

105
10
p777
1987e

PUBLIC HEARING

before

SENATE SPECIAL COMMITTEE TO STUDY
COASTAL AND OCEAN POLLUTION

Testimony concerning the proposed Clean Ocean Authority

February 18, 1987
Room 334
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Frank Pallone, Jr., Chairman
Senator S. Thomas Gagliano

ALSO PRESENT:

Patricia Cane
Office of Legislative Services
Aide, Senate Special Committee to Study
Coastal and Ocean Pollution

* * * * *

New Jersey State Library

Hearing Recorded and Transcribed by
Office of Legislative Services
Public Information Office
Hearing Unit
State House Annex
CN 068
Trenton, New Jersey 08625

100
10
P777
1787e

P U B L I C H E A R I N G

before

SENATE SPECIAL COMMITTEE TO STUDY
COASTAL AND OCEAN POLLUTION

Testimony concerning the proposed Clean Ocean Authority

February 18, 1987
Room 334
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Frank Pallone, Jr., Chairman
Senator S. Thomas Gagliano

ALSO PRESENT:

Patricia Cane
Office of Legislative Services
Aide, Senate Special Committee to Study
Coastal and Ocean Pollution

* * * * *

New Jersey State Library

Hearing Recorded and Transcribed by
Office of Legislative Services
Public Information Office
Hearing Unit
State House Annex
CN 068
Trenton, New Jersey 08625



New Jersey State Legislature

**SENATE SPECIAL COMMITTEE
TO STUDY COASTAL AND OCEAN POLLUTION**

STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625
TELEPHONE: (609) 292-7676

FRANK PALLONE, JR.
CHAIRMAN

RICHARD VAN WAGNER
LAURENCE S. WEISS
THOMAS GAGLIANO
JAMES R. HURLEY

February 2, 1987

NOTICE OF A PUBLIC HEARING

The Senate Special Committee to Study Coastal and Ocean Pollution will hold a public hearing on Wednesday, February 18, 1987, beginning at 10:00 AM in Room 334, Third Floor, State House Annex, Trenton, New Jersey.

The Committee will be taking testimony concerning the proposed Clean Ocean Authority.

. Anyone wishing to testify should contact Patricia Cane, Committee Aide, at (609) 292-7676.

TABLE OF CONTENTS

	<u>Page</u>
Brenda Davis Chief, Office of Policy and Planning Governor's Office	5
Donald T. Graham Assistant Commissioner New Jersey Department of Environmental Protection	37
Thomas A. Burke Assistant Commissioner for Occupational and Environmental Health New Jersey Department of Health	46
Robert J. Furlong, Sr. Councilman Sea Bright, New Jersey	51
Dennis Sternberg Representing "Save Our Shores"	60

* * * * *

SENATOR FRANK PALLONE, JR. (Chairman): We're going to start the hearing. I want to welcome you to this public hearing on the proposed New Jersey Clean Ocean Authority. We don't have any amplification, you know. We're just using the mikes for the transcript. This is the fourth public hearing that has been held by this Committee on ocean and coastal issues in the State of New Jersey. Each hearing held thus far has focused on a different set of issues. I'd like to give a brief overview, basically, of where we've been before we go into the hearing today.

The first in the series of hearings was held in July and focused on the issue of beach closings, some of which were actually occurring at the time. The identification of the storm sewer sources of beach pollution resulted in the introduction of the first of its kind legislation designed to prevent this type of pollution from fouling our coastal waters. The second hearing concerned the problem of ocean floatables which wash up on New Jersey's coast, particularly on Woodbridge's beaches. We did, in fact, hold that hearing in Woodbridge.

Many of the materials come from out of state sources, such as the Fresh Kills Landfill on Staten Island. As a result of the Committee's involvement, legal action has been taken against New York to halt this type of pollution. Basically, the Attorney General and the Interstate Sanitation Commission joined the suit that had been brought by Woodbridge Township against New York.

Other action taken as a result of the publicity generated at this second hearing was the reimposition of a building moratorium by the New York State Department of Environmental Conservation. By banning building, the moratorium acts to prevent additional untreated sewage from entering the Arthur Kill and other waters, and eventually ending up along the New Jersey shore.

The third hearing which we held in January focused on ocean dumping, particularly of sewage, sludge, and dredge spoils. Testimony was taken regarding the phasing in of the 106-mile site for sludge disposal, and whether that location will also become a dead zone as the 12-mile site has. Conflicting opinions regarding the disposal of contaminated dredge materials and the use of borrow pits were expressed. The issues of off-shore wood burning and vessel pollution were also discussed. The ocean has long been seen as a convenient dumping ground, and this Committee has worked hard to alter the short-sighted view that the ocean should continue to be that dumping ground, and also to preserve the recreation and commercial value of the ocean and coastal areas. I mentioned these previous hearings only because I think the Committee, although it's had a short life span, and although we don't have the ability to report out bills, has really accomplished a lot in terms of raising consciousness and actually having some things happen positively in terms of trying to clean up the ocean environment as a result of our hearings.

Now on January 13, 1987, in the State of the State Message, Governor Kean proposed the creation of a Clean Ocean Authority to protect the shore for ourselves and future generations. That's the focus of this hearing today. This Authority would have the power, according to the Governor's statement, to work with local governments to plan growth along the shore, to help towns keep their beaches clean, to be a strong voice against other states polluting our waters, and to raise moneys to clean the ocean and restore the beaches.

Obviously, these mandates are awesome tasks, and one of the reasons we're having the hearing today is to determine exactly how they would be focused. To the extent that this Committee has been instrumental in bringing attention to important issues, and providing a forum for the public to voice concerns, and in gathering information for which to design

legislation to protect the coasts, it is the purpose of this fourth public hearing to flesh out the role of the proposed authority. Today, the Committee would like to see described the structure of the Authority, the way in which it will address the many issues brought to the forefront in prior hearings of this Committee, and to bring out any additional problems which should be addressed. Another important concern is the funding of the Authority, and the projects it may choose to undertake.

The budget for Fiscal Year 1987, which the Governor announced recently -- I should say Fiscal Year 1988 -- includes an appropriation for the Clean Ocean Authority of \$250,000. Again the Committee would like to hear a discussion about how that money will be spent, and whether it's sufficient. In addition, many groups both within and outside of the government, have contributed to programs to prevent beach erosion, promote public health, preserve coastal wetlands, and many others. How will these groups interact with the Authority? What role will the Department of Environmental Protection play in regulating coastal development, and assuring adequate water supply?

This Committee, as I said, has been a fact-finding enterprise. It does not report bills, but rather through information gathering, seeks to accomplish certain goals. The title of the Committee even includes the words "to study coastal and ocean pollution." Basically, what we're asking those of you who would testify today, and who would like to testify, is to join with us in seeking a solution and fleshing out what this Authority would be, and what it should be accomplishing.

I'd just like to add one thing. I frankly think-- This may sound presumptuous, but I frankly think that the fact that this Committee exists, and that we've had these hearings focusing in on problems and some of the shortcomings that exist

with the present structure in terms of cleaning up our environment, that that has focused and kind of brought to the attention the need, perhaps, for a new agency, such as the Clean Ocean Authority. And so, with that, I would like to initially introduce Senator Gagliano, who is another member of the Committee. The other two members-- Senator Weiss will not be here today but we do have his aide here. We're not sure whether Senator Hurley or Senator Van Wagner would be here. I'll turn this over to Senator Gagliano.

SENATOR GAGLIANO: Thank you very much, Senator Pallone. I'm very much interested in what we might hear about today with respect to an Authority which would deal with the coastal problems. Over the years I have felt very strongly that we should have some kind of an organization which would speak, or try to speak as one voice for the shore communities, and for the ocean and the coastal areas. I had thought that it would probably be somewhat effective if we had an organization which consisted of two members from each county, from each coastal county. I had envisioned that these members would be appointed by the board of chosen freeholders of each county, again trying to get the interest of -- in the problem on a local level -- that the two members from each county would meet, and would do many of the things that I think the Governor envisioned with respect to his proposal. I also feel that the funding is extremely important.

I don't see how we can continue to adopt bond issues, then we run out of that money, and then nothing happens. That's what I think we're in the process of right now. We're in that situation, where we basically have no more money, no funding for those projects that need to be done. So I have an open mind on this, and I do want to hear from the witnesses. I think it's extremely important that we start now to put together a long-term solution to the problems because they are long-term problems. Thank you.

SENATOR PALLONE: Thank you Senator Gagliano. Thank you for your continued support of the Committee's effort. I think you and I are the only ones that have made every meeting so far.

SENATOR GAGLIANO: You keep testing me, Frank.
(laughter)

SENATOR PALLONE: First of all, if anyone does want to testify other than the Department representatives and the Governor's representative, which we have your names already, please come forward and fill out one of these slips. Okay, they're in front here. As I said, this meeting is open to members of the public. Anyone who would like to testify on the subject is more than welcome, and the slips are up there. I think what we'll do is we'll start out with the Governor's representative, and also followed by representatives from the Department of Health and the Department of Environmental Protection. The first person is Ms. Brenda Davis, who is the Chief of the Office of Policy and Planning with the Governor. The aides have to talk because that's just for the transcript.

B R E N D A D A V I S: I want to thank you Mr. Chairman, and thank you, Senator Gagliano, for inviting us here today. I very much appreciate this opportunity to appear before you, and before your special subcommittee. I want to introduce Dr. Ralph Rizzo from the Governor's Office of Policy and Planning, and also point out that in the audience is Assistant Commissioner Don Graham from the Department of Environmental Protection, right here behind me, and Assistant Commissioner Tom Burke from the Department of Health, who both are here today to speak in support of the Governor's initiative for a Clean Ocean Authority. Their comments can follow mine.

I'd like to outline for you today the Governor's initiative for Clean Ocean Authority, but let me preface that outline with a couple of general statements. First, Governor

Kean is convinced that we have a problem on our hands, a problem that is going to get much worse, not better, unless we take dramatic steps. He has proposed an aggressive and bold solution to this problem. Second, we chose not to announce a finished product -- not to begin with the end. Together, we want to consider the fate of one of our State's most precious resources. We're talking about well over 100 municipalities and at least six counties. We're talking about huge sums of money. We want to develop the details of this plan together with those who are impacted and with those who stand to benefit from a Clean Ocean Authority. And last, let me just emphasize that this is not going to happen overnight. We hope that we have begun a process, one which you in this Committee obviously have begun long before this announcement. This hearing today is part of that process. We expect to move quickly but deliberately towards legislation.

Now the purpose of the Clean Ocean Authority will be to protect and preserve the resource that is our shore and the near coastal waters. Not only will it preserve the environmental integrity of the shore, but it is meant to preserve the economic vitality of the New Jersey coast. There are problems at our shore, and they vary regionally, but no part of the coast is problem-free. Water quality degradation and garbage on the beaches typify problems in northern counties. Urbanization and stormwater runoffs threaten our southern counties. And these problems know no municipal boundaries or county lines.

Many coastal wastewater treatment facilities fail to meet discharge standards due to overloading, poor operation, and the need for system upgrading. Some old systems are decayed and weakened, and existing wastewater funding priorities cannot favor the shore area over other regions of the State. Non-point sources of pollution are largely uncontrolled. Stormwater planning and management is grossly

inadequate. Funding for even simple sanitary actions such as street cleaning is scarce. The cost for statewide comprehensive storm water management are staggering, probably in the billions of dollars. Over 4.5 million tons of sewage sludge is dumped each year by New York and New Jersey at the 12-mile site off Sandy Hook. After December 15 of this year, disposal is to take place 106 miles from our shore, but there are inadequate enforcement mechanisms in place. Dredge materials continue to be dumped only six miles off the shore. Solid waste from the Fresh Kills Landfill on Staten Island continues to wash onto our coast. Litter from beach users and floatables from a variety of sources continue to foul our coastline. CAFRA oversight is restricted to residential development in excess of 25 units and certain listed industrial activities. As you well know, this leaves at least half of shore development unregulated by the State.

Beach erosion is one of our most obvious critical problems. Inlet maintenance and back bay dredging are often neglected components of our shore management. And finally, there is no coordinated approach to funding the solutions to these problems -- no coordination of existing revenue sources, and inadequate efforts to develop new sources. In fact, no one even knows of the extent of the revenues generated by the shore, and whether the return to municipalities is appropriate.

Wastewater treatment plant improvements will cost \$125 million as we understand them today -- in today's dollars. Storm water planning, which is planning alone, will cost in the range of \$7 million for the shore communities. Beach erosion control is estimated to cost \$15 million a year. Litter control costs somewhere around \$1 million a year for the New Jersey shore. Back bay dredging is an ongoing major expense that we don't even know the proportions of.

The Clean Ocean Authority is Governor Kean's proposal to solve and certainly to address these problems. It would

have as its sole purpose the preservation and enhancement of the quality of our shore for environmental and economic purposes. It would be comprehensive, unifying water quality, shore protection, and financing issues, focusing on the needs of communities from New York harbor to Cape May, and up the Delaware. It would be accountable, and it would hold managers and users of the resource accountable too. It would be an advocate for our shore in negotiations with New York, in obtaining Federal funds, in attracting investment and tourism. It would coordinate research efforts on behalf of our shore.

I don't need to tell you that a lot has happened in New Jersey since 1970, when the Wetlands Act was passed. Back then, 1900 acres of pristine marine wetlands were being developed annually. Because of that legislation, only about 35 acres per year of these wetlands are developed today. CAFRA was enacted in 1973, and State and Federal Clean Water legislation was passed. The citizens of New Jersey passed two shore protection bond issues. In 1977, a shore protection master plan was adopted, though I might add it has never been fully applied or implemented because of the lack of a stable funding source.

SENATOR GAGLIANO: Is that a lack of a stable funding source, or a lack of governors to put the money in them?

MS. DAVIS: Maybe a little of each.

