



*Ocean Advocacy
Since 1984*

Testimony before the NJ Senate Environment Committee, September 17, 2007. Monmouth University, West Long Branch, NJ

Thank you, Mr. Chairman, for holding this Senate Environment Committee hearing here at the shore. We appreciate all the committee members for joining here in the coastal zone within a mile of the ocean. Clearly, your committee recognizes the importance and value of being "in the field". These hearings also provide a rare opportunity for local citizens to get more directly involved in the process.

As such, today's hearings are also a welcome chance to discuss timely ocean issues. It has not been a great season – Asbury Park's Sewage Treatment Plant belched raw sewage into the ocean, a massive brown tide swamped the Raritan Bay and the ocean on Memorial Day weekend, fish-kills have occurred all season, and overall, water quality was not great.

For example: the appalling lack of action and response from the NJDEP during the most recent Garbage/Sewage Slick.

On Thursday August 23rd garbage - including syringes, plastic tampon applicators, "sewage cakes," and household trash –began washing up on NJ's beaches. Here is a small bag of the debris that was collected from the Middletown beach at the beginning of all this, indicating a looming problem. State and local officials were contacted.

For the next 14 days, including and through Labor Day weekend, the garbage/sewage slick hopped along the coast washing garbage ashore from Sea Girt to Seaside Park, NJ and ultimately, Cape May County. The thickest slick washed-up in the Normandy Beach area, closing beaches on Sunday and Monday of that weekend. This garbage wash-up is the largest seen at the Jersey Shore since the late 1980s.

Fortunately, two Clean Ocean Action staff members were at Normandy Beach as the debris floated-in with the waves and piled-up on the beach. They were able to document the incident with these photos, as well as report it to the proper authorities for the record. I would now like to introduce Mary-Beth Thompson, Operations Director for Clean Ocean Action, who was on the scene at Normandy Beach.

Additional reports that same weekend showed the garbage slick was over 20 miles long, with a boater reporting a large amount of debris off Belmar. Just two days later, debris was washing up further down the coast in Cape May County on Avalon and Stone Harbor beaches. This debris also had evidence of a New York/New Jersey Harbor source.

This recent garbage wash-up is an alarming indicator that the New York/New Jersey Harbor Estuary Program Floatables Action Plan (FAP) failed. The FAP is a multi-federal and state agency program that monitors for garbage slicks to prevent trash from escaping the harbor and fouling area beaches. Debris from combined sewer overflow (CSO) pipes in northern New Jersey cities and the five boroughs of New York City can bring both

untreated sewage and rainwater runoff from streets and parking lots to waterways in this region with between one tenth (0.10) and one quarter (0.25) of an inch of rain. This means litter, pesticides, fertilizers, as well as items from toilets, sinks, and showers -- sewage, in general -- are dumped without treatment into our rivers and bays, which lead to the ocean.

The Labor Day week wash-up shows flaws in the FAP that must immediately be addressed by the responsible agencies. The Floatables Action Plan must be held accountable, and identifying what went wrong and fixing the problems are key.

After intense discussions on Friday, September 14, 2007 with Jay Watson, Assistant Commissioner of NJDEP, Mr. Watson informed us that the Commissioner will call a meeting of the Floatables Action Plan partners to assess the floatables incident and identify actions to address this problem.

It is through this example that we consider the bill before the committee. The committee is discussing Senate Bill Number 2645, which we understand will be amended to be identical to Assembly Bill Number 4332. The Bill would establish the NJ Coastal and Ocean Protection Council to consider all ocean and coastal issues.

Clean Ocean Action was formed in 1984 to reduce or eliminate pollution and industrial destruction of our marine environment. Over the years there have been many successes and from the standpoint of ocean pollution, you all and we know that much has been accomplished.

Many committees exist and there are robust action plans on top of action plans ready for action. We know where the problems are, we know what is needed to get the job done. While well intended, we do not believe a Council is needed for the state to take action on ocean and coastal *pollution issues*.

Therefore in general, we have two areas of concern. First, the scope of the council is extremely broad and includes ocean pollution (as described in section 4(a): subsections (2), (3), (5), (6), and (8)). Specifically, the council can "consider any matter relating to the protection, maintenance, and restoration of coastal and ocean resources."

Second, we are concerned about the fact that the NJDEP is not accountable to the council. Indeed, the council can request information from the NJDEP, but there is no explicit requirement that they respond. Moreover, the Council is only required to make recommendations to the Commissioner of the NJDEP "from time to time," and there is no requirement for the Commissioner to respond. Furthermore, the Commissioner of the NJDEP sits on the Council creating at best, an awkward circumstance. Finally, the only meeting required is a public hearing once a year.

Together these concerns could have inadvertent consequences, such as obstructing direct efforts to protect and restore our coasts and the ocean.

Let's use the floatables incident as an example. If the proposed Council's jurisdiction includes all matters related to the coastal and ocean environment, the State may have directed the Council to consider the incident, rather than itself calling for accountability with the FAP. This would have removed accountability from the State and obstructed swift action, as we have now seen the State take at the request of citizens.

As mentioned, there are already numerous government appointed citizen advisory committees or councils in which coastal and ocean pollution issues are discussed. In addition, there are many citizen advocacy groups with local knowledge and clear plans for action. While we cannot speak for some other issues, such as ecosystem-based management, ocean pollution is ready for action, not more words.

Thank you for the opportunity to speak and for joining us here at the coast.