

PUBLIC HEARING

before

ASSEMBLY CONSERVATION

AND NATURAL RESOURCES COMMITTEE

"The Pompton-Passaic Rivers Dual Inlet Flood Control
Tunnel Diversion Plan"

April 18, 1990
Borough of Rutherford
Municipal Building
Council Chambers
Rutherford, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Thomas J. Duch, Chairman
Assemblyman Joseph A. Mecca
Assemblywoman Maureen Ogden
Assemblyman John E. Rooney

ALSO PRESENT:

Assemblywoman Marion Crecco
Assemblyman John V. Kelly

Jeffrey T. Climpson
Office of Legislative Services
Aide, Assembly Conservation and
Natural Resources Committee

New Jersey State Library

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Hearing Recorded and Transcribed by
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Trenton, New Jersey 08625



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CHAIRMAN
DANIEL P. JACOBSON
VICE-CHAIRMAN
JOSEPH A. MECCA
MAUREEN OGDEN
JOHN E. ROONEY

New Jersey State Legislature
ASSEMBLY CONSERVATION
AND NATURAL RESOURCES COMMITTEE
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NOTICE OF PUBLIC HEARING

The Assembly Conservation and Natural Resources Committee will hold a public hearing on the following topic:

**POMPTON-PASSAIC RIVERS DUAL INLET FLOOD CONTROL
TUNNEL DIVERSION PLAN**

The hearing will be held on Wednesday, April 18, 1990, at 7:00 p.m. in the Borough of Rutherford Municipal Building, Council Chambers, 176 Park Avenue, Rutherford, New Jersey.

The public may address comments and questions to Jeffrey T. Climpson, Committee Aide and persons wishing to testify should contact his secretary, Deborah Del Vecchio, at (609) 292-7676. Those persons presenting written testimony should provide 10 copies to the committee on the day of the hearing.

Directions:

From the Garden State Parkway, take exit 153 onto Route 3 east. Continue east on Route 3 to the exit for Park Avenue (Rutherford). Take the Park Avenue exit, cross over Route 3, and continue on Park Avenue for about a mile. The borough hall (a red brick building with white columns) is on the left side at 176 Park Avenue, next to the post office, and across from a park. Free parking is located behind the borough hall. If you become lost, try calling Rutherford police department at (201) 939-6000.

From the New Jersey Turnpike, take exit 16W to Route 3 west. Continue west on Route 3 to the exit for Park Avenue (Rutherford). Take the Park Avenue exit and continue on Park Avenue for about a mile. Remainder of directions same as above.

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ASSEMBLYMAN THOMAS J. DUCH, CHAIRMAN: Can I have your attention, please. Good evening ladies and gentlemen. This is a special hearing of the Assembly Conservation and Natural Resources Committee.

At this time I would like to make introductions of the Committee members who are here this evening. We have with us Assemblyman Joseph Mecca who represents Clifton, Wayne, Totowa; District 34. Assemblyman Joe Mecca, on my right.

We also have with us representing a neighboring district; Nutley and Bloomfield, Assemblywoman Marion Crecco, on my left.

We will be joined during the evening by other Assemblyman. As a matter of fact, there is one waving in the audience right now, Assemblyman John Kelly, Mayor of Nutley, as well.

The purpose of this hearing is very simple. The Conservation and Natural Resources Committee of the General Assembly, in my view, is the Committee that is charged with the protection of our vital environmental resources. The subject of the Pompton-Passaic River Dual Inlet Flood Control Tunnel Diversion Plan is something that will come before this Committee ultimately.

It was the determination of myself and the Vice Chairman, Dan Jacobson, who was unable to be with us tonight, that this hearing should be held in order to give the people of this district -- the district that would be most affected by the construction of the flood tunnel -- the opportunity to come forward and present their views.

You will present your views tonight and be heard by a number of Assembly people who will then bring your views back to their colleagues in Trenton. The idea is to allow you the opportunity to express yourselves and to have your voice be heard. Tonight our purpose is simply to listen to you. To hear what you have to say. To hear your message.

We had also invited to participate this evening The United States Army Corps of Engineers. They were told about this meeting last week. However, they opted not to attend this meeting.

They indicated that they would be willing to attend the meeting if they were told what the agenda would be, if they would receive some advance notice, if they could have some idea what the issues are and what the questions are.

I think that the issues are very clear. Keep in mind that the Army Corps of Engineers is under Federal jurisdiction. However, they have indicated that they will be present at a future hearing date. And I can assure you that there will be a future hearing date established.

For this evening a significant number of people have signed up to testify. So therefore, I am going to ask you that when you step forward when you are called on to speak that you speak for five to ten minutes, tops. Please bear in mind that many, many people here wish to be heard and that they all should be given that opportunity.

Again, if you are not heard this evening, if it grows too late, we will schedule other hearings in the future. We will attempt to accommodate as many people as we can tonight. So, please, when you step forward, please remember everyone else does wish to testify.

The first person who I would like to call on this evening is the Senator of District 36, Senator Gabriel Ambrosio. **S E N A T O R G A B R I E L M. A M B R O S I O:** Mr. Chairman, thank you very much for allowing me to testify before this hearing. I want to congratulate you for setting this agenda and focusing attention on this very important problem.

From my District -- and you and I serve this District together -- and I know that you agree with me, that there is no issue that is more important to District 36 than this proposal to build this monstrosity and dump this inordinate amount of water into our District.

I can assure you, Mr. Chairman, that I will work with you in the Senate as you are working in the Assembly, to take every step possible to prevent that from happening. I know you are going to hear from a lot of witnesses, and I'm going to be very brief. I know the witnesses that you are going to hear are going to focus on the devastating impact that such a tunnel would have on our District, disrupting not only our parks and our recreation areas, but changing, adversely affecting the quality of life that we have come to enjoy in South Bergen.

It's interesting to note that while you are having this hearing, similar types of projects, both in this country and around the world are now being looked at with a second look after the devastating impact has had its run.

I will cite two examples to this Committee: In the Soviet Union the diversion of water from the Aral Sea has caused the ecological nightmare that will take probably hundreds of years to recover from. That has devastated huge portions of the Soviet Union and has displaced millions of people.

In our country the diversion of the Kissimmee River in Florida has had a tremendously adverse impact on the Everglades. So much so that there is a proposal to spend in excess of \$100 million to undo what the Army Corps of Engineers did in creating that ecological disaster.

We are fortunate that there are people such as yourself and members of this Committee, and the members in this room that understand that we can't allow this to happen. We have to prevent it from happening so that we are not here, or some other successors of ours are not here, 20 to 30 to 40 years from now talking about reversing the disaster that occurred in the 1990s.

I'm confident that with the pressure that is going to be exerted by you and other members of your Committee and the members of the Senate who I have spoken to, that we can prevent this from happening.

This is not a Republican issue. This is not a Democratic issue. This is a people issue and I have never seen the people more united. They are telling you: No tunnel, no tunnel, never, no tunnel.

Thank you very much.

ASSEMBLYMAN DUCH: Thank you very much, Senator Ambrosio.

The next witness that I would like to call at this time is Jerry O'Connor, former State Senator, and candidate for Bergen County Executive. Mr. O'Connor?

J E R E M I A H F. O ' C O N N O R: Good evening, Assemblyman Duch, and thank you for holding this hearing in the County of Bergen to give us an opportunity to speak on an issue that affects not only South Bergen, but the whole County.

As the Democratic candidate for the office of Bergen County Executive, I am here this evening to voice my strong and unequivocal opposition to the proposed flood tunnel project.

Through 30 years as a local, county, and State official, I have never encountered a more ill advised, poorly conceived and completely irrational waste of tax dollars. This project defies logic and common sense for a variety of reasons.

First, it essentially transfers a 100-year-old problem from Passaic County to Bergen County, spending more than a billion dollars without solving the problem. That is a complete absurdity.

Second, an undetermined amount of private and public property would be condemned. Included in this lost property would be many acres of heavily utilized parkland which is irreplaceable in the County of Bergen.

Third, the proposed system of 36-miles of dikes, levees, and floodwalls reaching as high as 19 feet would completely destroy the beauty of the environment and effectively block access to the river.

Fourth, a national non-profit environmental group, American Rivers, on March 21 of this year declared that the Passaic River is one of the ten most endangered waterways in America. All because of this ridiculous tunnel proposal. Why? Because the tunnel would harm wildlife that has finally returned to the river.

The river would also be harmed as a result of the loss of valuable flushing that naturally occurs after storms. Contaminants would accumulate at the base of the tunnel and then be released in one sudden shock into the river when that tunnel was opened. This would have a devastating effect upon the fish, birds, and micro-organisms that have returned to the river in recent years.

A fifth and maybe greater reason to oppose this silly boondoggle is the impact on traffic in South Bergen. We are presently strangling all our arterial byways. The cost of raising the 13 bridges is so high that a system of floodgates has been proposed. When the tunnel opens the gates will close and so will the traffic, only backing up onto 280, and Route 3 and into local towns which already have more than enough congestion.

Finally, we come to the cost. One billion dollars to build it and not solve the problem. And \$100 million in interest every year to cover the expense. Another \$2 million in operating expenses. None of the experts who support this plan can tell us who will pay for it.

What are we trying to accomplish? Is the flooding very severe in Passaic County? Yes it is. But does it justify all of the terrible conditions that the so called solution would create? No, it does not.

For too long there has been an attitude that government can simply legislate a problem away. Throwing money at a problem is and continues to be the only solution in some minds. In fact, this project offers no solution at all.

Apparently my opponent, who released a bill on May 26 from this Committee which would have created another super agency, an all powerful body, the now forgotten Passaic River Basin Flood Control Authority, which proposed spending \$82 million in State funds which would have been the implementing authority for this tunnel.

The people of Bergen County have a right to know where everybody stands on this issue. I am here to tell you this evening that I stand with you, and against any individual who wants to build this tunnel. The taxpayer and the environmental nightmare that would occur would be devastating to us in Bergen County.

I am asking for your support and the support of the Committee that we have unequivocal opposition to this tunnel building.

Thank you very much.

ASSEMBLYMAN DUCH: Thank you, Mr. O'Connor.

I would just like to announce for the members of the public that we have been joined by Assemblyman John Rooney, the former Mayor of--

ASSEMBLYMAN ROONEY: Northvale.

ASSEMBLYMAN DUCH: Northvale. Assemblyman John Rooney, from Bergen County, as well.

Next I would like to call Freeholder Barbara Chadwick.
F R E E H O L D E R B A R B A R A H . C H A D W I C K :
Thank you very much, Assemblyman Duch. We have a Freeholder meeting tonight at 8:00 o'clock, so I thank you very much for letting me come here to say a few words.

I won't repeat anything that Senator Ambrosio and Mr. O'Connor have said, but I would like to tell you that we have passed four resolutions. One in October of 1988 against the tunnel, and one in September of 1989. Another one in March of this year, definitely against the tunnel. And right after-- Mary Donahue, who is the Democratic Freeholder on the Board

with me, we have gone to Washington to fight against it with a bus load, about a month-and-a-half ago. And Mary testified against this tunnel.

When we got down there we found out that it had all of a sudden changed to, not coming out between Nutley and Clifton, but to add the five or six miles to the tunnel which would make it 21 miles, to Newark Bay. There were very many people on the bus testifying about this and what it is going to do to the aquifers and the water situation.

We all feel very badly for the people up in the Wayne area and I think all of us would like to see relief for them. But I think that we've got to look at the problems that can exist if we do this tunnel. Especially to the Newark Bay.

We also passed another resolution on April 4, introduced by Charlotte Vandervalk, that wanted to point out the fact that it's not only going to cost the citizens and the taxpayers of Bergen County, but it is going to affect all of the taxpayers in the State of New Jersey if this goes through. Because everybody's going to have to share in the load.

I want you to know that everybody, the Bergen County Freeholders are all against this. Everyone of these were passed by everybody; everybody voted, "aye." Could I leave this for testimony--

ASSEMBLYMAN DUCH: I would appreciate that.

FREEHOLDER CHADWICK: --the four resolutions that we passed?

ASSEMBLYMAN DUCH: That's fine. If you would leave it with the Committee Aide, please. Thank you very much, Freeholder Chadwick.

The next witness will be the Honorable John Kelly, State Assemblyman.

ASSEMBLYMAN KELLY: I'm not going to read this. I look around here and I see the same faces. I've been to four

of these meetings so far, and I'll tell you what. I'm fed up with meetings. We don't need this crazy tunnel.

As far as I'm concerned, the tunnel is being promoted by people who are self-centered. We are not responsible for the problems up at the other end of this river. They developed these lands. It's their problem, not ours.

We don't want these damn dams down here, or these dikes, or whatever they call them. You and I know what we should do. We should buy out those people who are in danger. Not the whole damn flood plain.

I know, Assemblyman Duch, that you have legislation in, we both have legislation that would accommodate that. We don't have to buy out Willowbrook. I'm not concerned about the commercial properties. I'm concerned about the individuals whose lives are endangered.

And it's not thousands. If we check it out, and we have done it already, we're talking about maybe \$200 million at the most we would have to spend if we bought out those homes, and the hell with the tunnel.

That's all I have to say. I'll support your legislation. Buy 'em out.

ASSEMBLYMAN DUCH: Thank you very much, Assemblyman Kelly.

We will now hear from one of the members of the Committee who would like to step down and testify. That would be Assemblywoman Marion Crecco.

ASSEMBLYWOMAN CRECCO: Thank you, Mr. Chairman. I wish to voice my opposition to the plans proposed by the Army Corps of Engineers to construct a flood tunnel along the Passaic River in northern New Jersey at an estimated cost of \$1 billion.

Not only is this project costly, but it will not solve the flood problems in New Jersey. This tunnel will only

transfer the problems of Wayne in Passaic County, to Belleville and Nutley in Essex County, and Garfield and Lyndhurst in Bergen County. Unfortunately our Congressional Representatives from this State have given their support to the project even though many mutual constituents of various legislative districts are vigorously opposed to this tunnel.

In addition, the current fiscal condition of New Jersey simply cannot afford \$250 million to be dedicated to this project. This is the estimated cost to New Jersey, which would be required to fund one fourth of the construction costs. The State presently has an estimated \$400 million shortfall in its budget.

I have introduced a bill in our General Assembly, No. A-1315, which provides for start up funds to implement a buy-out program of homes located in the ten-year fiscal plan. The cost of a buy-out program is a far cry from the \$1 billion to construct a tunnel, and there would be no need for the municipalities to be concerned with the cost of maintaining the tunnel. At the same time this area would be able to become a natural wetlands as it once was.

I have also introduced another bill which would bond sufficient funds for a buy out of the homes in the area. Mr. Chairman, I am proud to have you as a co-sponsor of these bills, and I congratulate you for the bills that you have introduced offering alternatives to the flood tunnel.

The buy-out plan endorsed by the Passaic River Coalition is not only more cost effective, but it solves the flood problems as well. At the same time it contributes in a positive manner to our environment by establishing a new natural wetlands.

For these reasons I ask you to oppose the construction of this tunnel, and urge your distinguished colleagues on this Committee to do likewise. I also ask that this Committee support the proposed legislation which would establish a buy-out program.

Thank you, Mr. Chairman.

ASSEMBLYMAN DUCH: Thank you very much, Assemblywoman Crecco.

The next witness that I have listed to testify is Freeholder Mary Donahue, who unfortunately is not present this evening, but, however has sent her husband to represent her. Mr. Donahue?

We all heard that there is a Freeholder meeting tonight at 8:00 o'clock, so Mrs. Donahue is unable to be here, however Mr. Donahue, we welcome you.

G E R A R D D O N A H U E: Thank you. As you mentioned, Freeholder Donahue is getting ready for the Freeholder meeting. She didn't expect that she might be called this early so I am down here in her stead, and I will read the testimony that she gave before a House of Representatives subcommittee last month. The committee on which both Congressman Torricelli and Congressman Roe serve and who also appeared at that meeting. I will read her testimony: it's rather brief.

"Mr. Chairman, my name is Mary Donahue, and I am a member of the Board of Chosen Freeholders in the County of Bergen, New Jersey.

"While I am the newest member of that Board, I am pleased to state that the opposition to this tunnel plan has strong bi-partisan support.

"The problem of Passaic River flood control has been investigated and a source of local agitation since Colonial days.

"The problem for the people living in the upper reaches of the basin is here and now. They live daily with the threat of crippling floods and the tunnel plan provides no relief to their on-going problem. To be regularly faced with the genuine possibility -- lets make that likelihood -- of having to leave their homes and property in the wake of a flood can only have the most depressing impact on their daily living.

"On page 54 of the October 1948 "Survey Report for Flood Control of the Passaic River" these words appear, and I quote, 'In this section comprising the communities of Lincoln Park, Wayne, Pequannock, Pompton and Pompton Plains, a heavy fringe of one story cottages has been built along the low river banks practically in the bed of the stream. The slightest freshet inundates these properties.'

"Through the years some improvement has been made by removing some of those most at risk, but the cruel problem does not go away. Nor will the proposed flood tunnel prove helpful at this time.

"In the past 22 years, towns in northeastern Morris and western Passaic have been declared Federal disaster areas in 1968, 1971, 1972, 1973, twice in 1975, and in 1984. Arithmetically that comes out to once each three years. Now, should the tunnel get underway in 1995, and reach completion in the year 2004, those families and homes at risk will have to endure another 15 years of courting disaster, and if statistics hold, the possibility of being in a Federal disaster area five times.

"It is they who need massive help, and help now. In the final environmental impact study, treatment of basin-wide nonstructural plans -- and this is part of the Army Corps of Engineers report dated December 1987, Volume 1, pages 30 and 31 -- for structures that would suffer significant flooding, for the ten year level of protection plan, we could floodproof 10,000 structures, elevate 732 above the flood plain, and permanently evacuate 76, at a cost of almost \$190 million, according to the environmental impact study. The 50-year protection plan covering 15,000 homes in the area would cost approximately \$440 million. These are figures provided by the environmental impact study of our government.

"Longer-term protection plans would need to be considered, but even those would not approach the projected cost of the flood tunnel, nor would they result in the

river-long havoc that the proposed tunnel construction would wreak on the citizens of too many New Jersey towns along the river's path.

"And what effect will the tunnel have on towns along the Passaic? The environmental impact study says in part, on page 133, 'Using the 109 acre Bergen County Riverside Park Complex in Lyndhurst and North Arlington as an example, under existing conditions, walking through most parts of the park affords views of the water. With the project, levees would be built along the riverside and would cover parkland, so the river would no longer be visible from most parts of the park. In addition, the aesthetics of the riverside itself would be diminished, due to the loss of the vegetation that fringes the river and includes many large old trees.' This is the Government's own report.

"Among the Bergen County parks affected by the flood tunnel are Riverside Park in North Arlington and Lyndhurst." The tunnel plan totally disregards concern for the environment.

"The ultimate solution of the all too frequent tragic and costly flooding of the Passaic River Basin will require, in my view, the talents of a Solomon, or many Solomons.

"Let's take care of what we must do first, and continue to examine other, hopefully more viable options. I am strongly opposed to the construction of the flood tunnel.

"Let us move forward with plans to remove the homes most endangered and provide some remedy for those others which are less at risk.

"Thank you for the opportunity to address you."

ASSEMBLYMAN DUCH: The next witness will be Joseph Fornorato, Commissioner, Belleville Department of Public Affairs. Commissioner Fornorato, Belleville? (no response) He did sign up to testify. If he shows up, please--

I can't hear you, sir. (speaking to member of audience) Please, step forward, please. What is your name, sir?

C O M M . V I N C E N T J . F R A N T A N T O N I : I'm from Belleville. I'm Commissioner Frantantoni.

ASSEMBLYMAN DUCH: Okay. Fine. We will recognize you then, instead of Commissioner Fornorato. Sir, if you would spell your name please, for the record?

COMMISSIONER TANTONI: It's F-R-A-N-T-A-N-T-O-N-I.
(spells out name)

ASSEMBLYMAN DUCH: All right. Thank you very much. Go ahead.

COMMISSIONER TANTONI: Assemblyman Duch and respective members of the Committee, thanks for letting me appear to testify before you. Myself and the residents of Belleville have been fighting this flood tunnel for the past six years. We were on the bus that went to Washington on March 14, and spoke before the Natural Water Resources of Congress.

We've been protesting this that it's a -- like many other speakers have said -- it's a transfer of the problem to our area. We in Belleville have our own flooding problems and we don't have them -- the five-year flood, the 25, the 50 or the 100 flood levels. We have them five or six times a year.

Many of our homes and our businesses in our valley area, along Main Street, are inundated with water with a half-inch or inch of rainfall.

We've requested that the Army Corps of Engineers abandon their ill conceived plan many times. We've supported the buy out plan proposed by the Passaic River Coalition.

We're very happy to see that there is some initiative on the part of our Assembly people now, and we're proud that Assemblywoman Crecco has introduced the buy out proposal at the State level.

Many speakers before me, and I'm sure after me-- We could be redundant by repeating all the problems that this tunnel would create, not only for the downstream communities, for the entire State.

The maintenance for this monster alone, will be unaffordable for the people of the State of New Jersey and their communities.

The Newark Bay extension, I personally believe, is a ploy by the Army Corps of Engineers just to get the project started. They don't have any detailed plans of exactly where this Newark Bay extension is going to be placed. And they don't have any engineering work on this Newark Bay Extension.