SENATOR GAGLIANO: I don't know, because I remember Brendan Byrne one time said, "This is the year of the ocean," and didn't mention it again for a whole year, and didn't put any money in it. I mean, I'm not blaming any particular governor, but they've all been like that. (laughter) Being a shore kid, I remember the promises that have been made over the years. Excuse me.

MS. DAVIS: The pressure on our coasts today is phenomenal. This is one of the fastest growing regions of our State. Irreversible change is happening now, and yet there is

no comprehensive regional planning for this part of our State. Three regions were exempted from the State Planning Commission's jurisdiction -- the Pinelands, the Meadowlands and the CAFRA zone. The first two of these are served by pro-active regional planning commissions. The CAFRA zone is not.

The Clean Ocean Authority would have regional planning responsibility. It would revisit the shore protection master plan, which provided for regional management along the coast. It would consider the combined impacts of urbanization, off-shore dumping, and seasonal stresses. It would encourage cooperation within regions to maintain quality of the shore for the long term.

The Clean Ocean Authority would have regulatory functions. Primarily, it would streamline the existing process. It would eliminate duplication and overlapping jurisdictions, and it would have financing capability. It would provide badly needed planning and coordination of existing financial resources. It would develop new funding sources. It would finance capital needs.

But within these planning, regulatory and financing responsibilities there is a lot of gray area. And to put that in black and white, we are reaching out to those who are concerned. We've begun meetings with mayors, county officials, interest groups and legislators. I consider today's hearing a part of that process. We look forward to hearing from all of those who are represented here today, and will be testifying. In fact, later today I'll be continuing meetings that I've initiated with shore mayors. We want to hear from those who will have a stake in this Authority. It is not our intention to burden municipalities, but to help them in ways that would benefit them the most.

Before drafting legislation, we want to know firsthand what the problems are of the northern Atlantic coast counties.

How do these differ from the problems of the central and southern coast of New Jersey? What does a mayor in Cape May County need, compared to one in Monmouth County? Our goal is to use this process to build a solution. There is no reason to let the New Jersey shore decline, environmentally or economically. But to stop that decline will require cooperation. This is a regional resource; these are regional problems; they require a strong, pro-active regional solution. I'd be delighted to answer any questions that you might have.

SENATOR PALLONE: Thank you, Ms. Davis. Let me just make a general statement, and then we can get into specific questions. I certainly recognize, and I think shore legislators in general recognize that there are problems with the existing structure. In other words, we in this Committee, for example, have identified problems with lack of enforcement, or inability or unwillingness to bring suit in certain actions. For example, I mentioned early in the opening statement about the suit against New York because of Fresh Kills, where we felt the DEP and the Attorney General should have gotten involved in this suit a long time ago and didn't, and basically we pressured them to get involved. And that was one of the things that we have accomplished here.

Similarly, with the moratorium in Tottenville in Staten Island, that we didn't feel that existing agencies, be they New York or New Jersey, or the Interstate Sanitation Commission, were really monitoring the flow of raw sewage from Tottenville. We investigated that, got on top of that, and the moratorium was reimposed.

So clearly the existing agencies are not functioning 100%, whether that be interstate agencies such as the Interstate Sanitation Commission, or our own DEP or Attorney General. And so the idea of a new agency or a new structure, you know, makes sense, at least in theory, you know, because of certain defects in the existing structure. I had, however,

envisioned, before the State of the State Address -- and we talked about it on this Committee briefly, something more along the lines of an ocean ombudsman. I think Leo Carney first mentioned the idea. In other words, more similar to a public advocate in that its main focus would be on legal action such as the suit against New York out of Fresh Kills, and basically, a check on existing agencies in the way that the Public Advocate does now, to see whether or not government is functioning properly to clean up the ocean, and if it isn't, then that ombudsman comes out and says, "Well this needs to be changed," or "The DEP isn't doing this." "The Attorney General isn't doing this." The ombudsman would have the opportunity to bring suit and to bring enforcement action and to sue other states, or other individuals who are causing pollution.

But that's a little different than what the Governor proposed. Because what the Governor, -- at least generally -- seemed to be proposing is not only the public advocate function, or the ombudsman function, but also taking over, in a sense, the responsibilities that DEP, for example, has -- dealing with ocean pollution or shore protection -- and also adding additional responsibilities in terms of bonding and regulatory powers over municipalities, for example, with zoning or fees.

I guess my initial question, and it's a very broad question, is, the departments already have a lot of the authority that this new agency would have. I mean, if you look at the ability to clean up the ocean, or the need to clean up the ocean and what has to be done, a lot of it is Federal and comes under EPA in terms of off-shore dumping, and a lot of it is State, and comes under DEP. You know, the authority really exists already with those two Federal and State agencies to do most of the things that would have to be done in order to clean up the ocean environment. So, although I see the need for a

check on those authorities in an advocate-type function like the ocean ombudsman, I guess I question -- maybe not so much personally -- but in general I think there's a big question out there about why we need this new super agency. Why can't the existing DEP and the existing EPA do their job? And if they were doing what they were supposed to do, we wouldn't need a new agency, other than maybe this advocacy-type agency that would simply be a check on them, to make sure that they are doing what they are supposed to be doing. I know that's a broad question.

MS. DAVIS: No, that's a very important sort of threshold question for this whole initiative. I think the answer has two parts. First, I think you hit on the crux of it yourself. There are departments -- plural -- and agencies -- plural -- that have a lot of this responsibility, but there are many of them.

SENATOR GAGLIANO: Brenda, I would say they have about 95% of the responsibility we already have in law, in this State. Just going through, ticking off some of the things you testified to, and I picked up the same thing that Frank did that there is already an organization of State or Federal government, or joint State governments, which have jurisdiction over just about everything you mentioned. Now, one of my problems is -- which you can follow up with your answer to Frank -- is how are we going to do this, if we have an authority which will not be just another group of people doing the same thing with the same assignments, just creating a separate bureaucracy? Because if we do that, the thing will fail dismally. Because DEP, or EPA, or the Interstate Sanitation Commission, or the Attorney General, or somebody will say, "That's my turf; I'll take care of that." And then when there's something they don't want to take care of they'll say, "That's yours." I think we could end up in a real morass here-- In a bureaucratic maze which is even worse than we

have. I feel we should do something. How are we going to do it so that we don't create more problems than we already have in terms of the bureaucracy?

MS. DAVIS: You're absolutely right, and I think this is just a continuation of the same point. I can see there on your desk a long list of all the agencies that have some responsibility for the condition of our shore. It's a very long list.

SENATOR PALLONE: But basically this is--

MS. DAVIS: If you want to do something right now, if you want to accomplish something if you're mayor, where do you turn? How do you know which of the agencies on that list to go to? What we want to do is make one entity accountable. While they do not necessarily take over Federal agencies or State agencies, they are the accountable entity. They are the pro-active entity who have as their one purpose to maintain the quality of the shore. All of these other agencies that you have mentioned, and that very definitely have a certain amount of authority also have a whole realm of other responsibilities. They don't get up the morning and consider the condition of the shore.

SENATOR GAGLIANO: Let's take CAFRA.

MS. DAVIS: CAFRA has very limited abilities in the scheme of things that we're talking about.

SENATOR GAGLIANO: But how will the Authority impact on what CAFRA does today? My point is, how are we going to be able to differentiate? CAFRA has a role; they're doing a job. I presume they're proud of what they do. They work hard. Now we come along with the Authority, and the Authority has jurisdiction in the same areas. How do we reconcile that before there is a problem? How do we reconcile that in the legislation itself?

MS. DAVIS: I think the question of the interaction between that division in particular, and this agency is one of

the most important by way of coordination. Also there is the question of the existing authority, or -- I shouldn't use the word authority, but the--

SENATOR GAGLIANO: Jurisdiction.

MS. DAVIS: The jurisdiction of the CAFRA, of the coastal resources, and whether or not we want to consider an expansion of those abilities and then the coordination with the authority, whether that Division of Coastal Resources in an expanded role actually becomes what this authority is. Certainly the one thing we don't want to do is duplicate and add to the regulatory problems that we've got now, the bureaucratic problems.

SENATOR PALLONE: So in other words, a lot of the CAFRA responsibilities may simply be administered by the authority, or under its auspices. Going back to the basic thing, you said you felt there's a lot of duplication, or that there are a lot of different agencies responsible. But I know the Governor mentioned a lot of things in the State of the State Address that the authority might get involved in. But basically, if I understand it, its main purpose is to hopefully create a clean ocean, or work towards the creation of a clean ocean, and therefore we're talking ocean pollution or coastal pollution. Ms. Davis, don't most of those responsibilities in terms of ocean pollution or ocean clean-up really come under the DEP? I mean I understand there's EPA as far as the Federal responsibilities, or the DEP. I just don't understand what new things the authority would be doing in terms of ocean pollution responsibilities.

MS. DAVIS: The way that we envisioned it-- Well, first of all, you are correct that water quality considerations are regulated by DEP, and those considerations are a very important part of what we are proposing. But we do not believe those are separable from shore protection issues, from the land use issues, and from the other--

SENATOR PALLONE: But what I'm saying is that the towns, and municipalities, and counties that you mentioned don't have many responsibilities in terms of pollution.

MS. DAVIS: Right, but there are many responsibilities that they do have that impact the whole resource -- the storm water planning and run-off, the litter control on the beaches -- things that are -- as you know better than I do -- very expensive undertakings that they may not have the resources or the clout to handle themselves.

Now getting back to why the DEP is not able, necessarily, to take on all this: We are talking about more than just water quality issues. What we want to create -- and I keep coming back to this theme -- is an advocate for the New Jersey shore, somebody who has as their long term purpose the preservation of the economic vitality of the shore. The environmental integrity is key to the economic vitality of the shore. But it is not the DEP's mandate to make sure that the shore -- the New Jersey shore -- is maintained as an economically viable, growing part of our State. They protect water quality, and we want to coordinate that into this whole package.

SENATOR PALLONE: So you feel that the advocacy role then, really is an important part?

MS. DAVIS: A very important part.

SENATOR PALLONE: Well I agree with you there. I mean, I think that's the one thing that seems to be definitely lacking right now. It's the fact that you really don't have an advocate for the ocean. I mean, I'm sure the DEP and the Attorney General would not agree with that, or either of us probably, on point, but I think that--

MS. DAVIS: Well, I think you'd be surprised.

SENATOR PALLONE: I mean the point is that when we talk about the types of things that come before this Committee, we really feel as though we have to practically force them to take action in some cases. If you had an agency whose sole

responsibility was the ocean, and that was in an advocacy role, they would perhaps be more concerned, or more out front on the whole issue.

MS. DAVIS: I think if you consider an agency which has their one purpose to get up in the morning-- These people get up in the morning, and go to work, and worry about the New Jersey shore, and how are things going with the garbage coming over from Fresh Kills, and how are we doing with the beach erosion in Avalon, and is an advocate before the State Legislature, before the Federal Government, before Congress, to the Governor's office. I think we are trying to design something that no department has the capability to do.

SENATOR PALLONE: And you envision that agency also as having the power to bring legal action, in the sense that the Public Advocate would, or an ombudsman would?

MS. DAVIS: I think that's a potential.

SENATOR PALLONE: Because I think that's a very important part of it.

SENATOR GAGLIANO: Could I ask a couple questions?

SENATOR PALLONE: Sure.

SENATOR GAGLIANO: Can we start maybe from the beginning? I went out to try to find some coffee before. I think you said there was no bill drafted.

MS. DAVIS: That's correct.

SENATOR GAGLIANO: There is no bill drafted at this time?

MS. DAVIS: Well we had not drafted a bill. I don't know who's writing out there.

SENATOR GAGLIANO: Let me ask you this. How do you envision the organizational structure to be?

MS. DAVIS: Again, I--

SENATOR GAGLIANO: All right, let me put it another way. Does the Governor--

MS. DAVIS: I think what we envisioned-- We have ideas. I mean, we see an Authority with anywhere from 7 to 12 members sitting on it, some representation of the administration, perhaps an advisory council. Something that mayors have suggested to me along the lines of what you were talking about earlier I think would be an important--

SENATOR GAGLIANO: Well I feel-- As long as we're just sort of round-tabling this, I feel that it's extremely important that each county that has municipalities on the shore, property on the shore, should be represented as members -- number one. Number two, I am not that impressed with having too many representatives of State government. By that I mean we often have organizations where we appoint the Commissioner of DEP ex officio, by reason of the office. We then get someone who is a member of that Department attending the meetings, but really there's a question there of whether or not they have a divided loyalty, in my opinion. Because they have a loyalty to go back and tell the Commissioner, and the Commissioner has a loyalty to the Governor. I'm not talking about which governor is which. It doesn't matter. They're all the same in that regard. And I suppose that if I were the Governor, I'd be the same way. But I'm not.

So what I'm saying is that I would like to see an organizational structure which would basically be county oriented. And I say county oriented because counties over time have put some money into shore protection. I think they've tried to coordinate it. I think if they have people who are appointed by the board of freeholders from their own county, that these people will be, I feel, more answerable.

The next thing that comes to mind is funding. We could possibly fund this through either Senator Pallone's idea of funding, or the Gormley/Villane natural resources idea of funding. That would be an important part of whatever is happening in the Legislature right now. Another source of funding would of course be our budget. I would feel strongly

that the terms of office of the members should be for a long enough period so that they can get a job done, but not so long that they become ancient in the position. And I think that the legislation would definitely have to spell out the jurisdiction of the Authority, where is the Authority's jurisdiction clearly and solely -- number one -- and number two, where they would share jurisdiction with any other agency. Where that is the case, that would have to be spelled out clearly, and what role they would play in that.

We do have this list here. Just look at CAFRA, the protection of wetlands and waterfront development, dredging, fisheries, and all these other things. These are already covered by many agencies. In those areas we would have to say what the role would be, and who would have the lead, as the DEP does with the EPA on certain projects. One agency or the other has the lead role, and we should spell out who has the lead role where there is joint jurisdiction.

