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PUBLIC HEARING

before

SENATE REVENUE, FINANCE AND APPROPRIATIONS COMMITTEE

on

Senate Bill 1938

(Appropriates \$15 million in State aid to the
Department of Environmental Protection to finance the
repair and restoration of the Union Lake Dam in Millville)

November 24, 1986
Room 424
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Laurence S. Weiss, Chairman
Senator Frank Pallone, Jr., Vice Chairman
Senator Matthew Feldman
Senator Gerald R. Stockman
Senator Walter Rand
Senator Wynona Lipman
Senator John H. Ewing
Senator C. William Haines

ALSO PRESENT:

Steven Kuepper
Office of Legislative Services
Aide, Senate Revenue, Finance and Appropriations Committee

* * * * *

Hearing Recorded and Transcribed by
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Chairman

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WILLIAM HAINES



New Jersey State Legislature
SENATE REVENUE, FINANCE
AND APPROPRIATIONS COMMITTEE
STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625
TELEPHONE: (609) 984-6798

*CORRECTED

M E M O R A N D U M

November 21, 1986

TO: MEMBERS OF THE SENATE REVENUE, FINANCE AND
APPROPRIATIONS COMMITTEE

FROM: SENATOR LAURENCE S. WEISS, CHAIRMAN

SUBJECT: COMMITTEE MEETING - November 24, 1986

(Address comments and questions to Stephen Kuepper, Committee Aide).

The following bills will be considered at our meeting on Monday, November 24, 1986 at 10:30 A.M. in Room 424 of the State House Annex.

S-1142 (OCR) Supplemental appropriations of \$250,000 to
Lesniak the Department of Agriculture for a
biological control laboratory.

S-1550 Establishes the "Catastrophic Illness in
DiFrancesco Children Relief Fund" and the Catastrophic
Illness in Children Relief Fund Commission
in, but not of, the Department of Health.

S-1777 Sca Increases State aid to local libraries.
Feldman

S-2167 (OCR) Establishes the respite care program and
Costa appropriates \$1,000,000 from the Casino
Revenue Fund.

S-2716 Establishes a Statewide Respite Care
Costa Program.

SENATE REVENUE
FINANCE AND
APPROPRIATIONS
COMMITTEE
November 24, 1986

S-2180 (OCR) Lipman	Appropriates \$95,000 to Department of Commerce and Economic Development for grant to Interracial Council for Business Opportunity.
S-2284 (OCR) Lynch	Provides for salary increases for members of county boards of taxation and county tax administrators.
S-2307 (OCR) VanWagner	Establishes the "Health Care Program for Pregnant Women and Children" in the Department of Human Services.
A-2733 (SR/2ndOCR) Villane/Donovan	Establishes the "Health Care Program for Pregnant Women and Children" in the Department of Human Services.
A-1925 (OCR) Hendrickson	Redefines the criteria by which woodlands qualify for reduced property taxation under the "Farmland Assessment Act of 1964."
*S-2650 Jackman	Creates the "Statue of Liberty Trust Fund".
A-3221 Frelinghuysen	Requires the State Treasurer to notify the Legislature about the sale of surplus State properties.

FOR DISCUSSION ONLY

S-1938 (OCR) Hurley	Appropriates \$15,000,000 in State aid to Department of Environmental Protection to finance the repair and restoration of the Union Lake Dam in Millville, Cumberland County.
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SENATE, No. 1938

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1986

By Senators HURLEY, DORSEY, GAGLIANO and FORAN

Referred to Committee on Natural Resources and Agriculture

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, ***[1986]*** *1987* and regulating the disbursement thereof," approved ***[June 28, 1985 (P. L. 1986, c. 209)]*** *June 30, 1986 (P. L. 1986, c. 41)*.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. In addition to the sums appropriated under ***[P. L. 1985,**
2 **c. 209]*** *P. L. 1986, c. 41*, there is appropriated out of the Gen-
3 eral Fund the following sum for the purpose specified:

[STATE AID] *CAPITAL CONSTRUCTION*

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

[43 Environmental Quality] *42 *Natural Resource*
*Management**

4 ***[08-4855 Water Enforcement** \$10,000,000

5 Special Purpose:

6 Repair and restoration of Union

7 Lake Dam in city of Millville,

8 Cumberland county (\$10,000,000)*

9 *Capital Project:

10 *Repair and restoration of Union*

11 *Lake Dam* \$15,000,000*

1 2. This act shall take effect immediately.

FLOOD AND DROUGHT CONTROL

Appropriates \$15 million to DEP to finance repair and restora-
tion of Union Lake Dam.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted September 22, 1986.

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SENATOR LAURENCE S. WEISS (Chairman): Senate bill S-1938. That's the bill that's before us now.

COMMISSIONER RICHARD T. DEWLING: Senator--

SENATOR WEISS: Yes, what have you got there? You've got 10 minutes.

COMMISSIONER DEWLING: Okay.

SENATOR WEISS: Or less.

COMMISSIONER DEWLING: Fine. I just wanted to say how much I appreciate being here this afternoon. Thank you, Mr. Chairman and members of the Committee. I'm here to discuss with you the matter of the State acquisition of Union Lake, and the need to fund and repair the dam located at the end of the lake in Millville.

Since this Committee first considered the appropriations bill, to provide funding for the Union Lake Dam, you asked that I review this matter in detail, and provide you with the information concerning the State purchase of the property, particularly with respect to the level of knowledge which the State officials who handle this matter had prior to the purchase of the extent and the cost of the needed repairs, as well as the presence of arsenic contamination of the lake.

Accordingly, I have directed the departmental attorneys working with the Attorney General's office, to review the files of this case, in order to determine and answer any of your questions. While this inquiry is still under way, and several extensive files remain to be reviewed, some preliminary findings have already been made, and copies of these preliminary findings, together with supporting documentation were provided to your staff last Friday. I'm talking about this inch-and-a-half thick compendium of documents on the history of the Union Lake purchase.

Needless to say, I'm very disturbed at the history of this case. It appears quite simply that this acquisition was

not handled in a satisfactory manner. While the full extent and the cost of necessary repairs have only recently been available, the need for some level of repairs to the Union Lake Dam, which is classified a high hazard dam due to its location upstream of a densely populated area -- as well as the problem of arsenic contamination of the lake were indeed known to the State prior to the time that the State actually purchased the property. Despite this knowledge, it appears that no effort was made by the State either to conduct additional studies, or to make an appropriate adjustment to the purchase price. Unfortunately, despite the information contained in the documents I've shared with you, the acquisition of the lake proceeded unaltered to consummation.

It's not clear to me at this time why or how the situation could have occurred. Hopefully, the completion of our review of this matter will offer some information in this regard. What I can certainly promise you however, is that the Department will cooperate with you and with the Attorney General's office fully in the review of this matter.

Further, I can assure you that I will take all appropriate steps to insure that sufficient checks and balances exist within DEP, to preclude the recurrence of this type of situation. Several of those checks and balances have already been implemented in our Green Acres program. I will personally assure you that all necessary measures are adopted and enforced effective immediately, which include a sign-off by the respective assistant commissioners that might have some responsibility in some of these activities and purchases, in addition to the primary office of Green Acres.

I can also represent to you today that the Department will make every effort to seek contribution from responsible parties, to fully remedy the problems at Union Lake. While it's not yet clear what legal rights the State might have along these lines, DEP staff has already been working very closely with the AG's office on this matter.

Notwithstanding the problems of the past in Union Lake, which I am committed to identifying and correcting, I must still ask you for your assistance and approval of the necessary \$13.5 million. You've provided us already with 1.5, so I'm saying \$13.5 million funding to continue with the replacement of the dam. It's essential, in order to protect both life and property, that this funding be provided and the work proceeded, such as that construction can start early next spring.

We have already-- With the \$1.5 million that you've provided to us, we have already signed a contract for the breaching on October 29, 1986. That award, for 120-day schedule, is to rebuild the old earthen dam further up in the lake. It was a dam up in the further part of the lake that will be rebuilt for the prime purpose of retaining the sediments in the lake that are contaminated with arsenic, to cut a new temporary overflow spillway into the main dam at the 20-foot level to provide for water flow and level fluctuations during demolition, and to put a sheet piling approximately 50 feet in front of the old spillway to create a dry area, and allow for the demolition of the stone and masonry portion of the old 200-foot spillway.

The reconstruction is currently under way, and it's estimated that we will have the design completed by January or February. We must also obtain a permit from the Corps of Engineers. Right now, that permit is about 90% complete. Assuming no problems with the Army Corps permit, the reconstruction will go out for a bid probably by April 1. So the dollars I would need to rehabilitate that dam will be needed by April 1st.

A couple of the areas that I think you ought to be aware of-- At first, if you go back several years and you wonder where the problem came from -- of the arsenic in the lake, Vineland Chemical Company is a 20-acre site located along

the Blackwater branch of the Maurice River. Prior to 1977, the company stored by-product arsenic salts in chicken coops and open piles on the property. This storage practice, together with the direct discharge of untreated process water has resulted in soil, ground water, and surface water contamination.

Testing of sediments in the Blackwater branch, Union Lake and Maurice River estuary indicates significant levels of arsenic in the sediment. In some cases, it goes down as far as 26 miles downstream from the plant. The local community is entirely dependent upon ground water for its potable water supply. The majority of the residents in the area are serviced by municipal water. Forty potable wells were sampled in July of 1985, and arsenic was not detected in the ground water sources.

Right now, the Vineland Chemical facility is a Superfund site. EPA is doing a publicly funded remedial investigation feasibility study. That study started in June 1986, and will take a total of 18 months.

Second, the Division of Water Resources is in the process of denying the RCRA Part B permit for Vineland Chemical. RCRA is your Resource Conservation Recovery Act, which deals with permitting facilities for handling, storing, or treating hazardous waste. EPA has taken a court action against Vineland under the loss of interim status provisions of the RCRA law. EPA has sued in District Court, and Vineland Chemical has filed a court case in the Third Court of Appeals, and no decision has yet been made in either of these cases.

Primarily, our position is that there's no question that at some time the Department basically moved ahead on processing and purchasing something with the knowledge that there were some problems in the dam. At this point in time it's my firm belief that in order to protect both life and property, that we must move forward now and replace that dam.

SENATOR WEISS: Thank you, Commissioner. Let me indicate to you that the members of the Committee and myself are concerned about the livelihood and safety of the property -- the people living there. We're not in the mood or temperament to put the people at risk if it were somehow to be detrimental. But at an earlier meeting this Committee-- A number of serious issues, Commissioner, arose about the contamination in Union Lake by Vineland Chemical, as you indicated before. And of course, the Department's decision to acquire the lake-- As a result, it was determined it was necessary for the Legislature -- this Committee in particular -- to conduct a more extensive review of the site (inaudible) of this meeting several weeks ago, and we notified you then also.

On Friday, the Department -- your Department -- delivered another document that outlined the chronology and the acquisition, and the role of your Department. I'm sure that the Department made a genuine effort to respond to the concerns created at our earlier meeting, and that a review of the documents, Commissioner, would answer most of the questions posed by the Committee.

However, the (inaudible) material listed here-- And, I think you alluded to (inaudible), if I'm not mistaken. You arrived at 2:50 -- 2:15 on Friday afternoon, and with not really sufficient time to peruse the whole thing over this weekend.

SENATOR EWING: There was Saturday and Sunday.

SENATOR WEISS: Yes, Senator, we had Saturday and Sunday.

SENATOR EWING: I'm saying it to Walter Rand.

SENATOR WEISS: Oh, all right.

SENATOR FELDMAN: Saturday was a State holiday. You had the Giants playing Sunday. (Laughter)

SENATOR WEISS: It would have taken more than a weekend to peruse all that stuff. Notwithstanding all that, it still had not yet been officially delivered to the Chair. So what use are they? In a way, I could have looked at them. I came over to the Post Office on Saturday morning, hoping they would be there, but they told me it arrived over the weekend. So, I would really like to have some time to go over the whole thing -- this morning being a busy morning again -- and we could squeeze the rest in our agenda.

I'm a little incensed-- This bothers me greatly. I'm a little bit incensed that as Chairman of this Committee, it was not delivered to me first -- all right, as it would be to any Chairman -- and then distributed to others throughout -- staff and others. I'm not that tough to get to. If worse comes to worst, I mean-- Be nice to me, and I might get in my car and drive down there and pick it up. But it didn't arrive.

I'm having a problem with this -- putting all the things together. But I'm beginning to get after the fact that I should have had it earlier, with enough time to look over it.

COMMISSIONER DEWLING: I apologize about that. One of the problems was that we were working with the Attorney General's office, and until we had gotten them on board with everything-- It was my understanding that you had asked us initially to work with some of the committees, in which we presented both the Assembly and the Senate with the information.

SENATOR WEISS: That's true. But since we don't all live in the same town -- we're not down here 24 hours a day -- I thought it would be more efficient to have the thing delivered, or a telephone call saying, "Come on down and get it."

COMMISSIONER DEWLING: I got the message.

SENATOR WEISS: I'd like to get on with this bill. First, why don't you pose the questions this morning -- this

afternoon. Oh, I see Senator Hurley. The Senator is the sponsor of the bill. If you would like to make some comment at any time, Senator, we'll make room for you.

SENATOR JAMES R. HURLEY: Thank you.

SENATOR WEISS: Senator Stockman you're the first one on the left here.

SENATOR STOCKMAN: Thank you, Mr. Chairman. Commissioner, I want to join in the Chairman's preliminary observation that I think the facts that we are coming to obtain in this manner raise some very, very serious and very fundamental questions. I think put one way, I'd say we all look bad. We all look bad. Maybe we could leave the judiciary out at the moment. They may have had their turn at an earlier time. But right now it strikes me that we all look bad -- the Executive Branch and the Legislature. Speaking for myself, in the course of these questions and where we go from here, I'm hopeful that those who don't deserve to look bad are shown not to look bad. But just as surely, those who deserve to look bad are shown to look just that way.

That's a preliminary to my questioning. I appreciate your being here. I, like the Chairman, wondered about the memo that we received. I got word over the weekend, and I've scrambled to try to get through it. Frankly, I haven't been able to get through it. It's a memo from Mike Catania of your office, interestingly enough, to the Executive Director of the Senate Republicans at the top of the list. I just was sort of speculating here. I was trying to think which is first, an "R" or a "D." A "D" is first, but it went first, apparently, to Mr. Connors. I don't think that's terribly important when we get into it.

But the memo itself raises many, many questions. It was sent by Mr. Catania. I'll get into those in a couple minutes. But another troublesome point that has come to my attention, just before I start my questioning -- that

apparently the Governor, the Governor himself, in his veto message to our budget chided and criticized the Legislature, apparently, for failing to fund this very dam. At the time I must admit that in perusing that rather thick veto message, that criticism escaped me. I must say that this morning, or early this afternoon, finding that out in the context that we find ourselves, raises another interesting question. If the Governor was disappointed with the Legislature in not providing \$15 million in further State revenues to deal with this dam back in June, when he vetoed our budget message -- even though he had not suggested an emergency, or attempted to utilize some of his emergency powers -- it raises a question, in my mind, at least, which we'll get to also. But, I think there are other threshold questions we'd like to get into.

I am also delighted, before I ask any questions, that the Attorney General of the State of New Jersey has shown interest, and apparently has, I assume, enthusiastically gotten into this investigation, as per the memos that we've just gotten. I assume that the Attorney General will very independently be as anxious as this Committee and the Legislature is, to see that those who look good, look good, and those that look bad, look bad.

I am puzzled. I am puzzled at the outset, Commissioner, why there isn't more awareness of who is responsible for this by now? Apparently this memo, that I saw for the first time today, says, in your words essentially, "Look," -- and I think you used the phrase -- "We're not happy with what happened here." But has no one to this point in your Department been in any way sanctioned for anything that has occurred in the course of this Union Lake matter?

COMMISSIONER DEWLING: I don't think you can say one person was responsible for the decision. There's a whole recommendations-- Fish and Game, Waste Management, Water Supply, Green Acres---

SENATOR STOCKMAN: Oh, I didn't suggest that was one man's fault. I meant has anyone either been removed from responsibility in this area, or criticized for their conduct in the course of what brings us here today?

COMMISSIONER DEWLING: Most of the people that made the decision at that time are no longer with the Corps.

SENATOR STOCKMAN: Are any of them?

COMMISSIONER DEWLING: Not to my awareness. The people who were directly involved in this activity are no longer involved in that activity today. Well, one of the gentlemen is no longer a director. He's a program chief. That was the Division of Waste Management, which discussed what some of the issues were at the site.

SENATOR STOCKMAN: As an aside, before we get into the issues revolving around the dam, is it your indication to us that your Department, especially in the light of what has now developed, has done everything it absolutely is able to do with regard to this Vineland Chemical operation?

COMMISSIONER DEWLING: Vineland Chemical, right now-- We refused to give them the Part B permit. We're in court with them on litigation, which means that they are going to be very difficult to stay in operation.

SENATOR STOCKMAN: Commissioner, I'm sorry. I guess I didn't make my question clear. Let me ask it again. Let me ask it this way. Has the Department done everything within its power to stop Vineland Chemical from continuing to spill arsenic into the waters upstream of this dam?

COMMISSIONER DEWLING: That's what I just indicated. A Part B permit, under the old RCRA-- Any company that applied, sent in a piece of paper was grandfathered and got the permit. Before, you could get a Part B permit, which means you actually got the physical permit. There was no grandfathering. You had to go through a process to demonstrate

that you could adequately handle these wastes. We have denied their Part B permit to them.

SENATOR STOCKMAN: Commissioner, denying the Part B permit-- Does that stop the arsenic from going into the water?

COMMISSIONER DEWLING: The arsenic is all over the property. The Federal Government is looking at how to stop the migration of this material. I mean, we know it's not in the ground water today. We've sampled 40 wells in the area. We know the ground water is not contaminated. The seven of us have been in there from years, and years, and years. When it rains, this stuff runs off.

SENATOR STOCKMAN: Commissioner, I'm sorry. We're not reaching each other. Correct me if I'm wrong. But as I understand it, Vineland Chemical is continuing to spill arsenic and aggravate an already serious problem in that area. Isn't that right?

COMMISSIONER DEWLING: When you say spill-- It's on the ground. It's not a pipe. The ground is saturated with arsenic. They had chicken coops and piles.

SENATOR STOCKMAN: But there's an ongoing process that they're operating, right?

COMMISSIONER DEWLING: That's right.

SENATOR STOCKMAN: And it is increasing the arsenic that is being stored. It is being attempted to be taken out of the water, but they're not succeeding.

COMMISSIONER DEWLING: They are under orders by us. They are under orders by the Federal government. We have no ability right now to shut them down.

SENATOR STOCKMAN: All right. That's what I'm getting to. You're telling the Committee that there is nothing further that the Department of Environmental Protection can do with regard to Vineland Chemical arsenic spilling operation.

COMMISSIONER DEWLING: Legally.

SENATOR STOCKMAN: Well, I wouldn't want you to do anything else. But I thought you had some extraordinary powers, particularly in the case of the danger that brings you here. I assume one of the dangers you're asserting to this Committee, in terms of the need for extraordinary action is this arsenic problem. It strikes me at least, as a layman, as a little bit odd that if that's so, this chemical company can continue to spill and cause an aggravation of this arsenic problem.

