroyed and demolished the beauty

and vitality of its fields and streams.

We are not opposed to the protection and restoration of the natural resources of our State but we feel that the same regulations should apply to all 21 counties. Those counties that have permitted the destruction should first be compelled to restore and revitalize their resources - at least to the degree of purity that they presently exist in the counties of Southern New Jersey - and then all 21 counties proceed from that point, not under the rule of one man, not under the rule of any State Department, but by home rule with equal opportunity given to all.

The bill sets forth that the coastal area situated along the Delaware Bay up to the Delaware Memorial Bridge be dedicated to compatible and shellfish industry, a distance of approximately twenty-five to thirty miles. There is not now nor has there ever been any shellfish industry in the major part of this area. There is presently, being constructed in this area at the southerly end of Salem County, an atomic energy plant. Also existing at the northern end is the Atlantic City Electric Generating plant.

We feel that the successful maintenance of our natural beauty and resources for more than three hundred years, in our experience, far exceeds the abilities of a one-man controlled operation from Trenton.

Further, the lack of knowledge of some of the sponsors of the bill of the uses to which nature has put our resources proves that home rule is far more aware of what is required to preserve those resources.

We further feel that any regulations should apply equally to all counties and that complete restoration should be as much a part of this project as preservation.

For these reasons, we urge the defeat of Assembly bill 1429.

As a Freeholder and an interested citizen from Salem County I have deep concern for the way we are going in eliminating home rule and local control of problems normally associated with county and municipal governments.

Of chief concern today is Assembly bill A-1429, entitled "Major Coastal Area Facilities Act" which is being considered by your august body. We believe that this bill represents one more example of the State usurping duties and authority originally set up for home rule and more effectively administered at that governmental level. It is our contention that this proposed bill is completely unnecessary and uncalled for and, among other things, fails to consider the economic needs of the people of South Jersey.

During the past few years, regulations concerning our lands have been put one upon another including the Wetlands Act, the Flood Plains Act and innumerable anti-pollution and environmental laws.

This bill, A-1429, is a re-run of A-722 with the main powers of determination in the hands of the Commissioner of the Department of Environmental Protection. It still contains all the ingredients needed to eliminate all industrial construction along the ocean front areas, the Delaware Bay and the Delaware River up to or above the Delaware Memorial Bridge, actually to Trenton. In fact, A-1429 covers an area about double the size covered in A-722.

Yes, we know this bill does not spell out the elimination of new industry in these areas, it merely requires a permit for such construction. However, based on previous experience with all powerful agencies, such as the Department of Environmental Protection, what this really means is that we submit our control of all our industrial growth and the regulation of all ecology problems to an outside agency with little real

interest in our problems. We believe the result of this type control will effectively stagnate industrial growth in Salem County.

We submit to you the following. With the present laws and our effective planning agencies we are in a better position than anyone to control our industrial growth. Since this is a fact, we suggest: (1) Salem, Cumberland and Cape May Counties be allowed to set up their own regional control agency and (2) delete from A-1429 all references requiring permits from the Department of Environmental Protection for industrial construction. Allow these permits to be procured from the County Planning Boards and possibly from the regional agency.

I can guarantee you that we will not ruin our natural assets, as has been done in some other parts of this State, and that we can and will exercise better, more reasonable control than can some of the agencies sitting in our marble halls.

Gentlemen, we implore you, please leave the controls at the source where these problems are more thoroughly understood.

The Salem County Board of Chosen Freeholders opposes bill A-1429. Thank you Gentlemen.

ASSEMBLYMAN DAWES: Thank you, Mr. Ayres.

Mr. Ambler?

D R. S H E P A R D B A R T N O F F: Assemblyman, I am not Mr. Ambler; my name is Dr. Shepard Bartnoff. I am President of Jersey Central Power and Light Company and New Jersey Power and Light Company, two of the operating subsidiaries of the General Public Utilities Corporation, a holding company which is also the owner of two operating utility subsidiaries in Pennsylvania and of the GPU Service Corporation. Previously, I was director of Environmental Affairs for the GPU Service Corporation with responsibility for directing and coordinating all environmental matters involving

generation, transmission, and distribution of electric energy in the General Public Utilities system.

As a utility serving much of the Coastal Area of New Jersey, we endorse the objectives of preserving the integrity of one of the basic resources of the area, namely the Atlantic Ocean, its beaches and tributary streams. Our service area includes 236 communities, comprising 43% of the land area of New Jersey, with a population of over 1,700,000 people, and we feel a strong obligation and responsibility to conserve all of our natural resources and to supply the needs of our customers with a minimum of adverse effect on the environment.

A significant number of our customers - approximately 20% - would be affected by the proposed Major Coastal Area Facilities Review Act, Assembly bill 1429. The area delineated in the bill includes many of the fine residential and commercial sections of Monmouth and Ocean Counties which presently are expanding at a very rapid rate. Under the proposed bill, many hundreds of requests for permits would be received by the State each month, thus creating an administrative log jam that may be difficult to break within one agency. A review of our records for last year indicates that we received approximately 600 requests for service projects each month in the area affected by the proposed bill. It is our opinion that most of these requests represent projects that would require approval under the act.

As a regulated public utility, our operations are already reviewed in considerable detail at the local, county, state and federal level. This act, in effect, adds one more level of regulation without consolidating or taking cognizance of the many others in existence. Furthermore, our business is highly technical and complex in its operation and affects not only the environment but also the commercial,

economic, educational, health and recreational well being of New Jersey. Indeed, proper production and intelligent usage of electrical energy is the warp and woof of the fabric of our society. Any review of our construction program should not be based on one input only, namely the environmental, but should take all factors into consideration. It is recommended that utilities be exempted from the program as presently outlined in the bill and that the Public Utilities Commission, as the cognizant agency charged with the responsibility for the evaluation of all pertinent information, and acting in the public interest with advice from the Department of Environmental Protection and other State agencies, be given the authority to permit the construction, modification or operation of a major facility of a public utility.

As we indicated earlier, we are in favor of appropriate control in this area. With this in mind, we have the following comments on the details of the proposed act.

(1) The act makes no provisions for a major facility that is under construction at the time of the effective date of the act. While we do not recommend that anyone be permitted to start a project prematurely so that it not be under the cognizance of the act, we do believe that projects that are under way be allowed to be completed in a timely fashion. Therefore, we recommend the addition of a new section, 5 (a), as follows: 5 (a) - Any construction or modification, for which all necessary state and local permits have been obtained, that is underway on the effective date of this act, may be completed without the procurement of the permit required by this act.

(2) Section 7 indicates that the required environmental impact statement "shall provide the information needed to evaluate the effects of a proposed

project upon the environment of the coastal area."

In other words, it would require the information that presumably would enable decision-makers to reach decisions that take into account environmental considerations.

Section 7 (a) then requires a vast amount of information giving no consideration as to whether or not the information is pertinent to the decision to be made.

The preparation of a long and weighty document, most of which is irrelevant, would hamper rather than improve the decision process. In order to encourage concise and clear environmental reports, it is recommended that Section 7 (a) be modified to read as follows:

7 (a) - An inventory of existing environmental conditions at the project site and in the surrounding region which may be affected by the construction, modification, or utilization of the major facility. Subjects to be considered in determining the extent of the inventory are air quality, water quality, water supply, hydrology, geology, soils, topography, vegetation, wildlife, aquatic organisms, ecology, demography, land use, aesthetics, history and archaeology.

3. Section 7 (g) could lead to an almost endless listing of alternatives unless it is qualified. Therefore, it is recommended that it be modified to read: 7(g) - Practicable alternatives to all or any significant part of the project with reasons for their acceptability or non-acceptability.

4. Section 10 outlines the criteria that the Commissioner shall apply in deciding if a permit is to be issued. Many of these criteria are very general in nature. In order for the act to be effective the criteria must be clearly defined.

5. There appears to be inconsistencies between Sections 10 and 11. Section 10 allows issuance of a permit only if the seven criteria are met, while Section 11 allows the issuance of a conditional permit in this case. The inconsistencies should be removed.

6. The proposed act appears to be lacking in that there is no description of how it is integrated into other environmental acts. Unless such an integration is conducted, the environmental picture will remain in the haphazard condition that now exists. This situation is certainly not in the best interests of the people of New Jersey.

We appreciate the opportunity to present our views on the proposed act. We sincerely hope that they will be helpful in your deliberations. We stand ready to furnish any further information that the Committee may desire.

ASSEMBLYMAN DAWES: Thank you, Doctor. Are there any questions?

(no questions)

We will now adjourn for lunch.

(AFTERNOON SESSION)

ASSEMBLYMAN DAWES: We will now open the hearing for this afternoon. This hearing will adjourn at 4:30, no matter who is speaking.

The Committee decided at lunch that they will not hold any further hearings on this bill until the beginning of next year because there may be some changes and therefore we will wait until after the speaker, or new speaker, has made these appointments.

The next speaker will be Mr. Louis Dalberth.

UNIDENTIFIED SPEAKER: Mr. Dalberth asked me to turn in his statement.

ASSEMBLYMAN DAWES: Thank you. Mr. Dalberth is not present and he has asked this gentleman to offer a copy of his statement which will be entered into the record.

(see page 94A)

Our next speaker will be Mr. Robert Halsey.

Mr. Halsey, who is the Director of the Monmouth County Planning Board has a letter which he will submit to be introduced into evidence. It is a letter sent to all the Assemblymen and Senators of our County. Mr. Halsey will also give a brief statement. Bob?

M R. R O B E R T H A L S E Y: Thank you. Mr. Chairman, Committee members, the Monmouth County Planning Board has found itself in the awkward position of opposing Assembly bill 1429 because the basic objectives of the bill, when it was first brought to our attention, conformed with the thinking of the County Board and its staff. The Board agrees with the need to protect our tidal waters and some of the adjoining land but the Board and the staff do not agree that Assembly bill 1429 is suited to this objective. This bill could just as readily apply to the entire State of New Jersey. The area encompassed by the bill does

not relate well to the coastal areas of Monmouth County. It departs from the coastal areas and ends at an arbitrary boundary to make it more readily identifiable.

However, the information which would be required under the act would enable people to identify elevation at any designation because it will have to curve up the graphic information to permit the State to make an intelligent review of any proposals.

In conjunction with the boundary, it has an awkward relationship with the Monmouth County General Development Plan, which was the adopted County Master Plan. The eastern part of Monmouth County, which already has a population of approximately 375,000 persons, is scheduled in the development plan, generally, to be excluded for development as urban service areas - areas of density that would require public water, sewer and other such facilities. Almost all of the corridor - a large percentage of it - is covered by the act and would require review of all proposed development within that area. However, immediately to the west of the boundary is an area which the County Development Plan envisions as being low density, open space, residential and this area would not come within the act.

It would appear, therefore, that because of the time involved in the review under the schedules in the proposed legislation, that it would be extremely difficult and very timely to get approval for developments in the coastal corridor and this will increase pressure for development of areas which the County Planning Board does not feel should be developed.

The other concern that the Board and staff has is the lack of coordination with other legislation concerning land-use and development control. I speak of the local land-use laws, planning and zoning acts, county planning enabling acts and also other acts

which we felt covered the area in question, the Wetlands Act which is relatively new, water pollution control, air pollution control, flood plains protection, etc. Most of the facilities in this act would be reviewed by this Department already, under present legislation, and any further review, we feel, should be coordinated more directly with the existing legislation and also, I might add, with legislation that is being proposed now, which I believe has been prepared concerning development of various types in the State.

The Planning Board is willing to review this. I think the Board would look at any amended act but would still stick with its basic comments as contained in the letter sent to our legislative delegation.

The official position of the Board is that it is opposed to Assembly bill 1429 in its present form.

ASSEMBLYMAN DAWES: Thank you, Mr. Halsey.

(see page 104A for County Planning Board letter)

Mr. Robert Benster?

Mr. Benster was going to speak and evidently he is not present.

Mr. Kenneth Pyle, Atlantic City Electric Company.

Speaking on behalf of the Atlantic City Electric Company will be Mr. William Cowart, Senior Vice President.

MR. WILLIAM COWART: Chairman Dawes, Mr. Mancini, members of the Committee, thank you for this opportunity to appear before you this afternoon. My name is William S. Cowart, Jr. I am Senior Vice President of the Atlantic City Electric Company.

Atlantic City Electric serves one-third of the land area of New Jersey and two-thirds of the coastal zone. As a servant of 82 years' standing the Company is vitally concerned with the energy, the environment and the economy of the region and its people. We are concerned with their total quality of

life.

It is in accord with this concern that I wish to comment on the proposed "Major Coastal Area Facilities Review Act" -- Assembly Bill 1429.

The need to protect New Jersey's ocean-front beaches and to preserve portions of its marshlands contiguous to tidal waters is recognized. However, the enactment of additional legislation is not the answer. Consider these factors:

(1) LINKAGE OF THE VARIOUS ARMS OF GOVERNMENT NEEDED

There is a need for a functional interrelationship between the various levels of government. This need applies not only to relationships between local, county and State government, but indeed to relations and coordination between the various arms of State government itself.

Paragraph two of the proposed A-1429 states that:

"Decisions concerning the location of major facilities have such a broad impact that they should not be made solely by one level of government acting unilaterally."

-- yet, such a unilateral decision is exactly what A-1429 proposes.

Any legislation affecting land utilization should involve all facets of socio-economic relationships; not just Environmental Protection. The concerns of Community Affairs, Agriculture, and Labor and Industry are

certainly just as vital to the well-being of the State. The interests of local government should be involved also in order to achieve compatibility with the needs of the citizens of a given locality.

Congress has just passed, and the President has just signed, the Federal "Coastal Zone Management Law of 1972." This does in fact stipulate the participation and involvement of all levels of government and all concerned agencies in a regulatory plan, before a state may receive grant monies for its coastal management program.

By approving this legislation we would, in effect, simply cut ourselves out of Federal monies for this purpose.

(2) EQUAL OPPORTUNITY, NORTH AND SOUTH

The economic needs of the citizens of Southern New Jersey must surely be recognized; we now have income opportunities which are 40% below those of our northern neighbors. This lack of job opportunity has also given rise to an out-migration of young people to other areas.

(3) HUNDREDS OF HEARINGS

Administrative problems associated with this proposal would be considerable. I heard Jersey Central say that they would have approximately 600 a month. We don't have quite that many. As I see it we have between 200 and 400 a month. Each one would require a special preparation and a great deal of participation by the people involved and a bureaucratic organization would have to be established to even administer this.

(4) CONTROL ALREADY LEGISLATED

The proposed A-1429 does not provide any meaningful or constructive new area of control for the Department of Environmental Protection, except aesthetics. To inflict the criteria of aesthetics upon

a single region, and not upon the rest of the State, is, in my mind, a questionable procedure.

The Department of Environmental Protection now has control over:

Riparian Rights

Wetlands

Green Acres

Air Pollution

Sewerage Treatment

Water Usage

Navigation

Water Diversion

Water Policy, and

Flood Plain Control.

In addition there are further overlapping regulatory devices possessed by other State agencies, regional agencies, Federal agencies and local units of government.

In light of the imposing array of regulatory devices now existent, it would seem that A-1429 is an exercise in redundancy.

There are now approximately 402,000 acres in Southern New Jersey counties (15%) owned by and under the control of State or Federal government. A-1429 proposes to regulate an area of 1,750 square miles or 1.12 million acres. It is difficult to appreciate the logic of control criteria that include elevations in excess of sixty feet above sea level located twelve to fifteen miles inland, within the confines of a "coastal" zone.

A BETTER WAY SHOULD BE SOUGHT -- This legislation proposes to place approximately fifty percent of the area of Southern New Jersey under the control of one office. This does not constitute good representative government in the democratic sense. Rather than vest such power in one person without adequate recourse for review, it would seem that an acceptable and effective approach to land use regulation should, as has been said, involve all interests.

A sound approach might be to emulate the Federal concept of involving all levels of government and to institute local implementation, with the State establishing criteria. The state-established criteria could be administered by means of a body composed of the Commissioners of Labor and Industry, Environmental Protection, and Community Affairs, together with the Secretary of Agriculture -- or indeed, the entire Cabinet.

Any such general land use plan should be comprehensive in scope and apply to all areas of the State. It should also eliminate the patchwork, piecemeal approach now being attempted in this and other bills.

We feel this can be accomplished without the enacting of this legislation.

Thank you for the opportunity to appear here today before you.

ASSEMBLYMAN DAWES: What is South Jersey, Mr. Cowart, to you, what counties?

MR. COWART: South Jersey is a line from Trenton to the sea between Barnegat and Monmouth.

ASSEMBLYMAN DAWES: Between what?

MR. COWART: Someplace between Monmouth and Barnegat Light on the coast and Trenton at the northern border. That would be my definition, sir.

ASSEMBLYMAN DAWES: Does anyone have any questions for Mr. Cowart?

(no questions)

Thank you, Mr. Cowart.

Tom Kelly, New Jersey Industrial Development Association?

Mr. Kelly requested this afternoon which means he should be here.

Are you here, Mr. Kelly?

(not present)

Mr. Nathan Lev?

I have to make a call so I will let Assemblyman Stewart take over for a while.

M R. N A T H A N L E V: Good afternoon, gentlemen. My name is S. Nathan Lev, President of the South Jersey Chamber of Commerce representing over 550 business members from Burlington, Camden and Gloucester Counties.

The Chamber is very concerned about the potential consequences of Assembly bill #1429, the Major Coastal Areas Facilities Review Act. It is our conclusion that this bill would have a serious detrimental impact on the development and economic well-being of Burlington, Camden and Gloucester Counties, South Jersey and all of New Jersey. Although we support programs for improving environment, the quality of life, and proper

utilization of our land resources, we feel that there is a delicate balance that exists between these goals and those relating to the economic well-being of every citizen in the State of New Jersey. It is our strong belief that this bill, and its predecessor, A-722, the Coastal Areas Protection Act, are tilted to the extreme, favoring centralized control by one department in our State government of the ecological consideration of land use, with little consideration for the economic impact. In our opinion, passage of this bill is not in the best interest of the citizens of New Jersey.

As stated in our position paper on A-722, there are already an extensive number of stringent environmental controls and regulations which apply to industrial operations and land use. These include: permits and codes of the State of New Jersey relating to air emissions and water discharges; U. S. Corps of Engineers' permits; the provisions of the Wetlands Act; the New Jersey Permit to Establish a factory in a Watershed; the Delaware River Basin Commission's approval for discharges into the Delaware River; and, many other permits required from local municipalities for any construction. The regulations that already exist provide a major control system for land use. We feel that both A-722 and A-1429 are unnecessary.

A-1429 places control of about 1,750 square miles of the southern half of New Jersey under the Department of Environmental Protection of the State of New Jersey. In reality, this gives the Commissioner of Environmental Protection the responsibility and control for economic development of central and southern New Jersey. This, in effect, means control of: employment; incomes; tax base; and the development and use of resources in a major part of the State. It

is our conclusion that this will cause: high unemployment; lower incomes; higher taxes; an increase in the cost of doing business; and a higher cost of living. We believe this concentration of power is unwise and contrary to the best interests of the people, especially in an area where family incomes and employment figures are already below the state average. For example, the November issue of Economic Indicators, prepared by the New Jersey Department of Labor & Industry, indicates a state unemployment rate (seasonally adjusted) of 7.3%. The November issue of Employment and the Economy, prepared by the same governmental agency for Burlington, Camden and Gloucester Counties, indicates an unemployment rate (seasonally adjusted) for this area of our state as 8.4%

Any land use bill of this consequence must take into consideration all the needs of the state and its citizens, not just those relating to the environment. The impact on labor and industry, the communities and agriculture must be thoroughly evaluated. Any control program must have a balance of power which represents these interests and those of the other departments of state government. We believe that the proposed control is not only unnecessary but is unwisely concentrated.

Assembly Bill 1429, states that "decisions concerning the location of major facilities having such a broad reaching impact should not be made solely by one level of government acting unilaterally"; yet, this bill does exactly that. In effect, it establishes unilateral one-man rule (Commissioner of the Department of Environmental Protection) having total control of land use, growth, development

and jobs in a major area of Central and Southern New Jersey. In the meantime, there is not a similar control for land use in North Jersey. As a result, this not only establishes unilateral control of land use, but also is discriminatory to the residents of Central and South Jersey.

The system proposed by A-1429, has a high potential for causing gigantic bureaucratic procedural delays and would discourage development even in the most desirable areas. In reviewing the timing of the procedural action contained in A-1429, it appears that it would require a minimum of 7 - 8 months to get a permit approved and that the maximum could take as much as two years. The results of this type of action would be a drastic reduction and delay the further development of South Jersey.

We do understand the need for preserving New Jersey recreational areas and beaches, they are of prime importance to the future of the citizens of New Jersey. We also agree that certain other land use controls are essential, but we are in strong opposition to a system that establishes one-man rule over such an extensive portion of the land in the State and in an area that is already relatively undeveloped in terms of employment and economic base.

As stated earlier, there are already numerous control issues regarding the protection of the environment and land use. Any further control of the use of lands must provide a check and balance system between several departments of state government such as the Department of Labor and Industry, the Department of Environmental Protection, etc., and should aim toward minimal controls rather than total control of the development of such a major area in the State.

We appreciate the opportunity to appear before the Committee and we thank you for your courtesy.

ASSEMBLYMAN STEWART: Thank you, Mr. Lev. Are there any questions?

(no questions)

We have a note up here that Mr. Thomas Obert of the Carpenters District Council, South Jersey Building and Trades Council of Camden County, would like to have his Union's name added to the report just read to us. The gentleman left and said that he would not stay to testify.

Next on our agenda will be Mr. John Reed or Mr. Al Feibel, New Jersey Builders.

M R. J O H N R E E D: Mr. Chairman, members of the Committee, I am going to abridge where I can to avoid being repetitious. My name is John Reed and I am here representing the New Jersey Builder's Association. I am Chairman of the Environmental Committee and our concern with the environment is sufficiently known. I shall not go into the details.

I would like to touch a little on a subject I don't believe has been properly covered. Number one, in looking at this bill, A-1429, from our angle, it must be looked at as a massive zoning by the State. This implies a little mistrust for the ability of counties and localities to do a good job. It may be the State is the right party to do it but if so, this is not the best vehicle.

In the first place, we are dealing with some intangibles here which will not only interfere with future business but have to affect the people who already live there.

It is possible that the measure that is under discussion today would have an even more deleterious effect on the welfare of the State than did its predecessor, A-722.

This Major Coastal Area Facilities Review is having a delay effect, like a moratorium, perhaps, on new business. If it is put into effect it has to have time. It is an added body to go through and we already estimate our trade to spend as many years preparing for development as we do building it. In other words, if it takes us three years to build, it takes three years to get ready. This would make it at least four.

Let me speak very briefly of the affected people who are already living in these areas. It is a fact of life that we had rather good, heavy, development during a couple of boom years of home building in Ocean and Monmouth Counties. As those people have gone down there, traditionally business and industry would tend to follow a labor market. I don't see how this could do anything except create a second thought on the part of industry and commerce. Any time you put an added layer of controls, particularly where the whole power is in one Department which, in a sense, is charged with conservation, it would seem that this could interfere with this.

If people have purchased homes in Southern Jersey and still work in Northern Jersey it is very likely they had hoped that someday industry would follow them down there and they could cease to be a commuter. If, in large quantities, these people could find a job near their home we obviously would have less commuting and if we had less commuting, we would have less environmental problems. I am not going to point out the obvious fact that vehicles consume rubber, asbestos, oil, etc.

It is also a fact of life under our present tax structure in New Jersey that these towns, which now have experienced expansion of many bedrooms, are building schools. To balance their budgets, under

existing New Jersey law, they look to ratables. The effect of this bill on potential ratables is an intangible thing. We offer the opinion that it would be detrimental to attracting those ratables to towns.

This, to us, is a counter-productive bill. Anything that prevents the natural tendency of industry to follow residential development, to us, is anti-environmental, as well as having a potentially bad economic effect. We are firm believers in the theory of locating housing within a reasonable distance of jobs. How we could do that under this bill, is not easily to be seen.

The bill itself is a controlled measure which I still must say resembles zoning more than anything else. I must also point out its other effects. Living in the northern half of the State, as I do, I am aware of the shortage of labor. Having spent the past 23 years in large corporations, I can only tell you, trying to look at it from the outside, I see a very odd effect, sir. The tendency of an industry, whom we are soliciting by ads. to come to New Jersey -- bring your business here -- We are a little leery of moving, under this bill, to South Jersey and when we look at Northern Jersey we are looking at a labor-short area, with the highest possible land costs and the highest degree of congestion and pollution. Yet, in a sense, isn't this bill trying to tilt the balance to incoming industry and say, "look only at northern New Jersey, they don't have as many restrictions." Personally, I don't see the advantage to a corporation to look at New Jersey under those circumstances. You only have to drive through Paramus to take a look at congestion.

We certainly have had a very successful amount of moves of major international headquarters to the State of New Jersey. Being familiar with a couple

of them I also know that as they attempted to transfer the last of their groups of employees from New York City they had a tremendous amount of difficulty with the housing shortages in all of New Jersey. It is hard for me to see that this bill would do more than aggravate an already poor situation.

If I may address myself to the bill itself, it puts the burden of approval of a permit in the hands of one agency. The language here is such that I can only assume it could be used as they wish. At the bottom of page 9 you will find the use of the word "minimal" twice: "would result in minimal feasible impairment of the regenerative capacity of water aquifers or other ground or surface water supplies." "Would cause minimal feasible interference . . ."

Gentlemen, when the Federal Government looked for a minimal pollution of streams they added some qualifying phrases and I mean qualified, for example, by available technology. Because if you are not going to consider the economics of available technology it might be we can't achieve the minimal and therefore we have a point of no return; they could turn down a firm as they so desire.

I suggest that this bill, gentlemen, is not, as it stands, in the interest of the citizens of New Jersey. Thank you.

ASSEMBLYMAN STEWART: Thank you very much.

(for Mr. Reed's full statement see page 106A)

Mr. William Crane, former State Assemblyman?

M R. W I L L I A M M. C R A N E: Mr. Chairman, gentlemen, I have presented copies of my testimony to you. My name is William M. Crane, Director of State and Local Relations, at the American Paper Institute. I am a resident of Monroe Township, Middlesex County and a former member of this august body. I greatly appreciate the opportunity to present this testimony regarding proposed legislation foreclosing industrial

development from certain areas of the State now before your committee. The bill is Assembly No. 1429. The American Paper Institute is the national trade association of the pulp, paper, and paperboard industry, and our 200 member firms provide more than 90% of the industry's products manufactured domestically. We commend the New Jersey legislature for its expression of concern for the environment of the state and for having this hearing today on this bill. In my testimony today, I wish to express our industry's opposition to this type of legislation which I believe will effectively foreclose any type of industrial development no matter how environmentally pure or ecologically or economically desirable it may be to the large areas included. It seems to me that existing law covers a portion of the area in the bill. I refer to the wet lands act which gives the commissioner of the Department of Environmental Protection strong authority to restrict the use of and to maintain desired environmental standards in the areas it controls.

Assembly No. 1429 includes areas of the state where because of the high unemployment and generally depressed economic conditions industrial development is highly desirable. The areas I refer to are Atlantic City, Camden, and Trenton. The bill before you has been touted as a compromise version of Assembly No. 722 but in my opinion No. 1429 is even stricter because it puts the sole power of economic development in this area into the hands of one man, the Commissioner of Environmental Protection. The bill restricts virtually all manufacturing operations and from our

industry's standpoint the proposed boundaries include nine paper manufacturing facilities, five of which are paperboard converting operations and four are pulp and paper mills. One of the pulp and paper mills generates a portion of its own electricity, approximately 130,000 kilowatts per hour. If this bill is passed, this mill would be put into the position of not conforming to the legislation not only as a manufacturer of paper and allied products, but also as a generator of electrical power, and any expansion, modernization, or changes would be subject to the very strict requirements of the bill. The energy crisis you hear about is very real, and if a large and logical area is excluded from power plant site selection, and self generators are outlawed too, then our New Jersey energy crisis will be worsened.

