
Public Hearing

before

SENATE ENVIRONMENT AND ENERGY COMMITTEE

The public hearing will be held in accordance with Rule 24:3 of the New Jersey Senate on the following Senate Concurrent Resolution:

Senate Concurrent Resolution 39 (2R)

“Amends Constitution to dedicate all State moneys received from settlements and awards in cases of environmental contamination for certain environmental purposes”

LOCATION: Committee Room 10
State House Annex
Trenton, New Jersey

DATE: November 21, 2016
12:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Bob Smith, Chair
Senator Christopher “Kip” Bateman
Senator Samuel D. Thompson



ALSO PRESENT:

Judith L. Horowitz
Matthew H. Peterson
Office of Legislative Services
Committee Aides

Alison Accettola
Senate Majority
Committee Aide

Rebecca Panitch
Senate Republican
Committee Aide

Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey



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New Jersey State Legislature

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

PUBLIC HEARING NOTICE

The Senate Environment and Energy Committee will hold a public hearing on Monday, November 21, 2016 at 12:00 PM in Committee Room 10, 3rd Floor, State House Annex, Trenton, New Jersey.

The public may address comments and questions to Judith L. Horowitz or Matthew H. Peterson, Committee Aides, or make bill status and scheduling inquiries to Pamela Petrone, Secretary, at (609)847-3855, fax (609)292-0561, or e-mail: OLSAideSEN@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The public hearing will be held in accordance with Rule 24:3 of the New Jersey Senate on the following Senate Concurrent Resolution:

SCR-39 (2R)
Smith, B/Greenstein

Amends Constitution to dedicate all State moneys received from settlements and awards in cases of environmental contamination for certain environmental purposes.

Persons wishing to testify should submit 15 copies of written testimony to the committee on the day of the hearing.

Issued 11/15/16

For reasonable accommodation of a disability call the telephone number or fax number above, or for persons with hearing loss dial 711 for NJ Relay. The provision of assistive listening devices requires 24 hours' notice. CART or sign language interpretation requires 5 days' notice.

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[Second Reprint]
**SENATE CONCURRENT
RESOLUTION No. 39**

STATE OF NEW JERSEY
217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

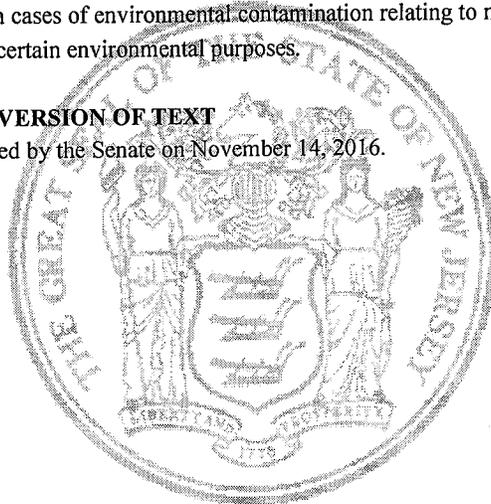
**Senators P.Barnes, III, Codey, Lesniak, Scutari, Vitale, Turner, Weinberg
and Sarlo**

SYNOPSIS

Amends Constitution to dedicate all State moneys received from settlements and awards in cases of environmental contamination relating to natural resource damages for certain environmental purposes.

CURRENT VERSION OF TEXT

As amended by the Senate on November 14, 2016.



1 A CONCURRENT RESOLUTION proposing to amend Article VIII,
2 Section II of the Constitution of the State of New Jersey by
3 adding a new paragraph thereto.

4
5 BE IT RESOLVED by the Senate of the State of New Jersey (the
6 General Assembly concurring):

7
8 1. The following proposed amendment to the Constitution of the
9 State of New Jersey is agreed to:

10
11 PROPOSED AMENDMENT

12
13 Amend Article VIII, Section II by adding a new paragraph 9 to
14 read as follows:

15 9. There shall be credited annually to a special account in the
16 General Fund an amount equivalent to the revenue annually derived
17 from all settlements and judicial and administrative awards ²relating to
18 natural resource damages² collected by the State in connection with
19 claims based on environmental contamination.

