

New Jersey. Legislature. Senate. Committee  
on the Water Supply.

Public Hearing on Senate Bill  
No. 135, (Delaware River Basin Water  
Commission Compact, etc.)

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PUBLIC HEARING

on Senate Bill No. 135,

(Delaware River Basin Water

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SENATE  
Senate Chamber, State House  
Trenton, New Jersey  
March 13, 1951

REPORT

The Water Supply Committee of  
the Senate

MEMBERS PRESENT:

Senator Frank J. Hess, Chairman

Senator Kenneth J. Hand

Senator Vincent E. Hall

Absent:

Senator David Young, 3rd

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Hearing Division  
New Jersey Civil Service Commission  
State House, Trenton, N. J.

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SENATOR FREAS L. HESS (CHAIRMAN): Gentlemen, may we have your attention, please? The hearing will come to order. We are here to have a hearing on Senate Bill No. 135, and I will read the title of the bill, which explains the bill: "An Act providing for joint action by the States of Delaware, New Jersey, and New York and the Commonwealth of Pennsylvania in developing, utilizing, controlling, and conserving the water resources of the Delaware river basin in order to assure an adequate water supply; authorizing the Governor, for these purposes, to enter into a compact on behalf of the State of New Jersey with the States of Delaware and New York and the Commonwealth of Pennsylvania and to apply on behalf of the State of New Jersey to the Congress of the United States for its consent thereto; creating the Delaware River Basin Water Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of bonds; providing for the appointment of the State of New Jersey members of the said commission; approving an integrated water project; requiring the commission to prepare and report plans and specifications for specific projects; and requiring certain prior approvals by the Legislature of the compacting States."

Now, Senator Littell, the President of our Senate, introduced this bill in the Senate and I am going to call on him at this time for a few remarks regarding this bill.

SENATOR ALFRED B. LITTELL: Thank you, Senator and members of the Committee: I want to thank you for calling this



hearing on Senate Bill 135, because I consider this one of the most important bills that this Legislature will have to consider. The effect of the bill, should the compact of the four states be approved is far-reaching on the economy of New Jersey. I feel that the planning which is back of this compact bill is sound, and I think that the people of the State of New Jersey should know as much about it as it is possible for them to know. And this is one of the means that we have, Mr. Chairman, of bringing before the people all the information that is available on this subject of water and the utilization of the waters of the upper Delaware basin for the purpose of our economy in New Jersey, in New York, and in Pennsylvania and Delaware. I am not going to speak on the bill in its particulars. I will say that the bill has finally come to the point of progress that it has because of the fine relationships which have been engendered through Inocodol and the work which that Commission has done over the years. Over the years and over the times, I believe those who have been familiar with the relationship between the states in relation to water will agree with me that there was unbridled suspicion as to what each state might do and is attempting to do in the utilization of the waters of the Delaware, but through the efforts of Inocodol there has been an understanding and an effort to cooperate and to bring to the citizens of the four states the greatest benefits from the best use of those waters and the natural resources which we have. The progress is very encouraging, and Governor Driscoll in his message this year to the Legislature has

indicated to the Legislature his great interest in this project and his understanding of the benefits which will ensue from the enactment of such a bill as this.

I would like to introduce to you, Mr. Chairman, the President of Incecel, who is with us today and who has been a member of Incecel, I believe, since its inception, which is approximately sixteen years ago. That gentleman is Francis Pitkin of Pennsylvania, who is the Chairman of the Planning and Resources Commission, or policy group, whatever they call it in Pennsylvania, and if he would stand up I would like to have him do so for a bow. Undoubtedly, he will carry on later in this proceeding.

(Mr. Pitkin arises).

SENATOR LITTELL: Thank you, Mr. Pitkin. He will undoubtedly be heard as the program is developed by the Vice-Chairman of Incecel, who is our own Carl Erdman, the Commissioner and Director of the Department of Conservation and Economic Development in the State of New Jersey.

I would like to take the time to introduce all of those who are here and who are known to me, but that would take a great deal of time, and I just want to pay my respects to all those who have come today and who have been very helpful in working up this program. There are many here who I know are proponents of this bill and there may be those who are opponents. I am not acquainted with them; but in any case, I am positive that the hearing today is held



for a meeting in a group of those who have the unselfish interests of our State at heart, and any suggestions or any corrections that may be offered today to the Committee are made in the most friendly spirit and are made for the purpose of construction and not for destruction of this program.

I would like to introduce Commissioner Erdman, who will carry on from this point.

CHARLES R. ERDMAN, JR., COMMISSIONER, CONSERVATION AND ECONOMIC DEVELOPMENT DEPARTMENT: Thank you, Senator Littell.

Senator Littell has stated very ably the feeling that this bill is of very vital importance to New Jersey. As Chairman of the Department of Conservation and Economic Development, I would like to state that in my opinion the purpose of this bill; namely, the provision for an adequate water supply for the State of New Jersey, is the No. 1 economic need of our entire State. Obviously it is almost too apparent to need statement that without adequate future water supplies, New Jersey cannot effect the development that we all know our State is entitled to because of its unique position geographically, of its advantages, and of its vitality, but we cannot take full advantage of those great resources of New Jersey without an adequate water supply. That is very fundamental. It doesn't need further elaboration. However, we will hear more particulars on that from some of those here today to speak on behalf of this bill.

I would like to call first upon the gentleman that



Senator Littell introduced; namely, our Chairman of Incidental, Mr. Pitkin, who has a very interesting display that is already here, and who will make a few remarks.

SENATOR LITTELL: Mr. Chairman, may I interrupt just a moment? I neglected to advise that there is a series of amendments which I am offering to the Chairman of the Committee, which will bring Senate 135 in strict conformity with the bills which are presently in the New York State Legislature and in the Legislature of Pennsylvania and the Legislature of Delaware. I neglected to mention that before.

COMMISSIONER KROGAN: I believe one of those amendments has to do with Article III, Section 2.

CHAIRMAN HESS: Do you want me to read the amendments?

COMMISSIONER KROGAN: I think it might be well if we could hear that amendment, because I do know that several people are worried about Article III, Section 2.