The importance of the paper industry to New Jersey will be clear to you from these figures. There are 36 pulp, paper, and board mills and 340 converting plants. Employees number 34,500 with an annual payroll of \$265,800,000. Annual product shipments are valued at 1 billion 25 million dollars. New capital expenditures are 29 million 300 thousand dollars. These figures are for 1970 and are the latest available from the U.S. Department of Labor and the U.S. Department of Commerce.

This bill concerns air and water pollution, so let's look at the paper industry's record on pollution abatement. Nationally the industry spent approximately 234 million dollars for pollution abatement facilities in 1971. In 1972 an estimated 320 million was spent, bringing the industry's cumulative environmental investment to \$1.4 billion. These expenditures average out to \$2.10 per ton of paper and paperboard produced in 1971. Here in New Jersey our industry is very conscious of its environmental responsibility and has moved vigorously to comply with all applicable regulations. In fact, The Council on Economic Priorities, a non-profit

citizen's organization established to disseminate unbiased and detailed information on the practices of U.S. Corporations, reported in its July/August 1972 publication, Economic Priorities Report, that, " The Pulp and Paper Industry, with its popular reputation for rapacious cutting of forests, and foul-smelling mills belching gases and discharging sludge into streams, has not traditionally been known for its environmental concern. Nor is it an industry which has been especially known for its profitability. It is therefore particularly striking to find that in 1972 this industry has made substantial progress toward cleaning up its air and water pollution problems.

More striking still, however, is the fact that despite (and perhaps to some degree because of) its dirty reputation, current projects, either under construction or to which funds have already been committed, will result in the industry's approaching a hundred percent adequate pollution control at most pulp mills by the end of 1975. This places pulp and paper years ahead of other industries...."

In my opinion Assembly No 1429 would effectively foreclose the further development of the paper industry as well as every other industry in the area covered by the bill. The bill permits existing uses to continue but this has very little meaning to the future of industry in our state. In today's rapidly changing and intensely competitive economic environment industry must change or die. An example of a change that might be required for an existing paper manufacturer's installation would be the requirement to install additional air or water pollution control equipment. Another example would be the need to change to a new or more efficient production process. Still another example would be to add facilities to permit a new or enlarged paper recycling capability. As I read the bill these examples

bill. constitute a modification, or expansion of an existing facility. The question then is; should the facility try to continue operations by installing the pollution equipment or new facilities and go through the lengthy procedure of filing environmental impact statements and the lengthy administrative procedures that are likely to develop, or will corporate managers decide to close the facility and to invest their stockholder's money elsewhere by building a new installation in some other state which puts a higher value on its industrial development and the jobs, payrolls, and taxes that are provided to that states economy?

As a New Jersey resident I'm very much concerned that our state must reach a point of balance between environmental excellence and industrial development. And this bill does violence to that concept. We must be concerned of course with our environment and there are areas of the state that need improvement. The other side of the desired balance requires that our growing population have an expanding economy to support it. It seems to me that we can not turn back the clock and stop industrial development in our state. Those of us from the northern and central areas are aware that this is the most densely populated and most urban state in the union. However the rest of New Jersey still contains miles of open areas that have not kept pace with urban and economic development. As our population center changes, so too must our economic base to support that population change.

It has been reported that the committee is considering an amendment to extend the area included in A-1429 north from Trenton along the Delaware River and northward of the Raritan River along the Arthur Kill and the Hudson River. Because we do not favor the concept expressed in the bill, we would not favor the extension of the area involved. Further extensions would include additional paper manufacturing facilities. Also, we understand that another amendment is being considered that would substitute

a citizen's committee for the Commissioner as the decision-making authority. It seems to us that this would negate every present decision-making body in the field of planning and zoning in the areas included in the bill. We don't favor the concept of approval by a central body or by a centralized citizen's committee.

To conclude, we believe that if this committee is sincerely concerned that the present decision-making process for permitting industrial development in the areas of the State included in this bill is defective, or not in the best interests of the State, then perhaps you should address yourselves to that problem, retaining the sense of balance I spoke of before. The balance required is one between environmental excellence and the economic necessity of maintaining a strong economy for New Jersey.

(for list of paper mills in New Jersey and map see)
(page 114A)

ASSEMBLYMAN STEWART: Thank you, Mr. Crane.
Are there any questions?

(no questions)

Mr. Clarence Dicks of the Cumberland County Economic Development Council?

M R. C L A R E N C E F. D I C K S: My name is Clarence Dicks, I am Chairman of the Cumberland County Economic Development Commission.

The Cumberland County Board of Chosen Freeholders, which is meeting later this week, is going to pass a resolution expressing its disapproval of Assembly bill 1429. You will receive a copy of that resolution after it has been approved.

I am here today to express the very grave reservations the Cumberland County Economic Development Commission has about Assembly bill 1429.

First, it directly affects one-third of the land area of Cumberland County and, if passed, would have a depressing effect, to say the least, on the other two-thirds

of Cumberland County, too.

In Cumberland County, the one-third directly concerned by 1429 also happens to be the portion currently with the highest unemployment, the lowest wage scales and the most oppressive real estate taxes.

The Federal government, the state, county and local governments, as well as the Army's Corps of Engineers, through their many laws, rules, regulations, and red tape already have had a stifling effect upon the coastal area of Cumberland County, the area covered by 1429, the area most in need of economic stimulation.

Cumberland County in general and the coastal areas in particular need assistance and positive direction, not another "no-no" bill. The many rules already restricting the uses we can make of coastal lands amount almost to confiscation without paying for it.

Since I am personally a property owner within the area covered by Assembly Bill No. 1429, I am considering going to court, if this bill is passed, to seek economic relief from the state because they will have denied me the opportunity to benefit from my holdings which, I might add, are not extensive but hard-earned.

If 1429 passes in its present form, it will adversely affect the present agricultural and food processing industries within the area. This will act as a further depressant and will set Cumberland County even further back.

Now we in Cumberland County are not unmindful of our responsibilities to the citizens of this nation. We have long had an active, responsive and responsible County Planning Board.

The Cumberland County Economic Development Commission, which I am representing today, is composed of 25 men and women from all corners of Cumberland County. Every major industrial group in Cumberland County has a representative on our Commission. Farmers and labor are represented as are all major racial and ethnic bodies.

We, the Cumberland County Board of Freeholders and the Cumberland County Economic Development Commission, working with the Cumberland County Planning Board and related agencies, have long been cognizant of the problems and potential of our coastal areas. We are the last people^{who}/would want to "spoil our own nest." We have seen what lack of planning has done to other areas and we want to avoid the mistakes such a lack has resulted in.

It is our view that those areas of New Jersey not directly covered by Assembly Bill No. 1429 are those which most desperately need right now the restrictions this bill is attempting to place upon the coastal plains.

We recommend that local and regional organizations, such as those I have just mentioned in Cumberland County, be made a part of the overall management body which will direct the development of the areas under discussion today. No one man sitting in Trenton can possibly measure the full impact of an action he may take as well as a group of people can.

There is much the New Jersey legislature can do to help Cumberland County and other parts of Southern New Jersey grow and develop as we all would want. But the passage of Assembly bill 1429 is not one of them.

The full impact of bills such as the Wetlands Act have not yet been measured. Before we go ahead with further measures of the same type, we, the Cumberland County Economic Development Commission, urge that a moratorium be declared. Only after a period of study will we be able to see what more - if anything - has to be done to avoid abuses in land development.

ASSEMBLYMAN DAWES: Thank you, Mr. Dicks.

Mr. Robert Patterson? Mr. Patterson is not here.

Mr. Potter is not going to appear.

Mr. Franklin Reinauer?

M R. F R A N K L I N R E I N A U E R II: Mr. Chairman, members of the Committee, my name is B. Franklin Reinauer II. I am a resident and former Mayor of Ridgewood, New Jersey, the President of Reinauer Brothers, Inc., a petroleum distributorship, and former State Chairman of the Employer Legislative Committees of New Jersey. My testimony today is on behalf of the New Jersey Petroleum Council of 212 West State Street, Trenton, and myself. The Petroleum Council is a business league representing major oil companies and their affiliates which do business within the State.

Our Council wishes to go on record as opposed to A-1429. In our opinion, this legislation, if enacted, will seriously inhibit and delay the orderly growth of energy and fuel manufacturing facilities needed by the State's populace. These basic facilities are essential to normal economic growth.

We do not argue with the desirable legislative objective of protecting the State's recreational beach areas and its vital wetlands. However, this is only part of a comprehensive land-use planning program for the State as a whole. Nowhere in this bill is there an affirmative statement regarding economic and industrial growth. Nowhere are the local officials involved in the decision as to what, where and how major facilities are to be integrated into their communities. In addition, this bill adds another permit application procedure to the already burdensome requirements now in effect. It would be preferable and less costly if all permits regarding land-use and environmental control could be incorporated into one permit.

Our main concern centers on New Jersey's need for continued economic growth, with particular emphasis on the need to meet growing energy and fuel demands. We have pointed out in previous testimony before this committee that New Jersey is approaching a severe energy crunch. The shortage of fuel oil, gasoline, natural gas and electricity is reported in the press almost daily. Many suppliers of these energy products can take no new business. If this condition continues it means that no new homes, no factories or other places of work, no schools or additional transportation facilities, can be constructed.

The proof of these cautions has since been verified by many sources other than ourselves, including other governmental bodies. The most recent

agency has been the Department of the Army Corps of Engineers which notes in its November 29th hearing notice on deepwater port facilities "the growing realization that we are confronting an imminent energy crisis."

I do not plan to bombard you with figures detailing this energy crisis. If further data are desired by the Committee, we will be happy to comply. Current projections indicate that by 1985 we will be dependent for more than half of our oil supply upon foreign sources that are often unstable. To meet consumer demand, we must use larger tankers and have a place to offload them. We also must begin exploring for the vast oil and gas supply believed to exist in our outer continental shelf area.

If in stating these warnings, we are accused of "scare tactics", so be it. There are reams of statistics, studies and other information to support our concerns, and we, as an industry, would not be responsible if we failed to make you and the public aware of them.

We are in business to supply a product - energy. The fact that this product is needed is amply demonstrated by the rising demand for it. Virtually every authority on the subject agrees there are present and future supply problems. They agree that if these problems are not resolved our present way of life would drastically change.

While some persons might favor this change, the vast majority of New Jerseyans do not seem willing to abandon their motor vehicles. They still require oil and gas to heat their buildings. They still need the jobs and products generated by fuel-using industry. If the fuel runs short, and it can, the socio-economic effects and the outrage of the people would be far reaching.

We already have witnessed the first warning signs. The brownouts and blackouts which now occur only often enough to be annoying, could easily move to the danger point. We are seeing more and more instances of cut-backs in the gas industry, with companies accepting no new customers. We see refineries running at maximum capacity and unable to keep pace with demand for petroleum products.

In our great country, we in the energy business do have the ability to anticipate and resolve our problems but we have been frustrated and harassed constantly by some government officials and some segments of the public. In most cases, I suspect those same individuals wish to drive their cars when and where they please, demand air conditioned offices and houses and all of the other things and creature comforts that great ingenuity has invented and manufactured and energy supplies for implementation. All progress requires some sacrifice. Those of you in this room who are enjoying tobacco at this very moment cannot do so without polluting the air with the smoke you exhale. All legislation must produce the greater good for the greater number. This legislation does not.

In view of this situation, state government should not be seeking methods to ban or severely restrict energy supply, but should seek methods to achieve growth that will be compatible with the public's needs. Our fear is that this bill and other current legislative proposals will hasten the onset of further energy shortages in this State.

A-1429, the subject of this particular hearing, cannot be considered alone. At the present moment there are numerous legislative proposals which in combination would seriously affect our industry:

There is A-827, passed by the Assembly in

November - a bill which could actually represent an ecological setback for New Jersey because it would ban the use of safer deepwater terminals and product pipelines in the necessary transshipment of oil.

Senate 767, also before this house, would ban offshore exploration for oil and gas, even with modern environmental safeguards.

Senate 783, passed in the Senate, places added burdens upon fuel terminal operators, further compounding and duplicating existing requirements of Coast Guard regulations and federal and state water pollution laws.

Assembly 1394 would place further burdensome requirements upon our terminal and marine operators handling petroleum products, again compounding requirements of the state and federal governments.

Our point is that A-1429 alone or in combination with the bills mentioned seems to represent a legislative philosophy that environmental concerns pre-empt a balanced approach to meeting this State's energy needs. With this, we do not agree.

One point we wish to re-emphasize is that a major objection to A-1429 and bills like it is that they simply impose on industry another permit requirement. We are finding it more and more difficult to provide new facilities because of red tape permit delays. We know that adequate laws and regulations are currently in effect to prevent the construction of facilities which would violate our environment. Requiring additional permits serves no constructive purpose. It would be far better and less costly, for government as well as industry, if all permits required by the State Department of Environmental Protection, by the Delaware River Basin Commission and other regulatory bodies, could be incorporated into one permit.

This legislation would allow a time lapse of up

to 225 days between the filing of an application and receipt of a decision on approval or denial. If additional information is requested, the delay can be extended for 120 additional days - or, in total, nearly one full year when preparation of reports and other factors are considered. This presumes that all goes smoothly.

When one considers that the same new facilities or expansions also require dozens of other permits from various levels of government and that in most cases the granting of one permit requires prior approval of another, the term "administrative nightmare" should not be taken lightly.

In summary, we would respectfully suggest that your Committee set aside A-1429 for the moment and, in addition to the view of the Environmental Protection Department, solicit the opinions of the state departments charged with the responsibility for economic growth, that is Labor and Industry, and for power and energy supply, the Public Utilities Commission. There should be a public review of their positions on the need for a balanced approach in matters of ecology, economic growth, fuel and energy demand.

The Senate in the past appointed a Fuel and Energy Study Committee, but the results of this study, if in fact it was ever conducted, have never been made available. Also, the Governor's office, approximately a year ago, announced an interdepartmental committee on Environment and Growth. If it has not done so already, perhaps your Committee should solicit the opinion of that group on proposed legislation such as this bill.

Industry and the public are entitled to know, as completely as possible, exactly what the State's position is on these matters. In fact, the ramifications of such a policy are as important to the public welfare as tax reform or other such issues and merit the same

widespread discussion.

Until a clearer administrative and legislative program on a balanced approach to land use, environmental goals, economic growth and energy demand evolves, bills such as A-1429 and others should not be enacted. A piecemeal approach without clear-cut and long-range goals can only cause major harm.

I have been here all day, gentlemen, listening to the various bits of testimony placed before you by people. Most everyone - even what I have said up to this point - has spoken in generalities, sometimes rather lofty, with not very many specifics. I have a real situation I think I'd like you to know about.

I have found myself in such a position of frustration by a proposed action in my oil industry, which is being threatened by unrealistic individuals in government and self-interest groups, that yesterday I found it necessary to send the following telegram to President Richard Nixon of the United States and a copy to George Lincoln of the Office of Emergency Preparedness: "We are and have been petroleum distributors in Northern New Jersey for 47 years. Our company has been notified by our supplier, the Phillips Petroleum Company, that our gasoline requirements are cut by 500,000 gallons of gasoline per month, effective immediately. This action limits and freezes our supply to our 1967 contract quota, notwithstanding present contractual requirements. This could mean financial disaster for my company and the loss of employment for many people. No other U.S.A. refinery can assist us in this emergency. We understand relief can be had through foreign oil import certificates. We most respectfully request issuance of an order for such certificates for 500,000 gallons of gasoline per month, effective this month. Obediently yours, Franklin Reinauer 11, President, Reinauer Brothers, Inc., Hackensack New Jersey."

You gentlemen must know that those of us in the energy business breathe the same air that you do and everyone else does in this State. We have the same desires for our children. We feel cold and heat in the same way. We enjoy the same things, balmy spring days, melodious bird calls, a lazy day on a clean sandy beach, and all the other pleasures of life and living. At the same time, we recognize, as you gentlemen must, that the whole public must be considered and served adequately and as they want to be. Thank you very much.

ASSEMBLYMAN DAWES: Thank you, Mr. Reinauer. As a postscript to that I think that former Assemblyman Bill Crane very eloquently set forth the predicament that this Committee has found itself in this entire year - and myself three years, as I have served on this Committee for three years. We are trying to find that balance. As Bill Crane said, "the balance between the environmental excellence and the economic necessity of maintaining a strong economy for New Jersey" and although this Committee is called the Committee of Air and Water Pollution and Public Health for the State of New Jersey I think that in small letters, someplace, they should put "and also economic development" because this Committee finds itself, constantly, between the two views - so strong, both sides - with no one ever, or rarely ever, giving this Committee any middle ground of ideas that new legislation is needed in this area. So we are aware of this concern and we thank you for coming, Mr. Reinauer.

MR. REINAUER: Picture, if you would, the solution to the problem I have just laid before you which is a personal thing. The solution to that problem is the construction of an additional, or many additional, petroleum refineries in this country.

Suppose somebody came before the planning board in whatever community you live in and asked for a permit

to build a petroleum refinery. I suggest that he would have a hell of a hard job and would be summarily denied. But that is the problem and many of the people who have spoken here today will receive their pay checks next week no matter what your deliberation may be or how long this hearing goes on. But in my company, if I can't find 500,000 gallons of gasoline in the next couple of weeks then I must call my service station dealers about Christmas time and say, "close your service stations, fellows, and tell your customers to come back after the first of the year." This is a critical, hard thing and much of this has been brought about by those in this State and in other States who have forced our industry to not face up to the problems as we see them and to use our best judgment to rectify them.

We have attempted to do that. I needn't parade before you the list of all the applications for all sorts of energy facilities that have been recommended in this State, and others, and been denied. Thank you very much, gentlemen.

ASSEMBLYMAN DAWES: Mr. Charles Cooper?

M R. C H A R L E S C O O P E R: My name is Charles Cooper of 844 River Road, Teaneck, and I am testifying as Acting Coordinator of the Hudson Environmental Coalition. While we have previously met in the course of my work as Legislative Agent for the League for Conservation Legislation, the Coalition I represent today includes not only the League, but 16 other broadly representative citizen groups in Hudson and Bergen Counties. All 17 member groups, a list of whom is attached, agree with the concepts expressed in the testimony.

By testifying today I will attempt to respond to the Committee's announced desire to consider an amendment to A-1429 which would include shoreline from the Raritan River north to the New York State line as

part of the coastal area defined by the bill. The Hudson Environmental Coalition favors such amendment. To express this support in detail and hopefully give the Committee extensive food for thought, I will propose a specific network of roads and railways from the Raritan River northward which might adequately define the coastal zone in northeastern New Jersey. I will also identify the environmental assets and absence of existing protective measures that create a real need for the review procedures specified in A-1429 to provide some measure of environmental responsibility in planning for the future of this region.

Those Assemblymen who would argue the discriminatory nature of laws regulating land-use along the central and southern coasts of New Jersey make a point with which we agree, albeit for different reasons. It is our hope and thus far our belief that an amendment including northern coastline will strengthen this bill. However, the Coalition recognizes the need for the impact review approach proposed in A-1429 and should strong legislative opposition be generated in response to a more inclusive amendment we would support the bill in its original form. We believe that this bill, more than A-722, merits the Committee's attention and affirmative action.

To give the Committee a clear idea of what we feel the Coastal Zone should include, I have brought along a number of maps for your examination. The obviously unofficial map before you shows northeastern New Jersey with the proposed zone delineated in bright green. The specific system of roads and railways is fully detailed for consideration at your leisure in the appendix attached to this testimony and may be seen on the several county maps beside me. The philosophy employed in this delineation was consistent with that of those who drafted A-1429, which is to say that highly

valuable natural resources were pinpointed and cultural features surrounding them become the inland boundary of the Coastal Zone. Not being unaware of the preponderance of existing industrial and residential development in much of this region, you may note that we have marked a zone averaging only some 1/2 to 3/4 of a mile in width along the Arthur Kill, Newark Bay, and Kill Van Kull. It is likely that these already stressed waterways will bear the burden of environmental impact from new or expanded major facilities. This demarcation is less extensive but we believe more meaningful than that suggested in the published announcement of these hearings and creates a far narrower zone than that proposed along the already included areas to the South. As you observe the increased area proposed for inclusion in the Hackensack River estuary and along the Hudson waterfront, I will briefly describe the nature of the existing amenities in Hudson and Bergen counties, their potential misuse, and the absence of protection under existing law which constitute the substance of the Coalition's major interest in A-1429.

On May 18th of this year, the Legislature in its wisdom passed SJR-19, a resolution calling for an environmental assessment of the Hackensack Meadowlands under the direction of the Department of Environmental Protection. This document which I now refer to, and I hope you have obtained copies of, contains the result of that study by the Department of Environmental Protection and the recently released findings and recommendations pursuant to the intent of that resolution. You did that on May 18th.

You have before you a map entitled "Wetlands Ecological Value" which appears on page 13 in the D.E.P. report - that is that multi-colored map.

The areas shaded in green were determined by the Department to be existing high quality tidal wetlands, those in blue being moderate quality, and those in red being low quality. The D.E.P. recommended the preservation of all 3600 acres of high quality marsh, and the restoration of an additional 2000 acres of moderate and lower quality. The bright green dotted line indicates the limits of our proposed coastal zone, encompassing these marshlands and little else. I must emphasize that these previously unsurveyed wetlands were excluded the protection afforded others by the Wetlands Act of 1970. In many of them the State's riparian interests were sold decades before their ecological values were recognized. The Meadowlands Commission charged with their management was mandated in 1968 to develop ratables under the same economic pressures facing municipalities elsewhere in the State, and has planned accordingly.

It is clear that the legislative finding in Section 2 of A-1429, which I quote, ". . . that decisions, concerning the location of major facilities, have such broad-reaching impact that they should not be made solely by one level of government acting unilaterally . . ." has an important application to the Hackensack tidal estuary, the last remaining of high quality in Northeastern New Jersey. A-1429 alone will not save this estuary, but it will help.

The second major focus of our Coalition's concern, the Hudson waterfront, is being considered for major industrial and residential redevelopment projects which will be described in other testimony. Two major resources are at stake, despite frequent classifications of the area as "blighted." The first is the Hudson River itself, which was recently determined by, of all groups, the Atomic Energy Commission to be the key to a multi-million dollar commercial and recreational enterprise. The AEC in

studying the environmental impact of Con Edison's Indian Point 2 power plant discovered that the Hudson River, and not as previously thought Chesapeake Bay, is the spawning ground for 93% of the Mid-Atlantic region's commercially caught Striped Bass.

The second resource is the Palisades, which A-1429's author might well have had in mind in prescribing in section 10 (g) the desire to minimize degradation of unique or irreplaceable land types. I would maintain that the land type manifested in this scenic canyon is not only unique in this State but to my knowledge along the entire Atlantic seaboard this side of Nova Scotia's Annapolis River Valley. Our recommended coastal zone follows the crest of the Palisades from Hudson County to the New York State line. We are led to believe that, regardless of legal interpretation, there will not be wetlands orders to protect any areas north of the Raritan. Residents of the communities along the Palisades Cliffs would be greatly surprised, to say the least, at a tidal inundation of their front yards. Pending legislation to enable redevelopment of the Hudson Waterfront, in particular A-1420, includes no adequate provision for reviewing the environmental impact of major projects.

The urban coastal zone, where the last remaining natural amenities are subject to the greatest development pressures, merits maximum protective attention, not a cynical condemnation to a future totally encased in concrete and steel. Surely the environmental impact of new or expanding major facilities to be located within this zone should be reviewed by the Department of Environmental Protection. Such facilities should be analyzed from the same standpoint as those to be located between the Delaware Memorial Bridge and the extent of tide at Trenton, described in A-1429 as an area to be dedicated to

"mixed uses compatible with the environment of the area."

I'd like to divert for just one moment from the prepared testimony to comment on Commissioner Sullivan's presentation of a revised version of A-1429 which would exclude existing facilities from being subject to consideration under this bill, should they desire to expand, or just in the process of their utilization. This is a technical amendment, yes, but I think it is of major importance, in particular with reference to this northeastern zone. I won't comment on whether or not I agree with the amendment. I do think, however, that in considering whether or not to extend the bill to the northeastern zone it would be well to realize that if this change that the Commissioner proposed is included, most of those facilities would be exempt from coverage and it would only be new facilities in those particularly high quality areas which I mentioned that would be protected by the bill.

Indeed, we are hard pressed to anticipate the Commissioner of Environmental Protection operating under this guideline and those specified in Section 10 of this bill and failing to make decisions in the public interest.

The Hudson Environmental Coalition urges this Committee to amend A-1429 to include the delicate coastal resources of northeastern New Jersey and subsequently report this important legislation affirmatively to the full Assembly for floor consideration early in the New Year. I welcome any questions you might have and urge your attention to the testimony of several Coalition member groups expressing sentiments similar to the above.

ASSEMBLYMAN DAWES: The groups you speak for are from Hudson County and Bergen County, is that what you are saying?

MR. COOPER: Yes, that is correct.

ASSEMBLYMAN DAWES: Are there any questions?

(no questions)

Thank you for addressing yourself to the section we are most concerned about, Mr. Cooper.

(Appendix to Mr. Cooper's statement can be found on page 120A)

Mr. Frank J. Oliver?

M R. F R A N K. J. O L I V E R: Gentlemen, this testimony is presented by Frank J. Oliver, a resident of Teaneck, New Jersey and President of the League for Conservation Legislation, Inc., a public interest group of New Jersey citizens dedicated to the protection of our environment. Among the League's objectives are the protection of wetlands and estuarine areas, open space and scenic values, as well as the acquisition of additional parks and wild forest lands by the State, counties and municipalities. We stand for abatement of air, water and noise pollution in our crowded State. Broadly, our League favors efforts to control land use in order to protect ecological factors. The future quality of our environment depends upon such factors.

The League regards A-1429 as a potential tool of considerable merit in the evolution of environmentally sound land use management plans for New Jersey's unique coastal zones. It gives further recognition of the newly awakened value of wetlands as related to the food chain for fish, shellfish, birds and mammals. It is estimated that two-thirds of the Atlantic's fish catch are dependent on the estuarine food web, which begins with microscopic life in the salt water and brackish marshes and is supported by wetlands vegetation.

It should be noted that other states on the Atlantic seaboard are also adopting legislation to protect their precious coastal wetlands, including the States of Maine, Massachusetts, Connecticut, and, of course, Delaware, which has mandated the retention of

recreational facilities rather than new industry along its attractive bay beaches.

The League is already on record in strong support of the concept embodied in A-1429, since we were among those participating in the April 19 public hearing before your Committee concerning A-722, which A-1429 replaces. We invite you to review our testimony. It is especially pleasing to note that A-1429, while retaining a strong philosophy of environmental protection, seems to eliminate some of the alleged causes for concern expressed by commercial interest groups at the April 19th hearing. While subjecting a wide range of specific major industrial facilities to environmental impact review, this new bill places no outright prohibition on any type of facility. It does demand, however, that an assessment be made of the probable impact of the project on aquatic organisms at the base of the food chain for fish and wildlife, as well as many other ecological factors related to an estuarine ecosystem.

A mandated list of adverse environmental impacts that cannot be avoided would tend to discourage the selection of viable salt marshlands as a proper site for a major heavy industry. Like birds of a feather, heavy industry would tend to gather upstream from the Delaware Memorial Bridge, rather than along the marshlands of Delaware Bay. By their very nature these vast wetlands up to now have attracted neither industry nor recreationists. We would prefer to see them left as nurseries for fish and animal life rather than, for example, an inshore receptor for large bulk cargo carriers moored in deep water on the bay.

In A-1429, the delineation of the coastal area by a network of highways and railroads eliminates a major defect of A-722. In our testimony of April 19th, we had pointed out the wide tolerances on elevations

depicted on state geological survey maps, making the criterion of land 10 feet above mean high tide almost worthless as a limiting perimeter. Aerial surveys are both time-consuming and expensive as experience in implementing the Wetlands Act has proved. Running a line of land levels would not be feasible. With an official road map, however, one can readily trace the coastal area boundaries described in A-1429.

Objections have been heard that the bill discriminates against southern New Jersey. That is not the result of a political decision but the geological nature of a coastal plain with its typical barrier beaches on the ocean side and salt marshes along the bays and inlets. Recreation takes dominance over industrialization along the beaches. Implementation of the Wetlands Act through the Wetlands Order is placing needed restraints on ditching and filling marshlands for water-related recreation. A-1429 would place restraints on second home developers further inland.