20 The amount annually credited pursuant to this paragraph shall be
21 dedicated, and shall be appropriated from time to time by the
22 Legislature, ²[only]² for paying for costs incurred by the State to
23 repair '[damage to]', restore, 'or replace damaged or lost natural
24 resources of the State,' or permanently protect the '[State's]' natural
25 resources '[, or for any of the purposes enumerated in Article VIII,
26 Section II, paragraph 6 of the State Constitution] of the State'¹,
27 ²[except that no more than five] or for paying the legal or other costs
28 incurred by the State to pursue settlements and judicial and
29 administrative awards relating to natural resource damages. The first
30 priority for the use of any moneys by the State to repair, restore, or
31 replace damaged or lost natural resources of the State, or permanently
32 protect the natural resources of the State, pursuant to this paragraph
33 shall be in the immediate area in which the damage to the natural
34 resources occurred in connection with the claim for which the moneys
35 were recovered. If no reasonable project is available to satisfy the first
36 priority for the use of the moneys, or there are moneys available after
37 satisfying the first priority for their use, the second priority for the use
38 of any moneys by the State to repair, restore, or replace damaged or
39 lost natural resources of the State, or permanently protect the natural
40 resources of the State, pursuant to this paragraph shall be in the same
41 water region in which the damage to the natural resources occurred in
42 connection with the claim for which the moneys were recovered. If no

EXPLANATION -- Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEN committee amendments adopted November 3, 2016.

²Senate floor amendments adopted November 14, 2016.

1 reasonable project is available to satisfy the first or second priority for
 2 the use of the moneys, or there are moneys available after satisfying
 3 the first or second priority for their use, the moneys may be used by
 4 the State to repair, restore, or replace damaged or lost natural resources
 5 of the State, or permanently protect the natural resources of the State,
 6 pursuant to this paragraph without geographic constraints. Up to 10²
 7 percent of the moneys appropriated pursuant to this paragraph may be
 8 expended for administrative costs of the State or its departments,
 9 agencies, or authorities for the purposes authorized in this paragraph.

10
 11 2. When this proposed amendment to the Constitution is finally
 12 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
 13 shall be submitted to the people at the next general election
 14 occurring more than three months after the final agreement and
 15 shall be published at least once in at least one newspaper of each
 16 county designated by the President of the Senate, the Speaker of the
 17 General Assembly and the Secretary of State, not less than three
 18 months prior to the general election.

19
 20 3. This proposed amendment to the Constitution shall be
 21 submitted to the people at that election in the following manner and
 22 form:

23 There shall be printed on each official ballot to be used at the
 24 general election, the following:

25 a. In every municipality in which voting machines are not used, a
 26 legend which shall immediately precede the question as follows:

27 If you favor the proposition printed below make a cross (X), plus
 28 (+), or check (✓) in the square opposite the word "Yes." If you are
 29 opposed thereto make a cross (X), plus (+) or check (✓) in the square
 30 opposite the word "No."

31 b. In every municipality the following question:

32

	YES	<p style="text-align: center;">CONSTITUTIONAL AMENDMENT DEDICATING MONEYS FROM STATE ENVIRONMENTAL CONTAMINATION CASES</p> <p>Do you approve amending the Constitution to dedicate all moneys collected by the State ²<u>relating to natural resource damages²</u> in cases of contamination of the environment? The moneys would have to be used ²<u>[only]² ¹<u>[for</u> <u>environmental purposes]</u> <u>to repair, restore,</u> <u>replace, or preserve the State's natural</u> <u>resources¹.</u> ²<u>The moneys may also be used to</u> <u>pay legal or other costs incurred by the State</u> <u>in pursuing its claims.²</u></u></p>
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	NO	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>This amendment would dedicate ²all² moneys collected by the State ²relating to natural resource damages² through settlements or awards for legal claims based on environmental contamination. These moneys would be dedicated ¹solely for environmental purposes. These purposes could include preserving, repairing, or restoring] to repair, replace, or restore damaged¹ natural resources ², or to preserve the State's natural resources. The moneys would be spent in an area as close as possible to the geographical area in which the damage occurred². ²They The moneys² ¹may could¹ also ¹include cleaning contaminated sites and underground storage tank sites, funding water quality programs, or preserving open space, farmland, or historic buildings or sites be used ²to preserve the State's natural resources¹ to pay for the State's legal or other costs in pursuing the claims². Currently, these moneys may be used for any State purpose.</p>
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STATEMENT TO
[First Reprint]
SENATE CONCURRENT RESOLUTION No. 39

with Senate Floor Amendments
(Proposed by Senator SMITH)

ADOPTED: NOVEMBER 14, 2016

These floor amendments would limit the dedication of moneys derived from all settlements and judicial and administrative awards collected by the State in connection with claims based on environmental contamination to only those moneys collected relating to natural resource damages. In addition, the amendments would authorize the use of the dedicated moneys to pay the legal or other costs incurred by the State to pursue settlements and judicial and administrative awards relating to natural resource damages.