THE CHAIRMAN: Suppose I read the amendment and let you make your corrections: On page 3, line 41, insert the word "the" after the word "concerned" and before the word "Legislatures." On page 5, line 21, insert the word "dams" after the word "such" and before the word "reservoirs"; then insert the words "as may be" after the word "facilities" and before the word "required." Page 7, line 5, after the word "however," strike out the rest of the first paragraph and insert in lieu thereof this statement: "that no action of the commission concerning any allocation of water for water supply shall

be binding unless a majority of the commissioners from each of the signatory states shall have voted in favor thereof." Page 12, Article V, paragraph 2, line 2, strike out the words "as may" after the word "commission" and insert in lieu thereof "as may now or hereafter." The next one is page 17, Article II, paragraph (c), line 23, after the word "second," strike out the rest of the paragraph. Now here is quite a long paragraph: Add a new paragraph (d) which shall read as follows: "The intent and purpose of the requirements of paragraphs (b) and (c) of this Article are to provide for a flow at all times of at least four thousand cubic feet per second or at least forty-eight hundred cubic feet per second, as the case may be, from the nontidal section of the Delaware river below Trenton. Accordingly, the requirements for a flow of at least four thousand cubic feet per second or at least four thousand eight hundred cubic feet per second at Trenton may be reduced by the commission in such a manner as to carry out this intent and purpose in the event the commission is called upon to utilize a part of the waters which would otherwise flow in the Delaware river at Trenton as a source of water supply for the city of Philadelphia and other political subdivisions and metropolitan areas in the greater Philadelphia-South Jersey area which are situated wholly within the Delaware river basin." That is the end of that new paragraph. On page 29, Article XVI, strike out the whole of Article XVI and add a new Article XVI, which shall read as follows: "1. Nothing in this compact shall be deemed to affect any right of the states of New Jersey, New York, the commonwealth of



Pennsylvania and the City of New York, or any of them, granted or reserved by or pursuant to the decision of the United States Supreme Court in New Jersey vs. New York" - it refers here to et al (283 U.S. 336).

"2. Nothing in any existing compact between any two or more of the signatory states shall be impaired or invalidated by any of the provisions of this compact."

Those are the amendments recommended by Senator Littell.

Now, Mr. Pitkin, if you want to speak we will be glad to hear from you.

MR. FRANCIS A. PITKIN: Thank you, Senator Hess.

Gentlemen, I would like to make just four points rather briefly, because I believe that the motion picture is going to tell more in shorter time than we can do in words. First, I would like to make the point that the program which is before you, the legislation which is before you, is the product of careful study. Of course, we all know that the water supply needs of municipalities dependent upon the Delaware and the needs for low flow augmentation have been studied for many years and by many different agencies, but until the last two years there has never been a full, integrated study.

Incedal recognized that this is a tremendously important program and one which should not be entered into lightly. Accordingly, with the support of the Legislatures of the three upper basin states, a complete engineering study has been made during the past two years



In making that study, Incodel retained engineers of unquestioned ability. - <sup>Malcolm</sup> Pirnie and his associated company, the Albright and Friel organization - both of them are engineering firms of unquestioned ability. So the program before you has a sound engineering basis. Further, it has been reviewed by the water resource agencies in each of the states affected, and in each case I believe is fully endorsed by these state agencies having responsibility in this field. As I recall, Incodel created a compact drafting committee, on which was represented the Attorneys-General of each of the four states. In your case, you may know that Robert Peacock has worked long and hard and productively with his opposition members of the other three states in the drafting of the compact and the supporting legislation which is now before you. So we of Incodel can assure you that the legislation which you are considering has a firm basis in engineering fact and in legal draftsmanship.

The second point that I would like to make is that now is the time to undertake this program. If we delay, if we do not take action in this legislative year, we are very much afraid that our time of opportunity will have passed. You know that New York City and certain of the north Jersey municipalities are in urgent need of action to insure additional sources of water supply. If this cooperative program can be carried ahead, it is a perfect answer to those needs. But, on the other hand, if it is impossible to advance this cooperative program, they must proceed individually

and if they proceed individually it will mean that our opportunity to carry ahead this cooperative program will be lost for all time, because the cooperative program, of course, depends for its financing upon the payments which would be received from water users dependent upon the cooperative program. If those cash customers meet their needs somewhere else, meet them for a short-term basis, because there can be no long-term basis or answer as satisfactory as this plan, the cooperative Delaware river program - but if they find short-term answers somewhere else, they will be removed as possible customers for this project. Accordingly, it is very important that this program be advanced now while there are so many potential water users faced with the necessity for decision in the immediate future as to ways and means of meeting their needs.

Another point which I would like to emphasize is that it is imperative that we proceed with this interstate program because of the national significance of it. Doubtless many of you have studied the report of the President's Water Resources Commission and you know what that commission has recommended to the President and to the Congress - that the federal government take an even larger part in the development and control of our water resources. Already we view with alarm the increased activities of the federal government in fields which we feel are fields of action in which the states and local governments should be concerned. Any further expansion of this federal policy can only result in weakening of our state and local governments, and we believe that has threats which



should be recognized and combatted while there is still time for action. The only way in which we can resist federal encroachment into these fields of state responsibility is by performing the state's duties and obligations effectively at the state level. That requires, of course, wisdom and courage and, above all, in a project of this kind it requires interstate cooperation.

Now, as Senator Littell mentioned a few minutes ago, the Interstate Commission on the Delaware River Basin has been working for many years building up a spirit of mutual cooperation among these states. We feel that those many years of work have been extremely productive, but this program is the fruit of all those years of effort and we feel that it is extremely important that this program be advanced not only for the solution of the water problem of concern to the people in the four states but also because of the national significance, the effect it may have on the national water policy, and the effect we are sure it can have in strengthening the position of our state and local governments in our democratic form of government.

As I mentioned at the outset, I think the movie which we are now ready to show you will answer many of your questions as to how the project has been planned, how it is going to work, and what its effect will be on the many large and important areas which are interested in Delaware water. I hope that you and your associates have had an opportunity to study the publication which Inceedel has released in connection with this project. You may recall there is



a thick report of the engineering consultants to Incoed. That was summarized into a much thinner document, and then there has been this more recent publication which outlines some of the basic elements in the program. I hope you have had opportunity to read this as well as the legislation now before you, but if you have not, I think the movie will give you a pretty good idea of the program on which we have been working. Thank you.

THE CHAIRMAN: Senator Hand would like to ask you a question.

SENATOR KENNETH C. HAND: How much land will be submerged, do you know?

MR. PITKIN: I am going to leave that to Jim Allen, who is Executive Secretary of Incoed. Actually the land in New Jersey which will be submerged is of a very limited extent. You know perhaps, or you will see in this movie in a few minutes, that the three upper basin reservoirs are not on New Jersey land. They are largely on New York land; a little bit, Barryville, is in Pennsylvania, but as you come downstream below Port Jarvis, there will be a reservoir at Wallpack Bend which backs the water up from Wallpack Bend for approximately 30 miles. That reservoir is relatively narrow, so the loss of land is very, very small. Later on, there might be another small reservoir on the New Jersey side but the area is not large. Can you give that answer, Mr. Allen?

MR. ALLEN: No more information than you have given can be given.

MR. PITKIN: It is a very small amount though, Senator. We can secure that information for you very readily.

SENATOR HAND: I had in mind the land along the Round Valley - the northern part of Essex County and places like that.

(MOTION PICTURE SHOWN)

THE CHAIRMAN: Mr. Erdman, do you want to proceed?

