

P U B L I C H E A R I N G

before

ASSEMBLY AGRICULTURE AND ENVIRONMENT COMMITTEE

on

"Solid Waste Management & Interdistrict Waste Flow Orders"

August 23, 1985

Middlesex County Administration Building
New Brunswick, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Robert P. Hollenbeck, Chairman
Assemblyman Stephen Adubato, Jr.
Assemblyman Robert C. Shinn, Jr.

ALSO PRESENT:

Mark O. Smith
Office of Legislative Services
Aide, Assembly Agriculture & Environment Committee

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ASSEMBLYMAN ROBERT P. HOLLENBECK (Chairman): I would like to start the hearing, please. My name is Assemblyman Robert Hollenbeck. I am Chairman of the Assembly Energy and Environment Committee. We are holding this hearing today to deal with solid waste, primarily with the question of inter-district waste flow orders.

I am joined by the Vice Chairman of the Committee, Assemblyman Steve Adubato, Committee aide Mark Smith, and a Committee aide from Legislative Services, Al Matioska. Karen Jezierny and Glenn Beebe, members of partisan staff are also present. As other members of our staff or Committee arrive, I will introduce them to you.

The subject we are going to deal with is one which is very apropos because the area we are in is one which has been greatly impacted by the redirect orders and the direct orders dealing with inter-district flow. We find this interesting. I think we will find some areas where changes have to be made in the Solid Waste Management Act. After this hearing is concluded, I think the Committee will have enough information to make an intelligent decision as to whether the Act should be changed or not.

We are in the home county of the Speaker of the House, Speaker Alan Karcher, and I think we will begin by hearing Speaker Karcher first.

We are now being joined by Assemblyman Bob Schinn, a member of the Committee. Speaker Karcher?

ASSEMBLY SPEAKER ALAN KARCHER: Mr. Chairman and members of the Committee, I want to thank you for being gracious enough to schedule this hearing. I also want to welcome you to Middlesex County, and extend my thanks to you for scheduling this meeting here, in the heart of the problem.

If you will indulge me for a moment or two, I want to share some personal concerns with you. The problem with garbage and the redirection of garbage into this County, has a very personal and immediate impact upon my life and the life of my family, as you will hear.

To begin with, this map does not quite indicate where the Borough of Sayreville is. One would have to glance a little further to

the left on the map to see where I live. My residence in the Borough of Sayreville is within a one and one-half direct mile radius — as the crow flies -- from both Edgeboro and the landfills located in Edison. Now, that is kind of unique and not the most enviable position to be in. Not only am I a resident who is impacted, but I am also a user of Route 18, a road that is clogged with approximately 1200 to 1600 garbage trucks per day, all going to the landfill in Edgeboro.

As to the personal consequences — and, as I said, you will have to indulge me for being a little bit personal -- I have a daughter who attends Rutgers University, and she was hospitalized this winter after being "rear-ended" at a traffic light by a garbage truck from Chester, New Jersey. So, that is a second area where I have a personal problem with out-of-county garbage coming here.

Third, we have been involved in litigation with the Township of East Brunswick. That litigation is presently pending. It is litigation brought about by both the Boroughs of Sayreville -- my home community -- and Edgeboro, which is the host community for Edgeboro Landfill. I have been working on that, and it is now in the Appellate Division.

So, as you can see, there are at least three areas in my life in which I am personally involved with this landfill problem. Perhaps the most direct impact, for those of who live in my home county of Sayreville, is the fact that Edgeboro Landfill is overloaded and critically and adversely impacted by the the redirection order which allows Morris and Somerset Counties' garbage to come into our county. With all of its effects, and the enterprise and diligent attention given in order to keep and maintain this landfill at a pace which can handle this garbage, they still fall short. As a result, throughout the summer, we in Sayreville who are to the east of this landfill, have not had a day or a night go by without being pervaded by the stench of this landfill.

So, those are four direct ways that my life has been impacted by this problem.

Let me suggest that there is a question which I, and certainly the members of the delegation from Middlesex County who you

will hear from today, will raise regarding the fundamental unfairness of Middlesex County being faced with a redirection order requiring us to take garbage from out-of-county. Counties that were indolent, negligent, and actually abusive of their obligations, were faced with the same requirements and responsibilities as Middlesex County. We in Middlesex faced it in a direct and mature fashion, with a sense of responsibility and responsiveness. Instead of being rewarded for being diligent and obeying the law, we were punished.

Counties that have shown a callous disregard for their obligation to observe the Solid Waste Management Act have been rewarded. Without ever having paid any attention to their obligation under the law, they have been allowed to come to Middlesex County and dump their garbage. In fact, they flagrantly flaunted and abused that law.

This matter could be corrected. There are three branches of government in this State, and any one of the three co-equal branches of government can address this problem. You already know that East Brunswick and the Borough of Sayreville are presently in the Appellate Division of the court, seeking redress. As of last week, it is my understanding that the county of Middlesex will retain special counsel in order to seek further redress in their court.

The court operates with due process and this problems can not and should not have to await that type of judicial redress. So, the second branch of government we look to -- it was actually the first branch of government we looked to -- is the Executive Branch. This matter could have been corrected and we could be enjoying our summer, except for the fact that the Executive solution has not been exercised. With the stroke of a pen, the Administration could redirect this garbage. It could put it out into the free marketplace, and when I say that, I mean this garbage could go where Warren and Hunterdon Counties' garbage goes. They could seek out places that are available to them. We know there are available places.

When I said they were rewarded, I mean they were indeed rewarded; they were allowed to take the cheapest, most economical route available to them by being allowed to come to Edgeboro. This garbage

can be taken to other places, and with a stroke of a pen the Commissioner and the Governor could order this garbage out of Middlesex County tomorrow. That has not happened, and many of us are not sanguine or optimistic enough to think it will happen.

So, we are looking for legislative redress. Legislation has already been introduced by my colleague, Assemblyman Pelly. I understand that today you will be asked to consider amendments or a substitute bill for the one already introduced, which will truly address this problem and, ultimately, give us a legislative solution to the injustice and offense that has been committed against the county of Middlesex.

With that, Mr. Chairman, I thank you for the opportunity to be here. I welcome you to the County. Once again, let me express my personal appreciation for your taking the time to travel here so that we might have this forum made available to us in Middlesex County, where the problem exists.

ASSEMBLYMAN HOLLENBECK: Thank you, Mr. Speaker. I think you have outlined the problems of Middlesex County. This is not unique to Middlesex County. There are counties besides Morris and Somerset that have not addressed their problem. They have gone through all types of machinations and conniptions to avoid making those decisions.

Some counties think they are really safe. They think the way they can handle this is to go to another state. New Jersey is an exporter of solid waste to Pennsylvania. I think they are just fooling themselves if they think that is a solution, because Pennsylvania is having the same problem. So, it is just a matter of time before the counties will have to make a decision in their own county, as they should have in the first place.

I think that some of the Boards of Freeholders have not really faced reality. It is a tough political decision to make. Some have addressed it very responsibly, others are trying to avoid it. They don't care as long as they become the "NIMBYs" of the world: "Not in My Back Yard." They don't care what the cost is, and I think that is wrong.

Does anyone on the Committee have a question?

ASSEMBLYMAN KARCHER: Mr. Chairman, if I might intrude, in Middlesex County it is not a question of "our back yards." Our back yards are full; our front yards are full; our side yards are full. I wish I had a map that would indicate where I, personally, live, because in my area that description is accurate. My back yard and side yards are already full.

ASSEMBLYMAN HOLLENBECK: With great empathy I will tell you that I live by the Meadowlands district, and I look at those wonderful "ski mountains" that have been created just south of Giant Stadium. They are also within my legislative district. So, I know how you feel.

ASSEMBLYMAN SHINN: Mr. Chairman, part of what Speaker Karcher just reiterated sounds very familiar to me, because my county is what I call the "trash can of the Delaware Valley." We have importation from the City of Philadelphia; we have 12 Pennsylvania haulers; we have hauling from Montgomery, Mercer, and Camden Counties. This is uncontrolled both from an operational standpoint and from a traffic, litter, odor, etc. standpoint. It is just an inconceivable situation.

We looked at resource recovery -- as the bill directed us to -- and getting a handle on the waste-stream by trying to direct it to a resource recovery facility for electrical energy steam generation, but that really did not work out.

We then looked into the inter-district waste law agreements, and ended up with an agreement with the City of Philadelphia, Mercer County, and Camden County. Seventy-five percent of the waste we were receiving was not from our own county; about 25% was generated in our own county. We now have no importation of waste, as of December 31, 1984. We are now into eight or nine months without imported waste.

Some interesting things have happened. The control volume-- We direct waste flow in our county to two facilities, LND and Parklands, and we have better operations management of the facility. The last numbers that I have looked at from the LND facility indicate a compaction rate of from two-to-one to three-to-one, which, from an operational standpoint, means more profit for the facility.

The Act talks about waste flows, and that is probably the most difficult legislation the Legislature has ever passed for a Freeholder Board to implement. I think the Freeholders have, at their fingertips, the greatest control over, or ability to affect, the environment impact of solid, septic, and sludge waste they will ever have. I know how difficult that issue is. We went through the siting of a large facility in our county, all the way to the Supreme Court. Being sued by two municipalities is no fun.

