



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

New Jersey, Legislators, before
ASSEMBLY, COMMITTEE ON AIR, WATER POLLUTION AND PUBLIC HEALTH,
on

ASSEMBLY BILL NO. 722
("The Coastal Areas Protection Act"),

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MAY 16 1972

185 W. State Street
Trenton, N.J.

Held:
April 19, 1972
Assembly Chamber
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman John I. Dawes (Chairman)
Assemblyman Herbert H. Kiehn
Assemblyman James J. Mancini
Assemblyman Alexander J. Menza
Assemblyman John A. Spizziri
Assemblyman H. Donald Stewart

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ASSEMBLYMAN JOHN I. DAWES (Chairman): I'd like to call the meeting to order at this time. I will introduce the members of the Committee again although they all have their names in the front. To my far right is Assemblyman Stewart, Salem County. Next is Alex Menza from Union County; Herb Kiehn from Union County; myself, John Dawes from Monmouth County; John Spizziri from Bergen County; and Jim Mancini from Ocean County will be sitting on the far left. He is not in the room at the moment although he was here this morning and I am sure he will come back in.

In view of the fact that it will be a rather long afternoon the Committee has decided that they will stay as long as anyone wishes to be heard no matter how late it will take us into the evening. We have four other hearings already scheduled in the next two months and so therefore we feel that it would be in the best interest of the Committee to hear all the testimony today, no matter how late it runs. One of the Assemblymen is even going to stay overnight since we will be in session tomorrow morning.

We are going to try to keep to the list that is set up here although, as has been the practice in the past, if an Assemblyman or a Senator wishes to speak whose name is not on the list, we will of course allow them to give their remarks. We also are expecting an official from the State of Delaware and so I think it would only be proper for someone who has come from that distance, although his views may differ with a certain segment in the audience, to allow that gentleman to speak, when and if he appears.

I would like to call the first gentleman on the list, Mr. Scott from the State Chamber of Commerce. Mr. Scott, I don't know if it is possible but of course this is a public hearing and a lot of people are going to be consumed with curiosity and are going to be getting up and moving, I don't know if it is possible to put these charts in a better place.

MR. SCOTT: Would you like them in the rear?

ASSEMBLYMAN DAWES: I don't know how. I guess it would have to be there. If anyone is curious, move your seat - we won't be

able to see them.

All right, Mr. Scott.

D O N A L D H. S C O T T: Mr. Chairman and gentlemen of the Committee. My name is Donald H. Scott, I am a resident of Bloomfield and Executive Vice President of the New Jersey State Chamber of Commerce.

We have prepared a rather lengthy statement for today's hearing which, because of the pressure of your time, I shall present in condensed form. Our full statement has been filed for the record.

In preparation for today's hearing, our Chamber had this large map prepared under the direction of a professional engineer. Based upon geodetic maps that are of public record, it shows in some detail the coastal areas as defined in Assembly bill 722. We also have a series of 17 smaller maps showing in much greater detail all of the territory covered by A-722. Two representative samples are on display on the second easel. To assist the Committee and anyone making a statement here today, if it is your desire, we will leave these maps on display and be glad to set up any detailed maps that may be of interest.

The full statement which we are submitting today represents a position of the chamber as evolved after very careful study by two of its standing committees, the Water Pollution Control Committee and the Economic Development Committee.

The Chamber is well aware of the fact that New Jersey's resort industry is one of the most prominent factors within our entire economy and without proper protection of one of our State's greatest natural assets, its ocean-front beaches, bays and harbors, this vital segment of our economy would be quick to perish and New Jersey's citizens would be deprived of a natural resource that has contributed so much to the quality of life in this State.

The Chamber, therefore, is in accord with the aim of preserving the character of such land for recreational and natural ecological purposes. However, the mechanisms for achieving this goal are already at hand in the form of present State and Federal pollution control statutes, the

wetlands law and other land use controls. They should be effectively utilized rather than enacting a whole new statute which will largely overlap them. Moreover there are many aspects of A-722 which the Chamber must strongly oppose. It raises, for example, some major questions of basic governmental policy in New Jersey that go well beyond the specific proposals contained in the bill itself.

We feel that it must be viewed too in the light of generally accepted precepts for sound government. We urge, therefore, that this measure be accorded in-depth consideration and not be acted upon in haste. A-722's underlying social and economic implications are virtually state-wide in character and it will affect the future well-being of New Jersey's citizenry in many ways that are not readily apparent from casual study of the bill.

For example, it underscores the need in New Jersey for a clear-cut governmental policy which seeks to balance the needs for a healthy physical environment on the one hand, with the need for a healthy economic environment on the other. It raises, along with several recently enacted laws and other bills now before this legislature, some very serious questions regarding increased concentration of rule-making powers within the administrative branch of New Jersey's government. It raises some questions regarding fundamental relationships between the State and local governmental units. It poses a risk of over-reaction to a problem which the legislature has already covered through several other enactments. It would counter the aims of the Federal Government to relieve the nation's mounting energy crisis and I know that you all probably have seen recently that gas companies are advertising that they don't want anymore customers because they don't have enough gas. This crisis should be clearly understood prior to consideration of any legislation such as A-722. It will compound an already serious governmental problem in New Jersey occasioned by several major studies, in that it will hand an administrative office still more responsibilities as a combination enforcement officer, judge and jury.

A-722, in short, may have more adverse impact upon New Jerseyans outside of its stated goals than it will have beneficial impact on them. And it is in the light of total impact that the Chamber feels this bill must be carefully judged.

A-722 defines three areas within the total territory it covers. As you can see on the large map, these areas are extremely irregular in character. In all, A-722 would cover 776 plus square miles, or somewhat more than 15% of the total land area of the 11 counties directly affected by this measure. We must point out that there are additional large segments of land within these affected counties which are already set aside for public purposes, including the 95,000 acre State Water Reserve known as the Warton Tract, Federal military reserves and State and local forest and park lands.

In terms of lands actually available for economic growth, therefore, the impact of A-722 is considerably greater than appears at first glance. For these 776 square miles in 11 counties, what A-722 proposes amounts to mandatory State zoning rather than locally determined industrial zoning.

With regard to the three areas as defined in the measure, we offer the following comments. As we have already mentioned, area one's value to the public for resort and recreational purposes is almost universally recognized. The creation of another state agency as proposed by A-722, however, is not needed to protect it. This can be done at far less cost and with far less regulatory confusion by vigorous enforcement of the many existing State and local regulations that already apply.

For area three the bill is highly impractical. It would saddle the State with a new and costly bureaucracy to administer the proposed permanent system which, in turn, would burden businesses in the area with much new and unnecessary red tape. In our view, area two's economic needs must receive balanced consideration when weighing demands for preservation of the bay shore ecology which has been affected for years by urbanization upstream that is largely not in New Jersey. A-722 would discriminate against citizens of this area who thus far have

not enjoyed economic opportunities commensurate with those found in the rest of New Jersey.

We think the area 2 restrictions proposed in the bill constitute a clear over-reaction to the demands of ecology at the expense of the economy. If A-722 were enacted, the legislature would be asking citizens of Salem, Cumberland and Cape May Counties to sacrifice important opportunities for economic advantages commensurate with those now enjoyed elsewhere in New Jersey, and solely to relieve a problem that is not of their doing or, in large measure, even of New Jersey's doing. We feel there is a better answer to this problem than to legislate such a sacrifice, than to condemn this area to perpetual economic undernourishment.

It has been indicated to us that in order to build any kind of facility in maritime areas now, a company must comply with (1) municipal zoning ordinances, (2) the state's air pollution control code, (3) the state's water pollution control code, (4) all provisions of the state's wetlands law, (5) all State Department of Health's requirements on sewage discharge, (6) requirements of the Federal Environmental Protection Agency, (7) the regulations of the Delaware River Basin Commission, (8) the requirements of the Army Corps of Engineers under the Rivers and Harbors Act, (9) the requirements for a state as well as a local construction permit and (10) additional state requirements for water front structures and for each pipeline and cable crossing.

Typically today, for some types of larger installations, as many as 60 separate permits must be obtained from various agencies prior to any construction. It would seem that within the multiplicity of agencies involved and their bewildering combination of requirements, there are sufficient control mechanisms already in effect which render superfluous the proposed requirements of A-722. We think it highly inadvisable that New Jersey now add another layer of governmental regulation to the already complex requirements imposed upon anyone who seeks to invest in New Jersey and bring economic opportunities

and advantages to our citizens. We have reached a point where there must be a determination of basic policy rendered at the highest level of government in New Jersey. Are we to place primary emphasis upon the physical environment of New Jersey to the exclusion of economic environment or are we to bring these two matters into balance? We must argue strongly for the latter course and we do not believe this course will be effectively served by enactment of A-722 with its highly restrictive and economically hobbling provisions with respect to areas 2 and 3.

We do believe that through carefully coordinated planning and zoning, along with the many environmental controls now in effect as law, it is possible to strike an acceptable balance between physical and economic environmental interests. We must point out that the State's present pollution control statutes and the wetlands law have already concentrated exceptional rule-making and enforcement powers within a single cabinet post. And bills now before the legislature, including A-722, would extend these powers even further. We think this trend warrants re-examination. We acknowledge the need for continued protection of New Jersey's irreplaceable ocean frontage lands and we recognize the need to consider ecological objectives more than they have been considered in the past. But the sacrifices which would be entailed with enactment of A-722, regional discrimination, extensive economic deprivation, an undesirable concentration of decision-making powers over the economy, an unnecessary and costly bureaucracy, and the usurpation of the rights of citizens locally to determine the character of the ecological and economic environments - such extensive social and economic impacts should be very carefully weighed in your consideration of this proposed legislation.

A-722 is discriminatory and arbitrary, moreover it is unnecessary. The means to achieve desirable ecological goals are already at hand in laws and regulations presently on the books. It is our hope therefore, that this Committee and the Legislature will examine with great care the full range of underlying implications of this measure and act upon the total

picture that emerges. We do not feel that A-722 is worthy of legislative approval. Thank you.

ASSEMBLYMAN DAWES: Are there any questions from the Committee members? Mr. Stewart first.

ASSEMBLYMAN STEWART: Mr. Scott, to your knowledge does any other state have similar legislation in effect right now?

MR. SCOTT: Yes, we know that Delaware has passed such a bill and as a matter of fact the Governor of Delaware has been trying to promote it around to other states, been trying to sell it. I am not intimately familiar with it but we do get many indications from that State that it is not working and has created an undue hardship.

ASSEMBLYMAN STEWART: To your knowledge there is no other State, other than Delaware?

MR. SCOTT: I don't know of any other.

ASSEMBLYMAN DAWES: Mr. Menza?

ASSEMBLYMAN MENZA: No.

ASSEMBLYMAN DAWES: Mr. Spizziri?

ASSEMBLYMAN SPIZZIRI: Mr. Scott, does the Chamber agree with sections 2 (a), subsections 1 through 4 of this bill?

MR. SCOTT: 2 (a)?

ASSEMBLYMAN SPIZZIRI: Yes, subsections 1 through 4.

MR. SCOTT: Without reading the whole thing again-

ASSEMBLYMAN SPIZZIRI: I will summarize it then. It basically states that the public policy of New Jersey is that these are unspoiled coastal areas, critical and valuable resources worthy of protection. They have been singled out only for treatment likely to maintain them for purposes of recreation, etc. The estuaries and wetlands are within the area. It is a densely populated, highly industrialized State. Does the Chamber of Commerce agree with those propositions?

MR. SCOTT: We agree that it is a highly industrialized state. We agree that there are some areas in our State that ought to be preserved.

ASSEMBLYMAN SPIZZIRI: I am referring specifically to the areas encompassed in this act.

MR. SCOTT: We cannot agree that you take a broad approach

as it was done here. It is a rather arbitrary determination that does not give standards. It indicates that if an industry has a potential for polluting, whether or not it pollutes it is prohibited. It is just like saying that since an automobile has a potential for accidents, you cannot drive it, and I don't think our public would put up with that.

ASSEMBLYMAN SPIZZIRI: I think perhaps you are comparing apples and oranges in that analogy. It would seem that if the industry - at least the way I read this bill - if the industry does not pollute it certainly would not have problems in obtaining a permit in area 3. But what I want to know is, what is industry doing today in New Jersey without being prodded by the enactment of legislation to prevent the waste of our natural resources, particularly in this area but not limited to this area. We could talk about Bergen County as well as Cape May County insofar as waste of natural resources but what is industry doing? Can you answer that question?

MR. SCOTT: May I first address myself to your first comment. You said that it would get a permit if it did not pollute. I refer you to page 3 (e), the definition of heavy industry used. About one-third down in that section "...which industry, although conceiveably operable without polluting the environment has the potential to pollute when equipment malfunctions, deteriorates, or operates inefficiently, or when human error occurs." That is why my analogy to the automobile potential for accident. The other part of your question, "what is industry doing", I think there are a number of things being done. There are many industries probably not doing enough, many who are extremely progressive in this area doing more than they are actually required to do by law, but let's face it, government must, of course, set down guidelines as to what is required.

ASSEMBLYMAN SPIZZIRI: My point is that unless government had set down these guidelines it would seem that industry would, perhaps, not be doing anything at all or doing very little to meet its obligation in this area.

MR. SCOTT: Well, I think it is up to government to indicate what are the social obligations in many of these areas and I

must agree with you to a large extent but in order to do this government must give industry standards and guidelines by which to go and not to give a broad brush prohibition on the total area which is arbitrarily determined to be 10 feet above sea level.

ASSEMBLYMAN SPIZZIRI: I have several questions for you. Does the Chamber of Commerce feel that court review of the action of the board would be sufficient protection in case of arbitrary action by the board?

MR. SCOTT: We have very serious reservations about many of the details of the bill which we have not gotten into and actually I didn't want to because the whole concept is bad. But what would concern us is that the chairman of the board makes a decision, the board itself has an appeal function but, as I read the bill, the chairman also is in on that appeal and in effect the chairman would have to reverse himself if it were to make any difference on the appeal. I think that procedure is very bad and we allude to that in our statement concerning governmental powers.

ASSEMBLYMAN SPIZZIRI: Well, I don't think you have really answered my question. I think my question was, "doesn't the Chamber feel that court review of the board's actions, in case of arbitrary actions, would be ample protection to the applicant?"

MR. SCOTT: Maybe when you reach that part of the appeal procedure it might be but I think every level of the appeal ought to be judicially proper and therefore I really am not in a position to address myself.

ASSEMBLYMAN SPIZZIRI: One of your Chamber's criticisms of this bill then is that the chairman would sit in on the appeal of his own decision which you feel is bad, is that right?

MR. SCOTT: On an appeal basis, I think it is.

ASSEMBLYMAN SPIZZIRI: And your statement covers that point?

MR. SCOTT: Yes.

ASSEMBLYMAN SPIZZIRI: Do you have, or does the Chamber have, a better answer to this particular bill other than the items which you enumerated as existing legislation?

MR. SCOTT: No, we don't think this bill is necessary.

ASSEMBLYMAN SPIZZIRI: Because you feel there is existing legislation which amply protects this?

MR. SCOTT: Yes. And if that needs amending, you have the ability, of course, to do that.

ASSEMBLYMAN SPIZZIRI: Thank you.

MR. SCOTT: Thank you very much, gentlemen.

ASSEMBLYMAN DAWES: Thank you. Would you leave those two maps? We don't need the easels but you could leave them in the back of the room.

Does that complete the Chamber's presentation, Mr. Scott?

MR. SCOTT: Yes, it does.

(Statement submitted by Mr. Donald Scott can be found on page 189)

ASSEMBLYMAN DAWES: Mrs. Rooney from the State League of Women Voters.

MRS. FRANK ROONEY: Mr. Chairman, members of the Committee, I am Mrs. Frank Rooney, Director of the League of Women Voters of New Jersey, responsible for the portfolio on Environmental Quality, which includes support of policies and procedures which promote comprehensive long-range planning for conservation and development of water resources in New Jersey.

For 16 years our members in the 96 New Jersey local Leagues have focused their attention on these matters. They have become aware of the vital importance of the wetlands to the entire State, of the speed with which these lands are being lost through haphazard development, and the need to plan comprehensively for the development of these lands. We believe that economic considerations can no longer be the only considerations influencing development, and that profit can no longer be the main force behind governmental decisions regarding development, a procedure which is straining our remaining resources beyond safe levels. The legislation being considered here today is necessary for the future economic and environmental health of New Jersey. Our members urge this committee to support regulations as outlined in A-722.

- * The wetlands are important to New Jersey because "They are economically valuable by providing fish nursery grounds, protection from flood and storm damage, feeding grounds for birds, and sources of shellfish." (Teal, John and Mildred: Life and Death of the Salt Marsh.) They also provide the aesthetically pleasing vistas and recreational opportunities which attract the tourists who create the \$2 billion tourist industry at the Jersey shore. However, the value of this land will be lost if the extremely fragile balance which exists due to interrelationships of moisture and salinity is disturbed by unregulated development. When these relationships are disturbed, it affects the animal and plant life and could eventually negate the important contributions these lands have made to New Jersey. Regulated development as outlined in A.722 is needed to protect these lands.
- * These lands are being developed at such an alarming rate that shortly there may be few areas left undeveloped to preserve or regulate for the future use of New Jersey's citizens. New Jersey lost 20% of its estuary lands between 1954 and 1968, more than any other Atlantic Coastal state, according to George Spencer in Plan for the Marine Resources of the Atlantic Coastal Plain. The May 1970 "Conservation Foundation Newsletter" comments on where this land is disappearing to: "The second home market continues to mushroom, fed by corporate conglomerates operating on an unprecedented scale... There is pressure for expansion of ports and their facilities, to handle jumbo tankers, containerization and growing tonnages; for building and expansion of airports, to accomodate greater traffic and larger planes; for highways, causeways and bridges; for electric power generating plants at sites with abundant cooling water; for garbage dumps; for marinas and other recreational facilities; for navi-gations; for extraction of more oil, sand, gravel and other minerals." These

pressures have created conditions we are all familiar with in the northern coastal regions of New Jersey. Conditions present on the Raritan River and Bay, and on the Rahway River, where all the natural resources of the air, water and land are strained beyond safe limits, will exist along the entire coast of New Jersey if industrial and commercial development is allowed to proceed unregulated. The League of Women Voters strongly feels that the regulations outlined in A.722 are needed to prevent this situation from occurring along the southern coast of New Jersey and Delaware Bay areas. At the signing of the Wetlands Act Governor Cahill stated, "We can no longer afford to tolerate apathy or inactivity in the attempt to protect our natural resources which are held in public trust for all the people of the state."

- * Our members consider a comprehensive long-range plan for development of these areas is essential. Fragmented uncoordinated development will ultimately destroy their value. In the past, municipalities have proved incapable of providing the leadership needed to assure an orderly development. According to the report of the Commission on Marine Science in "Our Nation and the Seas": "Rapidly intensifying use of coastal areas already has outrun the capabilities of local governments to plan their orderly development and to resolve conflicts. The division of responsibilities among the several levels of government is unclear, and the knowledge and procedures for formulating sound decisions are lacking." Dr. Edward Wenk (former executive secretary of the National Council on Marine Resources and Engineering Development) adds: "In most states, there is no single focus for guiding rational development, because conservation, economic promotion, pollution control, tourism, highways and community planning are considered separately..." The League of Women Voters believes that the legislation being considered today will provide the means for planning comprehensively

for the entire area, as well as a way to coordinate the thinking of other arms of the state government responsible for planning the future of New Jersey.

- * Lastly, we consider this legislation important because it makes possible a regionally coordinated approach to development of the Delaware Bay. Recently, Delaware enacted the Coastal Zone Act of 1971, which prohibits construction of new heavy industry along a one to six mile wide strip down the state's 125 mile bay and ocean coastline. For New Jersey, on the opposite side of the Bay, to be available to the industry rejected by Delaware would be foolish in our opinion. It would not only negate the impact of the Delaware law and the sound concepts which went into its conception, but it will place an intolerable burden on the resources of our state in one of its few unspoiled areas. Our members agree that industry should be prevented from developing in this area as specified in A.722. They also recognize the importance of the reasoning behind the Delaware legislation as stated by Governor Peterson in an interview with National Wildlife reporters Lynn and Jerry Edgerton. He stated that his state was unreceptive to a "major industrial explosion" because the people recognized the need for clean air and water and open space; that the oil industries which were pressuring for permission to develop land would not provide taxes or jobs commensurate with the resultant environmental damage. He said they would provide only one half job per acre, in contrast to an auto assembly plant which would provide 17 jobs per acre. Additionally, tax yields would be modest because operations do not include the type of land improvement which increases ratables. The provisions of A.722 which require an environmental impact statement before any permits are granted for any development will, we feel, provide an important safeguard for the environmental quality of New Jersey.

At this time I would like to comment on several points which will likely be made by opponents of this legislation:

It will be argued that since most of this land is privately owned, to regulate this land will infringe on rights of property owners generally regarded as the "law of the land." According to attorney Alfred Poro of Lyndhurst, New Jersey, environmental lawyers have successfully defended the concept of the indisputable rights of all citizens to a quality environment, using the 5th, the 9th and the 14th amendments to the Constitution of the United States -- citing clauses having to do with Due Process. While we are not very knowledgeable on law matters, we can certainly recognize that in a state with a high population density, the rights of the individual property owners will have to be considered more and more in relation to the rights of the many people who will be affected by their individual actions.

Another point we anticipate will be made is that development will provide more jobs in New Jersey. The League feels that the solution to New Jersey's unemployment problems should not be solved by developing the wetlands. Rather, it will be solved through better management of our air, land, water and human resources.

In conclusion the League of Women Voters of New Jersey urges favorable legislative action on this bill A.722 to insure that the wetlands will be regulated in their development in order to best meet the future needs of the citizens of New Jersey for a life-sustaining quality environment. There is a great need for a higher coordinating authority, as mentioned in A.722, with the perspective which will enable it to plan comprehensively for the long-range good of the state. We hope that a determined effort will be made to recognize the total needs of the state and a decision made which will guarantee that a balance will be maintained between development and the preservation of a quality environment in New Jersey.

ASSEMBLYMAN DAWES: Mrs. Rooney, on page four, the last sentence, what do you mean - could you elaborate briefly on what you mean by solving the problem by better management of our air, what are you talking about?

MRS. ROONEY: We think that there should be some determination of what the resources of our state will bear in the way of development for industry or for population increases and so forth. There is no master plan for the State of New Jersey. Each group who is responsible for determining development for New Jersey makes decisions independently. There is no coordination and we feel that it must be coordinated between labor and industry, between the Department of Environmental Protection, between the Treasury, and so forth. There must be coordination and better management.

ASSEMBLYMAN DAWES: I am asking the next question of you as an individual, I'm not asking you as director, I don't want to get you in any trouble with the women in the League. You as an individual, do you favor State zoning, is that what you are saying then, a State master plan of State zoning?

MRS. ROONEY: I am not sure that I favor master planning on the State level - zoning on a State level - I haven't really explored the subject. However, seeing how the municipal zoning practices are proceeding and affect the development in New Jersey, I feel that some change has to be made.

ASSEMBLYMAN DAWES: Well, in effect isn't that what this bill, in part, actually does, imposes a master plan, at least on the southern part of the State?

MRS. ROONEY: It doesn't say that nothing shall be done there, it merely provides for regulations that there will not be fragmented decisions made throughout the area and piecemeal development.

ASSEMBLYMAN DAWES: Are you in a position - you possibly commented on it in your statement. On page 6 of the bill it provides for the State Costal Areas Protection Board.

MRS. ROONEY: Right.

ASSEMBLYMAN DAWES: You favor this board and the powers and the unanimous vote concept which is in this bill?

MRS. ROONEY: Yes.

ASSEMBLYMAN DAWES: Alright, suppose we start from the left this time. We will start with Mr. Mancini.

ASSEMBLYMAN MANCINI: I have no questions.

ASSEMBLYMAN DAWES: Mr. Kiehn.

ASSEMBLYMAN KIEHN: Mrs. Rooney, you are favorable toward this bill but has the League of Women Voters come up with any suggestions as to what might be done in our State to preserve the income of industry in order to keep our taxes at a minimum?

MRS. ROONEY: No, we haven't gone into that in detail. You understand when we come to a consensus on a subject it is after thorough study and this was not part of the study that we did. I have private opinions but I better not state them here, I am a spokesman for the League right now.

ASSEMBLYMAN KIEHN: I was really curious because the more industry that we lose in the State of New Jersey, the more taxes the individual property owners will have to pay.

MRS. ROONEY: Well, of course, industry doesn't always solve all the tax problems in an area. They sometimes cause problems and require services that are not always equal to the amount of taxes they pay. I have some studies that substantiate that.

ASSEMBLYMAN DAWES: Mr. Menza.

ASSEMBLYMAN MENZA: The Chamber of Commerce states simply that there are sufficient laws on the book presently to control industry in these areas. Apparently you don't agree with that proposition, why not?

MRS. ROONEY: All of our municipalities have a legal right to zone in their own areas and decide how their communities shall develop. They have had the right to include or exclude industry; however, they have always chosen to include industry. They have not zoned nor have they planned on a comprehensive level. They have done it only for their own areas and in this delicate wetland area there must be comprehensive zoning or the total value of the area will be lost completely.

ASSEMBLYMAN MENZA: I'm not only referring to local zoning

ordinances, or local ordinances generally, I am also referring to the statutes presently in existence relative to air pollution, water pollution, etc. Apparently you feel that they are not sufficient.

MRS. ROONEY: They don't prevent industry from being built, they only control how industry shall function in regard to their air and water pollution. And we are saying that the development of this land, the actual building on it, will not be commensurate with its environmental quality.

ASSEMBLYMAN MENZA: Irrespective of whether they pollute the water and air or not?

MRS. ROONEY: Of course that has some bearing on the subject but according to the laws that we have, an industry shall not pollute the air, any new industry, or any new industry shall not create further water pollution. So that shouldn't be any consideration.

ASSEMBLYMAN MENZA: Perhaps I am not asking my question properly. Hypothetically, if you please, an industry moves to Cape May County, does not pollute the air at all, is regulated as far as water pollution is concerned, adheres to all the ordinances locally and all the statutes but it is a large, massive, heavy industry, what then?

MRS. ROONEY: Well, we say that the land is being-- The fact its being built on is depriving people of the use of this land for recreation, for instance. Since this is such a large industry in that area they are really spoiling that area by allowing heavy industry to come in there and develop. For instance, if an oil refinery came in there it would certainly not be an area that would attract tourists.

ASSEMBLYMAN STEWART: Mrs. Rooney, you mentioned several times the word wetlands, and you were concerned about the wetlands. What do you define as wetlands? I don't see this bill affecting wetlands, or mentioning wetlands at all.

MRS. ROONEY: I'm sorry, perhaps-- we were using the wetlands as a term defined in the wetlands act.

ASSEMBLYMAN STEWART: What do you consider to be wetlands or are you just using the wrong word?

MRS. ROONEY: I'm defining it as it is used in the Wetlands Act, a certain level of elevation.

ASSEMBLYMAN STEWART: Do you have any idea how much land that encompasses in the zones that we are talking about?

MRS. ROONEY: I read the number, I don't know it right now, offhand.

ASSEMBLYMAN STEWART: May I ask which county you reside in?

MRS. ROONEY: I reside in Bergen County however, I represent the League of Women Voters throughout the State of New Jersey.

ASSEMBLYMAN STEWART: Bergen County is not affected at all by this measure, is that correct?

MRS. ROONEY: That's right.

ASSEMBLYMAN STEWART: How many chapters of the League of Women Voters do you have in Gloucester and Salem Counties?

MRS. ROONEY: We have a County League in the County of Gloucester. Salem is one of the two counties we do not have a league in.

ASSEMBLYMAN STEWART: There are no members of your organization in Salem County and one in Gloucester.

MRS. ROONEY: It is the whole county.

ASSEMBLYMAN STEWART: You mentioned several times that you thought this bill would prevent disorderly and fragmented development in the State of New Jersey. Do you have any opinion on why this particular measure draws a line halfway across the State of New Jersey and says, one half shall be regulated and the other half will not be. Don't you think that also will lead to disorderly and unfragmented development?

MRS. ROONEY: No, this is a special type of land. It doesn't exist throughout the rest of the State.

ASSEMBLYMAN STEWART: Its special? Why is it so special?

MRS. ROONEY: Because it has ecological interrelationships which create a certain condition that isn't found anywhere else.

ASSEMBLYMAN STEWART: Have you inspected the lands in

Salem, Gloucester and Cumberland Counties affected by this bill?

MRS. ROONEY: I've been in Ocean and Atlantic Counties on the Atlantic Coast.

ASSEMBLYMAN STEWART: But you have not been in Gloucester, Cumberland and Salem?

MRS. ROONEY: No, I've been down as far as Camden but I haven't gone into this area.

ASSEMBLYMAN STEWART: And yet you are sitting here telling us that it is an open area and used for recreation. Do you feel that the Delaware River off of Salem, Gloucester and Cumberland Counties is used for recreation?

MRS. ROONEY: It is used for the propagation of fish, it is important in the fish chain and it is used for recreation on the water. I hear from the gals in Cumberland County that it is not used for water-based recreation as much as, perhaps, the Atlantic Coastline is.

This bill is supposed to cover the Atlantic Coastline as well as the Delaware and I am testifying on the entire area, not just on the Delaware.

ASSEMBLYMAN STEWART: Yes, but you have not seen half of it, is that correct?

MRS. ROONEY: Well, I don't consider that the Delaware is half of it.

ASSEMBLYMAN STEWART: Two-thirds of it then. This thing goes from the Cape May Point--

MRS. ROONEY: If you'd like, I'll reply to that when I can gather some more facts.

ASSEMBLYMAN STEWART: This particular bill affects the Delaware River from its mouth all the way to Trenton. I would consider that to be quite a bit of land.

MRS. ROONEY: I can only repeat what I said in my testimony, that this area is one of the few unspoiled areas in the State of New Jersey and it needs to be maintained and it must be developed comprehensively and not haphazardly for profit and economic gain.

ASSEMBLYMAN STEWART: It is your opinion that the Salem and Gloucester County river front is an unspoiled area that should be left in its natural state?

MRS. ROONEY: I'll see it tomorrow.

ASSEMBLYMAN STEWART: O. K., I'm just asking your opinion. You also mentioned that you felt that this particular bill would not infringe at all on any local zoning and that it would just be--

MRS. ROONEY: No, I did not say that.

ASSEMBLYMAN STEWART: What did you say in regard to the question of zoning as opposed to State zoning.

MRS. ROONEY: I said the municipalities asserted the leadership that was needed to plan this area in the way that is best for the entire state.

ASSEMBLYMAN STEWART: In response to the question, do you favor statewide zoning, what was your answer to that question?

MRS. ROONEY: My answer was that I have not really explored all of the facts and I am not sure of my own opinion on that.

ASSEMBLYMAN STEWART: Because there is, on the last page of this bill, and possibly when the sponsor arises he will explain that a little more clearly to us, I think it is section 14 but it says, "all laws and zoning ordinances inconsistent with this bill are hereby superseded", which in my mind means it will wipe out any zoning ordinances that any of these towns have that affect these lands and thereby we will have state zoning in those communities.

MRS. ROONEY: The way I interpret this is that these lands shall be preserved by the type of zoning that the State will impose on it; if it has been zoned for industry indiscriminately the State will have the power to regulate it for the common good and not just for the individual good.

ASSEMBLYMAN STEWART: Thank you.

ASSEMBLYMAN DAWES: Assemblyman Spizziri?

ASSEMBLYMAN SPIZZIRI: Mrs. Rooney, you read 722?

MRS. ROONEY: Yes.

ASSEMBLYMAN SPIZZIRI: Do you feel that as the bill is drawn technically there is any bad parts to it or do you feel

that it is good all the way through?

MRS. ROONEY: I'm not a lawyer nor an expert on bills but with my limited experience, I didn't see any aspects that were bad.

ASSEMBLYMAN SPIZZIRI: You feel then, and the League feels, that as this bill is drawn and constituted it is in good form and, not from the technical point of view but from what it provides, that it should be passed without any amendment?

MRS. ROONEY: From our point of view it encompasses the concepts that we support.

ASSEMBLYMAN SPIZZIRI: Now, is it the League's position that heavy industry is bad, per se?

MRS. ROONEY: No, definitely not. We need to have, as I said in my-

MR. SPIZZIRI: But not here.

MRS. ROONEY: We need to have a balance and the balance is being tipped.

ASSEMBLYMAN SPIZZIRI: What is the balance that the League would recommend between the rights of heavy industry and the rights of the entire citizens of the State?

MRS. ROONEY: If you are suggesting that I might say acreage or-- How would you recommend that I answer that?

ASSEMBLYMAN SPIZZIRI: You say balance, you use the word balance, and I'd like to know what you mean by that, where the balance lies because maybe the Committee might suggest amendments to this bill to provide that balance.

MRS. ROONEY: I think what we are really asking is that the process of development in the State of New Jersey be slowed down so that it can be done in a manner that is best for everyone concerned and not have it developed to the point where we are straining our resources beyond their limits and then finding it out too late.

Now I think what has been done in the Raritan and the Newark area-- Things are a mess there and there is not much that can be done about it now, its done and we want development to be regulated and done with a comprehensive outlook in this area that is not developed.

New Jersey is the most densely settled state in the United States and we have an enormous problem and the State Legislature has an enormous responsibility to see that we develop for the good of all not just that of a few.

ASSEMBLYMAN SPIZZIRI: Reading between the lines then, are you suggesting Statewide zoning, at least in this particular area?

MRS. ROONEY: I think Statewide regulation is what this bill says.

ASSEMBLYMAN SPIZZIRI: Regulation, zoning, its the same thing.

MRS. ROONEY: I think zoning is more specific than regulation. This would give the people the right to appeal if they did not like the regulations. It would give them an input into the types of regulations that would be formulated by the Department.

ASSEMBLYMAN SPIZZIRI: Is it the League's position that this area encompassed in this bill must exist as it presently stands without any future or further development, irrespective of any other consideration?

MRS. ROONEY: No. We think it merely needs regulated development and perhaps left undeveloped in some areas.

ASSEMBLYMAN SPIZZIRI: Can the League suggest to us as a Committee what type of regulation you might feel is indicated here, specifically?

MRS. ROONEY: We haven't given any thought to that yet although there are wetlands regulations which we did support.

ASSEMBLYMAN SPIZZIRI: Well, in this particular area, as I say I for one am in sympathy with the concept that these are precious resources and that we don't grow any more land, we don't grow anymore wetlands, we don't grow anymore sea shores, we only have so much but it seems to me too that I would welcome someone else's opinion as to the type of regulation that might be acceptable to everybody to strike the balance you referred to.

I have one other question. Has the League given any regard to the rights of the property owners in these areas who

may wish to develop the property that they own for industrial use? And what of their rights with reference to this?

MRS. ROONEY: Well, I did mention that too in the testimony. With the density of the State, with the diminishing supply of open land, of necessity the individual property rights-- the property owners are going to have to have some of their rights possibly removed in the interest of the common good.

ASSEMBLYMAN SPIZZIRI: Thank you very much.

ASSEMBLYMAN STEWART: I have one other question, very briefly, I don't want to prolong this. I wondered how does the League of Women Voters arrive at a decision like this? Do you poll your members or is a committee set up, how do you arrive at this?

MRS. ROONEY: Our members choose a program item, they study it completely, thoroughly, they do practically a thesis. At the conclusion of this we all have unit meetings which are small groups meeting all over the State and they discuss the pros and cons of a problem and arrive at a conclusion. All their answers are sent to a central point where they are correlated and we reach a conclusion that way. Very democratic.

ASSEMBLYMAN DAWES: Thank you, Mrs. Mooney.

Assemblyman Thomas Kean.

T H O M A S H. K E A N: Mr. Chairman, members of the Committee before my formal testimony I would be remiss if I did not pay tribute to students and faculty members at the Rutgers School of Law, some of whom are here today, who had a great deal to do with the drafting of this legislation. They put a great many hours in on it and I know you will hear from some of them today. But I think they deserve credit and I would like to say it publically.

Mr. Chairman, the legislation under consideration here today, A-722, the Coastal Areas Protection Act, is, without question, the most significant proposals in the field of environmental protection to come before any Legislature in the history of this state.

Understandably, when proposals of such magnitude and

such broad impact are made, there follows a certain amount of misunderstanding, misinformation and misinterpretation concerning the legislative intent.

Perhaps, then, at the outset of my testimony, it might be helpful to clear up as best I can any misunderstanding regarding the purpose of this legislation before enumerating the reasons why I feel its passage is in the best interests of the State.

First of all, the claim has been made today that this legislation, if enacted, would mean the economic demise of a vast portion of New Jersey by prohibiting all industrial development in the area affected by this bill.

This contention is, Mr. Chairman, a scare tactic of the most blatant sort, employed by those interests who see New Jersey's coastal areas as ripe for economic plunder without regard for the environment. Anyone who reads the provisions of this legislation will find that, even in its strictest sense, it does not bar industrial development.

Other opponents of this legislation have contended that it is superfluous since existing anti-pollution regulations are adequate to the task of maintaining a clean environment and an ecological balance.

I submit, Mr. Chairman, that we need only look around us at some of our more highly-developed industrial areas to find out that this position is not consistent with reality. Indeed, New Jersey is fortunate in that we have a strong Department of Environmental Protection, headed by a capable public servant and armed with broad statutory powers. But, we must realize that the area affected by A-722 contains a large portion of the remaining unspoiled natural areas of our State and, as such, is entitled to the highest possible degree of protection we can give it. To attain this goal, we must stand ready to take bold and imaginative steps.

The Substance of this bill, as you know, divides the coastal, bay and Delaware River regions of New Jersey into three areas: the first beginning at the mouth of the Raritan River and running south along the coastline to the southernmost point

of Cape May, known as Coastal Area 1; the second stretching from Cape May along Delaware Bay to the Delaware Memorial Bridge and designated Coastal Area 11, and the third, from the Memorial Bridge, north along the Delaware River to the point of high tide at Trenton, to be classified as Coastal Area 111.

In Coastal Areas 1 and 11, this legislation would flatly prohibit the location of heavy industry, defined as the following: oil and petroleum refineries, basic steel, aluminum and other metals manufacturing and fabricating plants, basic cellulosic pulp paper mills, and chemical plants. Additionally, there would be a prohibition on off-shore gas, liquid, or solid bulk product transfer facilities in all three coastal areas.

Heavy industry uses are not prohibited in Coastal Area 111, the one that extends to Trenton, but would be allowed by permit.

Except for heavy industry, manufacturing uses would be allowable in all three coastal areas by permit only and subject to the performance standards established by the Protection Board. I would submit that under this legislation all normal manufacturing uses will be permitted under this legislation. It does not place unduly harsh restrictions on industrial development, rather it only seeks to prohibit that type of industry which has the potential to do grevious harm to our environment.

The Coastal Areas Protection Board would be established to consider all requests for permits for manufacturing uses in the protected area. The requests must include evidence of approval by appropriate local zoning authorites; a description of the proposed location, construction and operation, and an environmental impact statement. The Protection Board, incidentally, is to consist of the commissioners of the Department of Environmental Protection, Department of Labor and Industry and Department of Community Affairs, or their designated representatives.

The legislation also creates a non-voting advisory group to consist of a representative of the Industrial Development Council, the Natural Resources Council, the Water Policy Council, and the Delaware Basin and Marine Commission.

To further aid the Protection Board in its consideration of applications for permits, the legislation provides that the State and Regional Planning Agency of the Department of Community Affairs develop a comprehensive plan and performance standards for manufacturing uses to be permitted in the coastal areas and to further elaborate the term "heavy industry" as defined in this bill.

I submit, Mr. Chairman, that A-722 will not drive jobs from New Jersey, will not result in the creation of economically-depressed areas and will not sap the economic strength of the State.

The industries which would be barred from locating along the coastal and bay areas are not, for the most part, labor-intensive industries; that is, they do not employ vast labor forces. Most of these plants are highly mechanized in nature and employ high-level technical personnel, many of whom would be transferred to locations here from other firms operated by the industry involved.

Aside from the economic factors involved here, I would like, for a moment, to discuss what in my view is an overwhelming need for orderly growth and expansion of the coastal and bay areas. We can see in our State the unacceptable consequences of haphazard industrial growth, which have come about, in large measure, from a lack of long-range planning.

We have, in our coastal areas, a "second chance", if you will, to insure that uncontrolled expansion will not reoccur. Second chances occur all too infrequently, Mr. Chairman, and I would suggest in the strongest possible terms that we grasp the opportunity now at hand.

The Coastal Areas Protection Board created by A-722, by virtue of its authority to issue permits for manufacturing uses, would be the most effective vehicle to carry out the orderly industrial growth of the area.

By informing industries expressing an interest in locating along the shore and bay areas of New Jersey of the anti-pollution standards they will be required to meet, we can avoid later

disputes and possible litigation now occurring in many cases in attempts to bring about compliance with these regulations. We will be in a position to develop comprehensive planning on a long-term basis, and to insure that one municipality's ratable is not another's polluter.

Speaking to the need to protect the ecology of the coastal and bay areas of New Jersey, Mr. Chairman, let me state simply that we cannot afford continued or further pollution of the waters of the ocean or bay.

All of us have become keenly aware of ocean pollution and the hazards it poses to marine life as well as the potential it contains for destruction of beachfront recreation areas. Phrases such as "dead sea" and "salt water garbage dumps" have become common usage in our State. These refer to the waters which now wash our coastline.

Although we in New Jersey have been fortunate in not having to deal with offshore oil spills, for the most part, we have seen the catastrophic results of such disasters in California and other coastal areas of this nation. The destruction of marine life and bird life and the desecration of beaches and recreation areas caused by these spills is shocking beyond belief.

It is not asking too much, Mr. Chairman, that we act to guard against such incidents in New Jersey through the enforcement of rigid standards.

Those of us in the Assembly who represent constituencies along the ocean and bay are perhaps more acutely aware than anyone else of the disastrous economic consequences which would result from polluted beaches.

New Jersey's summer resort industry is famous throughout this nation. Tourism is a major industry, providing jobs for hundreds of thousands of our people and pumping literally millions of dollars into the state's economy. It is not an overstatement to say that the economic health and well-being of a large portion of our population depends entirely on three months of the year.

The possibility of this industry being gravely damaged by ocean pollution is very real, whether we wish to admit it

or not. Ignoring this possibility will not make it disappear.

Recently, Mr. Chairman, the Delaware River Bay and Marine Council conducted a public hearing on the future of the Delaware Bay region. In its announcement of that hearing, the council said:

"Much of the northern half of New Jersey is already highly developed commercially, residentially, industrially, and there is no changing it even if we wished to. Its wall-to-wall development is a permanent arrangement. South Jersey is another matter and much of the lower river and bay region of the Delaware remains undisturbed by man's encroachment. The future of the region hangs in the balance."

There is, indeed, no changing the face of the northern part of New Jersey. Our task now, as I see it, is to insure that we will never have to make the same statement about the coastal and bay areas in Southern New Jersey.

To permit "wall-to-wall development" in the coastal and bay regions, the last remaining unspoiled areas of our State, would be a tragedy of immense proportions.

ASSEMBLYMAN DAWES: My first question would be, Mr. Kean, if you can tell us why the three zones. Can you hear me?

ASSEMBLYMAN KEAN: Yes.

ASSEMBLYMAN DAWES: Why the three zones? In particular, directing you to one zone, why was Monmouth County included in zone 1?

ASSEMBLYMAN KEAN: The zones are not inviolate, the zones were done because they seemed to conform with natural boundaries. New Jersey's coastline is not as easy as Delaware's - which as you know this bill is modeled after - to draw a coastal zoning bill. It has too many indentations, irregular portions. Monmouth County was thought of as an area whose development is primarily residential rather than industrial and that should be in zone one. Also, of course, we felt that Monmouth County was particularly vulnerable to what we call heavy or noxious industry, whichever term you want to use, and therefore, certainly, that should be excluded from Monmouth County.

ASSEMBLYMAN DAWES: Do you feel, Mr. Kean, that it is the

responsibility of the Legislature to tell Monmouth County what they should permit in their county as it relates to this bill, or do you feel it is a State matter to regulate the coastal areas?

ASSEMBLYMAN KEAN: I think it is. I think the coastal areas are probably the greatest resource the State of New Jersey has and that, for that reason, they should be regulated.

ASSEMBLYMAN DAWES: You made reference to heavy industry. As I read the bill, they were only examples. You listed in your report certain industries that would be prohibited but as I read the bill, on page 3, these are examples. In other words, it is not limiting, it would be, "such as the following types of", it could be expanded, they are not the only ones that are excluded, correct?

ASSEMBLYMAN KEAN: No, I used, for the purposes of definition-- Examples are written into the bill of the kind of industry that would definitely be prohibited. As you notice there are examples of other things; garment factories, leather industries, automobile assembly plants. Those are examples of the kinds of things that would be permitted. We did this simply to guide people in what we meant by the definition. As you see, later in the bill, the Board would have the authority to further define them.

ASSEMBLYMAN DAWES: Could you see a possibility that in the future, if the Legislature were to approve this type of legislation, that in a short time there would be other pieces of legislation passed, regulating not only the coastal areas of our State but the inland areas also?

ASSEMBLYMAN KEAN: In certain respects we do that already. As a matter of fact we have some legislative proposals right now, the Cahill administration is proposing certain inland wetland regulations. There is no question that in a State that has lost as much of its valuable resources as New Jersey has, we do have to move in this direction to make sure that they are preserved.

ASSEMBLYMAN DAWES: What do you feel that we can do as

a Legislature to prevent the pollution of our beaches by neighboring states?

ASSEMBLYMAN KEAN: I think--

ASSEMBLYMAN DAWES: In other words, it is my opinion that the beaches in Monmouth County in particular are not nearly being polluted as much by local industry as they are by industry out of the county and out of the State.

ASSEMBLYMAN KEAN: I don't know which way the tidal waters flow. I think that interstate compacts are obviously important. If your pollution in Monmouth County or along the beaches of this State are coming from New York or from Delaware, which are the two neighboring states, I would hope that - similarly, I would assume that as the tides go we would be sending out pollution to their beaches - and I would hope that through proper interstate compact that we could get rid of this.

The major impact of this legislation is to send a clear signal to Washington, or anyplace else, that we are not going to be the site of a major oil terminal or anything else in the State of New Jersey and, as you know, there are applications already pending in Trenton for such major--

ASSEMBLYMAN DAWES: Does the Delaware law also have the same type of provision for a three man board with the same powers?

ASSEMBLYMAN KEE~~N~~: The Delaware law is a little bit different. I think we are going to have some people testifying from the State of Delaware and I think that would be a more appropriate question for them.

ASSEMBLYMAN DAWES: Are there any more questions?

ASSEMBLYMAN KIEHN: Mr. Kean, actually is it your intent to take home rule away from the various municipalities to have it determined by the State of New Jersey as to what industry can come into our coastal areas?

ASSEMBLYMAN KEAN: Only in certain cases. As a matter of fact, under this legislation, no industry could come in no matter what this Board said unless it was approved by the local zoning codes. Also, of course, the right of appeal is

set-up in two or three cases.

It is only in the case of industries which have been proven in this State and in other states, to be unable as yet, technically, to control the pollutions they create, and therefore harm all the citizens of the State.

ASSEMBLYMAN KIEHN: Any existing plant that is now polluting our rivers can stay there?

ASSEMBLYMAN KEAN: Yes. This would not affect anything in existence and it says so specifically in the bill.

ASSEMBLYMAN KIEHN: I think in your testimony you mentioned a number of different types of business, oil, etc., would this affect companies that make pigment or paints?

ASSEMBLYMAN KEAN: They are not specifically mentioned in the bill. I am not a scientist. This Board, if set up, would have access to such scientific information. Companies that make that type of product -I'm not sure what their pollution potential is, they are not mentioned; I don't consider them right now, myself, a major pollutor of the waterways. They might be if there is a heavy lead content in the paint, I don't know.

ASSEMBLYMAN MENZA: Mr. Speaker, the report of the Chamber of Commerce, in essence, has a two-fold approach, one the impact of this bill upon the economic situation and, two, the fact that there are sufficient laws now present on the books that should be able to cope with the problem. Could you comment on both of those?

ASSEMBLYMAN KEAN: Yes. I think I tried to cover in my statement that it will not, in my mind, have an adverse economic effect. As a matter of fact I do believe that its passage would have a beneficial, in the long range, economic effect.

ASSEMBLYMAN MENZA: How so, how will it have a beneficial effect.

ASSEMBLYMAN KEAN: It will have a beneficial effect because I believe in these days, in my experience, when you try to attract industry, industry wants to move into an area where people want to live, into an attractive area, into an area

where its workers and executives are going to have opportunities for recreation and everything else. The vast majority of industry would be allowed in under this bill and yet the area would be preserved. Secondly, as I've said, our major industry right now in terms of employment in the State of New Jersey is the resort industry. If we allow one of these noxious industries in, one of these industries who could, with a single industrial accident, destroy the entire summer resort season, we would destroy more, economically, in the State of New Jersey than we could create for another 20 years.

Now your second part was--

ASSEMBLYMAN MENZA: Are there sufficient laws now in New Jersey to cope with the problem?

ASSEMBLYMAN KEAN: I just don't happen to believe this to be true. The only law which I feel very strongly at the moment is good in many of these areas, although it wouldn't affect all of these areas, is the wetlands bill and the wetlands bill is singularly determined by the individual administering it. The wetlands act, if you remember is done by permit, permit to construct. Now this bill would ban certain industries, period. The wetlands bill, where you to get a commissioner - and we've had commissioners in the past who just simply haven't been interested in the environment for one reason or another - or a governor in the future elected who is not interested in the environment, becomes useless because he simply gives out the permits. So, again, I do not feel our present regulations are adequate.

I heard a professor lecture the other day and I asked him to give what he thought was- he was talking about environmental degradation and I asked him to give an example of what he thought was environmental degradation and he said, have you been to the shore in northern New Jersey?

ASSEMBLYMAN DAWES: That is the truth.

ASSEMBLYMAN STEWART: Assemblyman, again, I'd like to ask you the question, why the line was drawn across just the southern half of the State of New Jersey and why it does not affect most of our northern counties in the State?

ASSEMBLYMAN KEAN: It was drawn to protect regions that were as yet relatively unspoiled, relatively preserved. We do not have the kind of urban sprawl in your part of the State as yet that we do in northern New Jersey. We have had completely unregulated development which I think, at this point, all of us that live there regret in northern New Jersey. We would not like to see it affect the southern part of the state. In other words, what we are saying is, it is too late for us along the shore, nobody is going to go swimming off Perth Amboy.

ASSEMBLYMAN STEWART: It appears to me that what we are saying is, O.K. the Northern part of the state is already messed-up so we are going to let them go. The Southern part of the State has had, maybe, enough foresight not to be as mixed-up as the Northern part of the State is, so we are going to regulate them. It doesn't appear to me to be a very sensible way to draw a map. I find that, for instance, the Delaware River goes far beyond the city of Trenton. I wouldn't consider that to be a highly urban area - Hunterdon, Warren and Sussex County-I'm sure you can't build a lot of major industry but it is, what I would consider to be, open territory and I wonder why this bill does not affect them.

ASSEMBLYMAN KEAN: Well, we stopped at the city of Trenton simply because the river, of course, becomes much smaller. I think it was an arbitrary decision, I would not be averse to seeing it go a bit further.

ASSEMBLYMAN STEWART: As you probably know, the visual line between zone 2 and 3 cuts into a county which I am vaguely familiar with. I was wondering how someone with this map determined that districts 2 and 3, or zones 2 and 3 should meet right in the middle of Salem County and the county should be governed by both zones.

ASSEMBLYMAN KEAN: Because we used natural indentations in the coastline. We did not take man-made boundaries, we took natural boundaries.

ASSEMBLYMAN STEWART: Has anyone of the many people who, I would assume, helped you with this map taken time to go down to this area and look at it to see what is there today, whether

it is indeed, as your bill says, uniquely suited for recreation, relaxation, leisure, and the opportunity to appreciate nature and the out-of-doors. Do they consider the coast of Gloucester County, for instance, to fit that definition?

ASSEMBLYMAN KEAN: I have been on the coast of Gloucester County and I'd say in some areas it does and in some areas it doesn't.

ASSEMBLYMAN STEWART: For instance, you mentioned swimming off some river in northern New Jersey. To my knowledge, swimming in the Delaware River, off the coast of Salem and Gloucester Counties, has been obsolete for the past 30 years and I really would consider that area to be highly developed right now. This is why I have a hard time getting it in my mind that these lines should be drawn the way they are. It has been suggested to me and I say this to you - no affront to you but just to hear your comment - that possibly these lines were drawn in this manner because a bill that would affect the entire state of New Jersey would never stand a chance of passing in any house of the Legislature. Would you mind commenting on that?

ASSEMBLYMAN KEAN: I'd be glad to. All I can say is that is was not in my mind nor, do I believe, in the minds of the people who had a hand in drawing this bill, it never came up in any of our discussions simply because, again, it was not felt to be that worth saving, that this was a heavily - northern New Jersey - industrialized area already.

ASSEMBLYMAN STEWART: You would have no objection though to amending this bill to cover the entire waterfront completely surrounding the State of New Jersey?

ASSEMBLYMAN KEAN: I don't think there would be any point to it, that isn't the purpose of the bill.

ASSEMBLYMAN STEWART: It wouldn't hurt anything though would it?

ASSEMBLYMAN KEAN: Pardon me?

ASSEMBLYMAN STEWART: It wouldn't hurt the bill?

ASSEMBLYMAN KEAN: I don't know; it wouldn't help it.

ASSEMBLYMAN STEWART: I would think if it stopped one

plant in Essex County that might pollute us down in Salem County, it might help the bill.

ASSEMBLYMAN KEAN: If it was a plant which-- a new industry as defined under what I would call noxious industries, I would certainly have no objection to it. I just don't think we need any more of that kind of industry in the State of New Jersey.

ASSEMBLYMAN STEWART: Everybody is staring at me up here, I know they want to get on to the other people. I have just one more question. Since you are the sponsor of this bill I think it is important that we ask you some of these questions.

One question in particular was, what about a plant in zone 3 that is already there and wants to expand? For instance, let's say-- zone 3 is Camden, Gloucester, Burlington Counties, let's say we have a major plant along the river that falls into our definition of heavy industry and they want to expand, they have land, can they?

ASSEMBLYMAN KEAN: As I remember the section of the bill they could expand with permission from the Board. They would have to apply to the Board for the right. If they were defined as heavy industry, they would have the right to expand, yes.

ASSEMBLYMAN STEWART: Could you clarify the appeals situation? The way I understand that, the Commissioner of Environmental Protection is the one who has the power to say yes or no first of all on the permit and then an appeal may be made to a three member body of which the Commissioner is a member, but it must be a unanimous decision to overturn that appeal, is that correct?

ASSEMBLYMAN KEAN: That is correct, under the further appeal of course, which is mentioned also in the bill.

ASSEMBLYMAN SPIZZIRI: Mr. Kean, I'll ask you the same question I asked Mrs. Rooney. What do you feel is the balance between the rights of private industry or private property owners and that of the protection of the environment?

ASSEMBLYMAN KEAN: That, of course, is something that is being determined by the courts right now on a number of cases. Because that is not clear as yet in the courts, it spells out in the bill that anytime a court determines that because of the actions of this board it is ruled a - I'm not a lawyer but a taking

of property without just compensation, that the Commissioner must then - or the Department of the State - must then pay the proper money to the property owner or forfeit his right.

