



**State of New Jersey
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Scott A. Weiner
Commissioner

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TO: Brenda Bacon
FROM: Scott Weiner *SAW*
SUBJECT: Cabinet Task Force on the Environment

Attached please find the submission of the Cabinet Task Force on the Environment for inclusion in the Governor's State of the State Message. In addition, some mention will need to be made of the "Shore Summit" and related topics, but these are being handled outside of the Task Force process, and I will discuss them with you at a later date.

If you have any questions, comments, suggested additions or corrections, please contact me at your earliest convenience.

DCH
Encl.

Cabinet Task Force on the Environment

The Cabinet Task Force on the Environment met on Friday, November 22, to continue discussion of subject matter which might be suitable for inclusion in the Governor's State of the State Message. The Task Force has now identified three major themes, and a subset of specific issues pursuant to these themes, for consideration.

MAJOR THEMES

- **The "Safe Harbor" Approach to Enforcement:** It goes without saying that New Jersey's environmental laws must be – and will be – vigorously enforced by the Environmental Prosecutor and by the DEPE's Office of Enforcement Policy. This should not obscure the fact, however, that this administration will measure the success of its environmental enforcement actions not by the number and amount of fines collected but by compliance with environmental laws. The "Safe Harbor" concept seeks to accomplish this through a cooperative and collaborative effort between government and the regulated community, fostering trust and encouraging voluntary compliance with environmental laws. This means working with the regulated community in the establishment of standards, promoting voluntary industry audits and reporting of violations, streamlining compliance schedules, using the regulatory arm of government to facilitate rather than threaten – all with the goal of increasing cleanup efforts, decreasing future pollution and providing for more effective protection of the environment and public health.

- **The Environment as an Economic Asset:** Too often, especially in hard economic times, stringent environmental regulations are viewed as unreasonable and burdensome "costs" of doing business in New Jersey. This perception ignores the "benefits" which derive from the imposition of strict environmental protection measures – clean air, clean water, clean beaches, open space and improvements in the public's health and well-being. Public and private expenditures for these desirable outcomes ought to be viewed not as an impediment to economic development but as an investment in the environmental infrastructure that supports the state's quality of life. A clean environment is good for business.

- **Pollution Prevention:** The philosophy that has shaped environmental policy for the past 20 years has been one of *containment* and *remediation* – government taking steps to limit the discharge of new sources of pollution into the air, land and water while, at the same time, seeking to clean up the sins of the past. The philosophy that will direct environmental policy for the next 20 years and beyond is one of *prevention* – the public and private sectors working together to keep pollutants out of the air, land and water in the first place. Passage of the Pollution Prevention Act this past year – along with the adoption of the Energy Master Plan, the preparation of new cleanup standards, and other initiatives – herald this significant shift in public policy, and afford unprecedented opportunities for partnerships among government, citizens, the regulated community and advocacy groups – all of which can make a measurable difference in the quality of our environment and our lives. Preventive strategies such as source reduction, recycling, energy conservation and education are our best tools for building a better, cleaner, healthier New Jersey.

SPECIFIC ISSUES

- **Clean Air Act:** By November 1992, New Jersey will finalize its State Implementation Plan (SIP) for meeting the federal Clean Air Act Amendments of 1990. The process of developing rules and regulations for this SIP has been, and will continue to be, a highly visible and open one, with input sought from a wide variety of public and private sources. What is emerging from this process is a plan that embodies the pollution prevention philosophy – reducing unhealthy tailpipe and smokestack emissions by requiring the use of oxygenated fuels and reformulated gasoline, adopting the California Low Emission Vehicle program, pursuing enhanced Inspection/Maintenance efforts, promoting mass transit and alternate fuels, and other significant pollution-reduction strategies. The end result will be better, healthier air for all New Jerseyans, and less asthma, lung disease, skin cancer and other serious afflictions that exact such a high toll both in health-care dollars and in human lives.
- **Cleanup of Contaminated Sites:** This issue relates directly to the second major theme identified above – considering the cost of environmental protection as an investment in economic development. The cleanup of contaminated sites is economic development; moreover, it is an area in which the Governor has a history of leadership – through his authorship of the federal Superfund program – which should now logically be extended to effective implementation of cleanup programs at the state level. The development of cleanup standards, enabling New Jersey to be the first state in the nation to define “how clean is clean,” sets the stage for major technical breakthroughs in our cleanup efforts, and ensures reduced public exposure to toxic substances. Likewise, a new protocol permitting responsible parties to enter into MOUs/ACOs for the cleanup of non-priority sites will lead to administrative efficiencies that allow for the more timely completion of cleanup actions. Other steps to make the cleanup of contaminated sites a more efficient and effective process should be strongly encouraged.
- **Solid Waste:** Again, pollution prevention is the major force behind this administration’s policy goals of source reduction, 60 percent recycling and regionalization of disposal facilities. This past year saw considerable progress toward the achievement of the recycling and disposal goals; the coming year should be dedicated to the pursuit of the source reduction goal. This represents an opportunity for the Governor to challenge the Legislature to work together with him and the executive branch toward the development and implementation of packaging laws and other specific source-reduction strategies which will help achieve our solid waste goals. Similarly, initiatives on sludge management, emphasizing beneficial reuse of the product (as opposed to disposal), should be advanced as part of an overall pollution prevention/source reduction strategy.
- **Shore Protection:** Working toward a stable source of funding and a regulatory framework to provide true protection for beaches and shore communities should be a high priority in the coming year, especially in light of the damage caused by the recent storms along the coast. Again, the Legislature should be challenged to work with the administration to develop both a stable funding source and appropriate statutory and regulatory mechanisms for protecting the shore. The State of the State message would be an appropriate occasion either to launch a plan for a stable source of funding for shore protection, or to expand upon a plan already unveiled in another setting.

• **Open Space Preservation:** Like shore protection, preservation of open space is imperiled by lack of funding and the encroachment of development. The state park system in particular suffers from severe neglect and demands immediate attention. A parks endowment, funded by the issuance of bonds or some other stable revenue source, would represent a major commitment to open space preservation.

• **Safe Drinking Water:** We continue to update and strengthen our drinking water standards and undertake public education and awareness initiatives in an effort to enhance protection of our state's critical water supplies, improve water quality and promote public health. Within the next year, we will release a major report on our progress under the law, and continue our work to reduce lead levels in water to protect our environment and our children. Again, two key themes – pollution prevention and the economic benefits of environmental protection – are implicit in these efforts. Preventing lead from polluting not only the water but the soil and the air reduces the exposure to lead in our population, especially in our work force and in our children, allowing us to combat the substantial adverse impact of lead exposure that is known to measurably reduce the productivity of workers and diminish the intellectual capacity of children.