This is a tough bill to implement, and I sympathize with anyone who has to do it. The waste flow agreement in the draft plan update, on page 36, talks about district planning. It says: "Most importantly, each plan must assess the existing disposal capacity available to the district, and designate sites to be utilized." It then goes into the inter-district contract. I think the inter-district contract is the heart of the situation, not only in the State but also importers or exporters. It will get a handle on all the volume that is there, and, from a planning perspective, find out where that volume is going to go, for how long, and how it is going to be managed from an environmental and operational standpoint.

I do not know where Middlesex County stands regarding their plan, nor what stage they are in. But, certainly, the key to the whole issue is developing county waste flows and then being able to plan a facility from those waste flows.

ASSEMBLYMAN ADUBATO: Mr. Chairman and Mr. Speaker, I do not know if I can shed any light on this, having been a member of the Legislature for less than two years. In Essex County our story is a little bit different than everyone else's. We are not proud to say that a lot of the garbage that sits up by the Chairman's home in the Meadowlands is ours. We made a decision in Essex County, through a very difficult process that our County Executive, Peter Shapiro, and our Board of Freeholders undertook, to cite a location, and to enter into an agreement with the City of Newark, our largest municipality in the State.

I cannot imagine the reality of siting a location, struggling with this issue in a community, plus having the argument about "not in

the Waste Management Act -- should be able to make their decisions free and uncoerced by additional extraneous pressures.

What is happening in Middlesex County -- and what we are saying is at the core of this -- is that rules are being changed in the middle of the game. Do not put in "ringers," if you will; do not send us onto the field against the Los Angeles Raiders; make it a fair and open forum, and debate without rules and teams unfairly being rearranged at the last minute.

What is happening here is, we had a landfill available to Middlesex County. When this matter started last winter in the courts, it was expected that, providing Middlesex County was the only user, it would have an available facility within its county, it would never have to export, and the life expectancy of our facility would stretch out for decades. Now the rules have been unfairly changed by this Administration -- by the Executive office -- through the redirection of additional garbage from Morris, Somerset, and Union Counties.

We cannot make a free, intelligent, good-government, due process decision with that kind of unfairness, injustice, and extraordinary pressure being heaped upon us.

I think Assemblyman Pelly will follow up on this. What I am saying is, if we had the status quo which was in effect in 1984, each county would then understand exactly what Assemblyman Shinn was talking about. They would understand what their flow is, and what their requirements are. What we are really asking for in the legislation Mr. Pelly will talk about is to return this to the status quo, and allow it to be as it was in 1984. Then, under the Solid Waste Management Act, every Board of Freeholders in Middlesex, Morris, and Somerset Counties will truly, fairly, and objectively assess what the situation is. But, when we have two counties victimizing a third county and ganging up on that county, it is unfair, and it adds extraneous, unjust, inequitable factors.

I would like to close, but I would like to show you one more thing; please bear with me. (Assemblyman approaches map of New Jersey)

I live at 76 Winkler Road, which is right here on this map. This is Edgeboro; this is Kin-Buc and ILR; and this is the Middlesex County

"my back yard" being any clearer than in my own county. I feel for the people in the community we have selected, because -- without getting into the details of this -- I believe the location we selected in Essex County is the right one, except for the personal experience of the people in the Iron Bound Section of Newark, which has been widely publicized. They have been hard hit, personally, by several other environmental problems, not so much related to garbage as they are to toxic spills which have really devastated their lives.

So, as a person who lives in, and represents a county that is a long way off, we are struggling, as you are. I am sensitive to what you are saying. I know that you and the other representative from Middlesex County are moving forward as a county, and that we must also take care of our own, as difficult as that is.

As I said, as someone who comes from a county that is trying to take care of its own waste, I understand how difficult that is. I am particularly sensitive to other people not taking care of their own waste, and sending it someplace else.

I apologize for all the waste we have sent up to you, Mr. Chairman. If we ever move forward in the manner we should, and if we get the agreement, it will stop.

ASSEMBLYMAN KARCHER: Mr. Chairman, if I may have just one moment, I would like to follow-up on what Assemblyman Adubato said, because I think it is very important for us to understand the essence of the suggested amendments to the Solid Waste Management Act.

Essex County made a decision. It was a farsighted and courageous decision in many ways. Essex County was under a certain amount of pressure because of the volume they created. They were an exporter of garbage to your county, and, at one time, to Kearny, which is in Hudson County. They made that decision because they were under pressure as an exporter. We wish every other exporter of garbage -- every other county that is an exporter -- would take such a courageous and farsighted stand.

We have the reverse situation here in Middlesex County. We are the victim of substantial importation of garbage. The core of this is that counties, at every decision-making level -- which is set out in

Utility Authority, which handles all the sewerage for the county. Over here, about one-quarter of a mile from where I live, is a Super Fund site; and, down here, about one and one-half miles, is the fourth Super Fund site in the United States. So, as you can see, I don't live in the most enviable place in New Jersey.

ASSEMBLYMAN HOLLENBECK: Would you like to join us, Assemblyman?

ASSEMBLYMAN KARCHER: Thank you. I appreciate it.

ASSEMBLYMAN HOLLENBECK: Thank you. I think we have had a good outline of what we are discussing with reference to the problem in Middlesex County.

We will hear next from Assemblyman George Otlowski.

ASSEMBLYMAN GEORGE J. OTLOWSKI: Thank you very much, Mr. Chairman and members of the Committee. I also want to welcome you to Middlesex County. If you really want to live a long life, I suggest you move to Alan Karcher's house where his father is enjoying extraordinary longevity.

I think that Alan probably pinpointed the fact that Middlesex County has more than its share of garbage dumps and sewerage disposal plants, particularly in District 19. It is absolutely extraordinary that Middlesex County, which emerged in the last 25 years from a semi-rural county to a highly urbanized county whose population is constantly growing and increasing, has its own problems with garbage disposal, and dealing with its population growth. Then, of course, to have the garbage of other counties superimposed upon that kind of growth, and the problem that growth creates, is absolutely unforgivable, unthinkable, and unacceptable.

I do not think the Board of Freeholders or any of the governing bodies in Middlesex County were elected to make sure Middlesex County was the "outhouse" for the entire State. I think people elected them in order to be protected from that very thing.

As a matter of fact, adding insult to injury to this grand design to make Middlesex County the outhouse for the entire State, is the present design and effort by the State to make Middlesex County the dumping grounds and the smelly area of the entire East Coast. It is

obvious that the State is now on the road to locating the largest toxic waste plant in the world in Middlesex County, in order for it to assume and deal with all the toxic waste in the Northeast. Of course, this is something which is totally unacceptable to Middlesex County. As a matter of fact, all the elected officials, as long as they are in office, will fight this, and they will continue to fight it by devoting all of their efforts to the battle -- in the Legislature, in the courts, and, if necessary, even on the streets. They will certainly fight it in the ballot box.

In any event, I just want to paint this picture for the members of this Committee so they understand what is happening here in Middlesex County. Of course, the truth of the matter is, garbage has its own monetary importance. If it continues to grow in monetary importance, I am positive the Federal government will remove all of the gold from Fort Knox and load it with garbage, because garbage has more value than gold.

It seems to me that in the last 30 years, counties -- particularly through the National Association of Counties -- have been telling all Americans that they are unique, and so established that they can solve their own problems. If that contention is true, I do not understand why counties can't take care of their own garbage, nor why garbage has to be thrown into one county -- as is the case in Middlesex County.

In this connection, the Board of Freeholders in Middlesex County, when holding public hearing on this question of garbage disposal and garbage location, particularly from out-of-county, indicated in no uncertain terms that a great number of people who came to those public hearings did not want the out-of-town garbage in Middlesex County. They were not interested in the kind of money it would bring into the communities in Middlesex County that would be dealing with the garbage. Every single one of them who made their opinion known to the Board of Freeholders indicated that Middlesex County had the responsibility of assuming and taking care of its own garbage. There is no argument about that.

If the counties are what they pretend to be, if they have the means, the know-how, the technology, and an adequate budget to be able to take care of many of the problems imposed upon them, then they can certainly take care of their own garbage -- which is one of the biggest problems facing each of the counties.

So, Mr. Chairman, what I am saying is, frankly, this is a county problem. The county should assume this problem. As a matter of fact, they should get away from the shameful and disgraceful practice of trying to dump on other counties because they did not take care of their own garbage.

Also, I think that one of the things which has to be realized by every municipality is that when everybody uses Middlesex County as an outhouse, it increases the cost of dumping, it causes long lines for the trucks that are waiting, it increases the consumption of gasoline and the payment of overtime, it causes wear and tear on equipment, and, not only that, it clogs our roads beyond endurance. As a matter of fact, it clogs the roads beyond the ability of people in this county to use the county and State roads for other normal, useful purposes, such as going to work.

If someone who lives on Route 18 wants to go to work, he has to make plans a week in advance regarding how he is going to avoid all the garbage trucks. As a matter of fact, I would suggest changing the name of Route 18; however, I do not want to burden the Committee with my suggestion on that score.

In any event, I think the county has been hurt greatly by being dumped on. I think the towns in the county have been hurt because of the expenditures they have been forced to make. Mr. Chairman, I think the bill Assemblyman Pelly is going to produce will at least put the responsibility on the counties by law, so the counties will be able to deal with this from their own jurisdictions, and by their own authority.

