



CONTENTS:

Sustainable Lifestyle:

Water Conservation Efforts in New Jersey.. 2

Member's Report:

Chemical Security Bill Meets Opposition in the US Senate 2-3

Report from Trenton:

Sprawling Out as Fast as We Can..... 3-4

Report from Trenton:

Don't Let Newark's Water Go Down the Drain..... 4

Report from Trenton:

Sesquehanna-Roseland Line: Does Delay Mean Going, Going, Gone? 4

Report from Trenton:

Xanadu Bail Out: Ugly Deal for Taxpayers.. 5

Report from Trenton:

Gas Pipeline Sellout Deal Approved: State House Commission Violates Public Trust... 5

Report from Trenton:

Wind Closer to Reality: Sierra Club Applauds Governor and Legislature on Signing of Offshore Wind Bill 6

Editorial

An Editor's Take on the BP Gulf Oil Fiasco

By Dick Colby (dick.colby@stockton.edu)

Is there anything relevant that hasn't been said? Would anyone still be interested? I'll risk the possibility of two "yes" answers:

This disaster differs from Hurricane Katrina (2005), the Exxon Valdez oil spill (Alaska, 1989), and Union Carbide's release of a poisonous gas in Bhopal, India (1984), in that the initial disaster wasn't "complete" in a time-sense. The oil kept spilling, so BP was "obligated" to take (and pay for) the corrective steps to cap the failed well. BP couldn't walk away and let others fix the problem. We don't have to thank BP for efforts to stop the flow of oil.

Having stopped the flow, BP can now be compared in its further efforts with the other two industrial contaminators named above. According to Wikipedia, neither Exxon nor Union Carbide has ever paid punitive damages. Much of the \$3 billion Exxon paid for cleanup and for settling civil and criminal suits was recovered from insurance companies. Claims against Union Carbide have never been settled; litigation still continues in New York City courts. Both companies have perhaps paid tens of millions of dollars to lawyers to oppose tort suits.

So a remaining question is whether President Obama, or Congress, or the Courts, have the "leverage" to force BP to remediate the economic and environmental damages. We will see.

Another remaining question is whether the undersea technology is safe enough, and the need is great enough, for the World to proceed with mile-deep under-ocean drilling for more petroleum. There is a successful history of safe oil recovery from some quite stormy seas: the North Sea in Europe, and hurricane-prone coastal waters of the Gulf of Mexico. But those waters are comparatively shallow. Mile-deep sea-floor drilling is taking

place off the coast of Brazil, and off various shorelines of Canada. Perhaps technological hubris needs to be restrained on the simple consideration of hypothetical worst-case accidents - a moving standard when we remember changing attitudes toward nuclear power.

Environmentalists tend to advocate simplicity and purity: conservation first, then wind- solar- and hydro-electricity should be sufficient for all our now and future needs. Is it likely? Doing the math, convincingly, at the popular level of a newspaper's op-ed page, is rarely seen. I asked Sunil Somalwar, our global warming issues coordinator, and who teaches a popular course at Rutgers on this general topic, to supply some numbers. I asked him whether renewable sources could ever be reasonably expected, both for the USA and for the World, to supply all our needs for heating, cooling, cooking, operating machines, and transportation, and whether "sustainability" could be achieved (for examples) by forsaking air conditioning, or automobiles—globally!

His response, disappointingly to me, was that such numbers can only be calculated in the context of a specific public policy. For example, if we have a gradually increasing price on carbon, or a pollution fee, the biggest carbon savings will come from improving efficiency of electricity generation with techniques such as cogeneration, driving less, living compactly and closer to work, taking mass transit (which will need less subsidies), insulating houses better, and so on. In this scenario, we should be able to jettison coal, the worst greenhouse offender, and substantially reduce our petroleum demand. As renewables become cost-effective due to the pollution fee on fossil fuels, they will draw a huge pool of private capital that is currently sitting on the sidelines.

On the other hand, if we continue our muddled supply-sided policy of subsidizing fossil and non-fossil energy production, we will guzzle every joule of the cheap, subsidized energy and continue to be the worst per-capita polluters in the world. Wind and solar will remain elusive because coal will always be cheaper and the only capital available to renewables will be from the empty public treasuries.