MR. ERDMAN: Mr. Chairman, I would like to call upon Dr. Thurlow Nelson, who is chairman of the Water Policy and Supply Council of the State, a body as the name implies which is charged with the responsibility for the planning and the whole subject of water. We have Dr. Nelson with us and he will present, I think, the needs of New Jersey.

DR. NELSON: Senator Hess, members of the Committee: As Commissioner Erdman has told you, I appear as Chairman of the Water Policy and Supply Council of the Department and I also appear as the Advising Biologist of the Division of Shell Fisheries, also within that Department. It is unnecessary to tell you that we went through the most severe drought of historic times in New Jersey just a year ago, and following that drought we asked five of supervising and chief engineers of water supplies to make a study and report to us, which they did on October 16, giving us in three pages what I consider the most comprehensive report ever made on water supply in this State. In that report one of their three recommendation, or rather four recommendations, is as follows: That New Jersey actively support the Inacodel plan to the end that the Delaware river water be



made available to the State. We included all of this report in our report to Governor Briscoe, dated December 4th, and on the 21st the Governor's Office released both of these reports, and Recommendation 7 in our report reads as follows: That the State of New Jersey actively support the Incoed plan to the end that additional water from the Delaware river be made available in the shortest possible time to the northern portions of the State.

In this excellent report by the Joint Operation Board-- we are glad to tell you that four of the five members of that board are present here this morning and would be very happy, I am sure, to answer any technical questions involved in this-- but in this report they point out that it is their considered judgment that by 1980 - that is less than 30 years hence - we must have not less than a 60% increase in available water supplies here in the metropolitan area. Obviously we have no time to lose in getting started on such a study. We have to consider, however, that New Jersey is a state of multiple interests, and since the decree of Justice Holmes in the United States Supreme Court in 1931 on the Delaware River diversion case, there has been growing down the Delaware Valley in the tidal area a new vast industrial empire. One of the latest acquisitions is the Eagle plant of the Texas Oil Company, a plant which uses six hundred million gallons a day, and I need not tell you of the giant steel mill that is now developing. So we have a vast industrial empire, and we have already been faced with extreme drought, and the problem not only of

salinity but of the purity of the water in the river.

I am delighted by the amendments presented here this morning because I was gravely concerned with Article IX, that last portion which gave to the commissioners the power to reduce the compensation flow. I think it is unnecessary to tell you that our water laws stem from the common law of England. Where water is diverted from one watershed to another there is payment in water or money, and the court took utmost care to set up a formula for release. So I beg of you, in any deliberation which takes place in reference to this bill, that you give first thought to making sure that no group of men will have power to reduce the compensation flow that is absolutely necessary to any successful functioning of the Incoodel plan.

...Our studies have been in progress 30 years, and we have had thousands of salinity tests. It is an absolute certainty that diversion from the Delaware will result in increased salinity of the Delaware River Basin. However, this will not raise the maximum salinity above the point up in Long Island Sound, for example, so the importance of the letdown is to see to it that there will be enough of a push of this fresh water against this increased salinity of the lower base so there will be no damage done to our industries in that area. The advantage to the oysters could be discussed at considerable length. This letdown will come during the warmer months of the year when the enemies of the oyster are most active. We need these oysters for food. We have just heard



certain amendments introduced. We have had no opportunity in the Water Policy and Supply Council to discuss these amendments or the entire bill. We beg of you, might we have until next Monday, which is the date of our March meeting, to consider the entire bill and these amendments, and present to you any conclusions which we come to as a result of our deliberations?

Finally, may I say also that I know you will be interested to know that the United States Navy is now embarking on a study of a number of bays and estuaries along our coast for use in the process of negotiating a contract with the State of New Jersey for two years for a comprehensive study of Delaware Bay. They will spend a large sum of money. Most of the results will be held secret, but insofar as the salinity studies are concerned, they will be comprehensive and will be made available at once to us. So we will have a basis upon which to make our decisions. Thank you.

MR. ERDMAN: I am going to call on Mr. Edward Rose, Jr., of Feist & Feist, Newark, realtors, and interested in the future development of North Jersey, for a brief expression of the experiences they have had in this problem of water.

MR. EDWARD ROSE, JR.: Senator Hess and members of the Committee: I would like to read some excerpts from a letter of Mr. Irving Feist, the president of our firm, to Mr. Erdman, about the subject: "While the cost of completing such a project appears high, the future worth of such a program cannot be evaluated by attempting to measure present costs. There can be no question that

that with the tremendous increase in population in New Jersey, and the continued industrialization of this area, that the water requirements for the future will increase beyond all present conception.

"We have seen problems arise relative to the location of industries within the State of New Jersey during the past few years which would ordinarily not have developed had it not been for the then current shortages of water, or general drop throughout the State in the underground water levels. Many industries will probably be lost to the State in the future if these conditions recur.

"Another factor to be considered is damage by water through the summer months to those industries located at tidewater. By controlling the flow of water on the Delaware, these costs to industry can probably be eliminated.

"The development of the Inwood plan will also be a tremendous stride forward for conservation. The impounded water will permit of programs for the development of fresh water fishing and also provide suitable areas for the breeding of waterfowl. These facilities will be a great boon to the people of our and adjoining states."

Thank you.

MR. ERDMAN: Mr. Frank Miller, of the North Jersey District Water Supply Commission.

MR. FRANK MILLER: Mr. Chairman and gentlemen: We of the North Jersey District Water Supply Commission, and those of our



associate members, the owners of the plants who have to live with this water situation, realize what we are up against after the drought of last year. Nature was not good to us, and had it not provided what we have this year and we had another dry year all of us would be healthier out in Korea right now than sitting in this room. It is needless to say that the North Jersey District Water Supply Commission is heartily in favor of the Incoedel plan. We endorse the Incoedel plan relative to the water of the upper Delaware in meeting the existing needs of the people of the State and others. However, there are several points in this bill which need clarification and possibly amendment, and I am going to be very brief with you.

On page 11, line 84, paragraph (p), it reads: "To make, enter into, and perform contracts with the Federal Government, with any of the signatory states or any of their political subdivisions, with public or private agencies, and with corporations or individuals, including..." It is not clear whether this does not mean that this new commission can go into competition with municipalities and public agents selling water in the respective localities, and it should be made clear that the commission will sell to municipalities or public agencies and they do not become the retail distributors of water to users within the municipalities of the state. I think that needs clarification.

Now turn to page 12, Article V, starting with line 3.

Well, we will start at the beginning. "The commission shall have the power to acquire by condemnation lands, lands lying under water, rights

in land, riparian rights, water rights, waters, and other property. This grant of the power of eminent domain includes, but is not limited to, the power to condemn property owned or held by a political subdivision for municipal or public purposes, by a public district, by a public corporation or by a public authority, and includes as well the power to condemn any property already devoted to a public purpose, by whomsoever owned or held, other than property owned or held by the signatory states."