I would like to say this, Mr. Chairman: I do not have any confidence in giving a bureaucratic structure, whether it is the DEP or the EPA -- that great Federal agency that has, for five years, been cleaning up a toxic site in Perth Amboy-- For five long years it has

been promises, promises, and promises. As a matter of fact, every girl in the town now is disenchanted by promises because they no longer mean anything, particularly when they are made by the bureaucratic structure. So, I am not impressed by the kind of authority the EPA or the DEP has. This has to be put under the direct authority of the Boards of Freeholders. The law has to be clear about the fact that one county cannot become the dumping ground for the other counties.

Mr. Chairman, I would like to express my deep appreciation for being permitted to give you the benefit of my views. They come firsthand because I have seen this in my own area, Perth Amboy, which is a struggling community, fighting for survival. Our garbage expenses are going to increase three-fold this year. Our small community of Perth Amboy will probably have a cost increase in garbage disposal of one-half million dollars. It is unforgivable that the State has not devised a helpful means for municipalities that are struggling for survival. For us to pay this kind of additional money for garbage disposal -- only Jessie James could think of this kind of a hold-up. The truth of the matter is, this is only one of the things being imposed upon municipalities. I am not going into the other things; I will leave that for another forum. However, garbage is a very costly thing to Middlesex County. It is costly to the municipalities, and they should be freed, forthwith, from taking in the garbage and the mess from other counties.

ASSEMBLYMAN HOLLENBECK: Thank you very much, Assemblyman. Would you care to join us in order to hear the rest of the testimony given to the Committee? You are more than welcome to do so.

ASSEMBLYMAN OTLowski: Thank you very much, Mr. Chairman.

ASSEMBLYMAN HOLLENBECK: Assemblyman Frank Pelly actually has legislation in. I now understand that you have something else you would like to present thoughts on. I think this might be interesting. Assemblyman Pelly?

ASSEMBLYMAN FRANK M. PELLY: Thank you, Mr. Chairman and members of the Committee. I also want to welcome you to Middlesex County, and to express my appreciation to each and every one of you for taking the time to come here in order to listen to our plight.

Since 1982, the Department of Environmental Protection has shared with the Board of Public Utilities the authority to direct the flow of solid waste between counties. In recent years, the DEP and the BPU have, in many instances, utilized their joint waste flow direction powers to redirect solid waste from landfills which were closed by the DEP to disposal facilities located in other counties.

In its public statements, the DEP has consistently taken the position that each county should be monitoring the remaining capacity at the landfills it utilizes, and should make arrangements for the provision of the county's short- and long-term disposal needs. However, these counties which have failed to make these arrangements have done so, in large measure, secure in the knowledge that the DEP will bail them out by permitting them to export their problem to another county. The DEP has also failed to penalize those counties which have developed and are implementing plans for the inaction or unwillingness of other counties to assume their basic solid waste management siting responsibilities.

Accordingly, the DEP maintains that other than on an emergency basis, it cannot readily provide access to other in-state disposal facilities upon the termination of existing landfills serving one or more counties without the benefit of an inter-district agreement. The fact is, the large number of redirect orders issued by the DEP and BPU since 1982 clearly suggests the opposite. It would appear that the innumerable truckloads of garbage now appearing at Middlesex and Ocean County landfills from North Jersey sources belie this public posture. No voluntary inter-district agreements have been signed. It would seem that if a county has provided adequate solid waste disposal facilities for its needs, and has benefited from a relatively large remaining capacity at its landfills -- as is the case in Middlesex County -- other less conscientious counties regard this as an invitation to abdicate their responsibilities and rely upon the efforts of a county which has met its solid waste responsibilities. Thus, these counties are now utilizing the disposal capacity of their neighboring counties, with the approval of the DEP, and they have relied upon the inability of those conscientious counties and the

unwillingness on the part of the Department of Environmental Protection, to force them out.

At this point in time, I would like to mention that the Middlesex County Board of Freeholders has not only acknowledged, recognized, and lived up to its responsibility, but it has also been benevolent in terms of recognizing what it perceives to the true and sincere problems of other counties. However, at this moment -- and rightfully so -- the Middlesex County Board of Freeholders has taken a different posture. It is tired of being dumped on, and it has now taken the rightful position that all out-of-county garbage should be the responsibility of the respective counties.

At present, at least nine counties are permitted by the DEP to export all or a portion of their solid waste to only three solid waste districts -- Middlesex and Ocean Counties, and, of course the Hackensack Meadowlands -- while only one waste exporting county had actually negotiated a consent agreement, which provides for continued out-of-county disposal pending the completion of its planned resource recovery facility. Many of these waste-exporting counties, and several others, also rely upon out-of-state disposal facilities in Pennsylvania -- as was pointed out by the Chairman -- for all or a portion of their disposal needs, and that State's remaining landfill capacity, has also become more scarce, a disturbing trend that is likely to continue.

Consequently, a number of New Jersey's larger counties, which had expected their abundant remaining landfill capacity would be sufficient to provide for their disposal needs for many years, are now confronted with the prospect of exhausting their remaining capacity within the next year or so. At present, the Edgeboro Landfill accepts approximately 7000 tons per day of solid waste, of which 4400 tons, or 63%, originate from three other counties. In 1983, it was estimated that Edgeboro had sufficient capacity to serve the disposal needs of Middlesex County until at least 1989. At present, it is projected that all of Middlesex County's remaining landfill disposal capacity will be exhausted in less than two years. Clearly, steps must be taken immediately to resolve this intolerable situation.

The situation at the Edgeboro Landfill is portentous of what will inevitably occur in Ocean County and other districts with large remaining landfill capacity unless the DEP refrains from permitting counties derelict in their solid waste siting responsibilities to dump their problems on to their neighbors. In 1984, just a year or so ago, an estimated 300 to 400 trucks per day utilized the Edgeboro facility. As a consequence of DEP-BPU redirect orders, approximately 1200, and probably closer to 1400 trucks per day may be seen lined up along Edgeboro Road and Route 18. These trucks have had a significantly adverse environmental and economic impact on the area. The dust, stench, and unsightly appearance of literally hundreds of garbage trucks lined along public roads has had a substantially adverse effect on the area businesses. The local infrastructure has been weakened as State, county, and local roads have been subjected to the constant battering inflicted by multi-ton vehicles. It has been necessary to employ additional law enforcement personnel to cope with the congestion and enormous traffic problems created by this amount of trucks.

In economic terms, the inconvenience to and loss of business for local merchants and businesses by the continuous presence of this armada of garbage trucks is virtually incalculable. Moreover, the relatively inexpensive landfill tipping fees now paid by Middlesex County taxpayers for solid waste disposal will be quadrupled as the county will necessarily have to construct higher cost resource recovery disposal facilities much earlier than anticipated to replace the soon-to-be-exhausted disposal capacity at that site, capacity which has been, by-and-large, depleted by out-of-county users. I repeat that: Our fees will be quadrupled by the closure of Edgeboro Landfill which will occur much sooner than initially anticipated.

Thus, the failure of the DEP to require each county to provide for its own solid waste disposal needs, as is required by the Solid Waste Management Act, has had a whole host of negative impacts on the residents and taxpayers of East Brunswick and Middlesex County.

The existing Solid Waste Management Act merely encourages counties which lack sufficient disposal capacity within their borders to negotiate and enter into agreements with counties in which their

solid wastes are disposed. Clearly, when out-of-county solid waste exportation is viewed only as an interim step, the inter-district agreement ensures sending-districts access to disposal capacity for a specific period of time, while providing receiving counties with enforceable mechanisms for the eventual discontinuation of solid waste importation. In cases where long-term regional solutions are envisioned, the inter-district waste flow agreement provides explicit acknowledgement of the contractual obligations of both counties. In so doing, both counties may develop viable waste disposal strategies and the horrors of the present intolerable Edgeboro situation may never have to be repeated.

Consequently, as a result of my foregoing testimony, I, along with Speaker Karcher and the entire Middlesex County delegation, at our next meeting of the General Assembly will be introducing legislation which will require solid waste exporting counties to negotiate and enter into inter-district waste flow agreements with receiving counties as a mandatory precondition for the further acceptance of out-of-county garbage at Edgeboro Landfill, and every other overburdened disposal facility faced with this enormous hardship. This bill was introduced a number of months ago under the heading, Assembly Bill 3041. We are reintroducing this bill with some amendments for your consideration.

While we are speaking about legislative initiatives, Assembly Bill 3574 was recently passed the General Assembly. It requires counties that are transporting waste to another county to establish mandatory recycling programs. You voted on this bill a number of months ago. It now lies in the Senate. One would think that the Department of Environmental Protection would direct that counties sending into another county recycle all of this garbage prior to its being sent into the receiving county. This has not been done by the DEP, so the Legislature has had to act.

In the absence of an even-handed and sensible administrative policy by the DEP with respect to preserving the remaining capacity at landfills in counties which have provided for their own disposable needs, as required by law, I strongly urge the Committee to take immediate action on this bill and other bills. Clearly, it is both

necessary and prudent to amend the operative provisions of the Solid Waste Management Act, and return the State's solid waste policy to a more rational and common-sense approach. we cannot continue to export all of New Jersey's garbage to only two or three major landfills. East Brunswick and Middlesex County cannot be expected to be the State's dumping grounds because a few irresponsible counties have decided that it is easier to export their garbage problems than face them squarely.

