
Committee Meeting

of

ASSEMBLY FEDERAL RELATIONS COMMITTEE

"Testimony on the circumstances surrounding recent flooding in New Jersey and the ongoing study and implementation of plans of action in the event of future floods"

LOCATION: Committee Room 9
State House Annex
Trenton, New Jersey

DATE: June 9, 2005
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Reed Gusciora, Chair
Assemblywoman Linda R. Greenstein, Vice Chair
Assemblyman William D. Payne
Assemblywoman Mary T. Previte
Assemblyman John S. Wisniewski
Assemblyman Guy R. Gregg
Assemblyman Joseph Pennacchio



ALSO PRESENT:

Mellany V. Alio
Office of Legislative Services
Committee Aide

Jessica Perl
Assembly Majority
Committee Aide

Thea M. Sheridan
Assembly Republican
Committee Aide

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ASSEMBLYMAN REED GUSCIORA (Chair): I wanted to welcome everyone to the Federal Relations Committee.

Today we're going to take up a very important topic, and that is the flood of the Delaware River that affected so many counties this last April.

We'd like to take testimony from interested parties who have some impact in how we better can serve our constituents in the underlying counties that were declared disasters. As you know, over \$30 million of private and public property damages occurred. But, most important, our local government suffered \$7.5 million in costs of using fire, police, and other personnel. And it was hoped that the FEMA, Federal government, could have assisted better.

But we'd like to try to get a good picture of the flood, and how we move from here, and have a better relationship with our Federal government.

I do want to applaud our congressional delegation on the bipartisan effort that has appealed to FEMA to secure the \$7.5 in moneys that were incurred by the local municipalities. So in that regard, our congressional delegation, on a bipartisan basis, is certainly working for us.

I'd like to invite Jeff Callahan, Assistant Commissioner for Operations from the New Jersey Department of Transportation, to testify on the flood impacts.

Welcome, Commissioner.

A S S T. C O M M I S S I O N E R J E F F R E Y C A L L A H A N:
Good morning, Mr. Chairman, members of the Committee.

My name is Jeff Callahan. I'm the Assistant Commissioner for Operations for the New Jersey Department of Transportation.

On the weekend of August -- I'm sorry, April 2, 2005, a second 100-year flood in a six month period of time occurred in New Jersey, affecting nine counties within the Delaware River Basin. It was New Jersey's fourth worst recorded flood level of this river basin in the past century.

Shortly thereafter, a Presidential declaration declared the counties of Bergen, Essex, Gloucester, Hunterdon, Mercer, Morris, Passaic, Sussex, and Warren disaster areas. The New Jersey Department of Transportation spent an estimated \$1.135 million of its General and Trust Fund appropriation to respond to this flood. The Department's response came in the form of emergency actions during the flood, examples being closing roads and signing detours. As floodwaters receded, the Department engaged in significant restoration efforts, such as cleaning out drainage inlets, restoration of washouts, and clearing roadways of debris and mudslides.

In addition, the Department conducted roadway and bridge inspections following the flood and found significant repairs needed to damaged infrastructure, the majority of which were on six off-system bridges that cross the Delaware and Raritan Canal. These bridges are owned by the New Jersey Department of Environmental Protection but maintained by New Jersey DOT. The bridge south of Lambertville required immediate repair, because it provided the access needed to launch emergency boats into the river.

The scope of bridge repairs included replacement of wing walls, repairing decks, repaving approaches to the bridges. Damage to the Barber's farm bridge included a washout on the west approach roadway, a damaged northwest wing wall, timber piles, sheeting, barrier replacement at both approaches. The Holcomb Bridge had both approaches washed out and severe erosion on the southeast approach embankment. These are just a few examples.

Two Federal agencies are basically available to provide reimbursement to transportation agencies for money spent during these types of emergencies. Applications to the Federal Highway Administration Relief Program will provide reimbursements for emergency actions on Federal aid routes. This program only accepts submissions for expenditures totaling \$700,000 or greater. Although the Department spent over \$1 million to respond to this event, about \$800,000 of it was on bridges that are not categorized by FHWA as Federal aid routes. They're off-system routes. This means the State falls short of meeting the \$700,000 threshold.

The second potential source of funding available to DOT is FEMA's Public Assistance Grant Program to disaster. This program will consider reimbursing an agency for the response activities that are related to providing emergency protection work, such as closing roads that are flooded and the ensuing detours needed.

As you are aware, during the week of May 22, 2005, FEMA verbally notified New Jersey that its request for funding was denied. This leaves the Department at a dead end. There are no other Federal programs that the Department can apply for reimbursement for the estimated \$1.135 million out-of-pocket expense. This estimate could not -- could increase,

because the Department was still finalizing this cost when the FEMA denial was announced. The Department's initial cost estimate submitted to FEMA was \$817,000. It's now at \$1.135 million, and could approach \$1.5 million after we have a full accounting of our contractor and force account expenditures.

There were two other severe floods in the last year, which the Department has made application to FHWA and FEMA. In July 2004, Route 70 in Burlington County was seriously damaged, including a total collapse of the Friendship Creek Bridge. FEMA committed relief to the Department in the amount of \$630,620 from its Public Assistance Grant Program. We expect to receive it in the next few weeks. In addition, FHWA recently announced it would provide \$6.4 million in relief, a large part of which will pay for the bridge replacement. The approval for FHWA reimbursements, however, will take from one to three years to receive, since it must be approved by Congress and appropriated to the program. This bridge replacement, basically, was a pretty heroic effort on the part of the Department's Operations staff and emergency repair contractors, who worked around the clock to erect a temporary Acrow bridge within five days. The full replacement of the permanent structure occurred in 112 days. And that was a pretty remarkable effort. This emergency bridge replacement, basically, was the impetus behind Commissioner Lettiere's HyperBuild project.

The September 2004 flood was the first 100-year flood in New Jersey in the past year. It was the fifth worst flood in the Delaware basin of the century. Caused by Hurricane Ivan, the flood infiltrated the same

roadway and residential areas as the floods of April 2 -- primarily the same river basin issues.

The Department spent approximately \$216,000 and change to respond to the September emergency, and submitted an additional \$1 million for infrastructure damage on behalf of Hunterdon and Warren counties. FHWA is still reviewing the Department's applications to determine whether this impact of the Federal aid routes would meet the threshold amounts. If the FHWA submission is rejected, FEMA will approve and provide \$216,931, but it falls way short of our expenses.

The bottom line is, any loss of the Federal reimbursement for emergency work is an extreme hardship on the Department's operating budget, which is already severely overburdened, as you know. As an example, \$1.13 million of emergency work done on the weekend of April 2 represents about 1.2 percent of our FY '05 adjusted General Fund budget. Lack of reimbursement requires the Department to reduce our planned preventative maintenance on pavements and bridges, causes us to defer essential routine maintenance activities like inlet cleaning and litter pickup.

To give you an example, we have a Department-desired level of service that we would like to clean 100 percent of our storm drains over a seven-year period. We're currently at about 10 years, at best. They've caused us some drainage issues in some critical areas.

In addition, the Department has a current backlog of 240 Priority One bridge repairs that require scheduling. This backlog is due to the high number of emergency repairs that we had to complete on all the bridges over the last three fiscal years because of the deferred preventative maintenance program. They basically go hand-in-hand. We totaled 43

repairs in '03, 114 in Fiscal '04, and 40 to date in '05, for a three-year total of 197 emergency bridge repairs.

Any assistance the Committee can provide in assisting with Federal reimbursement for emergency work would be much appreciated. I hope the information is helpful to the Committee. And I open the floor for some questions.

ASSEMBLYMAN GUSCIORA: Thank you, Commissioner.

Can you provide us some background on how you would go about contacting FEMA and the Federal Highway Administration? What happens after a flood? Who contacts whom?

ASSISTANT COMMISSIONER CALLAHAN: We generally have an emergency management unit conducted by a few individuals in our Department. They have the appropriate contact points between both agency programs. We use our maintenance management system and various other source documents to compile all the preliminary costs. It's pretty easy to compile. We can get it in a few days.

We send those preliminary estimates out and, basically, lobby for the program head to consider a Presidential disaster declaration or a Governor's emergency disaster declaration so that they consider reimbursements.

Quite frankly, on the Route 70 flood, they were very generous. The initial dialogue with the program initiator at FHWA was well below the \$6.4 million. Quite frankly, I think she wanted to give us \$800,000. It wasn't a real good situation. But after reviewing all the circumstances around our need to get that Route 70 corridor open for shore traffic, they

kind of bought into the fact that we needed to put a temporary structure which, in and of itself, probably cost \$1.5 million, easy.

And then the fast tracking and the HyperBuild process to get the new bridge in, basically, cost big dollars when you have a contractor working 24/7, bringing in a lot of expensive equipment versus our normal activity. The Federal government, obviously, would prefer you go through that normal pipeline routine. But instead of 112 days, it would have been 312 days. And that just wasn't acceptable to anybody.

ASSEMBLYMAN GUSCIORA: One of the complaints that I saw in, at least, Trenton -- when I had taken the tour of the Island neighborhood -- was that it was difficult to get contact with FEMA or to have them come out and do inspections. I was just wondering if you had any similar concerns or-- How do you make the process flow better by getting the feds to come in to look at something that is, obviously, something that the feds should become involved in?

ASSISTANT COMMISSIONER CALLAHAN: I can tell you, probably because the process -- when we reach out pretty proactively with our documentation, we really haven't had too much of a problem having the investigative units consider what they need to pay for. We, more, have argumentative issues when our dollar thresholds are of a nature that are extremely high because of the emergency nature of that specific repair. They kind of look at it as a -- "Well, why did you have to do it so fast?" Sometimes congestion mitigation isn't the first thing on their table.

With counties such as Hunterdon and Morris, we as an agency helped the county. We go, basically, to their individual areas and help them calculate their costs. Unfortunately, they don't have some of the

automated systems we have from the computerization standpoint, but our people go out and give them format.

Quite frankly, the FEMA and FHWA representatives have been very helpful in modifying their format to meet ours, because our automated process really can be done in four days. Theirs would take weeks, because it's a little bit more antiquated by their format. They've been pretty good about working with us to streamline that process, quite frankly. I don't see any reason why they can't do it for locals.

ASSEMBLYMAN GUSCIORA: That was-- My other concern was that they were quite generous with the Pennsylvania officials, but not New Jersey. Is there an explanation as to why one state gets local aid but not the other state?

ASSISTANT COMMISSIONER CALLAHAN: Well, on a local basis, I'm really not in a position to answer that. I think, generally speaking, they're pretty good to us, as a transportation agency. These past couple issues are thresholds that are right on the bubble. And we're hoping they can bend a little bit, because when we hit our operating house -- as we say -- that has a pretty good impact on what we can do for normal activities.

ASSEMBLYMAN GUSCIORA: Great.

Thank you, Commissioner.

Are there any other questions?

Assemblyman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Thank you, Chairman.

Assistant Commissioner Callahan, thank you for being here with your testimony.

ASSISTANT COMMISSIONER CALLAHAN: Pleasure.

ASSEMBLYMAN WISNIEWSKI: Just one of the items I heard you testify to -- and just rereading your testimony -- talked about the Department's program of cleaning up storm drains. What's the relevance in doing that with regard to flooding?

ASSISTANT COMMISSIONER CALLAHAN: To give you an example of just the Route 29 flooding, in particular-- A flood of that nature, generally speaking, is going to cause havoc with your inlets anyway. Post-flood response is going to necessitate you to go in the vactors and clean them out. The normal activity of us keeping our inlets free-flowing, especially in areas like the shore-- If we have to cut back our cleaning efforts, silt, debris, sweepings get into the inlets. And just a normal heavy rainstorm of sorts will cause that inlet to back up and cause some flooding issues which, over a course of time, can cause some infrastructure damage. It's particularly disastrous in the wintertime, because, obviously, if the roadway is not draining, we get ice on the road. And no matter how much salt we put on it, the ice is pretty much established. And we would have an issue with roadway traffic not being able to traverse the route.

ASSEMBLYMAN WISNIEWSKI: So part of the flooding is where the water hits the impervious surface and it's running. And it's supposed to go into a catch basin and go someplace, and then it doesn't because debris and silt build up.