A pollution fee is thus clearly superior, but it will be branded as a (regressive) tax. Sunil says that it is unlikely to happen unless the revenue from the fee is refunded back to people as an energy dividend instead of the government spending it. This is why it is very important for the environmentalists to come out strongly in favour of Senator Cantwell's Cap-and-dividend proposal in the US Senate. However, most environmental groups want that money for their favourite "solutions". Political conservatives are unlikely to go with that. Sunil thinks that it is unfortunate that we environmentalists are so wedded to the idea of the government dictating our pet solutions, that we are missing the forest for the trees. Ironically, the clean energy future that we want will not happen unless we stop asking the government for it.

I thank Sunil for supplying the previous three paragraphs.

Sustainable Lifestyle

Water Conservation Efforts in New Jersey

By Tamanna Mohapatra (tmohapatra@yahoo.com)

The average American, which I'll equate with the average New Jerseyan, uses about 100 gallons of fresh water per day, as follows:

- 12.8 gallons for showers and baths
- 15.0 gallons for laundry
- 18.5 gallons for flushing toilets
- 10.9 gallons from faucets for cooking, washing dishes and personal hygiene
- 30 gallons is sprayed onto lawns and gardens
- 9.5 gallons is lost by leakage

Americans use more water than citizens of any other country: twice as much as the average Brit, and many times more than that used by the World's average person. Along with wood, fish and petroleum, water is likely to be among the first natural resources to fail if the World's population continues to expand, and global warming brings about major changes in weather patterns. And convincing people to conserve water illustrates the Tragedy of the Commons: it's difficult for most people to appreciate the importance of personal conservation when so many others appear indifferent. But conserve we must, and Sierra Club members should take responsibility for showing others "the way."

Sustainable Water Practices:

- The biggest bang-for-buck is to avoid over-watering lawns and gardens. Two times per week for 30 minutes in morning or late evening is sufficient. Use a hose with a hand-held nozzle.
- Turn off the faucet while brushing teeth and shaving. (savings: 250 gallons a month per person)
- Run washing machines and dishwashers only when full.
- Don't use running water to thaw frozen food. Defrost food in the refrigerator - or microwave.

More ambitious? Consider grey-water reuse: Water used to bathe, wash dishes and wash clothing (50 gallons per person per day) is perfectly suitable for watering lawns and gardens. You'll save on your water bill as well! Simple gray water systems are legal in several states including NJ (bill A-2380/A-2381) and cost no more than \$75 - \$200.

Composting Toilets: Although less feasible for people in existing homes, it's a great idea for new homes. Americans flush 4 billion gallons of drinking water down the toilet each day. Composting toilets are safe, use virtually no water, and, if properly maintained, produce no odors. A simpler solution is to retrofit toilets that have separate flush modes for liquid (much less water) vs. solid waste.

Measure, and then modify: It may help us to reduce our water usage if we know how much we are using. So create a chart to record daily water use. Use the monthly water bill, check for leakages, or measure water usage through h2ouse.org, with the help of local water utilities. Some water companies give away water-saving appliance retrofits or offer rebates, or free house water audits. Examples of savings in a four-person home include: switching from a top-loading to a front-loading washing machine: 140 gallons a week; a low-flow toilet cuts 288 gallons a week; a water-efficient showerhead cuts 78 gallons a week.

Rain Barrels: These prevent rainwater from going waste, help prevent basement flooding, and reduce storm water runoff into local rivers and streams. They are relatively easy and inexpensive to install. In an average year, enough rain falls on even a small roof to meet all of our basic water needs. While the average American family of four uses about 400 gallons of water at home each day, the 'yes magazine' water report claims homes relying on rainwater may use as little as 35. "If all you have is rainwater, you're going to manage your water a whole lot better."

EPA's WaterSense program helped consumers save more than 36 billion gallons of water and \$267 million on their water and sewer bills. Try googling "EPA Watersense."

(Tamanna is a member of the Executive Committee of our Central Jersey Group.)