All of us know that in January of this year, Governor Kean declared 1985 as "the year of our environment" in New Jersey. During 1985, the DEP -- during this year of our environment -- has declared that garbage dumps can be placed over sole source aquifers, as in the case of Morris County. The DEP has allowed the continued dumping of chemicals into our ocean, and, as was the case with Ciba-Geigy in Dover Township, I predict this will have a serious detrimental impact on our fishing and tourist industry in Monmouth, Ocean, Atlantic and other counties. We see Wildwood beaches being closed as a result of raw sewage being dumped into the ocean. This is happening in the year of our environment. We see the DEP opposing legislation which would require the development of construction and air emission standards prior to construction of resource recovery plants, as provided for in Assembly Bill 1719.

We see the DEP not taking action on requiring agreements for out-of-county, out-of-district solid waste disposal. We see the DEP's failure to enact mandatory recycling programs, at least for counties who export their garbage into outer counties. It makes one wonder: What would occur if this were not the year of our environment?

Once again, I urge the Committee to take action and to rectify this grossly unfair and unacceptable situation. I thank you for your time and consideration.

ASSEMBLYMAN HOLLENBECK: Thank you very much for your testimony. I am not being critical, but there is an old proverb which I created about 12 years ago: I find the quality of the testimony normally goes down with its length.

For others who are testifying, we understand the problem. If you can, will you please just outline what you have to say? That will help us to understand it better.

The change in your bill, Assemblyman Pelly, will probably be addressed by this Committee within the next few weeks. The Committee will then discuss it to see if it is a proper policy, as we see it. I want to thank you very much for your testimony and for the legislation you have presented, plus the proposed change of language in the legislation.

I saw Assemblyman Paterniti here. Assemblyman, would you mind if I asked a Freeholder to testify first?

ASSEMBLYMAN PATERNITI: That is all right.

ASSEMBLYMAN HOLLENBECK: Thank you very much.

Freeholder David Crabiell is going to give testimony for the Board of Freeholders of Middlesex County. I think we will find his testimony interesting.

FREEHOLDER DAVID B. CRABIEL: Thank you very much, Mr. Chairman and members of the Committee. Welcome to Middlesex County. I am Freeholder David B. Crabiell. I am from Middlesex County, and I am a member of the Health and Social Services Committee of the Middlesex County Board of Chosen Freeholders, and a past president of the New Jersey Association of Counties. I also chaired a legislative committee of NJAC.

The following statement is given on behalf of the members of the Board of Chosen Freeholders of Middlesex County. Accompanying me is Freeholder-Director Steven J. Capestro, who chairs the Health and Social Services Committee of our County. He is also a past president of NJAC. On my extreme right is John Hoagland, our county counsel, and on my left is Robert McCarthy, who is the Director of Solid Waste in our county.

Middlesex County is facing a crisis in solid waste management, brought about by the inability or unwillingness of three surrounding counties -- Union, Somerset, and Morris -- to provide for their own solid waste disposal. This is exacerbated by the New Jersey Department of Environmental Protection exercising its emergency powers under the Solid Waste Management Act in directing this out-of-county waste to Middlesex County.

Approximately two years ago, we had three landfill operations: Global in Old Bridge, ILR in Edison, and Edgeboro in East Brunswick. Both the county and DEP were aware of the ultimate closure of Global and ILR. Global was closed prematurely due to a collapse which resulted in the flow from that facility being directed into Edgeboro and ILR.

The DEP brought suit against ILR and others to force the closure of the ILR facility over a year ago, but made no contingency plans upon its closure. A similar situation arose at Hamm's Landfill. In both instances, DEP waited until both facilities were closed, declared an emergency, which was brought about by their own inaction, and redirected the flow of this waste into Edgeboro, the only remaining landfill facility in Middlesex County.

Middlesex County sought relief from both the DEP and the courts, to prevent this out-of-county waste from coming into Edgeboro. Despite our best efforts, the waste continues to flow, resulting in a 6000 to 7000 ton-per-day waste flow into Edgeboro which, until last year, was accommodating only 1800 tons. It was obvious to all parties that Edgeboro could not handle, in an environmentally safe manner, this additional waste. It caused unsafe conditions in East Brunswick and the surrounding communities, resulting in increased traffic, air pollution, noise pollution, and noxious odors.

Middlesex County finds it is extremely difficult, if not impossible, to comply with the Solid Waste Management Act, not knowing how long a period of time it must accept this out-of-county waste. In none of the emergency redirect orders does the DEP set a deadline for the other counties to provide for their own waste. Middlesex has sought over the years to force DEP to exercise its powers under the Solid Waste Management Act, and create plans for the three counties who have failed to do so themselves. DEP has not responded.

Although the McEnroe Bill provided some incentive for municipalities to host resource recovery facilities, siting has become difficult not only in Middlesex County but in other counties as well. Again, it becomes more difficult in Middlesex County because we do not know how long we must accommodate out-of-county waste.

DEP has brought action against Middlesex County for its failure to comply with the Solid Waste Management Act. This is ironic, inasmuch as it is DEP's fault that Middlesex cannot comply with the Act. DEP has not, in its emergency redirect orders, directed that out-of-county users recycle their waste to lessen the impact on Middlesex County, although Middlesex has made repeated demands that recycling be done.

Middlesex County has recently petitioned its legislative delegation to make recycling a requirement for out-of-county waste. Of course, this will not solve the problem, but it will help.

Middlesex County would like to point out to this Committee the shortcomings of the Solid Waste Management Act, primarily in that it imposes tremendous burdens on the County to provide for its own waste but it does not give it the power to do so. The County has no power to exclude others from disposing of their waste here.

Although the Solid Waste Management Act was designed to give the counties a place in the management of solid waste throughout the State, unfortunately the Legislature and the Governor imposed tremendous burdens on the counties but gave them no power to implement the provisions of the Act. On the other hand, it gave DEP tremendous powers, with very little responsibility. How can a county, such as the County of Middlesex, which has done all it can to dispose of its solid waste, plan for the future when it does not know what the future holds because of the power of DEP to direct other counties' waste into the Middlesex system?

Middlesex County does not know whether to prepare for the disposal of 2000 tons per day or 6000 tons per day. At any time in the future, if the Solid Waste Management Act is allowed to remain in its present form, counties will never know how much waste to expect. The Legislature can quite easily remedy this situation by amending the Solid Waste Management Act to provide that a county need not, under any circumstances, accept solid waste from another county for disposal. This would put tremendous pressure on all counties to solve their own problems.

The Solid Waste Management Act is woefully weak in this respect, in that those counties that are unable or unwilling to act will be rescued by the DEP. If the Legislature really wants the counties to be part of the process, it should give counties the power to become meaningful participants.

If, on the other hand, the Legislature does not intend for the counties to play a meaningful role, it should amend the Act and let the DEP manage all solid waste in this State.

What has been happening under the current legislation is, the DEP creates emergencies and then it acts under its emergency power in the Solid Waste Management Act instead of using the Act to plan. It would appear that the Act invites DEP to react to crisis situations, as opposed to acting in a responsible manner.

Another consideration for this Committee would be to impose upon the DEP the obligation to mandate plans for those counties which fail to act responsibly on their own. Presently, the DEP can use those powers only when a county certifies its failure. DEP should have the power to certify failure when circumstances warrant.

It is unconscionable on the part of the Governor and the Department of Environmental Protection to require the 610,000 citizens of Middlesex County, who have accepted the responsibility of being a good neighbor in the past, to continue to accept 4000 tons-plus per day of out-of-county solid waste, with all of its unhealthy aspects, odors, traffic by unsightly trucks, noise, litter, etc.

We respectfully plead with this Committee, the Legislature, and the Governor for relief. We ask for amendments to the Solid Waste Management Act that will be fair, and that will help Middlesex County. We strongly support the proposed bill by Assemblyman Frank Pelly of Middlesex County. Thank you.

ASSEMBLYMAN HOLLENBECK: Thank you very much. If the Act is amended to deal with that redirected flow, would Middlesex County then be in compliance with the Solid Waste Management Act?

FREEHOLDER CRABIEL: Yes, we would. We have taken a strong position that we are the third largest county in New Jersey, and we are prepared to take care of our own waste, and fully comply with the Act,

but we do not believe we should take out-of-county waste on a permanent basis, or on a short-term basis either.

ASSEMBLYMAN HOLLENBECK: Do you agree that a county-negotiated inter-district agreement would be proper, for instance, if there were two willing districts involved?

FREEHOLDER CRABIEL: Yes. Consistent with the present law, counties have the power to enter into agreements with other counties.

ASSEMBLYMAN HOLLENBECK: You spoke of mandatory recycling in areas of redirected waste. Do you also think that counties, even though they have a Solid Waste Management Plan, should go into mandatory recycling?

FREEHOLDER CRABIEL: Yes. In the case of Middlesex County, over one-half of our municipalities are in recycling at this time.

ASSEMBLYMAN HOLLENBECK: Do you think the other half should be involved in recycling, or that they should reach a certain percentage of recycling in order to reduce waste?

FREEHOLDER CRABIEL: Yes.

ASSEMBLYMAN HOLLENBECK: We have a question regarding the remaining landfills and the solid waste problems of the State. Not too many years ago there were 208 solid waste landfills sites in the State of New Jersey; there are 59 at the present time. We have about 27 million tons of capacity left in the State. That is about three years' worth. However, as landfills close fast, and waste is redirected, that number is very deceiving; it cuts down much faster than that.