Now, if that's the law, I guess that's the law. Maybe we ought to look into that. But it really is a diversion from the dam. Let me come back to some basic questions with regard to the dam -- but first, in terms of how we're here.

This memorandum indicates that you're not satisfied with what has happened. Let's go back to the time that this proposal sort of made its journey. Incidentally, did you, at any time, have any awareness of this issue and the problem that we're dealing with now, prior to today?

COMMISSIONER DEWLING: Yes, about a year ago.

SENATOR STOCKMAN: And when it first came to your attention, about a year ago, who brought it to you and in what form?

COMMISSIONER DEWLING: It was brought to my attention by one of the assistant commissioners, Helen Fenske, regarding a problem where we had to rebuild the dam. The costs were going to substantially increase. And where were we going to get the extra money from?

SENATOR STOCKMAN: And I take it prior to approximately a year ago, you had absolutely no awareness, no knowledge, no participation, no involvement in this matter?

COMMISSIONER DEWLING: That's correct. I've been with the Department now over two-and-a-half years, and my only involvement with this was about a year ago, with the construction of the dam.

SENATOR STOCKMAN: You weren't here, incidentally, when the first flap came up over the contract, and the unfortunate issues that it presented with regard to certain people?

COMMISSIONER DEWLING: That was in 1982, you mean?

SENATOR STOCKMAN: Yeah.

COMMISSIONER DEWLING: No, I was not here in 1982. On June 25, 1982, was when the Department took over the property. I was not here at that time.

SENATOR STOCKMAN: No, I meant when there was a later hassle about the commissions and things of that sort. There was some publicity surrounding this a while back. Were you here then?

COMMISSIONER DEWLING: No, about a year ago was the only time when I had gone down to meet with the local people about what some of the issues were about de-watering the dam. The question was on de-watering the dam. It was my decision to lower the dam immediately by at least two to three feet, because at the spillway there is a balloon sluice that comes up, that adds another two to three feet. I required that to be brought down.

SENATOR STOCKMAN: So it was a year ago that Helen Fenske came to you and indicated that you have problems with this dam? Did she, of course, confirm that it had a -- shall we say -- an extraordinary and uncomfortable history to it?

COMMISSIONER DEWLING: I became aware of that after looking into that.

SENATOR STOCKMAN: But I want to get before you looked in. I want to take the steps. To you, I would assume Union Lake Dam -- Like to me until a few weeks back-- You might not have even known where it was, when Helen Fenske came to you and apparently a year ago made you aware of some real serious problems with regard to this dam. Is that correct?

COMMISSIONER DEWLING: What I was made aware of were the dollar costs for replacement of the dam, and then I met with engineering. I received the engineering report about eight or nine months ago, which told me I had a real serious problem.

SENATOR STOCKMAN: Commissioner, I know you are trying to be helpful to me. I can probably finish quicker if you try and listen to my questions. What I am getting is that initial year ago session. I know you did certain things, and so on. It's fair to say, isn't it, that Helen Fenske made clear to you a very serious problem involving the Union Lake property? And that very serious problem flowed in part from the fact that the State had paid over three million dollars for this property, and now you are facing many, many millions of dollars probably of expense in repairing it. Correct?

COMMISSIONER DEWLING: Yes.

SENATOR STOCKMAN: Now, you must have been aware at that time that there were some other, shall we say, unpleasant incidents that occurred with that purchase, right? I mean, you weren't totally unaware of that, were you?

COMMISSIONER DEWLING: To be honest with you, yes.

SENATOR STOCKMAN: Did she mention it or remind you of it?

COMMISSIONER DEWLING: It later came out very casually in discussion, but I really didn't focus on it.

SENATOR STOCKMAN: In the discussion with Helen Fenske?

COMMISSIONER DEWLING: I met with the staff, and the engineers on what the problems were.

SENATOR STOCKMAN: I'm sorry. I confused you, and it's my fault. I'm very interested, just for the moment, in the Helen Fenske meeting, because that was your first awareness of all this. Right?

COMMISSIONER DEWLING: It wasn't a one-on-one meeting. It was with staff, with the engineering programs on what the problems were with DBC, or whatever.

SENATOR STOCKMAN: Okay, so it was a broader meeting with Helen Fenske and your engineering staff.

COMMISSIONER DEWLING: Well, DBC, and ourselves.

SENATOR STOCKMAN: Okay, and in that meeting came the news that you were facing many millions of dollars -- or I say you -- the State of New Jersey and its citizens -- of expense in this dam.

COMMISSIONER DEWLING: That's right.

SENATOR STOCKMAN: And the awareness that, of course, the State had only not terribly long before that paid over \$3 million for that dam.

COMMISSIONER DEWLING: That's right.

SENATOR STOCKMAN: And as a matter of fact, out of that sale, some people were sanctioned over the wisdom -- over how it was handled, or whatever. Right?

COMMISSIONER DEWLING: I wasn't aware of that at that time.

SENATOR STOCKMAN: And nobody in that meeting either alluded to it or--

COMMISSIONER DEWLING: No.

SENATOR STOCKMAN: That meeting, I assume, was memorialized with some sort of documentation as to who said what, or what was going to be done. Right?

COMMISSIONER DEWLING: Not to who said what, but it was documented in terms of deadlines for doing certain activities, in terms of getting contracts signed, or things like that. But it was just an internal meeting in my office.

SENATOR STOCKMAN: But it wasn't just an internal meeting. You said it was an extraordinary meeting, wasn't it?

COMMISSIONER DEWLING: I have extraordinary meetings four times a day.

SENATOR STOCKMAN: Of a sort that we're talking about here?

COMMISSIONER DEWLING: Of the sort that we're talking about here today.

SENATOR STOCKMAN: Well, I'm sorry. It's kind of new stuff for me. So I'll admit that what we're dealing with here is new stuff for me. If you've had things like it in the course of your role as a Commissioner, I think we ought to look into raising your salary. But that's another issue.

COMMISSIONER DEWLING: I agree.

SENATOR STOCKMAN: So it was a kind of once in a while experience that didn't seem that out of the ordinary. But at any rate, there was a memorandum or memorandums documenting the decisions that were made at that time, of what you were going to do. Is that correct?

COMMISSIONER DEWLING: That's right. They were primarily technical in nature.

SENATOR STOCKMAN: Did anyone raise the fact that there probably was going to be a lot of problems with the Legislature, in appropriating a substantial amount of money for this dam?

COMMISSIONER DEWLING: It was inferred that we spent three million for something. Now we're going to have to spend 15 to clean it up.

SENATOR STOCKMAN: Yeah. Yeah, that's what I thought. So somebody, at least, in that crowd said, "Hey, there might just be a few questions a year from now that somebody is going to have to answer about why the State purchased this dam for 3.1 million, and now we're going to have to go back and say, 'Give us another 12 to 15 million dollars.'" Right? So that, a year ago, was talked about. Now

in the course of that give-and-take over that, I assumed that someone said that it was in part because it looks like nobody ever raised these questions about the cost of repairing the dam, its condition and the arsenic, right?

COMMISSIONER DEWLING: It wasn't discussed in terms of who did what to whom, and at what rate. At that time, our prime concern was not to answer those questions directly, but get on with trying to remediate the dam.

SENATOR STOCKMAN: But you didn't ignore those questions?

COMMISSIONER DEWLING: No.

SENATOR STOCKMAN: And you started, a year ago, to try and get the answer to those questions, right?

COMMISSIONER DEWLING: To be honest, you said the answer to those questions. My prime concern was the risk to public property and life at that dam.

SENATOR STOCKMAN: Well you--

COMMISSIONER DEWLING: The prime focus was to get funding to correct it, and take emergency actions to reduce the level on the dam. So they were primarily meeting with the local community, meeting with the engineers, and trying to resolve the problem. The purchase had already been done. They couldn't go back and unpurchase the purchase.

SENATOR STOCKMAN: Well maybe we shouldn't even bother with it now. Yeah, I mean you think that these questions and this distress that you're hearing expressed is kind of after the barn door is open, and we shouldn't get into them?

COMMISSIONER DEWLING: No, I think I've said to you that the problem that I've seen here obviously does not make the Department feel very comfortable.

SENATOR STOCKMAN: But you just got uncomfortable within the last week by this memo. Am I right?

COMMISSIONER DEWLING: I've been uncomfortable all along.

SENATOR STOCKMAN: For a year?

COMMISSIONER DEWLING: I've been uncomfortable with the problem in general, yes. Because to me it had gone to a point where I thought that the public was being risked, relative to that dam.

SENATOR STOCKMAN: Oh, I'm sorry. You haven't been uncomfortable about the money that those taxpayers paid in purchasing it.

COMMISSIONER DEWLING: Well, if I had to repurchase that area today, without the dam -- whatever the case might be -- it would probably be double digit millions. I'm not sure that anybody did anything wrong. I'm saying here possibly a wrong judgment was used when certain things happened. I don't know what happened.

SENATOR STOCKMAN: But you started looking into the question of whether anybody did anything wrong a year ago.

COMMISSIONER DEWLING: No. Whether somebody did something wrong or not was only started within the past two weeks.

SENATOR STOCKMAN: You mean to tell me, Commissioner, that a year ago in a meeting which you already acknowledged there was discussion about the propriety of the purchase, the cost, the problems that you were going to have with the Legislature in view of the history of this dam and its acquisition, and all of that-- You're telling me that only a couple weeks ago you began to look into the questions of why it had happened, and to make sure it wouldn't happen again?

COMMISSIONER DEWLING: No, we had taken steps at that time to prevent a recurrence of any type of situation like this.

SENATOR STOCKMAN: For instance?

COMMISSIONER DEWLING: All right. There was an order that was signed by Bob Hughey about a year and a half ago on Green Acres purchases.

SENATOR STOCKMAN: I'm sorry. I'm confused. You told me this meeting that we've been spending all of this time talking about was with Helen Fenske a year ago. Now, you didn't take remedial action after that by having Bob Hughey -- a year and a half ago -- do something. Did you?

COMMISSIONER DEWLING: If I can finish my sentence, I'll explain it to you.

SENATOR STOCKMAN: I'm sorry. Go ahead.

COMMISSIONER DEWLING: Bob Hughey had signed a memo requiring field inspections and cooperation among the various departments with any Green Acres property. Bob was involved in the Green Trust, all right? There was a requirement to have that cross-fertilization between the departments.

SENATOR STOCKMAN: Was that as a result of the Union Lake Dam?

COMMISSIONER DEWLING: No, that was in his concern, obviously, with the Department's concern to make sure that we don't buy something that becomes a liability.

SENATOR STOCKMAN: No, but did-- Was part of the impetus for Bob Hughey a year and a half--

COMMISSIONER DEWLING: I have no idea.

SENATOR STOCKMAN: Now you didn't let me finish my question. Was part of the impetus for Bob Hughey putting into place this directive that you just shared with us a year-and-a-half ago some awareness that there was embarrassment surrounding the Union Lake Dam issue?

COMMISSIONER DEWLING: I don't believe so but I can't say one way for sure.

SENATOR STOCKMAN: Okay, but a year ago, you told us at this meeting that you had with Helen Fenske, where you first got into this. You told us of your awareness that there were problems. There were going to be particular problems because of the acquisition in its history. I asked you, and I'll ask you again: As a result of that, what, if any, steps did you

take to get to the bottom of finding out who, if anyone, had been responsible for any deviation from accepted practices within your Department, or for conduct that was in some way against the public interest?

COMMISSIONER DEWLING: I had asked one of our attorneys who communicated with the Attorney General. I had asked was there any basis for indicating any wrongdoing on the part of Wawa.

SENATOR STOCKMAN: And that was a year ago?

COMMISSIONER DEWLING: That's right.

SENATOR STOCKMAN: And that directive went to the then Attorney General of the State of New Jersey, Irwin Kimmelman?

COMMISSIONER DEWLING: This was a verbal-- There was no written request. My understanding was that there was-- And I have yet to find that document -- a written document -- which says that the Attorney General had looked into this to make that type of assurance. We have a roomful of documents on Union Dam.

SENATOR STOCKMAN: I don't doubt that you do. I suspect sooner or later they're going to be looked at carefully. But let me ask you this. You said you personally made a request to the Attorney General of the State of New Jersey, roughly a year ago, to look into the question of whether anyone had been guilty of any misconduct in circumstances surrounding the Union Lake Dam?

COMMISSIONER DEWLING: My question was to our staff, our counsel, to check with the Attorney General's office as to whether or not there was any claim that we could have gotten against Wawa.

SENATOR STOCKMAN: That's the very question that surfaced here, I think, by Senator Rand.

COMMISSIONER DEWLING: All right. And that is an answer -- a question I don't have an answer to yet. Because

the Attorney General is still going through their files to determine who did what to whom and at what rate. We don't have any records ourselves, that I have found to date, which verifies that on a piece of paper.

SENATOR STOCKMAN: But you made that request a year ago.

COMMISSIONER DEWLING: Our staff had discussed it with them a year ago. That's right.

SENATOR STOCKMAN: Who was the attorney on your staff that made that very sensible inquiry or request?

COMMISSIONER DEWLING: Mike Catania.

SENATOR STOCKMAN: Pardon?

COMMISSIONER DEWLING: Mike Catania, the deputy commissioner.

SENATOR STOCKMAN: Mike Catania, who incidentally, of course, provided the--

COMMISSIONER DEWLING: That's right.

SENATOR EWING: Exhibit A.

SENATOR STOCKMAN: Okay, and you assumed that Mike Catania would in turn communicate to the Attorney General your interest or concern about this matter?

COMMISSIONER DEWLING: That's correct.

SENATOR STOCKMAN: All right. And you're telling me as of today you don't really know where that inquiry is -- whether it was conducted, or what it produced, or anything?

COMMISSIONER DEWLING: That's right.

SENATOR HAINES: Mr. Chairman, can we hear from some other members of the Committee?

SENATOR STOCKMAN: I'm taking long enough. Maybe Senator Haines ought to pick up from here.

SENATOR HAINES: I've got some questions that relate to what you've--

SENATOR WEISS: We have a lot of questions, and I know this thing is not going to be resolved this afternoon.

We'll have to come back to it in time. We'll come back to it in time. But everyone is going to get his opportunity, even those who wait. So don't rush, all right? Besides, the Chairman has to get his licks in once in a while.

Let's change the subject a little bit, Dick. The amount of the dollars involved runs about \$18 million -- \$15 million for the dam, and \$3.2 million for the purchase of the same.

COMMISSIONER DEWLING: That's right.

SENATOR WEISS: Okay. Way back in 1980 there was a bond issue for \$12.5 million dollars. That still, as a matter of fact, has not been used. Why did you throw the money down on the bond issue, instead of coming to the general fund?

COMMISSIONER DEWLING: Which general bond issue are you talking about, Senator?

SENATOR WEISS: That's the bond issue -- the Natural Resources Bond Fund of 1980. That has approximately the amount of money you're going to need.

COMMISSIONER DEWLING: I don't know what the restrictions are on that bond issue, but there's no existing bond issue that we can use for this dam.

SENATOR WEISS: Let me read this to you. This is essentially all (inaudible) that the bond obligated, and has been obligated for over two years. It's the basic, 1980, Natural Resources Bond fund, which is classified as a bond fund for State dam projects. Given that P.L. 1983, c. 523 appropriates bond funds from this act -- the 1980 act-- Is that all right, Don? (Asst. Commissioner Donald Graham confers with Commissioner Dewling.)

COMMISSIONER DEWLING: That may have been for the high hazard dam program, but I have to get those facts for you.

SENATOR WEISS: Would you take a look at that? It might be a better way to go.

COMMISSIONER DEWLING: Our understanding was there was no bond money available today, that can be used for that purpose.

SENATOR WEISS: I know we're not going to study about it today. But there's an idea that a sufficient amount of money to--

COMMISSIONER DEWLING: What was that? 1980 bond natural resources--

SENATOR WEISS: 1980. It's the Natural Resources Bond fund of 1980. There is in there, as my information would indicate, \$12.5 million. Next is Senator Ewing, who, I am told, is waiting with bated breath.

SENATOR EWING: Not bated. Thank you Mr. Chairman, for letting me get in a little bit. Commissioner, when this interest in the overall lake property took place, who was running the DEP at that time? Who was the Commissioner when it originated?

COMMISSIONER DEWLING: I guess it was Jerry English, who was Commissioner at that time.

SENATOR WEISS: When? That was under the Byrne administration, if I remember.

COMMISSIONER DEWLING: That's correct.

SENATOR EWING: Thank you. I'm glad you spelled it properly. And that was under the Byrne administration, so they get that on the loudspeaker. Commissioner, who came before Jerry English?

COMMISSIONER DEWLING: Dan O'Hearn.

SENATOR EWING: Was there any discussion during his--

COMMISSIONER DEWLING: Yes.

SENATOR EWING: So then it actually started with Commissioner O'Hearn.

COMMISSIONER DEWLING: It may have gone back further than that.

SENATOR EWING: Did it go prior to Commissioner O'Hearn?

COMMISSIONER DEWLING: If this went back to 1975, so it probably involved Rocco Ricci, possibly Dan O'Hearn, Jerry English.

ASST. COMMISSIONER DONALD T. GRAHAM: I'm Don Graham, Assistant Commissioner. In 1961, in the first Green Acres Bond Act, this dam -- this lake -- was listed as one of the top priority statewide for acquisition under that then proposed bond issue.

SENATOR EWING: In 1961?

ASST. COMMISSIONER GRAHAM: 1961. It was a natural resource being looked at by the Department -- by our predecessors -- going back that far.

SENATOR EWING: And then as time continued--

SENATOR WEISS: You may as well tell him who the Governor was in 1961.

COMMISSIONER DEWLING: I can remember the Commissioner easier.

SENATOR EWING: That was Hughes, wasn't it?

SENATOR WEISS: I don't know, you're the guy who's the historian.

SENATOR EWING: No, you're the one who said it was Byrne on the other one. I didn't know it. Anyway, be that as it may--

SENATOR WEISS: You know, I wouldn't admit to that if I were you, Senator Ewing, having been here for as many years as you have been. I caught you this morning.

SENATOR EWING: Commissioner, were there discussions within the Department at that time under Commissioner O'Hearn and Commissioner English regarding this overall project.

COMMISSIONER DEWLING: I have no idea. We're looking at the records now. There were obviously discussions in the Commissioner's office in 1979, in which this decision was made, as well as the critical problems of the dam in the winter of 1979. So, in 1979, the Commissioner's office was available -- was knowledgeable of this problem.

SENATOR EWING: I don't buy a part of that because I think-- You know, if a thorough investigation is going to be made, maybe it should have been started years ago, when it came close to this project actually being accomplished. Under Commissioner English, the further investigation should have been done.

COMMISSIONER DEWLING: Very honestly, it wasn't until this past year where everybody knew the dam-- The dam was never classified as being ready to collapse, as it was in the past year -- year-and-a-half. Prior to that time, there was always a problem, but it was always repairable for about a \$1 million. When we've had the second engineering report, which we got this year, saying that this dam was in imminent danger of collapse-- That was the study that we had done this past year. So the condition of the dam at that time was different than it was today. But there was always the need for some repair, and Wawa Stores was asked to undertake a study. Apparently we signed the contract for the purpose of the purchase of the property without reviewing that study.