Objections have also been expressed that too much power with respect to land use is being placed in the Department of Environmental Protection. On the other side arises the tax ratable syndrome and cherished home rule. The quality of the environment is not confined to municipal boundaries but is all pervasive. We would rather leave major decisions relating to siting of heavy industries with respect to environmental considerations in the power of the department mandated to protect the environment rather than to the myriad municipal councils or boards of adjustment. Environmental impact statements should be required of zoning authorities.

I thank you for the opportunity to appear before you today and make this statement.

ASSEMBLYMAN DAWES: Mr. Oliver, on the second

page of your statement it seems to lead one to believe that you might think that this bill is not needed south of the Delaware River Bridge in controlling growth south of the Delaware River Bridge, say, to Cape May.

MR. OLIVER: When I wrote this statement it was with the purpose of supporting the bill as it is presently written.

Now Mr. Charles Cooper, a few moments ago, indicated that our League is a part of the Hudson Environmental Coalition and therefore I did assent to attaching our name to that statement that he made. I would say that the extension would be in the right direction.

ASSEMBLYMAN DAWES: Thank you, Mr. Oliver.
Mr. Sidney Brody, Deepwater Port Committee?
(not present)

Mr. David Houston?

M R. D A V I D H O U S T O N: My name is David Houston, I am an industrial realtor and Chairman of the Legislative Committee for the New Jersey Chapter of the Society of Industrial Realtors. As Chairman of this Committee I have reviewed Assembly bill 1429.

We had objected to Assembly bill 722 which restricted development along the New Jersey waterfront because we felt that there were adequate powers in the Wetlands Bill and in local zoning to take care of this situation. The new bill is even more restrictive and takes in twice as much territory and, therefore, is more objectionable.

New Jersey needs additional income and jobs from legitimate business and new plants and the present zoning is adequately restrictive, in our opinion.

We find this new bill objectionable, too, from the standpoint of government. It places entirely too much decision-making power over local economic growth in the hands of the Commissioner of Environmental Protection. This is no reflection upon the present incumbent, who

is a very dedicated man. But this bill, by placing so much decision-making authority in one cabinet post, paves the way for much administrative obstruction and inconsistency over a period of several incumbencies to the confusion and detriment of those communities which lie within its territorial definitions. In other words, it opens the way to strangle them with red tape.

In addition, there are too many opportunities built into this bill for bureaucratic procrastination - they are rampant in the requirements for environmental impact statements - and we foresee this as simply cutting these Southern New Jersey communities off from any further consideration by worthwhile job and tax-producing business enterprises.

We are all in sympathy with the necessity to protect the environment and I agree that there has been too much residential development in many areas along the shore but the few places that are still zoned for industrial use should not be put beyond the reach of industry that has legitimate use for them.

What I really want to say is that I have been in this business for four years and as such have served and worked with the majority of the large industries in the State of New Jersey. I can tell you that more than ever today, because of all of the pressure for environmental protection - which is good and we all want to see the environment protected - industry will not challenge unfavorable zoning or rulings and they would consider this bill anti-industry, therefore, industry is going to stay away from the State of New Jersey with its jobs and its money if this bill is passed. I don't think there is any question about it.

On top of that, if this bill is passed, I think we are going to lose Federal money from the bill that was passed in Congress, P.L. 92:58-3, so that I think it is going to do great damage to the State of New

Jersey and therefore it should not be passed, at least in its present form.

There is too much red tape that is just going to strangle industry and scare them away. We know it. I know from personal experience because we have lost lots of deals because of zoning - just small little zoning acts in communities. This one is a monster. Thank you.

ASSEMBLYMAN DAWES: But Mr. Houston, doesn't Pennsylvania and New York have the same type of regulations that we have? So that same industry that might decide not to locate in New Jersey, where do they go? I am lead to believe that New York and Pennsylvania have stronger laws than we do. From what my counterparts tell me from those states, I am wondering where do these people go if this is all true?

MR. HOUSTON: Well, as a matter of fact it is not true of Pennsylvania nor of New York. As a matter of fact, Governor Rockefeller just vetoed a bill which would have done this to New York. He just vetoed it so that they could go to New York. You assume that these facilities are going to be so damaging. With today's technology they don't have to be. You just start out by saying "this is bad, we don't want it," but we need it. Now how are you going to conduct life in the State of New Jersey by denying what you have to have?

ASSEMBLYMAN DAWES: Thank you, Mr. Houston.

MR. HOUSTON: Another thing they could do: Delaware just threw out the people that fostered such a bill and they will probably put deep water ports right across the river in Pennsylvania - in either Pennsylvania or Delaware. If we pass this bill we will get all of the pollution but none of the benefits. This is the same thing that would happen if they went to New York. (see page 123A)

ASSEMBLYMAN DAWES: Thank you, Mr. Houston.

Mr. William Reid?

M R. W I L L I A M R E I D: Good afternoon, gentlemen. I appreciate very much the opportunity to speak to you. I represent a group from Monmouth County called Citizens Against Water Pollution. We have been testing the water quality in Monmouth County for the past four years and therefore feel that we have some expertise in the area of what causes water degradation. The bill that we are discussing this afternoon, A-1429, as introduced, is one positive step in the direction of cleaner water.

Objections to the bill have been raised on the basis that it covers too much area. Actually the area covered by this bill should be much larger. Unfortunately, water pollution does not start at the Garden State Parkway. The total watershed of each river that flows into the ocean should be covered.

The list of major facilities in the bill that would be required to submit an impact statement reads like the "who's who" of water polluters. It appears that it would even give the State the power to decide if we want a major deepwater oil port facility to pump oil across the coastal area.

There is nothing in this bill that prevents a local zoning board from rejecting a major facility that it does not want. Many people here have been decrying the loss of local power, yet they are still going to have the first say. The Commissioner will only have a say if they approve something. If they do not approve it, he will not get into the act.

The bill does, however, add a note of consistency to the development permitted in this irreplaceable area. The major facility builder will not be able simply to move to the next town, where the zoning ordinances may be more lax, and build whatever he pleases without review by the State.

As an added protection to the rights of persons seeking building permits, CAWP, which is the group I represent, believes that where permits are denied, perhaps an opportunity for appealing to an appropriate court should be written into the bill. Such a section was included in the Wetlands Act of 1970.

This bill only seeks to prohibit by law that which we all know we should not allow anyway, that is, the building of potentially polluting facilities in a relatively fragile area. If the builders of a major facility can show that they will not pollute, they will get a permit to go ahead.

I want to emphasize that it is our opinion that this bill will not keep out the responsible industry. What could be more reasonable than that? Gentlemen, hallelujah, we may yet learn to look before we leap. It's the least we owe our children. Thank you very much.

ASSEMBLYMAN DAWES: Wait a minute, Mr. Reid, I think there is probably a question about something you said on the first page. No? All right I'll ask it then. Go ahead, Assemblyman Stewart.

ASSEMBLYMAN STEWART: I assume, Mr. Reid, you are from Monmouth County, right?

MR. REID: Yes, sir, Rumson, New Jersey.

ASSEMBLYMAN STEWART: What is the name of the town, Rumson?

MR. REID: Yes, sir.

ASSEMBLYMAN STEWART: Well, if you are not in the area described in this bill you are close to it, is that right?

MR. REID: I am in the area.

ASSEMBLYMAN STEWART: You are the first citizen who is directly affected by this bill to testify in its behalf. Most of the testimony that we have received has been from people who live in an area that

is not directly affected by it. As far as I can recall you are the first one. Do you have any feelings on extending the bill or narrowing the area?

MR. REID: I'd like to keep my remarks strictly on water pollution, sir, because it is the only area we feel we have any expertise in.

ASSEMBLYMAN STEWART: How many members are in your group?

MR. REID: Well, we have about 150 or 200 people who pay dues. The active group is smaller, of course.

ASSEMBLYMAN STEWART: Do they all share in your decision or is this just your decision?

MR. REID: The Executive Board shares in our decision.

ASSEMBLYMAN STEWART: How many members on that, sir?

MR. REID: Eight. I am sure they reflect the views of the people.

ASSEMBLYMAN DAWES: Mr. Reid, on the 1st page of your report you say, "there is nothing in this bill that prevents a local zoning board from rejecting a major facility that it does not want." I don't think that was what Assemblyman Stewart was getting at. It is his point that there is also nothing in the bill that would permit local zoning. I think at the present time -- I don't understand your sentence. I think you've got it backwards. What are you driving at?

ASSEMBLYMAN STEWART: I know what he said but I just didn't bother asking the question. I think everybody here knows that what I said is true, the Commissioner has the power to turn down something the local planning board approves, which is what we are all saying.

MR. REID: Right, but the opposite is also true. If the local board turns something down then the Commissioner won't get into the act.

ASSEMBLYMAN STEWART: That's true.

ASSEMBLYMAN DAWES: That's true today though.

MR. REID: Yes.

ASSEMBLYMAN DAWES: Do you really feel that we need this type of protection along Route 34 and Colts Neck? Do you really feel this bill has to go that far?

MR. REID: Sure, from the clean water point of view.

ASSEMBLYMAN DAWES: Well then why don't we just include all of our County?

MR. REID: We should. We should include all of our county. In fact, we should have better land-use planning for the whole State and nation. That is a pretty big mouthful here, I agree.

ASSEMBLYMAN DAWES: Well, we won't take up the other people's time discussing this, Mr. Reid. I am sure we will have occasion to discuss this in the near future.

MR. REID: I would appreciate that.

ASSEMBLYMAN DAWES: Thank you.

Chuck Fields will not be here nor will any member from the Farm Bureau as they are all in California this week, is that correct? Is someone here?

(not present)

We will now have a Mrs. Marianne Wuillamey.
M R S. M A R I A N N E W U I L L A M E Y: Mr. Chairman and Gentlemen of the Committee, my name is Marianne Wuillamey and I reside in Weehawken, New Jersey. May I begin by saying, as representative of the Weehawken Environment Committee and member of the Hudson Environmental Coalition, that we consider this to be a great piece of legislation and commend those responsible for it.

Unfortunately, to our dismay, as residents of Hudson County, it makes us feel like stepchildren of the State. What happened to the Hudson Riverfront?

Is it not just as much a part of New Jersey as the Delaware Riverfront?

We fail to understand why so little consideration is given to this section of New Jersey. It is indeed one of the most important areas of the State. The highest concentration of population in the country is located in Hudson County and more visitors from across the country and around the world see this part of New Jersey than any other. There, at the entrance to New York Harbor, off the shores of Jersey City, stands the Statue of Liberty bearing an inscription which reads in part, "I lift my hand beside the Golden Door." Well, gentlemen, I'm afraid the "Golden Door" looks more like a "broken gate."

How does this great Garden State present itself to the massive numbers of people who flock to this region, sail along the Hudson or arrive on the great ocean liners? Pretend you are a passenger aboard one of these great liners entering the murky, debris strewn waters of New York Harbor, about to glimpse your first sight of "America, the Beautiful." Your first view of New Jersey would be of a decaying waterfront, studded with abandoned and burned-out piers, rotting away into the Hudson, of raw sewage, carelessly being spewn out into the river from luxury hi-rise apartment, along with the poorly treated wastes from inadequate municipal sewage systems, a mass of polluted air wafting across the river and, at times, even coating it. During the past year one could count on the fingers of one hand the number of days that the air quality in Hudson County could be rated "satisfactory."

Finally, you would come upon the natural scenic wonder, the Palisades, but with its cliffs and view marred by hi-rise developments, some of them jutting out beyond the cliff, their concrete and steel foundations digging into its face.

You will not find one strip along that waterfront for public recreation, not one spot of green. We never had the foresight of our neighbors across the river who years ago set aside a riverside park for public use. We turned all our riverfront over to industry and speculators who used it, abused it, and are now ready to sell us the garbage heap that's left at phenomenally high prices.

Such is the situation at present. But what of the future? Have we learned a lesson from the past? Let's look at what's proposed.

According to the Jersey City Comprehensive Waterfront Plan of April 1972, a residential complex comprising upwards of 19,000 units for approximately 70,000 people is planned for the waterfront. This residential complex will encroach on the Tidewater Basin and eats away sections of land that were to be a part of Liberty State Park, which now seems to be slowly slipping away under about 20 feet of water.

Sunday Star-Ledger, July 2, 1972, "in the most densely developed region of North Jersey lies a peaceful empty beach hidden by sprawling meadows." They were describing Caven Point, Jersey City, a little over 300 acres of Federally owned undeveloped land. The Federal Lands for Parks and Recreation Act of 1969 recognized the need for parks and recreation within our major cities and make it financially possible for local governments to acquire land for said purposes. Under this Act, Caven Point could have been acquired for parkland at little or no cost. Instead, Jersey City is ready to pay over \$2 million for the Caven Point waterfront property for industrial development.

On the Hoboken-Weehawken border, a little over a year ago, a vigorous battle was fought by local environmental and civic groups to halt the construction

of an oil refinery and storage tank facility on their waterfront, known as Supermarine, Inc. There was no official opposition to this facility from the local governing bodies. Thanks to these citizens' groups this project was defeated. However, this site is now the subject of negotiations being carried out by Cosmopolitan Terminal Company to acquire this land for use as a tank farm for heavy industrial oil and heating oil.

One of the recent developments of Weehawken's waterfront is the Seatrain containerport, and there is a strong possibility they will expand their operation northward. Since there is no service road along the waterfront the residential areas of Weehawken are burdened with the heavy truck traffic. Note, there is no mention of containerports in this bill and one wonders why this particular facility is not covered. At present, it has quite an impact on the environment of Weehawken.

On Weehawken's Palisades, two sites are threatened with hi-rise development. One is located at King's Bluff, an area still in its natural state, and the other just opposite the Hamilton-Burr Memorial. Weehawken officials are attempting to save this portion of the Palisades with Green Acre Funds. The decision as to whether these funds are forthcoming is eagerly awaited by residents of this township.

West New York - Mayor DeFino recently announced that "it looks very hopeful" that the town would get a \$30 million residential development on its waterfront with two 22 story hi-rise apartments and a marina.

The local governing body in North Bergen just gave its approval to two newly proposed developments, one is for a hi-rise atop the Palisade Cliffs and the other a "mini-city" on the waterfront. Both would destroy the view of and from the Palisades near North

Hudson County Park. These proposals met with heavy opposition from local residents, the Board of Education, Hudson County Park Commission and county civic and environmental groups. The "mini-city" would consist of three 30 story luxury apartments with 1800 units for approximately 5400 people, a full service marina for 378 boats, two movie theaters and a shopping mall. Although the developers always state the need for housing when seeking approval for their proposals, at an average rent of \$150 a month, per room, as scheduled for the mini-city project, the housing needs for this area are definitely not being satisfied by these developments.

In the eyes of realtors and speculators the Palisades provide an ideal location for high-rent, high-rise, high-profit apartments. Little consideration is given to protecting its natural scenic beauty and the wondrous view it offers local homeowners and residents. Not one of these municipalities can adequately treat their own sewage and there is no concern as to how these vast developments will handle theirs. Up and down this riverfront ratables dictate the policies and decisions of the local governing bodies and little or no attention is given to environmental concerns. The projects I have listed are those that were made known to the public. It staggers one to think of the negotiations being carried out that are as yet unknown to the private citizen, who only learns of them when they are practically a "fait accompli."

But, what of the future? It looks like more of the same. No mention is made of public access to the riverfront. No attention is given to the abuse of the Palisades. No criteria is set for sewage treatment, garbage disposal, roadways and traffic control. No one has attempted to consider the impact of bringing thousands of more people into an area already

deluged with problems directly related to its high-density population. No local governing body is willing to face up to these problems. Well, we don't want more of the same. We are tired of being told that our right to clean air, clean water and peace of mind must be bartered away for the sake of ratables. We must have protection from an authority that will concern itself with environmental quality. The Weehawken Environment Committee urges this bill be amended to include the Hudson riverfront as outlined by the Hudson Environmental Coalition and recommend that it be designated for mixed uses compatible with the environment. The trend that destroyed this area in the past can be reversed, with a little help from our representatives in Trenton.

Those of us who have been fighting for a better quality of life want a Department of Environmental Protection with the power and authority to truly protect. The Major Coastal Area Facilities Review Act provides some of that protection and New Jerseyites can look with pride on their State government when it's passed. The mass population of New Jersey residents from along the hudson riverfront want to share in that. We want to be included. Thank you.

ASSEMBLYMAN DAWES: Are there any questions?

ASSEMBLYMAN STEWART: Obviously, you were here when the League of Women Voters representative testified that they thought any extension of this bill to the north was ludicrous and, obviously, you don't agree with that.

MRS. WUILLAMEY: No. Obviously, they are not aware that this waterfront is opening up for development from Jersey City, all through Hudson County, and even to Edgewater. There is a great deal of development going on. There could be a whole new waterfront if we had proper guidelines but if we make the same

mistakes they made so many years ago we will be right back in the same position.

ASSEMBLYMAN STEWART: Do you have any ideas as to why the sponsor of this bill, and many of its backers - the Commissioner of Environmental Protection - would stand here and tell us that we are wasting our time in going into this area? Why are they saying that if it is not true?

MRS. WUILLAMEY: I don't know why they feel they are wasting their time in going into this area. I don't think they are. I certainly hope they will come into it; otherwise they might as well cut the area off and send it into the river.

ASSEMBLYMAN STEWART: I have to admit that I am not familiar with that area at all. We have had people sit here and tell us that it is too late for that area. You have heard them, I am certain.

MRS. WUILLAMEY: Well, it is not too late because there are developments that are going on now in Weehawken and West New York and North Bergen. The Penn Central Railroad has control of the property there. That probably is now going to go up for sale, so there will be a whole new influx of speculators and developers and what have you coming in there. What goes down there at that time will decide the future of that waterfront.

ASSEMBLYMAN MANCINI: I would just like to add to what Assemblyman Stewart stated, that we heard that section of the State did not have any ground substantially left worth being concerned about. Your testimony contradicts that.

MRS. WUILLAMEY: Yes, and Jersey City has a whole new redevelopment plan going. Liberty State Park, I am sure you have heard of it, is being considered but that is being chopped away slowly and there is no protection.

ASSEMBLYMAN MANCINI: Thank you.

MRS. WUILLAMEY: Thank you.

ASSEMBLYMAN DAWES: Mr. William Kruse, Middlesex County Planning Board?

M R, W I L L I A M K R U S E: Gentlemen, this statement that I am presenting is a prepared statement from the staff of the Middlesex County Planning Board.

The staff of the Middlesex County Planning Board is deeply concerned with the growing environmental problems resulting from the development of land within coastal and wetlands areas which have not been utilized with extreme caution and have not been subject to suitable site development control standards. Continued damage to the ecological balance of coastal areas will ultimately adversely affect the quality of New Jersey's valuable ground water supplies found in the aquifers made possible by the State's coastal sand areas, the quality of the State's valuable coastal recreation areas, the use of New Jersey's coastal areas by the fishing industry and the ability of the coastal areas of New Jersey to withstand the force of hurricanes and other coastal storms which can be expected to occur in the future.

However, we feel that it should be made clear in any bill that development controls will not constitute complete development prohibition. Such control must establish acceptable standards which will provide that proposed development will not have adverse impacts on the environment.

The general intent of the bill, #1429, dated July 17, 1972, which the Middlesex County Planning Board staff has had an opportunity to review, provides a general guide to the achievement of development control through the establishment of acceptable standards. However, we wish to note the following reservations which we have concerning the proposed legislation:

1. The declaration of principal land uses in specific coastal areas set forth in Section 2 is not advisable given the extent of the "coastal areas" established by the Bill and the difficulty in eliminating land uses (including selected commercial and industrial uses) which may be able to conform to specific standards which have yet to be established to permit implementation of the act.
2. This act is clearly an attempt to encourage "performance standard zoning" which appears to be based on very broad criteria which may be very difficult to enforce. The requirements of Section 10.a and b. regarding all applicable air and water pollution standards may be unrealistic and beyond any agency's ability to administer at the present time. Required conformance with specific state or regional standards for air, water and radiation emission and effluent standards based on analysis of the specific area to be developed and its surroundings would be more sound, although the amount of analysis required of the reviewing agency would be increased.
3. The "Coastal Areas" are not realistically defined by this Bill. It is suggested that the natural drainage basin divides which would delineate areas draining directly through coastal streams to the ocean and bays be utilized to determine coastal areas. These areas should not include major rivers, such as the Raritan and Rahway Rivers, beyond areas of tidal influence. It is further suggested that the areas including the Arthur Kill and Raritan Bay drainage basins in Middlesex County as delineated in the Middlesex County Storm Drainage Plan and Program be included in the coastal areas. Such a delineation would be more ecologically sound although it would require detailed mapping and topographic analysis.
4. We strongly urge that coastal area controls as suggested by this act be administered through county planning boards as arms of the State government, thus, taking advantage of existing agencies and staffs and providing a closer relationship with municipal and regional plans, goals and objectives. Funding could be provided by the State with a regular certification process to insure adequate and uniform enforcement of controls.

5. Section 15 authorizing the preparation of an "environmental design" for coastal areas should be changed to require that there be a Comprehensive Master Plan for coastal development formulated through cross-acceptance of municipal, county and State land-use recommendations based on a mutually acceptable time frame. The ~~coordination~~ coordination of municipal and county plans and programs for coastal areas could provide an overall coastal development plan at less cost to the State.

In any case, the participation of county and municipal planning boards in the preparation of a Coastal Development Plan should be required by this legislation. Thank you very much.

ASSEMBLYMAN STEWART: One brief question. Are you implying that if these amendments were not made this bill would be unacceptable?

MR. KRUSE: We feel that it would be very difficult to enforce any rules or regulations promulgated by this act.

ASSEMBLYMAN DAWES: Mr. Arthur Young?
(not present)

Mr. George Favre, Pacemaker Corporation?
(not present)

Mr. Thomas Kepner?
(not present)

Florence K. Kazlowski, Citizens for an Aware Community.

F L O R E N C E K. K A Z L O W S K I: I live in North Bergen and I really came here to listen. After what Mrs. Rooney said I felt I should say something for North Bergen.

I am a Democratic Committeewoman so I feel what I have to say should have quite an impact on you. We have about 17 acres on the Hudson River. I was on the Ecology Council for about a year and I opposed big building for ecological reasons. I felt our area

is very populated now. The Mayor had much different views than I did; he was looking for the money and the ratables, naturally.

I thought there was more or less an agreement where we would have a Town Planning Board, which never came to be. We did have the Town Plan made in 1955 which cost us about \$50,000, but which was never used. Now for this 17 acre area, the Town Plan suggested a marina plus a recreational park for the people. It now turns out that we are not going to get this. We are just going to get three gigantic apartment buildings and a shopping area on a two-lane highway, one going one way and one going another way, with a very steep road leading to these buildings.

Our schools are overcrowded and this was all brought out at a town meeting. A resolution was passed saying, "o.k., we are going to have these buildings, whether we liked it or not." The town fathers just wouldn't listen to our objections.

I feel this bill is very important because you cannot trust your local government. They promised, the night before, that they would table this issue until public hearings could be held and then they turned around at a public meeting and passed this great apartment house dwelling plan.

Now, if you can't trust your local government we will have to look to the Environmental Commissioner and I'd rather put my trust in him and in people like you than in my town fathers, I am sorry to say.

ASSEMBLYMAN DAWES: Before you go, Mrs. Kazlowski, the way the bill is presently drawn it would not-- What town did you mention?

MRS. KAZLOWSKI: North Bergen.

ASSEMBLYMAN DAWES: It would not affect your town.

MRS. KAZLOWSKI: No, but it will help

the people in the south, at least, from circumstances similar to ours.

ASSEMBLYMAN DAWES: Therefore you feel there are certain areas north of the Raritan that have to be protected, and should be protected? In other words, we shouldn't just assume that because it is all built up there is no hope; there is still hope and help needed in that northern section?

MRS. KAZLOWSKI: I say definitely. I feel Mayor Jordan's plan for another mini-city, which North Bergen is getting hit with, is just as detrimental to the people as what we are getting.

It isn't fair, we trust these people and elect them and then they turn around and stab you in the back, so to speak. Under those circumstances, I am sorry, I have to look to people like you to help us and if this bill doesn't include North Hudson, which it desperately should, then I think at least you are helping the people in the south, and that is a giant step.

ASSEMBLYMAN DAWES: Thank you Mrs. Kazlowski.

Well, I shouldn't ask this question. We have completed all of our announced speakers but is there anyone else who would like to speak?

There are two people. Is there anyone else?

(no response)

That is it then. Of you two gentlemen, I will start with the gentleman on my left. His hand went up first. We will then hear the other gentleman and that will be it.

M R. P E T E R W. L A R S O N: Mr. Chairman, I am Peter W. Larson, Executive Director of the Upper Raritan Watershed Association, A citizen-supported organization working for environmental quality and we are from North Jersey, by the way.

ENVIRONMENTAL PROTECTION IN NEW JERSEY IS A MAJOR ISSUE OF OUR TIMES. WE SHOULD RECOGNIZE THE LIMITATIONS OF OUR STATE'S BASIC RESOURCES OF LAND, WATER, AND AIR, AND THE INTERRELATIONSHIPS BETWEEN MAN AND HIS ENVIRONMENT. THE ENVIRONMENT IS CONVENIENTLY STUDIED BY ANALYSIS OF SYSTEMS. ECOSYSTEM IS THE TERM FREQUENTLY USED TO DESCRIBE RELATIONSHIPS OF LIVING THINGS TO THEIR ENVIRONMENT IN A SYSTEMATIC FRAMEWORK.

WE ARE HERE TODAY TO CONSIDER ANOTHER LANDMARK PIECE OF LEGISLATION. A-1429 - MAJOR COASTAL AREA FACILITIES REVIEW ACT - PROVIDING STATE REVIEW OF MAJOR FACILITIES IN THE COASTAL AREA. CONTROL OVER WETLANDS IN THE PUBLIC INTEREST IS CONTROL OVER LIFE SUPPORT SYSTEMS. AS WE NEAR THE COMPLETION OF THE APOLLO MOON PROJECT, WE ARE ALL INCREASINGLY AWARE OF DELICATE LIFE SUPPORT SYSTEMS IN SPACE. WE MUST RECOGNIZE OUR SPACE SHIP EARTH HAS FAR MORE COMPLEX LIFE SUPPORT SYSTEMS, ALSO CALLED THE WEB OR CHAIN OF LIFE. IT IS SELF-SUFFICIENT AND COMPLETE AS WE KNOW IT.

YET, WE HAVE AREAS IN NEW JERSEY WHICH CANNOT SUPPORT THE WEB OF LIFE, FOR THEY ARE HEAVILY IMPACTED BY INTRUSIONS OF MAN. SO DELICATE IS NATURE'S BALANCE, THAT SOME AREAS MUST BE JUST OFF LIMITS TO MOST ACTIVITIES OF MAN. THAT IS THE LESSON OF OUR URBAN AREA WETLANDS AND WATERFRONTS: THEY ARE ENVIRONMENTAL DISASTERS. IF NOT FOR OUTSIDE RESOURCES BROUGHT INTO THOSE AREAS, ALL WOULD DIE. IS THAT A QUALITY OF LIFE WE WOULD HAVE FOR ALL OF NEW JERSEY?

WHEN THE LANDFORMS OF NEW JERSEY WERE CREATED EONS AGO, NATURE SET UP HER OWN BOUNDARIES, LARGELY RELATING TO ECOSYSTEMS DEPENDENT UPON WATER - BOTH FRESH AND SALT. AS MAN SOUGHT TO DEVELOP A SOCIETY, HE BECAME DEPENDENT UPON THEM. OUR EARLY AGRARIAN SOCIETY RESPECTED NATURE. ONLY IN THE LAST HUNDRED YEARS OF INDUSTRIALIZATION HAVE WE BEEN ABLE TO MANAGE MASSIVE SHIFTS IN RESOURCES AND GREAT CONCENTRATIONS OF PEOPLE. WE HAVE COME TO IDEALIZE CONCENTRATION AND SPECIALIZATION AS A WAY OF LIFE. THIS IS NOT TO DIMINISH THE VALUE OF WHAT WE HAVE DONE, BUT TO POINT OUT THE PROBLEMS IT HAS CREATED.