ASSEMBLYMAN SPIZZIRI: Do you feel that this particular area encompassed in zones 1 and 2 should remain undeveloped as far as any type of heavy industry is concerned, as defined in this bill, in the future, under any circumstances?

ASSEMBLYMAN KEAN: Yes, I think that to allow - as Mrs. Rooney said as a matter of fact - to allow the kind of industry the Delaware has now excluded, to all jump on the other side of the bay and come to New Jersey would not be in the long-range interest of the state.

ASSEMBLYMAN SPIZZIRI: Thank you.

ASSEMBLYMAN DAWES: Any further questions?

Thank you, Mr. Kean.

Assemblyman Black.

K E N N E T H . A. B L A C K , J R.: Good afternoon, Mr. Chairman, my name is Kenneth A. Black, Jr. I am an Assemblyman, District 3A, Salem, Gloucester Counties. I will be as brief as possible, sir, and I will try to keep my presentation close to 8 minutes.

ASSEMBLYMAN DAWES: Is that 8 minutes, Mr. Black?

ASSEMBLYMAN BLACK: Eight minutes, I know it is highly unusual for me.

ASSEMBLYMAN DAWES: We will start.

ASSEMBLYMAN BLACK: You will pardon me, I am sure, if I say that I am so greatly against this bill, not only in its approach but in every other way that I have not even bothered to prepare a formal statement.

I will simply turn to the April 17th issue of the Woodbury Daily Times, an award winning newspaper and one which for some strange reason, over the past few years, I haven't found myself in total agreement with. However, one of their editorial writers by the name of Bill Long submitted a very fine editorial on April 17th and I would like to read it to you and have it put into the record if I may. I will condense it wherever possible.

The headline is "Ecology Concern Brings a Blizzard of

Legislation." "Environment is in the public eye. Therefore, it is also glittering brightly in the political eye and the result in Trenton this year has been a virtual blizzard of legislation.

"Almost 100 bills concerning ecology, environment and conservation have been introduced in the State Senate and Assembly and although all are certainly well-meaning pieces of legislation, there will be difficulty in committees determining the best of the lot.

"One of the hazards of this high interest is that legislation written by one particular sphere of political interest may affect other areas also. The result can work to the detriment of the public good.

"A minor example of this occurred about a month ago in the State Senate where Sen. Wayne Dumont sought approval for a change in a state law affecting certain species of wildlife in Northwestern New Jersey. However, when it came up for consideration, Sen. Barry Parker of Burlington County said the legislation would affect wildlife preserves in other areas and would actually disrupt nesting seasons rather than protect them. Sen. Dumont withdrew the bill for further study.

"The same thing can occur on a major scale with Assembly Bill 722, the Coastal Areas Protection Act, which is receiving a public hearing in Trenton Wednesday. The bill is of incredible importance to Gloucester and Salem counties.

"The bill, if adopted in present form, would affect about 250 miles of Jersey coastal area from high water to 10 feet above high water. In Gloucester County, the estimate is 35.9 square miles, or more than 10 percent of our area. In Salem County, it is a staggering 95.69 square miles of a total 373.04 or better than one-fourth of its area.

"The bill is designed to "protect". It recognizes that 'unspoiled coastal areas' are the "most critical and vulnerable resources". It affects the state's coastline from the Raritan River near New Brunswick, all the way down and round Cape May,

up the Delaware Bay and into the Delaware River to a point at extreme high water above Trenton.

"It breaks the coastline into three segments. Coastal Area One runs from the Raritan to Cape May (considered recreational and residential). Coastal Area Two runs from Cape May to the Delaware Memorial Bridge in Salem County (considered natural and near-natural). The third Coastal Area runs from the bridge past Salem, Gloucester and Camden counties up to Trenton (considered mixed industrial, residential and natural).

"The bill is similar to legislation adopted in the State of Delaware, its Delaware Coastal Zone Act of 1971, which barred heavy manufacturing industry from locating in a two-mile strip along that state's coastline. That law bans oil refineries, petrochemical complexes and what are termed basic steel and paper mills. It also prohibits any deepwater marine terminals to transfer bulk materials; a law that effectively blocks the use of supertankers in the lower Delaware Bay.

"For those who favor environmental protection, A-722 would seem to have a great deal of merit at the outset. But most of the controls are specifically directed at Coastal Area Three, where a concentration of industrial effort is naturally attracted.

"The bill was introduced by Assemblyman Thomas Kean of Essex County, Assembly Speaker. Essex County is not affected by the bill. It was co-sponsored by Assemblyman John Fay of Middlesex County. Middlesex County is not affected by the bill. It was also co-sponsored by the four-man delegation from Monmouth County, a county which runs along the upper portion of the area affected by the bill. No one is represented as co-sponsor from Coastal Areas Two or Three; the areas in line to get the greatest impact of this legislation.

"Just as Sen. Dumont did not realize his legislation would adversely affect wildlife preserves in South and Central Jersey, the gentlemen from Monmouth County may not realize the monumental impact of the coastal act's provisions on areas outside their sphere of concern.

"These considerations will certainly come out during the public hearing Wednesday as interested parties, especially from our coastal area, make their views known before the Assembly's Air, Water, Pollution and Public Health Committee.

"But, just as there is an almost automatic urge to go along with any particular theory of the moment, it's believed quite possible that this bill will be considered favorably.

"Residents of Gloucester County would do well to keep an eye on its progress."

I will submit that, with your permission, to the stenographer.

I believe this editorial writer has hit the nail right on the head. Many people throughout the State do not realize that Japan is manufacturing super-tankers as are several other countries and this is going to be the way crude oil is carried in the future years. At the present time these tankers can not come up the Delaware Channel because it is only a 60 foot deep channel and they draw in excess of 80 feet. Presently these tankers are being lightered off the breakwater in the lower Delaware Bay and T2 tankers are utilized to bring this crude oil up to a complex which is probably one of the largest refining complexes on the east coast. If the crude is going to be delivered by super-tanker then we are going to either see one of two things, either a deep-water port here in the State of New Jersey or in one of our adjacent states. Or, we are going to see a massive close-down of refineries in this area because, it takes crude as a basis for refining process.

Now we can say that by passing this bill we will rule out a deep-water port in southern New Jersey but, gentlemen, we will also be saying that we are pushing that port into an adjacent state. If it goes into Pennsylvania or if it, in time, goes into Delaware and if there is any spillage, we will still profit by that spillage because the bay is common ground and I don't believe we have found a way yet to keep oil on one side of the river, a river that divides three states.

I think, perhaps, we are missing the boat; however, I think we are trying to put our heads in the sand in this legislation. We need jobs in the southern part of the State desperately. We

have jobs right now in the refineries. If we make it impossible for the manufacturer to get his crude at a low price at this location he will probably relocate his refinery and consequently we will have increased unemployment.

Now I've heard made mention today that for the passage of this bill we will form a mecca for industry and industry will be fighting among itself to get in here and buy land because they want to come where the facilities are available to serve them. I might point out to you at this time, gentlemen, that there is no effective regional waste treatment facility in either area 2 - zone 2 - or zone 3. although we do have at the present time, in zone 2 and zone 3, the three areas singled out in New Jersey on a nation-wide survey that provides the greatest potential for industrial development in this state. With the passage of this bill we will rule that out and I cannot help but think that perhaps a few years from now, if this bill becomes law, then people who have the resources to watch the land values in the southern part of this State plummet, the people who have the resources to step in and buy at that lower rate may well be coming back to take advantage of that low ground and to change this legislation somewhat to make it possible for them to reap benefits. I don't believe that that is the sponsor's intent but I can certainly see it happening.

Further, I don't believe that this bill will in any way encourage industry. Yes, we might be allowed to do a few things, we might be able to do that which the American Indian learned to do when he was put on a reservation, we can string beads and we can weave baskets down there and we can probably continue to live in sub-standard housing, we can continue to experience inadequate roads, we can continue to have inferior hospital services available, run the whole gamut, that's what you have in the southern part of this state. There is one thing we have down there and one thing of value and that is, we have the space and the opportunity to plan our future, to provide for our needs and to preserve our ecology. I say our ecology because, gentlemen of the Committee, we have lived there for many years and we have preserved it. And while the northern part of this state

has flourished we have been in the back seat. With the passage of this law, we will never, never, be able to move forward to the front seat.

I represent, in my district, 185,000 people. In zone 2 there are probably 550,000 people. Were this bill to pass, I believe it would be my recommendation to those people that every man and every woman 40 years of age or younger pack their belongings, sell their homes, sell their property and leave because there would be no future for them in their lifetime in the southern part of this State. It is a shame. We now have a situation with extreme unemployment and children that are raised and schooled and married find that they have to leave the area to secure jobs.

You know, we are a very interesting breed of people down there. Many of the people down there are farmers and you know that farmers are independent thinkers, probably they are the better for it. Prior to the Revolutionary War we had a Greenwich Tea Party which was the second Tea Party, possibly the largest, I can't say because I'm sworn at this point for the next year and one-half to uphold the State Constitution and the edicts and that which becomes law, but I can point out that there might well be a second Greenwich Tea Party because I don't believe those people want to give up, want to leave their homes and want to leave this section of the State. We have been carrying a heavy part of the tax burden that has been necessary to run the northern part of this state. We have not seen any massive aid programs come to the agricultural municipalities during the past four years, we have not seen one. We have seen many millions of dollars poured into the northern urban areas yet our tax rates continued to climb and we continued to shoulder our share of the burden. Unless we can see a future then I am afraid we will see a second bad result of one man, one vote, the first being the wetlands order.

I say that because even though we all say that we wish to preserve this Democracy of ours we too often fall short on the definition. The definition I refer to is rule of the majority, that's the part it seems that everyone remembers but there is

another part to it too, that is, rule of the majority not to the detriment of the minority and we feel that we are the minority, we are the minority in this House, we are the minority in the Senate and we have tried to make the wishes of our people known. When the votes are cast, we have not had that support. It is a shame but what this bill does is this, quite simply, it discriminates against certain municipalities and advises them that they do not have the same rights as other municipalities in the northern part of the State and outside of these three zones. It tells them that they cannot develop their area unless the State approves it. No one states this for a municipality in the Northern part of our State. Thank you very much.

ASSEMBLYMAN DAWES: Mr. Black, I just want to comment. You say the minority, I've heard the minority rule spoken about in this House. Many people say that the minority controls the majority, so maybe it means South Jersey controls North Jersey.

What is the rate of unemployment in Salem County?

ASSEMBLYMAN BLACK: 6.5, sir.

ASSEMBLYMAN DAWES: Do you feel that this bill would ban all possible economic growth of your district?

ASSEMBLYMAN BLACK: No, we could probably open up a few more cookie factories and we might even get a pretty decent price for those beads but that's about all I think we could do under this bill.

ASSEMBLYMAN DAWES: Assemblyman Mancini?

ASSEMBLYMAN MANCINI: Assemblyman Black, I take from your comment that you feel your area would be more qualified to provide regulations for growth on a local basis rather than the State control of this bill in particular?

ASSEMBLYMAN BLACK: No, Assemblyman Mancini, I do not believe that. I do believe that we do have to take a regional approach. However, we have to take a regional approach which involves people who live in the area. We must give local representation. Under this bill we specified it, I believe, as three people and each is a Commissioner who would have the right of saying, yes you can develop or no you cannot and that is the reason I submitted A-931 approximately three weeks

ago to provide for a 17 man panel made up of representatives out of the Freeholder Boards in the three involved counties, a Mayor representative from a municipality in each county and citizen members as well.

ASSEMBLYMAN SPIZZIRI: Assemblyman Black, I feel that you are very interested in the ecology of the area as well as representing your constituency. I'd like to know if you feel that there is a balance to be struck between the two interests and if so, what that balance is?

ASSEMBLYMAN BLACK: There most certainly is a balance to be struck. We have many acres in area 2, or zone 2, which are already under "green acres" and would hopefully remain that way. However, it would take a considerable period of time and it would take expert development to determine exactly what would constitute an equitable balance. I do not believe that an equitable balance is everything ecology, development nothing. That is one of the reasons, once again, for A-931, the bill that I referred to earlier.

ASSEMBLYMAN DAWES: Thank you. Assemblyman Kiehn?

ASSEMBLYMAN KIEHN: Assemblyman Black, is there any degree of industry in Salem and Cumberland Counties now?

ASSEMBLYMAN BLACK: There is a certain degree of industry along the coastline at the present time in the Salem County area, the upper section. Lower Alloway Creek has, of course, the atomic reactor plant with two reactors at the present time, possibly a third in the future. I might add also that there is a very short distance to travel from that location to the main channel and it has a good potential, possibly, for a deep-water port.

ASSEMBLYMAN KIEHN: What county is Deepwater in?

ASSEMBLYMAN BLACK: Deepwater is in Salem County, it is in Pennsville Township. We have the Atlantic City generating station on one side of the bridge and going down we have roughly a 7 square mile DuPont plant complex on the right hand side.

ASSEMBLYMAN KIEHN: DuPont is doing, I know, quite a bit to clear up, recycle, the water before it goes into the Delaware River.

ASSEMBLYMAN BLACK: This is quite true. We journeyed down there, if I remember correctly Herb, last year and took a tour of that facility.

ASSEMBLYMAN DAWES: Mr. Menza?

ASSEMBLYMAN MENZA: Assemblyman Black, I presume that people work in these counties now, do they not?

ASSEMBLYMAN BLACK: They do.

ASSEMBLYMAN MENZA: Where do they work?

ASSEMBLYMAN BLACK: Except for about 6.5%.

ASSEMBLYMAN MENZA: Where do these people work now, what type of industry?

ASSEMBLYMAN BLACK: At the present time the major industries, let us say in Salem County, would be the DuPont Corporation with its chemical complex, a number of-- let's see, two other chemical companies are located in that area, I believe a third is being constructed. We then have a series of glass houses and we have a number of food processing facilities.

ASSEMBLYMAN MENZA: Are these chemical complexes on the water? Or close to the water?

ASSEMBLYMAN BLACK: Yes.

ASSEMBLYMAN MENZA: How would this bill affect these already existing complexes, as far as you are concerned?

ASSEMBLYMAN BLACK: Well, it is quite simple. As the sponsor stated, if DuPont wished to expand, let us say DuPont or any of the other companies in that area, upon the land they had already purchased they would have to come to the State to secure approval. Actually with the air and water pollution laws we presently have, if they were to construct and design their plant to fit within the existing regulations then I see no need to come to a third agency and go through the bureaucratic red tape necessary to secure the approval of these three gentlemen.

ASSEMBLYMAN MENZA: Well, the bill states that DuPont and some of these other chemical industries would be a non-conforming use and if they wished to expand they would have to comply with certain performance standards set forth by the Board, do you

object to that?

ASSEMBLYMAN BLACK: Would you repeat that? You say they are non-conforming, conforming to what?

ASSEMBLYMAN MENZA: They would be non-conforming--

ASSEMBLYMAN BLACK: Non-conforming to the particular type of industry that this bill would allow?

ASSEMBLYMAN MENZA: Yes.

ASSEMBLYMAN BLACK: Let us say this, if the non-conforming agencies, according to this particular bill, are presently operating in accordance with the existing air and water pollution legislation on the books then I question why they are non-conforming in accordance with this legislation because it is common knowledge that we have, probably, the most strict air and water pollution regulations in the nation.

ASSEMBLYMAN MENZA: Yes, but my question is directed at the existing plants who wish to expand. They would be permitted to expand if they comply with certain performance standards set forth by the Board envisioned in this bill, now what is wrong with that?

ASSEMBLYMAN BLACK: First of all, I'll go back again. This bill creates a third entity, let us say, from the standpoint of the already massive regulations that industry must fall into conformance with. If you have the air and water regulations and you are in accordance with them and all of the other aspects to try and develop a plant, all you have done is thrown in an additional agency, an additional agency which does not say, if you are in accordance, this is all right. It actually, specifically precludes, let us say, chemicals or petro-chemicals, etc., and says that they are automatically guilty until proven innocent by this particular group, which I feel is a very unfair situation.

ASSEMBLYMAN MENZA: Assemblyman Black, answer me this question. You apparently have some oil refineries there at the present time.

ASSEMBLYMAN BLACK: We have some. If you continue on up to Philadelphia you will find that you have a major complex

representing many industries in the petroleum and chemical business.

ASSEMBLYMAN MENZA: You anticipate additional refineries there?

ASSEMBLYMAN BLACK: I would expect that there would be more coming in, after all our demands are on the increase, astronomically.

ASSEMBLYMAN MENZA: Do you expect them to come in because of the Delaware law? Do you expect that they are going to move over to give you the very badly needed industry you need?

ASSEMBLYMAN BLACK: Let's take a look at it this way. Tidewater has a major complex on the Delaware side, considerable investment. At the present time they are using two T2 tankers to bring crude from the breakwater up. Now if this bill goes through it indicates that there shall be no off-loading in the bay, or waters adjacent to the state of New Jersey. Now, if that is the case, what is that refinery going to do? If this bill goes through, I can't see that refinery coming over to New Jersey, I can't see them even staying in business.

ASSEMBLYMAN MENZA: Yes, but you, in effect, have said to us-- In effect you said that if this bill goes through the whole economy of that area is going to collapse. Now presently the economy has not collapsed, although apparently there is a high rate of unemployment. How would passing this bill affect present industry and present working conditions and present employment in that particular area? I mean people do work there.

ASSEMBLYMAN BLACK: People do work, you are correct. However, if you remember just a few weeks ago I brought out on the floor -- and you will remember also that I mentioned that a number of people in Salem County are employed in the food processing line, also in Gloucester and also in Cumberland. Food processing, that is taking agricultural commodities and bringing them to market. If you remember correctly, I indicated that one of the largest asparagus processors had discontinued his line last year and was not going to open it. This year they are discontinuing the processing of tomatoes. This is an indication of what is

happening to our struggling farm community and as these places shut down they not only-- as the farmer leaves the processor goes out of business and people are turned loose on the streets. Now we have to have jobs for these people, consequently we have to have growth if we are going to maintain pace because obviously the agricultural situation in this State is not the best.

ASSEMBLYMAN MENZA: One last question. You have a rare opportunity to question the Republicans on the other side. I imagine from what you say that you have no objection to restrictions, knowing, of course, what the area is like in zone 1.

ASSEMBLYMAN BLACK: In zone 1, I'm the type of fellow that wouldn't attempt to superimpose my thinking upon an area about which I know absolutely nothing. I'm sorry other people in the Legislature don't follow the same course.

ASSEMBLYMAN MENZA: I need a law partner, Mr. Black.

ASSEMBLYMAN BLACK: Pardon?

ASSEMBLYMAN MENZA: I need a law partner, would you be interested? (laughter)

ASSEMBLYMAN DAWES: Mr. Stewart?

ASSEMBLYMAN STEWART: Ken, its good to see somebody here who has a little bit of an idea - an awful lot of an idea, rather - of what Gloucester, Salem and Cumberland County area is like. I think you filled the Committee in very well on what exists on the New Jersey side. It has been my observation so far that very few people in this room really know what is down there and I think it would be helpful if you would briefly point out what is on the other side of that river in the area of the Delaware Memorial Bridge, for instance.

ASSEMBLYMAN BLACK: Well, we have chemical complexes on both sides of the river. I think it would be best to say, from this standpoint - we are talking about passage of this bill to clean up the river and preserve the ecology. All right, let's go upstream a little bit, if you go up you will find that the Philadelphia sewage, I believe, is dumping directly in or very close to it. If you come down a little further you will find

that you have Chester, you have the Marcus Hook beach resort. I think that's a very nice one; if any of you fellows from North Jersey ever get a chance to go to a beach, I would suggest you go down to Marcus Hook. This is a real nasty situation; it is not in good shape. But if you come on down, you will find that when you get somewhere south of Chester, you are going to run into a section of the river which is termed "dead" and this is due to loss of oxygen. But to attempt to solve that problem strictly in, let us say, zone 2 or even zone 3, you are not going to solve that problem because it comes from upstream. It is a major industrial area, especially zone 3. This is highly industrialized.

ASSEMBLYMAN STEWART: Isn't there also an oil refinery right across-- in fact the State of Delaware is telling us how they are doing a good job of cleaning up, but if my memory serves me right, they have an oil refinery right across from--

ASSEMBLYMAN BLACK: That is the Tidewater installation.

ASSEMBLYMAN STEWART: Right. Where is this Delmarva Power and Light Company that we have been reading so much about?

ASSEMBLYMAN BLACK: I'm not sure which plant was involved in that but that is the Delaware, Maryland--

ASSEMBLYMAN STEWART: It is fair to say that is a very highly developed area on the Delaware and Pennsylvania side along the coastline of zone 3 and 2.

ASSEMBLYMAN BLACK: Yes.

ASSEMBLYMAN DAWES: Thank you, Mr. Black.

ASSEMBLYMAN BLACK: Thank you very much, Mr. Chairman. It has been my pleasure.

ASSEMBLYMAN DAWES: I told everyone at the beginning that we would have two assemblymen and also an official from the State of Delaware and so we are also going to take that gentleman who handed me his card. He has been here for quite a while. Robert L. Halbrook.

R O B E R T L. H A L B R O O K, J R.: Mr. Chairman, members of the Committee and ladies and gentlemen, I am pleased to appear before you to speak about Delaware's Coastal Zone

Act of 1971, and in particular its affect on economic development in the State of Delaware.

As Secretary of the Delaware Department of Community Affairs and Economic Development, I am charged with the responsibility of attracting new industry and new jobs to Delaware. I might also add that in my official capacity I sit on the Coastal Zone Industrial Control Board which administers the act that we have in Delaware similar to the Board that is proposed under your proposed act.

After one year of living with the Coastal Zone Act of 1971, I do not know of a single instance in which a business has been deterred from locating in Delaware because of our coastal zone law, with two exceptions: oil companies and off-shore transfer facilities. While Delaware law does prohibit "heavy industry" such as oil refineries, steel plants, paper mills and petro-chemical complexes in the Coastal Zone, State law does not prohibit these industries elsewhere in Delaware.

In my judgment, the Delaware Coastal Zone Act is and should be a positive selling tool to attract industry to the State and is not, and should not be, a deterrent to industrial growth.

Our Coastal Zone law is not based on an either-or concept. We are not saying that we must choose between jobs and the quality of our environment. We are determined to have both new jobs and high quality environment.

The question Delaware faced when considering the creation of a coastal zone was whether to use the same piece of land along the coast for recreation and conservation or for a rapid industrial explosion of tremendous magnitude. The essence of the argument was whether we should absolutely prohibit industries like oil refineries in certain areas or whether the decision on zoning should be based on guidelines and the merits of the individual case. We concluded after several public hearings and much debate that we could not have heavy industrial uses such as oil, steel, and pulp paper, along our coastline because they are incompatible with other valuable uses of the land - primarily recreational and conservation uses.

All you have to do is drive north from Wilmington to Philadelphia - and the Assemblyman that spoke before me mentioned the Marcus Hook area; this is the area that you will see if you go north from Wilmington to Philadelphia - there you can see a collection of storage tanks, pipes, towers and waste treatment lagoons. When you take a look at those, you can see what would happen to the Delaware coastline if we had not prohibited these types of industry. Even if you assume that this type of heavy industry is pollution free, the question still arises - whether or not it belongs on a coastline which is ideally suited for recreation and conservation. And, obviously, the answer is that this kind of industrial use is not compatible with the best use of our coastal lands. We have a relatively unspoiled coastline. It is an asset to all Delawareans and also an asset to millions of people who will be visiting our State in the future. We want Delawareans and people from New Jersey and the other States to continue to come to our shores every year to enjoy the hunting, the fishing, the swimming, the boating and sun bathing or just a nice quiet and relaxing walk along the beach.

We believe our coast is a tremendous asset to the country and we believe it is our responsibility to keep it that way - now and in the future.

In talking to industrial prospects (including corporate headquarters) about moving to Delaware, the reaction of everyone I have talked to has been favorable.

Businessmen I have talked to are thinking about what our beautiful coast means to them, their families and the families of their employees. They are impressed that Delaware is concerned enough about good land policy that it is prepared to make some very hard decisions.

The vast majority of the people in the State of Delaware enthusiastically agree with our coastal zone policy. We want our marine environment improved because we know that further economic growth which is important to the whole community depends on a good marine environment.

We recognize in Delaware that we have an existing problem

of how to move oil more safely up our Bay and River. At the present time 70% of the oil for the East Coast travels up the Delaware River and Bay. One hundred seventy-five ships per month go up the river. To look into the question of safer movement of oil up the Delaware Bay and River, Governor Peterson has appointed a Delaware Bay Oil Transport Committee. The practice now is for large and medium-size tankers to come a few miles into the mouth of the Bay to get into the deep water and away from the rough seas. The tankers then partially unload on to barges. When the tankers draft is small enough, the lightened tanker and the barges move up the Bay and the River to the refineries. Twenty-four of these mid-bay transfers take place every month. Any day we could have a major oil spill and we are very much concerned about it. The Assemblyman mentioned the possibility of an oil spill; we recognize that and that's why we are having a committee study a safer way of moving oil up the River. The job of this committee is to evaluate alternate oil transport systems.

The initial phase of the study will require projections to the year 2000 of tonnages of petroleum and petroleum products required by the eastern seaboard together with the active plans of organizations for oil transfer facilities to handle these requirements, including those for the Delaware Valley. Additionally, it is planned to examine existing operations and equipment of the east coast operations, particularly those which may affect Delaware.

It is clear that both New Jersey and Delaware have a stake in what happens in the future to the waters we share and to our coastal areas. If we can agree on the principles of land and water use and if we can agree on methods for implementing those principles, as set forth in the Delaware Coastal Zone Act and in the proposed New Jersey Coastal Areas Protection Act, then together we will be able to conserve and preserve the treasures we have along and between our beautiful coastline.

The purpose of my testimony has been to share with you the knowledge that the Delaware Coastal Zone law is working,

it's working well, and that it is good not only for the quality of the environment but is also good for sound economic and industrial growth.

Governor Peterson's leadership and the responsiveness of the Delaware General Assembly in establishing our coastal zone policy will go down in history as an act of courage which will benefit our environment and our economy.

Thank you for allowing me the privilege of testifying before this committee.

ASSEMBLYMAN DAWES: Thank you for coming, Mr. Halbrook. Do the Assemblymen have any questions? Mr. Stewart?

ASSEMBLYMAN STEWART: Does your bill cover the entire coast of Delaware?

MR. HALBROOK: Yes, it does. You have proposed, as I recall from a brief reading of the act, three zones. We have not broken up our coastline which is about 115 miles into any zones; it applies up and down. But where there is a present use, called a non-conforming use in our law, as in yours, that use may continue and will not be disturbed as long as it maintains its present level. If it wants to go beyond that, it applies to the Board for a permit.

ASSEMBLYMAN STEWART: Would it be fair to say-one final question - would it be fair to say that the State of Delaware is a financially sound State that through its corporate development has succeeded in lowering real property taxes. For instance, from what I can see, the State of Delaware has a very low property tax and it would be very difficult to compare the State of New Jersey as far as real property taxes and economy with the State of Delaware. My observation would be that Delaware is a State that probably has had enough and has what it wants and is satisfied. I really question whether New Jersey has reached that point.

MR. HALBROOK: I wouldn't agree that Delaware has all that it wants and we are completely satisfied. My job is to find new industry, new plants, new businesses and create new jobs. So, I think we are looking forward to a future of much more growth than we have had in the past but we want to have growth

not at the expense of our environment but compatible with our environment. I think the State is financially sound. As a public official I could always use more money to spend on programs that I think are worthy. We don't always have enough money to go around, as I am sure is the case in New Jersey. But we see this act as helping the economic growth of the State. Now not every industrialist agrees with that. There are some people that would like to locate on the Delaware coast, people that are expressly prohibited and they argue about the policy that we have established. But we don't think that the absence of those industries along the coast is going to significantly affect our economic situation in the State. That is why I can go out and sell new industry and new jobs with the Coastal Zone Law helping me and I think any coastal state could do the same.

ASSEMBLYMAN KIEHN: Mr. Halbrook, I assume you came to New Jersey today as a "good neighbor policy."

MR. HALBROOK: Yes, sir.

ASSEMBLYMAN KIEHN: I understand you are in favor of this bill, I was just wondering before you made your statement why you did come over to testify. I can see that you are in favor of this particular bill that was presented, A-722.

MR. HALBROOK: I wouldn't want to say I was in favor of your bill because I read it for the first time yesterday and as a lawyer I know that I have to study it more carefully than a couple of hours quick reading. But I am in favor of our Coastal Zone Law and there are many similarities between ours and yours so in that sense I am in favor of the concept, certainly.

ASSEMBLYMAN MANCINI: Mr. Halbrook, your law, I assume, does have a Board of Control?

MR. HALBROOK: Yes, sir, it does.

ASSEMBLYMAN MANCINI: How many members comprise this Board?

MR. HALBROOK: I believe that is is a 7, no more than 9-member board. We have presidents, or chairmen of the planning commissions of our three counties; we have at least three members at large. I sit on the board and our secretary of

natural resources and environmental control sits on it, so it is about that size. I have forgotten the exact number.

ASSEMBLYMAN MANCINI: Thank you.

ASSEMBLYMAN DAWES: Mr. Halbrook, would you please send us a copy of your act in Delaware and also a copy of the legislation that set up the study committee regarding the transporting of--

MR. HALBROOK: The Oil Transporting Committee? Yes, sir, I certainly will.

ASSEMBLYMAN DAWES: Thank you.

MR. HALBROOK: That committee is just beginning its work now.

ASSEMBLYMAN DAWES: But there was legislation to authorize them to act, conduct hearings like we do?

MR. HALBROOK: Yes, sir, that is right.

ASSEMBLYMAN DAWES: Thank you.

MR. HALBROOK: You are welcome.

ASSEMBLYMAN DAWES: Mrs. Rippere.

MRS. ROBERT O. RIPPERE: I am Mrs. Robert O. Rippere, a member of the Middletown Conservation Commission, and I'm here to give our hearty endorsement to the concept behind A-722.

Middletown is a township of approximately 40 square miles and it is essentially bounded on three sides by coastal waters. I think Mr. Black ought to listen to this because truthfully this is definitely in Monmouth County, it is definitely on the Raritan Bay and we have also got problems with the coast. We have a long shore along the Raritan and Sandy Hook Bays that is still backed in some areas by salt marshlands. We have a still longer estuarine shore on the Navesink and Swimming Rivers and, in addition, maintain police and school services for Sandy Hook. We are, in short, in a position to be vitally concerned about legislation affecting the coastal area.

Since its beginning 3½ years ago, the Commission has worked hard to protect the shellfish beds of Sandy Hook Bay and the estuarine coves on Sandy Hook. We have prevented dredging and filling in tributaries of the Navesink and in areas in the bayshore meadowlands. We know that we still retain productive

estuarine areas and are peculiarly fortunate in that regional sewerage is advanced and presents the likelihood of cleaner waters, which should increase productivity.

From time to time we hear rumors or see evidence of plans to bring heavy industry into the meadowlands and to construct an industrial deepwater port in the bay adjacent to the Navy Pier. This thought immediately rouses visions of the industrial horrors along the Arthur Kill and Newark Bay and the impulse is to fight having your own neighborhood turned into an industrial slum with tooth and nail. This bill, A-722, we feel, presents the opportunity to bring essential industry into the state under the controls that are absolutely necessary to prevent the total degradation of our coast.

Four Monmouth Assemblymen, as Mr. Black mentioned - and one from Middlesex - are sponsors of this bill and I would like to take this opportunity to thank them publicly. Perhaps the reason they have done this is because we are so close to the expanding horrors of urban industrialization to the north that we know what to fear. We hope the people of south Jersey who are under the same sort of pressure from Pennsylvania that we are from New York, to become not the bedroom, but the industrial backyard of those states, will look carefully at the ruined environment above the Raritan River before they decide that industry is the answer to all problems. If they are worried about economic depression now they should look to the surroundings of those areas. From Mr. Black's testimony, the southern counties are well on the way already and it seems that now is the time to take drastic remedial action.

We particularly approve in this bill the following points:

- 1) Confining of heavy industry to those areas that are already heavily industrialized.
- 2) The prohibition against offshore liquid or bulk transfer facilities which unquestionably present a threat to the important resort and commercial fishing industries.
- 3) The requirement for a full environmental impact statement by any light or heavy industry applying for a permit.
- 4) The requirement that the Department of Community Affairs develop a comprehensive plan and performance standards for

governing coastal industry. However, I will have more to say about this plan later. 6) I am skipping a couple here, that is why the numbers get out of order - The provision that the Commissioner of Environmental Protection may acquire the lands through condemnation or by other methods if the court rules that denial of a permit is a "taking" of the rights of the owner. 7) The fact that fines have finally reached a size that may give deliberate violators pause. And then another, the provision that local laws be respected providing they are consistent with the provisions of this act.

There are, however, some parts of the proposed act that we question. We feel that the big weakness of all the bills dealing with the coastal and estuarine areas to date is the provision that the Commissioner of Environmental Protection may in issuing permits, easily, if he so chooses, negate the original intent of these acts. An ever-present fear is evident that no environmental bill can pass if it is written so firmly that no environmental damage of a specific nature can be done again. We have gone along with this on the theory that half a loaf is better than none, but we are beginning to realize that this is not enough. Until a strong and specific restriction is written into law, we can never be sure that a loose interpretation will not be made that will encourage the destruction of the very areas that, out of necessity, we are trying to save. I repeat "out of necessity" because if our coastal, sub-acqueous, estuarine and marshlands are not preserved, we definitely face the loss of 70% of our food fish, most of our shellfish and our shore birds, not to mention the possibility of other detrimental results of the destruction of estuarine productivity. This statement is not the dream of some wild-eyed conservationist, but is based on the scientific studies of universities and government, and it is time that we all understand the values we are threatening when we talk about making money out of development of the marshlands.

Therefore, we would like to see spelled out in this act with great clarity that it does not in any way supersede the Wetlands Act. We believe that was the intent of the bill, but

it is not completely clear that industry cannot enter those particular areas mapped as Wetlands that contain nutrient-yielding grasses and that are flushed by high storm tides.

Further, we believe that the act should instruct the Department of Community Affairs to take into full account in drawing up its coastal industrial master plan, those areas mapped as wetlands and should, also, take into account the present stated policy of the Administration in regard to riparian lands. The assumption apparently has been made that, since the state owns the riparian lands, there is no need to worry about industry beyond the mean high tide mark. We do not feel that a statement of policy by the present administration is enough to insure the permanent protection of those lands. Therefore, we would like to see that policy enacted into law in this bill.

Thirdly, we would suggest that the Advisory Council to the Board of Commissioners should be broadened. It should include a representative of the Water Resource Council, since aquifers and fresh water supply are affected by construction in the coastal areas and, definitely, it should have on it a biologist who could offer advice on the value to the shore ecology of a given area under consideration.

We have said many times before, and we speak from experience, that the municipalities cannot be expected to put the welfare of the state and its people above their own needs for tax ratables or their desire to provide monetary rewards to political supporters. There are certainly areas where home rule is most important, but these are not the areas that affect the general welfare. It is our firm belief that this country has reached the point - long ago reached in Great Britain - where lands affecting the public welfare must be held in trust. This bill, if strengthened and clarified, would be one more long step toward the goal of a healthy and productive American environment.

I thank you, and I want to add one more little thing for the information of the Chairman. You mentioned something about New York being the supreme polluter of the coastal

areas. The Army Corps of Engineers recently had to make an environmental impact statement to the Federal Government regarding the dumping of waste in the coastal waters in the New York Bay, and in that report they have all manner of statistics which show that it is New Jersey and not New York which is the major, serious, polluter of the New York Bay. I just wanted to throw that in because of your statement.

ASSEMBLYMAN DAWES: That's their opinion.

MRS. RIPPERE: Well, they studied, you haven't, I haven't, right?

ASSEMBLYMAN DAWES: You say 70%, Mrs. Rippere.

MRS. RIPPERE: Yes.

ASSEMBLYMAN DAWES: Are you talking ~~about~~ Monmouth County's point of view?

MRS. RIPPERE: No, no, no.

ASSEMBLYMAN DAWES: ~~the~~ State of New Jersey?

MRS. RIPPERE: No, no, no.

ASSEMBLYMAN DAWES: The United States of America?

MRS. RIPPERE: I would assume it is the eastern Atlantic coast.

ASSEMBLYMAN DAWES: You were quoting from some periodical then? Some report?

MRS. RIPPERE: Numbers of reports. I didn't quote; I am saying it because there are numbers and numbers of reports. The Marine Laboratories have made these studies, the universities like Georgia which have made the studies, there are other universities. ~~and~~ They all come out approximately at the 70% mark of food fish that we eat are dependent at some point on the coastal estuarine areas and, of course, that means to some extent the off-shore areas too. They go back and forth.

ASSEMBLYMAN DAWES: Are there any other questions?

ASSEMBLYMAN KIEHN: Mrs. Rippere, I know that you represent the Middletown Township Conservation Council.

MRS. RIPPERE: Right, commission.

ASSEMBLYMAN KIEHN: Is that a large group?

MRS. RIPPERE: No, it is set-up under State law with 7 members. It has one representative from the Middletown-- This is a State - a legal facet of local government and we happen to have one. As a matter of fact we were the first town in the State to appoint one. It operates under statute.

ASSEMBLYMAN KIEHN: Middletown Township, does that include Keansburg?

MRS. RIPPERE: Not Keansburg but East Keansburg.

ASSEMBLYMAN KIEHN: But that is in Middletown Township though isn't it?

MRS. RIPPERE: Right, and Lincroft. It has a million little bits of areas.

ASSEMBLYMAN KIEHN: Holmdel?

MRS. RIPPERE: Not Holmdel, that is another town. But it is 40 square miles of these little bits of - Belford, Leonardo, things of this nature are all in it.

ASSEMBLYMAN KIEHN: Well, Leonardo is--

MRS. RIPPERE: That's Middletown. Atlantic Highlands and Highlands are not, they seceded.

ASSEMBLYMAN KIEHN: I was just wondering what area you really did represent because You mentioned Sandy Hook. That is not in Middletown Township though is it?

MRS. RIPPERE: Because it is adjoining Middletown we provide the services for police and schooling. In other words, it is very close to us. Middletown's residents use the beach more than anybody else.

ASSEMBLYMAN KIEHN: And you represent Middletown itself?

MRS. RIPPERE: I beg your pardon?

ASSEMBLYMAN KIEHN: Middletown itself is not on the water?

MRS. RIPPERE: Yes, yes, Middletown itself, as I say, has a huge coastal area. In fact it is three-quarters bounded by-- it is a triangular area and actually about two-thirds of it is definitely coastal.

ASSEMBLYMAN KIEHN: That is right near Red Bank.

MRS. RIPPERE: It is across the Navesink River from Red Bank and the river is the border between Middletown and New Shrewsbury, Red Bank, so forth and so on. This is an estuarine

area for a good part of the distance. Then on the bayshore-- Then we have the Shrewsbury River down on the southern end and we have a large expanse of bay shore coast on the, what is it - east?

ASSEMBLYMAN KIEHN: I always thought ~~Middle~~town was where Highway 35 goes through.

MRS. RIPPERE: Highway 35 goes through it but the area to the southeast is--

ASSEMBLYMAN KIEHN: Is on the waterfront?

MRS. RIPPERE: Is, definately, yes. Most of it is.

ASSEMBLYMAN DAWES: Anyone else? Mr. Menza?

ASSEMBLYMAN MENZA: I think I heard you say that this proposed statute would preempt the wetlands statute; is that what you said?

MRS. RIPPERE: I didn't say it would; I said I think it ought to be clarified that it doesn't for the simple reason that when you read this bill by itself without reading the other one, you can assume, and people have, - and this is why I am saying this - that industry can come in, this kind of industry, to some of the areas under the wetlands act, which it could if the Commissioner said, O.K. go ahead, this is the way I interpret the wetlands act. We are saying we don't think it should.

These wetland areas are particularly viable and particularly important because of all the grasses which provide nutrients and those, we believe, should be preserved as the riparian lands have long been in Great Britain - they are not preserved here.

ASSEMBLYMAN DAWES: Thank you.

Virginia Steiner?

V I R G I N I A S T E I N E R: Mr. Chairman, members of the Committee, my name is Virginia Steiner. I am executive secretary of the American Littoral Society, which is in Highlands, New Jersey.

ASSEMBLYMAN DAWES: Making up what part of the State? What part of the State do you represent?

MRS. STEINER: This is a national organization.

ASSEMBLYMAN DAWES: For the entire State?

MRS. STEINER: No, for the entire country.

ASSEMBLYMAN DAWES: Just for the record.

MRS. STEINER: The Littoral Society is made up of members interested in the study and conservation of marine life and its habitat in the coastal zone. About one-third of our members reside in New Jersey.

The American Littoral Society supports Assembly Bill 722 and urges its quick enactment. We believe its passage is necessary to protect the public's interest in the critical coastal areas of the state.

We wish to record the following comments on specific parts of the legislation:

One page 1, section (3), lines 13 through 15, emphasis should be placed on the value of the coastal zone as a habitat for an enormous variety of marine organisms, plant and animal, from marsh grasses through plankton, fish and shellfish eggs and larvae, juvenile fish, and waterfowl. The coastal zone is absolutely critical to the future of marine life along our coastline.

On page 2, section 3.a, lines 4-6, we believe that the definition of "coastal areas" should be changed to increase the area covered by the act. First, we believe that the area should be extended seaward of the mean high tide line to the territorial limits of New Jersey in the Delaware River, Delaware Bay, Atlantic Ocean, and Raritan Bay. We also believe that the landward limit of the coastal area should be changed from the 10-foot contour to a system of roadways as high or higher than the 10-foot line. We

say this because in some areas -- most notably in Cape May County and in Monmouth County inside Sandy Hook -- the 10-foot contour is within 100 feet or less of the high water mark.

On page 4, section 4, lines 6-8, (second line from the top), we do not believe that sewage treatment plants and recycling plants should be placed in the coastal area.

On page 5, section 6.c, lines 23-29, we endorse the concept of involving the State and Regional Planning Association of the Department of Community Affairs in the planning of the coastal area, as long as it is emphasized that the Association's work should be consistent with the environmental protection intent of the act.

On page 8, section 14, lines 1-7, we recommend a specific reference to the Wetlands Act of 1970 (A-505) and a statement that A-722 in no way weakens the effectiveness of the Wetlands Act.

* * *

In more general terms, we think this committee should be alerted to coastal zone protection action enacted or under consideration by other coastal states. We submit the following as evidence that A-722 is consistent with the best thinking of other coastal states and can in no way be considered hasty or ill-conceived:

Florida now has a Coastal Coordinating Council, chaired by the executive director of the Department of Natural Resources, with two additional members; Florida's coastal area starts at the edge of its territorial sea and extends anywhere from two

to 20 miles inland.

Virginia recently passed S.B. 436, to place responsibility for planning critical environmental areas, including coastal areas, providing for their delineation and protection by the Division of State Planning and Community Affairs.

Delaware has enacted a Coastal Zone Bill, House substitute No. 2 for House Bill No. 300, which delineates a zone much wider than that proposed in A-722 but which forbids generally what A-722 forbids and is in other ways consistent with A-722. New Jersey's coastal bill must be as strong as Delaware's, if the Delaware River estuary is to be protected.

Louisiana, Connecticut, and Rhode Island are developing coastal management programs similar to New Jersey's planned action.

Maine's Industrial Development Council has power to ban industry from critical areas of the coast.

In other words, the goals of A-722 cannot in anyway be thought of as radical or hasty. They are consistent with what other coastal states consider necessary for the public good.

We believe that A-722 is especially important to protect coastal areas I and II, a section of the coast stretching from the mouth of the Raritan River east to Sandy Hook, south to Cape May Point, and up the Delaware to the Memorial Bridge, where pressures are building for such development as a fossil fuel power plant at Union Beach on Raritan Bay, a second generating station at Oyster Creek, and industrial complexes in the vicinity of Artificial Island and near the Memorial Bridge. If needed, these facilities can and should be located outside of the coastal area.

Passage of A-722, coupled with strong administration of the Wetlands Act and of the State's riparian lands, will help insure that the coastal areas of the state are left to serve their most valuable functions as flood protection, open space, and wildlife habitat. Uncontrolled development has no place in New Jersey's coastal areas, nor does heavy industry as defined in the act. It is in the public's interest to have state coastal area protection.

ASSEMBLYMAN DAWES: Thank you.

Do you feel it is too late to expand Zone 1 north up to Essex County which has been made reference to; do you think it would serve any benefit at all to expand it?

MRS. STEINER: I think the purpose of this act is to protect what we have left. I think that through the other legislative acts we should be able to control the pollutants in Essex and north ~~of~~ this; this is a different kind of concept.

ASSEMBLYMAN DAWES: Any other questions of this lady?

ASSEMBLYMAN MENZA: I'm sorry I didn't-- Referring to page 2, the definition of coastal areas, you said that this definition should be expanded?

MRS. STEINER: I think it should be changed to increase the area covered by this act. This act covers only--

ASSEMBLYMAN MENZA: Which act?

MRS. STEINER: 722.

ASSEMBLYMAN MENZA: I'm sorry, o.k. You referred to so many.

MRS. STEINER: This defines the coastal area of the State of New Jersey, whether land, water or subaqueous land lying between mean high tide and an elevation of 10 feet above sea level. And we think that, first, it should be extended from the mean high tide line out to our territorial limits of the State of New Jersey.

ASSEMBLYMAN MENZA: Why?

ASSEMBLYMAN DAWES: Do you mean the three-mile limit; is that what you are making reference to?

MRS. STEINER: To the three-mile limit.

ASSEMBLYMAN MENZA: Why?

MRS. STEINER: Well, because I think that in areas where, for

instance, islands, artificial islands could be built off the coastline which really-- and I also think that it should be extended, as I mentioned, from a 10 foot contour line to a system of roadways because in many places the contour line is too close to the sea.

ASSEMBLYMAN MENZA: That would be a massive engineering job, wouldn't it?

MRS. STEINER: Well, Delaware's system is done with roadways and we do have roadways in the State. I think it would be an easier system than a contour line.

ASSEMBLYMAN DAWES: Anybody else? Thank you for going through the sections of the bill. It was very helpful.

Mrs. Fillippone?

MRS. ELLA F. FILIPPONE: Thank you very much, Mr. Chairman.

ASSEMBLYMAN DAWES: You are the lady with the children?

MRS. FILIPPONE: Yes. We have with us today four students from West Morris-Mendham High School who are participating in the President's Environmental Merit Award Program.

I would first like to thank all the people here today who have cooperated with these young people. This is their first introduction to a hearing and I think it has been meaningful for them. I'd also like to thank the members of the press who have cooperated with our young reporter. I don't know whether he is going to be a reporter or not after this experience but I think it has been a meaningful one for them. This is a project that is being undertaken by all the high schools in Morris County. In the Flood Plain Hearing last week we did the same thing. We are also recording statements from people here today to go over the air, WNTR and other stations in Morris County. I appreciate your cooperation.

I am Ella F. Filippone and am testifying as the Chairman of the Task Force on Environmental Quality of the New Jersey Council of Churches, and as chairman of the Pre-Stockholm Conference on Human Environment to be held in Newark on May 17th under the auspices of the United Nations. As chairman of this event, we have found keen interest from the international com-

munity in legislation such as is being considered today. Great emphasis is being placed at the United Nations conference on control of the ocean and the seabed, of which these coastal areas considered in A-722 are such a vital part. My concern and support for A-722 goes much farther than just the questions which will be raised by ~~the~~ individuals here today both pro and con. The environmentalists will surely discuss the ecological value of these coastal areas - the true value of which is yet to be determined. Those factions which will be represented through negative approaches toward this legislation are, I believe, creating tremendous pressures and moral obligations on people not only in New Jersey but throughout the world.

Last year, under the sponsorship of the United Nations, preliminary workshops were held on "Environment and Development" published as "The Founex Report - Environment and Development." As part of the conclusions, this report questions projects which have proved "so disruptive to environment as to be virtually self-defeating." How did these failures come about? Three causes of environmental disruption can readily be singled out, according to this report: 1) Inadvertence, in those cases where the ecological impact of development projects was not identified; 2) Convenience, in situations where expert advice was ignored either because of the cost involved, or because of bureaucratic "competence". Officials responsible for development are interested in minimizing the apparent capital-output ratio and are likely to do so at the cost of environmental disruption, especially when the disruptive effect will be felt in areas far removed from the site of the development project; and 3) Lack of sociological understanding in those cases where technical measures for environmental quality control were proposed and carried out with total disregard for the opinion and beliefs of the population concerned.

As far as concern for the environment is concerned regarding this legislation, the aforementioned recommendations of this international report, which has been favorably received, are the ~~crux~~ of this bill being discussed today. Is New Jersey going to be the first to say we cannot meet the criteria set forth

in this legislation? Are the industries taking a defeatist attitude? The functions of the Coastal Areas Protection Board could easily supervise projects and subject them to remedial environmental quality control measures which would make these projects fit into the intent of this legislation.

We feel that environmental quality management could be performed by mobilizing otherwise idle labor. As a matter of fact, we have found that there is no trade-off whatsoever between environment and growth when handled with innovative procedures. It should be a necessary component of development projects, financed, in a sense, by additional resources. Labor-intensive environmental quality control may be construed as an investment in the future.

The Founex Report again states, "The reorientation of the industrial system to utilize less polluting technologies, greater emphasis on the recycling of waste, and a more skillful use of possibilities offered by location policy, all aim to reduce the environmental impact of a given pattern...the incorporation of environmental concern into development planning also implies measures of a more immediate nature that are applicable, given the present stock of knowledge. This is particularly true in the cases of the environmental component of development projects and environmental quality management measures in the urban contest."

This is where we now stand. New Jersey's coastal areas are for us in the same categories as those new developing nations. In addition we find that historically, growth in New Jersey has been uncontrolled. We can no longer afford this so-called luxury. Look at northern New Jersey's problems. It is a constant fight to try to keep our rivers, like the Passaic, alive, because of uncontrolled growth, and the reluctance of those factors in our society who give only lip service to a concern for ecology.

For ten years, I was a consultant to industry in the areas of taxes and antitrust and monopoly. The passage of such Federal legislation as the Sherman Act, the Clayton Act,

the Robinson-Patman Act, etc., were necessitated by uncooperative attitudes and actions, which are beginning to manifest themselves toward environmental quality control. I state this not as a threat but as advice. The public is concerned; the electorate is becoming more aware. This legislation here today must be passed, for as we begin to learn more of the values to human life of coastal areas, we accept the basic truths that we have land with certain characteristics which we must not, we cannot, alter. The coastal areas of New Jersey are such, and the utmost care must be taken that disruptive, unplanned development does not occur in this part of our State and also in others, so that we can plan for a future that does not further disrupt the delicate balance of the environment of what is left of New Jersey land.

ASSEMBLYMAN DAWES: Does anyone have any questions?

Thank you for coming, Mrs. Filippone.

MRS. FILIPPONE: Thank you.

ASSEMBLYMAN DAWES: Mr. George Friedman.

G E O R G E F R I E D M A N: Mr. Chairman and members of the Committee, my name is George Friedman. Like Don Stewart and Ken Black, I am one of the second-class citizens of New Jersey, coming from Salem County.

I would like to make some comments prior to going into my talk in regard to some of the previous speakers.

I note that other than Ken Black, not one of the speakers nor one of the sponsors is from any of the eight counties south of Trenton, where 99 44/100 per cent of the lands are affected by this bill.

I also note, with due deference to the Speaker of the House who is the sponsor, he apparently is unaware of the existence of South Jersey, having listed the bridge dividing Coastal Areas 2 and 3, by Delaware Bay Bridge. Delaware Bay Bridge is on the drawing board of the Department of Transportation and will go from somewhere in Cumberland County across to the State of Delaware maybe 20 years from now.

The speaker representing the State Chamber of Commerce listed a series of State regulations that he felt were adequate to govern the problems that are presented by Bill 722, but he omitted the most important one to Salem County and that is the regulations of the State of Delaware, since they own all the way to our shoreline.

The lady from the State League of Women Voters admitted that she had never been in the area and she asked for the preservation of the Delaware River for use for the propagation of fish. There have been no fish in the Delaware River for some 50 years as pollution has resulted from Philadelphia, Marcus Hook, the Navy Yards, such companies as the Sun Ship, Jones and Laughlin, Atlas Chemical and the refineries in Philadelphia along the Schuylkill River who throw their waste into the river that comes into the Delaware. Fifty years ago, before Assemblyman Stewart can remember, we had sturgeon and shad in the Delaware River and they were famous throughout the country. We have had none for that period of time.

None of the sponsors of this bill are from the eight counties, as I have said.

My references are to the Coastal Areas 2 and 3. Coastal Area 1 is prime resort property and is not faced with the same problems as Areas 2 and 3.

The proposed act regulating the use of coastal areas would penalize those living within the said areas to a far greater extent than is reasonable or necessary for the protection of coastal waters. It establishes some regions where manufacturing activities are subject to the regulation of the Coastal Area Protection Board and some where it is not.

Even the cleanest, safest and most desirable industries would not be likely to locate in coastal areas since each additional level of regulations is an irksome burden to industry.

Such a scheme tends to deprive the coastal areas of those industries which provide revenues for taxes and employees' wages, while letting those areas which already have industry continue to build up sources of tax revenue.

Our municipalities and counties cannot operate without tax revenue from some sort of industry and the wide swab cut out by the 10 feet above sea level regulation covers almost the entire eastern half of our county.

So long as there are local budgets, there will be a need for industry within almost every taxing district. The proposed act would, perhaps unintentionally, drive all sources of revenue away from the coastal areas. It is well to protect these areas of our State, but it is not fair, equitable or reasonable to require that the residents of the coastal areas be unnecessarily kept in an economically depressed condition in order to preserve the lands for all New Jerseyans.

The singling out of coastal areas for regulation of manufacturing activities does just that, since little or no manufacturing at all would locate in these areas. Heavy industry is absolutely banned from Coastal Area 2, while it

is permitted subject to regulation in Area 3. Residents of Area 3 might well complain too that all areas other than the coastal areas will get all of the heavy industry.

As a matter of fact, the North New Jersey communities, none of which are affected by this act, have exploited their lands to the point where they have completely destroyed the ecology, but are enjoying a much lower tax rate than the South Jersey municipalities. South Jersey, particularly Salem County, on the other hand, has been a little more careful in its planning. Industrial parks have been established and the zoning has been of such a nature that in many instances undesirable industry has been turned away.

Now the North Jersey representatives, having lived for all these years at a low tax rate and having left a blight that cannot be corrected, except at tremendous expense to its taxpayers, seek to take control of our shoreline, to dictate what we can or cannot do, and to be at some bureaucracy's mercy should there be some possible industrial progress that we in South Jersey do not feel would seriously affect the natural beauties of our shoreline, the ecology, the air or the water.

After what happened to the North Jersey communities, what gives the sponsors the right to feel that they are better qualified to dictate to tax-burdened South Jersey, which has already protected and preserved its beautiful and clean territory?

Another serious problem is the definition of heavy industry. The proposed act defines heavy industry in Section 3 (e) as "manufacturing use characteristically employing some, but not necessarily all, of such equipment as, but not limited to, smoke stacks, fuel storage plants, distillation or reaction columns, chemical processing equipment, scrubbing towers, pickling equipment, sumping and waste treatment lagoons." Who is to determine what equipment is similar to that listed and, therefore, also prohibited? Just what is meant by "such equipment as"? A large number of industries, being

uncertain as to whether or not they are banned from Area 2, would avoid consideration of such area for the construction of their plants. And, if a Board determined and published the prohibited industries with greater specificity, is this a lawful delegation of authority?