SENATOR EWING: Thank you.

SENATOR WEISS: Thank you Senator Ewing. Let me get some things on the record. Commissioner, it was probably -- it was, as you had indicated, studied under the Byrne administration. I had no idea about who discussed what, or how it came about. Well Byrne, as I recall, went out of office on January 9th of that year. This contract was signed six months later. People who were supposed to be more sophisticated knew how to do a search, and knew how to-- This almost seems legal. In order to buy a piece of property-- Now, I have no idea about what prompted the thing, but I think that before we get through with this hearing -- whether it's today or the next meeting we have -- we ought to find out. This might not have been before us today, had not a contract been signed sometime. I think the date, the memorandum. Tell me, it was June--

COMMISSIONER DEWLING: The 25th, 1982.

SENATOR WEISS: Right, in 1982, and Byrne was long out of office then. If they did something wrong under the Byrne administration, this administration had no reason to follow-up on it. Because when Byrne went out of office I talked to him just about three minutes before the end of his term to try to get him to do something--

SENATOR EWING: Oh?

SENATOR WEISS: (continues) --about this Legislature. To help this Legislature get around to collecting such a debt-- He said, "That's up to the next Governor." So I would assume that everything else that's important to this Legislature, after Byrne went out of office was up to the new administration. So, for the record, my signature really shows January 25th, 1982. I don't understand how they could go ahead and do that, with all the sophisticated attorneys we have over in the AG's office -- and those, perhaps, in the Department of Environmental Protection -- to look into these things. They know about (inaudible) deeds, easements, other rights of way. I'm absolutely perplexed -- absolutely perplexed about the way this was handled.

That perhaps is not the only thing. There's suspicion of arsenic in the lake. They didn't look into that. Yet everyone knew that Vineland Chemical was upstream for 20 years, dumping a lot of stuff in the area. I can't understand that. It was only the \$15 million. Only the \$15 million-- I'm beginning to talk like those who sold the lake to us. I keep thinking about maybe \$50 million or \$100 million to clean that thing up at some point in the future whether we plan to replace the dam or not.

I think we shouldn't-- We let a lot of people off the hook. I'm going to have a talk with the Committee. I'm going to talk to them myself. I think we ought to put them back on the hook. I don't think the taxpayers of the State

ought to for one minute be responsible for that. I don't know if there's a question in there, or a statement -- whatever. But that's the way I feel as the Chairman of the Committee. I'm very put out about it. Life and safety certainly have to be protected. I agree 100%. But I don't know how you are going to get around the arsenic problem. It sound to me like it will be something yet that the State has to face.

COMMISSIONER DEWLING: Well, to give you a feeling of comfort -- if there is a feeling of comfort on this -- with the arsenic problem. Having been involved in the ketone problem in the Charles River, or the James River, and also the PCB problem in the Hudson, and also the sediment problem in Lake Champlain-- Seldom do you excavate sediments, because it causes more reentry and more environmental problems.

Up until last year, the cost, when I originally spoke with Helen Fenske -- the cost was \$10 million. Now, it came up to \$15 million because of our extra concern with making sure those sediments are not transported out of the lake basin. The life and safety issue if the primary area of my concern, to get that remediated as rapidly as possible. The procedural changes that I think that were in place over a year ago would have prevented that from occurring today. And to further assure that it doesn't happen, I've implemented some other procedures that will require a sign-up by assistant commissioners.

SENATOR WEISS: Further on that arsenic situation. It's my understanding that there's some sort of system installed in or around the dam that has to do with forcing that arsenic out. Maybe I'm going out the back door with that thing; I'm not sure of the number -- we'll address that later. But, the point I wanted to make was, if there is such a system, whereby some of that lake water flushes down into the-- Does it flow into the Maurice River?

COMMISSIONER DEWLING: Sure.

SENATOR WEISS: Okay. That some of that arsenic is being pumped downstream through the system that was put in there to alleviate the problem in the lake.

COMMISSIONER DEWLING: There's no question that arsenic is in the water column, but the point here is that 99% of the arsenic is tied up in the sediment. And there will be arsenic in the water column going down into the Maurice River.

SENATOR WEISS: Maybe a question ought to be, would you drink that water?

COMMISSIONER DEWLING: You question, "Would I drink that water?" Right now, the water supply in the area is safe. There is no--

SENATOR WEISS: I know.

COMMISSIONER DEWLING: They don't take directly from the lake.

SENATOR WEISS: People can't even go swimming. I spoke to some lady from down there, and she said her children swim in it--

COMMISSIONER DEWLING: I would swim in the lake. That's different than drinking it.

SENATOR WEISS: Maybe you swim differently than they do.

COMMISSIONER DEWLING: No. No. Senator, come on, I mean when you-- I would have absolutely no problem swimming in that lake.

SENATOR HAINES: Senator, can I-- I've got something that applies to this arsenic.

SENATOR EWING: I've got some old lace.

SENATOR WEISS: That's "Arsenic and Old Lace."

SENATOR EWING: That's what this story's all about.

SENATOR WEISS: Senator Haines?

SENATOR HAINES: Commissioner, can you tell me what percentage of ground in New Jersey is contaminated with arsenic?

COMMISSIONER DEWLING: At this level, probably very little.

SENATOR HAINES: Well, I can tell you that practically all of the land area in New Jersey that's ever been farmed in fruits and vegetables, has a fairly high contamination of arsenic. It's such that where you see many vegetable fields, you can see the rings of drip-water from the apple trees that used to be there, because we used a tremendous amount of arsenic, back in the 50s and 60s on apple trees. And, you can actually see in many vegetable fields the rings of drip from the apple trees even today. And, if you test for arsenic in most all soils in New Jersey, you will find a fairly high level in parts per million. Fact. Because, I know in all the farms that we farm, we do find arsenic and also DDT. And, DDT hasn't been used for 20 or 30 years. You can find a fairly significant level of DDT in your soils in South Jersey.

COMMISSIONER DEWLING: No question about it.

SENATOR HAINES: I just use that as an indication of what we're talking about. Now, I'm sure that in this lake the level is higher, but there is some of it in all the soils. And it doesn't have a great effect on the food that's produced on the soil, and yet it does have an effect on the growing of the plants involved in the area, because you see a shorter internode length and so forth in soybeans and some of the other crops that are grown. Especially your lagoons. Your lagoons are sensitive to arsenic in the soil, and will show a difference where this arsenic level is higher. I just bring that as a matter of a statistic that I'm very familiar with.

Can I go on beyond arsenic?

SENATOR WEISS: Sure.

SENATOR HAINES: What is your estimate of the current value of that property? And, that property includes -- I think, looking at the map -- that area within the line. Is that correct? Some of the park area as well as the lake. What's the current estimate of the value of that property?

COMMISSIONER DEWLING: I don't have the exact number, but I would assume it would be double digit millions. You know, over \$10 million.

SENATOR HAINES: Over \$10 million. With the dam in its current condition or the dam fixed?

COMMISSIONER DEWLING: The dam in its current condition.

SENATOR HAINES: Thank you. The other thing that I have in mind is that when is the most critical time for dam failure?

COMMISSIONER DEWLING: Usually in the spring, when we have the runoff.

SENATOR HAINES: And oftentimes in the winter time, when the ground is frozen, or late winter and early spring is the most critical time. Is that correct?

COMMISSIONER DEWLING: That's correct.

SENATOR HAINES: So, we're dealing with a deadline here. We should get this thing funded as quickly as possible so that we don't have a disaster situation there in the late winter/early spring.

COMMISSIONER DEWLING: I would need the money by April 1 to go to contract. The temporary Band-Aid approach we've done now has reduced that type of pressure against the dam, but it still does not alleviate the emergency that's there. It basically minimizes the potential, but it doesn't eliminate the potential.

SENATOR HAINES: I happen to have built a four acre lake on my own farm, and we have an emergency spillway, and many many years no water goes over that emergency spillway. But I notice in late winter, even sometimes earlier in winter, when the ground is frozen, that you get a tremendous amount of water over that spillway because of the fact that the water falling on the ground has no place to go, and has to go into the lakes. It has to run off; it cannot go into the ground.

There's no ground absorption during the winter months. And so, I think it's imperative that we move with this thing.

SENATOR EWING: Do you want to sell that lake, Bill? We'll buy it.

SENATOR HAINES: I did.

SENATOR EWING: Oh, I thought we'd want to buy the place. We'd be glad to buy it. (laughter)

SENATOR HAINES: Well, (word inaudible) bought it.

SENATOR EWING: Oh, okay. You wouldn't have done as well if you'd have sold it to us. (laughter)

SENATOR WEISS: Senator. Are you through, Senator?

SENATOR HAINES: I didn't sell the lake to the State, or Wawa, or anybody else.

SENATOR WEISS: Did you buy it?

SENATOR EWING: No, no, he sold it.

SENATOR WEISS: Senator Pallone?

SENATOR PALLONE: I would think that even after I heard Senator Haines (remainder of sentence inaudible). Commissioner, the problem that's been brought up today really makes me think about the whole Green Acres program. I, frankly, have had problems with the procedures that are involved and the nature of the procedures both within the Department, as well as, perhaps even in terms of our Legislative scrutiny of these projects, you know, since I came in office. And, one of the things that always bothers me is the whole procedure whereby municipalities, or individuals are made aware of the possibility of acquiring parts or different parcels for Green Acres acquisition for the State. What has happened to me on a couple of occasions where a town has called me up and said, "Well, we've been in contact with Green Acres, and we know that they are interested in giving us a loan or purchasing this park property, and we're all set to go." And then I find out later that that's not necessarily the case. And, I guess what I want to know is just the whole procedure

about how we go about acquiring some of these properties, because oftentimes it seems to me that promises are made, and then, you know, legislators are contacted later and told about this or that, and we find out that promises are made to the Department about acquisitions which have no basis.

And also, I have a problem as far as Legislative oversight. Every time the Green Acres bill comes before us, we really do not get enough information, in my opinion, about how Green Acres money is being spent. We're often given a list; we're told that, "Well, we're going to go ahead with certain items on the list, but we don't necessarily know which ones at this time." And the whole question of Legislative oversight, I think, has to be looked into as well.

And, I mention that only as background, because I know at the same time that Helen Fenske and others, including yourself, are talking about coming up with new funding sources to continue the Green Acres program, and we're being asked to impose new taxes or user fees in order to continue the program, and frankly I'm not prepared to do any of that until I find out exactly what procedures are followed.

In this particular case, though, if you can just give me the details about the Union Lake acquisition. In other words, how was that property selected? Who was involved in the selection of that property for the Green Acres acquisition? And be specific. I mean, did the Department approach the owner? Was there a private individual that approached the owner? That's what I'd like to know initially.

COMMISSIONER DEWLING: Honestly, I don't know, personally. All I know is that prior to 1982, we had four years of discussion and negotiation with representatives from the Department and with the Wawa stores.

SENATOR PALLONE: Do you have any documents? I mean, when was the date of the first communication about the acquisition of the property? And who made that communication?

COMMISSIONER DEWLING: As I said to you, we still have a whole host of documents, if those are specific questions you want answered. My prime concern was, at the time, did the Department have any wrong-doing? What was done relative to Wawa stores? What liability do we have? What liability do they have? And so what we've gone through are some of the primary documents here to determine what the magnitude of the problem was.

SENATOR PALLONE: So, you can't specifically tell me how this property was acquired?

COMMISSIONER DEWLING: As of today, I don't know who shot the first round. I don't know that.

SENATOR PALLONE: And how was the property appraised?

COMMISSIONER DEWLING: We would have our appraisers go out there, or we may have had private appraisers. I don't have the answers to those questions. I can get those for you.

SENATOR PALLONE: Well, you know, it seems to me that goes to the heart of the whole question, not only for this property, but just, you know, what I was saying before in general, about how to proceed with these things.

COMMISSIONER DEWLING: We have different procedures today than we had back in 1982. We have a program that I can lay out to you that is involved with a host of outside reviewers and a merit point system for communities that deal with the purchasing of the property.

SENATOR PALLONE: Well, I would like to have that, but I don't want to waste our time today. I mean, if you're going to give me background information about this specific acquisition, then perhaps you can give us the memo there about the procedures that you use now as well, because I am interested in that.

COMMISSIONER DEWLING: I mean, our procedures now involve site visits, and assessments, and sign-offs that we didn't have.

SENATOR PALLONE: And, do you have something that you have written to detail that?

COMMISSIONER DEWLING: Yes.

SENATOR PALLONE: All right, I would like to have a copy of that, you know, today, or at some point. But I would, you know, at this particular time like to know what procedures were followed at Union Lake. And, there's no information you can provide me at this point?

COMMISSIONER DEWLING: I personally can't because my prime concern was, very honestly, to get the funding to eliminate immediate public health problems.

SENATOR PALLONE: Well, I understand that, but, you know, I have serious questions about the whole procedure that evolved. You know, as I said before, it's happened to me just in the three years that I've been in office, where municipalities called me up and said, "Well, everything's all set. We're going have Green Acres go in and purchase this property." And you know, they talked to people from Green Acres, and I don't know if it's the town's fault, or Green Acres' fault. I don't necessarily know what the procedures are and what goes on. And in this particular case, the way I understand it, the DEP paid a price which was -- what -- about three times the appraised value?

COMMISSIONER DEWLING: No.

SENATOR PALLONE: What was the appraised value of the property?

SENATOR WEISS: One point two, as I understand it.

ASST. COMMISSIONER GRAHAM: I think, Senator, the best way to answer your question is we can supply you with the intimate details of the transaction from beginning to end. How it was first established that this was a resource that was targeted for acquisition under the Green Acres program. How contact was made with the potential sellers. How it was appraised -- and I assure you that we have a thorough system of

appraisal where not only one appraiser is present, but several are present. So, we can answer those questions in detail for you by looking at the acquisition file as it concerns the appraised value and how the communications were established between the seller and the buyer.

SENATOR PALLONE: And you are not prepared to give us any of that information at this point.

ASST. COMMISSIONER GRAHAM: I can just generalize for you that there's a set procedure now, and to a degree it was then, in how the appraisal process is followed, how the communication between seller and buyer is established.

COMMISSIONER DEWLING: You know, my initial concern was to identify the awareness by the Department of what the issues were prior to purchase. And that was the original purpose of my going in depth two or three weeks ago to look at what the records were.

SENATOR WEISS: Good. Commissioner, I think maybe what we need is a chronology of all the files that you have that you can send down to us, and all that you wrote. Because, I have a feeling that we don't have all the papers. So, I would like you to supply us with everything you have in a chronology, and that will show, I think, what Senator Pallone wants.

COMMISSIONER DEWLING: Senator, we-- Literally, it's a roomful.

SENATOR WEISS: Pardon?

COMMISSIONER DEWLING: It's a roomful, of papers. And I have had those papers brought over to our office. It's a -- you know, it's not a Xeroxable type of thing.

SENATOR WEISS: Okay, then--

ASST. COMMISSIONER GRAHAM: Senator, excuse me. Are you looking for a chronology of the process that was followed in the acquisition?

SENATOR WEISS: I'm looking for a chronology of the whole thing. Yeah.

ASST. COMMISSIONER GRAHAM: Fine. You have before you -- and I understand you haven't had a chance to review it -- a chronology of the concerns with the dam.

SENATOR WEISS: Well, I'm not even sure what's in it.

ASST. COMMISSIONER GRAHAM: No, I understand. But let me submit to you what is there, Senator. You have that. That concerns itself with the dam aspect of the acquisition. If you're now asking for a chronology of the overall process that was followed, we can supply that to you forthwith.

SENATOR STOCKMAN: Mr. Chairman?

SENATOR WEISS: Senator Stockman?

SENATOR STOCKMAN: On that point, Mr. Chairman. It would be helpful -- and this first memo didn't do it, and perhaps you can do it for us -- if in, attached to the memo, Don, you indicate and list all documents that you're supplying to us. Because one problem we could have -- and I've seen this happen -- is if down the road -- and I don't say this will happen; I'm sure it won't, but it would be troublesome if it did -- there's some dispute about what was supplied to us, and whether somebody didn't supply something. If we don't have an index of what you have been looking at, we don't know really what we're looking at.

And, the memo that we received from Mr. Catania, which raises many serious questions that we haven't even gotten to today, fails to indicate the documentation that it's based on. It's a chronology. And then, attached to it was a whole, maybe inch thick of documents.

But in trying to go through it, you're left to the point where if in time a document surfaces, we can't tell for sure whether you gave it to us or not, and you can't prove that you did or didn't, and we can't.

And, I think the matter has become serious enough, at least in my own mind -- with all due respect to the rest of the members of the Committee -- serious enough in terms of what's already been spread on the record today by your testimony, as well the history of it, that I think we better be careful that, you know -- all the documentation. And, if the documentation is so voluminous, I would suggest to the Chairman to consider that you nevertheless supply us with this memo, and the chronology, and a listing of documents, but also allow our staff access to those records to go over and begin to go through them as well. Because I think that's the only way we're going to get to the bottom of this.

I had one other question.

COMMISSIONER DEWLING: Number one, you've got total access to them.

SENATOR STOCKMAN: And you'll get us a list of the documents that you've had access to review, so we know, you know, whether we're looking at the same things or not. I think that could be important.

ASST. COMMISSIONER GRAHAM: I think you have, in supplement to the chronology that's been given you, physical documents that we gave to you.

SENATOR STOCKMAN: I just discovered another fascinating fact that I couldn't resist asking. Is anybody concerned about our being sued by the Union Lake Sailing Club? I say that because--

JANE GALETT O: I'm the Commodore of the Union Lake Sailing Club.

SENATOR STOCKMAN: I say that because, in addition to the 3 million plus that we paid for it, we apparently gave -- that is the citizens of the State gave -- Union Lake Sailing Club an easement which guarantees that we'll keep the water at a certain height. And I don't know legally whether, if in repairing it you bring that below, whether that easement has

led us into a new problem whereby we might be sued by the Union Lake Sailing Club.

COMMISSIONER DEWLING: I think one has to look at the public health emergency relative to that particular agreement that was signed at that time.

SENATOR WEISS: Senator Pallone?

SENATOR PALLONE: I just wanted to clarify again --

SENATOR EWING: Mr. Chairman, the Commodore is here. Do you want her to answer that question now?

SENATOR WEISS: The Commodore will be called on in time, Senator.

SENATOR EWING: Okay, I just wanted to make sure, you know.

SENATOR WEISS: Okay. Well, we're not going to miss anybody.

SENATOR EWING: We represent all the public -- Perth Amboy.

SENATOR WEISS: Especially. (laughter) Go on, Senator Pallone.

SENATOR PALLONE: I just wanted to clarify, you know, what I was looking for, in terms of documents, or whatever.

COMMISSIONER DEWLING: Let me restate it, so I make sure. You want to know who made the first contact, who communicated with who, and the initial documentation of it.

SENATOR PALLONE: Yeah. Well, just -- and also with regard to the appraisal and negotiation.