Member's Report

Chemical Security Bill Meets Opposition in the US Senate

By Lina Silimkhan (lincue@aol.com)

In South Kearny (Essex Co), the Kuehne Chemical Co. stores close to 2 million pounds of chlorine gas in rail cars. According to a recent report by Greenpeace and the NJ Work Environment Council, accidental (or terrorist) release could harm up to 12 million people in the New York / New Jersey metropolitan area. The federal Department of Homeland Security has identified more than 5,333 chemical plants in the US, including Kuehne, as "high risk."

Senator Frank Lautenberg has introduced legislation that would increase the safety of chemical and water treatment plants (which use chlorine as a disinfectant). His Secure Water Facilities Act and Secure Chemical Facilities Act are comprehensive pieces of legislation that require high risk facilities to change to safer chemicals and processes.

Last November, the House of Representatives passed a strong chemical security bill (HR 2868). The bill is now being introduced in the Senate. Chemical security isn't a new issue in the Senate. A very comprehensive chemical security bill, the Chemical Security and Safety Act, was introduced in March 2006 by Senator Lautenberg and then-Senator Obama, proposing a major overhaul of chemical security by requiring companies to use safer chemicals whenever possible, and enabling workers to participate in achieving security.

Many chemical companies are opposed to this legislation. Fourteen of them, including Kuehne, have spent more than \$70 million lobbying and funding political campaigns of members of the Congressional committees that have considered this legislation, according to a recent US Public Interest Research Group (PIRG) report. And, as is typical for lobbyists, some of them are former staff members of these same committees.

The chemical industry argues that chemical security legislation will eliminate jobs and weaken the economy. Yet, according to a study by Greenpeace, the House bill would create 8,000 jobs and leverage about \$2 billion of stimulus money. The industry also argues that chemical

Chemical Security

(Continued from page 2)

substitution is too expensive. But some 500 companies have started using safer alternatives to chlorine. One major company, Clorox, announced last year that it would stop using toxic chlorine in all its US plants, substituting bleach diluted to household strength.

Chemical safety and security is a very difficult issue to legislate, mainly because of chemical company lobbying power. It's an important public health issue. According to Liz Hitchcock, Public Health Advocate for US-PIRG, "the Senate should waste no more time bringing comprehensive chemical security legislation to the President's desk. As the BP accident in the Gulf of Mexico shows, worst case scenarios really can happen, and they can produce worse than worst case results."

(Lina is a member of our Loantaka Group and a graduate student interested in environmental issues.)

Report from Trenton

Sprawling Out as Fast as We Can

By Jeff Tittel and Kara Seymour, of our Trenton staff

A report recently released by Rowan University, with help from Rutgers University, shows that New Jersey continues to sprawl at an alarming rate. Between 1986 and 2007, New Jersey's developed land increased by 26 percent. In the last five years, our population has gone up 1.2 percent, whereas the amount of developed land has increased by 7 percent.

New Jersey now has more urban than forested land, and more than half of our growth is occurring in rural and environmentally sensitive areas. The report, like previous reports, should remind us that New Jersey is on a path to be paved over within a generation, resulting in severe impacts to our environment, economy, and quality of life.

Unfortunately, the report fails to consider the negative impacts growth has on our population. Compared with other states, New Jersey has the highest percentage of streams that are impaired for water quality. We are the only state in which every county is out of compliance for ground level ozone. In some of our urban counties, the air contains 20 times the health base standard for certain air toxins.

We have experienced five major floods in the last decade, causing billions of dollars in damage and loss of life. We've also seen major droughts. Dissolved oxygen levels in our bays and oceans are dropping due to an excess of nutrients in runoff stormwater. The Barnegat Bay is turning into New Jersey's largest stormwater detention basin and its whole ecology is changing. We may lose our clamming industry because of this poor water quality. Beaches on the Raritan Bay have been designated as Superfund sites.

