

**APPENDIX**

**TO: MEMBERS OF THE SENATE ENVIRONMENT AND ENERGY COMMITTEE**

**FROM: DWIGHT W. PITTENGER  
PRESIDENT, NEW JERSEY BUILDERS ASSOCIATION**

**DATE: JUNE 16, 2016**

**RE: PROHIBITS ADOPTION OF DEP'S PROPOSED FLOOD HAZARD RULES  
SCR66 (LESNIAK)**

The New Jersey Builders Association (NJBA) **strongly opposes SCR66**, which prohibits the Department of Environmental Protection (DEP) from adopting its proposed rules to revise the Flood Hazard Area Control Act Rules, Coastal Zone Management Rules, and Stormwater Management Rules.

One reason that NJ's economy continues to lag is the costly, inconsistent and complex regulatory process, which unnecessarily impedes vital development and infrastructure projects and deters companies from choosing to locate in NJ. The homebuilding industry strongly supports DEP's June 2015 regulatory proposal which would continue to protect the environment without needlessly hindering the Superstorm Sandy rebuilding efforts and the State's progress towards economic recovery.

DEP is the State Agency responsible for ensuring that appropriate environmental protections are in place to restore, enhance and maintain existing water quality. DEP's proposal had mirrored its other rulemaking initiatives to modernize the application process by allowing electronic submittals, processing applications efficiently, and eliminating unnecessary paperwork, while strictly holding applicants and their professionals accountable for their submissions.

NJBA reiterates that DEP's proposed amendments from 2015 were based on stakeholder input from both the environmental and regulated community to ensure that any proposed amendments would safeguard the environment, public health and safety. The amendments were also common sense, science-driven changes that eliminate redundancy among regulations, while restoring, enhancing and maintaining existing water quality. NJBA believes that these comprehensive amendments would have significantly benefited the State's economic recovery following the last recession and would have greatly facilitated recovery efforts in critical areas impacted by Superstorm Sandy.

Nonetheless, DEP determined **not to move forward** with adopting certain proposed changes due to concerns raised during the public comment process and has subsequently drafted a reactive concurrent proposal. NJBA is currently reviewing these rulemaking documents, however we believe that DEP's regulatory approach has been transparent, consistent with the Administrative Procedures Act, and responsive to the diverse viewpoints of the regulated community and the public.

For these reasons, NJBA respectfully urges that you **vote NO** on **SCR66** and allow DEP to proceed with its rulemaking process.

### *New Jersey Builders Association Officers*

DWIGHT W. PITTENGER, ESQ. *President* • CAROL ANN SHORT, ESQ. *Chief Executive Officer*

JOHN H. KIRKENIR *Vice President* • THOMAS F. TROY *Treasurer* • COREY T. WESCOE *Secretary* • MICHAEL CANUSO *Builder Vice President*

JOHN J. HEALEY *Associate Vice President* • MICHAEL T. KURPIEL *2<sup>nd</sup> Associate Vice President* • MICHAEL A. BORODINSKY *3<sup>rd</sup> Associate Vice President*

ROBERT M. WASHBURN, ESQ. *General Counsel* • MICHAEL J. GROSS, ESQ. *Environmental Counsel* • THOMAS F. CARROLL III, ESQ. *Land Use Counsel* • TED ZANGARI, ESQ. *MXD Counsel*