COMMISSIONER DEWLING: Fine.

SENATOR PALLONE: I mean, I've been in a municipal case where certain individuals are authorized--

COMMISSIONER DEWLING: We will provide that to you.

SENATOR PALLONE: The firms that were involved with the appraisal, the engineering. You know, all the details in terms of the negotiations. The appraised value, and whatever different appraisals were made, and how the final purchase price was negotiated.

Also, you say that you have certain procedures now that are set out for the future, or that are being used right now. If there were, you know, set general procedures that were followed in 1982 at the time of the purchase of the property, I'd like to have those procedures as well, to see whether they were being followed in this particular case.

And it is a general concern of mine, because I feel that in many cases, you know, when private individuals or different organizations are involved in these negotiations which, you know, we're surprised when we find out that they are. And you know, I just assume that when you're dealing with a Green Acres property that the DEP is the focus of all the activity in terms of negotiations, and appraisals, and all that. And I'd just like to see if that was followed in this case. If it was a general procedure.

COMMISSIONER DEWLING: It was followed, and I will get you all the particular details.

SENATOR PALLONE: Okay.

COMMISSIONER DEWLING: But, my focus, over the past three weeks has been on what the Department knew and did not know at the time of the transaction.

SENATOR PALLONE: Okay. And you understand, I mean, this is something for the future as well. Because, we're talking about reauthorizing Green Acres, and a lot more money for it, and, you know, we're not going to be willing to go along with that if we know those procedures aren't being followed.

I might ask something else later.

SENATOR WEISS: Thank you, Senator Pallone. Senator Rand?

SENATOR RAND: Thank you, Mr. Chairman. Mr. Chairman-- First, Commissioner, let me say this to you. I think you've been very forthright; I think your position is clear as far as I'm concerned. And my particular question would have been how have we reached this situation?

I've got no problem voting for a \$15 million appropriation for life and land. But, I've got some problems, very honestly, and they are sincere and very deep problems. Because, very frankly, the question that bothered me is how do you take 3.2 million on a 1.2 million assessment? I've been in business, and I know that.

Further questions: How do you buy a polluted stream? How do you buy a high-hazard dam? And I will continue to ask a lot of questions of how we got to the price? And, if the State had not purchased that particular lake, who would have been responsible? Would the seller have been responsible? Would they have been responsible for the dam? Did we really just take them off the hook? My suggestion, Mr. Chairman, for you -- Mr. Chairman, I would make the suggestion -- is I'm not going to be as general and broad as Senator Pallone. I think we ought to submit through the Chair a list of questions having to do with the Union Lake acquisition as to the time, the places, the chronology, the actors. How we reached a price? Do we have any recourse? Do we not have any recourse? It is only with that type of information, at least to me, that I can be clarified on the whole picture.

And so, I'm going to forgo my questioning, very frankly, Mr. Chairman, and ask you -- not ask the Commissioner -- but ask you to submit a list of questions which the Commissioner can face and then come back to this Committee with the answer to those questions.

SENATOR WEISS: Senator Rand, is that it?

SENATOR RAND: I'm through.

SENATOR WEISS: Commissioner, we intended, anyway, to get you a set of questions, but the delay appears to follow in that all the questions will not be answered. You will be receiving such a list of questions. We will talk about that a little later.

And now, Senator Haines?

SENATOR HAINES: Commissioner, I think you're aware of the fact that Millville, and Vineland, and Bridgeton are depressed areas in the State. As badly depressed as anywhere else in the State. Are you not? In other words, in the last few years, the employment (sic) rates have been high down there, and it's been my impression having purchased some farms in that area that land values haven't changed very much. Is this correct?

COMMISSIONER DEWLING: That's correct.

SENATOR HAINES: So that, basically, your comment that the dam was worth \$10 million -- or is worth -- the dam and the area around it -- \$10 million today would apply pretty generally to about the same figure, and not much change back at the time that it was purchased. Is this correct?

COMMISSIONER DEWLING: You know, when you think that's the largest lake in South Jersey, and the recreational potential for that lake, it's very difficult to put a price tag on it. I mean, at that time, that price of \$3 million seemed like a fair price, I guess.

SENATOR HAINES: Is it also correct -- and looking at some of the figures, and I, like the rest of the Committee have not been able to review all the facts and statistics that you presented us -- that in the end of 1975 the Department knew the arsenic levels were high in the lake area and in the Maurice River area? It's not a secret. It wasn't a secret at the time that the dam was purchased.

COMMISSIONER DEWLING: When the dam was purchased, I said before, this Department knew about the lack of responsiveness on the part of Wawa, it knew about the arsenic levels, and yet it still went ahead and consummated the deal.

SENATOR HAINES: And the Department also knew back as far as 1978 that there was a problem with the dam and that they were buying something -- they were buying not a brand new perfect situation, but there was a problem with the dam and work would have to be done.

COMMISSIONER DEWLING: I think one has to recognize, when you use the word "high-hazard dam," it means that the dam is located adjacent to a piece of property where there is a high potential of serious property value and debt. If that dam was a Cadillac -- was never going to leak -- it would still be considered a high-hazard dam, because of its location.

At the original understanding of this was that the dam needed about a million dollars worth of work. At no time was it our understanding that the dam needed a \$10 million face-lift. But there was awareness we did need work on the dam.

SENATOR HAINES: The Commissioner's office had been notified of the need for costly repairs to the dam in the fall of '79.

COMMISSIONER DEWLING: That's right.

SENATOR HAINES: So, it's not a secret. That's what I'm trying to bring out.

COMMISSIONER DEWLING: That's what I'm saying. We knew there was about a million dollars worth of repair that had to be done to the dam.

SENATOR HAINES: So, what we're doing is going back in history, and you know, it's like my old political party in Mount Laurel. We used to have history lessons. Every time we went to a township Republican Club meeting we'd have another history lesson of what we did wrong years ago. And, it seems like I just get tired of history lessons, because basically, everybody's heard it before.

And here we have a situation where you have a lot of people that are exposed to a potential situation where that dam could break and these people could lose their property and lives this winter if we don't do anything about it, and we're sitting here talking about past history lessons. And it seems to me that we ought to forget the past history lessons and move ahead. We're not going to get anywhere. I don't mind. And I hope you will go ahead and pursue activities if you could

collect some money from these people that you bought the thing from.

That's not the point at this issue. The point at this issue is, as I see it, that we ought to forget the past history lessons and move ahead and approve today the money necessary to repair this facility so that we don't have life and property loss.

Have you got an estimate, at this point, of what -- how much property might be damaged if this dam breaks, or how many lives might be lost? Have you got a figure for that?

COMMISSIONER DEWLING: You're in the hundreds of lives that potentially could be lost.

SENATOR HAINES: Hundreds of lives. And we're sitting here debating past history when we've got a potential critical -- very very critical -- situation on our hands, and we should move. We shouldn't delay the activity as far as moving on this and appropriate the money.

I don't mind coming back here 10 more times to talk about past history lessons, but I think we've got a point here where we can be criticized by everybody for not moving on this appropriation. When you're talking about a hundred lives, \$15 million is a very small amount of money. And I would move that we pass this out of this Committee today.

SENATOR STOCKMAN: Mr. Chairman, may I--

SENATOR WEISS: Thank you, Senator. Hold everything. Senator Haines, the Department got from us a couple of weeks ago, \$1.4 million to do the coffer dam because there was a life threatening, property safety situation involved. That was spent. It's going to take them four months to go out and start -- develop a contract to accomplish that much of the project now. Okay? They won't be able to go out and do the rest of it -- the balance of that \$15 million -- until sometime in the summer. And I'm going to do it all-- I recognize that there's a problem, and probably a very serious one. And that dam might

go tomorrow. But I don't think that this Committee, that Commissioner, or anyone else could assume the responsibility for what nature will do in that interim time.

We did supply them with the money to go ahead. And I will ask the Commissioner, you have a \$4.4 million in the box, so to speak, to go do that job. When can you get that job done?

COMMISSIONER DEWLING: That contract has already been signed.

SENATOR WEISS: When are they going to start?

COMMISSIONER DEWLING: They've already started.

SENATOR WEISS: When are they going to finish?

COMMISSIONER DEWLING: They have 120 days to finish.

And--

SENATOR WEISS: One hundred and twenty; that's three months, isn't it?

COMMISSIONER DEWLING: We-- As I said before, I would--

SENATOR WEISS: When is it--

COMMISSIONER DEWLING: I would need money to award the contract by about April 1.

SENATOR WEISS: Okay. That brings me to a point. April 1. So, we're not going on history lessons. This Committee did, in fact, do the right thing by the right people at the right time. Only you have to separate that into two issues. One is--

SENATOR STOCKMAN: Mr. Chairman?

SENATOR WEISS: I hear you, Senator Stockman, and I will get to you. We have to separate the two issues, the dam and what's happening to it -- the life and safety -- and we're taking care of that. And the history of the dam, or how we got ourselves into a predicament that might cost us \$125 million -- is what I have here -- and that's another issue. And we're going to solve both problems. First we will take care of life and safety.

SENATOR HAINES: Mr. Chairman, you run a very good Committee and 99% of the time you're absolutely right. And you know I support you 99% of the time--

SENATOR WEISS: Yes, you do.

SENATOR HAINES: --or 97, or something like that, and I think you're right. But here is a life and property issue. And I've had letters and phone calls from freeholders from both sides of the political fence down in that area, and from all kinds of people in that area, because they know I'm from South Jersey, and they say we've got a life-threatening situation, and we ought to do something.

And that's why I'd like to do something.

SENATOR WEISS: I agree. But, Senator Haines, they had the project up there for four years--

SENATOR RAND: Four and a half years.

SENATOR WEISS: --for four years, and they didn't do anything about it. Now they find out that there's a little water on the other side of the dam. I don't--

SENATOR RAND: Four and a half years. It's ridiculous.

SENATOR WEISS: I don't know what the other side of the dam is in this instance, incidentally, but there's water and no one's reacted to it. Except this Committee. I can't assume responsibility for something that we knew nothing about until just about a month ago -- a month and a half ago. But I would like to -- I'll get to you, Senator Stockman -- but I would like to get this on the record. And, I'd like to let the public and the Commissioner know that, before we set the date -- and this may put to bed the very important concern of Senator Haines in this, that I'll be meeting with the Commissioner to discuss an appropriate amount of funding to ensure that the repair of Union Lake Dam goes forward. This will result in an appropriations bill that will be considered by this Committee on December the 8th, because that bill is not calendared for today -- only for discussion. Okay?

And this, however, does not preclude our continued investigation of this case. And, going along with that, Dick, what I'd like to get from you is a copy of your procedure -- of the Department's procedure -- in a situation such as this where there's pressures and engineering-- Would you hold it, guys, please? Please. (Chairman is referring to discussion going on between members of the Committee) Thank you. A copy of your procedures in the past, and now. And anything that you may have had in between. All right?

But this bill will be heard for that purpose after you and I, and some members of this Committee discuss it. It will be on for the next meeting, which will be on the 8th. Now, hopefully, nothing will happen to the dam before the 8th.

COMMISSIONER DEWLING: There's nothing much more we--

SENATOR WEISS: But that's going to be an act of God, and no matter what happens between now and then, you couldn't even get an emergency crew out there.

COMMISSIONER DEWLING: There's nothing much more we can do right now.

SENATOR WEISS: I don't want anyone indicating to the public or anyone else that this Committee is responsible for the situation down there in Union Lake Dam in Millville, because we're not responsible for it.

SENATOR HAINES: Mr. Chairman, can I be assured by the Commissioner, that even with a coffer dam, is it completely safe?

COMMISSIONER DEWLING: Well, you say completely safe. I think we're taking steps right now to assure us to the best of our ability that we can handle as much of the flow. If there's an unusual natural event in the early spring, we could have a problem. I mean, we're not ready to go to construction. I can't award the bid for construction until at least April 1. The reason why we went through the breaching was to allow us the opportunity to get through the wintertime,

and that's what we appealed for before. If we did not do the breaching right now, the probability of that dam failing was very high.

SENATOR HAINES: But, you're not completely -- it's not completely safe then, you're saying?

COMMISSIONER DEWLING: I am saying to you, we put a Band-Aid on it, and my feeling is we must go to construction by April of next year, so that we don't have a second winter of this condition.

SENATOR HAINES: That's why, Mr. Chairman, I'd like to see us pass it out of Committee today. Because, I don't know why we need to hold it up.

SENATOR WEISS: Thank you, Senator Haines. Senator Stockman?

SENATOR STOCKMAN: Mr. Chairman, obviously I disagree with Senator Haines. But, I'll go beyond that and say that I am offended at his suggestion, because I think it ill serves this Committee. His comments try to create the impression that the concerns that the members of this Committee have expressed are somehow cheap, unnecessary, dwelling, and dawdling on past history, and are sort of totally partisan. I say, and I suggest -- and I think the record is clear -- what we're developing, and what is seeming to come to the fore here goes to the basic integrity of the Green Acres program, the basic integrity of the Department of Environmental Protection, and its authority to make purchases and bypass the Department of the Treasury, which is an ability that DEP has along with the Transportation Department, and no other committee -- or department of State government -- and to, really, the integrity of State government.

So, with all due respect to Senator Haines, I'm not going to be bullied into, threatened, or cajoled into some critical action. And I'd like to ask you, Mr. Commissioner, if you share Senator Haines' notion that this Committee will be

acting in an unreasonable way in deferring for at least the period of time that the Chairman has suggested, before acting on this bill. Because, if you are, then I'd like this hearing to continue, and I'd like to get into some more questions about this, quote, "emergency," close quote, issue that faces us.

If, on the other hand, you as Commissioner agree that we can safely delay at least that period of time in finalizing a vote on this bill, I'd like to know.

COMMISSIONER DEWLING: I have no problem waiting until--

SENATOR STOCKMAN: Thank you.

COMMISSIONER DEWLING: --the December 8th or the 9th, as the case might be. The issue here is that I couldn't spend the money today if you gave me the money. But, I, you know, I think--

SENATOR STOCKMAN: Mr. Chairman, I move that we adjourn. I think we finished what we're-- I thought-- I'm sorry.

(Committee members discuss amongst themselves)

SENATOR WEISS: We have a couple of questions. That's okay. Commissioner, are you answering the question?

COMMISSIONER DEWLING: Yes. I think Senator Stockman asked me whether or not it was essential for us to have the money today. I indicated to him that it was not. But, I would need it by April 1.

SENATOR WEISS: We can work out our differences between now and the 8th, and I think that. But, let's go on with this meeting, as long as you assured me that we're not in the danger that was alluded to.

COMMISSIONER DEWLING: There's nothing more I can do today.

SENATOR WEISS: Thank you. Senator Lipman?

SENATOR LIPMAN: Mr. Chairman, by now I have forgotten all of my questions.

SENATOR WEISS: You said something about--

SENATOR LIPMAN: I'm sure you have answered it in one way or another, Mr. Commissioner, by for my own edification, how many dams have you bought in the last 10 years -- the Department of Environmental Protection -- and was the same procedure used on the purchase of this dam and the others?

COMMISSIONER DEWLING: Number one, we don't buy dams per se. We bought the lake that was dammed. I'm not aware of any other lake that we have bought that we now have this type of condition. We normally have not bought lakes. Most of the Green Acres are small acreage areas.

SENATOR LIPMAN: If the Department had known that this dam was structurally unsound-- Did you know? If you did not know-- You have testified, up to this point that the condition -- the structural condition -- of the dam has worsened.

COMMISSIONER DEWLING: That's correct.

SENATOR LIPMAN: All right. Did you know there was a structural problem when you bought it?

COMMISSIONER DEWLING: They knew it needed repairs to the tune of about a million dollars when they bought it.

SENATOR LIPMAN: Yes. But, were you not concerned that the structural damage could lead to this sort of situation? You didn't--

COMMISSIONER DEWLING: I think that--

SENATOR LIPMAN: Your engineers did not think of this possibility?

COMMISSIONER DEWLING: I believe they looked at the recreational benefit of that lake as one of the overriding issues, in as much that you could repair the dam and preserve a large eco-system in the south part of the State.

SENATOR LIPMAN: Yeah, all right. So, when you were in the midst of negotiations, why didn't you insist that this Wawa repair it before you bought it?

COMMISSIONER DEWLING: I was not personally involved in the negotiations. I've only been--

SENATOR LIPMAN: Why didn't the Department insist?

COMMISSIONER DEWLING: All right. And that's something I can't answer. The Department knew that. An order was issued to the Wawa Corporation to do a Phase II study which looked at what remediation needed to be done. The Wawa stores apparently did not give us that Phase II study prior to us signing on the dotted line, and we didn't demand it. So, I don't know why we did it, but we did it.

SENATOR LIPMAN: Okay. All right. I'd like to know, if you don't buy that many dams or lakes, how did the definition high-hazard get there?

COMMISSIONER DEWLING: High-hazard is a Corps of Engineers definition. Just by its relative position, if you have a dam that is in an area that could flood out and kill people, it's a high hazard dam simply by location. If you go up the Spruce Run Round Valley, we have a high-hazard dam up there. It's not leaking or anything like that, but it's a high-hazard dam, because if it let go, you would lose life and property. If you have a dam on the other side that's, you know, say the dam at one of the lakes up in the northern parts of the State that's going to flow into a stream and into the Whippany River -- Lake Hopatcong -- that's not a high-hazard dam.

SENATOR LIPMAN: Yes.

COMMISSIONER DEWLING: You know, if that dam let go, it would go into the stream, and there's enough capacity there to handle it.

But here, you would have that instant flush-out, and you would wipe out property, and kill people.

SENATOR LIPMAN: All right. Mr. Chairman, I'm not going to proceed any further, you know, about what steps the Department should have taken. That is, if I buy something that

is wrong from a department store, like a dress, you know, and they short-change me--

SENATOR EWING: What was the question?

SENATOR LIPMAN: I knew you were going to bring up the dress issue, Senator. (laughter) But, anyway, why did they not take steps then, if they knew? If the structural damage they found out about afterwards, why didn't the Department then take steps?

SENATOR WEISS: That, Senator, is what we're trying to elicit from them.

SENATOR LIPMAN: Yeah, I know, that's the bottom line.

SENATOR WEISS: So long in answering that, maybe there is not answer.

COMMISSIONER DEWLING: That's the \$64,000 question.

SENATOR WEISS: That's the question. We'll get to the bottom of this lake yet.

SENATOR LIPMAN: I don't want to go there.

SENATOR WEISS: Senator Pallone?

SENATOR PALLONE: I just wanted to follow up, maybe you're going to provide some of this, you know, in written documents. But, again, when you go back to the appraised value, I understood -- you know Senator Rand said something about -- the assessed value being 1.2 and that DEP paid 3.2 million. Assessed versus appraised versus purchase price. Just give me those three figures. What was the assessed value? What was the appraised value the Department used? And then, what was the purchase price? You don't know this offhand, Commissioner?

COMMISSIONER DEWLING: No, but I know what the purchase price was.

SENATOR PALLONE: Which was the 3.2 million.

COMMISSIONER DEWLING: Three million, one hundred forty-two thousand, one hundred and eleven dollars.