What I believe is, it is going to be used to get the project started. Once the project is started they are going to say it's economically, and physically, and from an engineering standpoint impossible, and we will have to leave the outlet at the Nutley/Clifton border. At that point, it will be much too late to stop the project. So, I hope that we can get the initiative from our local Assembly.

What I think can kill this project immediately is the will on the part of our Assembly people to do the following things: Number 1, the project needs the support of the State of New Jersey. When we were in Congress they told us that -- Mr. Nowak, Congressman Nowak -- stated that they didn't come to New Jersey, they were invited to New Jersey. And the State of New Jersey has to put up 25% of the cost -- the initial cost of the flood tunnel -- that means about \$250 million to \$300 million from the State of New Jersey. If the Newark Bay extension becomes a reality, it will increase New Jersey's share to approximately \$350 million, or more. That's only the initial construction which I am sure will escalate over the term of the construction period.

The maintenance of this thing will be something that we will inherit for eternity. Once that thing is built the State of New Jersey will be responsible for the maintenance of it; the flood walls, the levees, the dikes, and the pumps. This is something that-- It's a sad legacy to leave to our children.

What I think we can do right now, Assemblyman Duch, Assemblywoman Marion Crecco, Assemblyman John Kelly: If we have the courage on the part of our Assembly people and our State legislators and Senators to tell the Federal government that the State of New Jersey in no uncertain terms is not going to put up one single penny for this project, I guarantee you, it will be dead the next day.

I know it's a tough decision to make, but I'm sure it will be a popular one. And I am sure you will get the support. I guarantee you will have the support of Belleville and the neighboring communities. In the six years that I've been fighting this thing, I know the mood of the people down here.

And I think the mood of the people in the State will also support your decision. I think at your next meeting this flood tunnel could be laid to rest once and for all.

I hope you have the courage to do so, and I thank you for allowing me to testify. Thank you.

ASSEMBLYMAN DUCH: I would like to acknowledge the presence of Assemblywoman Marion Crecco to my far left from the 22nd District (sic). I'm sorry, Assemblywoman Maureen Ogden, who has joined us from the 22nd District.

The next witness who has signed up to testify is Richard Yanuzzi, Belleville Board of Education. Is Mr. Yanuzzi here from the Belleville Board of Education? (no response)

All right. We will go on. The next witness is Peter Scarpelli, Commissioner from Nutley.

COMMISSIONER PETER SCARPELLI: Thank you very much. Although I didn't sign up, I am here.

I would like to go on the record that Nutley -- as the Public Works Director, Commissioner -- we have fought this tunnel for the last six years.

There are many questions that we have asked the Army Corps of Engineers that they have not answered. We have asked

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the Army Corps of Engineers that when these levees and walls are constructed and a pump station has to be built to pump the water over the tops of the levees, we have asked, who maintains these pump stations? Who would be responsible?

We have not received any answers. I'm sure that if this becomes a reality the local communities will be responsible for such maintenance of these pump stations.

The townships have been taxed daily with the garbage, with the recycling, and all of a sudden now, we have a flood tunnel. We just cannot handle it any longer.

The Township of Nutley has gone on record that we will not be responsible. We have passed a resolution. We have sent it on, that we will not be responsible to pay for any of this. If the Assembly and the State follows through, we can end this tunnel.

It's a fantasy. It's something out of Disney World.

When we asked a question, what would happen to our local bridges? They would have to be raised to keep the flow of this river going.

And they said, "Well, you know what we'll do? We're going to build hydraulic walls. The hydraulic walls will go up automatically when the flood waters come."

Ladies and Gentlemen, this is not real. This is Batman and Robin. We cannot stand for this, and hopefully the Assembly will have the foresight to take the stand that the local communities have taken in this area, and fight this tunnel.

I thank you very much.

ASSEMBLYMAN DUCH: Thank you, Commissioner.

Our next witness is Martha P. Lieblich, Association of New Jersey Environmental Commissions.

M A R T H A P. L I E B L I C H: Thank you very much. My name is Martha Lieblich. I'm Secretary of the Board of

Trustees of an association called ANJEC. We represent over 2000 members and individual environmental commissions.

ANJEC strongly objects to the dual tunnel inlet plan. It is neither economically nor environmentally sound. It will cost the Federal, State, and local governments over \$1 billion to build and several millions each year to operate and maintain.

If funds were borrowed at the Federal interest rate, annualized cost to the public of financing this \$1 billion would be at a minimum of \$80 million a year over the next 100 years to pay back the principal plus interest.

Furthermore, the Corps has projected that residual flood damages of an estimated \$1 million per year will continue.

The cost/benefit analysis performed by the Army Corps of Engineers is flawed because it does not:

- 1) Include the long-term capital and interest costs of maintenance and operation;

- 2) Take into account the value of over 900 acres of freshwater wetlands that the tunnel will destroy;

- 3) Have a price for the cost of mitigating the loss of the wetlands because a mitigation plan still has not yet been formulated;

- 4) It has not placed a price on the catastrophic costs of intensification of residential and commercial use in the flood risk area should failure or malfunction of the tunnel occur;

- 5) And it should consider the extreme hardship placed on the taxpayers of the State of New Jersey as well as added hardship to municipalities who will have to pay for the local share of a plan whose completion is not expected for some 20 to 30 years.

ANJEC is extremely concerned by the environmental implications of this plan. It will result in severe impacts to water quality, water supply and open space in New Jersey. The tunnel would destroy over 900 acres of wetlands in direct contradiction to the Federal policy on wetlands preservation.

In addition, because of its interference in the natural processes which protect the ground and surface water quality in the region, the tunnel will also endanger the safe drinking water supplies of hundreds of thousands of New Jersey residents.

An alternative proposal which some people support is to extend the tunnel to Newark Bay for an additional \$300 million. This proposal will not address ANJEC's concerns about the project's economic and environmental costs. The extension will still cause the same irretrievable losses to New Jersey as a result of the conversion of a large river system into what is essentially a giant pipe.

What will this alternative mean to the recently begun Federal Estuaries Program including Newark Bay to which both the State and Federal governments are committing large sums? What will this alternative mean to the efforts of reviving the Newark waterfront? How much more time will this alternative take to study and build?

This dual tunnel inlet project, if approved, will continue to delay flood relief to flood victims for a least 20 more years. ANJEC supports flood relief that is achievable sooner, that is more economically and environmentally sound.

ANJEC supports a reasonable buy out and relocation program for residents and businesses in the floodway. This buy out must be accompanied by prohibition of the loss of any more Passaic River wetlands, restoration of as much degraded wetland area as possible, and strong land use controls that will place storm water control measures within the basin.

Redevelopment of the urbanized areas of the Passaic basin offers opportunities for remedial corrective action.

The inordinate economic and environmental costs, the process of obtaining Federal 404 permits, freshwater wetlands permits, and an adequate mitigation plan to replace wetlands destroyed by the tunnel may add years more suffering for flood victims.

ANJEC urges this Committee to reject the dual inlet flood tunnel, to recommend suspension of funding for the tunnel's design, and to recommend buy out and relocation of flood victims.

This statement was prepared before I knew that there was a bill currently hatching within your subcommittee, so, go to it, guys.

Executive Order No. 11988 directs that each Federal agency shall provide leadership and shall take action to reduce the cost of flood risk and to restore and preserve the natural and beneficial value served by floodplains.

The Army Corps' successful flood control plan for the Charles River in Massachusetts, primarily in the Boston area, through the preservation of the floodplain and wetlands serves as a model for the Passaic River.

ANJEC strongly urges you to provide the leadership for a sensible, humane flood control plan.

Thank you for giving the public an opportunity to speak this evening, and thank you for listening.

ASSEMBLYMAN DUCH: Thank you very much.

The next witness is the Lyndhurst Taxpayers Association represented by Lee Pacifico.

L E E P A C I F I C O: Thank you gentlemen for the opportunity to speak before you. We have been waiting for this opportunity for ages.

I agree with Assemblyman Kelly when he states that these countless meetings through the years are a farce, taking up our valuable time and money, particularly the Washington trip. Please settle this tonight for once and for all.

Common sense dictates a tunnel should not be built, and here I must be repetitious, and condense the valid reasons against it.

Number one, the cost to build a tunnel with its levees and flood walls would be exorbitant, \$1.5 billion, plus, plus.

Let's not be fooled, it's going to cost much more than that, with the Federal government paying 75% of it and New Jersey taxpayers paying 25%. Thus, our share would be between \$250 million and \$350 million.

With the supposed -- and I say supposed -- \$325 million deficit in our State budget, how can we afford it. There was talk of floating a bond, so it would be even more costly with interest added to it. The maintenance costs which would run into millions through the years will also be born by the towns.

Many homes and parks along the Passaic River will be demolished to build the tunnel. Why should those affected suffer for others' mistakes. The tunnel would be a huge monstrosity with levees and floodwalls along the way. We have already spent thousands to clean and beautify the river and riverbanks. All that will be for naught.

It will take roughly 10 to 15 years to complete the tunnel. Since the homeowners and businessmen in that area need relief now, this is a very, very stupid solution. The project will threaten water supplies, destroy wetlands, and exacerbate pollution problems in the region.

The Newark Bay extension will add approximately \$250 million to the cost of the tunnel. Also as Councilman Frantantoni brought out so wisely, this outlet may be just a ruse to gain funding and support for the building of the tunnel. We all know this will never materialize, thus we know that if the tunnel is built, that we will have the floods here.

Congressman Roe is pushing for the tunnel. Not only to please his constituents but because he owns Roe Construction Company. So, of course, the company stands to gain in the building of it. Also, Congressman Torricelli has relatives in the building industry. The firm, incidentally, is the Ray Company.

Now many people, including our wonderful Peter Russo of Lyndhurst, expressed their sympathy for the people in the flood prone area and called for a buy out of the homes, no matter what the cost. Forgive me for not agreeing with them.

Certainly, the only sane and sensible solution is to buy the homes, but at a reasonable price. After all, most of the residents there knew the problems when they bought or built homes in the area, at very low prices, may I add. What's their beef now?

So forget about political favors to any Congressman. Vote your conscience and vote no on this project and yes on the buy out of the homes.

Thank you gentlemen for letting me speak.

ASSEMBLYMAN DUCH: The next speaker, also from Lyndhurst, will be Commissioner Peter Russo. Commissioner Russo?

ASSEMBLYWOMAN OGDEN: Mr. Chairman. In listening to this previous witness who mentioned two members of Congress who support this -- and I know that there are more than two members -- I wonder if they were invited to attend this meeting tonight? Because, you know, I think that it would be interesting to hear them speak publicly as to why they support it.

ASSEMBLYMAN DUCH: I'm advised that both of their offices were notified. However, I am also advised that Congressman Roe is either in Yugoslavia or just returning. But both offices were notified.

Commissioner Russo?

COMMISSIONER PETER J. RUSSO: I would like to thank you very much, Assemblyman Duch, for having me here to address this very, very important meeting.

The first thing I would like to say is the Township of Lyndhurst under the direction of Mayor--

ASSEMBLYMAN DUCH: Ladies and gentlemen. Ladies and gentlemen. It is very, very important to please keep your voices down. There has to be absolute quiet in the room because we are making a transcript of this hearing. This hearing will be typed up and there will be a bound volume made so that other members of the Assembly might be able to read it. So the quieter you are, the more accurate our transcript will be.

Commissioner Russo, the center mike will provide you with the greatest--

COMMISSIONER RUSSO: This one?

ASSEMBLYMAN DUCH: Yes, yes sir.

COMMISSIONER RUSSO: Thank you. I started off by saying that the Township of Lyndhurst, under the direction of Mayor Stellato, Commissioner Bianchi, Commissioner Haggerty, and Commissioner Gagliardi, sent many resolutions against this boondoggle tunnel that they want to put in here.

When I tell you that the figures that were picked up here -- they talk about \$1.5 billion. The figures they figured were about five or six years ago on this \$1 billion, then they threw in the \$300 million. Now if this tunnel isn't built until the year, let's say 1995, it's not going to be \$1 billion, it's going to be \$2 billion, and it's going to be at the expense of the taxpayers of the State of New Jersey, and we don't want this tunnel.

I think there's a good reason here today for the Army Corps of Engineers not being here today. They don't want to hear what the problems are in the rivers.

Assemblyman Duch, you know that I was appointed chairman to clean up the entire Passaic River. We're doing that today. We are going to be in Elmwood Park tomorrow, we're going to be in Kearny Saturday, all day.

So, we're cleaning up that river. And we know something about the river, and something that the Army Corps of Engineers has neglected over the last 25 years.

If you analyze the rivers here: The Delaware River, The Passaic River, the Hackensack River, the Hudson River, the Saddle River, all these rivers flow into the Newark Bay, and they go down into the ocean.

President Bush was down in Point Pleasant and he talked to congressmen and people like that about the problems of the dirty ocean. That ocean is going to be dirty forever, until such time as you clean the Passaic River, the Hackensack River, and the Delaware River.

The main reason for it is because there is tidal water in every one of those rivers. The Passaic River, two times a day-- I had to go to the dictionary and read what the word tide means, because I don't think Congress and the Army Corps of Engineers knows what that means. The water flows up and down, twice in the 24 hours. It takes all of the debris from the town that you come from, like in Garfield and towns up near the river there, and takes it right out to the Atlantic Ocean. So how can you have a clean ocean when you have this debris going down there.

Now, under the direction of Ella Filippone, I was appointed to clean up the Passaic River, at a dollar a year; a lot of money. But I want to tell you this: This Passaic Coalition, and the volunteer workers in all these towns like Belleville, Kearny, Nutley, your town of Garfield, are volunteer workers and we're cleaning up the entire Passaic River. We're going to be out in that Passaic River every Friday and Saturday from now until the end of this year until we clean that river up. That's the only way that's going to do it.

Now, the Army Corps of Engineers, let me tell you what they have not done over the last 25 years. They have not gotten rid of the sludge in the river. They have done it, they used to clean out the rivers. They haven't cleaned out that

river in 25 years. I'm beginning now to know why they don't want to clean out that river. Because they want to promote that tunnel over there and spend \$2 billion.

We don't need this kind of a job that's being done by the Army Corps of Engineers. They are not for the Township of Lyndhurst, and they certainly are not for all the towns in the South Bergen area.

By the way, they're not for any town in the State of New Jersey, because they are going to spend not \$ 1 billion; I say \$2 billion before the year 2000.

Now, Assemblyman Kelly, I don't know whether he left here. He said something that was very--

ASSEMBLYMAN KELLY: No. I'm here.

ASSEMBLYMAN DUCH: He's here.

COMMISSIONER RUSSO: He said something that was very intelligent, you know. I don't know why they don't pick it up. If it takes 12 years, or maybe 15 years to build this tunnel-- It's going to go through stone, and people don't know the enormity of this project. Are you going to leave those people in that flood area for another 12 years, like the Army Corps of Engineers and Senator Roe (sic) wants them to be in there? I think this is outrageous. I think you should pursue your bills on the buy-out plan and do something about it right away.

I think it's a great thing that you are doing here, today, and I really want to congratulate you.

Now, sanitation is a way of life. It is the quality of living that is expressed in the clean rivers, the clean businesses, the clean neighborhood, and the clean oceans. Please do not fool around with Mother Nature. The beautiful Passaic River was there before you and I were born. Let's keep it there for nature's sake.

I want to thank you very much for having me here.

ASSEMBLYMAN DUCH: Thank you Commissioner Russo, and from the applause, I would hope that a lot of you people are out there helping him, because he needs a lot of help. He needs a lot of help working along the river banks. It's a very important job, and it's helping considerably.

The next witness who I will call is Bill Palatucci, representing the Republican Assemblyman and County Executive candidate, Pat Schuber.

We heard before from Jerry O'Connor who is the Democratic candidate for County Executive. It is the intent of this Committee to be fair, not partisan, and therefore, we will now hear from the Republican candidate.

W I L L I A M J. P A L A T U C C I: Assemblyman, thank you. I'll be very brief.

There may have been-- Just to be very clear, I've just passed out a letter and I have some other copies that I will distribute to the audience.

Pat Schuber has long opposed the tunnel project; has, will. I'm very happy to follow Pete Russo. As you may know, Commissioner Russo is on our ticket this year as our Congressional candidate running with Pat Schuber.

Pat, unfortunately, couldn't be here tonight, but he asked me to come and say one thing. Pat Schuber told me to come tonight-- Is Pete still here? And he said to say, "That whatever Pete Russo says on the tunnel, Pat Schuber will do."

So, I'm new working with Pat. I looked at his file on this and his file goes back seven or eight years with letters from Mrs. Filippone and others. Pat has long opposed this and he wanted it to be very clear tonight that he opposes it.

He received, this week, a resolution from the Bergen County Freeholders with a letter from Freeholder Chadwick, and that is a letter that you have, that I just distributed to you, which is a letter back to Barbara Chadwick here in Rutherford,

New Jersey State Library

with a letter from Pat clearly stating that he opposes the tunnel and will do anything he can in his power to help Pete Russo and the residents in this area oppose the tunnel.

Thank you.

ASSEMBLYMAN DUCH: Thank you very much, Mr. Palatucci.

Next, from the Nutley Concerned Citizens, two individuals have signed up to testify, Eileen Mattone, and Dorothy Baker. If they are both--

E I L E E N M A T T O N E: Just Eileen.

ASSEMBLYMAN DUCH: Okay, just Eileen will be speaking?

MS. MATTONE: Yes.

ASSEMBLYMAN DUCH: All right, Eileen, if you would step forward, please.

MS. MATTONE: Good evening gentlemen. My name is Eileen Mattone and I am representing Nutley Concerned Citizens, Inc.

Chairman Duch, and Committee: In the spring of 1984, the Army Corps of Engineers introduced the Pompton-Passaic Dual Inlet Tunnel Diversion Plan. Its purpose is to divert flood waters from the Central Passaic River Basin to the Lower Passaic River Basin. These flood waters would exit the tunnel into the Third River at the Nutley/Clifton border.

Nutley Concerned Citizens, Inc. has been involved in every aspect of this project since its inception six years ago so we could assess the impact upon our community. After six years of intensive work, we have reached the conclusion that this tunnel project would have a negative affect on the communities of the Lower Passaic River Basin economically and environmentally.

The cost of the flood tunnel project was estimated at \$814 million in 1986. In 1987, the estimated cost had risen to \$1 billion. Since this project is still being studied, the final costs will be greatly escalated. A fact that has not been addressed is the \$100 million per year debt service. New

Jersey's responsibility to this debt service could be as high as \$50 million annually for generations to come.

Congressmen Roe and Torricelli have proposed this flood tunnel exit at Newark Bay. It makes no sense to extend this extravagant project another five miles since levees and pumping stations would still be needed along both sides of the Lower Passaic River in order to contain the flood waters.

Newark's Mayor, Sharpe James, recently stated that a flood tunnel exiting at Newark Bay could jeopardize the operational capabilities of the international airport and endanger the Ironbound community.

On September 14, 1988, Dr. Ella Filippone, Executive Administrator of the Passaic River Coalition, introduced an alternative plan to the flood tunnel. A progressive buy out of the flood-prone residential properties beginning with the homes most at risk.

Contrary to the Army Corps of Engineers' figures, the Passaic River Coalition buy-out program is both economically and environmentally efficient. Once the properties are purchased, they would become open space forever with no future financial obligations.

Nutley Concerned Citizens supports this plan and feels if given a fair review, the buy out is the best solution for the Central and Lower Passaic River Basins.

With concern over rising deficits in State government, expensive projects such as the flood tunnel concept which would not solve New Jersey's flood control problem, but divert it to another area, is not, in our opinion, the most efficient use of tax dollars.

Thank you for listening to us this evening. We feel as if we have not had a voice at the Federal level and we hope that we have one at the State level. Thank you.

ASSEMBLYMAN DUCH: You do have a voice at the State level, and that's why we're here to hear you.

The next witness will be from the City of Garfield, the Deputy Mayor of the City of Garfield, John Duch.

D E P U T Y M A Y O R J O H N D U C H: Good evening, Assembly Committee. My name is John Duch. I'm from the City of Garfield; I'm the Deputy Mayor.

I've written a certain statement, and I'd like to read the statement if it's all right with the Committee?

ASSEMBLYMAN DUCH: Certainly.

MR. DUCH: Naturally, I'm a concerned citizen from Garfield and I've taken this opportunity to address this panel. As a citizen of Garfield I am here to speak against the Passaic River tunnel project.

It would appear from what I have read in the papers and heard concerning the Passaic River tunnel project, that no matter how the project is developed Garfield will be affected. As you are aware, Garfield is on the upper reaches of the area that will be affected by the Passaic River tunnel. By this I mean that we are in the tidal basin of the Passaic River.

As you are also aware, the majority of Garfield lies below the Dundee Dam, which is the tidal area of the Passaic River. If, indeed, the tunnel is placed in this Clifton/Nutley area, Garfield will face flooding in the first and second wards of our city. There will undoubtedly be a backup of waters coming from the leveed areas of the lower Passaic River area, therefore water will backup into the City of Garfield to the Dundee Dam.

If this does, indeed, take place, the first and second wards of our city will be inundated. The first ward of our city is a low lying area and it's the oldest area of Garfield. There is no area for levees in our business district and that first ward area, so our area will be flooded. It's normally flooded under normal circumstances, but now with the tunnel being built, if it is built, we will be under water.