Power to determine where industries may locate will determine the pattern of economic growth in our State. The long-range impact of these decisions on all our citizens will be enormous. It is true that the days of uncontrolled economic development are over, that as we move into the area of regulation of economic development, under the guise of protection of our environment, we must be careful that the economic burden is not made unnecessarily heavy for some and light for others.

The proposed act, with its rigidity, defined classification of uses, and fixed areas of permitted use, would guide the hand of economic growth in an arbitrary way, making some counties favorite daughters and others Cinderellas.

A further example of such arbitrariness is the flat prohibition of bulk materials transfer facilities in Coastal Areas 1, 2 and 3. These are storage depots, fuel and otherwise, and it is widely known that they are central to the development of port areas. The prohibition would deprive the entire Delaware River of these keys to development, thus favoring the New York area. This is more than just keeping dirty industries out of our area; it is the taking of the whole southern half of our state out of the path of development and casting it into a shadow of blight. Again favor is given to the northern part of the state, since it will continue to reap the rewards of the New York Port area.

Particularly important, is this factor to Salem County. There is included in the area which this act tends to control a man-made island, now connected to Salem County and part of its shoreline. At present there is being constructed on the southern portion of the land an atomic energy generating

plant. The remainder of this man-made tract could very readily be developed into a deep-water port, which from all of the reports of the United States Department of Navigation is sorely needed. What ecology is there to protect around this man-made tract of land, particularly when it is quite evident that there will be both air and thermal water pollution created by the atomic energy plant? Which brings to mind the action of the State bureaucracies, and this act would only create another.

Some few years ago, under the Green Acres program, the State of New Jersey purchased at marsh-land prices hundreds of acres of land adjoining the man-made tract above-mentioned. The purpose, as we believed it to be, was to preserve these lands as open spaces. But as soon as the public utilities building the generating plant decided that additional lands were needed, they negotiated with the State for 500 acres of these lands together with some riparian rights and are purchasing them at prices being paid for industrial lands. The State has welshed on its agreement to retain this land as open spaces and it has bilked the property owners out of thousands and thousands of dollars, and has given to the public for everyone to see a wide corridor of steel towers, with high tension wires across these beautiful spaces.

Again State bureaucracy granted permission to the United States Corps of Engineers to remove 5 million cubic yards of the Delaware River bed within 100 feet of the Salem County shoreline. Were it not for the serious objection of the county officials, this would have occurred. A compromise resulted and the digging was extended to 840 feet away from the New Jersey shoreline along Salem County and the amount reduced to 3 million cubic yards. What do you think this is going to do to our shoreline? And what do you have to protect?

It proves again that the counties and municipalities in Salem County and South Jersey know far better how to protect its shoreline than the Ivory-Towered residents of Trenton.

For whose benefit is this control that you seek? Certainly not for those who presently own the land nor for the people living in the area. It is quite evident that it is for the benefit of those living in North Jersey, those who have exploited and destroyed. They have benefited by their exploitation, so let them pay. Control of coastal areas to protect the environment is not bad, but overboard prohibitions are definitely a denial of equal protection under the law to all the citizens of our State. Our courts are already sensitive to the lesser qualities of education in areas with less sources of tax revenues. They can be expected to be equally as sensitive to those laws which create differences in tax revenues.

The shoreline in Salem County, designated as Coastal Area 3, of which the Delaware River Memorial Bridge is the dividing line, is occupied by the duPont Company for more than a mile, immediately followed by the municipalities of Penns Grove and Carneys Point, which are completely built up. North of this is a small undeveloped stretch of less than a mile, then approximately a mile and a half of river frontage owned by the United States Government, used primarily by the Corps of Engineers for river dredging and spoilage deposit. These lands used by the Corps of Engineers were good tillable and usable high ground. And when the county sought the State's help to prevent the destruction of these good lands, the State lent a deaf ear.

We feel that any limitation of industrial use could best be determined by local and county authorities. We of Salem County up to this point have done a good job in preserving our shoreline, in spite of the action of the State bureaucracies and we do not now need the advice of destroyers, spoilers and exploiters. We seriously urge the defeat of this bill.

ASSEMBLYMAN KIEHN: Thank you very much, Mr. Friedman. The testimony you have given is very enlightening.

Are there any questions of the Committee?

ASSEMBLYMAN MENZA: Permeated throughout your statement,

sir, are the words "bureaucracy up at Trenton," "ivory tower." I think the last sentence included "destroyers, exploiters," etc. You premised all your remarks by saying there weren't any fish in the Delaware Bay and somebody caused the death of these fish. I presume this was caused to some extent by industry who polluted and exploited the environment, did they not?

MR. FRIEDMAN: None in the State of New Jersey.

ASSEMBLYMAN MENZA: None in Cumberland County, Salem County, etc.?

MR. FRIEDMAN: That's right,

ASSEMBLYMAN MENZA: If the State is not to determine where industry is to go, who is then to make this determination?

MR. FRIEDMAN: I think that the municipalities and the counties have done a good job in Southern New Jersey and they can continue to do a good job. They certainly have done better than the municipalities and counties in North Jersey.

ASSEMBLYMAN MENZA: We are not comparing North Jersey with South Jersey, are we? We are talking now about South Jersey and the impact of industry on the environment in the past. Is it fair to say, sir, that there has been a tremendously adverse impact by industry on the environment in the past and that this to a great extent has caused pollution and this to a certain extent has brought about the exploitation of our environment?

MR. FRIEDMAN: Not by the industry on the Jersey coast.

ASSEMBLYMAN MENZA: By whom then?

MR. FRIEDMAN: It has been done by the industries in Pennsylvania and Delaware, over which we have no control.

ASSEMBLYMAN MENZA: You say to us that we should be parochial and legislate only for our districts and say in effect, "to heck with the entire State"?

MR. FRIEDMAN: I am not saying "to heck with the entire State." I am saying that the control is not where this bill is trying to put it where they do not have control. I can list any number of industries that have polluted the river, none of which are in the State of New Jersey. I think that

the Legislature is looking the wrong way in order to control pollution in the Delaware River and in Delaware Bay,

ASSEMBLYMAN MENZA: Where shall we look?

MR. FRIEDMAN: I think you had better look to the Federal government and see if there can't be some regulation for those industries that are polluting the river along the Jersey coast. You have, for example, the Philadelphia Sewage Disposal System; the Marcus Hook complex, of which you have already heard; the Philadelphia Navy Yard; the Sun Ship Yard in Pennsylvania; Jones and Laughlin in Delaware, a steel corporation; Atlas Chemical in Delaware; the Delaware City Oil complex; the duPont pigment plants and other plants in Delaware; the refineries in Philadelphia along the Schuylkill River - none of which this bill controls.

ASSEMBLYMAN MENZA: I don't understand this - why in Zone 3 would anyone be opposed to abiding by certain standards promulgated by a particular board? Why?

MR. FRIEDMAN: There is no reason, but I think that the municipalities and the counties have, by the evidence shown here, been better able to govern than has the State. The bureaucracies have been thwarting us in trying to preserve these things, just as they did in selling 500 acres of Green Acres to a utility, just as they have in failing to help us to prevent the removal of 3 million yards of the Delaware River bed next to our shore, and just as they have in the other instance that I gave.

ASSEMBLYMAN MENZA: In any event, I can only respond by saying this: You give examples of how the State bureaucracy, as you say, has messed up in certain areas. In response, surely you could cite a thousand or two thousand examples where the municipal board of health officer has done the same thing, or on the county level the same thing has happened, as a result of which we have situations such as we have in Monmouth County and in Ocean County. These things just don't come about. How then did we get all this exploitation of our environment? Did it just come about

because somebody else, some other state's industry, polluted our environment? Or did it come about at least in part by some of our industries?

MR. FRIEDMAN: In Southern New Jersey, I would say it did not come about by any of the industry that we have. I say that you look at it now because North Jersey has exploited its lands and destroyed its ecology. Now you look to Southern New Jersey to preserve it for the rest of the State, at our expense.

ASSEMBLYMAN MENZA: I don't wish to engage in a colloquy, sir, nor do I wish to give you a rough time. Understand that. But you are in effect saying to us, because the water now is so badly polluted in the Delaware Bay and because the fish don't live there and will never live there, let's say, "to heck with it," and let it go as it has gone, as long as we get a few more industries in our particular area.

MR. FRIEDMAN: Are you saying now that this act will clean up the Delaware River, that's the purpose of it?

ASSEMBLYMAN MENZA: No, I am saying that it may.

MR. FRIEDMAN: Then why not have the rest of the State affected and try to clean up the rest of the State as well as Southern New Jersey?

ASSEMBLYMAN MENZA: Because the situation very simply is gone up in Northern Jersey.

MR. FRIEDMAN: Well, we cut it off from the rest of the State?

ASSEMBLYMAN MENZA: I have no objection personally of letting it apply to the entire State, but I think it would be meaningless.

MR. FRIEDMAN: What is good for one is good for the other. If we have to be penalized to the extent that we are curtailed in order to preserve something, let the rest of the State go into the same program. If it is in all 21 counties, we would have no objection.

ASSEMBLYMAN MENZA: The reasoning is there, sir, and the logic perhaps may be there, but the practicality is not

there. That's all I am saying to you. You know it isn't there. You know there is not a thing you can do about the Passaic River up around Newark, for example. But you know darn well also that there may be something we can do about the Delaware Bay now presently, particularly in light of what Delaware has done,

MR. FRIEDMAN: Speaking of Delaware, first of all, I think that the speaker could certainly not give you an opinion of what will occur or how successful it is when the bill is less than a year old. Secondly, of the 115-mile shoreline, about 50 per cent of that is resort area. And what they have clustered into the rest of it is practically what Assemblyman Stewart has said, they have got all they want. I don't see where that merits consideration here because it is an entirely different situation,

As far as the Passaic River is concerned, I don't think any river is gone. It will cost a lot more and it is because of the cost that you are now looking to South Jersey rather than to do anything to restore the expensive projects that have resulted from the destruction in North Jersey. But I think this is unfair and inequitable.

ASSEMBLYMAN MENZA: Thank you.

ASSEMBLYMAN KIEHN: Mrs. Michael Huber, please. (Not present.)

Is Mrs. Stewart here, from the Monmouth Conservation Council? (Not present.)

Mr. Gene McCaffrey. For the benefit of the record would you please give your name and whom you represent.

E U G E N E J. M C C A F F R E Y: Thank you, Mr. Chairman and members of the Committee.

My name is Eugene J. McCaffrey, Director of the Board of Chosen Freeholders of Gloucester County, New Jersey.

Mr. Chairman, I appreciate the courtesy of having been called here and asked to speak here today by Mr. Stewart and Mr. Black who made me very aware of this bill just recently.

I do not have a prepared statement. I attempted to, but frankly every time I got into the meat of the statement, I became somewhat upset and began to sputter, as I considered what is happening to Gloucester County or what would happen to Gloucester County if this bill were enacted.

I hope this Committee will forgive me if I am somewhat provincial in my approach to this bill, but after all the seven members of the Gloucester Board of Chosen Freeholders do represent 172,000 people in Gloucester County and, being somewhat facetious, in fact, completely facetious, we do represent people and not fish.

The impact of this bill on our county would have the conservative effect of withholding three to ten thousand jobs from our people. It would probably put us in a poor competitive position to attract industry at a time when we have been gearing for the last four years to do just that. Gloucester County now has a regional sewer program under construction. I would like to emphasize that it is under construction, that the lines are being laid at this moment, that the plant is being constructed at this moment, and that we will be in operation no later than January of 1973. This, by the way, should signify to the members of the Committee and the sponsor of this bill that we are not anti-ecology. I think anyone who has driven through Gloucester County would see by the great open spaces in farmlands that Gloucester Countyans just could not by nature have no regard for ecological considerations.

Mr. Friedman touched briefly upon the reasons that perhaps we should not be bound by this bill. In answer to some questions that were put to him, I would simply say that the reason we do not feel it is necessary for the State to protect the ecology for us and the reason that it occurred elsewhere in our State is probably very practically because in those days people were not thinking about ecology very much. I don't think there is anyone elected to government today who isn't very aware of it, not only personally but by the number of groups who bring it to his attention every other day.

Therefore, we do know by everything that we read and the reports that we receive and the health regulations that have been imposed by the State - we do know what ecology means and we are very aware of it. We do not intend to do anything to disturb the ecology of our county. In fact, we are going ~~in the other~~ direction. We have a completed master plan for our county. We have met with the planning boards and will meet with the mayors of our municipalities to tell them exactly what we are going to do and to ask their permission to do it.

Now, as the Committee knows, county government is always hindered by the necessity to obtain permission from municipalities before they can move ahead. However, we have implemented certain site-review resolutions in our county which gives us some teeth, which gives the County Planning Board something to say about development, even though the law says in effect that drainage is really the only consideration of a county planning board. And the municipalities have to the greatest extent gone along with us and they also are aware of the ecological problems and are attempting to correct them. But, gentlemen, I say this to you very respectfully, that we cannot ignore the realities of life, which are property taxes and employment.

It seems somewhat ironic to me that while the nation is spending approximately more than \$500 million on an Emergency Employment Act and our little County of Gloucester is spending several million dollars itself to put people to work, the State would be in effect doing something that would stop that - stop employment and stop the construction of the places that will give us that employment.

I came here today principally because I represent the county, and I just wanted to point that out. I know you are aware of it. I do not represent industry. I do not represent an ecological group of any kind. I simply represent people whom I feel will be in the long run injured and jeopardized by the enactment of this bill.

Finally, I would just like to comment on one technical aspect of the bill that occurs to me to be anti planning practice and zoning practice and that is this: In my experience as mayor of my own municipality and for the past six years as Director of the Board of Freeholders, I have always known in any zoning bill that was enacted that there was a provision for an extension by a non-conforming use without permission. In most zoning ordinance, I think you will find, gentlemen, and those attorneys here will know it and those who aren't probably are familiar with it, normally a 50 per cent extension for a non-conforming use is permitted without special permission. The bill doesn't provide for that, which means that even those industries already located in our county cannot enlarge their facilities. That means that people may be put out of employment and other people will certainly not be employed.

My board, by the way, endorsed this approach last evening unanimously. We have a seven-man bipartisan board. They asked me to come here and these are their thoughts and not only mine.

ASSEMBLYMAN KIEHN: Thank you very much, Mr. McCaffrey, for presenting the views of your county.

I would just like to ask: Do you have very much industry in your county along the Delaware?

MR. MC CAFFREY: Yes, sir, we do. The Southern New Jersey Development Council is represented here today. Monsanto is here today and there are a number of others. We do.

I have been told - I haven't analyzed it myself - that about one-third of our waterfront area is used by industry now, with about two-thirds to be developed. So you can see what we would be losing if this bill was enacted.

ASSEMBLYMAN MENZA: One quick question: You stated that the effect of this bill would be to withhold three to ten thousand jobs from the people of that area. How? How would this withhold these jobs?

MR . MC CAFFREY: By construction that would not occur.

ASSEMBLYMAN MENZA: Do you anticipate certain construction that wil give three to ten thousand jobs?

MR. MC CAFFREY: Yes, sir.

ASSEMBLYMAN MENZA: Where is this construction to be?

MR. MC CAFFERY: Along the entire riverfront. To answer your question, I will have to give you a brief overview of what is happening in Gloucester County. The Chester-Bridgeport Bridge at the southern end of our county, which is just on the line between Salem and Gloucester Counties, will be completed. As you know, it is under construction. The Walt Whitman Bridge at the northern tip of Gloucester County services the other end of our county. The Delaware River Port Authority is studying, and hopefully within five years to six, the reality of rapid transit into the center of our municipality of Woodbury, which is our county seat. Route 322 is being repositioned and realigned and Route 55, a new limited access highway, is coming through the center of our county. When you combine that with the influx of people coming from Philadelphia, our proximity to the metropolitan area, and yet all the good things that come with suburban living, Gloucester County is about ready to explode. Now, if we explode residentially and we can't balance the ratables by industrial development and the present property tax structure continues, we are going to be in trouble. That is why I am so very interested in the defeat of this bill.

ASSEMBLYMAN KIEHN: Thank you very much.

ASSEMBLYMAN DAWES: Mr. Potter. You people might be interested to know that Mr. Potter is the major draftsman of this legislation, and was made reference to earlier by Mr. Tom Kean.

B I L L P O T T E R: My name is Bill Potter. What I think I will do instead of reading this rather long statement that I have, since we are running short of time, is just

read that part which deals with rebuttals to some of the arguments against the bill that I have heard. Ed Rosenthal here is passing out copies of our statement. And if anyone else wants one, he will give you one.

The first major argument seems to be that the Coastal Areas Protection Act perpetrates a kind of regional discrimination which would preclude much needed economic growth to an area already economically deprived. That seems to be the main contention I have heard.

First, let us examine the assumptions underlying such a claim; and, second, the real-world evidence which we can draw upon.

Such a claim baldly equates heavy industry with economic prosperity. Where there is a relative lack of affluence, so the logic goes, bring in heavy industry and the standard of living of the general public will be raised. Heavy industry, it should not be forgotten, along with offshore bulk transfer facilities (OBTF's), is the only form of land use activity prohibited by the bill - and only from that area of the coast comprising the relatively pristine Delaware Bay coast and the tourist strip of the New Jersey shore, extending roughly from Cape May to the Raritan River. One wonders what a new petrochemical complex or a giant oil refinery rising from the sand dunes would do for the tourist trade of Atlantic City, Asbury Park, or Island Beach State Park. It could be that whatever corporation which establishes there would voluntarily comply with the most stringent of existing air and water pollution laws, but even assuming such a dramatic break from the past, how many of the would-be vacationers from New York, Northern New Jersey and elsewhere could be expected to spend their free time and money recreating in the shadow of massive smokestacks and fuel storage tanks? When quizzed about the catastrophically adverse environmental impact of modern strip-mining on the Western plains, one coal company executive mused that the lifeless moonlike terrain left behind after the earth-movers departed would someday become "a new tourist attraction." Will a newer version of

the Humble Oil and Refining Company, which now graces the Linden area of the New Jersey Turnpike with its aromas and modern architecture some day replace bikinis and sunny skies as the major tourist attracting of the New Jersey Shore?

Examining other localities which have staunchly refused to open their zoning ordinances (and the lungs of their citizenry) to HI, the absurdity of such claim becomes still clearer. If HI is so vital to a wealthy economy, then how to explain Princeton, Paris, San Francisco, Yellowstone National Park, Yosemite, Fort Lauderdale? HI in any one of these areas would be anathema to further economic, let alone environmental, well-being. For the truth of the matter is that A722 is not really an environmental bill at all. Rather it is a piece of economic planning legislation which seeks to allocate those land uses most commensurate with the integrity of the area, and to ban those which are patently incompatible. Furthermore, to point at the relative slow rate of economic growth in the southern counties (Cape May, Cumberland, Salem) as evidence of the need to allow relatively unregulated intrusions of HI--which defeat of A722 would permit--is to draw a rationally unjustifiable inference. HI is not the universal economic panacea. If anything, its unavoidable tendency to eliminate all unallied industries would seem to require the opposite inference. When the giant West German chemical firm of BASF (Badische Anilin und Soda Fabrich) sought to build a new complex on an 1,800 acre site near Hilton Head Island (a well-known resort area) off the South Carolina coast, a racially integrated coalition of fisherman, sportsmen, and resort investors concluded that for every 2 jobs that BASF would create it would destroy 3 in the recreation and seafood industry. And this in Beaufort County where families in 1966 lived on less than \$2,500 a year! The Citizens Association of Beaufort County, which spearheaded the drive against BASF was prodded in their labors by the example of Savannah, Georgia, 20 miles away, where a massive paper-pulp complex had all but eliminated a once thriving fishing industry. In New Jersey, we have the Raritan River area to look to for our view of the future

if HI is allowed to muscle in wherever it wishes. Where the Raritan Bay to Sandy Hook area once supported a lively fishing and vacation economy, an open industrial sewer has driven them out of business.

I quote:

Major industries and public sewer systems continue to pour endless streams of chemicals, oils and wastes into the Bay, forcing practically all marine life out of the once teeming waterway and driving tourists and vacationers away from beaches and resorts that just 20 years ago were the high-class economic lifeline of the bay region...Nearby, summer cottages that were at a premium 30 years ago rot away as abandoned shacks.¹³

Some further defenders of the right of HI to go where it wishes, may counter with the claim that, at the very least, there is not much of a tourist industry to speak of in the Delaware Bay area. This, of course, does not mean that one cannot be developed. With the quest for vacation areas accessible to the nearby Philadelphia and New York areas increasing, wise economic planning would seem to dictate the discovery of this area is not far away. Thus, it would seem to behoove the State Chamber of Commerce to support A722 thereby preserving intact for future investment the all but unoccupied coastline from Cape May to the Delaware Memorial Bridge.

A second major objection to the bill:

A722 is a needless usurpation of the right of communities to control their destinies, and, correlative to this claim, is the view that the bill further concentrates authority in an agency of the Legislature which is already too powerful, namely, the Department of Environmental Protection.

The power of municipalities to regulate land uses within their jurisdiction is a comparatively recent one, dating to the Standard Enabling Zoning Act of 1926. It was at first opposed as an unconstitutional exercise of the police power in that private property was taken without just compensation. The delegation of authority from the Legislature to control what an owner may do with his property has lately come under attack from an entirely different

quarter: Municipalities, with their heavy dependence on the property tax in order to provide for local public services, have engaged in such a "race for ratables" that "fiscal zoning"---zone in industry, big business and large residential developments; zone out public housing, multiple bedroom apartments, and trailer courts---has become the order of the day. Typically, one municipality zones defensively against another. The statewide picture (over 500 separate governmental units representing a like number of separate constituent bodies locked in economic battle) is, therefore, not a pretty one. But the advent of court decisions striking down zoning ordinances as unconstitutionally exclusionary of low and middle income housing, together with the resolute efforts of Governor Cahill to develop a rational system for apportioning housing needs, as well as a fundamental reform of the property tax system have seriously eroded the rationale of plenary local zoning control.

In any case, the question of whether coastal municipalities should be allowed an unrestricted right to zone in industry is a more refined one than whether a community ought to zone at all. Quite simply, the proposition is that the governing body making those decisions---with inevitably far-reaching and irreversible consequences to the region at large---should be representative of the constituency affected by those decisions. In private property terms, the old legal maxim of nuisance law, sic utere tuo ut alienum non laedas (use your own property in such a manner as not to injure another) would be applied to the municipalities. Even though court cases have held that a municipality must take regional matters into its zoning consideration, it remains unlikely that a local board can make such meaningful determinations. How is the democratic process to function at the planning stage when the citizens of city-A are unable to influence town-B, except by the threat of "retaliatory zoning?" Moreover, local zoning boards have historically proven mere patsies for major private interests. It is not surprising, therefore, that the advocates of unregulated

industrial siting would clothe themselves in the mantel of "home rule", knowing full well that a corporation the size of Standard Oil, DuPont, or ITT, can bring immense pressure to bear on local governing boards.

The contention that usurping home rule carries with it the overconcentration of power in the DEP is an ironic one. Last year, at the hearings on the proposed standing to sue bill---which would grant to each person the right to prosecute a suit against any alleged polluter without the need of showing special injury (reintroduced this year as A569)---the State Chamber of Commerce opposed that bill on the very grounds that environmental protection was a statewide, administrative matter which should be controlled by the state's own expert, planning and regulatory agency , to wit, the DEP.

In any case, the Coastal Areas Protection Board (CAPB) is a tripartite commission representing the three main parties in interest to any industrial zoning dispute: the environment, labor and industry, and the municipalities. Though DEP acts as chairman of the CAPB, the applicant may appeal first to the full CAPB and then to Superior Court. It cannot be seriously maintained that this procedure is an extraordinary one unless we are willing to invalidate the body of Administrative Law which has evolved as the principle enforcement device of the legislature and executive. Federal courts have quite consistently rejected the contention that various kinds of combination of functions violate the due process clause. "state courts also generally hold...that due process does not forbid the combination with judging, of such functions as prosecuting, investigating, and accusing, although language in state court opinions mildly disapproving such combinations when flagrant, "is common."

The need to shift the zoning balance of power to a body representing a broad public constituency' can be summed up in a paraphrase of an old American cry for justice: Taxation without representation is tyranny. Pollution---the power to dump unspeakable filth on your neighbor's person and property---without representation is also tyranny.

I will stop at this point. I have a much longer statement.

(The portions of Mr. Potter's written statement which he did not read can be found beginning on page 215.)

We have some other students here. The first one will introduce herself.

S I D D e C U I R: Hi! My name is Sid DeCuir. I am almost nineteen years old. I live a block away from the ocean in the small resort town of Point Pleasant Beach. My town is the northernmost town in Ocean County.

I am asking all of you to support this bill because I am the one who is going to be directly affected - my brothers, my sisters and myself. We live at the shore. We love it the way it is. We don't want to see anything ruin it. We don't want to see it become anything like Northern New Jersey.

I am asking you to consider for my sake what South Jersey will become if we don't protect the environment. Consider what will happen to my life and to the lives of your children. Thank you.

MR. POTTER: Also with us is Ed Rosenthal who is Chairman of the New Jersey Public Interest Research Group, which the Assembly endorsed, SCR 54, unanimously a few weeks ago.

Oh, were there any questions?

ASSEMBLYMAN DAWES: Did you want to say anything, Mr. Potter?

MR. ROSENTHAL: We have a statement.

ASSEMBLYMAN DAWES: You will have to wait your turn later on, if you are not part of the committee that helped draft this bill.

MR. ROSENTHAL: That's correct.

ASSEMBLYMAN DAWES: Mr. Mancini, do you have a question?

ASSEMBLYMAN MANCINI: Bill, that was a very impressive presentation and I think very expertly made. How much time did you and your committee spend preparing this bill and the work you did pertaining to the bill?

MR. POTTER: Most of Christmas vacation, except when I went to visit my parents for a while, also a week or so before and much of the time afterwards. I know I was slow getting it to Mr. Kean because my studies do conflict sometimes with the

activities I am really interested in - so several weeks.

ASSEMBLYMAN MANCINI: Did you and your committee tour generally the areas affected?

MR. POTTER: Not as a prerequisite to writing the bill - no, we did not.

ASSEMBLYMAN DAWES: Mr. Stewart?

ASSEMBLYMAN STEWART: That was to be one of my questions. I was hoping you were at least going to say that you had toured it. You let me down. I thought you would say that you had gone to Salem, Gloucester and Cumberland Counties because you obviously have done a lot of work on this.

Let me ask you this: Do you assume that everyone who opposes this bill for one reason or another is for pollution and against clean air?

MR. POTTER: Well, I think if you oppose this bill, you are opposed to what is probably the only effective means for controlling those elements which would inevitably pollute. So to sort of end run, I would have to say, yes.

ASSEMBLYMAN STEWART: Do you also agree with the concept that we should have State zoning in the State of New Jersey and no longer adhere to home rule in regard to zoning?

MR. POTTER: That is a very large abstract question, which really isn't the issue here. This bill doesn't set up State zoning to preempt local zoning.

ASSEMBLYMAN STEWART: I didn't say the bill did; I asked you if you did.

MR. POTTER: You are asking me that sort of apart from the bill?

ASSEMBLYMAN STEWART: I am asking you if you favor that.

MR. POTTER: You mean, to zone for everything?

ASSEMBLYMAN STEWART: Statewide zoning regulations.

MR. POTTER: In respect to heavy industrial development within a vitally strategic area, yes; but in respect to all land uses generally, I would have to say, no.

ASSEMBLYMAN STEWART: O.K.

ASSEMBLYMAN DAWES: Mr. Menza?

ASSEMBLYMAN MENZA: No questions.

ASSEMBLYMAN DAWES: The only observation I would want to make, Mr. Potter, is that you seem to feel in your conclusion that we should work in North Jersey and play in South Jersey. You seem to make these points in the second part of your presentation. You didn't quite get to that. I read it all while you were reading. Basically your concept of New Jersey is, in other words, we will work in the North. The North has already been ruined anyway so we can kind of check that off and we will preserve the southern part of New Jersey for those people who work in the north to go down south and enjoy, as you say here, the tourist and recreation areas which should be expanded in the southern part of the State. Is that the way you view our state in the future?

MR. POTTER: Two things on that: One, I live in Northern New Jersey and I would love it, if I could, to play, as you say, and recreate there as I currently can in much of the coastal areas. It would take a tremendous State effort to clean up Northern New Jersey. I would love it if the State Legislature would take upon itself that burden. But as a starter, what we can do is seek to preserve from further despoilage those regions which retain such a beautiful character, as much of the New Jersey Coast.

Second, where one person plays might be where another person works. Last summer I worked in Freehold right near where you are from, managing a swimming pool, etc. I was working there and others were playing while I was working. So these things aren't necessarily mutually exclusive.

ASSEMBLYMAN DAWES: What swimming pool?

MR. POTTER: West Freehold Swim Club. It is on Adelphia Road, a new development.

ASSEMBLYMAN DAWES: I have no other questions. Thank you very much. You really are to be complimented. I am sure even those who oppose this are glad to see the young people of New Jersey taking an interest in legislation like this. But

the next time you come up with such a controversial legislation, be sure it goes in another Committee. Thank you.

MR. POTTER: I will see you May 19th on another bill.

ASSEMBLYMAN DAWES: Mrs. Little. After Mrs. Little, we will call on Mr. West so you can be ready to go.

B E T T Y A . L I T T L E: I have a rather short statement as I wish that everyone here will have a chance to speak. I have a short beginning and some exhibits for you to read later.

Since the early 1920's, we have known about Eco systems, but that has not changed the way we live or use the environment. Barry Commoner in The Closing Circle has pointed out that our technology has produced goods at the price of the environment. And Dennis Meadows in the recent M.I.T. Report, The Limits of Growth, warns that a combination of pollution and loss of resources doom our modern society. April 10th, the Office of Emergency Preparedness in a special message to Congress stated, "It is clear that something must be done about the way land is used, the kind of structures built on it, and the materials and practices used in construction."

We have the scientific knowledge and we have been warned. The very writing of this bill suggests that industrial, government and community leaders too busy with their own petty affairs have failed to accept their responsibility to society. Every man must participate. Perhaps the debate about this law will make that need clear. No man can escape the consequences of environmental disaster.

On Monday of this week, I participated in a conference at the Waldorf Astoria of one hundred national leaders. And a good number of the other 99 seemed to think that it was somebody else's business to make a breakthrough in environmental concerns. We were supposed to be considering how to establish a recycling industry. I think it is time that some of the very bright men in our industries and in our government step forward and take the position of leadership; instead of fighting

laws about the environment, if they would get in and work for a better environment for all of us, which is necessary. I put it to them today - and many of them are here in this room - that it is their responsibility as well as ours to develop a better environment.

The wetlands and flood plains are our life support system. In Exhibit I, I have given my statement from last week on flood plain zoning, which details much of our thinking along these lines. In Exhibit 2, I have detailed why the wetlands are so important. Mr. Walter Jones, a naturalist for the Somerset County Park Commission, has given us a statement which we are now using in environmental education along these lines.

(Exhibits 1 and 2 can be found on pages 220 and 224, respectively.)

Every river and lake in New Jersey should be put under protection, not simply these coastal zones. To do this effectively, we need institutions which involve citizens. The Commission to be set up under the bill ought to include at least two citizens. Pollution is an individual problem. We must seek the involvement not simply of government officials but also in the spirit of our democracy, the interested citizenry. It is that which has been lacking in most of our past environmental legislation.

For the young people of our society today, many of whom I work with personally, and who will spend more than half a lifetime in leisure, the fate of New Jersey's waterways and ocean is not simply a matter of clean air, clean water, good health and fishing, but the crucial issue involving the quality of living. Already some of the industries in New Jersey, such as Liptons, for example, are on a three-day week. What will the young people and the working people and the old people do with their time? Judge Pashman in a recent decision on the proposed Hackensack Meadows Stadium stated that the "Socio-Economic tempo of the times" charges our government with the responsibility for recreation. In the

Comprehensive Outdoor Recreation Plan for New Jersey, produced by the Department of Conservation and Economic Development, they forecast an increasing demand for water-oriented facilities. In Exhibit III, I have given some excerpts from that report. (See page 228.) In the face of these needs and desires, it seems to us imperative that the Government of the State of New Jersey at the minimum provide protection for the coastland areas, flood plains, wetlands and lakes of the State as rapidly as possible.

It is our hope that this Committee will propose positive legislation which will not allow building in those areas unless it can be demonstrated that they are "clearly" in the public interest. To develop a society in which we protect rather than destroy our environment will take courage and foresight. We must not be satisfied with the way we have been handling things in the past, since it is clearly evident that this is inadequate to the needs of our times.

That is about all I have to say, except I am hoping very much that this public hearing will bring forth some really positive thinking not only on the part of government and the citizens' groups, but of industry. We find industry is fighting this in the courts. They are advertising against it in the newspapers and I am afraid that until they recognize that there is a crisis and that they must be part of the solution, we will have a great deal of difficulty in implementing and passing a law such as you are proposing.

ASSEMBLYMAN DAWES: Thank you, Mrs. Little. Are there any questions? (No response.) Thank you very much for coming down from Morris County.

All right, Mr. West is next. After Mr. West will be Mr. John I. McGary.

A R T H U R H. W E S T: Chairman Dawes and members of the Committee:

My name is Arthur H. West, Allentown, New Jersey. I appear here today as President of the New Jersey Farm Bureau, authorized to speak for that organization on Assembly

Bill A-722. The New Jersey Farm Bureau is a voluntary, non profit association of
more than 4,000 farm families in 20 counties of New Jersey.

Frankly, we are not sure how many farmers would be affected by this bill; but since our members own a large share of the remaining open space in New Jersey, including land in the coastal areas, we assume that a considerable portion of the land area this bill seeks to control would be owned by farmers. We would hope that this Committee would seek specific and detailed information from the State Government as to the lands that are affected, the total acreages involved, the ownership of these lands, the value of this property, and the uses to which it is presently devoted.

While it is true that the bill would in no way restrict the use of these lands for agricultural purposes so far as we can determine in reading the bill, this bill will no doubt have a serious effect on the sale value of some of this land, since its use would be prohibited, controlled or restricted for any manufacturing or heavy industrial use. To this extent, farmers who own these would be affected the same as any other property owners in the area. In addition, the proposed restrictions on the use of these extensive acreages of land would no doubt reduce tax ratables severely in many municipalities and thus have an adverse tax effect on other property owners.

The introduction of this bill makes it clear that the State of New Jersey has embarked upon a comprehensive plan to greatly increase the authority of the State Government to regulate land use. We first had the legislation giving the State power to stop development where soil conditions and drainage conditions are not conducive to septic tank disposal systems. Next was the Wetlands Act, under which the Department of Environmental Protection has spawned a highly objectionable and unworkable set of rules and regulations to govern the use of these lands. The next step was the call for State take-over of floodplain zoning; and now we have Assembly Bill 722 that would further expand the power of the State in the control over land use. Perhaps it is time for the Legislature to pause and take stock.

Perhaps it is time to give careful study before we go further down the road towards giving the State more authority to determine how land is to be used in this State. Are we heading towards complete State take-over of planning and zoning, as well as education, welfare, the courts system and other functions of government that have been traditionally a part of what remains of home rule in New Jersey?

We question the need for this legislation. It would appear that the Wetlands Act already gives the State absolute control over the wetland areas along the coastal areas. Why do we need this additional legislation? This Committee certainly should seek a satisfactory answer to that question before proceeding with the passage of this bill. The rumors are that this bill is aimed particularly at one industry--namely the oil industry--to stop the building of facilities by that industry in the coastal areas. If this is the purpose, is it really necessary to adopt this kind of broad authority to cope with that single problem--if indeed a problem exists?

The Coastal Areas Protection Board that would be created by this Board would consist of the Commissioner of Environmental Protection as chairman; the Commissioner of Labor and Industry; and the Commissioner of Community Affairs. We note that the Secretary of Agriculture is not to be represented on the Board, even though thousands of acres of farmland will be affected. This is a curious kind of board, consisting entirely of appointed State officials--namely cabinet members. If such a board is to be created, it would possibly be more helpful if it consisted of citizens who have an interest in the coastal areas, such as farmers, the resort industry, ecologists, industrialists, etc. That would certainly be preferable to the "closed corporation" that would be created in this bill to have control over the coastal areas of this state.

We note with considerable interest that Section 10 of the bill anticipates that the exercise of authority in Sections 4 and 5 of the bill might lead to a court decision that property is being taken without compensation which is prohibited by the State Constitution. In this case, it authorizes the Commissioner of Environmental Protection to exercise the right of eminent domain to take the property through condemnation, either in fee simple or a lesser interest; but strangely enough, the bill gives the Commissioner five years to decide what he is going to do. In the meantime, presumably, the property is to exist in a state of limbo with the property owner not knowing what he can do with his property and potential sales blocked. We do not believe this is a reasonable provision that would be upheld by the courts. The five-year delay is unreasonable any way you look at it.

It is also interesting to note that Section 7 of the bill requires a unanimous vote of the Board on a decision to issue a permit to build in the coastal areas delineated in this bill. This means that if one of the three appointed State officials votes against a request for a permit to build, no permit is granted; and no vote on a permit request can be considered unless all three officials or their designated representatives are present for the meeting. This procedure would seem to be highly arbitrary and unworkable, unless its purpose is to make it extremely difficult for anyone to secure a permit to build in the coastal areas.

We believe this Committee should give this bill very careful study before reporting it to the floor for a vote. The public is entitled to answers to the questions we have raised, since there must be many others in addition to us who do not have the answers. We fail to see any emergency existing or threatening to occur that would warrant this broad grant of authority to the State. We believe the various municipalities are capable of providing for reasonable regulation of these land areas.

We appreciate the opportunity to present our views.

ASSEMBLYMAN DAWES: How many members do you have in the New Jersey Farm Bureau, Mr. West?

MR. WEST: Approximately 4,000 farm families.

ASSEMBLYMAN DAWES: And how many farm families in the affected areas, Zones I, II and III?

MR. WEST: Approximately 1600.

ASSEMBLYMAN DAWES: Any other questions from the Committee members? (No response.) Thank you, Mr. West.

I understand Mr. McGary has left. Mr. Kelly is next. After Mr. Kelly will be Mr. Dalberth. Mr. Kelly?

T H O M A S A. K E L L Y: Mr. Chairman and Members of the Committee: My name is Thomas A. Kelly. I am a resident of Westfield, New Jersey, and I appear before you today in my capacity as President of the New Jersey Industrial Development Association. My statement represents the position of the New Jersey Industrial Development Association, which is comprised of plant location specialists throughout New Jersey. The 90-member association represents railroads, utility companies, local and regional chambers of commerce, banks, economic development practitioners on the local, county, state and federal levels of government.

I might mention that I can offer as my credentials also that I am on the Board of Directors of the American Industrial Development Council, which is a national association of industrial development professionals. I am on the Board of Directors of the Northeastern Industrial Development Association and Secretary and on the Board of Directors of the Council for Urban Economic Development.

Our Association has always sought a balance between the ecological needs and the economic needs of the citizens of New Jersey. Many "Environmental Bills" passed by the Senate and Assembly were extremely worthwhile and certainly needed. Unfortunately, Assembly Bill 722 does not fall into this category.

New Jersey in years past has been able to attract a great many industries and others have been constantly expanding. The number one reason for this has been the competitive position our State has among the surrounding states. With the introduction of A-722, New Jersey will lose an extremely large volume of inquiries and plant site locations to other states. With an increase of more than two million persons over the past two decades, our State has now become the most densely populated state in the nation and this requires that total environmental development be understood in the context of a proper balance of ecological development on the one hand and economic development on the other. It has been estimated that the demand for employment in New Jersey will increase during the next decade to the point where approximately 50,000 jobs per year will be needed.

Our present rate of unemployment, as you know, is 7.3 per cent.

To provide these jobs, New Jersey must do all within it's power to retain existing industries, encourage their expansion and attract new industries. Without this growth, it is not difficult to envision an out-migration of our young people, unemployment, economic stagnation and a lower standard of living. A-722 would surely hurt the State's competitive position in advancing new and expanding industry, and keeping pace with job opportunities.

Let us look at the three areas as defined by A-722. We do not necessarily take exception to Area 1, for there is little or no interest by industry in this area. This area is the heart of New Jersey's tourist and recreation

trade, and should remain intact. A-722 is certainly not needed to enforce this for there are a multitude of laws now on the book. Rigid enforcement of existing laws is all that is needed.

Area 2 would cause continued and serious economic implications to the people of Salem, Cumberland and Cape May Counties. The record is clear - these three counties have been economically deprived as compared with the more urbanized counties. Cape May County ranks last in buying power with Cumberland second from last, and Salem in the bottom third. A-722 dictates that economically they will continue to be lower than the rest of the state both in income and job opportunities.

In addition to the economics of the situation, there is currently existing legislation guarding and protecting the lower Delaware Bay. In fact, certain installations need from 30-60 permits to construct anything along the water.

Area 3 has no basis whatsoever. Area 3 is built up with large concentrations of industry. To limit the expansion of both existing business and future business again is unreasonable from an economic standpoint.

The bill would affect not only the immediate coast but in some instances affect as much as five miles inland. Many urbanized areas, the city of Camden and Pennsauken Township as outstanding examples, would be adversely affected.

Getting into the realm of political science, A-722 raises basic questions about state and local governments, and the rights and powers of these two distinct units. Probably of even greater significance is the concentration of power in one administrative agency. Not only is an excessive amount of power reflected in this office, but an "enforcer and judge" concept, which is completely alien to sound government.

The increased pressures on our land and other natural resources have caused the introduction of a plethora of environmental bills in the Senate and Assembly, many of which are extremely worthwhile and certainly needed. Some, however, as implemented, would halt economic growth with no ecological value having been attained - - A-722 is such a bill.

We the members of the New Jersey Industrial Development Association cannot in good conscience support A-722.

In conclusion, we view the bill as one which would diminish the economic development image of the State. We assert that the land use and zoning plan presently being formulated by the Cahill administration for legislative introduction offers promising potential as a more effective vehicle for achieving proper total environmental balance. In opposing A-722, we urge that the legislature take cognizance of the fact that what our great State is really in need of at this time is a reaffirmation of faith in job opportunities.

Thank you, Mr. Chairman for the opportunity.

ASSEMBLYMAN DAWES: You have ninety members?

MR. KELLY: Yes, sir.

ASSEMBLYMAN DAWES: How many of the members are in Zone I?

MR. KELLY: I would estimate about 20 per cent of the 90 members are in Zone I. I am familiar with the area because I was previously Executive Director of Economic Development for Camden County and also served on the Board of the Southern New Jersey Development Council. So I know that area down there very well.

ASSEMBLYMAN DAWES: You have no objection to 722 then as it applies to Zone I - your Association has no objection?

MR. KELLY: That is correct.

ASSEMBLYMAN DAWES: Any other questions? (No response.) Thank you.

Mr. Dalberth is next and then Mr. Cowart. Mr. Dalberth?

L O U I S J. D A L B E R T H: It is my responsibility, as it is the government officials' responsibility, to make available 50,000 jobs a year in the State of New Jersey.

Mr. Chairman, and members of the Committee, my name is Louis Dalberth. I am the Director of the Southern New Jersey Development Council. I think it would be well for me to explain what the Southern New Jersey Development Council is very briefly.

We are a non-profit corporation now entering our twenty-first year, and we are comprised of approximately 1,000 members which represent 354,716 employees, of which 125,682 are manufacturing. Our area of operation is the southern six counties of the State of New Jersey. This takes in Camden, Atlantic, Cape May, Cumberland, Salem and Gloucester Counties. A great deal of our effort is devoted to attracting new industries to the area, and as a result over the past ten years, we have located some 125 major industries representing 15,000 new jobs, contributing over 100 million dollars in new payrolls - and I would note that a payroll dollar has

about a five time rollover -- so that we are very much involved in the economic development of our area and in the process of doing so we are in constant contact with industries, the major industries. We maintain a mailing list with about 7,000, and a very close rapport with the presidents of the top 1,000 corporations.

For twenty-one years we have been working toward the orderly economic growth of the area -- even before the word ecology became the household word that it is now. At the same time, we must appear realistic about making job opportunities and ratables so that we can continue this balance between man and industry. We are working with several industries now that would be placed in the area in question. It is a known fact that we have a shortage of gas, and we need port facilities to bring in l.n.g. to help alleviate this shortage so that we can continue to bring industry into the area and not turn them away. The electric companies have already made the switch-over from coal to fuel oil and are using 90% fuel oil to generate electricity. This is also costly because of the fuel being purchased from foreign sources as far away as Libya, the Persian Gulf, and Venezuela. This additional cost must of necessity be passed on to the consumer. If we are not allowed to expand tank farms, unload oil ships, or explore offshore for new domestic sources, or use forms of energy such as atomic power, by the year 1974 we will be experiencing brownouts and blackouts.

I would like to quote a paragraph from remarks made by Lieutenant General F. J. Clarke, Chief of Engineers, U. S. Army, at the Water Resources Congress held recently. "The nation must make up its mind in the very near

future as to how much electric power it is going to have in the years to come, so that we can plan and provide the water availabilities that will be needed to produce and use that power. What we provide for now is what we and our children are going to have in the next decade or two. If we're going to cut back our use of electric power in order to have better swimming and fishing, let's make the decision with our eyes open and with full realization of the consequences. Let's not just block one power project after another on the ground that we're protecting water resources, and then, when the lights go out and the heat goes off, and the breadlines form, claim that the devil made me do it."

The State of New Jersey is the most densely populated state in the country, and it is predicted by the year 2000 that we will have a population in excess of twenty million people --- where else can this expansion take place but here in Southern New Jersey. To absorb the expanding pool of manpower, the Department of Labor and Industry estimates that industry, commercial services, and professional services must generate 50,000 new jobs each year. In addition, we must create employment for another 200,000 individuals presently unemployed due to the current national economic slump, plus 50,000 returned Vietnam veterans. Our role therefore is to attract new industry, encourage the expansion of existing enterprise, and foster the innumerable economic multipliers on which the prosperity of our society depends. We must also be aware that the City of Camden and Cape May and Cumberland Counties are eligible for E.D.A. with over 6% unemployment. That is why it is so vital that we continue to place industry in the Delaware River and Bay area.

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As I reported to the Delaware River and Bay Marine Council, February 7th, I didn't feel that we needed a companion bill to Governor Peterson's House Bill No. 300 which provides for statewide zoning of Delaware's coastal areas and prohibits entirely the construction of certain new heavy industry in its coastal areas including oil refineries and some manufacturing. I would like to point out the adverse effect that this would have upon our employment in our chemical industries which in 1966 accounted for over 12% of all manufacturing employment in New Jersey. Over 108,000 workers had a payroll of over 700 million dollars.

Little did I realize that a bill such as A722 would be introduced before the Delaware River Bay and Marine Coundil could prepare its report and study, and make recommendations back to the Governor. I didn't feel that we needed a companion bill then nor do I feel that we need A722 now.

There are a few projects in danger, of which we are aware, and we are sure there are many more. This problem is the fact that New Jersey is gaining the reputation of being an expensive state in which to do business. We were alarmed to learn from one of the top twenty-five corporations that its economist, in analyzing business cost for the fifty states, found New Jersey the third most expensive state in which to operate one of their manufacturing facilities. That company presently has numerous plants in New Jersey, but it has cancelled plans to expand any further within our State and expects to close down some existing operations. Many existing industries are becoming so discouraged because of the uncertainty of land use, the various restrictions by the Environmental Control Department, and the unfavorable tax structure

(the removal of exemption on machinery and equipment).

I feel that we have enough laws to make orderly control such as the Wetlands' Act and the Riparian laws.

These industries are not only curtailing their own future plans for the State, but are discouraging other companies from within their industries from locating here. The latter are firms that those of us involved in economic development never get to see or know about, and therefore we have no idea of how many companies are writing off New Jersey automatically.

Attracting and keeping business and industry is a fiercely competitive endeavor. The State needs all the sales tools it can get, and unless we can encourage new business through this positive clarification of land use and already existing laws, we will find ourselves losing business.

We urge that the Committee act positively in its recommendations and upon already formulated land use planning guidelines which the eleven counties (affected by this bill) already have under professional leadership. These zoning laws and active zoning boards do provide for selective economic areas that balance utilization of coastal lands.

I agree, we don't want wall to wall industry, and even if we did it would be impossible because the 3 counties in zone 2 have more green acres than the total acreage of Essex County. Attached are three maps - one on the Delaware Bay region showing the total acreage for Green Acres which amounts to 63,957 acres, the south shore region showing Green Acres of 148,943, and the third showing the shoreline of the Delaware River and Bay area which shows that a good portion of this area is already taken up.

The Southern New Jersey Development Council's prime function is to bring industry into the area for an orderly economic growth, to make new jobs as well as maintaining existing ones, and gentlemen, as I stated earlier, it is my responsibility - as well as our government officials and especially your committee to see that this bill is not passed or we will experience a reduction and even a stoppage of growth in our State. We should not act hastily on this type of legislation but endeavor to make available 50,000 new jobs a year so that our children growing up here can work here.

Gentlemen, I thank you very much for this opportunity to appear before you.

(Exhibits attached to Mr. Dalberth's statement can be found beginning on page 229.)

ASSEMBLYMAN DAWES: On page 3, you say there are 108,000 workers with a payroll of over \$700 million a year. How many of those workers live out of the State of New Jersey and in Delaware?

MR. DALBERTH: At this present time, I don't know exactly what the percentage would be.

ASSEMBLYMAN DAWES: But that does include some of the people who live in Delaware when you say 108,000. Right?

MR. DALBERTH: I would say no because the majority of these people live in the State of New Jersey.

ASSEMBLYMAN DAWES: Some of them do live in Delaware.

MR. DALBERTH: I would say some.

ASSEMBLYMAN DAWES: Could you give the Committee a letter breaking down the 108,000 so we get the correct figure?

MR. DALBERTH: I would be happy to, Mr. Chairman.

ASSEMBLYMAN DAWES: Any other questions? (No response.) Thank you, Mr. Dalberth.

Mr. Cowart is next. After Mr. Cowart, Mrs. Arden will be called. Mr. Cowart?

W I L L I A M S. C O W A R T, J R.: Mr. Chairman and gentlemen of the Committee: My name is William S. Cowart, Jr. I am Senior Vice President of the Atlantic City Electric Company. The company serves one-third of the State of New Jersey electric power. We serve 377 communities, have 300,000 customer outlets, and serve approximately one million people each day. The Atlantic City Electric Company is pleased to have this opportunity to appear before you and to discuss Bill A 722.

The Company, in serving Southern New Jersey, is vitally interested in the quality of life and the environment - just as you are. The history of man has been the history of his use of energy. Today 98% of the work done in the United States upgrades inanimate energy at the point of use in homes, business and industry. The electricity is clean, odorless, silent and creates no waste. Its impact on the environment is minimal.

Our Company is most interested in A-722 because a large portion of Zone 1, all of Zone 2 and about 20 miles of Zone 3 are the borders of our operating territory.

The proposed Bill, as we interpret it, would make our present generating stations a non-conforming use.....and our proposed generating stations would be prohibited.

Our interpretation of this Bill leads to the conclusion that our proposed expansion of present generating sites and our proposed development of new sites within the coastal areas cannot be accomplished under this Bill.

The Company is about to begin construction at our B. L. England Generating Station for a new generator and construction is already underway at the Salem Generating Station in which the Company is part owner. A plant addition is scheduled for the late 70's at our Deepwater Generating Station. Also, some years ago, the Company purchased a substantial site on the Delaware River at Bayside, near

the Cohansey River, to assure its future availability as a generating site. The proposed Act precludes all of these developments.

The company looks at this indicated loss of plant sites relative to the mandate given to it under the statutes whereby it is directed to supply economical and reliable power to all its customers. I ask the Assembly Committee how they would propose to reconcile these incompatible objectives. For it is not in today's technology to change the water-oriented location of power plants and deliver economical and reliable power. The Committee should give serious consideration to the probable chaotic conditions which will be imposed on electrical power supplies not only in New Jersey but in the adjoining areas as well. This could result in a curtailment of electric power supply with restrictions on new customers and reduction in employment. There are a number of alternate schemes for electrical power being developed today - but none have the potential for elimination of the water requirement. You should keep this in mind during your deliberations on the consequences of adopting A 722.

I would like to call your attention to the regulations already imposed on us relative to environmental considerations.....Most recently, of course, we have been exposed to the regulations of the Wet Lands Act. Certainly anyone familiar with environmental considerations knows that the air quality objectives of the State of New Jersey and its air pollution control codes are among the most stringent in the nation. Its water quality objectives - both fresh waters and tidal waters - are similarly quite specific. These two areas - air and water - are quite naturally the areas of most concern with respect to a generating plant. The Delaware River Basin Commission regulates

water quality of the Delaware River, its tributaries and, in that sense, regulates all industrial development. It now has a master plan outlining the development of the Basin to preclude its exploitation to the detriment of the environment. The United States Army Corps of Engineers is now in the process of discharging its obligations under the 1899 Rivers and Harbors Act. While this is primarily oriented towards cleaning up the waterways and tributaries it must develop an Environmental Impact Statement for each major project within its jurisdiction. We are, at the present time, in the throes of such a process and find that it involves environmental comment from numerous other Federal agencies, such as the Environmental Protection Agency, Department of Interior, Department of Commerce - and others. When already subjected to regulations of this sort it is highly improbable that any development detrimental to the environment can be envisioned. Many suggest the alternative of purchasing power and re-selling it to our customers. The fact is that while we are electrically connected with other electric utilities we are not able to supply the needs of our customers through long term commitments with other utilities. Each utility is expected to install generating capacity equal to its peak load, plus 20% for reserves. Another alternative which obviously exists is to cease further construction. Since the utility does not control load growth, the idea of not building generating stations cannot be entertained as a viable solution.....What do you do while waiting during power interruptions?

The Atlantic City Electric Company continues to experience growth of its electrical load. Our records indicate that our existing customers continue to use more electricity each year. This is generally their prerogative and we

make no attempt to influence this. We have not placed any promotional advertising in the last 2 years. Similarly, industry in its expansion continues to find new uses for electricity. Both new residential customers and new industrial customers add to the load growth within our service area. New and additional generation is required of the Company to satisfy this demand.

Today our major domestic problems are:

- 1) Poverty
- 2) Food and Water Supply
- 3) Urban Living Conditions
- 4) Recycling Waste

None of these problems can be solved without a strong economy and abundant electric power.

Many leading environmentalists agree that one of the most effective tools electric utilities can utilize to improve environmental quality is to maintain a plentiful supply of power at attractive prices.

When Assembly Speaker Thomas H. Kean was addressing the Delaware River and Bay Marine Council he said, "I would like to assure the Council it is not my intention to hamper or retard the necessary economic or industrial growth of New Jersey. I am convinced, however, that we can strike a balance between desired economic growth and essential environmental protection."

Gentlemen, I repeat that the obligation of the Company is to supply the needs of its customers in the most economical and reliable way possible. We recommend that the Assembly Bill A-722 be discarded as too hasty because technological development produces many new solutions to the environmental problems on an almost daily basis.