ASSISTANT COMMISSIONER CALLAHAN: We're at a point with our program being significantly deferred because of person power, etc. that we will hit all the areas that most of the crew supervisors, for example, know are critical. We would like to be in a position to do just a routine program, where 14 percent of the system is done 100 percent of

the time. In seven years, that means we will be in every catch basin in the statewide infrastructure and be able to clean that sufficiently. Over a seven -- period of time, we could prevent that silt from building up and, therefore, prevent drainage problems and pipe damage.

ASSEMBLYMAN WISNIEWSKI: But according to your testimony, you're not in a position to do that. Why?

ASSISTANT COMMISSIONER CALLAHAN: We're basically in a- We have an average, statewide, of 8.9 people per crew. That's including supervision. With the restraints that are put on us for congestion management, where we can't be on the roadway the full scope of hours -- and the person power just to do our annual plan -- we have to defer a lot of these planned jobs.

Quite frankly, if you looked at our entire budget, the top five -- seven functions that we're concentrating on are litter pickup, pothole repairs, snow and emergency response, things that are crisis in nature or do-it-now in nature. If we had a few more people, we could get to these preventative issues and really make a pretty big bang.

ASSEMBLYMAN WISNIEWSKI: So this doesn't fall into that top tier?

ASSISTANT COMMISSIONER CALLAHAN: The inlets?

ASSEMBLYMAN WISNIEWSKI: Yes.

ASSISTANT COMMISSIONER CALLAHAN: Absolutely not, I'm sorry to say.

ASSEMBLYMAN WISNIEWSKI: It should though.

ASSISTANT COMMISSIONER CALLAHAN: It should.

To give you an idea, there's 115 work standards, and we're concentrating on, probably, the top seven to basically use our labor pool. Every year we do an annual plan, statewide, and I personally get involved with the planning initiatives. We plan heavy. We want to make the optimum results out of our annual plan, to use the bucks the best that we can do. Every crew planned comes up with an FTE count, which is a full-time equivalent of 14 people. We don't have one single crew with 14 persons in it.

ASSEMBLYMAN WISNIEWSKI: So it's a manpower issue.

ASSISTANT COMMISSIONER CALLAHAN: For the most part.

And, also, the restraints on safety-- As you know, from a safety committee perspective, we're very high on safety, keeping people safe on the road. But, also, that entails extra bump trucks, which is extra equipment. Somebody has to drive the bump trucks, so that's one person that could be--

ASSEMBLYMAN WISNIEWSKI: You're talking about the trucks with the crash attenuators.

ASSISTANT COMMISSIONER CALLAHAN: Crash attenuators, correct.

And we are basically mandated -- and it's obviously desirable -- to make sure that the safety equipment is out there. But if our new safety initiatives from today, compared to five years ago, require that three people have to be incorporated on that particular road closure, that's three people that could be doing something else.

ASSEMBLYMAN WISNIEWSKI: I don't want to belabor the point, but is the bigger issue manpower or the--

ASSISTANT COMMISSIONER CALLAHAN: The bigger issue is manpower, no question about it.

ASSEMBLYMAN WISNIEWSKI: Thank you.

ASSISTANT COMMISSIONER CALLAHAN: You're welcome.

ASSEMBLYMAN GUSCIORA: Assemblyman Pennacchio.

ASSEMBLYMAN PENNACCHIO: Thank you, Mr. Chairman.

Good morning, Mr. Assistant Commissioner. Thank you for your testimony.

ASSISTANT COMMISSIONER CALLAHAN: Pleasure.

ASSEMBLYMAN PENNACCHIO: I have a question, as far as the thresholds, because I understand that the -- with the FEMA threshold, we were a couple million dollars shy, as far as reaching that. The \$700,000 -- was that rolled into the FEMA request afterwards?

ASSISTANT COMMISSIONER CALLAHAN: Basically, they won't allow us to double dip. If we're putting in a request for a million dollars, and FEMA would give us \$700,000, we would be responsible for the other program to give us the \$300,000.

ASSEMBLYMAN PENNACCHIO: Right. But could we -- or should we, in hindsight, have just taken the whole 1.-- Did you say you were up -- because it's ongoing, the numbers -- \$1.5, \$1.7 million -- and just have rolled it-- Instead of having applied for that government grant, just have applied for the FEMA grant instead?

ASSISTANT COMMISSIONER CALLAHAN: We found that we were having better success going the both programs. Oftentimes, the FHWA -- if you don't meet your \$700,000 threshold -- will be more inclined to give you money for the response-type issues. FHWA is more inclined to give you money for the restoration.

ASSEMBLYMAN PENNACCHIO: My point here is, I just want the money. (laughter) I don't know if we can reapply -- just take the -- maybe the entirety of whatever moneys they did give us -- and would we come out more moneys. Obviously, if we got the full \$9.5 million -- if we just reapplied for the grant and just put the \$1.7 million-- And you had said that the requests for all the cleanups are ongoing.

ASSISTANT COMMISSIONER CALLAHAN: Correct.

ASSEMBLYMAN PENNACCHIO: So if we could meet that magic threshold of \$9.5 million-- Should we be doing that? Can we be doing that?

ASSISTANT COMMISSIONER CALLAHAN: It would-- We probably can reapply or apply initially that way. The other problem with the FHWA criteria is, if you have infrastructure damage that's not on a Federal aid route, they're not inclined to pay you.

ASSEMBLYMAN PENNACCHIO: Even FEMA?

ASSISTANT COMMISSIONER CALLAHAN: Well, FEMA will pay. I don't know if FEMA actually has that requirement. They may have. We'd have to check.

ASSEMBLYMAN PENNACCHIO: But we should be-- We are exploring those avenues, as far as-- Because if it's \$1.7 million, and we just needed \$2 million more in its entirety to get that FEMA grant, it would

make sense to me that we say, "Oops, we really didn't want to apply for that grant. Here's whatever moneys you gave us back. We really want the \$9 million." I would try it.

ASSISTANT COMMISSIONER CALLAHAN: Anything's worth a try. (laughter)

ASSEMBLYMAN PENNACCHIO: Just as a follow-up, because I'm interested in that storm drainage. Do we prioritize -- I'm sure we do -- as far as cleaning up storm drainage at the most prone areas that are -- for flooding, obviously?

ASSISTANT COMMISSIONER CALLAHAN: Absolutely. That's the situation we're basically in. The equipment resources to do that-- There's special equipment called a vactor. It's an extremely expensive piece of equipment -- \$250,000. We certainly cannot buy 100 vactors. That equipment is basically staged in areas that have the most prone responses for flood damage. And then they transfer it over to other areas to try and incorporate the preventative maintenance cleaning.

We're doing a pretty good job. There really isn't a lot of flooding going on. It's not like every storm gives us a flood scenario. But as many of you will probably attest, you've probably had constituents complaining about some catch basins that periodically slip by and may be quite filled with silt. And if it's filled with silt to where you can see it, then you're probably going to have a drainage issue. And then we're in a crisis mode and have to go out and make a special effort to clean that out before the next storm.

ASSEMBLYMAN PENNACCHIO: Thank you for your testimony.

ASSISTANT COMMISSIONER CALLAHAN: Quite welcome.

ASSEMBLYWOMAN PREVITE: Mr. Chair.

ASSEMBLYMAN GUSCIORA: Well, I want to--

ASSEMBLYMAN GREGG: You can go first.

ASSEMBLYMAN GUSCIORA: Assemblywoman Previte, and then we'll go back and forth.

ASSEMBLYMAN GREGG: No rush.

ASSEMBLYWOMAN PREVITE: Help me to understand again. The Federal government said no, they would not pay what we had asked to help with the costs of this horrendous flooding.

ASSISTANT COMMISSIONER CALLAHAN: For the April 2 storm, correct.

ASSEMBLYWOMAN PREVITE: And yet they said yes to help Pennsylvania, just across the river.

ASSISTANT COMMISSIONER CALLAHAN: That I'm not aware, quite frankly. We're most concerned about the New Jersey situation.

ASSEMBLYWOMAN PREVITE: If you already said it, would you say it again? Why did they say we would get nothing?

ASSISTANT COMMISSIONER CALLAHAN: Basically, the current dollars that are associated with the April 2 flood were primarily restoration efforts on bridges that were on non-Federal aid routes. It's a Federal program. They're generally not going to pay for non-Federal aid work. If that had been on a Federal aid roadway system, I'm sure they would have approved it. The bottom line is, we're still putting those dollars

out. It's still a declared emergency by the President. You might think there would be some latitude there.

ASSEMBLYWOMAN PREVITE: So you're speaking only about their refusing to pay for transportation-related damages.

ASSISTANT COMMISSIONER CALLAHAN: That's correct.

ASSEMBLYWOMAN PREVITE: We'll have testimony, Mr. Chairman, I presume from people that will talk about damages that are unrelated to transportation?

ASSEMBLYMAN GUSCIORA: All those parties have been invited. And I do note that Lambertton -- Lambertville -- a Councilwoman from Lambertville will testify as to-- But there are separate issues. There's the transportation dollars, the DEP dollars that the feds could reimburse us. And then there's strictly local government expenditures that collectively apply to the feds for reimbursement. It came out to \$7.5 million, I believe, local governments applied to FEMA. And they were denied. But on the Pennsylvania side, Pennsylvania local governments were reimbursed.

ASSEMBLYWOMAN PREVITE: Have we grumped and complained about this?

ASSEMBLYMAN GUSCIORA: Yes. And we are appealing. And I've got to give credit to our delegation -- our congressional delegation. I believe I have a copy that I can give you of the letter that went out from our congressional delegation appealing the FEMA initial decision.

Assemblyman Gregg.

ASSEMBLYMAN GREGG: Thank you, Mr. Chairman.

Thank you, Assistant Commission, for your testimony.

ASSISTANT COMMISSIONER CALLAHAN: Quite welcome.

ASSEMBLYMAN GREGG: I'm just trying to put a -- some clarity on exactly why we're here this morning. And I think your testimony is, kind of, helping me.

I heard nothing in your testimony -- and correct me if I'm wrong -- or even your answers to the questions that has said that the Federal government, FEMA, in any way, manner, or form has been inconsistent in treating different states different ways.

ASSISTANT COMMISSIONER CALLAHAN: I'm really not in a position to speak for different states. But I have to say that our program efforts for various different floods have been met with a consistent response.

ASSEMBLYMAN GREGG: But none of-- You have no testimony-- You're not bringing to this Committee today an accusation that the Federal government has treated Pennsylvania differently than here. Because it has been mentioned twice. And what happens in Committees sometimes is, words pop out, and then they end up someplace else.

You did not testify to that. I have not heard anyone today testifying, including the Chairman, that there's any information that Pennsylvania was treated differently. Would that be--

ASSISTANT COMMISSIONER CALLAHAN: I wouldn't be in the position to make that comment, correct. I have no knowledge of--

ASSEMBLYMAN GREGG: I appreciate your answer, but I'm going to make you answer it the right way--

ASSISTANT COMMISSIONER CALLAHAN: No.

ASSEMBLYMAN GREGG: --or we're going to be here a long time.

You didn't testify that there was any difference in New Jersey. You're not coming here saying, "The Federal government has treated us unfairly." You have not said that.

ASSISTANT COMMISSIONER CALLAHAN: No, I'm not.

ASSEMBLYMAN GREGG: Okay. And I didn't think you did. And I just want to be clear for the record on that.

And I think you also testified that, for the most part, FEMA has worked with you.

ASSISTANT COMMISSIONER CALLAHAN: Generally speaking, yes.

ASSEMBLYMAN GREGG: Generally speaking.

And when we have failed to qualify -- which I think is a term that's unfortunate, but we have to use it because there are standards for these types of agencies to deliver funds. They have to have a black and white line. They create a black and white line. When we failed to meet that test they have, in the past, actually gone backwards and helped you -- even when you have not gotten to that black line.

ASSISTANT COMMISSIONER CALLAHAN: If I understand you correctly, when we have not made it to the black line, and they have rejected us--

ASSEMBLYMAN GREGG: On this case. But in others--

ASSISTANT COMMISSIONER CALLAHAN: Other cases, we generally do not go back to the well. We accept their decision and move forward.

ASSEMBLYMAN GREGG: I thought you were saying-- I thought you testified -- and I have to go back and read your testimony --

that you said in other cases they have been flexible. You said that you thought you'd only get \$800,000 and then, ultimately, you got a heck of a lot more money. Did I misunderstand that?