Now, you are also aware that there might be an environmental impact on that flooding area due to the fact that we do have Kalama Chemicals located in the first ward of our city. Kalama Chemicals was listed as the number one producer of toxic waste in the County of Bergen. There is the possibility that, if the tunnel is built, Kalama Chemical sits directly on the banks of the Passaic River, and Kalama Chemical may be flooded. If it is flooded there is the possibility -- I am not sure of the probability -- but there is the possibility that toxic waste from Kalama Chemicals might enter the flood water and might effect all of the area downstream from us. This would be intolerable to the City of Garfield, and it would also be intolerable to the area south of us.

Next, I would like to discuss the effects this water would have on the second ward of the City of Garfield. Within the second ward of the City of Garfield there are certain low lying areas. Within this low lying area lies River Road. River Road is the third most heavily traveled road in the County of Bergen. Businesses, traffic, and citizens from the Passaic and Lower Bergen area use River Road.

Commuters and businesses need this artery to complete their daily routine, and if, indeed, floodwaters were to affect this road, an area of perhaps 300,000 persons would come to a standstill.

The gridlock alone in south Bergen caused by the flooding of River Road would devastate the City of Garfield and surrounding areas. For the record, also located directly on River Road in the area between Outwater Lane and Ackerman Avenue bridge and the Monroe Street bridge is a sub power station. It sits directly on the River. It is in a low lying area. It will be flooded.

I do not know the affect of this flooding on this power station, but there is the possibility that the City of

Garfield, in a flood situation, may be without electricity. It may affect the surrounding area. This is in a flood situation if the Clifton/Nutley tunnel is built.

Now, lastly, I'd like to know, or I'd like to ask a question: Does the right hand of the State of New Jersey know what the left hand is doing? Does the State of New Jersey realize that one branch of government has provided Garfield with \$700,000 worth of committed funds for a Green Acres sponsored park on the riverfront in the area that would flood if this tunnel was built?

Now, along the Passaic River from the Ackerman Avenue Outwater Bridge to Dundee Dam, a riverfront park has been proposed and approved by Green Acres. Funds are earmarked, approved and ready to be committed by Green Acres, and yet this parkland may become inundated with water if the Clifton/Nutley flood tunnel were built.

Garfield has made the commitment to this park and has purchased the lands in cooperation with Green Acres and is waiting for the Green Acres funding to be given to us, and yet a tunnel is being proposed which may flood the park.

I do not understand the logic of the State of New Jersey. Why must the City of Garfield and the surrounding communities be harmed by a tunnel that serves the purpose of taking floodwaters from one area and flooding another.

As a young man I cannot comprehend this. It is my belief as a young man, that the representative government of these United States was sworn for the purposes of protecting all of the people in this Republic. It is my understanding that the State of New Jersey and its government was created for the same purposes.

The government of the State of New Jersey must realize that to help one area, we cannot harm another area. And that all persons of this State are of equal importance to the government and that to harm or cause harm in the South Bergen

and South Passaic areas is not a solution to the flooding in the upper regions of the Passaic River system.

We can also not burden the taxpayers of the surrounding areas that are affected by this flood tunnel with the maintenance fees, construction fees, or any other type of fees that this tunnel might cause.

I therefore oppose the continuation of the Passaic River tunnel to Newark Bay. We simply cannot afford or find fairness in this tunnel, or in the Clifton/Nutley tunnel.

I fully agree with and support a buy out in the areas most prone to flooding in the northern reaches of the Passaic River system. This would be the most economical and fair solution. We cannot harm or force greater burdens upon the people of the Lower Passaic River system. We are the poorer area, the industrial area, and the most underprivileged area of the Passaic River system and we cannot bear this burden.

Thank you.

ASSEMBLYMAN DUCH: Assemblyman Rooney has asked the opportunity to ask a question.

ASSEMBLYMAN ROONEY: Actually, it is more rhetorical than that. Isn't it true that there's a brand new paper plant that is subsidized by State funds. I believe it's recycled paper. Pontees (phonetic spelling) have been given permission to operate it.

It will take care of our newspaper, which is a real problem for us today, with all of the problems that we've had in marketing.

This is a brand new plant being put into operation. I think for the last two years-- I went through the plant myself and I saw the water marks up on the wall where it flooded for other reasons. I believe it's right in the same area that we are talking.

Here we are putting hundreds of thousands of dollars of EDA money -- Economic Development Agency money -- into it,

from the State of New Jersey. I believe it's another area that you can add to your list that will be flooded and will be a disaster.

We will not only have a problem with the environmental impact, the flood impact, but it will also shut down our recycled paper business, which is another thing that we should add to that, because it's--

MR. DUCH: Yes. The entire Whippany Paper Board Company, the Clifton Paper Board Company, will be flooded by this--

ASSEMBLYMAN ROONEY: Right.

MR. DUCH: --if it does, indeed, come about. Also today, for the first time in a long time, I had taken a long walk along the riverfront.

I spoke to a fisherman on the area directly below the Dundee Dam. He mentioned to me that for the first time he is catching pike in the river. He is catching shad in the river, ocean shad, in the river, and he is catching other fish in the river that he didn't think was possible and more. This is all below the dam.

UNIDENTIFIED SPEAKER FROM AUDIENCE: The crabs are back.

MR. DUCH: The crabs are back, also. He said that last summer the crabs were in great abundance underneath the dam itself.

ASSEMBLYMAN ROONEY: You shouldn't tell too many people about that. They will all be down there tomorrow.

MR. DUCH: He said they're not edible yet, but give it time.

ASSEMBLYMAN DUCH: Thank you very much.

MR. DUCH: Thank you.

ASSEMBLYMAN DUCH: The next witness will be the Honorable Carmen A. Orechio, State Senator.

S E N A T O R C A R M E N A . O R E C H I O: Mr. Chairman, members of the distinguished panel, I thank you for the opportunity to speak on this very important topic, the so called Passaic River Flood Tunnel.

You know, with a \$600 million deficit that we are all aware of that we face in this fiscal year, in excess of \$2 billion for the next fiscal year, to devote \$500 million or more of State funds to come up with a solution that the tenants believe is the right answer for the flooding of the Passaic Valley region, to me is unacceptable.

You know, a lot of these towns -- going back a few years ago -- permitted this building to take place, they collected taxes for those buildings. Granted, they are in flood prone areas. The answer for that solution has been said over and over again, and at a tenth of the cost of a \$1 billion or more program that has been, I guess, one that we have been facing for the past 14 years, and as a matter of fact, has made many people restless in this whole Passaic Valley region.

The levees and flood walls are supposed to be the ultimate solution with the tunnel to prevent flooding. Back in the early '70s, as I remember reading this story, they had levees in Wilkes-Barre that failed and wiped out a major part of that city because the flood waters exceeded the levels of the levees.

And then several years ago in Missouri, the Grand River in Missouri flooded. Again the levees failed. If it happened in Wilkes-Barre and happened in Missouri, it can happen in Nutley, Bloomfield, Montclair, wherever.

I just want to say in conclusion that this is ill conceived; it's unacceptable. It's a plan that ought to be scuttled. I have the highest respect for the Army Corps of Engineers, the Department of Environmental Protection, they have put a lot of work into this project, but the fact of the matter is that after these long studies, these millions of

dollars invested in engineering costs, and other related expenses, that I think the time has come. And even though I recognize that we have the Congressmen from the area that this region serves, have been in support of the project--

But I think you all know that the one major ingredient is the expenditure of State funds, and I remain committed to the opposition to the tunnel. And I would not, in any way, encourage my colleagues or you to support the spending of over \$500 million for this project. Even going beyond the outlet envisioned for the Clifton/Nutley area, and as proposed for the lower Newark Bay, which also results in another \$300 million of State money.

Another, I think, very important problem that I have is that the municipalities -- the 27 municipalities that this 14-mile tunnel will run through -- will have an annual recurring cost for the maintenance of this tunnel that's in excess of millions of dollars. That has to be accounted for.

I think we all recognize the almost extinction of Federal funds to help us as well as the cut back in State aid to municipalities. How in the world are they going to come up with the funds needed to pay for the maintenance costs that will be incidental to the tunnel?

I just can't believe that we would permit this to happen. Mr. Chairman, I think the ball really is in our court, in your court as well. I'm sure that with this impending court decision that is going to come down any day regarding education shortfall, that's another hurdle for us to overcome.

For a plan that is so ill conceived and one that is unacceptable, I just can't envision that you or anyone else on this panel could support it.

I thank you for the opportunity to speak.

ASSEMBLYMAN DUCH: Thank you very much, Senator Orechio.

The next witness will be Edward Hochman. Mr. Hochman?

E D W A R D H O C H M A N, E S Q.: Thank you, Mr. Chairman, members of the Committee. My name is Edward Hochman. I was born in Paterson, and raised 100 yards from the Passaic River. I'm an attorney and in my professional capacity I've represented environmental groups, homeowners groups, and taxpayers groups, and I can tell you that each and every one of them is opposed to this project.

I would just like to comment on two things that were said before. First, something by you, Mr. Chairman: You said that the Army Corps of Engineers could not figure out what the agenda and issues would be for tonight. If at this point the Corps couldn't figure that out, then may I suggest that's another Federal agency that needs a house cleaning.

Secondly, we've all heard the expression that witnesses have to say, "To tell the truth, the whole truth, and nothing but the truth." The reason people have to tell the whole truth is, sometimes the truth by itself is not enough.

In going over the history of this project, we have known that the Passaic River floods in Wayne since George Washington went through there with his troops. Approximately 180 to 190 years later, Robert Roe became Mayor of Wayne. During that time he encouraged building in what was obviously floodplains. He was warned not to do it. He did so anyway. He permitted it along with his colleagues.

Now, the chickens have come home to roost and Mr. Roe's solution as our Congressman in Passaic County is to spend \$2 billion cleaning up a mess that he helped make.

I oppose the tunnel for six separate reasons, any of which should be sufficient to defeat the tunnel. I certainly will try not to be repetitive of what other people have said.

First, on environmental grounds, you have people like Ella Filippone here; you certainly don't need me to tell you what a disaster this would be ecologically if it went through.

I would like to say, even though I'm a Democrat, I have heroes like Maureen Ogden on the panel, who have led the fight to make New Jersey perhaps the foremost state in protecting the environment in the Union. For us to betray what has become an outstanding tradition in the State would be terrible.

Secondly, as far as the expediency goes, the people who are being flooded, if they are going to get relief, need relief now. They don't need relief in the year 2010.

The third thing is the macroeconomics. In my home county of Passaic-- And I noticed that Assemblyman Joe Mecca is there, he has been an outstanding Assemblyman for us. Libraries are closing in Passaic because there is no money. There are not computers in the Paterson school system because there is not money to teach our children. Homeowners in Montclair, which is in Essex County, stagger under their tax rate. Retirees in places like Nutley have to fear this tunnel going through. Clifton is undergoing a re-evaluation. The State just clobbered us on taxes. County budgets are strained. And somebody actually has the audacity to propose throwing \$2 billion at this project. I find it to be disgraceful.

The next reason is related to the previous one, and that's the micro, and that's already been discussed. If this project goes through, local property taxes-- Somebody's going to have to pay for it in New Jersey. I would not want to be in any of your shoes if I had to go home and tell my constituents why I voted for this.

Finally, we've discussed the down river flooding and the aesthetics, so I just want to add my voice to that.

The final point is one that-- Getting to the expression, "What you know is not always what you can prove." Many people have commented that one of the reasons Congressman Roe and the others want this project to go through is that if

the flooding is actually controlled, there will be more floodplains to build in. Again, what you know and what you can prove, are two different things.

Along with the help of people like Ella Filippone I have -- and also the Sierra Club of northern New Jersey -- I have also designed a plan which probably is much in common with most of the other buy-out plans.

Buy outs are immediate, they're cheap, they would restore the wetlands. The kicker to my plan is that there would also be an incentive to redevelop my hometown of Paterson, partly. Paterson, as many of the people in this room know, is a sad burlesque of what it once was. It is no longer the economic driving force capable of carrying its own load, but rather is a drain on all the surrounding communities.

I am committed to rebuilding Paterson. This flood tunnel actually would hurt Paterson in two ways. One, probably the lesser one, it would destroy the aesthetics of the Passaic Falls, and thereby diminish its tourist value.

The other reason is, somebody just mentioned that there is a plant in Garfield, a power plant that might be flooded. At the bottom of the Passaic Falls is a hydroelectric plant which was highly ballyhooed when it was put into operation several years ago after being refurbished. It has not only helped us to make Paterson, and indeed, the entire area, less dependent on coal and oil and so forth, but it was supposed to contribute when it was finally running at full capacity, up to \$1 million a year to Paterson, a city that, as you gentlemen know down in Trenton, is sadly pressed for funds, both in its school system and general budget.

So, let's just say we could do better with the \$2 billion.

I just want to say that the members of the Committee have something that the people in this audience do not. First, they obviously have an elected position which gives them a

certain amount of power, and they certainly have their reputations. Both of which combine into a certain trust.

This plan is so stupid, irresponsible, unjustifiable on any level, that I cannot see-- I would hope that none of you would waste any of your moral or political capital supporting it.

In closing, my name is H-O-C-H-M-A-N, (spells out name). Assemblywoman Crecco mentioned that our Congressmen have not been the most supportive people. I am the mystery person who is running against Robert Roe in the Eighth Congressional District, in part, because I oppose this tunnel.

I hope you folks in Trenton will kill the tunnel, but I can promise you one thing. When I am the Congressman from the Eighth Congressional District, this tunnel project is finished.

Thank you.

ASSEMBLYMAN DUCH: Thank you very much.

Just so that everyone knows, we have received a letter from Glenn Elliot, the Mayor here in Rutherford. Mayor Elliot very briefly says:

"I would like to take this opportunity to welcome the Committee to Rutherford and to thank you for holding a hearing in the South Bergen area. Since I am unable to attend the hearing on the Passaic River Tunnel Plan due to a previous commitment, I am writing to express my strong opposition to this project.

"This ill conceived scheme will only transfer the flooding problem from the Wayne area to the South Bergen area. It will require part or possibly all of the property of 55 homeowners in Rutherford and will drastically reduce the parkland in the area. This project will totally eliminate public access to the river and will require pumps to take our storm water over the massive walls planned along the river.

Also, during major storms, most of the bridges over the river will be blocked by flood gates, which will cause massive traffic jams.

"Furthermore, the Army Corps of Engineers has not satisfactorily demonstrated that the massive amounts of water coming from the Wayne area will not increase flooding in the South Bergen area. Many times over the years, Rutherford has had minor floods of the Passaic River. If this project is ever built, I can envision some major floods in the area.

"Since the estimated cost of this project is nearly \$1 billion plus yearly maintenance costs, it seems sensible to solve the flooding problems by buying out the homes in the floodplain, which should not have been built in the first place, and turning the land into parkland. This could be done for less money and would solve the problem instead of moving it.

"I urge the Committee to reject this tunnel plan. If this tunnel is built, it will be a disaster for Rutherford and the surrounding area. Thank you. (signed) Very truly yours, Glenn D. Elliot, Mayor of Rutherford."

This letter was presented to us by Forrest Elliot, the Council President of Rutherford.

And now, during much of the testimony this evening there has been mention of this name, this person who years ago, when I became the Mayor of Garfield said, "You must, you must join the Passaic River Coalition. You must help us clean up the riverfront. We need you."

We found out that we needed her even more. Our next witness is Dr. Ella Filippone, Passaic River Coalition.

E L L A F I L I P P O N E, Ph. D: Mr. Chairman, members of the Committee, thank you so much for coming to the lower Passaic River Basin. But Mr. Chairman, you made one mistake, you came to Rutherford. You have to remember, I'm from Lyndhurst.

Sometimes when I'm up in the upper valley, people criticize us because our headquarters are in Basking Ridge, but I quickly remind them that the love of my life is still the waterfront at the bottom of Page Avenue in the parks that are owned by Bergen County.

I have a very long, long statement and I know you want us to summarize, and I am going to do that because you can all read the statement.

We were down in Washington, as you know, in a bus a couple of weeks ago, and we made a presentation before the Water Resources Subcommittee of the House Public Works Committee. I think it's important to point out certain facts to you, and one of them is that there is no other organization in the State of New Jersey that has attended more Army Corps meetings than the Passaic River Coalition. We have been to every one of their meetings, but they don't come to ours.

We have had the courage to go to Wayne when we were outnumbered 10 or 20 or 30 to one. And we went because we care about the flood victims. We have never shirked our duty when it came to this issue, not the way they did. One of the things that I would like to see this Committee, I would like to see the New Jersey Senate, and then I would like to challenge Governor Florio to do what a governor of Ohio did several years ago and throw the Corps out of New Jersey, out of the Passaic River Basin.

In all of the meetings that we have attended, never has the Corps shown any concern for the environment of the Lower Passaic, of the ground water issues of the central valley, of the issues that relate to the mountainous areas. And when you talk to them about acquiring land in the highlands that are our watersheds and adding that to the project, they say they can't because it's not in their rules.

Any time you come up with a good suggestion, it's not in their rules. But when they want to build a tunnel plan, that suddenly comes in their rules.

I've done a summary of some of the statements that we presented to the Congress. Our Congressmen Roe, Torricelli, and Gallo, were there. They supported the tunnel. Congressman Torricelli with many caveats, however, I would like to point out. I think that is an important thing to say about our Congressman from this Bergen County area.

There were questions asked before the Congress, and I think it is important to dwell a little bit on some of the questions that Congress asked us because I want to put it on the record here. It's in this report, and we will tomorrow send it on to Washington.

Certain issues are critical, and that is the support base for the tunnel plan. Back in the early '80s a bill was passed that made the State the nonfederal sponsor. This handicaps our towns, because now the State of New Jersey is the one who makes the decisions. One of the questions that Congressman Nowak asked was, "Is the State of New Jersey still supportive of this project?" Under the Kean administration we would have answered, "Yes, it was."

We now have a new Governor. A resolution, AR No. 3, has been passed out of this Committee. It is critical that that resolution be posted and voted upon, because we are fearful that unless this resolution is voted on, the tunnel plan will be authorized. If it is authorized, we are dead in the water.

There are hearings tomorrow in the United States Senate, and we are not allowed to comment tomorrow. We are putting a great deal of pressure on Senator Lautenberg to arrange for a time for the people to get back on the bus and to talk to the United States Senate.

But it is critical that AR No. 3 be passed by the New Jersey Assembly so that we can send that message down to Washington, because that is the first step in saying, we ain't going to pay for this sucker.

Finally, there are many other areas that we have to talk about tonight. One is a key item that the Corps always talks about, and that is; their cost benefit ratio. Once we deal with the cost benefit ratio in the low lying areas of Newark, or in this area, and begin to look at some of the things in the economic study that the Corps did, and the things that they didn't look at such as the bridges that Assemblyman Kelly talked about a little while ago. There will be gridlock here in this industrial area. What that will cost industry and workers in just frustration is not covered in part of the costs of the tunnel plan.

Another thing that the Corps doesn't do is that it does not recognize New Jersey law. It does not recognize the Stream Encroachment Law, for example.

Somebody earlier mentioned Willowbrook. Willowbrook Shopping Center was built under the Stream Encroachment Law of the State of New Jersey. The building is above the 100-year flood elevation. So are many of the commercial and industrial facilities in the greater Wayne area. Many houses are. They do not need protection. They should not be considered as beneficiaries in this flood control program.

The other point where the Corps does not recognize New Jersey Statute, is with the New Jersey Wetlands Act. Certainly our Assemblywoman Ogden and the environmental community worked long and hard to pass that Wetlands Act, and the wetlands in New Jersey are protected under that statute, and therefore, the Corps of Engineers need not provide us with any benefits for that anymore.

They have recently issued a statement that they are protecting 21,000 acres of wetlands in the upper Passaic, when

over half of them are owned by either the State or Essex County, or Morris County. So they are now beginning to, let's say, expand on their benefits somewhat. Or maybe they're hallucinating, I'm not sure.

They have also underestimated costs of acquisition. The cost in the Central Passaic Basin is \$13.1 million for the acquisition for lands they need for their project. The Green Acres Office, which acquired similar type lands has paid many times more per acre, so that our estimate is that the Corps has underestimated costs by 300% to 350% in the Central Basin Acquisition Program.

That's peanuts. When we come down here -- and I know we have lots of people from this part of the State here -- the Corps estimates that an acre of land in the Lower Passaic will be bought for \$4500. We told Congressman Nowak that if they can find that, I will personally put the check right on the table.

We did a comparable, we found that the lowest price for an acre is \$54,000 and some acreage in Nutley is now selling at \$103,000 an acre, land that the Corps would have to acquire. When I first did this, I said 500% miscalculation. It gets so ludicrous, it gets to be ridiculous to even try to figure it out.

Because the Corps has not looked at the 905 acres of wetlands with a mitigation plan in process, we have to look at one where someone has tried to mitigate wetlands losses. Hartz Mountain has been doing this in the Meadowlands.

We looked at what they were doing and what it costs to create wetlands. In our estimation if the Corps is going to improve those that they degrade and replace those that they are destroying, without any cost for acquisition of land, just to do the repair and the creation, there must be another \$87.2 million added onto the cost of this project.

There are no clues from the Corps as to the replacement of the parklands that are going to be lost down here in the lower Passaic. You know, we have been working on this Passaic River Restoration Project for many years now. We were very supportive and we urged Garfield to acquire that land at the Dundee Dam. We have land being acquired by East Rutherford. Rutherford has acquired land, Lyndhurst is in process, East Rutherford is in process, North Arlington has acquired property. Kearny, Harrison, Newark; all of them are part of this project. We get support from Belleville, Nutley, Clifton, and Passaic. So that the restoration of the Passaic River is of major benefit to these communities.