A good example of this being too hasty was presented to you about an hour ago, at which time Mr. Halbrook from Delaware spoke to you about two minutes on the great accomplishments of his bill and about six minutes on the Planned Oil Transport Committee which is proposing to modify that law so they can build a deep water port along the coast of Delaware. There will be a deep water port for the east coast of the United States. It will be most likely in New Jersey, Delaware or between the two states at Federal direction if we do not assume our responsibility.

We recommend that Assembly Bill 722 be discarded as unnecessary because New Jersey has the most rigid rules and regulations of all the United States. These present rules are more than adequate to protect our environment. We recommend that Assembly Bill 722 be discarded as unnecessary and incompatible with the environmental objectives of the State of New Jersey because it does not allow for the generating of electric power or for the economic industrial growth as needed.

I want to thank you for the opportunity of appearing before you.

ASSEMBLYMAN DAWES: Thank you. Are there any questions?

ASSEMBLYMAN MENZA: Your definition of heavy industry in the bill refers to smoke stacks, fuel storage tanks, etc., etc., and those industries having the potential to pollute. How does that encompass the electric industry?

MR. COWART: We have smoke stacks and fuel storage areas and towers from which we remove harmful products.

ASSEMBLYMAN MENZA: I am a social scientist. You will have to excuse me. I know nothing about it.

MR. COWART: Three out of the five or six things they use as illustrations apply to an electric generating power station.

ASSEMBLYMAN MENZA: I see.

ASSEMBLYMAN DAWES: Thank you.

Mrs. Arden and then Mr. Brody.

L Y D I A A R D E N: I have a statement here that was left by Mr. Stanley Cottrell who could not be here.

I also have a statement from the Ocean County Citizens' Conservation Council. I will start with Mr. Cottrell's.

(Reading)

My name is Stanley Cottrell. I am the president of William Cottrell and Sons, Inc. We are located at Waretown, New Jersey. We are planters and processors of shellfish. I am a designated representative of the Shellfish Institute of North America and a member of the executive committee of the Board of Agriculture of Ocean County.

Mr. Kean, you are a brave soul to introduce this bill, especially, being from the northern part of the State. But maybe you realize the loss of ocean areas more, because you know the destruction of coastal areas in your county first-hand.

Thank you for this chance to explain how much we need the enactment of A 722 by the Legislature.

In the past, shellfish from New Jersey were recognized as delightful gourmet fare. But now they are mostly memories. There has been no commercial business in soft clams in Barnegat Bay since World War II, no oysters since 1960 and no bay scallops since 1967.

In 1966, William Cottrell and Sons handled 85,000 bushels of hard clams; in 1971, 2,200 bushels.

Added to the picture of dismal statistics is the closure of shellfish-producing areas in Barnegat Bay due to pollution

and on April 14th, the closure of waters on the ocean front by the State of New Jersey and to extended areas off shore by the Federal government.

Perhaps some of you saw an interview in the Newark Evening News last Saturday, when Patrick Jenkins talked to me about adverse conditions in the shellfish industry. I did state then that things may be changing. People are involved with the environment. You, in the Legislature, passed the Wetlands Act. That was the beginning of the protection of the coastal areas. Now you will pass the Wetlands Order, and I would hope that is not wishful thinking. Regulations controlling septic tanks were the next good news for the resurrection of the shellfish industry. These are all good signs. The Coastal Areas Protection Act will be the next logical step forward.

The shellfish industry is the oldest industry in this area and for many reasons it should have top priority. With broader protection of coastal areas, I think we can make a turn-around in the shellfish industry. It's not too late. Barnegat Bay can produce good shellfish again. I urge all members of the General Assembly to vote in favor of this bill.
A 722.

I am submitting testimony presented to the Army Engineers, to the Department of Environmental Protection and to the Blueprint Commission on the Future of Agriculture in New Jersey. This will avoid burdening you with details now.

If I can furnish you any more information to convince you that this is a necessary step forward to protect coastal areas, please call on me. Thank you.

Stanley Cottrell

(Ends reading)

(Exhibits attached to Mr. Cottrell's statement can be found beginning on page 232.)

The statement from the Citizens' Conservation Council is as follows:

My name is Lydia Arden and I speak for Charles Smith, President of the Citizens' Conservation Council, who could not

be here today.

The Citizens' Conservation Council of Ocean County is composed of 26 conservation-minded private organizations and government agencies in Southern New Jersey.

The Council strongly supports the proposed A 722. This is one further step in a badly needed process, the bringing of New Jersey's free-for-all land use and resource problems under rational and well-planned control by the people as represented through their State government.

We would suggest one addition to strengthen the bill, that is, if it is not already provided for in the Advisory Board through the Commissioner of Environmental Protection. We would like such agencies as the Fish and Game Council, Shell-fisheries Council, the Mosquito Control Commission and others that might be similarly involved included in the Advisory Board.

Once again, the Citizens' Conservation Council of Ocean County strongly supports this bill and urges its passage as soon as possible.

I would just like to say a word for myself. I have a feeling we are dealing with trends from a broad overview. There is a strong trend in the United States among the people to protect our wetlands - to protect our resources. There is a worldwide strong trend and a trend that starts and is off and running cannot be defeated. The people want such protection. We have begun. This is part of a picture and I think you should consider it very seriously. It is a necessity to protect what we have left.

In Ocean County, we certainly have a piece of land that needs to be protected.

ASSEMBLYMAN DAWES: Thank you, Mrs. Arden. This is not pertaining to the piece of legislation before us, but I can't let it go by. Has your organization taken a position with regard to the Turnpike extension?

MRS. ARDEN: Yes.

ASSEMBLYMAN DAWES: Have you taken a position in your organization?

MRS. ARDEN: Well, they have started. I don't know how far the position has gone. Letters have gone out ---

ASSEMBLYMAN DAWES: I was just curious. It is also a matter of ecology.

MRS. ARDEN: (Continuing) -- from the CCC of Ocean County.

ASSEMBLYMAN STEWART: I would like to ask a question. I have heard very little argument with what you said from anyone in regards to Ocean County, Atlantic County, Monmouth County and Cape May County, our ocean-front lands. I honestly have heard very little rebuttal to what you have said. And you said that the people want this protection and I would assume from what I have heard, other than from a few people today, that this is true in that area. But are you considering that that is only half of the area of this bill and possibly the people in the other half of the area do not want it in their area?

MRS. ARDEN: I would like to suggest to you that this world is moving forward on the basis of environmental protection and this is not an individual person, area or anything else.

An editorial in the New York Times the other day rebutted a statement that the United States Congress had done nothing. What the editorial said was that in the year, whatever they had accomplished may be regarded one way or the other, but that they had come to the point where there was a very broad consideration of the environment. I think that is evident in this. This is a response to the people. The people are demanding this, as I think they did the Wetlands Bill and limitation of septic tanks in the water areas. This is a concern that is everywhere and you understand that.

ASSEMBLYMAN STEWART: I understand that the people are demanding we improve the environment. I agree. I agree with that 100 per cent.

MRS. ARDEN: That's right.

ASSEMBLYMAN STEWART: But I do not think from what I

have heard today and what I have heard for the last month that the people in Coastal Areas II and III are demanding the passage of 722. The people in Coastal Area I are. But is it your feeling that if the people in Zones II and III do not wish to have this forced upon them, we should force it on them anyway?

MRS. ARDEN: You know this whole thing of government is what the local guy fails to do, the next level of government takes up and has to do. And what that level fails to do, the next does. This is why we have arrived at all these things in the nation's capital and all over the country because we have failed. Right here in these Chambers, I have heard them asked to get up and do the jobs that a legislator is elected to do. I think where people fail, it goes to another level. And if this fails, we will have to keep on going. The Federal government is taking a bigger hand because other people have failed.

ASSEMBLYMAN STEWART: If they fail, you would say, let's force it on them.

MRS. ARDEN: I think you have to consider the philosophy. I think there is a philosophy of what is right. We have an unexpendable ocean and we certainly have to begin to take care of it. And for heaven's sake, let's think about what is right to do and let's do it.

ASSEMBLYMAN STEWART: Evidently, we are still not talking on the same wavelengths and I won't belabor this. But I want you to understand that the ocean doesn't go all the way to Trenton. I think you understand that.

MRS. ARDEN: Yes, I understand that.

ASSEMBLYMAN STEWART: We will discuss it again, I guess. We have many speakers. Thank you.

ASSEMBLYMAN DAWES: While Mr. Brody is coming down, I would like to say that we will put into the record a letter from the New Jersey Gas Association, signed by Peter J. Kassak; also a statement submitted by Mrs. Lynda Fuller, who is the President of the League of Women Voters of Matawan; also a

letter from the New Jersey Builders Association, signed by its President; also a letter from the Delair Civic Association; also a report which was sent to all of the members of the Committee- and they have asked it be put into the record - in behalf of the Chemical Industry Council of New Jersey.

(See index for page numbers of these statements and letters.)

All right, Mr. Brody.

S T A N L E Y L. B R O D Y: Thank you. Mr. Chairman and Committee members, I want to thank you for the opportunity of appearing before you.

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

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

- II. View and Opinion of CCEDC: The Commission goes on record that it feels prone to legislation being established that will protect our natural resources; set up a Criteria Ecological, and Pollution standards that will help preserve mankind, and at the same time, be compatible, and provide for planned industrial and deep water port facilities development that our natural resources will lend themselves to.
- III. CCEDC Resolution: The Cumberland County Economic Development Commission has unanimously endorsed, and passed a resolution to assist and develop the natural resources of our meadowlands, wet

lands, and river front lands, in a concept of planned balance growth, and with controls to preserve our ecological future.

IV. I go on record, and accuse North Jersey interests of designing the proposed Legislation, Bill #722, to keep South Jersey - in the vulgar - "Barefoot and Pregnant"; and condemn South Jersey to an eternity of land and development bondage.

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

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

VII. I believe that legislation should be enacted to allow and provide for balanced industrial growth with a criteria for industrial development to follow and adhere to; and in behalf of the CCEDC, I vigorously oppose New Jersey Assembly Bill #722 - or any bill which will prohibit or exclude industrial or commercial development, or development of a World Deep Draft Port for the United States for our coastal areas in Areas II and III.

VIII. Natural Resources of Cumberland County: The Commission points out that the most important natural resources the County of Cumberland is blessed with, are:

1. Thousands of undeveloped Acres.
2. A long shore line contiguous to the Shipping Channel of the Delaware River and Delaware Bay.
3. Bordered by Counties of Salem and Cape May, enjoying the same natural resources of a natural phenomenon.
4. Being geographically strategic, wherein within a 300 mile radius of Ameri-Port, Philadelphia, approximately 60% of the nation's

population lives; or within a 100-mile radius, 30%. This is a most fantastic fact, and must be considered in all aspects of planning.

5. Naturally sheltered deep water facilities.

IX. Geographic Area Impact: Due to our geographic position, the area must not only, when it considers legislation; consider the immediate area, the State of New Jersey, but the National and International ramifications of improper planning and legislation that could adversely effect much more than the preservation of our natural land areas. In other words, our area today is the keystone to the Nation's economic future, as well as ecological future; and even further, with proper development, help control our International Balance of Trades, and payments. Sound far fetched? No, when one stops to study and understand the forces that control our economic being, then one understands that this area must be vital in the distribution of product and energy to this concentrated dense mass of population, which we must now assume a responsibility for.

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

In addition to the Bill prohibiting industrial development, the Bill would also prohibit a potential Deep Draft Port, so vital to our economic World competition and our United States industrial plants; and prevent a projected income to the Counties of Area II exceeding \$150,000,000.00 annually which would be paid, in the main, by those industries located outside of New Jersey, and not affect or cause damage to our ecological well being.

XI. To quote Remarks by Lieutenant General F. J. Clarks, Chief of Engineers, United States Army, Water Resources Congress, St. Louis, Missouri, 7 February 1972, from a speech which he made before the Water Resources Congress concerning the future of energy, industrial development, and deep water port; and which is so timely and contiguous to the problem at hand, I offer and inject his remarks in my testimony: "The Nation must make up its mind in the very

near future as to how much electric power it is going to have in the years to come, so that we can plan and provide the water availabilities that will be needed to produce and use that power. What we provide for now is what we and our children are going to have in the next decade or two. If we're going to cut back our use of electric power in order to have better swimming and fishing, let's make the decision with our eyes open and with full realization of the consequences. Let's not just block one power project after another on the ground that we're protecting water resources, and then, when the lights go out and the heat goes off and the breadlines form, claim that the "devil made me do it."

XII. Area Industrial and Land Use Legislation Consideration: Legislation should be given to Industrial Development and Land use, of the areas under discussion and testimony, as follows: I suggest 3 belts.

1. Primary process industries which definitely need deepwater port facilities because of raw materials being received in deep-draft ships.
2. Secondary process and manufacturing industries which for economic, process, or manufacturing reasons need to be close to the primary industries.
3. Secondary process and manufacturing industries which are under the same corporate roof as a primary producer and purely for economic reasons (no process or manufacturing requirements) want to centralize operations.

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

Many of the statements I have made and touched upon are sure to be elaborated on in other expertise testimony in this, and subsequent Public Hearings and Legislative debates. Ecology, as defined by the Funk and Wagnalls dictionary, is "the division of biology that treats of the relations between organisms and their environment". As a layman, I interpret ecology in our day and environment as "the science of keeping Nature in Balance" in the complexities of industrial and everyday life as we live it, and to which we have progressed.

I caution the council and legislation that Ecology hysteria is creating a hardship for industry. We must keep the ecology priority in mind, and not turn our backs on industry. Industry and ecology

can live together if it's understood - not misunderstood; and I respectfully request that the New Jersey State Assembly Committee adopt the views and opinions of the Cumberland County Economic Development Commission, and make their recommendations based on their statements; and dedicate what we do today to the future of tomorrow. Thank you.

ASSEMBLYMAN DAWES: Any questions?

ASSEMBLYMAN MENZA: I have heard a lot of testimony today regarding port facilities.

MR. BRODY: Yes.

ASSEMBLYMAN MENZA: Is that what the Chamber of Commerce and the other groups in that particular area is looking for? Are they looking in that direction - port facilities in order to accommodate these ---

MR. BRODY: Yes. We are faced, whether we know it or not, in the United States with a very serious problem. You have heard the utility companies probably give testimony. Let me be brief about it but I think it is timely that we discuss it and bring it to the forefront. It has been covered long enough. In today's shipping, it costs us roughly \$18.67 a ton to bring oil in DWT or dead weight ton from the Persian Gulf in our present shipping tankers. In the new super tankers which will draft 90 feet - and bear in mind that our old tankers

only go up to 65 feet and can only be accommodated up river in the Delaware River - in New York Harbor, a doubted 45 feet - we will reduce the transportation cost from the Persian Gulf to \$5.20 DWT. Our projected tonnage will be 300 million tons of oil per year by 1980. Forty-five per cent of all of our oil today used in the United States is imported.

Another staggering fact, within this 300-mile radius I mentioned a little while ago, is 70 per cent of our industrial complex. Seventy per cent of all the oil used within the United States is used within that 300-mile radius. By 1980, we anticipate 85 per cent of oil being imported. With the cost of oil being \$18.67 a ton, we have a problem where the utilities must stand in line with the Utility Commissions for increases every day for the cost of energy accrued. This is only one of the problems. This means that even raw material coming in in shallow draft boats for our manufacturing or finished goods leaving the United States in small draft boats have an un-economic factor, that they can't compete with world trade.

We have a more serious problem than just swimming and fisheries and all of this. We have an economic problem. Everybody wants to put their hands in front of their faces and say it is going to go away. It is not going to go away; it is going to get worse. We have \$85 billion of United States industries invested overseas today, manufacturing goods and shipping them back to the United States. The United States is fast becoming a warehouse for the distribution of finished goods, not the production of finished goods.

ASSEMBLYMAN MENZA: I must confess I don't know that much about that area. I presume there are port facilities in the area now.

MR. BRODY: The only port facilities in Zone II at this time would be the ferry boat system of the Delaware Bay Authority at Cape May and the Amera Port in the Camden area or along the seven refineries located in Zone III.

ASSEMBLYMAN MENZA: How is this bonanza then going to occur? Why all of a sudden are you going to need port

facilities to handle this different type of shipping if you don't have it now?

MR. BRODY: The Federal government recognizes as a major defense effort, as a major economic effort of the United States, that we must have a deep water draft port. There are 52 deep water draft ports in the world. There are 700 boats today of 90-foot draft in the world flying foreign flags which we are subsidizing. Not one of those 700 deep-water boats can dock in the United States.

Now, you ask me and I said ---

ASSEMBLYMAN MENZA: Let me just ask you this: It is my understanding then that one of the areas being considered for deep water, whatever it is ---

MR. BRODY: Would be Zone II.

ASSEMBLYMAN MENZA: (Continuing) --- is Zone II.

MR. BRODY: Right.

ASSEMBLYMAN MENZA: That is by virtue of Federal legislation.

MR. BRODY: Well, --

ASSEMBLYMAN MENZA: If it does in fact happen and you acquire deep water facilities, you must, of course, get storage tanks and petroleum ---

MR. BRODY: Not necessarily.

ASSEMBLYMAN MENZA: But you may as a result - you should.

MR. BRODY: One of the projections are to create a deep-water port facility in the Zone II area of Delaware Bay and bring a pipeline up the Cape May-Cumberland-Gloucester coast of the Delaware River. It would be impossible to bring the 90-foot boats up Delaware River and it would be impossible to dredge the Delaware River because you would break the aquifer systems, allowing salt water intrusion into the Delaware Basin reservoir systems.

We have a problem and I think we are facing up to it. Nobody is considering or trying to push on anybody to ruin the ecological or environmental or esthetic impact of the species as they are in their natural habitat.

We are suggesting that Zone II in certain areas be allowed to have the deep water port or deep water ports and bring a pipeline up the coast.

ASSEMBLYMAN MENZA: So is it fair to say that all of the testimony we heard today from people in that area is really directed at this proposed project?

MR. BRODY: Not necessarily.

ASSEMBLYMAN MENZA: To a great extent?

MR. BRODY: That is only one of them. We are living under a double-edged sword. We have waited for many years down there for industrial development or economic development.

As I pointed out earlier in my testimony, we are two of the highest counties in unemployment and welfare. We have not had the opportunity to have economic development. We have waited for it to catch up with us. It has now caught up. Now legislation is going to prohibit this.

ASSEMBLYMAN MENZA: Mr. Chairman, I don't want to belabor the point. But what you are saying, are you not - and some of the other speakers alluded to it - that you have now a bird in the hand and, to use a colloquialism, the whole thing may be blown by this legislation? Is that what you are saying?

MR. BRODY: Right.

ASSEMBLYMAN MENZA: You are getting the mass transit and the additional residents, etc. Very simply, Cumberland County and that area needs a deep water port and the facilities that go with it.

MR. BRODY: Let me put it this way: If we lived in Nevada or Colorado, we would look to develop our natural resources of gold and silver or uranium. Our natural resources, as I pointed out, are our shoreline and our vast undeveloped wetlands or meadowlands - those acres. These are our natural resources. It is the only thing. Otherwise we will remain as I said "barefoot and pregnant" and a bedroom community, with no economic impact.

ASSEMBLYMAN MENZA: There must be some way to effectuate

some type of compromise between what you may want and your groups may want in order to bring an economic benefit to the area and the environmentalists.

MR. BRODY: I feel there is. Let's take the situation of the deep water port, as long as you have touched on that. With the amount of technology and science that we have now in the fail-safe devices, the environmentalists or ecologists don't have any reason to be alarmed about oil spills, etc. We can almost prove these fail-safe devices. In fact, it is better to have a fail-safe device in a port where they can drop their oil than lighter oil off of Cape May, which is being done now, and be subject to ruptured oil lines where there are lightering boats of 65-foot draft and barges and bringing it up river.

ASSEMBLYMAN MENZA: One last question, Mr. Chairman. Assume for the sake of argument there was an amendment to the bill, not to prohibit but to, in fact, allow heavy and light industry in Zones II and III, but again only with the O.K. of the Board. What would you think of that?

MR. BRODY: I think that this would be a step in the right direction and that is why I broke down in my testimony three belts. Two and three would be the most affected.

ASSEMBLYMAN MENZA: Suppose it could be operated only by permit of the Environmental Board.

MR. BRODY: I would see nothing wrong with that, as long as the criteria or standards are set up which industry can follow. Industry, quite frankly, if they generate profits will be the best policemen you have for environmentalists or ecologists.

ASSEMBLYMAN MENZA: Thank you.

ASSEMBLYMAN DAWES: Mr. Rosenthal.

E D W A R D L E E R O S E N T H A L: Thank you very much.

My name is Ed Rosenthal. I am the Chairman of the New Jersey Public Interest Research Group, an organization endorsed

unanimously by the NJ Assembly (CR54) a few months ago. It represents students all accross the state of New Jersey. It is established to tap the resources of college students in order to use our time, our knowledge, and our concern to promote the general welfare of all of the citizens of the State of New Jersey. From all regions of the state and from all backgrounds, the Public Interest Research Groupdraws a wide variety of viewpoints. Since we do have a particular perspective, it is in our nature to look not at the next year or two alone , but further into the future when the problems may hit us full force. In a few years many of us will have children and families of our own and we must think carefully about the type of world which they will enter. The number one issue among college students according to a variety of recent polls is the health of the environment. Indeed the question is whether in five, ten, or fifteen years, the shore will be memories of a time past, and open space;isolated to selected park area, a museum piece. We must weigh and consider now what type of state we want to have here in New Jersey. It is a hard series of questions, and a complex series of answers.

The representatives of 30 campuses that we are active on at our last meeting voted unanimously to support the Coastal AREas Protection Act,A722. It is a step towards those solutions, they supported. They asked for the Legislature to decide the type and quality of life for a large portion of the state.

We must, at the outset, examine the general public interest problem at hand. As the Pennsylvania State Constitution reads, in line with a principle that the New Jersey Legislature has confirmed many times, "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and aesthetic value of the environment. Pennsylvania public natural resources are the common property of all the people, including generations to come. As a trustee of those resources , the commonwealth shall conserve them for the benefit of all the people." The New Jersey shore cannot become spoils for industrial aggrandizement but must be fitted into a schema which will benefit all of the citizens of the state.

Our group is vitally concerned with all of the issues at hand- a healthy economy and a healthy environment.

A722 is a cogent blueprint for the realization of both of those aims. The Governor of Delaware, Russel W. Peterson, said in an interview with Saturday Review, No, It wasn't a question of either jobs or maintaining our natural environment. It was a question of whether to use the same piece of land for recreation and tourism or for one of the most rapid industrial explosions." Both the economy and the environment can thrive together. The question here is not industry or no industry but which industry, those which will provide pollution problems or those which offer the promise of reasoned development. Some say that the economy should not be sacrificed to the environmentalists, and we concur. But the converse holds still truer, the environment should not be sacrificed to the whims of industry.

There is little that is more precious to the New Jerseyan than his shore. We must not run the risk of creating another ecological disaster as has happened in much of the northeastern part of the state. We cannot afford to create more Newarks.

Development of the entire region is important. Many South Jersey people rightfully fear the encroachment of creeping urbanism and the loss of the character of South Jersey. Jobs must be provided but large scale , heavy industry is greatly automated and would in fact provide few jobs for those in the South. A proposed Shell refinery which would cover 1000 acres would typically employ only 250 people- most of them not from the region according to the Minerals Yearbook, 1969, U.S. Bureau of Mines. What is needed here is regional planning to deal with widespread needs- not local tax ratables. The integrity and welfare of the region must be preserved from possibly erratic local zoning procedures.

There is a strong concern about an "energy crisis" in New Jersey. Let's look at it calmly without the hysteria of a crisis. To use an analogy to those who project simple scales for the future use of energy. Suppose in 1890, you asked

a man on the street about the problem of the increasing demand for horses to meet the exponentially growing transportation needs, he might have replied in 10 years we'll be hip-deep in horse manure. Reasoned approaches not scare tactics is what is needed. Sound management, not crisis management is what is called for. It is precisely the same people who raise fears about the "energy crisis" who advertise heavily to create that demand. If a commensurate amount of money was spent on research as in advertising the solutions would be much clearer.

Some argue that this bill is unnecessary, but at this time an application is filed with the Army Corps of Engineers for a permit to dredge for an offshore terminal for giant oil tankers off the coast of Cape May. To build such a structure would be to ask for pipelines to the major urban centers of Philadelphia and New York to cross the Pine Barrens if an inland route is taken or if a coastal route is preferred, along the resor areas of the Atlantic shore. However a site in say the New York Bay in opposition to the proposed Delaware Bay site would use 100 miles less pipeline to reach those urban centers. In fact there is a great concentration of refineries in the New York area already. Certainly it is better to make use of existing resources than to run the risk of despoiling our precious natural resources with oil spills, destructive developments and the like.

In the March/April issue of Ecology Today, William D. Ruckelhaus, Administrator of the federal Environmental Protection Agency said:

I would suggest that in our solutions to the energy-environment question that we be guided by three principles.

First, we must recover energy and energy-invested material whenever possible. New Federal standards to combat air and water pollution will not only result in cleaner surroundings, they will eventually encourage recovery of energy and recycling of effluent.

Second, we must carefully calculate our true energy needs and weigh them against potentially competing human needs. It may be that we will have to restrict auto traffic, or limit load building by utilities or reverse rate schedules to make large users pay more. These and other possibilities need to be examined.

Third, we must develop new energy systems to make better use of our resources. We do not get the optimum use of energy by relying on the internal combustion engine, whose thermodynamic efficiency is only 10-12 per cent, or when one or two people are carried in a vehicle designed for six, or when we sheath our buildings in glass so that they require massive air conditioning.

We must recognize that the time for wasting energy, and discarding its valuable by-products has come to an end. We must begin to live and build and work more efficiently than we have in the past.

Energy use is certainly an important problem, but there are ways to deal with it without sacrificing the shore.

To summarize, we urge you to look beyond short range economic benefits to examine the overall cost of foolish industrialization of the off-shore area. Some point to higher income in heavily industrialized areas as evidence of greater prosperity, but forget to mention that the welfare rolls are higher in such areas as Essex(127,017 persons at a cost of \$8,870,573 which is \$101.66 per person on the average)compared to 3,042 persons in Cape May County at an average cost of \$59.07 per person. There is little mention of relative cost of living, the amount of commuter population, and importantly, the pollution levels of the various areas when people point to simple income as measures of prosperity. Certainly the inhabitant of Newark lives in a heavily industrialized area with a high average income for the whole county, but would you consider Newark a second heaven? The social cost of over-industrialization are great and well worth being wary of. It is precisely to this point that this bill is directed. We must consider what type of industry and growth is best suited to the coastline of New Jersey to preserve it as a place of pride for New Jersey citizens, and their children after them.

Governor Peterson of Delaware said,"When people really get exercised about something, their representatives respond. If a substantial number of people believe in cleaning up the environment, and, if they work at it, they will be heard."

I trust that they will in New Jersey.

ASSEMBLYMAN DAWES: Mr. Rosenthal, there are two things that come to my mind. I sometimes wonder what New Jersey would have done without a Governor Peterson of Delaware. I think New Jersey has a completely different problem than Delaware. But you and I can discuss that some other time. I would like to know what you define as the shore. Is it the beach that I walk on?

MR. ROSENTHAL: In Area I, obviously you are talking about the resort beach - the coastline.

ASSEMBLYMAN DAWES: What is the coastline? How deep is the coastline?

MR. ROSENTHAL: How deep is the coastline?

ASSEMBLYMAN DAWES: Is it from the water two miles in?

MR. ROSENTHAL: I think according to geologic maps ten feet, as has been suggested in the bill, is demarcated on every geological map. Therefore, it is a simple area to mark off.

ASSEMBLYMAN DAWES: So when you use the word shoreline, you mean the coastline, as defined in the bill.

MR. ROSENTHAL: Right.

ASSEMBLYMAN DAWES: Any other questions?

ASSEMBLYMAN STEWART: Do you have any idea how far ten feet goes back in Salem, Gloucester and Cumberland Counties - how much land that takes up? How much is it in Salem and Gloucester?

MR. ROSENTHAL: I saw the statistics which the gentleman from, I believe, the Chamber of Commerce had.

ASSEMBLYMAN STEWART: Does the figure of about 175 square miles for those two counties sound right to you?

MR. ROSENTHAL: I guess so.

ASSEMBLYMAN STEWART: That is a lot of ground to be considered shoreline. I am sure that that ground is not what you and I would consider to be the shore. Ten feet above or below sea level in that area can go back ten miles.

MR. ROSENTHAL: I think the intent of the bill by taking the ten-foot line was so that drainage from a potential effluent would not affect the shoreline.

ASSEMBLYMAN STEWART: Where did the ten-foot figure come from, by the way?

MR. ROSENTHAL: The drafter of the bill took high-water marks and geologic maps in order to facilitate simple translation for building.

ASSEMBLYMAN STEWART: Did he look at each county that was affected and see what the ten feet would affect - how far back it would go?

MR. ROSENTHAL: I am not aware of that. I am sure the drafter of the bill can answer that better than I.

ASSEMBLYMAN DAWES: Thank you, Mr. Rosenthal.

Mr. Lev and then we will hear from the gentleman from the New Jersey Petroleum Council, Mr. Reinauer.

S. N A T H A N L E V: Mr. Chairman and members of the Committee: My name is S. Nathan Levy, President of the South Jersey Chamber of Commerce, representing over 550 business members from Burlington, Camden and Gloucester Counties. We have analyzed Assembly Bill 722 from the viewpoint on its over-all effect and, at the same time, giving special emphasis to its impact on the three counties that I mentioned.

The South Jersey Chamber of Commerce wholeheartedly supports the programs for improving the environment, preserving key natural resources, and improving the quality of life. But we also strongly believe that there is a delicate balance between industrial development and ecology. We believe that this bill is tilted to the extreme, favoring ecology with little consideration given to its economic impact.

There is already a patchwork of existing controls and regulations whereby Heavy Industry and Manufacturing must meet stringent environmental requirements in order to continue operations, expand, or build a new facility.

These include:

- Permits and codes of the State of New Jersey relating to both air emissions and water discharges.

- U. S. Corps of Engineers permit system for any facility which proposes direct discharge to a navigable waterway (Refuse Act 1899).
- The Wetlands Act of 1970. Which basically governs the use of land with an elevation up to 1' above extreme high tide.
- The State of New Jersey's requirement of a "Permit to Establish Factory in Watershed".
- The Delaware River Basin Commission's approval and regulations for discharges to the Delaware River.
- Various permits from the local municipality for any construction.

The above regulatory approach in its various forms not only is available today to preserve our environment but is being vigorously utilized. The mechanism proposed by A-722 is therefore unnecessary. To superimpose this added layer of governmental control with an even more complex time-consuming system, while at the same time eliminating heavy industry from certain areas without specific evaluation of the facts of the individual case will, we believe, have a serious adverse effect on the economic wellbeing and the quality of life of the residents of the State of New Jersey.

We further believe that the adoption of A-722 will serve as a "red flag" to discourage further growth of heavy industry, manufacturing, and supporting services in New Jersey. Even if a permit could be obtained, the time required and the duplication of bureaucratic procedures would discourage development even in the most desirable area. We believe the end result would be a drastic reduction in Heavy Industry and Manufacturing investment in the Southern part of the State of New Jersey. This, in turn, would have a "Domino Effect" of curtailing investment in supporting commercial and service-oriented businesses. Higher unemployment and a recessive economy would likely follow.

In order for the State of New Jersey to have a sound economic base in the future, it must continue the wise utilization of its natural assets with regard to prime industrial locations with deep water access for shipping. This is particularly true with regard to Coastal Area III, Burlington, Camden, and Gloucester Counties. Are we to stymie the development of the South Jersey Port Corporation and the Gloucester County frontage on the Delaware while the Port of Philadelphia and Marcus Hook Anchorage on the Pennsylvania side of the Delaware River expand? A-722 would certainly have this effect.

Various economic data and other supporting statistics need to be pointed out in order to provide a realistic framework by which to consider A-722. We should be aware that according to the February 1972 issue of "Employment & The Economy" published by the New Jersey Department of Labor and Industry, the unemployment rate (seasonally adjusted) for the three counties has increased from 6.8% in January, 1971 to 7.4% in

January, 1972. This document also indicates that the three county area within Coastal Area III supports approximately 70,000 manufacturing jobs. Official topographical maps differ but we would estimate conservatively that 18,000 of these manufacturing jobs are contingent on utilization of land below the 10' elevation criteria. Just looking at Gloucester County, we would estimate that the area contingent on the 10' level has been developed to about 1/3 of its potential. Although these are rough estimates, we could justifiably predict an employment potential of 3,000, 5,000, or even 10,000 additional jobs in the three county area now under the existing environmental control network. In any case, the additional jobs are badly needed since unemployment in the area is already high and is getting progressively worse.

In total, we are strongly opposed to A-722 in concept particularly as it relates to Coastal Area III. We believe this measure is both unnecessary and unwise. It clearly ignores the direct and severe economic impact inherent in the bill and places an overemphasis on the environment as a Utopia where man relaxes and vacations without the need to be employed. As we have pointed out there are already numerous control mechanisms for safeguarding the environment in these areas. The most recent of these, the Wetlands Acts, has barely gone into effect. The dimensions of its impact are not yet known. From a cumulative control view point there is not unlimited Industrial Development in any part of the State. The environment and the economy of South Jersey is and can continue to be in balance under the present control system. A-722 can only serve to remove in part or in whole the economic viability, of the three county area.

In closing, we would like to point out that because of our basic deep rooted opposition to the concept of A-722 we have not made detailed comments on specific provisions of the bill, although many are poorly drafted and ill conceived and merit your close attention. We appreciate the opportunity to appear before the Committee and thank you for your courtesy.

ASSEMBLYMAN STEWART: There is one question I wanted to try and clear up with you. I think one of our previous speakers from Cumberland County spoke of a deep water port and I think some were left with the impression that this whole issue is about a deep water port. Would you give your opinion about that?

MR. LEV: My opinion with regard to that is that a deep water port is just one facet of the over-all picture. A deep water port obviously would provide additional raw energy sources available to additional industry in South Jersey. But our concern primarily is with much of the general run of manufacturing industry that we are trying

to bring into the South Jersey area, frankly, with or without a deep water port, although it becomes an integral part of it.

ASSEMBLYMAN STEWART: Would it be fair to say that this is probably a key issue in the Cumberland County area, but not necessarily in Salem, Gloucester and Camden areas?

MR. LEV: In our particular area, we are concerned portwise from the South Jersey Port Commission basis. They already have a facility on the river and obviously they are trying to expand it.

ASSEMBLYMAN MENZA: Suppose that the ten-foot elevation were changed so that it wouldn't have such a severe impact as the example that Mr. Stewart cited where it would go back ten miles, but that it prohibited industry along the shoreline.

MR. LEV: I think it would have a major effect on some of the opposition to this bill. In other words, we said some of the parts were poorly drafted. The ten-foot limitation was one of the things I had in mind. I think that is poorly defined. If you go back to the one-foot elevation, you are pretty much in many respects back to the Wetlands Act and you have that kind of coverage and control.

ASSEMBLYMAN MENZA: Suppose it is not described in terms of elevation but described in terms of, for example, street lines, as one woman mentioned before, and that the street line would delineate, you might say, the rear line.

MR. LEV: It is difficult to say just exactly what our position might be in that respect. I think it would depend upon the impact on the individual communities. In the City of Camden, several of our industries are right down to the waterfront.

ASSEMBLYMAN MENZA: Suppose that the bill is amended and we simply say you can't build on the waterfront, but you can build, let's say, a half a mile back. Do you still have this vociferous objection?

MR. LEV: Again I now will have to give you my own opinion and not the opinion of the Chamber, but I believe

that would cut back quite a bit on the opposition to the bill, provided you put in a grandfather clause which provided some nominal expansion for existing industry that was right on the waterfront. If a current large plant on the waterfront wanted to build a tool shed and had to go through the kind of permit approval that is indicated here, you would have difficulty holding that plant for a long period of time.

ASSEMBLYMAN MENZA: Thank you, sir.

ASSEMBLYMAN DAWES: Mr. Reinauer.

B. F R A N K L I N R E I N A U E R, I I.: Mr. Chairman and members of the Committee: My name is B. Franklin Reinauer, II. I am a resident and former Mayor of Ridgewood, State Chairman of the Employer Legislative Committee of New Jersey and the President of Reinauer Brothers, Inc., a Northern New Jersey petroleum distributorship. I appear here today as a member of the Executive Committee of the New Jersey Petroleum Council, a business league representing major oil companies and their affiliates, with offices at 212 West State Street, Trenton.

The Petroleum Council and its members are deeply concerned with the legislation before you, Assembly Bill 722. We believe that this bill as proposed would do irreparable long-range harm, not only to us as an industry but also to New Jersey's consumers, to its labor force and general economy.

We readily acknowledge the importance for the State of New Jersey to provide adequate environmental safeguards. We can understand the desire to protect the state's fine recreational beaches, but this measure goes beyond that. What we hope to get across today is the urgent need to meet New Jersey's energy requirements, the fact that this bill and other like it can seriously hamper that job, and that where risks to the environment are concerned, the legislation before you can aggravate rather than solve them.

What are the facts about this nation's growing energy shortage? There can be no doubt that consumer demand for petroleum products has skyrocketed. Demand today is at an all-time high - more than 5.5 billion barrels, that is 231 billion

gallons annually for oil, and more than 22 trillion cubic feet a year for gas. To bring it home to New Jersey, in 1967, 7.8 billion gallons of petroleum products were consumed in this State. In 1970, the figure was 9.1 billion gallons of major petroleum products, an increase of 14.2 per cent. Yet proved reserves for these products have shown a sharp and continuing decline. Proved reserves for oil are at their lowest point in 20 years; those for natural gas at their lowest since 1957. Illuminating in this regard was a statement on March 2 from the Office of Emergency Preparedness that we are moving toward a system of natural gas rationing.

Because of this situation, we have been forced in the United States to turn increasingly to foreign imports -- for refined products as well as for crude oil. Here on the East Coast we are dependent on foreign sources for more than 90 per cent of our residual fuel oil needs.

Our dependence on foreign oil is risky. If foreign supplies were suddenly cut off, this nation for the first time in its history could no longer meet its own oil needs. Nevertheless, some conservationists and others continue to press for unlimited imports, arguing for a ban on oil drilling, either on land or in U. S. marine areas. It is ironic, in our opinion, that advocates of increased imports are the same ones -- in many cases -- who strongly support the movement in some coastal states to restrict the usage of tankers and to prohibit the construction of deep-water terminals. This despite the fact that the huge amounts of residual fuel oil used on the East Coast reach our shores by the only means this fuel can be transported -- by tanker.

We particularly object to those portions of A-722 which set "absolute prohibitions" against "off-shore gas, liquid or solid bulk product transfer facilities." We believe this prohibition, as well as other such "absolute" prohibitions in the bill, are unwise and self-defeating. By ruling out an offshore terminal, for instance, are we reducing the danger of oil spills or are we in fact increasing them? The narrow channel to Philadelphia and surrounding areas -- some 800 feet wide -- is now used daily by hundreds of ships. As the amount of this traffic increases -- which appears certain to happen in the future and which this bill would greatly aggravate -- the collision possibility could also increase. It is obvious, in our opinion, that you don't reduce the chances of tanker accidents by clogging existing channels with additional traffic. The chances for collision can best be reduced by unloading giant tankers in the lower bay and then pumping the oil to refineries through pipelines. We believe a deepwater port could be built to include the most modern pollution control devices that would preclude, or at least minimize, oil spills.

We fully agree that it is right for the state to set reasonable targets for air and water quality to preserve the environment. New Jersey is now doing this. The laws and regulations already in effect are among the toughest in the United States. Given a proper chance to work, they should produce the desired results. The oil industry in particular has demonstrated its willingness and technical ability to design and operate facilities capable of meeting the most stringent targets for air and water quality.

The Plant Manager of my plant on the Hackensack River in Bergen County was at a meeting this afternoon with our competitors up and down the river, reviewing just exactly what we are going to do and what we can do to help improve the facilities there.

This bill, however, goes further. Rather than regulate, it flatly prohibits. We do not accept the premise that modern heavy industry cannot be built along our coastline in such a manner that it is compatible with the surrounding areas. Under terms of A-722, an injustice is perpetrated on industry and on residents of a particular geographic area. Certain types of industry are arbitrarily eliminated while others are permitted to flourish. Industry is discriminated against by exclusion, even though it is willing to operate facilities in conformance with the strictest possible targets for conservation.

Another objectionable feature is the provision in the bill for "bounty hunting," whereby persons aggrieved by violations could be awarded up to one-half of any penalty judgment. Since penalties would be as high as \$50,000 a day, it seems likely that actions could be instituted for no other reason than harrassment or fortune-seeking. These frivolous efforts would require time and expense for companies to defend against, with corresponding publicity damage. Approval of such a provision would imply an admission on the part of the state that it is incapable of proper enforcement and must rely on a form of vigilante system. We know this is not the intent, but it can be argued that this is the effect.

We also are concerned with provisions of this measure requiring

an additional permit for the construction of facilities. The present multiple layers of a cumbersome permit system cause lengthy delays and cost increases which are ultimately paid by the final consumer. We know from personal experience that it can take years to obtain the numerous permits required and urge that you help to alleviate this problem by moving now or in the future to streamline these procedures. This could be accomplished by means of some type of "once-through" procedure in which the proposed permit, together with the water pollution, air pollution and other state permit requirements, would all be handled in a single proceeding.

Our other objections to the bill center around the fact that it would eliminate employment opportunities in those sections of the state where an expanded economy is today most needed. The bill smacks, in many ways, of a statewide land use plan, with traditional local zoning powers being shifted to a state agency. The bill is saying, in effect, that a balanced land use approach in a large area of the state is totally impossible to attain, despite the fact that technological advances, state environmental regulations and appropriate zoning at the local level could properly control such balance. The state's economy would be harmed by depriving it of important capital investment, with an owner's denial of land use potential possibly placing New Jersey heavily in the real estate business - depending upon Superior Court rulings in individual cases.

Most of us here are aware that the origin for this legislation was a bill passed last year by Delaware. We respectfully submit,

however, that action taken by one state may not be a valid reason that the same course is wise elsewhere. For one thing, New Jersey and Delaware are vastly different from the standpoint of industrial and population development. For another, they are in no way comparable in terms of environmental controls currently imposed on industry. With the extensive powers that the New Jersey Commissioner of Environmental Protection already has, and with the recently enacted Wetlands Act, which has yet to be fully implemented, we seriously question that the needs are similar. We also bring to your attention that when Delaware took its action it apparently had second thoughts about the need for an offshore terminal facility. Concurrently with its passage of a coastal law, the State Legislature there gave its approval to a separate study of the terminal proposal.

A principal factor in seeking support for this bill is said to be environmental considerations. We caution those having this viewpoint that the ultimate results could be directly the opposite, with the cut-off of needed energy supplies aggravating rather than resolving the problem. Clean-up of our air and water, sewage and waste recycling, improved housing, the repair of our cities and the easing of poverty all will require the use of massive amounts of energy -- beyond anything now available. Any way you choose to figure it, every feasible solution to our current environmental problems of the 20th century will require more energy, not less.

Now being conducted nationally, in view of the urgency, are several studies of the energy situation, with the objective of for-

mulating a national energy policy. We urge that you refrain from enacting A 722. When the Federal authorities have an opportunity to set this policy, we recommend that New Jersey perhaps conduct its own study, with input from such departments as Labor and Industry, Environmental Protection and the Public Utilities Commission, so that policy decisions here can harmonize with the national effort.

We appreciate this opportunity to present our viewpoints on a matter of mutual concern. Thank you.

ASSEMBLYMAN DAWES: Mrs. Eileen Donohue. (Not present.)

Mr. Ferguson.

R O B E R T F. F E R G U S O N, J R.: My name is Robert F. Ferguson, Jr. I am the Executive Vice President of the New Jersey Association of Realtor Boards and I appear before you today on behalf of the 6,500 members of the Association and the New Jersey Chapter, Society of Industrial Realtors to speak in opposition to Assembly Bill 722.

The New Jersey Association of Realtor Boards shares the concern of all serious thinking citizens as to the quality of our environment.

As an organization the members of NJARB, who are all real estate licensees, earn their daily livelihood selling the advantages of our State as a great place to live, work and play. Should the problems of our environment become critical, the real estate industry would be the first to feel the adverse economic impact.

I point this out to demonstrate that the real estate licensee has a huge stake in the early solution to the problems generated by our urban setting.

Despite the Realtors' concern and their active support of many legislative proposals to improve the quality of our environment, it is with great reluctance that we find ourselves in opposition to A-722.

Today everyone is for the environment, and rightly so. Laws and agencies designed to protect it are multiplying at all levels of government.

The environmental crusade will become the greatest area of concern in the decade ahead, and well it should be.

However, many well-meaning individuals who wish to participate in the solutions are confused about the causes of our crisis and the ways in which we must resolve it. We believe A-722, while well-meaning, is misdirected.

The solution to the problems of environment facing New Jersey will not be found in "red lining" hundreds of thousands of acres of land in the central and southern regions of our State but in the redirection of technological advances.

To point out a case where "red lining" has not worked, just talk to the mayor of any of our large urban areas in New Jersey and ask him about the "red lining" policy on the part of the Federal Government in the field of housing, find out for yourself that it has been frustrating and counterproductive.

A-722 appears to be espousing the same philosophy insofar as industrial development is concerned within the areas specified in the bill.

Industry is not the prime culprit in creating our environmental problems. And I have sat here now for four and a half hours and I have yet to hear anyone say that the real problem is people. And I am surprised that some of the students went home because they could lend a hand in solving this. We have people problems. We have a population problem. And this is where we should be directing our attention.

Government at all levels should direct its attention to the soaring population and the multitude of problems resulting from population density.

We heard today one of the speakers talk about the U. S. Army Corps survey. I think if she had read the complete report, the survey indicated that it was not industry that was responsible for pollution off Jersey... it was people problems, sewage problems. Yet the bill under discussion today, A-722, is silent on the problem of our population.

Those involved with the location of industry in our State will attest to the fact that there are adequate safeguards available at the local, county and State level requiring industry to meet the standards contained in the air and water pollution and other control codes.

If you doubt that, just talk to anyone who has actually had experience with industry and they will tell you that there are plenty of requirements and they are being met.

A-722 adds nothing positive to the criteria already in effect, rather it only adds additional red tape and bureaucratic control at great expense to the people it seeks to protect.

The present body of laws encourages cooperation between local officials and the Department of Environmental Protection insures that in the future Coastal Areas I and II will be free from abuses we have had in the past. These same factors have already proven to be effective in correcting problems in portions of Area III.

The members of the New Jersey Chapter of the Society of Industrial Realtors, an institute of NJARB, who through training and experience are the technicians who specialize in industrial real estate, feel strongly that A-722, if enacted into law, will do much to impede New Jersey's economic development, a development which, some of us may not like to acknowledge, is necessary if our citizens are to find employment in the decades ahead.

Members of the Society of Industrial Realtors have been responsible for the location of more tax producing, employment creating development in this State than any other single group. They will continue to do so in a responsible way if not restricted by bills such as A-722.

Individuals and groups who seek to turn back the clock or impose upon New Jersey a set of laws designed for use in other areas of the country are not being practical or realistic.

Today, we debate a bill, A-722, that seeks to restrict industrial development and yet in other sectors of State Government - not right now because they quit at 5 o'clock - there are those at work reviewing programs designed to enhance New Jersey's ability to attract top industry to our State.

If this contradiction sounds confusing, it is because industry will locate where invited and remain where welcome. Despite our unique location and availability of

labor and transporation, New Jersey must be competitive with other states or face the consequences.

Neither NJARB or the Society of Industrial Realtors is advocating a philosophy of "anything goes" when it comes to attracting new industry, rather we advocate a responsible program which will result in industry meeting the environmental criteria set forth by those with expert knowledge - and I underline "expert knowledge" - and with a minimum of red tape and bureaucratic harassment.

A-722, unfortunately, does not meet this test. A-722 would in effect "red line" over 300 square miles and tell those municipal officials and local citizens that they are not capable of administering to the needs of their areas without the assistance of the State Coastal Areas Protection Board, on which they are not represented.

The Legislature should not pass this bill but rather, if you are serious about the problems of the environment, you should consider your obligation to provide more direct assistance through the appropriation of funds for research and improvement of the technological know-how that will eventually provide the answers to our environmental problems. And it is only through technology that these problems will be solved.

The Realtors of New Jersey recognize the solutions are not easy. However, we pledge to you our organization's cooperation and willingness to work with other responsible individuals or groups in meeting the environmental challenges that lie ahead.

ASSEMBLYMAN DAWES: Any questions? (No questions)

Thank you very much.

Mr. Newling? (No response)

Mrs. Hedd? (No response)

Mr. Oliver? (No response)

Mr. Reals, Texaco Oil Company.

W. B. R E A L S: Mine is a very brief report, Mr. Chairman.

My name is W. B. Reals. I am General Manager of Texaco's Strategic Planning Department.

I am appearing today to present Texaco's views on proposed legislation that we believe would do serious harm to the economic development of New Jersey --- and therefore would be against the best interests of all New Jersey residents.

My remarks relate to aspects of the Bill which would have a direct bearing on the petroleum industry in this state --- an industry that provides substantial employment, income and taxes to the State.

As you know, Texaco is a long-time employer, taxpayer and industrial citizen of New Jersey. It has had a marine terminal at Bayonne, since 1909, a large refinery at Westville, since 1950, and operates numerous marketing facilities in the state.

Also, Texaco is a major supplier of the Country's rapidly growing energy needs, and we --- along with the entire petroleum industry --- are having difficulty keeping pace with these needs. We are therefore extremely concerned with the implications of the proposed legislation. Restrictions which this Act would place on our operations would further hinder our ability to supply the increased energy our country will need in the years to come.

I know you gentlemen have heard and read a great deal about the country's energy crisis, and you will probably hear and read a great deal more because it is truly a very serious, worsening problem.

Today, the U.S. cannot supply from its own reserves the crude oil and natural gas in sufficient quantities to meet even today's needs. We are already importing over 20% of our country's crude oil and product requirements, and by 1985, when the U.S. demand will be at least twice what it is today --- approximately 27,000,000 barrels a day --- we will probably see such imports rising to over 50% of the total supply.

Unless we can provide the facilities to receive and process these imports, the U.S. is going to run critically short of energy. You are already aware, I am sure, of the natural gas curtailments and the brownouts and blackouts that have occurred along the East Coast. These will become more common and more serious unless the U.S. petroleum industry is permitted to carry out its long-range expansion plans.

New Jersey is a most strategic key to this very serious problem. Approximately 30% of the U.S. population lives within a 300-mile radius of the State, and 30% of the oil consumed in the U.S. goes to this same area. The East Coast energy requirements are increasing rapidly and faster than the national average.

Thus, an orderly expansion of the area's refining capacity is essential to meet the expanding demand for petroleum products. This Act, as we understand it, could seriously hinder this objective.

Of equal, if not more, importance is the need for deep-water port facilities along the Atlantic seaboard, capable of handling the large-capacity, deep-draft tankers that will be required to bring in crude oil from non-U.S. sources. For the

efficient and economical transportation program of the scope necessary, water transportation by Very Large Crude Carrier vessels will be needed for the increasing volumes of crude oil. The VLCC supertankers range up to 200,000 to 300,000 dead-weight tons, drawing 62 feet or more of water. The U.S. dependency on foreign crude, it should be noted, will increase from 3,500,000 barrels a day in 1970 to at least 12,000,000 barrels a day in the 1980's.

There are only a few suitable U.S. locations for a deepwater port facility. The Northeastern seaboard area, including the Delaware Bay, is one of the most desirable of these because of its natural depth and proximity to industrial area.

In our view, a deepwater port in this area would actually serve the cause of a cleaner environment, as well as provide a vital aid to supplying U.S. energy needs. The very large tankers it would accommodate, transferring their cargoes into pipelines some distance offshore, would reduce substantially the number of vessels moving crude oil and products to East Coast ports.

For example, by 1985 it will require 2600 tankers of the common 47,000-ton variety to handle imports entering the U.S., with approximately 32 deliveries a day scheduled at U.S. ports. If deepwater facilities could be built, 500 VLCC supertankers could do the same job with an average of only seven deliveries a day, or a reduction of 78%. Such a reduction in the volume of tanker traffic along the Delaware River would minimize the potential for spills, both at docks and from collisions in transit.

Further, the tanker activity would be confined to a single offshore area, subject to better monitoring and supervision to prevent accidents and spills.

An alternative to using VLCC's would be to remain dependent on a larger number of smaller and less efficient tankers at a substantially higher cost of ocean transportation required to deliver the same volume of crude oil. Because over half the world fleet will be of the VLCC class by 1975, this alternative would encourage the exporting of the U.S. refining capacity. This would have a considerable adverse effect on our balance of payments.

Some people have voiced a concern over "wall-to-wall" construction of refineries along the New Jersey coast line. A deepwater facility would be the first link in a very orderly industrial system that would move crude oil into offshore pipeline connections and thence by pipeline to onshore processing and storage facilities. This, along with reasonable land-use regulations, would make possible the expansion of existing refineries and the construction of new, possibly inland, refineries that would be compatible with both energy and environmental requirements.

The federal Council on Environmental Quality has undertaken a study regarding the potential environmental impact of such deepwater facilities. Surely the results of that study, which the Council anticipates will be completed by the end of 1972, should be awaited before seriously considering any proposal to ban such facilities.

The Federal Government is very much aware that our country needs a comprehensive, energy-use policy, and a number of federal departments and agencies are working diligently to develop such a program. It is most important and logical that State land-use statutes such as the one proposed here should harmonize with this federal energy policy. Proper usage of our natural resources can and should be made for the economic and social benefit of all the area's citizens.

To the extent that the Bill would totally prohibit further construction and operation of petroleum and petroleum product facilities, it would create major obstacles to the over-all formulation, direction and coordination of U.S. energy policy. If such a bill is necessary at all, we urge that it be modified to efficiently regulate, but not to prohibit, the construction and operation of such facilities, so that the State will be in a position to adopt controls that are compatible with the over-all national interest.

Any industrial expansion in New Jersey will have important benefits to your constituents in the form of increased employment, higher tax revenues, and greater stimulation to the State's general economy. Laws designed to stifle such healthy growth cannot but work to the detriment of the State's residents. Such growth can take place in harmony with environmental goals.

Texaco is most hopeful, gentlemen, that your committee and your fellow legislators will not place unwarranted restrictions on well-planned, industrial expansion.

Thank you.

ASSEMBLYMAN MENZA: Apparently you believe that these deepwater facilities not only apply to Cumberland County but would apply to Salem and Gloucester County, all the way up, right?

MR. REALS: Yes, sir. The deepwater facilities would have to be built in approximately 100 feet of water so wherever the 100 foot waterline is that is where they would be built.

ASSEMBLYMAN MENZA: There would be no reason to restrict these facilities to Cumberland County?

MR. REALS: No, sir.

ASSEMBLYMAN MENZA: Thank you.

ASSEMBLYMAN STEWART: Is there a proposal now for a proposed site for this deepwater port or is it just in the talking stage?

MR. REALS: There are a number of various locations under consideration all along our coast, ranging from South Texas to Maine.

ASSEMBLYMAN STEWART: I mean in New Jersey.

MR. REALS: In New Jersey there has been some speculation about it but no definite proposal.

ASSEMBLYMAN STEWART: Where is the speculation or would you think that would be out of order?

MR. REALS: I think so many places, it would be out of order.