The question of whether or not they'd have the right to condemn property is extremely important. I'm not sure that they should have the right. I think it should be addressed, however, because there will be instances where once they have funding, and they may not agree with a local municipality and how they are handling their particular problems, they may decide it would be best to condemn a beachfront, or a property, or an area of sand dunes in order to protect it. If they don't have that power, that would create instances where they will feel that they are literally powerless to do the protecting that they want to do. I guess those are my ideas. I'd like to have some of the ideas of the Governor's office too on some of the structure, because I think the structure is extremely important.

SENATOR PALLONE: Can I-- Well I just want to maybe run down this list here that we have, Senator, in terms of trying to pinpoint a little more what you have in mind. First

question is about the geographical area that the Authority would regulate.

MS. DAVIS: We've talked about the CAFRA zone.

SENATOR PALLONE: Just the CAFRA zone? Okay, so we're not talking about the northern part of the State at all. We're talking about the existing CAFRA zone.

MS. DAVIS: Up to Raritan Bay.

SENATOR PALLONE: Up to Raritan. Okay. Atlantic City -- would Atlantic City be under the jurisdiction of the authority?

MS. DAVIS: Again, I can say that these are all things we want to talk about. Nothing springs to mind exactly about why Atlantic City would not be.

SENATOR PALLONE: Okay, because as far as existing law is concerned in terms of CAFRA, and the other DEP jurisdictions, to my knowledge, Atlantic City is included.

MS. DAVIS: That's right, and the point being that things that happen in Atlantic City affect Ventnor, Margate, and nearby communities. Were you to exclude one municipality, then how are you best able to take care of the needs of the region, or, say, that particular reach of the beach.

SENATOR PALLONE: So you don't have any intention to have any separate category for Atlantic City. I mean, they would be included in the jurisdiction as any other place. All right, in terms of some of the different things that Senator Gagliano mentioned are under DEP right now, I thought from the Governor's message that he was talking about the Authority simply taking over most of the responsibility that certain divisions of DEP now have -- in other words, the responsibility with regard to the Division of Coastal Resources in terms of issuing CAFRA permits, issuing waterfront development permits, administering shore protection money and grants. Is it basically envisioned that the Authority would simply take those responsibilities away from DEP, and they would be within the Authority's jurisdiction?

MS. DAVIS: I think, certainly, if all the things that DEP does that overlap or are critical to shore protection and water quality issues, the Division of Coastal Resources and the CAFRA responsibilities are, of all the things that we're talking about here today, the most obvious ones for consideration as potentially being a part of the Authority, or certainly working in a much closer kind of coordination with this new Authority than would be the case in other instances.

SENATOR PALLONE: So it could very well be then that they would simply take on the responsibilities, and DEP would no longer administer them.

MS. DAVIS: I think that's a possibility for discussion. What we need to include is how this would work the best on behalf of the shore communities. There are other things that happen within DEP. The water quality programs, for instances, where that clearly would not work. These are Federally delegated responsibilities to the DEP. The further transference of that responsibility to an authority probably would not be possible and would not be in the best interest.

SENATOR PALLONE: Well, let me see if I can understand. See, I think that for the Authority -- for the DEP Division of Coastal Resources to continue to operate and do what they are doing now, and then to have the Authority to have similar responsibilities, obviously that doesn't make sense. If you were going to have the Authority actually be involved in CAFRA regulation of waterfront development, it would make more sense to just take those things out.

MS. DAVIS: Well, again, I keep saying I think our overriding goal is to not create more duplication or more bureaucracy. We want to streamline what we've got, to eliminate as much duplication as we can, and to focus attention on this resource. But again, stepping back a little bit further, I think we're still at the point -- and I hope we can do this together with you -- of being sure we understand what

the problem is before we design the structure to solve that particular problem. That is much of the purpose of our public outreach effort in this regard, to get a list from all the mayors and from legislators and others so that we then design the right solution, specifically, for these problems.

SENATOR PALLONE: What about-- You mentioned water quality. One of the things that really stares out at you in this whole thing is the wastewater treatment trust. In other words, how do you envision dealing with that? I know you've already been asked this, probably, on other occasions, but specifically, how you plan to deal with that trust, and whether or not you feel that there's bonding power that needs to be separate from that authority? Because the way I understood it, when that was set up back in -- when was it? -- in 1985 or so, or even before that time -- basically, you know, they had the capacity to bond. They were, you know, supposedly going to be New Jersey's answer, or at least partial answer as to supplementing the Feds to the wastewater treatment problem. How is that going to be part of this, or not?

MS. DAVIS: Again, that's a real good question. What we have envisioned is that what this authority is to coordinate sources of funding to solve shore problems. The Wastewater Trust is not something that needs to be taken over by this authority. That is a source of financing.

SENATOR GAGLIANO: It would just call for the funds in particular areas?

MS. DAVIS: Yes. This is a source of financing that is available for the long-term for this State, that was designed by DEP and adopted by the Legislature. The Trust has the capability to do things that we were unable to do with Federal funding for wastewater treatment plants, and the Authority, working with the Trust, could do even more things. In particular, what the Authority could do is provide short-term financing for municipalities along the shore to

allow for them to begin constructing and upgrading wastewater treatment plants immediately, based on a planned take-out by the Wastewater Trust at some future point in time. We designed the Trust legislation to do exactly that. However, you need an advocate, somebody who can step forward, somebody probably besides just a municipality with their local debt capacity to actually make these other kinds of financing practical and do-able.

SENATOR PALLONE: Well, you see, I don't understand--

MS. DAVIS: The priority list -- the Federal priority list does not allow us to skip ahead to shore communities because we have a particular priority in this State, or a particular interest for the New Jersey shore. Those needs fall where they fall, on this very long priority list which I think now the total cost of doing all that construction is somewhere in the \$3 billion range. And so this Authority could do short-term financing, then looking to the Wastewater Trust at some date certain to take out that short-term financing and provide the long-term debt for a particular project.

SENATOR PALLONE: I don't understand why the existing Authority can't do that now. I mean other than funding limitations, and if it's a question of funding limitations, why can't-- You know, I don't even know if they've reached their capacity, but why can't their bonding capacity be increased, and they take on those added responsibilities?

SENATOR GAGLIANO: Well I have an example, Frank, where I think maybe this Authority could do very well, for example, Asbury Park. It's been 50 years that they've talked about upgrading the sewer system. I'm not picking on Asbury Park, but they're still in the primary treatment mode, and they're still arguing about who the engineer is going to be. Maybe they settled it.

SENATOR PALLONE: They have settled that.

SENATOR GAGLIANO: Maybe it's settled, but up until a

couple of months ago they were arguing about basic things. Maybe an authority which was just dealing with the shore would have been able to pick up on that issue and do something about it earlier. I concede that. Now, your comment about an ombudsman is a good one. In instances like that, the money could be available. The money could be available, everything could be ready to go, but the town just doesn't get around to it for whatever reason, or they argue over things that are not really -- that could be settled, but continue to go around.

SENATOR PALLONE: Well I'm just a little confused. For example, you talk about the Federal priority list. The way I understand it -- now maybe this is going to sound very simplistic, is that if you're at the top of the priority list, you get the Federal money. And then if there is no Federal money available, then the State would step in, again using that same list, and provide funds through the Wastewater Treatment Trust. But then theoretically I guess there are towns that either are so far down that they may never be reached by either Federal or State, or are not on the priority list at all, in which case they're not eligible for either Federal or State funding at this point. But why do you need a new authority to deal with that? I mean, wouldn't it make more sense to just expand the capacity of the existing wastewater trust, and provide more money?

MS. DAVIS: Because again, if you were to expand the capacity of the existing Wastewater Trust, which might be a nice thing to do, it costs a lot of money, but that's a revolving loan fund. We'll have money over the years together with the Federal money that will go into the Trust to take care of this problem. You can expand the capacity of the Wastewater Trust, and you'd still be working off the priority list, and Asbury Park might be down so far that it would be--

SENATOR PALLONE: Well, Asbury is on the Federal list, so maybe that isn't even a good example.

MS. DAVIS: Well they're all on the Federal list. And secondly, \$3 billion worth of projects are on the Federal list. We need \$125 million to \$150 million to do the work that we need right now on the shore. In addition to that, there are other kinds of needs that are not eligible costs for Federal funding.

SENATOR PALLONE: All right, but what I'm asking you is-- I understand what you're saying, that we're not reaching down far enough, and there may be other towns that aren't even on the list. But I just don't understand how this new authority would have the capacity to deal with that easier than the existing one, or why it's necessary to have the new one at all rather than just changing the structure of the existing one.

MS. DAVIS: If the Authority could do it now for shore communities, the Wastewater Trust eventually will provide that financing, channeled through the Authority.

SENATOR PALLONE: But why come up with the new authority for that purpose?

MS. DAVIS: Because we need to do something now.

SENATOR PALLONE: Why can't we just change the existing Authority's legislative function, or whatever, or at least its bonding capacity? I mean, this is just an isolated thing. We have a whole gamut of things that would come under the Clean Ocean Authority. But I mean in this specific case, we do have an existing authority, and it seems as though there's no need.

MS. DAVIS: Maybe the DEP can address this again, but let me just say that if you were to try and expand funding for the Wastewater Trust, or whatever, and direct it strictly at shore communities, you cannot direct the Federal money that way, which has been our source of funding for wastewater treatment, and will actually be the primary source of funding for the Wastewater Trust. The whole Federal program is being converted to the revolving loan.

SENATOR PALLONE: I don't want to continue this because we have other things to deal with, but I still don't understand why the existing Authority structure can't be changed if necessary, to accommodate that rather than setting up a new bonding authority. Maybe you can provide me with some more information later -- or maybe Don can -- about how it would be different, because I still don't really understand this.

SENATOR GAGLIANO: As I understand it, for example, the Coastal Authority could-- If Asbury Park needed \$10 million, theoretically at least, the Coastal Authority could borrow the \$10 million on a temporary basis, based on whatever income they have, which would satisfy the bonding people that they could pay it back. And then in turn, that application could go for full financing or long-term funding to the other trust that we created a couple of years ago.

MS. DAVIS: In the instance of wastewater treatment, I think that would be a very valuable service that the Authority could provide.

SENATOR GAGLIANO: But besides that, maybe they could knock some heads together on a local level in terms of actually getting projects started, because they would be a single purpose authority, and that would be-- I say single purpose, the overall single purpose being the protection of the shore, and cleaning up the ocean, and they could then knock heads together, lean on people, whatever it takes to do what they have to do in order to get projects started.

MS. DAVIS: Exactly, and the other thing--

SENATOR PALLONE: But is there any reason why the existing Authority can't take on that responsibility?

MS. DAVIS: Yes, there are many reasons that we can talk about more.

SENATOR GAGLIANO: Well they're doing projects in Jersey City, and they're doing in Bergen County, and I can see that in Camden--

MS. DAVIS: The other thing to recall is that wastewater treatment will probably cost us maybe \$125 million or \$200 million along the shore in the short term. These are just for the eligible project costs. We're not talking about interconnectors and other things. When you think about storm water management, we're talking about an enormous cost, the proportions of which we don't even know. And there is no funding source, State or Federal, for this.

SENATOR PALLONE: Well let's get into that. You mentioned the funding source.

MS. DAVIS: I just told you everything I know.

SENATOR PALLONE: That's one of the things that the municipalities are worried about. In the Governor's address-- When I first read this I was concerned. It says: "The Authority shall have the power to review land use ordinances and the financing of municipal programs. Finally, the authority shall have the power to collect fees for all its services and to act as a funnel for all State and Federal aid available to fund shore protection activities." What do you really have in mind in terms of affecting municipal finance? I mean, one of the things a couple of shore mayors said to me when they saw that is, "There go our beach fees. Now they're going to take our beach fees and use them to fund State projects." When you talk about interfering or reviewing municipal finance, what are we talking about? What kind of powers and controls are they going to have over municipal finance?

MS. DAVIS: This is one of the things that we are talking about with the mayors, and what the interaction will be between the Authority and between municipal government. If the Authority has something to offer to municipal government, what does the municipal government have to give back? Is there a tradeoff here? Is there some reasonableness to the suggestion that some proportion of beach fees be applied to maintaining

the beach resource, as opposed to going into the general fund, for instance?

SENATOR PALLONE: So you might look into-- You are seriously considering that?

MS. DAVIS: Well, you know, I think that's-- As I said, this is a subject of much discussion, and one of many difficult issues to be discussed with mayors, but in our meetings so far mayors have problems that they don't find that they can solve by themselves.

SENATOR PALLONE: Yes, but mayors that have the problems, and would be glad if the State paid for it, but they're not going to want you to take their beach fees or any part of their municipal budget in order to pay for it. At least that's my impression. Let me just say this. My concern--

There were two things basically that I was concerned about with the proposal. Most of the things I agree with, but one of them was what we just discussed. In other words, I don't like the idea that the Authority would have its own bonding capability, and I don't like the fact that it could theoretically back up those bonds by taking money from towns, either through beach fees or some kind of tax that's imposed, or simply requiring the towns to contribute in some way from their own municipal budgets or property taxes.

It goes back to what I was saying before about the Wastewater Treatment Authority. I mean, I can see that it exists and there are greater needs for sewage treatment, and new construction, etc., but I'd rather that was dealt with by the State through the existing Authority -- Wastewater Treatment Trust -- rather than having this new authority have that bonding capacity which could theoretically be backed up with local town's budgets or fees. You tell me that you've talked to mayors so far, and they don't seem to have a problem with interference with their local budgets, or the local beach fees?

MS. DAVIS: I think you're mixing apples and oranges.

SENATOR PALLONE: I mean, I just want to know in my mind in terms of--

SENATOR GAGLIANO: I don't think she said that.

SENATOR PALLONE: Yeah, I know, I--

SENATOR GAGLIANO: In fairness, Frank, I don't think she said that, really.

SENATOR PALLONE: All right. This is the crux of the-- This and the local land use interference or regulation are the crux of the opposition I think, that you may get.

