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SMITH WATER PROTECTION BILL PACKAGE APPROVED IN ENVIRONMENT COMMITTEE

TRENTON - A package of bills sponsored by Senator Bob Smith which would greatly increase New Jersey's ability to protect water supplies in the State, and provide funds to mitigate the effects of future droughts, was approved by the Senate Environment Committee yesterday.

"Clean water is quite possibly our most important natural resource, and considering the fragility of the ecosystem, and the impact that development and simple general usage have on our water supplies, we have to commit the funds to keep our water pristine," said Senator Smith, D-Middlesex, the Chairman of the Senate Environment Committee. "These bills address a vital need in the Garden State, and grant New Jersey the necessary powers and funds to provide clean water for generations to come."

The first bill, S-196, would allow the State Department of Environmental Protection (DEP) to use eminent domain to condemn property and then purchase that property with Green Acres' Program funds. The DEP would only be authorized to exercise their eminent domain power upon approval of the State House Commission, which is made up of the Governor, the State Treasurer, the Director of the Office of Management and Budget, and two members from each house of the State Legislature, which would make their determination based on the necessity of the acquisition of property to protect drinking water sources. Senator Smith said that he is confident that the DEP would use the power of eminent domain sparingly, but that it is necessary as a last resort to protect water supplies.

"The DEP has never exploited the use of eminent domain in the past, and I doubt it will start now," said Senator Smith. "Eminent domain has always been a last resort tool, used only when other options are exhausted, to allow the State to protect open space from the threat of

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development. What this bill does is it extends the power of eminent domain so that the DEP can step in when development not only threatens open space, but also may cause a negative impact on water supplies adjacent to that land."

S-196 was amended in the Environment Committee to add a provision ensuring that land that is purchased through eminent domain must be identified within the State's open space master plan as needing protection to assure adequate quality and quantity of drinking water supplies in times of drought

The second bill, S-192, would establish the "New Jersey Clean Water, Drought Mitigation and Water Resource Security Trust Fund" under the New Jersey Department of Environmental Protection (DEP), which would be derived from a water consumption fee of three cents per thousand gallons consumed. According to Senator Smith, New Jersey industries would be expected to contribute approximately \$5 million, and the average household would experience a rise in their annual water bill of \$3.20, to raise an estimated \$15 million per year for the fund.

"The price is meager when considering that the funds will be used to ensure the security and safety of our State's water supplies," said Senator Smith. "I think that in the past, funding for water infrastructure and security programs has always been viewed as discretionary, and having a specific funding source dedicated for these types of programs will ensure that whatever budgetary circumstances the State finds itself in, funding for clean water will be protected."

The fund would be administered by the DEP to go towards funding a number of projects, including the training of water supply personnel in water security measures. Senator Smith added that having a trained staff at our State's water supplies is both necessary in the post-September 11th world, and may act as a deterrent to terrorists who may attempt to contaminate the State's water resources.

"I think that the security of our State's drinking water is on everyone's mind, and this bill would provide funds to train water supply personnel to identify a threat and take the appropriate actions to minimize that threat," said Senator Smith. "Having trained personnel on hand, who are both familiar with the facility and with eco-terrorism response protocols, is essential to containing the dangers to the public in the event of a real terroristic threat."

The bill would also provide at least a quarter of its annual funds for drought mitigation programs, and fund the diversion of water from one water source to another during a state of water emergency or to avert a drought emergency in the State. Senator Smith said that the

historic drought two years ago, and the multiple droughts New Jersey has experienced in recent years, has shown the need for funding, to be able to ease drought conditions in times of need.

"Simply because we've been blessed, or cursed, depending on your outlook, with lots of rain and snow in recent months, that doesn't mean we should neglect drought mitigation," said Senator Smith. "The fact of the matter is that in the last 13 years, we've experienced five droughts, and they tend to be cyclical. If we don't prepare to soften the impact of the next drought when the reservoirs are full, then we will once again be left in the dust when they're running on empty."

Senator Smith added that a third bill, SCR-56, which would amend the State Constitution to constitutionally dedicate the water usage fee in S-192 to water preservation and quality projects, was discussed in committee, but not up for a vote. It may be voted on at the next meeting of the Environment Committee, on March 8.

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