ASSEMBLYMAN STEWART: Okay. Fine.

MR. REALS: Two definitive proposals are off Delaware.

ASSEMBLYMAN STEWART: I mean, I find the threat of this port hanging over the heads of many people to be a great objection or a great reason to be for the passage of Assembly Bill 722. And, as far as I know, anyway, and that's why I'm asking you the question, this particular port is nowhere near a reality, it's strictly speculation. And there are people, I am sure, who are against 722 who are in favor of the port, but I don't think that is the majority of

the complaints. And I hope that the rest of the Committee isn't forming the opinion that the whole gist of this opposition to this bill is based around, we want a deepwater port off Salem, Cumberland, Gloucester or Camden County. I don't think that's the case. Am I wrong?

MR. REALS: No, sir. I think the important point to remember here is that the petroleum industry is dedicated to supplying the energy requirements for this area and that we would like to bring the energy in in the most efficient way, which is by very large crude carriers. And we believe that the risk of environmental detriment is higher if we do not have a deepwater port because there are so many more vessels transiting the same waters.

ASSEMBLYMAN STEWART: This is very important to the petroleum industry, I'm sure.

MR. REALS: Yes. And also having a deepwater port means that you can concentrate all the facilities necessary to monitor and follow up on the careful environmental control of the vessels.

ASSEMBLYMAN MENZA: I am almost convinced now and perhaps I'm wrong and I hope that there may be some speakers to demonstrate that I'm on the wrong avenue, but I'm convinced that the main objection, the primary objection of these three counties is because it is going to limit their port facilities in the future. And I see the Petroleum Industry here, and we've heard about jobs, we've heard about potential jobs, etc., and developing the entire area. In addition to that we hear about across the Bay they can't do it any more, that we're going to have additional crude oil coming in, that we're going to have different types of ships, and so forth. And I tell you right now that I am convinced that the reason that this particular area doesn't appear to want it is that they feel there is a great potential in the very near future for a large port facility and large petroleum industries along the banks of Delaware Bay. Now, am I wrong?

MR. REALS: No. I think there is a great deal of potential for that.

ASSEMBLYMAN STEWART: We're going to be talking all night about this. You have to remember that this gentleman, I think, is a representative of the petroleum industry.

MR. REALS: Yes.

ASSEMBLYMAN STEWART: As you probably know, this entire matter is going into a booklet which we will be receiving and one thing we want to make perfectly clear - this is your opinion as a representative in the petroleum industry.

MR. REALS: Yes, sir.

ASSEMBLYMAN STEWART: We have had 30 or 40 speakers, at least, here today who were not from the petroleum industry, who had no great interest in the petroleum industry, I would say, who were also against this particular bill. When we talk about port facilities, it all depends, I think, Alex, on what we're talking about when we say port facilities. Are we talking about an off-shore docking point or are we talking about a small wharf off the river by which B. F. Goodrich or DuPont or Air Reduction or somebody else may want to bring in goods by boat? That's a port facility also. And I think if we're talking about that we are talking about port facilities; but if we're talking about off-shore docking of oil tankers, I don't think that was the entire objection of most of the people who were here today.

ASSEMBLYMAN DAWES: The Mobil Representative.

J A C K B A R B E E: Mr. Chairman and members of the Committee, my name is Jack Barbee and I am a resident of Cherry Hill, New Jersey, and I am Technical Manager of Mobil Oil Corporation's Refinery in Paulsboro, New Jersey.

The Mobil Oil Corporation values this opportunity to present its views regarding Assembly Bill A-722 the "Coastal Areas Protection Act." Our company has been a member of the community in this State for well over half a century. We are the largest employer in Gloucester County, in addition to our marketing interests throughout the State. Our Paulsboro refinery is one of the largest East Coast producers of the type of low sulfur heating oil required by this State for the protection of the environment. We believe the protection and, where needed, the improvement of the environment to be vital to the general public, to our employees, and to our Company. However, we believe this bill to be both unnecessary and undesirable for the following reasons:

1. A balanced approach to control of the ecology and development of the resources of New Jersey for the benefit of a majority of its citizens is necessary and feasible. The State has established a Department of Environmental Protection supported by extensive legislation and regulations to ensure that this object is met. This Bill duplicates the control aspects of many of the existing environmental statutes, including the Wetlands Act of 1970, as well as the functions of the Department of Environmental Protection. We are unable to understand why additional controls, repetitious in content, are considered necessary.

Earlier testimony has already covered the numerous permits required, so I won't go into that part of my testimony.

Adding further to this combination of requirements and multiplicity of agencies will introduce unnecessary expense and obstacles to efficient operation for both government and industry, with ultimate adverse effects on the taxpayer, the consumer, the overall economy of New Jersey and, in fact, over effective control of the environment.

There was an extensive five year study of the Delaware Valley area which, in general, included all of Coastal Area III and part of Area II, much of which has been developed with industrial and commercial facilities for years. This study known as the Delaware Estuary Comprehensive Study, conducted by the U. S. Public Health Service under the Federal Water Pollution Control Act and with the cooperation of numerous interstate, state, and city regulatory agencies plus groups representing industry, local government, the General Public and Recreation and Conservation groups, involved the detailed analysis of water pollution, waste loads, and water use requirements for all concerned users. Subsequently, the Delaware River Basin Commission, a joint four State-Federal compact, including New Jersey, adopted comprehensive pollution control standards, rules and regulations for the Delaware Estuary based on this extensive investigation into the causes and effects of pollution. Implementation of the provisions of the DECS by the Delaware River Basin Commission, through its broad pollution control authority, is expected to upgrade the river water quality to attain the desired ecological goals without needlessly restricting industrial growth.

2. We oppose the Bill because it is discriminatory against industries presently located in areas it proposes to control. We note that a major portion of New Jersey is exempt from regulation under A-722.
3. A-722 proposes to prohibit marine off-shore gas, liquid or solid bulk product transfer facilities in Coastal Area I, II, and III.

Mr. Russell Train has advised that the Council on Environmental Quality is leading an interagency study to assess the potential environmental effects of developing facilities to receive supertankers on the U. S. East and Gulf Coasts. He identifies this as an "issue in the growing national concern over meeting the country's future energy needs." Agencies represented in the study include the Environmental Protection Agency, the Coast Guard, the Maritime Administration, the Corps of Engineers and the National Oceanic and Atmospheric Administration. This study ensures that the subject of off-shore product transfer facilities will receive comprehensive evaluation. We urge you not to prejudge its outcome with premature legislation, which may adversely affect meeting New Jersey's future energy and environmental needs.

For these reasons, we, respectfully, urge that the Committee vote negatively on Assembly Bill A-722.

Thank you.

ASSEMBLYMAN DAWES: Any questions? (No questions)

Mrs. Donohue? (No response)

The representative from Public Service.

J O H N F. M c D O N A L D: Mr. Chairman, my name is John F. McDonald. I am Vice President in Charge of Public Affairs of Public Service Electric and Gas Company whose franchised area extends from Bergen County in the north to Gloucester County in the south, generally along the route followed by the Pennsylvania Railroad. Public Service has nine generating plants located along the Hackensack River, Passaic River, Arthur Kill and the Delaware River.

Public Service recognizes the need and the urgency of protecting the coastal shore, since the shore area is one of the State's greatest resources and Public Service is desirous of retaining such resources.

Assembly Bill No. 722 would establish coastal areas of the State and would reserve Coastal Area No. I for predominately recreational and residential use. Coastal Area No. II would reserve a region with much land in its natural or near natural condition and Coastal Area No. III, from the Delaware Bay Bridge, as it has been named in the bill, to the head of the extreme high tide of the Delaware River in New Jersey would be established as a mixed industrial, residential and natural use area. Electric generating plants would be prohibited in Area No. I and No. II, and would be permitted in Area No. III by permit only.

Public Service Electric and Gas Company is mandated by statutes of this State to provide safe, proper and adequate supply of electricity and the Board of Public Utility Commissioners, under those same statutes, has been given the general supervision and jurisdiction over the operations of Public Service.

In order to meet the obligations placed upon this Company it is necessary to generate electricity by either a fossil fuel plant or a nuclear fuel plant. Basically, fuel heats water and the steam under pressure drives a turbine and a generator, creating the electricity that

is finally supplied to the industrial, commercial and residential areas of our franchised territory. The steam that is used to drive the turbine is passed through condensers which are cooled by water, returning the steam back into its original state to be reheated for the purpose of driving the turbine. It is necessary, therefore, that steam-driven generating plants be located at a source of supply of coolant water.

If Assembly Bill No. 722 were to be adopted as it is presently being considered by this Committee, no electric generating plants could be located in Coastal Areas I and II. Because of the restrictions and limitations placed upon the use of the waters of the Hackensack, Passaic, Arthur Kill and Delaware River, future generating plant locations on these waters would be difficult, if not impossible, to locate.

In Coastal Area No. III, north of the Delaware Bay Bridge to Trenton, a power plant could be installed, subject to a permit being issued by the Commissioner of the Department of Environmental Protection. In Area III there is presently located the Mercer and Burlington Generating Stations and the proposed Newbold Generating Station.

If New Jersey is to continue to grow, the generation of electricity must also grow. As the citizens of the State demand more electric power, either for new industry, new uses of electric power, such as waste disposal plants and recycling plants, sites for those electric generating plants must be made available.

This Assembly, of which you are members, has already moved to cut off one source of generation by passing Assembly Bill No. 659 which would empower and direct the Commissioner of the Department of Environmental Protection to re-acquire the area known as the "Worthington Tract." That bill would prohibit the construction of a pumped storage generating facility in the northern section of New Jersey.

Pending before the Assembly is Bill No. A-827 which would prohibit the building of any structure on the seabed from Sandy Hook to Cape May, which will directly affect the proposed off-shore nuclear plants. These three bills then, A-659, A-827 and A-722, which we are considering here, along with the existing restrictions and limitations on the use of the Hackensack River, the Passaic River, the Arthur Kill and the Delaware River would, in effect, prohibit the construction of any new power plants in the State of New Jersey.

Section 4 of A-722 provides that heavy industry uses of any kind not in actual operation on the date of the enactment of this act are absolutely prohibited in Coastal Areas I and II. The Salem Nuclear Generating Station, which is located in Coastal Area No. II, falls within the definition of "heavy industry use". Since it would appear that the Salem Generating Station will not be in actual operation until 1975, the station cannot be considered as a non-conforming use, lawfully in existence and in active use prior to the enactment of A-722, if such were to be enacted before 1975. Therefore, if this bill is enacted in its present form, prior to the Salem Generating Station being lawfully in existence and in active use, that station could not be placed in operation. \$380 million has already been expended on this station and \$50 million more has already been contracted for.

The bill would further require a permit before any new construction could be undertaken on the existing generating plants located in Coastal Area No. III and such properties could not be expanded unless the Coastal Areas Protection Board issued a permit for the expansion. The Coastal Areas Board established by the bill would consist of the Commissioner of Environmental Protection, who would act as Chairman, the Commissioner of Labor and Industry and the Commissioner of Community Affairs. All requests, however,

for a permit for a manufacturing, land use or expansion of non-conforming use is mandated to be directed to the Chairman of the Coastal Areas Protection Board. An appeal from the Chairman's decision is made to the Protection Board "where a unanimous vote shall be required to make a final decision on a permit request". It would appear that if the Chairman denies an application for a permit and an appeal is taken to the Protection Board, the Chairman must, if the appeal is to be successful, vote against his original determination which would appear to be very unlikely. The bill also provides for the condemnation of the property involved in the request for permit, in the event an appeal from the Board's decision is reversed by the Superior Court. If the Board's decision is reversed by the Superior Court, condemnation proceedings may begin under the direction of the Department of Environmental Protection.

The existing national shortage of natural gas has been recognized by both industry and government spokesmen alike and will reach crisis proportions prior to 1975. The New Jersey gas industry has already placed restrictions upon customers and while the supply of gas in the future is not very bright, the demand for gas has more than tripled in the past 20 years. This demand is attributed to population and industries and the trend to clean fuels to combat pollution.

The gas companies of New Jersey are looking toward a program that will provide base load gas to meet the coming shortage by either synthetic natural gas or liquified natural gas. Each of these gases will materially aid in helping to alleviate the existing shortage.

The programs being considered by the New Jersey gas companies will assure Public Service and its sister companies that they will be able to meet the full requirements of their residential and commercial customers in the 1973-74 heating season.

Assembly Bill No. 722 would seriously and adversely

affect the proposed programs of the New Jersey gas companies by the prohibition of port facilities to receive imported liquified natural gas or the ingredients for synthetic natural gas from foreign or domestic sources.

Because of the effect of this bill upon the Salem Nuclear Generating Station, as well as the apparent intent of the bill to prohibit the construction of generating plants or facilities for the storage of natural gas, either liquified or synthetic, Public Service Electric and Gas Company strongly objects to the passage of Assembly Bill No. 722.

ASSEMBLYMAN DAWES: Mr. McDonald, do you mean to tell me that if this bill were passed you could not build another Public Service plant in Monmouth County? I know that's part of Zone I.

MR. McDONALD: Because of the need for coolant water, we could not build a plant. That's right. The normal steam generating plant that is considered now, where you need coolant water and you use water to cool the condensing system, it could not be built.

I think you heard one of the witnesses say today that the proposed fossil fuel plant on the part of Jersey Central Power and Light to be at Union Beach, that would be affected by this bill.

ASSEMBLYMAN DAWES: It would be. That was my next question.

MR. McDONALD: Also the proposed Forked River Plant of Jersey Central Power and Light will be affected by this bill.

ASSEMBLYMAN DAWES: Do you want to explain what a fossil plant is.

MR. McDONALD: It's either coal, oil or gas. It's a fossil fuel. There are two types of fuels at present to heat the water, the fossil fuel type or the nuclear fuel.

ASSEMBLYMAN MENZA: You must always be near water.

MR. McDONALD: For coolant purposes, yes.

ASSEMBLYMAN MENZA: Even a nuclear plant?

MR. McDONALD: Yes.

ASSEMBLYMAN DAWES: Thank you, Mr. McDonald.

We will now hear from the Railroads. Mr. Nasmith.

A U G U S T U S N A S M I T H: I assume the entire statement may go in the record and there is no objection if I shorten it. (For complete statement see P. 241)

ASSEMBLYMAN DAWES: No, none at all.

MR. NASMITH: I am Augustus Nasmith, representing the Associated Railroads of New Jersey in opposition to this bill.

After the Legislature enacted the Air Pollution Control Act, the Commissioner of Environmental Protection promulgated regulations prohibiting the use of all coal as a fuel, except that with extremely low sulfur content. In his Foreward to the original proposed Chapter which is now X-A of the Air Pollution Control Code, he stated:

"Compliance is possible, at a price - a high price. The price includes increased cost of fuel, the expense of equipment conversion, and all the economic dislocations caused by the required changes in fuel use patterns."

The railroad industry has paid the high price. When bituminous coal could no longer be burned in New Jersey, except for limited temporary variances, we lost the business of transporting it, which had been our largest source of inbound carload freight into the State.

Our opposition to Assembly No. 722 is for the simple and direct economic reason that if industrial development is curtailed so is railroad transportation.

If I may interject, at the time we testified in opposition to the proposed Chapter 10, I believe there was a feeling that we were crying "wolf, wolf" and that low sulfer coal would be available, but the facts have proven that it was not available and that we did actually lose the business. And we are here now, for that reason, to try to

protect further future economic dislocations.

Exhibits A and B attached to our statement indicate that the railroads have been trying to help themselves by attracting new freight customers and have been aiding in the economic growth of New Jersey. And we ask that you weigh the need for a healthy and viable railroad transportation system as you consider the need and the desire to preserve the natural environment.

I have presented to you, Mr. Chairman, a copy of a map prepared by the Board of Public Utility Commissioners which shows the railroads which traverse each of these three areas, which we ask to be a part of the record. And I would just ask you to note particularly that rail service goes down to Cape May, then going westward you have rail service to Bridgeton which apparently may be covered by this bill, and finally, in particular, you have rail service running along the Delaware from Penns Grove to Camden and then from Camden on up to Trenton. And essentially those roads go right along the Delaware.

The purpose of this map is to show that this railroad service is within the areas under the bill as drawn.

Thank you, sir.

ASSEMBLYMAN DAWES: Any questions? (No questions)

Thank you, sir.

May we have a couple of extra copies of this map?

MR. NASMITH: I will submit them to you.

ASSEMBLYMAN DAWES: Okay. Thank you.

Mr. Stonerod.

J O H N P. F E R R I E: Mr. Chairman and members of the Committee, this is a statement by Paul V. Stonerod, Jr., Vice President of Landtect Corporation, presented by myself, John P. Ferrie. I have come here today to express the views of my Company, Landtect Corporation, on Assembly Bill 722.

As the Developer of Pureland Industrial Complex, a 3,000-acre tract in Gloucester County which is now attracting heavy, medium and light industry to New Jersey, Landtect, of course has a very deep and unusual interest in the proposed legislation before you.

I use the term unusual to underscore the fact that Pureland bears the distinction of being the very first industrial park in the United States to be environmentally preplanned, and pollution controlled, even before it opened its doors to industry.

Our reasons for these elaborate and very expensive advance preparations are because we have long deplored the ravages of uncontrolled industrial development; and because we have conclusively established that the present state-of-the-art of pollution control and environmental protection technology -- if strictly adhered to -- make it possible for industry of almost any type to build and operate today with virtually no adverse impact upon our environment. Thus we have long since been in philosophical and practical agreement with the principles set forth in this act.

However with the enormous practical knowledge of industrial environmental impact problems we have acquired as the creators of an area where industry is rigidly required to practice clean housekeeping, we believe we are extremely qualified to take exception to certain provisions of the Coastal Areas Protection Act as it is presently worded.

Briefly, we believe that this bill A722 and the State Coastal Areas Board it would create would needlessly fragmentalize the already complicated procedure of establishing an industry in this state.

The state already has agencies and authorities to accomplish the objectives of Bill 722: the Department of Environmental Protection; the State and regional planning agency of the Department of Community Affairs; and numerous other state agencies to define standards, impose regulations, and police industrial offenders.

Landtect has worked with all these official bodies and found them efficient, firm, and yet fair and pragmatic in their understanding of the population's vital need for industrial progress as well as ecological protections.

From daily experience we are in a position to know that setting up further roadblocks will unquestionably discourage industry and business from locating in this state. It would be ridiculous to deny that there is no need for extremely tough industrial pollution controls. But it would be equally foolish to abruptly cut off our populace from the benefits of industry -- not only the products we need for survival itself, but the livelihoods afforded to all of our people.

We therefore advocate clean industry within a clean environment, and believe both are compatible and can be best accomplished in this state and elsewhere by a centralization of controls -- one, and only one constituted body of authority to regulate and licence industry and police its performance.

As Bill 722 now stands, the judgement of the proposed board is the final arbiter of industrial standards, yet the standards themselves have not been absolutely defined, nor does the constituency of the Board's advisory staff contain an appropriate balance of industrial technicians, who would be in a position to evaluate the abundance of new techniques now being developed in environmental control.

Section 7 stipulates that a unanimous vote shall be required for the board to make final decision on a permit request. We believe such a practice allows for no honest differences of opinion, which is one of the basis of our form of government.

The number of steps and length of time required to obtain and, if necessary, appeal a decision of the board, is concise and seemingly adequate, but if the denial of a permit is appealed in the Supreme Court and the decision reversed, Section 10 provides the Board with five years of possible and most probably delays to either issue a permit or purchase the property in question. Section 10 also provides the Board with condemnation rights, which is a blatant denial of the freedoms offered by our country's judicial system. These two items are outrageous.

If the Supreme Court reverses the denial decision, the Board should within 60 days issue the permit or purchase the land at fair market value.

But of overriding importance, in our view, is the complete absence in Bill 722 of a clear, solidly defined set of regulatory standards to be used as guidelines by both the Board and industry. Without such exacting guidelines the danger is posed of endless disagreements within the Board as to proper standards, the promulgation of arbitrary standards that may be obsolete in the face of advanced pollution control technology, and the resultant stagnation of the state's economy.

Therefore, Landtect takes the position that before consideration is given to the passage of this bill, thought be given to the advantages of consolidation of regulatory authority, with more room for the spokesmen of industry to participate in permit deliberations; and the definition of absolute regulatory standards elastic enough to keep abreast of the innovative techniques now being researched and produced by industry in its effort to clean its own house and the land we live in.

Thank you.

ASSEMBLYMAN DAWES: Any questions? (No questions)
Mrs. Hinnens.

M R S. W I L L I A M F. H I N N E R S: I will prove to you gentlemen that a woman can be brief. I am Mrs. William F. Hinnens from the Environmental Quality Committee of the League of Women Voters of New Jersey, and also the New Jersey representative to the Interleague Council of the Delaware, now chairing that organization which consists of league membership of four states, New Jersey, New York, Pennsylvania, and Delaware. I speak today for New Jersey, Pennsylvania and Delaware, representing about 15,000 members.

We have had an interest in those affairs affecting water in general and a very particular one in those affairs affecting the Delaware River Basin dating back to 1957 and the formation of the Delaware River Basin Commission and the acceptance of the Interstate Federal Compact involving the four states, New Jersey, New York, Pennsylvania and Delaware. This alliance has been of the utmost importance in fostering the conception of comprehensive planning for the development and also the protection of the basin area.

Comprehensive planning is of the utmost importance to the Delaware at this time, when such conditions exist as to make future problems avoidable and those already in existence amenable to correction. For the first time in decades progress is visible along the river and in the basin. We point to the setting of water quality standards in the estuary and the enforcement of such as an example of a forward development of our interstate relationships.

Man does not live by bread alone - some of us would like some right now - but would like a little fish, as a side dish, a bit of pure water to wash it down, and a place to relax after that daily bread has been earned. He also wants to be able to earn that daily bread but, at the

same time to be free from the fear that in the earning thereof he is destroying himself.

Perhaps the most vital consideration is the role coastal states must assume as guardians not only as their own and close neighbors' aquarian responsibilities but, as we are now on the verge of realizing, the utter interdependence of the actions of one water based group upon the whole world community. What we do today in New Jersey can affect the water world of the whole Atlantic community. Maybe the Pacific too, but I have no proof of that at this point.

May I strongly recommend this bill and the acceptance of its proposals. It has been our experience that neither industry nor municipalities are inclined to be self-regulating. And I do feel that the creation of a Water Coastal Protection Board would lend itself to as great planning as the Delaware River Basin Commission has provided.

Thank you.

ASSEMBLYMAN DAWES: Would you explain your group? What is your group, I mean.

MRS. HINNERS: We have been interested in the comprehensive planning of the Delaware River Basin from its headwaters down to the estuary and bay; in the establishing of water pollution standards, water supply, flood control, wildlife and fish conservation. We have been watching anxiously to guard against salt intrusion in the lower bay. Our main interest has been watch-dogging the development of the Delaware River Basin Commission and also we have a stand on the creation of the Tocks Island Recreation Area.

ASSEMBLYMAN DAWES: Where do you live, Mrs. Hinners?

MRS. HINNERS: I live in Chatham, New Jersey. We are in the basin area, even in Chatham.

ASSEMBLYMAN DAWES: You are?

MRS. HINNERS: Yes. The entire State of New Jersey

is in the service area of the Delaware River Basin. The service area extends as far as Fairfield, Connecticut. New York City actually gets a large supply of its drinking water from the headwaters, from the Peapack Dam.

ASSEMBLYMAN DAWES: Thank you, Mrs. Hinnens.

Mr. Luce.

G. MATHIS SLEEPER: Mr. Chairman and Gentlemen, I hope you will bear with me. I am not as articulate as I think I might have been at one o'clock when I came in here but I would like to compliment you on your perseverance in the face of all this basically redundant testimony against proposed legislation which is in itself rather redundant.

My name is G. Mathis Sleeper. I am a member of the New Jersey Economic Development Council which is provided for by law to advise and assist the New Jersey Division of Economic Development. And this is not my employment. I am a civilian member of this Council.

In essence, the New Jersey Economic Development Council is totally against the provisions of Assembly Bill 722. You will be glad to hear that we have a very short statement.

The New Jersey Economic Development Council is opposed to the enactment of Assembly Bill 722, known as the Coastal Areas Protection Act. Prohibitions in the Act would seriously inhibit, if not prevent, establishment of industrial installations in the area and the expansion of existing industries to the extent that it would have a damaging economic and social impact, not only on the areas encompassed in the proposed Act, but on the entire State of New Jersey.

The State and governing bodies of the subdivisions sorely need tax revenues for funding the many projects under way in the State in education, highways, transportation, sewage facilities, and the many health and social programs proposed or needed.

Approximately 17% of the areas of the 11 counties affected by the proposed Bill would come under the control of this legislation. In the southern counties particularly this would further depress an economy already in need of stimulation. According to the figures published by the Division of Planning and Research of the New Jersey Department of Labor and Industry, the under-employment rates of January, 1972, for Salem, Cumberland, and Cape May Counties were 6.1%, 9.3%, and 19% respectively.

The proposed A-722 is superfluous legislation in light of the vast array of regulatory agencies and controls now existing in New Jersey. A few of the existing controls over which these regulations would be superimposed are the following:

1. Local zoning ordinances.
2. State water pollution control codes.
3. State air pollution control codes.
4. Provisions of the Wetlands Bill P.L. 1970,
Chapter 272.
5. State Department of Health requirements.
6. Federal Environmental Protection Agency.
7. Delaware River Basin Commission regulations.
8. Rivers and Harbors Act of 1899 as administered
by the U.S. Army Corps of Engineers.

The Green Acres Program also concerns itself with insuring protected areas for public use and, particularly in this area of the State, has acquired substantial acreage of protected land. Statewide, this program covers approximately 130 projects amounting to in excess of 570,000 acres.

Another objectionable facet of the proposed legislation is the proposal to endow one office with more and more administrative and police power. The situation of being judged and, on appeal, appear before the same judge, is inconsistent with precepts of the democratic process.

The future growth of the State of New Jersey and the need for healthy economic development both to provide tax revenue and job opportunities requires that there be an orderly balance between environmental and economic considerations.

Thank you.

ASSEMBLYMAN DAWES: Is your view shared by Commissioner Heymann? You're not speaking for him?

MR. SLEEPER: No. I am speaking at this time on behalf of the Council which acts in an advisory capacity to the Commissioner.

ASSEMBLYMAN DAWES: Is the Commissioner a member of the Council?

MR. SLEEPER: He is an ex-officio member of the Council, yes.

ASSEMBLYMAN DAWES: Was this statement approved by the Council?

MR. SLEEPER: Yes, this statement was approved by the Council, unanimously, at our last meeting.

ASSEMBLYMAN DAWES: Was he at the meeting?

MR. SLEEPER: No, he was not. His representative, the Director of the Division of Economic Development, Herman Simonse, was there. He knows the content of this particular statement, but I cannot speak for him.

ASSEMBLYMAN DAWES: Any questions? (No questions)

Thank you, Mr. Sleeper.

MR. SLEEPER: Gentlemen, thank you very much.

ASSEMBLYMAN DAWES: I assume Mrs. Hope Cobb is not here? (No response)

Mr. Arthur D. Meritt.

A R T H U R D, M E R I T T: My name is Arthur Meritt and I represent SunOlin Chemical Company in Claymont, Delaware.

We recommend defeat of this proposed bill for reasons which have all been stated, and I will, therefore, not read this statement. We do agree, in general, with the New Jersey State Chamber of Commerce.

Since we are from the State of Delaware, I thought I could give you some insight into the Delaware Coastal Zone Act that perhaps Mr. Halbrook overlooked. He briefly mentioned an off-shore unloading facility that the Coastal Zone Act did not permit. In fact, this coastal pier was

to be part of a liquid natural gas unloading facility, I would guess, in Salem County. It was right opposite Delaware, and it was by El Paso Eastern. And they were going to bring natural gas in from Algeria, liquid natural gas, unload it on a pier, put it in a tank farm and vaporize it for injection into the pipeline system that carries natural gas in the Middle Atlantic Region.

Now natural gas, as has been mentioned here, is in very short supply. In Northern Delaware there is no more natural gas. You build a house and you put oil in to heat it; you can't get gas. It's a very clean fuel, cleaner than oil, cleaner than electricity because some guy down the road is burning oil to give you your electricity. So here is something that would have had a favorable impact on the environment. It would have supplied an energy demand as well as perhaps jobs over in Jersey. But there was a pier and the pier went into the Delaware River which Delaware owns all of, at that particular point of the Delaware River, and they said no. They didn't think about it, they didn't look at the ecological consequences, the economic consequences or the social consequences, they just plain said no. That pier could have been the last salvation of mankind and they would have said no.

Now this is, I guess, one of our principal objections to this bill - it's a broad brush ban and you take out of man's hands the ability to judge.

Now, it isn't so much the fact that this particular facility was banned, it's that it was banned without any thought, just because it was part of the law.

Now there were a couple of things that Mr. Halbrook said. He said the Delaware Coastal Zone Act had broad popular support. I don't know what the basis for that is. He certainly had legislative support.

Governor Peterson has asked the counties, the three counties in Delaware, to enact their own coastal zone laws. And in New Castle County, where we are, they are now having

public hearings and there is a fair representation of industry and the environmental group testifying at these public hearings. And if you were to write the New Castle County Planning Board, I am sure you could get copies of the testimony in which industry was unanimously opposed to the county zoning bill. I don't know who Mr. Halbrook has been talking to in the way of businessmen there but certainly none of the businessmen that were speaking at the County Planning Board hearing. And four unions - and I guess I'm a little surprised that I didn't see any union representation here today -- four union representatives spoke. They were talking about a real gut issue, which is jobs, and they were against the county zoning bill.

ASSEMBLYMAN DAWES: Why are you here?

MR. MERITT: Why SunOlin Chemical Company - we are interested in the economic health of the Delaware Valley. We supply customers by pipeline in Delaware and New Jersey.

ASSEMBLYMAN DAWES: By pipeline?

MR. MERITT: Yes. Our pipeline. We supply hydrogen, carbon monoxide, oxygen, ethylene.

ASSEMBLYMAN DAWES: Well, how could this bill be harmful to you? How could it harm you economically? you, your business?

MR. MERITT: Okay. Well, if a plant wants to build alongside a pipeline and buy our product, we will, of course, be glad to see it to them. The problem is, can they build there. And we feel that this bill, while there is permit availability there, makes the over-all economic climate less favorable.

ASSEMBLYMAN DAWES: Did you attend the public hearing in Delaware? Did they hold a public hearing in Delaware?

MR. MERITT: They held public hearings on the Delaware Coastal Zone Law. I can only say that I got into this act late and looked very foolish. They were talking about it on the radio and they said, Oh, the Delaware Coastal Zone Law

is going to protect marshes. And I thought of the marshes down at Southern Delaware, you know, and the birds and the bees flying out of them, and I said, "They don't mean up here where we are." But they did. And every time we want to do something in that plant, we have to go to the State Planning Board and ask them permission. If you want to put in a dust collector, you go to the State Planning Board and ask them.

ASSEMBLYMAN DAWES: Have you been denied?

MR. MERITT: We have not been denied.

ASSEMBLYMAN DAWES: Mr. Halbrook said no industry had been turned down.

MR. MERITT: Sure. Well, I suspect they probably take one look at that law and don't bother. In fact, I know we've considered projects and we say, oh, man, you know, we can't do that because it's prohibited. We went to the Delaware Planning Office - and this isn't their fault at all, they're acting under the law - and asked them permission to build a sulfur recovery plant because we emit sulfur dioxide and we have to clean it up. So we asked them permission to build a sulfur recovery plant. Well, they do some independent work on their own but a great deal of what they do is they go to the environmental agency there and ask them, you know, what should we do? The duplicity of effort, that has been spoken of, really does occur.

ASSEMBLYMAN MENZA: Your industry does exactly pipe what?

MR. MERITT: We make hydrogen, ethylene, we sell nitrogen and oxygen, and we transfer it to industries from, roughly, the Delaware Memorial Bridge up to Paulsboro.

ASSEMBLYMAN MENZA: Your firm is across the river?

MR. MERITT: Yes.

ASSEMBLYMAN MENZA: What effect would petroleum plants on our side of the river have on your plant?

MR. MERITT: Well, they wouldn't necessarily have an effect on us. It would depend on the --

ASSEMBLYMAN MENZA: Would they necessarily need your services, the type of product that you render?

MR. MERITT: No. As it happens, we buy raw material from one of the refineries in New Jersey but that just doesn't have to be that way, it's just because we made a deal with them.

ASSEMBLYMAN MENZA: Let's say across the way was all petroleum refineries --

MR. MERITT: In New Jersey.

ASSEMBLYMAN MENZA: Yes. Would you furnish them with any of your products?

MR. MERITT: We might.

ASSEMBLYMAN MENZA: What?

MR. MERITT: Oh, we could furnish them nitrogen for purging out vessels, we could sell them hydrogen - I don't know what they do with it.

ASSEMBLYMAN MENZA: Would they need your product? Must they necessarily have your product in order to function?

MR. MERITT: No. They could function without our product. It would be a question of what's the most economical and mutually satisfactory deal, like buying a product anywhere.

ASSEMBLYMAN STEWART: Do you service Goodrich right there in Oldmans Township?

MR. MERITT: Goodrich? No.

ASSEMBLYMAN STEWART: Is it Air Reduction that you service? You service one of those.

MR. MERITT: We service Air Reduction.

ASSEMBLYMAN STEWART: Okay. I knew it was one of the two. You have a pipeline, the way I understand it, - as you probably know, I live in that area, probably not very far from your pipeline, but one thing I wanted to point out to the rest of these people is the fact that I have seen many times where industry has come into that area and wanted to locate strictly because they wanted to be near your pipeline, they needed your facility or they

wanted your facility, and it makes the real estate along that particular area very valuable.

MR. MERITT: Yes. It's convenient. But they could conceivably get the same product we sell from some other supplier -

ASSEMBLYMAN STEWART: But you're there.

MR. MERITT: - if they built another plant there to supply it, or something like that. We're there, right.

ASSEMBLYMAN STEWART: But with the passage of this particular bill, that particular piece of ground may not be so attractive anymore, first of all; and, second of all, you may not be able to use it.

MR. MERITT: That's what I think. I think it creates an unfavorable climate. For instance, the Industrial Control Board in Delaware - industry is represented on that Board by a car salesman. I don't have anything against car salesmen but I don't think that's a very representative allocation.

ASSEMBLYMAN DAWES: Any further questions?

I'm sorry. Did we interrupt your trend of thought there? I think we did with our questions.

MR. MERITT: Well, just in summary, Sunolin feels that New Jersey's proposed Assembly Bill 722 seriously and needlessly threatens the economic health of the Delaware Valley area and we recommend its defeat.

ASSEMBLYMAN DAWES: Thank you. I'm glad you came.

MR. MERITT: So am I.

(Statement submitted by SunOlin Chemical Company may be found on P. 249)

ASSEMBLYMAN DAWES: Mr. Lloyd, New Jersey Manufacturers Association.

D A V I D L L O Y D: Mr. Chairman and members of the Assembly Committee on Air, Water Pollution and Public Health: My name is David Lloyd, Secretary to the Committee on Environmental Quality of the New Jersey Manufacturers Association. Mr. Cordiano, the Chairman, was here until

about 4:30 and couldn't stay around.

We appreciate this opportunity to present our views. We feel that we have taken constructive roles in the formulation of environmental control programs. In recent months we co-sponsored a series of twelve educational workshop conferences throughout the State in cooperation with the Bureau of Air Pollution Control in the Department of Environmental Protection. Our support and active promotion of the \$271 million Water Bond Referendum in 1969 was based on our conviction that proper steps must be taken to safeguard the environment.

I am going to skip a little here, just in the interest of time. I think you are all aware of the multitude of pollution control programs at all levels of government. I am not going to go into all of them.

We agree that the environmental resources of this State deserve protection from "uses incompatible with their ecological and environmental integrity." We also recognize that the days of the "frontier" philosophy are gone and that unplanned growth which ignores environmental considerations cannot be permitted.

We do not agree, however, that A-722 is an acceptable approach to the solution of the problem of environmental abuses. We submit the following comments in support of our position:

1. By outlawing certain industrial activities, A-722 effectively rules out the concept of "balanced land use" programs. Without such programs, vast coastal areas of the State will be deprived of employment opportunities and tax ratables usually associated with sound economic growth. This, we feel, is of special significance in this particular area in view of unemployment statistics which have been cited before, covering the Salem, Cumberland and Cape May County areas.

2. The "overkill" philosophy of A-722 ignores the proven ability of modern technology to provide effective means of protecting the environment. Is reliance on technological advances to be abandoned in favor of ecological zoning?
3. The outright ban on new fuel transfer facilities will restrict all growth and development in southern New Jersey -- not just heavy industry. If added fuel supplies must be re-routed through the northern portion of the State, cost and inconvenience will serve as a real deterrent to any new activities -- individual or industrial.
4. If new fuel supplies for southern New Jersey are to be sent via northern New Jersey, what safeguards will be necessary for the northern waterways? Or do the sponsors of A-722 feel the northern waterways are "too far gone" and therefore beyond saving?
5. In view of the massive powers already enjoyed by administrative agencies, and by the Department of Environmental Protection in particular, we feel the Legislature should be extremely cautious of delegating even more power to that agency. By authorizing the Coastal Areas Protection Board to adopt proposals deciding which manufacturing uses are "deemed acceptable" in the affected areas, the Legislature would be permitting an administrative agency to make public policy to an extent rarely granted in the past.

6. By relying on a ten-foot level boundary, A-722 would have a decidedly uneven impact on the counties and municipalities covered by the bill. For instance, Cape May County would have most of its land areas placed under severe restrictions, while other counties covered by the bill would be far less affected.
7. With all the existing controls over pollution, we seriously question whether New Jersey needs another level of controls. If A-722 is enacted, a company in Area II or III seeking to modify an existing plant or build a new one will have to get permits from at least four or five different governmental agencies: (1) the Federal Environmental Protection Agency or Army Corps of Engineers, (2) the Delaware River Basin Commission, (3) the Bureau of Air Pollution Control in the State Department of Environmental Protection, (4) local zoning boards, and (5) the Coastal Areas Protection Board.
8. We question whether the sponsors consulted with the people who would be most directly affected by A-722. We wonder why there are no sponsors of A-722 from Atlantic, Cape May, Cumberland, Salem, Gloucester, Camden or Mercer Counties -- all counties affected by the bill.

We do note, incidentally, that the latest addition to the sponsorship rolls covers both Ocean and Burlington Counties.

9. We feel that the bill has several provisions which are ambiguous and contradictory. For example:

- * Appeals from rulings made by the Chairman of the Coastal Areas Protection Board on permit applications are to be taken to the full 3-member Board where decisions must be unanimous. The Chairman, of course, is one of the three members. Is he likely to overrule himself?
- * If we read Section 12 correctly, a presumption of guilt obtains when any member of the Board certifies that a violation of the Act has occurred. The alleged violator must then prove his innocence! Has the concept of "innocent until proven guilty" no place in proceedings to collect fines which can range up to \$50,000 per day?
- * Section 10 purportedly affords a remedy to a property owner who has been unconstitutionally deprived of his property rights without just compensation. If modification of a nonconforming use is prohibited, we question what the owner is to do with his property during the five-year period reserved for the Commissioner of Environmental Protection to decide whether or not to negotiate for purchase by Eminent Domain. We wonder how much it will be necessary for the State to appropriate for such purchases. We question whether tying up an individual's property for a five-year period is a "remedy." It appears that either the property owner or the taxpayer will suffer.

For the reasons we have cited, we do not feel that A-722 would serve the purposes its sponsors intend. We feel that consideration should be given to legislation which would fill the need for a well-defined land use policy on a regional basis. We would be willing to give favorable consideration to such measures. In those areas of the State where strict regulation of land use may be necessary as a protection against abuses, we feel determinations should be made only after consideration of all the needs of the particular area.

Thank you very much.

ASSEMBLYMAN MENZA: New Jersey Manufacturers is an insurance company?

MR. LLOYD: Well, New Jersey Manufacturers Insurance Company is affiliated with New Jersey Manufacturers Association. Only employers and their employees who are members of the Association are entitled to apply for the insurance benefits.

ASSEMBLYMAN MENZA: The New Jersey Manufacturers Insurance Company is that synonymous with New Jersey Manufacturers Association?

MR. LLOYD: Not really. Actually, I guess the incorporated name is New Jersey Manufacturers Organization and the parent company is the New Jersey Manufacturers Association. And, as I say, only members of the Association and their employees are entitled to apply for the insurance benefits.

ASSEMBLYMAN MENZA: But the business of the New Jersey Manufacturers Association is what?

MR. LLOYD: Well, we are an employer organization with some 14,000 company members in the State. Part of our responsibility is to represent that community in public hearings such as this.

ASSEMBLYMAN MENZA: Thank you.

ASSEMBLYMAN DAWES: Thank you. You have pointed out some things that are certainly worth review.

MR. LLOYD: Good. Thank you very much.

ASSEMBLYMAN DAWES: Mr. Gaines, representing the Sierra Club.

R. STOCKTON GAINES: I think, considering how late it is, if it is all right with you, I would rather just make some informal remarks and not read this statement. Much of the rhetoric in it has been, if not duplicated, at least something similar to it has been said. (See p. 255)

First, my name is Stockton Gaines and I am Chairman of the Southern New Jersey Group of the Sierra

Club but I am speaking for both of two groups of the Sierra Club in New Jersey. The Sierra Club is a national conservation organization with chapters or groups in every State in the Union.

Obviously, the Sierra Club is a supporter of this bill.

ASSEMBLYMAN DAWES: One hundred percent?

MR. GAINES: As it's drafted, not 100%. You will see that we have some corrections.

We point out that other East Coast states already have laws like this or in someway similar at least, including Connecticut, Delaware, Maine and Massachusetts.

As I say, I don't want to go into all of this but it's worth mentioning for the record that there are 115 municipalities, as I was able to count, that are affected by Coastal Areas I and II. So when we talk about who has control, it's really a very large group of people. - in other words, shall I say municipalities - that now can make decisions about this coastal area. Some of them may perform well but there is plenty of opportunity for some of them not to. I think that's a fairly important reason why we think some sort of planning at this level, at the State level, is important.

You have heard plenty of comments to the effect that this legislation may be superfluous and that the protection it is supposed to afford is afforded by other bills. We certainly can't agree with that. That doesn't seem to be the case.

One of the big points, as far as we're concerned, is the fact that the kind of industry that wishes to come into this State, that this bill is directed at, is to many people undesirable industry; it's a heavy polluter; it's something that makes an area less satisfactory, by a long shot, than it was before.

The aim of this legislation, at least as far as we can see, and the reason we support it, is that these

industries tend to go to where people make it easy for them to do the kind of thing that other people who woke up to do what they do do are no longer able to do. If we had had this kind of a bill I am certain we would not see the conditions we have, say along the Jersey Turnpike and in areas like that, where this kind of growth was allowed to go for so long before people realized that there was just nothing left to protect.

It is not a fact that we wish this bill would try to deny industrial development in the area but it is simply to see that the kind of industrial development it does have leaves the area in a sound environmental condition.

I can't state strongly enough that the mere fact that a permit is required does not prohibit an industry from coming in the area. The gentlemen from industry today are obviously running scared by this bill but one wonders if they don't run scared during anything that tries to impose any sort of control over them.

Now, let me go on to some of the changes or corrections. Some of them are obvious and I will just leave them in the statement where you can see them later.

ASSEMBLYMAN DAWES: Why not comment on the one on page 2, between the territorial limits.

MR. GAINES: Well, that statement is similar to a statement - in fact, I think it's word for word to one you heard earlier. I could comment on two aspects of it. One, that the two boundaries are both important. The first one is the road system. We look at some maps and it seemed clear to us that a system of roads could be picked out which would clearly specify what the region was much more easily than an accurate assessment of a ten foot elevation could be made. The U. S Geological Survey Maps do not show a ten foot elevation, they show a 20 foot elevation. Some old maps show a 10 foot elevation but I believe you will find all the estimates of what areas have been covered by that 10 foot elevation are pretty much

guesswork. That is, good, accurate assessment outlines don't exist right now.

ASSEMBLYMAN MENZA: This area is going from Perth Amboy all the way down south and all the way around up to Trenton. From a practical point of view, how can you possibly delineate the boundary by streets?

MR. GAINES: There are major roadways. I don't know. You haven't heard from the Department of Environmental Protection yet but I saw a map prepared by a gentleman in that Department which shows a system of roadways which approximated this ten foot elevation fairly well. The roads are well surveyed and clearly defined county or state roads, so that if you did approximate it that way there would be no problem.

ASSEMBLYMAN MENZA: This map that you saw does approximate the ten foot elevation?

MR. GAINES: Yes, it does. Not precisely but I could also say, sort of personally and not as a position that the Club has arrived at, that some of the objections about the distances involved seem valid to me, that is, wherever it's ten feet isn't actually what you're after, you're after what is a reasonable coastal area and trying to protect that. If in some places the ten foot elevation gets far away from the coast, it would seem appropriate to move it in. On the other side of it, the areas that are so heavily developed, such as Camden which, obviously, from an environmental point of view wouldn't make any difference if they were excluded entirely, it would be reasonable to cut out a section like that.

ASSEMBLYMAN DAWES: You mean by that - are we supposed to cross off Camden? You say from an environmental point of view. Can't we try to improve it.

MR. GAINES: I'll have to take that back. We've looked at Camden and obviously some parts of it are about in as bad shape as the other.

ASSEMBLYMAN DAWES: But it can always get worse.

MR. GAINES: It can always get worse. You know, you certainly get into problems where - this is an area already heavily developed and there will be more, and if the permit program gets to be burdensome, that's the kind of place where it could be particularly worse.

ASSEMBLYMAN MENZA: How do you respond to the statements that this would have a severe economic impact on certain areas in our State?

MR. GAINES: I find it nonsense.

ASSEMBLYMAN MENZA: Why?

MR. GAINES: And I'll tell you why. This does not prohibit industrialization as we know it, except in some very specific instances. In all the other areas, all it's after is to make sure that if industry does come along it does what's environmentally sound when it does what it's going to do to affect the environment.

ASSEMBLYMAN MENZA: But it prohibits heavy industry in two areas.

MR. GAINES: Certain heavy industries are sort of what we'll call well known polluters.

ASSEMBLYMAN DAWES: And we just accept that and let them become polluters forever.

MR. GAINES: No. At such time as we are convinced - this phrase about - I guess there's a phrase in there about the potential to pollute, and what does that mean. Well, one example of that is that a tanker probably can unload without polluting, at least theoretically, but accidents occur. When we get to the point where the probability of accidents seems to be so small we don't have to worry about that much any more, then such a thing might not be excluded.

ASSEMBLYMAN MENZA: Suppose the Committee is faced with a pier situation, one where assume that the Federal Government says the Delaware River is going to be a deepwater port and the port facilities were to go there. As a result, of course, it would be a tremendous boom to the area. How do we weigh this economic boom to that particular area, three

counties, as against the environmental aspect? Do you follow my question?

MR. GAINES: I certainly do follow your question which brings up, there is a change that we recommend relative to that bulk storage transfer facilities, which I will get to in a moment, but the other thing is that industries which are not going to foul up the environment are all right, and that would include an economic boom if it were handled properly.

ASSEMBLYMAN MENZA: Petroleum industries will.

MR. GAINES: Petroleum industries of certain kinds will, at present.

ASSEMBLYMAN MENZA: Are we not in effect saying that we go along with this bill throughout the entire area to get that deepwater channel?

MR. GAINES: No, sir. The reason is that as you look around the State and around the Country, there are large areas without these kind of facilities. They get their sources of power, their oil, their gas, from other places. I admit that there is a real problem, as time goes on, not just in New Jersey but on the East Coast, as to where any other such facilities are going to be located because they are the ones that pollute. But, by themselves, they don't make or break the possibility of an economic boom in an area.

ASSEMBLYMAN MENZA: One last question. If this gentleman who testified before from the electric company is correct, he states that they will never be able to come in, the State will never --

MR. GAINES: I know what you mean and I heard his testimony. Let me come to power in a minute because I did intend to make some remarks about that in relation to this. But, first of all, I wanted to say that one of our suggestions is that the absolute prohibition for bulk transfer facilities be removed and instead be required on a permit basis in the next section, which covers some of the things that could

come in on a permit basis. In other words, take it out of the classification of heavy industry.

ASSEMBLYMAN MENZA: Take what out?

MR. GAINES: Take the bulk materials transfer facilities. Not prohibit them absolutely but simply require a permit for them.

ASSEMBLYMAN MANCINI: For bulk transporting and electrical generating plants?

MR. GAINES: No. I'm talking about bulk transfer, that is off-loading of stuff from ships at sea.

ASSEMBLYMAN MANCINI: What about electric plants?

MR. GAINES: Now electric plants are a separate matter. I might also add that I'm a member of the Federation of American Scientists and that group is actively considering the trade-offs between fossil fuel plants and nuclear plants. And the Sierra Club itself has a group working on this at the same time. We're very much concerned about the same problem the gentleman mentioned, namely, water supply; that is, if the proposed nuclear power plants for the Delaware, all that Public Service and the other companies have proposed, actually go in, they would take something around 40% of the low flow ever measured in the Delaware, simply for cooling, which is an amount of water we couldn't stand to see go up in evaporative cooling for power plants. That means that if we're going to have particularly the nuclear plants, it may be almost necessary that they be located somewhere where they have access to salt water for cooling purposes.

I agree that the questions related to power are very tricky and it might be more appropriate to take them out of the heavy industry classification explicitly and require a permit so that whatever is done is done as environmentally sound as possible.

ASSEMBLYMAN MENZA: But they do pollute. You said before they were one of the biggest polluters.

MR. GAINES: I didn't say that.

ASSEMBLYMAN MENZA: I thought you did. I'm sorry. But they do pollute.

MR. GAINES: Pollution is something that makes you sick or something like that, in a way. That is, if sulfur comes out of a stack, that's bad; and those that burn sulfurous fuels definitely are polluters. There is another environmental effect which is the heat discharge. That problem is going to be a problem any way it's done. If you put too much heat in the air, for instance, the turbulence in the air may become a serious problem if we put too much heat in the air. At the same time, if we heat the water, that has a very bad effect. On the other hand, it's obvious that we aren't going to get away with greatly reduced - you know, power generation, electric power generation is going to increase at a phenomenal rate even if not as fast as some industrials would like. I can't in any way say that we can shut that off entirely but at least we can try to manage it so that its pollution effects are minimized.

ASSEMBLYMAN DAWES: Do you live in Princeton?

MR. GAINES: I live in Lawrence Township.

ASSEMBLYMAN MENZA: You've been very helpful. Thank you.

ASSEMBLYMAN STEWART: Where does the Sierra Club get the impression that Salem County, for instance, has little or no heavy industry?

MR. GAINES: Well, when we wrote that statement - it's not all of Salem County, incidentally. Salem County divides between the two.

ASSEMBLYMAN STEWART: That's not what this says.

MR. GAINES: I said, in Area II and I said certain parts. It's qualified two ways, that statement, if you read it.

ASSEMBLYMAN STEWART: Page 3, top of the page: "Most of the coastal area in New Jersey, particularly that bordering on Cape May, Cumberland and Salem counties,

presently has little industry of any kind, and virtually no heavy industry."

MR. GAINES: Yes, I said, "much" of it. There are large sections which don't. I'm sorry if the phrasing implies a little more than it should have.

ASSEMBLYMAN STEWART: In other words, you did not intend to convey the impression that there was no heavy industry in that area.

MR. GAINES: No, I did not.

ASSEMBLYMAN DAWES: Thank you, Mr. Gaines, for coming.

Is there anyone else who wishes to be heard?

If not, we will conclude the hearing, but I do want to thank the two young ladies who took all the testimony.

(Hearing concluded)



NEW JERSEY STATE
CHAMBER OF COMMERCE
54 PARK PLACE ☐ NEWARK, N.J. 07102

Statement

To The

ASSEMBLY COMMITTEE

ON

AIR, WATER POLLUTION AND PUBLIC HEALTH

Regarding

THE "COASTAL AREAS PROTECTION ACT"
(Assembly Bill No. 722)

Presented At

Public Hearing

April 19, 1972 - 1:00 p.m.

Assembly Chambers, Trenton, N.J.

* * *

Mr. Chairman and Members of the Committee:

My name is Donald H. Scott, I am a resident of the Town of Bloomfield, Essex County, New Jersey. I am Executive Vice President of the New Jersey State Chamber of Commerce which is headquartered in Newark.

The statement I am presenting today represents the

position of the Chamber as evolved by rather careful study by two of its standing committees -- the Water Pollution Control Committee and the Economic Development Committee.

The former, which has some 40 members -- supervisory chemists, engineers, environmental specialists, plant managers and others of similar scientific and technological background -- are drawn from companies within the ranks of the Chamber's membership which, in turn, is comprised of major New Jersey employers in every field of business endeavor as well as numerous smaller companies, professional partnership firms, etc. in every part of the state.

The Water Pollution Control committee has long concerned itself with the development of that body of federal and state regulation which governs the quality of waters in New Jersey, including development of water quality standards and sewage treatment proposals. (A separate committee of the Chamber -- the Water Supply Committee -- is concerned with the directly-related matter of maintaining and developing New Jersey's potable water resources.)

The Economic Development Committee is comprised largely of professionals who are among New Jersey's most knowledgeable economic development practitioners. Its 30 members are drawn from the ranks of banks, utilities, development and manufacturing companies, local and

regional Chambers of Commerce, transportation companies and other organizations and agencies active in the economic development field.

This committee is concerned with issues affecting the economic growth of New Jersey and all proposals, legislative or otherwise, which directly affect practice of the profession of economic, area or industrial development in New Jersey.

For the record I must add that the Chamber itself is a non-profit, dues-supported service organization which was organized in 1911 as a voice for the business community of New Jersey in a broad range of issues affecting the economic well-being of the entire state.

Against this brief background, let's turn now to the subject of today's hearing -- the "Coastal Areas Protection Act," Assembly Bill No. 722.

Ecological Needs Recognized

The Chamber is well aware of the fact that New Jersey's resort industry is one of the most prominent factors within our entire economy and, without proper protection of one of New Jersey's greatest natural assets -- its oceanfront beaches, bays and harbors -- this vital segment of our economy would be quick to perish and New Jersey's citizens would thus be deprived of a major factor that has contributed so much to the quality of life in this state. With New Jersey

already the most urbanized state in the nation, and with desirable recreational lands already at a premium in many parts of the state, any substantial industrialization of these lands could bring severe economic dislocation and hardships for citizens and property owners not limited by anymeans to our "shore" counties.

The Chamber, therefore, is in accord with the aim of preserving the character of such lands for recreational and natural ecological purposes. However, the mechanisms for achieving this goal are already at hand. They should be effectively utilized rather than enacting a whole new statute which will largely overlap them.

Moreover, there are many aspects of A-722 which the Chamber must strongly oppose. It raises, for example, some major questions of basic governmental policy in New Jersey that go well beyond the specific proposals contained in the bill itself. We feel that it must be viewed, too, in the light of nationally-accepted precepts for sound government.

We urge, therefore, that this measure be accorded "in depth" consideration and not be acted upon in haste. A-722's underlying social and economic implications are virtually statewide in character and it will affect the future well-being of New Jersey's citizenry in

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many ways that are not readily apparent from casual study of the bill.

For example:

-- It underscores the need in New Jersey for a clear-cut governmental policy which seeks to balance the need for a healthy physical environment, on the one hand, with the need for a healthy economic environment, on the other.