ASSISTANT COMMISSIONER CALLAHAN: Basically, the initial distribution of request has costs that are associated with two or three days after a flood. They do allow us to come back and revise, based upon contractor distribution of expenditures. And they will increase if it meets the criteria.

ASSEMBLYMAN GREGG: And their history, though, has been to be somewhat flexible. And you're really--

ASSISTANT COMMISSIONER CALLAHAN: In that regard, yes.

ASSEMBLYMAN GREGG: And what you're really coming here to say, which really is the end-- I mean, we all want New Jersey to get the best benefit it can. Certainly, we want our taxpayers to get as much as we can get back from the Federal government, knowing how much we give to them.

What you're coming here today -- is saying, "Please help our congressional delegation in any way you can to have FEMA be as flexible as they can within the guidelines that are created." That's really the-- Is that the thrust of your testimony?

ASSISTANT COMMISSIONER CALLAHAN: That's correct.

ASSEMBLYMAN GREGG: And I appreciate that. And we're with you on that.

ASSISTANT COMMISSIONER CALLAHAN: Quite welcome.

ASSEMBLYMAN GUSCIORA: I hope I wasn't misconstrued before. I don't think that the Commissioner, at any time, testified that FEMA was unfair. I said it.

ASSEMBLYMAN GREGG: I didn't think so either. I just wanted to clarify it for everybody else.

ASSEMBLYMAN GUSCIORA: I just want that clear.

FEMA, on their own Web site, has maps of New Jersey and Pennsylvania. And they show, in the light gray, areas where local governments received aid. And there is a different issue -- transportation dollars, and then there's local governments.

The fact remains that in Florida and in Pennsylvania, FEMA did reimburse local governments for aid. And in Florida, they went out and they gave extraordinary -- which it's been shown that they shouldn't have given money out. The fact remains that New Jersey did not get any local government aid from FEMA. And if we could ever get to the bottom of that, that would be something that we should explore further.

Notwithstanding, Commissioner, I do want to thank you for the photographs that you supplied the Committee. I'm passing them around, and we'll get to the other side.

But there were two photographs of Route 1 that are right outside our door, right over here. (indicating) And it seems to be that in front of the Capitol, there's been flooding there before. And I know, probably, there are many people in the State-- And we had to shut down -- and I'm sure there are people who will voice that that was a good thing, if we shut down. (laughter)

But notwithstanding, is there something that can be -- whether better drainage? Or is there some mechanism that could occur right here in this area? We noticed that our parking garage gets over flooded from time to time. Is there something that can be done on Route 29, as a State highway, that would divert the water so that this highway can remain open in the instance of future flooding?

ASSISTANT COMMISSIONER CALLAHAN: Well, probably a couple things to consider. The pictures that you have in front of you probably mirror the September flood almost verbatim. I believe April -- the Delaware River Basin crested somewhere in the vicinity of 29 feet. In September, it was 27 feet. Generally, it has to get to that floodplain before 29 will flood to that level. And the bottom line is, the water becomes higher than the head pressure, and it just forces it back through the inlets.

The very beneficial scenario there is, it is coming in through the inlets. Because if the water was infiltrating through the banks at the speed it was running in that river, we would have lost Route 29. There would not have been a road there. So we were praying that the water came up nice and calm.

We can put specific types of head restraints on it. Doing a major modification to the roadway for an anticipated 100-year flood probably would not be cost beneficial in this case. We do have a project plan in place that will restructure Route 29 to some extent, if it ever gets to that approval status. And that's probably going to move some of the roadway further inland, which would prevent, possibly, even a 100-year flood damage.

I'm hoping in the rest of my lifetime I never see water that high in the Delaware. That was extremely high. It really was an anomaly to have that once. To have it twice is, in my mind, incredible.

ASSEMBLYMAN GUSCIORA: Thank you.

Are there any other questions from the members? (no response)

Thank you very much for your testimony, Commissioner.

ASSISTANT COMMISSIONER CALLAHAN: It's a pleasure.
Thank you.

ASSEMBLYMAN GUSCIORA: I'd like to call up Gary Sondermeyer, Chief of Staff of the Department of Environmental Protection.

G A R Y S O N D E R M E Y E R: Thank you, Mr. Chairman.

Good morning, distinguished Committee members.

Again, Gary Sondermeyer, Brad Campbell's Chief of Staff at the Department of Environmental Protection. And with me is Dave Rosenblatt, who serves as our Administrator for Engineering and Construction. I asked Dave to come along for technical support for questions that might come from the membership.

As I'm sure you're aware -- the Committee members -- that in response to the flooding that we're speaking about today, Governor Codey did call for the creation of a Flood Mitigation Task Force. And Commissioner Campbell was asked to chair that Task Force. And with your permission, I'd like to give a quick overview to the Committee members of what the scope of the activities is anticipated to be, what we're going to be looking at, the time frames, what's anticipated for public involvement and outreach, if that would be okay.

ASSEMBLYMAN GUSCIORA: Great.

MR. SONDERMEYER: Thank you.

I did supply copies of my testimony. Again, with your permission, I'd like to just summarize that and not go through and read every aspect of it, but just to go relatively quickly.

I believe that the membership of the committee is appropriate. I think it strikes a balance of technical agencies and their involvement such as the Delaware River Basin Commission, the New Jersey Water Supply Authority, and the Federal Army Corps of Engineers. Also critical is the emergency response side of things, which would be represented by the New Jersey State Police and Federal Emergency Management Agency, FEMA; Environmental and civic organizations, such as the Delaware River Keeper and the Isles Incorporated Group -- which I believe is based here in Trenton; and local elected officials. And we're pleased with the participation from distinguished Mayors Doug Palmer of Trenton, Dave DeVecchio of Lambertville, and Harry Wyant of Phillipsburg.

Again, the full committee membership is listed. You will not see, at this time, a member from FEMA. I did speak with the Regional Director of Region II of FEMA yesterday, and they are going to be participating and having someone participate in our next meeting.

The first level of the scope of activity is to do some baselining. And the baselining would include the following areas to look at.

Assessment of what happened, which is what we're discussing here today: how much rainfall, issues with snow pack; why what happened, happened. Critical management decisions: The river is basically managed for releases through the interstate organization of the Delaware River Basin

Commission. I believe that they've been invited to testify today. I'm sure you'll hear more about their activities -- but to review what management decisions were made, did those decisions have an impact on the flooding. And certainly from discussions with DRBC, their involvement in probability helped reduce the amount of flooding. It didn't exacerbate it. But I'm sure you'll hear more direct testimony from that organization, which we are happy to participate in as a member.

Also, damage assessment: There's been a lot of discussion already, appropriately, this morning about what was the damage assessment, what was FEMA's response. So we certainly plan to articulate that in great detail in any report that we do.

With those baselining efforts -- or to supplement those baselining efforts, I believe that the real focus of the Governor's Task Force will be to try to identify what are the appropriate next steps to try to mitigate future flooding, as we've already been discussing this morning. And that would be in areas of prescriptive measures that might be taken; infrastructure improvements to the system; property acquisition potential; early warning planning or improved early warning planning; and public education, which we've already found to be, certainly, a key element of this, and involvement.

Some of the more specific things we want to look at, again -- the structure for existing river management through DRBC -- whether that needs to be modified or not. It might be sufficient as it is through their existing Flood Advisory Committee. Infrastructure improvements, again, to try to reduce the vulnerability of areas through construction projects to mitigate future impacts in the Delaware Basin. Land use management and

property acquisition, as I mentioned: Can land use control -- should land use controls be modified in flood-prone areas at the local level, perhaps, through DEP permitting, through whatever legal means that we have through rule making or zoning controls? And should we be looking at more targeted land use acquisition through our Green Acres Program and other programs to take lands out of harm's way to avoid future flooding?

Another area we want to look at is institutional controls, what technology currently exists. Fortunately, technology has greatly improved. We want to look at what our GIS capabilities are now, the degree and suitability of flood hazard mitigation mapping, look at the United States Geologic Survey stream and precipitation network, advanced technologies for hydrologic prediction services through the National Weather Service, and others.

A very key element we want to look at is funding, as has already been discussed this morning. What available resources exist from the Federal level, State, county, local, through agencies like FEMA, USGS, USEPA, and the Corps of Engineers, NJDEP, and so forth? It's certainly necessary to look at future assessment studies, as well as infrastructure improvements that might be available to us.

And, finally, to look at community outreach, again, and public education. I think some of our findings-- As it turns out, some of our DEP employees lived on the Trenton Island, or live on the Trenton Island area. And we found that things as simple as flood-proofed windows were not available in the basement areas and exacerbated the water just pouring into homes. So there's clearly a need to get out and remind folks, through

perhaps a tool kit, of what they can do to improve their situations if they're in harm's way in a floodplain -- flood-prone kind of an area.

The Task Force just met for the first time roughly two weeks ago, on May 26. And I think a couple of the items that will come out very shortly will be a subcommittee structure. And, loosely, we're looking at, at least, three subcommittees to take on the work that I just tried to outline -- a technical subcommittee, a funding work group, and a public participation and outreach group.

In terms of the public outreach element -- which Commissioner Campbell and the Task Force members feel very strongly about -- there will be regional public hearings along the way that are held in the four most directly affected counties with the Delaware flooding: in Mercer, Hunterdon, Sussex, and Warren. Once we come up with a draft report, that will be circulated for review. We anticipate having one additional public hearing that will be open to anyone who would like to come and give any testimony on the draft findings that come out of the report.

And there was also discussion of a need to go a little further than that and to actually try to convene, perhaps through the subcommittee on public outreach, focus groups with actual residents and businesses who were directly affected, to make sure that we take the extra step to get their input on what we might be able to do with recommendations.

Finally, in terms of time frame-- The Task Force members felt we needed to get this job done sooner rather than later. And we've been asked to put together a critical path schedule that will take into consideration all the analysis I've tried to summarize, and the public process, and all the hearings for completion of a draft report, in early

September, and hopefully a final report towards the end of September, so we can try to get moving with actually trying to address and mitigate future impacts of floods.

So with that, I thank you very much for your kind attention. And Dave and I will be happy to try to answer any questions we might be able to.

ASSEMBLYMAN GUSCIORA: Thank you, Gary.

I do want to applaud the Governor in forming the Task Force, because I think this is a very important issue to study.

And based on the questioning before -- and I realize you're the State agency, not the local agency. I'm wondering if the Task Force is taking up the issue of disparity between the aid that was given to Pennsylvania and the local aid that was received in the state.

Very much -- it's the same flood that occurred in September in Pennsylvania and New Jersey. It's the same flood that occurred in Pennsylvania and New Jersey in April. The same type of first responders that responded in New Hope that did get the local aid are no different than the first responders that responded in Trenton to the Island. So I'm at a loss as to why the feds reimbursed the local expenses of one state but not the other.

MR. SONDERMEYER: I'll give some degree of response.

Your point is very well taken and, I think, right on the mark. And that, sort of, popped out from the first meeting. We didn't have a FEMA representative. So we did reach out to get someone from FEMA directly involved to address those types of questions.

My understanding of the way that this works is that the State Police and the Office of Emergency Management generally serves as the collector of damage assessment information. For instance, for DEP, we have the State Park at Bulls Island, which was significantly impacted by the flooding. And we also work closely with the Water Supply Authority and the Delaware and Raritan Canal Commission, which also had damage to infrastructure that they control. We did collect all those damage assessment numbers.

FEMA was out very quickly with us, in our experience, and walking the sites, looking at the damage. We did come up with numbers. They're fed, centrally, into the Office of Emergency Management of State Police, and they make the petition and work very closely with FEMA to try to get available Federal funding.

My understanding is that there is a formula and a threshold. And that formula is a dollar amount per citizen. I'm not exactly sure what that dollar amount is. It's something like \$1.15 per citizen. And the damage assessment has to come up to that threshold. It's like a bright line. And you make it or you don't make it. And there's two forms, or two pots, of funding from FEMA. One is individual damage assessment, the other is the public assistance. And my understanding is that, at the end of the day-- And I can assure you, for the involvement that DEP had with our State Park and with the Delaware and Raritan Canal, that we looked not once, not twice, but three times to try to make sure that we had the right numbers to petition, through the State Police, to FEMA. And we simply didn't reach the bright line, collectively, to be awarded the public assistance. And I'm certainly not the expert. I do believe what I just testified to is

correct, but you might want to get some supplemental information from our coordinators, who I think do a great job, in the State Police.

