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## NEW JERSEY CHAPTER

145 West Hanover St., Trenton, NJ 08618  
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The Sierra Club has completed an extensive report examining the Corzine Administration's environmental record. Unfortunately, we have seen an overall reduction in environmental protections over the last 3.5 years. When Governor Jon Corzine took office, we were hopeful his record as a United State Senator would be an indication that he would move the state's environmental laws forward in a progressive way. The record speaks for itself.

### *Energy and Global Warming*

#### **Energy**

- The state's original Energy Master Plan was pro coal and nuclear power. Governor Corzine was aiming to build at least two new nuclear power plants in New Jersey. With a lot of work by the Sierra Club and other groups, the plan got better but it still includes language that promotes nuclear power. In January, Governor Corzine said because of the economic climate, he was putting on hold some of the major initiatives in the Energy Master Plan, such as green building programs or appliance standards. In terms of the solar program, this administration has taken the side of the large utilities instead of that of the small providers by eliminating the rebates and moving to a market based system.
- New Jersey leads the nation in the loss of clean energy jobs. Even though Governor Corzine has committed to offshore wind, DEP is dragging its feet, which is undermining those efforts.
- The failure of New Jersey to adopt any significant green building codes or appliance standards is undermining the state's energy savings.
- The state has expressed its support for a coal plant in Linden, which will undermine clean energy programs.
- The Energy Master Plan, one of the few bright spots during this administration, is actually not being implemented.

#### **Ethanol**

- Governor Corzine would not sign on to a letter circulated by Governor Rick Perry of Texas asking for ethanol waiver from the federal government. The waiver would have excluded the state from requiring its gasoline to be made up of eight percent ethanol.
- Governor Corzine supported state subsidies for an ethanol plant in Gloucester County and is looking for a location to subsidize another plant.

#### **Climate Change**

- New Jersey passed the Global Warming Response act two years ago but there has been no major legislation or proposal put in place to actually implement the law in any meaningful way. The one program that did get passed was the Regional Greenhouse Gas Initiative but the Sierra Club, along with other environmental groups, opposed it because it was riddled with pork barrel giveaways to utilities and special interests.
- Governor Corzine supports the widening of every major toll road in the state, undermining any attempts to curb greenhouse gasses.

#### **Power Lines**

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- The major purpose of the Susquehanna-Roseland Power Line, which is being pushed through by Corzine appointees, is to allow for PSE&G to send clean power to its Bergen Generation Station in New York. From there, PSE&G plans to sell the clean power for more money while replacing it with dirty power from Pennsylvania.
- There has been no commitment by the Corzine Administration to block proposals for multiple power lines, including Roseland to Hudson, Branchburg to Roseland, and others in southern New Jersey. These power lines will undermine New Jersey's clean energy efforts.

### **Oyster Creek**

- Not only did Governor Corzine not oppose the relicensing of this dangerous nuclear power plant, but we're still waiting on a determination from the administration on whether cooling towers are required.

### **Recycling**

- New Jersey has some of the worst recycling rates in the nation. Residential recycling has dropped from 50% to only 30% now. There is no support for a bottle bill from the Corzine Administration.
- There's no support from the Corzine Administration to regulate plastic bags by banning them or requiring the use of recycled plastic.
- On a positive note, an electronic waste recycling bill was passed.

## ***Natural Resources***

### ***I. Water***

#### **Water Supply**

- Former DEP Commissioner Lisa Jackson was able to push through a relatively good Flood Hazard Rule and a mediocre Water Quality Planning Rule that had a lot of loopholes but overall moved in the right direction.
- Because of political pressure from developers, Governor Corzine removed 300 miles of streams from a C1 rule that originally had 900 miles of critical streams. Streams that were removed include the Wallkill River. The language in the rule itself undermines the C1 program and is ineffective in protecting our waterways. There is a new proposal for surface water quality standards that will further weaken environmental protections.
- This administration is also delaying the implementation of the Water Quality Management Planning Rules.
- The DEP is weakening standards for temperature, phosphorus, and cyanide in the new Surface Water Quality Standards. No new streams have been nominated for upgrade based on recreational value or to protect drinking water.
- Failure to adopt water quality standards for nitrogen is putting the Barnegat Bay at risk.
- The Passaic River Total Maximum Daily Load (TMDL) that was adopted by the DEP is a giveaway to polluters and sewage authorities and undermines any real efforts of cleaning up the river.