This may not be the intention but it can be interpreted to give the commission the power and the right to condemn and take over existing reservoirs and water supply systems owned by municipalities and public agencies of the state. We feel this should not be done without the consent of the public agency or municipality involved. It may be that this clause was put in to take care of acquiring present sections of competing aqueducts of the City of New York. If so, why not confine it to such in this bill.

Gentlemen, I have here with me today our Chief Engineer, Charles H. Capen, who has spent a good deal of time with the Incoedel problem in working with the engineers and the members of Incoedel and giving them every bit of available data that he had compiled over a good many years. Charles Capen, our engineer, originally started when the Wanaque was built in 1930, started with us and is with us today. With your permission I would like Mr. Capen to continue.

MR. CHARLES H. CAPEN:--



MR. WARREN N. GATFNEY, Commissioner of Banking and

Insurance: May I make the suggestion, if the previous speaker has no objection: He has raised several questions as to the bill that is before the Senate. There are clear and complete answers to the objections he has made and I think, in the interest of orderly procedure, it might be in order to have those objections answered now while they are fresh in the minds of those present, and if he will yield I would like to suggest that Mr. Pitkin answer the objections he has made as to the form of ~~the form~~ of the compact. Have you any objection, Mr. Miller?

MR. MILLER: I will be glad to have them answered after Mr. Capen has continued where I left off.

MR. CHARLES H. CAPEN: Mr. Chairman and gentlemen: I might preface my remarks by saying that from an engineering standpoint there is a great deal to be commended in this plan. The fundamentals, of course, go back a great many years. As you are aware, most of the reservoir sites have been explored over a period of 30 years and are well known. The principal change that I see has been incorporated since the study has been undertaken was to create a tunnel which would go across or underneath New York and New Jersey rather than entirely in New York State as was originally contemplated before the present study was started. The northeastern part of New Jersey suffered very materially from the effects of the drought in 1949 and 1950, and many of the supplies in that area are now constructing reservoir to supplement their sources so that a repetition of this will not

occur. In line with this thinking, the State Water Policy and Supply Council, in May 1950, asked the Joint Operation Board, representing the largest supplies in that area, to prepare a report on the possible water needs and recommendations as to steps to be taken to meet them. This report was submitted on October 16, 1950, and the following is quoted from that report. I might say this is the same report Dr. Nelson referred to. There is some comment about Incoedel, which is just introductory and need not be read-- that these recommendations be carried out and New Jersey become part of the Incoedel plan through the Interstate Water Commission as perhaps it is still unlikely that water from the Delaware river will be available to northeastern New Jersey before the late 60's. In the meantime what is to be done for water in this area? Whether or not the Incoedel plan materializes, it is known by this group that a sufficient number of projects listed in tables 3 and 4 will have to be completed during the time until the Delaware basin becomes available to take care of water in this area, particularly the Raritan valley and adjacent territory. Therefore immediate attention should be given to the construction of a water supply in the Raritan Valley basin and this should be in combination with the Incoedel plan. I might add that there is in the recommendations the one that Dr. Nelson read to you, that New Jersey actively support the Incoedel plan, and also one that a plan be prepared immediately for New York.

In North Jersey we are now working trying to complete the Ramapo project as an extension to the Wanaque to avoid such conditions we



had in 1949 and 1950 by adding more water. We are taking bids tomorrow on the Venturi meter to measure the amount of water diverted. There are only two large companies in this part of the country that make Venturi meters. We have been in contact with them for a period of about a year or more about these meters and we have been in detailed consultation with them for a period of at least six months in preparing specifications for that meter in exact accordance with the methods they outline in general, leaving it open for others to compete. We were informed the latter part of last week that they may neither of them submit a bid on this because of the shortage of materials. I bring this to your attention to show the difficulties involved in the construction of large water works.

Those of us who sent that report to the Water Policy and Supply Council said "An interim supply is necessary and desirable." We believe there are very practical obstacles placed in the way of any water supply and you only have to look at what happened to New York City. Had it not been for the 2nd World War, New York City would have had some water supply available and would not have suffered the drought they did. This I leave with you as a practical suggestion.

The only other comment I have to make is that I am not wholly satisfied with the arrangements for the release of water. The bill indicates to me that perhaps New Jersey will be taxed to the extent of having to pay part of the construction of the Walpack Bend

reservoir simply for the release of downstream water perhaps largely for the benefit of Philadelphia. As you probably are well aware, New York and Philadelphia, along with Chicago are the three large cities that are not metered. Why should New Jersey have to pay its share for the release of water because of the fact that New York and Philadelphia have not completed a metering program and do not intend to do so. New York can show it will not pay it to meter, but they admit that they may save as much as 15%, perhaps more, in the output of water if they do meter. New Jersey should not be made to pay for the shortcomings of those two large cities with respect to lack of meters and the consequent waste of water that ensues.

MR. HESS: The first one I believe is on page 11.

MR. PITKIN: That is whether the New Jersey Interstate Water agency might start retailing water taking over fields now served by some existing local utility. In the first place, there is no such intention. The engineers' report on which the whole program is based gives no suggestion that such is desirable and I am sure that no one concerned with the project wants to go in the retail water business. They are going to have plenty of major problems without becoming involved in fields of activity which are not necessary to the success of the project. Obviously the intent of the entire program is that the interstate agency would sell water wholesale to existing distributing utilities. I might point out, however, that there is a



positive safeguard to relieve any fears that might exist in the provisions of the compact - that any extension of the original plan must be submitted to the state's water policy agency and to the Legislature of each state so that if at any time this interstate commission, the new interstate agency, should be tempted to go into the retail water business, you have two checks; first by your State Water Policy Commission and second by your Legislature itself. However, I am sure that there would never be any intent that the Interstate agency should go into the retail water distribution business.

Now, as to the question on page 12, the condemnation proceedings, that was a point which gave our legal drafting committee a great deal of difficulty. Primarily, from the New York State point of view - I wouldn't want this broadcast in the State of New York because there is going to be plenty of difficulty up there anyway, but here we can take it because it is not a problem that exists in New Jersey. One of the reservoir sites in New York State will involve the flooding of a small community which now exists in that reservoir site area. That is a small town but it is complete with all facilities. They have a water system. Now the intent, of course, it to buy out all of the facilities that will be flooded and to pay fair prices for them, but among other things they will have to buy that small water company that serves that little village up in New York State. Now, if there was any exception in this compact which made it impossible for the Commission to buy an existing utility, it would be perfectly possible for three or five men up in New York State to

absolutely stymie this whole program, because you can't build a reservoir unless you own all the land you are going to flood, so with the necessity of being able to acquire that one tract in one area in New York State we have to put in the right of eminent domain feature which will make it possible for the new interstate agency to acquire that local utility company. Again I would say there is absolutely no intent on the part of anyone who is interested in this program to buy any utility company that is not going to be flooded out by the development of the project.