New Jersey is losing farmland as a percentage of the state faster than any other state. In 1950, we had 2 million acres of farmland; now there's a little over a half million acres. The fastest-urbanizing counties include Cumberland and Atlantic Counties, where once-rural and environmentally sensitive lands are being paved over. And while we are destroying our last remaining open spaces, we are allowing our cities to decline - instead of redeveloping them. Because of overdevelopment, New Jersey runs the risk of depleting its drinking water supply and exceeding its sewer capacity. Traffic gets worse each year.

New Jersey has made many attempts to manage land use, including the Highlands Act, Pinelands Act, State Planning Act, Sewer rules, and a robust open space program called Green Acres. We've tried to protect water supplies through Category One stream designations and buffers. Unfortunately, many of these programs have come late, with much of the state already lost to sprawl and urbanization.

Now, under the Christie Administration, many of these programs are under attack:

- New sewer rules that would limit sprawl and development in certain environmentally sensitive areas have been set aside.
- A process to undermine the Category One stream program and weaken the storm water program has begun.
- Highlands and Pinelands laws and regulations are being attacked.
- Under the guise of "red tape," the Christie Administration is attempting to streamline permitting and eliminate environmental protections to make development on our last remaining open spaces even easier.
- New legislation prohibits New Jersey standards from exceeding federal standards.

The Rowan Univ. report says only half the development is occurring in areas designed as environmentally sensitive and rural by the State Plan. However, the report doesn't explain that the State Plan's designated growth areas include more than 300,000 acres of environmentally sensitive land. The development occurring there is not center-based or transit oriented. The State Plan is a longstanding policy fraud, because it fails to encourage revitalization of our cities.

New Jersey should follow the lead of Oregon, where the average one-family house is built on a quarter acre. In New Jersey it is built on two acres. Oregon is redeveloping its cities, with light rail to accommodate growth, and ripping down highways for a waterfront park, while we continue to sprawl out and widen our highways.

Even in our Pinelands, where a growth management plan has worked, there are major problems with sprawl in some of the growth areas. In the Highlands, thousands of homes are to be built through exemptions and other loopholes.

We believe there are several steps New Jersey should take to handle growth:

- Direct growth to the right places. There are more than 300,000 vacant sites for growth located in sewer service areas that are not environmentally sensitive. There are 75,000 fractured acres of environmentally sensitive land designated for growth that are not connected to larger environmentally sensitive tracts. More than 100,000 acres of brownfields are ready for redevelopment as well as 100,000 greyfields, which are closed shopping centers and abandoned parking lots.
- Develop growth management boundaries outside of the Highlands and Pinelands to channel growth to appropriate places. We must develop regional planning in areas like the Delaware Bayshore. We also need to enforce the rules in place so that we are actually protecting our natural resources instead of sprawling out.
- Create a stable source of funding for open space purchases.

Sprawling

(Continued from page 3)

- Strengthen and eliminate the loopholes in our coastal law (CAFRA).
- Develop statewide programs to limit impervious cover and protect steep slopes.
- Establish better programs to manage urban stormwater.
- Invest in infrastructure in urban areas so there is enough water and sewer capacity for the growth we need to direct there
- Improve mass transit in urban and suburban areas, allowing people to get to work in an environmentally sound manner while encouraging redevelopment

Report from Trenton

Don't Let Newark's Water Go Down the Drain

By staff members Jeff Tittel and Christine Guhl

The City of Newark is proposing to convert its water department into a municipal utility authority. The purpose is to evade local finance laws, bonding authority, public scrutiny and the recently enacted 2% property tax cap. The Sierra Club is strongly opposed.

For years municipal utility authorities and other independent agencies have been a refuge for patronage political appointees, and for wasteful spending practices. Water rates go up and water quality goes down.

The Sierra Club is also concerned that the City of Newark will next decide to privatize its water supply, selling it to a foreign multinational conglomerate.

The proposal includes new bonding of \$223 million for the water utility authority, of which \$127 million would go to balance this year's budget and only \$28 million would fix the water pipes. This is a shameful abuse of government power and a waste of money.

A water utility authority would be a way to get around the recently enacted property tax cap law. Instead of the City of Newark buying a new water truck, the water department would buy the truck. Instead of the city hiring new staff, the water authority would hire staff.