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- The Water Supply Master Plan, which was due to come out four years ago, is still being delayed. The proposed Water Supply Master Plan is seriously flawed because it uses HUC 11 instead of HUC 14 to look at water availability. The methodology of looking at an entire watershed overestimates the water available and underestimates water pollution that affects water supply. It's a slimy trick.
- On a positive note, New Jersey did support the Special Protection Waters for the Delaware River.
- On another positive note, the Passaic River litigation, which began under Governor McGreevy, is going forward.

### **Waste Water**

- The waste water management plan for Holland Highlands violated the water quality planning rules and was determined by the Highlands Council to be inconsistent with the Highlands Plan.
- DEP granted a waste water extension for Hardyston, allowing for large scale development in the Highlands.
- The state has delayed implementation of the Water Quality Management Planning Rules. They are not enforcing those rules even in counties that said they wouldn't even be part of the planning process.
- The state has been giving out treatment work approvals to projects that are inconsistent with the new Water Quality Planning Rules, promoting sprawl and pollution.
- As a positive, the DEP found that Pinnacle in Oakland and Abbey in Morris Township was inconsistent with the Waste Water Management Plan and the Highlands Plan. We're now waiting to see how DEP responds to litigation by the developer.

### **Stormwater**

- Through the use of technical amendments, current DEP proposals will weaken protection of stormwater rules, which were a cornerstone of the McGreevy Administration.

### **Wetlands**

- The DEP decided to accept a petition from developers that will weaken wetland rules with substantive reliance.

### **Coastal**

- Coastal Area Facility Review Act (CAFRA) is still a disaster. There have been no changes to the rule to strengthen protections or close the CAFRA loophole Governor Corzine committed to.
- The DEP passed a good beach access rule and the Corzine Administration and legislature have been trying to weaken it ever since.

### **Oceans**

- In the five years since the Pew Oceans Commission Report was released, Governor Corzine has not done anything to regulate or increase protections or our oceans. The one law we were



able to get passed established an Ocean Council, however the governor has not appointed one member in two the two years of its existence.

### **Delaware River Deepening**

- Governor Corzine dropped his opposition to the deepening by removing the block placed on the project by the Delaware River Port Authority. The door is now open for the Army Corp to push through what will be one of the most environmentally destructive and financially wasteful projects.
- They're still planning on dumping the dredge spoils in New Jersey, impacting its aquifer.

## ***II. Land Preservation/Parks***

### **Open Space**

- Governor Corzine blocked attempts in 2006 for a referendum on a stable source of funding for open space. In 2007, he again blocked attempts and instead gave us the \$200 million bond act that almost failed. In 2008, he tried to force us into monetization to get money for open space. In 2009, he again undercut efforts for stable source and instead is pushing a \$400 bond act that we are concerned will fail and is bad fiscal policy during an economic emergency.

### **Parks**

- Governor Corzine has cut money to fix parks even though the funding comes from a dedicated source. He has also eliminated most state park programs. Given this year's staffing reductions and budget cuts, our parks may be open without services, such as swimming and environmental programs.
- Staffing in our state parks has decreased dramatically from 850 in 1994 to 475 in 2009. The lack of staffing also means a lot of historical buildings and sites are not being properly maintained.
- The lack of state funding for parks puts places like Ponderlodge and the Lighthouse for the Blind Camp in jeopardy.
- Governor Corzine attempted to close state parks last year. It was only the public outcry that stopped him.
- The Corzine Administration supported diversion of public open space in Monroe Township. The site, which was historical, was made into a high school. The administration also supported diversion of a park in Asbury Park for a development. Parkland in Edgewater was diverted for a ferry terminal.
- The state granted a 30-year lease to a private company to operate Skylands Manor as a hotel and restaurant. This lease limits public access and is a sweetheart deal for the operator, who's renting the property for pennies of what he should be paying.
- The Corzine Administration supports taking parkland for ATV use.
- The Corzine Administration put in a grass field behind the statehouse, resulting in limited public parking on legislative days.
- This administration supported turning a dirt path going to Allamuchy State Park into a wide road, impacting environmentally sensitive areas. This caused siltation and stormwater runoff into a Category One river.



