
Public Hearing

before

ASSEMBLY ENVIRONMENT, SCIENCE AND TECHNOLOGY COMMITTEE

ASSEMBLY BILL No. 163

“Pinelands Water Resources Protection Trust Bond Act”

LOCATION: Committee Room 11
State House Annex
Trenton, New Jersey

DATE: June 10, 1996
3:30 p.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Steven J. Corodemus, Chairman
Assemblyman John E. Rooney, Vice-Chairman
Assemblyman Francis L. Bodine
Assemblyman David W. Wolfe
Assemblywoman Barbara W. Wright
Assemblyman Reed Gusciora
Assemblyman Robert G. Smith

ALSO PRESENT:

Lucinda Tiajolloff
Office of Legislative Services
Aide, Assembly Environment, Science
and Technology Committee



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ASSEMBLYMAN STEVEN J. CORODEMUS (Chairman): We are now going to move into the public meeting.

Assemblyman Gibson. Welcome, Assemblyman. Perhaps you could tell us a little bit about the bill and start your testimony.

ASSEMBLYMAN JOHN C. GIBSON: Yes, thank you, Mr. Chairman.

The bill provides for a proposed \$70 million bond issue. If approved by the Legislature and the Governor, it would appear as a referendum on the ballot. The \$70 million is proposed to be distributed with \$5 million for a study to measure the impact of groundwater, including the possibility of interrupting some discharge into the salt water to retain some of that fresh water that is running off or being treated in present sewage plants. Based on the results of that study, there is an additional \$10 million that would be available to municipalities in the form of grants or loans to intercept some of that water and to use it for recharge to protect this vital aquifer.

There is also \$5 million for infrastructure improvements in the form of grants or loans where schools are required to upgrade their facilities and an additional \$50 million in the form of grants or loans for municipalities who have projects on the books but not the financial resources to upgrade environmental facilities.

Due to the regulations in the Pinelands to preserve this vital resource, some of the municipalities do not have the tax base with which to finance these kinds of projects themselves. So the intent of this legislation is to provide some State help, through this bond issue, to provide those resources.

A similar bond issue was processed, I think, in the mid '80s to the extent of \$30 million. There is little or no money left in that bond issue. I certainly support it as does every legislator that signed onto this piece of legislation, and I am sure you will hear additional testimony in favor of this today to gather your testimony for your public hearing prior to consideration on the bill itself.

ASSEMBLYMAN CORODEMUS: Thank you, Assemblyman. I commend your efforts on this important issue.

I think to start the meeting properly we will have a roll call just to record the presence of all the members and continue. There are witnesses signed up to testify on the bill.

You will stay here, available, Assemblyman? We will have a role call.

MS. TIAJOLOFF (Committee Aide): Assemblyman Smith.

ASSEMBLYMAN SMITH: Here.

MS. TIAJOLOFF: Assemblyman Gusciora.

ASSEMBLYMAN GUSCIORA: Here.

MS. TIAJOLOFF: Assemblywoman Wright.

ASSEMBLYWOMAN WRIGHT: Yes.

MS. TIAJOLOFF: Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: Yes.

MS. TIAJOLOFF: Assemblyman Bodine.

ASSEMBLYMAN BODINE: Here.

MS. TIAJOLOFF: Assemblyman Rooney.

ASSEMBLYMAN ROONEY: Here.

MS. TIAJOLOFF: Assemblyman Corodemus.

ASSEMBLYMAN CORODEMUS: Here. Thank you.

Assemblyman Rooney, conduct the meeting, please.

ASSEMBLYMAN ROONEY: Okay. I'll take over for Assemblyman Corodemus.

First person to testify I have is Bill Harrison, from the Pinelands Commission.

WILLIAM F. HARRISON, ESQ.: First, I would like to thank Assemblyman Gibson for his long-term sponsorship of this legislation, as well as Assemblyman Asselta. Although Assemblyman Corodemus left, I'd like to thank him for scheduling this hearing and hopefully moving this bill onto the ballot.

As Assemblyman Gibson indicated, the \$30 million Pinelands Infrastructure Bond Act that the voters approved in 1985 has been basically -- all the money is expended. Because a component of that money was loans, there is money trickling back in, but the last of the moneys the Commission was only able to award the towns 30 percent of the funding as distinguished from 60 percent that had been received by the other towns.

To date, that money has been used to fund sewer projects in Galloway Township, Egg Harbor Township, Hamilton Township, Winslow Township, Chesilhurst Borough, Barnegat Township, Stafford Township, and Monroe Township. It has resulted in the construction of thousands of dwelling units along with attending commercial development in designated regional growth areas in the Pinelands.

