

September 10, 2014

ASSEMBLY BILL NO. 2305

ADVANCE COPY

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 2305 with my recommendations for reconsideration.

This bill is part of a package of bills that were passed together ostensibly to set standards for, and promote the installation of, "blue" and "green" roofs. As defined in this legislation, blue and green roofs are building components that endeavor to improve the management of storm water flowing from building structures through mechanical controls or vegetative materials. Without question, improper storm water management can cause undesirable erosion, overburden sewer systems, and transport pollutants into local bodies of water. But while I agree that effective storm water management is an important public policy goal for our State, I cannot support any of these bills because they are, at best, unnecessary, and, at worst, counterproductive.

First, Assembly Bill No. 2305 would require the Departments of Environmental Protection and Community Affairs to jointly develop and issue building standards for the installation of blue and green roofs. Specifically, under the bill, any person who installs or operates a blue or green roof would be required to comply with the potentially restrictive provisions envisioned in the legislation, as well as any rule or regulation adopted pursuant thereto. In addition, the bill would require local storm water management planning agencies to incorporate these State requirements into their storm water management plans and ordinances.

I believe that mandating State standards and requirements for the installation and operation of blue and green roofs is

inadvisable at this time. As acknowledged by the bill's advocates, blue and green roofs incorporate innovative techniques to address storm water management issues. Accordingly, rather than stifle innovation through prescriptive State codes and standards, government should encourage the further development of these technologies by stepping aside and giving engineers, manufacturers, and installers of blue and green roofs sufficient room to innovate.

Next, Assembly Bill No. 2303 would require State departments and agencies to "consider" using a blue or green roof when constructing a new State building. The bill's provisions would apply to any new building, facility, or structure having at least 15,000 square feet in total floor area, and would be in addition to other statutory requirements that mandate State buildings meet high performance green building standards. While this bill purports to promote the use of blue and green roofs in State government buildings, it is important to note that nothing set forth in current law prohibits the State from considering the installation of blue or green roofs. Accordingly, because State law is already sufficiently flexible to allow for the use of innovative storm water management techniques in State buildings, this bill would do nothing to advance blue and green roof technologies in our State.

Lastly, Assembly Bill No. 2307 would require the Environmental Infrastructure Trust ("EIT") - an entity that finances water supply and waste water management projects - to give "additional points" to proposals that include a blue or green roof. Like Assembly Bill No. 2303, nothing set forth in current law prohibits that which this bill seeks to mandate. In fact, in its current practice, the EIT already affords

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

3

greater weight to projects that incorporate energy-saving or environmentally innovative technologies, including projects that use blue or green roofs. Accordingly, this bill is also unnecessary.

While I am not persuaded that mandatory State standards are advisable at this time, I do agree that blue and green roof technologies can be useful in managing storm water and preventing pollution caused by runoff. As such, I recommend revising Assembly Bill No. 2305 to require the Commissioner of Environmental Protection to periodically study the availability and efficiency of blue and green roofs as storm water management tools, and make, as necessary and appropriate, recommendations to the Governor that will help foster and maintain efficient and effective storm water management in the State.

Accordingly, I herewith return Assembly Bill No. 2305 and recommend that it be amended as follows:

Page 2, Title, Line 1: Delete "and supplementing" and insert "."

Page 2, Title, Lines 2-3: Delete in their entirety

Page 2, Section 1, Lines 8-36: Delete in their entirety

Page 2, Section 2, Lines 38-48: Delete in their entirety

Page 3, Section 2, Lines 1-17: Delete in their entirety and insert "1. The Commissioner of Environmental Protection shall periodically study the availability and efficiency of blue and green roofs as stormwater management tools, and make, as necessary and appropriate, recommendations to the Governor that will help foster and maintain efficient and effective stormwater management in the State."

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

4

Page 3, Section 3, Line 19:

Delete "3." and insert
"2."

Respectfully,

[seal]

/s/ Chris Christie
Governor

Attest:

/s/ Christopher S. Porrino

Chief Counsel to the Governor