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### **Pinelands**

Throughout the Corzine Administration, we have seen some of the worst changes to the Pinelands Plan in the 30-year history of the Pinelands Act. Examples include:

- A cluster ordinance that will add thousands of housing units in the Forest Preservation and Rural Development Act area.
- The Stafford Business Park, which includes 500 units of housing and 250,000 square feet of commercial on top of endangered species' habitat.
- A septic trading scheme in Buena Township that produces more development and water pollution in environmentally sensitive areas.
- Power lines through the Pinelands that were approved for an \$8 million cash payment.
- A three-mile road through the middle of Preservation Area, opening up environmentally sensitive areas for development and causing pollution and more runoff.
- A Stafford Cluster Ordinance that establishes sewers for bad projects in environmentally sensitive areas.
- Widening of the Garden State Parkway through preservation areas without adequate mitigation or protections against secondary development.

### **Highlands**

- Governor Corzine's appointments on the Highlands Council have blocked 10 changes offered by environmentalists on the council. These changes would have strengthened environmental protections to the Highlands Plan.
- The Highlands Plan in its final form allows for development in areas of water supply deficit, clustering that will promote sprawl in environmentally sensitive areas, a redevelopment program that will allow for more development, and a nitrate model that is weaker than what the Highlands Act calls for.
- The Highlands Council staff originally said the Susquehanna Roseland Transmission Line was inconsistent with the Highlands Plan based on 56 different factors. After PSE&G offered an \$18.6 million gift, the Highlands Council has now determined it's consistent. This is an abuse of power tantamount to bribery. The narrow approval of the line was done under cloudy and devious condition. It was Governor Corzine's appointed executive director and key council people who pushed this through.
- The DEP has granted a sewer plant amendment for a project in Holland Township that violates the Highlands Act.
- We recently prepared a Highlands "report card" that gave Governor Corzine a D in this area. This analysis was detailed and took into consideration more than 100 areas in grading this administration.

### **Petty's Island**

- On a positive note: it took three years, but Petty's Island is finally protected. Governor Corzine does not get as much credit as he should have because it took three years to finally get it accomplished.



### ***III. Wildlife/Endangered Species***

#### **Reform of the Fish and Game Council**

- Governor Corzine had committed to reform the Fish and Game Council so that it would be more effective in managing public lands and species. So far, there has been no action or movement to do that. Former DEP Commissioner Brad Campbell made an attempt for reform and there was no support from the administration last year on a bill by Senator Vitale to do that.

#### **Endangered Species Rules**

- While campaigning, Governor Corzine committed to proposing a rule that would protect endangered species. After lots of promises, there is still no rule or proposal for one.

#### **Bears**

- Governor Corzine committed to eliminating the bear hunt. So far it hasn't occurred. However, he has removed all funding from the bear management programs, undermining any attempts at non-lethal bear population control. The DEP commissioner testified this year that he may remove the ban on the bear hunt for the December hunting season. The Fish and Game code proposed for this year includes a bear hunt.

#### **Horseshoe crabs**

- Even though the horseshoe crab moratorium was a victory, Governor Corzine has not made appointments to the Marine Fisheries Council. This allowed commercial fisherman to block moratorium. A law in legislature was required to have the moratorium instituted.

#### **Invasive Species**

- Under the previous administration, there was an effort to control and eliminate invasive species in New Jersey. Since Governor Corzine came into office, that progress has stalled. Invasive species push out native species, hurting the environment as well as animal habitats.

### ***Transportation and Land Use Planning***

#### **COAH**

- A rule that promotes sprawl and overdevelopment in environmentally sensitive areas will actually not help New Jersey meet its affordable housing obligations. COAH is a complete disaster.
- The elimination of the non-residential fee on developers will cause an increase of inclusionary zoning projects and builders remedy projects since the towns will not have the money from those projects to pay for affordable housing. This will lead to more development and overdevelopment.

#### **Sprawl**

- The governor has failed to implement one major initiative to reign in sprawl and overdevelopment environmentally sensitive areas.



