

**PUBLIC HEARING**

before

**PASSAIC RIVER RESTORATION SUBCOMMITTEE**

of the

**ASSEMBLY AGRICULTURE AND ENVIRONMENT COMMITTEE**

on

**Flood control proposals for the Passaic River Basin**

Held: -  
August 6, 1984  
Nutley Town Hall  
Nutley, New Jersey

**MEMBER OF COMMITTEE PRESENT:**

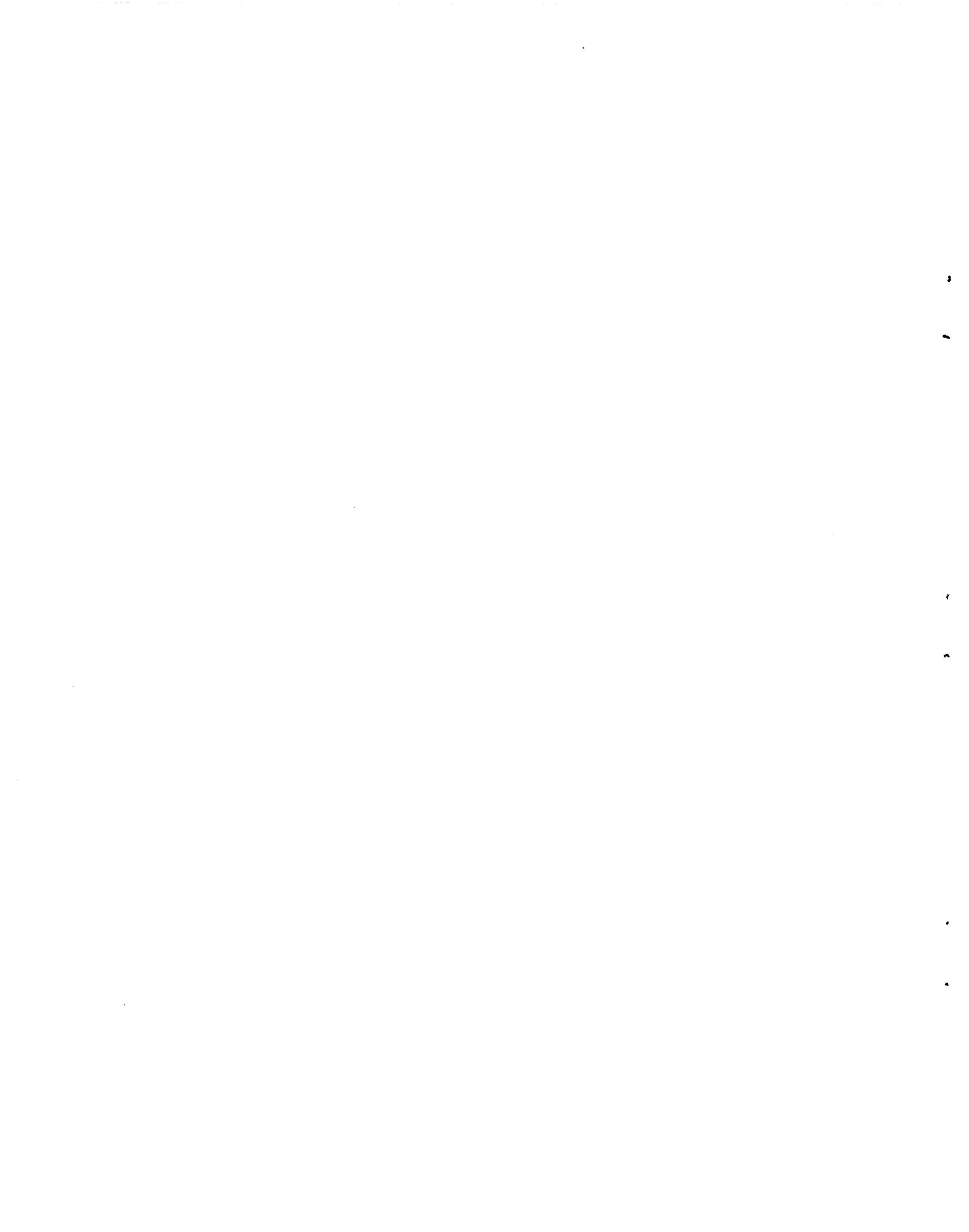
Assemblyman Stephen Adubato, Jr., Chairman

**ALSO PRESENT:**

Mark O. Smith, Research Associate  
Office of Legislative Services  
Aide, Assembly Agriculture and  
Environment Subcommittee

**New Jersey State Library**

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**ASSEMBLYMAN STEPHEN ADUBATO, JR. (Chairman):** If I can have your attention please, ladies and gentlemen, I would like to call this public hearing to order.

Before we go any further, I just want to let everyone here in the audience know that if you have not signed in to make a public statement, criticism, question, or whatever, the young lady in the back of the room is from my staff -- if she will raise her hand -- and she is taking the names of people who would like to testify. So we can ensure that everyone can have a chance to say what they would like to say, please go back and sign that sheet.

I would also like to introduce some of the people up here. On my left is Mark Smith, who is the Committee Aide to the Agriculture and Environment Committee in the State Assembly; he is also the Committee aide to this Subcommittee.

On my right is Dr. Bill Berlin, Chief of Staff in our legislative office. I am Assemblyman Steve Adubato, and I am the Chairman of the Passaic Restoration Subcommittee in the State Assembly.

I want to read a brief statement and then we will proceed as quickly as possible, because I am overwhelmed, frankly, by the number of people who have stated they would like to testify, or say something here today.

Ladies and gentlemen, I would like to officially welcome all of you to this meeting of the Assembly's Passaic Restoration Subcommittee hearing. First of all, I want to thank the town officials of Nutley who have given us the opportunity to use their Chambers: Commissioner Scarpelli, Commissioner Cocchiola, the Mayor, and everyone in this town, including Senator/Commissioner Orechio -- who is the same person -- who have been so kind to us by allowing us to come back here to Nutley Town Hall for the second public hearing of this Subcommittee.

I also want to thank the residents of Nutley. The residents of Nutley are here in force today. They clearly have a particular interest in this issue because of the geography of the issue we will talk about today, and because of their futures and their lives. They are here today, and I want to thank the Town of Nutley for welcoming us here.

I also want to welcome my fellow legislators. I want to acknowledge that Assemblyman Dean Gallo is here, and he will testify. Assemblyman Eugene Thompson is also here, and he too will testify. Also, on the Federal level, a representative of long-time Congressman, Joseph Minish, who has represented this district for so long and so well, Joe Puzo, is here. He is the Administrative Aide to Congressman Minish. I also note we have representatives here from Senator Frank Lautenberg's Office, and I want to acknowledge that. Hopefully, someone will slip me some information on another important person on the State or Federal level that I missed.

On April 2nd of this year, I convened the first public hearing as Chairman of the Passaic Restoration Subcommittee, as I said, in these very Chambers. The purpose of that meeting was to discuss cleanup efforts and restoration efforts in the Passaic River.

Some of the people I see here today were here that night, on April 2nd. After hearing testimony from numerous individuals and groups, I think it is fair to say the mood was guardedly optimistic about the future of the Passaic River. Many of us -- and I include myself in that category because I grew up in this area -- looked forward to a Renaissance period in the life of the Passaic. We viewed and heard a very positive report from the Passaic River Coalition, on the organization's view of the crucial steps necessary to cleaning up and improving the River.

We also heard very positive testimony from the State's Department of Environmental Protection, regarding efforts to clean up the River. I want to thank them for appearing then, and for appearing again today.

Today, however, we meet in a very different atmosphere, an atmosphere full of questions and concerns. Serious spring flooding along the Upper Passaic River has highlighted for me the need for a consistent and sound public policy of flood control in northern New Jersey.

The DEP and the United States Army Corps of Engineers have proposed a plan which centers around the construction of a \$930 million, 13 mile tunnel. The tunnel will have inlets along the Pompton

River, with an outlet near the third river, as it is affectionately known to those of us in this area, and that outlet will be along the border of Clifton and this Town of Nutley.

This tunnel would divert water from the upper to the lower Passaic regions in an effort to relieve flood victims of their misery, as was well-documented by the press.

It is fair to say that the DEP's Flood Control Plan has generated a lot of questions and concerns in both upstream and downstream communities alike. However, this hearing focuses on the potential impact of the tunnel on the lower Passaic River region.

This Subcommittee will want to know about the effects the proposed tunnel might have on plans to clean up the Passaic River. We will want to know about the possible impact of this tunnel on commercial and recreational access to the Passaic River. We will want to know about safety and the financial and environmental impacts of the tunnel. In short, we will want to know if this is the best way to go about the business of flood control in northern New Jersey.

Hopefully, many of these questions will be answered today. And, for those questions that are not answered today, as Chairman of this Subcommittee I assure you that we will seek those answers as quickly as possible.

In this room today, we have many representatives from communities up and down the Passaic River region. Many different points of view will be expressed. Some people we will hear from feel that their views were left out of the decision-making process, as it had to do with creating a Flood Plan. This hearing, I hope, will provide them with an opportunity for real public input. It will also be an opportunity for State and Federal government officials to further explain the flood control policy-making process, which we have all learned in the last few months is obviously a very complicated and confusing one at best.

This hearing is also the initial public hearing in a continuing process of legislative oversight. Integral to this process is public input. This is why we are here today, and I would like to proceed with the hearing at this point.

Because we have so many people here who would like to testify, we have broken down categories of speakers. I want to let you know that before we begin. I know that not everyone is going to be happy about that, but somebody has to make the rules.

The first group of people we are going to hear from are State and Federal elected officials. I am going to ask that if you have a statement, please submit your statement to the Subcommittee staff. Please paraphrase what you have to say, and make it as brief as possible. Questions will follow, I assure you. Because there are, I think, 18 witnesses who have already signed on as officially wanting to testify, I know that during the course of this conversation there are going to be more who will also want to testify. I would ask you then, as I said, to be brief.

The first person I am going to call is the representative to Congressman Joseph Minish, who represents this District. I am going to ask the Administrative Assistant to Congressman Joseph Minish, Joe Puzo, to please take the witness stand on my left. If you have written testimony, please submit it. If you don't, Joe, you have been through this before and I know you can make it brief.

**JOSEPH PUZO:** Thank you very much, Mr. Chairman. I don't have a prepared statement, but I do want to make some statements on behalf of the Congressman.

While you are looking at the overall range, and you are looking at the entire spectrum, I would just like to point out that what happened last April brought a lot of people out of closets, and made a lot of people get active by looking around to see what they could do.

I know that we were asked by many of the communities to see what could be done immediately. Of course, the Congressman called a meeting and invited the Army Corps of Engineers. This was held at Town Campus, and the Army Corps came in and informed all the communities there -- and there were something like 35 communities that came to this meeting -- that they had submitted a plan to the State of New Jersey, which was in their hands for nine months at that time, and that they hadn't heard from them to the present time. So, that sent everyone scurrying, and some meetings were held in-between.

On June 28, 1984, Congressman Minish and Congressman Roe-- Congressman Roe had a bill in on the Omnibus Clean Water Act, and Congressman Minish submitted an amendment to that bill, which was called the Roe/Minish Amendment, for what we called a \$50 million buy-out. That \$50 million buy-out was to buy houses in the Passaic River Basin.

Incidentally, Mr. Chairman, I would just like to pause here and compliment you on the bill you have in for an additional \$10 million, which is also for a buy-out and which also contains certain immediate steps that can be taken. Hopefully, your bill will be passed in a hurry.

I don't mind telling you that when that bill was on the floor, it didn't take long for it to pass. As a matter of fact, there was very little talk because everybody knew what the dangers were and what had taken place up in this part of the country. Believe it or not, the \$50 million buy-out was passed by a voice vote. No one objected to it, nor did they ask for a roll call vote. It passed by a voice vote. So, you can see that the people, and all the legislators on the Federal level, are concerned about what is happening here in the Passaic River Basin.

Of course, there are many reasons for asking for the buy-out. There are many houses that have been continuously flooded. The construction and the foundations of those houses may have made them non-livable, and some of them are not livable. Of course, they are doing more extensive work on a lot of them. They are investigating many more of those homes to see how many are livable and how many are not. Because what will happen one day is, you might pick up a paper and read that a house collapsed somewhere within this Basin, and when you try to find out what happened to it, you will find it was because the foundation gave way.

We know there have been some homes already where, when the engineers went in, dug into the basements, and put their hands in, there was nothing there. So, you can see that some of the foundations of those homes are actually moving.

Congressman Minish and Congressman Roe felt that the buy-out was something that was immediate; it was something that could be moved; it was something whereby people would have the chance to have their homes bought at a fair market price and be able to go somewhere else and start their lives over again.

This was the purpose for the \$50 million. I know there have been many critics saying that \$50 million may not be enough money. Well, let's start. Let's see how far it goes. Let's see whether or not another amendment is needed. Let's see if a separate bill is needed. You know, the first thing we have to do is to correct the situation.

Let me tell you that in that bill is another \$25 million for work that has to be done in the Pequannock River and in Beattis Dam, and also up in the Pompton Lake Dam. This is for channel cleaning. You know, everyone knows that if you clean a channel that is only four feet deep, and you clean it to where it is eight feet deep, it will hold a lot more water than it did when it was only three feet deep. So, there is \$25 million for additional work that has to be done in those three areas, and that money is also in that bill. The bill is there; and, by the way, it has passed the House and we are now waiting for the Senate to pass it.

I just want to tell you that as far as Congressman Minish is concerned, the Congressman is concerned about these people. We do know about the problem. We don't feel these people ought to be living under this fear at all times, the fear of whether or not their homes are going to be taken from under them. Therefore, that was the purpose for putting in the \$50 million buy-out.

Let's start it. Let's see how far it goes. Let's see what we can do about correcting the problem, because that is immediate. As I said earlier, I want to congratulate the Chairman, not only for holding the hearings, but for having a bill in that is an addition to the \$50 million. I hope it passes, and I hope all your colleagues see it the way the Federal legislators saw it. I know there are a lot of other things that can be done immediately in that bill, so, this way, in an effort to combine both, we can start. put this on its way, and

perhaps alleviate the problems all along the River. That \$25 million, as part of the cleanup, and the \$50 million buy-out comes to \$75 million. The \$10 million from the State would make it \$85 million that will be put into this section. That would be done almost immediately, once the legislation is passed.

Thank you, Mr. Chairman, for allowing me to come here and testify, (applause)

**ASSEMBLYMAN ADUBATO:** Thank you very much, Joe. I think the applause is a testament to Congressman Minish. Thank the Congressman for his continued concern regarding the issue. I want to thank you for being here today. Thank you, Joe.

The next witness we would like to call on is someone I have had the pleasure of serving with in the State Assembly. He is the Minority Leader in the State Assembly -- the leader of the Republican Party in our lower house. I would like to call to the witness stand, Assemblyman Dean Gallo, from Morris County.

**ASSEMBLYMAN DEAN A. GALLO:** Thank you, Mr. Chairman, I appreciate the opportunity to address your Committee, and to also try and address some of the serious problems we have in the Passaic River Basin. There have been some immediate steps, as you know, Assemblyman, dealing with the emergency early warning system. That was just passed by the Assembly, and it was signed by the Governor. It will enable those downstream to get an early warning through computerization the Corps of Engineers is setting up, and it will also take away the life-threatening circumstances that took place in the April flood, where there was a great deal of concern, and some confusion. That was something we felt had to take place immediately.

There is also another bill, which passed both Houses and was signed into law, dealing with \$5 million put up by the State of New Jersey, which will draw down some \$25 million on the Federal level. This has to do with replacement of municipal facilities -- drainage, sewerage, and things of that nature. So, those are two very important bills.

There is one more bill that, frankly, we almost passed during our last session, but it grew very late and we were losing--

ASSEMBLYMAN ADUBATO: (interrupting) I know how it can get, Dean, but you know better.

ASSEMBLYMAN GALLO: (continuing) We lost a few members, but that is a bill that has passed the Senate. It is for \$18 million. It contains provisions for desnagging, stream cleanup, and also some land purchases in areas where there is constant flooding.

Let me refer to my statement now. The disastrous flood of last April proved one thing: We cannot continue to place new obstructions in the path of meaningful flood control projects for the entire Passaic River Basin, which includes 117 towns and eight counties.

We must begin steps to prevent continuous flooding, devastating floods of the type that, last April, left six thousand people at least temporarily homeless. It created and cost \$150 million in damage. From that point of view, I think we all agree that has to stop.

Most upper and middle basin towns, and the State, now agree that the best flood prevention plan to move on is the U.S. Corps Army of Engineers proposal to build a tunnel that would divert some floodwater downstream, where the volume would not pose a threat.

According to the engineers and the State, the tunnel plan offers the most flood relief with the least possible surface environmental disruption. The tunnel also promises to draw the most Federal dollars in aid for each dollar that the State puts up as its share of the project.

Starting right now, it will take two years for the Engineers to come up with a design study. During that time, the concerns that are being speculated about now -- the concerns that you have and that the people in this room have -- hopefully are going to be addressed. I was there when the Commissioner indicated directly to you, Mr. Chairman, that those questions and concerns are going to be addressed. I think in many cases you will not get some of the answers you are looking for now, because this is in the preliminary stage. But, I am confident -- at least from the conversations I have had with the Department of Environmental Protection and the Corps -- that those questions are certainly going to be answered.

Residents of the upper and middle Passaic River Basin do not -- and I repeat that -- they do not simply want to see their flooding problems shifted to someone else, such as the residents in the lower Basin. I think that was made clear at a number of hearings we had.

On the local and State levels, we are doing what we can to help alleviate the flood problems, as I indicated. We can move to preserve wetlands that serve as natural retention areas for some floodwaters before the final Flood Plan is completed.

I think, at the same time, I might add that the Federal bill, which sets up about \$50 million, can work hand in hand with this particular proposal, and likewise with the bill you are sponsoring, which is for \$10 million.

There are people who go through flooding year in and year out, and those individuals -- if you can believe this, because they have put up with three floods already -- don't want to leave. They want a safe place to live. They like their towns. They are not as anxious as you might think to accept a buy-out. Yes, there are those who would accept that buy-out, and I think we should be prepared to do that, in an effort to combine both a buy-out solution and a structural solution. Because when we are dealing with a flood plain and we are dealing with a 100-year storm--

I remember going through Flood Plan 2B, and all of the other forms that started back in the early '70's and the '60's. We went through a great deal. Essex County was involved; Morris County was involved; and Passaic County was involved. We were trying to come up with an overall program and plan that would benefit the citizens of those 117 towns we are talking about.

We found that at that stage, the Corps was going in the direction of retention areas, and I think for the most part people felt that was a better way to go than a tunneling effort -- which at that time was also contemplated as an alternative. But, the tunneling aspect at that stage was too costly. When they reviewed the land that would be necessary for retention, they found that many, many homes would be eliminated -- not only homes but major tax ratables, such as the Willowbrook Mall and the Livingston Mall, would be eliminated.

Obviously, we would have to buy them out. We are talking about a buy-out of 6,000 homes and the businesses that surround them. It would be impossible to generate that kind of money. So, I think what we need is a combination of the two, and the ability to use that combination. We should be able to buy out those who have serious serious problems with the smallest rain -- it doesn't have to be a flood -- and we have many of those.

I want to compliment your Subcommittee for having this meeting. I think when we look at the overall aspect of the floods and what they mean to those individuals-- I know you saw some of them. We were there right after the flood, and I will tell you that we had 700 or 800 people who were just devastated. Every belonging they had was gone. I think we as legislators, and everyone here who is a concerned citizen, always rally around a particular situation, especially one that is devastating to others. I think that the communities that are involved have grown much closer because of their involvement and their help. I want to say that my colleague, Ralph Lovies, has been directly involved in this and he has had several meetings with three counties, mayors, the Corps, and the DEP. He would have been here today, but he was on vacation and did not know this meeting was going to take place. I do, however, want to emphasize his concern and support in coming up with a solution.

ASSEMBLYMAN ADUBATO: I know that we are conscious of time. Frankly, I really don't envy the position you are in, in terms of representing people who have been so devastated.

But, this is important to you, and I am really glad that you came here, because of the people in the downstream communities that are here -- and I know there are also people from upstream communities present, as I said earlier. They cannot identify with -- so clearly and in such dramatic terms -- what you are talking about, in terms of being devastated by a flood.

But, understand that you will hear later on -- I know you have a busy schedule, and we will provide you with a copy of the testimony -- testimony from officials in the Town of Nutley, and private citizens from the Town of Nutley, who will talk about their

concerns regarding what will happen later on. Let me just ask you, if you were a representative of this community and not your community, how comfortable would you be, how assured would you feel at this point, in terms of the information you think the communities in the downstream region are getting from State and Federal officials?

I don't want to get into the specifics of what it is the communities in the downstream are talking about, but I would like to get into the question of having a tunnel built in your back yard, and having that excess water coming in there?

ASSEMBLYMAN GALLO: Believe me, Mr. Chairman, the people I represent, and those who are represented by other legislators in Passaic and also Essex — because in Essex County you do have the towns of Fairfield, West Caldwell, and those municipalities that are directly affected by this — are not saying: "Solve our problem, and be damned with the rest of the people." I think it is just the opposite. In talking with those mayors, I find they are concerned. They want a viable plan, and they have some questions as to whether or not this is the only way to go, but they also know that we have to start some place.

In talking with DEP, I will feel more comfortable as the design hearings go on and we understand a little more about it. Your position, and the position of those who would be at the end of this tunnel, is obviously of great concern to us as legislators, and also to the DEP, because solving a problem upstream and creating a problem downstream does not make any sense.

That is why desnagging and channelization has to be done very carefully, because all that does is to move the water faster through municipalities, and you don't want to harm a downstream community.

ASSEMBLYMAN ADUBATO: Assemblyman, do you consider your position on the overall question of flood control a flexible one right now? Would you consider yourself flexible?

ASSEMBLYMAN GALLO: I think I have indicated that, based on the fact that I think there can be a combination, a combination which includes outright purchase for those individuals who are concerned and who are getting flooded out by just a regular rainfall. But, there are

other areas that were flooded this last time that were never flooded before. You are talking about homes that have been built recently.

I think one of the things that is most important, and not only to the districts that I am in -- and I have indicated this to the DEP -- is that we have a flood plain delineation, so that municipalities can react accordingly and know where to limit their growth. We must have something that is tangible and that can be offered in evidence; because builders go in, they take the municipalities to court, the town says, "This is not an area where it should be built," and, yet, they have nothing to hang their hat on.

I talked with Bob Hughey, and he indicated that right now he has received the highest priority to complete that.

ASSEMBLYMAN ADUBATO: Do you support the legislation in the Assembly, that will be moved in our Environment Committee this fall, which calls for \$10 million in State commitment to level and demolish so that we can have open lands that will be better able to absorb excess water? That is my legislation, and I am particularly sensitive to it. Can I get you on record as saying you support it? Because I will need it.

ASSEMBLYMAN GALLO: Mr. Chairman, we have this bill that is going to pass the Assembly. I am not sure of the total that will be used for land acquisition, but I can tell you that \$10 million, and whatever amount is used of the \$15 million, is not going to go that far. So, I would think that is something I could support.

The main thing I don't want to do is to give the impression that a buy-out is the way to go completely, because there are people who have lived in towns 20, 30, 40, and, some, 50 years. I have talked to residents. They have been there for 50 years and they don't want to leave. Even with all the problems, they don't want to leave.

ASSEMBLYMAN ADUBATO: You know that it is voluntary; that is stipulated in the legislation.

ASSEMBLYMAN GALLO: Right. What I am saying is, I have read the stories that come out in the press, and it comes out as a buy-out. It doesn't get into, in the headline-- You know, they read the headline, and it sounds as though that is going to be the solution.

ASSEMBLYMAN ADUBATO: Dean, you and I both know the specifics of the legislative process: What words are in that legislation, and the compromising process. As it stands right now it says, "Those who would voluntarily want to sell," the State would buy. So, you are aware of that.

ASSEMBLYMAN GALLO: Oh, I understand it. But, some of the articles I have read do not get into that part of it.

ASSEMBLYMAN ADUBATO: I am sure the media will take that as a warning from the Assemblyman to report it accurately.