ASSEMBLYMAN GUSCIORA: Even though it was a shaky line in Florida -- how they gave-- They were giving money out for the hurricane relief. It's just a shame that they didn't have the same shaky line when it came to New Jersey.

One of the things that DEP could get involved in, or comment about, is the criticism of overdevelopment in the Delaware River Basin region. Should we be concerned in the future about worsening impact of overdevelopment? And should we look to things like, along the shore, enacting a CAFRA type of restrictions on development along the Delaware River so we don't worsen our situation in the future?

MR. SONDERMEYER: A very interesting point and suggestion. And I can say that from the first meeting, we do want to look at, as one of the sort of threshold core issues, land use control and the need for any changes at either the local zoning level, through State regulations, what have you, to try to address the overdevelopment issue. It certainly is a problem. We do have homes and businesses that are directly in harm's way. And as others have said to me before, this has happened once, it's happened twice -- with the enormous storms in the past year, and the Burlington area just a short year ago -- I think we're coming up on the anniversary very shortly -- and then this most recent storm a few months ago. It's going to happen again.

So, absolutely, that is going to be one of the key focus areas of the Task Force. Absolutely.

ASSEMBLYMAN GUSCIORA: I did find it alarming that a 50-year flood turned into a five-month flood, and that, very much it's been estimated that storms will be becoming more frequent and that the flooding will only worsen.

Do you have any comment about that, that we have -- we'll have less than a 50-year flood, and that they'll be more frequent in the future?

MR. SONDERMEYER: I really don't. I think it's very cyclic. And someone like Dave Robinson, who's the State meteorologist, who I've heard talk before -- that we had great involvement just a few short years ago with the drought that we had. And in those discussions, I recall him speaking about just how random, and cyclic at the same time, that storms and droughts seem to come.

So I really can't offer anything of substance.

ASSEMBLYMAN GUSCIORA: Thank you.

Do members have any questions?

Assemblywoman Greenstein.

ASSEMBLYWOMAN GREENSTEIN: Good morning.

MR. SONDERMEYER: Good morning.

ASSEMBLYWOMAN GREENSTEIN: I just wanted to ask you a question on the issue of funding opportunities. I noticed that that's one of the areas that the committee will be looking at.

Do you think that the fact that we feel, in New Jersey, that we haven't gotten enough funding is a result of not amassing that kind of information? Do you feel that if we were to do that, that we would indeed find that there would be adequate funding to address the kind of problems

that we have here? Or do you think there just plain isn't enough funding out there?

MR. SONDERMEYER: I think-- My understanding, at least, is that in terms of the emergency response aspect -- the damage to Bulls Island, to the DOT information that the Assistant Commissioner spoke about -- it's a very specific -- case-specific activity and review. FEMA comes in. They do a walk with the State reps, whoever it is, to take a look at the damage and to agree to -- or not agree to -- the assessment of the damage. And it's formula-based. And they try to make it as black and white as they can.

Beyond that aspect, I think there's opportunities for us. And that's why we're going to focus a lot of attention on the funding committee to try to work with organizations like the Army Corps of Engineers to get detailed assessment work done to evaluate what infrastructure structure improvements, other mitigating measures can be brought to bear through Federal funding, with the sum element of State match to that funding -- I think there is a State match component -- to try to get at these issues. But I think it's clear we would like to get more funding to New Jersey, to be able to do these assessments to try to address these horrible circumstances of these natural disasters.

ASSEMBLYWOMAN GREENSTEIN: On the FEMA part of the funding, you say it's formula based. Is that the direction we should take -- to push for a change in the formula? Is that something that's possible for us, or realistic?

MR. SONDERMEYER: Unfortunately, Assemblywoman, I don't think I'm qualified to really answer that. The State Police folks and

OEM are our direct liaison with FEMA. And they might be able to speak to our historic experiences with that formula and whether it seems fair or disproportionate.

And if I might, Assemblyman, I didn't quite fully answer your question earlier about dealing with Pennsylvania. One of the other things that came out in our first discussions was that there probably is a need, and it would be very appropriate to involve officials from Pennsylvania in the work of the Task Force. Because it is a common river, obviously. And they were directly impacted. There were some hearings and proceedings held in Yardley, I believe, over the past couple of weeks. We did go and monitor those proceedings. And we do plan -- we haven't figured how yet -- to interact with Pennsylvania so they're part of our discussions as well.

ASSEMBLYWOMAN GREENSTEIN: Thank you.

MR. SONDERMEYER: Thank you.

ASSEMBLYMAN GUSCIORA: Assemblyman Payne.

ASSEMBLYMAN PAYNE: Thank you, Mr. Chairman.

Just-- Your testimony points out a number of various -- that would be looked at -- the assessment of what happened, and analysis, critical management, etc., etc., etc.

The question I would have is that-- The question, in fact, here is, were releases made in the upper Delaware Basin -- by whom, under what authority, when, and how much? The Task Force is going to look into those things. But I would imagine that those kinds of actions or initiatives are probably in place now. I mean, releasing the water -- upper Delaware Basin, etc. So we really don't need a long study to determine whether or not this, in fact, happened. Can you, kind of, comment on whether or not

releases were done on time and whether or not there is a protocol in place now to, in fact, follow this procedure in instances like this?

MR. SONDERMEYER: I absolutely can.

You are absolutely correct that we don't need to spend, I don't believe, a great deal of time on that. We did include it in the outline, because it is critically important, particularly I think, for the public to understand how the river is managed, and what decisions were made, how they were made, what releases were made, and what impact that had.

The chief organization, I believe, to speak to that is the Delaware River Basin Commission. They are part of this Task Force. I have seen some literature they put out summarizing what happened, why it happened. So that is available. And I believe that their contention is that the management of the river, and the decisions made with these particular storms, actually had the impact of reducing, to some extent, the degree of flooding that took place.

So you're right. I think the river was being managed. The decisions are made in a calculated way. But I believe someone from the Delaware River Basin Commission may be offering testimony and, I'm sure, can speak to it much better than I can, Assemblyman. That's my understanding at least.

ASSEMBLYMAN PAYNE: Someone is here to testify.

ASSEMBLYMAN GUSCIORA: Yes.

ASSEMBLYMAN PAYNE: The other area that I was interested in is, it says that, probably, the only real way that we're going to address and find solutions to this problem is only unless the State undertakes a massive storm water management plan along the Delaware. There's little

else to be done, I think it stated there. So the fact that the river can't be widened, that kind of--

What-- Is there any alternative then, other than the State undertaking a massive storm water management plan along the Delaware?

MR. SONDERMEYER: As I'm sure you do know, Assemblyman, we did adopt updated storm water regs in the State, within the past year or so, which we believe will overall help, statewide, with these issues. They're very rigorous after many years of preparation and development.

I do think that the scope of what this Task Force is going to look at is appropriate to try to get at your question. I think there are a number of areas where we can make improvements all across the line. There are assessment studies that we can have done that will help in our information. There are technical tools, like computer tools and assessment tools, that we can improve. Mapping-- I think we've already found that some of the flood hazard mapping is terribly out of date and needs to be updated. The public element that I spoke about, of public education, will contribute. The types of funding that my peer from DOT, Assistant Commission Callahan, spoke about -- about getting funding to do the job that's necessary for routine maintenance of catch basins.

I think it's a very holistic approach that's necessary. And I do think that the Task Force, for its first meeting, did a good job of scoping out what we're going to look at to try to address, perhaps incrementally in various areas, how we can improve this situation.

ASSEMBLYMAN PAYNE: Mr. Chairman, there's probably someone else who can more appropriately answer some of these questions that we're posing.

All right. Thanks a lot. Thank you.

ASSEMBLYMAN GUSCIORA: Thank you, Assemblyman.

Assemblyman Pennacchio, and then Assemblyman Gregg.

ASSEMBLYMAN PENNACCHIO: Good morning.

ASSEMBLYMAN GUSCIORA: I should go the reverse, but--

ASSEMBLYMAN PENNACCHIO: I am concerned and have questions about the coordination of requests for these grants when we have these types of issues that occur.

The major FEMA grant went with the Office of Emergency Management, which you say is handled by the State Police.

MR. SONDERMEYER: Yes.

ASSEMBLYMAN PENNACCHIO: Okay. The DOT request -- did that also follow the same chain of requests, or was that a separate-- And we have the Assistant Commissioner still here. Perhaps he can answer it.

ASSISTANT COMMISSIONER CALLAHAN: I'm sorry?

ASSEMBLYMAN PENNACCHIO: The request for your grant, was that done directly, or was that done through the Office of Emergency Management?

ASSEMBLYMAN GUSCIORA: For the purposes of the record, the Commissioner would have to come up to the mike.

ASSEMBLYMAN PENNACCHIO: If you don't mind.

MR. SONDERMEYER: Do you want me to step down?

ASSEMBLYMAN GUSCIORA: Just so that his answer would be on the record, because that's a very good question.

ASSEMBLYMAN PENNACCHIO: Oh, thank you Chair.
(laughter)

ASSEMBLYMAN GREGG: You don't have to play musical chairs. You can all stay up there. Everybody's leaving.

ASSISTANT COMMISSIONER CALLAHAN: Basically, our Office of Emergency Management unit works in direct concert with the State OEM. We're a direct link.

ASSEMBLYMAN PENNACCHIO: I want to see that coordination because, again, we-- Previous testimony said that perhaps -- and I don't know, I'm not really sure whether you can or your can't -- if those two requests had been combined, and the fact that it's ongoing-- We're very, very close to that threshold that we didn't quite reach the first time. But, perhaps, if we can review it again--

But, for the future, if we can maybe get a little better coordination -- that way those questions can be asked prior to those grants going out. And knowing exactly what those thresholds are, maybe not sending those threshold grants out unless we know we have hit it, or just looking for ways to make sure that we do hit it.

But again, for me, it's an issue of coordination, making sure that DOT, and DEP, and whatever other State agencies are requiring those resources from FEMA are on the same page.

ASSISTANT COMMISSIONER CALLAHAN: Just so you know, Assemblyman, the protocol that we follow during the storm -- and we try and keep it very stringent so that these issues don't come up. If a local

constituent, if a mayor requests something, we tell them they cannot come to the State Department of Transportation directly, even if they have a business relationship. They have to go up through their county OEM, the county OEM goes to the State, and it comes back down to us. Then all the resources are not only identified properly for record keeping purposes, but you don't have three or four different agencies stepping on each other, thinking there's more resources than are available during the event.

ASSEMBLYMAN PENNACCHIO: But all this information, especially for grant requests, gets filtered into one -- hopefully one person at OEM that's, I'm sure, bright enough to figure out that the best possible avenue to succeed in these requests, whether it's DOT requests from the feds or FEMA directly, would be one grant or the other, or a combination of both.

ASSISTANT COMMISSIONER CALLAHAN: Group of people.

ASSEMBLYMAN PENNACCHIO: Okay. Hopefully, that's being followed out.

Just as an aside, I just found out that FEMA now is part of Homeland Security. And yet we still have OEM handling our requests for these.

Has anybody looked into, or has anybody questioned whether we should also take those FEMA requests and maybe parallel them and put them in our department of Homeland Security?

ASSISTANT COMMISSIONER CALLAHAN: There's been some circumstances where specific events parallel whether it was a restoration and resource issue or a homeland security issue. We found that,

in its infancy, they're generally pretty much delineated funds. And the Homeland Security funds are very difficult for us to get. We had a very difficult time accruing funds for anything that we need from a homeland security perspective. That's an issue.

ASSEMBLYMAN PENNACCHIO: Thank you.

ASSEMBLYMAN GUSCIORA: Assemblyman Guy Gregg.

ASSEMBLYMAN GREGG: You had your time.

ASSISTANT COMMISSIONER CALLAHAN: Thank you.

MR. SONDERMEYER: Assemblyman, I'm sorry. I hope I'm not out of line.

ASSEMBLYMAN GREGG: Please feel free.

MR. SONDERMEYER: Would I be able to please respond to-- Sorry.

ASSEMBLYMAN PENNACCHIO: Sure.

MR. SONDERMEYER: Thank you.

I just wanted to say that my understanding, from my experiences, is that in terms of coordination -- that all the State agencies do have a whole arm of their activities which deal with emergency response and emergency response coordinators, so that when a storm happens, like what just happened, our folks are right out there and they're working hand-in-hand with the State Police. And there is that central, one point of contact -- which is really a question -- which is a great question -- that does take all the requests.