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- In fact, we've seen the opposite, including the construction of schools, roads and sewer lines in rural areas. This is a major step backwards by Governor Corzine compared to the McGreevy and Whitman administrations.
- Governor Corzine signed a bill allowing developers to turn age-restricted housing into non-restricted, a big giveaway to the builders and a move that will hurt the environment by more pollution and overdevelopment.

### **NJ Stimulus Bill or Special Interest Giveaway**

- Because it gives the same tax giveaways to development on farm fields as it does for cities, the state's Stimulus Act actually steers development to green areas and undermines urban redevelopment.
- This legislation is the opposite of the federal Stimulus Bill. It has no transparency, no timeline, and was crafted with no fiscal analysis. It guarantees no public benefit, such as green buildings, open space, or affordable housing.
- Under this bill, the first section, RAD (Revenue Allocation Districts), allows development in any part of the state without environmental constraints. It allows developers to keep up to 75 percent of state and local taxes to pay for the development. Those developments will still need services, so the average person in New Jersey will experience a tax increase to pay for the police, fire, and roads as well as other improvements like transportation and affordable housing. This section also expands the use of eminent domain for those developments.
- This bill includes an elimination of the non-residential affordable housing tax, which will save major developers millions of dollars. Xanadu alone would have been assessed \$50 million under that fee. Elimination of this fee means that towns will have fewer options to collect money when it comes to affordable housing. This will result in a heavier reliance of builder remedies, which means that the developer can build four market rate houses for each affordable unit they build. This will lead to sprawl.
- The bill also includes the Urban Transit Hub tax credit, which provides a \$50 million tax credit for any development within a mile of train stations as long as that development produces 250 jobs. That means a Super Wal-Mart could get a \$50 million state subsidy to construct a building that's not even connected to the train station. This tax credit does not require the development to have any public benefit, like green buildings, affordable housing, open space, public use, or even walkability to public transit. The \$60 million allocated to cleaning contaminated sites, fixing state parks, removing underground storage tanks and retrofitting diesel school buses will be used to fund this tax credit.
- The stimulus bill allows for public-private partnerships for developers to obtain no-bid contracts to build market rate, luxury development and also commercial and office buildings on the campuses of our colleges and universities.

### **State Plan**

- This administration has made no attempts to fix the state plan or to even adopt the recommendations on how to better protect natural resource that came from the Codey Administration's State Planning Commission. Staffing levels at the Office of Smart Growth have been cut significantly and half of the seats on the State Planning Commission have not been appointed.

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### Permit Extension

- Governor Corzine called for the Permit Extension Bill and we spent six months limiting its damage with the help of Lisa Jackson and President Bush's Regional Administrator, Alan Steinberg.

### Transportation

- Corzine wants to undertake the biggest road expansion program in a generation by widening the Turnpike, Parkway, Atlantic City Expressway, Route 206 and the Route 33 Bypass, a project that was killed by the McGreevy Administration. This is an administration that Robert Moses would be proud of.
- New Jersey's failure to develop trip reduction programs or use transportation alternatives like off peak pricing, flex lanes, bus rapid transit, and reversible lanes is a giant step backwards in transportation planning.
- When it comes to train service, the Corzine Administration has backed away from building the Monmouth Ocean Middlesex (MOM) line. Instead, New Jersey has wasted \$180 million building a rail spur to Xanadu and promoting the Lackawanna Cutoff, which goes through environmentally sensitive areas in the Highlands.
- Even something that the Sierra Club supported in the past, like the ARC tunnel, has been twisted around under the Corzine Administration. The ARC tunnel, supported by Governor Corzine, no longer achieves its original objectives, like providing access to the East Side of Manhattan, going to Penn Station or the new Moynihan Station, serving as a backup tunnel for Amtrak, allowing through train traffic through the region. Instead, it dead ends 180 feet below ground. Instead of \$6 billion it is now going to cost New Jersey taxpayers \$9 billion to go from Xanadu to Macy's basement.
- The failure of the Corzine Administration to raise gas tax has severely undermined our ability to keep up with transportation projects. This administration has refused to allow for Fix it First language to be part of transportation trust fund, as it had been in other administrations. Fix it First means that 96 percent of all monies go for repair and maintenance, with only 4 percent going to capacity building projects. So instead of Fix it First, under Governor Corzine, we have Sprawl it First.