It is a vital component of making the Pinelands Plan work by facilitating development in the areas designated for development under the Comprehensive Management Plan, reducing development pressures on the more sensitive portions of the Pinelands, and by allowing development to occur at higher densities in growth areas, enabling the purchase of Pinelands development credits, which permanently protects, at no cost to the taxpayers, land in the more sensitive portions of the Pinelands, as well as agricultural lands of the Pinelands.

This Bond Act will enable us to continue that program. The Commission has identified, working with municipalities, approximately \$100 million in additional needs, where sewer or water projects are needed, but there is not, currently, local money available to fund these projects. We would like there not to be what in essence would be a gap in the funding. We would like this bill to move as quickly as possible.

In addition, the bill would provide a new feature of the bill, money to Pinelands' towns. Pinelands' towns are very similar to regional growth areas in the Pinelands, but they are discreet communities that are isolated from other development. Examples are: Buena Borough, Hammonton, Woodbine, Egg Harbor City, which, for the first time, would be eligible for infrastructure funding under this, and there are projects in most of those towns that are really urgently awaiting money.

In addition, the bill would provide money for the study, as Assemblyman Gibson indicated, of the Kirkwood-Cohansey Aquifer to determine the amount of water that can be safely withdrawn from that without impacting the environmental features of the Pinelands.

There would be five million for schools regardless of their location in the Pinelands, either for new school construction consistent with the regulations or for the expansion of existing schools to ensure the wastewater from those schools would meet the Commission's water quality standards.

Finally, there would be the \$10 million to reduce discharges to the Atlantic Ocean and the Delaware River, and the Commission, obviously, is strongly in support of the bill.

ASSEMBLYMAN ROONEY: Thank you very much. I'll tell you what, any questions for Mr. Harrison? All right, none.

Lynn Nowak, from New Jersey Conservation Foundation. Lynn is not in the room. We will call her again.

MR. HARRISON: She was here.

ASSEMBLYMAN ROONEY: Sally Price, Pinelands Preservation Alliance.

Oh, Lynn? Okay. We almost passed you by.

L Y N N N O W A K: I am sorry.

ASSEMBLYMAN ROONEY: No problem.

MS. NOWAK: My name is Lynn Nowak, representing the New Jersey Conservation Foundation, and very simply, the Foundation would like to be on record as supporting this initiative and thank Assemblyman Gibson for his sponsorship.

ASSEMBLYMAN ROONEY: Thank you very much.

Sally Price, Pinelands Preservation Alliance.

SALLY BRECHT PRICE: Good afternoon, my name is Sally Price, and I am the Executive Director of the Pinelands Preservation Alliance, and I have a terrible cold, so please excuse my cold.

The Alliance is a nonprofit, environmental organization dedicated to protecting the natural resources of the Pinelands and advocating for protection for the people of the Pineland. The Alliance is supported by private foundations, approximately 20 New Jersey corporations and 1,500 private members.

I think some people would be surprised at the position that the Pinelands Preservation Alliance is taking regarding this bill. This bill's predecessor was a Bond Act that was passed in 1985, which appropriated \$30 million and allowed for the development of necessary infrastructure projects, which led to, in some areas, increased development. How do you think a group of environmentalists would feel about that?

We support this bill for several reasons: One is that it encouraged development to occur in those areas that are designated for development. That's exactly what we want to see happen in the Pinelands. The Pinelands CMP is a regional plan that supports development in certain areas, while restricting development in other areas. The Pinelands Preservation Alliance supports this regional zoning plan, and the 1985 Bond Act helped make that happen. Clustering development in areas with the appropriate infrastructure just makes for good, sound business planning.

Second, the 1985 Bond Act helped clean up groundwater contamination that was occurring in different municipalities. Twelve hundred septic systems, on lots that were too small to handle them, were polluting the

aquifer. The Bond Act enabled this community to build a sewer service which was much more appropriate for the density of the area. It was a win/win situation, development in the right places and cleaner water.

The bill before you, A-163, does even better. Not only does it continue to provide the funds for necessary infrastructure for the Pinelands regional growth areas and towns, but it also provides the funds to begin eliminating the direct discharge of wastewater into the Delaware River and the Atlantic Ocean, and it allows for a critical study of the Kirkwood-Cohansey Aquifer, and for the Alliance, that is the most important component of this bill.

We recognize the need for this study since the inception of the Pinelands Plan. The Kirkwood-Conhansey Aquifer is being used. Its water resources are being drawn upon to support the residents of the Pinelands, yet no one knows what is an environmentally safe use of this aquifer. How much can be used before the ecosystem is radically changed, and if radically changed, will the groundwater still be there for our use?

Historically, we have been very shortsighted in our approach to the use of this aquifer without the benefits of sound planning.