I think counties also have to look very carefully at mandatory recycling, or they at least have to try to reach a percentage of recycling in each community. Number one, it is a cost savings; and, number two, it would help in the sizing of their basic resource recovery units, if they are anticipating going into that.

Of course, the Board of Freeholders is the major body that is impacted when dealing with this redirected waste from Somerset and Morris Counties. I assume they are the two counties you are receiving from?

FREEHOLDER CRABIEL: Union also.

ASSEMBLYMAN HOLLENBECK: Is Union redirected, or is that done by agreement?

FREEHOLDER CRABIEL: There is no agreement; it is a redirect.

I have two comments. We do not have the power under existing law to mandate recycling. Within our county, we have encouraged our municipalities to recycle, and we have done well.

We held a public hearing regarding a 3000-ton resource recovery plant, which the Board of Freeholders authorized. After the public hearing, we made a decision that the people of Middlesex County did not want, on a permanent basis, out-of-county waste. We are going back to our Solid Waste Advisory Committee, which is meeting shortly, and we will proceed with compliance with the law regarding resource recovery for Middlesex County.

ASSEMBLYMAN HOLLENBECK: Are there any questions?

ASSEMBLYMAN SHINN: Yes, I have a couple of questions. This question may have to be directed to your Solid Waste Administrator. What existing capacity do you have left in Middlesex County?

FREEHOLDER CRABIEL: Under the existing permit, we have three and one-half years. Based on the amount of solid waste coming in from out-of-county and our own solid waste, vertical or horizontal, the landfill will have to apply for additional permits.

I want to point something out: A year and one-half ago, if we had not been mandated to take out-of-county waste, the existing permits at Edgeboro Landfill would have covered us for 10 years. If additional permits for vertical and horizontal had been considered and granted for Middlesex County -- and I am not making a judgement on what it should be -- that landfill could have gone on for 31 years.

ASSEMBLYMAN SHINN: Do you have a bond ordinance which provides dollars for the implementation of a solid waste plan in Middlesex at the present time?

FREEHOLDER CRABIEL: No.

ASSEMBLYMAN SHINN: No?

FREEHOLDER CRABIEL: It was our intention that the free enterprise system should build a plant and be regulated by government, if it were allowed to do so. I would just like to add that the

Middlesex County Utilities Authority has made application -- that is, for sewage disposal — to build one on land in South Amboy, which is in our county. That is one proposal.

ASSEMBLYMAN SHINN: Have you had any discussions relative to inter-district flow agreements with the importers? Have you had any county discussions with Morris or Union Counties?

FREEHOLDER CRABIEL: Going back nine months ago, we had discussions with Morris County and the DEP. In fact, an agreement was executed, which was rescinded, and it was part of the litigation. Since then, we have had no meetings regarding inter-district agreements with other counties. We said we would not talk about that prior to a decision following the public hearing on the 3000-ton unit in Edison. A couple of weeks ago the Board of Freeholders made a decision not to proceed with that unit, which would have consisted of 2700 tons of out-of-county garbage.

ASSEMBLYMAN SHINN: In our county we were in almost the same situation you are in currently. We had about three and one-half years of existing design capacity, and we probably had a little more importation, by percentage not by volume. About 75% of our waste was coming in from out-of-county and out-of-state. We went for a lower technology on resource recovery, to composting. We said we did not want to control waste flow, nor build an incinerator and generate electricity or steam.

Basically, we wanted to provide capital dollars to deal with our own waste under a resource recovery program. We went to each of the importers and said, "Okay, Burlington County has three and one-half years left. We have a capacity crisis, and we can demonstrate that. We are willing to contract for "x" number of cubic yards," in our case, "for a period of time, and that period of time is about a year and one-half to two years. During that time, you have to recycle. You have to reduce your waste stream. You have to look for permanent disposal in your county, and when capacity gets down to two years, you have to stop importing."

An incentive to entering into an agreement with our county would be, "If you do not enter into an agreement, we will make an

agreement with a county that will enter an agreement, both to meet our recycling provisions and to agree to stop importing when" -- in your case -- "Middlesex County reaches two years' capacity."

Initially, we were turned away, as you have been, but when we went back with, "Here is the volume of capacity you are entitled to for a period of time until we get down to the capacity we feel we need in our county," and, "Are you or aren't you?" -- this included the City of Philadelphia — in the end, they signed the contract.

We are now down to something in the order of two years' capacity, and we have no importation. So, I think the inter-district effort is worth it, because capacity is a hell of an asset insofar as using it as a leverage to negotiate agreements is concerned. It is also a hell of a liability if you get directed waste flow from all over the State. You are in that situation now; we were in a similar situation.

We would be willing to provide whatever background we have, through agreement samples, resolutions, or whatever it was we went through. I think, in looking at your current status, waste flow agreements should be given a good effort. I think part of your ultimate salvation will be to have some type of an agreement to make counties look out for themselves and not just depend on you for capacity.

FREEHOLDER CRABIEL: I respectfully point out, though, that Middlesex County tried that with Morris County. It did not work. We had to rescind the agreement. At one time we had three valid landfills. We had solid waste going into three different locations. Now, it is all coming into one location, right off of Rt. 18, and it is a horrendous situation.

After all we have been through in Middlesex County, I do not believe that, in our case, an inter-district agreement will serve our people.

ASSEMBLYMAN SHINN: This bill basically says— Quite frankly, I have not spent any time on this bill, but it says that a county would enter into a agreement with you--

FREEHOLDER CRABIEL: And if it doesn't, they would then be "out" in Assemblyman Pelly's proposed bill.

ASSEMBLYMAN SHINN: You are saying you would enter into an agreement, so you support the agreement concept?

FREEHOLDER CRABIEL: We support the legislation, which means that if they did not enter into an agreement, they would be out.

ASSEMBLYMAN SHINN: The Act speaks to agreements -- okay? The Existing Solid Waste Management Act authorizes counties to enter into agreements with other counties for waste flow control. This legislation says that counties that are exporters shall enter into agreements with the counties that are accepting the waste. Okay?

So, as I understand it, this legislation would force counties that are exporting waste to enter into agreements with counties that are receiving it.

ASSEMBLYMAN HOLLENBECK: That is consistent. I think the two are consistent.

FREEHOLDER CRABIEL: And, if they do not enter into an agreement, they would be out.

ASSEMBLYMAN SCHINN: You have the ability to do it voluntarily now under the Solid Waste Management Act.

FREEHOLDER CRABIEL: Yes.

ASSEMBLYMAN SHINN: What you are saying is you can't negotiate agreements. You just said you don't think they would be in the best--

FREEHOLDER CRABIEL: Because the Commissioner has the power to redirect throughout the State, and he has directed three counties into one landfill in Middlesex County, without any agreements.

ASSEMBLYMAN SHINN: Because you don't have any waste flow agreements. You don't have an approved Solid Waste Management Plan.

I am saying if you are not making an effort to enter into agreements with your importers now, and if we pass a law which says every importer shall enter into an agreement with you, it is going to take you more time to get that agreement. I think this is going to take some time.

What I am concerned about is, you have three and one-half years' capacity. Let's say that within six months you ought to start discussing waste flow agreements with your importers so that if you

fail through the voluntary process, you will have this out on the horizon. This is an incentive to get an agreement, but if you are not working on agreements, how are you going to get there? That is my question.

JOHN J. HOAGLAND: May I address the Committee?

FREEHOLDER CRABIEL: This is Mr. Hoagland, the County Counsel.

ASSEMBLYMAN HOLLENBECK: Yes.

MR. HOAGLAND: The reason why we are unsuccessful in negotiating agreements is because the other counties know that by not entering into an agreement, DEP is going to direct it here anyway. So, there is no incentive on their part to sit down and discuss meaningful agreements. They don't have to and they don't want to because if they do nothing -- which is what they have done -- DEP is going to take care of them anyway.

We have sat down with Union, Morris, and Somerset Counties and they have all given lip service to, "Yes, we are in the process of getting a landfill," but they are under no pressure, because if we fail to enter into agreement with them, so what? DEP will take care of them anyway.

Under this legislation, if they fail to enter into an agreement with us, I would assume we would have the opportunity to rid ourselves of that county.

ASSEMBLYMAN SHINN: We found, in going through the Plan amendment process, that where we had some difficulty with a couple of the agreements and DEP knew we were in negotiation, weight was actually given to the fact that an agreement was not able to be negotiated -- and we had that type of situation. In the review by DEP of the final Plan amendment, they include that waste flow. So, you have the opportunity to try and negotiate what agreements you can negotiate, and submit in your Plan amendment adoption by the Board of Freeholders where you have not been able to negotiate waste flow agreements with specific counties. I think you will then find that DEP endorses your amendment and embodies the waste flow agreement in the Plan amendment. At least that is what we found.

I really think with that type of capacity available, reinitiating waste flow agreements with the counties is certainly something I would look into. We would very readily share all the information we have with you.

ASSEMBLYMAN HOLLENBECK: Thank you very much, Freeholder, for your testimony.

FREEHOLDER STEVEN J. CAPESTRO: Mr. Chairman, may I address the Committee?

ASSEMBLYMAN HOLLENBECK: Yes.

FREEHOLDER CAPESTRO: I am Freeholder Capestro, Director of the Board of Freeholders. I would just like to thank the Committee for affording us the opportunity to present our testimony. I would like to invite the members of this Committee, or staff, to contact our Board of Freeholders for an on-site visit to our landfill. I think that really shows the story more than conversation does.