### Transit

- Governor Corzine has supported the ARC tunnel and the Lackawanna cutoff, two bad projects, while backing off the MOM line, one of the few good projects.
- Governor Corzine allowed a Park and Ride at Secaucus Junction, which violated the original agreement when the train was put in the middle nowhere instead of Newark. This cost \$600 million, which could have been better spent elsewhere.

### Meadowlands

- Environmentally sensitive wetlands around the Meadowlands are being threatened. Current proposals include a 29 million square feet commercial, retail, industrial development larger than downtown Pittsburg and 14,000 units of housing. Neither of these proposals includes any remedies to preserve the surrounding wetlands.



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- After dragging their feet for a few years, the state finally stepped in and stopped the EnCap project. This project is still leaking toxic materials into the Hackensack River. The question now is: what will the state do with this property?

### **Eminent Domain**

- While campaigning for Governor, Corzine committed to passing legislation that would end eminent domain abuse. No legislation of that kind has passed. The Public Advocate has gone to court on behalf of some of the citizen groups involved in this issue.
- The New Jersey Stimulus Act greatly expands the use of eminent domain for private purpose under the RAD section of the bill.

### **Xanadu**

- While campaigning, Governor Corzine told us he had concerns about Xanadu. Once in office, he bailed out Xanadu and gave it \$900 million in public subsidies. Now the state is stuck with a giant, ugly, empty mall on a toxic site.

## *Toxics*

### **Environmental Justice**

- Governor Corzine has completely failed to adopt any rules or regulations that protect people of color or poor people from the abuses of environmental racism. The governor signed an Executive Order on environmental justice that was weaker than that of Governor McGreevy's Executive Order and Governor Whitman's program.

### **Chemical Security**

- As a senator, Governor Corzine was seen as a national leader on strengthening protections in and around our chemical facilities. As governor, New Jersey has adopted a voluntary, and rather tepid, program for chemical security that does not live up to the work Governor Corzine did as senator.

### **Site Remediation**

- We have seen contamination at Kiddie Kollege and Xanadu. Instead of fixing the remediation program, this administration has weakened it. There are numerous toxic sites not being dealt with, including Mercer Rubber, The Edison Ford Plant, Encap, and Martin Luther King School, which was built on a contaminated site and had to be torn down.
- Chromium in Jersey City/Hudson County is a problem due to the state's failure to adopt proper clean up standards and allowing development on sites that are not protective of human health.
- Beaches along the Raritan Bay have been closed because they're now Superfund sites due to the failure of the state to clean up upstream sites.
- New Jersey was criticized by the EPA for the failure to cleanup Superfund sites that were under state jurisdiction.



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- The EPA has even taken back jurisdiction of some superfund sites from the state due to its failure to clean them up.

### **Licensed Site Professional Bill**

- Governor Corzine recently signed into law the Licensed Site Professional bill, which privatizes toxic site cleanup.
- This bill sets up a dangerous system that allows polluters to pick their remedies and then hire a consultant (Licensed Site Professional) to certify that the site is clean. Since those Licensed Site Professionals will be employed by the polluters, they have an incentive to look the other way. The DEP is essentially handing over the state's authority to private contractors who work for developers and polluters.

### **Soil Standards**

- Former DEP Commissioner Lisa Jackson proposed soil standards but the Corzine Administration had those pulled down under pressure from business.

### **Chromium**

- Governor Corzine failed to implement protective health-based standards for chromium in cities. The current regulation is 240 parts per million and science says it should be one.

## ***DEP***

### **Budget**

- During the gubernatorial campaign, Governor Corzine said he would work to increase DEP's budget and give it higher staffing levels. Instead, as governor, he has cut the DEP's budget by 30 percent. We've seen the staff shrink from 3,500 to 3,000 with 375 layoffs proposed in this year's budget. Even though Governor Corzine has pledged no layoffs, we don't know how that is possible based on the budget.
- This decrease in DEP resources is being used as an excuse to privatize services.
- Money is being taken from dedicated revenue streams and being spent outside the department; basically this administration has permitted robbing DEP of its money and staffing.
- Only one out of every four DEP permit writers has GIS on their computers because the state does not want to spend the money to do technological upgrades. This lack of technology slows down permitting.