SENATOR PALLONE: Okay, because the way I-- You know, oftentimes your purchase price can be more than your assessed value, but it certainly shouldn't be more than your appraised value. Not significantly more. Because, assuming the Department is relying on its own appraisal--

COMMISSIONER DEWLING: I doubt very seriously whether the Department -- and I don't have the numbers in front of me. I mean, the assessed values are always less. The assessment on your house is always less than your purchase price. If the appraised value, you know, based on the history I've had with the Green Acres program, their appraisals are, if anything, they are very strict. And, I don't believe that we paid anything above our appraised value.

SENATOR PALLONE: And also, in terms of the different appraisals that were available. You know, different ones that were made by yourself, or by the property owner, or anybody else outside who may have been doing it, you know, on a neutral basis. I mean, oftentimes you have three. You have the seller, the buyer, and then somebody who's independent. And, I'd just like to have all that information available.

COMMISSIONER DEWLING: All right, we'll provide that to you.

SENATOR PALLONE: Can you have-- In terms of the question that Senator Lipman asked about why the Department didn't insist that Wawa complete the repairs to the dam prior to the sale, have we been given any -- I don't have the packet -- have we been given any of the background information in terms of the Department's request to Wawa to do some repairs, and what things were and were not done?

COMMISSIONER DEWLING: Yes. The material in that package where Wawa was aware of the critical problems with the dam design and the stability by the winter of 1979. And then what happened, we issued an order to them to take certain steps. And then we were also aware that they failed to take

those steps on the dam, and (word indiscernible) disclosed the findings of their investigation, which was the famous "O'Brien and Gere Report." So, as a result of that we closed-- Again, I don't have an answer why it happened, but it did happen. I mean, we knew the problems going in there.

SENATOR PALLONE: You knew that Wawa hadn't made the repairs.

COMMISSIONER DEWLING: Wawa did not make the repairs.

SENATOR PALLONE: And you knew that Wawa was basically unwilling to make the repairs.

COMMISSIONER DEWLING: I'm saying to you we signed on the dotted line with the recognition that the dam needed repairs, that Wawa did not implement the repairs that they were supposed to implement, and the fact that on the overall side that the problem of the arsenic -- was aware of the problems that we had.

SENATOR PALLONE: Have we been given the documents about, you know, the different phases we just went through, and who was involved? I mean, that's what I'd like to know. Any kind of memos, or anything that's available--

COMMISSIONER DEWLING: Those memos are in there. In fact there is a memo in there that -- from a citizen down there -- that was very critical of the fact, and more or less notifying the Commissioner's office at that time that it was their belief that Wawa was trying to get rid of the property.

SENATOR PALLONE: Oh, in other words, that Wawa's very purpose in selling it was to get rid of the liability, and that they wouldn't have to make certain repairs.

COMMISSIONER DEWLING: There were accusations to that, yes.

SENATOR PALLONE: Who made those accusations?

COMMISSIONER DEWLING: I think it was Mr. Wheaton from Wheaton Glass.

SENATOR PALLONE: Sent a letter to the Department--

COMMISSIONER DEWLING: That's correct.

SENATOR PALLONE: --to that effect.

COMMISSIONER DEWLING: And that's, I think, in here.

SENATOR PALLONE: And who acted-- Did anyone act upon that? I mean, he's a prominent citizen, I assume.

COMMISSIONER DEWLING: I don't know. I'm just saying to you, in us going through the records, these are the types of documents that we picked up that the Department clearly knew about the problem.

SENATOR PALLONE: Well, I mean, that's even going a little further, because that's saying that someone -- you know, Mr. Wheaton -- wrote to you and said that they were -- their whole purpose in selling it was to get rid of it, because they didn't want to make the repairs.

COMMISSIONER DEWLING: That was his belief, all right. And, what I am saying to you, whether it was turned over to the Attorney General at that time, I don't know.

SENATOR PALLONE: Well, can you give us any-- I mean, I'd like to know what kind of response was made to that? Inquiring of that letter. We don't have anything Gerry, do we?

SENATOR STOCKMAN: No.

COMMISSIONER DEWLING: You have the letter in that package.

SENATOR PALLONE: Oh, yeah, I do have the letter, but we don't know who responded to it or who did anything about it.

SENATOR WEISS: It only alludes to a prominent citizen.

SENATOR PALLONE: Is it the Department's policy to respond to something like that?

COMMISSIONER DEWLING: Sure. And certainly it did respond.

SENATOR PALLONE: And can we get a copy of that?

COMMISSIONER DEWLING: You'll have a copy of everything. What I'm saying to you is my first goal here was to determine whether or not the Department had knowledge during

the transaction, and the search of the records that I was looking at clearly indicated the Department had knowledge. Now, if you want to know, you know, who did what to whom and at what rate, and who signed what documents, you've got to be more specific. Or, all the documents are available to you. I mean, that's really -- you know, to come up with the whole chronology.

SENATOR PALLONE: Well, I'd just like the specifics about beyond what we requested before, which you understand you're going to provide us with. I'd like to know the specifics about any kind of response that was made to Mr. Wheaton in terms of, you know, his letter. What kind of follow-up was done by the Department or the AG, whatever.

COMMISSIONER DEWLING: I was led to believe in discussions -- and I haven't seen any documentation on this -- that the AG had indicated to us verbally that there was no problem in terms of, you know, the transfer of the property. But, I have yet to see anything in writing, and I don't think it was ever formalized to any great extent, but we're still investigating that.

SENATOR PALLONE: And another thing is with regard to that engineering report which you said Wawa refused to furnish, right?

COMMISSIONER DEWLING: We have that report now. It was given to us in 1985.

SENATOR PALLONE: But do you have any information about why, you know, they were not required to submit that report at the time?

COMMISSIONER DEWLING: It was another part of the Department that never required the submittal.

SENATOR PALLONE: Well, if there's anything you've got, if there's any memos related, or anything related to that issue, I'd like to see that too.

SENATOR WEISS: We're going to get, in time, all the papers.

SENATOR PALLONE: Okay. I just-- You know, just one last thing. I mean, again -- and I started out by saying this -- I think these things are important for the future, because, you know, we're almost out of Green Acres money.

COMMISSIONER DEWLING: Yeah, but the process in place now is completely different than the process that was in place then.

SENATOR PALLONE: Well, I know that. In terms of a background, and where we might be in the future, I think it's important to know. Because, I'm not prepared to re-authorize anything for Green Acres until we get to the bottom of this.

SENATOR WEISS: Senator Haines, and Senator Stockman?

SENATOR HAINES: Commissioner, if we didn't own the dam, if the dam was owned by somebody else at the point -- the State did not own the dam -- and the same life-threatening situation existed as exists today, what would we do? Wouldn't we go in and repair the dam and then, you know--

COMMISSIONER DEWLING: If there was no funding in there, I would have to come in to the Legislature for emergency funding to take an action.

SENATOR HAINES: In other words, where we have life-threatening, the thing to do is go in and correct the situation, and do other things that are necessary beyond that. But the first thing we do is to go in and correct a life-threatening situation.

COMMISSIONER DEWLING: That's correct.

SENATOR RAND: Mr. Chairman, I want to ask--

SENATOR WEISS: Wait--

SENATOR RAND: Mr. Chairman, just one minute. I want to clarify something.

SENATOR WEISS: All right, you clarify something.

SENATOR RAND: Mr. Commissioner, do you mean we would go in on a private piece of property, unauthorized--

COMMISSIONER DEWLING: No.

SENATOR RAND: Well, that's exactly the question that Senator Haines said-- Just a minute, Jack. Senator Haines said that if we didn't own the lake -- that's exactly what he said -- if it was a life-threatening situation, what would you do? And I simply asked, after you replied, "You mean on a private piece of property? We would go in and correct the situation."

COMMISSIONER DEWLING: Well, let me--

SENATOR RAND: That's the answer that I thought I got.

COMMISSIONER DEWLING: If the responsible party did not have the financial resources to correct the problem, we would first direct the responsible party to correct the problem. If he or she did not have those resources, then we don't have, like the Spill Fund, dollars to take that kind of emergency action. We would--

SENATOR RAND: Then what would you do?

COMMISSIONER DEWLING: We would then have to get either the permission of the responsible -- you know, the owner, to allow us to do that. If they refused our opportunity of doing that, then we would possibly have to go through condemnation procedures to try to get that to correct the problem.

SENATOR RAND: But there's a whole procedure that you'd have to follow--

COMMISSIONER DEWLING: Sure.

SENATOR RAND: --through before you went in and did something?

COMMISSIONER DEWLING: I mean, we're not the Gestapo.

SENATOR RAND: No, no, that's what I wanted to clarify. You just don't walk in--

SENATOR STOCKMAN: And you don't pay \$3 million, to boot.

SENATOR RAND: --You just don't walk in-- That's why I (indiscernible)-- You just don't walk in and correct-- Thank you, Mr. Chairman.

SENATOR WEISS: Thank you, Senator Rand. Senator Stockman?

SENATOR STOCKMAN: And you don't pay three-plus million dollars and give out various easements to boot for it.

But Commissioner, I want to ask you just one more question of my own, and I understand there were a lot of requests made of you. We know that at least a year ago, this mess came to your attention.

COMMISSIONER DEWLING: That's correct.

SENATOR STOCKMAN: And you were concerned enough about it that you turned to your legal staff, and requested that they explore any wrongdoing by the people, and the possibility of recouping any money in this transaction. Yet, in the face of that, a few months ago, Governor Kean, without any explanation to this Legislature about the circumstances surrounding this dam, criticized us for failing to fund that dam, in his veto message.

Now, my question to you is this: I've never served in the Executive Branch, so I'm a little naive about how it works. But I would think that ordinarily, for the Governor to include in his veto message a reference to that specific dam, that you would have had to sign off on that criticism. Am I correct in that assumption?

COMMISSIONER DEWLING: I agree with that particular criticism, primarily because at the time, I had requested the money over a year ago to correct what I felt was an imminent threat to public welfare.

SENATOR STOCKMAN: Now Commissioner, just a moment. I think this is important to me. On the record-- You've told us that over a year ago, you started the ball rolling to try and find out the facts.

COMMISSIONER DEWLING: And to get the money to correct it.

SENATOR STOCKMAN: And you haven't gotten the facts yet. You don't really know. Now look, you weren't in on this deal, you really don't know if there was any impropriety on anybody's part. You're searching, right?

COMMISSIONER DEWLING: That's correct.

SENATOR STOCKMAN: But in that search, you concurred in and encouraged the Governor of this State to criticize this Legislature for failing to fund the dam that we're talking about. Is that your testimony?

COMMISSIONER DEWLING: Obviously, I don't encourage the Governor to criticize, or what to make in his State of--

SENATOR STOCKMAN: You signed off on his criticizings. (sic)

COMMISSIONER DEWLING: No. I did not-- I don't approve the Governor's--

SENATOR STOCKMAN: I think that's outrageous.

SENATOR WEISS: Well, let him finish, Stockman.

COMMISSIONER DEWLING: I don't approve the Governor's statements, all right? I do not have to get-- He does not ask DEP's clearance on any statements that he makes.

SENATOR STOCKMAN: Excuse me, Commissioner. As a point of personal privilege, Mr. Chairman, one of my distinguished colleagues feels that somehow, I'm being unfair to the witness, and through you, if I've been unfair to the Commissioner, I'd like to apologize to him.

SENATOR EWING: Mr. Chairman, on a point of personal privileges, I thought Senator Stockman asked us to get rid of -- I mean, end the meeting some time ago.

SENATOR WEISS: He did, but he was overruled by the Chair.

SENATOR EWING: Oh, he was overruled. Weren't you lucky.

SENATOR STOCKMAN: --I was overruled by the Chair. I think so, as a matter of fact. I think so.

Incidentally, the Governor didn't ask us in his budget -- and then I'm finished--

SENATOR WEISS: All right.

SENATOR STOCKMAN: The Governor didn't even ask us in his budget to fund this dam project, did he?

COMMISSIONER DEWLING: I believe he did.

SENATOR STOCKMAN: It was represented by staff to me that that was not included in the budget that he submitted to us.

COMMISSIONER DEWLING: We had asked--

SENATOR STOCKMAN: And that makes it even more extraordinary, that in the face of the Governor not recommending in his proposed budget that this money be appropriated, to then, with your support, while you were in the dark, criticize this Legislature for failing to fund it.

That's sort of a rhetorical question. Thank you, Mr. Commissioner.

SENATOR WEISS: It was not in the budget. That came after the budget. That \$30 million dollars was sitting -- \$30 million dollars for wastewater, all in one package, came after.

COMMISSIONER DEWLING: Well, I know if I had requested--

SENATOR WEISS: We didn't put it in the budget. I was requested to, but we didn't, because I had no idea what it was. (indiscernible) \$15 million for a dam--

COMMISSIONER DEWLING: In fact, I think it was \$10 million, wasn't it?

SENATOR WEISS: Fifteen. It was 15 right from the very inception. It was 15 from the day I got it. And I questioned people about it, and all they told me was, it was a dam down in Millville, New Jersey, that was in bad shape. And I asked for information at the time -- never got the information. And it's festered there now, since, I think, the early part of June, last.

COMMISSIONER DEWLING: Well, I have taken money out of parks to go to the breaching, because that's how serious I view the problem.

SENATOR WEISS: I understand that you view it from a serious point of view, and I appreciate that, but since we're going back through (indiscernible) a little bit of history as to how the \$15 million came about, it started with me and our budget last June. It was almost the end of June (inaudible).

Senator -- Somebody? Senator Pallone.

SENATOR PALLONE: I just wanted to go back to the question before. You had indicated that the Department didn't insist that Wawa complete the repairs to the dam prior to the sale, and I was asking about the background for that. Was there ever any order from Green Acres or any -- I mean, formal order or whatever, actually saying that they had to fix up the dam before the purchase-- to Wawa? In other words, was Wawa ever ordered -- was Wawa ever told by Green Acres, or the Department in general, I guess, to fix up the dam prior to the purchase? And if there is something like that, I'd like a copy.

COMMISSIONER DEWLING: I think there was a document from the Division of Water Resources to Wawa directing them to undertake the study, and then implement the recommendations of the study.

SENATOR PALLONE: That's the study that determined that there was structural damage?

COMMISSIONER DEWLING: And that's the study that was not turned over to us prior -- they refused to turn it over to us.

SENATOR PALLONE: So, there actually was, in a sense, an order outstanding that they fix this prior to the purchase?

COMMISSIONER DEWLING: I'd have to look through the order itself. But we knew about the problem.

SENATOR PALLONE: That's what I'd like to know, if you could tell me, when there was an order outstanding from Green Acres or from--

COMMISSIONER DEWLING: It wasn't Green Acres -- from the Department. One arm of the Department.

SENATOR PALLONE: From the Department?

COMMISSIONER DEWLING: That's right.

SENATOR PALLONE: If we could have a copy of that. Thank you.

SENATOR WEISS: Thank you, Senator Pallone.

Dick, I will refer you to page F-7 of the budget. The Department didn't have a request in for that amount of money, nor did the Governor recommend anything. The only recommendation on the Governor's line here is \$500,000 for major maintenance of Fish, Game, and Wildlife. Your Department requested \$6 million for the same project, and \$595,000 for (inaudible) dredging. That's it. No other capital improvements involved in that (inaudible). So, did this come by way of request at some later date, after May the 31st and between -- wait a minute -- sometime after the last date in May, or the second week, (inaudible), in June? (inaudible) --documentation-- Anything else? (speaking to Committee members) Nothing? Oh, that's right. Senator Ewing.

SENATOR EWING: Dick, is the Department today having plans drawn in-house or out-of-house for the reconstruction or repair of the dam--

COMMISSIONER DEWLING: Yes.

SENATOR EWING: --over and above what you are doing, temporarily, on the coffer dam?

COMMISSIONER DEWLING: Yes. The completed design will be ready, probably, by February.

SENATOR EWING: Thank you very much.

SENATOR WEISS: Okay. If there's nothing further from the Committee members, I'd like to then continue, Dick, until the December the eighth, for you, okay?

COMMISSIONER DEWLING: Okay, fine.

SENATOR WEISS: We'll be discussing the matter at some length before, possibly before (inaudible).

COMMISSIONER DEWLING: I appreciate all your help.

SENATOR WEISS: And I thank you very much for your appearance here today.

I have members of the public that would like to testify this afternoon, and I'm going to start with Jane Galetto. I think you had spoken before, haven't we?

MS. GALETTO: Yes, we had a nice conversation on the phone one day.

SENATOR WEISS: All right, let's try to keep this in the same vein.

MS. GALETTO: Good.

I'd like to introduce myself again. My name is Jane Galetto. I'm the Vice President of Citizens United to Protect the Maurice River and its Tributaries, as well as Commodore of the Union Lake Sailing and Tennis Club.

And I'd like to take some time to essentially go over the virtues of the lake, because I think that you've done a lot of discussion about what you bought and what you got for your money, and now, what I'd like to do is share with you what you could save if you allocated the moneys for the spillway and the dam.

Originally, both Citizens United and the Sailing Club wanted a coffer dam installed so as to maintain historic water levels in Union Lake. Our foremost concern is for the safety of citizens and their property downstream of the spillway. We are also concerned with the maintenance of the established ecosystem upstream of the fortification. Presently, we are asking you to provide the necessary funding for the replacement of the existing spillway.

Union Lake Dam was constructed in 1870 for the purpose of providing power to an iron foundry. The lake that it created is 890 acres, three miles long, and is three-quarters

of a mile wide. It is located geographically in the center of our county, and it provides access for more than 133,000 citizens and at the increase in population rate that we've had over the past decade, it's expected to be approximately 162,000 that are served within this 15-mile radius by the year 2000.

Union Lake is an important part of our heritage in Southern Jersey. On its shores is one of New Jersey's oldest homes, the Union House, built in 1728. It's on the Cumberland County Historical Register. Union Canal is also included in the County register, and was constructed in 1814. It is 2-1/2 miles long, running from Union Pond. That's the site of the spillway that Richard Dewling explained to you would be sandbagged to keep the headwaters inundated.

In August of this year, PRC, an engineering firm hired by the Division of Fish, Game, and Wildlife, filled all the necessary permits for the present construction work at Union Lake dam. One permit they have applied for is a waterfront development permit, with the Division of Coastal Resources. When private enterprise has an undertaking of this nature, it is necessary to assess the environmental impact of the project in light of coastal resource and development policies. When we look at these policies, we find many statements of ecological significance regarding the type of habitat which exists at Union Lake.

When Pinelands developed a draft comprehensive management plan, McCormick and Jones mapped large sections surrounding Union Lake as hardwood swamp. Of significance are the large stands of white cedars. Atlantic white cedar is a critical natural resource and provides excellent habitat for wildlife, as well as being one of the most beautiful vistas in the region. Coastal resource and development policies clearly state, "Development that adversely affects white cedar stands is prohibited." Only twice in its 110 year history has Union Lake been lowered. The lowest it was ever lowered was 3-1/2

feet in 1971. These cedar stands will suffer adverse impact from partial de-watering of Union Lake.