The amendments would prioritize, in the following order, the use of the dedicated moneys by the State to repair, restore, or replace damaged or lost natural resources of the State, or to permanently protect the natural resources of the State, in connection with the claim for which the money was recovered: (1) in the immediate area in which the damage to the natural resources occurred; or (2) in the same water region in which the damage to the natural resources occurred. If no reasonable project is available to satisfy the first or second priority for the use of the moneys, or if there are moneys available after satisfying the first or second priority, moneys may be used by the State to repair, restore, or replace damaged or lost natural resources of the State, or permanently protect the natural resources of the State, without geographic constraints.

Finally, the amendments increase the amount of dedicated moneys that may be used to pay for related administrative costs from five to 10 percent of the moneys appropriated pursuant to the paragraph.

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SENATOR BOB SMITH (Chair): The meeting is called to order.

Please take the roll, Ms. Horowitz, if you would.

MS. HOROWITZ: Senator Smith.

SENATOR SMITH: Present.

MS. HOROWITZ: Senator Bateman. (no response)

SENATOR SMITH: Is present. (laughter)

MS. HOROWITZ: Senator Bateman?

SENATOR BATEMAN: Here.

MS. HOROWITZ: Senator Thompson.

SENATOR THOMPSON: Here.

SENATOR SMITH: Okay.

Today we're doing the constitutionally required hearing on SCR-39, which was placed on the desks in both houses last week.

Our first witness will be Dave Pringle from Clean Water Action.

Mr. Pringle.

DAVID PRINGLE: Thank you, Mr. Chairman; and thank you for your leadership on this.

We support the constitutional amendment. It is critically needed, given -- to stop abuse that has happened to communities that have, frankly, been victimized twice: first from the actual damage to the natural resources; and then, second, too often the funds that are supposed to go to those communities have been raided and taken away from this communities.

We've heard, in the previous hearings, about Exxon, the Passaic River, and Trenton and the Route 29 tunnel. Also, there are many examples of this, over time, which is why this amendment is needed.

And we certainly appreciate the changes you made from the original version of the Bill, and the conversations we have had since then. As you know, we have some concerns around having the amendment be specific enough to make sure we spend the money well, but also not so specific that it's not appropriate for the Constitution. So we realize that you want to get a lot of that done in the enabling legislation, and we support that and look forward to making that happen.

Our biggest concern is to make sure that the money is spent as locally -- as targeted as possible to the affected areas, while also giving DEP the resources necessary to do the Natural Resource Damage program. As well as, ideally, ultimately, have enough resources so the lawyers are in-house; but certainly, in the short-term, those resources aren't there, so you need a high enough incentive for outside lawyers to want to take on these cases, but not so much that money is going to lawyers instead of the Natural Resource Damages.

So we're counting on you to get those details right in the enabling legislation, and we look forward to working with you to make that so.

SENATOR SMITH: Thank you, Mr. Pringle.

Debbie Mans, New York/New Jersey Baykeeper.

DEBORAH A. MANS: Thanks.

I apologize; we had a cleanup this morning in Cliffwood Beach on Raritan Bay. So I'm glad to be inside, but I apologize for my dress.

So as you know, we support this amendment, and we really appreciate you working with us on the amendment. Ideally, we would not be amending the Constitution, but we've seen, under both Republicans and Democrats, that this money has been diverted, both administratively and legislatively. So we need to lock it up.

So I thank you; and as always, we're available if there are any questions.

SENATOR SMITH: Thank you for your comments.

Kelly Mooij, New Jersey Audubon.

Ms. Mooij.

KELLY MOOIJ, Esq.: Thank you, Chairman and members of the Committee.

My name is Kelly Mooij; I'm the Vice President for Government Relations for New Jersey Audubon.

Ditto to everything that Debbie said. Ideally, we wouldn't be doing constitutional amendments like this; but because of *Camden v. Byrne* and all of the appropriations changes that are made, and the money -- the fact that the money is stolen regularly by every Administration, it's critically important that we make sure that we keep this money safe and that we're using it appropriately.