ASSEMBLYMAN GALLO: Suggestion. (laughter)

ASSEMBLYMAN ADUBATO: Okay. I really have no further questions, Assemblyman. I do want to thank you for coming down here and sharing your thoughts on a very difficult situation.

ASSEMBLYMAN GALLO: Well, thank you. I think this is an excellent time to have a meeting, and I know this will be only one of many to come. I look forward to -- if it is possible -- you getting me a copy of the testimony. I would appreciate it.

ASSEMBLYMAN ADUBATO: Absolutely. Thank you very much, Dean.

I would now like to call someone who I think is the last representative on the State level, the representative from the City of Newark, if he is still here, Assemblyman Eugene Thompson.

Assemblyman, do you have a statement, or are you going to paraphrase your remarks?

ASSEMBLYMAN THOMPSON: I will paraphrase my remarks.

ASSEMBLYMAN ADUBATO: Before the Assemblyman begins, I want to again emphasize that I would rather, as much as possible, go back and forth in terms of questions and answers and have a dialogue, as opposed to us individually making a statement. I probably should have made my opening statement brief, and I apologize for that. But, it is important for me to say -- particularly with reference to the people who are going to testify later -- that as much as is possible, I would like the witnesses to make their testimony as brief as possible so we can then go back and forth with questions. Thank you, Gene.

ASSEMBLYMAN EUGENE H. THOMPSON: Right. Thank you. For the record, my name is Eugene H. Thompson. I am an Assemblyman from Newark, New

Jersey. Two of the Wards I represent are adjacent to the Passaic River; they are the East Ward and the North Ward.

Historically, the East Ward has been a very thriving community, particularly in the last 20 years. We have a very large Portuguese community. We have at least 52 different racial and ethnic groups who live in the East Ward, from Mulburry Street, east to the Turnpike, and over to International Airport, where we have one of the largest containment ports in the world. We have a vested interest in what is going to happen with this Flood Plan.

I am publicly opposed to the DEP and the Army Corps of Engineers' Plan, and until I am sure it is a feasible plan, I will continue to oppose it.

I think one of the problems is that it takes too long. I mentioned that up in Wayne. First of all, if you are talking about 11 years, from a political point of view I cannot go to a constituency and mention 11 years; they would vote me out of office. Those people will probably be in boathouses or row boats if they wait up in that area for 11 years.

Another issue is, what is going to happen to the water which travels at that volume when it comes into the Belleville, Nutley, and Newark areas? What it does is, it builds up the base.

What we tried to ask them to do, if they are going to go through with that type of plan and put the pipe out in the Hudson River or in Newark Bay-- What happens if that water comes into this area is, it is going to build up on both sides of Hudson County and Essex County. So, you are going to have problems with all the plans -- the marine plans, and things like that.

Last but not least, private people have invested in, or are in the process of investing millions of dollars in the McCarter Highway area in the City of Newark -- around Don Peppe's -- which means a brand new hotel, comparable to the Hilton, across from the station; a few marine docks, and also some condominiums; and, when they read about that pipeline, everybody backed up. Thank you very much. (applause)

ASSEMBLYMAN ADUBATO: I have no questions, Assemblyman. (laughter) You see, when you are brief, people like that.

I would now like to turn to the second group of witnesses -- it is really only one category: State non-elected officials. Frankly, as far as I am concerned, one of the most important players in this whole process is the Department of Environmental Protection. The person who is the Director of the Division of Water Resources has served ably and has answered many questions on my part, returning all my calls. He has a real tough job. I would like to ask John Gaston, the Director of the Division of Water Resources in the DEP, to read his statement. Do you have a statement, John?

I know this is very complicated and you have a tough job, but please be as brief as possible, because I assure you we have questions. **JOHN W. GASTON, JR.:** Mr. Chairman, thank you very much for allowing me to come here and testify before your Subcommittee today concerning the Passaic River flooding and restoration.

I would like to take this occasion to focus on some of the opportunities we feel are available, given the fact that some commitments have been made, and decisions have been made to move the process of both restoring and protecting the Passaic from flooding. We are moving that process forward.

I am sure that most of you are aware that DEP is working in concert with the Corps. Pretty much in governmental time, we have moved at a lightning pace to arrive at a conceptual decision as to how one should go about protecting against floods in the Passaic Basin. In arriving at a program, we specifically structured that program to accommodate both a structural solution to the 100-year flood, as well as to cover the non-structural aspects of flooding.

High upon our list in the process of arriving at a solution, of course, is protection against the 100-year flood in the Basin. We were also very conscious about maintaining the integrity of the Passaic River and the Passaic River Basin when deciding to propose and implement a plan. Of course, we are conscious -- because we are the Division of Water Resources -- of the protection, restoration, and utilization of New Jersey's water resources, and specifically the utilization and preservation of the lower Passaic.

It is my understanding that the Subcommittee has expressed a concern about the efforts we have put forward to date, and it specifically wants to be reassured that our proposal is, indeed, consistent with the restoration efforts that the Subcommittee has been espousing.

We do not intend to move any project forward that would not have as one of its priority goals the restoration of the Passaic River for all purposes, whether it is flood protection, recreation, or the various other uses that are applied there.

We intend to recognize, in the context of the planning, the State, the Corps, the communities involved, what local needs are, what the desires are regarding flood protection, and a variety of other considerations; and, we expect to work with local interests to incorporate as many of those concerns, issues, and needs into our program -- into your program -- as we can.

Many, many opportunities exist in the Passaic Basin Flood Program to incorporate features that would not normally be available to the communities in the Passaic, and specifically to those communities in the lower Passaic. Let me just mention a few:

The overall project can be enhanced by incorporating such features as access to the River, where necessary, both for recreational and commercial uses.

It can be enhanced by building-in recreational facilities that are compatible with the project.

It can be enhanced by building-in beautification of the waterfront areas, an important characteristic, and improving and restoring the use of the Basin.

We can design solutions to drainage problems which exist as part of the flood control program.

We can adjust the alignment of levees to accommodate sites where development is planned, and leave unprotected those areas where a buy-out is more appropriate. Both of those points had been discussed earlier by the legislative representatives who proceeded me.

Certainly, we can incorporate, wherever we can, the goals of the Restoration Subcommittee.

We are hopeful that our discussion today will serve to trigger the thought process for discussion of local needs as we begin the process of meeting with municipalities and counties in the next several months, for the purpose of incorporating these local needs into our project formulation process.

In September we will be calling upon individual municipalities, and we will be making appointments to come out and discuss the project, as it has been proposed, as well as the local concerns and needs which you feel need to be incorporated into the project. Of course, in the process of doing that, we will be answering as many of the technical questions that exist as can be answered; and, of course, our information will be available for your technical people to look at, in detail, plus questions that have not been resolved to date.

Since this hearing deals with the issue of restoration, it becomes immediately clear that there is a need for DEP and the Corps to learn, as quickly as possible, the goals of this restoration project.

Assemblyman, we would be pleased to get a list of people -- as well as testimony -- who you recommend we get in touch with, in order to go over, in detail, the goals of the Committee, plus any input that the Committee and its participants might have in the process of formulating the project.

I understand that the Subcommittee is also interested in learning more about the impact of the Flood Control Program we will have up and down the Basin. Let me just highlight a couple of things:

Obviously the greatest positive impact, of the structural program in particular, would be protection against the periodic flooding which has been occurring in an alarming frequency of events in the last few years, and which leaves behind major damage. The damage and disruption is not limited to the residents of the flood prone areas, but it also involves businesses, commercial interests, visitors, and everybody else who has an involvement with the Basin.

So, the first major impact of protection from flooding would be the relief that would occur from this horrendous situation, which occurs on an unpredictable and all too frequent basis.

By providing protection, another important impact would be realized: The delineated flood hazard areas can be reduced substantially if one has in place a structural mechanism to reduce the number of properties that would be subject to flooding. And, of course, the cost of insuring against those floods would also be reduced.

Other important positive impacts of our program include the use of set-back levees and the resultant preservation of wetland areas; the prevention and controlled alteration of the flood plains through our new and strengthened Flood Hazard Regulations; and, we hope, the full implementation of the Storm Water Management Regulations, which would provide for a reduction in future problems.

In terms of the impact of the structural plan, perhaps the best way to describe it is by seeing the lack of major impacts up and down the river when the total concept is applied. It has been determined that any successful plan to provide meaningful flood protection -- i.e., the 100-year recurrence -- must contain a means to convey excess flood waters. That is what our proposal does. Even though the plan contains features to preserve the wetlands which serve to retain flood waters temporarily, that approach does not solve the whole problem, and there is still a need to convey excess flood waters. Of the various alternatives to achieve that objective, the tunnel has been shown to have the least negative impact on life in the Basin, both during and after construction. By incorporating the tunnel into the plan, the amount of channel modification is reduced to a minimum, the number of levees and floodwalls are reduced dramatically over any other alternative, and the height of those walls is also reduced. All those factors serve to make the Passaic River, as much as it can be, a River that conveys natural flows and performs the functions that are so important to people in the Basin.

The impact on the tidal portion of the Passaic is relatively stable and unchanging compared to all the alternatives that were examined in the planning process. In the tidal area, basic protection from tidal flooding requires the construction of a system of levees and floodwalls.

Now, we have had numerous conversations and discussions about that, and we have had, I think, a difficult time making the point that the flooding and the tidal portion of the Passaic Basin are something that has to be dealt with, independent of whether or not we address the problem in the upper Passaic. We will continue to work with anybody who has questions about that, and obviously we will make all our technical data available to you.

The benefits from the protection were emphasized earlier, including a reduction in the delineated flood hazard areas and the insurance cost. This type of protection would be available for towns such as Kearny, Harrison, East Newark, and Newark. This type of solution would address some of the concerns that Assemblyman Thompson just raised.

Other benefits would include the protection of lands, such as those in Newark, which have been discovered to be contaminated with toxic pollutants, so that these pollutants will not be washed elsewhere during flooding conditions; and, certainly, the solving of drainage and sewerage problems which currently exist is a high priority for us. These things have to be done as part of the solution to the flooding problem.

These are real benefits for the lower Basin communities. They represent an opportunity for capital improvements that might not otherwise be made, and we already know that these types of problems and their solutions could benefit Nutley, Belleville, and Lyndhurst. We are anxious to find out if similar solutions in North Arlington, Rutherford, and East Rutherford are appropriate.

As I indicated earlier, adequate protection requires a means by which excess waters can be conveyed to the ocean. In the tidal portion of the River it makes relatively little difference whether those waters are conveyed via the River itself or via a tunnel. The levee system required to accommodate flood flows from the upper Basin would need to be slightly greater than for basic protection from tidal flooding. However, even here, the conveying of those waters has some benefits. There are areas, for example, in Nutley, Belleville, and Lyndhurst which would not qualify for protection from tidal flooding

due to the poor cost benefit and cost restrictions on the project, if the Corps were to be involved. So, by having the lower Basin and the upper Basin linked together, we have the possibility of having additional capital put into the lower Basin, and problems that might not otherwise be solvable will be addressed.

The use of a tunnel, as opposed to the use of the River for conveying those waters, has the additional benefit of requiring less of a system of levees and floodwalls at the upper end of the tidal reach of the River in communities such as Garfield, Wallington, Clifton, and Passaic.

Very often, when someone wants to know what the impacts of a project are, they are thinking only in terms of negative impacts. In this case, the impacts are primarily positive, and the opportunities associated with the required construction must be fully explored and developed through local input to make those impacts even more positive.

Concerns have been raised about the flood control project in relationship to groundwater recharge in the Basin, as well as the Wanaque South Water Supply Project. I want to assure you that in the process of making technical reviews, these considerations have been addressed and no significant negative impacts are apparent.

There is perhaps a mistaken impression that the tunnel will tend to drain the Basin of waters that are so necessary for the environment and human habitation in the Basin. Please let me assure you that with the tunnel in place, the River system will continue to function as a river system, and that is a very important consideration in our minds. It will, in fact, carry some flood waters, and certainly most of the waters during most of the seasons of the year. The tunnel will convey only those waters which are so excess that they could not safely be contained in the River. There is no plan to diminish the natural or normal flows which are part of the intrinsic character of the Basin.

We look forward with great enthusiasm to working toward the realization of a flood control program in this Basin. It is with equally great enthusiasm that we look to enhancing the structural portion of that program by incorporating design features which will

serve to provide multiple benefits and serve the needs of municipalities in which construction is designed to take place. We look forward to the input to be received from the restoration project, as well as from municipal interests up and down the River, and feel confident that our combined efforts will result in a project which is a source of pride, in addition to its functional protection. Thank you very much.

ASSEMBLYMAN ADUBATO: Thank you, Mr Gaston. For the benefit of everyone in the audience, I mean what I said before in terms of this public hearing being a little bit different than the public hearings that have been held before. What I mean to say is, I want this to be something that we can go back and forth on. We have a lot of questions. You have a lot to say. You have a lot to explain.

I did not cut you off, Mr. Gaston, because I knew you were in the middle of very long and important testimony, but in the future, when we invite you back, if you could paraphrase your statement it would be helpful, because a lot of these things will come out in the questioning process, in a way the Subcommittee would like to hear.

One thing I want to talk about is, one of the primary reasons for flooding in the upper Passaic River Basin area has had to do with overdevelopment, am I right?

MR. GASTON: Well, it has had to do with continuing development in the Basin, right.

ASSEMBLYMAN ADUBATO: That is one of the problems. Shouldn't we be imposing immediate limits on construction and development in that region?

MR. GASTON: Well, that would be something that would require legislative action. We have implemented flood hazard management regulations that will control a substantial amount of development in the future, and we have also recommended that storm water management regulations be implemented throughout the Basin.

ASSEMBLYMAN ADUBATO: I am glad you said that about legislation. You said you support that type of legislation. Do you know I have introduced a piece of legislation which calls for a moratorium on stream encroachments? Are you aware of that?

MR. GASTON: No, I am not.

ASSEMBLYMAN ADUBATO: Okay. Just let me read, briefly, a little bit of that to you. It publicly asks the Department to consider the bill, and come out in the fall and support it.

"Notwithstanding the provision of any other law, rule or regulation to the contrary, the Department of Environmental Protection shall not permit any stream encroachment in the New Jersey portion of the Passaic River Basin for a period of 18 months, or until the recommendation contained in the Report required, pursuant to Section 3 of this Act, shall...for submittal to the Legislature and the Governor have been acted upon.

"Within 18 months of the effective date of this Act, the Department shall submit a report to the Governor and the Legislature on flood control measures necessary to protect the Passaic River Basin. This Report shall include the following--" And, frankly, a lot of these statements come out of the public report of April 12th that the Department put out when they announced their decision to go ahead with the flood tunnel -- the Flood Plan -- and it talked about some other options.

We took them out and we said, "This Report shall include the following: A. A list of properties subject to the most severe flood damage, potentially available for public purchase, and the estimated cost of purchase.

"B. A determination of those wetland areas which should be regulated and purchased.

"C. A detailed assessment of the impact on essential Passaic Basin identified," etc.-- there is some technical language here -- "...of permitting up to 20 percent net fill within the flood fringe area" -- which is language taken out of the Report -- "of delineated streams, or within a 100 year flood plain, but outside the encroachment lines of non-delineated streams, upstream of the central Passaic Basin." And, finally,

"D. A review and assessment of the adequacy of municipal and county storm water management plans."

If you just heard those four points -- and several of them were taken verbatim out of the DEP Report -- would you support such

legislation that would strictly regulate development after and before a tunnel is constructed, in an effort to reduce flooding?

MR. GASTON: Assemblyman, I think we have taken a very firm stand on doing just that, insofar as the existing legislative authority is concerned. Your bill would require us to do a little bit of an analysis to find out what the implications are; but, certainly, our direction, our involvement with the Passaic Basin Flood Plan Program, indicates that our goals are certainly similar.

ASSEMBLYMAN ADUBATO: I am a little confused. Maybe this is just a little too technical for me. Would you support the legislation?

MR. GASTON: I guess I am not in a position to say that I will support something I haven't seen. But, certainly we are going to look at it very carefully. And, the other thing I will say is, the intent of the legislation is positive.

ASSEMBLYMAN ADUBATO: Okay. I know you have seen the buy-out legislation on the Federal level and I also know you are aware of a \$10 million piece of legislation that I have.

MR. GASTON: It is completely compatible with the program we outlined.

ASSEMBLYMAN ADUBATO: Do you support a buy-out?

MR. GASTON: It is a positive initiative.

ASSEMBLYMAN ADUBATO: Let me go further on the buy-out option. This tunnel we are talking about takes, on the short end, 11 years, and on the long end it takes 15 to 20 years.

MR. GASTON: On the long end, never. I mean that has really been--

ASSEMBLYMAN ADUBATO: (interrupting) On the long end never?

MR. GASTON: Never, in the sense that it doesn't get implemented.

ASSEMBLYMAN ADUBATO: Okay.

MR. GASTON: So, we are anxious, and we are looking forward to having, at some date in the future, an implemented solution.

ASSEMBLYMAN ADUBATO: We talk about the question of -- and Assemblyman Gallo, very poignantly talked about this -- the misery and the human factor, as it had to do with flood victims in the northern

Passaic, and all of us, I think, were touched by that, whether we live in that area or not. But, I want to ask you how compassionate is it to wait that amount of time -- 10, 15, 20 years -- based on the assumption that we are going to construct a tunnel to assist flood victims, and potential flood victims? Shouldn't we provide more immediate relief, by purchasing the property of the most frequently-flooded residents? Even if assistance cannot be obtained from the Federal government through the Army Corps of Engineers for that purpose, shouldn't the State take an initiative here? I will tell you why I raise that point. When Assemblyman Gallo and other DEP officials talk about why this tunnel has been selected, they say the reason it has been selected is because even though it would cost more than any other project, it would be the least amount of money for the State to put up -- \$80 million -- am I correct? For a \$930 million project, the DEP -- the State -- would have to put up \$80 million.

MR. GASTON: The State of New Jersey.

ASSEMBLYMAN ADUBATO: Okay. Which is the smallest amount, if I am not mistaken, of all the other options.

MR. GASTON: That was an independent consideration as far as why we decided to pick the tunnel. The tunnel was the best solution.

ASSEMBLYMAN ADUBATO: I know you think that. What I am trying to get at is, you believe that is the best solution for two reasons: Number one, because it is the least surface disruption, and number two, because that tunnel can deal with the 100 year flood design, am I right? Those are the two criteria.

MR. GASTON: They are two of the key criteria, yes.

ASSEMBLYMAN ADUBATO: Can you explain to the Subcommittee -- because I am not as technical a staff person as you are -- and to the lay people -- the public -- what the DEP, and particularly the Army Corps of Engineers on the Federal level, mean when they talk about a cost benefit analysis/bottom line that they have to look at when they make a decision as to what plan they are going to pick? Can you explain that very briefly?

MR. GASTON: Let me answer that question by taking a slightly different tact. The plan that was proposed included the provision to

buy out properties on a selective basis. The funding that you are proposing, both on the State level and, if we are fortunate enough, on the Federal level, would fund that mechanism. One of the first things we will do as we proceed to make a detailed analysis of the site-by-site reaches of the stream is to look at where it is most appropriate to proceed with a buy-out approach; and, we would hope to implement a buy-out approach by using local input from the residents and from the elected officials in order to accomplish that.

The issue of cost benefit is really something that the academicians ought to look at. What it means is, you get more of a positive nature than you give of a dollar-cost nature.

ASSEMBLYMAN ADUBATO: Mr. Gaston, with all due respect, what we are talking about is positive nature. What I am trying to get at is how we define positive nature. Is the positive nature -- what? It is based on what? What criteria is used to determine this cost/benefit ratio that you say the people in academia are supposed to understand? However, the bottom line is the people who are affected by it. Tell me what the positive aspect of that cost/benefit equation is that makes it so good for the public? You are a person in the government, so explain that for us.

MR. GASTON: Unfortunately, that question is something we are locked into, in terms of what the government has said we must do.

ASSEMBLYMAN ADUBATO: The Federal government?

MR. GASTON: The Federal government, that's right.

ASSEMBLYMAN ADUBATO: Has the Department of Environmental Protection ever tried, through the New Jersey delegation, to change that criteria so that other options would have been more viable as they had to do with picking a flood plan?

MR. GASTON: I think that the options you are interested in, which concern buy-out in a selected context--

ASSEMBLYMAN ADUBATO: (interrupting) It is a question of, "to what degree?"

MR. GASTON: It is very implementable in the context of the present program, and it can be done. What we have to do is to spend our time and effort directed toward picking the areas that are most

appropriate for buy-outs, and then getting on to, "why not the money and the arrangements to accomplish it?"

ASSEMBLYMAN ADUBATO: Mr. Gaston, a lot has been said when we talk about this tunnel. I have been asked by members of the press, and I have been asked by citizens in general why we are even holding this hearing. I have been asked what we are really doing if, indeed, the Army Corps has made their decision to construct a tunnel. There is a two-year period during which we are supposed to wait for all these questions to be answered, but the bottom line is, "This process has begun. Assemblyman Adubato, don't get in the way of that process. Don't get in the way of progress. We are moving forward."

I am asking you, Mr. Gaston, is the tunnel decision a reversible one, and if so, on what grounds? If not, why not?

MR. GASTON: The decision to move ahead with the tunnel is at the concept level. The next point at which we make a go or no go decision is about two years down the road, when we have more detailed engineering information available, and when we have the environmental studies of a detailed nature that have to be done. In the meantime, I think the very positive benefit that goes along with this hearing today -- and a lot of other discussions that we will be having -- is that we have an opportunity to discuss what can be done in the context of our planning program right now, what the concerns of the citizens are, and how we can merge the concerns of the citizens, the concerns of the Committee, and the concerns of the local officials with a program to implement a project in order to solve a problem.

ASSEMBLYMAN ADUBATO: You say it has been approved on a conceptual level. From a hypothetical point of view, without over-committing yourself and your position in the Department, could you give us a hypothetical reason why the tunnel decision could be reversed at the end of two years? On what grounds could that be done?

MR. GASTON: Let me just give you a hypothetical/hypothetical. There is a problem in terms of the geology that would not make the tunnel project implementable.

ASSEMBLYMAN ADUBATO: What do you mean by the geology?

MR. GASTON: The geology of the underlying ground would not be suitable.

ASSEMBLYMAN ADUBATO: You couldn't go through it?

MR. GASTON: Right.

ASSEMBLYMAN ADUBATO: Well, isn't that something we should know beforehand?

MR. GASTON: Well, it is a chicken and an egg question. How do you get to know about those things? On the level at which it has been studied to date, it is not viewed that it will be a problem. But, the government is going to spend hundreds of thousands and millions of dollars doing a detailed analysis to prove that is the case.

ASSEMBLYMAN ADUBATO: Let me ask you a hypothetical question. You say if the geology isn't right -- okay? Is this a 13 mile tunnel? How about if you build into 10 miles of it and it is okay, and then in the 11th mile you find out the geology is not right, and you have spent \$700 million?

MR. GASTON: The engineers will know from borings what the underlying configuration is a long time before the drilling starts. That is one of the purposes for doing detailed planning and engineering.

ASSEMBLYMAN ADUBATO: In the process of deciding whether it is go or no go, how much of a cost will this be for the municipalities? How much of a role does that play in it? Because I know that local officials are going to talk about that later.

MR. GASTON: Well, it is a significant consideration that also has to be dealt with, parallel to the engineering that goes on. It is an issue of how costs are going to be shared, and what kind of an institution is going to build the project. These are important questions that need to be looked at in the immediate future.

ASSEMBLYMAN ADUBATO: That is going to be done within the next two years?

MR. GASTON: We hope so, yes, with the assistance of community leaders, the Legislature, and others.

ASSEMBLYMAN ADUBATO: If you were laying this out for local elected officials in a town in the lower Passaic River -- the Town of Nutley, and the Town of Belleville have representatives here today -- do you have any idea of what they would have to tell the taxpayers in

their community, 15 or 20 years down the road, regarding the construction of levees and floodwalls, and the maintenance of those levees and floodwalls? What are they supposed to tell the taxpayers of those towns? Should they be concerned at all, or is the State going to pick up the tab?