-- It raises (along with several recently-enacted laws and other bills now before the Legislature) some very serious questions regarding increased concentration of rule-making powers within the administrative branch of New Jersey's government.

-- It raises some questions regarding fundamental relationships between the state and local governmental units.

-- It poses a risk of "over-reaction" to a problem which the Legislature has already covered through several other enactments.

-- It will compound an already serious governmental problem in New Jersey occasioned by several major statutes in that it will hand an administrative office still more responsibilities as a combination enforcement officer, judge and jury.

A-722, in short, may have more adverse impact upon New Jerseyans outside of its stated goals than it will have beneficial impact within them. And it is in the light of total impact that the Chamber feels this bill must be carefully judged.

A Massive But Irregular Land Area

First let's consider the definition of the territory to be covered by provisions of A-722. It is defined as "all that coastal area of the state of New Jersey, whether land, water or subaqueous land lying between mean high tide and an elevation of 10 feet above sea level," extending from mid-mouth of the Raritan River clockwise around Sandy Hook at Cape May point and back up Delaware Bay to headwaters of navigation and tidal flow at Trenton. This results in an extremely irregular pattern of land which will obviously pose a great deal of confusion and many administrative difficulties.

According to preliminary findings of a topographical study made by a licensed professional engineer and made available to our Chamber, this definition covers 776.77 sq. mi. or somewhat over 15% of the total land area of the 11 counties which would be affected by this bill. The study also shows that A-722's proposals would affect lands that are as far as eight miles inland. A number of highly urbanized areas, including portions of the City of Camden are included and, in the case of low-lying Cape May County, the definition covers a very substantial portion of its total land area.

Attached to this statement is a table (Exhibit 1) showing the total area of each of the 11 affected counties in comparison with their land areas our study showed to be at or below the 10 feet elevation limit proposed in the bill.

We must call attention to the fact that there are additional, large segments of land within these eleven affected counties which are already set aside for public purposes -- including the 95,000-acre state water reserve known as the Wharton Tract, Federal military reserves and state and local forest and parklands. Thus A-722's impact upon land usage (and, therefore, upon the potential for upgrading the economy of these counties) would be considerably greater than appears at first glance. While our study shows A-722 would limit or preclude further economic development on over 15% of their total area, in terms of lands actually available for such growth, that percentage figure becomes considerably higher.

For a very substantial area -- 776.77 square miles in 11 counties -- what A-722 proposes amounts to mandatory state, rather than locally determined industrial zoning. Moreover, unlike New Jersey's statutes governing local planning and zoning which call for citizen boards to make the decisions under prescribed rules of procedure, A-722 would place virtual rulership over all industrial usage within these 766.77 square miles in a single state administrative officership. Our Chamber has noted in the past, in connection with the enactment of pollution control statutes, that it is not in the interests of sound government that any state administrative officer be accorded the combined roles of policeman, judge and jury. Such a combination of governmental responsibilities is quite at variance with our nation's cherished system of checks and balances and fundamental protections of liberty.

Moreover, by the very nature of the appeals procedure written into A-722, this office has, in effect, the power to rule over appeals from its own decisions. This is not a sound governmental principle.

"Area" Needs Are Varied

A-722 divides the territory it would affect into 3 so-called "Areas."

With respect to Area I (from the Raritan River to Cape May), we agree that this prime recreational land should not be encroached upon for manufacturing or industrial uses that are incompatible with its resort and recreational character. But the creation of another state agency, as proposed by A-722, is not needed to achieve this goal. It can be done at far less cost and with far less regulatory confusion, by vigorous enforcement of the many existing state and local regulations that already apply.

With respect to Area III (from the Delaware Memorial bridge to Trenton), we consider A-722 to be highly impractical. It will not lead to any measurable achievement of ecological goals by virtue of the fact that the character of land use within this area has already been largely determined. But the measure would saddle state government with the costs of a sizeable bureaucracy to administer the permit system and it would burden businesses in the Area with much new and unnecessary red tape. And in the long run, this would

put quite a damper upon the area's desirability as a business location, causing ultimate economic harm to many citizens.

Area II is largely unoccupied by mankind at this point. It does not now possess the recreational advantages that are found in Area I although it appears to fulfill many functions vital to natural life cycles of various marine, plant and animal organisms. The difference here is caused largely by the markedly lower quality of Delaware bay waters due to extensive urbanization of lands upstream, not in New Jersey but primarily on the opposite side of the Delaware.

The Chamber recognizes the desirability of protection; the ecology of this Bay Shore area. But at the same time we feel strongly that citizens of central and southern New Jersey in general, and the counties of Cape May, Cumberland and Salem in particular, are entitled to a greater measure of economic opportunity than they presently enjoy. Such opportunity would be largely extinguished by the rigid strictures of A-722.

To point up the need for such economic opportunity, we have annexed to this statement three exhibits which show county population trends 1960-1970 (Exhibit 2), the per-household effective buying income trends by counties 1960-1970 (Exhibit 3), the per-household cash income picture by counties in 1970 (Exhibit 4). All figures are taken from nationally-recognized statistical sources. It should be noted, that the period 1960-1970 was, nationally, one of unparalleled economic expansion and prosperity.

Economically Deprived Area

The picture which emerges from these figures is quite clear -- the citizens of New Jersey's rural counties -- and the southern rural counties in particular, have not enjoyed economic benefits on a par with those enjoyed by citizens in the urbanized counties.

For example, in the 10-yr. period 1960-1970, the per household effective buying income in Salem, Cumberland and Cape May counties rose 50.3%; 49.5%; and 50.3% respectively. Contrast these figures with, for example Bergen, Essex, Union and Camden which rose 65.3%; 70.0%; 70.3%; and 64.8% respectively. (Exhibit 3)

A categorization of household cash income levels in 1970 (Exhibit 4) on the basis of under \$5,000, \$5-10,000 and over \$10,000 substantiates this picture. In Salem, Cumberland and Cape May, households with annual cash incomes under \$5,000 accounted for 26.1%; 33.4%; and 42.9% of the respective totals. Contrast this with the aforementioned metropolitan counties -- Bergen, Essex, Union and Camden for which the figures were 12.7%; 14.1%; 9.4%; and 18.4% respectively. And the same picture in reverse emerges if you look at the top income levels. In Salem, Cumberland and Cape May, the percent of total households enjoying income in excess of \$10,000 per year were 36.5%; 25.6%; and 19.6% respectively as against the same metropolitan counties for which the figures are 56.6% (Bergen); 49.6% (Essex); 58.3% (Union); and 42.6% (Camden).

In viewing these statistics, it should be noted that the present Federal criteria for "poverty" are, for a 4-person family, an annual income of \$3,944 or less. Or for a non-farm family of four, \$3,968 or less.

In a separate study covering per household effective buying income for the year 1970, we found that, again, Cape May, Cumberland and Salem are economically quite far behind the more economically balanced metropolitan counties both in Southern and Northern New Jersey.

For New Jersey's northern metropolitan maritime counties (Bergen, Essex, Hudson, Middlesex, Monmouth and Union) the average Net Effective Buying Income per family in 1970 was \$13,034.

For New Jersey's southern metropolitan maritime counties (Burlington, Camden and Gloucester) the same figure is \$11,383.

But for the three counties which are the heart of Area II -- Cape May, Cumberland and Salem -- the kindred figure is only \$9,111. This is well below the average for all twenty-one counties of New Jersey (\$10,582).

Actually, Cape May County, which has been recognized by the Federal government as an economically deprived area under the Economic Development Administration program, had the lowest net buying

income average in the entire state, and Cumberland was next to the lowest. Salem, while considerably higher, was still within the lower third of New Jersey's counties.

Unemployment Rates Are High

We must note, too, the unemployment picture of this area. According to figures released by the Division of Planning and Research of the Department of Labor and Industry, the unemployment rate in January 1972 in Salem was 6.1%, in Cumberland it was 9.3% and in Cape May it was 19.9%. We recognize, of course, that Cape May employment has a highly seasonal character. For a picture of the opposite phase of this yearly cycle, the comparable figures for these three counties in August, 1971, were: Salem, 4.3%; Cumberland, 6.5%; Cape May, 5.1%.

The average for the full year 1971 reflects the possible mid-point in this seasonal picture and the figures are: Salem 5.6%; Cumberland, 7.8%; Cape May, 10.9%.

No matter how you look at it, these counties in particular, which are the heart of Area II under the proposal of A-722, are economically under-privileged. Their citizens are clearly entitled to more economic opportunities than they have enjoyed thus far.

Discriminatory Impact

The Chamber appreciates the philosophy which appears to have guided those who drafted A-722 -- to preserve these largely virginal bayshore lands for their ecological value. But we suggest that the authors of A-722 had little concept of the economic plight of the people who live in this particular area. They have long been deprived of job opportunities commensurate with those enjoyed by citizens in much of the rest of New Jersey. Yet as the first glimmers of hope for such opportunity begin to shine in this under-privileged area, A-722 would turn them off with what we suggest is an overkill.

We think the Area II restrictions proposed in A-722 constitute a clear over-reaction in the interests of ecology at the expense of the economy.

Additionally, A-722 can be considered an act that discriminates especially against the welfare of the citizens of the three southern most counties. It would be readily arguable, we think, that these citizens would be the victims of discriminatory action for they have not contributed in any substantial degree to the problem of water quality in the lower Delaware bay. This long standing problem is primarily the result of heavy urbanization upstream from sources largely not within New Jersey's jurisdiction.

If A-722 were enacted, the Legislature would be asking citizens of Salem, Cumberland and Cape May counties to sacrifice

important opportunities for economic advantages commensurate with those enjoyed elsewhere in New Jersey -- and solely to relieve a problem that is not of their doing or in large measure even of New Jersey's doing.

We feel there is a better answer to this problem than to legislate such a sacrifice -- to condemn this area to perpetual economic undernourishment.

Conflicting Controls

We are suggesting too, that New Jersey is running the risk of excessive and conflicting legislation in its haste to comply with the presently popular demand for preserving the ecology.

It has been indicated to us that, in order to build any kind of facility in maritime areas now, a company must comply with (1) the municipal zoning ordinances, (2) the state's air pollution control code, (3) the state's water pollution control code, (4) all provisions of the state's "wetlands" law, (5) all state Department of Health requirements on sewage discharge, (6) the requirements of the Federal Environmental Protection Agency, (7) the regulations of the Delaware River Basin Commission, (8) the requirements of the Army Corps of Engineers under the Rivers and Harbors Act, (9) the requirements for a state as well as a local construction permit, and (10) additional state requirements for waterfront structures and for each pipeline and cable crossing.

Typically today, for some types of larger installations, as many as 60 separate permits must be obtained from various agencies prior to any construction.

It would seem that within the multiplicity of agencies involved and their bewildering combination of requirements, there are sufficient control mechanisms already in effect which render the proposed requirements of A-722 superfluous.

In fact, there is a basic presumption in A-722 with which we cannot agree. In essence, the measure declares that these many federal, state and local agencies -- even in concert -- are incapable of controlling air, water and land pollution within the three "Areas" in which A-722 would impose its additional forms of control. We all know that, in terms of the history of the pollution problem, both state and Federal laws and regulations to control it are very recent developments and have only barely begun to assert themselves. But A-722 in effect declares them all to be failures both for now and in the future.

Another presumption which we find quite objectionable is the bill's definition of "heavy industry" (3-e on page 3) which says in part ". . . .which industry, although conceivably operable without polluting the environment, has the potential to pollute" Such language is tantamount to being judged guilty before the

fact. Suppose such an approach were taken to motor vehicle regulations, for example, and certain types of vehicles were similarly prohibited from highways because ". . . although conceivably operable without causing accidents, have the potential to cause accidents. . ." We don't believe the public would put up with such reasoning.

We must point out, too, that the very introduction of A-722 so soon after enactment and prior to full effectuation of the "wetlands" law, is bound to have an adverse effect upon the volume of plantsite inquiries which New Jersey receives through both private organizations and public agencies in connection with sites available in all parts of the state.

Basic Policy Declaration Needed

We think it highly inadvisable that New Jersey now add another layer of governmental regulation to the already complex requirements imposed upon anyone who seeks to invest in New Jersey and bring economic opportunities and advantages to our citizens. We've reached a point where there must be a determination of basic policy rendered at the highest level of government in New Jersey:

- Are we to place primary emphasis upon the physical environment of New Jersey to the exclusion of the economic environment?
- Or, are we to bring these two matters into balance?

We must argue strongly for the latter course. And we do not believe this course will be effectively served by enactment of A-722 with its highly restrictive and economically hobbling provisions with respect to Areas II and III.

We do believe that, through carefully coordinated planning and zoning, along with the many environmental controls now in effect as law, it is possible to strike an acceptable balance between physical and economic environmental interests.

What may possibly be needed here is a new look at the still-awaited Title 40 revision efforts with respect to county and municipal planning and zoning. A-722, in effect, declares local government incapable of rendering decisions with respect to usage of land for industrial purposes. This may not necessarily be the case. But, at the very least, the mechanism by which municipalities and counties reach their planning and zoning decisions should be reviewed in the light of this new public interest in regional environmentalism.

Over Centralized Control

The Chamber does not consider the present legislative approach to environmental preservation to be in the best interests of New Jersey's citizenry. For one thing, the state's pollution control statutes and

the wetlands law have already concentrated exceptional governmental powers in a single cabinet post. And bills now before the Legislature, including A-722 and one of the flood plain zoning bills, A-572, would give this office still further powers taken primarily from those which have been traditionally accorded to local government. We feel the Legislature should consider with great care any further such assignment of powers.

In the final analysis such powers have economic impact. Cumulatively those which are either already accorded, or proposed by pending legislation to be accorded to this single cabinet post, constitute an unprecedented degree and influence and control, not only over the decisions of private business management, but over the individual lifestyle of countless private property owners.

Another factor that must be weighed carefully, especially under the provisions of A-722 with respect to permits and appeals, is the matter of maintaining consistency of governmental policy when there is a change of incumbency.

In short, from the overall standpoint of

sound government, we believe A-722 sets some potentially dangerous precedents.

Widespread Adverse Impact

We also urge that, before any decision is made with respect to A-722, the increasingly serious national problem of meeting America's near-term energy requirements be explored thoroughly with representatives at the U.S. Department of Commerce. A-722's outright prohibition of off-shore bulk terminal facilities will have a decidedly adverse effect upon this national problem. Moreover, it will directly affect all citizens of New Jersey -- and seriously. We feel that an examination of the nation's growing energy source problem is essential to your decision with respect to A-722. In this connection we point out that New Jersey's gas industry is already faced with customer restrictions and the outlook for relief from the supply shortage at this point is not very bright.

We would point out, too, that A-722 will affect the livelihood of workers in many other parts of New Jersey. It has a close bearing, for example, upon the generation of electric power for business, industry and homes both as to landsites for generation facilities and the availability of fuels to operate them.

New Jersey's gas power services will be adversely affected too, by virtue of A-722's prohibition against port facilities to receive liquified natural gas from domestic or foreign sources.

There is a supply problem developing now within New Jersey's petroleum industry which is the major source of fuel for power, heat and transportation throughout the state.

In addition, A-722 will have a strongly adverse effect upon workers in New Jersey's number one industry -- chemicals -- which accounts for the jobs of 116,000 New Jersey citizens and pumps a payroll of over \$1 billion annually into New Jersey's economy.

We have refrained from making detailed, specific technical comments on A-722 because we feel that the major policy-level questions it poses for state government in New Jersey must receive the primary consideration.

We acknowledge the need for continued protection of New Jersey's irreplaceable ocean frontage lands and we recognize the need to consider its ecological objectives more than they have been considered in the past.

But the sacrifices which would be entailed with enactment of A-722 -- regional discrimination, extensive economic deprivation,

an undesirable concentration of decision-making powers over the economy, an unnecessary and costly bureaucracy, and a usurpation of the rights of citizens locally to determine the character of their ecological and economic environments -- such extensive social and economic disadvantages, outweigh by far the ecological goals expressed by the measure.

Moreover, it is an unnecessary measure. The means to achieve A-722's goals are already at hand in laws and regulations presently on the books.

It is our hope, therefore, that this committee and the Legislature will examine with great care the full range of underlying implications of this measure and act upon the total picture that emerges.

We do not feel that A-722 is worthy of legislative approval.

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N. J. State Chamber of Commerce
Exhibit 1

**GEOGRAPHIC AREAS AFFECTED BY PROPOSED
"COASTAL AREAS PROTECTION ACT" (ASSEMBLY NO. 722)**

County	Area in Square Miles *			Area to 10 feet Elevation **		
	Water	Land	Total	Acres	Number	Square Miles As Percent of Land Area
Middlesex	12.90	311.37	324.27	4,045.00	6.32	***%
Monmouth	59.18	478.93	538.11	13,728.00	21.45	4.5
Ocean	113.27	636.99	750.26	66,138.00	103.34	16.2
Atlantic	44.78	565.19	609.97	67,866.00	106.04	18.8
Cape May	189.60	264.74	454.34	100,691.20	157.33	59.4
Cumberland	170.59	498.85	669.44	120,409.60	188.14	37.7
Salem	25.96	347.08	373.04	61,241.60	95.69	27.6
Gloucester	10.88	329.12	339.50	22,976.00	35.90	10.9
Camden	2.97	222.25	225.22	4,998.40	7.81	3.5
Burlington	8.18	819.57	827.75	33,036.80	51.62	6.3
Mercer	2.54	225.74	228.28	2,003.20	3.13	***
TOTALS	640.85	4,699.83	5,340.18	497,133.60	776.77	***

* Source: Fitzgerald's Legislative Manual 1970

**Based on Topographic Maps and Planimeter Readings by
Consultants to N.J. State Chamber of Commerce

***Not Calculated as only a Portion of
Mercer and Middlesex Counties would be
affected by A-722

N. J. State Chamber of Commerce
Exhibit 2

POPULATION

New Jersey Counties

1960-1970*

County	1960	1970	Percent Change 1960-70
ATLANTIC	160,880	175,043	8.8%
BERGEN	780,255	898,012	15.1
BURLINGTON	224,499	323,132	43.9
CAMDEN	392,035	456,291	16.4
CAPE MAY	48,555	59,554	22.6
CUMBERLAND	106,850	121,374	13.6
ESSEX	923,545	929,986	0.7
GLOUCESTER	134,840	172,681	28.1
HUDSON	610,734	609,266	(0.2)
HUNTERDON	54,107	69,718	28.9
MERCER	266,392	303,968	14.1
MIDDLESEX	433,856	583,813	34.6
MONMOUTH	334,401	459,379	37.4
MORRIS	261,620	383,454	46.6
OCEAN	108,241	208,470	92.6
PASSAIC	406,618	460,782	13.3
SALEM	58,711	60,346	2.8
SOMERSET	143,913	198,372	37.8
SUSSEX	49,255	77,528	57.4
UNION	504,255	543,116	7.7
WARREN	63,220	73,879	16.9
STATE	6,066,782	7,168,164	18.2%

*Source: U. S. Bureau of the Census data.

AVERAGE PER HOUSEHOLD EFFECTIVE BUYING POWER

New Jersey Counties - 1970*

County	1960	1970	Percent Change 1960-70
ATLANTIC	\$6,380	\$ 8,961	40.5%
BERGEN	8,898	14,764	65.3
BURLINGTON	8,189	11,949	45.9
CAMDEN	7,279	11,998	64.8
CAPE MAY	5,385	8,095	50.3
CUMBERLAND	5,962	8,912	49.5
ESSEX	8,285	14,088	70.0
Gloucester	6,834	10,404	52.2
HUDSON	7,324	10,139	38.4
HUNTERDON	5,891	11,242	90.8
MERCER	8,498	12,380	45.7
MIDDLESEX	8,028	12,075	50.4
MONMOUTH	7,501	12,003	60.0
MORRIS	8,373	15,458	84.6
OCEAN	5,313	9,030	69.9
PASSAIC	7,343	11,242	53.1
SALEM	6,877	10,337	50.3
SOMERSET	7,950	13,478	69.5
SUSSEX	5,525	11,144	101.7
UNION	8,884	15,133	70.3
WARREN	6,143	9,377	52.6
STATE	\$7,837	\$12,509	59.6%

*Source: *Survey of Buying Power - 1971*, Sales Management, Inc., New York - 1971.

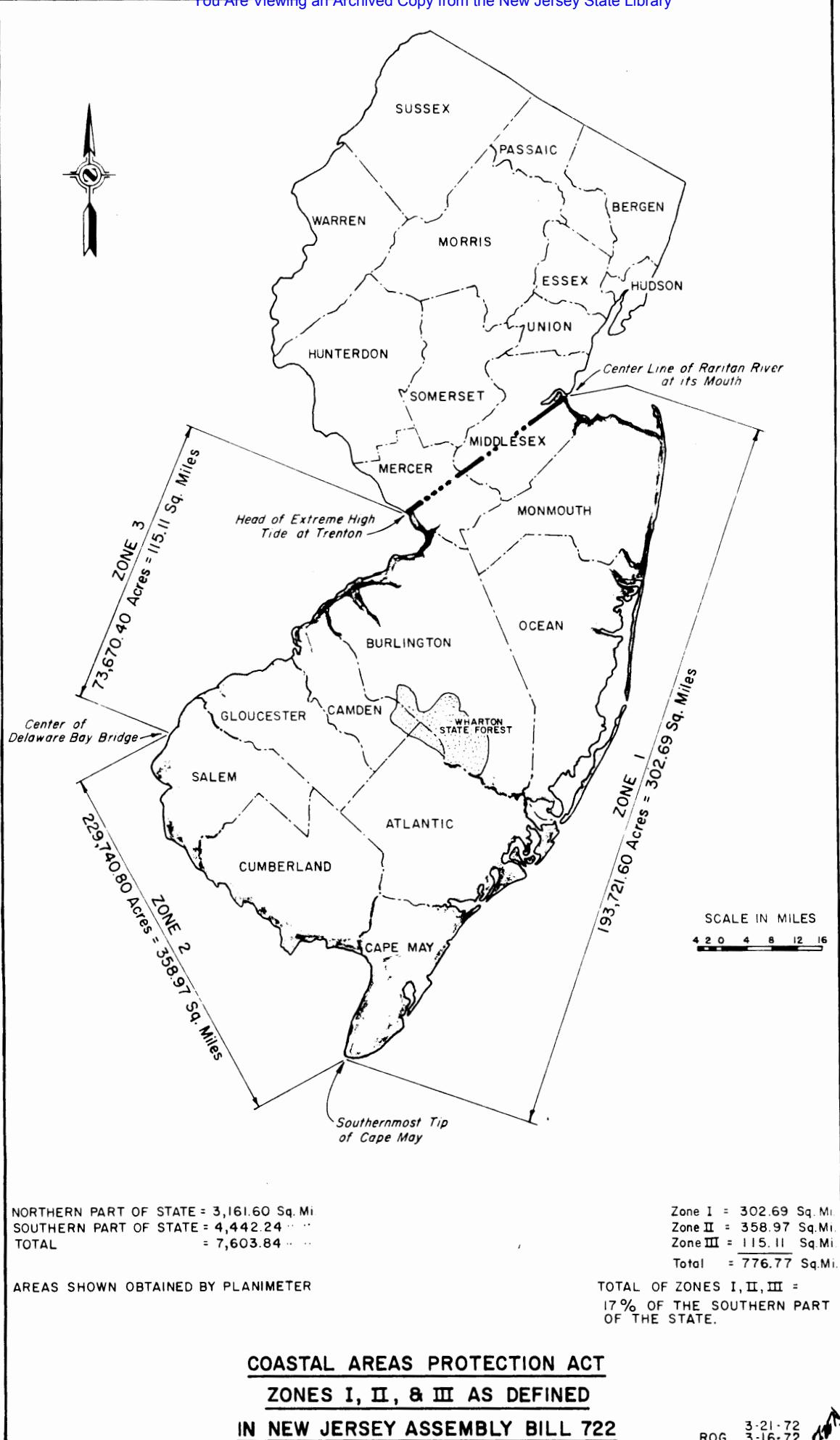
N. J. State Chamber of Commerce
Exhibit 4

AVERAGE PER HOUSEHOLD CASH INCOME

New Jersey Counties - 1970*

County	\$0 - \$4,999	\$5,000 - \$9,999	\$10,000 & over
ATLANTIC	35.7%	37.8%	26.4%
BERGEN	12.7	30.7	56.6
BURLINGTON	18.9	42.3	38.9
CAMDEN	18.4	39.0	42.6
CAPE MAY	42.9	37.5	19.6
CUMBERLAND	33.4	41.0	25.6
ESSEX	14.1	36.3	49.6
GLoucester	21.5	43.0	35.5
HUDSON	23.3	42.1	34.5
HUNTERDON	23.4	37.2	39.4
MERCER	19.7	38.7	41.6
MIDDLESEX	15.0	46.8	48.2
MONMOUTH	23.0	33.0	43.9
MORRIS	8.4	33.5	58.1
OCEAN	32.1	41.8	26.1
PASSAIC	19.9	39.6	40.5
SALEM	26.1	37.4	36.5
SOMERSET	15.4	32.5	52.1
SUSSEX	23.4	38.1	38.5
UNION	9.4	32.2	58.3
WARREN	27.0	44.8	28.1
STATE	18.2%	36.8%	45.1%

*Source: Compiled from Data in *Survey of Buying Power - 1971*, Sales Management, Inc., New York - 1971.



FOLLOWING ARE THE SECTIONS OF BILL POTTER'S STATEMENT WHICH HE DID NOT READ INTO THE RECORD:

The Coastal Areas Protection Act (A722):

Mandate for a Healthy Shore Economy and Environment

Introduction: My name is Bill Potter. I am a second year law student at Rutgers Law School in Newark. I am testifying both as an interested citizen and as the principle draftsman of the Coastal Areas Protection Act (722), which the Rutgers Environmental Law Council produced in conjunction with the New Jersey Public Interest Research Group (NJPIRG) during the first semester this past year. In this statement, I will address myself first to the background and basic rationale of 722 and then to what I see as the main points of opposition to the bill.

722 is founded upon a body of legal and scientific knowledge which demonstrate the reasons underlying the state's special interest in the ownership and use of coastal lands, namely, wetlands, estuaries, beaches, river deltas, harbor entrances, and other valuable offshore areas.

Historically, the state has been regarded as the owner in fee of all riparian lands as part of the doctrine of the public trust, which traces its origin to the Roman Empire. It was founded upon the sensible idea that certain common properties, such as rivers, the seashore, and the air were held by government in trusteeship for the free and unimpeded use of the general public.¹ At Common Law the doctrine went something like this: "The ownership of the shore, as between the public and the King, has been settled in favor of the King; but...this ownership is, and has been immemorially, liable to certain general rights of egress and regress, for fishing, trading, and other uses by his subjects."² In America, this doctrine was carried over in a way which struck a compromise between those who would forbid all development and thereby retain public property in a pristine condition and those who would require no more restrictions on alienation and use than if it were uplands privately owned.³ This balance approach is designed to retain the largest measure of public use consistent with needful development and industrialization.

In New Jersey, protection of shore wetlands has been accorded by the Coastal Wetlands Act of 1970 which prompted one member of President Nixon's Council on

¹ Joseph Sax, Defending the Environment, pp. 164-64.

² Ibid., p. 164.

³ See State v Public Service Commission, 245 Wis. 112, 81 N. W. 2d 71 (1971); Madison v State, 1 Wis. 2d. 252 N. W. 2d 674 (1957).

Environmental Quality to describe it as "pathbreaking" and a "model for other states."⁴ Prior to its enactment New Jersey had been losing about an acre of coastal wetland every hour (between 1950 and 1970) to filling and dredging operations by shore developers. Riparian lands---the strip of coastline between sea and mean high tide---have been state property at least as far back as King Charles II. It can be sold only so long as all funds are dedicated to the permanent public school fund. Governor Cahill, recognizing the special status of such lands, has officially encouraged leasing rather than sale whenever possible.⁵

The economic value of wetlands and shore areas is stated in the opening clause of the Wetlands Act (NJSA 13:9A-1a):

The legislature hereby finds and declares that one of the most vital and productive areas of our natural world is the so-called "estuarine zone"...that this area protects the land from the force of the sea, moderates our weather, provides a home for water fowl and for 2/3 of all our fish and shellfish. (emphasis added)

Thus, its protection is deemed necessary for a healthy coastal ecosystem---which in turn is the prerequisite for a healthy shorebased economy, based on this bounty of nature. As stated in the "Foreward" to the November 15, 1972 Notice of Public Hearing on the Wetlands Act: "The wetlands in their natural state are one of the important features of the Jersey shore which attracts countless visitors every year to the seaside or bays. They come because the area is blessed by clean waters, and the recreational opportunities presented by fishing and hunting. They come because the area is uncrowded, and it is possible to enjoy natural vistas unmarred by the hand of man."

It is therefore undeniable that the state's coastal areas are a unique and vital natural resource which the state has a special interest in regulating. The great wonder is that the state has for so long left their protection to the local municipalities whose craving for high ratables and lack of concern for neighboring municipalities or the region in general are legend:

Excessive localism can work to the detriment of an area otherwise accessible to a broad spectrum of the population. Thus, around San Francisco Bay, each local community has an incentive to engage in fill projects that may return immediate local benefits, but that cumulatively diminish the opportunities for use of the bay by the whole constituency of citizens to whom the bay had been an accessible resource. In such cases, the job of the courts is to cast doubt upon the appropriateness of decision-making by entities representing a constituency narrower than the whole public that has an interest in the bay.

⁴N.J. Environmental Times, Vol. 4, No. 1, p. 4.

⁵Ibid., Vol. 3, No. 4, p. 5.

The goal is to encourage adoption of a bay-wide regulatory scheme and that goal was significantly realized by legislation adopted in California in 1969 (See Ch. 713, Calif. Stats. 552). (emphasis added)

I. The Operation of the Coastal Areas Protection Act

722 is based on the so-called "Noxious Industries Bill" enacted by Delaware on June 28, 1971 (Del. Code, Title 5, Ch. 70). It differs from its Delaware counterpart in two material ways: First, heavy industry (HI) and deep-water ports for giant tankers (offshore bulk transfer facilities: OBTF) are not absolutely prohibited from the entire New Jersey coastline as they are from Delaware's. They are banned only from those areas where their damage to the local economy and environment would be traumatic and irreversible. There is simply no great benefit to their prohibition in the future from areas already heavily industrialized and thereby blighted for all but related industrial purposes. This explains the express exemption of the coastal region north of the Raritan River in which the great bulk of New Jersey's refineries and chemicals plants are located. Furthermore, HI is allowed by permit of the three-member Coastal Areas Protection Board (CAPB) in Coastal Area (CA) III, which extends from the Delaware Memorial Bridge to the head of tidal flow. This distinction recognizes the mixed character of the area as "industrial, residential, and natural" (Sec.3(a))

Secondly, 722 divides the protected zone into three sub-zones or coastal areas, again in deference to the greater diversity of current uses which Delaware did not have to contend with. CA I encompasses what is commonly referred to as the "Jersey Shore" by East Coast vacationers. It is unquestionable that HI here would be disastrous on the recreation industry. Note that it is widely advertised that 20 million tourists visit the Atlantic City Boardwalk each year.⁷ There is also a significant seafood industry, both commercial and sport, which has been making something of a remarkable comeback from prior pollution damage.⁸ CA I extends from the mouth of the Raritan River to the southern tip of Cape May.

CA III is in a pivotal position. If it goes the way of northern New Jersey, the entire Delaware Bay might well be lost as a possibly healthy shore economy, as any further pollution of the Delaware Basin would inevitably afflict the relatively untouched area of CA II. This close relationship between the two areas evidences the need for the sort of regional zoning which 722 offers. Thus, it is imperative that CA III not be "written off" as irretrievably polluted.

⁶Sax, pp. 169-70.

⁷See, e.g., Sunoco 71-72 New Jersey Map: "Featured Points of Interest"

⁸N.J. Environmental Times, Vol. 3, No. 4, p. 9, "Clams Rescued From Pollution."

As a planning statute, 722 requires that the CAPB adopt a comprehensive plan (CP) for the coastal areas which, in effect, will serve as a master guide to the future development of the shore lands. This CP requirement is no dead letter, as it has so often proved to be in usual municipal practice. Rather the CP is intended, first, to serve as a guide for all permit decisions affecting the extension of non-conforming uses, and, second, as a prescription for future methods of economic development compatible with "the purposes which (the coastal areas) serve uniquely well, among which are recreation, relaxation, leisure, and the opportunity to appreciate nature and the out-of-doors." These activities are clearly marketable commodities which, if coordinated with the growing body of knowledge on man's relationship with coastal ecosystems, can serve as the basis of a thriving shore economy. This is the natural economic advantage which unspoiled coastlines everywhere possess; it justifies their vigorous protection against "industrial uses incompatible with their ecological and environmental integrity." The foregoing is another way of repeating the basic assumption of land use planning---namely, that lands should be devoted to those uses which are most appropriate to the area in question, and subserve some agreed upon public policy goals. Those goals are clearly set forth in Section 2 of 722.

III. Conclusions : In summary, it must be seen that 722 is no ordinary "conservation" bill in which bird lovers are pitted against the proponents of economic growth, with victory going to whoever has the greater power. 722 is bottomed on the principle that a healthy economy and a healthy environment go hand in hand, but that sound planning principals and mechanisms are necessary to insure that the goal of immediate and short term profits for the few does not frustrate the legitimate concerns of the many.

The objection to banning HI from the Delaware Bay counties accepts the factor of irreparable injury to the area's ecosystem, but seems to say that (1) because the area has not yet experienced a high enough rate of economic growth in the tourist and recreation areas, that it cannot; and (2) that, therefore, it is necessary to allow HI to establish itself with no degree of regulation greater than exists in respect to any other land use scheme. In other words, pollution is the price of progress. With these conclusions I cannot agree. First, the need for vacation spots near the Washington-New York corridor is increasing at least as fast as the density of population rises. If these southern counties have not yet fully capitalized on their potential, it does not mean that they will not in the relatively near future. Simply to point at statistics reflecting a slower growth rate than experienced in other New Jersey counties does not require us to acquiesce to the demands of HI. If oil and chemical refineries and super tanker marinas are not banned from this area, the opportunity to develop a viable shore economy will be forever lost and a potential vacation spot for other New Jerseyites will be destroyed. In any case, the cruelest irony to this argument opposing controls is that the basic premise---that HI means more jobs---is untrue. As the opponents to the BASF complex in South Carolina discovered, more jobs in the recreation and seafood industries would be destroyed than created. When potential jobs in these fields are considered the destructive effect is even greater. On an 1,800 acre site no more than 1,200 jobs would be created; that is 2 employees for every 3 acres. And of those jobs created most were earmarked for highly trained corporate managers and technicians---hardly the sort of "job explosion" for the local unemployed which the opponents of 722 portray.

Finally, there is a point which has hardly been mentioned here, even implicitly. It is that New Jersey is in danger of literally selling itself down the river. How much diversity will be left in the Garden State if southern coastal New Jersey goes the way of the north? Will the state someday become the private preserve of the world's great oil companies? Where will people go to spend their free time? As David Brower observed, we are treating the earth as if we had a spare. We haven't a spare New Jersey, either.

Exhibit I for hearings on A722 April 19, 1972

Statement by Betty A. Little, Vice President, Citizens for Conservation Box 232, Basking Ridge, N.J. before the Committee on Agriculture, Conservation and Natural Resources April 11, 1972 regarding legislation to protect the flood plain areas in the State of N.J. Assembly Bills number 596 and Number 572

We want to thank this Committee for the opportunity to speak today about protection of the flood plains which has been of greatest concern to us over the past several years. As citizens we believe it is our duty to step forward at this time and make known our concern not only for the rivers of this State, particularly the Passaic, but also for the total environment whose quality is depend in large part on the effectiveness of this Committee in developing a law which will receive government and public support. The two bills before you make a fine beginning of the legislation which we feel is so urgently needed.

Citizens for Conservation is a Bernards Township bases conservation group concerned with the total environment and affiliated with about 15 other similar groups located in northern N.J.. I am an environmental economist, a member of the State Board of the American Association of University Women, a member of the American Economic Association and a Trustee of the Passaic River Coalition.

Last Oct. 10,000 people lost their lives in flooding in India when the river swept upward from the Bay of Bengal. We were truly horrified but we should not have been surprised. This is the fate of the people of any society which is unable to control building in the river.

The Passaic River is most complex with housing, industry, roads and still viable wetlands. Unless we recognize the multiple values of these wetland areas and flood plains and act swiftly to protect them hazards from flooding and inevitable pollution will doom northern New Jersey to a rapidly deteriorating environment. Every responsible person with whom we have discussed the problems of the river, every level of government, every civic leader, every scientist and educator has said that unless we are able to prevent the continued and unregulated building and filling in the flood plain areas there can be no end to the problems of the environment which effect the lives of 4 million people in northern N.J.

The Passaic River is one of the ten most abused rivers in the nation. It is almost too small to be on a map of the United States but it looms large in terms of population and human concerns. We have had extensive experience with this area and with the struggle of citizens and municipalities alike as they struggle with its problems.

We have come to know this river and its viable wetlands. We have walked along it, waded in it, canoed and driving along it. We are witness to the wildlife which still lives there, the fish, the birds and the plant life. We have seen the function of a natural flood plain as it absorbs water and we have experienced the peace and the beauty of such a natural area.

We have viewed dumping along the river in the flood plain, seen the river rise and the litter carried down stream and over the Paterson Falls. The beds, tires, barrels and plastic foam of our modern civilization. We have been among those who have tried to fish out the litter and clean the river both up stream and down.

Citizens for Conservation Statement on Flood Plain Laws April 11, 1972

We have seen the dumping of logs and soil in the flood plain and the consequent siltation and flooding of the river. We have watched helpless as the river was reshaped to build shopping centers like Willowbrook, or to construct a highway intersection such as the one at Short Hills and then walked through the flooded streets of Passaic Township which suffered from the reshaping and talked with the people who have lost their possessions and dreams.

WE have talked with and been among those questioning the filling of such areas as Black Meadows, the riping up of Troy Meadows for a pipeline or the prosed building as in Chatham of a shopping center, the threatened development of the Dead River.

We have flow over the river in times of flooding a wild from the air the Dead River Basin, East Orange Water Co. property Great Peace Meadows. We have seen the flooding and we can only say that uncontroled development will do not only to these areas but also to those who already have homes or industries in the area.

We have urged and supported municipal ordinances and municipal and county planning board to protect the flood plains and we have seen the passage of a few laws-not enough and some too weak and the inability of even the best municipalities to handle the situation. The law, we feel is long over due for action by the State. Unless the State can develop and implement laws which protect our rivers there is no hope for the river or the people that live near it and depend on it. Who among us can live on this earth without the water which flows in our rivers and rests in our lakes and oceans.

Historically our laws and the culture upon which they are based were formed at a time when the population was less crowded and our resources particularly water more abundant. In the summer of 1971 NASA in recognition of our earth problems undertook a study of earth problems including the Passaic and in a report Clean Water, Affluence, Influence, Effluents- a design for water quality management stated the problem quite plainly, "...man has stated the values and rules by which he lives and uses his resources; and therefore, man where the will is generated can change them to suit his needs." The report concludes that "If rules and social forms become our master rather than our servants then our opportunity for a meaningful solution to our problem must remain elusive." (summer 1971)

The time has come to recognize the great multiple value of our wetland areas(see appendix I) and to begin to place a value on its use. One mans freedom to build in the river means a loss in flood damage and heartache to others up and down stream, means expenses to government in terms of police protection and rescue, rebuilding of roads, treatment of polluted waters, cleaning of debris and payment of flood insurance, means a loss to all men in the quality of water and air, availability of water, freedom of open space, natural flood control, diversity of fish and wildlife, and the aesthetics of the natural environment.

Knowledge of the value of wetlands and flood plains is no longer the province of a select group of scientists but the subject of inquire and debate in schools and civic organizations. In the 1972 World Book

Citizens for Conservation Statement on Flood Plain Laws
April 11, 1972 (page 3)

Year Book, Professor Harvey S. Perloff of the University of California Los Angeles discusses the value of protecting the areas along the rivers in an article entitled "Making Our Cities Livable." The socio-economic temp of the time demands consideration of these needs for modern society.

The principal set forth in Mrs. Fenwicks bill which states that "...the department of environmental protection (has) authority to grant permits only for those uses of land which are clearly in the public interest" when they are in the flood plains, is the new concept which must be the basis for the new legislation. Our new priority is to protect the flood plains and wetland areas and to provide for their restoration. We would like therefore to make the following suggestions so that in combining the two pieces of legislation proposed a new and workable law can be developed.

First, that a bill to protect the flood plains shall provide for adequate funding to carry out the intent of the law. Delineation of the flood plain itself will cost in excess of \$1 million. Other and easier plans to control the flood plain have failed because money was not provided. Funds will also be need to police the rivers and to provide for necessary land acquisition so that those whose land can never be developed are compensated.

Second, our tax laws should be revised to discourage building in the flood plain areas because they now provide a positive incentive to develop this land and over a period of time it will be difficult to stand against this economic incentive.

Third, that an environmental impact statement be required with every application to use the land and that this be made available to the public so that there is general awareness of the potential use and of the proposed measures to protect the environment.

Fourth, that both public and private uses of the flood plain be under review since much of the land is in public hands and public projects often have a great impact on the river than private.

Fifth, that an Environmental Council be formed with strong citizen representation to gain public support and to workout problems relating to the protection and restoration of the rivers and other parts of the environment. Strong citizen support will be in our opinion the only feasible means of policing the environment, under a democratic form of Government.

Sixth, in this or additional legislation we must recognize that to preserve the flood plains we need to:

a)provide for land acquisitions b)provide for removal eventually of structure which can not be protected or which are the cause of flooding and pollution c)provide for the use of retention ponds and innovative building materials on existing developments to keep the water where it falls and to provide for watershed managment d) to prevent and discourage soil erosion which causes water pollution and fills the flood plain at an excessive rate.

We congratulate this Committee for bring these important bills to public hearing and we urge them to develop the necessary legislation as rapidly as possible

**Citizens for Conservation, Box 232, Basking Ridge, N.J. Appendix I
Hearings on Flood Plain legislation April 11, 1972 Trenton N.J.**

Regarding Assembly Bill No. 596 "An Act to regulate the use of property located within flood hazard areas and floodways"

"We the fifth grade class, favor Mrs Fenwick's bill to protect the wetlands because Mrs. Fenwick's bill will prevent

1. ruination of wetlands by factory building and wastes
2. by preventing more trash being dumped in streams
3. by preventing further draining of marshlands
4. by helping to prevent buildings that cause blocks in streams and cause flooding
5. preventing house building in wet areas.

"We the fifth grade class favor Mrs. Fenwick's bill because we know marsh grasses clean the air and give us oxygen.

2. the wetlands are a great place for animals to live
3. the wetlands clean our water
4. the wetlands provide our area for recreation and study of wild life.
5. the wetlands allow animals to live that keep a check on insects
6. the wetlands allow streams to run and not become still
7. the wetlands keep the water table in balance.

As future voters we want this bill to become a law.

Respectfully submitted

Mrs. Cliff's 5th Grade
Cedar Hill School
Basking Ridge, N.J.

Citizens for Conservation, Box 232, Basking Ridge, N.J.

Exhibit II hearings on A722 April 19, 1972

Somerset County Park Commission

P. O. BOX 837, SOMERVILLE, N.J. 08876

AREA CODE 201-722-1200



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ENGINEER
BRUCE E. KEELER
ASSISTANT DIRECTOR

Values of Wetlands

Freshwater marshes are far more fertile ecosystems than fields or woodlands. In terms of primary production, in grams dry matter per square meter per day, freshwater marshes produce between 10-25 gm/m²/day, as opposed to 0.5 - 3.0 gm/m²/day for moist forests and most agricultural lands. Next to estuaries and tidal marshes, freshwater marshes are the most productive of all ecosystems.

This production is a direct result of photosynthesis, with the byproduct of oxygen - hence wetlands, particularly marshes, are extremely valuable for their oxygen production. (Bogs, however, are not very productive.) The North American continent's photosynthesis produces only about 60% of the oxygen needs for humans in North America - the remaining 40% comes primarily from the tropics. Therefore, destruction of our most valuable source of oxygen in North America - wetlands - is a serious problem.

Production in wetlands can reach between 50 - 200 pounds/day/acre of dry plant bulk, or 9 - 36 tons/acre/year. Our area, due to seasonal changes, light levels, etcetera may be in the

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low range, but nonetheless, this production provides food supply for considerable numbers of many kinds of wildlife. Wetlands are of immense value for migrating birds, particularly waterfowl, who depend upon the abundant food supplies for their own energy, the varied plant species for protection and in the case of waterfowl, the open water as a resting place and protection from low night time temperatures in the late fall and early spring, since the open water temperature is never below 32°F. Other wildlife, that use wetlands, or may reside near or in them, include muskrats, mink, fox, deer, skunk, opossum, star-nosed moles, racoon, several species of fish, amphibians, reptiles. Birds include wading species such as egrets, herons, predators such as marsh hawks, and much less frequently osprey and bald eagles, and dozens of others. Fluctuating water levels and abundant predators make most true, unaltered wetlands not as good for mosquitos as is often thought.

Marshes are extremely valuable for flood protection. The varied species of plant life can absorb 10 - 18 times their own weight in water, hence as much as 100 tons per acre.

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Additional water is slowed, and filtered of silt and debris, as it moves after a rainfall across the marsh to the natural drainage channels, and then to adjacent streams. Considerable water seeps into the soils underlying the marsh (although the soils are usually relatively impermeable clays and silt loams, the water is held over them long enough to permit penetration), thereby entering the ground water supply and helping to hold the water table stable.

Wetlands contribute significantly to climate amelioration. High transpiration rates and evaporation from standing water produces higher humidity in their vicinity, with a resulting effect on temperature changes. Not much yet is really understood about climate effects, but more is being learned.

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Prepared for Citizens for Conservation, Bernards Township
by Walter Jones, Chief Naturalist Feb. 1972 for use in
Environmental education

Exhibit III for hearings A 722 April 19, 1972

from N.J. Comprehensive Outdoor Recreation Plan Summary Report
 N.J. Dept. Conservation and Ec. Development

RECREATION DAYS PER PERSON IN 1966, 1980, AND 2000

	1966		1980		2000	
	Activity Days	Recreation Days	Activity Days	Recreation Days	Activity Days	Recreation Days
Driving	7.70	2.85	8.81	4.40	10.39	5.20
Walking	7.01	3.50	8.02	4.01	9.46	4.73
Board Games	4.45	2.22	5.71	2.85	7.53	3.76
Gardening	7.87	3.95	10.32	5.22	13.80	6.96
Sightseeing	2.41	1.20	3.38	1.69	4.79	2.34
Bicycling	1.70	.85	1.94	.97	2.30	1.15
Fishing	1.87	.93	2.14	1.07	2.53	1.26
Amateur Sports	1.21	.60	1.35	.67	1.57	.78
Planing	3.04	1.52	3.59	1.79	4.40	2.22
Nature Walks	1.21	.60	1.38	.69	1.64	.82
Boating	1.61	.80	2.14	1.07	2.91	1.47
Hunting	.61	.31	.60	.30	.59	.29
Horseback Riding	.31	.16	.35	.17	.41	.20
Camping	.44	.22	.69	.34	1.08	.54
Ice Skating	1.15	.58	1.33	.76	2.09	1.05
Wedding	1.22	.61	1.63	.81	2.21	1.10
Hiking	.36	.18	.56	.28	.86	.43
Water Skiing	.37	.19	.55	.27	.84	.42
Outdoor Concerts	.37	.19	.47	.23	.63	.31
Canoeing	.10	.05	.13	.06	.19	.09
Hailing	.12	.06	.16	.08	.21	.10
Mountain Climbing	.08	.04	.12	.06	.18	.09
Snow Skiing	.20	.10	.30	.15	.46	.23
TOTALS	45.41	22.71	55.87	27.94	71.07	35.54

HOME AND AWAY OUTDOOR RECREATION DEMAND 1966

	Home	Away
Northwest	52,400	151,200
Northcentral	96,500	225,900
Northeast	922,200	70,900
Central Corridor	281,100	51,700
North Shore	148,100	475,200
Southwest	235,000	59,700
South Shore	66,900	856,300
Delaware Bay	49,900	46,500

*Number of people on the average weekend day in the peak season.

- The determination of the relationship of activity days to recreation days: on the average, two activities engaged in per recreation day.

- The relationship between peak season weekend day and total peak season demand: 2%, based on attendance figures at State parks and forests and other public facilities.

- The differentiation between "home" and "away" demand, and how it is determined and distributed.

Home—occurs within one's own region of residence.

—a function of the population of the region.

Away—involves an inter-regional or interstate trip.

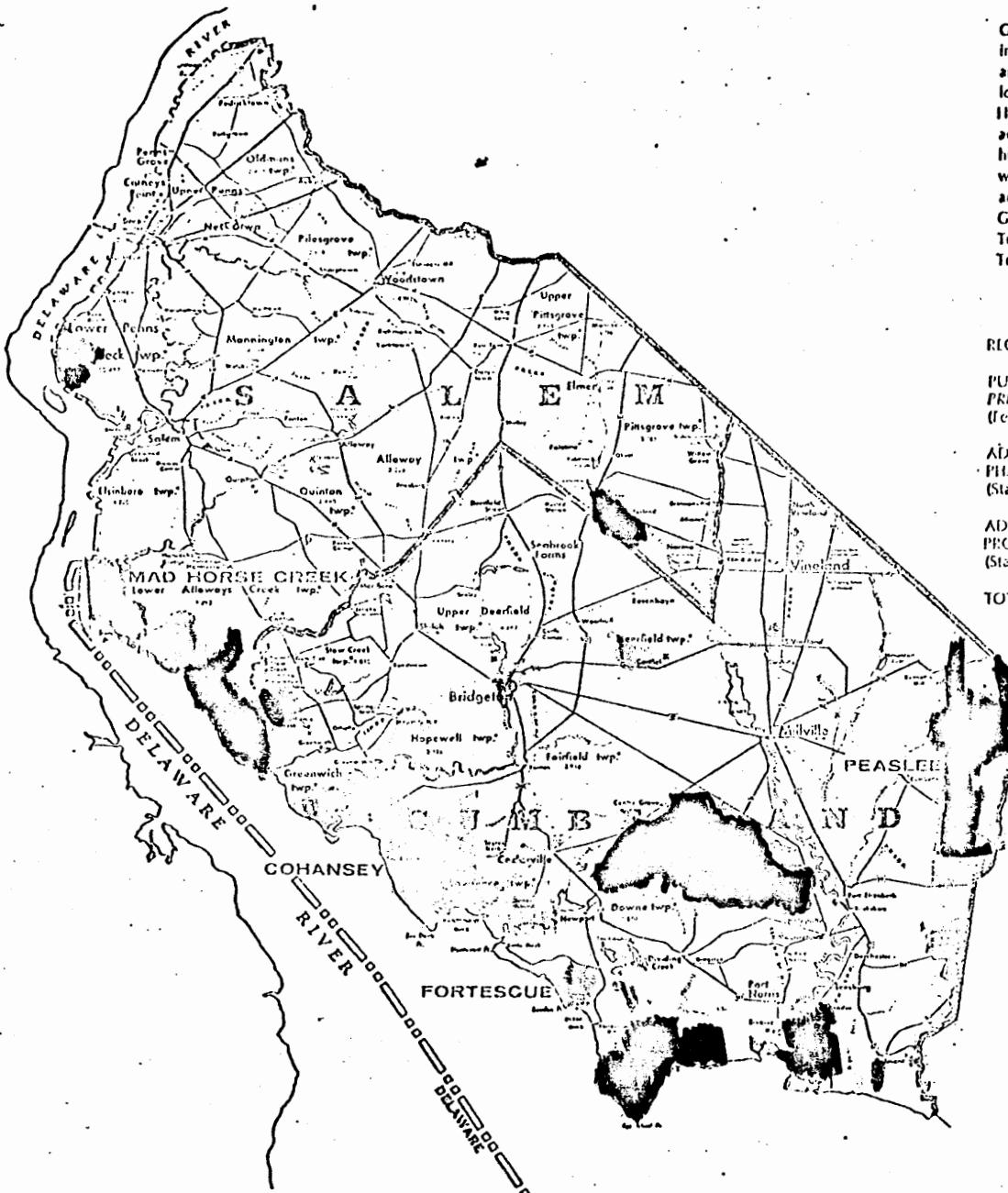
—a function of the relative attractiveness of N.J. zonal facilities when compared with the entire area within the RSI. Attractiveness is based on the ratio of vacation homes in N.J. zone to total in the RSI.

—a function of the relative attractiveness of the region's facilities when compared with other N.J. regions. Attractiveness is based on the ratio of attendance at public facilities in the region to total attendance throughout State.

SUBMITTED BY LOUIS J. DALBERTH

12%

HIGHLIGHTS:



Green Acres acquisition highlights in this region include: extensive preservation of the marshlands and tidal streams along the Delaware Bay at the locations of Cohansey River (12,410 acres), Mad Horse Creek (2,213 acres) and Fortescue Beach (959 acres) providing natural areas, fishing, swimming, hunting and nature education opportunities; fresh water fishing and day recreation at Cedar Lake (145 acres); and additions to the Peaseley Public Hunting Grounds protecting the upper water courses of the Tuckahoe River with the acquisition of the April Tract (8,060 acres).