WE HAVE CONTINUED TO ENLARGE OUR CITIES, CONCENTRATE INDUSTRY, AND SPRAWL GROW-
TH ALL OVER THE LAND AS IF THERE WERE NO LIMITS TO GROWTH, NOR ANY CONSEQUENCES.
THERE ARE LIMITS AND CONSEQUENCES.

A CONSEQUENCE OF OVERDEVELOPMENT IN AN ECOSYSTEM IS ITS DECLINE IN QUALITY AND
ULTIMATE DESTRUCTION AND REPLACEMENT WITH AN UNBALANCED SYSTEM OF LOWER QUALITY.
EITHER YOU WORK WITH THE SYSTEM OR DESTROY IT.

SINCE NATURE, NOT MAN, MADE NEW JERSEY, AND SINCE MAN HAS MADE THE POLITICAL
BOUNDARIES, WHEN IT COMES TO THE ENVIRONMENT, NATURE DOES NOT RESPECT POLITICAL
BOUNDARIES. NO TWO COMMUNITIES OR COUNTIES ARE THE SAME. EACH MUST WORK TO PRO-
TECT ITS RESOURCE BASE AS A PART OF SURVIVAL MANAGEMENT FOR THE WORLD.

THEREFORE, SINCE MY WORK IN THE ENVIRONMENTAL SECTOR IS CONCERNED WITH WATER-
SHEDS, I AM ULTIMATELY CONCERNED WITH THE ECOSYSTEM OF ALL WETLANDS. WE HAVE VIG-
OROUSLY SUPPORTED FLOOD PLAIN ZONING AND INCREASING PROTECTION OF WETLANDS EVERY-
WHERE. AS IN FLOOD PLAIN ZONING THERE WILL BE ADJUSTMENTS IN DEVELOPMENT. WHILE
STUDYING FOR MY MASTER'S IN ECONOMICS, I LEARNED MANY CONCEPTS. ONE WHICH APPLIES
EQUALLY WELL IN ECONOMICS AND ECOLOGY IS NICELY FRAMED BY DR. BARY COMMONER: "THERE
IS NO SUCH THING AS A FREE LUNCH." THERE WILL BE A COST OF OPPORTUNITY LOST BY LAND-
OWNERS. BY THE SAME TOKEN, EQUAL OPPORTUNITY MUST BE INTERPRETED WITHIN A PUBLIC IN-
TEREST FRAMEWORK. SINCE THE AREAS UNDER CONSIDERATION SHOULD BE, AND MUST BE, SEVERE-
LY LIMITED IN THEIR DEVELOPMENT, CAN ONE TOWN NOW PREVENT ANOTHER FROM IMPORTING DIS-
ASTROUS DEVELOPMENT WHICH WOULD THREATEN THEIR ENVIRONMENT AND QUALITY OF LIFE? THE
OBVIOUS ANSWER IS THAT THE PROBLEM IS TOO VAST TO RELY SOLELY UPON HOME RULE. HOME
RULE CAN BE AUGMENTED WITH STATE BACKUP AND PERMIT REVIEW. THAT WILL INSURE UNIFORM-
ITY OF PROTECTION, WITH REGULATION BASED UPON THE ENVIRONMENT, NOT ON THE TAX BASE.

FOR THOSE WHO MAY FEEL THAT SOUTH JERSEY IS BEING SUBJECTED TO AN UNFAIR AMOUNT OF RESTRICTION, I REMIND THEM THAT GOD AND NATURE MADE THE WETLANDS, NOT POLITICAL BOUNDARIES. I INVITE THEM TO AMEND THE BILL TO INCLUDE ALL INLAND WETLANDS IN ADDITION TO FLOOD PLAINS. THAT WILL ENSURE THAT A WETLAND IS A WETLAND EVERYWHERE IN NEW JERSEY, AND AS SUCH IS PROTECTED. THEN WE WILL HAVE A UNIFORM APPROACH TO ENVIRONMENTAL QUALITY, REALIZING AN ECOSYSTEM WILL NOT RESPOND TO POLITICAL BOUNDARIES AND THAT IT MUST BE TREATED AND PROTECTED TO MAINTAIN THE QUALITY OF LIFE WE NOW HAVE. THE CHALLENGE FOR US ALL IS TO BALANCE WHAT WE HAVE ADEQUATELY NOW AND MAKE OUR PEACE WITH NATURE BEFORE WE SEEK EVER MORE EXPRESSION OF GROWTH IN THE WRONG PLACES. CLEARLY, HOME RULE NEEDS HELP ON REGIONAL ISSUES OF ENVIRONMENTAL PROTECTION.

THE ADVOCATES OF DEVELOPMENT WOULD PLACE ECONOMICS OVER ECOLOGY, FOR IN THEIR RACE TO DEVELOP RATABLES AND PROFITS THEY FAIL TO BALANCE THE BOOKS WITH THE ENVIRONMENT. THAT IS THE PURPOSE OF A-1429, TO BALANCE THE BOOKS, NOT TO STOP DEVELOPMENT. THERE IS NO DISCRIMINATION POSSIBLE AGAINST ANY ONE AREA UNDER STATE GUIDELINES OF REVIEW. NO ONE AREA COULD PUT IT OVER ON ANOTHER.

WHILE WE CAN ARGUE ABOUT NEEDS FOR REVENUE, THEIR SOURCES AND ABILITY TO COMPETE, IT IS NOT APPROPRIATE HERE. SUFFICE IT TO SAY THAT THE AREAS NOW REPORTEDLY SUFFERING FROM LOW INCOME REFLECT THE LIMITATIONS OF THE LAND AND WATER SYSTEMS TO SUPPORT A WIDE ARRAY OF EMPLOYMENT FORMS. THEREFORE SUCH AREAS ARE NOT APPROPRIATE PLACES FOR ECONOMIC DEVELOPMENT OF AN INTENSE NATURE, AND SHOULD SUCH DEVELOPMENT ENSUE, IT MUST BE BALANCED AGAINST SOCIOECONOMIC AND ENVIRONMENTAL COSTS TO WHAT IS ALREADY THERE.

TO THOSE WHO CLAIM THAT THIS BILL MAKES COMMISSIONER SULLIVAN MORE POWERFUL THAN THE ECONOMIC DEVELOPMENT PEOPLE, THAT IS NOT TRUE. AS LONG AS HOME RULE HAS INITIATIVE AND PRIVATE OWNERSHIP OF LAND REMAINS, THERE ARE ALTERNATIVES. AS LONG AS THE

PRIVATE DEVELOPER CAN WHEEL AND DEAL, HE WILL FIND ACCEPTABLE ALTERNATIVES. THIS BILL PROTECTS THE OPTIONS AND ALTERNATIVES AVAILABLE UNDER HOME RULE. IF ONE COMMUNITY WANTS A BIG OIL REFINERY AS A RATABLE, AND ITS NEIGHBORS DEPEND UPON THE RECREATION-TOURIST INDUSTRY - WHO WINS? ALL LOSE! IF A DEVELOPER SILTS UP A TIDAL STREAM OR BUILDS A LAGOON DEVELOPMENT WHICH RUINS AN ESTUARY, THE SHELLFISH INDUSTRY SUFFERS AND OFFSHORE FISHERMEN SUFFER. WE ALL SUFFER AS FOOD SHORTAGES DRIVE PRICES UP OR ELIMINATE THE FOOD FROM THE MARKET. HOW LONG CAN WE IGNORE THE TREMENDOUS VALUE OF OUR COASTAL AREAS FOR FOOD PRODUCTION?

TO THOSE WHO CLAIM THIS WILL EXCLUDE JOBS AND CAUSE BURDENS ON THOSE THERE ALREADY, IT IS JUST THE OPPOSITE IN FACT. NEW JOBS IN PROTECTED INDUSTRIES CAN BE CREATED AND INSURED. THIS WILL AVOID THEIR DISPLACEMENT BY COUNTER PRESSURES OF UNFAVORABLE OVERDEVELOPMENT OF UNDESIRABLE TYPES OF DEVELOPMENT. FAR FROM NULLIFYING LOCAL AND COUNTY ECONOMIC DEVELOPMENT, THIS BILL ENSURES SOMETHING WILL BE LEFT TO PROPERLY DEVELOP. FAR FROM BEING PROHIBITIVE, IT IS A STRONG GUIDE TOWARD WHAT IS ACCEPTABLE IN THE PUBLIC INTEREST OF ALL. FAR FROM WIPING OUT HOME RULE, IT ENHANCES ITS EFFECTIVENESS. IT IS NOT A USURPTION OF LOCAL GOVERNMENT BUT AN INSURANCE POLICY TO MAKE SURE ONE LOCAL GOVERNMENT DOES NOT DO IN ANOTHER.

ALTHOUGH THERE ARE OTHER LAWS ALREADY IN EFFECT WHICH COVER PARTS OF THESE AREAS, THIS BILL WILL NOT OVERLAP, BUT RATHER COVER NEW GROUND.

GENTLEMEN, THIS IS CLEARLY A DESIRABLE BILL. ONCE UPON A TIME THIS MIGHT HAVE BEEN TERMED ONE OF THOSE MOTHERHOOD BILLS. SINCE EVEN THAT IS BEING VIEWED IN A MODERATION IN ALL THINGS CONTEXT BY SOME, I LEAVE THE CLASSIFICATION TO YOUR CONSCIENCE. IF YOU BELIEVE THE COST OF UNBRIDLED GROWTH TO NEW JERSEY'S ENVIRONMENT IS WORTH THE IMPACT EVIDENT IN DEVELOPED WATERFRONTS, SO BE IT. BUT JUST AS APPOLO MUST COME OUT OF SPACE OR PERISH, SO MUST WE LIVE IN OUR SPACE. SUPPORT YOUR CONSCIENCE AND A-1429.

ASSEMBLYMAN DAWES: Actually, Mr. Larson, your group would probably like to see this bill extended over the entire State, wouldn't it?

MR. LARSON: Yes, sir.

ASSEMBLYMAN DAWES: Are there any other questions?
(no questions)

Thank you, Mr. Larson.

Our last speaker will be Mr. Sydney L. Brody.
M R. S Y D N E Y L. B R O D Y: First of all, gentlemen, I would like to apologize.

ASSEMBLYMAN DAWES: You were supposed to come earlier, is that right?

MR. BRODY: Right. Unfortunately, I had some deep water problems.

My name is Sidney L. Brody. I am a Commissioner and immediate past Chairman of the Cumberland County Economic Development Commission, County of Cumberland, State of New Jersey and charged with the responsibility of preparing, inducing and encouraging economic development of said County, and the development and preservation of the County's natural resources. In my every day walk of life I am also a developer and major retailer with grass roots in Cumberland County and have been responsible for much of the area development in the past fifteen years of the County and recognize the County and area needs.

I am here to present and establish the views, projections, and opinions of the Commission which is comprised of a varied economic and broad-based Commission membership and cross-section of all County residency and economic level of every day endeavor.

Views and opinions of the Cumberland County Economic Development Commission: The Commission goes on record that it feels prone to legislation being established that will protect our natural resources, set up a criteria ecological, and pollution standards

that will help preserve mankind and, at the same time, be compatible and provide for planned industrial and deepwater port facilities development that our natural resources will lend themselves to.

The Cumberland County Economic Development Commission resolution: The Cumberland County Economic Development Commission has unanimously endorsed and passed a resolution to assist and develop the natural resources of our meadowlands, wetlands and riverfront lands in a concept of planned balance growth and with controls to preserve our ecological future.

I go on record, and accuse North Jersey interests of designing the proposed legislation, Assembly bill 1429, the "Major Coastal Areas Facilities Review Act", to keep South Jersey and our Cumberland County, in the vulgar, "barefoot and pregnant" and condemned to an eternity of land and development bondage.

If interests and legislation are concerned over the preservation of these potential industrial lands, then let them author legislation to subsidize the tax revenue losses the communities affected will suffer. I would suggest that real estate taxes, industrial, commercial, and home, be increased in the counties and communities not affected by this legislation to pay the communities and the present land owners, forever and a day, the tax losses they will suffer. This, however, is not the real answer for if we stop development, then our present industries must eventually curtail their present area plant expansions and, later, flee the area.

The counties mainly concerned will suffer higher unemployment and welfare and already two of the counties involved show the highest unemployment figures, one of them over 18%. All this because the area has long been overdue for properly controlled industrial development.

I believe that the legislation should be enacted to allow and provide for balanced industrial growth with a criteria for industrial development to follow and adhere to. On behalf of the Cumberland County Economic Development Commission I vigorously oppose New Jersey Assembly bill 1429, or any bill which will prohibit or exclude industrial or commercial development, or redevelopment, of a world deep draft port for the United States for our coastal areas of Delaware Bay or Delaware River, which border on Cumberland County.

Natural resources of Cumberland County: The Commission points out that the most important natural resources the County of Cumberland is blessed with are: 1. Thousands of undeveloped acres. 2. A long shoreline contiguous to the shipping channel of the Delaware River and Delaware Bay. 3. Bordered by the Counties of Salem and Cape May, enjoying the same natural resources of a natural phenomenon. 4. Being geographically strategic wherein within a 300 mile radius of Ameri-Port, Philadelphia, approximately 60% of the nation's population lives or within a 100 mile radius, 30%. This is a most fantastic fact and must be considered in all aspects of planning. 5. Naturally sheltered deep water facilities.

Geographic area impact: Due to our geographic position the area must not only, when it considers legislation, consider the immediate area - the State of New Jersey - but the national and international ramifications of improper planning and legislation that could adversely affect much more than the preservation of our natural land areas. In other words, our area today is the keystone to the nation's economic future as well as ecological future and can, even further, with proper development, help control our international balance of trades and payments. Sound far fetched? No. When one stops to study and

understand the forces that control our economic being then one understands that this area must be vital in the distribution of product and energy to this concentrated dense mass of population which we must now assume a responsibility for.

Potential loss of revenues: The loss of potential revenue would be most staggering to the area. Approximately 229,740 acres of land would be completely lost to ratables, based on figures of industrial land and buildings. This could conceivably amount to \$6,892,200,000.00 per year, or approximately \$30,000.00 projected true value per acre, which in some instances could go higher.

In addition to the bill prohibiting industrial development, the bill would also prohibit a potential deep draft port, so vital to our economic world competition, and our United States industrial plants and prevent a projected income to the counties exceeding \$150,000,000 annually which would be paid, in the main, by those industries located outside of New Jersey, and not affect or cause damage to our ecological well-being.

To quote remarks by Lieutenant General F. J. Clarks, Chief of Engineers, United States Army, Water Resources Congress, St. Louis, Missouri, February 7, 1972, from a speech which he made before the Water Resources Congress concerning the future of energy, industrial development, and deep water port, and which is so timely and contiguous to the problem at hand, I offer and inject his remarks in my testimony: "The nation must make up its mind in the very near future as to how much electric power it is going to have in the years to come so that we can plan and provide the water availabilities that will be needed to produce and use that power. What we provide for now is what we, and our children, are going to have in the next decade or two. If we are going to cut back our use of electric power in order to have better swimming and

and fishing, let's make the decision with our eyes open and with full realization of the consequences. Let's not just block one power project after another on the ground that we're protecting water resources and then, when the lights go out and heat goes off and the breadlines form, claim that the "devil made me do it."

Area industrial and land use legislation consideration: Legislation should be given to industrial development and land use of the areas under discussion and testimony as follows: 1. Primary process industries which definitely need deepwater port facilities because of raw materials being received in deep-draft ships. 2. Secondary process and manufacturing industries which for economic, process, or manufacturing reasons need to be close to the primary industries. 3. Secondary process and manufacturing industries which are under the same corporate roof as a primary producer and purely for economic reasons - no process or manufacturing requirements - want to centralize operations.

In view of the facts touched on by my statements which are the result of much study and expertise information assembled from qualified agencies - same furnished upon request - I go on record as past chairman of the Cumberland County Economic Development Commission for legislation enabling the planned balance growth construction of deep water port facilities, and industrial development, with the proper standards of ecology and pollution being a primary consideration and that a master development plan be developed and expedited for the development of our Delaware Bay and River areas and that the County Industrial Commissions be part of the planning group, or groups, and serve on any commissions wherein industrial development is concerned in the areas under discussion.

Many of the statements I have made and touched upon are sure to be elaborated on in other expertise

testimony in this and subsequent public hearings and Legislative debates. Ecology, as defined by the Funk and Wagnalls dictionary is "the division of biology that treats of the relations between organisms and their environment." As a layman, I interpret ecology in our day and environment as "the science of keeping nature in balance" in the complexities of industrial and everyday life as we live it and to which we have progressed.

I caution the council and legislation that ecology hysteria is creating a hardship for industry. We must keep the ecology priority in mind and not turn our backs on industry. Industry and ecology can live together if it's understood - not misunderstood.

My remarks and testimony at this Assembly Hearing are very similar to my testimony on the 19th of April 1972 before the Assembly Hearing on the Coastal Areas Protection Act, Assembly bill 722.

I interpret this new piece of legislation as being designed to permit anything to be constructed providing one can obtain a permit. However, the danger in this permissive type of legislation to the areas concerned and the industrial and development communities is that absolute control would rest in the hands of a central agency - or Czar - dedicated to the "ecological revolution" of this generation, attempting to make our world "better than God made it", or "intended it" and would give little or no thought of the costs to development or industry which each and everyone of us must ultimately bear.

This legislation also impairs home-rule which we should all jealously guard, for a chink in this dike can only mean a flood of impending legislation which will eventually take complete control of our everyday lives wherein "Big Brother" will think and do for us and reduce our home-rule to cells or conduits of

"Big Brother's" thinking. What may be good for "Big Brother" may not be good for me and mine and must eventually stifle our area's economic growth.

I respectfully request that the New Jersey State Assembly Committee adopt the views and opinions of the Cumberland County Economic Development Commission and make their recommendations based on their statements, and dedicate what we do today to the future of tomorrow. Thank you.

ASSEMBLYMAN DAWES: Thank you, Mr. Brody.

The hearing is adjourned but before it is adjourned, so as to avoid the Committee being asked this question in the near future, the record will be kept open for one month. We then will request that the transcript be typed up. It has been our experience in the past that the transcript takes approximately 45 days; therefore, the Chairman of this Committee anticipates no action by the Committee for at least 90 days.

(hearing adjourned)

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Written Statement of the
NEW JERSEY STATE CHAMBER OF COMMERCE
Regarding The
MAJOR COASTAL AREAS FACILITIES REVIEW ACT
(Assembly Bill No. 1429)
Presented to the

ASSEMBLY COMMITTEE ON AIR, WATER POLLUTION AND PUBLIC HEALTH

Public Hearing
Assembly Chambers, Trenton, N.J.
11:00 a.m. Monday, December 11, 1972
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Mr. Chairman and Members of the Committee:

My name is Donald H. Scott. I am a resident of Bloomfield and I am President of the New Jersey State Chamber of Commerce, Newark. In this capacity I serve as Chief Executive Officer of the Chamber and head of its professional staff.

Last summer the State Chamber undertook a detailed study of Assembly Bill No. 1429. It was carried out by the same two committees -- Economic Development and Water Quality -- that earlier this year undertook a similarly detailed study of A-722, the Coastal Areas Protection Act. The general background of the more than 70 business and professional people serving on these two Chamber committees was explained in our public hearing statement on A-722 last April 19th.

During that hearing it was revealed that A-722 was developed very largely, if not entirely, by students at Rutgers University.

From all appearances, A-1429 has been developed very largely, if not entirely, by staff within the Department of Environmental Protection.

In our opinion, neither measure will satisfactorily answer the needs and meet the best interests of New Jersey's citizens. Both are the product of special interest groups which evidence very limited understanding of the broad economic and social consequences of the proposals contained within their respective measures.

Our joint committee analysis of A-1429 was summarized in a memorandum

from which we have reproduced below, as a matter of information, our principal points of objection.

However, we do recognize a degree of validity in certain of the aims of both measures. We recognize, for example, that New Jersey's ocean-front beaches, bays and harbors are of prime importance to our vast recreational economy and that their manifold attractions and benefits can be destroyed by continuing encroachment, whether by residential, commercial or even recreational developments.

But the task of developing acceptable legislation to assure suitable protection of such areas must take into account many factors which both A-722 and A-1429 have failed to do. For example:

1. There must be recognition of the economic needs of citizens in many areas of Southern New Jersey, who do not now enjoy income parity with citizens in most northern areas of the State.
2. There must be proper perspective upon our overall framework of government and the impact of such a proposal upon:
 - a) The interrelationships between State, County and local government;
 - b) the distribution of powers and authority within State government itself;
 - c) the tax revenues of every level of government;
 - d) existing laws which provide for regulations of a parallel nature (county and municipal planning and zoning enabling statutes [*]; sewerage facility authorizations and controls;

[*] We note that an entire new package of bills has just been introduced--A-1419 to A-1422 inclusive and proposing complete revision of existing local land use laws. It would appear highly advisable that such a package of bills receive legislative consideration prior to A-1429 which is proposing a rather specialized form of land use control.

pollution control laws, etc.).

Thus, if a bill is to be developed that will take factors of this kind into proper account, it will have to be the product of a far broader base of knowledge and experience.

We respectfully suggest, therefore, that at the very least, any such measure, should encompass the combined thinking of (1) the Secretary of Agriculture, (2) the Commissioner of Community Affairs, (3) the Commissioner of Labor & Industry and (4) the Commissioner of Environmental Protection. The responsibilities and special constituency interests of all four departments are almost equally involved in a proposal of this kind and we feel the department heads should be in basic agreement on the provisions of any measure before it receives legislative consideration. Public input, too, is desirable for local governments and individual citizens, as well as business interests, can often be affected by such a proposal in ways that its drafters might never discern. This was rather clearly revealed in the A-722 public hearing.

We suggest that the development of broadly acceptable legislation could well begin with the establishment of a drafting group under the joint direction of these four cabinet officers.

If proper cognizance is then taken of existing environmental controls; of the need to balance considerations of the economy and the ecology; and of the need to avoid undesirable over-concentration of governmental authority as an expeditious means of obtaining a single-purpose end, we can foresee a measure emerging from this broadly-based drafting process differing considerably from both A-722 and A-1429 but widely acceptable and effective.

Here, in random order, are some of the specific points of objection to A-1429 as delineated in our study:

1. Virtually every basic objection previously voiced against Assembly Bill No. 722 can be applied with greater intensity to A-1429.
2. Paragraph 2 of the A-1429 states ". . . . that decisions, concerning the location of major facilities have such a broad-reaching impact that they should not be made solely by one level of government acting unilaterally. . . ." Yet this is precisely what A-1429 would do! It proposes placing the main powers of determination for every industrial location or expansion in the hands of the Department of Environmental Protection -- more specifically, in the hands of the Commissioner. Such extensive, one-man-rule rarely, if ever, provides a consistent pattern of administrative polity whenever there is a change of incumbency.
3. Actually, A-1429 does not provide any meaningful new environmental controls within the department. Riparian lands controls, wetlands controls, air pollution controls, water pollution controls, and water usage controls, are already lodged in Environmental Protection. There are also local and county governmental land usage controls, Federal waterway and Environmental Protection Agency controls, plus the proposed new state-level flood plain controls for the department now under consideration by the legislature. It is hard to see,

therefore, what need there is for the highly detailed and pervasive control mechanisms which A-1429 proposes.

4. The only really new power which the department would gain from this proposal is direct control over aesthetics --the right to determine what types of enterprises are acceptable from a purely visual standpoint. This, in our opinion, would constitute an extremely undesirable and unwise intrusion into the determinism powers of local government. It is hardly in the interest of sound and stable government to substitute one-man rule in such matters for the decisions now being made by the many local boards within the huge area within central and southern New Jersey A-1429 would cover.
5. The explanatory statement claims that this proposed measure is permissive rather than prohibitory in nature. Technically, that is true. However, there is a vast potential for pre-cedural "bureaucratic" delays inherent in the vagueness of its criteria. There is also great potential for requiring endless detail in the proposed impact statements. From a practical standpoint, therefore, the measure would result in almost total department control over economic development with the vast territory the proposal would cover.
6. A-1429 covers an area more than twice the size of that which would be covered by A-722-- by the statement accompanying the draft, a total of 1,750 square miles in the present measure as against 776.5 square miles in A-722.

7. A-1429 would simply wipe out the basic purpose of the Labor and Industry Department's Division of Economic Development and, furthermore, would nullify the citizen-supported economic development efforts of all counties and communities within the very large territory proposed for regulation. In essence, the proposal amounts to direct state rule over the economic development patterns of much of central and southern New Jersey. Considered against the lack of such rule elsewhere in New Jersey, this would constitute a highly discriminatory situation.
8. In view of the almost constant need for more tax revenues both at the state and local levels, why virtually exclude tax-paying, job-making enterprises from such a large area of the State? The burden of supporting constantly rising state and local governmental costs would thus fall upon the citizens and business enterprises already located in these areas. Clearly, there is an element of regional discrimination involved here.
9. A-1429 would, in effect, render the commissioner of environmental protection largely responsible for the economic fate of some sizeable (multi-county) areas which, as detailed in our public hearing statement in opposition to A-722, suffer substantial unemployment and below-average per family incomes.
10. With so many environmental control laws already in effect, especially in lands adjacent to maritime waters, large

companies are already "turned off" insofar as potential plant sites in such areas concerned. A-1429, by virtue of its many-faceted definition of the term "Major Facility", would add many smaller enterprises to the economically stifling regimen of bureaucratic controls -- permits, environmental impact statements, etc., etc. The economic impact, both from a standpoint of payrolls and taxes, would be extensive. The present trend toward increasingly complex governmental regulations -- especially in the environmental protection field, has already cost this state some important economic development opportunities.

11. A-1429 strikes directly at certain types of farm product processing which may thus have very serious implications for many central and southern New Jersey farming and processing enterprises.
12. The U.S. Army Corps of Engineers, which conducted public hearings in New Jersey not long ago, is seeking to locate a deep-water terminal somewhere on the Atlantic Seaboard to meet the Nation's growing need for low pollution-factor fuels in order to forestall a crisis in energy development. A-1429, with its extensive controls over bulk storage on handling and transferring facilities, would thus exert pressures that are contrary to the energy needs of the entire nation.
13. The State of New York, which like New Jersey has large maritime areas that are oriented to recreational pursuits, appears definitely to be moving away from this type of over-reaction to the cause of environment at the expense of

the economy. The governor there recently vetoed measures that would (a) bar off-shore drilling for petroleum resource development, (b) hand the counterpart of our Environmental Protection Commissionership complete jurisdiction over off-shore activities up to a distance of 200 miles. In addition, the New York governor signed a measure expediting and simplifying the siting of power plants by making such decisions a matter of "one-step" action by a commission comprised of appropriate officers within his cabinet.

14. A-1429's proposed controls apply not only to business and industry but to public facilities as well -- including sewage treatment plants which are badly needed in certain of the Shore areas to curtail pollution of recreational waters. In this respect, A-1429 goes somewhat counter to its own states aims.
15. By hampering economic development of the counties and towns within its territorial definitions, A-1429 will preclude natural tax base growth and thus will adversely affect future operations of municipal, county and state government.
16. Although its title specifically refers to "Major" coastal area facilities, A-1429's definitions actually cover 155 different industrial categories which include many types of small enterprises. Many are wholly oriented to local agriculture and food processing.
17. In viewing the enormous land area of southern New Jersey that A-1429 would, in effect, set aside for state economic

development control, it must be born in mind that this part of the State already has other vast areas of use as parks, water reservations, Federally utilized lands, etc.

AN ACT to provide for the review of[major] certain facilities in the coastal area and making an appropriation therefor.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. This act shall be known and may be cited as the "[Major] Coastal Area [Facilities] Facility Review Act."

[2. The Legislature finds and declares that New Jersey's coastal area constitutes a unique and irreplaceable natural resource, that the economy of the area and of the entire State will suffer serious adverse effects if the environmental impact resulting from the future location of major facilities is not carefully assessed; that decisions, concerning the location of major facilities, have such broad reaching impact that they should not be made solely by one level of government acting unilaterally, and that, therefore, the State must assist in making that necessary assessment in accordance with the provisions of this act.