I might add at this point that there were archaeological digs done in the area, and Alan Monier (phonetic spelling), one of New Jersey's best archaeologists, discovered many artifacts dating back as far as the year 5000 B.C. Also, when the lake was constructed, it only took three days for the lake to fill. I'd like you to keep that in mind when you start thinking about the amount of volume of waters that go into this lake. If you want to start thinking about safety and health downstream of this spillway, think that it only took three days for that lake to fill, when they put in the first spillway.

These wetlands that I'm talking about here, they perform a natural water purification process. (At this point, witness leaves microphone area; testimony becomes difficult to hear). (inaudible) sewage authority in the neighboring town, and its effluent empties into Union Lake. These wetlands -- this is the dark green area here (refers to map) -- perform a process of removing phosphorous and nitrogenous water pollutants, unless there's stress. And this partial de-watering of the lake is going to affect the volume of the lake, and indeed, it will affect the process of the purification that this lake performs.

When tests were taken in the Maurice River near Sherman Avenue, which is north of this point, and at Mill Road, and then also south of the spillway, there was improved water quality below the spillway.

The State plans to utilize the original dike to keep these wetlands inundated, but here you can see, these wetlands will all be stressed because they're all stopped at the dike. This area is part of the nine-mile long wetlands corridor that starts here and goes nine miles north to Willow Grove Lake. A corridor of this kind is used by ecologists as a critical link for natural development and genetic diversity among plant and animal species.

The U.S. Department of Agriculture Soil Conservation Service designates the soils in this area as muck. This is significant, because these soils are unsuitable for development, ensuring preservation of existing wildlife habitat. The Union Lake Wildlife Management Area is typical of Pinelands; it is only separated by development.

In preparation of New Jersey's draft comprehensive management plan, this area was mapped in regards to suitable wildlife habitat. Of 33 mammal species found to exist in the Pinelands, Union Lake offers suitable habitat for 31. Beavers were at one time eliminated from the area, but recently have made a remarkable comeback.

Atlantic white cedar swamps are a favorite wintering area and preferred food source for the white tail deer.

There's also two very well-known ornithologists in our area that have proven that this area is frequented by the American bald eagle.

One of the most significant herpitiles is the timber rattlesnake, and is listed by the New Jersey Department of Fish, Game, and Wildlife as an endangered species. As a child, I always heard stories of the rattlesnakes that frequented the grounds of Union House. I used to think these wild stories had been devised by my ghoulish male friends until one day in Portage, at a place known as "Bare Bottom Beach," my friends and I saw our first rattlesnake. Our local wildlife columnist indicates that some of these snakes were captured and donated to the Philadelphia Zoo.

Citizens United urges that further studies be performed by professionals in the areas of ornithology, herpetology, botany, and wildlife biology to determine the actual significant role that Union Lake plays in the support of this diverse ecosystem.

The lake has traditionally provided excellent fishing for many anglers. It has been on New Jersey's official

stocking list since 1922. There are at least 25 different species of fish in the lake. Recently, Fish, Game, and Wildlife released more than 1800 striped bass into the lake. It is important to note that just downstream of the fortification are DEP-protected spawning grounds for herring and striped bass. The water purification process which the lake plays is added insurance that these spawning grounds will be preserved.

(Leaves microphone to refer to map) These are the spawning grounds that we're talking about, right here. And as the surface area diminishes here, it's going to stress this area here. And the longer time in which this area is stressed, the more adverse impacts are going to happen to these spawning areas.

Some of the other recreational opportunities that citizens avail themselves of are hunting, boating, trapping, sailing, bird watching, hiking, horseback riding, swimming, and nature study. The city and the State provide a public swimming beach as well as a ramp from which boats can be launched.

Union Lake Sailing and Tennis Club's facility is also on the lake. Some 150 families belong to the Club. We have been in existence for over 50 years, and have hosted local, State, national, and international regattas.

By the way, we also hold titles in all of those areas, and Mr. Stockman, who's no longer here, had asked about Union Lake Sailing Club possibly suing because we do have a lease agreement that says that water levels should be held in the lake. And as the Commodore of that organization, I can assure you that first and foremost, we're concerned with the safety of the citizens downstream of the spillway. And should we see that this Committee takes the time to recognize the fact that life is being threatened, that a secure spillway has to be put in place, we certainly are reasonable and would like to see that done. In addition to that, if we see that there's no

efforts being placed on replacing the spillway and returning to historic water levels, then we will have to consult our attorney in regards to that.

We expect you to realize the important role that Union Lake plays historically, environmentally, financially, and aesthetically, as well as the recreational pleasures it provides for our citizens. We are confident that you will recommend the immediate allocation of the moneys necessary for the replacement of an unsafe spillway. Thank you for the opportunity to address this issue.

Mr. Chairman, it's been a pleasure to see you again.

SENATOR WEISS: Thank you. Nice talking to you.

I'm just curious about one thing--

MS. GALETTO: Yes.

SENATOR WEISS: You went back a long time in history -- 5000 years, if I remember--

MS. GALETTO: Yes.

SENATOR WEISS: What was the lake like before 1814?

MS. GALETTO: It was a swamp area, and it didn't have-- At that point in time, it didn't have the effluent from the Landis (phonetic spelling) Sewage Authority, so it didn't play that important role at that point in time, that hundreds of citizens -- or thousands of citizens, that is -- in the City of Vineland are pumping their effluent into that area. If it was still a bog, that would create a very serious health risk.

SENATOR WEISS: I meant, before they put the dam in place, that was 1814?

MS. GALETTO: That is the answer to your question.

SENATOR WEISS: Was it a narrow stream, or--

MS. GALETTO: No. This is the-- The Maurice River's headwaters start north of the lake, so the Maurice River actually flows through the lake. So it's the river. It would be the original river bed. You'd like to see what the original river bed looks like on the map -- is that what you'd like to see?

SENATOR WEISS: I was curious if that little green patch -- two little green patches with the white label on were there, when that was just a river--

MS. GALETTO: Oh, yes, that was all wetlands.

SENATOR WEISS: That was all wetlands. That's all that big lake (indiscernible) -- just the edges of that?

MS. GALETTO: No, you have to-- I don't understand your question.

SENATOR WEISS: It may have been (indiscernible), but they flooded something, didn't they? The river wasn't as wide as the lake now is, is it?

MS. GALETTO: (Speaks away from microphone) Right. The original river bed would only be a small swatch through here, approximately like that. And then this would be wetlands, because it was swamp.

SENATOR WEISS: (Indiscernible) back up the water behind the dam.

MS. GALETTO: That's right. It created--

SENATOR WEISS: Fills out--

MS. GALETTO: --this 890 acre lake.

SENATOR WEISS: Where your fingers are now -- right by those two white spots right there--

MS. GALETTO: Yes--

SENATOR WEISS: Is that wooded land?

MS. GALETTO: No. That would be swamp.

SENATOR WEISS: That was all swamp?

MS. GALETTO: That would be all hardwood swamp -- what they call hardwood swamp. That's all white cedars. This is all white cedar stands. This is habitat for endangered species, and white cedar stands are one of the most valuable assets that there is in the ecological system. This is why this land was purchased, because from here, north, is this 9-1/2 mile corridor of undeveloped land that supports a number of endangered species. It's habitat for a number of endangered species, as well as support--

SENATOR WEISS: If the lake were drained and there were no dam there at this point, what do you think would happen to all those species? They've come there since 1814, I believe.

MS. GALETTO: Okay. Two things I can answer to that question, and that's that many times, when waters are sheltered, there are adverse impacts; and normally, that shows up in the water quality. In this particular case, without doing proper modeling of the lake, we can't specifically answer your question, but we can make some sensible assumptions: number one, that the water quality would be less, as opposed to improved, at the base of the dam because of the arsenic situation. Secondly, we may assume that there would be a great amount of arsenic exposed to the citizens; and arsenic is harmful if ingested or inhaled. And the DEP was concerned that because of the very high bluff over here, that if this became a dust bowl, that there would be the possibility that arsenic would be inhaled. So, the lower you -- the more you de-water the slate--

SENATOR WEISS: Ms. Galetto, you're going to have to go over it because my people can't hear. I can, but they're at an angle. There's a little white button and if you push it, a red light will come on.

MS. GALETTO: Okay. The answer to your question is to what would we assume would happen if the lake was drained and went back to the original river base, if I'm understanding your question correctly, Senator?

SENATOR WEISS: Yes.

MS. GALETTO: Is your question, what would happen if we put the lake back to its original river?

SENATOR WEISS: If it were put back in place, then the lake would be no longer there.

MS. GALETTO: Okay.

SENATOR WEISS: I know what would happen to the sailing-- It's sailing on our rivers--

MS. GALETTO: As Commodore of the Sailing Club, I'm concerned with what would happen to that, but that is not as important as a number of other issues. First of all, if you went back to the original riverbase, you wouldn't have this surface area that you have now to deal with the effluent that comes from the northern community of Vineland from the Landis Sewage Authority. Therefore, you would not have as much of the chance in the lake itself of purifying the effluent that comes in. Without completely modeling the lake, we can't tell exactly what we have when we can only make some logical assumptions as to what would happen.

Right now, we know that the lake is sheltered waters, and often with sheltered waters, you do not get improved water quality. But tests show that there is improved water quality and the resources that are attached to my presentation document that. You're doing with the known that you're getting the improved water quality. You will be risking that.

Also, the more you lower the lake, the more arsenic that you uncover, the more of a health risk you're providing to the citizens of the area, because, arsenic, when it's in sediment, bonds to organic matter, and in that form, it's somewhat safe to the community. But when you uncover it, the worry is that it would be inhaled.

SENATOR WEISS: I understand that.

MS. GALETTO: Okay.

SENATOR WEISS: I have Senator Pallone, who has a question.

SENATOR PALLONE: I just wanted to ask -- did you make some comments about different species of fish and wildlife? Is there an effect on these species in terms of the arsenic? I mean, does it affect them? Has the DEP done anything to investigate that?

MS. GALETTO: Well, yes they have. Just recently, as a matter of fact, they are performing a study on the corbicular (sic), which is an Asiatic clam, at the Rutgers research lab.

SENATOR PALLONE: Have any advisories been put out about eating fish or digesting wildlife?

MS. GALETTO: No, because the fortunate thing about arsenic is, when it's ingested by the fish, they don't store it in the flesh that you eat, but rather in tissues that are in the portion of the fish that you don't eat. So, it is safe to ingest a fish from the lake.

SENATOR PALLONE: And what about-- I don't know if you mentioned other types of wildlife, ducks, geese, whatever, but you can eat that as well?

MS. GALETTO: Well-- I'm hesitant to say it like this, but the arsenic is in the best place that it could be -- underwater and in the sediments. It would be much better if it weren't there at all. Do you understand the answer to the question?

SENATOR PALLONE: Yeah. It is not a problem, you know, in terms of building up in the ecosystem with, you know, other animals eating the fish and, you know, eventually building up the arsenic level when it gets to human consumption.

MS. GALETTO: No, there's not a reasonably-- that it enters the food chain in that sense.

SENATOR PALLONE: Okay. Thank you.

SENATOR WEISS: Thank you, Senator Pallone. Senator Rand has a question.

SENATOR RAND: Thank you, Mr. Chairman.

SENATOR WEISS: Don't leave. We have another question for you.

SENATOR RAND: I just want to ask a question. How many people are there in Cumberland County?

MS. GALETTO: One hundred thirty two thousand.

SENATOR RAND: One hundred thirty two thousand. And how many people live on that lake?

MS. GALETTO: How many people live on the lake?

SENATOR RAND: Yeah. How many homes are on that lake?

MS. GALETTO: I really don't know the number of homes on the lake, but the lake itself is accessible to all of its citizens.

SENATOR RAND: Yeah, but I was just asking how many properties are perimeterized (sic) on that lake?

MS. GALETTO: Okay.

SENATOR RAND: Twenty, thirty, forty, one hundred, two hundred, three hundred, five hundred?

MS. GALETTO: We're seeking an answer from the city officials.

SENATOR RAND: Oh, okay.

MS. GALETTO: Do you have a guess?

M E I H A L E L I S C A R I D E S: Two hundred fifty.

MS. GALETTO: About 250.

SENATOR RAND: Two hundred fifty homes?

MS. GALETTO: I'll show you where they primarily are. (Moves away from the mike.) This is all public access here. And all here and all, of course, the--

SENATOR RAND: Where is there not public access?

MS. GALETTO: Well, there really is everywhere, because there's an easement all along, but most people wouldn't walk through someone's yard. So, really just this--

SENATOR RAND: Well, can they go swimming right there, on the lake -- all over the lake if they wanted to?

MS. GALETTO: No. There's only protected swimming here, and the DEP has regulations that you can't swim 25 feet offshore -- is it? Does anybody know? I think it's 25 feet that you're not permitted to swim offshore. I don't know, but there's a specific safety distance that you can swim offshore.

SENATOR RAND: The people that live on that lake, they don't have proprietary rights, do they -- to the lake?

MR. LISCARIDES: No.

SENATOR RAND: No? Thank you very much. Thank you, Mr. Chairman.

MR. LISCARIDES: Thank you.

SENATOR WEISS: Thank you. Mayor Lippincott from the City of Millville.

S U M N E R L I P P I N C O T T: Chairman Weiss, members of the Senate Revenue Finance and Appropriation Committee, ladies and gentlemen, my name is Sumner Lippincott and I'm the Mayor of the City of Millville. I'm here today representing the citizens of my City and many other residents of Cumberland County to express our concerns with regard to the Union Lake Dam.

The immediate repair of this dam is a high priority of the people of my community and should be a high priority of State government as well. The issue of the dam repair is not a partisan issue. The safety of the citizens of my city, the potential danger from the deteriorating dam are not partisan concerns. I'm making my appeal to you today on behalf of a bipartisan coalition of Democrats and Republicans from Cumberland County and throughout the State for the concern about a very serious and dangerous problem, the solution for which cannot be postponed.

Your action to take whatever steps are necessary to appropriate funding for the repair of this facility will have lasting consequences. The impact of your decision will be widespread. There are several issues in this regard which come to mind immediately.

First, let me speak to you with regard to some of the environmental concerns. We in Cumberland County are proud of the Maurice River. It is part of our lives, and a common bond between our communities. The quality of water in the river ranges from good to excellent according to the "1986 Water Quality Inventory Report" prepared by the New Jersey DEP. This is particularly true for the water feeding the lake. The DEP report notes that the Maurice River north of the lake is of "excellent" water quality, with "no or minimal pollution." 1

bring this to your attention because it speaks to the future of the lake. Current problems with the lake caused by careless or improper disposal of industrial waste need not cast a cloud on the vitality of the lake. Quite the opposite. The lake is working to cleanse itself. With the proper help and assistance from State government, it will succeed. The improper decision, one that results in exposing dangerous arsenic contaminants to the air, or one that flushes them downstream, can have very serious health consequences. Keeping the dam structurally sound is the first step in containing this danger.

Obviously, the harm from a failure of the dam would not be limited to environmental damage. The loss of life and property from an explosive flood could also be severe. To debate the cost of repairing the dam is to put a price tag on the safety of our citizens, and their right to live secure from such a threat. This we cannot allow.

Finally, let me touch on some of the intangible benefits of the lake. I have spoken with many people who tell me they have been coming to the lake for years. They are tourists in my city, and guests in my county. Union Lake is an attraction. It is part of South Jersey. It provides recreation to our citizens and our visitors. The notion that it is a playground for the wealthy is nonsense. It is an amenity enjoyed by people of many varied lifestyles. We cannot permit this resource which has become such an integral part of the fabric of our State to be imperiled by a deteriorating dam.

I believe that as elected officials, we are all facing tough fiscal decisions. I am sure, however, that we all agree that where the health and safety of our residents is concerned, this is where our fiscal priorities should be.

The Union Lake Dam needs immediate repair. I urge you to take the steps to initiate the needed funds.

I thank you for your interest and, on behalf of my constituents, I am grateful to have had the opportunity to express our concerns to you today.

SENATOR WEISS: Mayor, thank you very much. Let me reassure you about one thing. You said here -- you mentioned in your statement something about public safety, and how those people (indiscernible). I want you to know, this Committee -- and I've heard you before -- sympathizes very much with that, with the safety of the folks in the area, who live downstream from that. I recognize that one morning, three a.m. -- (indiscernible) all the water may come down and flood out whoever is downstream from there, and perhaps there would be lost lives. We sympathize with that greatly, and there is nothing-- This hearing really isn't to find out about -- to indicate to you that we're not going to pass out Senator Hurley's bill on the 8th of this month in order to fund the repairs to that dam. That's not the purpose of this hearing. We're trying to find out how we got to this dilemma; how the State of New Jersey is buying a lake for \$3.2 million, when it was really assessed at 1.2; and then find ourselves in the position where we have to replace the dam for another \$12-13 million (indiscernible), and the possibility of having a toxic waste cleanup facing us -- maybe \$50-100 million that the Department of Environmental Protection didn't deny, and now I understand -- and I heard the lady preceding you very clearly, who said that if in fact you wanted to come to a certain level -- or at least, alluded to it -- that they would be inclined to discuss this matter with their legal counsel.

Now, all these problems occurred with the State of New Jersey. The Department also indicated earlier today that it had been apprised that the lake was still in private hands, then certainly, he, the Commissioner, would have come to the Legislature for practical means for financing the repairs back then. So everyone is with the program to the point of life and safety, and health, and all those good things. And we should be for it, and we're for it. We're trying to find out how we got here. No matter what the circumstances be, you deserve (inaudible).

MR. LIPPINCOTT: Thank you very much for sharing your concerns.

SENATOR WEISS: I thank you, sir.

Mr. Goodwin, Director of Revenue and Finance, who will appreciate what we're going through -- City Hall-- Mr. Goodwin? C H E S T E R M. G O O D W I N III: Mr. Chairman and members of the Senate Finance Committee, I appreciate what you have gone through all day today. I will say that my name is Chester M. Goodwin III, and I am the Vice Mayor of the City of Millville, and Commissioner and Director of Revenue and Finance. And I appreciate the opportunity to come before the Committee.

All I can do is repeat what has already been said, which I'm not going to do. I would like to commend Commissioner Dewling for what he went through today. I can appreciate the fact that the Senate is terribly concerned about Green Acres and the other appropriation that they give in money to make things happen in the State of New Jersey. We in the City of Millville are concerned about our people, as you have indicated that you are, too. If there's any way possible that the \$15 million can be appropriated in any way, that's what we're after; that's what we're here to tell you and have you understand that we have that concern.

I'm not going to go on any further; I appreciate the fact of coming here before you. Thank you.

SENATOR WEISS: Thank you, Mr. Goodwin. May I ask you a follow-up question on a question that was asked before? You may be, in fact -- might be, being the Director of Revenue and Finance-- Senator Rand, I believe, asked about the residences around that lake--

MR. GOODWIN: Yes. What I (indiscernible)--

SENATOR WEISS: Do the local assessments go through your Department?

MR. GOODWIN: Yes. that's correct.

SENATOR WEISS: That would be-- Rather, the statement was made that there were 250 residences around the lake.

MR. GOODWIN: What we're trying to indicate is that there is a housing development that surrounds the lake. On the lake frontage, I would say there would be 20-25 homes that actually are situated on the lake -- have lake frontage. There are some other -- 200, 225 homes in the immediate area.