ASSEMBLYMAN HOLLENBECK: On a cool day.

FREEHOLDER CAPESTRO: Yes.

ASSEMBLYMAN HOLLENBECK: Thank you very much, Freeholder.

Assemblyman Paterniti was good enough to wait. We normally afford a colleague the opportunity to speak first. Thank you very much, Assemblyman Paterniti, we will now hear from you.

ASSEMBLYMAN THOMAS H. PATERNITI: I would like to thank Chairman Robert Hollenbeck and his Committee for taking the time to visit Middlesex County, not only to provide us with an opportunity to present our views, but, also, to offer you a chance to take a firsthand look at some of the problems thrust on our shoulders by the Kean Administration and the courts.

It is no secret that Middlesex County has been dumped on, both figuratively and literally. It has been dumped on by the present Administration in Trenton, which has used its authority under the Solid Waste Management Act to direct the flow of solid waste in a manner detrimental to Middlesex County and its residents.

Rather than exercise its authority equitably by requiring all counties to provide realistic plans to provide for the disposal of their solid waste in the years to come, the Kean Administration,

through Commissioner Robert Hughey, chose to hide behind the black robes of the courts and allow certain favored counties to shirk their responsibilities, while making others, such as Middlesex County, accept plans that simply let favored counties off the hook.

The State may say nonsense to this charge, but the fact remains that when DEP looked at the solid waste problem in North Jersey, it permitted some influential Republican counties to cop out. For example, how can one argue that Morris County is meeting its responsibility when it proposes to build a landfill and resource recovery unit in Roxbury Township, one of the few Democratic municipalities in the county, on a site that is directly on top of a precious fresh-water aquifer? You and I know that the DEP acceptance of this proposal will only be decided after years of court litigation. So, while others want you to believe that Morris County has a plan which will eventually ease the problem in Middlesex County, the reality is that there is no plan at this time.

Now, let's review the impact all this dumping has on Middlesex County residents. A 30-year landfill site has been reduced to a three-year site. Residents have been forced to endure an enormous increase in truck traffic, traffic congestion, and pollution. Residents have been plagued by damage to their cars caused by roads ripped open by the steady pounding of heavy trucks. Middlesex County residents are paying significantly more for solid waste disposal, but these amounts will pale when compared to the millions it will cost in higher property taxes in the years ahead, as more of our municipalities are forced to dump out of county.

The only way to end this madness is to fight back, to force DEP to divert some of this Middlesex County-bound garbage to other counties, and to assist the County in developing a plan to provide for the disposal of its own solid waste. The legislation I am co-sponsoring to prevent DEP from directing garbage to Middlesex County from the outside without first getting the approval of the Freeholders of the receiving County, is a necessary first step in carrying out this objective.

Now, if you want to use a little mathematics, there are roughly 6000 tons of garbage coming into Middlesex County on a daily basis; 2000 tons are generated by the residents of Middlesex County, and 4000 tons are coming in from other sources, primarily from three counties and from out of State. It cost roughly about \$15 per ton to dump garbage in a regular landfill, but about \$50 per ton if you use resource recovery. So, if we do a little mathematics, and if we take the 4000 tons— Using resource recovery, it would cost about \$200,000 per day, five days a week, or roughly \$1 million per week. If you take 52 weeks, it will come to about \$156 million per year. Over 30 years, that would be \$1,404,000,000.

If you leave it the way it is -- and we had the capacity for 30 years to dump Middlesex County garbage at \$15 per ton -- it would cost roughly, for the residents of Middlesex County, saying that the rates stay the same over the next 27 years, \$421 million. Therefore, it appears that in 27 years it is going to cost the residents of Middlesex County roughly \$1 billion. Actually, Middlesex County will be subsidizing the rest of the State to the tune of \$1 billion over the next 27 years. That means that every municipality is going to have to raise its taxes in order to accommodate out-of-state garbage. This is because they have decided to dump on Middlesex County. That is why the time has come for us to stop all out-of-state garbage coming into Middlesex County. We have 22 garbage districts. Several of them actually dump out-of-state, but the two major sites which are accepting garbage are Middlesex County -- which actually accommodates four counties and out-of-state garbage, a total of five — and Hackensack/Meadowlands, which accommodates four. We are probably the most dumped on County in the State of New Jersey. The time has come for this to stop.

I want to thank you for having this hearing. I hope that with this hearing we will move ahead and eliminate garbage from coming into Middlesex County from outside of the County. Thank you very much.

ASSEMBLYMAN HOLLENBECK: With the current system, I think my towns are getting a great advantage.

ASSEMBLYMAN PATERNITI: That is correct because we are covering your costs. The day will come when we are going to have to pay \$50 per ton to get rid of our garbage, whereas we can really eliminate it for \$15 per ton. The taxpayers of Middlesex County are actually subsidizing the rest of the State. I think that is grossly unfair.

ASSEMBLYMAN HOLLENBECK: I'll have to look at that one, Tom.

ASSEMBLYMAN PATERNITI: It's simple mathematics.

ASSEMBLYMAN SHINN: I think you might have lost a vote here.

ASSEMBLYMAN HOLLENBECK: You might have lost some votes from the Committee on that one.

ASSEMBLYMAN PATERNITI: It's simple mathematics.

ASSEMBLYMAN HOLLENBECK: But, I think you are referring to areas which have been redirected, rather than the other counties, which are also proceeding with their own resource recovery or their own solid waste disposal facilities. I think we have misinterpreted what you said.

ASSEMBLYMAN PATERNITI: No, we would have 27 years more capacity in this landfill if it stayed the way it was. We were getting 300 to 1600 trucks a day.

ASSEMBLYMAN HOLLENBECK: We're not dumping in your landfill.

ASSEMBLYMAN PATERNITI: Well, there are three counties that are being subsidized. All right; very well. But, that is only the beginning. They may decide to dump a few more counties on Middlesex if we allow it to get out of hand.

ASSEMBLYMAN HOLLENBECK: We just had five more towns from Passaic County dump on us, too.

Assemblyman, thank you very much for your testimony. You are more than welcome to sit on the dais with us.

ASSEMBLYMAN PATERNITI: Thank you very much, Mr. Chairman.

ASSEMBLYMAN HOLLENBECK: Mr. Ike Heller, Chairman, Voters Opposed to a Toxic Environment. This looks to me as if the acronym would be VOTE. In no way are you going to try to read that whole thing, are you, Mr. Heller? (referring to papers Mr. Heller is carrying)

ISAAC HELLER: No, you read it at your leisure.

ASSEMBLYMAN ADUBATO: That is for your weekend, Bob.

ASSEMBLYMAN HOLLENBECK: This is past leisure time.

MR. HELLER: It's recyclable, I hope.

ASSEMBLYMAN HOLLENBECK: Made from recycled paper?

MR. HELLER: Absolutely. My name is Isaac Heller. I am the owner of Heller Industrial Park and the Mirror Lake Swim Club and Day Camp in Edison. The industrial park represents 25 buildings, which are outlined in red over there (referring to map on stand at side of room). The Mirror Lake Swim Club and Day Camp is the portion in yellow. The industrial park employs about 2000 people and represents about \$78 million in ratables. The swim club serves 520-odd families; the day camp serves some 300 children.

In our industrial park we have tenants of the quality of General Electric, Con Air, E. I. DuPont, Metropolitan Life, Owens-Illinois, and others. There are nine buildings which are environmentally sensitive devoted to food and/or hospital supplies.

Before I proceed, I would like to commend your Committee for holding this hearing to discuss the proposed change in the Solid Waste Management Act and to look into the issue of out-of-county garbage. I must say that no subject is more timely, in view of our activities and our problems in the very recent past, over the last month.

Just one week ago, I sat in this very room and the Freeholders voted seven to zero on an amendment to the County Solid Waste Management Plan, which would have created a 500-acre monstrosity garbage dump in the particular area adjacent to our industrial park, and right on top of our swim club and day camp.

As I mentioned, I represent, and am Chairman of, a group of some 30 people who have come from various communities within Middlesex County, each with its own particular problem or facet, but united in a determination to keep Middlesex County and our particular area from being further devastated. As you know, this area is the site of Kin-Buc, which I need not expound upon. You may remember that Kin-Buc was intended to expand -- you can see Kin-Buc II on the map there -- to our industrial park six or seven years ago, and I might say we were significantly responsible for causing the expansion not to be permitted

and, in fact, causing them to be closed down, which I think was a very worthwhile thing.

I am pleased that the Freeholders, in their vote last week, listened to the voice of the people. I believe there were a number of serious questions brought up. To state the problem I would like to focus on today, the State Department of Environmental Protection has not enforced the Solid Waste Management Act. DEP, in the face of overwhelming evidence that the law has been broken, has chosen to ignore Sections 13 1.e.-(9) and 13 1.e.-(10) of the Act for reasons I have been unable to determine. They have been very derelict in their duties. On July 23, I publicly released a study of the ILR Landfill. You have it there, and I hope you will look at it. The summary and the pictures spell it out, and if you have the time, or if your aides have the time, I think it would be worthwhile for you to look at it. It took us a long time to create this; a lot of genuine expertise went into it.