How you are going to replace parkland on the waterfront of a river like the Passaic is beyond me. If you could find it someplace in these towns which are so densely populated, it is also going to be extremely expensive. They should have factored some kind of cost into their costs of this project for that kind of replacement. It is required under State law, under the Green Acres Law.

With the ultimate loss of groundwater, there is going to have to be replacement of groundwater. This is a major question for the municipalities above Little Falls. Many of them are concerned, and I'm very pleased to report to you that there are municipalities that support the people down in the lower valley. The Township of Millburn has several times passed resolutions in opposition to the tunnel plan. As have Chatham Borough, Chatham Township, Madison, and others.

One of the questions that is frequently asked is, to whom do the benefits accrue and upon whom do the costs fall? If you do a little mathematics you will find that the benefits accrue to one tenth of 1% of the population of the people of New Jersey. If we go to the year 2005, it will be nine one hundreds of the population of the people of New Jersey.

If you look at the \$1.2 billion and just begin to hone in on the interest payments, it comes to \$98.4 million a year. Or, let's break it down a little more, \$1.89 million a week. Or, \$270,000 a day. It's a lot of money.

That's just the interest. The Corps estimates their maintenance at \$2.1 million. But they also estimate that it will cost \$5 million to clean out that tunnel every time they have to clean it out. So the \$2.1 million is an averaged figure. It's not one that deals just with cleaning out.

Cost overruns are a daily occurrence in Corps projects, as have occurred in all of the tunnel projects in New York, between England and France, and anywhere else in the world, including Switzerland. So when Pete Russo said it's going to cost \$2 billion, you can bet on it. It's going to cost \$2 billion; it's going to cost more.

Finally, I'm supposed to have studied economics, so I decided once and for all that I am going to try to figure out and see, if I were sitting in the Corps' seat -- which they would never let me do -- what the cost benefit would come out to.

I would like to point out that we did this a couple of years ago when there was another bad tunnel project in the Passaic Basin, and we were two percentage points off, so I think we are pretty close.

Given the caveats of some of the forgotten things that they didn't put into their analysis and giving the missing points, the costs especially, if the tunnel discharges at Nutley/Clifton, it cannot come higher than .76. If it goes to Newark Bay, it's .42. That's below 1.0. That means under the laws of Congress this project should not and cannot get Federal funding.

How the Office of Management and Budget went through this is hard to understand. Even if you give them all kinds of benefits, you still come out under 1.

We have attached to our statement our buy-out flood management plan. We would urge that the Committee authorizing the project within the Department of Environmental Protection and the bond issue bill begin to move. It is important that that bond issue bill begin to move because it has to go to Appropriations Committee and we are going to have to sell Appropriations on it. It has to go through the Senate and it's going to have to go through various committees in the Senate and then it's going to have to get to the Governor's Office so that it can go on the ballot in November.

We all know that that takes time and there are many deliberations to be made. But, if you look at the cost that would be spent by the State of New Jersey on interest charges alone, we can afford the buy out many, many times.

We have also included as Number 2, a study that we did on the affected ratables in one of the affected municipalities which shows that the taxpayers who are not in the floodway would benefit from the buy out. The flood victims would immediately be moved out.

We also have as Number 3, a comparison of the New York City Water Tunnel and the Passaic River Tunnel's costs, which shows that the tunnel in New York, which the Corps has ignored, is quite similar to the one that is being proposed, and they're already at \$1.2 billion, and they started in the 1970s.

Number four is an earlier cost benefit analysis by the Passaic River Coalition which shows that neither the Newark Bay extension, or a final cost with interest and inflation calculations, reaches the magic number 1 figure.

During the discussion which followed my presentation in particular in Washington, the statement was made that the tunnel project was the only project under Congress at that time. That is not our fault.

The fault lies with the Congress, and it is a sad state of affairs that our congressmen who are now so supportive

of this project really laid back for about 10 or 12 years while this project was going on.

Maybe we shouldn't fault the Corps as much as we always do, maybe we should fault the congressmen. They have been given a lousy project. They have been given an environmental statement that has been reviewed by various university professors and the comments that we get back is that it is one of the worst that anybody has seen.

Our congressmen have not been vigilant and now they are embarrassed. Now they are covering up for a job poorly done.

There is no alternative that we have but to reject the Corps project. We have to look at other parts of water management in this program and water supply has to take priority over flood control. That is why we have said, let us deal with the issue with the one people who are at risk first; the people who are in the floodway. Let's move that bill out, let's work hard this year to get it passed, get it on the ballot, and spend the money and help them.

Because I am very fearful, members of this Committee, that when the next flood comes -- and it's going to come -- that we are not going to have the time to do proper planning and proper legal things that are necessary to handle the Passaic River flooding problems. Because when that flood comes, everything goes crazy and actions are taken that are immediate to the problem and not in the best interests of the people of this State.

We strongly support the initiatives that have been taken, but you're taking too long. We've got to get this out of Committee, we've got to move it. I would like to suggest that we all be given an opportunity to meet with our new Governor so that he understands where the people of the Passaic River Basin really are coming from.

I think it is important for Governor Florio to know this, it is important for him to recognize the cost expenditure needed. And I would hope that this Legislature finally -- you know, it first started in 1870 -- I would hope that this Legislature would have the courage to take action on this flooding program and begin to solve it.

We've had too many meetings and we've listened to too many statements by Corps officials who have said to me, and have said to others in this audience, that we are ill informed, that we don't know what we are talking about, and that we're just a group of people who are NIMBY, or don't want it in our backyard.

That is very far from the truth. We have attended their meetings, we've listened to them until one or two o'clock in the morning sometimes. We have always been polite and honorable to them. They have not been to us.

I would like to bring up another project because I think it bears a moment's discussion, that is; our Passaic River Restoration Project. Congressman Robert Roe, in his Water Resource and Development Act of 1986, had an authorized project in there for bank stabilization for our parks program to build floodwalls -- not floodwalls -- to help us with our parks with the soil erosion problems.

The Corps looked at the program and they came up with four alternatives; A, B, C, and D. Only D has a Federal interest and D is the one that goes with the tunnel plan. A, B, and C; which is what we the people in this area want for our parks have no Federal interest at all.

Most important of all when they came down here, we had to take them to every park, to every area. They didn't know the Passaic River, the lower Passaic area at all, and yet they had proposed a tunnel that would discharge millions of gallons of water into this lower valley.

You've heard already, the fish are back. I didn't know the pike, but I knew the American shad was back and that the blue backed herring and the striped bass. We've got all kinds of birds that are back feeding, and we anticipate nesting again. All of these are good signs for the Passaic River. A river that 20 years ago was on the top three list of most polluted.

All of our sewage treatment plants by the year 1992 will be on line. You are going to see a lot cleaner river. And I must say that our cleanup crew is doing a yeoman's job.

We were there last week. He didn't know that I was on an inspection on Saturday, and he's doing a good job. We're proud of our volunteers and our prisoners, too. We appreciate Sheriff Herb's cooperation and the cooperation of the Hudson County people and we're going to clean this river up and we're going to make it a special place.

We need your help. We need the Governor's help. We need this to be a bi-partisan effort. And I would like to point out that many candidates are always calling for information. My first comment to all of them is that this is bi-partisan, this is not a partisan program. We have Republicans, Democrats, and Independents who are opposed to the tunnel and that is the way it should be. Because that's the way we are going to win this one and we are going to save a very important natural resource upon which life really depends in northern New Jersey.

ASSEMBLYMAN MECCA: Mrs. Filippone?

ASSEMBLYMAN DUCH: Thank you, Dr. Filippone. I will recognize Assemblyman Mecca, who has a question for you.

ASSEMBLYMAN MECCA: Through the chair, Dr. Filippone, you mentioned that there was a deadline coming up, that we'd be dead in the water soon if we didn't do something by a certain date, or a certain time. That Congress or the Senate was going to take an action. Could you explain that again, please?

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DR. FILIPPONE: Yes. Both Houses of Congress are currently considering the authorization of the tunnel project. Once a project is authorized, it is on the books. The design engineering goes on and on and it can-- The design engineering can stop, but the project is still on the books and it still keeps coming back.

The Tocks Island Dam is a good example. It was authorized and there have been countless efforts to deauthorize it but it's very, very difficult once a project has been authorized to get it deauthorized.

I would also like to point out to you that already the Corps has gone for more money. They got \$3 million last year, they were going to go for \$5 million, and now they are asking for \$7.5 million because of the Newark Bay extension. So, we have to get that resolution through and we have to begin moving our buy-out bill because that will tell Washington to hold off.

The issues we raised in the House of Representatives the other day delayed the vote for that day, but tomorrow there is a hearing before the Senate on the authorization of the project. It's the biggest project they've got, and we cannot get on to testify. We are now doing all we can to have Senator Lautenberg intercede. He is on the Committee, so he could let us testify.

But the message -- even if we all go -- the message has to come from the Legislature with regard to their feeling on this project, and with the passage of Assembly Resolution 3, the authorization of the tunnel would be halted and we've got to stop that.

Because if it gets authorized, then we are going to be fooling around with this the rest of our lives, I'm afraid. Even if-- And the thing I fear most of all with the authorization of that project is that there will be those in the State and the Federal government who will say, "Well, you have an authorized project, why go fooling with the buy out. You will have this in 20 or 30 years."

That is the most inhumane thing to do. After the '84 flood we had a meeting of the Police Athletic League in Wayne. I have-- There were so many people in that room from that greater Wayne area who were willing to sign our petition -- and we have 10,000 signatures on that petition -- for a buy out in the greater Wayne area. We had to turn people away. But memories fade after a flood.

ASSEMBLYMAN MECCA: When do you expect a vote in Congress or in the Senate?

DR. FILIPPONE: It's hard to say. I don't know whether there will be any other hearings after tomorrow in the Senate so it could be imminent. But usually they vote on these before they go on vacation, which would be June/July.

ASSEMBLYMAN MECCA: Thank you.

ASSEMBLYMAN DUCH: Thank you Assemblyman Mecca. Thank you, Dr. Filippone.

DR. FILIPPONE: Thank you.

ASSEMBLYMAN DUCH: For the record, we have a letter from the Utilities and Contractors Association of New Jersey. They are in support of the tunnel project. A copy of their letter will be made a part of the record of this hearing.

We also have a letter from the Sierra Club. They are opposed to this project. A copy of their resolution will be made a part of the record of this hearing.

We have two additional people who have signed up to testify. We will go now to Patricia Guida, Passaic River Restoration Project.

P A T R I C I A G U I D A: I have been working for about ten years on this Passaic River Restoration Project. I've been serving as Vice Chairman and I am one of the people who has been out cleaning the river, planting along the banks, going to endless meetings. I think I've been to more than Assemblyman Kelly has been to.

I just want to say, I support the buy out and oppose the tunnel because what we have been doing is a natural means of flood control. We are buying up land to open it up, because nothing will happen to a park if it's flooded. This is what should be done up in the central basin so that there will be natural flood control.

So I say, go ahead as quickly as possible to push through the legislation for the buy out.

Thank you.

ASSEMBLYMAN DUCH: I would just like to announce to the members of the public that Congressman Torricelli has had a representative here all evening who has been monitoring the hearing and who will be bringing the subject matter and the feeling of the people who have testified back to the people in his office. Congressman Torricelli is, unfortunately, held up in Washington.

The next person to testify, this is the last person who has signed up, is E. Robert Hakim, Passaic River Restoration Project. Mr. Hakim?

E. R O B E R T H A K I M: Good evening, Mr. Chairman and Members of the Committee. I am glad to be able to testify before you tonight. I am very happy that you came to Rutherford instead of bringing us down to Trenton.

I've been a member of the Passaic Restoration Committee since its inception and I believe in all of the things that it is trying to do.

I just want to say one thing in the beginning, ladies and gentlemen. When I was a boy I swam in the Passaic River, but that's going back to the early '30s. In those days the Passaic River was pretty clean. We had crabs under the Passaic River Bridge, and we would get those crabs and enjoy them.

Now, I come from Kearny, and I have to say that the water throughout the ensuing years did become contaminated and it did become quite a filthy river. But needless to say, we all know that the river's getting quite clean.

Now, I have no prepared speech, but we are from Kearny, as I mentioned, and we do know that the Mayor and Town Council of Kearny are against the project. We do know that the County of Hudson is against the project, because we too, would suffer.

Now, someone mentioned that there would be an extension going into Newark Bay as an alternative to the plan that exists. Well, that to me was a political expediency. The only reason why they thought that they would go to Newark Bay would be to make it easier for the politicians to sell it to the public or those people on this part of the river.

But, what's down in Newark Bay? Well, this is Point Kearny, or Newark Bay. That is where the Hackensack River and the Passaic River come together. And what is down there?

We heard someone testify before that the Newark Airport might be affected, the Ironbound might be affected, but Kearny is also going to be affected. You all know where the Western Electric plant is, or was. Right now there are a lot of major industries down in that part of Kearny.

I'm also the Chairman of the Kearny Industrial Commission, so we do know that--

Am I that bad, Mr. Chairman? (referring to the sound of a fire whistle going off)

ASSEMBLYMAN DUCH: No. You are very good. Continue, sir.

MR. HAKIM: We do know that Kearny also has a stake in this along with her sister communities. Kearny also would be affected.

Now, as I understand it, many years ago Congress did tell the Corps of Engineers to come up with a solution to this problem of the flooding in the Passaic Valley. That was the mandate.

Now, it did not say they had to build a tunnel. It did not tell them what to do. It said, come up with a

solution. Now, the Corps of Engineers this past 10 years has been working on what they think is the solution and that is all of the testimony that you heard before me, that is; building a tunnel.

Is there an alternative? Yes. You've heard Dr. Filippone and others say, "Yes." Why do we not buy the properties that are affected in escalating areas.

One thing that always amazes me, Mr. Chairman, is this. Why is it that in the past decade, when all these communities -- the Waynes, the Little Falls, and so on -- why is it that building permits were permitted? Why were they not stopped? Why did they not say, "We cannot build there anymore." Why were these people allowed to build these buildings and homes and so on, in view of the fact that we do have a 50-year flood problem that could affect all of us?

So now we, down here in the lower basin, are asked to absorb the sacrifice for those up the other end. Where were the politicians, or the political influences that say, "Yes, we should stop the building and come to some alternative." It's taken the Passaic River Restoration Committee and Dr. Filippone to come up with an alternative.

Now you gentlemen have the ball, to take it further and by your good offices and your influence and authority, to say, "Yes. Let's have some sort of educated buy-out program."

Now, I've heard so many different costs that it's getting kind of ridiculous. When we first started this program many years ago, the figure used was \$867 million. Then to \$1 billion. Now I've heard \$2 billion.

Now look, none of us are children here. We all know that if you took the original figure of \$867 million before they add the five-mile extension, we all know that inflation takes place. We all know that costs rise. We all know that original costs never stay as written. You're not talking about \$1 billion, you're not talking about \$2 billion, you're talking perhaps \$3 billion, plus.

That's a lot of dough. And our State-- Some of our officials have authorized this plan to be put on the books to get started. Why can we not stop it now?

Other testimony has said that the State is so burdened with millions of dollars of shortfalls. How can we come up with millions and millions of more dollars to satisfy this particular program?

Well, I could say more. Like I said, I've been a part of this thing since the beginning. I swam the Passaic, I love the Passaic. I want to see it go back to the way it was. I don't want to see walls coming from Rutherford and Nutley all the way down to Kearny.

Incidentally, I see different plans where they start up in that area, come to Kearny, some plans not in Kearny. So on down the line.

In closing, about the Corps of Engineers: I have attended meetings at Little Falls and have heard the people in the Upper Basin talking like we are tonight. I heard so many of them say, yes, we need the tunnel to save them, yet many did not want the tunnel. And one fellow brought up the question, gentlemen, what do you do with all the earth that you take from that 15-mile tunnel?

So, in closing gentlemen, please go for the buy out program. Thank you for listening to me.

ASSEMBLYMAN DUCH: Thank you very much.

We also have a letter which has been given to us by Nick Antonicello, who is a member of the North Arlington Board of Education. I'll just read the last paragraph.

"The borough of North Arlington for years has had to live with the solid waste problems of Bergen County. It's bad enough to be dumped on, we don't need to be drowned upon as well."

I would ask that this letter be entered into, as part of the record of this hearing, as well.

Ladies and gentlemen, that concludes the list of witnesses who have signed up to testify this evening. I would like to at this time make some general comments, and those comments are as follows.

I have been Chairman of the Conservation and Natural Resources Committee now for a period of about three-and-a-half months. I succeeded Assemblywoman Maureen Ogden in this capacity. We have had a number of hearings, a number of Committee meetings, and I will tell you that we have successfully reported out of our Committee Assembly Resolution No. 3.

Assembly Resolution No. 3 is sponsored by Assemblyman Gill and Assemblyman Duch. That resolution, for those of you who do not know, simply memorializes the United States Army Corps of Engineers to study and evaluate alternatives to the Pompton-Passaic Rivers Dual Inlet Flood Control Tunnel Diversion Plan. If you can say that fast, you're pretty good.

Anyway, that's just one of the resolutions. Understand this: This Committee has before it 14 separate pieces of legislation filed in the Assembly and 13 pieces of legislation filed in the Senate dealing with this issue alone. There are 27 separate pieces of legislation.

Tonight we heard all kinds of testimony. And tonight we also received a very comprehensive package, once again, from the Passaic River Coalition.

We have a duty and a responsibility to the general public to go out and to hear what the people have to say. Of course, our goal is to go back to Trenton with your thoughts and convey your thoughts to our colleagues.

A transcript will be made of this proceeding and that transcript will be made available to all other members of the General Assembly.

The flood control project is most controversial. The center of debate, however, at the present time, is centered in

Washington D.C. The project has received official support from the Bush administration, and is included in the Federal fiscal year 1991 budget.

The proposed plan is being reviewed in appropriations hearings in Congress with particular attention from Congressmen Roe and Torricelli on the feasibility and cost factors of extending this tunnel to Newark Bay.

It is important for us all to recognize that the Florio administration, a new administration, is presently studying the project, and has not yet formalized its position on the flood tunnel. As Chairman, it is the intention of this Committee to be a direct conduit for the public's opinions on this project.

We all know that flooding in the Passaic River Basin dates back into the last century. We know that this basin was declared a Federal Disaster Area in 1968, '71, '72, '73, twice in '75, and most recently in 1984. The flood of 1984 alone resulted in property damages estimated at \$330 million, and also the loss of four lives.

This Committee realizes the serious nature of the flooding problem. The old adage, "Out of sight, out of mind", will not motivate this Committee. It is clear that this tunnel affects regional areas differently and the stark contrasts need to be reviewed.

I have my own personal opinions on this project and those opinions are known. I have spoken about this project. I have myself testified before the Army Corps of Engineers. However, the circumstances of testifying were a little bit different. The hearing at that time was held in the upper Passaic River Basin where everyone was for the tunnel, and Tom Duch, the Mayor of Garfield, stood up and spoke against the tunnel and was booed down by about 400 people.

But, in any case, it is the function of this Committee to get together, to look at all of the legislation --

Republican, Democratic, to look at all of the possible alternatives -- and come up with the best possible solution environmentally, and also I would say, economically.

I know that the members of this Committee are all very dedicated and I fully expect that there will be great cooperation in continuing to study this issue.

I must also say that in the future we will definitely have a hearing and we will insist that the Army Corps of Engineers be present.

For purposes of Dr. Filippone's comments I would ask that a copy of this entire package-- Has this been sent to the Governor himself?

DR. FILIPPONE: No. To Commissioner Yaskin, but I will send one to Governor Florio.

ASSEMBLYMAN DUCH: Okay. If it is okay with you, I would like this Committee to send a copy to the Governor as one of the more extensive exhibits that we did receive at this hearing.

DR. FILIPPONE: Fine.

ASSEMBLYMAN DUCH: Thank you. Thank you very much.

Now, as I stated then, we will, the members of this Committee, study all of the bills that are before us, and perhaps there is a better bill.

If there is a better bill that should be created, a better buy-out bill, I don't know. But, if that better bill is possible, you can be assured that this Committee will be the Committee that will come up with it.

This is a priority in this Committee. It is something that we clearly understand, we understand the pressures of time. And I want to thank Assemblyman Mecca for making sure that that was brought out.

That concludes my remarks as Chairman. I would like to ask any members of the Committee if they have not commented, if they would wish to comment at this time, certainly, I would recognize you.

Assemblyman Rooney?

ASSEMBLYMAN ROONEY: Thank you, Mr. Chairman. I'm glad to be in friendly territory tonight, because I probably would have been booed had I gone up to the northern end of this project.

I want to say also that today, some of us were down in Trenton. I know Maureen Ogden was down with me, some of our staff-- I know Jack Kelly was at an Appropriations meeting. But today was an Earth Day event down in Trenton. We were talking about the earth, the land, the air, and the water. And it's appropriate that we have this Committee meeting tonight, speaking of those very things and the environment.

That was the topic, the environment, and I want to acknowledge the fact that I consider the mother of the environment in the Assembly, sitting right next to me to my left, Assemblywoman Maureen Ogden has done more for the environment than probably all of us combined, up here.