We look forward, again, as well to implementation legislation for working out all of those details. Specifically, New Jersey Audubon is very interested in making sure that we, to the best of our ability, keep the money in areas where the damage has actually happened. That can be -- I know the word *nexus* gives people a little bit of consternation. But in terms of water resources, in terms of populations of species that are impacted,

there are a lot of ways for us to make sure that we're connecting that money and those damages to areas where they're impacted.

Again, it's critically important because of not only the significance of spills and industrialization in the State of New Jersey, but also because of the damage that's done from smaller incremental spills, which we have seen throughout the state. So it's critically important that we continue to do that.

Audubon has been working on this for some time; we helped out with two of the major spills that were in the early 2000s, related to cleanups from significant oil spills. We also helped to make some amendments to the Pollution Act related to ensuring that we don't have those spills in the future. We think it's really important that these projects are done, moving forward, and that the money is protected. We've seen what happens when that money isn't protected.

So we really appreciate the effort of this Committee, and look forward to supporting this, moving forward.

SENATOR SMITH: Thank you.

Jeff Tittel, Sierra Club.

J E F F T I T T E L: Thank you for all your work on this.

We've been involved with the NRD program since its inception, and understand the importance of it. In New Jersey, under our law, if you harm the environment, not only are you supposed to clean up your mess, you're supposed to pay the public for the loss of that resource -- whether it's wetlands, or drinking water, or the impact to species.

And so this is critical because for too long we've been allowing this money to be stolen for other uses. And we believe that, basically, when

we took -- this Administration took the \$140 million from the Passaic River settlement to plug a hole in the budget, they took blood money away from people who had been victimized by toxic pollution. We're talking about an area where a river was turned, basically, into a superfund site and the community around it was poisoned. And instead of that money going to help and benefit that community, it went into the budget. And we should never allow that to happen ever again.

And that's why we support this legislation and want it to move forward and get on the ballot, because we think the people will overwhelmingly vote for it.

And hopefully we can get it done soon enough, since we're still in court over the Exxon settlement -- they won't be able to do it with that either. And that's important as well.

So we wish you good luck to get this posted and get it voted as soon as possible. There are some issues we'll want to work out on the enabling legislation to make sure the money goes to the right types of projects. But more importantly is that we protect this money because the people of New Jersey should be made whole when they're victimized by toxic pollution. And again, hopefully, we'll have a new Administration where we can go after those hundred-or-more other major sites out there -- like Ford up in Ringwood, or White Chemical in Newark, or Shieldalloy in Millville -- and get them to pay their damages, too, so that we have money for this program and for those communities to make them whole again.

Thank you.

SENATOR SMITH: Ed Wengryn, New Jersey Farm Bureau.

Ed has no need to testify; he says, “in favor with amendments.”
But Ed, if you don’t testify, we won’t know what amendments you want.

E D W E N G R Y N: (off mike) The ones that are on the--

SENATOR SMITH: You sent us something; you sent us a letter?

MR. WENGRYN: Yes.

SENATOR SMITH: Okay. We’ll be happy to review that. Obviously, we’re not going to amend the SCR at this point.

MR. WENGRYN: Right; no, no. The way it’s amended.

MS. HOROWITZ: (off mike) He means the ones that (indiscernible).

SENATOR SMITH: Oh, he liked ones.

MS. HOROWITZ: Yes, I think so.

MR. WENGRYN: Yes.

MS. HOROWITZ: Yes.

SENATOR SMITH: Oh, okay, all right. We’re easily confused here. (laughter)

Drew Tompkins, New Jersey League of Conservation Voters.

Mr. Tompkins.

D R E W A. T O M P K I N S: Thank you, Chairman Smith, members of the Committee.

My name is Drew Tompkins, and I’m the Public Policy Coordinator for New Jersey League of Conservation Voters.

You’ve already received my organization’s written testimony, so I will be brief.

Thank you for all your work on this Bill -- specifically you, Chairman Smith -- and for making these amendments that have really, I think, addressed a lot of the concerns that my organization and other organizations we work with, and you, had with the original language that was presented this year.

We are strongly supportive of SCR-39 because it will prevent money grabs that have become too common in Trenton, and are especially unconscionable in the sense of NRD settlements.

We also agree with Debbie and Kelly about amending the Constitution; but really, it has become necessary. And we have no choice but to put a lockbox on these settlements, which are really communities' only shot at becoming whole again. And that's the main reason and the fundamental reason why we support SCR-39.