Now, it is impossible to make changes in this compact to meet local fears. I would like to emphasize that very clearly. For this compact to go through, it must go through in the three or four states in absolutely the identical form. Now the New York version of this bill, after the amendments which were submitted here today, will be exactly the same as the version which you are considering here in New Jersey. Those two are absolutely identical, and if any change is made here it will result in a difference which would make the compact inoperative, so I hope you can accept our assurance that the fears you have are not based on any real situation that can cause you any concern in the future. We are thoroughly in sympathy with your ideas and we believe that you have perfect assurance in the compact and in the policies which are developed.

MR. ERDMAN: Can I ask Mr. Pitkin if I am right or wrong. This same objection was raised at the time the Turnpike



Authority was created. That was one part of the statute, without reading the entire statute.

MR. PITKIN: They could only exercise the power of eminent domain on a project authorized by the Legislature. I believe that applies here as well and the only places in New Jersey where this power of eminent domain could be exercised are in the part of the bill stated in Article I, which described as completely as can be done at the present moment the places that would be affected in New Jersey; the Delaware River Basin plus the tunnel which would be constructed across the northern part of the State.

One other statement I think should be made; namely, if this plan goes through, the engineers have designed it so water would be available to northern New Jersey well in advance of the 12 to 14 to 16 years that might be required for the completion of the whole project. The plan is to begin this tunnel backwards, so to speak, starting it from New York City and building it northwestward to the tunnel source, which is the Godeffroy Dam. The water meanwhile would be gotten from the State of New York water supply, because New York, as you were told earlier, is constructing a dam on one of the branches of the Delaware at the present time. That water will be available about 1956 and that water would be used and channeled back up so to speak, from the wrong way for the initial period until completion of the dam.

THE CHAIRMAN: Do you have any more speakers, Mr. Erdman?

MR. ERDMAN: That is all I know of.

THE CHAIRMAN: We have some here. Mr. Fred Stocker.

MR. FRED STOCKER: Gentlemen, it might be assumed we are down here to oppose the bill--

THE CHAIRMAN: Will you tell us whom you represent?

MR. STOCKER: Hetsong, New Jersey, Stocker Manufacturing Company, and the realtors of Hapatcong. As I said, it might be assumed we would be objecting to this bill. In our section we won't get any benefits whatsoever; but, quite to the contrary, we are in hearty accord and in favor of it; but in the same breath we don't want to give something and lose what we already have ourselves. First, there is a business that has developed up in our section that is using our streams for business purposes and we would not want to see that taken away from us. Secondly, the business and properties in our section are strictly for vacation land and the money spent every year for that purpose. We don't want to see anything happen to our lakes. We were questioning this Article XII, which to us sounds quite ambiguous. It was partially answered - that you were going to confine it to that one reservoir in New York State, and that you wanted to have it to carry out this overall program. If that was the case, I don't see why this whole Article 5 isn't deleted; at least why it could not be spelled out, because the way I read this you can come into our little utility up at the lake and decide you are just going to take that over for some unknown reason, or you can go to the point of saying that my well in



the back yard is part of the picture; you can come up and say that Lake Hopateong is going to be part of this reservoir, which would mean millions of dollars thrown down the river. And knowing the way states condemn- when you condemn, if the time should come, you condemn within a radius but don't condemn the entire shed, which would wipe out the Town of Netcong and Stanhope. It was my thought you have the power to take over everything and anything pertaining to water. Why couldn't this be eliminated completely? Unfortunately I haven't had a chance to read the entire bill because I only got it this morning, but if that is written out and further on is mentioned, why not skip your Article V if there is repetition of what your intentions are in the future.

MR. PITTS: I wish you had an opportunity to read the whole bill. It might have removed some of your fears. On page 5, the last paragraph in Article I, you will see described the program on which the commission would first start its operations. It tells exactly what structures would be built and where they would be built. That is the program that would be approved by the Legislatures at this time, and the commission has power to use its power of eminent domain only in connection with this program which is outlined there. Now, any extension of that program as is referred to in the latter part of the section which I mentioned a few moments ago could only be approved after it has been submitted to the state's water resource agency and approved by the Legislatures of the affected states. So you have no need to worry about any wholesale

use of this power of eminent domain. It is absolutely essential that there be the power of eminent domain within the areas outlined here because you can't build a project like this without it any more than you can build a turnpike, but the commission could not run wild in the use of that power. It would have to be in connection with this project as outlined on page 5 of the bill.

MR. STOCKER: Well, isn't this paragraph superfluous?

MR. PITKIN: Not at all.

MR. STOCKER: This is a blank check. You don't say in this paragraph, up to and including page 3.

MR. PITKIN: This is all one document. You have to read the whole thing to get the picture of the application of power. I am not a lawyer; I am an engineer. Maybe Deputy Attorney General Peacock could answer these questions.

MR. PEACOCK: You are doing very well.

MR. STOCKER: That was the question that came up. We have two other fellows-- We have to limit these powers to the project now under discussion. Why not put that in your paragraph-- your project-- New York State, Pennsylvania, the Delaware River. This is a bill pertaining to that, not to other water supplies or rivers in the State, so why not write this here to apply to the project now discussed.

MR. PITKIN: To the Delaware River Basin only.

MR. ERDMAN: It is so stated.

THE CHAIRMAN: That is what the bill covers, that



particular area. It doesn't cover any other area. In order to come down to Lake Hopatecong we would have to have legislation and would have to come back to the Legislature again and get permission. This only covers the Delaware River Basin up there. It is covered on page 5 - nowhere else.

MR. BRIDMAN; I might say, and will repeat if I may, that it is substantially similar to the Turnpike Authority bill. You can find the same section in the Turnpike bill that gives them the power of eminent domain. You have to read the rest of the bill to find out that they can only operate in the legislated sections. It doesn't say you can exercise it anywhere. You can only exercise it in the parts mentioned on page 5.

MR. STOCKER; I want to apologise for not having read the whole bill. I wanted to get it clarified.

THE CHAIRMAN; Now we have Mr. Russell S. Wise.

MR. WISE; May I introduce Ed McEwan, Secretary of the Passaic Valley Flood Control Commission.

MR. McEWAN; Mr. Chairman and Members of the Committee; The Passaic Valley Flood Control Association, Inc., is a non-profit, voluntary organization of a quasi-public nature, composed of official representatives of the governing bodies of the County of Passaic, the municipalities of Paterson, Clifton, Passaic, Hawthorne, Haledon, North Haledon, Prospect Park, East Paterson, and Ridgewood, individual representatives of other communities in the Passaic River watershed, Chambers of Commerce, civic and service clubs, financial

institutions, and industries of the watershed area.

Representatives of the Association appear at this hearing by direction of the Association, in general support of the Incoodel project as a long range solution to the water supply problem.

