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SMITH BILL PACKAGE ENSURING GREATER STATE ROLE IN FUTURE OF BARNEGAT BAY APPROVED IN COMMITTEE

Measures Would Direct State to Identify Malfunctioning Stormwater Basins, Study and Set Standards for Water Quality in the Bay

TRENTON – A package of bills sponsored by Senate Environment and Energy Committee Chairman Bob Smith which would ensure that the State of New Jersey meets its responsibilities in efforts to clean up the Barnegat Bay was approved by the Committee yesterday.

“Overdevelopment, fertilizer run-off and unchecked stormwater run-off all play a part in the environmental perfect storm which is choking the life out of the Barnegat Bay,” said Senator Smith, D-Middlesex and Somerset. “We need a comprehensive plan to bring the bay back from the brink, and that includes holding the State responsible for managing malfunctioning stormwater equipment and setting water quality standards. In conjunction with our other bills addressing the collapse of the Barnegat Bay, these bills will be part of the solution that gives us a fighting chance to preserve this ecosystem for future generations to enjoy.”

The first bill in the package, S-2275, would require the Department of Transportation (DOT), in consultation with the Department of Treasury, to conduct a study of all State-owned stormwater basins and other discharge facilities to determine which ones are malfunctioning. The DOT, the New Jersey Turnpike Authority and NJ Transit would submit to the Governor and the Legislature – as part of their annual capital spending plans – a list of the malfunctioning basins, prioritized to indicate the order in which they should be repaired, and the estimated cost for each repair. The bill was unanimously approved by the Environment Committee, and now heads to the Senate Budget and Appropriations Committee before going to the full Senate for review.

“We can’t take the steps needed to fix malfunctioning stormwater facilities if we don’t know the extent of the problem,” said Senator Smith. “This bill would give policymakers a better reckoning of the stormwater run-off problem in the Barnegat Bay watershed, and the cost to repair and remediate broken stormwater discharge sites.”

The second bill in the package, S-2341, would require the Department of Environmental Protection (DEP), within one year of the bill’s enactment, to conduct a study of water quality in the Barnegat Bay, particularly focusing on impairment caused by excessive levels of phosphorous, nitrates and excessive sediment in the water. If the water quality is determined to be impaired under State and federal water quality standards, the DEP would be required, within two years of enactment of the bill, to develop total maximum daily loads for the bay for particular types of contaminants, in order to reduce the level of contamination in the bay. The bill was unanimously approved by the Committee, and now heads to the Budget Committee before going to the full Senate for review.

“By mandating a ‘pollution diet’ for the Barnegat Bay, we can put the ecosystem in a better position to naturally recover from man-made contamination,” said Senator Smith. “We have to significantly reduce our impact on water quality at the bay if we’re going to reverse decades of looking the other way for polluters. This bill would establish scientific water quality standards to get the Barnegat Bay back on the right track.”

The final bill in the package, SR-85, is a resolution which would request that the federal Environmental Protection Agency (EPA) provide technical assistance, as well as funding, to help the State DEP develop total maximum daily loads for the Barnegat Bay. Senator Smith argued that the EPA has the expertise and resources needed to be successful with this sort of water quality restoration project, citing the agency’s involvement with developing total maximum daily loads for the Chesapeake Bay. The final total maximum daily load for the Chesapeake Bay project is expected to be established by December 31, 2010, with an eye towards full implementation of pollution

controls by 2025. Senator Smith's resolution was unanimously approved by the Committee, and now heads to the full Senate for consideration.

"The problems facing the Barnegat Bay and the problems facing the Chesapeake Bay are very similar," said Senator Smith. "Rather than reinvent the wheel, we should try to tap into the real-world experience and technical knowledge at the EPA to quickly develop total maximum daily loads that work."

The three bills are part of a larger package of legislation intended to address the environmental collapse of the Barnegat Bay, which is dealing with the second-worst eutrophication problem in the country behind the Chesapeake Bay, according to the National Oceanic and Atmospheric Administration (NOAA). Senator Smith said that a number of factors have contributed to the environmental decline of the bay over the last 30 years, including: overdevelopment in the 660-acre watershed, compacted soil and increased impermeable groundcover, the use of fertilizers containing high levels of nitrogen and phosphorous, warmer water temperatures caused by the cooling systems at Oyster Creek nuclear power plant, and malfunctioning stormwater equipment and uncontrolled stormwater run-off. Without legislative remedies, Senator Smith said, nutrient levels will rise, invasive species will thrive, algae blooms will become more prevalent, and a multi-billion dollar eco-tourism destination will fall apart.

"We cannot afford to let the Barnegat Bay die a slow, painful death," said Senator Smith. "This is too important to ignore."

Senator Smith has sponsored a number of the bills to remediate the environmental quality of the Barnegat Bay, including:

- S-1410 (Smith, Bateman) – would require that soil at a construction site be restored to its optimal condition following the completion of construction in order to facilitate proper drainage and other natural biological and physical functions.
- S-1411 (Smith, Beck) – would establish new standards for the application and content of fertilizer in New Jersey, to cut down on phosphorous and quick-release nitrogen in fertilizers.
- S-1815 (Smith) – would allow the Ocean County Utilities Authority to create a stormwater management system pilot project in Ocean County to deal with storm run-off.
- S-1856 (Smith) – would authorize the Ocean County Planning Board, in conjunction with each municipality in the Barnegat Bay watershed, to develop a stormwater and nonpoint source pollution management plan for the watershed.

All four bills were approved at a joint hearing of the Senate and Assembly environment committees at the Jersey Shore in August, and are pending consideration by the Senate Budget and Appropriations Committee before going to the full Senate for a vote.

"This isn't a matter of hyperbole – unless we do something about the Barnegat Bay, this natural asset won't be around for our kids and grandkids to enjoy," said Senator Smith. "We owe it to future generations to be good environmental stewards and take steps necessary to reverse 30 years of environmental neglect at the Barnegat Bay. It's time to clean up the bay and preserve the ecosystem for the benefit of all New Jersey residents moving forward."