MS. DAVIS: Yeah, but I think they're also the crux of the support. If you're a mayor feeling this enormous pressure from developers, and you have your little local planning board, and you try to have the technical expertise and the political wherewithal to say no to 24 units or less all over your town, you might welcome some outside support to help you maintain the quality of your town.

SENATOR PALLONE: All right.

MS. DAVIS: Secondly, if you have back-bay dredging, if you know you have storm water runoff problems, if you know you have beach erosion problems, the State will come in and help you finance those and there is some local share. But your alternative is nothing. You might welcome that.

SENATOR PALLONE: All right, we can get into the land use, but let's go back to the financing aspect. Why is it necessary? I mean, why can't we just say right now that we will exclude the option of the towns having to come up with any money?

MS. DAVIS: No local share-- Well, if you do something to the Wastewater Trust, there's a local share. I mean, who do you think pays that money back?

SENATOR PALLONE: Right, for their individual projects.

MS. DAVIS: That money is loaned to the community, and they pay it back.

SENATOR PALLONE: Well, I don't think there's a problem.

MS. DAVIS: There's a local share to Federal grants. The Federal grants are 55% now, and the rest is locally raised.

SENATOR PALLONE: Well, I don't think there's a problem.

MS. DAVIS: So all we're talking about is speeding the money to the communities who will be paying eventually.

SENATOR PALLONE: Well, I don't think there's a problem with towns having to contribute money for a project that's been designated -- you know, whether it be a shore protection project where they have to come up with the 25%, or a wastewater treatment project where they have to come up with-- I mean, obviously it's a problem. They don't want to come up with that, but if they do, they do. I think that the real problem, or the scare out there, is their having to finance, for example, the indebtedness of the bonds that the Authority would float. In other words, their having to contribute through their own fees into a general bagging up of the bonds, or financing for the Authority, which then they don't have the control over on a project-by-project basis. That's the danger.

MS. DAVIS: Well, I think that's a very important distinction. You know, again this is all very early, but we haven't engaged in any conversations about municipalities supporting general debt of an authority, so that the Authority can go do whatever they want to do.

SENATOR PALLONE: So you really don't envision municipalities coming up with the financing to back up, for example, the bonds for the Authority. Rather you're thinking--

MS. DAVIS: No, I'll only say this. The Authority potentially might provide financing for local needs. In that instance, it's likely there would be local participation.

SENATOR PALLONE: But in other words it would be the way we do it now on a project-by-project basis, like for shore protection, or a sewage treatment plant, not a general--

MS. DAVIS: I don't know what else-- I mean what else would-- For administrative, possibly?

SENATOR PALLONE: Okay, that's an important point. I'm glad we straightened that out.

SENATOR GAGLIANO: Frank, according to the clock it's 10 after 6. Why don't we go to another witness? (laughter)

SENATOR PALLONE: All right. I think that's an important point.

MS. DAVIS: It is an important point. We never thought of general in-depth--

SENATOR PALLONE: Because if you excluded that, then I think we're making something that a lot of people are concerned about.

MS. DAVIS: That's a very important point. We're thinking of capital expenditures to solve local needs, negotiated individually, locally--

SENATOR PALLONE: Individual project, as opposed to general-- All right, what about-- We have to ask her about the local land use part. You mentioned the Pinelands Commission, the Hackensack Development Commission, and that the shore is the one area out of the three where there is no regional planning right now. I just want you to comment on that. Because that's the other area that a lot of the towns are concerned about. What do you envision in terms of regional planning, land use regulation, whatever?

MS. DAVIS: Again, I just think there is a spectrum of things that we're talking about. I'm anxious to hear from you and the mayors about what they think they need. The most obvious question is the CAFRA restriction -- the 25 units or less. A lot of people are talking about that. This isn't the first time that we've talked about that.

SENATOR PALLONE: But see, now Brenda, that's another thing. In fact, I even have legislation that would reduce the threshold.

MS. DAVIS: Right.

SENATOR PALLONE: You know, we're talking about legislatively changing CAFRA, which was a creature of the Legislature, to reduce the threshold. I mean, that can be done by the Legislature.

MS. DAVIS: Right, and it should be.

SENATOR PALLONE: But what I-- And it should be, and we just have to go into the details.

SENATOR GAGLIANO: But it hasn't been.

SENATOR PALLONE: I know. But what I wanted to know is I thought that the Authority-- I mean, that's something that's really legislated. I understood that perhaps the Authority was going to have land use powers similar to, say, the Pinelands Commission, in the sense that they would have a regional master plan that the towns would then have to incorporate. That's what the towns don't want.

MS. DAVIS: Well any land use planning abilities that this authority has will be legislatively granted.

SENATOR PALLONE: Yes, oh sure.

MS. DAVIS: We're talking legislation, whether it is directed strictly at CAFRA amendments, or acknowledges some of the other regional considerations along the shore. It's a matter of negotiation, but--

SENATOR PALLONE: Do you envision it though being somewhat like the Pinelands, for example, in having that regional land use prerogative, setting up a regional master plan which the towns would then have to implement through their own local master plans?

MS. DAVIS: Again, I think that is one of the very key questions that we're talking to people about now.

SENATOR PALLONE: Something that you would rule out at this point.

MS. DAVIS: I just think there is a whole array of ways that it could be addressed. No, you cannot rule out the question of how land is used along the shore, and say that you're going to do something comprehensive to address the shore issues for the long term. Those things go hand in hand. Now exactly, specifically, what the powers and responsibilities of the Authority would be with regard to land use, we need to talk about.

SENATOR PALLONE: See, I would like to rule that out. I mean frankly, I think that is the biggest problem that you're going to have in trying to sell this Authority, if municipalities and legislators think that it would take on the regulatory power of something like the Pinelands.

MS. DAVIS: Well I think at this early stage, we don't envision something-- I think a better comparison perhaps is the Meadowlands, where there's a Commission that took over everything. It really just took over. What we're thinking about I think is some steps removed from that, but something we want a lot of input on; but the idea of general guidance with local home rule staying in place, local regulatory powers and abilities to meet guidelines, and those things remaining in place.

SENATOR PALLONE: Does the Governor -- if you can -- support the change in CAFRA that we've talked about? I mean basically, does--

MS. DAVIS: I'm sorry?

SENATOR PALLONE: Does the Governor support the CAFRA changes that are talked about? I guess what I could ask you is, does the Governor support my bill? Basically, it's the same thing that the DEP and John Weingart and Commissioner Dewling have talked about in terms of lowering the threshold to deal with that kind of three-stage process. Basically, can you indicate his support for that?

MS. DAVIS: I think that the Governor supports the State having a stronger ability to regulate development on the shore. When over half of the development now occurring on the shore is unregulated by the State, that is not an acceptable situation.

SENATOR PALLONE: But specifically, whether or not he would want to reduce the CAFRA threshold you really can't say at this point?

MS. DAVIS: Well, I think that would be part of any plan.

SENATOR PALLONE: Then we would have some reduction in the threshold, maybe not specifically along the lines of what I've suggested, but certainly some kind of reduction to take care of less than 25 units and less than the commercial structures that we now have.

MS. DAVIS: That's correct. Right.

SENATOR GAGLIANO: You know, the simple answer to that was to prevent people from resubdividing. It just seems to me that would take care of the threshold issue. Instead of somebody who has five acres taking, say, 10 units to the acre, so they use two acres, two acres, and then a half of an acre, and they divide it up three ways. Once the property has been subdivided, that should have been the threshold. And there will be no further subdivision of that property for the purpose of building additional units that would have taken care of the whole issue. Because I'd like to suggest, Frank, that we go on to another witness.

SENATOR PALLONE: Well, we're going to have Don Graham next.

SENATOR GAGLIANO: One of the things that I'd like any of the witnesses to think about is whether or not it would make sense for us to establish a study commission which would have as its goal the determination of what the legislation will look like for this authority. For example, if we could establish

it-- I would even be satisfied if the DEP, through the Commissioner, would establish a study commission -- representatives of two or three people from each county along the shore -- ask them to have meetings twice a month, or whatever, and report back within three to four months and assist us in the structure of the Authority. I really think we should reach out, as you're doing now.

But it's going to be difficult for us here in the Legislature to get the ideas of the people back home, so to speak, on these important issues, unless we actually involve some of them who are directly involved themselves. So a study commission established by the Commissioner, or whatever-- If we did it through the Legislature it might take too long. But if someone would just appoint two members from each county, and start to have meetings on these issues in the local towns, I think we could maybe formulate better and more quickly an Authority, or the structure for the Authority. I feel very strongly the structure is something elusive right now. Until we can nail that down, I don't know that we'll be able to pass any legislation. I envision three, or four, or five different bills coming along, and we won't be able to agree on any of them.

MS. DAVIS: But let me just say one last thing. This is deliberately elusive. This the sort of thing that we believe you can't-- We couldn't announce the final plan and expect to go anywhere.

SENATOR GAGLIANO: I understand. Maybe the Governor could appoint a Commission. My only suggestion is that each county along the shore have representation of people who they know are interested in these issues, and who have some background.

SENATOR PALLONE: I just wanted to-- There were just a couple more areas that I just wanted to ask, in terms of these areas, whether you envision them being included.

Obviously we didn't talk about shore protection. We didn't focus in on that. But you do envision, Ms. Davis, that the Authority would, in effect, take over those responsibilities that the DEP now has with regard to shore protection. In other words, the master plan, formulating a master plan, giving out grants from whatever funding source we'd have for shore protection to municipalities. Those functions would be under the Authority.

MS. DAVIS: Again, I just think "taking over" is the wrong verb. I think we need to make sure those things happen. We need an advocate. We need a pro-active way to do it. Those things are done by the Division of Coastal Resources. As I've said before, that's the most questionable of all the agencies. We're talking about how that would interact with the Authority.

SENATOR PALLONE: But clearly, if you talk about bonding, which you seem to favor, that would be bonding not only for wastewater but also for shore protection purposes as well, in order to increase--

MS. DAVIS: Well I think in the instance of shore protection, with any luck we'll have other legislation giving us a stable source of funding for shore protection for the long term. The question would be simply a funneling of resources and a coordination with other sources of funding.

SENATOR PALLONE: So you don't really think in terms of bonding? We're not focusing on the shore protection aspect, that more, perhaps, on the wastewater treatment?

MS. DAVIS: I don't envision a limitation, necessarily, away from shore protection, but what I'm saying is we're hopefully on the verge of having a stable source of funding for shore protection projects, at least in the short term.

SENATOR PALLONE: All right, what about the fishing, wildlife, oyster -- you know, those functions of DEP? I don't know if that has ever come up, but that's something that

interests me and Senator Gagliano, since we just spent the last day in Washington on it. Do you envision those functions of the Department coming under the Authority in terms of managing fisheries, managing clam and oyster programs, shellfish?

MS. DAVIS: One of the things that we're very interested in doing is considering the ocean as a total natural resource. To coordinate the fisheries programs and others, and the research programs in particular with regard to these, would be an important function to understand better what the needs are of the New Jersey fisheries industry, and so on.

SENATOR PALLONE: But not fisheries management per se.

MS. DAVIS: But again, not taking over. We don't want to be fisheries managers. The purpose, again, is to coordinate and be an advocate.

SENATOR PALLONE: So it would be more towards the education advocacy role that we mentioned earlier, than management issues per se. What about -- the last thing -- beach access? One of the concerns obviously that has been talked about a lot but there hasn't been much progress on it legislatively is beach access. What functions do you envision the Authority having in that respect?

MS. DAVIS: Again, I think that's an important item for discussion for mayors in particular, and county officials, and certainly one of the things on the table. As Senator Gagliano pointed out, when we have the legislation, each of these things is going to have to be addressed, and that's one of them. I don't have the specifics of an approach to beach access yet.

SENATOR PALLONE: Okay, listen, thanks a lot. I appreciate your coming. You know, I still feel that based on what you said, and maybe it's because of my own predilection that really it's the advocacy role that in fact is very different about all of this. But I guess in terms of the other functions, we'll just have to get into the details.

SENATOR GAGLIANO: Just think, if we had a commission, you could testify to that.

SENATOR PALLONE: Thanks again.

MS. DAVIS: Thank you.

SENATOR PALLONE: Assistant Commissioner Don Graham.

ASST. COMMISSIONER DONALD T. GRAHAM: Thank you Mr. Chairman. I just wanted to-- I don't have prepared testimony. I just wanted to sit with you this morning for a few minutes and tell you what the Department of Environmental Protection is doing in the initiative of the Governor's for a Clean Ocean Authority. We think that it's very important that we, in 1987, refocus on the comprehensive needs on the coastal area of New Jersey.

From a historical perspective, as some of you know, I was Director of what is now the Division of Coastal Resources for some eight years, until 1981. In that period of time, we had put on the books, starting with the Wetlands Act of 1970, which was implemented in 1972. As Brenda testified, all of the legislation in the early '70s and mid-'70s that came, and it's been a major, major, uphill fight to get that legislation effectively implemented, accepted by the municipalities, and accepted by the counties.

In hindsight, as you look back, one might wonder if it would not have been a good idea back then -- with the foresight of the people that preceded us had in putting that legislation on the books and it having a regional, statewide effect on the coastal area of New Jersey -- would it not have been a good idea then to have had a regional or statewide authority with overlapping authority, which would have been able to implement all of the things that had to be done, using all the tools that you were providing through legislation? That's hindsight. I think in 1987, with the increasing pressures that are being brought to the coastal area-- And I say the coastal area because the initiative is called the Clean Ocean Authority, but

I think, as Brenda said, this is not only an ocean initiative, it's a coastal area initiative.

I think that in 1987, as we refocus on that need, we have to approach the feasibility, the desirability, the wisdom of an overlapping authority of some kind. All the questions that have been asked here this morning I think are excellent questions. Unfortunately, I don't think that we should be expected at this time, you or us, to provide those answers. But I think all of the key questions you've asked are what we're talking to mayors about, what we're talking to you, the State legislators, singularly and through forums like this.