It is further declared that it is in the best interests of the people of the State that the coastal area situated along the Atlantic ocean should be dedicated principally to recreational and compatible residential uses; that the coastal area situated along the Delaware bay should be dedicated principally to uses compatible with conservation and the shellfish industry; that the coastal area situated along the Delaware river between the Delaware Memorial Bridge and the extent of tide at Trenton should be dedicated to mixed uses compatible with the environment of the area, and that future location of major facilities anywhere in the coastal area shall be carefully assessed to be assured that adverse environmental impact is minimized.]

2. The Legislature finds and declares that New Jersey's bays, harbors, sounds, wetlands, inlets, the tidal portions of fresh, saline, or partially saline streams and tributaries and their adjoin-

ing upland fastland and drainage canals, rivers, channels, estuaries, barrier beaches, near shore waters, and intertidal areas together constitute an exceptional, unique, irreplaceable, and delicately balanced physical, chemical, and biologically acting and interacting natural environmental resource called the coastal area, that certain portions of the coastal area are now suffering serious adverse environmental effects resulting from existing facility activity impacts that would preclude or tend to preclude those multiple uses which support diversity and are in the best long-term social, economic, aesthetic, and recreational interests of all people of the State; and that, therefore, it is in the interest of the people of the State that all of the coastal area should be dedicated to those kinds of land mix uses which promote the public health, safety, and welfare, protect public and private property, and are reasonably consistent and compatible with the natural laws governing the physical, chemical, and biological environment of the coastal area.

It is further declared that the coastal area and the State will suffer continuing and ever-accelerating serious adverse economic, social, and aesthetic effects unless the State assists, in accordance with the provisions of this act, in the assessment of impacts, stemming from the future location and kinds of facilities within the coastal area, on the delicately balanced environment of that area.

3. For the purposes of this act, unless the context clearly requires a different meaning, the following words shall have the following meanings:

a. "Commissioner" means the State Commissioner of Environmental Protection.

b. "Department" means the State Department of Environmental Protection.

c. "[Major] [f] Facility" includes any of the facilities designed or utilized for the following purposes:

(1) Electric power generation-

Oil, gas, or coal fired or any combination thereof.

Nuclear facilities.

(2) Food and food byproducts-

Beer, whiskey and wine production.

Fish processing, including the production of fish meal and fish oil.

Slaughtering, blanching, cooking, curing, and pickling of meats and poultry.

Trimming, culling, juicing, and blanching of fruits and vegetables.

Animal matter rendering plants.

Operations directly related to the production of leather or furs such as, but not limited to, unhairing, soaking, deliming, baiting, and tanning.

Curing and pickling of fruits and vegetables.

Pasteurization, homogenization, condensation, and evaporation of milk and cream to produce cheeses, sour milk, and related products.

Coffee bean and cocoa bean roasting.

(3) Incineration wastes-

Municipal wastes (larger than or equal to 50 tons per day).

Automobile body (20 automobiles per hour or larger).

(4) Paper production-

Pulp mills.

Paper mills.

Paperboard mills.

Building paper mills.

Building board mills.

(5) Public facilities and housing-

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Sanitary landfills.

Waste treatment plants (sanitary sewage).

Road, airport, or highway construction.

New housing developments of 25 or more dwelling units or equivalent.

Expansion of existing developments, [wherever present, or future development plans projects by the construction] by the addition of 25 or more dwelling units or equivalent.

[Any subdivision of parcels of land in sections 5.4 and 5.5 for residential or any other purpose.]

(6) Agri-chemical production-

Pesticides manufacture and formulation operations or either thereof.

Superphosphate animal feed supplement manufacture.

Production of normal superphosphate.

Production of triple superphosphate.

Production of diammonium phosphate.

(7) Inorganic acids and salts manufacture-

Hydrofluoric acid and common salts.

Hydrochloric acid and common salts.

Nitric acid and common salts.

Sulfuric acid and common salts.

Phosphoric acid and common salts.

Chromic acid, including chromate and dichromate salts.

(8) Mineral products-

Asphalt batching and roofing operations including the preparation of bituminous concrete and concrete.

Cement production, including Portland, natural, masonry, and pozzolan cements.

Coal cleaning.

Clay, clay mining, and fly-ash sintering.

Calcium carbide production.

Stone, rock, gravel, and sand quarrying and processing.

Frit and glass production.

Fiberglass production.

Slag, rock and glass wool production (mineral wool).

Lime production, including quarrying.

Gypsum production, including quarrying.

Perlite manufacturing, including quarrying.

Asbestos fiber production.

(9) Chemical processes-

Ammonia manufacture.

Chlorine manufacture.

Caustic soda production.

Carbon black and charcoal production, including channel, furnace, and thermal processes.

Varnish, paint, lacquer, enamel, organic solvent, and inorganic or organic pigment manufacturing or formulating.

Synthetic resins or plastics manufacture including, but not limited to, alkyd resins, polyethylene, fluorocarbons, polypropylene, and polyvinylchloride.

Sodium carbonate manufacture.

Synthetic fibers production including, but not limited to, semi-synthetics such as viscose, rayon, and acetate, and true synthetics such as, but not limited to, nylon, orlon, and dacron, and the dyeing of these semi and true synthetics.

Synthetic rubber manufacture, including but not limited to, butadiene and styrene copolymers, and the reclamation of synthetic or natural rubbers.

The production of high and low explosives such as, but not limited to, TNT and nitrocellulose.

Soap and detergent manufacturing, including but not limited to, those synthetic detergents prepared from fatty alcohols or linear alkylate.

Elemental sulfur recovery plants not on the premises where petroleum refining occurs.

Used motor or other oil or related petroleum product reclamation operations.

Petroleum refining, including but not limited to, distillation, cracking, reforming, treating, blending, polymerization, isomerization, alkylation, and elemental sulfur recovery operations.

Organic dye and dye intermediate manufacturing.

Hydrogen cyanide or cyanide salts manufacture or use.

Glue manufacturing operations.

Manufacturing, fabricating, or processing medicinal and pharmaceutical products including the grading, grinding, or milling of botanicals.

(10) Storage-

Bulk storage, handling, and transfer facilities for crude oil, gas and finished petroleum products not on the premises where petroleum refining occurs.

Bulk storage, handling, transfer and manufacturing facilities of gas manufactured from inorganic and organic materials including coal gas, coke oven gas, water gas, producer, and oil gases.

(11) Metallurgical processes-

Production of aluminum oxide and aluminum metal and all common alloys, such as those with copper, magnesium, and silicon.

Production of titanium metal, salts, and oxides.

Metallurgical coke, petroleum coke, and byproduct coke manufacturing.

Copper, lead, zinc, and magnesium smelting and processing.

Ferroalloys manufacture such as, but not limited to, those combined with silicon, calcium, manganese and chrome.

Integrated steel and iron mill operations including, but not limited to, open hearth, basic oxygen, electric furnace, sinter plant, and rolling, drawing, and extruding operations.

Melting, smelting, refining, and alloying of scrap or other substances to produce brass and bronze ingots.

Steel foundry operations.

Beryllium metal or alloy production, including rolling, drawing and extruding operations.

Operations involving silver, arsenic, cadmium, copper, mercury, lead, nickel, chromium, and zinc including, but not limited to, production, recovery from scrap or salvage, alloy production, salt formation, electroplating, anodizing, and metallo-organics compound products preparation.

Stripping of oxides from and the cleaning of metals prior to plating, anodizing, or painting.

(12) Miscellaneous-

Operations involving the scouring, desizing, cleaning, bleaching, and dyeing of wool.

Wood preserving processes which use coal or petroleum based products such as, but not limited to, coal tars and/or creosotes.

Manufacture, use, or distillation of phenols, cresols, or coal tar materials.

Manufacture of lead acid storage batteries and/or storage batteries produced from other heavy metals, such as nickel or cadmium.

Installation of above or underground pipelines, designed to transport petroleum, natural gas, and sanitary sewage.

Operations involving the dyeing, bleaching, coating, impregnating, or glazing of paper.

Dyeing, bleaching, and printing of textiles other than wool. Chemical finishing for water repelling, fire resistance, and mildew proofing, including preshrinking, coating and impregnating.

Sawmill and planing mill operations.

d. "Person" means and shall include corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals and governmental agencies.

e. "Governmental agencies" means the Government of the United

political subdivisions, agencies or instrumentalities thereof, and interstate agencies.

4. The "coastal area" shall consist of all that certain area lying between the line as hereinafter described and the line formed by the State's seaward (Atlantic Ocean) territorial jurisdiction on the east thereof, the State's bayward (Delaware Bay) territorial jurisdiction on the south and southwest thereof, and the State's riverward (Delaware River) territorial jurisdiction on the west thereto. Beginning at the midpoint of the Garden State Parkway bridge crossing the Raritan River; thence southeasterly along the Garden State Parkway to its intersection with Everett Road (County 52); thence southerly on Everett Road (County 52) to its intersection with County Road 520; thence westerly along County Road 520 to its intersection with S.R. 34; thence southeasterly along S.R. 34 to its intersection with County Road 537 at Colts Neck; thence northeasterly along County Road 537 to its intersection with the Garden State Parkway; thence southerly along the Garden State Parkway to its intersection with Spur 549; thence northwesterly along Spur 549 to its intersection with County Road 547; thence southwesterly along County Road 547 to its intersection with the tracks of the Central Railroad of New Jersey; thence southwesterly along the tracks of the Central Railroad of New Jersey to its junction with the tracks of the Pennsylvania Railroad near Whiting; thence easterly along the tracks of the Pennsylvania Railroad to its intersection with the Garden State Parkway near South Toms River; thence southerly along the Garden State Parkway to its intersection with County Road 539 at Garden State Parkway exit 58; thence northerly along County Road 539 to its intersection with Martha-Stafford Forge Road; thence westerly along Martha-Stafford Forge Road to its intersection with Spur 563; thence northerly along Spur 563 to its intersection with County Road 563; thence southerly along County Road 563 to its intersection with County Road 542 at Green Bank; thence northwesterly along County

thence southeasterly along Weekstown-Pleasant Mills Road to its intersection with County Road 563 at Weekstown; thence southeasterly along County Road 563 to its intersection with Clarks Landing Road leading to Port Republic; thence easterly along Clarks Landing Road to its intersection with the Garden State Parkway; thence southerly along the Garden State Parkway to its intersection with Alt.559, and thence northwesterly along Alt.559 to its intersection with County Road 559 at Gravelly Run; thence northwesterly along County Road 559 to its intersection with U. S. 40 and S. R. 50 at Mays Landing; thence westerly along combined U. S. 40 and S. R. 50 to its intersection with S. R. 50; thence southerly on S. R. 50 to its intersection with Buck Hill Road near Buck Hill; thence westerly along Buck Hill (River Road) Road to its intersection with S. R. 49; thence southerly along S. R. 49 to its intersection with County Road 585; thence southwestward along County Road 585 to its intersection with S. R. 47 at Dennisville; thence northwesterly along S. R. 47 to its intersection with County Road 78; thence northerly along County Road 78 to its intersection with County Road 548 and to its intersection of County Road 46; thence to the intersection with the tracks of the Pennsylvania-Reading Seashore Lines; thence northwesterly along the tracks of the Pennsylvania-Reading Seashore Lines to its intersection with S. R. 49 at Millville; thence through Millville along S. R. 49 to its intersection with County Road 555; thence southerly along County Road 555 to its intersection with County Road 27; thence southerly along County Road 27 to its intersection with County Road 70; thence southerly on County Road 70 to the Center of Mauricetown; thence through Mauricetown westerly on County Road 548 to its intersection with the tracks of the Central Railroad of New Jersey; thence northwesterly on the tracks of the Central Railroad of New Jersey to its intersection with County Road 98; thence easterly along County Road 98 to the intersection with County Road 38; thence northerly along County Road 38 to its inter-

section with S. R. 49 east of Bridgeton; thence westerly along S. R. 49 through Bridgeton to its intersection with County Road 5; thence westerly along County Road 5 to Roadstown; thence northerly on County Road 20 to its intersection with S. R. 49 at Shiloh; thence northwesterly on S. R. 49 to Burdens Hill; thence northerly along unnamed road to its intersection with County Road 581; thence northeasterly along County Road 581 through Alloway to its intersection with County Road 3; thence northerly on County Road 3 to the intersection with the tracks of the Pennsylvania-Reading Seashore Lines; thence northerly along the tracks of the Pennsylvania-Reading Seashore Lines east of Woodstown to its intersection with County Road 551 southwest of Swedesboro; thence northeasterly along County Road 551 through Mickleton, Clarksboro, and Mt. Royal to its intersection with S. R. 45 at Woodbury; thence through Woodbury on S. R. 45 to its intersection with U. S. 130 at Westville; thence northerly through Westville on U. S. 130 to the intersection with County Road 551; thence northerly along County Road 551 (Broadway) through Gloucester and Camden to its intersection in Camden with County Road 537 (Federal Street); thence easterly along County Road 537 through Camden to its intersection with County Road 543 (River Avenue); thence northerly along County Road 543 to its intersection with S. R. 73; thence southeasterly along S. R. 73 to its intersection with U. S. 130; thence northeasterly along U. S. 130 to its intersection with U. S. 206 at Bordentown; thence northerly along U. S. 206 at Bordentown to its intersection with County Roads 533 and 524 at White Horse; thence northerly along U. S. 206 (Broad Street) to its intersection of U. S. 206 (Broad Street) with Lalor Street in Trenton; thence Westerly along Lalor Street in Trenton to its intersection with Lamberton Street in Trenton; thence northwesterly along Lamberton Street to its intersection with S. R. 29 (John Fitch Way); and thence northwesterly along S. R. 29 (John Fitch Way) to its intersection with U. S. 1.

be constructed, expanded or utilized] or cause to be constructed,
a [major] facility in the coastal area[s] until he has applied for
and received a permit issued by the commissioner. [; however, this
shall not apply to major facilities which were constructed or utilized
as such on the effective date of this act.]

6. Any person proposing to construct, [expand or utilize or cause
to be constructed, expanded or utilized] or cause to be constructed,
a [major] facility in the coastal area shall file an application for a
permit with the commissioner, in such form and with such information
as the commissioner may prescribe. The application shall include an
environmental impact statement as described in this act.

7. The environmental impact statement shall provide the infor-
mation needed to evaluate the effects of a proposed project upon the
environment of the coastal area.

The statement shall include:

a. An inventory of existing environmental conditions at the
project site and in the surrounding region which shall describe air
quality, water quality, water supply, hydrology, geology, soils,
topography, vegetation, wildlife, aquatic organisms, ecology,
demography, land use, aesthetics, history, and archeology[;].
For housing the inventory shall describe water quality, water supply,
hydrology, geology, soils, and topography;

b. A project description which shall specify what is to be done
and how it is to be done, during construction and operation;

c. A listing of all licenses, permits or other approvals as
required by law and the status of each;

d. An assessment of the probable impact of the project upon all
topics described in a.;

e. A listing of adverse environmental impacts which cannot be
avoided.

f. Steps to be taken to minimize adverse environmental impacts during construction and operation, both at the project site and in the surrounding region;

g. Alternatives to all or any part of the project with reasons for their acceptability or nonacceptability;

h. A reference list of pertinent published information relating to the project, the project site, and the surrounding region.

8. a. Within 30 days following receipt of an application, the commissioner shall notify the applicant in writing regarding its completeness. The commissioner may declare the application to be complete for filing or may notify the applicant of specific deficiencies. The commissioner, within 15 days following the receipt of additional information to correct deficiencies, shall notify the applicant of the completeness of the amended application. The application shall not be considered to be filed until it has been declared complete by the commissioner.

b. The commissioner, within 30 days of declaring the application complete for filing, shall set a date for the hearing. The date for the hearing shall be set not later than 75 days after the application is declared complete for filing.

c. The commissioner, within 15 days after the hearing, may require an applicant to submit any additional information necessary for the complete review of the application.

9. The commissioner, or a member of the department designated by him, shall hold a hearing to afford interested parties standing and the opportunity to present, orally or in writing, both their position concerning the application and any data they may have developed in reference to the environmental effects of the proposed facility.

10. The commissioner shall review filed applications, including the environmental impact statement and all information presented at public hearings. He shall issue a permit only if he finds that the proposed facility [or activity]:

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a. Conforms with all applicable air, water and radiation emission and effluent standards and all applicable water quality criteria and air quality standards.

b. Air emissions and water effluents do not exceed the existing [natural] dilution, assimilative, and recovery capacities of the air and water environments at the site and within the surrounding region.

c. Provides for the handling and disposal of litter, trash, and refuse in such a manner as to minimize adverse environmental effects and the threat to the public health, safety, and welfare.

d. Would result in minimal feasible impairment of the regenerative capacity of water aquifers or other ground or surface water supplies.

e. Would cause minimal feasible interference with the natural functioning of plant, animal, fish, and human life processes at the site and within the surrounding region.

f. Is located or constructed so as to neither endanger human life or property nor otherwise impair the public health, safety, and welfare.

g. Would result in minimal practicable degradation of unique or irreplaceable land types, historical or archeological area, and existing scenic and aesthetic attributes at the site and within the surrounding region.

11. Notwithstanding the applicant's compliance with the criteria listed in section 10 of this act, [I]if the commissioner finds that the proposed facility would violate or tend to violate the purpose[s] and intent of [the] this act as specified in section 2 or if the commissioner finds that the proposed facility would materially contribute to an already serious and unacceptable level of environmental degradation or resource exhaustion, he may deny the permit application, or he may [approve the] issue a permit [and impose] subject to such conditions [as are] as he finds reasonably necessary to promote the public [safety] health, [health] safety,

and welfare, to protect public and private property, wildlife and marine fisheries and to preserve, protect, and enhance the natural environment.

12. The commissioner shall notify the applicant within 90 days after the hearing as to the granting or denial of a permit. The reasons for granting or denying the permit shall be stated. In the event the commissioner requires additional information as provided for in section 8, he shall notify the applicant of his decision within 90 days following the receipt of the information.

13. In the event of rental, lease, sale or other conveyances by an applicant to whom a permit is issued, such permit, with any conditions, shall be continued in force and shall apply to the new tenant, lessee, owner, or assignee so long as there is no change in the nature of the facility set forth in the original application.

14. The denial of an application shall in no way adversely affect the future submittal of a new application.

15. The commissioner shall be authorized to prepare an environmental design which shall consist of an inventory of the environmental resources of the coastal area, [and] their inter-relationships[.], and an estimate of the capability of the area to absorb and not adversely react to man-made stresses. The commissioner shall develop from this design long-term alternative environmental management strategies for the coastal area which promote the purposes and intent of this act.

16. The department is hereby authorized to adopt, amend and repeal rules and regulations to effectuate the purposes of this act.

17. If any person violates any of the provisions of this act, rule, regulation or order promulgated or issued pursuant to the provisions of this act, the department may institute a civil action in the Superior Court for injunctive relief to prohibit and prevent such violation or violations and said court may proceed in a summary manner. Any person who violates any of the

provisions of this act, rule, regulation or order promulgated or issued pursuant to this act shall be liable to a penalty of not more than \$3,000.00 to be collected in a summary proceeding or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense. The department is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under the circumstances.

18. The provisions of this act shall not be regarded as to be in derogation of any powers now existing and shall be regarded as supplemental and in addition to powers conferred by other laws, including municipal zoning authority[, conferred by other laws and shall not be regarded to be in derogation of any powers now existing, except that those]. The provisions of this act shall not apply to those portions of the coastal area[s] regulated pursuant to enforce-able orders under the Wetlands Act, C.13:9A-1 et seq.[,shall be exempt from compliance with this act.]

19. This act shall be liberally construed to effectuate the purpose and intent thereof.

20. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

21. There is hereby appropriated to the Department of Environmental Protection for the purposes of this act the sum of \$100,000.00.

22. This act shall take effect immediately.

STATEMENT

The [Major] Coastal Area [Facilities] Facility Review Act recognizes that New Jersey's coastal area constitutes a unique and priceless natural resource to the entire State. It establishes a procedure for reviewing the environmental impact of proposed [major] coastal area facilities.

STATEMENT
Of The
SOUTHERN NEW JERSEY DEVELOPMENT COUNCIL
To The
ASSEMBLY COMMITTEE
On
AIR, WATER POLLUTION AND PUBLIC HEALTH
Regarding
"MAJOR COASTAL AREAS FACILITIES REVIEW ACT"
(Assembly Bill No. 1429)

Presented By
Louis J. Dalberth
At
Public Hearing
December 11, 1972 - 11:00 A.M.
Assembly Chambers, Trenton, N.J.

It is my responsibility, as it is the government officials' responsibility, to make available 50,000 jobs a year in the State of New Jersey.

Mr. Chairman, and members of the Committee, my name is Louis Dalberth. I am the Director of the Southern New Jersey Development Council. I think it would be well for me to explain what the Southern New Jersey Development Council is very briefly.

We are a non-profit corporation now entering our twenty-first year, and we are comprised of approximately 1,000 members which represent 354,716 employees of which 125,682 are manufacturing. Our area of operation is the southern six counties of the State of New Jersey. This takes in Camden, Atlantic, Cape May, Cumberland, Salem and Gloucester Counties. A great deal of our effort is devoted to attracting new industries to the area, and as a result over the past ten years we have located some 125 major industries representing 15,000 new jobs, contributing over 100 million dollars in new payrolls -- and I would note that a payroll dollar has about a five time rollover -- so that we are very much involved in the economic development of our area and in the process of doing so we are in constant contact with industries, the major industries. We maintain a mailing list with about 7,000, and a very close rapport with the presidents of the top 1,000 corporations.

For twenty-one years we have been working toward the orderly economic growth of the area -- even before the word ecology became the household word that it is now. At the same time, we must appear realistic about making job opportunities and ratables so that we can continue this balance between man and industry. We are working with several industries now that would be placed in

2.

the area in question. It is a known fact that we have a shortage of gas, and we need port facilities to bring in l.n.g. to help alleviate this shortage so that we can continue to bring industry into the area and not turn them away. The electric companies have already made the switch-over from coal to fuel oil and are using 90% fuel oil to generate electricity. This is also costly because of the fuel being purchased from foreign sources as far away as Libya, the Persian Gulf, and Venezuela. This additional cost must of necessity be passed on to the consumer. If we are not allowed to expand tank farms, unload oil ships, or explore offshore for new domestic sources, or use forms of energy such as atomic power, by the year 1974 we will be experiencing brownouts and blackouts.

I would like to quote a paragraph from remarks made by Lieutenant General F. J. Clarke, Chief of Engineers, U. S. Army, at the Water Resources Congress held recently. "The nation must make up its mind in the very near future as to how much electric power it is going to have in the years to come, so that we can plan and provide the water availabilities that will be needed to produce and use that power. What we provide for now is what we and our children are going to have in the next decade or two. If we're going to cut back our use of electric power in order to have better swimming and fishing, let's make the decision with our eyes open and with full realization of the consequences. Let's not just block one power project after another on the ground that we're protecting water resources, and then, when the lights go out and the heat goes off, and the breadlines form, claim that the devil made me do it."

The State of New Jersey is the most densely populated state in the country, and it is predicted by the year 2000 that we will have a population in excess of ten

million people -- where else can this expansion take place but here in Southern New Jersey. To absorb the expanding pool of manpower, the Department of Labor and Industry estimates that industry, commercial services, and professional services must generate 50,000 new jobs each year. In addition, we must create employment for another 200,000 individuals presently unemployed due to the current national economic slump, plus 50,000 returned Vietnam veterans. Our role therefore is to attract new industry, encourage the expansion of existing enterprise, and foster the innumerable economic multipliers on which the prosperity of our society depends. We must also be aware that the City of Camden and Cape May and Cumberland Counties are eligible for E.D.A. with over 6% unemployment. That is why it is so vital that we continue to place industry in the Delaware River and Bay area.

As I reported to the Delaware River and Bay Marine Council, February 7th, and to this committee at its public hearing on Assembly Bill 722, April 19th, I didn't feel that we needed a companion bill to Governor Peterson's House Bill No. 300 which provides for statewide zoning of Delaware's coastal areas and prohibits entirely the construction of certain new heavy industry in its coastal areas including oil refineries and some manufacturing. I would like to point out the adverse effect that this would have upon our employment in our chemical industries which in 1966 accounted for over 12% of all manufacturing employment in New Jersey. Over 108,000 workers had a payroll of over 700 million dollars.

Little did I realize that a bill such as A1429 would be introduced which is twice as bad as A722. This pending legislation also has an effect on any industry looking to spend millions of dollars of capital investment in the area to either back

4.

off or prolong any definite decision on locating or expanding. The 1750 square miles is equivalent to 1,120,000 acres which is almost 25% of the total acreage of the State of New Jersey of 4,800,000 acres. It would cut Cumberland County off completely from the Delaware River, which would be like denying Atlantic County access to the Garden State Parkway. If this bill is so good, why don't they make it for all of the 21 counties instead of the 11 counties which it effects. I didn't feel that we needed a companion bill then nor do I feel that we need A1429 now.

There are a few projects in danger, of which we are aware, and we are sure there are many more. This problem is the fact that New Jersey is gaining the reputation of being an expensive state in which to do business. We were alarmed to learn from one of the top twenty-five corporations that its economist, in analyzing business cost for the fifty states, found New Jersey the third most expensive state in which to operate one of their manufacturing facilities. That company presently has numerous plants in New Jersey, but it has cancelled plans to expand any further within our State and expects to close down some existing operations. Many existing industries are becoming so discouraged because of the uncertainty of land use, the various restrictions by the Environmental Control Department, and the unfavorable tax structure (the removal of exemption on machinery and equipment).

I feel that we have enough laws to make orderly control such as the Wetlands' Act and the Riparian laws.

These industries are not only curtailing their own future plans for the State, but are discouraging other companies from within their industries from locating here. The latter are firms that those of us involved in economic development

never get to see or know about, and therefore we have no idea of how many companies are writing off New Jersey automatically.

Attracting and keeping business and industry is a fiercely competitive endeavor. The State needs all the sales tools it can get, and unless we can encourage new business through this positive clarification of land use and already existing laws, we will find ourselves losing business.

We urge that the Committee act positively in its recommendations and upon already formulated land use planning guidelines which the 11 counties (affected by this bill) already have under professional leadership. These zoning laws and active zoning boards do provide for selective economic areas that balance utilization of coastal lands.

I agree, we don't want wall to wall industry, and even if we did it would be impossible because the 3 counties in zone 2 have more green acres than the total acreage of Essex County. Attached are 3 maps - one on the Delaware Bay region showing the total acreage for Green Acres which amounts to 63,957 acres; the south shore region showing Green Acres of 148,943; the third showing the shoreline of the Delaware River and Bay (which shows that a good portion of this area is already taken up); and the fourth is a map outlined in black that shows the 1,120,000 acres that would be affected by A1429.

The Southern New Jersey Development Council's prime function is to bring industry into the area for an orderly economic growth, to make new jobs as well as maintaining existing ones, and gentlemen, as I stated earlier, it is my responsibility - as well as our government officials and especially your committee to see that this bill is not passed or we will experience a reduction and even a stoppage of growth in our State. We should not act hastily on this type of legislation but endeavor to make available 50,000 new jobs a year so that our children growing up here can work here.