The studies made by the Association over a long period of time show that the northern New Jersey area suffers in cycles from either an overabundance of water, which causes floods, or from drought which accentuates the water shortage. It is the aim of the Association to balance these cycles so that flood water would be retained, both to serve as a supply in periods of drought and as protection against damage in time of flood.

Although floods occur frequently in the Passaic River watershed, in the normal course of events the bigger problem is the shortage of potable water, and there is no question but what this shortage is becoming more acute every day. The U. S. Army Engineers' records show that in 1947 the normal safe yield of existing water supplies in North Jersey fell short of supplying the demand by 25 m.g.d., and this deficit was made up only through fortunate conditions of rainfall and run-off. The federal survey indicates that by 1975, the daily deficit would be increased to between 80 and 100 m.g.d. under normal circumstances. These figures are available in greater detail in the U. S. Army Engineers Passaic River Flood Control Project Survey. The Incoodel Report (Section II, pages 29 and 30) estimates that the additional potable water needed to meet demands in 1975 will be 210 m.g.d., and in 2000, about 420 m.g.d.



The Incedel report was made later than the Army report, which has already been shown to be on the low side in figuring demand for water because of unexpected population increases and defense production. It is therefore safe to say that we will need an additional 200 m.g.d. of potable water 25 years from now. Today we need at least 25 m.g.d. additional.

One reason this deficit is so acute and growing worse is the fact that we do not have adequate water storage space and therefore cannot save excess water in wet periods for use in time of drought. As pointed out by Bogert and Childs Engineering Associates in their report on water supply to the Passaic Valley Water Commission (1950), the existing storage facilities in the New Jersey metropolitan area total 52.6 billion gallons. This is one of our gravest water problems. By comparison, Boston, with a smaller population than northern New Jersey, has eight times as much storage capacity, and New York, with two and one-half times the population, has nine and one half times the storage. Both Incedel and the Army Engineers' proposed conservation pool will give us the necessary storage capacity.

Unless the metropolitan northern New Jersey area has an adequate water supply both now and in the future, the country's defense effort will suffer. Twenty-nine industries in Paterson, Passaic, Clifton, Nutley, Wood-Ridge,

Garfield, East Paterson, and Fairlawn in 1949 used 6,544 million gallons of water. These are industries working in textiles, chemicals, rubber, airplane engines, and the like, doing defense work. Among them are the Wright Aeronautical Company, Botany Mills, Forstmann Woolen Mills, Hoffman-LaRoche, Heyden Chemical, U.S. Rubber, and many dye works. Other plants in the area which depend on the Passaic watershed supply include the Okonite Company, the Allen B. DuMont laboratories, and thousands of smaller establishments.

These existing companies will need an adequate water supply to carry on their present operations; they will need additional water to meet expanded production schedules, to turn out more products, to employ additional people. They cannot expand in North Jersey unless there is water. New industries will not locate in North Jersey without more water, and the dry period in 1949 was not an inducement to any industry to locate in North Jersey. New industries mean more jobs, increased rates to the government. If new industries do not move in, if old industries move out, North Jersey will become a ghost town area unless we can supply more water than we have now. What will become then of the 577,530 persons employed in metropolitan North Jersey manufacturing industries in 1949?

Moving from industry to the general population, we find



that the northern New Jersey metropolitan area is growing in population at a tremendous rate. Some communities showed a 300% population increase between the 1940 and 1950 censuses. I might tell you, gentlemen, according to the census figures, 48,000 new dwelling units were built in Bergen County in the period 1940 to 1950, and presumably most of those 48,000 units were built between the period of 1945 and 1950, and the production of dwelling units is still moving ahead by leaps and bounds. In Passaic County we had 18,000 new dwelling units were built in that area in the last ten-year period. That is moving ahead with accelerated speed. Estimates by both the state of New Jersey and the Incoodel Commission indicate a population in the area in excess of four million by the year 2000. Many communities in the area are already feeling the pinch of a water shortage; consider how much greater that pinch will become as the population grows.

Yet with this water shortage existing, millions of gallons a day are available for storage, and yet are not being stored. Incoodel is one project which will give the storage needed.

Unfortunately, however, Incoodel is something that is many millions of dollars and many years away. Apparently from the testimony this morning, it is even possible it may have tough sledding in some of the states and may be

many more years away. We hope not for the sake of the future economy of the people in all the areas that would be affected by the Incodel project. The water that Incodel will make available will be of no help to the defense industries which must produce in the immediate future for national security. We must have Incodel for the future, but we must also have an interim supply, and in quantity.

The solution to this interim supply has been presented to us by the Army Engineers in the form of the conservation pool at Two Bridges, the multiple purpose reservoir proposed in their Passaic River Flood Control Project, Plan II. By accepting this plan we can secure 120 million gallons of potable water daily, not within 15 to 20 years or more, as Incodel offers, but within five years or less. The total cost of the federal project has been estimated at \$105,000,000, and the cost of stages one and two of Incodel are estimated on the same basis as \$940 million dollars. Of the Army project's \$105 million, the federal government will contribute \$75 million, and the state and local subdivisions would put up only \$30 million. Incodel water, in the first stage, would cost \$210,000 per m.g.d., while the conservation pool water would cost but \$300,000 per m.g.d. by the Bogert-Childs Engineering Associates testimony and by our Association figures, less than that. The



conservation pool can be completed in less than one-third the time necessary to get Incoel into operation, at one-tenth of the total cost, and producing water 40 per cent cheaper.

And in addition to securing an adequate water supply for our people and our vital industries for the next 50 years or more, we are protecting at the same time the lives and property of these people, and the existence of these vital industries, against damaging floods which in time of war could paralyze the nation's defense effort. Up to now, gentlemen, we have given only consideration to the normal use of water and the normal expansion of the water needed. If we should be attacked by any hostile nation and what should develop our present defense effort into war effort and we should be subjected to sabotage and the possibility of hundreds of millions of gallons being wasted by fires and atomic bombs - those figures are so fantastic to even contemplate, yet it is a fear all of us in our North Jersey area have, being close to the metropolitan area as we are.

Northern New Jersey needs water today, and our immediate concern is for the present, for that period between 1951 and the distant date when Incoel begins producing. Certainly we need Incoel to meet our future demands, but we pray that consideration be also given to the multiple

purpose reservoir proposed by the Army engineers, which can give us cheap water in the foreseeable future.

In giving favorable consideration to the proposal now before the Committee for Incodel, we ask that the committee recommend the establishment of a survey group to study the plans of the Army Engineers, and to report back at an early date on the merits of the multiple-purpose reservoir as an interim solution to the water supply problem. Thank you, sir.

THE CHAIRMAN: Mr. Wise, do you have another speaker?