If there's one criticism of what we did in the past, whether it be in coastal protection, whether it be in coastal policy-making, or wherever it is, in radon or whatever-- I think the criticism has been of us, and been of the bureaucracy, that we, because of our need to cope with legislation that we now found ourselves responsible for, didn't take enough time to listen to the public, to listen to the public officials that are going to be impacted by whatever legislation we were dealing with at that particular time. I think it's important now that we do that. I think it's important that we identify those areas of overlap that maybe in 1987 should be readdressed. Maybe the clean water statutes that we have in our Department, maybe the coastal policies that we have in our Department that made sense in 1973 and 1983, maybe in 1987 there's a better way to do it.

I think that the initiative is a worthy one. I think the initiative, if any initiative comes forward that places a greater emphasis on that unique place called the coastal area of New Jersey, it's a worthy initiative. If it comes with the full power of the Legislature in redirecting the resources that we have at our command now to regulate that unique area, then I think it's something that we should get to, and get to in a comprehensive manner.

Speaking as one who had the responsibility -- and still has, to some degree in my new position -- of regulating the coastal area, I can tell you the same mayors I'm talking to today I talked to in 1973. As we visit with the mayors around the State today, they don't have the same type, in my opinion -- this is only my opinion -- they don't have the same type of defensiveness of their home rule as they did in 1973.

SENATOR GAGLIANO: If they've been mayor that long they've mellowed. (laughter)

ASST. COMMISSIONER GRAHAM: A lot of them have been mayors, a lot of them have come up through the councils and the thing. But my point is that in 1987, they have an open mind to what can help the municipality best. I think they see the regional problems that they have no control over. I think they see the need for a regional resolution of those problems that they don't have any control over.

We're not talking to them about taking away their beach fees. That's a buzzword that you'll always get in the first paragraph of an article. But we're not talking about that. We're talking about to them what they feel, and what's more important, what they don't feel, should be done. And I think that's what we have to do before we make any concrete suggestions. And then for us to identify all the things on the list that you have before you that our Department, and the Department of Health are responsible for, and then to get to it point by point, program by program, seeing if it can be better and more effectively implemented in protecting the coastal area. Those are the things that we're looking at, those are the things that we are very involved with the Governor's Office of Policy and Planning, with the Department of Health, with the Department of Commerce who we have a close relationship with because the Coastal area is the major part, the major element of our second largest industry in this State, tourism. You can't overlook that. For us to do that would be foolhardy.

So I just want to tell you today that forums like this, and dialogues that we're having with the municipalities and the counties throughout the State, we should maybe put some sunset on it, that we don't go on forever doing this. But I don't think we've said we're going to do it in two or three weeks, or two or three months. I think we have to see how this evolves, and the input you get here today, and the input we get through our singular contacts throughout the coast, and then get to a point where we then start to put some package together to come back before you to get your advice on that.

SENATOR GAGLIANO: Well, Don, how would you feel about the possibility of the Governor appointing a study commission, representatives of each county, to work with, for example, you and the Commissioner?

ASST. COMMISSIONER GRAHAM: Well, that's a suggestion that you just brought up today, Senator. I think it's a good suggestion that we should talk about. I think that's one of the things that--

SENATOR GAGLIANO: And maybe have them respond within four or six months, so that we can draft legislation that has in it the suggestions that the local people have made.

ASST. COMMISSIONER GRAHAM: I think that's one of the things we should talk about. I think we should also talk to the mayors, possibly, about that suggestion, where they might have a voice before the fact, to a greater, more formal degree. But I just can't answer the question yes or no. My thought would be that we should explore that, certainly, with everything else we're going to explore. My concern with study commissions is that, as you say, to come back in three or four months-- My concern with study commissions is that they--

SENATOR GAGLIANO: They don't come back.

ASST. COMMISSIONER GRAHAM: That's right. That's right. I mean we've had-- I can pull out a book and show you study commissions we have that have never met. So I think

dialogue like we're having today is very, very useful, and very more direct, maybe, than a study commission.

SENATOR GAGLIANO: Suppose we promise them that if they did a good job, they might become members of the Authority.

ASST. COMMISSIONER GRAHAM: They might never come back. (laughter)

SENATOR PALLONE: Don, you know I see you in a kind of a difficult situation because if we follow some of the suggestions made today, or some of the things I thought that the Authority was going to do, it may, in fact, take over a lot of the regulatory powers at the State.

ASST. COMMISSIONER GRAHAM: I don't see that as a difficult position at all.

SENATOR PALLONE: Dealing with CAFRA, and all that-- You don't really see a problem, or basically you would support the notion of having the Authority take on a lot of the regulatory functions?

ASST. COMMISSIONER GRAHAM: I see no problem with that whatsoever. If you go back to what I said at the outset of my statement, I think in 1987 it's time for responsible public officials to look at the tools that we have on board, and to see if they can be better implemented. And if that means that they have to be redirected in some way, they have to be overlapped in some way, then let's get to it. Let's do what makes sense.

SENATOR PALLONE: Let me ask you this. Just from a practical point of view. How does an authority, which is basically a body -- as the Senator mentioned, of maybe 12 or 24 members, or whatever -- which is kind of the overseer or trustees of this whole thing-- How is that authority-- How are they going to do things like issuing CAFRA permits and doing the regulatory things on a daily basis? How would you structure it so that they would do that?

ASST. COMMISSIONER GRAHAM: I think the best answer that I could give you is I don't know. I think we have to explore that. We have to look at the tools we have on board, which is the legislation.

SENATOR PALLONE: Because you see I see--

ASST. COMMISSIONER GRAHAM: If I could just finish-- I think we have to look at what makes sense in implementation. We have to look at our problems in implementing those laws, and the interface we've had, and the interconflicting problems we've had with municipalities and counties, to see if there's not some way in which we can make better sense out of what we've have, and make it more effective in providing coastal protection, coastal policy-making to the municipalities. To go back to what I said before, Senator, I really am a believer that public officials at the local and county level in 1987 are not as horrified as they were 10 or 15 years ago at statewide authority, if there is something in it for them. And that's I think what we're hearing from the mayors, that they want to know, and they want to discuss with us ways in which a statewide authority implementing those State laws that we have before us, and possibly new State laws, can in fact help them better than they're being helped at the present time.

SENATOR PALLONE: Well, I don't want to get into it. My input from mayors is just the opposite, that they're more worried about the State coming in and more worried about home rule than ever before. But the main thing that I don't understand is in trying to draft a bill, how do you have-- Right now you have executive departments, DEP, which basically is an executive function issuing permits, reviewing applications for shore protection grants, etc. How is that done under the auspices of an authority?

ASST. COMMISSIONER GRAHAM: I don't think we should jump to any concrete direction on how that should be. I think not only CAFRA and the coastal zone, but we have--

SENATOR PALLONE: But you see the problem.

ASST. COMMISSIONER GRAHAM: I sure do see the problem. There's a whole list there.

SENATOR PALLONE: Yes, but I'm not looking at that list. I mean you see the problem of having an authority which has, as Tom mentioned -- Senator Gagliano -- representatives from counties, representatives from municipalities overseeing, in effect, a permit structure. I don't know how that's going to work, frankly.

ASST. COMMISSIONER GRAHAM: Very possibly, it would work in several ways. Speaking as a regulator, I think the best way in which regulation can be effective at any level is to have it sensibly delegated. And to sensibly delegate regulation, there has to be some oversight.

SENATOR PALLONE: So the Authority would, for example, appoint a Commissioner--

ASST. COMMISSIONER GRAHAM: No, no, no. The Authority-- To go back to what I said before, I don't know what the Authority would do. One possible suggestion would be that the Authority, in one of the 10 or 15 ways it could be structured-- And again, we want to talk to the municipal officials at the local level to really get their thoughts about that. Should it be patterned after the California Authority; should it be patterned after the North Carolina Authority? I don't know what those two authorities are. I'm just using them as examples. But we're looking to where this has worked before, and where we might possibly glean some benefit about how it's working in other states.

SENATOR PALLONE: But in other words, would this authority be kind of a Board of Trustees then, that would perhaps then appoint a Commissioner, or appoint a division director? That's the way it would have to be structured, it seems to me.

ASST. COMMISSIONER GRAHAM: I really don't know, Senator. I can't answer that. We'd have to look at the laws; we'd have to look at the regulations we have, and what makes sense as we go into a new direction. I don't think those questions can be answered. Now, I do think we should have those answers within a reasonable period of time after having talked to everyone. I don't think it's in anybody's best interest to go before mayors and municipalities saying: "This is really our thought and our direction. This is where we're going, and do you want to come along, or do you have a problem?" That's my own personal viewpoint.

SENATOR PALLONE: All right, but you definitely do-- You don't have a problem per se in having some of those regulatory functions transferred to the Authority, if that's what it comes down to?

ASST. COMMISSIONER GRAHAM: If it makes sense in 1987, and is going to do a better job of implementing the coastal policies that protect the coast for future generations, I think we should look seriously at it.

SENATOR PALLONE: Do you have any questions, Senator?

SENATOR GAGLIANO: No, I don't any questions.

SENATOR PALLONE: There's just one last thing about the advocacy nature of it. Do you see that as the major advantage in the sense that--

ASST. COMMISSIONER GRAHAM: Yeah, I really do. I really do. I think the ocean, the coastal area of New Jersey, needs its advocate. It needs its own advocate. It's a very-- And I don't mean to sound corny because I worked on the coast for a long time. I live on the coast; I've lived there all my life. I think that it's a tremendous natural resource. We have allowed our barrier islands to be overdeveloped. But now that they are, we have to protect what we have, and we have to protect what we have left. And I think that the coastal area of New Jersey needs its own advocate.

SENATOR PALLONE: See, the main thing I see as the advantage is that, for example, whether you're dealing with something like Ciba-Geigy, or Fresh Kills, or something like that, the Authority would be out front investigating the problem, looking into it, and would then be able to bring legal or enforcement action. I guess I don't like to say it, but I think that the DEP really isn't completely doint that at this point.

ASST. COMMISSIONER GRAHAM: Well I think that's something we should look at. I think it might be a good idea if the advocate had a little authority to do certain things that maybe aren't being done properly. I don't think--

SENATOR GAGLIANO: As long as it's not the Public Advocate.

ASST. COMMISSIONER GRAHAM: I don't think any cabinet-level agency with the regulatory authority that we have, and as you know, you can walk into either house of the Legislature on any given day, and the majority of bills that are being debated are bills that are coming before the committees for implementation by the Department of Environmental Protection. We have a tremendous regulatory responsibility. That, at times, has laid us open to the criticism that we're not enough of an advocate, and maybe that's a justified knock. I don't know. We try to be.

SENATOR PALLONE: I think particularly in respect to enforcement and legal action.

ASST. COMMISSIONER GRAHAM: Excuse me?

SENATOR PALLONE: Particularly in respect to enforcement and legal action.

ASST. COMMISSIONER GRAHAM: Well, I'm not defensive. I don't want to get into that department, but I think we're somewhat proud of the enforcement action, certainly, and some of the landmark fines that we've gotten in the recent past in the coastal area -- both in the coastal area. So that's a

defensive statement, but we're proud of our enforcement effort. We're proud of the staff that we've gathered together in the last few years. But that staff is-- You know, when they have alligators nipping at their heels in the pond, it's very difficult to protect the pond from being drained. So I would say that the advocacy role of this authority certainly is one that is a good reason for it.

SENATOR PALLONE: All right, thanks again. Thank you for coming down.

ASST. COMMISSIONER GRAHAM: Thank you.

SENATOR PALLONE: We have Dr. Burke from the Health Department. I know there are a couple other people that can't stay long, but I'd just think it would be better if we had the departments -- Dr. Burke is the last -- and then we'll go to the individuals. Dr. Burke, they're all leaving but that may be a comment on me as much as you. Go ahead.

D R. T H O M A S A. B U R K E: Thank you, Senator. I want to thank you for this opportunity.

SENATOR PALLONE: Your title again is--

DR. BURKE: I'm the Assistant Commissioner for Occupational and Environmental Health. Just to give you some historical perspective, I was also director of research at DEP for the previous decade. More than read a prepared statement, I'd like to react to some of the things that have been said, although I realize there's an awful lot of regulatory authority over the coastal area and the coastal waters. I think perhaps I spent my career at finding the loopholes, as a researcher charged with evaluating primarily the health effects of pollution. We haven't been effective in integrating that into a comprehensive part of our coastal waterways management or our ocean management. I'd like to cite a couple of examples.

I think the warning shots have been fired. The stresses on our ocean are becoming obvious. Perhaps that first warning shot was about five years ago, when we began to issue

advisories on the consumption of the bluefish off the Jersey coast, with an awful lot of uproar and concern about that. But we began to see minute levels of toxic pollutants 30 miles off the coast in our fisheries. Obviously, this had a profound impact on the way we view things.

At that time there was no efficient or organizational structure to deal with that. That's why that is an advisory. Personally, I worked with the Food and Drug Administration, the Federal Environmental Protection Agency, countless mayors, countless fishermen, but there was no coordinating body. That's one example.

I think that probably the clearest and the emerging issue at the shore, with obviously a lot of interaction with the "Save Our Shore" group is--

SENATOR PALLONE: They're here today too, and they're going to testify after you.

DR. BURKE: --what is the impact, and what are the human health effects of bathing at the shore? What have all our ocean management decision meant in terms of health and safety issues at the shore? That is the primary concern of the State Department of Health. I and the State Department of Health strongly support the Clean Ocean Authority as a coordinating body that will allow us to have a focused approach to these very issues.

Using my current dealing and-- I have been named Chairman, and the Health Department is chairing a committee to bring together scientific experts, nationally renown as well as local experts that we can bring together to guide our future activities in evaluating potential health effects in the ocean. We've had the meeting at the New Jersey Medical Society. That has been the coordinating group. Now they have, to my knowledge, never played a role in ocean management before, but I think that's a clear example of the need for coordination.