DELAWARE BAY REGION

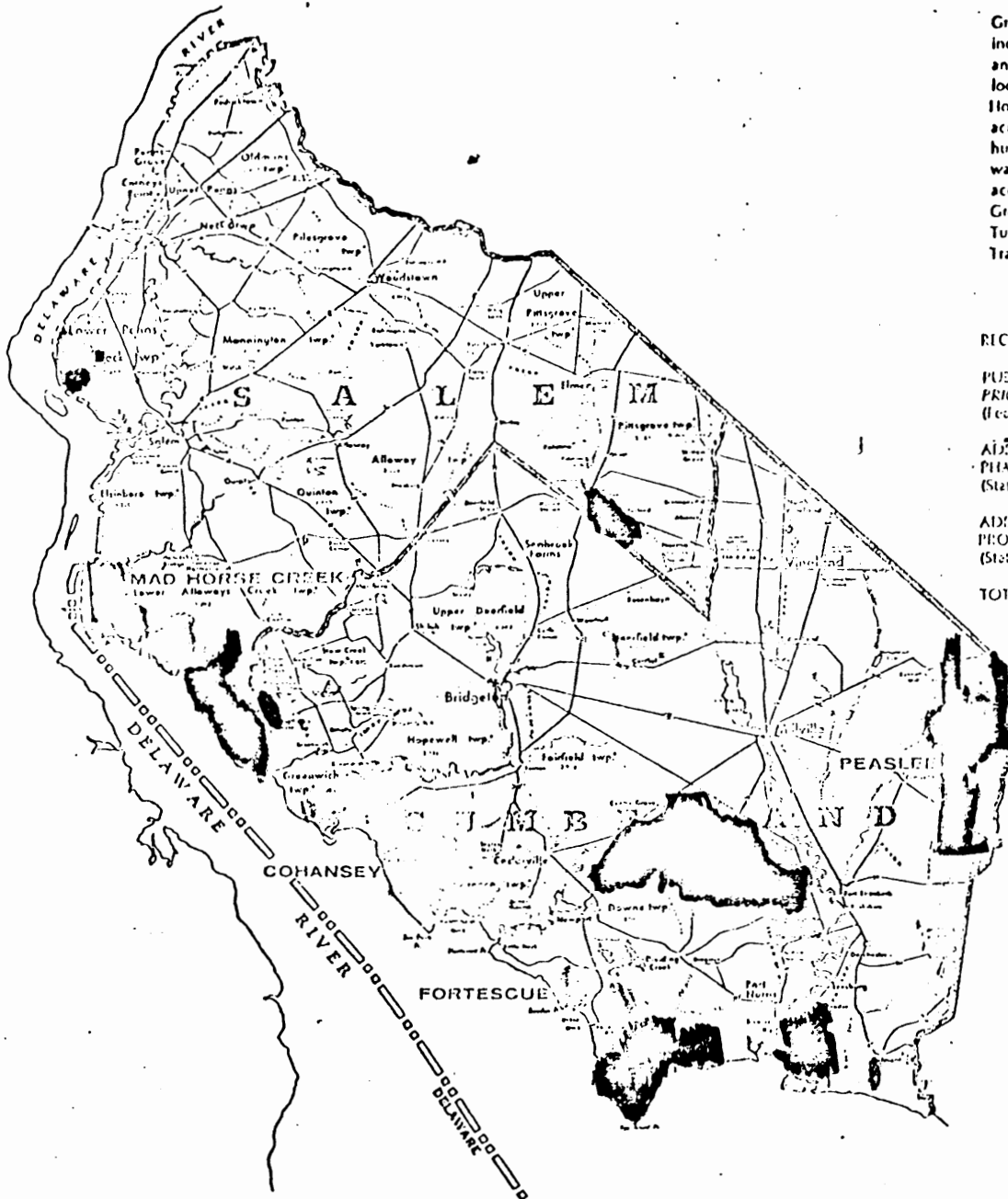
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HIGHLIGHTS

Green Acres acquisition highlights in this region include: extensive preservation of the marshland and tidal streams along the Delaware Bay at locations of Cohansey River (12,410 acres), at Horse Creek (2,211 acres) and Fortescue Beach (1,000 acres) providing natural areas, fishing, swimming, hunting and nature education opportunities; for water fishing and day recreation at Cedar Lake (1,000 acres); and additions to the Peaslee Public Hunting Grounds protecting the upper water courses of the Tuckahoe River with the acquisition of the A Tract (8,060 acres).

SUMMARY OF REGIONAL OPEN SPACE, RECREATION, CONSERVATION LAND PRESERVATION

PUBLIC OPEN SPACE LANDS PRIOR TO GREEN ACRES -- 1962 (Federal, State and County)	37,913 acres
ADDED LANDS -- GREEN ACRES PHASE I -- 1962-1967 (State, County and Municipal)	15,835
ADDITIONAL LAND ACQUISITIONS PROPOSED -- GREEN ACRES PHASE II (State, County and Municipal)	10,709
TOTAL	63,957 acres

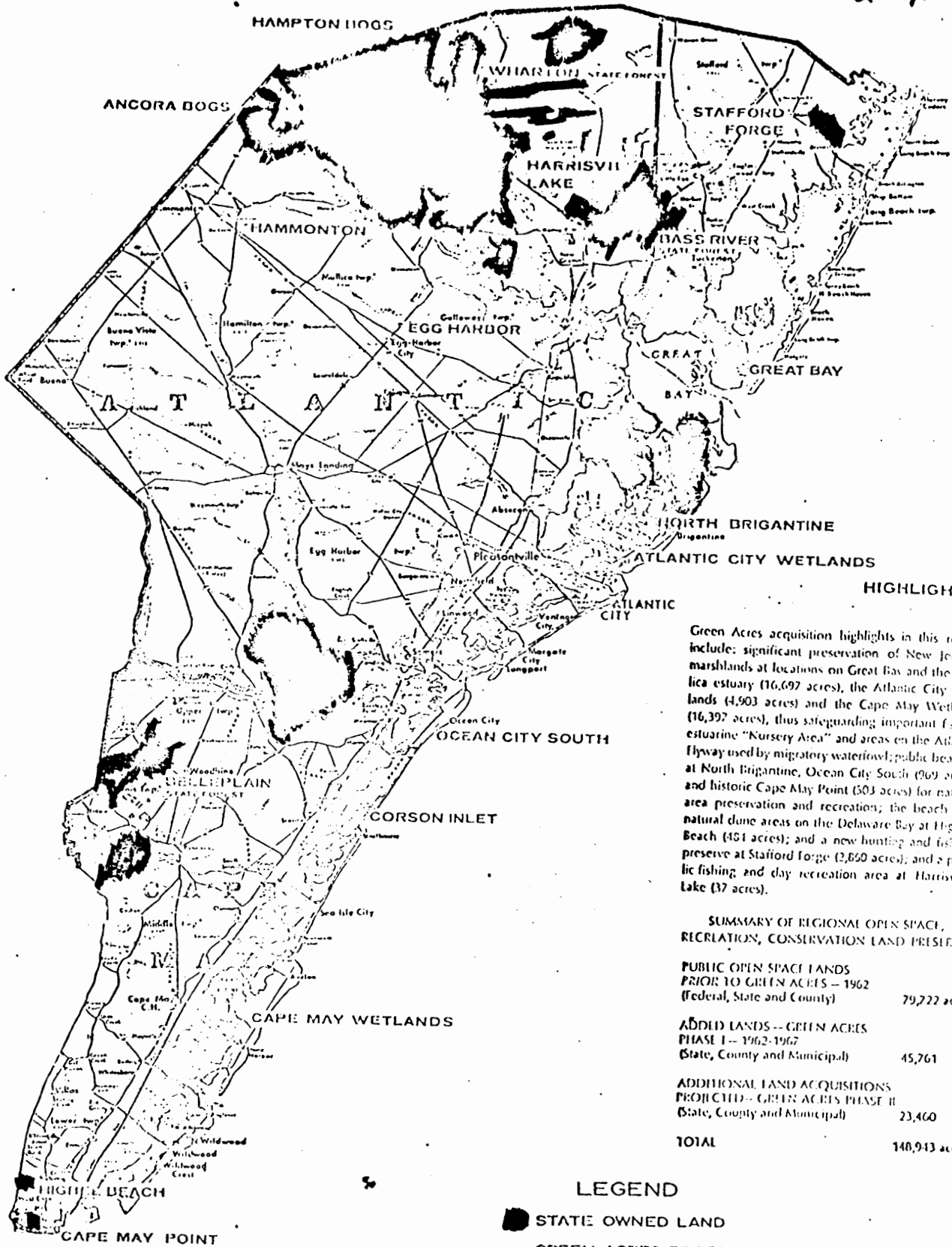


LEGEND

- STATE OWNED LAND
- GREEN ACRES PROGRAM
 - STATE SPONSORED PROJECTS
 - LOCAL ASSISTANCE PROJECTS
- COUNTY
- MUNICIPAL
- UNDER 300 ACRES
- OVER 300 ACRES
- FEDERAL OPEN SPACE LAND

Green Acres

287.



HIGHLIGHTS:

Green Acres acquisition highlights in this region include: significant preservation of New Jersey's marshlands at locations on Great Bay and the Mullica estuary (16,697 acres), the Atlantic City Wetlands (4,903 acres) and the Cape May Wetlands (16,397 acres), thus safeguarding important fishery estuarine "Nursery Area" and areas on the Atlantic Flyway used by migratory waterfowl; public beaches at North Brigantine, Ocean City South (909 acres) and historic Cape May Point (303 acres) for natural area preservation and recreation; the beach and natural dune areas on the Delaware Bay at Highbee Beach (451 acres); and a new hunting and fishing preserve at Stafford Forge (2,650 acres); and a public fishing and day recreation area at Harrisville Lake (37 acres).

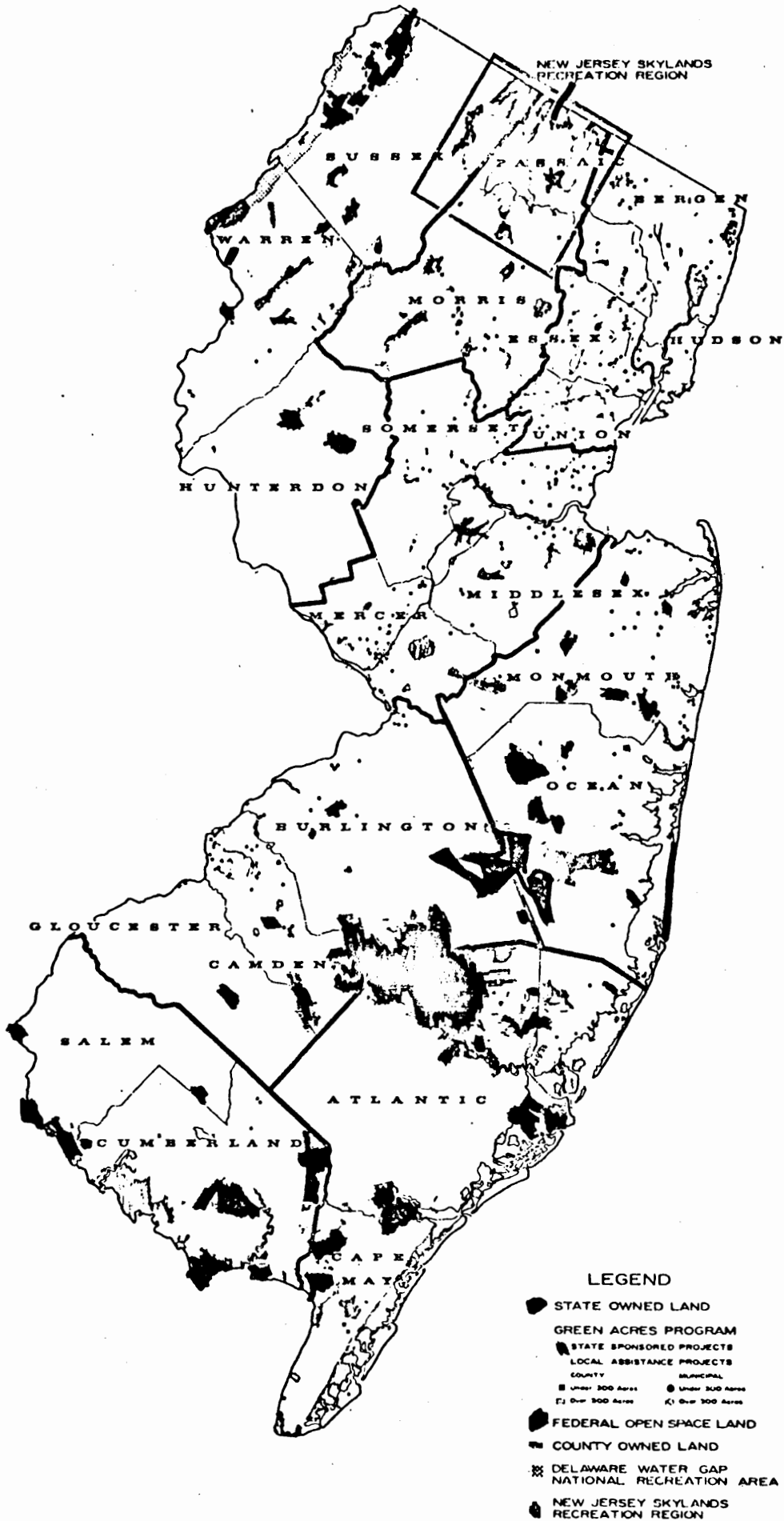
SUMMARY OF REGIONAL OPEN SPACE, RECREATION, CONSERVATION LAND PRESERVES

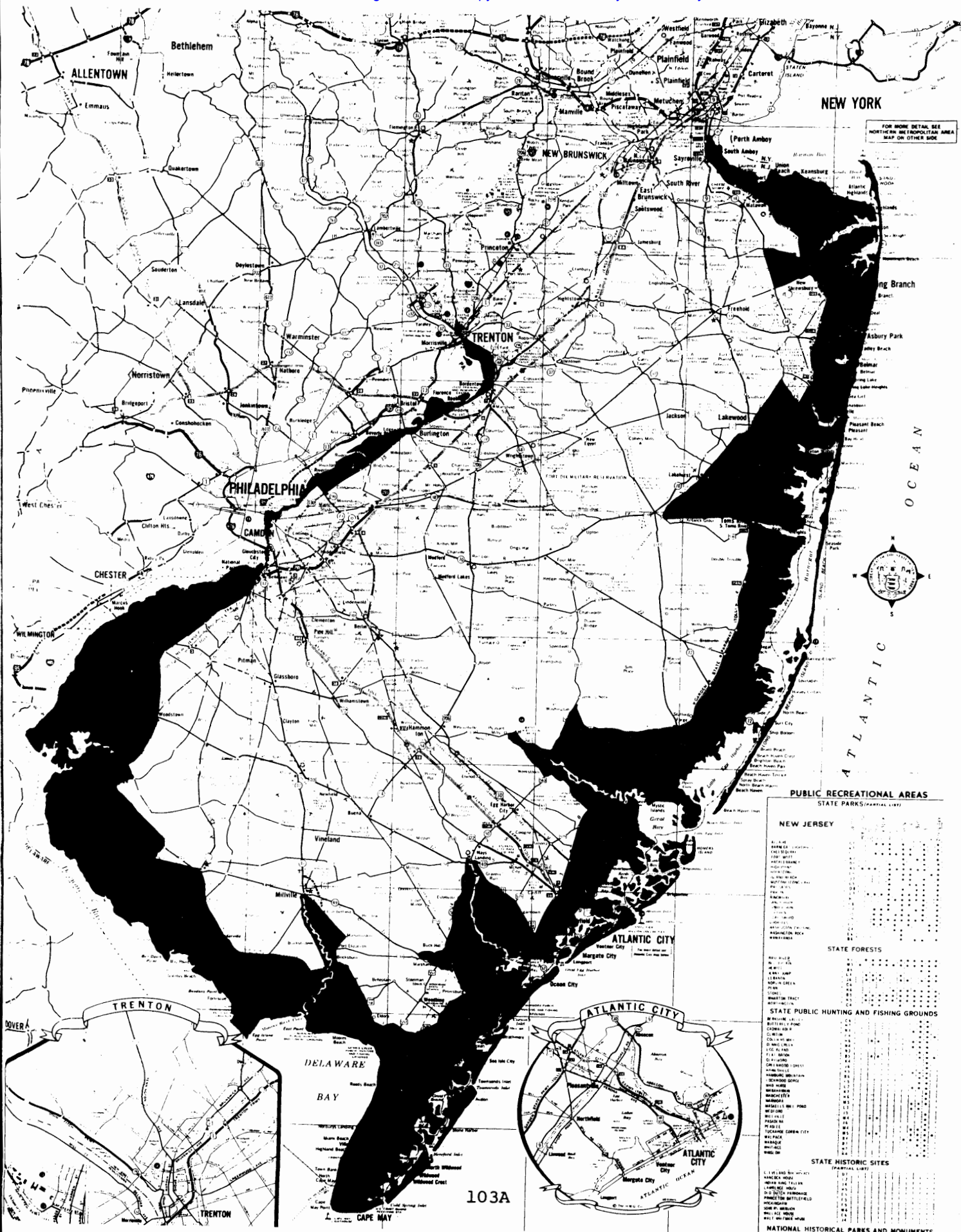
PUBLIC OPEN SPACE LANDS	
PRIOR TO GREEN ACRES - 1962	
(Federal, State and County)	79,722 acres
ADDED LANDS -- GREEN ACRES	
PHASE I -- 1962-1967	
(State, County and Municipal)	45,761
ADDITIONAL LAND ACQUISITIONS	
PROJECTED -- GREEN ACRES PHASE II	
(State, County and Municipal)	23,460
TOTAL	148,943 acres

LEGEND

- STATE OWNED LAND
- GREEN ACRES PROGRAM
 - STATE SPONSORED PROJECTS
 - LOCAL ASSISTANCE PROJECTS
 - COUNTY
 - Under 300 Acres
 - Over 300 Acres
 - MUNICIPAL
 - Under 300 Acres
 - Over 300 Acres
- FEDERAL OPEN SPACE LAND
- COUNTY OWNED LAND

Green Acres





PUBLIC RECREATIONAL AREAS

STATE PARKS (PARTIAL LIST)

NEW JERSEY

1. ALBANY	21. HANCOCK
2. ALBANY	22. HANCOCK
3. ALBANY	23. HANCOCK
4. ALBANY	24. HANCOCK
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STATE FORESTS

1. ALBANY	21. HANCOCK
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STATE PUBLIC HUNTING AND FISHING GROUNDS

1. ALBANY	21. HANCOCK
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STATE HISTORIC SITES

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20. ALBANY	40. HANCOCK

NATIONAL HISTORICAL PARKS AND MONUMENTS

Monmouth County Planning Board

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FREEHOLD, NEW JERSEY
07728

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October 26, 1972

C
O
P
Y

Honorable John I. Dawes
Assemblyman, Monmouth County
64 West Main Street
Freehold, New Jersey 07728

My dear Mr. Dawes:

At its regular public meeting on October 16, 1972, the Monmouth County Planning Board voted to go on record as being unalterably opposed to Assembly Bill 1429, the "Major Coastal Area Facilities Review Act".

It was the finding of the Planning Board, based upon review and report by the Staff, that A-1429 was unacceptable for the following reasons:

1. The land area included under the Bill in Monmouth County is too extensive and bears little relationship to the actual coastal areas. It encompasses 161 square miles (one-third of Monmouth County) and includes lands situated as high as 390 feet above sea level.
2. The boundary line in other affected counties appears to generally follow elevation 10 (the original line in Assembly Bill A-722); while in Monmouth County it seems to be drawn on an arbitrary basis.
3. Based upon previous experiences with the time required for reviews by various State agencies, it would seem that the Department of Environmental Protection would not be able to adhere to the review time schedules contained in the proposed Bill.

Page 2

RE: A-1429
October 26, 1972

4. The Bill does not provide for coordination of development review procedures at the various governmental levels.
5. A-1429 is in effect a land use control device. Any such control should be preceded by a land use plan providing the guidelines against which to measure the cumulative effect of individual decisions by any review agency.
6. A-1429 appears to vest too much power with a single State official.

The Monmouth County Planning Board is strongly opposed to this proposed legislation and respectfully requests your assistance in assuring its defeat.

Very truly yours,

E. Donald Sterner
Chairman

EDS:kew

STATEMENT

BY

JOHN REED, CHAIRMAN
ENVIRONMENTAL CONTROL COMMITTEE
NEW JERSEY BUILDERS ASSOCIATION

ON

MAJOR COASTAL AREAS FACILITIES
REVIEW ACT
(A-1429)

BEFORE

ASSEMBLY COMMITTEE ON AIR AND WATER
POLLUTION AND PUBLIC HEALTH

TRENTON, N.J.

DECEMBER 11, 1972

Good morning, Ladies and Gentlemen. My name is John Reed. I am a builder, broker and real estate consultant and I am currently serving as the Chairman of the New Jersey Builders Association's Environmental Control Committee -- a position I have held for the last four years. Our Association represents some 1600 member firms located throughout the State of New Jersey. Its members are involved in every segment of the building industry and include allied trades, suppliers, lawyers and bankers.

The Environmental Control Committee serves as the major liaison between the building industry and environmental protection officials and even includes, among its members, representatives of the U. S. Department of Agriculture and the Rutgers University Bureau of Conservation and Environmental Science. In addition, several NJBA executives, myself included, meet every month with Richard J. Sullivan, Commissioner of the New Jersey Department of Environmental Protection, in an effort to resolve potential problems before they reach major proportions.

Members of our Association also sit on the Department of Environmental Protection's Sewage Task Force and the Department of Agriculture's Land and Water Resources Task Force.

Earlier this year, our Association expressed its opposition to Assembly Bill 722 -- the introductory version of A-1429 -- in the form of a letter to Committee Chairman Dawes.

Ironically, the measure under discussion today would have an even more

deleterious effect upon the welfare of the State than would its predecessor.

For, the proposed "Major Coastal Area Facilities Review Act" establishes a cumbersome time-consuming and prohibitive review process for the construction of any "major facility" within the 1,750 square-mile area. Included within the scope of a "major facility" are both new housing developments of 25 or more units, expansion of existing housing developments through the construction of 25 or more units, virtually all types of manufacturing, public facilities such as waste treatment plants and pipelines, power generation facilities, and storage and terminal facilities.

The immediate consequence of any type of withdrawal or even potential withdrawal of usable, expensive land from circulation is the inflation of the value of the existing land around the State.

In this instance, development/expansion of facilities is severely threatened on 1,750 square miles or 34% of the total area of the 11 affected counties.

However, the true effects of this measure go far beyond even the obvious suffocation of most forms of development in this massive region -- a region which encompasses many highly-urbanized areas, including a considerable portion of the City of Camden and much of low-lying Cape May County.

It would manifest itself in at least three totally counter-productive ways:

1. Prevention of the natural tendency for industry to follow residential development.

The greatest area of housing production in recent years has been along the New Jersey shore. There is a "natural" tendency for industry to follow housing into an area, thereby moving toward its "natural labor market." This measure would effect a permanent separation of industry and housing, and, in so doing, would isolate the worker from his place of employment and create a "life-time commuter."

The problem of locating housing within a reasonable distance of jobs has manifested itself to extraordinary degree. In fact, the Governor, in his recent "New Horizons for Housing" message, recognized the need for a reversal of this trend when he said:

".....housing locations and job locations are moving further apart and those who can commute must travel longer distances to get to their jobs. This situation has caused a number of problems which ultimately affect all citizens....It is apparent that the future sound development of the State is dependent upon a more reasonable relationship between housing and jobs."

The point is rather clear: the bill, through its separation of residence and employment locale, would necessitate an increased use of the State's highways for commuting purposes, thereby pouring a far greater quantity of exhaust emission fumes into the air.

What environmental protection, then, does one truly realize from such a measure?

2. Contradiction of the State's concerted effort to attract industry to New Jersey.

It seems rather ironic that one of the few areas in New Jersey which has been willing to accept residential development, is also the area which would be virtually precluded from accepting any industry. Each year, the State spends thousands of dollars in an effort to attract new industry to New Jersey.

Assuming that this measure is adopted, where would industry locate? In the high-priced and over-industrialized Northern half of New Jersey? If so, it would only further perpetrate the inane separation of home and work. But, in all likelihood, industry of any type would be most reluctant to even consider relocation or establishment in a state which is so preoccupied with keeping it out.

3. Upsets the economic balance of the State.

The effect of such a measure upon the tax structures of municipalities within the affected counties would be monumental. Elimination of industry from an area inevitably results in a sizeable decrease in the ratables to be accrued by the respective municipalities -- a decrease which could be crippling in many cases. The very municipalities which so badly need industrial and commercial ratables to help offset the tax ramifications of extensive residential construction, will be prevented from accepting a party they desire to accommodate.

Proponents of the measure may argue that it does not ban development,

but rather that it simply establishes controls over the usage of this land through a "permit" system to be administered by the Department of Environmental Protection.

First of all, the Department of Environmental Protection is woefully understaffed and unable to provide adequate personnel to process the applications which it now receives. How can it reasonably be expected to assume an even greater burden in this area at such a time.

But even more significant is the incredible system of approval which the measure would establish. It is the most prohibitive procedure possible short of a forthright moratorium.

Assuming that only one delay were to be encountered in the process of seeking approval, a party would still be confronted with a minimum of 14 months before he could actually be granted final approval.

And remember, this excessively long approval period refers only to acceptance on the part of the Department of Environmental Protection. One must add the time required for municipal approval -- 2½ years -- in order to arrive at an accurate picture of the length of time necessary to obtain final approval.

In the interim, the builder's clock continues to run, interest charges remain in force, and taxes must be paid on land which is in a state of protracted limbo. And land, already at a premium,

becomes even more scarce, driving the cost of the remaining, but ever-shrinking undeveloped land up to a level that will make today's inflated market prices seem small by comparison.

Yet the hue and cry for lower-priced housing continues to be heard throughout the State -- often from the mouths of the same people who believe this measure to be the consummate panacea.

It is incredible that a State the size of New Jersey continues to remove from use -- and inevitably without any form of acceptable compensation -- huge parcels of land. I refer specifically to the Green Acres Plan, proposed Flood Plain Legislation, Wetlands Act and today's Major Coastal Area Facilities Review Act. In fact, the area encompassed by the latter two measures virtually overlaps.

The verdict is not even in on the Wetlands Act and yet another "controlled usage" measure is being championed.

There seems to be a preoccupation with adopting, post haste, any measure which professes a degree of environmental protection. Unfortunately, these well-intended efforts inevitably entail the segregation of sizeable parcels of land.

While the theory and intent of the legislation is admirable and admittedly sound, the consequences have not been properly researched nor sufficiently ascertained. The result of such hastily drawn measures can only endanger the general well-being of the State and its citizenry.

It is folly to accept the simplistic solution that the answer to our environmental problems is a ban on housing or any other industry "until we catch up with our environmental problems." That same logic suggests that penicillin should be taken off the market until a totally non-allergenic strain is discovered.

There is an alternative to such environmental hysteria --- environmental logic. And logic demands definition and research before action.

One of the most important attributes of man is his ability to choose among ideas and possible courses of action. Therefore, it follows that the environment and new housing are not mutually exclusive choices.

The people who say that man must limit or stop development for the benefit of the ecological system seem to forget that man is a part of that system.