MR. GASTON: I can't tell you that right now. That is a proper question to put on the table.

ASSEMBLYMAN ADUBATO: That has been on the table for a while now.

MR. GASTON: The solution to not only the cost issue but the technical problems, that are a cause for those issues to be addressed, also have to be put on the table. Backups in sewer systems occur. Storm drainage problems do occur. There are areas where it would be desirable to have greater access. All those things need to be addressed in the context of our future work.

ASSEMBLYMAN ADUBATO: So, Mr. Gaston, it comes down to local communities being offered the tunnel and not being told exactly how much they are going to have to put up as their share. They are being told: "This is what we think is the best solution, but we don't know what it is going to cost you. We don't know how much it will cost you before we decide this isn't the way to go."

MR. GASTON: Well, it is a legitimate consideration that local officials are interested in -- cost. We are going to have to work on that.

ASSEMBLYMAN ADUBATO: The sooner that response can come back to those of us in the Legislature, and to those who represent communities on the local level who have to hear the concerns of the taxpayers a lot more than you and the Commissioner do, the better it would be for everyone.

I want to thank you, John, for coming by. Thank you, Mr. Gaston.

MR. GASTON: Assemblyman, we do hear from the taxpayers occasionally, and thank you.

ASSEMBLYMAN ADUBATO: Mr. Gaston, is the Department going to leave anyone here?

MR. GASTON: Yes, there are two people here.

ASSEMBLYMAN ADUBATO: Could you identify them?

MR. GASTON: Richard Bellis, the Project Director for the Passaic Basin Flood Program.

ASSEMBLYMAN ADUBATO: He is the Project Director?

MR. GASTON: That's right. And, the Corps of Engineers is represented by Bob Calligari, who is the Project Manager for the Corps.

ASSEMBLYMAN ADUBATO: Thank you both -- and you will stay? (affirmative answer) Thank you, Mr. Gaston.

MR. GASTON: They will answer any questions you may have.

ASSEMBLYMAN ADUBATO: Terrific.

I want to move to the portion of the public hearing that gives local elected officials the opportunity to give a statement. I want to thank you for your patience so far.

I would like to ask the representative from the Town of Nutley, the Commissioner of the Department of Public Works here in the Town of Nutley, Commissioner Peter Scarpelli, to take the witness stand. Commissioner, do you have anything you would like to give to the Committee?

**COMMISSIONER PETER SCARPELLI:** Thank you, Mr. Chairman. I will be very brief. As the Director of Public Works for the Township of Nutley, my greatest concern with this proposed tunnel construction is, how will it affect our community?

The Army Corps of Engineers has been studying our Township's problems for the last 50 years, and they have not been able to resolve them. Our main storm sewer system was built during the 1920's, and under heavy rains we do experience problems in certain areas with this system -- mainly River Road and along the Third River.

If this tunnel construction becomes a reality, we will need levees and floodwalls. They will have to be constructed along the banks of the Passaic River, thereby making it necessary for pumping stations to be built in order to handle the storm water on our local streets.

I have some questions. Who will pay for the maintenance and operating costs of these possible pumping stations? Who will pay for the maintenance of the tunnel in future years? Who will pay for the

possible reconstruction of our sanitary and storm sewers that will be affected in these areas? What would happen, if anything, to the existing marina, located adjacent to the Avondale Bridge?

This, no doubt, will create an additional financial burden on the taxpayers of my community, and I am strongly opposed to any unnecessary tax increase to our taxpayers.

Based on the Corps of Engineer's study, they state that the discharge from the tunnel would double the existing storm water flow at the mouth of the Third River and the Passaic River. It would amount to 21 thousand additional cubic feet of water per second. This, in laymen's terms, would be equivalent to 560 million gallons of water every hour, or 13-1/2 billion gallons of water in a twenty-four hour period. This could create a wall of water approximately 400 feet high, 50 feet long, and one foot wide, every second. Let me repeat that: 400 feet long, 50 feet high, and one foot wide every second. This is what they want to put in our town.

I publicly state that we oppose this type of construction and I believe an immediate solution would be to buy the homes in the central region Basin, and not put this tunnel in the Township of Nutley. Thank you very much.

ASSEMBLYMAN ADUBATO: Thank you, Commissioner. I would also like to recognize the Mayor from the Town of Nutley, Mayor Chenoweth. If Commissioner Frank Cocchiola could also just wait his turn, he will be heard right after the Mayor. I would ask, because Nutley officials have some of the same concerns but they also have other concerns that are individual to them, if statements have already been expressed, please refrain from restating them because of the time factor.

Before the Mayor starts, I want to acknowledge that he has been at more public hearings than I have on this issue. He has been out from the beginning, stating a particular point of view. I want to thank him again, as I did before, for being here, and for inviting us into his home.

Mayor, I just want you to know that the official transcript is being taken through that microphone. If we can, we will get that up on the podium for you.

MAYOR HARRY W. CHENOWETH: Set it up for me.

ASSEMBLYMAN ADUBATO: Okay. You are the Mayor. Since we want to come back, we will be nice to you. (laughter)

MAYOR CHENOWETH: One goes right into Trenton, I guess. (referring to microphones) I don't know. (laughter) First of all, I would like to welcome you people from our State government here today. I hope this is a threshold of an era in which we can resolve this situation, which is a challenge between two concepts: the central Valley and the lower Passaic Valley -- which we represent.

I concur with the remarks made by Commissioner Scarpelli. We would have real physical exposure from this plan. It is very, very real to us, as it is presently real to those in Belleville at this particular time.

We don't have any quarrel with anyone in this matter. In Wayne we stated that we feel everybody, including this panel here, wants to see this matter of the flooding in the Wayne area solved.

The Corps of Army Engineers has been working on this for years, the same as they have been working on the Third River out here -- it is just a stone's throw from where we stand -- since 1953.

ASSEMBLYMAN ADUBATO: Mayor, just for the record, how long have you been a Commissioner in the Town of Nutley?

MAYOR CHENOWETH: Me? Oh, I am starting my 37th year. I have been involved with this, with the late Commissioner Lucci, since 1953.

Our experience with the Corps of Engineers, with all due respect to those who are here, is not that stable or conclusive. There is no bottom line to what they do.

Somebody asked before whether this tunnel is ever going to come into existence, or if there is going to be a modification. Of course, there are going to be modifications. They are working on them right now.

Is it ever going to be? Maybe I am the only one who will stand here and say I don't think it ever will be, with the way the Corps of Engineers operates.

This plan was introduced to Commissioner Lucci and myself 15 or 20 years ago by the Corps of Engineers, and we objected to it at

that time. After a good deal of discussion with other people in the area -- Paterson, Clifton, Passaic, and on down the River -- it was shelved.

Now, these kinds of meetings, Assemblyman, are getting routine. They are not solving our problem. We are going to have these meetings for the next two years, and we are going to be no closer to the truthful solution to the problem than we are today, unless something comes out of this meeting. This has been said by others, not me. We have to have some round-table discussions with interested and affected citizens and communities, so that the dialogue is not theatrically presented with very little opportunity, as we had, say in April, May, and June, to give any particular reaction, except our gut reaction, to what is going to happen in the lower Passaic Valley area. This has to change and change rapidly, or we are going to get nowhere.

When I filed my report of objections with the Department of Environmental Protection in June of this year, after the meeting in Wayne -- at which time the Plan was unfolded to us -- I got a letter back from the Director down there. He told me that he is going to start a series of meetings that are going to last another two years. He hoped the first one would be in Nutley. This is about the fifth one we have had in Nutley since April. That's not going to solve it.

Our flood problems are not that great in the lower Passaic, and this was indicated at a meeting held in Lyndhurst on the afternoon of the meeting that was held in Wayne. There wasn't an official in the lower Passaic Valley who felt there was a storm problem, or flooding in our immediate area. I can't remember any, and none of the other officials can either. Yet--

ASSEMBLYMAN ADUBATO: Excuse me, Mayor, for the record, I am going to ask you not to cover up that microphone because that is what has to go back to Trenton.

MAYOR CHENOWETH: Yet, they are unwilling to disassociate the two. I think it was taken off the shelf, the same as the so-called tunnel paper was.

I had a discussion with General Whipple from the Department of Environmental Protection, which was recorded up here by WPAT in

Paterson. Somebody asked what was going to happen to this \$1 billion project which, ten years from now, is going to be \$2 billion if inflation gets its licks at it. What is going to happen once they start this tunnel and they decide it isn't going to work? It will cost one billion dollars right now, and maybe \$2 billion in 1995.

He stated at that time that they would abandon it -- they would abandon it. Millions of dollars would be thrown into the ground. Is that the kind of approach we want from this program. We have heard about taxes. Nobody wants to tell us what our exposure is going to be. I asked General Whipple about it: "Who is going to maintain these levees and these pumping stations?" -- "We will get to that later when the plan is developed." No one knows, but, believe me, it is going to be the local taxpayer because there is no money available at the State and Federal level.

ASSEMBLYMAN ADUBATO: Mr. Mayor, I just want to take this opportunity -- with all due respect, if it is possible -- to let you know we have 11 more witnesses.

MAYOR CHENOWETH: All right. This is just exactly what happens every place you go. There is no dialogue. Nobody wants to know the complete concept of what this is. Let me tell you one thing, Steve. Correspondence has come to me -- and this is for your Committee -- that Senator Lautenburg had a plan. I wrote to that party and asked him to send it to me. I haven't received it yet. If you can develop what his plan is--

ASSEMBLYMAN ADUBATO: Is there a representative from Senator Lautenburg's office here? (no response)

MAYOR CHENOWETH: Let them tell us what it is. I have never been able to develop it.

I look at this with a little mixed emotions now and then. I heard Joe Puzio talk here today for Minish. I heard him up in Wayne, and when he went out I followed him out. If there is anybody here from Roe's office, I wish he would hold up his hand. (no response)

ASSEMBLYMAN ADUBATO: Excuse me, Mr. Mayor. I just want to let you know that I am the Chairman of this hearing and I will conduct the hearing. I would appreciate it if you did not have a dialogue with

people in the audience. I am going to ask you again, with all due respect--

MAYOR CHENOWETH: (interrupting) All right. Let me tell you this, Steve--

ASSEMBLYMAN ADUBATO: (continuing) Mr. Mayor, we are constrained by time, and that is the only reason I interrupted you. I want you to know that everything you have to say is important to us.

MAYOR CHENOWETH: All right, let me tell you what the story is. He stated up there that Congressman Minish would support the concept of the plan that was presented to us up there, which includes the tunnel. We were told that Congressman Roe -- engineers told us this -- was in favor of the tunnel. At that time Congressman Roe did not represent us here.

I would like to know what his position is right now, because it is important. If Minish and Roe are going to support the tunnel, then we have to find a way of convincing somebody that the people in the down-river area are not interested in that.

Basically, Steve, we don't want to see the tunnel bring this water down here. We are afraid of many things: The collapse of the levees, and what not. They are not realistic.

Just one more thing. I mentioned this to General Whipple, who now represents-- He is a former engineer for the Army Corps. I mentioned something about a blowout. I want to share with you what I have been able to develop. You know, water is always seeking to find a way out. Put it in a paper bag, and pretty soon it is out. Put it in a little circular, and it will try to get out. They have what they call a "blowout situation," where the water is seeking to get away. If you go down to the area where the Third River goes into the Passaic River, it is very narrow. You people are going to have to raise the Route 21 bridge. You are going to have to widen it -- the bridge right now is twice as wide as this (indicating) -- to accommodate the water that the Commissioner has talked about. I asked him: "Could a blowout take place?" And, he said, "Yes."

If it blew out on the south side of the dike on the Third River, everything in Nutley would be inundated with water. It couldn't

get to the Passaic River until it went through Belleville because of Route 21.

I asked him one thing further, "Should the blowout shoot across" -- and Lyndhurst is right across the River -- "what would happen with all those millions and millions of gallons of water?" He said, "It would be devastating." That is exactly what we are faced with. We are faced with a situation that is not going to affect my generation or a lot of people here. But, the future people who are going to have to live in Nutley would be exposed to something that I don't think we should give to them without putting up some sort of a fight or without input to stop the tunnel at this time. Thank you.

ASSEMBLYMAN ADUBATO: Thank you very much, Mayor. Commissioner Cocchiola from the Town of Nutley.

**COMMISSIONER FRANK COCCHIOLA:** Mr. Chairman, thank you for this opportunity. My comments are going to be very brief, and they are going to be part of another area of this problem. There has been a great deal of discussion about the problem and not the source. You touched on it very lightly with some legislation that you are planning.

My concern is -- and I think the concerns of the people should be -- what can we do to stop the proliferation of building in the areas that are causing the problem? I think that should be of major concern. As Mayor Chenoweth stated earlier, he was involved with this problem with the late Commissioner Lucci, and certainly they were well aware of what transpired through the years. I think there should be some steps taken to prohibit construction in those areas that are causing the problem.

At a recent meeting you held with an ad hoc committee that County Executive Peter Shapiro put together, there was some discussion about this same area. And, of all the communities that were represented, only one community had a flood control commission, or a flood control plan. I think there should be a mandatory commission, or group, or committee -- whatever you want to call it -- in each community that handles these problems. I think we should stop the building. If building continues, then the cost of the project will rise and we are going to be the recipients -- or the future generations

will be the recipients -- of paying for all the damage that is being done.

I think that is the area we should be addressing at this time. That is all I have to say.

ASSEMBLYMAN ADUBATO: Thank you, Commissioner.

We afforded a special privilege to the representatives of Nutley mainly because they are the host town. But, I am going to call on -- because there are several representatives here from several other communities -- the representatives from the Town of Pequannock who are present. If I am not mistaken, there are a couple of people here. I am going to ask all of you to come up and have one person give the primary testimony.

REPRESENTATIVE FROM PEQUANNOCK: I will make this brief.

ASSEMBLYMAN ADUBATO: You are?

MR. WANCZYK: Jay Wanczyk.

ASSEMBLYMAN ADUBATO: Mr. Wanczyk, if you would identify your-- Let me just ask our staff something. Is it better if the witnesses sits down and uses the microphone.

REPORTER: Yes.

ASSEMBLYMAN ADUBATO: I would ask you to please take both microphones back to the witness table, identify yourself, and the position you hold within the town.

W. JAY WANCZYK: Thank you, Assemblyman. I am W. Jay Wanczyk, the Assistant Township Manager, and the Emergency Management Coordinator for the Township of Pequannock. To my left is Mr. William Hutchinson, our Township Engineer and Director of Public Works.

In the interest of time, and the ability of everyone to be heard, I will paraphrase -- as you requested -- our statement.

Basically, the Township of Pequannock, as you know, is located in northeast Morris County, at the confluence of the Ramapo, Pequannock, Wanaque, and Pompton Rivers. As indicated on the small map I brought with me, approximately one-third of the Town is in the 100-year flood zone. What does this mean? This means that this area is subject to a major flood, and it has a one percent chance of having that flood each year. Last April's flood was only an 87-year flood, which is not as severe as they can get; they can get worse.

The Township of Pequannock Council is on record as supporting the tunnel plan. Basically, they adopted a Resolution on May 23rd, supporting this position after an extensive review of the five volume report issued by the Army Corps of Engineers.

There was an initial concern that there wasn't enough time to review that report in an intelligent manner. However, much of the material -- as previous people who have spoken have said -- has been disseminated in studies which date from the 1960's and earlier; plus, the Army Corps of Engineers and the DEP are stating that the two-year design period will be open to questions and other items of consideration which are of concern. Obviously, people in the lower Basin do not want to have a repetition of the problems we have in the central and northern Basins.

The impact of the tunnel plan on conservation and recreational opportunities will also be evaluated. The greater question, however, for the Passaic River Basin Subcommittee is the welfare of the population as a whole. The current inhuman and unreasonable living conditions imposed upon the residents and property owners living along the entire length and breadth of the river valleys are as a result of almost 55 years of delay and study. We must get underway immediately. Before one's family can have recreation, they must be assured of the ability and opportunity to lead normal and sane lives.

The technical volumes of the Stage 2 Report -- Appendix A: Engineering -- shows that during the 100-year flood -- very close to what we had -- the water going through the Pompton River in our Township would amount to 30,480 cubic feet per second. We had close to that in April.

With the tunnel constructed, that flow would be reduced to 5,000 cubic feet per second, or just slightly higher than high water for an average year. This would still allow enough water to be drawn out of the River for consumption -- for instance by the Wanaque South Water Project, which is being constructed at this time along the Pompton River. The Wanaque South is an important project, and that project should not be interrupted or affected negatively by this tunnel project.

ASSEMBLYMAN ADUBATO: Are you paraphrasing, or are you going to read your statement?

MR. WANCZYK: No, I will paraphrase the final paragraph.

The Township of Pequannock is also on record as supporting the interim measures, such as the buy-out of homes and properties in the most flood prone areas, and also the maintenance of the River Basin and the Rivers by dredging and those methods. However, one thing that we would like to mention is, saying that there is going to be a buy-out of the houses should not be used as a substitute for the tunnel plan. A buy-out of just the homes in Pequannock Township that are affected two or three times a year by flooding would cost \$1-1/2 million to \$2 million for only 26 to 30 homes.

To protect and provide the same level of protection as the tunnel would for the Township, would cost \$150 to \$200 million -- to provide the 100-year flood protection. That is why we support, as the major solution, the tunnel plan. But, the buy-out, as an intermediate method, and the cleaning out of the streams and rivers is also supported.

We just wanted to be on record that it is misleading for anyone to state that a buy-out of \$100 to \$150 million would be an alternative to the tunnel plan; it is a supplement, and it should only be seen as a supplement.

The other interim measures are already being enacted, such as the early warning system, etc.; therefore, the Township just asks that full support be given to the preliminary tunnel plan, the buy-outs, the early warning system, and the river cleaning and dredging. Thank you.

ASSEMBLYMAN ADUBATO: Mr. Wanczyk, I just have a few questions. You say that the community you serve in a governmental capacity supports the tunnel?

MR. WANCZYK: Yes, they do. They support the preliminary plans.

ASSEMBLYMAN ADUBATO: Let me ask you this -- and I will cut through a lot of the rhetoric on this: How comfortable are the people in the community-- You don't represent them; you serve in a bureaucratic capacity within the government?

MR. WANCZYK: Yes, but I happen to be a lifelong resident as well.

ASSEMBLYMAN ADUBATO: Okay. As a lifelong resident, person to person, can you tell me -- forgetting about our concerns down here in the lower Passaic -- how comfortable you are, as a resident, with waiting 11 years, on the short end, for the construction of a tunnel that is supposed to make your life better, as it has to do with flood control?

MR. WANCZYK: Well, if it would guarantee that the people could live in the homes they built, for their entire lives -- they saved and scraped to build those homes and they want to stay there -- yes, I am comfortable with it. Many of them experienced a flood 16 years ago this year, in 1968. If a comprehensive plan had been adopted and built at that time, they would have been protected this past April.

ASSEMBLYMAN ADUBATO: Do you feel that it is the best you can get?

MR. WANCZYK: Yes, in the long term. In the short term, there are the intermediate steps, which I mentioned before.

ASSEMBLYMAN ADUBATO: How about if more money was provided for the buy-out? You mentioned a certain amount of money -- \$100 million, or \$150 million. How about if \$1 billion could be used, because that is what we are talking about the Federal and the State governments spending \$1 billion. How do you feel about using \$1 billion to buy out more property in the area? How would you feel about having your home bought out, and having that area cleared out? Then you know the problem would be alleviated.

MR. WANCZYK: Yes, but I for one would want to stay in a town that I contributed to and built. Other people may not want to stay. A larger buy-out may be necessary to accommodate those areas which are subject to the two to three times annual flooding.

ASSEMBLYMAN ADUBATO: How large would the buy-out have to be before you think the tunnel would not be built? I know you are not a technical person on that end.

MR. WANCZYK: Perhaps our Township Engineer will address that, because he is a little more familiar with some of the engineering.

**WILLIAM HUTCHINSON:** How long would the buy-out have to be?

**ASSEMBLYMAN ADUBATO:** I am asking this for two reasons: One, because I would like to see a solution to your flooding problems implemented as quickly as possible; and, two, if there is no tunnel built, it makes the lives of those of us who are downstream a lot safer. We would feel a lot better about things, 10, 15, 20 years down the road. So, I have two reasons for asking that question.

I am asking you again, how much money do you think would have to go towards a buy-out, in terms of the numbers of properties and people you estimate would want to voluntarily give up their homes and sell to the State before a tunnel would not have to be built?

**MR. HUTCHINSON:** I couldn't make that estimate. I'm not sure how many people would want to move and how many wouldn't. I know that in the Corps of Engineers' Report, it says that during a 100-year flood, 20,000 homes would be inundated. Now, what is it going to cost to buy or condemn 20,000 homes? It is our opinion that it is going to cost quite a bit more than the \$900 million it is going to cost to build the tunnel.

**MR. WANCZYK:** Right, and they didn't take into consideration industrial or commercial properties which would also receive protection during the tunnel plan.

**ASSEMBLYMAN ADUBATO:** I want to thank you very much for coming to testify.

**MR. WANCZYK:** Thank you for the opportunity.

**ASSEMBLYMAN ADUBATO:** I made a mistake before and overlooked a public official from the Town of Nutley. He is a member of the Board of Education, and he is also a member of the Essex County Flood Control Task Force. He is Charlie Kucinski. Charlie, would you like to add something to the Commissioner's and the Mayor's statements?

**CHARLES KUCINSKI:** Thank you, Assemblyman. As you mentioned, I am on the committee that County Executive Peter Shapiro formed to get some feedback from the local municipalities regarding the problems we think this tunnel is going to cause. Most of the questions have been answered already. That was unfortunate for me, but fortunate for the Town.

There are some concerns I don't think were addressed. For example, we did not get a definite answer on, "Can this plan be turned around? Is it cut and dry by the Corps of Engineers?" They beat around the bush, and we don't know if this can be solved. We're still looking for more answers.

Since I am in the Fire Department in Nutley, and since I am in charge of emergency management, which is the old Civil Defense, I am aware of the flooding problems we have had in Nutley and all the pumping of homes we have had to do. We have had to put this amount of water back into the Town of Nutley. Commissioner Scarpelli mentioned this before. Can we handle it?

Another concern is the 60-foot levee they are talking about. I can't picture a 60-foot levee along River Road. They are also talking about a levee on the Lyndhurst side which is not the same height as the one on the Nutley side. I have a concern about that. As far as I'm concerned, Nutley and Lyndhurst are on the same level, yet the levee isn't equal on both sides. That is a concern of all of us.

We have gone through some problems in just working on the Avondale Bridge. Again, that bridge is going to raise another problem that we haven't talked about.

Safety: Safety with a 60-foot levee, I think, is a concern of all the residents of Nutley. The cost of the sewer damage that will occur when they do this underground digging-- Again, who is going to pick up the tab? It is going to come back to the local taxpayers in Nutley, and I think that is our biggest concern. I know that has been touched upon before, but it is the most important problem we have.

Thank you. (applause)

ASSEMBLYMAN ADUBATO: Okay, thank you very much, Charlie. Since these communities are geographically located, I am going to ask -- unless representatives of these communities feel very strongly about having something different to say-- We have representatives from Pompton Lakes, Pompton Plains, and Wayne. I am going to ask the government officials from those communities to come up and try to combine your testimony. I am talking about government officials; unfortunately, I am not at the part of the program where we want to

hear from public interest groups or citizens. I'll move as quickly as possible. Will any elected or government officials from those communities please come up and identify yourselves?

Is this the only person left from those three communities? (affirmative response) I see we held them off long enough. (laughter) Is there anyone else? (negative response) Sir, will you identify yourself?

**ANTHONY BUZZONI:** I am Anthony Buzzoni, Director of Public Works in Wayne Township.

ASSEMBLYMAN ADUBATO: From Wayne Township?

MR. BUZZONI: Yes.

ASSEMBLYMAN ADUBATO: Please proceed.