Where do we go for funding for these kinds of investigations? How do we pull this together with the multitude of agencies that have been involved? This is probably particularly distressing to the local official -- to the local health officer. We at the Health Department have been charged with maintaining the quality of our coastal waters and assuring the health and safety of our recreational users, and therefore would like to see this occur, and would like to see a centralized body such as this to help us to facilitate our role.

SENATOR PALLONE: Well let me ask you, Dr. Burke-- You know, obviously a lot of the things you mentioned are important, and we feel that there needs to be more work. You mentioned Save Our Shores. I know you're working with them to come up with this study, and I've indicated that we should appropriate funds for it, and I even put in a bill for the appropriation. Again, the same old question. Why do we need the Authority for that? Why can't the Health Department right now just get more funds, or more people, or whatever is necessary to perform those functions? What would be the advantage of having the Clean Ocean Authority, as opposed to just beefing up the Health Department in terms of funding, or its ability to deal with these issues?

DR. BURKE: Well, I think it's a philosophical kind of argument. Really, if you look at the agencies and their roles in shore protection, or in health protection at the shore, they are largely reactive. We're now reacting to what's there. We're trying to evaluate, even with our ongoing studies and planning with the S.O.S. groups. That's a reaction to something.

SENATOR PALLONE: That's true.

DR. BURKE: Nobody is asking the question, as we're build sewage treatment facilities. Are they adequate? What's coming out of them? What kind of ongoing research is going

on? This was clearly demonstrated personally as I pulled together the investigation of the impact of the Ciba-Geigy pipe. We asked questions there, and put together a research group and an outlook that had never been taken before. We were looking for pollutants that were heretofore not considered. And I think it's that kind of pro-active approach. How are our decisions today going to affect the future? What is the impact of moving of the sludge dump site that has not been effectively answered? I would really want to be a part of this.

SENATOR PALLONE: I agree with what you said about the reaction. I think that philosophically, that's exactly the problem. And that's what this Committee ends up doing in effect is getting testimony, finding out what the problem is, and then getting the DEP or the Attorney General, or whatever, to react to it.

DR. BURKE: I think the real merit of a coordinating body could be that rather than having a series of reactions, and largely, the DEP, unfortunately, is a crisis response organization, whether that be for hazardous waste dump sites, or radon, or whatever. When something becomes a crisis, it gets the attention. We need a focused planning approach that can take a look at this, and take a look at the long-term impact. Our ocean is still clean and safe, but the warning shots have been fired. We need to take a look at that.

SENATOR PALLONE: I agree with what you're saying completely, but again, I guess it goes back to the original question. Do we just need an agency that basically is, as I say, the ocean ombudsman taking this advocacy role, being able to bring legal action, having the proper funding to do the type of coordination you need. And what you're really talking about does not require that existing functions, for example, of the Department of Health or Department of Environmental Protection be regulatory, permit-granting, bonding functions that those things be set up in this Clean Ocean Authority. What you're

suggesting could just as easily be handled by an ocean advocate with a sufficient budget and with the power to do the types of things you mentioned.

DR. BURKE: Well, I would say that advocate would have to have substantial muscle, and let me give an example. As we undertake an evaluation, hopefully this summer, of evaluating the potential exposures and health effects from our ocean waters, that study is useless if not tied to a planning and regulatory response. Now the Health Department has absolutely no authority over the major sources, non-point or point sources. Therefore, one has to be concerned about the coordination of this. In addition, much of the Federal jurisdiction out there which may be impacting the results of our study is totally beyond the grasp of the Health Department. Therefore, you can do this through good will, or cooperation, or whatever, but I would say the track record on that is not all that successful and that a new approach needs to be taken. That's why I'm very much in support of this approach.

SENATOR PALLONE: Well I think what you're suggesting basically can be incorporated in the Authority, whether or not it has some of the more objectional things, frankly. Do you have any--

SENATOR GAGLIANO: Well I think Dr. Burke, when he made his comment that we should have a coordinating agency, I think that should be, actually, probably the number one issue -- coordinating and advocacy for the shore which we haven't had, ever. That might then lead to some real positive effects over time. So I agree with you.

SENATOR PALLONE: I don't think there is any disagreement that I think the Authority would have.

DR. BURKE: In my personal involvement with various groups at the shore, whether it be in the Ciba-Geigy case or

Save Our Shores, they really didn't know who to turn to exactly first.

SENATOR PALLONE: I think that's the main point, that you need this agency that's going to coordinate all these purposes. I agree. All right, thanks again. Bob Furlong, Councilman Furlong, I think if I don't call you're going to be throwing tomatoes at us.

R O B E R T J. F U R L O N G, S R.: Thanks very much for inviting me, Tom and Frank. I had a few prepared ideas of what to say, but listening to all this testimony, I'm going to adjust it somewhat. Number one, I think the Governor's aide's remarks were a terrible indictment of the State bureaucracy on the face of it. The fact that these organizations have been in place for so long, with so many people involved, and so many hundreds of millions of dollars that they still don't have the proper direction or can't enforce their mandates is a terrible shock to me as a person in government, a taxpayer, and also someone who is tremendously concerned about the shore.

My first thoughts were, when I heard the Governor's remarks, they were too broad-based. I think the problem of a clean ocean, the things that doctors have been talking about, the non-point source of pollution, storm run-off, and the many and sundry things are such an enormous, enormous task that I don't believe it comes within the purview of what I thought of the original concept of a shore authority was. That was something that they dealt with handsomely. There's the State, there's the Federal government, there are private organizations, they're all working together on one purpose which is to try and clean the ocean. I thought it was a very effective program.

I've been listening to, reading and hearing on television and radio all these problems are being dealt with as best they can at the level they have right now. I think that shore protection is the primary function of the authority

Using that, hopefully, \$10 million or \$15 million a year as seed money, I believe the Shore Protection Authority should have revenue bond-issuing capabilities. Revenue bond is backed by the full faith and credit of the State, but the method of paying for it is in advance. We know that we have shore protection money coming from this constant, stable source of funding. We know that the municipalities contribute 25% toward every project. This money is ongoing. It's something that shore communities expect, and have dealt with in the past. Two of the four counties, Monmouth and Ocean, have given 15% of the total necessary by the local communities in the past, and they will continue to, and I'm sure Ocean and Atlantic should do likewise, and Middlesex, Cumberland and Salem, which is the great bay area. I see seven counties involved in this thing.

Now taking the seed money to the revenue bonds, you haven't discussed one extremely important thing that presently is on the books from the United States Federal Government authorization, 1958, 1970, 1977, of approximately \$170 million of Federal money which has been authorized for State projects for the State of New Jersey. A minuscule amount of that money has been utilized. It's been the cause of many situations. The State has not come up with the matching funds, either because they didn't count them, or because they were unwilling to.

We've had a situation in coastal resources in the past, during the administration of Mr. Kinsey where his direction was different than the direction of the Federal government, and they have gone this way. They don't even know their telephone numbers at this stage of the game. That money has been authorized. An authorization is a wish list. It only is worthwhile when money is appropriated. It's only appropriated when the State comes up with its share, and the State has not come up with its share.

that's being envisioned. Those were my thoughts from day one. It was presented by Jack Kraft in 1984. I brought with me his original concept. Shore protection is the number one concern for the shore at this time. Without the protection of the shore, the problems we're talking about won't exist.

The problems that you've brought up have been many and sundry, and I'd like to deal with them point by point. First, the way I envision an Authority, it's a group of people where they are -- let's say -- one member from each county, or two members, whether it's some public members, a member ex officio from the Division of Community Affairs, the Department of Environmental Protection. It's obviously a well-knit, coordinated group of men -- people -- women. I see the coastal resources as being a staff function, to continue their problems of permit giving and all that sort of thing, which is a tremendously diverse and difficult situation. I don't think it's wise to move it from one agency to the other.

SENATOR PALLONE: So you'd keep that at DEP?

MR. FURLONG: Please, I'll go through the whole thing. The point being that we have existing functions which perhaps are not focused properly, but they are there and they must be used. I see CAFRA, the Coastal Resources as a staff function of the Authority. I see professionals from the outside being brought in, which is done by every other state. Florida, California are very much more advanced than we are in this particular area. I have the legislation in my hands right now of what you're talking about.

The business of funding-- Let's just say that this whole conversation is a waste of time if you guys can't get together on a stable source of funding, okay? Now I can't see why five people in government-- Let's see, who are they? Mr. Pallone, Mr. Russo, Mr. Hardwick, Mr. Villane and Mr. Kean -- if five people in government can't put aside their personal differences and come up with a logical source of shore protection money. That's number one on top of the list.

I have a list with me, which I'm not going to go over, of eight projects south of Long Beach Island. I'm not even talking-- Forget Sea Bright. We know about that. South of Long Beach Island, eight projects, approximately \$170 million of Federal money involved-- Along come the Atlantic City Project. The State puts up almost the entire amount. There is an authorization for that project on the Federal level right now. It has never been tapped. We have never looked to match. Why haven't we looked to match? I don't like to go into details, but the State has got a divergent path with the Federal government.

The State of Florida-- This last authorization bill has gotten six projects. They live with the Corps of Engineers. They sleep with the Corps of Engineers. Their whole program, their authority is all wrapped around Federal contributions. Tourism is the number one industry in Florida. Tourism is the number two industry in New Jersey. The State of Florida has probably seven times the ocean front than we do. But they work hard at it. They work hard at getting the money.

I envision the Authority as a vehicle, to work with the Federal government, with the seed money, with the revenue bonds, with the matching funds, with the projects. Shore protection should be the primary responsibility of an authority in my viewpoint. If down the road, other things come up, like beach management-- We have perfect examples of wonderful things that happened in this State. You take the Seven Presidents Park in Long Branch. That was a county initiative without State help. Green Acres fund-- I'm sorry. Green Acres-- It's a wonderful facility. It accommodates so many people. There are no problems of access. They charge fees. No one is opposed to fees. We pay fees that go in the Garden State Parkway. We pay fees everywhere.

SENATOR PALLONE: We don't have enough parking though. We're running out of parking.

SENATOR GAGLIANO: That's because it's so popular.

MR. FURLONG: The problem is very simple, in my viewpoint. I think it's been broadened too much here today. It made it too complicated, with no prospect of it being successful, if what the Governor's staff talked about is ever attempted to be implemented. From the moment she started talking, I realized what the problem would be. It would be so difficult to get the thing focused where it should be, which is shore protection. And that's where I come from, from day one, and have for the last seven years.

Now the Authority idea, as I said, was presented by John Kraft in 1984. I brought with me his presentation. It's a three-page document. It is reasonably thought-out. There are a lot of areas, of course, that could be changed.

You brought up questions of access. Access is overblown, out of proportion. We have five towns in the State of New Jersey that have a moderate access problem. The main recreational towns welcome visitors. They do all they can. They haven't got room for people coming to a large party, let alone going on the beach. And you keep on focusing on these slow moving targets, when the main thing is-- Gosh, Wildwood doesn't have a beach fee. Atlantic City loves to get people down. It's the biggest resort in the United States of America, and the most prolific in bringing people down. Long Branch loves people. Asbury Park loves people. Point Pleasant-- Everybody loves people. A few small towns have a few small problems. You've wasted so much important energy dealing with that, when shore protection was the major, major problem in the State of New Jersey.

Now we're talking about-- One of the reasons people come to New Jersey is the shore. If it's not there, I think the loss of the shore would diminish New Jersey in the eyes of the rest of the country as far as being a desirable place to migrate to, live in, work in. Why do we have the type of

development we have on Route 1, on Route 35, on all the routes? New Jersey is one of the best located states, with the most advantages of many states in the area. We get a lot of people for that reason.

The Shore Protection Authority which Adrian Heffern beat me to by renaming it-- He said it should be called "The Shore Protection and Public Beach Authority," which broadens it somewhat. I think that all the communities along the shore would fall right in line with this. There's no thought of loss of home rule, none at all.

SENATOR PALLONE: But Bob, I don't want to cut you short, but we don't have that much time. I want to ask you some questions.

MR. FURLONG: I'm dealing with every question that you've brought up, and you've brought up home rule quite a bit. Ombudsman, forget it. We have ombudsmen everywhere that don't do the job. It's a political, appointed type of thing. Nothing ever happens.

What you need is a tightly structured, shore protection authority with the ability to raise money and to deal with the problems that exist in shore protection, which are monumental. As far as problems of access, as far as land use problems -- yes, you can handle land use problems. In the State of Florida you have a certain line where you can't go beyond. The business of 24 units -- you brought up subdivision as a possibility. There's another way. It's very simple. We do it in Sea Bright. You limit it to two units an acre, which certainly backs up the 24-unit prospect, because now a guy builds 24 units on five or six acres. It's not exactly an overwhelming structure.

I think the shore is the greatest private enterprise zone we have.

SENATOR GAGLIANO: You do it now in Sea Bright.

MR. FURLONG: We've learned.

SENATOR GAGLIANO: Okay.

MR. FURLONG: We've learned. What's happening along the shore is wonderful, because now lots of people can enjoy the shore, where formerly it was the area of only the wealthy. Where you build 24 units, 24 families are going to enjoy it, not two. So don't knock it. It's a great thing. But when they build it right on the beach, then you have to worry about it. It's up to the Legislature to pass land use legislation if they feel it's necessary. I don't think it should be the purview of an authority to get involved in legislative functions. That's basically what I have to say, because I think I'm trying to be as tightly structured as I can be.

SENATOR PALLONE: I think you've made a very good point. One of the things I didn't mention is that you're here not only as a councilman, but also representing Friends of the Jersey Shore.

MR. FURLONG: Which are the ones that came up with every idea that has been presented in the Legislature for the last two years.

SENATOR PALLONE: And that's the second thing that I wanted to say, which is that you've been talking about the Authority -- as you've said, for shore protection purposes primarily, for as long as I can remember. You mentioned seven years, but I think it goes back even before that.

MR. FURLONG: No, I don't know you that long.

SENATOR PALLONE: Yes, I do. I remember you from the fair.