Instead of the city attorney servicing the water department, the City will pay an outside legal firm \$500 per hour and a half a million dollars a year to do the same work. Consulting engineers will be hired, triggering "pay to play" corruption. City attorneys and engineers don't make five-figure contributions to politicians, but utility authority consultants do.

New Jersey's Passaic Valley Sewage Authority is the "poster child" for utility authority malpractice, including overpaid executives and money wasted. It's the same with the Delaware River Port Authority, the Essex County Improvement Authority, the Bergen County Utility Authority, the Monmouth County Sewage Authority, and the list goes on and on.

The Sierra Club is also concerned about the 38,000 acres the City of Newark owns in the Pequannock River watershed. This is one of the most environmentally sensitive areas in New Jersey, containing the state's largest piece of intact hardwood forest. A utility authority would be empowered to lease the land for development or timber extraction.

Report from Trenton

Sesquehanna-Roseland Line: Does Delay Mean Going, Going, Gone?

By Jeff Tittel and Christine Guhl, of our Trenton staff

PSE&G, New Jersey's largest electric utility, announced in its second quarterly earnings report that it will be delaying re-construction of the Susquehanna-Roseland high-voltage transmission lines until at least 2015.

The Club has been opposed to the power line, because its route would cross the Delaware Water Gap and New Jersey's Highlands, its construction would require substantial damage to wildlife habitat, and its essential purpose would be to increase New Jersey's dependency on Pennsylvania's coal (and coal-fired plants) for the generation of electricity.

PSE&G admits in its report that people are buying less electricity. In the next three to five years many renewable energy sources will go online. In addition to solar and wind, there will be more energy-efficient appliances, reconfiguration of existing plants to supply combined heat and power, and cleaner-burning natural gas.

The Sierra Club believes that the delay should and will be extended indefinitely. There are additional permits on the state and federal level that PSE&G has yet to obtain, including a permit for constructing the line through Picatinny Arsenal. We think that the line should be reassessed by the Board of Public Utilities and by PJM (the Grid operators) because it is unnecessary now and will be more unnecessary by 2015.

*Report from Trenton***Xanadu Bail Out: Ugly Deal for Taxpayers**

From a press release issued by Jeff Tittel and Christine Guhl, Trenton staff

At a time when the state is broke and towns are laying off police and firefighters, and hospitals are closing, the Christie Administration wants to throw more public money into Xanadu, a shopping and office mall in the Hackensack Meadowlands straddling Bergen and Hudson Counties. Xanadu is a national symbol of contractor pay to play, and regulatory incompetence. Millions of dollars have already been wasted on this project.

During his campaign for Governor last year, candidate Christie criticized this project as one of the worst deals in the state's history. Now he is trying to bail it out with more tax money.

Under the Governor's proposal, Xanadu would be able to keep 75% of its tax revenue to subsidize the developers' construction costs. This subsidy will be at least \$180 million. Forget rebates to seniors, or school aid: we're giving rebates to billionaire developers, to encourage suburban sprawl.

Xanadu is going to need police, fire and ambulance services from the towns in the area. But the state will impose a 2% property tax cap while still expecting towns to come up with new services.

The state has just robbed \$158 million from the Clean Energy Fund which was intended to help people better insulate their homes, buy renewable energy and create 4,000 jobs. The state is borrowing money for the Transportation Trust Fund, but subsidizing roads for Xanadu. Parks are being cut by 40%, but money is being given to a giant mall - which has already gobbled up \$900 million in public subsidies and tax breaks:

- \$100 million of roadway improvements
- \$31 million of taxpayer tolls for constructing turnpike access
- \$150 million for a rail line to Xanadu
- \$300 million in property tax exemptions

The Xanadu project, for 6.5 million square feet of office and commercial space, will attract more than 120,000 cars a day, gridlocking an area already overburdened with traffic. It has already filled in priority wetlands, and will become the largest producer of greenhouse gas in New Jersey. Xanadu will also pollute the Hackensack River with stormwater runoff, and use more heating and cooling energy than any other building in New Jersey.