### **Enforcement**

- Site inspections by DEP enforcement have dropped dramatically since 2005 under the Corzine Administration. In 2005, there were 21,486 inspections. That figure dipped to 8,561 in fiscal year 2008
- Site investigations have dropped from 34,188 to 27,689. Even though there have been fewer inspections and investigations, DEP enforcement is trying to do a lot of work with a lot less staff.



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- We've seen a drop in DEP enforcement actions as well. In 2005, there were 403 hazardous substance enforcement actions. In 2008, that was down to 299. In 2005, there were 1,038 solid waste enforcement actions, and in 2008 that was down to 372. Water supply enforcement actions have dropped 1,020 to 785 since 2005. Discharge prevention actions have dropped from 100 to 31. Air enforcement actions have gone from 1,080 to 801 from 2005 to 2008.
- We have seen increases in some enforcement areas, mostly due to changes in rules and paperwork. There was a large increase in enforcement actions in right to know, mostly because of paperwork changes. There was a sizable increase in site remediation, mostly because of the Kiddie Kollege fiasco. Water supply increased because of changes in water rules and compliance. Even though enforcement actions are up in these areas, inspections are down. How many potential violations went undetected because of the failure to do inspections?
- Governor Corzine's attorney general's office terminated the Office of Environmental Crimes.
- The Corzine Administration went after Garden State Growers for violation of its open space deed restrictions.

### *Government Reform*

#### **Ethics Reform**

- Governor Corzine campaigned on major ethics reform and signed executive orders strengthening public disclosure and behavior by public officials. However, the governor has not worked to pass any comprehensive pay to play legislation, including developer pay to play, or real ethics reform that ends wheeling and other unethical behavior.
- Governor Corzine is actually wheeling money from his federal PAC to fund his re-election. His current contributor list looks like a "who's who" in development, developer's attorneys and other special interests.
- The EnCap reform bill, which was written to end the abuses that happened at the EnCap project with state funding, is under threat for a conditional veto by the governor. If Governor Corzine vetoes this bill, it will stop one of the few reforms we've achieved this year.

#### **Campaign Finance**

- Governor Corzine has backed away and dropped the ball on any real campaign finance reform.

#### **Office of Legislative Services Audits**

- According to the OLS hazardous sites oversight audit, the DEP did not collect more than \$10 million that was due for oversight on contaminated sites. Not only did they not collect the money, but they gave out "no further action letters" – meaning the cleanups were complete.
- An OLS audit found that 64 percent of hazardous dams in the state have not been inspected.
- An OLS audit of the Community Right to Know program criticizes that the DEP did not have enough staff to carry out the program or to do enforcement.



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### **Attack on Science**

- Governor Corzine has eliminated the Division of Science. He also instituted a gag rule to suppress scientific research and reports under the DEP.
- The Corzine Administration is proposing to have an advisory board preside over the scientists so they can influence what the DEP is doing. This is something builders and polluters that have been pushing for years. It's another clear giveaway by the Corzine Administration to developers and special interests.
- While President Barack Obama is saying we have to use sound science to move environmental policy forward, the Corzine Administration is doing just the opposite.

### **OPRA**

- We've been fighting numerous attempts by this administration to deny public access under the guise of homeland security. The Corzine Administration is attempting to limit public access to public documents as well as increasing fees so that access becomes cost prohibitive for the average person.

### **Appointments**

- Governor Corzine's failure to make appointments is one of the biggest disasters of this administration. Appointments for most boards' public members have not been filled and there have been many bad appointments. Two-thirds of the Highlands Council seats are in holdover and two positions have taken two years to fill.
- The Pinelands Commission has two vacancies and four holdovers.
- Governor Corzine tried to put a pro-development appointee, Herb Kumpell, on the Pinelands Commission. This move was blocked by Senate Democrats.
- He appointed Jerry Zaro as the head of economic development. Zaro is developer and lawyer for major Monmouth County developers. He served as the attorney for the Lake Takanassee development.
- Governor Corzine's environmental policy person has no environmental or policy background.