SENATOR WEISS: That's what I thought was the situation. I was perplexed when I heard there were 250 homes -- it probably meant there were 250 people that could (inaudible) lake frontage. But if they're near enough to the lake to use it, but not necessarily--

MR. GOODWIN: Well, there's 25,000 people that could use the lake. That's how many people there are in the City of Millville. But immediately, there are 20 to 25 homes that have lake frontage. But there's also another, maybe, 225 homes in the immediate area -- I mean, like, we're talking one city block, maybe two city blocks away.

SENATOR WEISS: Okay. Would you identify or define for Senator Rand what you mean by lake frontage?

MR. GOODWIN: Lake frontage means that a home is built with the front yard immediately on the lake, or the back yard of the home. In other words, we're talking-- They would be situated maybe 25, 30 feet off of the lake itself.

SENATOR RAND: Oh, you have no docking space? Through you, Mr. Chairman-- Is there docking space there for boats?

MR. GOODWIN: There is one docking area-- Well, there's a couple of docking areas of public access, which is down from where the homes actually are. There's also docking facilities at the Union Lake Sailing Club.

SENATOR RAND: But there's no private ownership of the lakefront itself?

MR. GOODWIN: My understanding is that when the State of New Jersey purchased that, they purchased the frontage of the lake. The property owners about that.

MR. LISCARIDES: (Speaks away from microphone)
Twenty-five feet back.

MR. GOODWIN: Twenty-five feet back. The State owns 25 feet back from the edge of the water line. The property owners own up to that.

SENATOR RAND: Thank you, Mr. Chairman.

SENATOR WEISS: Thank you, Senator Rand.

How much of the lake -- in physical length -- outside of that area where the 250 people are concerned -- where the homes are -- how much of that lake is owned by private people -- private parties, as opposed to what's owned by the State?

MR. GOODWIN: Other than the immediate area that you were talking about, there is one -- there is 50 acres-- What's owned by Wawa-- (confers with Mr. Liscarides, who is in the audience) Come on, Mike. Mike Liscarides is the Director of Economic Development in the City of Millville, and he also was the tax assessor for a good many years in the City of Millville.

SENATOR WEISS: He's the one we should have been talking to all along.

MR. GOODWIN: That's exactly right.

MR. LISCARIDES: I'm not the tax assessor any longer.

SENATOR WEISS: Now we find out who he is.

MR. LISCARIDES: On the east side of the lake, there's a number of acres that have been--

SENATOR WEISS: When you're looking at that--

MR. LISCARIDES: Yeah-- On the east side of the lake--

SENATOR WEISS: --Just for me, because I'm not really sure how that map is oriented.

MR. LISCARIDES: (Speaks away from microphone) This is (inaudible) -- on the east side of the lake, a number of acres have been retained by Wawa Corporation, and that essentially takes everything on the east side of the lake. That, I assume, is for future development, and that takes in hundreds and hundreds of feet along the lake front.

SENATOR WEISS: Hundreds and hundreds-- Do you mean parallel with the shoreline?

MR. LISCARIDES: Parallel with the shoreline.

On the west side of the lake is the purchase that had taken place, as I understand it, by Wawa--

MR. GOODWIN: By the State of New Jersey.

MR. LISCARIDES: --by the State of New Jersey. So, that, alongside the lake you have the fee-simple title in the name of Wawa, and the State of New Jersey owns virtually everything on the westerly side of the lake.

SENATOR WEISS: Well, then, okay, let me just take it a little bit further. There are-- I think you said 27 homes. Where are the 27 homes?

MR. GOODWIN: Right in this area here.

MR. LISCARIDES: There is a residential development that runs from where my finger is, to the south.

MR. GOODWIN: About that area right there.

SENATOR WEISS: Then what's on the other side?

MR. LISCARIDES: On the other side of what? This side?

SENATOR WEISS: The other side of the lake. Is there anything there?

MR. LISCARIDES: This is all vacant land.

SENATOR WEISS: Sir?

MR. LISCARIDES: All vacant land.

MR. GOODWIN: It's all foul, vacant land.

MR. LISCARIDES: Yes.

SENATOR WEISS: Nothing built there at all?

MR. LISCARIDES: Nothing built there.

SENATOR WEISS: We're talking about, then, what would appear to be the east side of the lake.

MR. GOODWIN: That's correct.

MR. LISCARIDES: The east side of the lake is also vacant above the development. That is all vacant land. I think--

SENATOR WEISS: How best to put it to you? I think -- right where you have that little black patch there -- it says (inaudible) south -- right there -- right.

MR. LISCARIDES: That's a residential development.

SENATOR WEISS: That's a residential development. Is there anything, then, south of there?

MR. LISCARIDES: South of that is the urban district of the City of Millville.

MR. GOODWIN: That's downtown Millville.

SENATOR WEISS: All right, that's downtown Millville. What I'm trying to do is, I'm trying to locate these 25 homes, other than what's in that development.

MR. GOODWIN: That's exactly what we're talking about. When I said there were 20-25 houses--

SENATOR WEISS: That's what I'm looking for.

MR. GOODWIN: --on the lake property. That's this development right here.

SENATOR WEISS: So then the only residential -- or land presently used for residence is, from where your finger is -- I can't identify that -- to the span of your hand.

MR. GOODWIN: This area right here.

SENATOR WEISS: Those two coves.

MR. GOODWIN: Right. That's correct.

SENATOR WEISS: And there's no other residence around?

MR. GOODWIN: No. Not on the lake.

SENATOR WEISS: The former owner did reserve for himself or his corporation--

MR. LISCARIDES: Well, this is an area that's land conservation, that's been reserved for low density housing or natural resources. That is not a high-density area.

SENATOR WEISS: Is it wetlands?

MR. LISCARIDES: Wetlands?

SENATOR WEISS: Yes.

MR. LISCARIDES: A portion of it is wetlands.

SENATOR WEISS: Sir?

MR. LISCARIDES: A portion.

SENATOR WEISS: A portion of what we're talking about on the east side?

MR. LISCARIDES: That's right.

SENATOR WEISS: Where is the generating station?

MR. LISCARIDES: The old generating station?

SENATOR WEISS: Whatever generating station that -- there was an allusion made to a generating station.

MR. GOODWIN: That's not any longer, but it's below the dam area.

SENATOR WEISS: The reason I asked that question is, there are two easements there, on that lake, that were, at some time, granted. One was an easement to the sailing club that was talked about here before. The second easement that I saw somewhere in all this information that I have alluded to a generating station, or some spillway that would appear to be a generating station.

MR. LISCARIDES: Years ago, there was a generating station that supplied electric to the Millville Manufacturing Company. In 1949, it had ceased operations.

SENATOR WEISS: I know that in--

MR. LISCARIDES: I think there's an easement that goes with that generating station in case it's ever resurrected, and they want to try to rebuild and preserve -- or give additional electric to the City of Millville.

SENATOR WEISS: Well, okay, I-- This is part of the deed. It says it conveys the title to Union Lake, and the dam is subject to:

a) Granter's right to have a hedge or elevation of differential between the lakewater and the spillway, and the elevation of the top of the entrance to (inaudible) microelectric plant -- 26 feet of water in a dam spillway.

MR. LISCARIDES: That's the--

SENATOR WEISS: And then you said the plant is no longer there?

MR. LISCARIDES: The plant is no longer there and has not been in operation.

SENATOR WEISS: I'm curious. Why would they want an easement if there's no--

MR. LISCARIDES: There's an old building there, and there's a possibility it can be resurrected. The City of Millville is in some preliminary discussions whether that plant could be resurrected, and the electricity sold to the City of Millville for their use -- the municipality's use.

SENATOR EWING: Mr. Chairman, there's a movement afoot nowadays of putting in water -- making an electricity facility.

SENATOR WEISS: --utility--

SENATOR EWING: Maybe they would use that as a potential source again. But there is greater interest in that throughout the whole United States.

MR. LISCARIDES: We have preliminary discussions going on now.

MR. GOODWIN: About two years ago, the City of Millville thought possibly that it would be advantageous for us to purchase and use the electricity to supply the City itself -- not the community, but the municipal government -- in their police facility and in their City Hall. And there were negotiations with (inaudible) to possibly do something with that generator station. Then we found out about the problem with the dam, and we put it on a back burner because we need the amount of water that we have in the lake now to make that happen. If you lower the supply of water, then the generating station would not function.

SENATOR WEISS: I understand how that would happen. Raise the bridge. I have an engineering report here and I was curious -- the information you have, as opposed to what I'm reading here. And it says that the canal ends about 1000 feet

down the stream, and it feeds into a pen stock for an existing (indiscernible) and generator. But you told me that there was nothing there.

MR. LISCARIDES: The pen stock is there, the building is there, but the generating equipment has not been in use for, I guess, 25, 30 years.

SENATOR WEISS: But the equipment is on premises, but it's not being used.

MR. LISCARIDES: It's not being used.

MR. GOODWIN: That's correct.

MR. LISCARIDES: The pen stock is still there.

SENATOR WEISS: It's all intact -- if they renovated somehow, the generator -- put new ones on -- you could still--

MR. GOODWIN: No, that's exactly--

SENATOR WEISS: --reliable and usable?

Senator Rand, you wanted to ask a question?

SENATOR RAND: Yeah, Mr. Chairman, through you. That really -- you know, the Millville story and so forth is really-- I want to go back a little bit. How many acres does Wawa own, of lake frontage?

MR. LISCARIDES: I have no idea.

SENATOR RAND: Would anybody care to guess? Twenty acres, ten, forty, a hundred, a hundred and fifty? I think that's very important. And you said it's for low-density housing, is that correct -- that a very small portion of that is wetlands? Did I hear that correct, sir?

MR. LISCARIDES: That's right, yes.

SENATOR RAND: And does Wawa have water rights? I understand in the negotiations on the sale that they were given water rights. I saw that in one of the reports--

MR. LISCARIDES: I have no idea what the negotiations (inaudible).

SENATOR RAND: Then let me go a step further. I don't know how many acres are there, and I think it would be very

interesting for this Committee to find out what the acreage is there -- whether it's 100 acres, 200 acres. But the improvement of that lake would certainly make that ground very valuable, would you agree to that?

MR. LISCARIDES: The lake is improved.

SENATOR RAND: Well, even a bigger improvement, with a dam of \$15 million, that the State-- That would make the land very, very valuable, at least from my eyes, and I don't know the situate (sic). It would seem to me an unusual thing for a seller to sell something with the State improving it, to gain or reap a benefit of that entire area. That's why I think it's important that this Committee know how many acres -- how much acreage is involved there. If it's 10 acres or 5, it doesn't mean too much, but if we're talking about a major development, that would be very interesting.

MR. GOODWIN: Yeah, but I think we're losing the point of why we're here. We're concerned about the dam.

SENATOR RAND: You brought it up, sir, about what Wawa owns, and it's very interesting to this Committee as to how much Wawa owns.

MR. GOODWIN: That's fine, but as I said as I sat there, my concern is about the 25,000 people who live in that community.

SENATOR RAND: I understand that, sir, and there's no argument with that. I want you to know that. There is no guilt, to address Senator Haines. We will face that, make no mistake about that. What is interesting to this Committee is some of the peripheral things which you discussed, and one of the things that you brought up that I knew nothing about, very frankly, was the amount of acreage owned by Wawa. I would submit to you that that's important for the Chairman, that he find out how much acreage is owned by Wawa there, and what does it mean in the overall context of the State improving that Union Lake.

MR. GOODWIN: Senator, I could get the information for you.

SENATOR RAND: Thank you, Mr. Chairman.

SENATOR WEISS: Thank you, Senator.

I'd like to find out who owns what around the lake.

MR. LISCARIDES: We could get the tax assessor -- it would be better. He would have more information.

SENATOR WEISS: (inaudible) the members of this Committee.

MR. GOODWIN: We'll get it to you through Senator Hurley.

SENATOR WEISS: Well, that would be all right, but it's customary to send it to the Chair. Would you--

MR. GOODWIN: All right, fine.

SENATOR WEISS: I will have staff give you the address.

MR. GOODWIN: Fine, thank you.

SENATOR WEISS: And you can copy Senator Hurley on it. Thank you.

SENATOR EWING: I had a question.

SENATOR WEISS: Oh, I'm sorry. Senator Ewing?

SENATOR EWING: On the overall map -- picture you've got there. Was all of that we see, with the exception -- excuse me -- down south there, where Millville is and everything-- Was that all owned by Wawa?

MR. GOODWIN: At one time, yes. The whole area was owned by Wawa.

SENATOR EWING: I guess it would come out of your answer here as to how much of that whole land they sold. They sold everything?

MR. GOODWIN: All in yellow -- my understanding -- is what was sold to Wawa.

SENATOR EWING: Was sold to the State.

MR. GOODWIN: Was sold to the State of New Jersey, from Wawa.

SENATOR EWING: Oh, so they didn't sell below here, they-- All right.

SENATOR WEISS: Well, they didn't own the town -- the municipality of Millville.

SENATOR EWING: No, no, but up there where they're going to develop -- they did not sell that with the right to build on that or anything. Okay. Thank you.

SENATOR WEISS: Thank you very much. I appreciate your coming up.

We have one other member of the public, a Mr. Cavanaugh, from the Millville Housing Authority. Mr. Cavanaugh is the Executive Director of that Authority.

J A M E S J. C A V A N A U G H: Mr. Chairman, Committee. I just want to express my concern. I represent approximately 400 senior citizens who are downstream of that dam. And I'd like to point out the proximity of my tenants to the dam on the map here. (Leaves microphone) We have three high-rise buildings which are eight and nine stories. And they're located right in this area. If the dam goes--

SENATOR WEISS: You mean like that.

MR. CAVANAUGH: Yeah.

SENATOR WEISS: Would you put that up for Mr. Cavanaugh, please?

SENATOR WEISS: The whole thing came crashing down -- I hope that portends good.

MR. CAVANAUGH: We could lose quite a few people. There's not enough time for them to get out. These are senior citizens, and no fire company can handle all 400 people, or no emergency squads, so it's important that this be done as soon as possible.

SENATOR WEISS: Mr. Cavanaugh, as far as that's concerned, we will proceed with post-haste. His indication to us was that he could not get started on it before April. We're not going to hold it up.

But there's one question that's been bothering me for a long time. Maybe you're the gentleman I ought to ask, and maybe get an answer from you. As a practical matter, the dam was there from 1814. Who would build downstream of an earthen dam, especially lodging for -- did you say 400 senior citizens?

MR. CAVANAUGH: Four hundred, that's right.

SENATOR WEISS: And I believe that you'd have a rough time getting them out, because they don't move as quickly as us 17 year-olds do.

SENATOR EWING: Or Jack Ewing.

SENATOR WEISS: Or Jack Ewing. That's Jack Ewing over there.

But who would build downstream from a dam that is in that condition? How old are those buildings?

MR. CAVANAUGH: Well, we're under all types of guidelines--

SENATOR WEISS: I know, but that should be one of them, and a prohibition.

MR. CAVANAUGH: All the amenities of the downtown are in that area, and we're limited as to land. We need sewerage and water, and we have to function with a lot of amenities. And that seemed to be the best location at the time. One of our sites was in urban renewal.

SENATOR WEISS: One was an urban renewal, did you say?

MR. CAVANAUGH: Yes. One of the sites was an urban renewal area. And at the time, this dam was perfectly all right. There were no problems with it.

SENATOR WEISS: Mr. Cavanaugh, how old are those buildings?

MR. CAVANAUGH: One was built in 1966, one was built in 1972, the other in 1984.

SENATOR WEISS: 1966 I can forget?

MR. CAVANAUGH: Right.

SENATOR WEISS: Two questions-- 1984? I won't buy that.

MR. CAVANAUGH: 1984 was on the highest part of that particular ground down there. We were working on that project for approximately six years before we built on it. It took that long for the right tables.

SENATOR WEISS: I can appreciate your problems. We have the same problems with the dam. Unless there are any further questions-- Are there any further questions? Jack? Mr. Cavanaugh? Senator Rand? Senator Pallone?

SENATOR PALLONE: No further questions.

SENATOR EWING: Yes, are you any relation to Walter Kavanaugh?

SENATOR WEISS: No, he spells it with a "C."

SENATOR EWING: Oh, okay.

SENATOR WEISS: No, with a "K." You're ahead. Thank you, Mr. Cavanaugh. I appreciate your coming down.

MR. CAVANAUGH Thank you.

SENATOR EWING: Scratch that from the record.

SENATOR WEISS: Scratch it from the record? It's not picking up anyway. I have one very last speaker for today. I've run out of people, except for the sponsor of the bill, Senator Hurley. Senator Hurley, sir.

SENATOR HURLEY: Mr. Chairman, thank you very much, particularly for hearing the people who have traveled a long distance to be here today. I want to first give you some perspective on this by some large token--

SENATOR WEISS: If it's a bribe I will not have it.

SENATOR HURLEY: Pardon? No, no. I'm not going to give them to you. I'm just going to show them.

SENATOR WEISS: Oh, all right.

SENATOR HURLEY: I take \$20 a piece for them. (Laughter) But it gives you some idea as to what lies-- To quote Mr. Rand-- Senator Rand, you asked this question. This period is the-- Here is the dam. Here is the lake behind it. This is looking west. Immediately downstream is this

industrial complex, owned by Mr. Wheaton. It was owned by the Wheaton's for 400 or whatever years they owned it. They built the dam in the 1860s to cover this industrial complex. That's how Millville got it's name. It was a mill town. That shows you the immediate area. As you move downstream--

SENATOR RAND: They had a knitting plant there.

SENATOR HURLEY: Yeah, knitting. Sure. You must have bought some goods from them. As you move down to the center of town you see-- This is the river. This is what would be flooded. Here are children playing in the playground of a school. This is a senior citizens' project, and that's a senior citizens' project.

SENATOR RAND: Is that what Mr. Cavanaugh was talking about?

SENATOR HURLEY: Yes, that's exactly right. I'll show you even a very picture of one of those. In fact, this next photo will show you a clear picture of the senior citizens' housing there. This is a main commercial area of the city of Mauricetown.

SENATOR RAND: And this river is flowing--

SENATOR HURLEY: Yes, the river is flowing downstream into the Delaware Bay. If you want an idea, it's 13 miles from the dam to the Delaware Bay -- 13 miles to the Oyster Bay. That is the commercial area. Yes sir?

SENATOR WEISS: What road does that take?

SENATOR HURLEY: Route 49. It goes up Route 49.

SENATOR RAND: Senator, can I ask you one question? How many acres does Wawa own? If you don't know that, we can find out.

SENATOR HURLEY: At one time they owned 7000 acres.

SENATOR RAND: But what do they own now?

SENATOR HURLEY: I don't know, but they sold the State 4600.

SENATOR RAND: So they still own around 2400?

SENATOR HURLEY: I would guess that. I don't know.

SENATOR RAND: Is there any way we can find out anything?

SENATOR HURLEY: Oh yeah. The Vice Mayor, Mr. Liscarides, could see that you get that.

SENATOR RAND: Thank you.

SENATOR HURLEY: Thank you sir. In other words, the entire city-- Here's a view looking east, Senator Rand. You see the entire city lies before the dam. Here's the dam.