MR. BUZZONI: We have a Corps report that covers the gamut from Newark Bay upstream to the--

ASSEMBLYMAN ADUBATO: (interrupting) Excuse me. Can the people in the back of the room hear Mr. Buzzoni? (negative response)

MR. BUZZONI: (continuing) The Corps report covers the gamut from Newark Bay up to the headwaters of the particular basin we are talking about. There are many areas addressed in the report which concern people, structures, proposals, and the environment. There is no doubt that in reading all of those volumes, there will be many questions asked. We hope the Corps and the New Jersey Department of Transportation will provide the answers to the multitude of questions that people now have and will have during the two years that the plan is unfolding.

As I listened to testimony so far, there is one area that has not been addressed, and I would like to talk about that very briefly. There has been talk about an early-warning system. One of the problems we are having, Mr. Chairman, is during the daytime when it is raining. Our emergency management officer makes a decision based on what he sees -- that we are going to have a flooding event. We notify the people. At that time, they refuse to leave. Twelve hours later -- it is now nighttime -- the same people who would not leave in the morning are now frantically calling to be taken out. At that point, we are really handcuffed. The rescue forces cannot use the same equipment at night

as they do during the day. Their operations are very, very risky, and we have lost a few people because of this.

What we need, Mr. Chairman, is legislation that when the emergency management people make a decision under emergency conditions -- that there is going to be a flooding event -- they can order people out. I've heard the concern: "We've ordered people out. Who is going to secure the homes?" There is an answer to that. We still have the National Guard in this State, and I think we should use them. That is one area where we really need some help.

Thank you. (applause)

ASSEMBLYMAN ADUBATO: Thank you very much. I'm going to divert from our original schedule. It is out of courtesy to the individual citizens who have sat here so long. I invited a lot of you here. I'm going to ask--

Before I do that, I want to recognize a very distinguished gentleman. I would like to welcome the former Assemblyman of the Thirtieth Legislative District, John Kelly, from the Town of Nutley. (applause) Thank you for coming, John.

Before we move to the other governmental agencies, I would like to ask any residents of the downstream communities if they would like to make a statement? (affirmative response) I know some of you have asked to testify. Will you identify yourself, sir?

**MISAK K. MURDICHIAN:** I am Misak Murdichian from Nutley.

ASSEMBLYMAN ADUBATO: Okay. Please come up. I would like to ask the government officials to bear with us, and I'll tell you the reason why. You have had an opportunity at many public hearings to make statements. One of the good things about coming to Nutley Town Hall is that residents from this community and surrounding communities can come and say what is on their minds in a way that we always have an opportunity to do. So, I'm going to ask-- You have a difficult name to pronounce, just as I do.

MR. MURDICHIAN: It is Misak K. Murdichian.

ASSEMBLYMAN ADUBATO: Okay. Do you live at 293 Chestnut Street in Nutley?

MR. MURDICHIAN: Yes. I am going to read this; it will take about three minutes. It is a copy of a letter I sent to The Star-Ledger this morning. I think it is necessary because it covers some unanswered points.

"There are several important factors which should be considered carefully in all references to the construction of a 40-foot flood tunnel, 150 feet deep and 13 or 14 miles long, intended to 'eliminate flooding in the flood-prone Passaic River Basin.' (The Star-Ledger, July 24)

"A comparison of a 40-foot tunnel has been made with the Lincoln and Holland vehicular tunnels. Forty feet is the diameter, not just the space between the paved roadbed and the ceiling. A height of 40 feet compares with a three-story-high apartment building with a flat roof, measuring from the lawn or sidewalk level up to the top of the parapet. A 15-story high-rise apartment or office building can be considered to be approximately 150 feet high, thus comparing with the depth of the proposed tunnel. That is quite a depth. We do not recall anyone offering a reason why it must be placed so deep.

"The First and Second Watchung Mountains extend for 22 miles from Paterson (Garrett Mountain) to Bound Brook. Driving westward on Routes 3 and 46 in Clifton and West Paterson, one sees the exposed traprock at the quarry on Valley Road. (Traprock is officially called trap.) Eastbound on Route 46 at Little Falls one sees the exposed rocks at the right, and just south of this is the apartment complex built in an abandoned quarry. This rock, harder than granite, is similar to that at the quarry on Eagle Rock Avenue at the bend in West Orange; also the awesome spectacle of the cliffs on Route 280 in West Orange; also the quarry in Springfield; and finally the quarry at Chimney Rock near Martinsville/Bound Brook. If the tunnel builders planned on circumventing the rock by going north of Garrett Mountain, they will find solid rock all the way to the Great Falls of the Passaic River in Paterson. Rock is only one of the great barriers in the project."

ASSEMBLYMAN ADUBATO: Is your background in engineering?

MR. MURDICHIAN: No.

ASSEMBLYMAN ADUBATO: It is a very illuminating testimony.

MR. MURDICHIAN: I have an older brother who is involved with the St. Lawrence Seaway, and he has studied the geology of this whole area.

"In his letter of July 5, Walter H. Flynn, Jr., Little Falls, wrote that if so-called temporary measures are satisfactory during the two-year project for design work and 11 years for completion and finally opening the tunnel, then the temporary measures should be considered as the solution -- ignore the tunnel entirely. In his letter of July 7, Frank A. Orechio, Nutley, definitely showed how dikes fail to hold back the water in severe situations. He also pointed out the need for a 'glory hole' leading to the flood tunnel. This would catch the debris before it enters the tunnel. And, what is this debris? It consists of tires, bicycles, row boats, shopping carts, furniture, drowned cats and dogs -- lots of heavy items floated out of basements, garages, yards, etc. Who is going to clean out the hole and the tunnel in future years? Who will pay for this? Both men want the water diverted to holding areas, rather than divert it downstream and out to sea. A flood tunnel would require holding basins anyway, necessitating buying up houses, stores, etc. When then is the tunnel necessary? Concentrate on collecting the water for use here instead of diverting it from upstream to downstream. Surely such holding basins could be made into small or large recreational areas, albeit seasonal, if there is no need to divert the water to reservoirs during a drought. Recall the recent transfer of water from Manhattan across the George Washington Bridge to Bergen County facilities."

I'll make just one more statement. We referred to 30, 40, or 50 years of work on this, and I say this without humor. General George Washington knew of the flood problems of the Passaic River; therefore, he took the soldiers back to Mt. Kendall, knowing that the British could not come through the border -- Florham Park and Chatham, the Great Swamp. Yet, construction was going on up and down the valley.

ASSEMBLYMAN ADUBATO: I know you weren't there at the time.  
(laughter)

MR. MURDICHIAN: No, but since reference was made to years ago--

ASSEMBLYMAN ADUBATO: (interrupting) Absolutely. It gives us a good historical perspective. You're right.

MR. MURDICHIAN: There is a sad situation at Sundance Lodge. It would have never happened if buildings hadn't been built in that swamp.

ASSEMBLYMAN ADUBATO: I want to thank you. (applause) I've always said that Nutley had the most intelligent citizens. (laughter) Do any other citizen residents, not government persons, want to testify? (affirmative response) Okay, in the back of the room? Will you identify yourself?

**PAT GUIDA:** I am from Lyndhurst.

ASSEMBLYMAN ADUBATO: Okay, come on up. Then we have one other person from Nutley. I know we have some people-- I would also like the elected official from Lyndhurst to accompany Ms. Guida. Because there are so many witnesses -- we don't have that many left -- I'm bending the rules a little bit. I am going to combine elected officials with public citizens as much as possible.

Please proceed. State your name.

MS. GUIDA: My name is Pat Guida of 293 Willow Avenue in Lyndhurst. I am the Vice Chairman of the Passaic River Restoration Project. We feel that the Army Corps of Engineers has not considered a master plan that we developed over the years, which calls for a lot of preservation of open space, and which, in itself, is a form of flood control. We oppose the tunnel and support the buy-out.

ASSEMBLYMAN ADUBATO: Thank you very much. Will you identify yourself, please?

**EVELYN PEZZOLLA:** My name is Evelyn Pezzolla, and I am Director of Public Works in the Township of Lyndhurst. I am also a member of the Board of Commissioners.

Thank you, Mr. Chairman, for allowing me to speak at this time. I know I have spoken at other hearings here in this room. I would like to say to you, Mr. Chairman, that our Township will be represented at all of the hearings concerning this, if we are notified.

I represent 22,000 people in my community who are opposed to the proposed tunnel project. The Township of Lyndhurst is opposed to

the project because we feel we haven't gotten the answers to our many questions regarding the effect it will have on the lower Basin and our community. We are very concerned about the sanitary sewer and the storm sewer system. We spent \$600 thousand during the past few years to alleviate a flooding problem that had caused residents to be removed from their homes by row boats. We have that problem corrected now, it cost a lot of taxpayers' money, and we don't want to have a repeat of that kind of situation.

As public officials, we all know the difficult time we have finding money to solve these problems. To have a project come up without us knowing about it, and then to reach this point after we have spent so much of our taxpayers' money to rectify it, is something we can't fathom without our legislators paying attention to it.

I proposed to Congressman Minish's aide this afternoon-- We put together a hearing of our own -- and I'm sure your representation there would be helpful -- to include all of the legislators in this area, in particular, those who serve the lower Basin. We want them to hear the fears and concerns of the public officials of the lower Basin.

I also represent the Southwest Region for the Community Development Committee of Bergen County. I serve as chairwoman of that Committee. I represent 11 communities, some of which also border the Passaic River. These communities are also concerned; they consist of East Rutherford, Rutherford, Carlstadt, Wallington, North Wallington, and of course, Lyndhurst. Through that Committee, we funded a portion of the study completed by the Restoration Committee regarding the Passaic River. We received Federal funds to work on that particular project. We think the legislators and your Committee should be made aware of the expenditure of those funds. Also, we would like you to consider what will happen to the amount of money that has been spent should this tunnel project come to light. What will happen to the Passaic River Restoration Project since we, the taxpayers, and the Federal government have put money into it already?

ASSEMBLYMAN ADUBATO: I want to thank you. Before you leave the witness stand, will you spell your first and last names for the record?

MS. PEZZOLLA: Evelyn Pezzolla, Director of Public Works, Township of Lyndhurst -- E-V-E-L-Y-N P-E-Z-Z-O-L-A. Thank you very much, Mr. Chairman.

MS. GUIDA: Pat Guida -- G-U-I-D-A -- Vice Chairman, Passaic River Restoration Project.

ASSEMBLYMAN ADUBATO: Thank you very much. (applause)

Again, in the spirit of combining as many people as possible, I am going to ask the Councilman from the Town of Bloomfield, Ralph Colasanti, to testify. There have been significant flooding problems in the Third Ward that he represents.

After Mr. Colasanti, the next witnesses I will call are two couples -- Marion and William Detko. Are they here? (affirmative response) Mr. and Mrs. Detko are from the Town of Wayne. I am also going to call Irma and Thomas Domin. Are they here? (affirmative response) Okay, please bear with us.

Councilman?

**COUNCILMAN RALPH COLASANTI:** Mr. Chairman, thank you for having me here; I really appreciate it. As you are aware, the Third Ward in Bloomfield is the southern portion of Bloomfield. The southern portion of Bloomfield has several tributaries running through it, which contribute to the Passaic Valley system. One tributary is the Wigwam Brook and another is Tony's Brook. The Second River also travels through our area. Significantly, the Meadowbrook sewer system is also part and parcel of our problem in Lower Bloomfield. Throughout Bloomfield, the Third River is also a tributary that contributes to the flooding problem in Bloomfield.

As you are aware, the Town Council has targeted the center business district as being one of the areas for treatment with our CDBG projects.

ASSEMBLYMAN ADUBATO: Community development block grants?

COUNCILMAN COLASANTI: That is correct.

ASSEMBLYMAN ADUBATO: Okay. A few are bureaucrats, Ralph; don't forget that. (laughter)

COUNCILMAN COLASANTI: Right. The amount of money that the Township has targeted in that area has now become significant, and it

is also significant that the flood problems in Bloomfield from both Tony's Brook and Wigwam Brook have also created some development problems, namely in the Washington Street area, which your office is very close to, Steve. In the lower area, we have problems with the Meadowbrook sewer system, which floods the Ampere section of Bloomfield from Chester Avenue to Abbington Avenue, and between Ampere Parkway and 16th Street. Those streets become inundated with as much as two to three feet of water at times.

It creates additional problems with our services in that we have to increase the ability of our fire department and our Public Works Department to assist our citizens. In man-hours, it has cost the Town of Bloomfield.

Our chief concern is that some time ago -- about a year and a half ago -- Congressman Minish put together a small group of people from the Townships of Bloomfield, Nutley, and Belleville to look at the problem with the Army Corps of Engineers and to kind of highlight the problem. We found out at that time that the Second River was not being studied by the Army Corps as being too small a problem. The Third River was studied as a separate problem.

At this point, I question whether or not the tunnel project will or is taking into consideration the Second River problems along with the Third River problems.

ASSEMBLYMAN ADUBATO: Councilman, are the people in Bloomfield aware-- I mean, a lot of our attention is focused on Nutley and Belleville, as well as the City of Newark, because of our location along the River. The Town of Bloomfield is not located along the river per se. Are the people in Bloomfield aware that there is a tunnel that will affect the Town, even though the outlet of the tunnel will not be alongside the Town?

COUNCILMAN COLASANTI: I believe they are. The media has covered the situation fairly substantially. However, I don't know if they are aware of the impact that it may have -- that is, the impact, as I said before, on the Meadowbrook sewer system and the Second River sewer system. If there is going to be that great a volume of water dumped into the lower Passaic, I question how it is going to affect those systems in the lower part of Bloomfield.

ASSEMBLYMAN ADUBATO: The only reason I raised that is because I am also a representative of Bloomfield and I know of the flooding there. It is not as well-documented or as dramatic as some of the flooding in the upper Passaic region, but I can assure people that there is flooding down here.

I want to thank you, Councilman, for your comments.

COUNCILMAN COLASANTI: Thank you. I thank your Committee, and I thank the Town of Belleville for allowing your Committee and the people here to have a local hearing.

ASSEMBLYMAN ADUBATO: Okay, but we're in Nutley. Belleville and Nutley have a real rivalry, so I want to make it clear that this is Nutley. Okay?

COUNCILMAN COLASANTI: Oh, I'm sorry.

ASSEMBLYMAN ADUBATO: Thank you very much, Ralph.

COUNCILMAN COLASANTI: Thank you.

ASSEMBLYMAN ADUBATO: Next I would like to ask William and Marion Detko and Irma and Thomas Domin to testify. Are they here? (affirmative response) Please state your name and the spelling of it.

**MARION DETKO:** I am Marion Detko -- D-E-T-K-O -- of Wayne.

ASSEMBLYMAN ADUBATO: You're not going to read that whole thing, are you?

MRS. DETKO: No, I'm not. (laughter) Don't get excited. I am one of the cochairmen of the Committee of the Citizens of Wayne who are supporting a voluntary buy-out. This volume of paper that you became excited about consists of 10,000 signatures that we have obtained so far. We're not finished yet. It includes signatures of people from out of State who are in support of the buy-out.

We are tired of the study upon study upon study of flood control in our area. Nothing has been done so far, and I don't think anything will ever be done.

Approximately four years ago at an Army Corps of Engineering meeting at the Preakness School, I spoke to the person in charge. I said to him, "Off the record, when do you think we will ever see a proposal for flood control in this area?" He told me it would never happen during my lifetime. He said it may happen during my

grandchildren's lifetime. So, I don't think you are ever going to have to worry about seeing the tunnel go through. I don't think you are ever going to see it.

We, the residents, are physically and mentally drained. We cannot put up with the devastation; we cannot put up with the effect it has had on our lives. We want a voluntary buy-out. The people who signed these petitions have said that this is the first piece of concrete evidence they have seen, and they are in full favor of it. I wish you could have been there to hear some of the comments about the tunnel. We want the buy-out, and we want it now. We don't want it 10 years from now. By the time this tunnel goes through, I don't think any of the homes will be left standing, and I think many more of us will have lost our lives. We have lost five lives during the past two years, and we have sustained 12 floods during the past two years. I think that is more than anyone can take. When it rains, we don't go to sleep. Many of the people sleep with their hip boots alongside their beds. That may sound funny, but when you live in our area, it isn't funny.

I was very disturbed to hear the official from Wayne Township. All he had to say was, "Put the blame on the people who did not want to leave the flood areas." There were people who called at one o'clock in the afternoon who had quadruple bypasses and wanted to be taken out. They weren't rescued until four o'clock the following afternoon. I think that in a town the size of Wayne, the official should have had something better to say than he did.

I put a lot of blame on DEP for allowing the building to go on. They have just widened Route 23, which has become a 23-mile dike. It has put many, many millions of gallons of water down on us. Now they have given permission to fill in over 50 acres of land in Lincoln Park in order to build an industrial park there. I was very happy to see that it went underwater in April. I think the DEP is most to blame, and it is a shame that we have to resort to a buy-out in order to pick up our lives and continue to live.

ASSEMBLYMAN ADUBATO: Mrs. Detko, if you could-- Is Mr. Bellis from the DEP still here? (affirmative response) Will you come up for a minute?

**WILLIAM DETKO:** I would like to say something about the DEP. We know for a fact that areas which are called floodlands, wetlands, and flood plains are deliberately being filled in, and they are going to construct on them. We know that for a fact. Yet, when we check on it, we find that they have been given permission by DEP to go ahead and build in these areas. This is where the problem lies. The problem doesn't lie with the people in the area; it lies with the DEP giving permission to build beyond control. There is no control whatsoever. DEP is where I put the blame. If they are letting them fill in and build on these local wetlands--

**ASSEMBLYMAN ADUBATO:** (interrupting) Mr. Detko, I would like to ask you to give up your seat to Mr. Bellis. I would like him to sit next to your wife for a minute so that I can ask him a couple of questions.

I'm glad you stayed behind, Mr. Bellis. Are you aware of that particular petition and the number of signatures that have been collected?

**RICHARD BELLIS:** I was aware that one was being developed, but I haven't seen it.

**ASSEMBLYMAN ADUBATO:** You're aware--

**MR. BELLIS:** (interrupting) I was aware that a petition was being circulated.

**ASSEMBLYMAN ADUBATO:** The reason I asked you to come up was because many times local elected officials and State officials state what we think could be the opinion of the majority of people whom we represent. The reason I pressed some of the township officials and the DEP officials earlier during the hearing was because we seem to think that we have a sense of what people feel. I talked about the voluntary nature of the buy-out option for two reasons. One is, we don't want to become flooded down here. We won't know that until the tunnel is constructed. Number two, we would like to see people in the upper Passaic River Basin have their problems addressed as quickly as possible. How many petitions would have to be given to the DEP before they would consider putting up more money -- whether it be through the legislative process or not -- for the buy-out option? You know, there

are 10,000 signatures there. What happens if 100,000 signatures are gotten just in the particular flood basin area we are talking about? What would happen if 100,000 people signed petitions and said, "We would like our property to be bought by the State, and we did a calculation that said it would cost \$1.3 billion." Frankly, that is not much more than the tunnel is going to cost. I'm just throwing that out. Let's talk as openly as possible. What kind of impact would that have?

MR. BELLIS: Well, I'm not sure I can definitively give you an answer to that. Certainly, a petition gives us an indication that there is a concern. I think our major focus in that kind of situation would be, "What are the alternatives that would really work?" In terms of a buy-out of the magnitude you are describing, you are really reshaping a great deal of northern New Jersey as far as it being developed or undeveloped. I'm not sure that would work.

ASSEMBLYMAN ADUBATO: The reason I raised that, Mr. Bellis, is because many times we say -- regarding this particular argument -- that people in the upstream communities feel a certain way, and they want to have a tunnel built so that their problems can be alleviated. People in the downstream communities say, "We don't want the tunnel because we don't want the flooding 10 or 15 years from now."

I don't think that is the case. I don't think it is clear-cut, and I frankly don't think government officials who represent communities and say, "As a Council, we support the tunnel"-- I think many times we miss the fact that they are individual citizens, and Mr. and Mrs. Detko obviously are not two individual citizens. They have gone out and gotten a few petitions signed for a particular option. I think that too many times those feelings and sentiments go by the wayside. If you had "X" number of signatures up there, and "X" number of signatures down here that say, "Don't build a tunnel for two different reasons; buy out the property for the same reason -- to give people faster relief and to avoid a flood 10 or 15 years down the line," I wonder if it would dramatically change the physical structure up there. I wonder how relevant that is to the overall public sentiments. There are just too many times when I don't see that point of view taken very seriously.

MR. BELLIS: What I think you are really saying is that there are two different concepts to be explored. The plan, as it was developed, was primarily to protect property. The option of a buy-out of such great magnitude -- which you are throwing out as a hypothetical situation -- would really not be to protect the property that is developed, but rather the reuse of that property for another purpose. These aren't necessarily the same projects that we are talking about.

ASSEMBLYMAN ADUBATO: First of all, I didn't talk about other uses. When I talk about buying out property, in my mind, when a geographic area in the Passaic River Basin has had so many flooding problems primarily due to over-development-- When I say buy out property, in my mind, you level that property, you take the land that is now vacant, and you use that land in the way it was intended, which was to absorb excess water. I'm not talking about future use. That is why my original question to Mr. Gaston centered on the development after a buy-out and after a tunnel. I don't see the DEP or anyone else making a firm commitment that they are not going to develop again up there. Frankly, that has had much to do with the problems that Mr. and Mrs. Detko have been facing.

MR. BELLIS: In essence, the DEP is a regulatory agency that regulates according to what is put together.

ASSEMBLYMAN ADUBATO: Would you support legislation that would halt development?

MR. BELLIS: This more or less comes back to one of your earlier concerns dealing with the moratorium which I believe Mr. Gaston indicated was a legislative prerogative. We could lose sight of what this project is all about if we think in terms of a total buy-out as opposed to protecting the property. Those are different approaches to the flooding that takes place.

ASSEMBLYMAN ADUBATO: Thank you, Mr. Bellis. I also want to thank you, Mr. and Mrs. Detko, for staying here. I know you're not going to leave those petitions behind because they are valuable, but we know you have many signatures. Thank you.

MRS. DETKO: This is just the beginning.

MR. BELLIS: I regret that I am going to have to leave. I didn't realize this was going to take so long, and I have another appointment.

ASSEMBLYMAN ADUBATO: Is anyone left from the DEP? Mr. Bellis, are you the only person here representing the DEP?

MR. BELLIS: I am, as far as I know.

ASSEMBLYMAN ADUBATO: Okay, I want the record to show that at about 3:30 p.m., we lost State representation from the DEP.

MRS. DETKO: One of the conditions of the buy-out is that when the homes are torn down, no development will ever be able to be put there again.

ASSEMBLYMAN ADUBATO: Thank you. (applause) I promise that we are winding up here. Irma and Thomas Domin? We also have someone else here who hasn't signed in. Are you going to testify?

UNIDENTIFIED PERSON FROM AUDIENCE: No.

**THOMAS C. DOMIN:** My name is Thomas C. Domin. I live at 120 North Pequannock Avenue, and I am a flood victim. I have been working in cooperation with most of the other people here, and I basically share the same sentiments. I think a lot of people are overlooking many of the dollar-and-cents facts. All of the houses that are flooding are being paid off by flood insurance to be rebuilt.

My house in particular, between last year's flooding and this year's flooding-- They are going to pay me \$100,000 to repair my house and stay in it, which I do not want to do. It would only cost them \$100,000 to buy me out and level the property.

ASSEMBLYMAN ADUBATO: It would cost \$100,000 to buy your property?

MR. DOMIN: Roughly, yes. They are telling me that a tunnel 15 or 20 years from now is going to solve my problem, but during the course of that 15 or 20 years, they may pay me \$250,000 to \$500,000 to stay. I don't want to do that.

I had 12 feet of water in my house in April, and I've flooded twice since then. In my town, there are 27 homes which should be bought out. Out of the 27 homes, there are only two families who are unsure of moving.

ASSEMBLYMAN ADUBATO: Everyone else, if given the opportunity, would take a State buy-out?

MR. DOMIN: Yes, everyone else wants to leave. The two families who are holding back would take a State buy-out, but they just don't believe they will get fair market value. They think they are going to be pushed out for \$10,000.

ASSEMBLYMAN ADUBATO: Does the Town Council know that?

MR. DOMIN: Yes, they do. That is why I couldn't believe what my town was saying. I gave them the facts and figures. We have been doing the research and the leg work on it.