MR. WISE: Mr. Chairman, most of the comments that I might make have been contained in the report just submitted by Mr. McEwan, but I would just briefly like to call the attention of your gentlemen to one or two observations I have made in connection with Incodel. I might say we are for Incodel. We are heartily in favor of it, and we believe that all the water is for all the people. That has always been our policy, and that no state line should stand in the way, nor should any county line stand in the way of the future development of our communities. I want to make this observation and am going to be very brief: As I understand it, the cost of the first stage of the Incodel project is going to be between 550 and 600 million dollars, and as has been stated in the report the cost per million gallons daily will be approximately \$610,000. The project,



engineers estimate, will be 80 per cent self-liquidating, over a fifty-year amortization period, through sale of water to New York City and New Jersey water-supply agencies. The remaining unliquidated 20 per cent would be the responsibility of the states - an expense to be charged off to the benefits of a properly regulated and cleaner river. That refers to the Delaware River. As near as I can figure, 20 per cent of 600 million is 120 million, which must be raised by the State for keeping the Delaware River clean. While we have no quarrel with that - we have a similar interstate project on our Passaic River. Our Passaic River needs cleaning. And that is the particular reason that Mr. McKean has brought up before you gentlemen this conservation pool of some 6,000 acres, that will contain, I believe, over 30 billion gallons capacity and will supply 120 million gallons per day. It is analogous to your Incecel project in which the water is to be cleaned by doubling the dry river flow, by having that conservation pool. I am only bringing that to your attention.

I want to mention the fact that the metropolitan area pays more than 50 per cent of the taxes, so whatever money - forty million or fifty million that the State of New Jersey must put in for cleaning of the Delaware River must be paid by the taxpayers of five counties of New Jersey. The metropolitan area pays more than 50 per cent of the taxes.

We feel that our project up there in the Passaic River Valley, the project mentioned in Mr. McEwan's report, the conservation pool, should be taken into consideration at this time, whether it be taken up by the Inwood project or by other agencies - we don't know - but we are asking now at this time that the Legislature set up a committee forthwith to study into that situation and report back their findings at this session of the Legislature so far as it relates to this whole water problem. We feel very strongly, and as Mr. McEwan has pointed out, our defense effort up there and national security are dependent upon a safe water supply. We need it now, not 16 years from now.

I would like to introduce Mr. Vince Scanlon, City Engineer of the City of Paterson.

MR. SCANLON: Mr. Chairman and gentlemen: There is little I can add to what Mr. Wise and Mr. McEwan have stated without being repetitious. I want to put on the record, however, that Paterson and its industrial area needs water and will continue to need more water. We hope you will let us obtain it some way - any way - preferably as cheap as possible. We feel that this proposed bill would provide us with substantial quantities of water at a substantial saving in price.



MR. WISE: May I introduce Mr. Reuben Rieffin, former Assemblyman, for a few remarks.

MR. CHAIRMAN: We are glad to have you, Mr. Reiffin.

MR. REIFFIN: In 1945 the Legislature of New Jersey passed, and it was signed by the Governor, a bill authorizing a flood control project in North Jersey, authorizing us to negotiate with the United States Army Engineers and the federal government with regard to this project. We go along with everything the Governor and Incodel have said as to the need for water and we say, as Incodel has said, first things are first. We do have legislative authority to proceed. The bill called for a program to be approved by this Legislature, and we do think that having the drought, having these flood conditions in northern New Jersey, and having the legislation there, our program should not be overlooked, even though it doesn't run into the billions, but it is as necessary as the Incodel program is in the overall picture. We ask that the Legislature, in connection with the Governor's request for an additional water supply, give serious consideration to the Army program and cooperate with us in seeing that North Jersey gets a sufficient supply of water and eliminates flood damage.

THE CHAIRMAN: Is there anyone else?

MR. CAPEN: In answer to Mr. Pitkin, I want to say that Mr. Pitkin's explanation on paragraph (p), page 11, pertaining to selling water clarifies that portion. However, the problem raised by Article V, paragraph 1, still will leave the door open for commissions in the future, possibly 50 years from now, to come in and say "Move over; we need your plant," and march in. I think you gentlemen of Incecel ought to give some very serious thought before this bill is passed and try to get something in there to protect our grandchildren and great grandchildren who will follow us. I think some consideration should be given to that.

MR. PITKIN: Again I say, while we cannot foresee what our grandchildren on the interstate agency might do, can't we assume that our grandchildren sitting in this chamber and in the House and serving on the State Water Policy Commission would use wisdom and judgment, because even though this is delegated for 50 years, as you suggest, it would still have to be approved by the State Water Policy agency and by the Legislature. I think that gives as complete a prediction as we can possibly give.

While I am standing, if I might speak on a point raised by one of these gentlemen: Again, I don't think we should emphasize too much the 10, 12 or 15 years that might be necessary to completely execute this Incecel



program. From the point of view of North Jersey, there is relief in sight in perhaps 5 years - 1956. As Commissioner Erdman pointed out, New York City will have surplus water at that time as a result of the three reservoirs now building. That surplus water can be fed to the North Jersey municipalities through the southern end of the new tunnel which would ordinarily go from Godeffrey down to the metropolitan area, so there is relief in sight for North Jersey within perhaps a five-year period, using the surplus water of New York City, utilizing the lower end of the tunnel proposed by Incodel.

MR. McEWAN: May I just accentuate-- I don't want to get into an argument, and don't think I am, but the speaker has said we should not accentuate the 10, 12 or 15 year period. One of the arguments they used in their film, which I think is excellent-- one of the arguments for this Incodel project was that it will eliminate floods. We have floods, too, in our area.

JOHN ROACH, Mayor of Dover: Mr. Chairman and gentlemen: We are down here today with the upper counties in favor of this bill. I think it most unfortunate that some of these other interests are confusing the interests of Incodel. We have had brought into the picture here now the major supplies of New Jersey - the Raritan Valley

which they have tried to get for years and which they cannot get. The next largest supply, the Passaic Valley, is going ahead with this conservation pool study, which the Army engineers have sent back for further study - which they will never get. They are drawing a herring across this thing. They say we are for it. There are some things in this bill we don't like, but we are going to be broad enough in this thing and liberal enough in our thinking-- we know that such a great project as this Delaware River project cannot come into being unless pretty literally unified. For instance, it would take control of the tributaries of the Delaware River; Lake Hopatcong is one, as you know. I mean, there is definitely a control in there, but even with that we feel and we have felt for years there is only one solution to this water problem in New Jersey and that is the Delaware River. This thing is on its way, and I want to compliment the Governor of New Jersey in not confusing this issue, and those responsible for presenting it. They have given you the Delaware River project. Mr. Capen is trying to bring theirs in and Mr. McEwan is trying to pull in their project to benefit their locality. We think if these people are for this project, they should come in here and say, let's get this now. We feel up in our section that there are other solutions for this five, six or ten-year period



required before you get this water. We feel that proper supervision of the existing agencies, proper interchange of water between existing agencies, and proper storage is necessary. There may be some major or minor developments in our own counties. Passaic Valley has a project they can develop. They don't have to come in for any help. I think we want something and now is the time to get it. If the Passaic Valley is honest in saying we are for Incodel, let's come in and not confuse the issue.