MR. FURLONG: Twenty years.

SENATOR PALLONE: That's 20 years. You're making good points, but how does it tie in is the question with what we've heard before from the Governor's representative? Would you be opposed, Bob, to the broader type authorities that deals with the pollution problems, as long as it had the power to do what you have proposed here, or do you just think it would be a mistake to incorporate all those things with shore protection?

MR. FURLONG: I am diametrically opposed to it, Frank, because it would torpedo the whole thing. Because if these people, in all these years, with the knowledge of what's going on along the shore haven't done it yet, I don't think an authority will be able to do it.

SENATOR PALLONE: So you just think the Authority should be limited to shore protection.

MR. FURLONG: Yes. And I think an ombudsman is far out. It's just too--

SENATOR PALLONE: All right, but as far as--

SENATOR GAGLIANO: How should we choose the members of the Authority?

MR. FURLONG: I think the members should be chosen -- one freeholder, I was thinking of, from each county or two, depending upon the size you want. This is more of a board of trustees type of thing. I think you have to hire expertise. I don't think they're going to do the work.

SENATOR GAGLIANO: No, but the-- In order to establish policies and give directions--

MR. FURLONG: Right. I think one or two freeholders from the seven counties involved, some from the Governor's office, some from the Assembly and the Senate -- I really think they should be in there, from the committees -- I think ex officio members from the Department of Community Affairs and Environmental Protection. I think there should be some public members too -- not a lot, maybe four.

SENATOR GAGLIANO: Bob, you think you would rather have less in terms of members?

MR. FURLONG: I think the freeholders are elected officials. I think they're responsible people. I think as a result, they will do the right thing.

SENATOR PALLONE: Bob, one of the things that you pointed out was that in terms of the-- If the Authority has the bonding capacity, you suggested that the funding would be

from a State revenue source to back up the bonds and everything. In other words--

MR. FURLONG: Without a stable source of funding, I think you're fighting a losing battle.

SENATOR PALLONE: And so, I mean, would you agree with me then that using the municipalities as a source, either through beach fees, or whatever is not something that--

MR. FURLONG: The word "beach fees" enters into it only if down the road a community requests this authority to help them in beach management, setting up a beach the way we did it in Seven Presidents Park. Then beach fees from that beach would be involved.

SENATOR PALLONE: Well I think that we settled that today. It was an important point -- maybe -- of the hearing that it was clear that the Governor is not talking about using beach fees or municipal budgets as the basic pot of money.

MR. FURLONG: No, I think it's wrong, because I think we're talking about the normal matching funds communities give toward improvement projects. If you ask the Authority to do something similar to Seven Presidents Park -- you charge fees to go into the part -- that's the type of beach fees we'd be feeding in.

SENATOR GAGLIANO: Bob, if you weren't from Sea Bright, would you still believe shore protection should be the only number one project?

MR. FURLONG: Yes. Yes I do, and I'll tell you why.

SENATOR GAGLIANO: We all recognize that Sea Bright, Monmouth Beach has probably the most substantial problem of all.

MR. FURLONG: Let me put that thought to rest, Tom. First of all, Sea Bright is the only community in the State of New Jersey, in the United States of America whose problem is on the front burner right now -- totally funded by the Federal government. The only project in the United States of America -- a \$40 million project, including a feeder beach at Long

Branch, Monmouth Beach and Sea Bright. The \$3.75 million for the wall, which has been promised for the last seven years, is presently in the prospect. It's being held to precede the Federal project by one year. The wall on the beach is now entrained.

Barnegat is the only other project in the State of New Jersey that's going right now. Atlantic City is the other, and perhaps jumped a little bit in priority, but it's going on right now. So Sea Bright is going to be taken care of, provided that the Federal government appropriates additional moneys, which is what they do. Keep in mind the Corps of Engineers can only spend \$1.5 billion a year, regardless of how much they appropriate -- I mean authorize. Every coastal state in the Union is fighting for that money. New Jersey has got to get into the fray, to get some of that money. It's there.

SENATOR PALLONE: All right, thanks a lot, Bob. I should mention also that we did ask Jack Kraft to come today, but he was unable to come. I would like to make that document part of the record, because this is something he's been advocating for a number of years.

MR. FURLONG: I'll give you his-- I speak for Jack. He's very, very capable, very warm on the subject. He will have input down the road, I assure you.

SENATOR PALLONE: Thanks again for coming. We appreciate it. And now we have Dr. Berkowitz. I mean Dr. Sternberg -- I'm sorry, I'm thinking of your other partner -- from Save Our Shores. I'm sorry you had to wait. I know you have to get back to your patients.

D R. D E N N I S S T E R N B E R G: That's all right. I've kept patients waiting before.

SENATOR PALLONE: Were you here when Dr. Burke testified about the Heath Department, and mentioned Save Our Shores?

DR. STERNBERG: Yes I was. I was also here when the Governor's representative was here. I asked her to stay, because I thought what she would hear might give her some insight to give the Governor about how this should proceed. I'm sorry she didn't stay.

First of all, Senators, thank you for having me here. I appreciate the time. I think that this Committee that you have can essentially begin to cure the problem that we have on the ocean. The problem is not necessarily a small problem. It is very large, encompassing many different facets. But the key facet is that disease knows no boundary in our State, or in any other state. The key that can pull this entire thing together is that our State, along with New York, is involved in what might be a health problem that can affect not just the coastal cities -- it is not just a coastal problem -- not just the shore protection problem, but all the citizens of this State.

What makes it a national consciousness problem is because it affects the people from other states who come to visit our State. We should be assured that we have our health protected. The situation which is now in our ocean is leading to the possibility that people may become sick, not just from eating what the DEP already says is a contaminated food chain, but from swimming in the ocean.

Save Our Shores, an organization of over 500 physicians, and thousands of people throughout this State and other states has proposed to the DEP, the Health Department, the State Legislature and the Governor that a study be performed this summer, because, Senators, time is of the essence. The problems that are occurring here now, and will be occurring this summer and for foreseeable summers to come, are what is the cause, we believe, of a health problem which has been uncovered at the tip, like an iceberg. And Senator Gagliano, I remember, and you, Senator Pallone, have been active for years in formulating ways to help the shore.

When I listened to the Governor's representative today, I was not only dismayed and discouraged, but I wondered if everybody had been listening. The problem that we have that has to be taken care of and incised at this very moment is the problem of the pollutants in the ocean, which affect the health of the people, which affect the food chain and the fishes, and thereby are interrelated to all the industries along the Jersey shore -- tourism, restaurants, real estate. I've spoken to Rotary Clubs and Lions Clubs and women's groups throughout this State, and let me tell you, Senators, you don't have to go just to the mayors who are behind this. Go to the public. They're all behind it.

The letters that Tom Kean received, and that The Star Ledger received, were letters that were sent out by Save Our Shores to some of the members. We know that there were thousands of responses received by the Governor, and thousands received by the editorial staff of The Star Ledger. The people know the problem. Ask them what it is. It's unsightly, it's unhealthy, it's unsafe, it is non-productive vacation, it is something that brings not only distress to the body, but distress to the mind to come to the Jersey shore. And it is a problem that occurs from one end of our coast to the other end of our coast.

This is why the Legislature need not discuss what the entire plan will be at this moment, six months from now, six years from now, but what this Committee must do is get it started right now. If you have to, convene a joint legislative body with the Senate, and the Assembly, and the Governor present. Because I believe that's how important this is -- not just a representative from the Governor's office -- then do it and do it now. Because as the representative said from the Governor, it's getting worse. They know it's getting worse.

So what I feel your Committee has to do is approach this in a reasonable way that can be accomplished now. And

this is what I propose. I propose that first you get the pollutants out of the ocean. You cannot clean up what is already there, but you can stop it. So the initial thing that this ocean council, or this ocean committee, or this ocean -- whatever you want to call it--

SENATOR GAGLIANO: Authority.

DR. STERNBERG: --authority should take care of is what is in the ocean. The ocean does not belong to New Jersey. The ocean belongs to all the people of this nation. It is not our ocean; it is their ocean. It is not our health; it is all our health. So, how do we start? Well, we know what is out there. The DEP has had meetings about this. The Federal EPA has had meeting about this. They know what is in the New York pipe. Why should we have to look further?

SENATOR PALLONE: Could I just interrupt you?

DR. STERNBERG: Sure.

SENATOR PALLONE: You made a statement which is important in that one of things-- Again, I hope I'm not putting words in your mouth, but one of the things that Brenda Davis said was that she felt there was still -- time was needed perhaps to see what the problems were. I don't really-- My own impressions were we pretty much know what the problems are at the source, and it's really more of an enforcement problem. In other words, the mechanisms to go out there, and clean up, and do what has to be done. But maybe you feel that we still need to spend a lot of time, or we have a lot more that needs to be done in terms of studying what the causes of pollution are and how they're affecting us.

DR. STERNBERG: Save Our Shores desperately wants the Senate, and the House of Representatives (sic) and the Governor to pass legislation so that funds can be provided this summer for a study, and the results of the study about public health -- swimming in this ocean-- It can be correlated and given out to both houses of the Legislature, the Governor, and the press

by no later than December.

Whatever funding is necessary for that study -- and we have proposed it to the Health Department and the DEP -- then it better be done. Because the costs, even if someone decided a medical legal suit-- If people know what's going on in this ocean-- We have had attorneys write us at Save Our Shores. If someone decides to bring a medical legal suit and wins -- and that is not out of the realm of possibility -- you're talking about tremendous amounts of money.

But Senator, what I feel is the crux of the problem is that you cannot, as Ms. Davis said, say: "Well, we have to decide what the problems are." We know one very definite problem, and one small area of what shore protection is. I'm not talking about putting rocks in Sea Bright, or jetties in Bradley Beach, or any other place. All those things are well and good. But people will not come to jump off of Ocean Avenue into the water and say, "oh, look at it," if they can't swim in it and they can't fish from it, and it doesn't smell like ocean. It doesn't smell like water anymore.

SENATOR PALLONE: But Dr. Sternberg, one of the things that Dr. Burke mentioned was the fact that he felt that having this Clean Ocean Authority would put more of a focus on what needs to be done health-wise, and in terms of the health effects. In other words, right now we just react. In other words, Save Our Shores comes in and says, "Look, you have this tremendous problem out there, and all these people are getting sick." So now maybe the Health Department reacts to it and says, "Okay, we have to do something about it." But they didn't really-- They weren't out front before. They weren't an advocate before. You know firsthand the shortcomings that exist right now. I think that's--

DR. STERNBERG: Yes, and that's why I think that there should be an organization. But I think that this organization must be streamlined at least now. Let there be future plans,

but let their total goal now not be to deal with home rule, because home rule is tough to deal with, not to deal with coastal situations as far as bond issues, which everybody always voted for the bond issue for shore protection. But what they have to deal with now is the problem of making this a State and perhaps a national issue that this is what this ocean-- Senator Gagliano, what are we going to call this ocean--

SENATOR GAGLIANO: Authority.

DR. STERNBERG: Authority. All right. This is what this Ocean Authority is going to do.

SENATOR GAGLIANO: The title that the Governor gave it was Clean Ocean Authority.

DR. STERNBERG: Well let's use the word "clean" -- Clean Ocean and Authority. What their goal should be, and what you should stress should be to leave out all the things that will cause in-fighting. Leave out all the things that will cause legislative problems, and pass legislation now that everybody from one end of the coast to the other end of the coast can be involved with and before, and that is to get the pollutants stopped from entering the Atlantic Ocean of the New Jersey shore.

SENATOR PALLONE: All right, but let me just ask you-- Maybe I'm getting too specific, but again I'm trying to focus in on why we need this. From your own experience, if possible, why can't the existing Health Department take on some of those advocacy responsibilities, and do the things that you want them to do in terms of studying the effects of ocean pollution? Why is there an inherent advantage-- And I think there is, frankly, so I'm just being devil's advocate. Why do you think it's necessary to have this new authority, as opposed to having the health department be beefed up with more money and more responsibility?

DR. STERNBERG: I think we shouldn't get concerned in terminology. I think that from my limited experience in the way politics and bureaucracies are run, is that many of the people that have seen this problem prior to me were not in the position to vocalize what the problem was. However, if an authority says, "This is your job. You come forward and you're rewarded for bringing this to us, bringing these problems to us," it will change the position which is what the bureaucracy has not done. It is letting things like Asbury Park slide. However, bringing this ombudsman or this authority-- Bringing this together, and bringing this to the public forefront, and putting it in the press is going to make this an issue which hopefully will not go away from the press or from the politicians until the problem goes away.

SENATOR PALLONE: So there's an inherent -- possibly -- advantage in just having a new independent organization that's concerned about ocean pollution.

DR. STERNBERG: That commission cleaned up New York City to some extent. At least it gave the impression that it did. We need--

SENATOR PALLONE: Just because we're going to focus attention on the issue, if nothing more--

DR. STERNBERG: We need attention focused on it, Senator Pallone. The thing is that the attention can't be so broad that it becomes so cumbersome and so astronomically expensive that people get turned off to it. I don't know who is against motherhood, or is against having healthy children, and I don't know who is against having a clean ocean. Please let them stand up.

SENATOR PALLONE: Now, I think that, as you say, just from the point of view of having a new organization that has this as its responsibility, and has to focus attention on the ocean pollution issue, that maybe that, in itself, will create more action.

DR. STERNBERG: For the long term. I mean, after we're gone, our children, hopefully, will want to live in this State. There should be a mechanism created that we shouldn't go through something like this again, because like all good historians teach and preach, you should learn from history. So what I am saying is we haven't learned from history. We haven't learned from Minamata, Japan. We haven't learned from other catastrophes of health. Let's not have the catastrophe first, and then learn from it.