We are also supplying you with other information, which I will discuss briefly here. The study clearly demonstrates that the ILR Landfill is leaching carcinogens and other toxic materials into the surrounding water table. The findings of this study were widely reported by the various newspapers in Middlesex County and by the broadcast media. Again, you will see copies of newspaper articles in the material we gave you. We certainly did not give you all of them, but you have probably seen most of them. I am also including a second study -- it is the thinner one -- by S. P. Newman, Ph.D., who is an internationally recognized ground water geologist, whom we employed to confirm the converse study so that we would know we were on appropriate quality scientific grounds.

It made no sense for DEP to encourage Edison and Middlesex County to accept enormous volumes of County garbage. Edison has more than enough garbage dumped on it. On August 7, the front-page story in The Home News revealed that the former president of ILR — International Land Reclaiming -- acknowledged in court affidavits that his company had illegally dumped on 35 acres of adjacent land without any sanction by DEP. They just dumped on it, and DEP knew all about

it. (Mr. Heller moves to map on side of room) The area we are talking about is a very significant area. It is right over here. They just dumped on it. DEP knew about it. In fact, at a later date, ILR applied to DEP for approval after the fact, and DEP withheld approval after the fact. However, DEP took no steps whatsoever to make them correct this violation. They were completely silent on the correction. One would think DEP would be prompted by the news stories we just gave you recently. Instead, DEP has chosen to take the direction to reward these people by allowing them to expand the dumping, both on top of that and adjacent to that (referring to map.)

DEP Commissioner Robert Hughey, as reported on August 8, 1985, continued to support the Edison proposal. That is the proposal that has since been withdrawn by both the municipality and the County Freeholders. But, he continued his support, even in the light of full knowledge of the illegal dumping. It is not just illegal dumping. If you look at the report which focuses on that illegal dumping, it was a rather horrible example of environmental control.

Frankly, I am not sure why I am surprised by all this because our legal counsel communicated with Mr. Hughey on three separate occasions prior to the public disclosure, informing him of all of the facts. We have had no response whatsoever from him. Mr. Hughey himself has been silent, and we believe he should be made responsible to respond to these questions and to advise us as to why his Department has been silent on a condition of overt actions contrary to the law. In short, DEP's performance with regard to the ILR Landfill and the proposal to expand it and create an incinerator, can be described as no less than dereliction of duty. In fact, there is overwhelming data on the presence of toxic leachate and illegal dumping, on which DEP has brazenly refused to take any action whatsoever against the confessed violators of the law, who are in complete violation to its mandate as established by the Solid Waste Management Act.

Therefore, I am calling upon you to take whatever action is necessary to force the Department of Environmental Protection to begin to instruct the operators of ILR to undertake the necessary procedures to clean this up and stop the cancer-laden leachate from fermenting the

waters and the rivers. In addition, I believe an investigation by this Committee of DEP itself is necessary to determine why Mr. Hughey, in the face of overwhelming evidence, has refused to carry out his duties as required by the law.

It is my judgment that DEP's behavior with regard to this whole matter has been nothing less than scandalous and cries out for action by the Legislature. It is my hope that you will inquire into this and that you will incorporate into the proposed amendment to the State Act the teeth to make DEP do what it is supposed to do. As someone said earlier, just don't let them proceed in a bureaucratic manner to do or not do what they are really supposed to do.

I would like to commend the Assembly Agriculture and Environment Committee for giving me the opportunity to address you. If you have any questions, I will be happy to address them.

ASSEMBLYMAN ADUBATO: Thank you very much, Mr. Heller. Assemblyman Shinn, do you have any questions?

ASSEMBLYMAN SHINN: Quite frankly, I am impressed with the amount of documentation you -- someone from the public -- have provided and, believe me, I have heard a lot about our solid waste plan, siting, and so on and so forth. We very seldom get the kind of documentation you have provided on a specific issue.

I would just like to inquire as to some of your ideas relative to what you feel the Freeholders should be doing regarding the solid waste plan. I assume you have some specific ideas relative to how they could handle their solid waste.

MR. HELLER: The solid waste problem is a serious problem. Indeed, in the short time we have been involved in it, the first matter we addressed was the horrors of what they were proposing. They proposed to reactivate this, notwithstanding the fact that it was illegal and poorly engineered. They proposed to reactivate it and expand it to a full-scale dump that would-- This is the proposed dumping area (using map to demonstrate). It is a gigantic area.

ASSEMBLYMAN SHINN: They didn't do this, though.

MR. HELLER: This is what they proposed to do, and that is when we got into it.

ASSEMBLYMAN SHINN: Okay; all right.

MR. HELLER: This is what brought us into it. We found a ground swell of public opinion. By just some small judicious advertisements, we managed-- I was amazed at the, some say 600, and some say 800, people who turned out for a public meeting on July 23. We could see that the public was absolutely against it.

Now, in the direction of positive thought, and positive direction, the problem has to be solved. First of all, there has been sufficient talk about out-of-county garbage, so I will not repeat that. There is no question that Middlesex County cannot become the host County for the whole State. I will not readdress that because you have already heard testimony on it.

ASSEMBLYMAN SHINN: With your being very involved in this particular topic, would you have any specific objections to the Freeholders contracting for counties to address their own waste problems, which would probably include a period of time they would continue importing to a close if they met certain requirements in the contract?

MR. HELLER: I heard what one of the Freeholders here said, and you seemed to sort of divert him from the direction he was taking. I do not see why they have to enter into any host agreements at all. Why should they be in a position where they are so hard-pressed? Why should they be forced, and why should they be coerced? Where is the rightness -- even in the short term -- of making an agreement to bring it in? I fail to understand that.

ASSEMBLYMAN SHINN: You have to look at a very broad regional concept, whether you want to or not, when you are dealing with solid waste. We had to; we didn't want to. But, to get back to your own County situation—

MR. HELLER: Which is your county, sir?

ASSEMBLYMAN SHINN: I am from Burlington County.

MR. HELLER: Okay, one of the southern counties.

ASSEMBLYMAN SHINN: Yes, we are below Trenton.

MR. HELLER: I am not in politics, and I am not a good geographer. There is a lot of open space down there.

ASSEMBLYMAN SHINN: Oh, yes, we do have a lot of open space.

ASSEMBLYMAN KARCHER: It's close to Lakehurst as well, right, Bob?

ASSEMBLYMAN SHINN: Yes, it's close to Lakehurst, which is in Ocean County; that is a neighboring County.

The issue is -- and I think maybe Assemblyman Karcher mentioned this — there are what, 59 landfills, out of 200 and some which exist in New Jersey. New Jersey does not have the authority to order waste out of its State to Pennsylvania, New York, or anywhere else. Basically, that trash, which everyone puts out their door once or twice a week, has to go somewhere; that is a State problem. It is not going to work if you look at where the landfills are located and where the trash is generated. It is not going to work to pass a law that says, "No one can come here," or "No one can go there," because it has to go someplace.

The only way to make the Solid Waste Management Act work is to basically take an existing situation, look at everyone's existing capacity, and tell the importer, "We are going to work with you in a planning effort for a period of time until our capacity gets to the point where we need it to implement our solid waste plan. When we get to that point, you can no longer import." That puts the burden back on the importer. He knows he has to make arrangements to implement a solid waste plan to address his own generated waste. There is a pressure game going on to implement this. You can spot legislation here and there, but if you are going to get a long-term remedy to a very regional State problem, you have to look at it in a regional sense and come up with a conclusion. Don't forget, you have a Federal Supreme Court decision -- Jersey versus Pennsylvania -- which says that every landfill is a public utility, etc. So, you have that as a backup. However, if you are really going to solve the problem, there has to be public awareness that this Freeholder Board has one hell of a problem to deal with. It has to support some very difficult positions.

I think you have the ability to come across positively and lead a large section of the public to help this Board get its job done.

MR. HELLER: I understand what you are saying. I must confess that I have not focused on the State's overall problem, but I

have focused on the particular problem here. What we have here is a sick horse (referring to map). I have to focus on this particular thing because this horse is sick. It has the results of Kin-Buc; it has the results of ILR. Now, this particular horse, which is on the verge of dying, cannot afford to accept intravenously the sickness from other places. Yes, it is a problem, but here we have an environmental devastation that has not been solved, and to inject it here-- This is the part of it I have focused on. I must confess I have not focused on the State's problem, but I am willing to. I have focused on the thing closest to me and, to that extent, I have become a semi-expert.

ASSEMBLYMAN SHINN: I would just like to make one closing comment. We are all very parochial in our approach; we start out that way. But, if you are going to make that horse better, you have to develop a process to look at the regional approach because the regional approach is what is going to make it work or not work, and reduce that into some positive approach to solving the problem.

MR. HELLER: (returning to map) Not very far from Kin-Buc, we have families living right over here. This whole distance is 1500 yards. There are 1000 homes; 2000 people. There is a family of two women. One of them recently had a child die. I think the child was about three years old. The other woman has a child with multiple deficiencies, who is subject to seizures, and so on. To my knowledge, and from what they have told me, there is no history of these things in the family. They are concerned, and they have every right to be parochial. They have to be parochial; they cannot be expected to sacrifice themselves to the good of the overall.

Yes, we have to solve the overall problem, but we have to address parochial conditions as well. As I say, we have a sick horse here -- I don't want to be against horses -- but we have a sick situation. We really have to address it. It was not my intention to bring up this particular problem because this thing is dead. I was addressing why DEP is not doing its job.