In our written testimony, you'll find more in-depth discussion about why we support the amendments, as well as why diverting these funds encourages some really fiscally irresponsible budgeting practices; and could allow polluters off the hook by encouraging smaller NRD settlements, since the money received would not be used in a way that was related to the initial damage.

So for brevity's sake, I'll stop there, unless there are any questions about my testimony or the written testimony.

So thank you.

SENATOR SMITH: Thanks for your comments.

Tim Dillingham, American Littoral Society.

T I M D I L L I N G H A M: Thank you, Mr. Chairman, members of the Committee.

We are here in support of the Resolution; clearly the right thing to do to protect the public trust. Absolutely -- the comments that have been made about safeguarding the money that comes from damages, we are very supportive of. And we appreciate the fact that you put this Bill together to do that -- to create that safeguard in place.

I would say also that this is a long-needed right piece of policy for protecting places like the coastline, in particular, where much of the damages happened. The natural resources that are there -- whether those are the tidal marshes, the rivers and streams themselves, the oyster beds that used to be there -- those are all part of the natural infrastructure of the state. They're important for not only the ecology, but the economy of other industries; and increasingly they've been recognized as being important to the safety of our communities.

I just came, this morning, from a ceremony celebrating the completion of a project in Spring Lake, where we're not only restoring the ability of anadromous fish to come back up into the lake, protecting the water quality, but also helping them manage floodwaters that come into the town from the open part of the watershed.

So those are the types of projects that we would hope come out of the damages being well spent. The State clearly has a need, and we very much appreciate the Committee's work to put this forward.

SENATOR SMITH: Thank you for your comments.

Amy Hansen, New Jersey Conservation Foundation.

A M Y H A N S E N: Thank you, Mr. Chairman and Committee members. We appreciate the opportunity to show our support for SCR-39, which puts a lockbox on the NRD funds, as previous speakers have said.

I want to highlight certain projects that are great examples of natural resource protection that NRD funds have allowed in the past.

In 2009, we at New Jersey Conservation Foundation helped permanently preserve 617 acres of woods and swamp in the Forked River Mountain Preserve, which is part of the largest unfragmented forest in the Pine Barrens. A million dollars was used from a contamination settlement with a chemical company in the area. Nearly 200 additional acres were protected using NRD money near Forked River Mountain and Greenwood Forrest to address groundwater contamination from a landfill. And we at New Jersey Conservation Foundation are now in the process of preserving 168 acres in Tewksbury Township, Hunterdon County, to create a public nature preserve. This project is using funds from a settlement concerning water contamination, just right nearby, in the past.

And finally, Camden County Community College is in the process of buying a tract of land in Gloucester Township to permanently protect another healthy swamp pink population. The swamp pink is a wetlands-dwelling member of the lily family that once covered areas from New York to Georgia, but now is mostly found in New Jersey. And the college has been a protection partner, actually, since 2011, with the U.S. Fish and Wildlife Service, having implemented a restoration project for the swamp pink.

So we encourage you to pass SCR-39 which will benefit future generations of New Jerseyans in the years to come.

Thank you so much.

SENATOR SMITH: Thank you for your comments.

Doug O'Malley, Environment New Jersey.

DOUG O'MALLEY: Thank you, Mr. Chairman; and thank you to Senator Bateman and Senator Thompson.

In this week of Thanksgiving, I wanted to give thanks to this Committee for the bipartisan leadership that we've seen -- not just this year, but in many years, and especially around this SCR and this issue. We need to say "never again."

And there was real outrage during the Exxon -- announcement of the Exxon settlement. And that outrage was not just in Democratic circles; it was in Republican circles, and all around New Jersey. This really broke through. And there's real anger at the Governor for what he tried to do. We've obviously seen multiple Administrations raid funds that should be dedicated, but aren't set aside by the Constitution. And that's why it's clearly so critical for this SCR to move forward at this time.

I want to thank you, Mr. Chairman, for making sure that we're getting it done this year so we can come back again next year. Obviously, we want to thank you for the change in the administrative fee cost to ensure the State has the resources to go after these malfeasances. And also to say that we look forward to working on implementation language to ensure that the damage that occurred with Exxon -- whether it be in Paulsboro, whether it be in Linden, or Bayonne -- the groundwater that was contaminated, the wetlands that were destroyed -- that future settlement money will be dedicated towards protecting those areas and restoring those areas.