She was the sponsor of the Freshwater Wetlands legislation, and she asked me to co-sponsor it with her. I got involved with that and I never knew I would get such letters and the wrath of all of the builders in the State of New Jersey. But, I was proud to co-sponsor that legislation with her.

She made a believer of me many years ago. We've been fighting up in my district -- the Hackensack Water Company, the Norwood East Hill -- we have been fighting against the BCUA and the number of incinerators that are proposed in the State of New Jersey.

So, I am coming from an environmental background only because I feel that I have to. To not come from an environmental background is suicide. That's the only alternative that I see.

And in most cases, what I see myself doing is saying, "Gee, we've got to spend a lot of money to be

environmentalists." And I can't believe that we're sitting here tonight saying that we're going to spend a lot of money not to do the environmental thing.

It makes no sense whatsoever to look at a \$1.5 billion to \$2 billion project that is totally against the environment, and then to say that there is an alternative that would preserve and enhance and improve the environment by buying these houses out, creating more parks, creating more wetlands, for a fraction of the cost. That's mind-boggling.

It is absolutely mind-boggling, because I'm used to being the environmentalist that has the big price tag to preserve. This time there is no big price tag. I find it very easy to vote for all of the bills that would promote a buy out.

I don't know what kind of a boondoggle is going on with this project. I know it's going to create a lot of jobs, no question about that. But these are not the jobs that we want, because the jobs will go on and on forever. Somebody is going to have to pay for it.

I think our Federal legislators may be too far away from the problem. They are getting to the point where they can't see it anymore. I always get the feeling that the Federal legislators like to throw money at a situation hoping that it will go away. This one's not going to go away. It's going to hang around for a long time.

So I have some real problems with our Federal legislators saying that this is the way to go. I don't intend to support it. I intend to support the buy out program. I intend to support any of the legislation that would allow for actually improving the environment. That's the way I see this.

I don't think there should be a problem. I also see that in order to bring up the money that we are talking about -- I asked Jake a little while earlier, and maybe Jeff could give me an answer on it-- I think we are going to have to vote

on a bond issue in order to come up with the State portion of the flood tunnel. And I don't think that bond issue is going to go across very well.

It may have to be a ballot question. And I don't think the people of this State are going to vote yes on a ballot question that would put this flood tunnel in. It makes no sense whatsoever, it benefits so little people, and the best answer is the buy out. Jeff, I think you can get some answers for me on that.

I don't think we should be grandstanding here. This is something that we have to do. It's the right thing to do. And I'm glad to see that we are all here tonight supporting it.

This is the first time that I find it easy to be an environmentalist and say, "Yeah, let's do the right thing." The first time. I'm always getting criticized the other way.

ASSEMBLYMAN DUCH: Thank you, Assemblyman Rooney.

I'll recognize Assemblywoman Ogden.

ASSEMBLYWOMAN OGDEN: Thank you very much, Mr. Chairman. As Ella Filippone was talking this evening about being at a meeting up in Wayne, I remembered how I was up there, too. This goes back, I guess, to the early '70s when we were opposing the Army Corps and its plan II-B. And both of us were saying at that time that we wanted to see buy outs. That we wanted to see the houses that were being flooded bought out. There were about 800 people, I think, at the meeting that I was at in the high school up in Wayne. We're lucky that we are both still around.

It made a lot of sense almost 20 years ago. It would have been much cheaper. I wish we could have done it then. Unfortunately, that didn't happen, but we finally defeated plan II-B, and now, of course, here we are with the next plan, the tunnel.

I understand what you are saying, Mr. Chairman, in terms of looking at various proposals for the buy out. I

certainly hope that in the near future we will be able to decide on which one the Committee is going to report out.

But, I do feel a great sense of urgency. As Ella Filippone expressed earlier in her testimony, that the State Legislature move on your piece of legislation, AR No. 3, the Assembly Resolution. It's now been released by Committee. I assume it's ready to be posted for a vote.

You know, I would urge everyone who feels so strongly about this issue, who is here tonight -- and obviously you wouldn't be here if you didn't -- to write to Speaker Doria at the State House down in Trenton, and to urge him, because it's the Speaker, Joseph Doria, who posts the bills. It's his decision to make to post a bill. And ask him to post this bill so that the entire membership of the Assembly -- all 80 members -- can express themselves.

I would also certainly like to see Senator Ambrosio's bill move -- I think it's S-8 in the Senate -- I don't know whether it's out of Committee or not.

But I really feel a great sense of urgency myself. I was dismayed when the Bush administration moved forward in the authorization. I guess it was authorizing, what, another \$7 million?

DR. FILIPPONE: It was authorizing the project.

ASSEMBLYWOMAN OGDEN: Authorizing -- recommending the authorization of the project. I mean, I just absolutely agree with what everyone's been saying here tonight as to how totally insane from every possible viewpoint this project is.

So I feel that the State of New Jersey, and certainly the Legislature at this point, should move forward on both of these resolutions so that we can very strongly state where we're at.

Thank you for scheduling this hearing.

ASSEMBLYMAN DUCH: Thank you very much.

Again, ladies and gentlemen, I would like to acknowledge the Committee. I will start from that end. Assemblyman John Kelly, Assemblywoman Maureen Ogden, Assemblywoman Marion Crecco, Assemblyman John Rooney, and Assemblyman Joseph Mecca. I would like to thank them for coming. As a Chairman it's very easy to call a meeting but to have the members of your Committee at the meeting and not in Trenton, is something that I give them great credit for.

They have come out tonight. We wanted this hearing. We wanted you to have the opportunity to speak. We will continue to follow up on this issue, and we thank you very, very much for your kind cooperation, and being so easy going with us this evening. We appreciate your taking the time and being here.

Thank you very much. Good night.

(HEARING CONCLUDED)

APPENDIX

TESTIMONY OF JEREMIAH F. O'CONNOR
IN OPPOSITION TO PROPOSED PASSAIC RIVER FLOOD TUNNEL

Assembly Conservation and Natural Resources Committee

April 18, 1990

Rutherford Borough Hall

1 x

GOOD EVENING.

AS THE DEMOCRATIC CANDIDATE FOR THE OFFICE OF BERGEN COUNTY EXECUTIVE, I AM HERE THIS EVENING TO STATE MY STRONG AND UNEQUIVOCAL OPPOSITION TO THE PROPOSED FLOOD TUNNEL PROJECT.

THROUGHOUT MY YEARS AS A LOCAL, COUNTY AND STATE OFFICIAL, I HAVE NEVER ENCOUNTERED A MORE ILL ADVISED, POORLY CONCEIVED AND COMPLETELY IRRATIONAL WASTE OF TAX DOLLARS. THIS PROJECT DEFIES LOGIC AND COMMONSENSE FOR A VARIETY OF REASONS.

FIRST, IT ESSENTIALLY TRANSFERS A ONE HUNDRED YEAR OLD FLOODING PROBLEM FROM PASSAIC COUNTY TO SOUTHERN BERGEN COUNTY. SPENDING MORE THAN ONE BILLION DOLLARS TO RELOCATE...AND NOT SOLVE...A SERIOUS PROBLEM IS A COMPLETE ABSURDITY.

SECOND, AN UNDETERMINED AMOUNT OF PRIVATE AND PUBLIC PROPERTY WOULD HAVE TO BE CONDEMNED TO BUILD THE TUNNEL. INCLUDED IN THIS LOST PROPERTY WOULD BE MANY ACRES OF HEAVILY UTILIZED AND BADLY NEEDED COUNTY AND MUNICIPAL PARKLAND.

THIRD, THE PROPOSED SYSTEM OF 36 MILES OF DIKES, LEVEES AND FLOODWALLS REACHING AS HIGH AS NINETEEN FEET INTO THE SKY WOULD COMPLETELY DESTROY THE BEAUTY OF THE ENVIRONMENT AND EFFECTIVELY BLOCK PUBLIC ACCESS TO THE PASSAIC RIVER.

2x

FOURTH, A NATIONAL NON-PROFIT ENVIRONMENTAL GROUP, AMERICAN RIVERS..ON MARCH 21 OF THIS YEAR...DECLARED THAT THE PASSAIC RIVER IS NOW ONE OF THE TEN MOST ENDANGERED WATERWAYS IN AMERICA...ALL BECAUSE OF THIS RIDICULOUS TUNNEL PROPOSAL. WHY??? BECAUSE THE TUNNEL WOULD SEVERELY HARM WILDLIFE THAT HAVE FINALLY RETURNED TO THE RIVER.

THE RIVER WOULD ALSO BE HARMED AS A RESULT OF THE LOSS OF VALUABLE "FLUSHING" THAT NOW TAKES PLACE AFTER STORMS. CONTAMINANTS WOULD ACCUMULATE AT THE BASE OF THE TUNNEL...AND THEN BE RELEASED IN ONE SUDDEN "SHOCK" OR BURST INTO THE RIVER AT THE SAME TIME WHENEVER THE TUNNEL OPENED. THIS WOULD HAVE A DEVASTATING IMPACT ON THE FISH, BIRDS AND MICRO-ORGANISMS THAT HAVE RETURNED TO THE RIVER IN RECENT YEARS.

A FIFTH REASON TO OPPOSE THIS SILLY BOONDOGGLE IS THE IMPACT ON TRAFFIC THROUGHOUT SOUTH BERGEN. BECAUSE THE COST OF RAISING THE THIRTEEN BRIDGES THAT SPAN THE RIVER IS TOO HIGH, A SYSTEM OF FLOODGATES HAS BEEN PROPOSED. WHEN THE TUNNEL OPENS..THE GATES WILL CLOSE..AND SO WILL THE BRIDGES...FORCING RUSH HOUR TRAFFIC ONTO ALREADY OVERBURDENED HIGHWAYS LIKE ROUTES 3 AND 280.

AND FINALLY...WE COME TO THE COST. MORE THAN ONE BILLION DOLLARS JUST TO BUILD IT. OVER \$100 MILLION EACH AND EVERY YEAR IN INTEREST COSTS ALONE. ANOTHER \$2 MILLION DOLLARS ANNUALLY IN OPERATING EXPENSES THAT NONE OF THE "EXPERTS" WHO SUPPORT THIS PLAN CAN TELL US WHO WILL PAY FOR.

WHAT ARE WE TRYING TO ACCOMPLISH? IS THE FLOODING PROBLEM VERY SEVERE IN PASSAIC COUNTY? YES IT IS. BUT DOES IT JUSTIFY ALL OF THE TERRIBLE CONDITIONS THAT THE SO CALLED "SOLUTION" WOULD CREATE? NO IT CERTAINLY DOES NOT.

FOR TOO LONG...THERE HAS BEEN AN ATTITUDE THAT GOVERNMENT CAN SIMPLY LEGISLATE A PROBLEM AWAY. THROWING MONEY AT A PROBLEM IS AND CONTINUES TO BE THE ONLY SOLUTION IN SOME MINDS...IN FACT...THIS PROJECT OFFERS NO SOLUTION AT ALL.

APPARENTLY, THIS MUST HAVE BEEN MY REPUBLICAN OPPONENT ASSEMBLYMAN PAT SCHUBER'S IDEA WHEN HIS COMMITTEE VOTED ON MAY 26, 1987 TO RELEASE TWO BILLS WHICH WOULD HAVE CREATED ANOTHER SUPER AGENCY...ANOTHER AUTONOMOUS, ALL-POWERFUL BODY...ANOTHER INDEPENDENT, GREEDY GOBBLER OF TAX DOLLARS... THE NOW FORGOTTEN PASSAIC RIVER BASIN FLOOD CONTROL AUTHORITY. MR. SCHUBER PROPOSED SPENDING \$82 MILLION STATE TAX DOLLARS TO CREATE AND FUND THIS AUTHORITY...WHICH WOULD HAVE IN FACT BEEN THE IMPLEMENTING AGENCY FOR THIS OUTRAGEOUS PROJECT.

THE PEOPLE OF BERGEN COUNTY HAVE A RIGHT TO KNOW WHERE THE CANDIDATES FOR COUNTY EXECUTIVE STAND ON THIS CRITICAL ISSUE. I AM HERE THIS EVENING TO TELL YOU THAT I STAND WITH YOU...AND AGAINST PAT SCHUBER AND THE INDIVIDUALS WHO HAVE SUPPORTED THIS TAXPAYER AND ENVIRONMENTAL NIGHTMARE FROM THE BEGINNING.

AND I WANT ALL OF YOU TO KNOW THAT AS THE NEXT BERGEN COUNTY EXECUTIVE...YOU CAN COUNT ON MY CONTINUED AND UNWAVERING OPPOSITION TO THIS PROJECT.

THANK YOU FOR YOUR ATTENTION.



1989

BOARD OF CHOSEN FREEHOLDERS

RESOLUTION 019903

Res. #

85

Date 9/20/89

Page # 1 of 1

MEMBERS	AYE	NAY	NOT VOTING	ABSENT
Baer				✓
Chadwick	✓			
Corbisello	✓			
Mola	✓			
Vandervalk	✓			
Van Dyke	✓			
O'Dowd, Chrm.	✓			
TOTALS	6	-	-	1

Subject: Passaic River flood tunnel

Purpose: Oppose tunnel and urge buyout of
flood-prone homes as proposed by the
Passaic River Coalition

Offered by: Mola

Seconded by: Chadwick

Dollar Amt:

Approved by: M.F.

WHEREAS, the Passaic River Coalition, an environmental group concerned with the Passaic River Basin which includes Bergen County, has proposed a buyout of flood-prone homes along the Passaic River as a plan to reduce flood damage, and

WHEREAS, the coalition has proposed its plan as an alternative to the 13-mile, 39-foot flood tunnel which has been proposed by the Army Corps of Engineers, a plan which has already been opposed by this Board of Chosen Freeholders, and

WHEREAS, the cost of this tunnel project would be in excess of \$850 million as originally proposed, or \$1.1 billion if revised to extend the tunnel to Newark Bay, and

WHEREAS, 25 percent of the cost of a tunnel will be the non-federal share plus a minimum \$2.1 million annual maintenance costs, and

WHEREAS, this more than \$500 million cost must be paid by the State of New Jersey, already experiencing severe financial problems, or mandated to the municipalities, already overburdened by such state-mandated costs, and

WHEREAS, to authorize \$3.9 million in federal tax money for the design engineering of such a project is not in the best interest of all concerned, and

WHEREAS, a complete review of the cost of the tunnel project, how it is to be financed and its impact on state, county and municipal governments must be undertaken.

NOW THEREFORE BE IT RESOLVED, that this Bergen County Board of Chosen Freeholders hereby reiterates its opposition to the proposed flood tunnel and indicates its support of the Passaic River Coalition's proposed buyout of the flood-prone homes, creating open space along the river, and

BE IT FURTHER RESOLVED, that all New Jersey's federal and state legislators be urged to review the enormous cost of the tunnel project, its method of funding and its impact on the property taxpayers of the state, and

BE IT FURTHER RESOLVED, that the Board of Chosen Freeholders requests that all spending on this tunnel project cease, thereby removing exorbitant property tax increases in the future.

Passaic River Coalition

6x



1988

BOARD OF CHOSEN FREEHOLDERS
RESOLUTION

Res. #

48

Date October 5, 1988

017710

Page #1 of 1

MEMBERS	AYE	NAY	NOT VOTING	ABSENT
Baer	✓			
Chadwick	✓			
Corbiscello	✓			
Mola	✓			
Vandervalk	✓			
Van Dyke	✓			
O'Dowd, Chrm.	✓			
TOTALS	7	—	—	—

Subject: Passaic River floodingPurpose: Support proposal of Passaic River
Coalition to buy out flood-prone homes.

Offered by: Mola

Seconded by: Chadwick Dollar Amt.:Approved by: M.F.

WHEREAS, the Passaic River Coalition, an environmental group concerned with the Passaic River basin which includes Bergen County, has proposed a buyout of flood-prone homes along the Passaic River as a plan to reduce flood damage, and

WHEREAS, the coalition has proposed its plan as an alternative to the 13-mile, 39-foot flood tunnel which has been proposed by the Army Corps of Engineers, a plan which has already been opposed by the Board of Freeholders, and

WHEREAS, the cost of the Passaic River Coalition's plan has been determined to be about \$400 million, half of the cost of the Corps's proposed flood tunnel expected to cost more than \$800 million in federal and state funds,

NOW THEREFORE BE IT RESOLVED, that this Bergen County Board of Chosen Freeholders hereby reiterates its opposition to a flood tunnel and indicates its support of the Passaic River Coalition's proposal to buy out flood-prone homes, creating open space along the river.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Passaic River Coalition advising them of the board's support, to the municipalities in Bergen County, and to the state senators and members of the assembly who represent Bergen County at the state level, urging their support of the coalition's proposal.

Passaic River Coalition

7x

New Jersey State Library



1990
BOARD OF CHOSEN FREEHOLDERS
RESOLUTION

Res. #

98

Date 3/21/90

Page 1 of 2

MEMBERS	AYE	NAY	NOT VOTING	ABSENT
Baer				
Chadwick				
Donohue				
Mola				
Vandervalk				
Van Dyke				
O'Dowd, Chrm.				
TOTALS				

Subject:

Proposed Passaic River
flood tunnel

Purpose:

Affirm board's unequivocal opposition.

Account No. _____

Contract No. _____

Dollar Amount: _____

Offered by: Chadwick

Seconded by: _____

Approved by: M.F.

WHEREAS, the U.S. Army Corps of Engineers has presented a proposal for a 13.5-mile, 39-foot-wide flood control tunnel as the only solution to flooding in the greater Wayne area; and,

WHEREAS, this tunnel will discharge floodwaters into the Lower Passaic River, completely disrupting the riverfront in southwest Bergen County municipalities; and,

WHEREAS, excessively high floodwalls and levies will be constructed along the riverfront in southwest Bergen County municipalities, denying access to the river for the public and seriously effecting the establishment of new parklands and the rehabilitation of the urban and industrial areas of the Lower Passaic River area, and seriously effecting economic growth of the region; and,

WHEREAS, a recommendation has been made to further extend the tunnel to Newark Bay, which could cause damage to the Lower Passaic by scouring out toxic sediments adding to water quality problems and by increasing the flooding potential of public service areas, such as Newark Airport; and,

WHEREAS, the costs associated with the tunnel project will exceed \$1.5 billion with continued operating costs of over \$3 million annually, with a substantial portion being paid by residents of Bergen County, who have done nothing to create the problem; and,

WHEREAS, the counties and the municipalities in the Lower Passaic Basin do not experience flooding and have no need for such floodwalls and levies; and,

WHEREAS, the maintenance of such floodwalls and levies would place an undue burden on the counties and municipalities; and,

WHEREAS, the operating of the tunnel, which calls for the closing of bridges which cross the Passaic River, would cause untold economic losses on the industries and citizens of northern New Jersey and the greater New York area; and

- more -

8x

WHEREAS, the environmental problems of the tunnel plan associated with water quality would doom the Lower Passaic forever in spite of federal laws which call for "fishable and swimmable" river systems; and

WHEREAS, development in the flood plains of the greater Wayne area has caused the problems, which should be corrected at the source; and,

WHEREAS, viable and more cost effective alternatives exist which the Army Corps of Engineers refuses to explore in an ethical manner; and,

WHEREAS, the Office of Management and Budget has recently concluded that the Bush Administration should support the tunnel project in spite of strenuous objections by county and municipal governments and by the people of this region; now therefore,

BE IT RESOLVED, That this Board of Chosen Freeholders hereby makes it known that it is absolutely and unequivocally opposed to the construction of the proposed flood control tunnel and calls for the cessation and abandonment of all plans involving construction of the proposed flood control tunnel, floodwalls and levies; and,

BE IT FURTHER RESOLVED, That the Board of Chosen Freeholders requests that no funds be authorized or appropriated or any commitment made to further study, evaluate, design, survey or do anything which would in any form lead to the implementation of a flood control tunnel to the Lower Passaic River Valley; and,

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President George Bush, to New Jersey Gov. James Florio; to all members of the New Jersey congressional delegation and to all members of the New Jersey Legislature, with the request that they do all in their power to stop this ill-conceived project permanently.

9x



1990
BOARD OF CHOSEN FREEHOLDERS
RESOLUTION

Res. #

101

Date 4/4/90

Page # 1 of 1

MEMBERS	AYE	NAY	NOT VOTING	ABSENT
Baer				
Chadwick				
Donohue				
Mola				
Vandervalk				
Van Dyke				
O'Dowd, Chrm.				
TOTALS				

Subject: Passaic River Flood Tunnel

Purpose: Ask all counties to join Bergen's opposition
since cost will be shared statewide.

Account No. _____

Contract No. _____

Dollar Amount: _____

Offered by: Vandervalk

Seconded by: _____

Approved by: M.F.

WHEREAS, some people may think the Passaic River Tunnel does not affect every county, yet there will be a heavy indebtedness incurred by the state if this tunnel is approved, which will result in a minimum of \$25 million a year added to the state's budget for debt service, and other projections show this to be closer to \$100 million, and

WHEREAS, this enormous cost will be paid by every taxpayer in every county, regardless of the location of the tunnel, and

WHEREAS, the state of New Jersey has many needs that do not have vigorous opposition to those needs, and this differs from the Passaic tunnel project because many communities and environmental groups are vigorously opposed to the tunnel,

THEREFORE, BE IT RESOLVED, That this Board of Chosen Freeholders send this resolution to all other counties in New Jersey to alert them of the extreme cost to their taxpayers, and asking them to raise their voices in objection to their people's tax dollars being spent for the Passaic River tunnel project.