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100 Gloucester Pike
Barrington, New Jersey 08007

Kraft Corrugated Containers, Inc.
East 22 Street
Bayonne, New Jersey 07002

Western Kraft East Inc.
Sub. Of Western Kraft Corp.
Interstate Industrial Pk.
Bellmawr, New Jersey 08030

Continental Can Co., Inc.
Fibre Drum Div.
400 Blair Rd.
Carteret, New Jersey 07008

Eastern Corrugated Container Corp.
227-53 Clifton Blvd.
Clifton, New Jersey 07013

Oneida Paper Products Inc.
Sub. of Deerfield Glassine Co.
Clifton, New Jersey 07015

Standard Packaging Corp.
Packaging Group
1 Lisbon St.
Clifton, New Jersey 07015

Union Camp
Nevins Folding Carton & Label Div.
800 State Hwy 3
Clifton, New Jersey 07012

Weyerhaeuser Co.
Shipping Container Div
P.O. Box 156
Closter, New Jersey 07624

Clevepak Corp.
Applegarth Rd.
Cranbury, New Jersey 08512

Mead Corp.
Containers Div.
2960 Woodbridge Ave.
Edison, New Jersey 2960

Union Camp Corp.
Achrovure Folding Carton & Label Div.
1 Colour Place
Englewood, New Jersey 07631

Bemis Co., Inc
Rte 12
Flemington, New Jersey 08822

Minnesota Mining & Mfg. Co.
Freehold, New Jersey 07728

Packaging Corp. of America
70 Outwater Ln.,
Garfield, New Jersey 07026

Toymaster Products Co., Inc.
Sub. of Packaging Corp. of America
141 Lanza Ave.,
Garfield, New Jersey 07026

American Corrugated Container Co.
King & Essex Sts.
Gloucester City, New Jersey 08030

Westvaco Corp.
H. & D. Container Div.
Fifth St.
Gloucester City 08030

Champion Packages Co.
Div. of U.S. Plywood-Champion Papers Inc
80 Leuning St.
Hackensack, New Jersey 07606

Interstate Container Corp.
405 Kingsland Ave.
Harrison, New Jersey 07029

Rose Ribbon & Carbon Mfg. Co., Inc.
Sub. of Bemis Co. Inc.
1000 S. 4th St.
Harrison, New Jersey 07029

Owens-Illinois, Inc.
Lily-Tulip Div.
121-129 Wagaraw Rd.
Hawthorne, New Jersey 07506

Westvaco Corp.
H. & D. Container Div.
550 9th St.
Hoboken, New Jersey 07030

Owens-Illinois, Inc.
Lily-Tulip Div.
Holmdel, 07733 New Jersey

Container Corp. of America
Fibre Can Div.
P.O. Box 200
Jamesburg, 08831 New Jersey

MacMillan Bloedel Packaging Ltd.
Corrugated Container Div.
Academy St. & Mill Rd.
Jersey City, 07306 New Jersey

Continental Packaging Corp.
555 N. Michigan Av.
Kenilworth, New Jersey 07033

Cellulose Products Corp.
Sub. of Johnson & Johnson
Milltown, New Jersey 08850

Boise Cascade Corp.
Bags and Specialty Products
10 Caesar Pl.
Moonachie, New Jersey 07074

Owens-Illinois Inc.
Forest Products Div.
100 Redneck Ave.,
Moonachie, New Jersey 07074

President Container Inc.
200 W. Commercial Av.,
Moonachie, New Jersey 07074

Dairy Pak Co.
Div. of U.S. Plywood
155 E. Hanover Ave.
Morristown, New Jersey 07960

Minnesota Mining & Mfg. Co.
500 Doremus
Newark, New Jersey 07105

Owens-Illinois Inc.
Forest Products Div.
354 Thomas St.
Newark, New Jersey 07114

Schiffenhaus Packaging Corp.
2013 McCarter Hwy.
Newark, New Jersey 07104

Container Corp. Of America
Container Civ.
Quentin Av. & Wright Pl.
New Brunswick, New Jersey 08903

Permacel
Div. of Johnson & Johnson Co.
U.S. HWY. 1
New Brunswick, New Jersey 08903

Grand-City Container Corp.
2001 Tonnelle Ave.
North Bergen, New Jersey 07047

International Folding Paper Box Co. Inc
2029 83rd St.
North Bergen, New Jersey 07047

Natcontainer Corp.
8101 Tonnelle Ave.
North Bergen, New Jersey 07047

Stone Container Corp.
2102 83rd St.
North Bergen, New Jersey 07047

Berles Carton Co. Inc.
86 Fifth Ave.
Paterson, New Jersey 07509

T.R. Levine & Sons
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Paterson, New Jersey 07503

Weyerhaeuser Co.
Paperboard Packaging Div. •
7200 Westfield Ave.
Pennsauken, New Jersey 08110

Bird & Son, Inc.
Amboy Ave.
Perth Amboy 08862
New Jersey

-3-

Sonoco Products Co.
N. Broad St.
Phillipsburg, New Jersey 08865

Simkins Industries, Inc.
Continental Folding Box Div
686 Grand Av.
Ridgefield, New Jersey 07657

Standard Corrugated Case Corp.
686 Grand Ave.
Ridgefield, New Jersey 07657

Alford Industries Inc.
Industrial Av.
Ridgefield Park, New Jersey 07660

United Board & Carton Corp.
Industrail Ave.
Ridgefield Park, New Jersey 07660

Potlatch Forests, Inc.
Shipping Containers Oper.
River RD.
Riegelsville, New Jersey 08871

St. Joe Paper Co.
Container Div.
89 Luening St.
South Hackensack, New Jersey 07606

Inland Container Corp.
Inland Park, P.O. Box 667
Spotswood, New Jersey 08884

Continental Can Co. Inc.
Corrugated Container Div.
Hollister Rd.
Teterboro, New Jersey 06708

Union Camp Corp.
Corrugated Container Div.
1400 E. State St.
Trenton, New Jersey 08607

Flintkote Co.
Hankins Container Div.
Union, New Jersey 07083

International Paper Co.
Container Div.
Parsippany Rd.
Whippany, New Jersey 07981

Pulp & Paper Mills in New Jersey

Budmar Mills & Mfg. Co.
350 Hoover Ave.
Bloomfield, New Jersey

Marcal Paper Mills, Inc.
400 Hoover Ave.
Bloomfield, New Jersey

Latex Fiber Industries Inc.
Front and Elm Sts.
Camden, New Jersey

MacAndrews & Forbes Co.
Paperboard Div. 3rd St. & Jefferson Ave.
Camden, New Jersey

United States Gypsum Co.
1255 Raritan Rd.
Clark, New Jersey

Whippany Paper Board Co., Inc.
Clifton Mill 1 Ackerman Ave.
Clifton, New Jersey

Georgia-Pacific Corp.
Gypsum Div. P.O. Box 338
Delair, New Jersey

Marcal Paper Mills, Inc.
Market St.
East Paterson, New Jersey

Peter J. Schweitzer Civ
Kimberly-Clark Corp.
Newark Ave. & Virginia St.
Elizabeth, New Jersey

Garden State Paper Co., Inc
950 River Drive
Garfield, New Jersey

National Gypsum Co.
North Ave.
Garwood, New Jersey

GAF Corp.
Building Products Div.
Charles and Water Sts.
Gloucester City, New Jersey

Cellulo Co., Inc.
33-41 Newark St
Hoboken, New Jersey

Riegel Paper Corp.
Paper Div.
Hughesville, New Jersey

John F. Boyle Co.
500 Montgomery St.
Jersey City, New Jersey

Davey Co.
164 Laidlaw Ave.
Jersey City, New Jersey

United States Gypsum
193 Henderson St.
Jersey City, New Jersey

Congoleum Industries, Inc.
195 Belgrove Dr.
Kearny, New Jersey

Western Electric Co.
Cable Plant
100 Central Ave.
Kearny, New Jersey

Philip Carey Co.
Div. of Panacon Corp.
1414 E. Linden Ave.
Linden, New Jersey

Johns-Manville Products Corp.
N. Main St
Manville, New Jersey

Riegel Paper Corp.
Paper Div.
Milford, New Jersey

National Gypsum Co.
50 Division Av.
Millington, New Jersey

Cel-Fibe
Div. of Johnson & Johnson
Van Liew Ave.
Milltown, New Jersey

Federal Paper Board Co., Inc.
75 Chestnut Ridge Rd.
Milltown, New Jersey

Federal Paper Board Co. Inc.
75 Chestnut Ridge Rd.
Montvale, New Jersey

McGraw Edison Co.
Fibre Products Div.
Lumberton Rd.
Mount Holly, New Jersey

Newark Boxboard Co.
17-59 Blanchard St.
Newark, New Jersey

Natcontainer Corp.
8101 Tonnelle Ave.
North Bergen, New Jersey

Cornwall Paper Mills Co.
51 South Jefferson St.
Orange, New Jersey

Morris Paper Board Co., Inc.
Div. of Berles Carton Co., Inc.
177 Third Ave.
Paterson, New Jersey

Philip Carey Co.
Div of Panacon Corp.
Smith St.
Perth Amboy, New Jersey

Lowe Paper Co.
River St.
Ridgefield, New Jersey

Lincoln Paper Co.
300 Bergen Tpke.
Ridgefield Park, New Jersey

Simkins Industries Inc.
Continental Board Div.
Industrial Ave.
Ridgefield Park, New Jersey

Riegel Paper Corp.
Paper Div.
Rieglesville, New Jersey

Conwed Corp.
P.O.Box 190
Riverside, New Jersey

Peter J. Schweitzer Div.
Kimberly-Clark Corp.
Spotswood, New Jersey

Homasote Co.
P.O. Box 441
Trenton, New Jersey

-5-

Riegel Paper Corp.
Paper Div.
Warren Glen, New Jersey

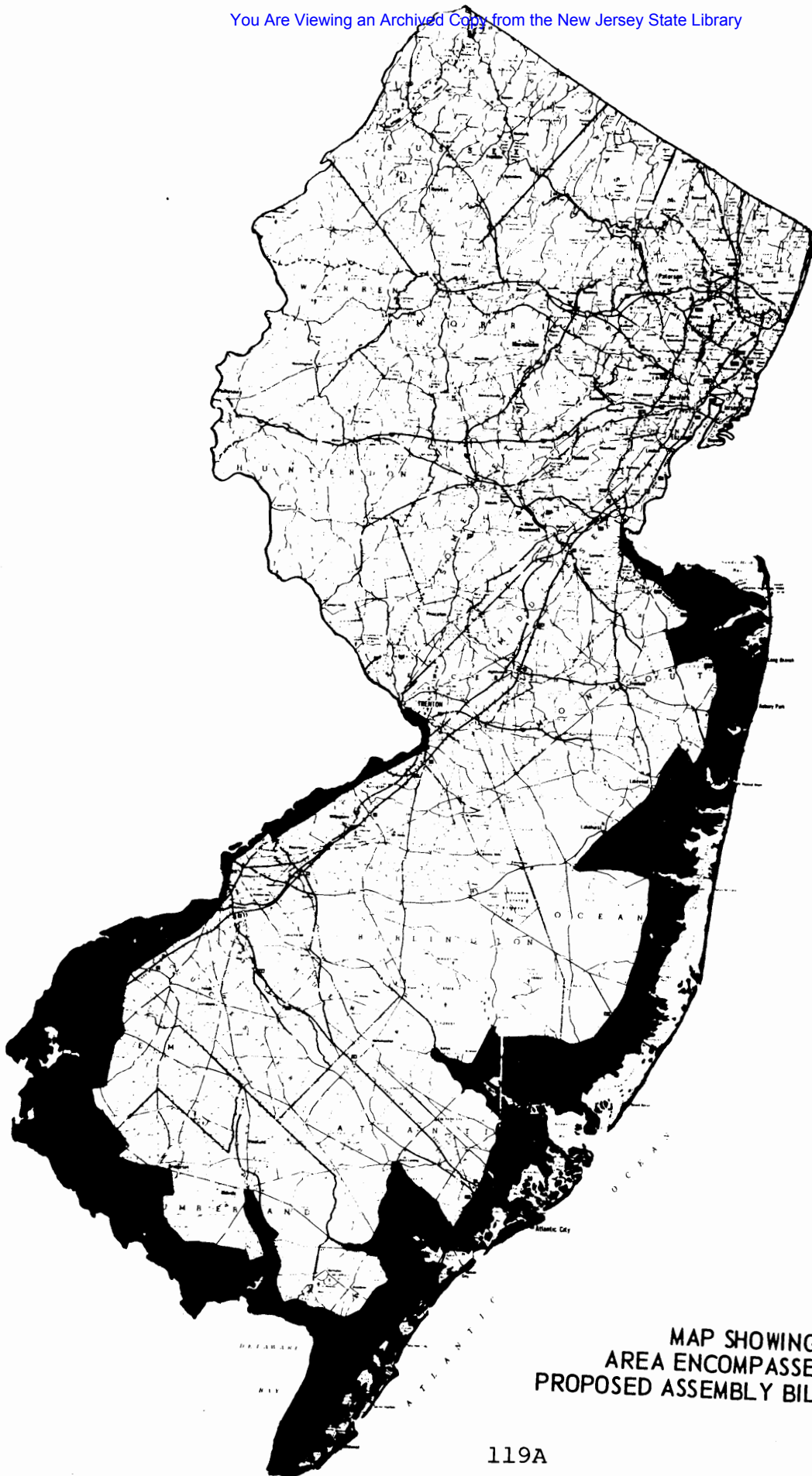
Union Camp Corp.
1600 Valley Rd.
Wayne, New Jersey

Whippany Paper Board Co., Inc.
10 N. Jefferson Rd.
Whippany, New Jersey

Whippany Paper Board Co., Inc.
Eden Mill Parsippany Rd.
Whippany, New Jersey

Whippany Paper Board Co., Inc.
Hanover Mill
Hanover Mill Rd.
Whippany, New Jersey

Whippany Paper Board Co., Inc.
Stony Brook Mill Rte 10
Whippany, New Jersey



THE HUDSON ENVIRONMENTAL COALITION

844 River Road

Teaneck, New Jersey 07666

(201)836-2324

Appendix to statement of Charles Cooper, Acting
Coordinator:

The Coalition proposes the following system of roads and railways to form the inland border of the Coastal Zone defined in A-1429, with the marine boundaries being the State's territorial waters in the Arthur Kill, Newark Bay, Hackensack River, Kill Van Kull, Upper New York Bay, and the Hudson:

A line beginning at the midpoint of the Garden State Parkway Bridge crossing the Raritan River, extending north along the Garden State Parkway to its intersection with Smith Street (Perth Amboy) thence east along Smith Street to its intersection with State Street (Perth Amboy), thence north along State Street to its intersection with East Avenue (Sewaren), thence northeast along East Avenue to its intersection with Cliff Road (Sewaren), thence northeast along Cliff Road to its intersection with Port Reading Avenue (Port Reading), thence northeast and then west along Port Reading Avenue until it becomes Roosevelt Avenue (Cartaret) to its intersection with tracks of the New York-Long Branch Railroad (Cartaret), thence north along New York-Long Branch (later Port Elizabeth-Perth Amboy) to the tracks of the Central Railroad of New Jersey (Sound Shore Branch) in Elizabeth, thence southeast along the tracks of C.R.N.J. to their intersection with Amboy Avenue and Myrtle Street (Elizabeth), thence southeast along Myrtle Street to Front Street (Elizabeth), thence northeast along Front Street to Port Avenue (Elizabeth), thence northwest along Port Avenue to 1st Street (Elizabeth), thence northeast along 1st Street to Trumbull Street (Elizabeth), northwest along Trumbull Street to intersection with tracks of the Central R. R. of N.J., thence northeast

along C.R.N.J. tracks to Avenue East (Elizabeth)
S.E. along Avenue East to McLester Street (Elizabeth),
N.E. along McLester Street to intersection with N.
Fleet Street (Elizabeth), N.W. along N. Fleet Street
to intersection with Terminal Street (Elizabeth),
N.E. along Terminal Street to intersection with Port
Street (Newark), S.E. along Port Street to intersection
with Doremus Avenue (Newark), N.E. along Doremus Avenue
to intersection with Lincoln Highway (Newark), N.W.
along Lincoln Highway to intersection with N.J. Turn-
pike, (I-95), north along N.J. Turnpike to intersection
with County Road 508 (Kearny), West along County Road
508 to intersection with D.L. & W. RR tracks, North
along D.L. & W. RR tracks, North along D.L. & W.
tracks, becoming Kingsland Line of Erie Lackawanna RR
(N. Arlington) to intersection with Orient Way in
Lyndhurst, north along Orient Way to intersection with
N.J. Rt. 17 in Rutherford, North along N.J. Rt. 17
to intersection with County Road 124 (Moonachie Avenue)
in Moonachie, East along C.R. 124 to intersection with
County Road 503 (Moonachie Road) in Carlstadt, North
along County Road 503 to intersection with Washington
Avenue (Little Ferry), N.E. along Washington Avenue
to intersection with Bergen Turnpike (Little Ferry)
S. E. along Bergen Turnpike to intersection with Motel
Avenue (Ridgefield), S. along Motel Avenue to inter-
section with Hendricks Causeway (Ridgefield) S.E.
along Hendricks Causeway to intersection with tracks
of Northern Branch Line of Erie Lackawanna RR in Ridge-
field, S. along tracks of E.L. RR NortherBr. line to
intersection with N.Y. S & W RR tracks at Susquehanna
Transfer Station in Jersey City, S.W. along N.Y. S & W
RR tracks to intersection with Pulaski Skyway in Jersey
City, S.W. along Pulaski Skyway to intersection with
N.J. 440 in Jersey City, S. along N.J. 440 to inter-
section with J.F. Kennedy (Hudson) Blvd. at Jersey
City-Bayonne border, S. along J.F.K (Hudson) Blvd to

Avenue A in Bayonne, thence S.W. along Avenue A to intersection with W. 1st Street in Bayonne, then E. along 1st Street to intersection with Broadway in Bayonne, N. along Broadway to intersection with Avenue E (Bayonne), N.E. along Avenue E to intersection with Interstate 78 (N.J. Tpk. Newark Bay-Hudson extension) in Jersey City, N.E. along Interstate 78 to intersection with Grand Street (Jersey City), E. along Grand Street to intersection with Henderson Street (Jersey City), N. along Henderson Street to intersection with Newark Highway in Hoboken, E. along Newark Hwy. to intersection with Hudson Street in Hoboken, N. along Hudson Street to intersection with 14th Street in Hoboken, then W. along 14th Street to intersection with Park Avenue (Hoboken), N. along Park Avenue to intersection with Boulevard E on Weehawken, N.E. along Boulevard E to intersection with Palisade Avenue in N. Bergen, N. along Palisade Avenue to intersection with Main Street in Fort Lee, E. along Main Street to Hudson Terrace (Ft. Lee), N. along Hudson Terrace to beginning of Palisade Interstate Parkway (Ft. Lee), N. along Palisade Interstate Pkwy to N.Y. State border.

DAVID T. HOUSTON, P.E. S.I.R. M.A.I.

President



DAVID T. HOUSTON CO.

Professional Engineers and Surveyors

1025 Broad Street, Bloomfield, New Jersey 07003 (Area Code 201) 429-8000

December 13, 1972

Honorable John I. Dawes,
New Jersey Assemblyman
State House
Trenton, New Jersey

Re: A1429 and S1169

Dear Sir:

I want to thank you for the courtesy you afforded me when I spoke before the Assembly on Monday the 11th. It was getting late and there were a number of things that I wanted to say that I didn't.

In the first place, the testimony of the preceeding witness about the dangers in Hudson County was ridiculous. The Hudson County shore line has been industrial for over 100 years, and has been in decay for the last 50 years due to political corruption and obsolescence. However, now Jersey City is planning a beautiful new park opposite the Statue of Liberty, and some excellent housing adjoining that, as well as industrial development. It seems that the Hudson County shore line has been protected by the local authorities quite well and will be, and the necessity for the State stepping in is a myth.

Another thing is that the ecologists who insist that it is essential to save every inch of marshland ignore the modern technology of aquafarming. Aquafarming can produce any form of marine life much more efficiently than natural marshes. In Long Island they are now farming oysters and clams, producing better products in a comparatively small area, and, as a matter of fact adjoining a power plant which had been accused of thermal pollution, but these people found that the warmer water makes the shellfish grow faster and larger. In addition, a cousin of mine is growing millions of trout and salmon in Scotland within 10 miles of the major shipping lanes into Scotland on Loch Fyne which is an arm of the Clyde, and as a result, the Scottish restaurants are serving better fish than almost any other place in the world because the fish are delivered live to their tanks and they are alive until the customer orders them. This is being done on about 3 acres of property.

123A

DAVID T. HOUSTON CO.
1025 BROAD ST., BLOOMFIELD, N. J. 07003
(201) 429-8000

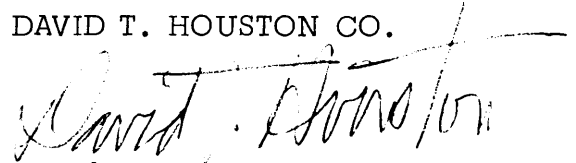
Honorable John I. Dawes
New Jersey Assemblyman

December 13, 1972
Page 2.

I would also like to object to Bill S1169 which would put a moratorium on the sale of riparian land. This could cause undue hardship, and also remove possibly the urgency for the Department of Environmental Protection to come up with a plan as soon as possible, but there is no sense in delaying and hindering economic progress and hurting individuals because of the lack of a plan. We have been without a plan for the last 200 years and another few months isn't going to be a calamity.

Sincerely yours,

DAVID T. HOUSTON CO.

A handwritten signature in dark ink, appearing to read "David T. Houston", with a long horizontal flourish extending to the right.

David T. Houston
President

DTH/mal

Statement of
ASSOCIATED RAILROADS OF NEW JERSEY

In Opposition to
Assembly Bill No. 1429
at Public Hearing
December 11, 1972

The declaration in Section 2, first paragraph, line 3 of the bill expresses concern about the economy of the coastal area. If that concern is genuine, we suggest that the Committee on Air and Water Pollution and Public Health consider carefully the views of the witnesses who appeared before you from the southern half of the State who would be directly affected by this legislation.

Our opposition to Assembly No. 1429 is for the simple and direct economic reason that if industrial development is curtailed so is railroad transportation.

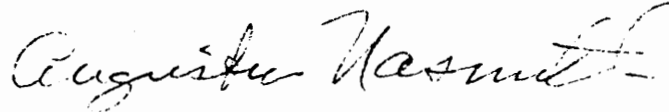
The practical effect of the bill, if enacted, to the railroad industry is that in the areas covered by this legislation we will never have any opportunity for growth.

We should like to submit two Exhibits. Exhibit "A" is a report from the Pennsylvania-Reading Seashore Lines showing for the last five years (1967-1971) a list of new industries which located on its line during that period, industries which expanded during that period, and a list of those contemplating construction at locations to be served by P.R.S.L. Attached as Exhibit "B" is a summary of new industries which have developed on the Penn Central in New Jersey during 1967-1971 and also of expansions during that same period.

These exhibits indicate that the railroads have been trying to help themselves by attracting new freight customers and have been aiding in the economic growth of New Jersey. We need a chance to survive. Six of the seven Class I railroads operating in New Jersey are in reorganization.

We endorse the views of organizations who have already testified, such as the New Jersey State Chamber of Commerce, that the need for a healthy economy---including a viable railroad transportation system---must be considered as well as the desire to preserve the natural environment.

Respectfully submitted,

A handwritten signature in cursive script, reading "Augustus Nasmith". The signature is written in dark ink and is positioned above the printed name and title.

Augustus Nasmith
Vice Chairman and General Counsel

AN/gb

LIST OF INDUSTRIES SERVED BY P.-R.S.L. LOCATED DURING 1967-1971

<u>NAME</u>	<u>LOCATION</u>
Aaron Coffee Co.	Clayton, N. J.
Abel Warehouse Co.	Camden, N. J.
Allied Tube & Conduit Corp.	Camden, N. J.
American Sugar Co.	Sewell, N. J.
Atlantic City Press	Pleasantville, N. J.
Bantivoglio Paper Stock Co.	Camden, N. J.
Certified Steel Co.	Camden, N. J.
John T. Clark & Son	Camden, N. J.
Colonial Steel Pickling Co.	Camden, N. J.
Crown Zellerbach Corp.	Glassboro, N. J.
Delaware Steel Products Co.	Camden, N. J.
Detrex Chemical Co.	Bellmawr, N. J.
Distributors Products, Inc.	Camden, N. J.
Distron Co.	Bellmawr, N. J.
Douglass Decorators Co.	Absecon, N. J.
84 Lumber Co.	Pleasantville, N. J.
Ekco Products, Inc.	Clayton, N. J.
Farm Bureau Service	Clayton, N. J.
General Electric Co.	Camden, N. J.
Goodrich Chemical Co.	Pedricktown, N. J.
Goodrich Distribution Warehouse	Pedricktown, N. J.
Handi-Top Corp.	Thorofare, N. J.
Harris & Son Steel Co.	Gloucester, N. J.
Holt Transportation & Warehouse Co.	Camden, N. J.
H.W.R. Products, Inc.	Camden, N. J.
Hussman Refrigerator Co.	Bellmawr, N. J.
I-T-E Circuit Breaker Co.	Bellmawr, N. J.
Jefco Steel Co.	Camden, N. J.
John Jefferies Co.	Bellmawr, N. J.
Kaiser Aluminum & Chemical Sales	Bellmawr, N. J.
Kasser Liquor Co.	Bellmawr, N. J.
Kenwood Construction Co.	Pedricktown, N. J.
Lead Supply Co.	Bellmawr, N. J.
Lee Tire & Rubber Co.	Camden, N. J.
Luciano Bros.	Millville, N. J.
Mantua Chemical Terminal, Inc.	Thorofare, N. J.
Frank Mazza & Son	Hammonton, N. J.
Menley & James Laboratories, Inc.	Bellmawr, N. J.
New Jersey Sash Co.	Cologne, N. J.
Nostrup Chemical Works, Inc.	Pedricktown, N. J.
Olin Mathieson Chemical Co.	Paulsboro, N. J.
Owens-Illinois Co.	Manumuskim, N. J.
Penn Jersey Warehouse Co.	Camden, N. J.
Pennwalt Corp.	Thorofare, N. J.
J. C. Penny Co.	Thorofare, N. J.

LIST OF INDUSTRIES SERVED BY P.-R.S.L. LOCATED DURING 1967-1971

<u>NAME</u>	<u>LOCATION</u>
PPG Industries, Inc.	Thorofare, N. J.
Pulini Produce Co.	Camden, N. J.
Railroad Construction Co.	Penns Grove, N. J.
Ruberoid Co.	Camden, N. J.
Safeguard Industries, Inc.	Bellmawr, N. J.
A. N. Stollwerck Co.	Camden, N. J.
Strick Corp.	Camden, N. J.
T. & T. Freezers, Inc.	Vineland, N. J.
Terminal Warehouse Co.	Bellmawr, N. J.
Uddo & Taormina Corp.	Vineland, N. J.
Western Kraft East, Inc.	Bellmawr, N. J.
Winans-Carter Co.	Vineland, N. J.

LIST OF INDUSTRIES SERVED BY P.-R.S.L. WITH EXPANSIONS DURING 1967-1971

<u>NAME</u>	<u>LOCATION</u>
Anchor Hocking Glass Co.	Salem, N. J.
Campbell Soup Co.	Camden, N. J.
Certainteed Saint Gobain Insulation Co.	Williamstown Jct, N. J.
Del Monte Corp.	Swedesboro, N. J.
Gustin-Bacon Mfg. Co.	Williamstown Jct., N. J.
H. J. Heinz Co.	Salem, N. J.
Holt Transportation & Warehouse Co.	Camden, N. J.
John Jefferies Co.	Bellmawr, N. J.
Masonite Corp.	Bellmawr, N. J.
Monsanto Chemical Co.	Bridgeport, N. J.
No-Strip Chemical Co.	Pedricktown, N. J.
Owens-Corning Fiberglas Co.	Barrington, N. J.
Owens-Corning Fiberglas Co.	Berlin, N. J.
Shell Chemical Co.	Woodbury, N. J.
Terminal Warehouse	Bellmawr, N. J.
Wheaton Glass Co.	Millville, N. J.

LIST OF INDUSTRIES PLANNING CONSTRUCTION TO BE SERVED BY P.-R.S.L.

<u>NAME</u>	<u>LOCATION</u>
Carneys Point Distribution Warehouse	Carneys Point, N. J.
Dewey & Almy Div., W. R. Grace Co.	Thorofare, N. J.
Erdners Warehouse	Woodstown, N. J.
Garden State Beverage Co.	Vineland, N. J.
Gloucester Sewerage Disposal Plant	Thorofare, N. J.
N. L. Industries, Inc.	Pedricktown, N. J.
Joseph Oat & Son, Inc.	Camden, N. J.
D. H. Overmyer Warehouse	Thorofare, N. J.
Pier I Imports, Inc.	Glassboro, N. J.
Realprop, Inc.	Camden, N. J.

EXHIBIT "B"

Permanent Industries Built Along Penn Central Lines
New Jersey

<u>YEAR</u>	<u>NO. INDUSTRIES</u>	<u>INVESTMENT</u>	<u>TOTAL EMPLOYMENT</u>
1967	20	\$ 21,885,000.	1817
1968	20	17,600,000.	1376
1969	24	22,021,100.	905
1970	23	14,250,000.	638
1971	<u>32</u>	<u>40,140,000.</u>	<u>1169</u>
5 Year Total	119	\$ 115,896,100.	5965

Expansion of Industries
Located on Penn Central in New Jersey

<u>YEAR</u>	<u>NO. INDUSTRIES</u>	<u>NEW INVESTMENTS</u>	<u>NEW EMPLOYMENT</u>
1967	17	\$ 9,005,000.	323
1968	13	8,570,000.	182
1969	2	3,575,000.	60
1970	9	28,060,000.	548
<u>1971</u>	<u>3</u>	<u>920,000.</u>	<u>10</u>
5 Year Total	44	\$ 50,130,000.	1123



BUILDING CONTRACTORS ASSOCIATION OF NEW JERSEY



BUILDING CHAPTER, ASSOCIATED GENERAL CONTRACTORS OF AMERICA, WASHINGTON, D. C.