ASSEMBLYMAN PENNACCHIO: For the immediate help -- the logistics of taking care of what's immediate, as far as rescuing people and property, absolutely. But I just want to make sure, for the Federal

request for funding, that we have somebody bright enough to realize that it may not be A or B, it may be a combination of A and B in order to get us those resources. And I don't know-- Does that coordination-- Is that also included?

MR. SONDERMEYER: Yes.

ASSEMBLYMAN PENNACCHIO: Okay.

MR. SONDERMEYER: That was really my point. In fact, in our case, they had us out not once, twice, but three times to try to make absolutely sure that the request we had was as appropriate as possible to hit that threshold.

ASSEMBLYMAN PENNACCHIO: In conclusion, the Assistant Commissioner said that -- paraphrasing -- that they may be able to go back and revisit the grant requests and, perhaps, maybe rewrite the grant requests and include some of the moneys that weren't included for that DOT -- into the FEMA requests. Do you concur, from past experiences?

MR. SONDERMEYER: I do know that in this particular case we did make two pitches to FEMA for funding, after doing that kind of thing. In this case, certainly from this testimony today, we can go back and at least ask the central contact at State Police if we can go back again.

ASSEMBLYMAN PENNACCHIO: And we would be more than willing to help, obviously.

MR. SONDERMEYER: I'll speak to him this afternoon.

ASSEMBLYMAN PENNACCHIO: Thank you.

ASSEMBLYWOMAN GREENSTEIN: Assemblyman.

ASSEMBLYMAN GREGG: Thank you, Madam Chair.

Thank you for your testimony, Gary.

I'm going back to the formula that you put forth, which is a formula that I understand and have just been made aware of, as well. There has been--

I don't like to speak without the Chairman here, even though I'm speaking about the Chairman. There's been some discussion today about the question of inequity, perhaps, between states in the way we have been treated. And this formula drives directly against that. Obviously, in the previous flood, there was clearly an issue that was brought forth in whether or not New Jersey was being treated fairly in comparison to Pennsylvania. And when the dust settled after that it was clearly, unfortunately, an error on the part of New Jersey in not filing for expedited funds as Pennsylvania did. And, unfortunately, the shame was on us. The shame was not on the Federal government or Pennsylvania. We had to give them credit for utilizing a process that, perhaps, we did not know about or chose not to use.

I'm sensing a little bit of that same tenor here -- that perhaps we're going to make some of the same accusations now. And when you explained this formula to me, it is, as I understand, a dollar per capita type of formula that gives us a very clear black and white threshold that we should know before we apply for the funds.

Now, when we applied for the funds, did we know that we did not meet the black and white test? And if we did, why did we apply? And when we applied, why did we not have a hearing then so we could move and try to support the fact that there is good reason that we should get those funds, even though we didn't meet the threshold? And we can have that discussion, because I think all of it is important, because the formula

may be wrong, and we may be working towards that end. But I would be curious why we're here now, after being rejected, when we knew we would be rejected.

If I go in and apply for a driver's license at 15, there's good reason for me to believe that I may not get that driver's license, because I know the rules. And I will leave the response-- And if I have to go over the questions again -- it was kind of long -- I'd be happy to.

MR. SONDERMEYER: No, I think your question was very clear. And I do apologize. I'm not an expert in how this works, and I really can't give you a suitable answer. I can tell you that my understanding is that the threshold is very clear. It's a base formula. And it's a formula for individual assistance. There's a formula for public assistance. You make it or you don't make it.

I do think the Office of Emergency Management can articulate how this works very well. And perhaps someone from the State Police can supplement today's proceedings to explain it. I really can't offer much more than that. Of how it exactly works, I don't know.

ASSEMBLYMAN GREGG: All right. Well then, we'll leave it at, "We don't know why yet." And perhaps at some point we'll figure out why. But we can pretty much agree it appears, at least at this point, that there is a fixed formula. We knew it was a fixed formula. We still applied, and we'll find out why we did and haven't discussed it earlier.

I do think at some point -- and I hope your Task Force looks at it, because I think a formula of that nature shouldn't apply in this case. It would make more sense that the formula should be driven by the two bodies that adjoin the water. And you should get the best of both worlds.

So if Pennsylvania would, because of its size, apply, it should automatically apply to us. I think we can make a great argument, and that's why we're here. I think we all agree that we should be making that argument through our Congressmen, and through our power as a State, and as all the departments that are here -- to say it makes sense to waive that for us. And I certainly hope they do.

But with that same vain, I hope, as we move forward, that if we have these small obstacles, it is far better to bring them up prior to the burglar getting into our house, as opposed to waiting until after we're rejected.

Thank you, Mr. Chairman.

ASSEMBLYMAN GUSCIORA: Thank you, Assemblyman.

Any further questions? (no response)

Thanks so much, Gary, for joining us today.

MR. SONDERMEYER: Thank you very much.

ASSEMBLYMAN GUSCIORA: I'd like to call up Mayor Dave DelVecchio and Councilwoman Cynthia Ege.

C O U N C I L W O M A N C Y N T H I A L. E G E: Ege.
(indicating pronunciation)

ASSEMBLYMAN GUSCIORA: Ege. (indicating pronunciation)

I do want to note, our Fire Chief Keenan is here, from the great city of Trenton. I don't know if he'd like to join them -- or you're here as an observer.

We'll have our illustrious local officials.

And Councilwoman Ege, I've been informed your son just returned from Iraq. So I want to salute your son for his service to the nation. And I hope he had a God speed return. And we're all grateful for him.

M A Y O R D A V I D M. D e l V E C C H I O: He was the grand marshal of our Memorial Day parade last week.

ASSEMBLYMAN GUSCIORA: Great.

COUNCILWOMAN EGE: Thank you.

ASSEMBLYMAN GUSCIORA: I guess that's the first year you weren't. (laughter)

COUNCILWOMAN EGE: Good morning, and thank you for the opportunity to speak on behalf of the municipalities and volunteer emergency services of the State of New Jersey.

In April, it was really bitter sweet. My son returned that Sunday -- the Sunday before the flood -- from Iraq, and came back on that Monday and went right to work pumping out basements.

Communities that border the Delaware River suffered major damage due to the flooding that occurred. In Lambertville, this was the second time in seven months.

While we're grateful that our residences and businesses were declared by FEMA, it seems that those who gave the most to ensure public safety, potentially risking their own lives, and the municipalities who took the measures to quickly and most efficiently return families to their homes are being penalized the most. By not declaring aid for public property in the great State of New Jersey, a financial and taxing burden is placed back

on those who suffered the most: the homeowners, the businesses, and the volunteers.

Furthermore, by declaring all public and private property in the commonwealth of Pennsylvania, our neighbors across the river -- and the United States Department of Homeland Security, who governs FEMA, has turned their backs on New Jersey, where people suffered massive losses.

And I just want to add, in September we received funding from FEMA. We had much more damage this time, and we've received nothing. In Lambertville, our per capita indicator is almost \$29. The statewide is \$1.14.

Like many other communities bordering the Delaware, our Office of Emergency Management, fire and rescue squad -- all volunteer operations -- and the Lambertville Sewage Authority worked around the clock, 24 hours, for several days. They lost time from work, many using vacation days; purchased fuel; and experienced equipment loss due to nonstop wear and tear. Now, fundraising is their only alternative. And it will take thousands of hot dogs and pancakes to compensate for this financial burden.

Our local government and the Lambertville Sewage Authority bore a burden of overtime, garbage removal, equipment damage, fuel, and much more, all of which will be taxed to property owners or passed on in fees -- owners who have already experienced two disasters and suffered personal losses, unlike our neighbors in Pennsylvania.

We stand with our volunteers, other New Jersey communities, with the residents and business owners, who support aid to foreign countries recovering from disasters, in asking for your help in sending a

strong message to the United States Department of Homeland Security in Washington, making them accountable for their decision and informing them that this is an undue hardship. If it's the formula, it's got to be changed.

It is imperative that they reconsider their declaration and include public property in the State of New Jersey, for the emergency services who are run by volunteers, who are also voters and property owners, and for the municipalities who took care of their residents.

Thank you very much.

ASSEMBLYMAN GUSCIORA: Thank you, Councilwoman.
Mayor.

MAYOR DeVECCHIO: I let the Councilwoman speak for us.

I came up with the Councilwoman. I'd be happy to answer any questions about any specific issue. But I think the Councilwoman very eloquently talked about our position.

ASSEMBLYMAN GUSCIORA: Councilwoman, was the city of Lambertville able to contact FEMA directly? What was your process in trying to apply for Federal reimbursements?

MAYOR DeVECCHIO: We used every vehicle that we were aware of. We talked to OEM, we talked to the Governor's Office, we talked to Senator Corzine's office, we talked to Senator Lautenberg's office, we talked to Senator -- or Congressman Holt's office; we talked to, through Bill Dressel, we're talking to Congressman Smith's office. We, essentially, pursued any avenue that we thought might be able to help us achieve what we are looking to achieve.

COUNCILWOMAN EGE: As well as we followed protocol when we filed our proper paperwork with the county OEM.

MAYOR DeVECCHIO: Exactly.

COUNCILWOMAN EGE: When something happens in a small community like ours, everyone goes to city hall. We all work together, and everybody calls everybody that you know. And I'm sure you all know David, and David doesn't stop until he gets an answer to our credit.

MAYOR DeVECCHIO: We did follow the process. And as the Councilwoman said, we went through -- with our normal process, we went through the county OEM, which did a fine job of helping us and were actually at the table with us at 5:30 in the morning, when we met the morning of the flood. So we had friends in this.

But it really comes down to dollars here. Because you can't say-- When people have basements and first floors full of garbage, you can't say, "We're not going to put dumpsters there for you to put that -- to get rid of it so you can move on with your life." You can't say that as a local official. You can't say, "I don't know if we're going to get FEMA funding, so we're not going to do that." We're not in that position.

When things happen of this nature, you have to act, and you have to act swiftly. And then you have to figure out where to pay for it later. And that's the situation we're in. And we did that in September. And the Federal government came through in September. We got \$.75 on a dollar, which I believe is the formula. And we received-- We had about -- municipally, we only had about \$40,000 worth of damage, and we got \$24,160 then.

But here we had much more damage. We had our court -- over \$100,000 there. We had, as the Councilwoman said-- The emergency services, they just-- At least we have the ability to tax, and the Sewer Authority has the ability to levy. The emergency operations-- And you all represent small towns. When they raise-- When they have to spend money, they have to go back to people who were kind enough to give them money to replenish that money. They don't have the ability to tax. So they're really left out in the cold, if you will.

Listen, the hardest thing -- and Cindy and I have talked about this -- the hardest thing you have to do as an elected local official is evacuate people. And we've had to do it too many times. And go back to--

I'm on-- As you know, I'm on Gary's committee at DEP. And one of the things that we're going to do is try to get our local officials in Pennsylvania to push for some of the things that we have in New Jersey, to prevent -- not just look at this as a one-side-of-the-river problem. We're going to try to make it a two-side-of-the-river problem.

We'll take any help anybody can give us in that. We had a guy come to-- I happen to be a Democrat. He happens to be an active Republican. And, you know, that's neither here nor there. But he came to the meeting, and he said, "Why aren't you doing this? Why aren't you doing that?" I said, "No. The question is, I need your help. I need you to call your friends, maybe in Congress, maybe you have friends in the White House, maybe you have friends somewhere. I need you to help us call people and get people to be responsive." And once again--

Here's the other question. There's a formula. Is there any waiver for the formula? I mean, are there conditions that -- where this can

be waived? Sitting here, I don't know the answer to that. But one would think there's always that opportunity. Because, once again, Trenton got clobbered. And in our county it was small towns: Lambertville, Stockton, Frenchtown, Milford. And when we have to put out a couple tax points -- for us, that's a lot of money, and it's a hardship. And, once again, all of our emergency services all up and down the river -- they're volunteer, and they're-- Where do they get the-- Where do they replenish the funds?

ASSEMBLYMAN GUSCIORA: Thank you very much.

ASSEMBLYMAN GREGG: Mr. Chairman.

ASSEMBLYMAN GUSCIORA: Guy Gregg, and then Mr. Payne.

ASSEMBLYMAN GREGG: Thank you, Mayor, and thank you, Councilwoman, for being here.

I'm going to be brief again, but we keep going in the same circle on this standard.

How much damage does your town have?