ASSEMBLYMAN ADUBATO: If you were to give just your own opinion, would you say that the governing body of the Town of Wayne, in their public statement as to their support of Pequannock, is in line with the overall sentiment of public feeling in terms of the Town?

MR. DOMIN: Not as far as the tunnel goes. Most of the people I've talked to are not willing to wait for the tunnel. It is not going to happen during their lifetime or mine as far as I'm concerned. I don't think that to dump our water on some other town will alleviate the problem.

I can't sell my house to someone else when I know it is going to flood, and I won't support any plan when I know the water is going to be dumped onto someone else.

ASSEMBLYMAN ADUBATO: Thank you very much. (applause) I wish Mr. Bellis had been here to hear that.

MR. DETKO: (Speaking from audience. Transcriber unable to hear him because he is not near microphone.)

ASSEMBLYMAN ADUBATO: Mr. Detko, I just want you to know that we can't hear you from the audience.

MR. DETKO: (continues to speak from audience)

ASSEMBLYMAN ADUBATO: Okay, thank you, Mr. Detko. Are you finished? (affirmative response)

MR. DOMIN: As far as Pequannock is concerned, I've talked to over 200 citizens. Most of the people feel they are making out as far as these floods are concerned. That is untrue. Right now, most of the people I've talked to who have the flood insurance program are getting

paid off at 25 cents to 50 cents on the dollar for damage. Most of them are uninsured to begin with, and they are still not collecting any money. Last year, it took me nine months to settle on my house. This year, I am still up in the air; I have no idea when I am going to receive any money at all. I have no first floor, and I have no personal items left to flood. I mean, there is nothing left for me or for a lot of these other people, and there is no hope. Nobody wants to stay.

What I'm saying is, for the amount they are paying us to stay, why don't they pay us that amount to get out? Turn it back into open land and grade it so it can handle the flooding area. Do this instead of the tunnel. There are going to be many complications with building it and maintaining it. As far as I'm concerned, I don't think it is a feasible plan. (applause)

ASSEMBLYMAN ADUBATO: I want to thank you, Mr. Domin. I assure you that your statement is part of the public record, and the DEP will hear it, regardless of the fact that they are not here physically. Thank you again.

MR. DOMIN: Thank you.

ASSEMBLYMAN ADUBATO: I know there is another resident of Nutley who has waited patiently to testify. I would like to call Francis Rempusheski. Please identify yourself.

Before you begin, I would like to say that the people from the Passaic River Coalition have waited patiently. I would like to know if the Passaic Valley Sewerage Authority people are still here. (negative response) Okay. Go ahead, Francis.

FRANCIS A. REMPUSHESKI: First and foremost, I would like to thank you, Mr. Chairman, for giving me the opportunity to speak to you and the people in the town who are concerned about the Passaic River Basin area.

Hindsight is always 20/20, especially in a situation such as this, and the crux of the problem should be looked into. Municipalities are looking to get rateables from flood basin areas, and I think this should be looked into by other municipalities that are thinking about expanding to flood basin areas.

The Army Corps of Engineers has been accredited with many beneficial engineering wonders; however, they have some engineering blunders. To give you an example of one of them, 20 years ago the Army Corps of Engineers spent \$29 million to build a 52-mile-long, 200-foot-wide, flood control channel along the Kissimmee River in Florida. Its environmental impact has been so devastating that last week Governor Bob Graham threw the first shovel of dirt to fill it in at a cost of \$65 million. This is an example of wasteful spending at its best. Let's avoid a similar disaster here.

We're not talking about Florida swamplands; we are talking about populated areas that involve homeowners -- people like Mr. Domin, who was just up here. We have to count on a buy-out. It is really the only feasible way to solve the problems.

I have some questions. What are the short-term and long-term effects of this tunnel program? I live right on the proposed site, the Nutley/Clifton border. How is it going to affect my property value, not to mention the safety of myself, my family, and other individuals in the area?

Let's avoid this flood basin development and let's forget about the tunnel. Let's look at a buy-out. That is really what we have to do.

That is all I have to say. Thank you. (applause)

ASSEMBLYMAN ADUBATO: Thank you very much. Next I would like to call the representative from the Passaic River Coalition, Ella Filippone, who is the Executive Director. She was a driving force the first time we had a public hearing here in April. Given the fact that it is late--

**ELLA F. FILIPPONE:** I'll be brief.

ASSEMBLYMAN ADUBATO: Thank you.

MS. FILIPPONE: Mr. Chairman, I am Ella F. Filippone, Executive Administrator of the Passaic River Coalition. With me is our Technical Director.

We appreciate the opportunity to come before you to comment on the Passaic River Flood Control Program. In my opinion, this is the first true meeting on this subject, and I think it is important to

point out to you that at this meeting today, there are more people in attendance than at the meetings which were held by the Department of Environmental Protection just a short time ago. I think this is a great tribute to this Committee and your leadership. We appreciate that.

ASSEMBLYMAN ADUBATO: Thank you.

MS. FILIPPONE: Furthermore, we are here to support your bill which will provide \$10 million of State funds to begin the acquisition of houses which are flooded most frequently. Your bill matches the intent of a petition we are currently circulating, and you have heard about that from Mrs. Detko.

Before I came here this afternoon, we had 7,000 signatures. It begins to show you how tenacious the public in New Jersey is because this weekend, Marion and her crew picked up 3,000-plus signatures. It is not something that a little group is doing. It demonstrates that the people of New Jersey are willing to spend tax dollars for this acquisition program. It is not just the people in Wayne; it is people throughout all of New Jersey. I noted that during the past few days, we had petitions coming from Hudson, Essex, and Somerset Counties.

We also support your bill to place a moratorium on the approval of stream encroachment permits within the Passaic River Basin. This is very, very important, and it has to be done "yesterday," not today.

In our prepared statement, we developed a considerable amount of items we think you might like to take a look at. The most important is the initiative that was presented to the Corps of Engineers, which we call "the consensus statement." The Passaic River Coalition participated in the formulation of this consensus statement. It is the directive that the Congress gave the Army Corps of Engineers when they told them to go ahead and develop the flood control program. An interim project can be submitted to the Congress at any time.

In my prepared statement, we review the role of the non-Federal sponsor and how poorly this program has been adopted by the State of New Jersey. I refer you to our comments on Page 2, and also to the commentary on Page 3 regarding the time element, which I think

has been well-presented by one of our trustees, Dr. Donald Rudy. He goes through the reasoning as to why there should be, and should continue to be, a longer time period before the State chooses the tunnel plan. There is nothing in the rule book that says there cannot be two plans selected. There is also nothing in the rule book that says they should only do the tunnel and not undertake a more non-structural buy-out program.

The public participation component, which is not in existence today, is taking this program backwards. We strongly recommend that you include a recommendation in your report based on Mayor Chenoweth's comment about "participatory democracy." Over and over again, we have pleaded with the Department of Environmental Protection to have a program whereby you can hear from the people. This is the first time we have heard from flood victims before a legislative committee.

Since the flood, I think the progress on the flood control program has gone backwards. Prior to that time, the Passaic River Coalition was a dynamic partner of the State of New Jersey in the decision-making process. Nobody mentioned today that last week, on August 1, hearings about the flood plain delineations were held in Livingston. Nothing was mentioned about these hearings in the DEP bulletin, and no notices were sent out. Yet, the hearing was held in Livingston on flood hazard area delineations "for various tributaries and streams in the Passaic River Basin within Morris, Essex, Passaic, Somerset, and Union Counties." The statement said, "The major portion of the delineations being proposed have never previously been studied."

Mr. Chairman, we have been invited to every meeting of every flood control program since 1969, and we have attended every one. We were not informed of this meeting, and there was hardly anybody there. How are we going to define where the flood goes if no one is there to respond? The DEP should make sure that we have the proper checks and balances. It is incumbent that this Subcommittee initiate the checks and balances missing under the non-Federal sponsorship so that the State is accountable to all of us in the Passaic River Basin.

As you know, we are the coordinators for the Passaic River Restoration Project. I think it is important that you realize that the

master plan for the Passaic River Restoration Project was only acquired by the Corps of Engineers on May 2, 1984. That was well after the State had already announced their plans with regard to the tunnel. We believe that the Passaic River Restoration Project is a major "shot in the arm" of the lower basin -- economically, environmentally, and socially. This River has been hit on too long and too often. Now it is receiving the ultimate blow. There is absolute disregard by the Federal and State governments to take all of this water in the Upper Valley and shunt it down here.

We would be very pleased to meet with the Division of Water Resources and the Corps to see how they will be able to find compatibility between our Restoration Project and the Flood Control Program.

Since there was discussion about the flood emergency preparedness system, I think it is also important to bring that to your attention. In January, 1984, a plan was developed by the Army Corps for a flood emergency preparedness system. To date, no public hearing has been held regarding this system. Mr. Chairman, we believe -- and I think the people who came to this meeting have proved our belief -- that the people in the Central Valley have a lot of experience with emergencies and getting out of that area. They could certainly contribute substantially to making sure that a flood emergency preparedness program is worthwhile. There should be a public hearing, and there should be no money expended until we have that hearing so we can make this the best possible program for the Central Valley. Why don't we listen to the people who have the experience? This is a critical parameter in the first steps of flood protection in the Central Valley.

Under the Corps planning process, no restriction exists, as I said before, prohibiting them from evaluating more than one concept. Why has the State only selected a tunnel plan? Why is the State unwilling to undertake a plan which would place the buy-out of homes first on the agenda? Why has it not prohibited construction in the flood plains and wetlands of the Central Passaic River Basin? Why hasn't it placed a moratorium on the approval of stream encroachment permits in the Central Passaic River Valley?

Recently in a letter from Commissioner Robert E. Hughey to our chairman, Robert J. Meyers, we find a statement that says, "The Department of Environmental Protection has vigorously supported the limitation of filling in the flood plains, not only in the Central Passaic Basin, but statewide. Regulations to control that filling went into effect on May 21." This sentence contradicts itself. Furthermore, in all the years we have been involved with the stream encroachment program, we have not seen any follow-up by the State to assure that any restrictions have been followed. In fact, we found to the contrary. We have included a copy of Commissioner Hughey's letter in our statement. I believe it speaks for itself. It speaks to the moratorium and why the State does not want to move forward on it.

Let us now address our concerns with the tunnel. First of all, as a number one priority, it will take too much time, leaving thousands of people subject to continued danger through flooding for at least 15 years, if not more.

Second, no one knows how the financial cost-sharing formula will be worked out. Will municipalities which do not have flooding problems, but must now have "protective works," contribute to the financing of this billion dollar project? Since the tunnel is being designed to be triggered at the two-year flood, how does it conform to other public works' projects in place and being planned? What happens if you have a malfunction in this tunnel? This question becomes more important after it is on line because we are sure that any promise made now to put land aside and curtail development in the wetlands will be changed so that massive development can occur. Then, if a malfunction occurs, the tragedy will be even more severe.

It gets to be a very difficult issue. We have talked to engineers, and you can build a tunnel if you want to spend the money. If we aim to maintain the integrity of the river system, the first steps should be the housing buy-out program, a moratorium on the granting of stream encroachment permits, preservation of the inland wetlands, and initiation of a working, comprehensive flood emergency preparedness program with an accountable public participation program every step of the way.

We have considerable fears, Mr. Chairman. The Rockaway Valley area will soon be lifted from the building ban. There will be massive building in the Upper Rockaway area, and this will come down to the Central Valley. Unless we are able to move these people out and provide them with some modicum of safety, we are going to have a greater tragedy than we saw in 1968, 1971, and this past April. We can begin the buy-out program as an interim program. In fact, we can begin that today. The tunnel will take 15 years, and the buy-out program should be completed -- at least the schematics of it -- by the two-year time period we talked about. Until the Governor and the Legislature pick up this initiative, we are not going to find it. That is why we had to initiate this petition.

The Corps has come up with a housing purchase of \$4 million. Those are the houses that will not and cannot be protected under their present scheme. We aren't talking about anything that limited. We are talking about something much bigger which will give people some hope today. That is what we heard at the meetings in Pompton Lakes, Parsippany, Totowa, and Nutley. We do not just need help tomorrow; we need it today. Your bill addresses that, and so does the Roe/Minish initiative. If we have to go beyond that, we will. That is our responsibility. We have been in the trenches, and we have been to see these people. We haven't been "politicizing," if you don't mind me saying that. We have been with the people. We support Marion Detko, the Domins, and many, many more like them. If it is necessary, Mr. Chairman, we will bring you hundreds of people who are in the same situation as Mr. and Mrs. Detko. They will tell the Legislature if necessary.

ASSEMBLYMAN ADUBATO: It might be necessary.

MS. FILIPPONE: Well, if you need that, just let us know. The buses are warming up. We will be there.

ASSEMBLYMAN ADUBATO: I want to thank you, Ella. As you stated, you have been in the trenches on this issue. Dan, I also want to thank you for providing so much help to this Subcommittee. (applause)

Is there anyone else who would like to testify? (affirmative response)

**DR. ANN KRUGER:** I am Dr. Ann Kruger, Coordinator of the New Jersey Water Resources Coalition. I would like to thank you for this opportunity to speak. We have had a lot of communication with the Department of Environmental Protection to--

**ASSEMBLYMAN ADUBATO:** (interrupting) Excuse me, I would like to ask that the door in the back of the room be closed. There are people who have waited very patiently to testify. Thank you. Go ahead, Ann.

**DR. KRUGER:** (continuing) -- see if we could shift their position, but that has been to no avail.

**ASSEMBLYMAN ADUBATO:** We haven't been too successful so far.

**DR. KRUGER:** I'm glad to have this opportunity to speak. In our letter of June 11 to Commissioner Hughey, the following organizations signed on: The American Littoral Society; The Association of New Jersey Environmental Commission; The Clean Water Action Project; Del-Aware Unlimited; League of Women Voters of New Jersey; New Jersey Audubon Society; New Jersey Environmental Lobby; New Jersey Public Interest Research Group; Passaic River Coalition; South Branch Watershed Association; Stony Brook-Millstone Watershed Association; Sussex County Conservation District; Upper Raritan Watershed Association; Upper Rockaway River Watershed Association; and, Watershed Association of the Delaware River.

We have additional members who are with us in spirit too.

**ASSEMBLYMAN ADUBATO:** Are those groups part of your organization?

**DR. KRUGER:** Yes, these are members of the organization. I'll give you the material we submitted to the--

**ASSEMBLYMAN ADUBATO:** (interrupting) Everything you give us in writing becomes part of the permanent public record.

**DR. KRUGER:** Okay. This is material we have already submitted to the DEP and elsewhere.

In the material I submitted on June 10, I critiqued the Passaic River Basin surveys, and I went into a description of the hydraulic impacts of what the Corps proposed. There are fundamentally two approaches or objectives which can be used to reduce flood damage.

One I termed the "Fast Flow" approach. Practically everything in the Corps plan is a Fast Flow approach. You can get a feel for what the Fast Flow approach entails when you consider what someone from Nutley said -- that the flow out of the Basin would increase by 21,000 cfs. That is water lost to the Passaic River Basin. Think of what that water could be used for if we could keep it in the Basin itself.

The "Slow Flow" approach, which is epitomized by the buy-out campaign, gives an opportunity to keep much of that water in the Basin, just as nature designed it to be.

In a letter to The Star-Ledger, which hasn't been published yet, I wrote, "Even if the flood walls, levees, channels, and tunnels were in place, storms would continue to cause damaging effects. There would be loss of water from the upland parts of the Basin because storm water would be controlled to flow fast to the ocean. Flow in the river of the Central Basin would be slow and sluggish, consisting largely of treated sewage effluent. Think of the aroma of the river on a summer's day. Much higher flood walls and levees would be needed in the Lower Basin below Passaic, including Newark, with the DEP's plan than without it. The tunnels would unleash fast flows of water into the lower Passaic, while flood flows from the Saddle River will still swell the river. If the DEP is allowed to implement its plan, more than a billion United States and New Jersey tax dollars would be spent for non-solutions, which would worsen flooding and other water problems."

Now I would like to get back to the critique of the survey. I conclude that the Corps' conclusions are highly biased towards Fast Flow methods to the extent that all recommended plans contain an insignificant proportion of components that will cause any slowing of the flow of storm waters. This bias is apparently due primarily to the formulas used to estimate benefits to cost ratios for each component. These formulas fail to recognize the many environmental and people benefits derived from Slow Flow methods, such as storage of usable water in the basin, improved water quality, improved functioning of ecosystems such as flood plains and wetlands, and improved living amenities.

The Corps developed data on the costs associated with buying out and removing structures in the flood plains. They call this approach "permanent evacuation." However, the only benefit they recognize is the reduction in costs of future flood damage. They appear to assume from the outset of the study that permanent evacuation will not be a feasible alternative. They studied it first, and then in spite of the fact that permanent evacuation of major portions of the Basin, especially in the Central Basin and above, is feasible, the Corps report states, "A basin-wide approach to permanent evacuation is not an economically feasible alternative."

ASSEMBLYMAN ADUBATO: If I can interrupt you for a minute, with all due respect, is there a possibility that you can touch on just the things that haven't been mentioned during the past three hours? I would appreciate that. Again though, I also want to thank you for being so patient with us.

DR. KRUGER: I'm trying to give some answers to questions you posed to John Gaston a little while ago. If you'll allow me the opportunity--

ASSEMBLYMAN ADUBATO: (interrupting) Can we take these as the DEP's answers?

DR. KRUGER: Absolutely not. I'm taking them out of the Corps report. (laughter)

The only permanent evacuation which was considered by the Corps and which is included in the present proposed plan for structures is for structures in areas where buildings are to be flood-proofed. If, in that area, a building would cost more to be flood-proofed than to be removed, then they would remove that building. That is why there are only 40-some homes to be removed in the whole Basin.

ASSEMBLYMAN ADUBATO: Ann, I'm going to ask you to sum up.

DR. KRUGER: Okay. Let me tell you what the benefits were that they used for the tunnel and everything else.

ASSEMBLYMAN ADUBATO: I am going to ask you to be brief.

DR. KRUGER: Okay. I'll just read the benefits.

ASSEMBLYMAN ADUBATO: Go ahead.

DR. KRUGER: For the buy-out, they only use the benefit of flood reduction. But, for the tunnel levees and flood walls, they use these additional benefits:

Urbanization effects, meaning that you could put more buildings in the flood plains;

Affluence factor for residential contents. You could put more "fancies" in the flood plains;

Residential intensification. You could put homes in the flood plains;

Federal insurance administration cost reduction;

Advanced replacement of bridges;

Traffic flow benefits; and,

Industrial contents growth.

These benefits are encouragements to more building in the flood plains. More so, we will reach the point of no return all over the Basin, as has already been reached in part of the lower Basin.

The Coalition is opposed to the tunnel, is in support of your legislation, will actively support it, and we know who will benefit from this plan. We ask you to think about those who will be victims.

ASSEMBLYMAN ADUBATO: I want to thank you so much. (applause) Hopefully, the last person to testify is the gentleman right here. Your name is?

JOSEPH GALLO: My name is Joe Gallo. Is my name on your list?

ASSEMBLYMAN ADUBATO: Yes, Mr. Gallo. Please come up.

MR. GALLO: I don't need the microphone.

ASSEMBLYMAN ADUBATO: Mr. Gallo, you do need the microphone because we're being recorded publicly for the record. So, I'm going to ask you to take a seat. You don't have to yell.

MR. GALLO: Well, I don't need the microphone.

ASSEMBLYMAN ADUBATO: Mr. Gallo, you need the microphone. At this hearing and before this Committee, you need a microphone.

MR. GALLO: All right. Can you hear me out there? Does the machine hear me? I'm going to stand. I can't speak when I'm sitting down.

ASSEMBLYMAN ADUBATO: You should have been a politician.

MR. GALLO: I am a politician, and I can't speak unless I wave my hands. I speak from experience, and I speak because in 1906, my father got on a train in Hoboken, and he was supposed to come to Nutley. Nutley was flooded, so the train took a detour, and he wound up in Norristown, Pennsylvania. So, you can see that we had a lot of problems with water in New Jersey many, many years ago.

I was born in North Arlington, New Jersey, so I am familiar with Nutley. I swam in your quarry and I sold vegetables on your streets, but I didn't live in Nutley. We came from Pennsylvania to North Arlington, and that is where I was born.

Twenty-eight years ago, I went west to Fairfield, New Jersey, so I am very familiar with upland problems. The secret here is to divide -- wait a minute. It is to separate and divide; I had the wrong word. That is exactly what the people are doing to each other. Right now, Nutley is dividing from the uplands. That is exactly what these people want.

ASSEMBLYMAN ADUBATO: Mr. Gallo, I want to ask you a question about that. When you say divide, do you mean in terms of points of view?

MR. GALLO: Absolutely. Separate and divide. That means to put one up against the other. When I went to Fairfield 27 years ago, we had problems. I built a good building, and fortunately, I built on the higher part of Fairfield. I never had any flooding, but down the street from me, they have had floods for the past 27 years. They talked about the flood of 1903.

I got involved with the flood people, and I knew what Plans A, B, and C were. I was on all of these committees. Every one of the plans would have worked if we didn't have every community downstream living in fear of the unknown -- with the very same system they are using today.

Why the hell can't I think of what I'm trying to say? It is to divide the people. The word isn't "separate." I'll come to it, and then you'll know what I'm talking about.

Right now, you people are under a terrible influence of dividing the communities. In Fairfield, fortunately, the Mayor has

gotten good publicity on this. He is on record as accepting anything he can get to alleviate the problem. The problem is here now; it is not going to go away. They came up with Plans A, B, and C 22 years ago, and I knew about this tunnel 30 years ago because they were already working on the plan. They were afraid to submit it because it would create a problem. There was a correctable problem upstream, so they were going to let you people downstream-- Now they can't do it without coming downstream. So, you have to stop quibbling. You have to get off the bandwagon. Every politician who sits before these groups has to accept whatever they give you.

What in the hell is wrong with a \$150 billion mistake? We make them everyday. We'll get people jobs; we'll get people to work. That is the main thing. And, if the tunnel doesn't work, we'll use it for an underground something else. Stop the tunnel. Buy these people out. Get them out of there, regardless of whether they should get out or not. We can afford it. But, don't start going against each other. Don't divide community against community.

The Army Corps of Engineers is not stupid. They came up with a good plan, but when each community gets together and destroys every potential--

ASSEMBLYMAN ADUBATO: (interrupting) Excuse me, sir.

MR. GALLO: Now, Fairfield was against Plan C--

ASSEMBLYMAN ADUBATO: (interrupting) Mr. Gallo?

MR. GALLO: Yes?

ASSEMBLYMAN ADUBATO: Just one second. First, I'm going to ask you to try to keep your voice down. The next thing I'm going to ask is that you relay your comments to the Subcommittee, not to the audience.

MR. GALLO: Okay, I'll talk to you. You're a nice young fellow.

In Fairfield--

ASSEMBLYMAN ADUBATO: (interrupting) The other thing I want to ask is, did you hear the testimony from Mr. and Mrs. Detko from Wayne and Mr. and Mrs. Domin from Pequannock concerning their points of view as it has to do with the tunnel construction and the buy-out?

MR. GALLO: That is exactly what I'm saying.

ASSEMBLYMAN ADUBATO: Did you hear that testimony?

MR. GALLO: Very, very well. I've heard it for years.

ASSEMBLYMAN ADUBATO: Well, there is a very--

MR. GALLO: (interrupting) That is an individual community problem. We have to go beyond that now. We have a problem here. If the Earth were to open up tomorrow and poison gas were to come out, we would get out of there within a week. But, people can't live with floods. It is up to the people like us who are not flooded to get them the hell out of there. They can't help themselves anymore, and they won't.

ASSEMBLYMAN ADUBATO: Okay. Mr. Gallo?

MR. GALLO: I gave a guy a \$100 donation. Listen to this, and I'll show you. A guy came up to me and said, "Joe, you know, we're all flooded." I said, "Here's a hundred bucks; put it in the pot." Three weeks later, he came back. Incidentally, I have a store so that is how I see these people. He said, "I just got some money from the Red Cross. You gave me a hundred bucks, so I want to buy something from you." I'll tell you: That was my intention in the first place. (laughter) Anyway, it wasn't. He said to me--

ASSEMBLYMAN ADUBATO: (interrupting) Mr. Gallo, if you would get to the point, I--

MR. GALLO: (continuing) Listen to this. "We're suing the town."