TRENTON OFFICE

TRENTON TRUST BUILDING
28 WEST STATE ST. (08608)
(609) 695-6528, 5-2878

SPRINGFIELD OFFICE

INDEPENDENCE PLAZA
500 MORRIS AVENUE (07081)
(201) 376-6900

CHERRY HILL OFFICE

401 COOPER LANDING ROAD (08034)
(609) 667-7211

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C. VAN CHAMBERLIN
ANTHONY LEWIS

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SAMUEL P. WALDRON, JR.
JOHN D. LAWRENCE, SR.*
FREDERICK WILHELMS, JR.
DONALD G. EHRET
JOSEPH T. HOUSEMAN
E. G. ROBBINS
WILLIAM J. WALDRON, JR.

*Deceased

December 11, 1972

Mr. David Mattek
Law Revision & Legislative Services Commission
State House
Trenton, N.J. 08625

Re: Assembly Bill #1429
"Major Coastal Areas Facilities
Review Act"

Statement for the record -

Although, Building Contractors Association of New Jersey recognizes the importance and necessity of protecting the coastal areas of our State, we feel it is necessary to question the intent and nature of the proposed Act.

We believe that placing such broad reaching powers in the hands of a single Commissioner does not provide for a consistent pattern of administrative policy, where there exists the potential for change of incumbency.

We also do not believe that the proposal provides sufficient new environmental controls within the department. There are already established guidelines for riparian lands, wetlands and flood plains.

We also question the extensiveness of the territory involved and note that, in many instances, these broad powers are extended to include lands that are not by anyone's definition, directly involved in the coastal makeup of the State.

We are in favor of definitive guidelines, but we do urge temperance in the formulation of these important rules and regulations. We would not want to see over zealous or arbitrary precepts effected that may have a detrimental impact on long-range controlled economic development.

Thank you for your interest.

Sincerely,

Arthur T. Young
Arthur T. Young
Asst. Managing Director

MANAGEMENT STAFF

SPRINGFIELD OFFICE

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10 NORTH MAIN STREET

CAPE MAY COURT HOUSE, NEW JERSEY 08210

Telephone (609) 465-5154

To Whom It May Concerns:

The Environmental Affairs Committee of the Cape May County Chamber of Commerce has carefully reviewed Assembly Bill #1429 and vehemently objects to its adoption. Cape May County municipalities have stringent zoning and planning regulations and codes and are further guided by a county planner with an adequate staff. The duplication of efforts on the part of the state are unnecessary in Cape May County.

Prepared Statement For:

- 1 - New Jersey Assembly Committee-Public Hearing
Monday, December 11, 1972
- 2 - Public Release

133A

**FEDERATION OF CONSERVATIONISTS,
UNITED SOCIETIES, INC. : (FOCUS)**



REPLY TO

☐ PRESIDENT

A. M. COOPER — TEL: (201) 349-1275
380 LUANE AVENUE
TOMS RIVER, N. J. 08783

REPLY TO:

☐ EXECUTIVE SECRETARY

R. B. LITCH — TEL: (609) 494-2072
P. O. Box 25
BARNEGAT LIGHT, N. J. 08006

December 14, 1972

To the Honorable Assembly Committee on Air and Water Pollution and Public Health, New Jersey State Assembly, Trenton N. J. 08625

Gentlemen: The Federation of Conservationists, United Societies, Inc., representing some 500 citizens of Southern and Central New Jersey, and authorized to speak for the Batona Hiking Club (250 members), the Friends of the Rancocas, (150 members) the Pemberton Bird Club, (150 members) with other friends in Southern New Jersey strongly supports the Assembly bill A-1429 and urges its passage as soon as possible.

We would suggest only one addition to strengthen the bill. We would include in the list of major facilities requiring permit: New commercial developments and shopping centers, including parking areas. We agree with Mr. R. Halsey of the Monmouth Planning Board, an opponent of the bill, that shopping centers pose an environmental threat "at least as great, if not greater than housing developments."

We note that opposition to this bill comes from the same sources which has opposed every measure for any sort of regulation in the wetlands, and the same discredited arguments are cited in opposition. The threats from these sources have a remarkably hollow ring. We have heard them all before.

The argument that too much power is concentrated in the Department of Environmental Protection, and that any regulation of wetlands is a threat to the old shibboleth of a "threat to home rule." It was used with very little effect against the Wetlands Act, which is now a law of the State. "The much power" argument is specious, and as Commissioner Sullivan has very well said: "he is more concerned with the inability to do the necessary things than the alledged unbridled authority." Governor Cahill has made it clear that he favors coastal areas protection legislation.

We ask that this statement be included as part of the record.

Sincerely,

Federation of Conservationists, United Societies, Inc.

Robert B. Litch
Robert B. Litch

Executive Secretary



NEW JERSEY CHAPTER
SOCIETY OF INDUSTRIAL REALTORS
OF THE
NATIONAL ASS'N OF REAL ESTATE BOARDS

46 PARSONAGE ROAD, EDISON, N. J. 08817
P. O. BOX 2098,
TELEPHONE: (201) 494-5616

December 14, 1972

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General Public Utilities Corporation
Jersey Central Lines
Jersey Central Power & Light Company
Middlesex County Industrial Commission
Port of New York Authority
Public Service Electric & Gas Company
Southern New Jersey Development Council

Hon. John I. Dawes
89-A Gordon's Corner Rd.
Freehold, N.J. 07728

Dear Assemblyman Dawes:

Due to a recent illness, I was unable to attend the hearing held earlier this week in Trenton with regard to Bill A 1429.

As President of N. J. Chapter #1, Society of Industrial Realtors, I have polled our members and I must report to you that the entire membership is unanimously opposed to this bill. I understand that there has been an amendment introduced which would include the Hudson County area. The overtones to me are quite apparent, since it also suggests that other areas not included, could be added in the future.

With all due respect to the Ecology Program, which we all respect and encourage, I feel that this bill would be a dramatic and hurtful condition which would absolutely discourage continued industrial development and expansion in the State of New Jersey.

I cannot urge you too strongly to use every persuasive power at your command to defeat this bill.

Best wishes for the coming Holiday Season

Very truly yours,

Lester E. Lehman, Jr.
President

LELJR:jj

NEW JERSEY
ASSOCIATION OF REALTOR BOARDS



ROBERT F. FERGUSON, JR.
Executive Vice-President

EXECUTIVE OFFICE: 46 PARSONAGE ROAD. (201) 494-5616
MAILING ADDRESS: P. O. BOX 2098, EDISON, N. J. 08817

December 22, 1972

Honorable John I. Dawes
64 W. Main Street
Freehold, New Jersey 07728

Re: Assembly Bill 1429 (Major Coastal Areas Facilities Act)

Dear Assemblyman Dawes:

The New Jersey Association of Realtor Boards would like to go on record with the Assembly Committee on Air, Water Pollution and Public Health in opposition to Assembly Bill 1429.

The New Jersey Association of Realtor Boards is an organization of over 8,000 real estate brokers and salesmen who share the concern of every thinking citizen as to the quality of our environment.

Yet, NJARB members who earn their daily livelihood selling the advantages of New Jersey as a good state in which to live, work and play are opposed to A-1429 as being counter productive and not in the best interest of the citizens of New Jersey.

Based upon experience with our system of government we cannot subscribe to the philosophy of the proponents of A-1429 that reasonable environmental gains can be insured by subverting local self determination in favor of an all "knowing" higher authority in the Department of Environmental Protection.

We recognize that the Department of Environmental Protection has done a creditable job in many areas, however, the staff is not sufficient or trained to assume the enormous task delegated to the Department of Environmental Protection under A-1429.

NEW JERSEY ASSOCIATION OF REALTOR BOARDS

The enactment of A-1429 would insure any future development in the designated area would be snarled with red tape and bureaucratic inefficiency.

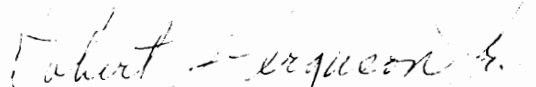
The proponents of A-1429 have adopted the posture that only the Department of Environmental Protection is in a position to recognize what is good or bad for the environment of the area designated in the legislation under review.

Five or ten years ago this may have been true, however, today with an enlightened community including elected officials and industry leaders the abuses which once were accepted as common place have been replaced by a genuine concern for the quality of the environment.

NJARB believes that reason and logic combined with research is the best solution to New Jersey's long range environmental improvement, not hastily ill-conceived crash programs which ignore all other reasonable considerations.

Thank you.

Respectfully,



Robert F. Ferguson, Jr.
Executive Vice President
RFF:dr

STATEMENT OF TEXACO INC.
to the
NEW JERSEY STATE ASSEMBLY
COMMITTEE ON AIR AND WATER POLLUTION
AND PUBLIC HEALTH
concerning
ASSEMBLY BILL A-1429

STATEMENT OF TEXACO INC. CONCERNING
NEW JERSEY ASSEMBLY BILL A-1429

Texaco appreciates what must be a sincere desire by the sponsors of A-1429 to preserve the environmental integrity of New Jersey's coastal areas. As a long-time employer, taxpayer and industrial citizen of the State we, too, feel that the environmental quality of the area can, must and will be protected.

Texaco has operated a large marine terminal and oil storage facility at Bayonne since 1909, a large refinery at Westville since 1950, and numerous bulk plants and wholesale outlets throughout the State. In addition, the Company's products are marketed directly to consumers at approximately 700 retail outlets that are operated by independent businessmen of New Jersey.

Texaco is also a major supplier of growing energy needs throughout all of the 50 states, and we -- along with the entire petroleum industry -- are facing major challenges in keeping pace with those needs. We are therefore extremely concerned with the implications of restrictions and delays which the proposed legislation would place on our ability to help supply the increased energy which New Jersey, along with every other state of our nation, will need in the years to come.

In our view, A-1429 could do serious harm to the energy, economic and other public needs of New Jersey -- and consequently would not be in the best interest of the people of the State.

- 2 -

Our principal points of objection follow:

First, A-1429 distorts the essential public needs.

It isolates environmental matters as the sole basis for decision-making on the location of future facilities. In no way does it take into proper account the very important role that other public needs, such as energy, must play in the total well-being of New Jersey and of the whole nation.

One very critical concern affecting all citizens of this area is the need for the petroleum industry to expand its capacity to refine and deliver home heating oils, motor gasolines and heavy petroleum fuels for electric utilities and other industrial consumers. Currently, product pipelines from the Gulf Coast to New Jersey and elsewhere in the Northeast are operating at full capacity. Inventories of heating oils and turbine fuels are lower than desired, and serious shortages are already developing in the colder parts of the country. This fact has become even more evident in recent weeks with the announcements by several major suppliers that heating oils and other distillate fuels will have to be rationed to their customers this winter.

Fuel rationing, natural gas curtailments, brownouts and blackouts which have occurred along the East Coast are likely to become more common and more serious unless the petroleum industry is permitted to carry out vital expansion plans without further delay in securing approvals and permits.

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Second, A-1429 completely ignores other existing legislation in the areas of environmental protection, land use, and the granting of permits. There already exist stringent local, county, state and federal controls to insure that industrial development is consistent with environmental needs and with the desires of the communities involved.

The multiplicity of governmental permits required in locating or expanding industry today is becoming unduly burdensome in terms of both cost and the number of agencies to be dealt with. Where industry is confronted with the requirement for securing authorizations from local, state and federal agencies -- each with determinations based on differing criteria for filing, reviewing, delaying, denying or granting -- it becomes extremely difficult to plan and make the capital investments necessary to the construction of facilities to satisfy the basic needs of the consuming public.

Our company has had considerable experience in recent years in obtaining construction permits. We have gone through the frustrations of attempting to contact regulatory officials, of waiting for months on end for some word on a permit application only to be told that the agency cannot act on the permit until some other agency passes judgment on it, of finally receiving a permit only to have it expire before we can satisfy all the requirements necessary to start construction.

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Texaco strongly opposes the requirement of A-1429 that still another set of permits would be required for building or expanding vitally needed industrial facilities in southern New Jersey. Rather than increase the obstacles to efficient operation with additional permits, a means should be devised which would enable applicants to meet all State requirements with a single, once-through permit application.

Third, the extensive controls that A-1429 would exert over the storage, handling and transferring of petroleum arriving by water could seriously affect the supply of energy both to New Jersey and to the Nation generally.

The United States today cannot supply from its own reserves crude oil and natural gas in sufficient quantities to meet our demands. We are already importing over 25% of our country's crude oil and petroleum product requirements and, by 1985, when the U.S. demand will be at least twice what it is today and will amount to approximately 27 million barrels a day, we will probably see such imports rising to over 50% of the total supply.

Deepwater transportation facilities are urgently needed along the Atlantic seaboard to bring in petroleum imports in order to forestall serious shortages in energy supply. This general area, including the Delaware Bay, is one of the most suitable locations in the U.S. for a deep-water port because of its natural depth and proximity to major refining and other industrial areas.

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A deepwater port, properly sited in this area, would actually serve the cause of a cleaner environment, as well as provide a vital aid to supplying U.S. energy needs. The very large tankers which it would accommodate, permitting them to transfer their cargoes into pipelines some distance offshore, would reduce substantially the number of vessels moving crude oil and refined products to East Coast ports. A-1429, by placing restrictions upon pipeline and storage facilities, would be contrary to the progress already made to establish a deepwater port site which is equitable to all interests.

Finally, the proposed legislation, with its potential to delay construction and possibly to prohibit expansion of existing manufacturing and warehousing facilities, would exclude the benefits that accrue from increased tax-paying, job-making industrialization. Moreover, it would surely increase the cost of energy and other goods now consumed, and would certainly be a deterrent to supplying the energy demands of New Jersey and other nearby areas on the East Coast. Laws which would stifle healthy growth -- which can take place in harmony with environmental goals -- must inevitably work to the advantage of the State's residents.

.....

In summary, Texaco believes that any land-use legislation can be properly framed only after the various needs of the State's citizens are properly assessed. We respectfully submit that the development of such legislation

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should first have the benefit of combined thinking of a Study Council which would take proper cognizance of the need to balance environmental considerations with the many other factors affecting the public welfare and economic well-being of the people of New Jersey. This council should make a comprehensive study of economic, social, environmental and natural resource needs to arrive at a policy determination which can be incorporated into appropriate legislation.

Texaco is most hopeful that your Committee and fellow legislators will not place unwarranted restrictions on well-planned industrial expansion.



Sierra Club

NEW JERSEY CHAPTER

360 NASSAU STREET, PRINCETON, N.J. 08540

PHONE: (609) 924-3141

January 10, 1973

The Hon. John I Dawes
89A Gordon's Corner Rd.
Freehold, NJ 07728

Dear Assemblyman Dawes,

Re A.1429, the Major Coastal Area Facilities Review Act

We have the following comments on this bill, in addition to those already presented, which we would like included in the hearing record on the bill:

The Department of Environmental Protection has recommended that certain of the limits concerning expansion and utilization of facilities in the coastal area be deleted from section 5 of the bill. This would allow unlimited expansion of existing facilities. It would also permit the acquisition of an existing but unused facility to be used for any purpose whatsoever. The Sierra Club feels that any new use to which a facility might be put should be subject to the same permit requirements as new facilities. Minor expansion of existing facilities which will be put to the same use as existing facilities can reasonably be allowed without permit, but major expansions or conversion of facilities to new uses should be controlled in accordance with the provisions of A.1429. We therefore propose that section 5 be modified to read as follows (material enclosed in brackets is to be deleted, and the underlined material added):

5. No person shall construct, expand or utilize or cause to be constructed, expanded or utilized a [major] facility in the coastal area[s] until he has applied for and received a permit issued by the commissioner; [however, this shall not apply to major facilities which were constructed or utilized as such on the effective date of this act.] however, this shall not apply to the continued utilization of a facility in the same manner as it was being used on the effective date of this act, nor to expansion in size or productive capacity of an existing facility of less than 50%.

Sincerely yours,

R. Stockton Gaines, Chairman

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STATEMENT OF THE NEW JERSEY FARM BUREAU ON A-1429 TO BE INCORPORATED IN THE RECORD OF THE PUBLIC HEARING CONDUCTED BY THE ASSEMBLY COMMITTEE ON AIR, WATER POLLUTION AND PUBLIC HEALTH.

Chairman Dawes, members of the Committee:

Because it was impossible for anyone from our organization to be present at the public hearing on A-1429, we would appreciate it if you would incorporate the following brief statement in the record.

Under authorization of the Board of Directors of the New Jersey Farm Bureau, which met at Trenton, New Jersey on December 21 and asked that a statement expressing the opposition of Farm Bureau to A-1429, we wish to make the following points:

1. You have on record our statement presented by President Arthur H. West at the public hearing on A-722 held last April 19. While A-1429 is a different bill in many respects, it involves the same purposes and the same approaches to solving the same problems for which A-722 was supposedly designed to solve.

We believe that A-429 is a far worse bill than A-722, since this bill makes no pretense of creating a board to pass judgment on the development areas; but would place sole power in the hands of the Commissioner of Environmental Protection, a state official we believe already has been granted too much unbridled power by the Legislature. This is not intended as a reflection on the present Commissioner; but we believe that we must look beyond any particular person who happens to be holding the position.

2. Frankly, we are not sure how many farmers would be affected by this bill; but since our members own a large share of the remaining open space remaining in the state, including land in the coastal areas as defined in this bill, and we assumed that a considerable portion of the land area this bill seeks to control would be owned by farmers. We have been informed that the defined area in this bill would encompass some 17,000 acres of privately-owned land.

3. The restrictions on the use of these extensive acreages of land would no doubt reduce tax ratables severely in many municipalities and would thus have an adverse affect on the remaining property in those municipalities.

3. The introduction of this bill and those preceding it makes it clear that the State of New Jersey has embarked upon a comprehensive plan to greatly increase the authority of the State in the regulation of land use and to remove a like amount of authority from local government. A whole series of bills have already been enacted, including the Wetlands Act, the Riparian Lands Act, and most recently the Floodplains Act, that clearly move the State in this direction.

We believe it is time for the Legislature to stop and take stock. Just how far should we go in this state in concentrating land-use control in the hands of the State Government? Is such concentration of power necessary to achieve the desired results? These are questions that every member of the Legislature needs to ask himself or herself before it is too late.

4. Since consideration of A-722, a new federal law has been passed that we believe puts the consideration of A-1429 in a new light. We refer to President Nixon's signing of Senate Bill 3507--the "Coastal Zone Management Act of 1972--now known as Public Law 92-583. We call special attention to Section 306 (e) of this new law, which provides that a State must comply with one of three approaches for the control of land and water uses within its coastal zone in order to qualify for the federal funds the law provides for.

One such approach in the new Federal law envisions the State establishing criteria and standards for local implementation, subject to administrative review and enforcement compliance.

We feel this would be a far better approach to the goal of gaining greater control over the land uses in the coastal areas of the State.

5. We suggest that your Committee write an entirely new bill to present as a Committee substitute for A-1429, utilizing the approach in the new Federal law mentioned above.

A-1429, as presently written is entirely unacceptable to us. We are strongly opposed to its passage, for the reasons we have stated.

C. H. FIELDS
Executive Secretary

January 10, 1973

The Honorable John I. Dawes
Assemblyman
89A Gordons Corner Road
Freehold, New Jersey 07728

Dear Mr. Dawes:

We would like to go on record regarding our disposition toward the Coastal Area Facility Review Act (Assembly Bill No. 1429) which has undergone a public hearing before the New Jersey Assembly's Committee on Air and Water Pollution and Public Health, of which you are Chairman. The Gloucester New Communities Company (GNCC), a partnership between W. R. Grace & Company and Landtect Corporation, is preparing to build a planned new community, Beckett New Town, in Logan and Woolwich Townships (Gloucester County), New Jersey.

Later this year, our company will purchase in excess of 6,000 acres, exercising options we currently hold on this acreage. Beckett New Town will eventually provide residences for approximately 80,000 people and it will be a community complete with an employment base (15,000 to 20,000 jobs), shopping, education, and recreation facilities. Beckett New Town will eventually generate, annually, land improvement values of 860 million dollars. The partnership has applied for funding under the U. S. Department of Housing and Urban Development's loan guarantee program enabled by Title VII of the Housing and Urban Development Act of 1970.

We have examined carefully Bill No. 1429 and also discussed it with personnel in the New Jersey Department of Environmental Protection. It is our understanding that the Bill is designed to further protect South Jersey's coastal wetlands areas, areas which already have direct protection by virtue of the Wetlands Act of 1970. This Bill would provide control over certain development in areas beyond the Wetlands proper.

Approximately 80 percent of the area of Beckett is included in the coastal area as defined in Bill 1429. Although our firm is sympathetic to the need to preserve and protect environmentally sensitive areas, in particular the natural wetland resources, we feel that this Bill, as presently drafted, should not be adopted by the State of New Jersey for the following reasons:

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Bill No. 1429 in no way recognizes the existence of the environmental review process which the Federal government requires today for all facilities and development projects which seek financial assistance at the Federal level. In the course of that process, environmental impact statements for projects in New Jersey which are filed with a Federal agency, must be reviewed by the State's Department of Environmental Protection. We strongly feel that Bill No. 1429 is deficient in not recognizing this process. We would recommend the Bill stipulate that the review and approval by the State Department of Environmental Protection of an environmental impact statement required for Federal funding, can be substituted for the application and hearing required for a facility permit, provided that all the information which the State would require for a permit is submitted in the original impact statement.

We should add that GNCC has had to prepare extensive environmental information as part of our application to HUD. This information is currently being circulated by HUD to New Jersey's Department of Environmental Protection in the form of an Environmental Impact Statement (EIS) for the State's review. Although we are confident that the State's review of the statement will be favorable, simply because the plan for Beckett is sensitive to environmental concerns, we do not feel it is reasonable for us to have to later submit to the Commissioner of Environmental Protection individual impact statements on each facility and housing development to be undertaken within the overall plan. Bill No. 1429, as presently written, would require this duplication.

The Bill, in our opinion, allows an excessive amount of time before the applicant for a facility permit could expect to receive the Commissioner's approval. It would seem to us that six and a half months is too long a time period for an applicant to have to wait from the date an application is submitted to when the permit must be granted or denied. Thus, time span further exacerbates the trend in the administrative and regulatory branches of government today toward lengthy requirements for reviews prior to approvals, a phenomenon we often call "red tape". Bill No. 1429 stipulates a waiting period which we feel is unresponsive to the pace and demands of private industry.

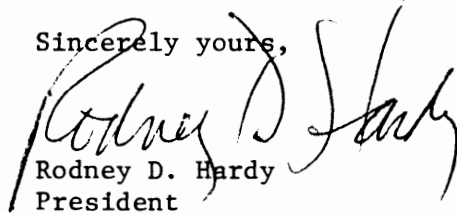
Lastly, we feel that the approach taken by Bill No. 1429 is excessive. We feel that instead of the State's directly protecting the coastal area by means of establishing its authority to issue or deny permits for all major facilities, the State should guide and direct the local levels of government (county and municipal) in a program of coastal protection. We would be far more favorably disposed toward a program in which the State established criteria and standards for the conservation of the coastal area. Such a program should be recommended to local government for its adoption and administration and then run by the State only when local governments failed to adopt a satisfactory program.

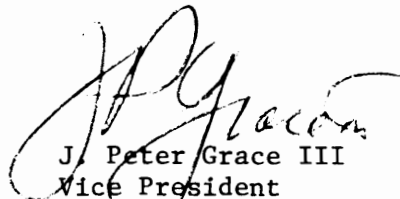
- 3 -

In conclusion, we would like to reiterate that we are not against the concept of protecting South Jersey's Wetland areas and we would be in support of coastal protection legislation which incorporated our recommendations cited above. We do, however, feel that Bill No. 1429 is unreasonable and, accordingly, we urge your support against passage of Assembly Bill No. 1429.

Thank you.

Sincerely yours,


Rodney D. Hardy
President


J. Peter Grace III
Vice President
W. R. Grace Properties, Inc.

RDH/dlc

CC: Commissioner Richard Sullivan
Senator James M. Turner
Assemblyman H. Donald Stewart
Assemblyman Kenneth A. Black, Jr.

THE NEW JERSEY STUDENTS
PUBLIC INTEREST RESEARCH GROUP
RUTGERS UNIVERSITY SCHOOL OF LAW
180 UNIVERSITY AVENUE
NEWARK, NEW JERSEY 07102

Assemblyman John Dawes
Chairman, Air & Water Pollution Committee
State House, Trenton

Dear Mr. Dawes, and Committee members:

In this note I wish to address myself to one specific aspect of A-1429: The regulation (or prohibition) of offshore, deep-water ports. A-722 would, of course, wholly bar such facilities whereas 1429 subjects them to the scrutiny of the Department of Environmental Protection (DEP). As to my preference between the two bills, I feel that the DEP's version of coastal protection is the more comprehensive though 722 is the more definite as to those uses which everyone must agree are utterly incompatible with a healthy shore environment: namely, as Tom Kean calls them, heavy or "noxious industries" such as basic steel, petrochemical and, of course, deepwater docking facilities. The Committee, I feel, should permit at least one of these bills to reach the Assembly floor while there remains time for action in the Senate. Delay, in that sense, is tantamount to a no vote.

In any case, back to offshore oil terminals.

First, as to one of the main arguments favoring them, there is no energy crisis of quantum of fuel but only of the distribution and use to which existing supplies are being put. It no longer makes sense that 35% of all energy consumption goes into the individual automobile, which 79% of the time is occupied by only one person. The auto also accounts for about 60% of all air pollution. It also does not make sense that the current fashion in new apartment and office complexes is for the sealed-glass, windowless cylinder or rectangle which requires constant refrigeration in summer and perpetual heating in winter.

Second, it should not be forgotten that one of the main proponents of the long-standing oil import quota system---which keeps foreign oil out and maintains domestic sources at artificially high prices---has been the oil/gasoline lobby with its cry for "national security." It has never ceased to amaze me that reasonable men would conclude that it was beneficial to America's independence to use up our own oil during peace time. Now, of course, we have the spectacle of the oil companies (echoed by their friends in the U.S. Commerce Department) claiming that

"national security" requires that we import huge quantities of oil in ships so large that a blind submarine captain could not fail to score a direct hit. The oil companies simply cannot have it both ways.

Why have the oil companies changed their tune (or, more accurately, why are they singing to a different mistress)? Probably for at least three reasons: (1) They have recently completed a new long-term agreement with the oil producing Middle Eastern states which will require that they pay higher royalties than ever before. How then to turn the usual profit? By selling in larger quantities to the virtually untapped, because protected, U.S. market for foreign crude. (2) According to the U.S. Petroleum Institute, the U.S. reserve of oil will probably not last beyond the year 2020---at the outside. The U.S. as a nation will then be about 250 years old. It looks like an export-import market after that. (3) In anticipation of these shifts in purchasing patterns, the major U.S. oil companies have invested heavily in the so-called second generation Manhattan class oil tankers. These are the whoppers that will extend from 1,000 to 2,500 feet in length and draw a hundred feet or more of water. Offshore oil ports are, therefore, necessary to protect their investments, since they are needed for no other kind of ocean-going vessel.

If national security is really to be considered here---and obviously it must be---besides the need to rationally reallocate our energy uses and cut back on monstrous waste, there is nothing less likely to promote security than reliance on these giant ships. To illustrate, a frequent magazine advertisement for Sperry-Rand guidance systems boasts that it will take more than 4 nautical miles to stop one of them. Never mind that a well-thought out shipping system would rely on numerous, smaller tankers which would berth in many and varied ports close to their ultimate destinations.

But the oil lobby continues leading us around by the nose pretty much as they always have; ever since, at least, the first Rockefeller built Standard Oil into the nation's first great monopoly---now threatening us with frigid homes, now admonishing us with security of the nation, evidently on the theory that the scarier the threat, no matter how self-serving or absurd, the more likely we are to be cowed into submission.

I hope that this Committee will do all in its power to see that no such port is built anywhere within New Jersey's jurisdiction.

Yours sincerely,



R. William Potter
Chairman of the Board
New Jersey PIRG