So what I propose is the way we get the things out of the ocean. That's what I'd like to propose to the Committee. Because the Governor's office didn't seem to have any ideas of where to go. I think Save Our Shores does have some ideas. As physicians, we know the problem is there, and we look to people who are schooled in the ways of doing this. But it becomes very plain to see that if the State of Massachusetts was able -- several days after the designation of the 106-mile dumpsite for sewage sludge only -- was ready to bring their barges 500 miles off shore, then it seems to me that we could take the dredge spoils, which sound so innocuous but are loaded with heavy metals and contaminants -- as Senator Gagliano and yourself well know, and you've done things for it -- and say to the Army Corps of Engineers-- And if it has to be said by the Governor of this State, who is a powerful possible candidate for some future office and is a popular Governor in this office-- And if the legislators and Senators get together and say, "Listen, we have a problem," there is no good reason -- and the people at EPA talked to me off the record for years, there is no good reason to dump these dredge spoils 5.7 miles off of Gateway National Park.

SENATOR GAGLIANO: Cape May.

DR. STERNBERG: Right? There is no good reason.

SENATOR GAGLIANO: Absolutely.

DR. STERNBERG: And that park is no less valuable than Yellowstone National Park. In our minds we perceive of what we have here as being commonplace. But let me tell you the rest of the nation sees it as special. We should stand back, and look out the window next time we fly out of Kennedy or Newark airport, and look down and see what we have, and look how to preserve. So move that dumpsite now before any more dredge spoils are put in there.

How? We don't have the barges? Then I think that we should go to the Congress and say, "You have a mothballed fleet" -- and I've said this before -- "in the Chesapeake." Use them until something else is constructed to get it off shore to 106 miles offshore. And listen, Senators, to my rationale. I am not telling everybody to stock it today, and find some place for it. That site, 106 miles off shore, is in 8000 feet of water. It's not fit to put anything in the ocean, because it's going to come back in our faces, and it is going to be in our food chain. But five years was designated by the Federal EPA for that site -- sewage sludge only. What I'm suggesting is take all contaminants out to the 106-mile site. Because no matter how bad it may be for the future there, it is better than having it in our faces by our children, in the food chain.

SENATOR GAGLIANO: There is no way for it to escape from where it is. There is no way for it to dilute.

DR. STERNBERG: Absolutely not.

SENATOR GAGLIANO: It has to go either to Long Island, New York harbor, or New Jersey.

DR. STERNBERG: And it does. It does.

SENATOR GAGLIANO: That's where it's got to go.

DR. STERNBERG: And any meteorologist will tell you that winds, and tides, and that could take graphs which I got from the EPA to show you the currents, how they circulate past Staten Island and Manhattan's 300 million gallons a day of

untreated sewage, and it goes down along the Hook, and it takes the stuff out of Raritan Bay, and it swirls along the Coast, and it ends up on Long Beach Island. It affects the whole State. And I'll talk about each part of that State in just a few moments.

But the point is stop it now; move it to the 106 mile site. And here is where the commission can have some really good input, however you decide to arrange it. I, by the way, think there should be individuals from different organizations who are not politicians on this, whose sole goal is to put themselves out of business, like it is for Save Our Shores, to go out of business.

SENATOR PALLONE: In other words, representatives of environmental groups.

DR. STERNBERG: Absolutely, and have those people as the watchdogs. And have people from industry, because industry is an important part of New Jersey. Save Our Shores has said, and will say again, we live in a State where industry is 48 to 50% of what we have economically. I've called for, and still call for many good companies -- some may have been on the worst list, like IFF -- to come forward and to change, but not just on paper, but to actually say: "We can't take the fines anymore, we can't take the bad publicity anymore. You know what? We're going to get behind Save Our Shores or a Clean Ocean Commission, and we're going to go ahead, and we're going to utilize the funds that we would have spent on our fines to help change it."

And I think that what happened in Washington State, where I can tell you that they couldn't get salmon up the rivers and the industry changed, and the salmon come up the rivers and they're edible. I think we can do that here. So in New Jersey working with its industry -- not fighting with its industry, but working with its industry -- can say, "Listen, we have to live together. We have to find alternatives."

During this five-year period it must be this Commission's goal and absolute necessity to find alternatives to dumping these pollutants, whether sewage sludge, or chemicals, or heavy metals in the ocean. And I believe the technology exists. I am not as technically involved with this as someone who worked with this. But I've talked to many people. I think it has to be accomplished, and it can be accomplished, but only if there is continual observance by your Senate Committee, and by the Governor, and by the press -- not any other way. And meetings can't go ahead once every six months. Their goal is by the end of this five-year period, we have something. Kennedy said we will be on the moon, and we were on the moon. It's a little easier, I think, to get pollution out of the ocean than to get to the moon.

I have to tell you now, and point out to you-- Although I've showed many of you Senators before, the problems that exist, I think it's important to review them again. It's important, and I'll keep it very brief, but it's important to show you that it's not a Sea Bright problem, or an individual problem. It's all the counties along the entire stretch of New Jersey from east to west, and all the people that are involved.

Save Our Shores did a study, and I'll pass through this very quickly. All the people support you. There should be no problem. The people want an end to ocean pollution. They care about beach protection. They care about jetties. They care about beach fees, but that is not the problem. The problem is our health.

So if you Senators will stand up and convey to the people who you represent, and who you deal with as your colleagues in the Senate that this is no big secret. We're not fighting anybody. We're all good guys, and we want to be better guys. And the problem will very soon fall into space. Don't get it bogged down with other things that aren't important. Get it bogged down only with the health of the

people who swim, the health of the fish which are now contaminated, that we can't eat -- you can't eat striped bass; you can't eat bluefish; you can't eat white perch; you know, there are people eating that. And go to what's really important.

Those are the things you have to do right now. If you do that, ten years from now they can really work on finding out that we have a better shoreline. The people will want to come, too. Economically, it becomes more feasible to inject money into here. I think that you'll see that the citizens and the mayors of all the communities will help, and aid, not hinder. Could someone just give me a hand with this? (sets up chart)

SENATOR GAGLIANO: Excuse me, Mr. Chairman. I have to be in Freehold by one o'clock.

SENATOR PALLONE: I just wanted to ask-- One second-- Could I just have a show of--

SENATOR GAGLIANO: I think I've much of this, Doctor, so I appreciate it.

SENATOR PALLONE: You've seen it already, yeah. Let me just ask if there is any-- Is there anyone else in the audience? We don't have any more forms. Is there anybody else that wants to speak? (negative response) Well, thanks for coming.

DR. STERNBERG: Thank you, Senator, very much.

SENATOR GAGLIANO: I'm sorry, I promised to attend the Chamber of Commerce luncheon in Freehold, so I've go to run before the luncheon is over.

SENATOR PALLONE: Thanks again. Dr. Sternberg, you may have to hold one of the mikes. Is that the only one, because otherwise it won't be recorded.

DR. STERNBERG: (referring to chart) This shows some of the diseases that Save Our Shores found. I'm going to point out clusters, because there are clusters of diseases throughout the State. I'll talk about the 20 towns up here that we feel should be in the survey, and some down in south New Jersey.

We found clusters of diseases such as gastrointestinal symptoms. Sixty-four gastrointestinal symptoms sent in by people who called their physicians, or physicians who reported diseases. We see clusters throughout the different areas, in North Jersey, in Central Jersey by Lavalette, by the pipe at Ciba-Geigy. We see places off of Long Beach, Ocean City, Wildwood, Cape May. I'm going to not burden you by turning each and every page, but I'm going to tell you is the other diseases, such as skin diseases were found in places where we might expect them. Up in Sandy Hook, people went swimming, and were not seen by shore doctors, by the way. They were seen by people in western New Jersey. The western New Jersey doctors told us about what they saw.

So you cannot count this as a shore problem. It's a State problem. It's a national problem. We have a person who went swimming in New Jersey, and was from the Midwest, and contacted us. These people don't hear about what's happening here, but they go back and say, "I went to New Jersey. There are groups. Their water is dirty. There are dead animals. There are tampon plastics. There's raw sewage flowing. It's no longer an ocean."

The other day I went home and walked on the boardwalk with my son, and I stopped. And I looked at water, and it was clean. But it looked clean before. But I mean it was really clean. The wind has been blowing out of the west, and I smelled the ocean. Do you realize what we're missing? I mean, do you really realize it? I mean, we're not just doing it here. You can go down to South Jersey, and they'd tell you the same thing.

And DEP wanted to give permission to burn the toxic dioxin from 20 other states and other chemicals off our cost in a vessel equipped to burn them -- the bulk of this vessel. Think of what a catastrophe could be if that boat sank before it burned. Forget if whether it's healthy or not. Think of what a catastrophe it could be.

I have 2000 letters from people who are six and seven generations fishermen, and fishermen's wives and children, who feel that their industry and their health is threatened. I won't eat fish here anymore. I get salmon. I get fish from a different state. I don't fish with my kids anymore. Do you know why? Because fishing is not for fun for me. It's no fun unless you can eat it.

I hope my sons will get married and have wives, and I hope that by then the pregnant women that will someday be my daughter-in-laws will be able to eat the fish without a risk of a problem. I got recently some information that was given to the Governor, which I just recently gave to "20-20." And in this information from the DEP it talked about the lobster industry in this State, and how the lobsters had way above the average, in certain areas -- from one to 20 miles off shore -- of dioxin in their bodies. The green parts of the lobster should not be eaten. This is the lobster industry in this State.

But the problem in the food chain is so severe that it ought to be monitored. I hope the commission and the Senate will agree to agree that we just can't monitor it, that we have to stop it. You can't clean it up, so what do you do to stop it? You get the pollutants out, and you get it out as quickly as possible.

How quick is quickly as possible? Yesterday would not have been too soon. But if you can come up with initial legislation that you can pass-- And this is where it's important. This is why I came today. Not to rehash old things but to tell you how I think the people feel. Your legislation has to stop the pollution of the water. It has to begin to stop it so that the lobsters and the fish can again breathe in health. And maybe several generations down the line, the genetic defects which are now present, and the cancers in the fish, and the tumours in the fish, and the chloridane, the

pesticide that kills termites that is in the bluefish, may not be in the bluefish you eat. So I can't see it. And if they find it in parts per trillion, imagine how small it must be when we're told to accept acceptable levels of contamination in parts per trillion.

So the people know this. The Senate must stop it. Again, I'll say it, and I'll keep saying it until actually there is some legislation passed. I mean that's it. It has to be stopped now. As far as the wastewater treatment plants, I've complained about Asbury Park for years to the EPA, and finally, although there might be existing types in the ground as far as the Prosecutor has said, Asbury Park is getting their own secondary sewage treatment plant. We should have secondary sewage along the entire coast of New Jersey. But there's no reason we can't be like Florida and have tertiary treatment. Maybe we can't have it this year or this decade.

The second part of what this Commission should do is plan for the future. You can't do it all today. Do the most important part. Stop the incineration. Stop the dumping. Stop the barges. Stop the toilet products. Stop them going into the ocean and stop it now. Because I really feel that if I can see clean water day after it blows west wind, no how much is in there, until it blows east wind-- Then if it's all stopped perhaps three years down the line we might get a northeast tide that might not be filled with foul, awful-smelling, yellow-brown foam filled with all kinds of toilet products, including Union sewage. We might get an almost clean north or east tide. Not instantly, and it can't be just us. It has to be New York too.

That's why I feel that it's important that the Governor approach Mario Cuomo, his counterpart in the Port Authority of New York and New Jersey, and say-- I'm going to call -- I don't know if I'll get on, but I'm going to call CBS News tonight and see if I can speak with Mario Cuomo on what he

is willing to do to stop it on the New York side.

If the two states can get together, perhaps they can influence the Federal government how national this issue is, how all-consuming it is -- not just for someone like myself who is not an environmentalist. I'm a father and I'm a citizen. I'm not an environmentalist. I've been called that for lack of another term. I'm just somebody who wants the water clean again. I don't want to be afraid anymore. And I'm seriously afraid. And fear is not good in this United States. I hope that you will contact not just the people -- the professionals, and they have to be included in this. Contact people like Save Our Shores. Contact people like Clean Ocean. Contact other groups, but get going now and don't put it off.

I don't know, would you like me to show those slides again, or would you not.

SENATOR PALLONE: No, we have them as part of the record, so I'll think we'll leave it--

DR. STERNBERG: I just want to thank you again for your efforts, and tell you that Save Our Shores for one, and I, for another, won't stop and we'll keep telling the story over, and over, and over to whoever will listen, and we'll eventually be heard. I think that if you tell your colleagues, you will be heard, and the rest of the Senators on the commission will be heard. It has nothing to do with politics. It has nothing to do with bipartisan politics. It's an issue which we as people in the State, with so many things to be proud of, and so many resources to interchange and intermold-- We have to be proud, and we have to have a feeling that we can live out lives in health, happiness, and safety, and want to continue to live in this State because it provides not only jobs but health. I hope that your bills to provide money for Save Our Shores study, with the Health Department and the DEP, goes forward without any obstacles. Because I know it's there, and I think many of the people know it's there. If the proof is needed, I

think the proof will come about. And if it's not, I'd be happy for someone to really say it's healthy to swim in that sewer. Thank you very much.

SENATOR PALLONE: Okay. Thanks again for coming. We appreciate all your efforts. I think we already asked if there was anybody else who wanted to testify. The answer was no. So we're going to wrap up the hearing. I just wanted to say that again, the purpose of the hearing was primarily to get a focus on what the Governor's proposal was for the New Jersey Clean Ocean Authority. I think that although there is still a great deal of vagueness involved, and more needs to be done, that we did get a better idea outline of what the proposal would include and what it should not include. Hopefully, we can use that as a basis in formulating legislation.

Paticularly, at least in my opinion, the foremost goal seems to me that advocacy goal, the need to have an independent agency out there that is solely concerned about the ocean and the problems associated with shore protection and clean water, and which is going to be an advocate for the State to try to clean up the ocean and prevent some of the problems that we've had. So that basically, we're all on the same wavelength. And I just want to thank everybody who came today. We will be looking into the whole legislation further. Thanks again. And thank you for recording everything.

(HEARING CONCLUDED)