As to the support of the northern counties in this bill-- they have demonstrated in the past that they can build up tremendous opposition to any water bill that comes in. That is the definite record down here. These counties that have been giving the major part of the water supply want no further inroads. We think there is a real future in these counties. We think it is something the State should protect. In addition to this large taxpaying group, this conservation pool has the opposition of Essex County, which is a larger taxpaying district than Passaic County. Any argument put forth here today for anything else than Incodel is going to get plenty of opposition. If we can keep Incodel as Incodel-- we should not confuse the issue. They have pressure put on them for pet projects around the State that certain engineers would like to have. I have a lot of respect for the engineering ability represented in this room. I know them personally and have great admiration for them, but they come to you for their own particular district and particular interests. We come down and ask nothing except that they

be left alone. We are for industry and we are getting industry. We can see in 50 years from now or 20 years or 30 or 40 we might be quite an area in this section of our State. We don't intend to be destroyed unless it is absolutely necessary. If you expect the support of these counties that have been fighting these water bills-- and I have attended many-- they are only mud puddles, the construction of them - if they are going to be included in this bill in any way, you will have the opposition of that entire group, the group that has demonstrated in the past that they can bring sufficient force as to any bill, whether here or in the federal government. In other words, the thing has to be right. We think this Inwood project is right the way it is now. We are not entirely satisfied with it; there are many things we would like to change. I don't think our Delaware and Raritan Canal has enough protection. Article V provides you can take diversion water. It will be taken from the Delaware and Raritan Canal. But we are satisfied they are trying to work out a plan to bring in more water for New Jersey. The Passaic Valley and the whole area in North Jersey needs it. Let's not put a monkey wrench into the works by some pet project. Here is an interstate project. Let's keep it that way. I think if you mix it up you will have trouble.

MR. WISE: May I just make one observation to Mr. Beach. We have had this out on numerous occasions. Might I say that this mud puddle he has reference to is practically on the borderline of Passaic County and takes in swamp land. We are in dire need of water



but when he talks about one county as against the other county, let me say that 20 per cent or one-fifth of the area of Passaic County is devoted to water supply, and with Essex County's opposition to this program, let me say that their entire allotment in the Pequannick watershed lies in Passaic County and 60 per cent of the Wanaque area-- that allotment is in Passaic County. That goes to Newark. We don't get one drop of that. We distribute our water to other counties. We are known as the drinking fountain of the State of New Jersey. In Passaic County we can hardly be accused of water grabbing. We still say our project should be included as a national defense project.

SENATOR VINCENT E. HULL: Mr. Roach, I believe you said that the Army engineers had rejected or rather turned back the Passaic County Flood Control proposal for further study. That seems to me to carry a suggestion that they were not satisfied with the proposal they had made, that there was some question about the merits of it. Isn't it a fact that the only reason they sent it back was because of the difference of opinion among some counties of the State about it.

MR. ROACH: I could say that could be one reason, because there was considerable difference of opinion there. We had a very good case presented by both sides, but the fact remains that the Army engineers have sent back to the district this plan for further study. I believe this is one of the few times this has ever happened. When the Army group gets something they generally give it to you.

SENATOR HULL: Isn't it a fact, so far you know, that if the differences that existed between the counties were eliminated, that the Army engineers would resubmit that same plan?

MR. ROACH: I would not know that, but I will say frankly that the differences will never be eliminated. Our group is just as positive this is bad as they are that it is good.

SENATOR HULL: Don't you think that a study of the situation by a legislative committee or commission might help to solve that problem?

MR. ROACH: I don't think it has any right to Incodel at all.

SENATOR HULL: Aside from the fact as to whether it is related here, do you think it might help to solve the problem?

MR. ROACH: I would never object to any group being appointed by anyone to study the problem. I don't want it appointed at a time when it is apt to confuse the issue.

SENATOR HULL: The group you speak for would be willing to sit down and give consideration to what would be best for the State as a whole, would it not?

MR. ROACH: We will sit down at any time, yes.

THE CHAIRMAN: Gentlemen, it is getting late. It is quarter to one. Is there anyone else who would like to be heard on Senate Bill 135?

MR. W. G. BANKS: I represent the City of Newark. It is very evident that New Jersey needs additional water, and I think this



bill is a step in the right direction. The City of Newark looks upon it very favorably. However, as Commissioner Miller pointed out with reference to Article V, it seems that might be clarified. We are very much concerned about having our water supplies taken away from us, and I believe that could be clarified so that something to the effect that the commission would not retail water.

MR. GAFFNEY: I know the hour is growing late, but I would like to emphasize one point: It seems to me it is this year or perhaps never as far as this project is concerned, because it is to be remembered that when the Pennsylvania Legislature adjourns they won't come back for two years. That is the first point.

The second point is this: I agree heartily with what the Mayor has said. I think, perhaps with the very best intentions, there have been too many collateral problems posed before the committee this morning. This is an overall gigantic problem that has for its objective the solution of the problems of all these separate interests. Now the time element has been raised and it has been said - Incodei speaks of 12 or 13 years. In connection with the problem of the North Jersey water supply, there is practically no differential. They speak of five years. We are assured under Incodei we can get it in six or seven years.

Now, Article V has been mentioned a number of times here and I do hope that the members of your committee will not be confused by that mention. I can't see how it is even pertinent as they argue it, because the purposes of this condemnation are defined in an earlier

section. You could not condemn or exercise the right of eminent domain beyond those purposes, as I understand it, as a matter of law, even if you desired to. So when Article V speaks of the right of eminent domain, obviously and necessarily that article must be read in conjunction with the purposes of the project itself, which is the Delaware River Valley. Now I don't think that the fears of these people expressed with respect to Article V are well grounded at all. If changes are to be made in this compact, we lose this year, which means we lose two years. The project has to be identical in Pennsylvania, New York and New Jersey. I am assured by Pennsylvania that the bill that goes in will be identical with this. You have heard this morning that this is identical with New York. Now, if you break the chain in any of its parts you ruin the whole project as far as this year is concerned. I urge you that you recognize when you consider this bill that an extensive, unbiased study has been put into it and as it is before you now it represents the only solution of this major problem that can be put before you this year.

THE CHAIRMAN: Is there anyone else who wishes to be heard? We don't wish to exclude anyone.

DR. HELLER: Senator Hess, on behalf of the Water Policy and Supply Commission, will your committee consider a statement from our council at the close of our meeting next Monday?

THE CHAIRMAN: Yes, surely. We would be glad to.  
If there are no other statements to be presented, we want to thank



you people for coming here this morning for the hearing, and we want to say that the committee will take these recommendations under consideration when the committee meets to consider the bill. Thank you very much.

(HEARING ADJOURNED)