MAYOR DeVECCHIO: Probably in the neighborhood of \$250,000 to \$300,000.

ASSEMBLYMAN GREGG: Which was more than the--

MAYOR DeVECCHIO: More than September.

ASSEMBLYMAN GREGG: --the September storm.

MAYOR DeVECCHIO: Yes. We had--

ASSEMBLYMAN GREGG: And I think this is a question I don't think you can answer, but I'm using this opportunity. And I appreciate your testimony on it.

I think there's some confusement, at least on this side of the aisle -- that we were in a storm that, no one would argue, was more widespread. More counties were declared emergencies by FEMA in the second storm than the first storm. We know that. Your town, as a specific testimony, is -- you had far more damage in the second storm than the first storm.

However, our State, when they compiled the damage to get the funds, didn't qualify. Now, they obviously qualified in the previous storm. See, I'm kind of a hamburger flipper, so I'm a basic kind of guy. Small storm, we find enough damage to qualify. We do apply late, but we qualify. The second storm: bigger, more damage apparently, and we don't find an ability to get to the threshold, while Pennsylvania does.

That is the question of the day, as far as I'm concerned. We will do what we can, through all the methods that we can, to ensure that New Jersey is treated fairly. I don't know if there's a waiver. Every congressman has asked for one, Republican and Democrat. And this isn't a Republican or Democrat issue. It's not a Republican or Democrat day. But it clearly can be an are-we-working-well day. Is our administration responding on one side? But are we giving the information on this side -- analyzing damage well enough and ensuring that, when we analyze it, we know what the threshold is we have to get to before we can get it? I mean, you can borrow money at the bank, but they won't give it to you just when you walk in the door. You've got to show them some paperwork.

And the only thing I've heard testified to today, in a very gray way -- not that yours is gray by any means -- but on State officials is, no one has brought a list of what we applied with yet. No one has showed us why

we only got to \$7 million worth of damage instead of the \$9-plus million we needed. That should be the essence of this testimony today.

We feel your pain. I have small towns, too. I represent Sussex and parts of Hunterdon, as you know. I am confused that we have a bigger storm, and we can't achieve the threshold. And while we can yell at Pennsylvania, it isn't going to help us because, quite frankly, they're in the same position we are. Whether they hit the threshold or didn't, that's their job. Here, we're in New Jersey. The only thing we can do is make sure our officials that are applying for these funds get a reasonable estimate of the damage and ensure that when they're doing it they know what they need to get to to get it.

I appreciate your testimony.

I have no idea who else is testifying, Mr. Chairman. I hope there will be someone who can say how we had a bigger storm, less damage. Or did someone make an oops in the way they applied, by putting certain damage to one application and not to another, knowing they could get more money if they had put it in a different application? I have no idea. That's not my field of expertise. But I hope at the end of the day, or at some point, we can get to that answer. Because that's the bottom line. It would be much easier for us to justify the threshold before we ask for help, when we've already had enough damage in the state to justify the funds.

MAYOR DelVECCHIO: But you would agree, though, if it's a bigger storm, and for whatever reason we didn't meet the threshold, then someone should look at the threshold, too.

ASSEMBLYMAN GREGG: The threshold should be discussed, and I stated that before.

There's no question, through the Chair, that certainly a black and white line may not be appropriate, and it certainly should have ways to get around it. And it may way-- We may get it done that way. But there certainly has to be an answer to how you can have a bigger storm, covering far more area, and everyone saying we've had more damage, and we did not achieve that threshold. And that needs to be answered first. Because if we did not assess damage well, as a State, we can't go to other people to ask for help unless we're doing our own job first. And I think that's very important.

I represent New Jersey. I want our citizens to be represented well. And if I'm making an oops in my district, I'm going to be the first one to admit it. If this has been a mistake in administration, a mistake in assessment, the people in New Jersey deserve to know that first and, at the same time, parallel, we should be charging, saying, "Please look at this formula because, regardless of that, we shouldn't have to work under a formula that isn't appropriate. If the damage on the left side of the river equals the damage on the right side of the river, the standards shouldn't be different." Everybody agrees with that. But moving the Federal government isn't always as easy as it is to go back home and find out, did we use the system as effectively as we should? And we all know government is a system. As we relate through local, county, State, and Federal government, there are roads you have to travel. And if you travel them incorrectly, you will not achieve what you want to achieve.

ASSEMBLYMAN GUSCIORA: Thank you, Assemblyman.

I think we just need to time our floods near national elections, and I think the line will be lessened.

ASSEMBLYMAN GREGG: I'm doing my best in taking this to a nonpartisan level. And you just will not give up. We just had the tough primary, not you. (laughter)

ASSEMBLYMAN GUSCIORA: Assemblyman Payne.

ASSEMBLYMAN PAYNE: Apparently, there must -- there is some relationship between elections that are held, and who's in what position. It's my understanding that there's at least one state in the union that got far more money than it deserved the last time around. And now I think there's some investigation as to why that happened. But perhaps the next election will take care of that kind of foolishness.

Let me-- I'm concerned, Mayor, about the fact that you said you and your people called everywhere trying to find assistance, etc. And I'm curious as to procedure in these instances, whether or not-- Is the county--

MAYOR DeVECCHIO: Yes.

ASSEMBLYMAN PAYNE: Are they the coordinator, etc., etc., etc. Tell me just what happens.

MAYOR DeVECCHIO: We actually do the-- We have-- In our local OEM council, we have people who do damage assessment. And then they file reports with the county OEM, who file reports with the State OEM, I believe. So that's a process.

In addition to that process though, and as you represent people -- when you have an important issue to your public, you leave no stone unturned, and that's what we did in reaching out to people. We followed the process and the rules the way you're supposed to. But in addition to

that, it was that important to us that we use -- we call up everyone we could.

ASSEMBLYMAN PAYNE: Sure. And were you able to get any satisfaction -- at least answers or responses from any of the many offices or many areas that you called, especially at the Federal level?

MAYOR DeVECCHIO: We got tremendous moral support.
(laughter)

ASSEMBLYMAN PAYNE: Is there an advocate? For instance, an ombudsman or someone-- Or is the county responsible for coordinating? For instance, you make calls to the county, and they are supposed to follow through, etc.

MAYOR DeVECCHIO: The county talks to the State OEM, and that's how it is on our end. Obviously-- I think the process, on our end, worked fine. And I didn't mean to degrade the process by saying that we called people outside the process, because once again, we're just trying to help our residents.

ASSEMBLYMAN PAYNE: And I guess, ultimately, FEMA is responsible for responding, as far as providing assistance, etc.

MAYOR DeVECCHIO: Sure.

ASSEMBLYMAN PAYNE: And in this instance--

MAYOR DeVECCHIO: We initially-- And just so you know, in September, we initially-- Senator Lautenberg's office was very helpful. We initially got a-- In bumping up our number from what they initially offered us -- told us we were going to get a certain number, and we did the old, "Not enough. Call back." And they went back, and Senator

Lautenberg's and Senator Corzine's office helped and got us a higher number which, obviously, is important because--

But that's, arguably-- Even though it's two-- It's one budget cycle almost for us, because even though we're a calendar year town, it affects our surplus, it affects then what we had to do this year. On top of that, as you know, we had the bridge closed for six months, which was a great project done by the Joint Toll Bridge Commission. So we had -- we lost some income there, too. So that was hurtful to us, even though it was a--

ASSEMBLYMAN GUSCIORA: I know that well. I couldn't get to Havana's.

MAYOR DelVECCHIO: Even though it was a necessary project, and they did a very good job on that project, it was something that took money out of our pocket.

ASSEMBLYMAN PAYNE: The inference here that I've heard several times is the possibility that maybe we, here in the State, did not follow through as we should have. And I suppose that there should be someone here who can address that, and that, whether or not the formula was-- Is it the fault of the formula? Was it interpreted incorrectly? Or was it because we were not the right stripe here in New Jersey or what? I guess we have to find out how, in this instance, the formula was interpreted and applied. And I don't know who has the answer to that question.

MAYOR DelVECCHIO: With all due respect, that's above my pay grade. I always wanted to say that in a hearing. (laughter)

ASSEMBLYMAN GUSCIORA: Assemblyman Pennacchio.

ASSEMBLYMAN GREGG: It's above all our pay grades.

ASSEMBLYMAN PENNACCHIO: Thank you, Mr. Chairman. Your final costs -- have they been finalized, or are they still ongoing?

MAYOR DeVECCHIO: No, they've been finalized now. As you know, it took a while to do it, but they're pretty well finalized now.

ASSEMBLYMAN PENNACCHIO: And you had mentioned that-- If you had a paid fire department, the cost of that paid fire department would have been included in the FEMA request. But because you're a volunteer fire department, volunteers are penalized because they don't get the same consideration.

MAYOR DeVECCHIO: Exactly.

ASSEMBLYMAN PENNACCHIO: Did you at least include the cost of the cleanup, whether it's gas, coffee, doughnuts, things like that?

MAYOR DeVECCHIO: Everything.

ASSEMBLYMAN PENNACCHIO: You did do that.

MAYOR DeVECCHIO: Police overtime-- We even assigned overtime to every paid individual, whether they were eligible for overtime or not.

ASSEMBLYMAN PENNACCHIO: Okay.

Would it be possible for you to send this Committee a letter detailing the man hours that were volunteered? And then we can compare them to a paid department like Trenton or whatever.

MAYOR DeVECCHIO: Absolutely.

ASSEMBLYMAN PENNACCHIO: Because it would make our argument. Quite frankly, I don't think we should be penalized when we suffered the same damages as Pennsylvania. But there is a number. And

before we start complaining about them, let's make sure that we've done as much as we possibly can to make sure that we have our argument as strong as possible. And that means getting the numbers as high as we possibly can, in this case.

MAYOR DeVECCHIO: We'd love to do that. We had-- Just so you know, Assemblyman, we had about 10 percent of our town evacuated at one point. And what the firefighters have to do is-- Before someone can get back in a home that gets evacuated, they actually have to pump the house to get all the water out. And then we actually have to have construction officials at the site so that way they can make a structural assessment of the house to make sure that's a house that people can go back into and live. And then we actually have--

By the way, the utilities were very good in this, Assemblyman. PSE -- I mean, E-Town and JCP&L were extraordinary in this. They actually had a crew there the whole time, so that way when we did get someone back in their house, they could turn the gas and electric back on right away. So there's tremendous coordination getting someone back into their house.

But the fire companies-- We actually had 15 fire companies involved in our effort, from around the county. Because while our company and other companies were helping us do pumping, we actually had to have companies come in that could answer fire calls, were any fire calls to happen. We were fortunate in that while our companies were doing what they were doing, we didn't have any disasters, because that would have been a true disaster.

We had, what, about 15--

COUNCILWOMAN EGE: It could have even been more. But the concern is, when you turn the gas back on-- The concern is for a leak. And if it's going to happen, it's more prone to happen at that time. So that's why it's so important to have so many people involved.

ASSEMBLYMAN PENNACCHIO: Thank you for your efforts, and thank you for getting back to us with those numbers, because we could extrapolate those numbers to all the towns that were affected. And quite frankly, I think it's going to be significant.

Thank you.

MAYOR DeVECCHIO: Thank you.

ASSEMBLYMAN GUSCIORA: I do want to move this along, because I do want to get -- have a chance for the Army Corps and the Delaware River Basin Commission to testify.

But if you could stay there in case -- because I know Assemblywoman Greenstein and Assemblywoman Previte had a question.

But if we could bring Chief Keenan up, the Director of the Trenton Fire Department, he could be helpful, as well.

MAYOR DeVECCHIO: I'll stand.

ASSEMBLYMAN GUSCIORA: Assemblywoman Greenstein.

ASSEMBLYWOMAN GREENSTEIN: I just have a couple of articles here that I thought made a couple of interesting points.

There's an editorial from the *Home News* that says that the formula was that damage assessments must exceed a state's population multiplied by \$1.14. So it looks like what we applied for was under that amount -- 7.5. And we'd have to exceed -- what is it -- about 8 or 9 million, or whatever it is.

So it's possible -- I'm just guessing here, because I'm seeing this for the first time -- that maybe the amount that we said our damages were, as a State, did not exceed what this formula would require. It's clear, even from some of these articles, that many towns like Lambertville well exceeded it. But it may be that when they do the formula, they look on a statewide basis. And it may be that we didn't show enough statewide damage. It says that in the other flood, we showed about 60 million in damages. That would clearly exceed, which may explain why we got the money at that time. Again, I'm not sure, because I'm seeing some different numbers here.