SENATOR RAND: Senator Hurley, you ought to know me well enough. I would never endanger Millville.

SENATOR HURLEY: I know that, Senator. Even if the water were running upstream to Camden.

SENATOR RAND: That's correct. Never, especially--

SENATOR HURLEY: There's another point I want to make, Senators, and that is in reference to -- and I'm not in any way defending, or knew anything about the purchase price. When you talk about the assessed evaluation -- at point the 2 million, or the 3 million, or whatever your documents show. You have to multiply that under the formula used by Millville in that particular-- In the last year it was owned by private owners four times. In other words, they were rated with a residential land at 23% of full assessment.

SENATOR WEISS: No wonder our taxes are all so high in North Jersey. A 25% ratio?

SENATOR HURLEY: You don't want to get into that.

SENATOR WEISS: A 23% for that particular category.

SENATOR RAND: Twenty-three? Even worse.

SENATOR HURLEY: This year, by the way, this city is undergoing reevaluation, unlike the City of Newark, for example. They are doing it, Senator, because their average assessment is 56% of true value -- 56%. So it doesn't make any difference. The bottom line is you are going to pay the taxes whether the assessment is low and rated high, or vice versa.

SENATOR WEISS: Well, what if you are at 100% assessment, and the rate is \$1300 a hundred.

SENATOR HURLEY: Oh, is that true where you live?

SENATOR WEISS: No, that's true in Newark.

SENATOR HURLEY: Oh yeah?

SENATOR WEISS: Yeah, I'm a taxpayer in Newark. We haven't been reevaluated in years. They haven't been. They're at a 100%.

SENATOR HURLEY: How could they be at 100%?

SENATOR RAND: We are the highest in the State.

SENATOR WEISS: They are. They're the highest in the State.

SENATOR HURLEY: Camden?

SENATOR RAND: They just reassessed it.

SENATOR HURLEY: Senator Rand says Camden is higher.

SENATOR RAND: We have the highest in the State.

SENATOR WEISS: Let me tell you something. I pay the tax bills in Newark. I could tell you. Fifteen dollars a hundred. It's almost full assessment.

SENATOR HURLEY: But it can't be at 100%, Senator.

SENATOR WEISS: Why not?

SENATOR HURLEY: Because they haven't had any revaluation.

SENATOR WEISS: That's what he said. Anyway, go on.

SENATOR HURLEY: I'm finished with my testimony. I wanted to make that point to you.

SENATOR WEISS: Oh, is that it? Okay. Are there any questions for Senator Hurley? Senator Ewing?

SENATOR EWING: No. I think it's very clear what he said.

SENATOR WEISS: I guess, Senator Hurley, there are no further questions for you.

SENATOR HURLEY: I thank you, Senator Weiss.

SENATOR WEISS: I don't see any volunteers. I've been volunteering all day today. I'm tired of volunteering.

SENATOR HURLEY: Contrary to the last time you had this bill up before you, there are no questions. Thank you.

SENATOR RAND: I would assume, Mr. Chairman, that Senator Hurley would be certainly available for other questions when we have a continuation of this meeting.

SENATOR WEISS: Oh, I think he'll be there.

SENATOR HURLEY: I'll answer, "I guess I would be available." I might say to you Senator Rand, Senator Weiss, Senator Pallone and Senator Ewing-- Senator Ewing, you're slouching down in the chair, Jack. I might say to you that I support your efforts to conduct whatever investigations you have to conduct. I have drafted legislation myself, calling for a joint -- a joint resolution calling for a study commission into the practices and procedures of the Green Acres program, and any land acquisition program. Because I think you raised some very serious questions.

SENATOR WEISS: I knew that. I thank you for that, Senator Hurley. I see no way clear of doing that. It's something that could cost the State an awful lot of money. Everyone agrees that they don't have the money these days to spread around. We did not two years ago. Fifteen million dollars is a lot of money for New Jersey's taxpayers, and you and I. I thank you for appearing.

SENATOR HURLEY: Thank you Senator.

SENATOR WEISS: And that recesses the meeting until the 8th of December.

(HEARING CONCLUDED)

APPENDIX

COMMITTEES SUPPORTING SENATE BILL NO. S1938 AND ASSEMBLY BILL NO. A2234 APPROPRIATING 15 MILLION DOLLARS FOR THE RECONSTRUCTION OF UNION LAKE DAM

PRESENTER: JANE MORTON GALETTO, VICE PRESIDENT OF CITIZENS UNITED TO PROTECT THE MAURICE RIVER AND ITS TRIBUTARIES, INC.

AND

COMMODORE OF UNION LAKE SAILING AND TENNIS CLUB

ORIGINALLY BOTH CITIZENS UNITED AND THE SAILING CLUB WANTED A COFFER DAM INSTALLED SO AS TO MAINTAIN HISTORIC WATER LEVELS IN UNION LAKE. OUR FOREMOST CONCERN IS FOR THE SAFETY OF CITIZENS AND THEIR PROPERTY DOWNSTREAM OF THE SPILLWAY. WE ARE ALSO CONCERNED WITH THE MAINTENANCE OF THE ESTABLISHED ECOSYSTEM UP STREAM OF THE FORTIFICATION. PRESENTLY, WE ARE ASKING YOU TO PROVIDE THE NECESSARY FUNDING FOR THE REPLACEMENT OF THE EXISTING SPILLWAY.

UNION LAKE DAM WAS CONSTRUCTED IN 1870 FOR THE PURPOSE OF PROVIDING POWER FOR AN IRON FOUNDRY. THE LAKE THAT IT CREATED IS 890 ACRES, 3 MILES LONG AND HAS AN AVERAGE WIDTH OF 3/4 OF A MILE. IT IS SOUTH JERSEY'S LARGEST LAKE AND THE FOURTH LARGEST LAKE IN THE STATE. GEOGRAPHICALLY IT SITS IN THE MIDDLE OF OUR COUNTY PROVIDING ACCESS TO MORE THAN 133,000 CITIZENS IN A FIFTEEN MILE RADIUS. CUMBERLAND COUNTY HAS HAD A 9.5 % INCREASE IN POPULATION OVER THE PAST DECADE, AND ITS PROJECTED POPULATION BY THE YEAR 2000 IS 162,000.

UNION LAKE IS AN IMPORTANT PART OF THE HERITAGE OF SOUTHERN NEW JERSEY. ON ITS SHORES IS ONE OF NEW JERSEY'S OLDEST HOMES THE UNION HOUSE BUILT IN 1728. IT IS ON THE CUMBERLAND COUNTY HISTORICAL REGISTER. UNION CANAL IS ALSO INCLUDED IN THE COUNTY REGISTER. CONSTRUCTED IN 1814, IT IS TWO AND ONE HALF MILES LONG RUNNING FROM UNION POND. THE SITE OF THE ORIGINAL DAM IT WAS BUILT IN THE 1790'S.

IN AUGUST OF THIS YEAR PRC, AN ENGINEERING FIRM HIRED BY THE DIVISION OF FISH GAME AND WILDLIFE, IS FILING ALL THE NECESSARY PERMITS FOR THE PRESENT CONSTRUCTION WORK AT UNION LAKE DAM. ONE PERMIT THEY HAVE APPLIED FOR IS A WATERFRONT DEVELOPMENT PERMIT, WITH THE DIVISION OF COASTAL RESOURCES. WHEN PRIVATE ENTERPRISE HAS AN UNDER TAKING OF THIS NATURE IT IS NECESSARY TO ASSESS THE ENVIROMENTAL IMPACT OF THE PROJECT, IN LIGHT OF COASTAL RESOURCE AND DEVELOPMENT POLICIES. WHEN WE LOOK AT THESE POLICIES WE FIND MANY STATEMENTS OF ECOLOGICAL SIGNIFICANCE

REGARDING THE TYPE OF HABITAT WHICH EXISTS AT UNION LAKE. WHEN PINELANDS DEVELOPED A DRAFT COMPREHENSIVE MANAGEMENT PLAN, J.MCCORMICK AND L. JONES MAPPED LARGE SECTIONS SURROUNDING UNION LAKE AS HARD WOOD SWAMP. OF SIGNIFICANCE ARE THE LARGE STANDS OF WHITE CEDARS. ATLANTIC WHITE CEDAR IS A CRITICAL NATURAL RESOURCE AND PROVIDES EXCELLENT WILDLIFE HABITAT, AS WELL AS BEING ONE OF THE MOST BEAUTIFUL VISTAS IN THE REGION, COASTAL RESOURCE AND DEVELOPMENT POLICIES CLEARLY STATE, "DEVELOPMENT THAT ADVERSELY AFFECTS WHITE CEDAR STANDS IS PROHIBITED." ONLY ONCE IN ITS 110 YEAR HISTORY HAS UNION LAKE BEEN LOWERED. IT WAS LOWERED 3 1/2 FEET IN 1971. THESE CEDAR STANDS WILL SUFFER ADVERSE IMPACT FROM THE PARTIAL DEWATERING OF UNION LAKE.

IT IS INTERESTING TO NOTE THAT IN 1971, WHEN THE SHORES OF UNION LAKE WERE EXPOSED, ALLAN MOUNIER, ONE OF NEW JERSEY'S BEST KNOWN ARCHEOLOGISTS, DISCOVERED MANY ARTIFACTS... SOME DATING BACK AS FAR AS 5000 B.C.

THESE WETLANDS PERFORM A NATURAL WATER PURIFICATION PROCESS BY REMOVING PHOSPHOROUS AND NITROGENOUS WATER POLLUTANTS, UNLESS THEY ARE STRESSED. THE SHORTER AMOUNT OF TIME THAT THE WETLANDS ARE STRESSED, WILL CONTRIBUTE TOWARD REDUCING THE AMOUNT OF ADVERSE IMPACTS. THE STATE PLANS TO UTILIZE THE ORIGINAL DIKE IN AN EFFORT TO KEEP WETLANDS INUNDATED. BUT, AS YOU CAN SEE, THERE ARE LARGE WETLAND AREAS SOUTH OF THIS DIKE THAT WILL BE SEVERELY AFFECTED.

THIS AREA IS PART OF A NINE MILE LONG WETLANDS CORRIDOR FROM UNION LAKE TO WILLOW GROVE LAKE. A CORRIDOR OF THIS KIND IS VIEWED BY ECOLOGISTS AS A CRITICAL LINK FOR THE NATURAL DEVELOPMENT AND GENETIC DIVERSITY AMONG PLANT AND ANIMAL SPECIES. THE U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE DESIGNATES THE SOILS IN THIS AREA AS "MUCK". THIS IS SIGNIFICANT BECAUSE THESE SOILS ARE UNSUITABLE FOR DEVELOPMENT, INSURING PRESERVATION OF EXISTING WILDLIFE HABITAT.

THE UNION LAKE WILDLIFE MANAGEMENT AREA IS TYPICAL OF PINELANDS AND IS ONLY SEPARATED BY DEVELOPMENT. IN PREPARATION OF NEW JERSEY'S DRAFT COMPREHENSIVE MANAGEMENT PLAN, THIS AREA WAS MAPPED IN REGARDS TO SUITABLE WILDLIFE HABITATS. OF 35 MAMMAL

SPECIES FOUND TO EXIST IN THE PINELANDS UNION LAKE OFFERS SUITABLE HABITAT FOR 31. BEAVERS WERE AT ONE TIME ELIMINATED FROM THE AREA, BUT RECENTLY HAVE MADE A REMARKABLE COMEBACK.

ATLANTIC WHITE CEDAR SWAMPS ARE A FAVORITE WINTERING AREA AND PREFERRED FOOD SOURCE FOR THE WHITE TAIL DEER.

PAT AND CLAY SUTTON OF THE CAPE MAY BIRD OBSERVATORY HAVE DESIGNATED UNION LAKE AND THE SURROUNDING VICINITY AS "IMPORTANT HABITAT" FOR THE AMERICAN BALD EAGLE. "IMPORTANT HABITAT" ARE AREAS WHERE EAGLES PERCH, FEED AND FREQUENT.

ONE OF THE MOST SIGNIFICANT HERPITILES IS THE TIMBER RATTLESNAKE IS LISTED BY THE N.J. DEPT. OF FISH GAME AND WILDLIFE AS AN ENDANGERED SPECIES. AS A CHILD I ALWAYS HEARD STORIES OF THE RATTLESNAKES THAT FREQUENTED THE GROUNDS OF UNION HOUSE. I USE TO THINK THESE WILD STORIES HAD BEEN DEVISED BY MY GOULISH MALE FRIENDS. UNTIL ONE DAY IN PORTAGE AT A PLACE KNOWN TO LOCALS AS "BARE-ASS BEACH" MY FRIENDS AND I SAW OUR FIRST RATTLESNAKE. OUR LOCAL WILDLIFE COLUMNIST, JIM BOLTON (1979), INDICATES THAT SOME OF THESE SNAKES WERE CAPTURED AND DONATED TO THE PHILADELPHIA ZOO.

WE ARE PROVIDING YOU WITH A LIST OF RARE AQUATIC PLANTS FOUND IN THE UNION LAKE VICINITY SO THAT YOU MAY REVIEW THEM IF YOU WISH.

CITIZENS UNITED URGES THAT FURTHER STUDIES BE PERFORMED BY PROFESSIONALS IN THE AREAS OF ORNITHOLOGY, HERPETOLOGY, BOTANY, AND WILDLIFE BIOLOGY TO DETERMINE THE ACTUAL SIGNIFICANT ROLE THAT UNION LAKE PLAYS IN THE SUPPORT OF THIS DIVERSE ECOSYSTEM.

THE LAKE HAS TRADITIONALLY PROVIDED EXCELLENT FISHING FOR MANY ANGLERS. IT HAS BEEN ON THE NEW JERSEY'S OFFICAL STOCKING LIST SINCE 1922. THERE ARE AT LEAST 25 DIFFERENT SPECIES OF FISH IN THE LAKE (N.J. FISH & GAME 1950). RECENTLY, FISH GAME AND WILDLIFE RELEASED MORE THAN 1800 STRIPPED BASS INTO THE LAKE. IT IS IMPORTANT TO NOTE THAT JUST DOWN STREAM OF THE FORTIFICATION ARE DEP PROTECTED SPAWNING GROUNDS FOR HERRING AND STRIPPED BASS. THE WATER PURIFICATION PROCESS WHICH THE LAKE PLAYS IS ADDED INSURANCE THAT THESE SPAWNING GROUNDS WILL BE PRESERVED.

SOME OF THE OTHER RECREATIONAL OPPORTUNITIES THAT CITIZENS AVAIL

THEMSELVES OF ARE: HUNTING, BOATING, TRAPPING, SAILING, BIRD WATCHING, HIKING, HORSEBACK RIDING, SWIMMING AND NATURE STUDY. THE CITY AND THE STATE PROVIDE A PUBLIC SWIMMING BEACH AS WELL AS A RAMP FROM WHICH BOATS CAN BE LAUNCHED.

UNION LAKE SAILING AND TENNIS CLUB'S FACILITY IS ALSO ON THE LAKE. SOME 150 FAMILIES BELONG TO THE CLUB. WE HAVE BEEN IN EXISTANCE FOR OVER 50 YEARS AND HAVE HOSTED LOCAL, STATE, NATIONAL, AND INTERNATIONAL REGATTAS. (THIS YEAR WE HAVE HAD TO DECLINE SAILING ORGANIZATIONS REQUESTS FOR REGATTAS BECAUSE OF REDUCED LAKE LEVELS.)

WE EXPECT YOU TO REALIZE THE IMPORTANT ROLE THAT UNION LAKE PLAYS HISTORICALLY, ENVIROMENTALLY, FINANCIALLY, AND AESTHETICALLY. AS WELL AS, THE RECREATIONAL PLEASURES IT PROVIDES FOR OUR CITIZENS. WE FEEL CONFIDENT THAT YOU WILL RECOMMEND THE IMMEDIATE ALLOCATION OF THE MONIES NECESSARY FOR THE REPLACEMENT OF AN UNSAFE SPILLWAY. THANK YOU FOR THE OPPORTUNITY TO ADDRESS THIS ISSUE.

Rare Aquatic Plants in the Union Lake Vicinity

Prepared by Dan O'Conner

1. Sagittaria teres S. Wats. Slender Arrowhead. In water, Willow Grove Lake, Vineland. R
2. Utricularia purpurea Walt. Purple Bladderwort. In shallow pool, east side of the Maurice River at Landis Avenue, Vineland. In water, Willow Grove Lake, Vineland. T & R
3. Platanthera ciliaris (L.) Lindl. Yellow Fringed Orchard. In bog, south side of Elm Road at Tarkiln Branch, Vineland. In bog, at fork of Parvin Branch north of West Elmer Road, Vineland. E
4. Eriocaulon parkeri Robins. Parker's Pipewort. In total mud below Union Lake Dam, Millville. In peaty slope to southwest tidal tributary of Maurice River, 0.3 miles southwest of Union Lake and northwest of City Park, Millville. On muddy shore of Maurice River south of Millville. R
5. Elatine americana (Pursh) Arn. A Waterwort. In peaty slope to southwest tidal tributary of Maurice River, 0.3 miles southwest of Union Lake and northwest of City Park, Millville. R
6. Carex barrattii Schwein. & Torr. Barratt's Sedge. In boggy swale, at fork of Parvin Branch north of West Elmer Road, Vineland. T & R
7. Eleocharis tortilis (Link) Schultes. Twisted Spike Rush. In cedar swamp, Parvin Branch near Sherman Avenue, Vineland. R
8. Schizaea pusilla Pursh. Curly Grass Fern. In cedar swamp, Parvin Branch at Sherman Avenue, Vineland. F
9. Potamogeton oakesianus Robbins. In shallow pool, east side of Maurice River at Landis Avenue, Vineland. In shallow, swift-moving water, Blackwater Branch, Vineland. In Scotland Run north of Willow Grove Lake, Vineland. U
10. Juncus caesariensis Coville. New Jersey Rush. In cedar swamp, Parvin Branch at Sherman Avenue, Vineland. T & R
11. Zydadenus leimanthoides Gray. In boggy thicket, Maurice River at Sherman Avenue. U*

R = Rare (U.S. Fish & Wildlife Service, 1981)
T = Threatened (N.J. Fish & Wildlife Service, 1980) **
E = Endangered (U.S. Fish & Wildlife Service, 1981)
F = Currently being evaluated for the federal list of threatened and endangered species by the Department of Interior, U.S. Fish and Wildlife Service
U = Undetermined (U.S. Fish & Wildlife Service) ***

* All of the above species are listed in Rare and Endangered Vascular Plant Species in New Jersey by David B. Synder & V. Eugene Vivian, U. S. Fish & Wildlife Service, 1981.

**Threatened and Endangered Vascular Plant Species of the N.J. Pinelands and their Habitats by N. Calazza & D. Fairbrothers for N.J. Pinelands Commission, 1980.

***Final Environmental Impact Statement - Pinelands U.S. Department of the Interior, 1980.

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Special thanks to Richard Jones, Citizens United to protect the Maurice River and its tributaries, Inc. Member/Ecological Advisor, Assitsant Engineer, City of Millville

