

105TH CONGRESS
2D SESSION

S. 2649

To enact the Passaic River Basin Flood Management Program.

IN THE SENATE OF THE UNITED STATES

OCTOBER 21 (legislative day, OCTOBER 2), 1998

Mr. TORRICELLI (for himself and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To enact the Passaic River Basin Flood Management
Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. PURPOSE.

4 The purpose of this Act is to establish the preferred
5 alternative for flood control in the Passaic River basin,
6 New Jersey, to be implemented in place of construction
7 of the Passaic River Tunnel, while maintaining the integ-
8 rity of previously authorized Passaic River basin restora-
9 tion measures.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) HAZARD MITIGATION.—The term “hazard
4 mitigation” means—

5 (A) floodproofing; and

6 (B) acquisition of wetland throughout the
7 Passaic River basin for flood management pur-
8 poses or retention and detention.9 (2) OVERSIGHT COMMITTEE.—The term “Over-
10 sight Committee” means the committee established
11 by section 3(j).12 (3) PREFERRED ALTERNATIVE.—The term
13 “preferred alternative” means a qualified acquisition
14 and hazard mitigation plan for the project.15 (4) PROJECT.—The term “project” means the
16 project for flood control, Passaic River Main Stem,
17 New Jersey and New York, authorized by section
18 101(a)(18) of the Water Resources Development Act
19 of 1990 (104 Stat. 4607).20 (5) QUALIFIED ACQUISITION.—The term
21 “qualified acquisition” means a purchase by the Sec-
22 retary, in cooperation with State, county, and local
23 governments, of property that has sustained exces-
24 sive damage caused by at least 2 floods, including
25 the major flood in the Passaic River basin during
26 1984 and any subsequent flood.

3 SEC. 3. COMPONENTS OF PASSAIC RIVER BASIN FLOOD 4 MANAGEMENT PROGRAM.

5 (a) STRUCTURES IN THE FLOODWAY.—

9 (b) ADDITIONAL STRUCTURES IN THE 10-YEAR
10 FLOODPLAIN.—

18 (2) COST SHARE.—

24 (B) FLOODPROOFING.—Funding of
25 floodproofing under paragraph (1) shall be

1 shared 75 percent Federal, 15 percent property
2 owner, and 10 percent State.

3 (3) CRITERIA.—Criteria for acquisition and
4 floodproofing shall be developed by the Oversight
5 Committee.

6 (c) STRUCTURES IN THE PASSAIC RIVER BASIN.—

7 (1) TO THE 50-YEAR FLOODPLAIN.—

8 (A) IN GENERAL.—The Secretary shall
9 floodproof structures in the floodplain of the
10 Central Passaic River basin to the 50-year
11 floodplain in areas of high risk.

12 (B) COST SHARE.—Funding of
13 floodproofing under subparagraph (A) shall be
14 shared 55 percent Federal, 20 percent State,
15 and 25 percent property owner.

16 (2) REMAINDER.—In the remainder of the
17 floodplain to the 100-year protective flood elevation,
18 the Secretary, in cooperation with the State of New
19 Jersey, shall provide information on techniques to
20 deal with flood management.

21 (d) WETLANDS.—

22 (1) IN GENERAL.—The Secretary shall
23 acquire—

24 (A) wetlands in the floodways throughout
25 the Great Piece Meadows of the Central Passaic

1 River basin to supplement the wetlands acquisition
2 (approximately 5,369 acres) authorized
3 under section 101(a)(18)(C)(vi) of the Water
4 Resources Development Act of 1990 (104 Stat.
5 4609); and

(B) upland transition areas with significant wildlife or other natural values.

17 (e) STRATEGIC LAND.—

21 (2) EMPHASIS.—In carrying out paragraph (1),
22 the Secretary shall emphasize land acquisition in the
23 Highlands Province.

1 Interstate Park Commission, the State of New Jersey,
2 the State of New York, and other Federal agencies (including the Forest Service, the United States
3 Fish and Wildlife Service, and the National Park
4 Service).

6 (f) MOLLY ANN'S BROOK.—The Secretary shall ac-

7 quire land to prevent flooding from increasing in—

8 (1) the High Mountain area in Wayne, New
9 Jersey; and

10 (2) the urban area of the Molly Ann's Brook
11 project in North Haledon, New Jersey.

12 (g) PASSAIC RIVER RESTORATION PROJECT.—

13 (1) IN GENERAL.—The Secretary shall complete
14 the Passaic River Restoration Project from Little
15 Falls to Newark Bay, New Jersey.

16 (2) RIPARIAN LAND AND PARKLAND DEVELOP-
17 MENT.—In cooperation with the Passaic River Res-
18 toration Steering Committee, the Secretary shall un-
19 dertake acquisition of riparian land and parkland
20 development and redevelopment in the Passaic River
21 basin.

22 (3) URBAN SPACE.—The Secretary shall ac-
23 quire parcels of urban space, such as Hilltop in
24 Essex County, New Jersey.