PPA encourages your support for the funding of this important study. Thank you for this opportunity. Again, PPA supports A-163 because it allows for development in appropriate places and it allows for cleaner environment. Thank you.

ASSEMBLYMAN ROONEY: Thank you very much. There is no one else signed up to testify. Anyone else? (no response)

I will ask for the Committee, starting with Assemblywoman Wright.

ASSEMBLYWOMAN WRIGHT: I just wanted to compliment Ms. Price because it isn't often that I hear, in this Committee, such support for initiatives. We've heard a lot of debate over the Pinelands since I've been here, and I really was encouraged by her presentation. I am really optimistic, Assemblyman Gibson, about this proposal and what it can do to really address some balance in the Pinelands area.

ASSEMBLYMAN GIBSON: Thank you, Assemblywoman.

ASSEMBLYWOMAN WRIGHT: So I just wanted to express my appreciation to her and to you and to the other people who support this legislation, because I just think that protection of the water resources is very important, and I hope we can make this happen.

Thank you, Mr. Chairman.

ASSEMBLYMAN ROONEY: Thank you.

Thank you for the map of the Pinelands. We appreciate that.
Assemblyman Bodine.

ASSEMBLYMAN BODINE: I have a question for the sponsor, if I could please.

Assemblyman Gibson, is this \$70 million going to be controlled by the Pinelands Commission?

ASSEMBLYMAN GIBSON: I don't know that there is any legislative oversight in the bill at this point, Assemblyman Bodine. Pleased to have you on as a co-prime sponsor or a cosponsor.

ASSEMBLYMAN BODINE: Well, I am happy to be a co-prime sponsor, but my dealings with the Pinelands Commission have been the worst and -- I see that the gentleman is coming to the table -- but to me-- I'm just

going to tell you. I think they are the most obstinate Commission in the State of New Jersey, and every time I have to go to them, all I do is get stonewalled. So I have had dealings with them, and they are less than cooperative, and I'm glad there's a gentleman here to hear me say that--

ASSEMBLYMAN ROONEY: Well, there's a--

ASSEMBLYMAN BODINE: --but, I assure you, I will support your bill, sir.

ASSEMBLYMAN GIBSON: Thank you, Assemblyman.

ASSMEBLYMAN ROONEY: Assemblyman Bondine, there's also a condition in here that the moneys will be conditioned on a project-specific appropriation by the Legislature.

ASSEMBLYMAN BODINE: Well, it states in here -- the bill requires the Pinelands Commission to prepare an infrastructure plan, the Pinelands Commission to determine the impacts of withdrawals from the Kirkwood-Cohansey, and the infrastructure plan will determine which projects are needed. I don't like the idea of having them control all of that, because I know when I go to them, because I have representation -- I represent quite a few communities in the Pinelands.

ASSEMBLYMAN GIBSON: Assemblyman and Acting Chairman, I think I can address his concerns a little better than I did the first time.

There are provisions in the legislation similar to the Green Acres Bond issues. The priority list does have to be processed through the DEP upon recommendation from the Pinelands Commission, and then, as these projects are, in fact, appropriated, the money-- As we go through them from project to

project, there will be legislative oversight by way of legislation that we have seen similarly on their open space.

ASSEMBLYMAN BODINE: Well, Assemblyman, I hope that we can determine who has the jurisdiction, DEP over Pinelands or Pinelands over DEP, because I have had to contend with that in the past so--

ASSEMBLYMAN GIBSON: Well, it would be initiated by the municipality through the Pinelands, and if in fact, that Pinelands Commission recommended to the DEP, the DEP would have something to say each and every step along the line. I don't know that the DEP initiates it, but they would have to review it and to approve, and then it will ultimately be the L e g i s l a t u r e .

ASSEMBLYMAN BODINE: I would hope that this would be a movement in the right direction so that we get a little better spirit of cooperation from the Commission.

ASSEMBLYMAN GIBSON: I appreciate what you're saying.

ASSEMBLYMAN BODINE: Thank you.

ASSEMBLYMAN GIBSON: I shared your concerns in the past.

ASSEMBLYMAN BODINE: I know you have.

ASSEMBLYMAN GIBSON: Maybe not quite to that degree, but I share your concerns, and I think that we are--

ASSEMBLYMAN BODINE: Once in awhile I get a little upset.

ASSEMBLYMAN GIBSON: I think we are making great progress along those lines.

ASSEMBLYMAN BODINE: Thank you.

ASSEMBLYMAN ROONEY: I wish I could say that.

Anyone else, questions for the sponsor? (no response) Hearing none, we will ask that the public hearing be adjourned, and that brings an end to the Committee meeting.

(HEARING CONCLUDED)