MAYOR DeVECCHIO: If I could-- That's just, sort of--

ASSEMBLYWOMAN GREENSTEIN: That's only the formula. However, it seems like they should make exceptions for towns like this.

MAYOR DeVECCHIO: And those numbers just don't seem logical, because the damage was so much. In Trenton, and all along the river towns, the damage was just so much greater in April than it was in September.

ASSEMBLYWOMAN GREENSTEIN: It may be, in the individual towns it was, but I guess-- It says here, New Jersey's application was for 7.5 million, which doesn't seem to be-- If you took our population and multiplied it by \$1.14, it's what, about 9 million or whatever? That would come to more than 7.5.

What is our population, eight million -- 8.4 million.

I'm just saying it looks like maybe -- did we not apply for enough? I'm not sure. This-- I'm just raising the question based on these articles.

MAYOR DeVECCHIO: Once again, I can't answer that, because we only put in what we put in for.

ASSEMBLYWOMAN GREENSTEIN: Right. But individual towns, clearly, well-exceeded it. And it seems that we should -- and it looks like the Governor's letter -- which I have a copy of here -- pointed that out, that we had a number of towns that went well in excess. And they should be looking at it that way, rather than maybe the statewide number.

MAYOR DeVECCHIO: Exactly.

The other thing they could look at is a region, for instance. If a region was hit, and a region was hit hard, but the rest of the state wasn't hit hard, that region shouldn't be penalized because the rest of the state wasn't hit hard.

ASSEMBLYWOMAN GREENSTEIN: Right.

ASSEMBLYMAN GUSCIORA: And the Federal government should look at it as an interstate problem. And the region should be the eastern parts of Pennsylvania and the western parts of New Jersey.

So I do agree.

ASSEMBLYWOMAN GREENSTEIN: And just one last point.

In the Governor's letter, there's a paragraph where he mentions that \$1.14, and he says, "The communities on the Delaware sustained an extraordinary concentration of damages. New Jersey's statewide per capita indicator is \$1.14." But then he starts mentioning Lambertville at \$28.98;

Frenchtown, \$147.85; Harmony Township. So he mentions that towns that are much more hard hit.

MAYOR DeVECCHIO: Sure.

ASSEMBLYMAN GUSCIORA: Director Keenan.

MAYOR DeVECCHIO: By the way--

ASSEMBLYWOMAN PREVITE: Can I just ask one question, Mr. Chairman?

How many people were displaced from your town? You said 10 percent. How many actual people?

MAYOR DeVECCHIO: Four hundred.

ASSEMBLYWOMAN PREVITE: Four hundred?

MAYOR DeVECCHIO: Yes, we have 3,856 people, and we had to evacuate 400 people.

ASSEMBLYWOMAN PREVITE: Is everybody, by now, able to get back in their homes, or were houses completely destroyed?

MAYOR DeVECCHIO: We probably have a handful of people with very complicated problems. But almost everybody else-- Everyone, like I said-- Everyone, for the lion's share-- It probably took about -- by Friday. The flood happened, let me see, Sunday, Monday, and Tuesday. By Friday we had almost everyone but, probably, about 15 people back in their homes, because we just shut down our government, except for very necessary things.

And our whole focus was getting people back into their homes. So it was-- We stopped collecting taxes, we stopped everything everyone did in our city government -- which is a small city government -- was

focused to get people back in. And we had-- Cindy was valuable in that, and we had a whole-- Everyone pitched in.

But we still have-- Assemblywoman, we still have four or five people out with very complicated situations and structural problems, just as I'm sure they do in the Island.

I actually have to run.

Assemblyman, thank you so much for--

ASSEMBLYMAN GUSCIORA: Thank you for your time, Mayor.

MAYOR DeVECCHIO: From our perspective, any attention that's put on this issue we appreciate, because, like I said, our taxpayers are paying for it.

Thank you.

ASSEMBLYMAN GUSCIORA: Director Keenan.

DENNIS KEENAN: Thank you, Assemblyman.

ASSEMBLYMAN GUSCIORA: Welcome.

MR. KEENAN: My name is Dennis Keenan. I'm the Fire Director. I'm also the Emergency Management Coordinator for the city of Trenton, so maybe I can lend a little light to this, at least at the local level.

Mayor Palmer sends his regrets, as he's at the U.S. Council -- Conference of Mayors in Chicago.

I could tell you that, in September, the city's costs were about \$256,000, all of which was reimbursed through Federal grants. This time, it is well over \$500,000, and it is not being -- at this time, at least, it's not being reimbursed. We evacuated over 1,500 people in the Island and the Glen Afton sections of the city.

FEMA, I can tell you, was out very quickly. They were out-- The flood waters didn't go below flood stage, I think, until about 5:00 p.m. on Tuesday. And we were able to get our people starting back in Thursday afternoon. FEMA was there at the time, and they did the private damage assessment. And that went real well. They also opened a disaster recovery center here at the War Memorial. And for the public, it seemed to go very well.

I don't believe-- We talked about this storm as compared to the last storm. I think Assemblywoman Greenstein pointed that out -- that this storm, if we look at the track of it, as we tracked it through Emergency Management in Trenton -- when it hit the Delaware it sort of went straight up the Delaware. It almost veered a little bit left into the northern counties of Pennsylvania, causing a very great snow melt, as well as the rainfall. And the Delaware was the major river that overflowed, even though we've had -- I think there's over 400 streams that form the tributaries to the Delaware. But in the September flood, we did have several other rivers in the state go over, some in more densely populated areas. And I think that's part of our problem.

We, locally, have gone back to each city department and said, "Look at your PDA, the preliminary damage assessment, that was sent in with FEMA, and see if there's any -- if you've incurred any further expenses directly related to the flood." And we hope to get that, through the county, into the State OEM very shortly so that if this appeal is considered at the Federal level, if there's a waiver, or whatever, at least we might be able to give them a little bit more accurate records. I don't believe there was any mismanagement or mistake at the State Police level, because I know they

contacted us quite often saying, "We're having trouble meeting the formula." And, again, as we said, the formula is based on a statewide population. The people in Atlantic City and Wildwood had no damage from this, and they suffered none from it, where the communities right up the Delaware River -- on both sides of the river -- experienced severe damage.

So I think that maybe that formula needs to be looked at. Maybe it should be more about county by county than by state. We used, as we talked-- We used a paid fire department, but we also used, as mutual aid, almost every Mercer County volunteer department, as well as we had volunteer departments responding from Ocean County, Middlesex County, and Monmouth County.

In our formulas, we can get reimbursed for truck hours, which is an interesting thing. If a volunteer truck is used for 10 hours, there's a slight benefit to that. But none of the man hours that they put in -- as well as none of the man hours that sewer, or public works, garbage, whatever put in on a regular basis. Even though this flood may have been taking them from their regular assigned duties that day and focusing strictly on that-- As long as that work was not done on an overtime basis, there's no way to get compensated for that.

I don't want to drag these hearings out, because I think a lot of it has been said here. We got the public assistance -- the private assistance grants. We did not get the public. We are currently still working with FEMA on mitigation grants. And that's a whole other process. The assistance that we're asking for now from FEMA is the emergency measures that were taken during the actual event, the overtime expenses, the damage

to equipment, the damage to public structures such as roadways and bridges we heard about, as well as if there were any damages to public buildings, etc. Everything else, in terms of trying to mitigate the situation, is going to be addressed on a local -- on a separate grant program.

ASSEMBLYMAN GUSCIORA: Thank you, Director.

Now, are you part of all of the appeal that Governor Codey is making to FEMA? Are you keeping abreast of that, or have you made any specific contact with FEMA yourselves?

MR. KEENAN: We have made direct contact with FEMA, because there was -- the public assistance personnel were in our OEM during the event. We have only-- We haven't had discussions with them since the event. We're still actually working on some mitigation projects from the September flood.

But what we are doing on a local level is, once this rejection was received we sent a-- I've sent a memo to all city directors saying, "Look at your cost again, and let's get back and give it to the State Police OEM so that if there was anything missed--" If every town does that, and everybody comes up with a few hundred thousand, maybe we'll get closer to the \$9 million. But, again, I think it's kind of an unrealistic figure -- to look at it statewide, when the damage was more localized.

ASSEMBLYMAN GUSCIORA: I agree.

I also want to take the opportunity to applaud your department for the work and the dedication that my witness of the Island-- That was an incredible flood. And I think that, at all times, your department displayed such compassion and professionalism of getting -- the residents

were your first concern, and getting them to safety, and then to get back to their homes. So I do applaud you for your efforts.

MR. KEENAN: Thank you.

ASSEMBLYMAN GUSCIORA: You should be congratulated.

MR. KEENAN: Thank you.

And we did learn a little bit from September. And in looking around the room, I'm probably the only one there that remembers the '55 flood. So we learn a little bit each time.

ASSEMBLYMAN GUSCIORA: I do want to add that I did get a couple of complaints about -- people left their pets back in the homes and were very anxious to get back to make sure that they were fed. But in certain instances, your department made exceptions for them to get back--

MR. KEENAN: Snuck them back.

ASSEMBLYMAN GUSCIORA: --and snuck them back in.

So thank you, again, on behalf of the pet owners of Trenton.

MR. KEENAN: That's one of the issues we're dealing with now. The Mayor wants a written critique on his desk by tomorrow. And we've addressed that as something we have to do better in next time. We did, as we--

We passed out flyers to all the people advising them when to evacuate and how it was going to take place, etc. It worked very well, but it was very manpower intensive. And we are now working with Mercer County to implement the reverse 9-1-1 system. And that's supposed to be in effect by the end of August, before this next hurricane season arrives, I guess. So that will free us up, and we can give that kind of information. If you know you're going to be gone for two or three days -- and that's what

we told the people -- be sure medicines, pets, those kinds of things you take with you.

But we're working-- Even though we said we got them back within 48 hours of it going below the flood stage this time, we're working on ways to speed that up in the future.

ASSEMBLYMAN GUSCIORA: Thank you very much.

Thank you for your testimony.

I'd like to call up, as a group, Richard Fromuth, from the Delaware River Basin Commission; and Stan Lulewicz, the Assistant Chief of Planning of the Army Corps of Engineers.

Gentlemen, thank you so much for coming. And we appreciate your providing your patience and providing testimony.

S T A N L U L E W I C Z: Thank you, Mr. Chairman.

My name is Stan Lulewicz. I'd like to just give you a brief overview of what the Corps of Engineers' involvement is in flood control.

All the discussions this morning entailed damages and flooding. Obviously, the flooding occurred on the main stem of the Delaware River. We do have the capability, in the Corps-- One of the missions that the Corps of Engineers has is flood control. We look at flooding situations. We have done studies in the past, and we have that exposure. We have, obviously, supported the governors on the flood control committee. My commander, Lieutenant Colonel Ruch, is the representative on the committee -- the flood control committee. We're working closely with the State.

We do see the opportunity of getting that assessment done properly, the way it was articulated a few minutes ago, in the morning --

make sure that all the public input is -- the problem areas, the damages, and where are the sources of flooding.

What we have visualized in the next phase is the opportunity to partner with DEP, to do the detail studies for specific areas that will be high priorities identified by the State. It may be the areas of Trenton, Lambertville, those areas where -- sustain a lot of flooding. The Corps of Engineers will look at it from a watershed -- the two states -- the main stem. We want to do a comprehensive flood control study where we could get the source of the problem, look at the entire watershed, and implement solutions on the Federal, State level, county level. So the Corps has that capability.

We work with the DEP, and we welcome that opportunity to do that. We have the resources to do-- And congressional interest, obviously, will play in how much of a mission that the Corps will get. As you know, the Corps of Engineers is congressionally funded, and we do receive funding by project specific -- or whatever study projects that we do.

There is a process involved; there is, of course, sharing involved. What we-- After the process is done, we do make recommendations on the Federal side for Federal projects. So I just want to let you know, in the Philadelphia District, where I'm the Assistant Chief, this is the mission that my team would undertake. And when the September '05 report, that was mentioned this morning, will be done, those specific recommendations, hopefully, will be given to the Corps or other agencies, and then we work with everybody -- make sure that the proper solutions are there. And we do have the capability to look at the Delaware Basin. This is where the entire boundary line is for the Corps.