SUMMARY OF REGIONAL OPEN SPACE, RECREATION, CONSERVATION LAND PRESERVES

PUBLIC OPEN SPACE LANDS
PRIOR TO GREEN ACRES -- 1962
(Federal, State and County) 37,913 acres

ADDED LANDS -- GREEN ACRES
PHASE I -- 1962-1967
(State, County and Municipal) 15,835

ADDITIONAL LAND ACQUISITIONS
PROJECTED - GREEN ACRES PHASE II
(State, County and Municipal) 10,200

TOTAL 63,957 acres

LEGEND

■ STATE OWNED LAND

■ GREEN ACRES PROGRAM

■ STATE SPONSORED PROJECTS

■ LOCAL ASSISTANCE PROJECTS

COUNTY

MUNICIPAL

■ Under 300 Acres

■ Under 300 Acres

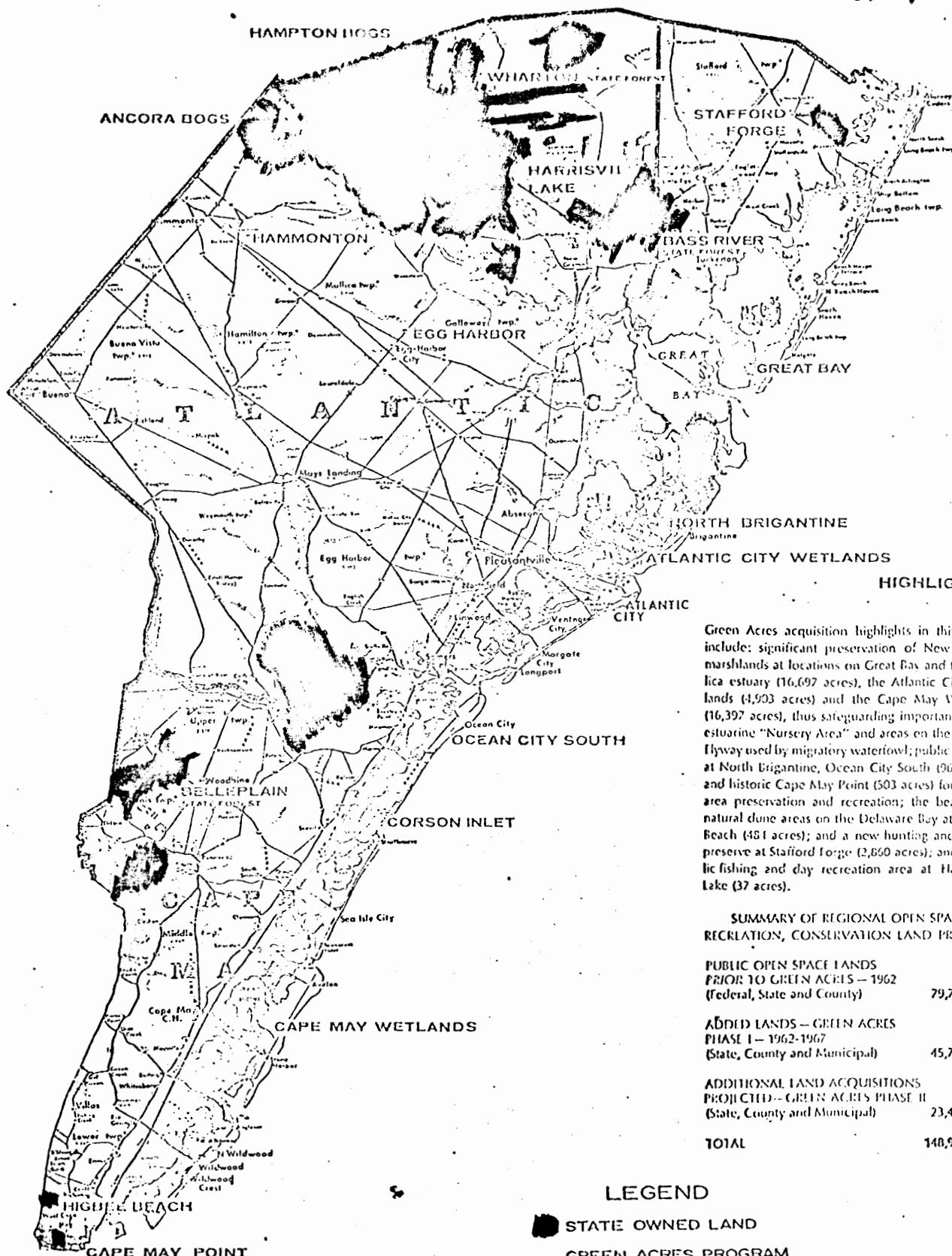
■ Over 300 Acres

■ Over 300 Acres

■ FEDERAL OPEN SPACE LAND

SUBMITTED BY LOUIS J. DALBERTH

28%

**HIGHLIGHTS:**

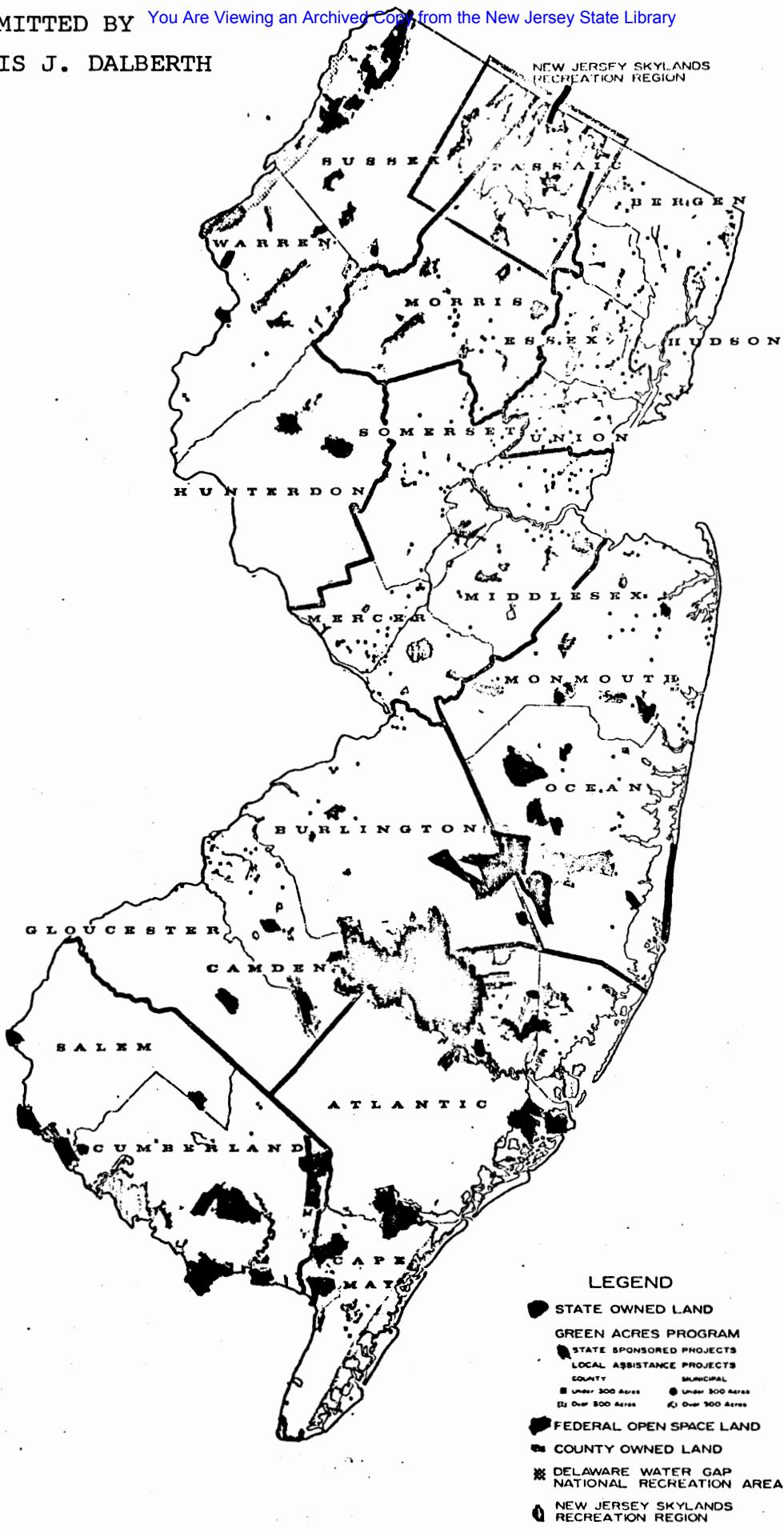
Green Acres acquisition highlights in this region include: significant preservation of New Jersey's marshlands at locations on Great Bay and the Mullica estuary (16,697 acres), the Atlantic City Wetlands (4,903 acres) and the Cape May Wetlands (16,397 acres), thus safeguarding important fishery estuarine "Nursery Area" and areas on the Atlantic Flyway used by migratory waterfowl; public beaches at North Brigantine, Ocean City South (669 acres) and historic Cape May Point (503 acres) for natural area preservation and recreation; the beach and natural dune areas on the Delaware Bay at Higbee Beach (481 acres); and a new hunting and fishing preserve at Stafford Forge (2,850 acres); and a public fishing and day recreation area at Harrisville Lake (37 acres).

SUMMARY OF REGIONAL OPEN SPACE, RECREATION, CONSERVATION LAND PRESERVES

PUBLIC OPEN SPACE LANDS PRIOR TO GREEN ACRES — 1962 (Federal, State and County)	29,722 acres
ADDED LANDS — GREEN ACRES PHASE I — 1962-1967 (State, County and Municipal)	45,761
ADDITIONAL LAND ACQUISITIONS PROJECTED — GREEN ACRES PHASE II (State, County and Municipal)	23,460
TOTAL	140,913 acres

LEGEND**STATE OWNED LAND****GREEN ACRES PROGRAM****STATE SPONSORED PROJECTS****LOCAL ASSISTANCE PROJECTS****COUNTY****MUNICIPAL****Under 300 Acres****Over 300 Acres****Under 300 Acres****Over 300 Acres****FEDERAL OPEN SPACE LAND****COUNTY OWNED LAND**

SUBMITTED BY You Are Viewing an Archived Copy from the New Jersey State Library
LOUIS J. DALBERTH



Statement to City Engineers

August 31, 1971.

My name is Stanley Cottrell. I am President of Wm. Cottrell & Sons, Inc. We are a member of Shellfish Institute of North America. We are Processors, Planters, and Packers of shellfish and have been in this business forty years. I am not an engineer, nor am I a biologist but over the years I have observed what has and is taking place in Barnegat Bay. I have seen clam flats covered up with fill to create building lots and thousand of acres of shellfish growing areas closed due to pollution.

Barnegat inlet is not giving us sufficient circulation of water which is critical to the production of shellfish. With an increase of circulation of water in Barnegat Bay it is of my opinion that the potentials of the shellfish industry in Ocean County could be increased to become an economical factor. To increase the circulation of water in Barnegat Bay we need another inlet in addition to the one we have. I say this because I am concerned about the waters in which shellfish grow, no one factor is so critical to the production of shellfish than the quality of the water of the spawning and growing areas. Lack of circulation of water has created silting of the bottom, destroyed the waters productivity of natural food organisms for shellfish or other wise interrupts the food chain, creates oxygen depletion which suffocates or places under stress shellfish or the organisms upon which they feed, and has a bad effect such as causing shellfish to be poor and unmarketable. I say this because in our processing operation I have found a decrease in yields in meat per bushel of clams harvested in Barnegat Bay over the past four or five years.

-2-

Shellfisheries are among the most valuable of our marine fisheries. Shellfish hatcheries of the future will mean a source of many tons of food to feed the increasing population. Some people may question this statement, but experience and evaluation by reputable scientists and administrators, verify that this potential is realistic and attainable, using modern techniques of shellfish cultures, which are now available to us. It is obvious that these evaluations are predicated to some extent on the success of our public officials, public agencies and our legislators that are charged with the responsibility of pollution abatement and control. Failure to increase a better circulation of water in our bay can only result in eventual disaster to the most valuable asset to Ocean County.

Observing what is taking place in Barnegat Bay has convinced me, that this is a matter that is hurting the economy of the area, whether it be recreation or digging clams. Naturally we in the shellfish industry are the first to be hurt, but with out a change taking place you can rest assured that swimming and other users of the water are going to be hurt too.

We need an additional inlet to improve the quality of the water and every effort must be brought forth to bring it to a reality. Biologists, engineers and every one concerned and interested should get behind this proposed project and if proven feasible, it should be carried out immediately. Barnegat Bay could become another Lake Erie.

I am for saving the oldest industry in the United States and that is the fishing industry, and there are lots more that feel the same way I do. Thank you.

Wm. Cottrell
Wm. Cottrell & Sons, Inc.
North Harbor Road,
Waretown, New Jersey 08758
Telephone 609-698-7301

WILLIAM COTTRELL & SONS

PLANTERS - PACKERS & PROCESSORS

CLAMS & CLAM PRODUCTS

Waretown, New Jersey

Phone: Area Code 609 - 698 - 7301

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STATEMENT TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION JANUARY 25th. 1972.

PUBLIC HEARING ON PROPOSED WETLAND ORDER

My name is Stanley Cottrell, we are a member of the Shellfish Institute of North America. We appreciate the opportunity to be heard to-day . We hope we will be heard. There is absolutely no evidence in the past that we have been heard.

While we baymen have been busy trying to survive, slickers from California to New York with Acres of their own green have stized our coastal lands. They have spawned houses in Ocean County faster than shellfish can produce larvae of their young.

Some people said we needed the marshlands. No one listened. Fishermen said the catches were diminishing and getting poorer. Still no one listened.

The Wetlands are the womb of shellfish and many fishes. I refer to shellfish of all kinds. Those prime specimens from Barnegat Bay were shipped every where and their name went with them. It sat proudly on the menus of the best hotels and clubs. The four hundred drooled if the first course came from Barnegat Bay, and better yet, they paid. We fishermen made a living then.

Direct harvest from the bay is the first and obvious part of the wet land story.NO WETLANDS.....NO SEAFOOD. That seems pretty simple. Please allow me to submit some figures of my own small business in Waretown.

HEARING Page 2.

Soft clams were a big asset in Barnegat Bay. There has been no catch of commercial value since the development of the Bay following World War II. These clams had great quality, nothing compared with them. They were a product that could not be matched.

Oysters were famous but there has been no commercial harvest since about 1960.

Scallops My records show that in 1963, five hundred to seven hundred bushels per day were harvested. In 1967, the total harvest for the year was 98 bushels. There has been no more trade in scallops since 1967.

Hard clams I am now a business man with a single product... hard clams. My records show that in 1966 we handled 85,000 bushels of hard clams, dockside prices at \$500,000.00. It is fair to say that this dockside price may be multiplied by a factor of ten as the product passes through the economy. So, this catch represents a five million dollar asset at several levels.

In the year, 1971, we handled 2,200 bushels of hard clams.

It's been very discouraging. The State of New Jersey has never given any indication that the shell fisheries are any benefit to the economy. We were the first to be hurt. By hurting us, all the people have been hurt.

Now we say - what people in their right minds bite the hand that feeds them? I might say blight the marsh that feeds them!

We fishermen are simple folk, we who ply one of the old trades known to man,-but long, long ago we learned a lesson that knowledgeable people are just catching on to.... You have got to co-operate with nature. No man can conquer nature.

Farmers are no longer growing crops, their crop is land. There is a continuing loss of farmland acreage, there is a continuing loss

HEARING Page 3.

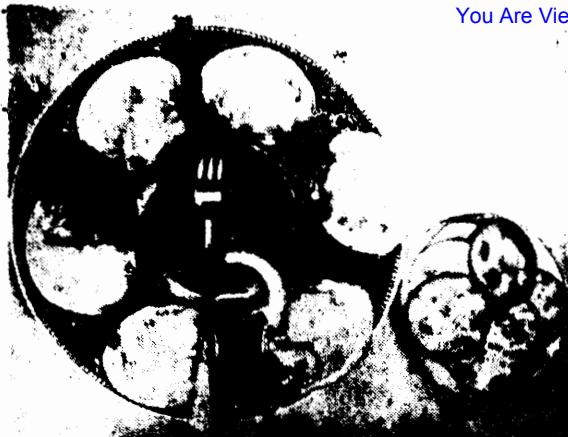
of estuary and estuarine areas which reduces the sources of food production.

We recommend that pollution be abated with all possible speed.

We recommend that the County Sewerage Authority finish their sewerage of Ocean County at the earliest date.

When these recommendations are fulfilled we believe there will be all the conditions necessary for rebuilding our lost industry. With basic conditions-decent, and advanced methods of aquaculture, we believe seafood may help answer that question, "What will we be eating the year 2000?" Perhaps, the people can look forward to good Barnegat Bay shellfish, once again, and I say. Perhaps.....

Thank you



WILLIAM COTTRELL & SONS

PLANTERS - PACKERS & PROCESSORS

CLAMS & CLAM PRODUCTS

Waretown, New Jersey

Phone: Area Code 609 - 698 - 7301

February 18, 1972.

Statement to the Blue Print Commission on the Future of Agriculture in New Jersey

My name is Stanley Cottrell. I am the president of William Cottrell and Sons, Inc., we are planters and processors of shellfish products. I am a designated representative of the Shellfish Institute of North America; a member of the Executive Committee of the Ocean County Board of Agriculture representing Fisheries; and a Director of the Citizens Conservation Council of Ocean County.

The groups that I represent commend the State of New Jersey for their progressive action in setting up the Blueprint Commission on the Future of Agriculture in New Jersey.

May we begin by urging that the State inventory all of our Natural Resources and then plan to make the best use of each resource for legitimate consumption, long term conservation which will be beneficial to the economy. Such an inventory must include the natural resources of our estuaries and estuarine zones.

The history of shellfish produced in New Jersey's waters is nothing but a mess of sagging statistics. I am speaking of production of hard clams in particular. This could have been avoided if the Shellfish Industry had been recognized as being beneficial to the economy.

For years we have known how to use hatchery methods for producing the young of shellfish; how to prepare bottom, how to plant, how to cultivate, how to harvest and how to plant again. It is the tragic history of New Jersey's shellfish industry that it has not been utilized to its full potential.

Jersey and our neighboring shellfish producing States that ignorance and prejudice of the people, and failure of leadership in the government has resulted in an ever deteriorating condition of natural marine food resources.

It is a grim joke that the Russians have botched their agriculture so they have to scour the sea around us to feed their multitudes while we have so enhanced our agriculture that we turn our backs on the resources of the water. It is my wish that the Blueprint Commission include Aquaculture in their plans for the Future of Agriculture. Great strides have been made in agriculture and I feel sure that the same could be said about aquaculture if it was recognized as a source of any tons of food, of which it is. Those of us who are in the shellfish industry are farmers, operating under the most adverse conditions, - whether we are considered farmers or not by the department of Agriculture. We wished the powers-that-be would recognize our farming and its problems the same as the problems of land farmers are recognized. Most of the production for market to-day is by moonlighters, such as policeman, fireman, teachers, students and others that are supplementing their regular income. To operate a successful business under these conditions is absolutely impossible. If you don't think so try to operate a farm under these conditions.

We request the Blueprint Commission to consider the potential of water farming for food and economic value; to study the problems of the water farmer and to extend to him the consideration offered the orthodox farmer in certain tax benefits and some subsidies from Federal and State agencies. As a "for instance" may I highlight the occasion when chaos descended on the cranberry industry in November of 1958 with the announcement that some of the crop had been contaminated with a chemical. Restitution was made to the farmers for the money loss on their crop. Do you remember that panic descended on the public in 1961 when an unusual outbreak of Hepatitis,

(3)

attributed to clams harvested in Raritan Bay occurred? We suffered such a huge loss that the Internal Revenue Service became suspicious and requested an explanation. Our explanation was that the news media had said that eating raw clams was like playing Russian Roulette. The explanation was accepted but we are still paying for the debt we incurred. There was no help such as a subsidy to us from the state or Federal government. If the Blueprint Commission wishes further details on the economics or ideas on the welfare of the water farmer we stand ready to cooperate at any time. Please call on us.

In planning the role of the farmer for to-morrow we believe the laws and regulations should be flexible and reasonable to allow man to use his initiative to produce and to increase production as he is able to.

FARMING HAS ALWAYS BEEN AN OPPERTUNITY FOR INDIVIDUALS

We recommend direct development of the art and science of Aquaculture through a Department in Rutgers. The evidence is that research can refine our techniques of growing shellfish and also techniques in controlling adverse plant life and predators that is causing considerable harm. We need to know how to control both to be successful in Aquaculture. Home Economics Services could be helpful in developing convenient food products, by utilising chowder clams which are in abundance. Also proper promotion would be a big help. Rutgers could be a big help along this line. We recommend, in other words, that some how, some one help us take advantage of our resources. Will the Blueprint Commission please consider this recommendation on their agenda?

There are a few signs that may mean renewed life for the shellfisheries.

1. The stirring of conservation in the hearts of men.
2. Wetlands Regulation.
3. Ban on building ~~on~~ Sea-level.
4. Ban on sludge-dumping by shore communities.
5. Initiation of county-wide sewerage.

The first imperative is the regulation of the wetlands. There is no beginning without the integrity of the estuarine zone. Abatement of every kind of pollution must follow fast. Then comes leadership, originating in sound practice and going forward with drive. The Blueprint Commission should make plans for utilization of all our renewable resources, and to work in every field that can be cultivated to supply food for the people, and at the same time, to fuel the economy. Develop to full potential-every known means of feeding people because it will be necessary to cope with the exploding population.

The Blueprint Commission represents a hope for the future if you will make recommendations and implement them. Thank you.

Statement of

ASSOCIATED RAILROADS OF NEW JERSEY

In Opposition to

Assembly Bill No. 722

at Public Hearing

April 19, 1972

After the Legislature enacted the Air Pollution Control Act, the Commissioner of Environmental Protection promulgated regulations prohibiting the use of all coal as a fuel, except that with extremely low sulfur content. In his Foreword to the original proposed Chapter which is now X-A of the Air Pollution Control Code, he stated:

"Compliance is possible, at a price - a high price. The price includes increased cost of fuel, the expense of equipment conversion, and all the economic dislocations caused by the required changes in fuel use patterns."

The railroad industry paid the high price. When bituminous coal could no longer be burned in New Jersey (except for limited temporary variances) we lost the business of transporting it, which had been our largest source of inbound carload freight into the State.

Our opposition to Assembly No. 722 is for the simple and direct economic reason that if industrial development is curtailed so is railroad transportation.

Section 4 of the bill states flatly that heavy industry uses not now in actual operation are absolutely prohibited in Coastal Areas I and II. Heavy industry uses are allowed in Area III by permit only. Heavy industry is the primary customer for railroad transportation and if its development is barred, the impact upon us is obvious.

In addition, Section 4 provides that off-shore gas, liquid or solid "bulk product transfer facilities", not now in operation, are absolutely prohibited in all 3 Areas. The definition in paragraph f of Section 3 uses the phrase "bulk materials transfer facilities" but the intent is clear. These facilities which would normally require rail service, are absolutely forbidden.

Under Section 5 b., manufacturing uses not in active use on the date this bill may be enacted, are authorized, but by permit only "and as subject to the performance standards established by the Board."

The practical effect of A-722, if enacted, to the railroad industry is that in the areas covered by this legislation we will never have any opportunity for growth.

Attached to this statement as Exhibit "A" is a report from the Pennsylvania-Reading Seashore Lines showing for the last five years (1967-1971) a list of new industries which located on its line during that period, industries which expanded during that period, and a list of those now contemplating construction at locations to be served by P.R.S.L. Attached as Exhibit "B" is a summary of new industries which have developed on the Penn Central in New Jersey during 1967-1971 and also of expansions during that same period.

These exhibits indicate that the railroads have been trying to help themselves by attracting new freight customers and have been aiding in the economic growth of New Jersey.

To place an outright ban on such activity is too high a cost to exact. We endorse the views of organizations who have already testified, such as the New Jersey State Chamber of Commerce, that the need for a healthy economy---including a viable railroad transportation system---must be considered as well as the desire to preserve the natural environment.

The declaration in Section 2.a.(4) of the bill states that in this highly industrialized State "The value of such rare lands is not to be measured as potential sites for manufacturing or industrial development but as the means for improving the quality of life for all of New Jersey's residents". Manufacturing and industrial development is a means for creating employment opportunities and producing useful products. We believe this does improve the quality of life for New Jersey residents.

Respectfully submitted.

Augustus Nasmith
Vice Chairman and General Counsel

LIST OF INDUSTRIES SERVED BY P.-R.S.L. LOCATED DURING 1967-1971NAME

Aaron Coffee Co.
 Abel Warehouse Co.
 Allied Tube & Conduit Corp.
 American Sugar Co.
 Atlantic City Press
 Bantivoglio Paper Stock Co.
 Certified Steel Co.
 John T. Clark & Son
 Colonial Steel Pickling Co.
 Crown Zellerbach Corp.
 Delaware Steel Products Co.
 Detrex Chemical Co.
 Distributors Products, Inc.
 Distron Co.
 Douglass Decorators Co.
 84 Lumber Co.
 Ekco Products, Inc.
 Farm Bureau Service
 General Electric Co.
 Goodrich Chemical Co.
 Goodrich Distribution Warehouse
 Handi-Top Corp.
 Harris & Son Steel Co.
 Holt Transportation & Warehouse Co.
 H.W.R. Products, Inc.
 Hussman Refrigerator Co.
 I-T-E Circuit Breaker Co.
 Jefco Steel Co.
 John Jefferies Co.
 Kaiser Aluminum & Chemical Sales
 Kasser Liquor Co.
 Kenwood Construction Co.
 Lead Supply Co.
 Lee Tire & Rubber Co.
 Luciano Bros.
 Mantua Chemical Terminal, Inc.
 Frank Mazza & Son
 Menley & James Laboratories, Inc.
 New Jersey Sash Co.
 Nostrip Chemical Works, Inc.
 Olin Mathieson Chemical Co.
 Owens-Illinois Co.
 Penn Jersey Warehouse Co.
 Pennwalt Corp.
 J. C. Penny Co.

LOCATION

Clayton, N. J.
 Camden, N. J.
 Camden, N. J.
 Sewell, N. J.
 Pleasantville, N. J.
 Camden, N. J.
 Camden, N. J.
 Camden, N. J.
 Glassboro, N. J.
 Camden, N. J.
 Bellmawr, N. J.
 Camden, N. J.
 Bellmawr, N. J.
 Absecon, N. J.
 Pleasantville, N. J.
 Clayton, N. J.
 Clayton, N. J.
 Camden, N. J.
 Pedricktown, N. J.
 Pedricktown, N. J.
 Thorofare, N. J.
 Gloucester, N. J.
 Camden, N. J.
 Camden, N. J.
 Bellmawr, N. J.
 Bellmawr, N. J.
 Camden, N. J.
 Bellmawr, N. J.
 Millville, N. J.
 Thorofare, N. J.
 Hammonton, N. J.
 Bellmawr, N. J.
 Cologne, N. J.
 Pedricktown, N. J.
 Paulsboro, N. J.
 Manumuskin, N. J.
 Camden, N. J.
 Thorofare, N. J.
 Thorofare, N. J.

LIST OF INDUSTRIES SERVED BY P.-R.S.L. LOCATED DURING 1967-1971

<u>NAME</u>	<u>LOCATION</u>
PPG Industries, Inc.	Thorofare, N. J.
Pulini Produce Co.	Camden, N. J.
Railroad Construction Co.	Penns Grove, N. J.
Ruberoid Co.	Camden, N. J.
Safeguard Industries, Inc.	Bellmawr, N. J.
A. N. Stollwerck Co.	Camden, N. J.
Strick Corp.	Camden, N. J.
T. & T. Freezers, Inc.	Vineland, N. J.
Terminal Warehouse Co.	Bellmawr, N. J.
Uddo & Taormina Corp.	Vineland, N. J.
Western Kraft East, Inc.	Bellmawr, N. J.
Winans-Carter Co.	Vineland, N. J.

LIST OF INDUSTRIES SERVED BY P.-R.S.L. WITH EXPANSIONS DURING 1967-1971

<u>NAME</u>	<u>LOCATION</u>
Anchor Hocking Glass Co.	Salem, N. J.
Campbell Soup Co.	Camden, N. J.
Certainteed Saint Gobain Insulation Co.	Williamstown Jct., N. J.
Del Monte Corp.	Swedesboro, N. J.
Gustin-Bacon Mfg. Co.	Williamstown Jct., N. J.
H. J. Heinz Co.	Salem, N. J.
Holt Transportation & Warehouse Co.	Camden, N. J.
John Jefferies Co.	Bellmawr, N. J.
Masonite Corp.	Bellmawr, N. J.
Monsanto Chemical Co.	Bridgeport, N. J.
No-Strip Chemical Co.	Pedricktown, N. J.
Owens-Corning Fiberglas Co.	Barrington, N. J.
Owens-Corning Fiberglas Co.	Berlin, N. J.
Shell Chemical Co.	Woodbury, N. J.
Terminal Warehouse	Bellmawr, N. J.
Wheaton Glass Co.	Millville, N. J.

LIST OF INDUSTRIES PLANNING CONSTRUCTION TO BE SERVED BY P.-R.S.L.

<u>NAME</u>	<u>LOCATION</u>
Carneys Point Distribution Warehouse	Carneys Point, N. J.
Dewey & Almy Div., W. R. Grace Co.	Thorofare, N. J.
Erdners Warehouse	Woodstown, N. J.
Garden State Beverage Co.	Vineland, N. J.
Gloucester Sewerage Disposal Plant	Thorofare, N. J.
N. L. Industries, Inc.	Pedricktown, N. J.
Joseph Oat & Son, Inc.	Camden, N. J.
D. H. Overmyer Warehouse	Thorofare, N. J.
Pier I Imports, Inc.	Glassboro, N. J.
Realprop, Inc.	Camden, N. J.

EXHIBIT "B"

Permanent Industries Built Along Penn Central Lines
New Jersey

<u>YEAR</u>	<u>NO. INDUSTRIES</u>	<u>INVESTMENT</u>	<u>TOTAL EMPLOYMENT</u>
1967	20	\$ 21,885.000.	1817
1968	20	17,600,000.	1376
1969	24	22,021,100.	905
1970	23	14,250,000.	638
1971	<u>32</u>	<u>40,140,000.</u>	<u>1169</u>
5 Year Total	119	\$ 115,896,100.	5965

**Expansion of Industries
Located on Penn Central in New Jersey**

<u>YEAR</u>	<u>NO. INDUSTRIES</u>	<u>NEW INVESTMENTS</u>	<u>NEW EMPLOYMENT</u>
1967	17	\$ 9,005.000.	323
1968	13	8,570,000.	182
1969	2	3,575,000.	60
1970	9	28,060,000.	548
1971	<u>3</u>	<u>920,000.</u>	<u>10</u>
5 Year Total	44	\$ 50,130,000.	1123

4/19/72

- S T A T E M E N T -

SunOlin Chemical Company, Claymont, Delaware, submits this statement to the New Jersey Assembly Air, Water Pollution, Public Health Committee to be included in the text of the public hearing on New Jersey Assembly Bill 722, the "Coastal Areas Protection Act."

SunOlin appreciates this opportunity to voice its views on proposed Assembly Bill 722, the Coastal Areas Protection Act. SunOlin Chemical Company was formed in 1959 to supply certain base chemical needs in the Delaware River valley. To this end we constructed a pipeline network to serve customers adjacent to our plant, including part of New Jersey from Deepwater, near the Delaware Memorial Bridge, to Paulsboro. The proximity of this area to the Philadelphia port region makes it particularly suitable for enlightened industrial development. Our pipeline is about 20 miles long and falls entirely within the area described in Bill 722 as Coastal Area III.

SunOlin recommends defeat of this proposed bill because it will have a detrimental effect on the economy of the region and is unnecessary for the preservation of environmental quality and is highly discriminatory in its selection of industries to be banned.

SunOlin agrees with the basic premise noted in paragraph 2a(1) of the Act that New Jersey's coastal resources should be protected against "industrial uses incompatible with . . . environmental integrity". We take issue, however, with the implications made in subsequent paragraphs of the Act that industry is inherently incompatible with ecological integrity and therefore should be banned.

To legislate a law whose basic premise is that industry and environmental quality cannot coexist is to deny that economic health and quality of life can coexist. If this is true, then the people of the United States

and indeed the World are doomed to a dismal future. For without economic viability, environmental integrity has little meaning. On the other hand, if we believe what our technology tells us: that an industrial plant can be built which has sufficient safeguards to sustain a minimal (not zero) potential for pollution, then both the country's economy and its ecology can exist together in a reasonable balance.

Let me give an oversimplified example of economic and ecological viability taken together. The Colorado Rockies are beautiful mountains, majestic, awe-inspiring. Some of the little towns nestled in the valleys along the tourist traveled highways are run-down, however, and unsightly. One way to solve this problem would simply be to ban towns in the Rockies. But clearly, we know that communities can live in esthetic peace with their surroundings. One has only to visit the European Alps to see that towns dotting the Alpine landscape add, not detract, to the beauty of the scene.

Obviously, picking an industrial plant site along New Jersey's coast is more complicated than the case of a mountain village. For that very reason, should not the choice of plant site and its approval from the state be a matter of the individual merits of the case in hand? Should not the people of the local community decide what the relative merits of a plant locating in their area are? We suspect that some weight to the economic impact of a proposed plant will be given by local communities. (Recognition of economic impact is conspicuously absent from the proposed Assembly Bill.)

Let me give an example of how serious an effect and how ^{unreasonable} this broad ban on industry as a whole is. I refer to Delaware's Coastal Zone

Act, a law passed last year very similar to A.B. 722. El Paso Eastern planned to construct a tank farm in a farmer's field on the east shore of the Delaware River to store liquefied natural gas. The liquefied gas was to be brought in by ship, unloaded and stored in the tanks. The gas was to be imported from Algeria and would supplement the short supply of gas in the Delaware Valley area. For instance, northern Delaware residents can no longer obtain gas for new home construction. If you want to heat a house you use oil or electricity. There just isn't any more gas. Oil and electricity both tend to cause more pollution than gas, so the installation of this terminal would have had broad beneficial effects on air pollution. The tank farm and gas vaporizing facilities did not occupy any marsh or subaqueous lands. Because, however, a pier had to be built into the Delaware River to handle the ships bringing the liquefied gas from Algeria, the project fell under the Delaware Coastal Zone Act. Delaware owns the entire Delaware River at this latitude and any pier extending from the New Jersey shore is actually in Delaware. The pier was banned by the Coastal Zone Act without any consideration of the individual merits of the case. It was just banned on a purely legalistic basis. No one looked at the fact that the gas supply of the Delaware Valley is highly restricted. No one noted that the tank farm is virtually pollution-free. No one noticed that the farm would have supplied work and a tax base to the area. All the Delaware authorities knew and cared about was that there was a pier involved, and all piers are banned.

How then, can New Jersey control plant sites to guard the broad ecological interests of the state population at large against the understandably narrower interests of the small community? The answer is for the

state to set standards on esthetics, noise, waste emissions which all plants have to follow. These standards presumably exist now as state pollution regulations and local zoning ordinances.

The standards and the administrative machinery for strengthening and enforcing them are already made law. In fact, New Jersey enjoys a reputation as being a leader in this field. Why now does New Jersey need a new law and new administrative bureaucracy to serve purposes which are already being admirably handled in existing agencies?

Referring again to Delaware's Coastal Zone Act, we suggest that New Jersey contact the principals working with that law in Delaware to measure its effect after a year's passage. SunOlin can relate its own experience with the law and can point out the duplicity of effort involved. We have recently proposed to build a sulfur recovery plant for the purposes of reducing our sulfur dioxide emissions. In order to do this we had to obtain permission from Delaware pollution authorities and the state planning office who administers the Coastal Zone Act. Much of the planning office's activity responding to our permit application was to check with the state pollution people to see if what we were proposing was in compliance with and primarily for pollution control regulations. The Delaware Coastal Zone Act is primarily orientated toward control of ecology. While the state planning office does apply their own independent judgement, they rely heavily on state environmental agencies. This is not a criticism of our planning office, just a commentary on the duplication of effort caused by the law.

We believe that the proposed law is highly discriminatory in its choice of which industries it cites as having a potential for pollution. If an oil refinery can meet the state pollution regulations it should have the same right to exist and operate as a car manufacturer, for instance. Both are capable of pollution if adequate safeguards are not provided, and both can be made compatible with environmental integrity.

We have some specific recommendations concerning the administration of the proposed permit system.

1. The environmental impact is thoroughly covered in the proposed law. We feel that while environmental impact is important, economic and social impact of a proposed plant location should be considered as well. A well-balanced approach to land use planning would thus be assured.

2. The appeal procedure for a permit applicant is so lengthy as to render it virtually useless to a potential grievant. As it is written, an applicant could have to wait five years before being assured a plant site. This delay amounts, in effect, to a ban. Five years is too long for a rational economic decision to be considered. By the time a plot of ground was finally cleared for plant construction, the nature of the plant would have to change to meet new technological, environmental, and economic considerations.

We recommend that the proposed law require application to local zoning authorities before application to the Coastal Areas Protection Board rather than final approval. We also recommend that condemnation proceedings be enacted within 60 days of Superior Court action on a permit application. By the time appeals have reached Superior Court, the Commissioner of the Department of Environmental Protection should have all the facts he needs for prompt action.

- 6 -

In summary, SunOlin feels that New Jersey proposed Assembly Bill 722 seriously and needlessly threatens the economic health of the Delaware Valley area. We recommend its defeat.

Statement of the Sierra Club

Northern New Jersey Group

Southern New Jersey Group

To the New Jersey Assembly Committee on
Air, Water Pollution and Public Health
concerning

THE COASTAL AREAS PROTECTION ACT
Assembly Bill No. 722

April 19, 1972

Mr. Chairman and Members of the Committee:

My name is R. Stockton Gaines. I am Chairman of the Southern New Jersey Group of the Sierra Club, and I speak for all Sierra Club members in New Jersey. The Northern and Southern New Jersey Groups of the Sierra Club wholeheartedly endorse A.722, the Coastal Areas Protection Act. We agree that "the unspoiled coastal areas of the State...are among our most critical and vulnerable resources and thus require the direct protection of the State in order that these resources might be preserved against manufacturing and industrial uses incompatible with their ecological and environmental integrity." At a time when other East Coast states (among them Connecticut, Delaware, Maine and Massachusetts) have taken steps to manage and protect their coastal areas, New Jersey is coming under increasing pressure to develop these regions. We urge the Committee on Air, Water Pollution and Public Health to support this excellent and much needed bill.

In March, 1969, the New York Times reported that at the 34th Annual North Americal Wildlife and Natural Resources Conference, James T. McBroom of the U.S. Dept. of Interior said, "The coastal [area] is unique in many respects. One of these is the degree to which the value of privately owned lands and other resources depends on the close juxtaposition of nonmarketable

common resources held in trust for the use of all the citizens. The submerged land, the water, the wildlife and the fishery resources of the coastal [area] are in the hands of the private sector. These changes are initiated by an industry, a developer, a promoter. They initiate. They act. The public sector, normally a county government, reacts. The thesis advanced here is that the public sector should take the initiative for a change. Let it be clear that I am not suggesting the halting of coastal [area] industrial and residential development, only with replacing helter-skelter with order."

In New Jersey, of course, it is the municipality which presently holds authority over the coastal region. In Coastal Areas I and II, as defined in A.722, there are 115 municipalities, each of which controls its own piece of the coastal area. There is obviously considerable opportunity in this situation for undesirable development of the type A.722 is intended to control. Not only might some of these municipalities fail to protect the coastal resources within their own boundaries, but certain types of industry, particularly heavy industry, can have an effect that extends outside the particular municipality in which it is located.

The State of New Jersey has now taken steps to protect its wetlands, and it might be argued that this together with other federal and state laws and regulations now in existence is sufficient protection for the coastal areas. This is not true. The coastal area to be covered by A.722 is one of the dominant influences on these wetlands. In addition, there are parts of the coastal area which do not contain wetlands, and which quite obviously need the protection afforded by the bill. The protection this bill provides for the coastal region is not presently afforded by any other existing legislation.

Much of the coastal area in New Jersey, particularly that bordering on Cape May, Cumberland and Salem counties, presently has little industry of any kind, and virtually no heavy industry. It might therefore be asked why this bill is needed. One of the biggest threats to the area is its potential use by industries which are becoming increasingly undesirable in other, more densely populated areas, such as chemical plants and oil refineries. This bill is not intended to curb the normal economic and industrial growth of these areas, but is aimed at making sure that industries which tend to be major polluters do not attempt to choose these ecologically valuable areas as they try to find suitable sites in a world increasingly aware of their potential for damage. We should not let a fate that others have forestalled befall us. We need to give the coastal areas of New Jersey the kind of protection which will insure their continued existence in an unspoiled form, for the benefit and pleasure of us all.

We include the following suggestions which we believe will improve the bill:

Page 1, lines 14 and 15: change "sources of fishing for food and sport" to essential productive habitat for food and sport fisheries. We believe it would be easier to define "coastal areas" by the same method Delaware uses. Therefore, on page 2, we would omit line 6 and instead insert between the territorial limits of the New Jersey in the Delaware River, Delaware Bay and Atlantic Ocean, and a line formed by certain New Jersey highways and roads approximate to the inmost 10 foot elevation except where it approaches the coastline too closely.

Page 3, section 4, delete the last sentence (lines 3 and 4, and on page 4, lines 5 through 8).

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Page 4, line 5, after "use" insert "and bulk materials transfer facilities."

Page 6, line 20, insert the words open file between "matter of" and "record."

Page 7, line 25, insert after "each owner" and adjacent owner.

Page 7, line 29, insert after "a newspaper," of statewide circulation and.

Thank you for the opportunity to testify.



R. Stockton Gaines

Statement by New Jersey Natural Gas Company
at Hearing on Assembly Bill 722
April 19, 1972

In behalf of New Jersey Natural Gas Company, I hereby register comment on Assembly Bill 722 known as the "Coastal Areas Protection Act," for inclusion in the record on the public hearing for said Bill. New Jersey Natural Gas serves approximately 220,000 customers throughout all of Monmouth, Ocean and Cape May counties, as well as half of Morris County.

Natural gas is considered to be the most effective fuel for combating air pollution because of its clean burning characteristics. The recent growing demand for gas is evidence in itself that our society links its use with solving a major portion of today's air pollution problems.

However, the present shortage of natural gas has forced our company to gradually restrict our marketing policies to the point where we now cannot accommodate further load growth. Our inability to serve additional customers is having and will continue to have an adverse affect not only on the curbing of air pollution, but the economy of our service area and the State as well.

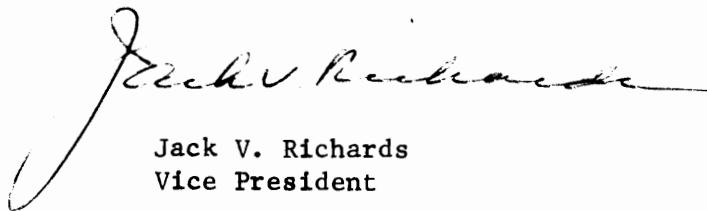
In order to alleviate the supply situation in the near future, our industry looks to imports of LNG which requires adequate docking facilities; in the long run, we would fervently hope that exploratory drilling efforts off the Atlantic Coast will ultimately provide the Eastern Seaboard with substantial new availabilities of natural gas. Both of these efforts would be blocked by the present provisions of A-722.

I submit that everyone has become more ecologically oriented in recent years, and the people that make up the gas industry are no exception. However, we fail to see how over reaction will lend itself to effectively improving our environment. We strongly feel that A-722 has included provisions that will

Statement by New Jersey Natural Gas Company
at Hearing on Assembly Bill 722
April 19, 1972 (continued)

substantially deter, if not completely block, the efforts of our industry to provide a product that satisfies two of the things our people look mostly for today - clean energy and clean air.

We feel that A-722 is a hasty, shortsighted Bill that needs modification as it relates to LNG and natural gas.


Jack V. Richards
Vice President



601 BRIDGE AVENUE, ASBURY PARK, NEW JERSEY 07712

MEMBER COMPANIES

Elizabethtown Gas Company
New Jersey Natural Gas Company
Public Service Electric & Gas Company
South Jersey Gas Company

The Honorable John I. Dawes
89A Gordons Corner Road
Freehold, New Jersey 07728

Dear Chairman Dawes:

On behalf of the New Jersey Gas Association, I wish to present some views on A-722.

The Association is especially concerned over the apparent affect the proposed legislation would have on Liquefied Natural Gas (LNG). To acquaint you with LNG, I am enclosing a copy of the booklet entitled "WHY LNG IN NEW JERSEY".

The use of natural gas is especially important in a pollution free energy-consuming environment. Unfortunately, the available supplies in the United States are limited and becoming more expensive to obtain. There is an undeniable urgency to provide for additional supplies of gas and LNG is currently one of the most promising.

The importation of LNG from overseas is regarded generally as the most feasible step. Unless the LNG can be brought in by tanker as close as practicable to the distribution system of the utility, there will be a need to transport the material by land which creates other problems.

Since LNG vaporizes on contact very quickly, even when spilled on water, it is unlike many other petro-chemical liquids which may present real pollution problems. To include LNG in the prohibited activities in A-722 would detract from the laudatory aspects of this proposed legislation.

If additional information or authoritative textual citation is required, please do not hesitate to contact me.

The New Jersey Gas Association is dedicated to a better environment and would appreciate an opportunity to help to create it.

Very truly yours,



Peter J. Kassak, President
New Jersey Gas Association

PJK:gse

Statement in support of A722 by the League of Women Voters
of Matawan.

Matawan sits squarely in the path of southward urban sprawl. There is little high land left to be developed, but there are lowlying areas along Matawan Creek and in the Cliffwood area. They are meager compared to the extensive coastal wetlands to the south.

The Wetlands Act of 1970 covers only areas that have been mapped and delineated. We do not expect the Department of Environmental Protection to go to the expense of mapping and delineating what is left of the Matawan marshlands.

But what we have are still valuable. They provide open space, so badly needed in this area of unrelieved development. And they provide flood control. Areas in Matawan are subject to flooding now and further development in the wetlands would aggravate the condition.

Municipal government, hard-pressed financially, is not always able to resist commercial pressure. We note similar wetlands being filled in Madison Township along Route 35 and also in Keyport.

We need your help. The bill you are considering, A722, would complement the Wetlands Act and help our local governments. We support A722 and urge you to pass it.

Lynda Fuller
Lynda Fuller, President
(Mrs. Allan W. Fuller)

Adeline Arnold
Adeline Arnold, Chairman, Water Committee
(Mrs. Henry Arnold)



April 17, 1972

Hon. John I. Dawes, Chairman
Air, Water Pollution and Public Health Comm.
64 West Main Street
Freehold, New Jersey 07728

Dear Mr. Dawes:

In lieu of an appearance at the scheduled public hearing, I respectfully submit the following comments on Assembly Bill 722, the proposed "Coastal Areas Protection Act," on behalf of the New Jersey Builders Association.

While the measure concerns itself with the imposition of state controlled zoning for all industrial usage on lands within the 10-foot elevation limits from mid-mouth of the Raritan Bay in Middlesex County completely around New Jersey's ocean frontage and back up the Delaware Bay to the headwaters of tidal flow at Trenton, it is the contention of our Association that such a bill will also have a significant impact upon the residential housing industry in New Jersey.

The immediate consequence of any type of withdrawal of usable, expensive land from circulation is the inflation of the value of the existing land around the State. In this instance, heavy industry is prohibited or subject to prohibition on 776.77 square miles (497,133.60 acres) or 15% of the total area of the 11 affected counties.

Such prohibition would cover many highly urbanized areas, including a considerable portion of the City of Camden and would affect a major portion of low lying Cape May County.

As land, which is already at a premium, becomes more scarce, the cost of the remaining undeveloped land will rise to a level that will make today's inflated market prices seem small by comparison. The price of new homes built upon this costly land will also show a proportionate increase.



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AFFILIATED ASSOCIATIONS

• National Association of Home Builders • Atlantic Home Builders Association of N.J. • Home Builders Association of Cape May County • Central Jersey Builders Association • Builders Association of Cumberland County • Builders Association of Metropolitan N.J. • Builders Association of Northern N.J. • Home Builders Association of Northwest N.J. • N.J. Shore Builders Association • Home Builders Association of Somerset & Morris Counties • Home Builders League of South Jersey

Hon. John I. Dawes

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April 17, 1972

The effect of such a measure upon the tax structures of municipalities within the affected counties would be monumental. Elimination of heavy industry from an area inevitably results in a sizeable decrease in the ratables to be accrued by the respective municipalities -- a decrease which could be crippling in many cases.

In addition, one must consider the detrimental effect such a measure would have upon the general welfare of the State. If enacted, the bill will surely discourage out-of-state industry from relocating in New Jersey. Again, an opportunity for a municipality to acquire a valuable ratable -- one which may ease the local tax burden -- will be lost.

Our Association also finds it most ironic that a bill which seeks to protect the environment and lessen pollution will, if enacted, prove to be an indirect contributor to increased pollution levels in the State.

For while the bill virtually precludes the development of heavy industry in the southern and coastal regions of the State, it is these very same areas which have been and will continue to be the location for a great part of the State's new residential construction.

The point is rather clear: the bill would have the effect of further separating home and place of employment. This, in turn, necessitates an increased use of the State's highways for commuting purposes, thereby producing additional exhaust emissions in voluminous quantities.

The problem of locating housing within a reasonable distance of jobs has manifested itself to extraordinary degree. In fact, the Governor, in his recent "New Horizons for Housing" message, recognized the need for a reversal of this trend when he said:

"....housing locations and job locations are moving further apart and those who can commute must travel longer distances to get to their jobs. This situation has caused a number of problems which ultimately affect all citizens....It is apparent that the future sound development of the State is dependent upon a more reasonable relationship between housing and jobs."

Perhaps it is most accurate to say that our Association's feelings about A-722 are most similar to our stated position on the recently proposed Flood Hazard legislation.

While the theory and intent of the legislation is admirable and admittedly sound, the peripheral consequences - often prodigious in nature -- have not been properly researched nor sufficiently ascertained. The

Hon. John I. Dawes

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April 17, 1972

result of such hastily drawn measures can only endanger the general well-being of the State and its citizens.

Our environmental problems are considerable and demand action. But let the order of priority be (1) definition (2) research and (3) action. And let this order serve as a guideline in dealing with any environmental problem.

Cordially,


Alfred S. Feibel
President

ASF:nb

cc: Members of Air, Water Pollution and Public Health Committee

DELAIR CIVIC ASSOCIATION

DELAIR, NEW JERSEY

Mrs Joan Zane
8217 Holman Ave
Delair
Pennsauken, N J
08110
April 19, 1972

Assemblyman Thomas Kean
Trenton
N J

Dear Assemblyman Kean:

The officers, executive board members and members of our association feel the Coastal Protection Act would definitely benefit the entire state.

We sincerely hope this proposal becomes law.

Please keep us informed should future hearings be held.

Yours truly,

Mrs Joan Zane
Corresponding Secretary

If we assume that the New Jersey Chemical Industry's contribution to the U.S.A. trade balance is proportionate to the value of its production (it is probably higher because of the favorable location and nature of its products) the contribution of the New Jersey Industry is 11.5% of the total or \$250MM. In other words, the total U.S.A. merchandise trade deficit would be at least 12% worse than it is if it were not for the contribution of the New Jersey Chemical Industry.

Assembly Bill #A-722 is not directed specifically to the Chemical Industry but some of its provisions could have major adverse effects. For example, the New Jersey Chemical complex is relatively forward integrated. In the main, its operations involve conversion of basic raw materials. To a very large extent the basic raw materials are moved in from other areas such as the Gulf Coast. For economic reasons, large quantities involving several billions of pounds per year have to be moved by water.* The provisions of A-722 which prohibit the addition or expansion of facilities to handle vessel to shore transfer of such raw materials would, if really carried out, ultimately deprive those parts of the industry which require a degree of growth to maintain an economically competitive scale of operation. Time has not permitted a detailed analysis of this effect, but obviously, it would encourage diversion of investment away from New Jersey.

The Chemical Industry Council sees no objection to the provisions of the Bill in Zone 1, except in the area between the Raritan River and Sandy Hook. This area is already partly industrialized and provides a logical point for expansion of terminal facilities and other chemical operations which are now largely located in the northern half of the State. We would suggest that all or part of this area on Raritan Bay be excluded from Zone 1.

Zone 2 is controversial and should have closer study. There is relatively little chemical industry there now but this area has an unemployment problem. The Chemical Industry could conceivably help that situation but this is not likely to happen if there is no access to water transportation.

Zone 3 is already partially industrialized on the New Jersey side of the Delaware River and even more heavily industrialized on the Delaware-Pennsylvania side. We see no ecological or recreational reason for inclusion of the remaining un-utilized parts of this area in A-722. Pollution, of course, is always objectionable, but there

*combined waterborne shipments of Chemicals and Allied products into and out of New Jersey in 1969 were 5,051,000 tons (Source: Dept. of the Army, Corps of Engineers).

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already exist a number of agencies, regulations, ordinances, etc. the function of which is to eliminate or prevent pollution abuses. It would seem that these should be adequate to deal with such problems in Zone 3.

In summary, the Chemical Industry Council understands the objectives of A-722, but recommends that time be allowed for a more thorough analysis of the probable effects in Zone 2. The Council also recommends excluding from the Bill the south shore of Raritan Bay and all of Zone 3. Your consideration of these recommendations will be appreciated.



CHEMICAL INDUSTRY COUNCIL OF NEW JERSEY

PLEASE ADDRESS REPLY TO:
J. L. Brannon, Chairman
270 Park Ave. 32 fl.
New York, N.Y. 10017

April 17, 1972

TO: NEW JERSEY STATE ASSEMBLY COMMITTEE ON AIR-WATER POLLUTION & PUBLIC HEALTH

ATT: Committee Members:

Honorable John I Dawes, Chairman
Honorable Herbert H. Kiehn
Honorable James J. Mancini
Honorable Alexander J. Menza
Honorable John A. Spizziri
Honorable H. Donald Stewart
Honorable William G. Wilkerson

The Chemical Industry Council is not making a formal presentation at the April 19 Hearing on Assembly Bill #722, "The Coastal Area Protection Act". Instead, we have elected to send to each of you the attached statement of our position. We hope you will read it at an opportune time. For the record, we plan to file it at the April 19 Hearing and we are also sending copy to each of the sponsors of A-722.

The Chemical Industry Council understands the objectives of A-722 and appreciates that it is a very controversial issue. It will require much effort, wisdom, and time on the part of the Committee. We feel sure, however, that the Committee will reach a wise and reasonable conclusion if given all the facts. If the C.I.C. can be of any assistance to you, please be assured that we will welcome the opportunity.

Very truly yours,


J. L. BRANNON
CHAIRMAN

JLB:mf
att-

J. L. Brannon, Chairman
270 Park Ave. 32 fl.
New York, N. Y. 10017

April 17, 1972

Honorable T. H. Kean
1 Elizabethtown Plaza
Elizabeth, New Jersey 07202

Dear Assemblyman Kean:

The Chemical Industry Council is not making a formal presentation to the April 19 Hearing on Assembly Bill #722, "The Coastal Area Protection Act". However, we have prepared the attached "Statement of Position" which we have sent to the members of the New Jersey State Assembly Committee on Water-Air Pollution and Public Health. For the record, we also plan to file it at the April 19 meeting.

As a sponsor of A-722, we hope you will be interested in the attached statement and give favorable consideration to the modifications that it recommends. If the C.I.C. can be of any assistance to you, please be assured we will welcome the opportunity.

Very truly yours,

J. L. BRANNON
CHAIRMAN

JLB:mf
att-

Letter also directed to: C. Louis Bassano
J. J. Fay
J. E. Robertson
B. T. Kennedy
Chester Apy
E. J. Bedell



delaware
valley council

1203 fox building · 1612 market street · philadelphia, pa. 19103 · (215) locust 3-7835

STATEMENT OF
THE DELAWARE VALLEY COUNCIL
TO THE ASSEMBLY COMMITTEE ON
AIR, WATER POLLUTION AND PUBLIC HEALTH

RE: "THE COASTAL AREAS PROTECTION ACT"
(Assembly Bill No. 722)
April 19, 1972

My name is John T. Clary, and I am an attorney appearing here today as Special Counsel for Environmental Affairs for the Delaware Valley Council. The Delaware Valley Council is a non-profit, non-partisan organization incorporated in Pennsylvania and dedicated to the economic development of the Delaware Valley region, which includes 15 counties in segments of the states of Delaware, New Jersey and Pennsylvania.

The purpose of my appearance here today on behalf of the Council is not to analyze each Section of Bill A-722 seriatim but rather to comment on the philosophy behind the entire Bill. The Bill, in our opinion, recognizes a principle which we feel is unwarranted, and that is that industry per se is dangerous to the environment.

In recent years there have been many highly publicized mishaps in coastal areas and these have triggered a feeling among environmentalists that any industrial

plant is a potential Dantes' Inferno and Johnstown Flood. The facts do not bear out this assertion because the vast majority of industries operating along coastal waters operate without any mishaps.