ASSEMBLYMAN ADUBATO: I want you to keep your comments relevant to the reason why we are here today. At this point, I would like you to summarize.

MR. GALLO: All right, I'll skip the story and tell it to you some other time.

We must now accept the tunnel. Believe me, the tunnel is going underground. It is well-planned. You're not going to flood out Nutley or Belleville, and if they are flooded out, the government will come in an correct it.

Don't live in fear of the unknown. That is what destroyed everything up the river. All we have to do is throw one little bomb on Beattie's Dam and we'll have floods.

So, this is the answer. We--

ASSEMBLYMAN ADUBATO: (interrupting) I want to thank you so much.

MR. GALLO: (continuing) We have experienced people working for us. We have to get the politicians out of this, and we have to get community participation out of this. This is a regional thing, and we have to turn it over to the State government, let them give us something for nothing, and stop quibbling. You're not going to get a damned thing done by fighting with each other.

ASSEMBLYMAN ADUBATO: Thank you so much, Mr. Gallo. I appreciate your comments.

MR. GALLO: All right, that is my story.

ASSEMBLYMAN ADUBATO: Thank you. I don't know how to follow that act.

I want to make a couple of statements and then close the hearing.

I really want to thank the people who came here at one o'clock today. More importantly, I want to thank those of you who stayed until a little bit after four o'clock. It is a testament to your concern and your commitment. I know you'll be here many other times.

Many questions have been raised today, and a lot of those questions remain unanswered. I really didn't think we would get a chance to answer all of those questions, but I wanted to get a lot of them out on the table.

People talk about divide and conquer. Let me tell you, I think there was a very strong sentiment "against the particular point of view" than there was "for the particular point of view" that has to do with the construction of the tunnel. I don't know how important that is to the State and Federal governments at this point, since they have made the decision to move forward. But, I can tell you, it is important to this Subcommittee. This won't be the last hearing of this Subcommittee. I can assure that the next one will be outside the Town of Nutley. We're going to move into places that make it accessible from the point of view of public participation. We're going to give everyone the opportunity to testify.

Let me tell you: One of the problems in doing this is, you have so many people who want to testify. And, Mayor, I do respect your being so patient with us, but you have been to so many of these public hearings, and you have seen them. But, so many times people come to testify and it is their first time. This is my first public hearing on this particular issue, and I sit on this side. Let me just say, it is very difficult to take three and a quarter hours and listen over and over again. Many things are repetitious. Now, if it is bad on this side -- and, I get paid to do this; you don't get paid to come out here -- it must be really rough for you.

I want to assure you, if it is any consolation, this won't be the last hearing. Everything that has been said here today will be submitted to the DEP and the Army Corps. I will fight with all the power that this Subcommittee has been given by the Chairman, Bob Hollenbeck, of the Agriculture and Environment Committee, to get all of those answers. I'm not going to wait two years, and I don't think you want to wait two years. I don't think people want to wait 10, 15, or 20 years for a tunnel, or any other project, or two years for answers, particularly the answers we can get responses to now. I will push as hard as I can within the legal and legislative mandate that has been given me. You, frankly, make that mandate stronger by coming out in force. Hopefully, the press will report that there were a lot of people here today with different points of view, but there were a lot of people here today. Public participation was good.

I want the DEP to keep their word, and I want Mr. Gaston to know-- When he said that he could not tell me whether this tunnel decision is reversible or not-- We'll make sure that in the next few years, if they get enough questions that they don't have the answers to, if they chose not to go back and consider another option--

Frankly, it is no secret that we believe a moratorium on development and a buy-out is the better way to go. If we cannot get Mr. Gaston, Commissioner Hughey, and the Army Corps to believe that, then it may take a few bus loads, and it may take some more angry voices. Frankly, no one is going to tell me that there is enough public sentiment on behalf of a tunnel construction in the area where

the people are most affected, and that it is just those of us downstream who are trying to cause problems. I don't believe that. Ten thousand signatures on a petition that calls for a voluntary buy-out make me disbelieve that. The participation of the upstream people here makes me disbelieve that.

So, I assure you again that this won't be the last public hearing, and the DEP and the Army Corps have not heard the last of this Subcommittee. You give us the strength we have.

My thanks to the people who have remained. We'll be in touch. (applause)

(HEARING CONCLUDED)



**APPENDIX**



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# PASSAIC RIVER COALITION

AN URBAN WATERSHED ASSOCIATION

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Statement before the Assembly Subcommittee on Passaic River Restoration,  
August 6, 1984. Nutley, New Jersey

Subject: Flood Control in the Passaic River Basin

Presented by Ella F. Filippone, Ph.D.

Mr. Chairman, I am Ella F. Filippone, Ph.D., Executive Administrator of the Passaic River Coalition, with its headquarters at 246 Madisonville Road, Basking Ridge, New Jersey. Since 1969, the PRC has been involved in efforts to establish a comprehensive flood control program for the Passaic River Basin, and has participated on all levels of government to formulate a program which would address the needs of this urban area. We are proud to be here today to indicate to you our absolute support of your bill to provide \$10 million of State funds to begin the acquisition of houses which are flooded most frequently. Your bill matches the intent of a petition we are currently circulating to which over 7,000 New Jersey citizens have placed their signatures. We also support your bill to place a moratorium on the approval of stream encroachment permits within the Passaic River Basin.

Since 1969, Mr. Chairman, no other institution, organization, or agency has attended more meetings on flood control for the Passaic River Basin than we have. So reliable has been our attendance at meetings and hearings, that when a cancellation occurs both the State and the Corps inform us because they know that even the weather will not deter us from participating in the decision-making process on this subject. We are not going to belabor the many problems in reaching decisions in the past, but will only concentrate on the last eight years. In 1976 we and representatives from the State and the Central Passaic River Basin met in Newark and wrote a consensus statement, which has been incorporated in House Report 94-1702, and provides the Army Corps of Engineers with

a directive. The first initiative suggests the development of "interim flood protection measures" "as soon as they are formulated." A housing buy-out program could be such an interim measure! It is rather disturbing that never during the past eight years has the State or Army Corps endeavored to bring together the formulators of this consensus statement to obtain guidance on its intent!

Non-Federal Sponsor

Mr. Chairman, when the Legislature passed a bill to allow the New Jersey Department of Environmental Protection to serve as non-federal sponsor, it did so without any of the normal checks and balances, such as those found in the Water Supply Master Plan legislation. Instead of creating a benevolent leader in flood control, it created an absolute dictator! For several years at meetings of the flood control committees established during the Byrne Administration, the Corps and representatives of the Division of Water Resources would raise the issue and indicate that this designation would allow the State to (1) coordinate activities; and (2) handle the financing. We would always inject that they also would be the sole decision-maker; they could pick a plan with no regard to anyone else's opinion, and that, Mr. Chairman, is exactly what has occurred.

Too much power corrupts! The eight meetings held by the DEP, which I and our staff attended, did not provide the State with any mandate on plan selection. Many, many questions were asked by the public, and if any message came loud and clear from the people in Pompton Lakes, Parsippany, and Totowa, it was they want help NOW! Here in Nutley, clearly the municipalities in the lower valley did not support the recommended plan.

Mr. Chairman, in July 1983, we met with the Governor and Commissioner Robert E. Hughey to impress upon them the importance of establishing a process to reach an appropriate decision on a flood control program for the Passaic River Basin. In 1982, after considerable opposition, Commissioner Hughey sent a letter to the Army Corps indicating that the State would be the non-federal sponsor, incurring many responsibilities.

However, when the Division of Water Resources announced its priorities for the year 1984, the Passaic River Flood Control Project was a minor priority with no staff and no special importance. We protested! Then in February, a selection process to have someone assigned to this project began. An 18-month program was to be undertaken with appropriate review from all sectors. For the first time in years, we at the Passaic River Coalition were confident that a solution would be found. Then the April flood occurred, and the State milked this tragedy for all it was worth. Where the State had done nothing during the past two years to guide the Corps in the development of plans, it now selected a plan which would quickly throw the ball back into the Corps court with no components which would help the people NOW who are flooded so frequently!

Mr. Chairman, a member of the PRC Board of Trustees, Dr. Don Rudy, in a report to the Board of Chosen Freeholders in Union County stated our position clearly on the time frame question. We recommended a longer time to reach a decision. Dr. Rudy stated:

"This process has recently entered a critical stage with the decision of the NJDEP to choose one of the Army Corps' plans in the near future. The time schedule for evaluation, comment, discussion and recommendation from local interests and agencies has been shortened from about 18 months to a few weeks. The impetus for this acceleration of the schedule has been the public outcry following the recent flooding in the lower Passaic valley. The decision on the nature of the flood control measures has moved from the jurisdiction of those most affected to the NJDEP, while the cost and impact of those decisions have not.

"These changes have several difficulties. First, the difference in the time schedule for making a decision is negligible with respect to the time required to develop and implement the plans. Even with an immediate decision to pursue any Army Corps plan it will take nearly 20 years (and maybe more) for the Corps to follow all of the procedures necessary to implement a plan.

"The only effect that an immediate decision will have is to preclude an adequate evaluation of the proposed plans, to create a false sense of security and the belief that someone is responding quickly, while in fact no concrete action on flood control is being taken. This decision will bypass consideration of effective programs that could be implemented more quickly.

"In addition, when problems and inadequacies in the proposed plans are discovered later it may be necessary to delay the project or to start the procedure all over again. This has been the problem in the past that has stopped most of the earlier proposals. Large projects that are introduced without adequate review and tailoring to fit the local needs and constraints will almost certainly fail to be completed. The decision to choose one of the Army Corps' plans without adequate evaluation is more likely to delay than to accelerate an effective and comprehensive plan for flood control in the Passaic River.

"Second, the plans being considered are not new. During the public participation program organized by the NJDEP and the Army Corps in the late 1970s and early 1980s these programs were reviewed and SOUNDLY REJECTED for economic, environmental and technical grounds. Objections, inadequacies and problems with these plans that have been presented in the past are being ignored.

"At one of the recent hearings it was noted that the intention is to choose the LEAST OBJECTIONABLE of the proposals rather than insist on a satisfactory solution. To choose one of these plans now simply to produce the illusion of responsiveness is a travesty. They have recently publicized a preference for a plan that has received somewhat less "public" opposition but that has extensive opposition on technical, environmental and effectiveness considerations."

"Because of the long timetable of the Army Corps procedures this decision will NOT generate any immediate action on flood protection. Then, even if eventually implemented, the projects promise to be excessively expensive, environmentally damaging and provide inadequate flood protection.

"For many generations we have been following a cycle of floods, followed by requests to agencies such as the Army Corps of Engineers, who respond with construction projects that are rejected by the local municipalities. This is not because the people do not want flood protection, nor is it because they do not want to pay the price. It is primarily because the projects that have been proposed are inappropriate for the area and generally are ineffective. These characterizations fit the projects currently under consideration, as well as those rejected in the past.

"There are other flood control programs that promise to be both effective and acceptable to the general public. They can be implemented more quickly than those of the Army Corps and are less expensive. Some of these programs have been considered among the options before the NJDEP. One such proposal consists of a combination of flood plan reconstruction, land use controls, detention in the upper river basin and limited structural measures in the lower river basin. . . A hasty decision at this time by the NJDEP to choose one of the Army Corps proposals would be counterproductive in terms of developing effective flood control and potentially disastrous from an economic and an environmental standpoint."

Mr. Chairman, Dr. Rudy's statement has been adopted by our Board of Trustees.

Mr. Chairman, how has the public participation component progressed within the Division of Water Resources? It has gone backwards. On several occasions, we requested, no, we pleaded, for participatory democracy. Two documents have been distributed by the Division of Water Resources: (1) the regulations on control of flood hazards areas (we participated in three hearings on this subject) and (2) the letter signed by Commissioner Robert E. Hughey to the Army Corps indicating Passaic River

flood control plan selection. We obtained our copies indirectly through a member county and a member municipality, not from the DEP. On August 1, 1984 at 1 p.m., a hearing was held in Livingston on flood hazard area delineations "for various tributaries and streams in the Passaic River Basin within Morris, Essex, Passaic, Somerset, and Union Counties." This hearing was not announced in the DEP Bulletin nor were we informed. The summary statement for this hearing indicates that "The major portion of the delineations being proposed have never previously been studied." Now shouldn't these then have considerable review by the public and municipalities?

Mr. Chairman, we recommend that this Subcommittee initiate the checks and balances missing under the non-federal sponsorship so that the State is accountable to all of us in the Passaic River Basin.

#### Passaic River Restoration Project

As you know, Mr. Chairman, since 1980, we have been working the municipalities in the Lower Passaic on the Passaic River Restoration Project. The first part of this project was the development of a Master Plan for the river-front in Kearny, North Arlington, Lyndhurst, and Rutherford. A second part adds Wallington and East Rutherford to the Master Plan, and hearings will be held later this month on this segment. The Town of Harrison also joined us in this endeavor, and we have obtained support from Newark, Belleville, Nutley, and Clifton. Many years ago, the late Mayor Hurley of Kearny acquired lands along the Passaic River and established parklands for the people of Kearny. This town has constantly been following the pattern established many years ago. As a result of the Master Plan, all of the towns on the east bank have begun projects which would respond to the needs of their citizens. The Bergen County Park Commission holds considerable lands on the river in parkland, and our project has their support also. As we have been developing the plans and as we proceed toward implementation, a steering committee was established, and every effort has always been made to have input from all concerned parties.

We were, therefore, chagrined when we found that the current flood control plan eliminates river access for Wallington, cuts through the future Rutherford Boating and Recreation Center, eliminates the proposed Lyndhurst Corridor Park, cuts through Bergen County parkland, and establishes a back-wash/detention area in the North Arlington Athletic Field. The disregard for the Passaic River Restoration Project can be demonstrated in that the Corps only acquired a copy of the Master Plan on May 2 at the Pompton Lakes meeting! Is there compatibility between the Restoration Project and the flood control program? At the present time, no, none at all!

#### Flood Emergency Preparedness System

In January, 1984, a flood emergency preparedness system report was issued by the Army Corps of Engineers. The State has adopted this report without any public hearing or detailed review by the public which will be directly involved. The people in the flooded areas have become experts in flood emergency programs. Certainly, they could provide substantive input for a comprehensive program. But, again, the attitude persists that only government officials know what's best. Ironically, the State does not have a major role during the emergency procedures; only federal and local agencies. Now, Mr. Chairman, recent experience has demonstrated that the people who were flooded are having great difficulties obtaining payments and small business loans. They have no advocate on the State level.

The flood emergency preparedness system was supposed to be the first component to be finished under the 1976 consensus statement. Why has it taken so long?

#### Selected Plan

Under the Corps planning process, no restriction exists prohibiting them from evaluating more than one concept. Why has the State only selected a tunnel plan? Why is it unwilling to undertake a plan which would place the buy-out of homes first on the agenda? Why has it not prohibited construction in the flood plains and wetlands of the Central Passaic River Basin? And why hasn't it placed a moratorium on the approval of stream encroachment permits in the Central Passaic River Valley? Recently, a

letter directed to our chairman, Robert J. Myers, was received from Commissioner Robert E. Hughey in which he stated: "... The Department of Environmental Protection has vigorously supported the limitation of filling in the flood plains, not only in the Central Passaic Basin but statewide; and regulations to control that filling went into effect on May 21." This sentence alone contradicts itself. Furthermore, in all the years we have been involved with the stream encroachment program, we have not seen any follow-up by the State to assure that any restrictions have been followed. In fact, we found to the contrary. While the State places conditions on certain stream encroachment permits, an applicant submitted only the front page to the planning board of a municipality. Had we not checked the permit with the state and brought the conditions to the attention of the planning board, they and subsequently the court would have known nothing about the additional State requirements. There has been no follow-through. A copy of Commissioner Hughey's letter is attached as an exhibit to our testimony. It speaks for itself!

Let us now address our concerns with the tunnel project. First of all, as a number one priority, it will take too much time, leaving thousands of people subject to continued danger through flooding for at least 15 years.

Second, no one knows how the financial cost sharing formula will be worked out. Will municipalities which do not have flooding problems but must now have "protective works" contribute to the financing of this billion dollar project? Since the tunnel is being designed to be triggered at the two-year flood, how does it conform to other public works projects in place and being planned? What happens if you have a malfunction in this tunnel? This question becomes more important after it is on line because we are sure that any promises made now to place land aside and curtail development in the wetlands as we know them will be changed so that massive development can occur. Then if a malfunction occurs, the tragedy will be even more severe.

The engineers we have consulted have indicated that given a large amount of money, any tunnel, pipe, or structure can be built. However, vast sums of money will be required to solve technical problems. We, therefore, must question whether the tunnel project is now ripe for a decision. Clearly, the impacts on the lower Passaic show that it is not. Engineers who have a long history of involvement in the Passaic River Valley have repeatedly supported the buy-out program and opposed the tunnel. Thus, we now get to the crux of the decision-making process. What are the goals of the State and Army Corps of Engineers? If the aim is to move water from point A to point B as quickly as possible, then they build a tunnel or large pipe. If the aim is to maintain the integrity of the river system, the first step is the housing buy-out program, a moratorium on the granting of stream encroachment permits, preservation of the inland wetlands, and initiation of a working, comprehensive flood emergency preparedness program with an accountable public participation program every step of the way.

Mr. Chairman, our constituency is composed of many of the people in the Passaic River Valley who were subjected to flooding during the past years. At meetings and hearings, statements have been made regarding the dilemma of their purchase of houses in the flood plains. Let us not forget that whatever the circumstances were and when they occurred, the condition is getting worse daily. We fear that when the building ban on the Upper Rockaway River is lifted, these people will see the floods become more intense. To do nothing demonstrates a disregard for, and abandonment of these people. We could continue our presentation to you at great length, Mr. Chairman, but we have tried to highlight just a few of our concerns. We did not discuss our concerns with the tributary projects, such as the Saddle River program. However, the mismanagement on the mainstem Passaic project exists on the others as well. To have to make this statement is a great disappointment to us. When we wrote the consensus statement with others from this Basin, our intent was to establish a process which would begin to solve the problem, but unfortunately, those entrusted with this charge did not follow it.

NEW JERSEY WATER RESOURCES COALITION

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COMMENTS ON NJDEP PASSAIC RIVER BASIN FLOOD CONTROL PROGRAM

Anne L. Kruger, Ph.D.  
Coordinator

August 6, 1984

Excerpts from "Critique of Passaic River Basin Survey, Stage 2, by the U.S. Army Corps of Engineers", June 10, 1984

Comments on Corps' Methods of Evaluating Cost-Benefit Ratios. (See Below.)

Excerpts from comments to John W. Gaston, Jr., June 18, 1984, on Passaic River Basin Flood Control Program, Public Announcement, June 12.

Comments on Corps' Methods of Evaluating Cost-Benefit Ratios

NEW JERSEY WATER RESOURCES COALITION

R. D. #1 BOX 263A  
PENNINGTON, NEW JERSEY 08534  
(609) 737-3735

TO: John W. Gaston, Jr., P.E.  
Director, Division of Water Resources

FROM: Anne L. Kruger, Ph.D.  
Coordinator

RE: Passaic River Basin Flood Control Program, Public Announcement, June 12

DATE: June 18, 1984

Components with which the Coalition is in concord are the following "additional nonstructural initiatives which will prevent future flooding from continued development within the basin":

- \* Strengthened stream encroachment regulations;
- \* Training pertinent people how to implement these regulations;
- \* Implementation of the Storm Water Management Act;
- \* Delineation of flood hazard areas;
- \* Support for freshwater wetlands legislation;
- \* Acquisition of critical wetlands in the Passaic River Basin;
- \* Finalization and use of the improved early-warning system;
- \* Cleaning, desnagging and dredging activities.

The Coalition not only supports these components; its members will, as appropriate, actively work towards their implementation.

The Coalition is, however, opposed to the principal component of the program, which would reduce the existing potential for flood damage by total reliance on structural (i.e. fast flow) protection. We can not in good conscience condone action which we judge will do irreversible harm to the environment and people without long term compensatory benefits to the environment, most people, or even to the flood victims. There is no need to write again on the flaws in the selected plan. You can refer to my critique of June 11, 1984, to my comments on the proposed stream encroachment regulations, and to the environmental literature which is replete with discussions about the effects of fast flow and slow flow methods for controlling storm water.

Fortunately, slow flow methods can reduce flood damages with much less concomitant environmental damage. The Coalition's present objective is to open up the political processes by which decisions are made so that the ideas of the Coalition and many others on achieving flood damage reduction through Net Slow Flow approaches can be heard and adequately discussed in public forums. Slow Flow methods to be seriously considered should include:

- \* Buy up of structures and land in flood plains and wetlands, relocation of displaced people, and restoration of stream corridor landscapes to slow flows;
- \* Enhancement of aquifer recharge capabilities, both in stream corridors and uplands;
- \* Preservation of undeveloped flood plains and wetlands;
- \* Slow flow storm water management in upland areas;

- \* Development of in-stream storm water detention structures where feasible (Such structures as those in the Miami River Basin in Ohio seems sensible.);
- \* Increasing stream channel cross sectional distance and decreasing velocity of flow so that storm flows take longer (This might be called "dechannelization", or forcing water to flow in a lazy meandering pattern.):

To develop a practical plan for the whole basin it will probably be necessary to have a few fast flow components, particularly in the Lower Passaic. However, the overall plan must be such that a lower proportion of the water entering the basin as precipitation leaves it as stream flow than at present.

Because the State is about to choose a single plan, a plan which is the epitome of the fast flow approach, the only plan which will be funded for further study, the "public participation" processes which will be conducted by the Corps and DEP in the next two years will be essentially limited to issues such as:

- \* "Exact locations of the proposed structures";
- \* Issues listed on page 24 of your presentation of June 12, 1984;
- \* "Who will build the project?";
- \* "What will be the non-federal cost sharing arrangements?"

There will be no instituted forum for discussion of the crucial issues upon which there is not a consensus:

- \* Should the objective be Net Fast Flow or Net Slow Flow?
- \* What level of risk of flooding is acceptable?

Opposition to the selected plan will be forced to use political tactics of a guerrilla nature. Consequently, New Jersey will spend at least two years, and millions of dollars, and in 1986 will be further from addressing the flood reduction problem than it is today. Furthermore, the public lack of confidence in government will be deeper.

We suggest that the Corps be asked to do the design studies, to prepare Environmental Impact Statements, and to develop genuine, effective public participation processes on two plans. One plan would be that selected by the DEP. The other would provide protection from storms up to the 50-year storm using Slow Flow methods.

Coalition members hope that you understand the deep roots of our concerns about the State of New Jersey embracing and pushing with unseemly haste a plan which would be so destructive to the environment. We have watched for decades the ever increasing rate of coverage of the land by impermeable surfacing and structures, particularly flood plains and wetlands, with governmental approval. We have long recognized what would be the devastating effects of these abuses of the land. Some of these effects were felt in the floods of 1984. But instead of recognizing these effects as warning signals, the Governor and Department of Environmental Protection have chosen to conjure up the Corps' "deus ex machina" plan as a cure all. The tangible effect of this plan selection will not be to pacify the flood victims. It will be to give open, express encouragement to those who build in flood plains and other environmentally sensitive areas. We know who will benefit. We ask you to think about those who will be victims.

Respectfully submitted by

Anne L. Kruger, Ph.D.

NEW JERSEY WATER RESOURCES COALITION

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May 7, 1984

John W. Gaston, Jr.  
Director  
Division of Water Resources  
New Jersey Department of Environmental Protection  
CN 029  
Trenton, New Jersey 08625

Dear Director Gaston:

The New Jersey Water Resources Coalition recommends for your consideration the following proposals for environmental flood controls in the Passaic River Basin and throughout New Jersey. These recommendations should be acted on as rapidly as feasible. They should be substantially in place within a year. Other recommendations from the Coalition on longer term actions shall be forthcoming soon.