10x



NEW JERSEY GENERAL ASSEMBLY

DEPUTY MINORITY LEADER
WILLIAM P. SCHUBER
ASSEMBLYMAN 38TH DISTRICT
219 MAIN STREET
RIDGEFIELD PARK, NJ 07680
201-440-1185 OR 440-1505 (DO)

COMMITTEE
MEMBER
TRANSPORTATION AUTHORITIES,
TELECOMMUNICATIONS AND TECHNOLOGY

April 4, 1990

Honorable Barbara H. Chadwick
Freeholder
County of Bergen
Board of Chosen Freeholders
Administration Building
Court Plaza South
21 Main Street
Hackensack, New Jersey 07601-7000

Dear Freeholder Chadwick:

Thank you for contacting my office recently concerning the resolution passed and adopted by the Bergen County Freeholders regarding the construction of the proposed Passaic River Flood Control Tunnel.

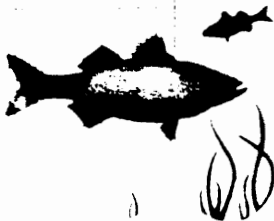
Please be assured of my steadfast opposition to the implementation of this flood plan. I believe that it is too expensive a project, and appropriations would not be available for such an expensive project. Additionally, I believe it would cause other flood problems that do not exist at the present time and that it would contribute to flooding in other areas and would prohibit Bergen County residents access to the river.

Sincerely,

William P. Schuber
Assemblyman, District 38

WPS:mw

// x



PASSAIC RIVER COALITION

246 MADISONVILLE ROAD, BASKING RIDGE, NJ 07920 (201) 766-7550

Statement: Hearing before the N.J. Assembly Committee on Conservation and Natural Resources, Rutherford, April 18, 1990

Re: Flood Control Tunnel Project and Alternatives

Presented by: Ella F. Filippone, Ph.D., Executive Administrator

Mr. Chairman, the Passaic River Coalition is a watershed association which has been working on water resources issues for the Passaic River Basin since 1969. Our membership consists of the citizens of the 118 municipalities of this densely populated urbanized region. As such, we have continuously been involved with deliberations on all aspects of water resources management.

Mr. Chairman, no other organization in the State of New Jersey has participated in flood control deliberations with the Army Corps of Engineers and the State of New Jersey as the Passaic River Coalition. Never during these deliberations was the Corps responsive to the environmental concerns presented to them. Their comments have little scientific basis and often show bias and contempt of the public's concern.

The Passaic River Coalition, after considerable evaluation, concludes that the tunnel plan would not serve the public interest nor does it respond to the mission which the Congress assigned to the Corps for the development of a water resources management project in the Passaic River Basin. After serious consideration, we recommend that the State of New Jersey undertake to solve the problems of flooding without the Corps' participation. While the environmental impact of the tunnel will have serious long term consequences, the cost of this experimental project is prohibitive, especially since the economics presented by the Corps contain biases and flaws.

On March 14, 1990, the Passaic River Coalition presented testimony before the Water Resources Subcommittee of the House Public Works Committee. We reviewed the negative impact of the tunnel project on ground water, the "sole source" aquifers above Little Falls. We commented on the destruction and degradation of 905 acres of wetlands, for which no mitigation currently exists. We pointed out the destruction which will take place on the Pequannock River, one of the Passaic River Watershed's most pristine tributaries. We pointed out the flaws of the Corps estimates on land acquisition. We discussed the problems of dumping polluted waters into the Lower Passaic and the negative impact of floodwalls and levies on citizens who did not cause such problems. We also pointed out the gross costs discrepancies with other tunnels being built elsewhere in the world or with those already constructed. We emphasized that the extension to Newark Bay is also inappropriate; the Corps had disqualified this alternative early in their deliberations. A copy of this statement is attached for this Committee's review.

12 x

Certain issues were raised at the Congressional hearing, which require public comment. First, please note that the majority of counties and municipalities in the Passaic River Basin do not support the tunnel plan. Attached to this statement are resolutions passed by Bergen, Essex, and Hudson Counties in opposition to the tunnel plan. At the Congressional hearing, all Members of Congress who support the tunnel plan indicated that never would the discharge occur at Nutley/Clifton. They stated that only the Newark Bay extension would be recommended by them. Subsequently, a request has been made to the House Committee on Appropriations to increase the funds for design-engineering from \$5 million for the next fiscal year to \$7.5 million. Already the costs goes up.

No environmental or economic impact has been undertaken on the effect of the Newark Bay Extension, only some fancy reevaluation to bring the benefit/cost ratio above 1.0. Certainly, the discharge will have an effect on the low-lying areas of Newark and Jersey City, which happen to be at sea level.

The tunnel project will totally alter the ecological balance of this river system. However, in these days of budgetary crises and because of questions raised in Washington, we have reviewed elements of the Corps section on economics for the tunnel project. This section shows considerable bias for the project by the Corps economists. For example, considerable weight is given to the benefits to commuters because certain roads will not be flooded when the tunnel is in operation; however, no statement is found or evaluation made for the loss of commutation because of the closed bridges in the most urban, industrial area of the state when the tunnel is in use. Note that this region is a major industrial/commercial area and is the route for commuters to Jersey City, Hoboken, Bayonne, and New York City. According to the Corps, the tunnel will be in use on an average of 15 days per year. Imagine the traffic gridlock on Route 3 during those days and the cost to local industry, in the Meadowlands, for example.

Another area where the Corps benefit analysis is flawed is that it does not recognize that a majority of the industrial and commercial facilities in the Central Basin, for which they claim protection benefits, are already protected, since they were built in conformance with the N.J. Stream Encroachment Act (enacted in 1928) above the 100-year flood elevation. The same error has been made for all residences which were built in accordance with this state statute. It seems that the Corps prefers not to recognize state law.

Because of the fact that infrastructure in the Basin is designed to handle 30-year storms at a maximum, we question whether protection will be afforded certain residences under a greater storm frequency with the tunnel in operation. Thus benefits under the FIA cost reduction is questionable.

The Corps has also claimed benefits for wetlands protection when in fact these lands are already protected by the N.J. Wetlands Act. The implementation of this Act significantly reduces any projected inundation reduction benefits for this project.

The Corps also has presented a total cost estimate for acquisition of the natural storage area at \$13.1 million. Taking into consideration acquisitions by the N.J. Department of Environmental Protection, Office of Green Acres, and others, this figure is at least 300 to 350 percent under value.

In this same vein, the Corps has placed a value of \$4,500/acre on urban waterfront lands. Comparable sales in Lyndhurst, North Arlington, and Nutley are in a range of \$54,000 to \$103,000/acre. If the Newark Bay extension is selected, the land to be acquired would be zoned industrial and even higher discrepancies would exist. In the urban area, the Corps has made at least a 500 percent miscalculation --- if not a great deal higher.

Currently the City of Paterson obtains income as a result of the generation of hydroelectric power at the Great Falls. It is questionable with the 68 percent decrease in flow whether such power can be generated when the tunnel is in use. The loss of such income was not included in the economic analysis.

Within the environmental impact statement, the Corps has acknowledged that 905 acres of wetlands will be destroyed or degraded. With the discrepancies on land assessments, an additional \$87.2 million must be added to project costs with the caveat that replacement lands can be found, which we believe is highly unlikely. Costs associated with the creation of wetlands were also not included in cost projections.

While the economic analysis shows benefits on flood protection of the structures in the Greater Wayne area, it does not show comparable decreases in values in the Lower Valley where land will be acquired for floodwalls and levies and where considerable disruption will occur.

No costs have been included regarding replacement of parklands to be acquired. Since Green acres funds were used, the Corps must purchase an equivalent amount of acreage preferably in the same region. The taking of any of the lands in the urban area, as mentioned previously, will be extremely expensive. Replacement, furthermore, will be difficult, if not, impossible.

With the long term potential of loss of ground water supplies in the upper valley and their ultimate replacement, let us say in twenty-five years, additional cost factors must be integrated into this project. We question whether another source of drinking water can be found. Thus, the variable on this element is based on costs in 1990, which would also be prohibitively high, since the only recourse would be to build a surface water reservoir somewhere in the New York/New Jersey/Pennsylvania area. Looking at attempts to meet the water supply deficit projected

for the year 2005, we believe such ground water losses cannot be allowed for any reason whatsoever.

During the planning process, assumptions were made by the public that the tunnel would be used for major storms; however, once the cost/benefit analyses were calculated, it was quickly recognized that the costs far surpassed the benefits if the tunnel was used for the five-year storm or greater. Thus, the first public announcement was that the tunnel would be used for the two-year storm or greater. Subsequently, the determination was made that the tunnel would be used for a storm just greater than the one-year incidence. Few, if any, flood control projects in the world are designed to address the one-year storm. This factor was adopted by the Corps to bring the cost/benefit ratio into an acceptable range to allow it to continue under the rules of Congress. Such manipulation of statistics is not in the public interest under any circumstances.

Clearly, the Corps is prejudiced for its project. A major question which has not been answered is "To whom do the benefits accrue and upon whom do the costs fall?" In our opinion, the costs will fall upon the citizens of the State of New Jersey. The benefits will accrue to a relatively small percentage of New Jersey citizens - 0.12 percent (0.0012). By the time the tunnel would be placed in use, that figure would be reduced to 0.09 percent. These people should be helped. The program should be undertaken immediately and be proportionate in cost.

Mr. Chairman, while we do not agree that the total cost of the tunnel to Newark Bay will be only \$1.2 billion. We have used that figure to point out certain facts, which rarely are presented to the people of this State. The interest rate on this project is 8.62 percent, which comes to \$98.4 million/year or \$1.89 million/week, or \$270,000/day. Add to this figure the cost of maintenance, estimated by the Corps to be \$2.1 million annually (averaged), plus the capital cost, which certainly will go into cost overruns, most probably doubling the current projected cost. No consideration of this project can go forward without looking at the total picture and the obligation for the State of New Jersey.

While the cost/benefit analysis normally represents a value system of the agency under whose responsibility a project falls, federal guidelines require an objective analysis of the benefits and costs on all segments of the population. Such an analysis has not been completed by the New York District of the Corps of Engineers. The cost/benefit ratio of 1.5 is significantly flawed for the Nutley/Clifton discharge point; it should be closer to 0.76 and further incorrect for the Newark Bay discharge, which we had last heard was 1.1 when it should be no more than 0.42.

Mr. Chairman, we recognize that this is a very long statement, but the tunnel project will have vast environmental and economic effects on this state. Thus, we have included several exhibits with this statement, which include:

1. The Passaic River Coalition's Buy-Out Flood Management Plan for the Floodway. We support legislation which has been introduced to establish such a program within the N.J. DEP and to place a bond issue on the ballot for 1990. If possible, we would like to see the bond issue increased to \$250 million which would be used to acquire all of the houses in the floodway according to our plan, to provide in lieu-of-taxes to the affected municipalities, to acquire certain wetlands and place them under appropriate state management programs, and to expand on the State's flood management program by developing a phase II component, which would include additional acquisition possibilities, flood proofing, and certain structural considerations as well as moving forward on storm water management programs.
2. A copy of the effect of the Buy-out on local ratables.
3. A comparison of New York City's Water Tunnel and the Passaic Flood Tunnel.
4. An earlier Cost/Benefit Analysis by the PRC which shows neither the Newark Bay Extension or a final cost with interest and inflation calculation reaching the "magic" 1.0 figure.

During the discussion which followed my presentation in Washington, the statement was made that the tunnel project was the only project under consideration before Congress. Is that our fault? It is again a demonstration of the inadequacy of choices presented to the people of the Passaic River Basin by the Corps of Engineers.

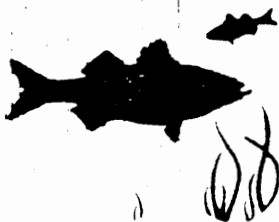
Finally, the buy-out program as a first step in flood management in the Passaic River Basin, will (1) be more cost effective; (2) be environmentally beneficial, since it creates open space, needed habitat, and improves water quality; (3) addresses the needs of the flood victims at highest risk immediately and gets them to a safer location. No new institution needs to be established, since the Office of Green Acres with the N.J. Department of Transportation has the procedure in place. This is a program whose day has come. Let us move forward with the buy-out plan, and tackle a project we can afford. The Corps has never responded to the needs of the people of this Basin and are just creating a major pork barrel on which to prolong a very expensive experiment. We are far better off undertaking this project ourselves. Seeking federal funds will cost us considerably more money, and not bring us a better water management program. We support the bi-partisan efforts of Duch/Gill and Crecco/Kelly, and those Members of the Legislature, County Executives and Freeholders, municipal officials, and private citizens who reject the tunnel plan and support a comprehensive flood management plan, with a buy-out as a first step. Thank you.

List of Exhibits

- I. *Statement before the Water Resources Subcommittee of the House Public Works Committee, March 14, 1990*
 - II. *Resolutions Opposing Tunnel Plan - Bergen, Essex and Hudson Counties*
 - III. *Passaic River Coalition's Buy-Out/Flood Management Plan*
 - IV. *Effect of Buy-Out on Local Ratables*
 - V. *Comparison of New York City's Water Tunnel and the Flood Tunnel*
 - VI. *Cost/Benefit Analysis of Tunnel Plan*
-

Exhibit I.

*Statement before the Water Resources
Subcommitte of the House Public Works
Committee, March 14, 1990*



PASSAIC RIVER COALITION

246 MADISONVILLE ROAD, BASKING RIDGE, NJ 07920 (201) 766-7550

Statement: Water Resources Subcommittee, House Public Works Committee, re: Passaic River Dual-Inlet Flood Control Tunnel Plan, March 14, 1990

Presented by: Ella F. Filippone, Ph.D., Executive Administrator

Mr. Chairman, the Passaic River Coalition is a watershed association which has been working on water resources issues for the Passaic River Basin since 1969. Our membership consists of the citizens of the 118 municipalities of this densely populated, urbanized region. As such, we have continuously been involved with deliberations on all aspects of water resources management. Mr. Chairman, in 1976 the Passaic River Coalition participated in the hearings which have led to the plan we are reviewing today. We have furthermore participated in all aspects of the planning process with the New York District of the Army Corps of Engineers. Never during these deliberations was the Corps responsive to the environmental concerns presented to them. Their comments have no scientific basis and often show bias and contempt for the public's concern.

The Passaic River Coalition, after considerable evaluation, concludes that the tunnel plan would not serve the public interest nor does it respond to the mission which the Congress assigned to the Corps for the development of a water resources management project in the Passaic River Basin.

First, the entire area known as the Highlands and the Central Basin are EPA designated "sole source" aquifers; 95 municipalities depend on groundwater for their drinking water supplies, which equates to over one million people. References to impact on groundwater in the environmental impact statement hardly exist, and when they do it relates to groundwater inflow into the tunnel not on the impact the drawdown of recharge waters will have on the aquifer systems.

Second, over 900 acres of wetlands will be destroyed or degraded as a result of this project. Nowhere in New Jersey is there land which can replace what is being destroyed. Furthermore, the Corps has totally disregarded the New Jersey's Wetlands Act, which now protects such wetlands from destruction. In order to construct holding ponds, this project will totally destroy the confluence of the Pequannock River with the Pompton, a river which could qualify for wild and scenic classification, having some of the highest quality waters in the state.

Third, the Corps cost estimates, especially with regard to land acquisition, are considerably off the mark. In one case, the Corps estimates land acquisition costs at \$4,500/acre when the municipality just paid \$54,000/acre; this is the rule rather than the exception.

Fourth, normally when the Corps recommends floodwalls and levies, it is in an area which suffers from major flooding; however, the tunnel will dump massive amounts of polluted floodwaters into the Lower Passaic, which does not have a flooding problem. Yet because of the transference of the problem from the Greater Wayne area to Nutley/Clifton, high floodwalls and massive levies are planned which will totally alter the relationship of the urban communities to the Passaic River. Parks will be destroyed, and river access will be severely limited.

Fifth, the Corps has never evaluated the economic impact on business and industry when the tunnel is in use. Because flood gates must be raised on the older bridges, these bridges will not be in use when the tunnel is functioning. Major gridlock will occur in an area which already suffers from traffic congestion.

Sixth, major efforts are being expended to begin to improve water quality in the estuarine areas of Newark Bay, mainly as a result of the effort of our Congressman Robert A. Roe. The bacteriological interaction of the waters in the tunnel plus other pollutants will make the first flush a major point source of pollution wherever it discharges, and would, therefore, be in violation of the Clean Water Act.

Finally, the cost of the tunnel is vastly underestimated. A similar project undertaken by the City of New York beginning in the 1970's has already cost \$1.2 billion; the tunnel under the English Channel is 40 percent complete and 50 percent over budget. Without any doubt, the cost projections are low. New Jersey, furthermore, does not have the matching funds for this project, as indicated by New Jersey Assembly Resolution 3, which clearly states that the tunnel is unacceptable.

Mr. Chairman, the Passaic River Coalition is not alone in its opposition to this ill-conceived plan. We are submitting to you a collection of letters and resolutions from Members of the New Jersey Legislature, counties, and municipalities, who do not want this project authorized.

We also are submitting to you in summary form key elements of the points we have just raised, in addition to the summary of our alternative to the tunnel plan. As a first step, we have recommended an acquisition program of the houses in the floodway, which would call for no federal involvement. Legislation is

pending in the New Jersey Assembly to establish such a program and to fund it under a special bond issue.

We have proposed a comprehensive management plan; however, the New York District Corps will not consider such an approach; they continually comment that Congress will not allow them to undertake certain elements of our comprehensive management plan. When we speak of an acquisition program, we do not focus on this approach for the entire Passaic River Basin, which for some unknown reason, the Corps always points to. We have suggested that a variety of methods be used, which would include certain structural measures; however, these would be utilized after the more environmentally productive approaches have been implemented. Mr. Chairman, the inequities of the tunnel plan are more visible in the lower valley; therefore, suggestions have been forthcoming from Members of Congress and others to move the outfall to Newark Bay. This alternative was number 7 of those studied by the Corps, and disqualified in the early stages of study. While the floodwalls and levies would be eliminated for some towns under this scenario, the negative impact on the Highlands and Central Passaic would remain.

According to the New Jersey State Water Supply Master Plan, northern New Jersey will be in a water supply deficit by the year 2005. To authorize any project now which would drain water supply from this still growing area is incomprehensible. Some of the same officials who are supporting the tunnel plan represent areas which are currently in a water supply deficit area. It is possible to move people out of a flood path, but it is impossible to create new reservoirs for water supply in a state as densely populated as the State of New Jersey. A major conflict exists within this project between water supply and flood control. Ninety-five municipalities, over 1.2 million people, are dependent on ground water for their drinking water supplies; in 1984, the most recent major storm, 6,000 people were evacuated from their homes. Even if we increase that number to 10,000 people, the tunnel project proposes to spend billions of dollars to aid less than 1 percent of people in this water resource management area.

Environmentally the project rates poor; water resources priorities are wrong; and economically the tunnel project will waste money because it will not do the job anyway; it will certainly cost a great deal more than \$900 million. This project should not be authorized now or in the future.

21 x

Exhibit II.

***Resolutions Opposing Tunnel Plan
Bergen, Essex and Hudson Counties***



**Board of Chosen Freeholders
County of Bergen**

Administration Building • Court Plaza South
21 Main St. • Hackensack, N.J. 07601-7000

(201) 646-2500

Charles J. O'Dowd Jr.
President - Chairman

Richard A. Mola
President - Vice Chairman

Linda Barr
Barbara H. Chadwick
Nicholas Corbisicello
J. William Van Dyke
Charlotte Vanderwall

Mary E. Ward
Clerk to the Board
Michael J. Ferraro
Counsel to the Board

October 17, 1988

Passaic River Coalition
246 Madisonville Road
Basking Ridge, N.J. 07920

Gentlemen:

Re: Support of the Passaic River Coalition's
Proposal to buy out flood-prone homes

We are enclosing certified copy of resolution #48
adopted by the Bergen County Board of Chosen
Freeholders on October 5, 1988, supporting
the above matter.

Very truly yours,

Mary E. Ward
Clerk to the Board

af
Enc.



BOARD OF CHOSEN FREEHOLDERS RESOLUTION

Res. # 4Date OctoberPage # 1

MEMBERS	AYE	NAY	NOT VOTING	ABSENT
Bae:	✓			
Chadwick	✓			
Corbiscello	✓			
Mola	✓			
Vandervalk	✓			
Van Dyke	✓			
O'Dowd, Chrm.	✓			
TOTALS	7	—	—	—

Subject: Passaic River floodingPurpose: Support proposal of Passaic River
Coalition to buy out flood-prone homesOffered by: MolaSeconded by: Chadwick Dollar Amt:Approved by: [Signature]

WHEREAS, the Passaic River Coalition, an environmental group concerned with the Passaic River basin which includes Bergen County, has proposed a buyout of flood-prone homes along the Passaic River as a plan to reduce flood damage, and

WHEREAS, the coalition has proposed its plan as an alternative to the 13-mile, 39-foot flood tunnel which has been proposed by the Army Corps of Engineers, a plan which has already been opposed by the Board of Freeholders, and

WHEREAS, the cost of the Passaic River Coalition's plan has been determined to be about \$400 million, half of the cost of the Corps's proposed flood tunnel expected to cost more than \$800 million in federal and state funds,

NOW THEREFORE BE IT RESOLVED, that this Bergen County Board of Chosen Freeholders hereby reiterates its opposition to a flood tunnel and indicates its support of the Passaic River Coalition's proposal to buy out flood-prone homes, creating open space along the river.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Passaic River Coalition advising them of the board's support, to the municipalities in Bergen County, and to the state senators and members of the assembly who represent Bergen County at the state level, urging their support of the coalition's proposal.