And that's part of the Public Trust Doctrine; and I want to thank you, Mr. Chairman, and Senator Bateman, and Senator Thompson, and the other members of the Committee, here, who aren't present, for helping to uphold that Public Trust Doctrine.

Thank you.

SENATOR SMITH: Thank you.

I have a last slip from New Jersey Parks and Recreation Association; no name on it. Is there anybody here from New Jersey Parks and Recreation? (no response)

You have to put a name on it. We can't have statements "in favor" or "opposed" unless there's somebody present, or somebody with a name on it, somebody who came by and left a name -- whatever.

So one last comment, made by me; but we'll take comments from anybody. If we can get this done this year, in both houses, by a majority; and then early next year, in both houses by a majority, it goes on the ballot. And I do think that the people of New Jersey would overwhelmingly support it.

But we have a problem; and the problem that I'd like the environmental community -- who is very well represented today at this meeting -- what I would like them to think about is that when you have these NRD cases, you'll notice that they're all by settlement. And the reason they're all by settlement, and the reason why the State of New Jersey is not in the best location, in a sense, is that we have not yet, here, adopted legislation or regulation which quantifies -- *quantifies* the Natural Resource Damages.

So a defendant will always say, "Well, how did you come up with this value?" In the case of the Exxon settlement, if you remember, the State of New Jersey was looking for \$9.2 billion in damages, a cost put together by consultants. And Exxon had the ability to say, "Well, maybe not so much." And then I don't think anybody -- not too many people in

this room feel that \$250 million number accurately reflected what was done on site. But I think the problem is, we need to come up with an objective standard for NRDs. So in this implementing legislation -- where we talk about how we can direct it to the site -- we should also put in an objective standard; or set up a regulatory process where the objective standard is ultimately set up by the DEP, so that when we get into litigation we're on firm footing.

So let me task the environmental community with that. You know, if you put some of your best people researching it, and send your cards and letters in to Alison and Judy, we'd like to put that in the implementation.

Mr. Tittel.

MS. HOROWITZ: He has to come up to the--

SENATOR SMITH: You have to come up to the mike.

MR. TITTEL: Yes.

We actually had that. The Sierra Club, under the Whitman Administration, worked with, at that time, Rick Gimello and Jim Hall, to come up with a formula. And it was very simple, and it was actually going to be a rule. How it worked is, they took the cost -- for instance, for groundwater contamination, you figured out how much groundwater was contaminated, and they used the wholesale cost of drinking water. And because in New Jersey all water is considered potable -- and we have wells in Camden; it's scary, but we do.

SENATOR SMITH: Right.

MR. TITTEL: And they take drinking water there. So that was one part of the formula.

The other part was what it cost to actually to create a wetland, because we do wetland mitigation in New Jersey. And so it worked out to be, I think, about -- depending on the type of wetland -- between \$75,000 and \$125,000 per wetland. And then they did a calculation per formula. So DEP actually had all that.

What happened was, in 2001, there was legislation passed -- there was a bill -- because the statute of limitations was going to run out on a lot of sites. And my good friend -- late friend, Hal Bozarth was able to work on it -- language killing the NRD program. And you can only do it through litigation. But before that, the Whitman Administration actually-- And you know, I was critical of that Administration; this was a really great program that they worked on, and that bill killed that.

But the DEP actually has all that stuff; I might even have it in my files. But there was actually a formula already done.

SENATOR SMITH: So would you share?

MR. TITTEL: I'll go look in my old files, yes.

SENATOR SMITH: Okay.

And if anybody in the environmental community has ideas about how we quantify the damages, I'd like to put that in the implementation bill. And maybe we should even go back to the system where you're saying, Mr. Tittel -- that the DEP had the ability to go forward without litigation.

MR. TITTEL: (off mike) There was a program, yes.

SENATOR SMITH: That might be worth putting in the implementing legislation as well.

So send in your cards and letters; we'd like to hear what you have to say.

Anything from any Senators on this?

SENATOR BATEMAN: No.

SENATOR SMITH: All right, we're done. We didn't even have to vote on that.

SENATOR BATEMAN: No, that's it.

SENATOR SMITH: This is great.

SENATOR BATEMAN: Happy Thanksgiving.

SENATOR SMITH: So with that being said, the most interesting Committee in the Legislature is hereby adjourned. (laughter)

SENATOR BATEMAN: And one of the shortest ever. (laughter)

(HEARING CONCLUDED)