Our proposals for immediate action follow:

- (1) A one year moratorium on the issuance of New Jersey Stream Encroachment Permits for the Central Passaic River Basin should be instituted immediately by action of the Governor and the New Jersey Legislature. The Division of Water Resources should be instructed to rescind permits for projects on which construction has not yet begun and which will cause increased flooding.
- (2) The new regulations governing the flood fringe or 100 year flood areas under the Flood Hazard Areas Act should be promulgated immediately.
- (3) The New Jersey Department should immediately develop and present a training program on the New Jersey Stream Encroachment Program to planning board members, municipal engineers and planners, environmental commissioners, and any other concerned officials and citizens. Particular emphasis should be placed on the administration of the "no net fill" component in the Central Passaic River Basin, and on the administration of the 20% fill component in the rest of the state.
- (4) The New Jersey Department of Environmental Protection should develop and implement a monitoring program so that all conditions on stream encroachment permits are followed.
- (5) The Governor should appoint a coordinator within or in liason with the Executive Office to deal with impacts to flood hazard areas by actions of any government agency at any level.
- (6) The State of New Jersey should develop a comprehensive program with the Federal Emergency Management Agency with reference to the handling of flood emergencies and the acquisition of structures and land in frequently flooded areas. The State should create mechanisms for the purchase of the lands and structures of flooding victims, and restoral of the land to its natural flood carrying capacity. These lands should be protected in perpetuity by the State in partnership with counties, municipalities, or private, non-profit organizations chartered to conserve land. The State,

John W. Gaston, Jr.

May 7, 1984

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in cooperation with private agencies, should provide assistance, such as help with relocation, to flood victims during such emergencies.

- (7) The New Jersey Department of Environmental Protection should complete the delineation of the flood plains in the Passaic River Basin, with particular emphasis on the Central Valley.
- (8) The New Jersey Legislature should pass an appropriation for the implementation of a pilot storm water management program in the municipalities of the Upper Passaic and the Highlands area where growth could considerably increase flood volumes and flood heights in the immediate future. The contribution for the development of such storm water management programs should be 75% State, 25% local government. Mandated adoption of program at local level should be required. The program should be used to help implement the Storm Water Management Act.
- (9) The New Jersey Department of Environmental Protection should establish a comprehensive public participation program to deal with flooding issues and programs for implementation. This is especially needed in the Passaic River Basin. Emphasis should be placed on providing sufficient information in a clear and succinct form to allow informed decision making. There should also be a sufficient timeline for reasonable governmental and public response.

Organizational and citizen members of the Coalition who have already endorsed these recommendations are listed below:

Association of New Jersey Environmental Commissions  
Great Swamp Watershed Association  
New Jersey Clean Water Campaign  
New Jersey Conservation Foundation  
Passaic River Coalition  
South Branch Watershed Association  
Stony Brook - Millstone Watersheds Association  
Sussex County Conservation District  
Upper Raritan Watershed Association  
Upper Rockaway Watershed Association  
Watershed Association of the Delaware River  
Peggy McNeill  
Richard Rosenblum  
Jane Tousman

We look forward to meeting with you on May 18 to discuss these proposals and other issues related to flooding.

Sincerely yours,

Anne L. Kruger, Ph.D.  
Coordinator

NEW JERSEY WATER RESOURCES COALITION  
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PENNINGTON, NEW JERSEY 08534

TO: John W. Gaston, Jr.  
FROM: Anne L. Kruger  
RE: Flood Damage Control Programs for New Jersey  
DATE: May 18, 1984

The New Jersey Water Resources Coalition is conceptually in unanimity on the general direction in which we think flood damage control programs in New Jersey should be headed. The Coalition is a group of organizations with many members, many minds, so a consensus on the details of programs has yet to evolve. The same is true for the people of New Jersey. Since the recent flooding, particularly in the Passaic Basin, the Governor has been urged to find a quick solution. With a complex problem having the multiple dimensions of flood damage, can you imagine a quick solution that isn't ultimately disastrous? So our first and most important request is: Please help us slow down the decision process to a more deliberate pace so that the decisions made approach being the will of the people of New Jersey.

Then we wish to discuss with you, as equals, the fundamental issues to be addressed in seeking solutions to flood damage problems. Please note our terminology. "Although flooding is a natural phenomenon, flood damages are a consequence of man's unwise development on lands, particularly those adjacent to rivers and streams -- in the path of floods!" We have no intention of trying to control natural phenomena, only human activities. Therefore, we insist that in seeking solutions, the focus be entirely on human actions, past, present, or future. The Corps of Engineers now estimates that the total average annual flood damages to property in the Passaic River Basin is \$73 million. These direct flood damages neither include loss of life or health, nor the rest of the state of New Jersey. If one could calculate the secondary damages, costs would rapidly escalate. To mention a few secondary costs, there are losses of:

- \* Potable water supply
- \* Ground water recharge
- \* Clean water
- \* Soil
- \* Fish and wildlife
- \* Natural stream cleaning
- \* Income from human activities that depend upon natural products
- \* Food
- \* Beauty in wetlands and stream corridors

When the damage becomes severe enough, it may even cause destabilization of weather patterns so that extreme flooding and extreme drought occur more frequently. The people of New Jersey have too much at stake to ignore the consequences of flood damage, and no solutions will work without their willing cooperation. Please remember this as we discuss expediency versus deliberate, rational, democratic decision making.

The basic issues which I think we should discuss are:

- I. Prevention of future human activities which will cause flood damages;
- II. Correction of past and present activities which are causing escalating flood damages;
- III. Development of a democratic process whereby necessary decisions can be made within the coming year.

## I. PREVENTION

Some of us are suggesting the following proposals for action:

- A. Effective implementation of existing laws to prevent further development of and damage to flood plains --
  1. One year moratorium on the issuance of New Jersey stream encroachment permits for the Central Passaic River Basin (NJWRC #1, PRC #1)
  2. Training program for municipalities and counties to administer and enforce the Flood Hazard Area Control Act regulations (NJWRC #3, PRC #2)
  3. Large expansion of DEP program of enforcement of these regulations (NJWRC #4, PRC #3)
  4. Completion of delineation of flood plains in the Passaic River Basin (NJWRC #7, PRC #6)
  5. Stoppage of development, which would increase flood damages, on government owned lands (PRC #13)
  6. Implementation of Storm Water Management Act (NJWRC #8, PRC #7)
- B. Protection of Undeveloped Inland Wetlands --
  1. Enaction of effective legislation to protect inland wetlands.
  2. Appropriation of about \$50 million from the general fund of New Jersey to acquire and preserve critical inland wetlands in the Passaic River Basin (PRC #10a).

## II. CORRECTION

Within the coming year the people of New Jersey should be given a genuine choice of alternatives for decreasing flood damage due to existing human abuse of the land. There are two fundamentally different approaches, which should both be considered:

- \* Structural: Causes rapid flow of storm water to the ocean, via "channelization," such as levees, flood walls, tunnels.
- \* Non-structural: Causes slow, wandering flow of fresh water so it can be used by people and other organisms before it becomes saline, via acquisition and restoration of damaged lands.

To help people in the decision making processes the following suggestions have been made:

- A. Structural Solutions --
  1. Completion of a report on the impact of tributary projects to the mainstem Passaic River by the Corps of Engineers (PRC #14)
  2. Assistance to the public in clarifying the critical issues to be decided (PRC #15, #16, #17, #18, #19, #20).

John W. Gaston, Jr.

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B. Non-structural Solutions --

1. Designation of a public body, perhaps directly under the Governor, to study and make recommendations on non-structural solutions.
2. Determination of funding sources, immediate and long-term. (Present funding is largely through FEMA; long-term beneficiaries will be residents of each basin. Therefore, it seems to me that ultimate costs should be borne by municipalities and counties in basins where land acquisitions are made.) (NJWRC #6, PRC #5)
3. Development of administrative mechanisms.
4. Study of tax incentives (PRC #12).

To help rivers and streams flow more in natural stream beds and to reduce flood damage:

Stream cleaning and dredging to restore natural flow capacity, especially in the Passaic Basin (PRC #11).

III. DEVELOPMENT AND USE OF A DEMOCRATIC PROCESS

The decision on a major issue, such as choosing a single direction for all "corrective" activities, by a few DEP officials does not constitute a democratic process. (Receipt of comments by May 25, one week from today, on a billion dollar question, which few understand at all and no one understands adequately, and making a decision by June 1, just one week later, is the most blatant type of railroading I've ever seen.) To make the process more democratic we offer the following suggestions:

- A. Creation of an office within or in liaison with the Executive Office to coordinate government actions which affect flood damage potentials (NJWRC #5, PRC #4)
- B. Development of a comprehensive program for public participation in major decision making activities (NJWRC #9, PRC #8, #21)
- C. Review, with public input, and adoption of an Emergency Flood Warning Program (PRC #9)

There are many other suggestions to be made, and some of these will deserve consideration by the people of New Jersey. Although democratic processes are slow, they do help in the utilization of the collective memories and ideas of society. I think these are needed in solving the problems related to flood damage.

NOTES: NJWRC # - refers to item number of New Jersey Water Resources Coalition communication to John Gaston of May 7, 1984.  
PRC # - refers to item number of Passaic River Coalition document entitled "Comprehensive Environmental Flood Control Proposals for the Passaic River Basin."

CRITIQUE OF PASSAIC RIVER BASIN SURVEY,  
STAGE 2, BY THE U.S. ARMY CORPS OF ENGINEERS

Anne L. Kruger, Ph.D  
New Jersey Water Resources Coalition

June 10, 1984

The Corps' basis for plan formulation was primarily flood damage reduction, that is damage that now occurs in some storms and would occur, under existing conditions, were larger storms to occur. These damages are caused by past human alteration of the landscape. To reduce existing, recurring flood damages the landscape needs to be altered again.

There are fundamentally two approaches, that is objectives, which can be used to reduce flood damages. One is to speed up the flow of water out of sub-basins, so the lower basin has capacity to carry water from the upper basins when it arrives later. That is what I am calling Fast Flow. If Fast Flow is achieved then the following physical effects must also occur, for a given storm: Increased mass of water leaving the sub-basin, increased energy of water in motion, increased amount of total water leaving the sub-basin. With most methods for achieving Fast Flow, flood heights and flood frequencies are also increased. Fast Flows in the upper sub-basin streams into the lower mainstem cause the intervals at which peak flows arrive at confluence to be short and difficult to manage. Consequently they may all arrive at the same point in the stream in rapid succession, so that the downstream damage is much greater than experienced before the Fast Flow methods were implemented upstream. Therefore it is necessary to build even larger Fast Flow structures in the downstream portions of the stream corridor than would have been necessary if the shape of the land had not been changed in the uplands. Downstream areas are in the populated urban centers of northeastern New Jersey where the density of structures which will need protection from Fast Flows is very high. Thus, in a large basin, such as the Passaic River Basin, the effect of each small increment of Net Fast Flow, where some of the water is slowed, but more is speeded up than slowed, adds up to greater and greater Fast Flows, which must be contained by bigger and bigger Fast Flow structures such as higher and higher levees and flood walls. A tunnel diverts flood waters away from some portion of the stream, so that portion does not need massive surface structures. However, in the stream portion below the outlet, the speeded up water needs even more massive structures to contain it. Only by tunneling way out into the ocean could these effects be eliminated.

The other approach is to slow down the flow of water, so that it has more time to percolate into the ground or to be evapotranspired into the atmosphere. That is Slow Flow. Slowing the flow of storm water decreases the mass of water leaving a sub-basin, and decreases the energy of that water in motion. Usually flood heights are decreased, the frequency of flooding is decreased, and the length of time to the peak height of a flood is longer. This means that at the confluence of tributaries flood swells will probably arrive at different times so the mainstem channel has a better chance of containing the flow and there is less likelihood

of backflow into tributaries. Less needs to be done to reduce flood damage in downstream stretches, if upstream portions are managed by Slow Flow techniques. Even more important is the fact that less storm water leaves the sub-basin and the whole basin, and water remaining in the basin can be useful, not damaging, water.

The Corps studied ten methods by which flood damages can be reduced, which are called "Building Blocks." These are characterized below:

Usual Effect .....	Method .....	Corps Number .....	Corps Class .....
Slow Flow	Permanent evacuation	#1	Non-structural
Slow Flow	Existing reservoirs	#17	Structural
Slow Flow	New reservoirs	#18	Structural
Slow Flow	Preserve natural storage areas	#20	Non-structural
Slow Flow	Aquifer recharge	#21	Structural
Nul Effect	Floodproof/raise	#2	Structural
Fast Flow	Dam and bridge modification	#4	Structural
Fast Flow	Channel modification	#6	Structural
Fast Flow	Levees and floodwalls	#11	Structural
Fast Flow	Diversion tunnels	#23	Structural

Since 1936, when the Corps has been studying the Passaic River Basin, concerned citizens with environmental concepts have advocated the use of Slow Flow methods, such as preserving flood plains and wetlands; buying up and removing structures in flood plains, relocating displaced people, restoring flood plains to their natural flood carrying capacities, facilitating the recharge of flood waters into the ground, and increasing the holding capacity of natural reservoirs. These methods have tended to be lumped together under the sobriquet of "non-structural" methods. Note that the Corps does not use the same meaning for "non-structural." All plans developed by the Corps up to 1976 were rejected by "local opposition."

In 1976 Congressional Guidance given to the Corps states:

Local opposition to any plan which relies upon extensive use of dikes, dams and levees such as those proposed in previous survey reports mandates that the following alternatives or any combination thereof shall be the only ones surveyed and considered:

1. A full range of non-structural flood control alternatives to include land acquisition, flood plain mapping, flood proofing, developing early warning systems and relocation of buildings.
2. A tunnel diversion plan.

3. A system of tunnels addressing the needs of the entire basin.
4. Plans that combine local protection works where locally acceptable and non-structural solutions including improvements to stream carrying capacity in accordance with difference needs in the lower Basin and in the Central Basin.
5. Evaluation of fulfilling water supply objectives together with flood control.
6. Aquifer recharge and underground storage.
7. Reservoir management in the headwaters.  
Coordination with Federal, State and local agencies, particularly the New Jersey Department of Environmental Protection in its efforts on flood control and management of the total water resource cycle including water supply and water quality, shall be carried out by the Corps of Engineers.

In the years since 1976 the Corps has gathered much useful data, and analyzed it. A summary of its conclusions about each building block is given below:

Permanent evacuation (#1): "A basin-wide approach to permanent evacuation is not an economically feasible alternative."

Existing and New Reservoirs (#17 & #18): "From the viewpoint of flood damage reduction, ...all sites had minimal beneficial effects on downstream damage areas."

Preserve natural storage areas (#20): "70% of the wetlands remain available for development."

Aquifer Recharge (#21): "The available information is sufficient to support the conclusion that the recharge of large volumes of storm water diverted from the Passaic River and/or from surface run-off is not a feasible approach to flood control in the study area and is no longer considered as a flood damage reduction method in this study."

Floodproof/Raise (#2): Used in conjunction with minimal permanent evacuation in recommended plans.

Channel, Dam and Bridge Modifications (#4 & #6): Used in recommended plans.

Levees & Floodwalls (#11): Used in all recommended plans.

Diversion Tunnels (#23): Used in four out of seven recommended plans.

*Insert*

I conclude that the Corps' conclusions are highly biased towards Fast Flow methods to the extent that all recommended plans contain an insignificant proportion of components that will cause any slowing of the flow of storm waters. This bias is apparently due primarily to the formulas used to estimate benefits to cost ratios for each component. These formulas fail to recognize the many environmental and people benefits derived from Slow Flow methods, such as storage of usable water in basin, improved water quality, improved functioning of ecosystems such as flood plains and wetlands, and improved living amenities. (There are studies which show that humans function better in pleasant, natural environs. See recent report in Science by a researcher at the University of Delaware, which is commented on in Science 84, July August 1984, page 12.) The effect of this bias is that the cumulative effect of each recommended plan in each sub-basin and in the entire basin is to increase the flow of storm water out of the basin in substantial amounts, which could be measured. The approach of the Corps has been not only Net Fast Flow, (i.e. the total flow is increased, although in portions of the stream flow is slowed), but essentially Total Fast Flow.

I also conclude that the Stage 2 Corps study did not adequately address the following alternatives in the 1976 Congressional Guidance: #1, #4, #5, #6, #7. It is noteworthy that these rejected alternatives are Slow Flow methods.

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NEW JERSEY WATER RESOURCES COALITION

R. D. #1 BOX 263A  
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June 28, 1984

Henry Stasiuk, Managing Editor  
Newark Star Ledger  
Star Ledger Plaza  
Newark, NJ 07102

To the Editor:

The New Jersey Water Resources Coalition, environmental organizations from around the state, agrees with the title of your editorial of June 17 about flooding in the Passaic River Basin: "Wait no more." However, the plan for flood control presented by the State Department of Environmental Protection (DEP) on June 12 says: "Wait for ten or more years while flood damages escalate." We call for people to move government to action -- to give flood plains back to the river, and to move people to where they are no longer endangered. New Jersey should "wait no more" to provide lasting relief for flood victims.

Floods are natural and do little damage if allowed to spread out onto flood plains and wetlands. Most of the devastating costs and destruction of floods occur when storm water is forced to move around homes, businesses and other obstructions built by people in flood plains. For years government officials have condoned construction in the flood plains which they have the power to deny.

The DEP announced its selected plan for flood control after a whirlwind of confusing rhetoric during which non-agency people had less than a month to study voluminous reports. The Coalition has studied these reports. We conclude that the plan would encourage more building in flood plains because it gives the illusion that some day engineering feats will "control" floods. Consequently, storms would cause bigger floods than ever before. Deaths, disease and property losses would spiral upward.

Even if the flood walls, levees, channels, and tunnels were in place, storms would continue to cause damaging effects. There would be loss of water from the upland parts of the basin because storm water would be controlled to flow fast to the ocean. Flow in the river of the Central Basin would be slow and sluggish, consisting largely of treated sewage effluent. Think of the aroma of the river on a summer's day! Much higher flood walls and levees would be needed in the Lower Basin below Passaic, including Newark, with the DEP's plan than without it. The tunnels would unleash fast flows of water into the lower Passaic while flood flows from the Saddle River still swell the river. If the DEP is allowed to implement its plan, more than a billion U.S. and N.J. tax dollars would be spent for non-solutions

To the Editor  
June 28, 1984  
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which would worsen flooding and other water problems.

We oppose the DEP's plan because we seek real solutions for flood victims. We seek to have frequently flooded homes in Wayne, Lincoln Park and other communities purchased and removed from flood plains, and to restore flood plains so they can carry more water at a slower flow. We support the petition drive to have the Federal Emergency Management Agency buy homes from willing sellers as soon as possible. We look towards developing flood control plans which will preserve, restore, or improve the storm water carrying capacities of the Passaic River Basin in order to reduce flood damage, to improve water supplies, to cleanse water, and to restore to the river and its tributaries their pleasant environs so that everyone can enjoy living in harmony with the river.

Our sense of history tells us that we must slow down the DEP's rush into a disasterous plan in order to speed up consideration of environmentally sound plans to slow down storm flows in the basin. This will speed up the day when effective flood control is a reality.

We urge you to read between the lines of the DEP rhetoric and the Star Ledger's own excellent news coverage, and to reconsider your editorial position. Your readers, who will all be affected by plans to control flooding in the Passaic River Basin, deserve a more reasoned opinion. Wait no more!

For further information call the Coalition at (609) 737-3735.

Sincerely yours,

*Anne L. Kruger*  
Anne L. Kruger, Ph.D.  
Coordinator

American Littoral Society  
Association of New Jersey Environmental Coms.  
New Jersey Audubon Society  
New Jersey Conservation Foundation  
Passaic River Coalition  
South Branch Watershed Association  
Stony Brook-Millstone Watersheds Association  
Upper Raritan Watershed Association  
Upper Rockaway River Watershed Association  
Watershed Association of the Delaware River

New Jersey State Library

NEW JERSEY WATER RESOURCES COALITION  
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PENNINGTON, NEW JERSEY 08534

June 11, 1984

Robert E. Hughey, Commissioner  
Department of Environmental Protection  
CN 402  
Trenton, NJ 08625

Dear Commissioner Hughey,

The Coalition has been active since 1981 in many statewide water resource issues, including flooding. It is composed of eighteen environmental organizations and additional citizen members. Members who know the text of this letter have placed their names on it. All members are in conceptual agreement with the concerns expressed.

This letter is about planning for reduction of existing, recurring flood damage in the Passaic River Basin. We are deeply troubled by two aspects of the present planning being done by your Department under directions from Governor Kean. We are in resolute opposition to each of the plans recommended by the Corps of Engineers in their Stage 2 study because not one of the plans contains a significant proportion of components which will slow the flow of storm water out of the sub-basins and basin to the ocean. Some reasons for our opposition to Fast Flow methods are appended. We are disturbed by the rapidity with which recent events have taken place, by the fact that interested people in New Jersey have not had adequate opportunities to participate in reaching a consensus on crucial issues, and by our recognition that, if the State chooses a single plan, an only plan for which funding will be available for further study, then introduction and consideration of alternative plans will be stifled effectively. We call for a democratic process by which the public can decide whether they want a Net Slow Flow or Net Fast Flow approach to solving the problems of flood damage in the Passaic River Basin.

In order for sufficient public consideration to be given to Slow Flow as well as Fast Flow approaches, the Coalition is determined to seek a better democratic process so interested citizens will be involved in key decision making. Such a process will probably hasten the days when flood damage reduction plans will be implemented and flood damages will really be reduced.

Therefore, we unanimously resolved on June 4 to request that you ask Governor Kean to form a Citizen Task Force for one year under the aegis of the Governor to fulfill the following functions:

- \* Develop a democratic process by which interested citizens can participate in making critical decisions in the development of practical, workable plans to reduce flood damages and to protect the environment;
- \* Encourage non-governmental groups to analyze, critique, and inform people about the advantages and disadvantages of the two approaches, Slow Flow and Fast Flow, and of various proposals;
- \* Study and recommend to the Governor and/or State Legislature how to implement flood damage reduction programs by utilizing the services of and funding from appropriate federal, state and other agencies, or by creating the needed means;
- \* Coordinate government efforts, federal, state and local, which seek to reduce flood damages, or which are impacted by flooding (for instance, programs regulated by the Clean Water Act, Safe Drinking Water Act, and soil conservation rules).

The Task Force should be composed of knowledgeable people who represent disparate groups which have a vital interest in solving the flood damage problems in the Passaic River Basin.

The issue of the approach chosen to reduce flood damages is of utmost importance to environmentalists, because it is a pivotal issue which will decide in many ways the future of water resources in New Jersey.

Commissioner Robert E. Hughey  
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We urge you and the Governor to make a public commitment to an open, democratic process. We suggest that the announcement of the formation of this Citizen Task Force be anticipated in the statements made on June 12, and be made formally at the same time that the choice of plan selected for Phase 3 study by the Corps. of Engineers is publically pronounced, presumably on June 22.

The Coalition is committed to make the public aware that the ecological capability of this basin, and others, to supply usable water, to cleanse water, to preserve the viability of organisms living in the basin, including people, and to supply many other human needs hinges upon appropriate selection of plans for reducing flood damages. Coalition members will meet on June 18 to decide on our response to your public announcement scheduled for June 12. As ever we hope that the work of the Coalition will complement that of the Department.