This project is so bad that even the Bush Administration - both the Environmental Protection Agency and the U.S. Fish and Wildlife Service - opposed it.

Even with all these subsidies, there's no guarantee that Xanadu will work. New Jersey needs another mall like it needs another Superfund site.

*Report from Trenton***Gas Pipeline Sellout Deal Approved: State House Commission Violates Public Trust**

By Kara Seymour and Jeff Tittel, in our Trenton office

On July 15th the State House Commission approved the use of public lands in the New Jersey Highlands for the Tennessee Gas Pipeline, a deal that rips off taxpayers, violates public trust, and sacrifices environmentally critical lands. The 24-year lease will generate the meager sum of \$185,000 in rent.

Our press release on this atrocity declared it "the worst deal on land since the Indians sold Manhattan Island." In setting the term of 24 years, the state used a legal loophole - a 25 (or more)-year lease would have triggered provisions in the Rooney-Ogden bill: two public hearings, public notice, increased scrutiny, plus an examination of the intended use of the property. "Use" is critical because the state would then have to charge free market value for the lease, rather than an appraisal based on open space. Nobody would expect a pipeline to last for only 24 years!

In appraising the land's value, the state of New Jersey failed to use due diligence. The appraisal company formerly worked for utilities, including Tennessee Gas. The state will have to buy some of the property for the pipeline at a high (market) price, and then lease it for far less. For example, in 2009 the state helped buy the Woggish property in Ringwood for \$46,000 an acre. Equivalent lands in this lease are valued at \$3,000 an acre.

In addition to land leased for the pipeline itself, Tennessee Gas will destroy adjacent property during the actual construction, for which it will pay nothing. For example, Tennessee Gas will require 17 acres in the Hamburg Mountain wildlife management area, of which the pipeline will use 3 acres and 14 acres will be a staging area. The state will not receive any compensation for the 14 acres although they will be degraded by construction.

The pipeline will sit in a trench cut through the Highlands, impacting dozens of state parks, Category One streams, habitats of threatened and endangered species, and the watersheds of North Jersey's largest water supply reservoirs. It will actually pass through the Monksville reservoir. It will cut through the state's only 50,000 acre hardwood forest, home to hundreds of rare, threatened, and endangered species. Furthermore, massive digging will result in a high amount of silt entering our waterways and reservoirs.

The Tennessee Gas Pipeline Company has agreed to buy 20 acres of land to mitigate the construction damage it will do, but the 23-mile pipeline trench will impact thousands of acres. And replacement lands will not compensate for damage imposed by road construction or heavy equipment. Furthermore, the replacement lands will be in the Highlands Preservation Area: you can't mitigate for what you destroy by taking lands that are already undeveloped and cannot be developed.

The Sierra Club is also concerned that the gas transmitted by the pipeline would come from drilling in the Marcellus Shale formation of Pennsylvania and New York. Development of those gas fields will hurt the environment in the Poconos and the Catskills, polluting the Delaware River and affecting New Jersey's water supply.

Report from Trenton

Wind Closer to Reality: Sierra Club Applauds Governor and Legislature on Signing of Offshore Wind Bill

By our Chapter Staff: Jeff Tittel and Kara Seymour

On August 19th Governor Chris Christie signed the Offshore Wind Economic Development Act (S2036/A2873), which provides market based credits for electrical power generated by offshore wind, as well as tax credits to companies that manufacture and install offshore wind turbines.

This legislation will encourage development of facilities to satisfy New Jersey's future energy needs through clean, reliable offshore wind. The Sierra Club thanks the Governor and Legislature.

Wind-derived electricity will protect the environment, create jobs and grow the economy. Offshore wind is the most reliable and cost effective form of renewable energy available today, with the additional advantage of being independent of the price volatility of fossil fuels.

This bill will also help build the port facilities from which offshore construction begins, as well as the electrical substations at which the offshore electricity is connected to the power grid.

A recent report on offshore wind released by the DEP in June shows that offshore wind would have minimal environmental impacts. The Sierra Club believes the environmental benefits from wind energy far outweigh any potential environmental impacts on wildlife.