24 x

Board of Chosen Freeholders

County of Bergen, Hackensack, New Jersey

This is to certify that the attached RESOLUTION, consisting of _____ page (s),
is a true copy of a Resolution adopted by the BOARD OF CHOSEN FREEHOLDERS OF
THE COUNTY OF BERGEN at a _____ REGULAR _____ Meeting on the
____ 5TH _____ day of _____ OCTOBER _____, 19__88__.

Mary E. Ward
Clerk, Board of Chosen Freeholders

COUNTY SEAL

25x



County of Essex, New Jersey
BOARD OF CHOSEN FREEHOLDERS

State of New Jersey, }
County of Essex } II

I DANIEL W. GIBSON, JR. Clerk

of the Board of Chosen Freeholders of the County of Essex in
the State of New Jersey.

Do Hereby Certify, the foregoing to be a true copy of a
resolution adopted at a meeting of said Board, on WEDNESDAY
the 28TH day of SEPTEMBER 19 88,

together with the certifications, signatures and endorsements thereon.

RESOLUTION No. R-88-0806.

In Testimony Whereof, I have hereunto set my hand
and affixed the official seal of said County at Newark,
this 28TH day of
OCTOBER A. D. 19 88


DANIEL W. GIBSON, JR. clerk

26 x

WHEREAS, recently the United States Army Corps of Engineers has completed a feasibility study regarding flooding along the mainstream of the Passaic River; and

WHEREAS, this study recommends the construction of a 13.5 mile, 39 foot wide underground tunnel to carry flood waters from the upper Passaic River regions to the lower Passaic Valley; and

WHEREAS, the construction of the proposed tunnel will result in very damaging consequences to the residents of the Township of Nutley; and

WHEREAS, the construction of this tunnel will result in a huge volume of water from the Upper Passaic River and requiring the construction of large dikes and floodwalls; and

WHEREAS, this construction will forever alter the present physical environment cutting off the many residents and parklands from the Passaic River; and

WHEREAS, in addition to environmental and aesthetic considerations serious physical problems will result in the construction of the proposed tunnel; and

WHEREAS, some of these serious physical problems include: Disposal of billions of cubic yards of material; No land fill areas are available; The feasibility of successful penetration of Garrett Rock Mountain; How will the proposed tunnel be cleaned and maintained?; and Presenting a serious health problem; and

WHEREAS, the proposed tunnel project cost is ^{\$84.7}~~\$81.7~~ million and is highly questionable in theory and results; now, therefore, be it

RESOLVED, by the Essex County Board of Chosen Freeholders that it urges that the Passaic River Flood Tunnel proposed by the Army Corps of Engineers be re-evaluated at this stage taking into consideration the significant points enumerated in this resolution; and, be it further

RESOLVED, that a copy of this resolution be forwarded to Senators Bradley and Lautenberg; Congressmen Robert A. Roe, Dean Gallo, and Robert Torricelli; State Senators Joseph L. Bubba- 34th District and Carmine Orechio - 30th District; Assemblypersons John V. Kelly, - 30th District and Marion Grecco - 30th District; Assemblymen Gerald H. Zecker and Newton Miller of the 34th District; the Freeholder Boards of Morris, Passaic, Bergen and Hudson Counties; and Nutley Mayor John V. Kelly; Nutley Township Council; Belleville Township Council and North Arlington Township Council in Bergen County.

Thomas P. Giblin

Approved as to form and legality _____

RECORD OF BOARD VOTE (X = Vote N.V. = Abstention ABS = Absent)

Moved by Freeholder GIBLIN

Seconded by Freeholder CLAY

Freeholder	Yes	No	N.V.	ABS	Freeholder	Yes	No	N.V.	ABS
Battle	X				Davenport	X			
Bost	X				Lustader	X			
Casciano	X				Parlavercino, VP	X			
Cavanaugh			X						
Clay	X				Giblin, Pres.	X			

It is hereby certified that the foregoing Resolution was ~~X~~ adopted () defeated () tabled by roll call vote at a REGULAR meeting of the Board of Chosen Freeholders of the County of Essex, New Jersey, held on September 28, 1988.

If Publication Required () () No

Date Published _____

Thomas P. Giblin

Thomas P. Giblin, President

**BOARD OF CHOSEN FREEHOLDERS
COUNTY OF HUDSON
COPY OF RESOLUTION**

No. 81-2-1990

On motion of Freeholder Cifelli
Seconded by Freeholder Roman

**OPPOSE CONSTRUCTION OF
PASSAIC RIVER FLOOD TUNNEL**

WHEREAS, the U.S. Army Corps of Engineers has presented a proposal for a 13.5 mile, 39 foot wide flood control tunnel as the only solution to flooding in the greater Wayne area; and

WHEREAS, this tunnel will discharge floodwaters into the Lower Passaic River in Hudson County, completely disrupting the riverfront in Hudson County; and

WHEREAS, excessively high floodwalls and levies will be constructed along the riverfront in Hudson County, denying access to the river for the public and seriously effecting the rehabilitation of the urban and industrial areas of Hudson County, seriously effecting economic growth of the region; and

WHEREAS, a recommendation has been made to further extend the tunnel to Newark Bay, which would place even greater damages onto Hudson County; and

WHEREAS, the costs associated with the tunnel project will exceed \$1.5 billion with continued operating costs of over \$3 million annually, with a substantial portion being paid by residents of Hudson County, who have done nothing to create the problem; and

WHEREAS, the county and the municipalities do not experience flooding and have no need for such floodwalls and levies; and

WHEREAS, the maintenance of such floodwalls and levies would place an undue burden on the county and municipalities; and

WHEREAS, the operation of the tunnel, which calls for the closing of bridges which cross the Passaic River, would cause untold economic losses on the industries and citizens of northern New Jersey and the greater New York area; and

WHEREAS, the environmental problems of the tunnel plan associated with water quality would doom the Lower Passaic forever in spite of federal laws which call for "fishable and swimmable" river systems; and

**BOARD OF CHOSEN FREEHOLDERS
COUNTY OF HUDSON
COPY OF RESOLUTION**

No. _____

On motion of Freeholder _____

Seconded by Freeholder _____

WHEREAS, development in the flood plains of the greater Wayne area has caused the problems, which should be corrected at the source; and

WHEREAS, viable and more cost effective alternatives exist which the Army Corps of Engineers refuses to explore in an ethical manner; and

WHEREAS, the Office of Management and Budget has recently concluded that the Bush Administration should support the tunnel project in spite of strenuous objections by county and municipal governments and by the people of this region.

NOW, THEREFORE, BE IT RESOLVED by the Hudson County Board of Chosen Freeholders that:

This Board, together with County Executive Robert C. Janiszewski:

1. is absolutely and unequivocally opposed to the construction of the proposed flood tunnel.
2. calls for the cessation and abandonment of all plans involving the construction of the proposed flood control tunnel, floodwalls, levies, etc.
3. requests that no funds be authorized or appropriated or any commitment made to further study, evaluate, design, survey or do anything which would in any form lead to the implementation of flood control to the Lower Passaic River Valley.

COPY OF RESOLUTION

No.

On motion of Freeholder _____

Seconded by Freeholder _____

4. directs that copies of this resolution be sent to President George Bush, Governor Jim Florio, all Members of the New Jersey Congressional delegation, and all Members of the New Jersey Legislature with the request that they do all in their power to stop this ill-conceived project permanently.

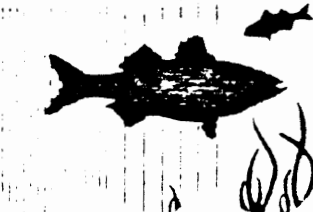
I, DANIEL T. SANSONE, Clerk of the Board of Chosen Freeholders of the County of Hudson in the State of New Jersey, DO HEREBY CERTIFY the attached resolution to be a true copy of a resolution passed at a meeting of said Board held on February 22, 1990

Daniel T. Sansone
Clerk

31x

Exhibit III.

*Passaic River Coalition's
Buy-Out/Flood Management Plan*



THE PASSAIC RIVER BASIN BUY-OUT/FLOOD MANAGEMENT PLAN

Buy-Out of Floodway Structures

The Floodway

The State of New Jersey, as prescribed by the rules and regulations of the Flood Hazard Area Control Act (N.J.A.C. 7:13-1.1 et. seq.), defines the floodway as "the channel of a natural stream and portions of the Flood Hazard Area adjoining the channel which are reasonably required to carry the discharge of flood water or flood flow of any natural stream". More simply stated, the floodway of a river or stream is the area which is first, and most severely, impacted by flood waters. As such, the floodway is the highest risk area of the entire floodplain.

Because of this high risk element, the State of New Jersey now prohibits the placement of structures in the floodway. Many of these homes served as summer residences in the early 1900's. Since then, virtually all of these structures have been converted to year-round residences. With this full-time occupancy has come the persistent risk of seasonal flooding. In the flood of 1984, for example, those who resided in the floodway suffered the most damages. The alleviation of these chronic damages must be a high priority. Therefore, any buy-out program which involves flood-prone structures must first focus on residential structures in the floodway.

The Passaic River Basin

The U.S. Army Corps of Engineers has identified the Passaic River Basin as the second most flood-prone river valley in the nation, and the most flood-prone on the east coast. This is mostly attributable to the geography of the Basin, which includes seven major river systems- the Passaic, Pompton, Pequannock, Wanaque, Ramapo, Rockaway, and Whippany. If there was ever a need to permanently evacuate people as a protection against natural flooding cycles, the Passaic River Basin would most certainly be first to qualify.

Before any conclusions or recommendations can be made regarding the buy-out of floodway structures, base-line data on such structures must be gathered. In the absence of such information, the Passaic River Coalition has identified residential structures in the floodway within the Basin's most consistently flooded municipalities:

- * Wayne Township
- * Little Falls Township
- * Fairfield Township
- * Pequannock Township
- * Pompton Lakes Borough
- * Lincoln Park Borough

Using U.S. Army Corps of Engineers maps and information provided by the State of New Jersey, the floodway delineation within each of these municipalities was mapped and the structures within the floodway were identified and field verified. In total, there are 774 currently occupied residential structures in the floodway of these communities (see accompanying maps). As a matter of fact, with the exception of one structure in Lincoln Park, every building in the floodway of these communities was residential. The breakdown of these structures is as follows:

1. Wayne-	378
2. Lincoln Park-	197
3. Little Falls-	77
4. Fairfield-	46
5. Pompton Lakes-	43
6. Pequannock-	33

34 x

The Buy-Out

When considering a buy-out of these floodway structures, several factors must be addressed. The first, and most obvious, is the PURCHASE COST for each structure. The purchase price for each residence was calculated by averaging the purchase prices accepted under the State's voluntary buy-out program (24 structures) and the Route 24 mitigation buy-out completed by Morris County (5 structures). Virtually all of these were 1987 prices, so an increase of 4.9% (National Association of Realtors, Northeast New Jersey) was added to this cost to achieve a 1988 final purchase price of \$93,570.

The second factor is the cost of RELOCATION. The term relocation is defined to include the cost of relocating to another area and the cost to move to that area. Under New Jersey's Green Acres program, moving costs are provided to qualified residents as follows: \$500 cash for those who move themselves, or, the lowest of three estimates from moving companies, which is estimated to range from \$1,500 to a maximum of \$2,000. In addition, relocation costs are provided as follows: If a homeowner purchases another home, he/she is eligible for an amount not to exceed \$15,000; if the resident is a tenant, he/she may qualify for an amount not to exceed \$4,000 for a four year period to cover the difference in rent for a comparable unit.

Using Lincoln Park as the typical case, approximately 75% of residences are owner occupied while 25% are rental units. Based on the above figures, a renter may qualify for anywhere between \$4,500 to \$6,000, while a homeowner may qualify for \$15,500 to \$17,000. Applying the owner/tenant ratio to the "lower" (\$4,500 and \$15,500) and "higher" (\$6,000 and \$17,000) figures for owners and renters, an average figure of \$12,750 and \$14,250 is calculated for the "lower" and "higher" funding amounts, respectively. These were then averaged for a final relocation amount of \$13,500 per structure. It should be noted that this is a high estimate because although the "higher" figures are indeed the maximum qualifying amounts, the "lower" figures are not necessarily the minimum qualifying amounts.

35X

The final factor is the cost of removing the structure once it is purchased. This is known as the DEMOLITION COST. The cost of demolition is defined as the amount of funding needed to raze a structure and to remove the resultant debris. The Federal Emergency Management Agency used a demolition estimate of \$4,100 per structure in 1985, while the Township of Pequannock, under the State's buy-out program, used a demolition figure of \$6,800 per structure for 1987-88. Based upon this three year increase, and taking into consideration the rising cost of solid waste disposal in New Jersey, we have estimated a demolition figure of \$10,000 per structure.

Table 1 summarizes the final cost of buying-out these 774 floodway structures.

36x

TABLE 1

THE PASSAIC RIVER BASIN
BUY - OUT / FLOOD MANAGEMENT PLAN
RESIDENTIAL STRUCTURES IN THE FLOODWAY

<u>MUNICIPALITY</u>	<u>STRUCTURES*</u>	<u>PURCHASE COST</u>	<u>DEMOLITION COST</u>	<u>RELOCATION COST</u>	<u>TOTAL COST</u>
NE TOWNSHIP	378	\$35,369,460	\$3,780,000	\$5,103,000	\$44,252,460
COLN PARK BOROUGH	197	\$18,433,290	\$1,970,000	\$2,659,500	\$23,062,790
LE FALLS TOWNSHIP	77	\$7,204,890	\$770,000	\$1,039,500	\$9,014,390
RFIELD TOWNSHIP	46	\$4,304,220	\$460,000	\$621,000	\$5,385,220
PTON LAKES BOROUGH	43	\$4,023,510	\$430,000	\$580,500	\$5,034,010
UANNOCK TOWNSHIP	33	\$3,087,810	\$330,000	\$445,500	\$3,863,310

FINAL COST- \$90,612,180

- BASED ON PRC FIELD VERIFICATION.

32x

After this was completed, a random survey of "asking prices" for residences for sale in the floodway was conducted by the Passaic River Coalition. This survey was designed to help verify the purchase cost of these structures. Sampling three residences for sale in each of the six target communities (some had more than three, others had none), an approximate "asking price" of \$110,000 was derived. While we realize that the difference between this price and the amount the home seller actually receives may be quite different, we re-calculated the final buy-out cost figures using the \$110,000 purchase price so as to develop a range of costs. These revised costs appear in Table 2.

In the final analysis, the actual cost of this floodway buy-out will probably fall between the \$90 million estimated in Table 1 and the \$103 million estimated in Table 2.

38x

TABLE 2

THE PASSAIC RIVER BASIN
BUY-OUT/FLOOD MANAGEMENT PLAN
RESIDENTIAL STRUCTURES IN THE FLOODWAY

362

MUNICIPALITY	STRUCTURES*	PURCHASE COST	DEMOLITION COST	RELOCATION COST	TOTAL COST
WAYNE TOWNSHIP	378	\$41,580,000	\$3,780,000	\$5,103,000	\$50,463,000
LINCOLN PARK BOROUGH	197	\$21,670,000	\$1,970,000	\$2,659,500	\$26,299,500
LITTLE FALLS TOWNSHIP	77	\$8,470,000	\$770,000	\$1,039,500	\$10,279,500
FAIRFIELD TOWNSHIP	46	\$5,060,000	\$460,000	\$621,000	\$6,141,000
POMPTON LAKES BOROUGH	43	\$4,730,000	\$430,000	\$580,500	\$5,740,500
PEQUANNOCK TOWNSHIP	33	\$3,630,000	\$330,000	\$445,500	\$4,405,500

FINAL COST- \$103,329,000

*- BASED ON PRC FIELD VERIFICATION.

Beyond the Floodway

Beyond the floodway lies the 10-year and 50-year floodplains. Unlike the floodway, the 10- and 50-year floodplains cover more land area and thus have the potential to cause more flood related damages. However, flooding within these floodplains is less frequent than for the floodway. In order to provide for a more complete protection against natural flooding cycles, a buy-out/floodproofing of residential structures would have to occur within the 10- and 50-year floodplains.

In the absence of a study on such a buy-out, we have gathered information from the U.S. Army Corps of Engineers Final Environmental Impact Statement and Plan Formulation documents for the proposed Dual Inlet Tunnel Diversion Plan and have estimated the cost for a residential buy-out strategy for the 10- and 50-year floodplains. Incorporated in these estimates are the figures used for purchase costs, demolition costs, and relocation costs in Table 1. The only additional cost used for this analysis was the cost of floodproofing.

FLOODPROOFING is designed for use by the Corps of Engineers when flood depths extend from below the basement floor to the main floor elevation. In their plan, the Corps also recommends raising or the placing of a wall around structures for flooding from the main floor to nine feet above the main floor. We have eliminated raising and walls as an option. Under our strategy for the 10- and 50-year floodplain buy-outs, the Corps guidelines on floodproofing will be retained, but structures to be raised and walled under the Corps analysis will simply be evacuated. Floodproofing is defined by the Corps as using a sump pump, check valve, and watertight chamber. We have estimated floodproofing to cost approximately \$2,000 (\$500 for pump and valve, \$1,500 for sealing basement).

Tables 3 and 4 summarize the final costs of a buy-out of residential structures in the 10- and 50-year floodplains. It should be noted that each of these buy-out strategies are designed to provide complete protection against the hazards associated with flooding.

40x

TABLE 3

PERMANENT EVACUATION AND FLOODPROOFING

EVENT	SUBBASIN	STRUCTURES*		COST (\$1,000's)		TOTAL COST
		FLOODPROOF	EVAQUATE	FLOODPROOF	EVACUATION**	
10 YEAR	CENTRAL BASIN	1,698	138	\$3,380	\$16,156	\$ 19,536,000
	POMPTON	2,024	582	4,068	68,135	72,203,000
	WANAOUE	182	1	204	118	322,000
	PEQUANNOCK	289	2	418	234	652,000
	RAMAPO	526	74	1,052	8,664	9,716,000
					TOTAL-	\$102,429,000
50 YEAR	CENTRAL BASIN	2,339	511	\$4,678	\$ 59,823	\$ 64,501,000
	POMPTON	1,868	1,563	3,728	182,981	186,709,000
	WANAOUE	187	34	214	3,980	4,194,000
	PEQUANNOCK	247	21	494	2,459	2,943,000
	RAMAPO	564	294	1,128	34,418	35,546,000
					TOTAL-	\$293,885,000

*- BASED ON DATA PRESENTED IN ARMY CORPS OF ENGINEERS PLAN FORMULATION DOCUMENT, PP. 155-166.

**--SEE TABLE 4 FOR EVACUATION COST BREAKDOWN.

4/1
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TABLE 4

EVACUATION COST BREAKDOWN

EVENT	SUBBASIN	COSTS (\$1,000's)		
		PURCHASE	DEMOLITION	RELOCATION
10 YEAR	CENTRAL BASIN	\$12.913	\$1.380	\$1.863
	POMPTON	54.458	5.820	7.857
	WANAQUE	94	10	14
	PEQUANNOCK	187	20	27
	RAMAPO	6.924	740	1.800
50 YEAR	CENTRAL BASIN	\$ 47.814	\$ 5.110	\$ 6.899
	POMPTON	146.250	15.630	21.101
	WANAQUE	3.181	340	459
	PEQUANNOCK	1.965	210	284
	RAMAPO	27.509	2.940	3.969

42x

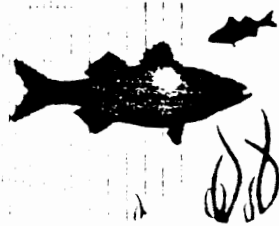
Summary

Although the figures we have presented for the 10- and 50-year floodplain buy-outs are general estimates based on Corps of Engineers data, they can be compared to the cost of a floodway buy-out. Because each of these estimates are inclusive, the cost of extending the buy-out from the FLOODWAY to the 10-YEAR FLOODPLAIN can be estimated to be approximately \$12 million. The cost of extending the buy-out from the 10-YEAR FLOODPLAIN to the 50-YEAR FLOODPLAIN can be estimated to be approximately \$190 million.

43X

Exhibit IV.

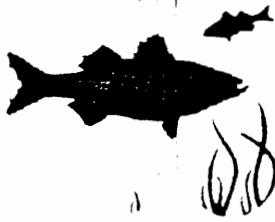
Effect of Buy-Out on Local Ratables



THE EFFECT OF A BUY-OUT
ON LOCAL RATABLES

When a buy-out of residential structures is mentioned as a solution to the hazards of flooding, the question of the loss of ratables to a municipality usually follows. The concern is, of course, a valid one- will a given community lose revenues if housing units are permanently removed? In response to this question, we have researched and prepared a Cost-Benefit Fact Sheet on the effect of a buy-out on municipal ratables (see attached). Using Lincoln Park as an example, we have determined that it costs the Borough more in municipal services to floodplain homes than they get back in taxes. In order to make up this difference, those residing outside of the floodplain are left to help pay for the municipal services used by these floodplain residents. We estimate, however, that permanently removing these floodplain homes would result in an overall tax savings to Lincoln Park. The cost/benefit ratio of such a buy-out is 1.3.