Sincerely yours,



Anne L. Kruger, Ph.D.  
Coordinator  
NEW JERSEY WATER RESOURCES COALITION



Derry Bennett  
AMERICAN LITTORAL SOCIETY



Martha Lieblich  
President, ANJEC



Anne Morris  
Executive Director  
ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONERS

Commissioner Robert E. Hughey

June 11, 1984

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*Ken Brown*

Kenneth Brown  
CLEAN WATER ACTION PROJECT

*Terry Gabriel*

Terry Gabriel  
Executive Director  
DEL-AWARE UNLIMITED

*Ellie Gruber*

Ellie Gruber  
LEAGUE OF WOMEN VOTERS, OF NEW JERSEY

*Tom Gilmore*

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*Denise N. Snyder*

Denise Naidu Snyder  
Executive Director  
SOUTH BRANCH WATERSHED ASSOCIATION

Commissioner Robert E. Hughey

June 11, 1984

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James T. Gaffney  
Executive Director

STONY BROOK-MILLSTONE WATERSHEDS ASSOCIATION



Phyllis Anderson

SUSSEX COUNTY CONSERVATION DISTRICT



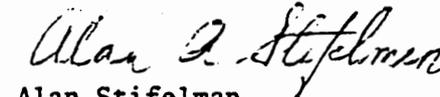
David Peifer  
Executive Director

UPPER RARITAN WATERSHED ASSOCIATION



Constance B. Stroh  
President

UPPER ROCKAWAY RIVER WATERSHED ASSOCIATION



Alan Stifelman

WATERSHED ASSOCIATION OF THE DELAWARE RIVER

ALK/nle

cc: Paul H. Arbesman  
John W. Gaston, Jr., P.E.  
Dirk C. Hofman, P.E.  
Richard Bellis



*Township of*  
*Pequanock*  
530 NEWARK-POMPTON TURNPIKE  
POMPTON PLAINS, N. J. 07444

(201) 835-5700

August 6, 1984

Mr. Stephen Adubato, Jr.  
Chairman

Mr. Robert P. Hollenbeck

Mr. John O. Bennett

Passaic River Restoration  
Subcommittee of the Assembly  
Agriculture & Environment Comm.  
CN-024  
State House Annex  
Trenton, New Jersey 08625

Gentlemen:

I, W. Jay Wanczyk, am the Assistant Township Manager and Emergency Management Coordinator for the Township of Pequanock. I wish to thank you and the Committee for this opportunity to offer comments on the potential impacts the current flood control proposals offered by the Department of Environmental Protection and the U. S. Army Corps of Engineers will have on the conservation and recreation opportunities in the Passaic River Basin.

The Township of Pequanock is located in northeast Morris County at the confluence of the Ramapo, Pequanock, Wanaque and Pompton Rivers. The Pequanock and Pompton Rivers form the eastern boundary of the Township. Historically, the eastern most portions of the Township have been subject to flooding to varying degrees for as long as records have been kept. Particularly disastrous floods were recorded in 1902, 1903, 1936, 1951, 1955, 1968, 1972 and, of course, 1984.

Having been a part of the Township's Emergency Management Department since 1969 and professional staff since 1971, I am acutely aware of the current conditions which need to be alleviated before the residents and property owners may be guaranteed a certain measure of relief.

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The Township Council of the Township of Pequannock is on record in support of the preliminary plans for the construction of a tunnel to relieve the flooding in the North Central Passaic River Basin area. A copy of the resolution adopted on May 23, 1984, is attached. The Council took this position following review of the five-volume report issued by the Army Corps of Engineers. The professional staff also reviewed the report and concluded that the tunnel alternative was the best of those offered. There was some initial concern that the period of time allowed for review was brief in comparison to the volume of material. However, much of the material had been previously developed and disseminated in the studies which date back to the 1960's and earlier. As stated in the Department of Environmental Protection's statement approving the tunnel plan, the design period we are now entering will encompass much review and evaluation during the next twenty-four months. Questions regarding many of the concerns of individual communities will be addressed during this period.

The impact of the tunnel plan on conservation and recreational opportunities in the Passaic River Basin will also be evaluated extensively. The greater question for the Passaic River Restoration Committee and the population as a whole - rather than concern for the recreation aspects of this project is the current inhuman and unreasonable living conditions imposed upon the residents and property owners living along the entire length and breadth of the river valleys by almost fifty-five years of delaying and studying.

Before one's family can recreate, they must be assured of their ability and opportunity to lead normal, sane lives and not living in constant fear of losing their homes, their property or their very lives. The best method to overcome this threat is to provide a reasonable assurance that the chance a disastrous flood such as 1903, 1968 and 1984 will almost never occur in one's lifetime. The technical volumes of the Stage 2 Report, Appendix A Engineering - Vol. 1, Table 66F, shows that during a 100-year flood, the flow of water at the Jackson Avenue Bridge in Pompton Plains would be 30,480 cubic feet per second. With the 40' tunnel in place, this flow would be reduced to 5,007 cubic feet per second, or a level slightly above the annual high water mark. This would still allow enough water to be drawn out of the river for consumption. Life is not without risk and there are no absolute guarantees; however, the means are at hand to

offer a reasonable degree of protection to the Passaic River Basin residents.

The Township of Pequannock is also on record as supporting interim methods of protection for the flood area residents which may be implemented prior to the completion of the tunnel in the year 2000. Buy-outs of homes and property in the most critical flood-prone areas - for example, those homes which experience flooding two to three times a year every year - would be prime candidates for a buy-out. The regular Federal Emergency Management Agency Program is only funded to the extent of approximately \$5 million a year. To purchase the most flood-prone property in the Township of Pequannock is subject to flooding several times each year would amount to \$1.5 million - \$2 million for approximately 26 - 30 homes. To provide protection equal to that which the tunnel plan will offer, the total bill for a buy-out of homes in the 100-year flood zone in the Township of Pequannock alone would cost between \$150 million and \$200 million. Various proposals have been introduced in Congress and elsewhere to expand the buy-out program to \$50 million, \$100 million, or \$150 million.

It is misleading to the public for any official to state that a buy-out of the properties along the river would at a cost of \$100 million - \$150 million constitute a prudent alternative to a \$900 million or \$1 billion engineering project.

As can be seen by the Township of Pequannock's example, those property acquisition funds would quickly be absorbed in one community and still not offer protection for those commercial and industrial properties or add any protection for those residents living in the vicinity of the 100-year flood hazard area; i.e., those in the 500-year flood hazard area.

An extremely shortsighted person would deem they buy out to be prudent, but I ask at what cost - the cost of how many lives to save \$700 million? This is why a buy-out plan though seeming to be an attractive alternative should only be seen as an interim method of providing protection to those individuals most seriously affected by the current flood situation.

Other interim measures such as comprehensive, early warning systems and maintenance of existing river and stream channels must also be continued on an on-going basis to offer a partial measure of security and protection. The land acquired through the more limited buy-outs should be maintained in public ownership and used for recreational and conservation purposes

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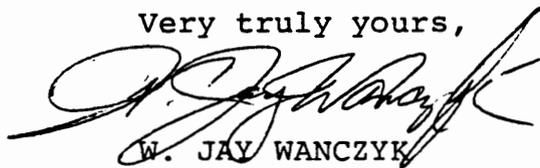
until such time that future generations may determine that purpose to be superseded.

In conclusion, the Township of Pequannock asks -

1. That full support be given to the preliminary tunnel plan for flood control in the Passaic River Basin -
2. That buy-outs be considered for the most continuously affected properties -
3. That a comprehensive early flood warning system be developed and implemented immediately in conjunction with the National Weather Service and the State Emergency Management Department.

Thank you.

Very truly yours,



W. JAY WANCZYK  
Assistant Township Manager/  
Emergency Management Co-  
ordinator

WJW/psf

RESOLUTION

WHEREAS, the Township of Pequannock has experienced severe flooding in the almost three centuries of its existence; and

WHEREAS, the flood of 1984 has once again outlined the necessity for prompt affirmative flood control in the Passaic River Basin; and

WHEREAS, the Township Council of the Township of Pequannock has reviewed the preliminary plans of the Army Corps of Engineers and wishes to go on record as endorsing one of the several proposals outlined.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Township Council does hereby endorse the preliminary plans for the construction of a tunnel in the vicinity of the confluence of the Pequannock and Ramapo Rivers as the most effective remedy of the proposals presented.
2. The Township Council does hereby state that the prompt construction of this flood control mechanism should be of the highest priority of State and Federal officials responsible for flood control measures.
3. That the Clerk be and she is hereby directed to send certified copies to Governor Kean, 26th Legislative Delegation, Commissioner Robert Hughey, and the governing bodies of communities surrounding the Township of Pequannock, requesting their active support.

GOVERNING BODY  
TOWNSHIP OF PEQUANNOCK

ADOPTED:  
May 8, 1984

ATTEST:

By: Evelyn Justesen  
Evelyn Justesen, Mayor

Elizabeth D. Eley  
Elizabeth D. Eley, Clerk

I hereby certify that the above resolution was adopted by the Pequannock Township Council at a regular meeting held on May 8, 1984.

Dated: May 23, 1984

Elizabeth D. Eley  
Elizabeth D. Eley, Clerk

STATEMENT PRESENTED BEFORE THE PASSAIC RIVER RESTORATION SUBCOMMITTEE OF THE ASSEMBLY, AGRICULTURE, AND ENVIRONMENT COMMITTEE AT A PUBLIC HEARING 8/6/84, 1:00 p.m. COUNSEL CHAMBERS, NUTLEY, NEW JERSEY. PRESENTED BY JOHN W. GASTON, JR., DIRECTOR, DIVISION OF WATER RESOURCES, STATE OF NEW JERSEY.

I want to thank you for the opportunity to make a statement before the Passaic River Restoration Subcommittee. I would like to take this occasion to broaden your understanding of the opportunities which lie before us for merging the goals of both restoration and flood protection in the Passaic Basin.

I am sure that most of you are aware that New Jersey DEP, working in concert with the U. S. Army Corps of Engineers, is moving to develop and implement a comprehensive flood control program in the Basin. We have announced the selection of a structural plan developed by the Corps of Engineers and have also announced the non-structural aspects of a program to achieve basinwide flood protection and control.

The structural plan, which forms the nucleus of this flood control program, includes the construction of a tunnel to divert excess flood waters combined with the construction of levees and flood walls, where necessary, to provide protection from the 100-year design storm, calculated to occur from both river flooding and from tidal flooding in the lower portion of the Passaic River. Also included would be some modest amount of channel modification. The combination of these features would provide uniform flood control and protection throughout the study area of the basin.

It is my understanding that this Subcommittee has concern that the worthy efforts for restoration of the Passaic River may be hampered or negated by the flood control project.

Quite the contrary. It is the intention of DEP to recognize local needs and desires which can be incorporated into the flood control project, and to work with local interests toward incorporating those features into the project during this feasibility design phase of flood control project development.

Opportunities definitely exist to enhance the overall project by incorporating such features as access to the river, where necessary, both for recreational and commercial purposes; by building in recreational facilities compatible with the project; by building in beautification of waterfront areas; by designing solutions to drainage problems which exist; by adjusting the alignment of levees to accommodate sites where development is planned, and to leave unprotected those areas where buyout is a more viable solution to the problem than protection; and certainly by incorporating the goals, wherever possible, of this restoration subcommittee.

We are hopeful that our discussion will also serve to trigger the thought process for discussing local needs as we begin the process of meeting with municipalities, counties, and interest groups for the purpose of incorporating local needs into the project. That process will begin early in September. We will be making appointments to meet with individual municipalities after the Labor Day Holiday.

Since this hearing deals with the issue of restoration, it becomes immediately clear that there is need for DEP and the Corps of Engineers to learn as quickly as possible the goals of the restoration project. In order to begin dealing with the specifics of merging the restoration interests with those of the flood control project, DEP is requesting that the Subcommittee provide us with the names of those people associated with the restoration project with whom we should be in communication on a continuing basis. We welcome the opportunity for such a dialogue of issues.

I understand also, that this subcommittee is interested in learning more about the impacts the flood control program will have up and down the river.

The greatest positive impact will be protection from the periodic flooding which occurs with alarming frequency and which leaves behind major damage which must be considered not only in dollars but also in the disruption of life in general in the basin. The damage and disruption is not limited to residents of the flood prone areas, but also to businesses, large and small which form an important economic base for the area. It affects people who live outside the area but work in the basin when either they suddenly cannot get to work or when their employers have to close down due to floods. It also disrupts the lives of those who neither live nor work in the basin, but must pass through it on major transportation arteries which become impassable during flooding. So the first major impact is the protection from flooding and thereby relief from the associated problems.

By providing protection, another important impact will be realized. The delineated flood hazard areas can be reduced substantially thereby reducing the number of properties subject to the requirements and costs of flood insurance.

Other important and positive impacts of our program include the use of set back levees and the resultant preservation of wetland areas; prevention of uncontrolled alteration of the flood plains through our new and strengthened Flood Hazard Area Regulations; and control over runoff discharges associated with construction outside the flood hazard areas through implementation of our Storm Water Management Regulations.

In terms of the impact of the structural plan, perhaps the best way to describe it is by saying the lack of major impact up and down the river when the tunnel concept is applied. It has been determined that any successful plan to provide meaningful flood protection must contain a means to convey excess flood waters. Even though the plan contains features to preserve wetland areas which serve to retain floodwaters temporarily, that approach does not solve the whole problem and there is still need to convey excess waters. Of the various alternatives to achieve that objective, the tunnel has been shown to have the least negative impact on life in the basin both during and after construction. By incorporating the tunnel into the plan, the amount of channel modification is reduced to a minimum, the number of levees and floodwalls are reduced dramatically over any other alternative, and the height of those which are required is also reduced throughout much of the basin.

The impact on the tidal portion of the Passaic is relatively stable and

unchanging for all of the plan alternatives which provide a significant level of protection. In the tidal area, basic protection from tidal flooding requires the construction of a system of levees and floodwalls. Benefits from that protection were emphasized earlier including a reduction in delineated flood hazard areas and associated flood insurance requirements and costs. This type of protection would be available for towns such as Kearny, Harrison, East Newark and Newark. Other benefits would include the protection of lands such as those in Newark, which have been discovered to be contaminated with toxic pollutants so that those pollutants will not be washed elsewhere during flooding conditions, and certainly the solving of drainage and sewerage problems which currently exist. These are of real benefit to several of the lower basin communities. They represent an opportunity for capital improvements at no cost to the local communities. We already know these problems exist in Nutley, Belleville and Lyndhurst, and we are anxious to find out if they are also a problem in communities such as North Arlington, Rutherford and East Rutherford.

I indicated earlier that adequate protection requires a means whereby excess waters must be conveyed through the basin to the Ocean. In the tidal portion of the river it makes relatively little difference whether those waters are conveyed via the river itself or via a tunnel; the levee system required to accommodate flood flows from the upper basin would need to be slightly greater than for basic protection from tidal flooding. However, even here, the conveying of those waters has some benefits. There are areas, for example, in Nutley, Belleville and Lyndhurst which would not qualify for protection from tidal flooding due to the benefit/cost restrictions on the project. However, with the introduction of upper basin additional flow, those

areas would be required to receive protection and would benefit as a result.

The use of a tunnel, as opposed to the use of the river for conveying those waters has the additional benefit of requiring less of a system of levees and floodwalls at the upper end of the tidal reach of the river in communities such as Garfield, Wallington, Clifton and Passaic.

Very often when someone wants to know what the impacts of a project are, they are thinking only in terms of negative impacts. In this case, the impacts are primarily positive, and the opportunities associated with the required construction must be fully explored and developed through local input to make those impacts even more positive.

Concern has also been raised that the flood control project would have a negative impact on water supply in the basin including groundwater recharge as well as the Wanaque South Water Supply Project. The raising of such concerns is certainly appropriate, particularly in the Passaic Basin where drought and restrictions on water usage have been experienced as well as floods.

However, I am pleased to have the record show that consideration was given to those issues during the plan selection process and the selected plan will not have a negative impact on water supply in the basin nor will it limit the usefulness of the Wanaque South Project.

There is, perhaps, a mistaken impression that the tunnel will tend to drain the basin of waters so necessary for the environment and for human habitation in the basin. Please let me assure you that with the tunnel in place, the river systems will continue to function as river systems and will, in fact, carry some of the flood waters. The tunnel will convey only those flood waters which are so excessive that they could not safely be contained in the river systems and would therefore cause damage. There is no plan to diminish the natural and normal flows which are part of the intrinsic character of the basin.

We look forward with great enthusiasm to working toward realization of a flood control program in this basin. It is with equally great enthusiasm that we look to enhancing the structural portion of that program by incorporating design features which will serve to provide multiple benefits and to serve the needs of municipalities in which construction is designed to take place. We look forward to the input to be received from the restoration project, as well as from municipal interests up and down the river, and feel confident that our combined efforts will result in a project which is a source of pride in addition to its functional protection. Beginning in September we will be meeting with individual municipalities to discuss concerns, opportunities and technical data.



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609 - 292 - 2885

JUL 19 1984

Robert J. Myers, Chairman  
Passaic River Coalition  
246 Madisonville Road  
Basking Ridge, NJ 07920

Dear Mr. Myers:

I appreciate your letter of April 20 expressing concern over the flood problem of the Passaic River Basin. I share that concern. However, I cannot agree with the proposed moratorium on stream encroachment permits in the flood plains of the Central Passaic River Basin, and the rescission of permits previously granted.

As you are aware, the Department of Environmental Protection has vigorously supported the limitation of filling in the flood plains, not only in the Central Passaic Basin but statewide; and regulations to control that filling went into effect on May 21. These regulations, which were arrived at after extensive hearings and public discussion, represent a considered balance between the desirability of controlling floods and the desirability of encouraging economic growth and development.

At the public hearing on the regulations, the testimony was divided as to whether there should be a stricter or more lenient control over fill in flood plains. However, there was a strong consensus in favor of adopting a regulation to implement the law. Based on the hearing record, it would be arbitrary and entirely unjustifiable for me to attempt to take the action you suggest.

I trust you will refocus the energies of your organization behind the program I have recommended for implementation to comprehensively address flooding problems in the Passaic Basin.

Sincerely,  
*Bob Hughey*

WATER RESOURCES DEVELOPMENT ACT OF 1976

SEPTEMBER 27, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. JONES, from the Committee on Public Works and Transportation, submitted the following

REPORT

[To accompany H.R. 15636]

[Including Cost Estimate of the Congressional Budget Office]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 15636) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendment to the text of the bill is a complete substitute therefor and appears in italic type in the reported bill.

The title of the bill is amended to reflect the amendment to the text of the bill.

PURPOSE OF THE BILL

H.R. 15636, as amended, is a water resources development project authorization and basin monetary authorization bill. Title I of the bill includes water resources development project authorizations and provisions modifying previously authorized projects and relating generally to the water resources development program. A total of 44 projects is contained in Title I. The projects cover all types of works under the jurisdiction of the Committee and within the province of the Corps of Engineers. The total estimated cost of Title I is \$403,777,880. Since enactment of the last monetary authorization bill, there are twelve basins which need additional authorization in order that appropriations can be requested to continue work in the basins. Title II authorizes an increase in the amount of \$590,000,000 in the monetary authorizations for the twelve comprehensive river basin plans previously approved by Congress. The authorization for the appropriation of these additional amounts commences with fiscal year 1978.

PASSAIC RIVER BASIN, N.J. AND N.Y.

*Location.*—787 square miles of the basin are in northeastern New Jersey and 148 square miles are in southern New York. The Passaic River Basin is elliptical in shape; the long axis, northeast-southwest, is about 56 miles long and the short axis is about 35 miles.

*Authority.*—Flood Control Acts of June 22, 1936 and May 6, 1936; the Flood Control Act of 1958, and a resolution of the House Public Works Committee, adopted June 13, 1956.

*Existing Projects.*—There are no major Federal flood control projects in the study area. A number of channel and drainage improvements have been constructed by non-Federal interests.

*Need.*—The major need is to prevent flood damages. Average annual flood damages in the basin are estimated at \$25,500,000 under existing conditions. Additional water supply and recreation opportunities will also be needed.

Remarks.—The Phase I study shall include consideration of interim flood protection measures, and recommendations as to such measures are to be made to the Committee as soon as they are formulated, prior to completion of the Phase I study. Implementation of interim measures consistent with Public Law 92-500 and the National Environmental Policy Act, shall begin as soon as authorized and funded, and shall not await completion of the Phase I study.

Controversy revolves around a concern that conclusions reached by the Chief of Engineers Report of February 18, 1976, will be given priority to the exclusion of equal consideration of alternatives, and other objectives, including water management and attainment of water quality goals, pursuant to P.L. 92-500. Controversy over construction of the project emanates from many communities in Morris and Essex Counties that stand to lose substantial portions of their land to structural solutions; from conservation interests who seek non-structural solutions; from those who reject dams, dikes, and levees in their communities; from those who believe other forms of construction such as a diversion tunnel or a system of tunnels addressing the needs of the entire basin should be reevaluated; from those who believe water supply objectives should be met together with flood control.

In the Water Resources Development Act of 1974, the Congress adopted a new two-step authorization procedure for projects such as the Passaic River Basin project. The reasons for this new procedure, and a description of the items to be included in Phase I advanced engineering and design, are set forth in House Report 93-541 which accompanied H.R. 10203, and repeated in the introductory material in this report. These requirements and provisions apply to the Phase I study of the Passaic River Basin project.

The Committee directs the reformulation of the plan for water management and flood control for the entire Passaic River Basin. Said plan shall include a new environmental impact statement which is the subject of public hearings and formulation of a final environmental impact statement to be submitted to the Council on Environmental Quality.

Local opposition to any plan which relies upon extensive use of dikes, dams and levees such as those proposed in previous survey reports mandates that the following alternatives or any combination thereof shall be the only ones surveyed and considered:

1. A full range of non-structural flood control alternatives to include land acquisition, flood plain mapping, flood proofing, developing early warning systems and relocation of buildings.
2. A tunnel diversion plan.
3. A system of tunnels addressing the needs of the entire basin.
4. Plans that combine local protection works where locally acceptable and non-structural solutions including improvements to stream carrying capacity in accordance with difference needs in the Lower Basin and in the Central Basin.
5. Evaluation of fulfilling water supply objectives together with flood control.
6. Aquifer recharge and undergrounds storage.
7. Reservoir management in the headwaters.

Coordination with Federal, State and local agencies particularly the New Jersey Department of Environmental Protection in its efforts on flood control and management of the total water resource cycle including water supply and water quality, shall be carried out by the Corps of Engineers.

AUGUST 10, 1984

CHARLES MONTALBANO  
16 OAK STREET  
NUTLEY, N.J. 07110

ASSEMBLYMAN STEPHEN ADUBATO  
260 LIBERTY STREET  
BLOOMFIELD, N.J. 07003

DEAR MR. ADUBATO,

I AM WRITING TO YOU TO EXPRESS MY EXTREME CONCERN OVER THE PROPOSED 'WAYNE TO NUTLEY' WATER DRAINAGE FACILITY. I COMPLETELY SYMPATHIZE WITH MY NEIGHBORS IN WAYNE. I FULLY SUPPORT THE ALLOCATION OF PUBLIC FUNDS TOWARDS ADDRESSING THE FLOOD PROBLEM. MY CONCERN, AS A NUTLEY HOME OWNER RELATES TO THE PROPOSED SOLUTION, I.E., THE DRAINAGE FACILITY.

WILL FLOODING SIMPLY BE TRANSFERRED FROM ONE COMMUNITY TO ANOTHER? CAN THE PASSAIC RIVER REALLY HANDLE THE AMOUNT OF WATER? WILL STATE OR FEDERAL OFFICIALS GUARANTEE THAT OUR COMMUNITY WILL NOT BE ADVERSELY AFFECTED? WILL STATE OR FEDERAL AGENCIES COMMIT TO ABSORBING ANY AND ALL FINANCIAL LOSSES THAT MAY RESULT FROM POTENTIAL FLOODING IN THE NUTLEY AREA?

I SERIOUSLY DOUBT WHETHER ANY PUBLIC OFFICIAL WOULD MAKE ANY SUCH COMMITMENTS. THEREFORE, I MUST STRENUOUSLY PROTEST THE IMPOSITION OF THE DRAINAGE FACILITY.

MY WIFE AND I PURCHASED OUR HOME ONE YEAR AGO AT GREAT COST AND SACRIFICE. I AM NOT WILLING TO JEOPARDIZE OUR FINANCIAL AND PERSONAL INVESTMENT FOR SUCH A DUBIOUS PROJECT. CERTAINLY, HAD I KNOWN OF THE DRAINAGE FACILITY ONE YEAR AGO, I WOULD HAVE NOT PURCHASED A HOME IN NUTLEY.

PLEASE LET ME KNOW IF THERE IS ANYTHING ELSE THAT I CAN DO TO DEFEAT THE IMPLEMENTATION OF THE FACILITY.

SINCERELY,



44x