So in our past experience, obviously, this was the major flood -- '55 was the big one. The main stem-- We do have flood control reservoirs built on the Schuylkill, Lehigh, Lackawaxen, which saved, in this storm, over \$10 million in damages. We do not have projects on the main stem Delaware. So our concept for the flood control committee is to look at some local solutions, in terms of storm water managements, maybe some land use managements. A lot of ideas -- maybe buyouts. Flood proofing was mentioned this morning.

So I think, in the Corps -- working with DRBC, the DEP, and all the agencies that we normally work with -- I think we bring that expertise.

So I just want to let you know we're willing to take the mission, if we get that task. And we're getting ready, through our exposure on the flood control committee through the Governor's office, to know what the problems are.

ASSEMBLYMAN GUSCIORA: Thank you.

I want to give Richard a chance to testify, and then perhaps you could take questions collectively.

RICHARD K. FROMUTH: Thank you very much.

I represent the Delaware River Basin Commission, in the Operations Branch.

ASSEMBLYMAN GUSCIORA: Could you put your mike on? (referring to PA microphone) I think you have to press the button until it's red.

MR. FROMUTH: Okay. Thank you.

I do have some testimony regarding the flood event -- which we have learned through the National Weather Service, and the U.S. Geological Survey -- that I'll go through. I'll reference a couple of reports. I have one copy of the testimony and reports here. I'd be glad to make additional copies for you, if you'd like to have them.

Generally, the Delaware River Basin Commission, since the flood, has been involved with public information sessions, public hearings. We are a member of the Task Force, Mr. Sondermeyer reported on. We also have been involved with public information and distribution of that through our Web site. And we are glad to help anyone that calls us with questions about resources in flooding, related to other organizations that generally have more resources than we do.

I will go over the nature of the flood here and then a few recommendations, based on what we've learned so far.

The early April flooding along the Delaware River occurred less than seven months after the flooding from Tropical Storm Ivan. The April flood stage of 25.33 feet at Trenton was approximately two feet higher than the flooding from Ivan, and was the fourth highest stage on record, as was reported earlier today. The flood crest was more than five feet above the official flood stage at Trenton, which is 20 feet, and caused the evacuation of thousands of people and major property damage up and down the main stem of the Delaware River. It's been nearly 50 years since a flood of this magnitude occurred. The last was the flood of 1955. The stage for that flood was 28.6 feet, or three feet higher than what occurred in April.

Based on the information provided to us from the National Weather Service, there was a series of meteorological events that caused the

flooding. First, precipitation totals during the preceding 21 months, starting in June of 2003, were much above normal, particularly in the northern half of the Delaware Basin. This resulted in saturated conditions, including high groundwater levels and full reservoirs as of March of 2005.

Second, above normal snowpack had accumulated in the upper Delaware, with approximately three inches of water equivalent in the snowpack by the last week of March.

Third, the basin-wide rainstorm on March 28 and 29 -- one week before the April event -- brought over two inches of precipitation to the western and northern portion of the basin, and began a weeklong period of warmer temperatures which began melting the snowpack.

Fourth, a basin-wide rainstorm on April 2 and 3 brought two to five inches to the upper half of the basin and melted the rest of the snow. This brought the total rainfall and snowmelt to as much as 10 inches in parts of the upper basin. Based on precipitation frequency data available from the Weather Service, this six-day total is characterized as a 100-year -- or one in 100 chance -- meteorological event. This closely matches the flood crest frequency that was calculated by the U.S. Geological Survey, based simply on stream gauge record.

All of the water supply and hydropower reservoirs upstream in Montague, New Jersey, spilled at some point during the flood event. There was a temporary snowpack-based spill reduction program on Pepacton Reservoir that resulted in a storage void of 10 billion gallons prior to the March 28-29 storm. In addition, Lake Wallenpaupack was at an operating level which provided approximately 14 billion gallons of flood storage prior to the March storm. But both reservoirs were quickly filled by snowmelt,

and runoff from this storm had spilled during the second storm. All of the reservoirs, the three New York City reservoirs and Wallenpaupack, spilled during the second storm.

In all cases though, the inflow to the water supply reservoirs was less than the peak spill rate. So the reservoirs still served to reduce the flood peaks over what they would have been without the reservoirs there.

None of the Corps of Engineers' reservoirs in Pennsylvania spilled. Stage reductions on the Lehigh and Lackawaxen Rivers resulted in about \$10 million worth of flood damage reduction. And I just want to point out that those flood control reservoirs that the Corps operates are distinctly different in their design and in their storage allocation from the water supply reservoirs, and are managed specifically for flood control.

Flood watches were posted two days in advance of the second storm by the National Weather Service. Online flood forecast hydrographs were provided by the Weather Service through the Advanced Hydrologic Prediction Service, or AHPS. These were invaluable to emergency officials and basin residents because they're accessible through any computer system.

The efforts of the National Weather Service, the stream gauge support of the U.S. Geological Survey, the emergency services and the organizations -- and particularly the efforts of State and local emergency personnel, including rescue, fire, and police forces, and coverage by the media -- were all instrumental in saving lives and providing lead time for the evacuation. And we are extremely grateful for the efforts, many of whom are volunteer.

The question as to, can future flooding be prevented-- Just from our perspective, looking at the planning issues related to future flooding, we believe the Delaware River will flood again. It's sometimes said that Tocks Island Dam, had it been built, would eliminate flood damages along the Delaware.

That's not true. The Corps of Engineers has estimated that Tocks Island Dam would have reduced the April flood peak by three feet, so flooding would still have occurred even though damages wouldn't have been as severe. And in reality, the odds of a main stem flood control project are so low that none of the organizations with flood loss reduction responsibilities would look to such measures to solve the flood problem. In addition, any realistic management of the upstream water supply reservoirs, which are not designed for flood control, would have virtually no impact on flood crests from a storm like this on the lower main stem of the Delaware.

The Flood Advisory Committee and the DRBC, which is comprised of a number of different organizations -- about 18 in the basin, Federal, State, and local with different responsibilities -- has given us some ability to see the various programs they're working on and to try to help them coordinate among themselves. And they have worked with us in trying to get a perspective as to what can be done in the future about the flood problem, given the flood plains will flood again.

Some examples of these are completion of flood hazard mitigation plans by the states, counties, and municipalities. Under the terms of the Disaster Mitigation Act of 2000, these plans will be required for communities to maintain their highest eligibility to receive disaster mitigation funds. An update of the 1984 Delaware River Basin Survey

Report, by the Army Corps of Engineers -- this report evaluated flood mitigation measures for all main stem communities below the former Tocks Island Dam site, and this could accelerate the development of flood mitigation plans along with the work of the Task Force that New Jersey has formed; the implementation of flood warning improvements that were outlined in 2002 in a report for the Delaware Basin -- and they include expansion of the U.S. Geological Survey's stream and precipitation gauge network; accelerated development of the AHPS system, which is responsible for the online flood forecasts now, and has really been a major advance in information available during the floods; and the development of flood stage forecasts maps which relate forecast flood stage to areas of inundation. If those maps could be put online and coupled with the AHPS program, it would give emergency officials quick access to areas that need to be barricaded or evacuated.

Fourth would be an increase in funding for floodplain property acquisition and flood proofing, which we see as real long-term solutions, even though there are a lot of difficulties associated with movement of private property owners.

Strengthen floodplain management regulations so that they're consistent with a system that's been proposed by the Association of State Floodplain Managers, called *No Adverse Impact*. An example of this would be floodplain regulations which don't allow any new development in a 100-year floodplain.

Six would be continued development and enforcement of storm water regulations.

And seven, expansion of floodplain and flood safety education programs.

Obstacles to these include the limited Federal funding that exists now for property acquisition and flood proofing; the lack of local mitigation plans required for full compliance with the Disaster Mitigation Act of 2000; local funding limitations which limit the ability of counties and local governments to participate in the Federal cost sharing opportunities that are available. And one of the first could be completion or an update of the 1984 Corps of Engineers Study. The '84 study is here, and it really was a flood mitigation program attempt for the entire main stem of the Delaware River. It was well done. It identified individual structures that would be eligible for acquisition or flood proofing. But what stopped it from being implemented was local cost sharing requirements.

The absence of high-quality topographic mapping for the production of flood inundation maps, flood stage forecast maps; and legal issues that are associated with tougher flood plain regulations because of private property ownership and the potential loss of property rights.

And, lastly, limited agency funding. The DRBC lost its Federal share of funding approximately five years ago. And that has severely limited our ability to have staff available to support activities such as what are necessary now after a severe flood. And we also view flood loss reduction as a continuing activity, just as we would job planning. It should occur constantly. And our inability to respond and to lead in these situations is directly traceable to a loss of Federal funding.

I thank you very much and will take any questions.

ASSEMBLYMAN GUSCIORA: Thank you, both.

People have proposed, I guess -- whether channel widening of the Delaware, or the Army Corps-- I know your motto is, "Dredge it until it drops." I wonder if you could give us a feeling as to the practicality of simply just digging our way to a solution? I did notice that it's been estimated that even if the Tocks Dam had been built, it would only have lowered the amount by three feet.

Is it practical to simply dredge the Delaware? And roughly how much would that cost? If you can give us any idea of -- opinion.

MR. LULEWICZ: Well, I think what Rick was referring to -- the '84 study that we did. We looked at the main stem. And most of the solutions that we had in those cases were levies, a low (indiscernible) washing, flood proofing, and buyouts. And really the main-- In terms of dredging, it's a section that's titled (indiscernible).

I think just the amount of flood reduction that we need from channel modification is not going to get us a lot, because in most cases, it's the localized flooding. And like Rick said, Tocks Island was a good example.

I believe, in most cases, the flood proofing, buyouts, levies, (indiscernible) along the tributaries would probably work. And we need to get into -- look at the entire comprehensive approach on both sides -- state of Pennsylvania and New Jersey -- and look at the watershed. So I think that's where the effort would go. And just my look into '84, the main channel was not looked at for that reason. It was not cost effective, because you have to measure the number of feet that you would reduce on the flood stage, and then how much costs would be to maintain that channel.

Once you drop the channel like (indiscernible), then you have to maintain it, because there will be some silt accumulations and so forth. And in most cases, that would be more costly than the initial, because nature does move material back and forth.

ASSEMBLYMAN GUSCIORA: Is there a ballpark figure on how much the cost of dredging it to maintain it would be?

MR. LULEWICZ: I don't have any idea on this one, because you have to set the limits where you want to start from, the boundary limits: where would you drop, the channel from where to where, and the depth and the width. I would say at this point, I have no idea. We certainly could look at it in the future.

ASSEMBLYMAN GUSCIORA: Now, also, there's been criticism that we've been a victim of overdevelopment. Would it be prudent for the State to enact some kind of CAFRA-like controls along the Delaware to control future development along the banks? Would that have any impact on flooding in the future?

MR. FROMUTH: I think a program like that, to control development, has its biggest impact on the smaller floods that would actually come from the tributaries. With a flood like a 100-year event, what you essentially have is the effect of a sponge. A sponge will fill up until it's wet. But at that point, the water that falls on the sponge just rolls right off once it's saturated. In order to have events like we had with Tropical Storm Ivan, and like we had in April, you have to have precursor events which saturate it.

Storm water controls are very effective in the first part of a storm or for small storms. If you get a two or three inch thunderstorm

within an hour, storm water controls have a big impact on the flooding. But once you reach the point of saturation, whether you have retention ponds that are discharging at their maximum rate, whether you have impervious cover, or even woodlands, the runoff rate becomes closer and closer to the same thing. So the recommendation to do it, in my opinion, would be based on local flood control maps. It's still a good idea.

ASSEMBLYMAN GUSCIORA: Thank you.

Any members have any questions? (no response)

Well, thank you very much for your time. I'm sorry when you did get called it got so late. And your comments are recorded, so the information will trickle down to our other members who had pressing engagements. It's not a reflection on you. And I do appreciate you coming on behalf of the Committee members.

MR. FROMUTH: Thank you.

ASSEMBLYMAN GUSCIORA: Thank you very much.

MR. LULEWICZ: Thank you.

ASSEMBLYMAN GUSCIORA: This adjourns our meeting, and hopefully we'll continue to have these discussions and we may have future-- What we'd like to do is have FEMA come and shed more light on the formula, so we can very much be in the ball game in the future.

Thank you so much, Commissioner and everyone.

Thanks, Chief.

(MEETING CONCLUDED)