

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT
SENATE BILL NO. 1856
(Second Reprint)

May 12, 2011

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1856 (Second Reprint) without my approval.

This bill authorizes the Ocean County Planning Board in conjunction with each Ocean County municipality within the Barnegat Bay watershed to develop a stormwater and nonpoint source pollution management plan to protect the Barnegat Bay estuary from pollutants introduced by stormwater. The management plan proposed by this legislation would establish a formula for the assessment of a new fee for any new development in the Barnegat Bay watershed that receives a development approval under applicable municipal land use law.

I wholeheartedly support efforts to restore the water quality in the Barnegat Bay. It is one of my Administration's top environmental priorities. For this reason, on December 9, 2010, I put forward a comprehensive plan of action to address the ecological health of the Barnegat Bay. This plan recognized the adverse ecological impacts from stormwater runoff and, among other things, identified \$10 million in funding from the State Revolving Fund (SRF) and Environmental Infrastructure Trust to improve stormwater infrastructure.

In addition, I signed legislation to establish the most restrictive standards in the nation for nitrogen content in fertilizer and application rates. I also signed legislation that requires the State Soil Conservation Committee to establish standards for restoring soil conditions post-construction and directed the Department of Environmental Protection to adopt more rigorous water quality standards and to identify sources of

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funding for projects to address nutrient pollution from stormwater basins.

Despite my commitment to restoring the water quality of Barnegat Bay, I am unable to sign this bill. The sponsors of this bill, and those in the State Senate and General Assembly who voted for it, offer this legislation as a means to generate revenue by imposing additional fees on any proposed new development within the Ocean County municipalities that are within the Barnegat Bay watershed. Unfortunately, raising taxes and imposing new fees is the way the legislature most commonly seeks to address our State's issues. This approach has resulted in extraordinary financial burdens on the state's citizens and businesses and property owners, and has often not resulted in a solution to underlying problems. I am concerned that this is the case with this bill. While I commend and share the sponsors' concerns about Barnegat Bay, I cannot support the imposition of the additional fees that would be required under this bill. In addition, I am advised by the Attorney General that there are substantive legal issues with the proposed fee assessment.

There are already laws on the books to address the problem of stormwater runoff into Barnegat Bay. Existing local laws and ordinances and extensive stormwater regulatory and permitting programs administered by the Department of Environmental Protection require a developer to plan for and effectively deal with stormwater impacts as part of any development approval. In addition, to the extent a developer cannot address impacts on-site, existing laws already require the developer to make off-site improvements to mitigate any adverse impacts. These laws have been, and will be, enforced by my Administration.

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My Administration is committed to working with environmental advocates and the legislature on ways to protect and improve the ecological health of Barnegat Bay, including discussions to address my concerns with this bill.

Accordingly, I herewith return Senate Bill No. 1856 (Second Reprint) without my approval.

Respectfully,

/s/ Chris Christie

Governor

[seal]

Attest:

/s/ Jeffrey S. Chiesa

Chief Counsel to the Governor