It should be noted that this cost/benefit figure does not include emergency relief expenses incurred by the State, federal or municipal governments for major flood events. Inclusion of this figure would increase this cost/benefit ratio for a residential buy-out.



PASSAIC RIVER COALITION

246 MADISONVILLE ROAD, BASKING RIDGE, NJ 07920 (201) 766-7550

COST-BENEFIT FACT SHEET

LINCOLN PARK

A. 1988 Tax Rates

The municipal tax rate for Lincoln Park for Fiscal Year 1988 includes a local school tax, a county tax, and a local purpose tax. The Borough has no jurisdiction over the county and school budgets, so only the local purpose tax is used for this analysis. All rates are per \$100 of assessed value.

Local School Tax	\$2.01
County Tax	.50
Local Purpose Tax	<u>1.09</u>

Total- \$3.60

B. Number of Households

In order to determine the amount of local tax revenues received and spent for each household in Lincoln Park, the total number of households must be calculated.

Households

Year	<u>1970</u>	<u>1980</u>	<u>1984</u>	<u>1988</u>
Units	2494	2610	2901	3560(1)
% Change		+5%	+11%	+22%

C. Cost of Municipally Provided Services

The following are a list of services which the municipality would no longer have to provide once a residence is bought-out. The total is for the entire Borough as provided for in the 1988 budget. The total is then converted to a "per household" figure based on 3560 households.

* Emergency Management Systems	\$ 17,107
* Solid Waste	925,884
* Police	831,000
* Fire	59,550
* First Aid Organization Contribution	<u>12,500</u>

Total- \$1,846,041

or

\$519 per Household

46 x

D. Revenues Received

Applying the number of households to the tax rate, cost of housing, and tax assessment level as a percent of housing value, total revenues per household can be estimated.

Local Purpose Tax = \$1.09
Households = 3560
Cost of Housing = \$66,355(2)
Assessment as Percent of Value = 49.48%

* Local Tax: \$374 per household
* Balance of
Sewer Service Cost(3): \$ 26 per household

Total- \$400 per household

E. Benefit-Cost Comparison

* Gain from services eliminated: \$519 per household
* Loss from revenues eliminated: \$400 per household

BENEFIT-COST RATIO OF BUY-OUT: 1.3

(1) Estimate based on approximate number of new housing units approved and constructed since 1984. Source: Morris County Planning Board.

(2) Average cost of homes purchased in Lincoln Park under the state's Buy-out Program.

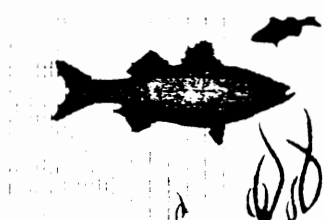
(3) This figure is the balance of revenues received from sewer rents (\$844,213) less cost of sewer service (\$751,559) divided by 3560 households. This was the only service for which revenues were received from local residents.

47 x

Exhibit V.

*Comparison of
New York City's Water Tunnel
and the Flood Tunnel*

48 x



FINANCIAL COMPARISON

THE NEW YORK CITY WATER TUNNEL AND THE CORPS OF ENGINEERS FLOOD CONTROL TUNNEL

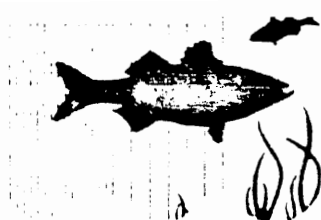
As with any major public works project, the estimation of costs depends on a thorough comparison of similar projects, preferably within the same region. After all, nothing approximates the future better than actual experiences.

The New York City Water Supply Tunnel No. 3 is strikingly similar to the New York District, Army Corps of Engineer's Dual Inlet Tunnel Diversion Plan for the Passaic River Basin. The Corps chose not to utilize New York City's actual construction expenditures when estimating the costs of their tunnel. No justification for this decision has been presented.

In the absence of such a comparison, the Passaic River Coalition has prepared the attached Comparative Analysis of the two projects (see attached). Considering that the final completion cost of New York's tunnel was \$1.0-1.1 billion, the Corps tunnel will cost a great deal more since New York City began their project with 1970 dollars. Initially, the Corps projected a twenty year construction time line, which is similar to the New York City construction period. Thus, any cost estimate must factor in inflation and interest rates into the next two decades. Applying a comparable cost estimate, the tunnel with a discharge at Nutley will cost at least \$1.5 billion; if the tunnel is extended to Newark Bay, an additional \$500 million must be added, bringing the total to \$2 billion, on a conservative basis. All of these figures are based on 1989 dollars.

Additional diseconomies exist for this project, such as land acquisitions, which will result in an even higher final cost for the Corps tunnel plan.

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COMPARATIVE ANALYSIS

THE ARMY CORPS FLOOD CONTROL TUNNEL PLAN
AND
NEW YORK CITY'S WATER TUNNEL #3

<u>ACE TUNNEL</u>		<u>NYC TUNNEL</u>
13.5 MILES (1) 2.2 MILES (2)	LENGTH	13.5 MILES (3)
39 FEET (1) 22 FEET (2)	DIAMETER	20-24 FEET
125-450 FEET	DEPTH	600 FEET (4)
	APPROXIMATE START-UP DATE	
1993 (5)		1970-71
	ESTIMATED COMPLETION DATE	
1997-98 (6)		1989
\$841.2 MILLION	ESTIMATED COST	\$1.0-1.1 BILLION (7)
3-5 LIVES (8)	CASUALTIES	22 LIVES (9)

* * * *

NOTES-

1. MAIN TUNNEL.
2. SPUR TUNNEL.
3. FIGURES FOR NEW YORK CITY TUNNEL ARE FOR STAGE 1 (*).
4. AVERAGE DEPTH.
5. ASSUMING FUNDING AND APPROVALS ARE GREATLY ACCELERATED.
6. ARMY CORPS ESTIMATE OF 90 MONTHS.
7. ESTIMATED COST FOR RECENTLY COMPLETED STAGE 1.
8. LIVES LOST IN FLOOD EVENTS IN THE PASSAIC RIVER BASIN SINCE 1900.
9. LIVES LOST THUS FAR IN CONSTRUCTING TUNNEL.

*- STAGE 2 OF WATER TUNNEL WILL BE ABOUT 10 MILES IN LENGTH AND HAS AN APPROXIMATE COMPLETION DATE OF 1998-2000 AT AN ESTIMATED COST OF \$1.2 BILLION TO \$1.5 BILLION.

50x

Exhibit VI.

Cost/Benefit Analysis of Tunnel Plan

51x



COST/BENEFIT ANALYSIS AND THE DUAL INLET TUNNEL DIVERSION PLAN

Benefits

In its analysis of the cost/benefit ratio for the tunnel plan, the New York District of the Army Corps of Engineers (Corps) estimated that the average annualized benefits for the Passaic River Basin would amount to \$130.2 million. This annualized benefit figure will remain constant over time.

Costs

The Corps estimates the cost of the tunnel plan to be \$847 million. Using this figure, the cost/benefit ratio for the project is 1.5. However, our research has shown that the Corps cost estimate is not accurate. For example, the recently completed New York City Water Tunnel No. 3, which is nearly identical to the Corps proposal, took 18 years to complete at a cost of \$1.1 billion. Assuming the Corps tunnel will cost at least that much, the cost/benefit ratio falls to 1.16. There is currently a proposal to extend the Corps tunnel outlet from Nutley to Newark Bay at an estimated cost of \$300-\$500 million. This would bring the total project cost to approximately \$1.5 billion with a cost/benefit ratio of .85. Finally, assuming the Corps project takes at least as long to complete as New York's tunnel, and adding in interest rates and inflation over that 20 year period, the Corps plan would cost approximately \$2.0 billion with a cost/benefit ratio of .64. These figures are summarized below:

	<u>COST</u>	<u>COST/BENEFIT RATIO</u>
Corps Estimate	\$847.0 million	1.5
Estimate Based on		
New York Experience	\$1.1 billion	1.16
Adding Proposed Newark		
Extension	\$1.5 billion	0.85
Final Cost with		
Interest & Inflation	\$2.0 billion	0.64

Once the actual costs of this project are closely examined, the Corps tunnel plan fails to meet the requirements of cost/benefit analysis, much less the requirements of the National Economic Development Plan.

52x

NORTH ARLINGTON BOARD OF EDUCATION

222 Ridge Rd.
No. Arlington, N.J. 07032
(201) 991-6800

Nick Antonicello, Trustee
(201) 998-4133-H

As a member of the North Arlington Board of Education, the proposed flood tunnel scheduled for construction would be a nightmare for river area residents and virtually destroy the Athletic field located on the banks of the Passaic.

Our varsity sports program would be without a home for football, baseball, track and other sports should this project become a reality.

The loss of this vital sports facility would deprive North Arlington's youth of it's only viable athletic complex and force taxpayers once again to find more money for already increasing school costs.

The federal government should re-consider any plan to shift problems of flooding and alike onto other regions of northern New Jersey. The mere fact remains that this flood tunnel is ill-advised, ill-concieved, and certainly not in the best interest of North Arlington taxpayers and South Bergen residents. I urge the public officials of this region to fight the attempts to saddle our community with yet another regional problem in which other communties refuse to share responsibility.

The borough of North Arlington for years has had to live with the solid waste problems of Bergen County. It's bad enough to be dumped on, we don't need to drowned upon as well.

53x

"Not Paid for at Taxpayer's Expense".
Paid for by Nick Antonicello, Trustee.



Sierra Club

NORTH JERSEY GROUP

A RESOLUTION
CONCERNING
ED HOCHMAN'S PLAN
FOR THE PASSAIC RIVER BASIN
AND FOR PATERSON

WHEREAS, the Sierra Club, North Jersey Group has reviewed the Army Corps of Engineers New District Flood Control Project known as the Dual-inlet Tunnel Plan, and;

WHEREAS, the Sierra Club, North Jersey Group, has repeatedly taken a position against the Tunnel Plan, and;

WHEREAS, Edward S. Hochman, a resident of Paterson, has developed a proposal suggesting an alternative to the tunnel plan which contains recommendations for the preservation of wetlands and floodplains, for the acquisition of affected flood victims' properties, and to include incentives to revitalize economically distressed urban areas.

NOW THEREFORE BE IT RESOLVED, that the Sierra Club, North Jersey Group supports in concept the proposal developed by Edward S. Hochman as an important step towards developing a viable, environmentally sound alternative to the proposed Passaic Tunnel.

Dated April 17, 1990


James Christenson,
Chair, North Jersey Group

54x



Sierra Club
NORTH JERSEY GROUP

**A RESOLUTION CONCERNING
FLOODING ON THE
PASSAIC RIVER**

WHEREAS the Passaic River is a major natural resource of the State of New Jersey; and

WHEREAS flooding is part of a natural cycle of any river system; and

WHEREAS extensive development of the Passaic River flood plain has exposed many residential and commercial properties to flood damage; and

WHEREAS the U. S. Army Corps of Engineers has proposed construction of a large and expensive flood diversion tunnel to carry off the flood waters; and

WHEREAS the environmental consequences of the Corps of Engineers' proposal have not been adequately studied; and

WHEREAS the effect of the Corps of Engineers' plan would be to subsidize environmentally responsible development; and

WHEREAS the Corps of Engineers' proposal has been declared unacceptable by many counties, communities, and residents of the region; and

WHEREAS environmentally sound alternatives, such as that proposed by the Passaic River Coalition, are available; and

WHEREAS such an alternative would provide flood relief without waiting years for construction; would preserve wetlands, the riverfront, and water quality; and would not endanger downstream residents

NOW, THEREFORE, BE IT RESOLVED that the Sierra Club, North Jersey Group, reiterates its position to the flood tunnel, declares its intention to work for an environmentally sound solution to the problems caused by development of the flood plain, and asserts its support for the Passaic River Coalition's proposal.

Adopted March 12, 1990.

55x


James G. Christenson, Chair

UTCA

UTILITY and TRANSPORTATION CONTRACTORS ASSOCIATION OF NEW JERSEY

P.O. BOX 816, 160 AIRPORT ROAD, LAKEWOOD, NJ 08701 201-567-1200 FAX 201-905-4951

1965-1990

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April 17, 1990

Assemblyman Thomas Duch
Chairman, Assembly Committee On
Conservation and Natural Resources
CN-068
Trenton, NJ 08625-0068

RE: Pompton/Passaic Dual Inlet Tunnel Project

Dear Assemblyman Thomas Duch:

The Utility and Transportation Contractors Association urges you and the members of the Assembly Committee on Conservation and Natural Resources to fully support the above referenced project. As documented by the private engineering community and the Corps of Engineers, this proposal is both an environmental and economical solution to the severe flooding problem that exists in this area of our state.

This dual inlet tunnel project will cease the flood hazards to both life and property while mandating the protection of the existing 5,350 acres of wetlands and also creating a small net increase of these wetland areas. It has been estimated that the savings from flood damage over a ten year period will pay for the project.

Opponents to the project call for a buyout of the affected properties. This is not a cost effective solution and this idea does not make economic sense. There is also a concern for the communities that exist at the tunnel's exit. Congressman Bob Roe, along with other New Jersey congressional representatives, indicate that congress will probably fund a tunnel extension to Newark Bay, thus eliminating the concerns of those communities.

Our organization urges the committee to fully support this much needed project. If New Jersey misses this opportunity to utilize this one time congressional funding given to this project, then New Jersey tax payers will pay dearly to implement what ever plan is used to correct this severe flooding problem.

Sincerely,

ROBERT A. BRIANT, JR.
Assistant Executive Director

RAB:gg

AFFILIATIONS—
American Road & Transportation Builders Association
National Utility Contractors Association

56x



Andrew E. Bertone
159 West Newell Avenue
Rutherford, NJ 07070
(201) 939-7933

COUNCILMAN

BOROUGH OF RUTHERFORD
176 PARK AVENUE
NEW JERSEY
07070

April 18, 1990

The Borough of Rutherford is a community located along the Lower Passaic River Basin which has long been committed to improving the quality of life along the river. We have been diligent with regard to drainage and stormwater management and have provided significant funding and support for the restoration of the Passaic River waterfront. Please recognize that the Borough of Rutherford has not caused the flooding problems that exist in the Passaic River Basin.

Part of the plan would call for floodwalls and berms to be constructed along our waterfront. Our residents take great pride in their homes and surrounding property, having some of the most attractive riverfront vistas in the State. Why should our citizens have to endure high walls which would devalue their property and deny them access to the Passaic River?

Currently, the Passaic River as it flows by Rutherford has the capacity to contain flood waters. Flooding in the upper Basin has become problematic due to excessive and often illegal development --- still going on.

The tunnel plan as presented will negatively affect local economic growth, water quality, access to and use of the River, and will permanently disrupt living conditions for residents along the River in the Borough of Rutherford.

In addition, proposals have been made by certain Members of Congress to extend this tunnel to Newark Bay; thereby getting some of us "off their backs." We do not support the Newark Bay extension either. Congress must recognize that the tunnel plan is a terrible project, causing environmental damages in the upper reaches, which the Corps will not acknowledge, and passing problems onto us in the Lower Valley at a cost which the State of New Jersey cannot afford.

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While the Corps claims benefits for so-called protection from flooding in Rutherford, please note that such is not, nor has ever been, the case. The protection the Corps claims to be providing is for the 500-year storm in an area where such occurrence has never come close to happening. Yet in the acknowledged flood area, the Corps is providing protection only for the 100-year storm. Does this make sense? No benefits whatsoever accrue to the municipalities in the lower valley. We don't want the project; we don't need the Corps in our valley.

The excessive flooding problems have been increased by improper development in the Greater Wayne area. The solution to the problem should be at its source by beginning with the acquisition of the houses in the floodway. In that manner, the people in greatest need would get relief immediately. Additional projects would have to be undertaken to provide greater protection. However, by beginning with the floodway, the river environment would be improved, and our citizens in Rutherford would continue to enjoy their riverfront properties.

The costs for such an acquisition program could be undertaken over a period of time by the State of New Jersey with no federal involvement. We do not support any project, which amongst other reasons, seeks to get "big bucks" from Washington.

As an elected official of the Borough of Rutherford, please know that we oppose the tunnel plan and recommend that it be dropped from any further consideration now or in the future.

Thank you.

Sincerely,


Andrew E. Bertone
Councilman, Borough of Rutherford



HUDSON-ESSEX-PASSAIC SOIL CONSERVATION DISTRICT

571 BLOOMFIELD AVE.
VERONA, N.J. 07044
Telephone: (201) 239-1886

April 18, 1990

Assemblyman Thomas Duch
117 Midland Avenue
Garfield, NJ 07026



Dear Assemblyman Duch:

The Hudson-Essex-Passaic Soil Conservation District has genuine concerns regarding the Passaic River Flood Protection Plan and resulting Dual Inlet Tunnel Project. While the District primarily promotes soil conservation and stormwater management within the Passaic River Basin, we express a certain uneasiness reflecting recent comments both backing and opposing the recommended plan. The District has no political, local, or financial motives in expressing our concerns. Several key aspects of the Passaic River Flood Protection plan have virtually been ignored in all correspondence regarding this project. The following views are based solely on existing facts, past experience and a well balanced formal education in the many facets of storm water management. This letter offers a new look at the information hidden behind the hype.

WHERE DOES THE EXCAVATED MATERIAL GO?

One completely ignored aspect of the recent proposals has been; Where is the excavated material going to be relocated to? Along with the U.S. Army Corps. of Engineers project to dredge the New Jersey section of Greenwood Lake, the excavated material from the proposed flood tunnel will amount to approximately 8.5 million cubic yards of excess fill. Enough unwanted fill to cover an entire town the size of Wayne (24.89 sq. miles) with soil and rock twelve inches thick. This unconsolidated silt, crushed basalt and sandstone is hardly proper material used to construct earthen dikes. Are the affected municipalities willing to accept this material as a tradeoff for flood protection?

The answer is not to haul off the excess material to a "safe" alternative location. Just ask the residents of Bloomingtondale (Kampfe Lake) and Pompton Lakes (Pompton Lake) if their respective soil exporting operations went as planned. These comparatively small scale soil excavations were both over budget and beyond schedule. Are these towns going to be willing to accept their share of unwanted fill material in exchange for the approval of this Dual Inlet Flood Tunnel Project?

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HAVE PREVIOUS EXAMPLES OF ARMY CORPS. PROJECTS SHOWN
SOUND AND EFFECTIVE MANAGEMENT PRACTICES?

Any analysis of the Flood Tunnel Project is incomplete without considering the history of Army Corps of Engineers. A review of the record reveals numerous projects which were behind schedule, over cost, and environmentally ruinous. The Corps has consistently relied upon costly structural solutions at the expense of logical alternatives which are more economically and environmentally sound.

Several classic examples which illustrate these charges are the Chicago Tunnel and Reservoir Plan for stormwater management, the Tennessee-Tombigbee Waterway and the infamous Westway Highway project in New York City. The Chicago TARP project called for 132 miles of tunnel under the city of Chicago. Costs soared from 1.2 billion to 11 billion dollars before it was finally abandoned. The Tennessee-Tombigbee Waterway inflated itself from 120 million to 2 billion dollars and spurred a critical investigation of Corps procedures by the General accounting Office. In the Westway case, the highway with a cost of one billion dollars per mile, a Federal judge charged that the Army Corps. of Engineers acted in "total noncompliance" with the law.

When are we going to stop and realize that this very project is starting on the same illogical grounds? Is the Flood Tunnel Project going to be abandoned in mid-flight as the Passaic County Vo-Tech School (Wanaque), the unfinished American Hydropower Plant (Clifton), or Dept. of Transportation "Highway exits to nowhere?" Given current fiscal constraints, environmental considerations, alternatives and the past performance of the Corps. of Engineers, a thorough reconsideration of the Flood Tunnel is in order before we give wholesale acceptance to this pork barrel project.

HOW WILL THE CONSTRUCTION OF LEVEES AFFECT THE FLOWS OF
EXISTING STORMWATER SYSTEMS?

A levee is defined as: "An earthen barrier with an impermeable clay core; levees average 2.5 feet in width for every foot in height."

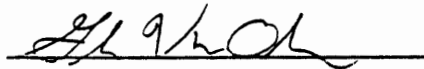
A co-requisite to the design of the flood tunnel is the construction of nearly 37 miles (reduced from 47) of flood proof levees. These impermeable dikes are obviously proposed to prevent the rise in flood stage from inundating countless thousands of acres of flood plain. One problem not addressed is how

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the construction of these anti-flood levees will affect the existing municipal storm water systems. Current evidence suggests the rise in the river will cause a reverse flow in many municipal systems functioning today. This will cause upwelling of water out of existing catch basins within the system effectively flooding large areas behind the newly constructed levees. One fact that has not been discussed is that the municipalities will bear the costs of installing, operating and maintaining the massive dewatering pumps behind the levees. A proposal for incorporating the existing municipal storm water systems in the overall master plan has yet to be discussed.

Just drive on the highways in New Jersey today and observe the miles of sound barriers being installed. Initiated primarily as a pilot project for Rt. 78 these unsightly 20 foot walls continue to extend where any road work is proposed. With this type of mentality there is virtually no chance that the extent of the levees will be only 37 miles. These levees, just as the sound barriers, are proposed not to provide quiet safety but solely to quiet public opposition.

Glen Van Olden



Christopher Stevenson