There are types of real estate developments which should be of much greater concern to this Legislature and to any Legislature. An example of this is an unplanned residential community, whether it be resort area or not, which moves into a coastal region and completely upsets the ecological balance. We, therefore, feel that the State of New Jersey was wise in adopting the Wetlands Act of 1970, which hopefully would preclude such residential developments. The question then arises, would this same legislation preclude industrial development which would have an adverse effect on the environment? We think it would.

A-722 on the other hand, after laying the predicate that industry is bad per se, proceeds to ban industry from Coastal Areas I and II as defined in the Bill. The probabilities are that there will be no industrial development in Coastal Area I. The question then concerns Coastal Area II. There are some industries located in this area and it is possible for more to locate there except that this bill would completely prohibit it.

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With all the controls that are placed on industry today, both at the Federal, State and Local levels, requiring control to the highest degree of available technology, for the protection of the environment, we can see no reason for the complete prohibition of industry in Coastal Area II. We feel strongly that this is particularly true in light of a study that is now being conducted by the Delaware River and Bay Marine Council, which was formed under Executive Order No. 15. Public hearings have been held by this Council and their report is due before the end of this year.

Our major concern is that legislation of this type will have an adverse economic impact not only on New Jersey, but the entire Delaware Valley area. Good planning would dictate considering New Jersey in conjunction with the entire region and, therefore, if the state of New Jersey bans further industrial development up to the Delaware Memorial Bridge while the state of Delaware has a moratorium on new industry, we feel that industry will not consider the Delaware Valley as a place to settle.

The population of the entire region continues to grow and as it grows there are increasing demands for new jobs. Without industry coming into the area, these jobs will not be available and, therefore, this legislation would

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have a long term effect not only on the state of New Jersey, but on the entire region.

We feel that it is entirely possible for industry to stand side by side in the environment with nature and that the two are not incompatible. Where they might be incompatible, then a balancing of the advantages and disadvantages of both must be accomplished. The greater weight should, of course, be given to the total environment. We would hope that the regulations promulgated under the Wetland Act would reflect a procedure to accomplish this type of balancing. A flat prohibition against industry will not.

We, therefore, recommend and urge this committee not to pass this bill in any form. In any event, we would recommend that this bill not be passed until The Delaware River and Bay Marine Council has had an opportunity to report to the Governor and some effort be made to ascertain the total impact that such legislation would have on the entire Delaware Valley.

FEDERATION OF CONSERVATIONISTS,
UNITED SOCIETIES, INC. : (FOCUS)



REPLY TO:

PRESIDENT

A. M. COOPER — TEL: (201) 349-1275
380 LUANE AVENUE
TOMS RIVER, N. J. 08753

April 19, 1972

REPLY TO:

EXECUTIVE SECRETARY

R. B. LITCH — TEL: (609) 494-2072
P. O. Box 25
BARNEGAT LIGHT, N. J. 08006

Statement of the Federation of Conservationists, United Societies, Inc., (FOCUS) to be submitted to the Assembly Committee on Air and Water Pollution and Public Health at the hearing relating to Assembly Bill Number 722.

We send you our Greetings and wish to thank you for giving us this opportunity to present our views.

We strongly approve and support Assembly Bill Number 722 and urge its enactment into Law. We agree that this bill is "vital to our State if it is to avoid becoming one solid industrial park for the New York and Philadelphia areas."

We have the following comments and recommendations in regard to certain aspects of the bill.

We highly approve the definition of Heavy Industry uses and urge the specific inclusion of nuclear power plants off shore of the Coastal areas.

Under Section 7 we recommend the inclusion of an environmentalist or an ecologist on the Advisory Board Staff.

We believe there should be more extensive protection of the public interest in advance of hearings, and proceedings of the Board should be widely publicized. A notice of the proposed activity and an announcement of the date, place and time of the hearing on the application shall be caused to be published in a newspaper of general

THE FEDERATION OF CONSERVATIONISTS, UNITED SOCIETIES, INC.

circulation in the county in which the land is located. Also, notice in writing should be sent to all adjoining landowners, local governing bodies and local conservation commissions, if any, of the municipalities in which the proposed activity is located.

A policy for swift enforcement of "cease and desist" orders should be effected. Also, if permit for construction is issued, applicant should be required to file Performance Bond for the full amount of the contract, to assure that project will be built in accordance with the comprehensive plan. Permit should be posted prominently at the worksite.

The following are several general recommendations which we would urge for adoption:

- Issue guidelines for the filing of permit applications
- Establish a formal procedure whereby citizens can report to the Board ecologically destructive activities being conducted in coastal critical areas and establish a procedure for rapid action in response to such complaint
- Establish "Interim guidelines", detailing precautions to be taken and restrictions to be imposed upon coastal area use to preserve the ecological balance and to protect the public health and welfare.
- Establish an emergency procedure for short notice mapping of small parcels of land threatened by imminent adverse ecological alteration.

We understand that the Delaware Bay Atlas in preparation in the University of Delaware will provide the basis for future marginal and protective policy. The Atlas will help to realize the long term goal of protecting the water and land resources of the Delaware Bay area.

THE FEDERATION OF CONSERVATIONISTS, UNITED SOCIETIES, INC

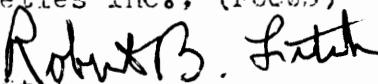
In conclusion we point to the computer projections of growth of population and industrialization which appeared in the New York Times Magazine, January 2, 1972. The computer curves lead to one conclusion - all growth leads to collapse. This would apply to further intensive industrialization on the Delaware Bay and on other coastal areas of New Jersey. Let us march with Delaware Governor Peterson in halting this ecological disaster.

We ask that this statement be made part of the record.

Sincerely,

Federation of Conservationists

United Societies Inc., (FOCUS)


Robert B. Litch

Executive Director.

TESTIMONY ON A722 - MONMOUTH COUNTY LWV

I am Mrs. Michael Huber, of Middletown Township, a director of the Monmouth County League of Women Voters. Our organization vigorously endorses the concept of protection of the coastal areas as set forth in this bill A722.

No one at this hearing needs to be reminded of the ecological and economic importance to New Jersey of these areas in their unspoiled condition. We are all well aware that many of them have already been despoiled and that the rest are threatened as urbanization and industrial development spread out from the metropolitan centers which surround us. And it isn't news to any of us that, as the 1970 National Estuary Study of the U.S. Fish and Wildlife Service plainly puts it, "pollution and land occupation for port cities are the causes of greatest estuary loss and degradation".¹

In Monmouth County, we are only too well aware of this threat. Pollution in Raritan Bay has already destroyed the popular resorts of the 20's and 30's in the Bayshore area. And we know that the thriving resort industry along our Atlantic coast, which is so dependent on ocean beaches and on boating and fishing in the quiet, marshlined estuaries behind them, is now in jeopardy. We know, too, that local governments, in their never-ending need for ratables, cannot long resist the pressure to relinquish their precious coastal lands to industry. It is obvious to us all that when one municipality allows industry to move in, the others are affected. In addition, we have learned that many of the marshlands in Monmouth County, because of their size or because of previous modification, will not be protected by the Wetlands Act.

Our fishing industries are endangered; in fact,
many areas are now closed to the taking of
shellfish.

2.

We therefore welcome the kind of help that A722 would provide. The Monmouth County League feels strongly that we must not ~~maximize~~ forfeit the natural bounty of our coast or allow our important ~~and fishing~~ resort ^Aindustry to expire because we have stubbornly clung to rigid interpretations of the Home Rule concept that are no longer viable. The munificence of the Jersey coast does not coincide with municipal boundaries or jurisdictions; it belongs to all the people of the State, and we therefore look to the State to help us preserve it.

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1. U. S. Dept. of the Interior Fish and Wildlife Service, National Estuary Study, Vol. 1, Washington, D.C., 1970, p.30.

You Are Viewing an Archived Copy from the New Jersey State Library
Statement from State Board of N.J. Division of American Association
of University Women on A-722 Hearing of April 19, 1972

I am Eileen L. Donohoe of Clinton, New Jersey. As a member of the New Jersey Division Board of the American Association of University Women, I am here to present the position of that organization.

The New Jersey Division of the American Association of University Women is an organization of almost 6,700 women. For the past several years this organization has been dedicated to the study of ways to improve and safeguard our environment. We have been especially sensitive to matters of land use and we consider this basic to all other environmental problems.

In view of the pressures upon open space in New Jersey, we support the concepts of A-722 because it provides the mechanism and the time to evaluate proposed projects and to examine environmental impact evidence. It insists on answers to the question: "What are the environmental consequences if we allow industrial development?"

The air and waters belong to everyone and to no one. The condition of these resources is a reflection of what events took place on land. But the land belongs to people. Because of the intimate relationships between these natural resources, it is becoming ever clearer that land should only be used in a way that will not mitigate against air and water.

When we seek to use land for a specific purpose, we must try to anticipate the possibilities of degradation of all resources and eschew such activities. We consider A-722 a step toward further protection of our vital resources.

Thank you for allowing us to present this position statement.



LEAGUE OF WOMEN VOTERS OF OCEAN COUNTY, N. J.

STATEMENT OF LEGISLATIVE COMMITTEE HEARING TESTIMONY ON A722,
PROPOSED BILL TO CONTROL DEVELOPMENT OF INDUSTRY IN THE
COASTAL ZONE

April 19, 1972

I am Mrs. Wilfred Armitage, Environmental Quality Chairman of the League of Women Voters of Ocean County. Our league endorses the concept behind A722. The League of Women Voters of the State of New Jersey fought for the passage of the Wetlands Act of 1970. The leagues in the coastal areas would be remiss in their duty to that Act if they fail to support this bill. The intent, we hope, will not supersede the Wetlands Act but with strengthening recommendations complement and support the Act.

In this bill Ocean County is designated to be in Coastal Area #1, a region of predominantly recreational and residential uses. This area is of vital importance to all the people of our state as a haven of relaxation and respite from the turmoil of a densely populated state, one which is being pressured into changing from the Garden State to an industrial state. We who live in the coastal area are abundantly aware of the over industrialized areas to the north and the over industrialized areas at the other extreme of our state's coastal zone. We are in the middle of the New Jersey coastal zone and the squeeze from industry is coming from both ends.

In Ocean County municipal governing bodies are overwhelmed by the problem of rising taxes. They have been looking for relief to all kinds of industry, both heavy and light, as tax ratables. We hope these officials will take a good hard look at northern and western New Jersey if they think heavy industry would be our tax salvation. Let them note that the clamping, fishing, boating and bathing beach industries have long since gone from the Newark and Raritan Bay areas and in their places there are monumental air and water pollution problems and industrial slums.

The passage of the Wetlands Act has curtailed one great industry in the coastal area, namely, the home development industry. To allow heavy industry in our coastal area would compound the damage already done by that industry. We believe it is necessary that our state, by law, protect the coastal zone since there appears to be a lack of responsibility to the environment at the local level.

The State of Delaware has passed a bill similar to A722. Recreational industries which are compatible to the coastal zone, and are good tax ratables, have begun to locate there. They now have the assurance by law that the land and waters needed to support their recreational industries will be protected.

We are pleased to note that the three-member board consists of representatives of the Environmental Protection Department, the Labor and Industry Department, and the Community

Affairs Department. It is long overdue that these agencies of government learn to communicate, and respect each others problems and try to bring about compatibility within our government to the ultimate benefit of the people instead of vested interests.

We urge that the Department of Community Affairs take into full account in drawing up its Coastal Industrial Master Plan, those areas mapped as wetlands and also take into consideration the stated policy of the present administration in regard to riparian lands. Better still, we would like to see that policy enacted into law within this bill.

We recommend that the make-up of the non-voting advisory staff also include representatives of the Fish, Game, and Shellfisheries Division, Water Resources Division and a biologist since the lands to be ruled upon are adjacent to the Wetlands and Riparian lands. Wildlife has no respect for contour lines.

In conclusion, we believe this bill if strengthened and clarified will be another step in the right direction toward saving vital natural resources beneficial to the general welfare of all the people of our state and to future generations.

Thank you.

Eleanor K. Armitage

ELEANOR K. ARMITAGE
(Mrs. Wilfred Armitage)
Environmental Quality Chairman
League of Women Voters of
Ocean County

Lydia Arden
LYDIA ARDEN
(Mrs. Frederic Arden)
President, League of Women Voters
Ocean County

Mrs. Wilfred Armitage
733 Bay Avenue
Brick Town, N. J. 08723
Phone: 201-892-4623

NORTH JERSEY CONSERVATION FOUNDATION
300 Mendham Road, Morristown, N. J. 07960 (539-7540)

Statement for public hearing held by the New Jersey State Assembly Committee on Air, Water Pollution and Public Health regarding The Coastal Areas Protection Act - Assembly Bill No. A-722 on April 19, 1972 at Assembly Chambers, Trenton, N. J.

Mr. Chairman:

I represent the North Jersey Conservation Foundation, a non-profit membership foundation with offices in Morristown, N. J. The Foundation operates in three major areas, acquiring open space for public purposes, environmental education, and assisting municipal conservation commissions and other conservation groups in a service capacity.

A-722 is badly needed in New Jersey - trying desperately to remain the garden state in the face of what Public Service Electric and Gas Company in its advertising calls "the most densely populated state in the nation...one of the highest concentrations of industry." The bill seems to be properly constituted as an economic protection measure - one to permit expansion of commerce and industry where it's appropriate, and properly plan such changes without destroying the multi-billion dollar recreation industry and the natural resources upon which that industry and its allied fields depend. For every major industry occupying land in this critical zone, there are several other uses that must die. This bill is an economic preservation measure maintaining variety of economy which helps provide stability.

The critical area dealt with occupies about 17% of the southern area of New Jersey - an area immediately adjacent to riparian lands, land which the state holds in trust for its people. The sovereign is obligated by riparian law to protect its interests. Any large scale development which may pollute or tend to destroy the natural characteristics of riparian lands constitutes a hazard. Elevation 10 represents a reasonably protective boundary.

In addition, we have used artificial boundaries to plan our state for all too long. Water and air do not recognize most of our arbitrary political lines, nor does the soil structure or geology or coastal wetlands. The contour line named in the bill is above most floods, and bears a direct relationship to water resources.

For the first time in this proposed legislation, a regional planning mandate is provided the Department of Community Affairs. Such powers are an absolute essential with todays market place pressures from giant corporations. Such companies simply overwhelm municipalities. No town in this state, under current tax laws, at least, can withstand the pressures of large industry for very long - no matter what the environmental impact might be. Home rule has already failed to adequately protect the environment or competing

North Jersey Conservation Foundation - Hearing Statement on A-722

economic land uses where large industries are involved. The coastal region needs regional help - and the power of the state to back it up.

A-722 - The Coastal Areas Protection Act does have an effect on the energy policy of New Jersey - and it should have. New Jersey needs, along with the country, a rational energy policy. Until then, those places that must be protected should be spared the "build now - find the resources later" policy currently in vogue. We no longer have enough of those water and open space resources left to squander them without intensive planning.

Thank you very much for the opportunity to provide this statement.

TESTIMONY FOR HEARING ON ASSEMBLY BILL# 722

Assemblyman Dawes, members of committee, ladies and gentlemen.

I am Patrivia Allocca (Mrs.R.F.) of Colts Neck, N.J. I welcome this opportunity to present my views on A.722.

I am in accord with the intent of A.722 because I believe that public protection of our coastal areas (resources) is long overdue.

I am in favor of a Coastal Areas Protection Board to effectuate the intent of this bill because I believe that a meeting of the minds of various coastal areas user and consumer interest is, also, long overdue.

I believe the 10' contour line to be a reasonable, non-arbitrary boundary because land at or below this boundary is hydraulically and ecologically tied to the coastal resources.

However, I believe the mean-high tide boundary should be extended to protect riparian lands and off-shore waters because present protection is a matter of policy not law.

I find A.722 to be weak in some very important areas and unclear in others;

In citing the need for public protection of the coastal areas, this bill does not point out the needs of marine life and wildlife as users and consumers of these areas. The failure to acknowledge the needs of these lower forms of life in determining the use of land and water resources is reflected in the make-up of the advisory staff; the Div. of Fish, Game and Shellfisheries, which is the agency of government most qualified to advise the Board as to the needs of fish and

wildlife, does not have Council representation on the staff. This weakness is further illustrated by the elimination of the north east coastal areas from public protection which indicates that the migratory habits of fish and wildlife have been ignored.

In addition, the elimination of the north east from public protection of its coastal resources would seem to say that the citizens of that area must seek coastal area based recreation elsewhere. This is contrary to ^{the} current philosophy of government to meet recreational needs on home ground.

A.722 is unclear wherein it makes no distinction between the estuarine wetlands and other wetlands of the coast. I fear this omission will, inadvertently, place these viable wetlands in a compromising position. My concern sharpens in light of Section 14, page 8 which seems to say that this bill when written into law, would supersede the Wetlands Act of 1970, which was intended to protect the estuarine wetlands from any and all use incompatible with their natural function.

I recommend, therefore, that A.722 be clarified as to wetlands and authority so that the estuarine wetlands need not be compromised, and

That A.722 be strengthened:

- (1) to include the needs of marine & wildlife as one of the purposes to be served through protection of coastal areas,
- (2) that a member of the Council of the Div. of Fish, Game and Shellfisheries be included on the advisory staff,
- (3) that the Northeast Coastal areas be reenstated as areas to be protected and that they receive the same protec -

tion provided other areas of our coast, and

(4) that the seaward ~~area~~ boundary be extended to the
three mile limit.

Thank you,



Patricia Allocca
(Mrs.R.F.)

April 19, 1972

HEARING ON BILL A-722 REGULATING THE USE OF COASTAL AREAS

April 19, 1972, TRENTON

These comments, which are asked to be added to the record of this hearing, have been written by Frank J. Oliver, a resident of Teaneck, N. J. and President of The League for Conservation Legislation, Inc., an organization of New Jersey citizens dedicated to the protection of the environment. Our League is sponsored by a dozen outdoor, hiking and nature clubs. Among our objectives are the protection of wetlands and the encouragement of the acquisition of additional state, county and municipal park lands, wild forest lands, open space and scenic values. We are for the abatement of air, water and noise pollution.

Specifically, our League is in favor of efforts to control land use to protect ecological factors. The future quality of our environment relies on such factors. We are especially pleased to see the recognition given to the value of wetlands as related to the food chain for fish, shellfish, birds and animals by this bill, A-722, the Wetlands Act and Assembly Bill 435; also sponsored by Speaker Thomas H. Kean, which would increase penalties for trespass on State riparian lands. It is noted that other states on the Atlantic seaboard are also adopting legislation to protect precious wetlands, including Maine, Massachusetts, Connecticut and, of course, Delaware, which has mandated recreation rather than heavy industry along its attractive beaches.

It is also interesting to note that New Jersey over the years has acquired 30,000 acres of coastal wetlands under the Fish and Game fund plus 20,000 acres bought by the federal Fish and Wildlife Service at Brigantine. An additional 10,000 acres were acquired under the first Green Acres bond issue. So there is plenty of precedent in removing wetlands from possible industrial sites.

Looking at the map of the geological coastal plain, one can see that the character of the coastal perimeter has largely determined use or non-use up until now. The barrier beaches along the Atlantic have long been an attraction for summer recreational cottages. They have become so built-up that new developments have been along the bay shores.

Most of the arguments used to promote the Wetlands Act apply in this area. When Governor Cahill signed The Wetlands Act of 1970 (P.L. 272) he described it as one of the most significant environmental bills ever adopted in our State. Earlier that year, in a statement addressed to the Natural Resource Council, the Governor noted that the spoilage of our riparian heritage had taken place in the name of development. Unfortunately, he concluded, the destruction of these lands by dredging, filling and draining may be irreversible. In April 1970, when the expanded Department of Environmental Protection was created, the Gover-

nor pointedly charged the Commissioner with the development of specific policies concerning riparian lands in order to insure that the Department's charter purpose of restoration, protection and enhancement of the environment would be assured.

Last week, a tough Wetlands Order, implementing the Act, was issued by the Department after public hearings in January. This order is aimed primarily at control of recreational housing development in coastal wetlands by requiring permits for excavation of boat channels and construction of sea walls and impoundments, typical of developments like Mystic Islands on Great Bay. The Order looks toward minimum alteration or impairment of the natural vegetation of the Wetlands.

The Wetlands Act governs a narrow perimeter of land lying between mean high water and 1 foot above local extreme high tide, as delineated on official maps prepared by aerial photography. The area is also defined by the type of marsh grasses growing there.

In Assembly Bill 722 the concept of "coastal areas" is broader than the narrow wetland perimeter, the bill taking in land between mean high tide and an elevation 10 feet above (mean) sea level.

In Area I from the Raritan River to Cape May as defined in A-722, light manufacturing plants could be built by permit. We see no objection here. Except for fish factories, light industry need not be water oriented. Placed inland from the recreation areas, such plants could provide employment opportunities for the growing number of year-round residents. Ocean County's population, for example, has almost doubled in the last 10 years. Heavy industry has shown little inclination to establish plants south of the highly industrialized area north of the Raritan, probably because of the restraints on shipping placed by the barrier beaches and the shallow bays.

Heavy industry is water-oriented and uses fresh or brackish water rather than salt water. Hence, we find a tremendous concentration of oil refiners, chemical plants, paper mills and shipyards crowding the Delaware River from Wilmington to Trenton, with the greatest concentration in the Philadelphia-Camden area. With this precedent, we see no objection to permitting heavy industry to be expanded in Area III along the Delaware from the Turnpike Bridge up to Trenton, provided performance standards are met, especially Federal and State standards on air and water quality.

Area II of A-722 then becomes the focus of our attention since a high percentage of land under 10 feet in elevation is still in its natural state. In fact, the character of the coastal region from the Delaware Bridge as it approaches Cape May has attracted neither industry nor recreationists. It has

become a nursery for fish and animal life. The marshlands are so wide in spots that access to open water is only by the river and few secondary roads venture that far. These wetlands should be left in their pristine state. The upland country is rural, dotted with small hamlets. Dwellers here should not be envious of Jerseyites in the highly industrialized north. Land values, taxes, rents and living costs are much lower along this coastal strip, which has been overlooked by the developers and the industrialists. Heavy industry should be restrained from locating here. Even for light industry, the labor market is slim. Off-shore facilities could not be considered without in-shore receiving plants which are forbidden by A-722.

Undoubtedly the authors of A-722 are aware of Federal desires to establish a Delaware Bay deepwater port, with perhaps artificial islands to berth mammoth tankers. Before the end of May, hearings will be scheduled by the U.S. Army Corps of Engineers on such a proposal. Enactment of A-722 would constrain construction of a refinery in Area II. Delaware has already adopted a "No Trespassing" law. "The U.S. Need for a Deepwater Port in Delaware Bay" is the title of a paper by Andrew E. Gibson, Assistant Secretary for Maritime Affairs, U.S. Department of Commerce, to be delivered at the annual meeting of the Water Resources Association of the Delaware River Basin on June 5. So the pressure is on. At the same meeting at Rehoboth Beach, John Holland, Chairman, Delaware River and Bay Council, will talk about "New Jersey's Wetlands Act and Coastal Areas Protection Act". Colonel C. D. Strider, Corps of Engineers, will discuss "Dredging and Dumping in Delaware Bay". The Colonel must be aware of N. J. Senate Concurrent Resolution No. 37, passed by both houses of the Legislature, memorializing the Secretary of Defense to direct the Corps of Engineers to cease and desist land fill activities in New Jersey unless approved by the Commissioner of Environmental Protection. The fill goes into and destroys wetlands.

One weakness in the Wetlands Order is that the new restraints on development presently apply only to 21 mapped areas, comprising a total of 31.6 square miles, a small fraction of the State's total estuarine areas. Mapping these few areas proved to be a costly operation involving sophisticated techniques of aerial photography. Bill A-722 calls for a comprehensive plan which also is to include a map and an inventory of the precise limits of the whole coastal areas. The tolerances on elevation contours on State and U.S. Geodetic maps are too wide to be legally acceptable for the purpose of this bill. The actual elevations might vary from 5 to 15 feet for a nominal 10-foot contour line. A new survey of the coastal areas would be costly and time consuming. Mapping work might be spread out by being initiated by a specific application for a construction permit.

Alternatively, the perimeter could be defined by those roads having numbered designations. The Garden State Parkway is a man-made barrier.

Calling for a unanimous vote of the three Commissioners comprising the Coastal Areas Protection Board gives veto power to any one, especially to the Commissioner of Environmental Protection, since the Commissioner of Labor and Industry and of Community Affairs would be inclined to place economic factors above ecological ones. The League for Conservation Legislation approves the choice of the Commissioner of Environmental Protection as the chairman of the Protection Board. The attitude of the present commissioner has been amply demonstrated in the language of the Wetlands Order. Our only reservation is the question of tenure of appointed department heads.

The requirement of an environmental impact statement to accompany requests for permits is a potent restraining tool in Bill A-722 as it is in the Wetlands Order.

Frank J. Oliver, President
The League for Conservation Legislation

1113 Cambridge Road
Teaneck, N. J. 07666

STATE OF NEW JERSEY
ASSEMBLY BILL NO.722

COASTAL AREAS PROTECTION ACT

STATEMENT OF AMERICAN DREDGING COMPANY

I am Maylin H. Greaser, President of American Dredging Company, a Pennsylvania corporation, registered to do business in New Jersey.

Our Company is a large landholder in New Jersey; it maintains an office and a yard at Camden; and it employs from three hundred to four hundred New Jersey employees, depending upon the available work. We are engaged in dredging and filling, and related work, including preparation of roadbeds and industrial sites, and submarine trenches for submarine cables. From time to time we have worked on projects to restore eroded beaches along the New Jersey coast.

There is today adequate federal and state legislation to protect the environment. Most business organizations, including ours, are keenly aware of the problem and take all possible steps to avoid interference with drainage, pollution of water and air, and to preserve the appearance of the area. The prohibition in this bill of new heavy industry, and expansion of existing facilities, and the requirement that all industry in the coastal area apply for permits, is not the way to solve any problems. Experience indicates that such applications result in endless hearings, red-tape, general frustration and delay.

It would appear that the basic purpose of this bill is to eliminate industry and to harass manufacturing in order to maintain the coastal areas for "recreation, relaxation, leisure, and the opportunity to appreciate nature in the out-of-doors";

this on the ground that industry might cause pollution. This country has been developed by industry, and the standard of living of present and future citizens is entirely dependent upon its encouragement and expansion. There are certain industries which must locate along navigable water in order to receive or ship products; port facilities obviously must be located on deep water; and many industries require water as part of their operations. Experience shows that such water is usually returned to its source in better condition than when it was drawn from its source.

The Delaware River is one of the relatively few port facilities along the Atlantic Coast. It has made possible the development of the entire area, and its contribution to the local economy is incalculable. It provides now, and must increasingly provide in the future, terminals, piers, ship-building and repair facilities, facilities for shipping, receiving, refining, and distributing petroleum products, liquid natural gas, food products, machinery, and other commodities essential to daily living. Among other things this requires that the channel and navigational facilities of the river be improved and maintained to accommodate the increasingly larger vessels which carry products in foreign and coastwise trade, and a place must be found to deposit the material removed by dredging operations. In the past this was deposited in marshes, swamps, and other riverfront areas, and most of the manufacturing facilities along the Delaware River are located on land which has been filled in this way.

As an instance, it is a fact that supplies of oil and natural gas in the United States furnish only a part of the requirements of the country, and the known domestic reserves are inadequate to keep up with increasing demand. This means that now, and increasingly in the future, petroleum products and gas must be imported from foreign lands or that alternate sources of energy must be found. Expanding facilities for receiving, storing, and refining these products must be located on the waterfront. If this is prohibited, it will

be necessary to unload such products in other areas and transport them to New Jersey by pipeline, or other means of transportation; which will inevitably increase the delivered cost to users.

• It is an unhappy fact that, after spending two centuries to develop the Delaware River as a port, legislation of this kind threatens to block further development; obviously ships only come to the place where they can receive or deliver cargo. Cargo is generated by industry. Where transportation and manufacturing facilities die, the area dies likewise, because the people are reliant upon them for jobs and for the products which modern living requires.

We think it has been demonstrated that the integrity of an area can be preserved by sensible planning and development, and that it is not necessary to destroy industry to accomplish it.

Pollution by industry cannot compare to the pollution caused by depositing garbage and trash on vacant lands near cities and towns; yet it is common knowledge that such refuse can be disposed of by reclamation processes which eliminate pollution and bulk. This would seem to be a more important feature for regulation.

In Logan Township American Dredging Company and other industries annually pay a very high proportion of the taxes upon which the Township relies for education and other purposes. The passage of this bill would immediately reduce the value of these properties to the extent that the Township would be called upon to reduce the assessments. This will be true of every township along the Delaware River, since the only factor that justifies the present high valuation of waterfront properties is their prospective use for development as waterfront industrial property.

Legislation of this kind is a dangerous precedent; if it is possible to inhibit the use of waterfront land, it is certainly equally possible to inhibit the use of all other lands. For example, if a steel mill is capable of pollution it would create just as much and just a harmful pollution if located in the center of a state as if located on the waterfront. The ultimate outcome of legislation of this kind could be to effectively take the use of all land out of the hands of owners and subject it to the whims of a socialist-minded state. We do not think the Legislature intends this, nor that the people of New Jersey would stand for it.

The requirement of permits for construction, manufacturing, and other forms of business is a vexing and self-defeating thing. Those intending to construct or enlarge facilities are subjected to endless bureaucratic delay; it is not possible to enter into construction contracts or even to obtain bids, because during the endless delays the cost of labor and materials for the work will inevitably increase substantially. It is much better for the state to establish definite rules, which require the owner of the property to construct and operate its facilities to minimize or eliminate pollution. Under the circumstances an owner is not likely to construct and operate a plant in a manner which would subject it to penalties or prosecution.

We have chosen to emphasize the practical rather than legal objections to this legislation. However we shall refer briefly to certain legal problems, which our counsel have called to our attention.

The bill is grossly unconstitutional in that it would authorize a taking of private property without compensation. Apparently the proponents of the bill realize this because they have included in Section 10 the equally unconstitutional provision that if the Courts hold the bill to be unconstitutional, the Commissioner may acquire "the fee simple or any

lesser interest in the land" at any time within five years thereafter. This would put it within the power of the Commissioner to delay an otherwise legal project for five years.

We are advised that the bill cannot be justified as an exercise of the police powers; since it is directed primarily at "recreation, relaxation, leisure," and like aesthetic purposes.

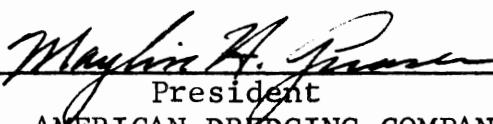
We are advised that this is an improper usurpation by the state of the zoning power which has been delegated to local municipalities and townships. The provisions of Section 14 in no way cure this defect; it is quite clear the zoning rules of municipalities would be protected only "to the extent that the said powers are not inconsistent with this act."

Finally, we are advised by counsel that the bill would amount to special legislation which is prohibited by the Constitution. It selects certain limited areas of the state for drastic regulation without subjecting other areas to similar regulation; and the cost of such regulation is thrown upon the landowners and upon the people of the areas which are regulated.

We do not question the desirability of taking certain areas as public parks for the enjoyment of all the people. However this can be done by purchase under eminent domain and should be done at the expense of all the taxpayers of the state rather than at the expense of certain individual landowners.

For the foregoing reasons we submit that this bill would be basically harmful; that it is unconstitutional,

and in any event undesirable as a future precedent in the expanding control of centralized governments over the rights of property holders and the local areas in which their properties are located. Passage of the bill would be a step in the wrong direction.



President
AMERICAN DREDGING COMPANY

April 17, 1972

Dear Mr. Dawes,

We would like to have our opinion of Assembly Bill 722 included in the record of the Public Hearing on April 19. The existing controls and regulations have not prevented widespread pollution and ecological damage, much of which is irreversible. Therefore, we need A722 badly.

Librarians East, Ma, and Seybold.
Cherry Hill Free Public Library,
Cherry Hill, N. J. 08034

R.M. HOLLINGSHEAD

CORPORATION
CAMDEN, NEW JERSEY 08105

A DAYCO COMPANY

CHAIRMAN OF THE BOARD
AND
PRESIDENT

April 18, 1972

Assemblyman John I. Dawes
c/o David C. Mattek
State House, Room 990
Trenton, New Jersey 08625 SUBJECT: Assembly Bill 722

Dear Assemblyman Dawes:

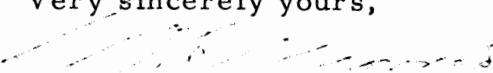
I am writing in opposition to Assembly Bill 722, and I respectfully request that my negative reaction to the Bill be included in the record of the Public Hearing on said bill.

Our firm is located within the confines of the City of Camden, and I am sure I need not tell you of the financial condition as well as the apparent physical condition of the city. The restrictions as proposed under the aforementioned Bill will only further discourage growth of industry that could possibly make use of adjoining waterways. There is also additional land further up the river that could possibly be used by heavy industry where barge facilities are needed, and Bill A722 would eliminate valuable rateables from the State of New Jersey.

At the present time all industry is under heavy controls and restrictions in order to meet environmental factors, and while I believe industry honestly wants to conform to what's right for the people, the costs of operating under the conditions that exist today are making it almost prohibitive for industry to be progressive.

I earnestly request that you oppose the adoption of Bill A722, and not allow the Bill to become a law that will add to the complexities of controls in an area that needs industry to support a large population.

Very sincerely yours,


W. R. Morris

WRM:J

RUSSELL P. MESI, INCORPORATED

Builders and Engineers

P. O. Box 519, HADDONFIELD, NEW JERSEY

609-547-0309

April 17, 1972

Assemblyman John I Dawes
c/o David C. Mattek
State House, Room 990
Trenton, New Jersey 08625

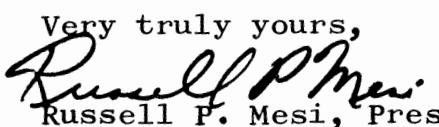
Gentlemen:

We desire to have this statement included in the record of the Public Hearing on Assembly Bill 722.

We are opposing Assembly Bill A722 in that the adoption of this bill will discourage growth of heavy industry, manufacturing and supporting services in Southern New Jersey.

A722 will require an excessive and elaborate system of licenses and permits which will prohibit new manufacturing facilities as well as expansion of existing plants along the coastal areas of New Jersey. The proposed legislation will have a severe affect along the entire coastal area of Burlington, Camden and Gloucester counties. We already have a number of controls and regulations requiring heavy industry and manufacturing to meet necessary environmental requirements. It is our feeling, that A722 will only serve to superimpose an added layer of governmental control with an even more complex time consuming system.

We therefore register our opposition to A722 and encourage the legislature to prepare for the anticipated growth of the community instead of laying stumbling blocks which will restrict all industry from settling in the South Jersey community.

Very truly yours,

Russell P. Mesi, President

PM:bmm

cc: So. Jersey CC - Dennis Bradley

ROBERT W. DONAHUE
President
Products Group

SUN OIL COMPANY

1608 WALNUT STREET, PHILADELPHIA, PENNSYLVANIA 19103 (215) 985-1600

April 18, 1972

Mr. John I. Dawes, Chairman
New Jersey Air, Water Pollution
and Public Health Committee
New Jersey Assembly
State House
Trenton, New Jersey 08625

Dear Mr. Dawes:

Sun Oil Company has carefully reviewed Assembly Bill No. 722 and urges that it not be enacted into law. Our company is dedicated to the concept of the compatibility of environmental protection and economic growth. Therefore, we firmly believe that the problems of the environment must be solved by programs which allow the development of facilities to support the continuing elevation of the standard of living the public enjoys.

Absolute prohibition of industrial growth is not in the best interests of the citizens of New Jersey. We strongly urge a system which allows economic development under regulations requiring protection of the environment. Further, we believe New Jersey currently has such a program, represented by the air and water pollution abatement activities of the Department of Environmental Protection and the Wetlands Act.

Sun Oil Company has participated in the preparation of the New Jersey Petroleum Council statement on A-722. We would like to emphasize that A-722 may prohibit the development of systems and facilities which would otherwise reduce environmental hazards. For example, if the petroleum industry were allowed to construct a deep water bulk storage and transfer facility off the coast of New Jersey, there would be a significant reduction in tanker traffic on the Delaware River as well as a reduction in the upstream oil loadings and unloadings.

We also strongly urge that the committee carefully consider the testimony of the New Jersey Chamber of Commerce, particularly as it relates to the section dealing with the economic impact of A-722 on the southern half of New Jersey.

Sincerely,

Robert W. Donahue
Robert W. Donahue



NEW JERSEY COUNCIL
FOR
RESEARCH AND DEVELOPMENT

50 Park Place • Newark, N.J. 07101 • 624-3770

April 19, 1972

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SJF Associates, Inc.

The Honorable John I. Dawes
Chairman, Assembly Committee on
Air, Water Pollution and
Public Health
In care of the State House
Trenton, New Jersey

Dear Assemblyman Dawes:

SUBJECT: Public Hearings on Assembly 722

In view of the scope and tremendous impact on A-722 if enacted into law, the Government Relations Committee of the New Jersey Council for Research and Development urges that your committee hold extensive hearings on the proposed legislation. These hearings should address themselves to all aspects of the Bill, especially proposed geographical boundaries; the overall effect on the state's economy; the apparent excessive power of the Coastal Areas Protection Board, and the question of the inter-relationship of the proposed legislation and zoning.

We are also concerned about how R&D falls under the scope of A-722. This is not clear.

Recognizing that R&D is job-creating, that New Jersey is deeply affected by the discoveries emanating from its laboratories, and that the state is among the top four research states in the nation, we feel that legislation restrictive to the industry could be very damaging to the state.

We urge long and careful deliberations on A-722.

Sincerely,

Eliot Steinberg, Chairman
Government Relations Committee

ES:dlm
cc: Dr. Elmer C. Easton

HOLT HAULING & WAREHOUSING SYSTEM, INC.

701 NORTH BROADWAY • GLOUCESTER CITY, N. J. 08030 • N. J. (609) 966-6600
PHILA. (215) 923-5000 • N. Y. (212) 925-3303

April 19, 1972

Assemblyman John I. Dawes
c/o David C. Mattek
State House, Room 990
Trenton, New Jersey 08625

Dear Sir:

Our company purchased the former New York Shipyard facility in Camden County, New Jersey, five years ago. We are operating the facility as a water-borne industrial park for manufacturing companies in the international trade. This has been an almost impossible task in this desolate area. Therefore, we strongly oppose Assembly Bill A722.

Will you please have our protest included in the record of the public hearing on Assembly Bill A722. We believe this bill would be a detriment to the community, and the state of New Jersey's competitive position in international trade.

Yours truly,

HOLT HAULING & WAREHOUSING SYSTEM, INC.



LEO A. HOLT, JR.
President

LAH:dmt
cc: So. Jersey Chamber of Commerce

ASSEMBLY, No. 722

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1972

By Assemblymen KEAN, APY, KENNEDY, ROBERTSON,
FAY and BEDELL

Referred to Committee on Air and Water Pollution
and Public Health

AN ACT regulating the use of coastal areas, providing for creation
of the Coastal Areas Protection Board and prescribing its powers
and duties.

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

1 1. This act shall be known and may be cited as the "Coastal
2 Areas Protection Act."

1 2. a. The Legislature finds and declares it to be the public policy and
2 of the State of New Jersey that:

3 (1) the unspoiled coastal areas of the State as herein defined and
4 described are among our most critical and vulnerable resources and
5 thus require the direct protection of the State in order that these
6 resources might be preserved against manufacturing and in-
7 dustrial uses incompatible with their ecological and environmental
8 integrity;

9 (2) such coastal areas have been singled out for the only treat-
10 ment likely to maintain them for the purposes which they serve
11 uniquely well, among which are recreation, relaxation, leisure, and
12 the opportunity to appreciate nature and the out-of-doors;

13 (3) the estuaries and wetlands within such coastal areas serve
14 the added purposes of buffers against storms and as sources of
15 fishing for food and sport; and

16 (4) in this densely populated, highly industrialized State, the
17 value of such rare lands is not to be measured as potential sites
18 for manufacturing or industrial development but as the means for
19 improving the quality of life for all of New Jersey's residents,
20 present and future.

21 b. It is further declared that the means for the achievement of
22 these legislative purposes, through the exercise of the police powers

23 of this State, include the division of the State's coastal areas into
24 two general categories; (1) those areas which are currently so
25 heavily developed with industrial, commercial and other uses that
26 the provisions of this act do not apply together with those areas not
27 properly considered as coastal, specifically including that part of
28 the New Jersey coast extending north from the center of the mouth
29 of the Raritan river, and extending north from the point of extreme
30 high tide in the Delaware River Basin near Trenton, and (2) those
31 coastal areas which retain a valuable and preservable character as
32 recreational or natural areas befitting the purposes described in
33 section 2 a. to which the provisions of this statute apply.

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

4 a. The "coastal areas" are defined as all that coastal area of the
5 State of New Jersey, whether land, water or subaqueous land lying
6 between mean high tide and an elevation of 10 feet above sea level,
7 from the center of the Raritan river at its mouth to the southernmost
8 tip of Cape May, which is hereby designated Coastal Area I, a
9 region of predominantly recreational and residential use; from
10 thence to the center of the Delaware Bay Bridge, which is hereby
11 designated Coastal Area II, a region with much land in natural or
12 near-natural condition; and from thence to the head of extreme
13 high tide of the Delaware river at Trenton, which is hereby
14 designated as Coastal Area III; a region of mixed industrial,
15 residential and natural uses.

16 b. "Nonconforming use" means a use whether of land or of a
17 structure, which does not comply with the applicable permit of use
18 provisions in this act where such use was lawfully in existence and
19 in active use prior to the enactment of this act.

20 c. "Environmental impact statement" means a detailed descrip-
21 tion as prescribed in this act of the effect of the proposed use on
22 the immediate and surrounding environment and natural resources
23 such as water quality, fisheries, wildlife and the aesthetics of the
24 region.

25 d. "Manufacturing" means the mechanical or chemical trans-
26 formation of organic or inorganic substances into new or differing
27 products, characteristically but not necessarily limited to the use
28 of power driven machines and materials handling equipment, and
29 including establishments engaged in assembling component parts
30 of manufactured products, provided the new product is not a struc-
31 ture, building, or other fixed improvement upon the site of its
32 construction.

33 e. "Heavy industry use" means a manufacturing use character-
34 istically employing some but not necessarily all of such equipment
35 as, but not limited to, smoke stacks, fuel storage tanks, distillation
36 or reaction columns, chemical processing equipment, scrubbing
37 towers, pickling equipment, sumping and waste treatment lagoons;
38 which industry, although conceivably operable without polluting the
39 environment, has the potential to pollute when equipment malfunc-
40 tions, deteriorates, or operates inefficiently, or when human error
41 occurs. Examples of heavy industry are oil and petroleum refin-
42 eries, basic steel, aluminum and other metals manufacturing and
43 fabricating plants, basic cellulosic pulp paper mills, and chemical
44 plants such as petrochemical complexes producing synthetics,
45 artificial fertilizers and the like. Generic examples of uses not
46 included in the definition of "heavy industry" are such uses as
47 garment factories, automobile assembly plants and jewelry and
48 leather goods manufacturing establishments.

49 f. "Bulk materials transfer facilities" means any port or dock
50 facility, whether an artificial island or attached to shore by any
51 means, for the transfer of bulk materials of any quantity from
52 vessel to on-shore facility or vice versa. Not included in this
53 definition is a docking facility or pier for a single industrial or
54 manufacturing facility for which a permit is granted or which is a
55 nonconforming use.

56 g. "Person" shall include but not be limited to, any individual,
57 group of individuals, contractor, supplier, installer, user, owner,
58 partnership, firm, company, corporation, association, joint stock
59 company, trust, estate, political subdivision, administrative agency,
60 public or quasi-public corporation or body, or any other legal
61 entity, or its legal representative, agent, or assignee.

62 h. "Board" means the Coastal Areas Protection Board.

63 i. "Comprehensive plan" means a plan, comprehensive in scope
64 and character, not prescriptive in nature, for the preservation of
65 the coastal areas against future dispoloage and for the promotion
66 of the most appropriate uses of land in accordance with the goals
67 and purposes of this act. It shall consist of a map and an inventory
68 of the precise limits of the coastal areas, the dominant land uses
69 therein, with particular attention to the nature and extent of all
70 nonconforming uses.

1 4. Heavy industry uses of any kind not in actual operation on the
2 date of enactment of this act are absolutely prohibited in Coastal
3 Areas I and II. In addition, off-shore gas, liquid, or solid bulk
4 product transfer facilities which are not in operation on the date

5 of enactment of this act are absolutely prohibited in Coastal Areas
6 I, II and III, and no permit may be issued therefore; provided,
7 however, that this section shall not apply to public sewage treat-
8 ment or recycling plants in any coastal area.

1 5. a. Heavy industry uses are not prohibited in Coastal Area
2 III but are allowed by permit only and as subject to the perfor-
3 mance standards established by the board.

4 b. Except for heavy industry uses, as defined in section 3 of this
5 act, manufacturing uses not in existence and in active use on the
6 date of enactment of this act are allowed in Coastal Areas I, II and
7 III by permit only and as subject to the performance standards
8 established by the board. All expansion or extension of noncon-
9 forming uses as defined herein, and all expansion or extension of
10 uses for which a permit is issued pursuant to this act, are likewise
11 allowed only by permit and as subject to the performance standards
12 established by the board; provided, however, that no permit may
13 be granted under this act unless the municipality having jurisdic-
14 tion has first approved the use in question by zoning procedures
15 provided by law.

16 c. In passing on permit requests, the chairman of the board and
17 the board shall consider the following factors:

18 (1) Environmental impact as well as but not limited to probable
19 air and water pollution likely to be generated by the proposed use
20 under normal operating conditions as well as during mechanical
21 malfunction, deterioration, and human error; likely harm to wet-
22 lands, flora and fauna; impact of site preparation on drainage of
23 the area in question; impact of site preparation and facility opera-
24 tions on land erosion; effect of site preparation and facility
25 operations on the quality and quantity of surface ground and sub-
26 surface water resources, such as the use of water for processing,
27 cooling, effluent removal, and other purposes, likelihood of genera-
28 tion of glare, heat, vibration, radiation, electromagnetic inter-
29 ference; and obnoxious odors; in addition, the indirect but no less
30 deleterious effects of new industrial concentrations, such as sudden
31 population growth or concentration with attendant highways, living
32 and recreation quarters, sewage, water supply and quality needs
33 and power needs.

34 All uses or extension or expansion of nonconforming uses for
35 which permits are granted shall be subject to performance
36 standards which shall not be less restrictive than local zoning
37 requirements and which shall not be adopted by the board until
38 open hearings have been conducted, according to procedures herein
39 outlined.

40 (2) Aesthetic effect, such as impact on scenic and natural beauty
41 of the surrounding area.

42 (3) Number and type of supporting facilities required and the
43 impact of such facilities on all factors listed in this subsection.

44 (4) Effect on neighboring land uses including but not limited to,
45 effect on public access to tidal waters, effect on recreational areas,
46 and effect on adjacent residential and agricultural areas.

47 (5) Compatibility of the proposed use with the comprehensive
48 plan as defined herein as drafted by the State and regional
49 planning agency of the Department of Community Affairs and as
50 adopted by the board.

1 6. a. This act shall be administered by the Coastal Areas Protection Board and the chairman thereof. All requests for permits
2 for manufacturing land uses and for the expansion or extension of
3 nonconforming uses as herein defined shall be directed to the chairman who shall be the Commissioner of the Department of Environmental Protection or his designated representative. Such requests
4 must be in writing and must include: (1) evidence of approval by
5 the appropriate municipal zoning authorities, (2) a detailed
6 description of the proposed location, construction and operation of
7 the use, and (3) an environmental impact statement as herein
8 defined. The chairman shall hold a public hearing and may request
9 further information of the applicant. If the chairman determines
10 that section 5 applies, he shall then reply to the request for a permit
11 within 90 days of the receipt of the said request, denying same, or
12 granting the request for permit but requiring modifications. In
13 each case he shall then state the reasons for his decision.

17 b. The chairman may issue regulations including, but not limited
18 to, regulations governing disposition of permit requests, performance standards for permitted uses and setting forth the procedures for hearings before himself and the board; provided, however, that all such regulations shall be subject to approval by the
22 board.

23 c. The State and regional planning agency of the Department of
24 Community Affairs shall develop and propose a comprehensive
25 plan and performance standards for the board concerning types of
26 manufacturing uses deemed acceptable in the coastal area and
27 regulations for further elaboration of the definition "heavy industry" in a manner consistent with the purposes and provisions
28 of this act. Such elaboration shall reflect such factors as the growing
29 body of knowledge on the deleterious effects of pollutants, heretofore considered harmless per se or harmless in quantities or combinations previously considered as harmless. Such plan, performance standards and elaborations shall become binding regulations
32 after adoption by the board after public hearing. The Board may
34

35 alter said regulations at any time after a public hearing; provided,
36 however, that any such regulations shall be consistent with sections
37 4 and 5 of this act.

38 d. The State and regional planning agency and all agencies of the
39 State Government shall assist the board in developing policies and
40 procedures, and shall provide the board with such information as it
41 shall require.

1 7. There is hereby created the State Coastal Areas Protection
2 Board, in but not of the Department of Environmental Protection,
3 which shall consist of three voting members who shall be the Com-
4 missioner of Environmental Protection or his designated repre-
5 sentative, the Commissioner of Labor and Industry or his
6 designated representative and the Commissioner of Community
7 Affairs or his designated representative. There shall also be
8 established a nonvoting advisory staff which shall consist of one
9 representative from each of the following: the Industrial Develop-
10 ment Council, the Natural Resources Council, the Water Policy
11 Council and the Delaware Basin and Marine Commission. No vote
12 on a permit request shall be taken unless all voting members are
13 present. A unanimous vote shall be required to make a final
14 decision on a permit request.

1 8. a. The Coastal Area Protection Board shall have the power
2 to hear appeals from decisions of the chairman under section 6.
3 The board may affirm or reverse the decision of the chairman with
4 respect to applicability of any provision of this act to a proposed
5 use; it may modify any permit granted by the chairman, grant a
6 permit denied by him, deny a permit, or confirm his grant of a
7 permit; provided, however, that the board may grant no permit
8 for uses prohibited in section 4 herein.

9 b. Any person aggrieved by a final decision of the chairman
10 under section 6 a. may appeal same under this section. Appellants
11 must file notice of appeal with the State board within 14 days
12 following announcement by the chairman of his decision. The
13 board must hold a hearing and render its decision in the form of a
14 final order within 60 days following receipt of the appeal
15 notification.

16 c. Whenever a decision of the chairman concerning a permit re-
17 quest is appealed, the board shall hold a public hearing at which the
18 appellant may be represented by counsel. The board shall make
19 findings of fact and shall make its decision in accordance therewith.
20 All proceedings in such a hearing shall be made a matter of record
21 and a transcript or recording of all proceedings kept, and the
22 public shall have the right to attend and be heard as interested
23 parties.

24 d. The board shall, before holding hearings, announce same by
25 giving notice thereof to each owner having a recorded interest in
26 such coastal property in question by mail at least 21 days prior
27 thereto, addressed to his address as shown in the municipal tax
28 office records and by publication thereof at least twice in each of
29 the weeks next preceding the date of such hearing in a newspaper
30 of general circulation in the municipality or municipalities in which
31 such coastal wetlands are located.

1 9. Any person aggrieved by a final order of the State board under
2 section 8 may appeal the board's decision to Superior Court in
3 and for the county of the location of the land in question. Likewise,
4 the chairman may appeal from any modification by the board of his
5 ruling. The appeal shall be commenced by filing notice thereof
6 with the Superior Court not more than 20 days following announce-
7 ment of the board's decision. The court may affirm the board's
8 order in its entirety, modify same, or reverse said order. In either
9 case, the appeal shall be based on the record of proceedings before
10 the board, the only issue being whether the board abused its dis-
11 cretion in applying standards set forth by this act and regulations
12 issued pursuant thereto to the facts of the particular case. The
13 Superior Court may by rule prescribe the procedure by which it will
14 receive, hear, and make disposition of appeals under this act.

15 No appeal under this act shall stay any cease and desist order
16 or injunction issued pursuant to this act.

1 10. If the Superior Court rules that a permit's denial, or restric-
2 tions imposed by a granted permit, or the operation of section 4 or
3 section 5 of this act, is an unconstitutional taking without just
4 compensation, the Commissioner of the Department of Environ-
5 mental Protection may, through negotiation or condemnation pro-
6 ceedings in accordance with the procedure set forth in the
7 "Eminent Domain Act of 1971", P. L. 1971, c. 361, acquire the fee
8 simple or any lesser interests in the land. The commissioner must
9 use this authority within 5 years from the date of the court's rul-
10 ing, for after said 5 years have elapsed the permit must be granted
11 as applied for if the land has not been acquired under this
12 authority.

1 11. The Attorney General shall have the power to issue a cease
2 and desist order to any person violating any provision of this act,
3 ordering such person to cease and desist from such violation; pro-
4 vided, however, that any cease and desist order issued pursuant to
5 this section shall expire a. after 30 days of the issuance, or b.
6 upon withdrawal of said order by the Attorney General, or c. when
7 the order is superseded by an injunction, whichever occurs first.

1 12. Any person who violates any of the provisions of this act, or
2 any rule or regulation promulgated pursuant to this act shall be
3 liable to a penalty of not more than \$50,000.00 for each offense, to
4 be collected in a summary proceeding under the "Penalty Enforce-
5 ment Law" (N. J. S. 2A:58-1 et seq.), and in any case before a
6 court of competent jurisdiction wherein injunctive relief has been
7 requested. If the violation is of a continuing nature each day dur-
8 ing which it continues shall constitute an additional, separate and
9 distinct offense. The board is hereby authorized and empowered
10 to compromise and settle any claim for a penalty under this section
11 in such amount in the discretion of the board as may appear appro-
12 priate and equitable under the circumstances. The Superior Court
13 shall have exclusive original jurisdiction over offenses under this
14 act. In any action to recover such penalty, the certification of any
15 member of the board under the seal of the board, that a violation
16 of this act has occurred, shall be received in evidence and shall be
17 prima facie proof of the facts so certified.

18 Any party aggrieved by such violation shall have standing to
19 seek an injunction against the continuance or maintenance of said
20 violation, and it shall be within the court's discretion to award up
21 to one-half of any penalty judgment to the prosecuting party.

1 13. The Superior Court shall have jurisdiction to enjoin viola-
2 tions of this act.

1 14. All laws or ordinances inconsistent with any provision of
2 this act are hereby superseded to the extent of the inconsistency;
3 provided, however that present and future zoning powers of all
4 municipalities to the extent that said powers are not inconsistent
5 with this act, shall not hereby be impaired; and, provided that a
6 permit granted under this act shall not authorize a use in con-
7 travention of municipal zoning regulations.

8 The provisions of this act shall be regarded as supplemental and
9 additional to powers conferred by other laws, and shall not be
10 regarded as in derogation of any powers now existing.

1 15. If any provision of this act or of any rule, regulation, or
2 order promulgated thereunder, or the application of any such pro-
3 vision, regulation, or order to any person or circumstances shall
4 be invalid, the remainder of this act or any regulations or orders
5 promulgated pursuant thereto or the application of such provision,
6 regulations, or order to persons or circumstances other than those
7 to which it is held invalid, shall not be affected thereby.

1 16. This act shall be liberally construed to effectuate the
2 purposes and intent thereof.

1 17. This act shall take effect immediately.

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