1 (h) STREAMBANK RESTORATION.—The Secretary
2 shall complete the streambank restoration element of the
3 project for flood control, Passaic River Main Stem, New
4 Jersey and New York, authorized by section
5 101(a)(18)(B) of the Water Resources Development Act
6 of 1990 (104 Stat. 4608), known as the “Joseph G. Min-
7 ish Passaic River Waterfront Park and Historic Area,
8 New Jersey”.

9 (i) REMEDIAL ACTIONS.—The Administrator of the
10 Environmental Protection Agency shall assist the Passaic
11 Valley Sewerage Commissioners in the implementation of
12 remedial actions for the combined sewer overflows in the
13 lower Passaic River Basin from the Great Falls to Newark
14 Bay.

15 (j) OVERSIGHT COMMITTEE.—

16 (1) ESTABLISHMENT.—There is established a
17 committee to be known as the “Oversight Commit-
18 tee” for the implementation of the preferred alter-
19 native.

20 (2) MEMBERSHIP.—The Oversight Committee
21 shall be composed of 14 members, appointed as fol-
22 lows:

23 (A) CORPS OF ENGINEERS.—The Sec-
24 retary of the Army shall appoint 1 member to
25 represent the Corps of Engineers.

4 (i) 2 representatives of the New Jer-
5 sey legislature who are members of dif-
6 ferent political parties.

9 (iii) 2 representatives of county gov-
10 ernment.

11 (iv) 2 representatives of local govern-
12 ment.

13 (v) 1 representative of the Palisades
14 Interstate Park Commission.

15 (vi) 1 representative of the North Jer-
16 sey District Water Supply Commission.

17 (vii) 1 representative of each of—

18 (I) the Association of New Jersey
19 Environmental Commissions;

20 (II) the Passaic River Coalition;
21 and

22 (III) the Sierra Club.

23 (C) APPOINTMENT BY THE GOVERNOR OF
24 NEW YORK.—The Governor of New York shall

1 appoint a representative of the State of New
2 York.

3 (3) DUTIES.—

4 (A) IN GENERAL.—The Oversight Commit-
5 tee shall—

6 (i) supervise, review, and make rec-
7 ommendations on all elements of the pre-
8 ferred alternative; and

9 (ii) provide guidance on appropriate
10 applications for the efficient implementation of
11 the project.

12 (B) PRIMARY CONSIDERATIONS.—The
13 Oversight Committee shall primarily consider
14 flood management projects that are non-
15 structural and that maintain and restore the ec-
16 ological integrity of the river systems.

17 (4) MEETINGS.—The Oversight Committee
18 shall hold meetings regularly.

1 ments of the project and any impediments to com-
2 pletion of the project.

3 (7) ASSISTANCE.—The Secretary, in coopera-
4 tion with the State of New Jersey, shall—

5 (A) cooperate with the Oversight Commit-
6 tee;

7 (B) provide administrative and technical
8 assistance to the Oversight Committee; and

9 (C) respond to all requests and rec-
10 ommendations made by the Oversight Commit-
11 tee in a cooperative manner so as to expedite
12 and complete the preferred alternative.

13 (k) PREFERRED ALTERNATIVE.—Congress—

14 (1) finds that the preferred alternative is the
15 most appropriate solution to flooding in the Passaic
16 River basin; and

17 (2) directs that the preferred alternative shall
18 be implemented immediately.

19 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) FLOODWAY.—

21 (1) IN GENERAL.—There is authorized to be
22 appropriated \$45,000,000 to begin the Federal por-
23 tion of the buyout of floodway structures authorized
24 by section 301(b)(10) of the Water Resources Devel-
25 opment Act of 1996 (110 Stat. 3710).

7 (b) ACQUISITION OF FRESHWATER WETLANDS;

8 FLOODPROOFING.—There are authorized to be

9 appropriated—

16 (c) ACQUISITION OF LAND IN THE HIGHLAND PROV-
17 INCE.—

18 (1) TOTAL AUTHORIZATION.—There are au-
19 thorized to be appropriated—

20 (A) \$400,000,000 for the acquisition of
21 land in the Highlands Province to reduce flood-
22 ing in the Passaic River basin in New Jersey;
23 and

(B) \$75,000,000 for the acquisition of land in the Highlands Province to reduce flooding in the Passaic River basin in New York.

12 (d) PARKLAND.—There is authorized to be appro-
13 priated \$300,000,000 for the acquisition of land and the
14 development and redevelopment of parkland along the
15 Passaic River from Little Falls to Newark Bay, Kearny,
16 of which \$30,000,000 shall be made available for each fis-
17 cal year for the State of New Jersey.

18 (e) JOSEPH G. MINISH PASSAIC RIVER WATER-
19 FRONT PARK AND HISTORIC AREA.—

4 (f) PREFERRED ALTERNATIVE.—

5 (1) IN GENERAL.—There are authorized to be
6 appropriated—

10 (B) \$5,000,000 for the acquisition of land
11 at High Mountain.

12 (2) PROJECT BUDGET.—

18 (B) AUTHORIZATION OF APPROPRIA-
19 TIONS.—There are authorized to be appro-
20 priated, for the purpose of making a grant to
21 the Passaic Valley Sewerage Commission—

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