ASSEMBLYMAN HOLLENBECK: Thank you very much, Mr. Heller. I think Assemblyman Shinn was saying he is a little bit concerned about the herd. I think Assemblyman Karcher wants to bring up something.

ASSEMBLYMAN KARCHER: Mr. Chairman, if you will allow me to exercise the right, I would like to ask a question. Mr. Heller, what we are really addressing here, and I think your testimony is very, very appropriate— You are a businessman, a very, very successful businessman.

MR. HELLER: I work very hard at it.

ASSEMBLYMAN KARCHER: I know you do. You understand motivation; you understand negotiations; you understand arm's-length transactions. Middlesex County is presently facing a situation where it is not arm's length, and it is not fair that there is an Executive Order for Morris, Somerset, and Union Counties to come here.

Now, with those people having the benefit of coming here under Executive Order, can anything ever really be negotiated when there is that kind of a gun to your head?

MR. HELLER: I agree with you; I think you presented it very well. I would not attempt to do it as well. Your earlier words were directly to the point. I agree with you; with that gun to your head, you have a problem. Now it is up to our Legislature to remove that gun. We cannot make yesterday come back, but we sure as hell can do something about tomorrow.

ASSEMBLYMAN KARCHER: Well, I thank you for that. The gun could be removed by the stroke of a pen if the Governor chose to do that, but he has not chosen to do that.

Let me ask you this with regard to your testimony about the Commissioner. Did you ever invite Commissioner Hughey or any of his staff to come up to take a look at what is going on?

MR. HELLER: We have written to him, and he would be more than welcome. I don't know him. I am sort of a private person; I am not even good at reading speeches, so I thank you for listening to me so kindly. I would love to have him. If you tell me how to invite him, I will do so.

ASSEMBLYMAN KARCHER: I thought you could tell me. We have invited him out to Edgeboro. We have invited the Governor to Edgeboro on, I guess, six occasions. Both Commissioner Hughey and Governor Kean refused to come. They don't even know what this looks like over in Edgeboro.

MR. HELLER: Oh, I thought you knew how to get them.

ASSEMBLYMAN KARCHER: No, I was going to ask you; I thought I could get some advice from you. We have invited the Governor to come to look at the Edgeboro dump -- I think Frank Pelly can tell you — at least six times. We have never received a response. I just thought maybe you had found a way. I thought maybe Commissioner Hughey came up to look at ILR. But, we have not been able to get either one of them.

MR. HELLER: So far, we have tried writing to him and we have tried publicizing.

ASSEMBLYMAN KARCHER: He hasn't even answered your letters?

MR. HELLER: He has not responded to our letters at all. We might just as well have dumped them in a sewer.

ASSEMBLYMAN KARCHER: I'm glad that private citizens are in the same boat as the Legislature. He doesn't respond to us either.

MR. HELLER: Well, we are going to try harder.

ASSEMBLYMAN KARCHER: So are we.

ASSEMBLYMAN HOLLENBECK: Thank you, Mr. Heller.

MR. HELLER: Thank you.

ASSEMBLYMAN HOLLENBECK: Is Emery Toth, candidate from District 19, here?

ROBERT DeSANTIS: Mr. Chairman, my name is Robert DeSantis. Mr. Toth and I have a joint statement we would like to give you.

ASSEMBLYMAN HOLLENBECK: Oh, very good; surely. Is Mr. Toth here?

MR. DeSANTIS: He was here, but he left.

ASSEMBLYMAN HOLLENBECK: Okay.

MR. DeSANTIS: Mr. Chairman, Mr. Speaker, distinguished Assemblymen: My name is Robert DeSantis. I live in Colonia, New Jersey. I am a Republican candidate for the Assembly in the Nineteenth Legislative District. I am also the Director of Industrial Affairs and Economic Development for Woodbridge Township. I might add, I am a former resident of North Newark, which I believe is Assemblyman Adubato's home area, or the district of one of his relatives. Am I correct, Mr. Adubato.

ASSEMBLYMAN ADUBATO: A lot of Italians are related.

ASSEMBLYMAN HOLLENBECK: They're all related.

MR. DeSANTIS: I think that is correct somewhere along the line.

Gentlemen, I would like to address myself to Mr. Hughey's cover letter concerning New Jersey's Solid Waste Management Plan Update 1985-2000. I would like to make a few comments on some experiences we have had here in Middlesex County, and then I would like to read a brief statement.

I would like to read Paragraphs 3 and 4 of Commissioner Hughey's cover letter, which basically outline the policy and actions which are supposed to be taken by the counties when dealing with this problem:

"Counties will provide leadership in selecting sites, choosing implementing agencies, and providing financing mechanisms for new waste disposal projects.

"Citizens residing in areas selected as sites for new disposal facilities will have to understand the necessity for projects serving a regional need, become knowledgeable concerning issues related to the safe design and operation of such facilities, and provide input to refine project disposals to meet legitimate local concerns."

Basically, I want to put forth the following to you gentlemen today as something to take back for consideration for change in this plan: Frankly, Middlesex County has failed miserably in trying to accomplish what they were supposed to accomplish. We had a situation recently where it took the public — 1000 people — at a public hearing on a County action to try to shove a particular plan down the throats of the citizens of Edison Township. There were four or five other proposals put forth in Middlesex County at the same time this particular proposal was put forth. After the results of that particular hearing -- and, of course, there were other hearings to back off -- it seemed that Middlesex County suddenly took the position that there would be no out-of-county waste brought into our County.

The basic proposal presented then was recommended by one of the implementing agencies, and it was to actually make contracts with three or four other counties before the project was even off the ground. The question becomes, what happened to the other four

proposals? What I am leading up to here, Mr. Chairman, is that I think self-determination becomes the proper solution to dealing with this problem throughout the State of New Jersey. What I mean by self-determination is this: Several communities, or leaders of several communities -- a case in point is Carteret -- came forth with a proposal. They were rejected. Woodbridge Township expressed an interest in coming up with a proposal or a plan to deal with their problems. As was stated here by one of our Freeholders, the community of South Amboy, in conjunction I would assume with a County agency, was considering a situation there. There may be more if it were opened up to that kind of a situation.

A change I think you might consider as a recommendation is that self-determination be given more of a chance, rather than Freeholders or county governments dictating what should be done, and then throwing out other plans. I realize the County government could have taken it upon itself to make self-determination a part of the plan, but that was not done in the case of Middlesex County. I feel that is something which might help. It should be given the utmost consideration by your group.

There were many comments made here today by our Speaker and by an Assemblyman from District 19. It seems that here we are, two months before election day, and suddenly certain individuals have awakened to this problem, which has been going on in this County, and others, for years. I noticed that the Speaker went to the map, showed us where he lives, and pointed to the various dumps which exist in his area, within a stone's throw of his residence. Well, my answer, Mr. Chairman, becomes, this did not happen overnight. This condition has been building for months and years, and suddenly today, we find ourselves scrambling here and there for solutions.

To address myself to the solution situation and to the comments I just made, the residents of this County have watched with frustration as their so-called leaders have botched up one of the most important issues we face, solid waste management. Through inaction and indecision by its elected officials, Middlesex County has found itself in a garage disposal dilemma. In other words, gentlemen, we may have a

"Garbagegate" here. I find it strange that this Committee would meet in Middlesex County to discuss solid waste, since this County has such a poor track record in dealing with this issue.

Because our County officials have abdicated their responsibilities, which they just did a few weeks ago, it should be up to the municipalities to determine their fate in the area of garbage disposal. Each town should be able to decide where its waste is to be deposited. The problem that Middlesex County faces is other counties dumping garbage within its borders. It has become obvious that the best way to keep outside garbage from coming into Middlesex County is to take action, not inaction.

Let me relate a quick tale of two counties. Burlington County and Middlesex County at one time were in the same position. Both had four major landfills, and both were taking in large amounts of garbage from other counties. Burlington County followed the Solid Waste Management Act to the letter, signing agreements which required the counties dumping in Burlington to make arrangements to handle their own garbage within a prescribed time. Once that time arrived, Burlington County was able to slap the gates of garbage importers with the blessings of the State Department of Environmental Protection and the courts. Burlington County is now in control of its own destiny. They are dealing from strength.

In contrast to those actions, the inaction in Middlesex County-- Because Middlesex County did not follow the Act and did not take steps for long-range solid waste management, other counties have been able to continue to dump in Middlesex County. We do not have DEP to back us up, and we do not have the courts on our side.

I would like to allude to the comment made about stopping waste from coming in from outside. Sludge is solid waste, gentlemen. Middlesex County exports its sludge. If we put this ruling into effect by legislative change, we will have to deal with that sludge also.

Essex County, Mr. Shapiro's home ground, exports its garbage. Is he going to have to stop that immediately if some change is made in that regard? I think the comments made here earlier about looking at the overall situation in that regard are extremely

important. I think we should lean toward the possibility of handling our own waste through self-determination, but we should be very careful about making decisions as to just cutting off exporting garbage, because we export a great deal of ours.

Also, by not acting, garbage continues to pile up at old landfills, creating the potential for collapse. In this area, we have witnessed the collapse of portions of Global Landfill and ILR, which created additional environmental problems. We must come to grips with the problem, not dodge it. It is not enough to whine about out-of-county dumpers. As Governor Kean said in his State of the State Message this year, "It is going to be expensive to dispose of garbage in the future." For years, political leaders at every level have sought to avoid this fundamental truth. If the past year has taught us anything, it has taught us that the truth is unavoidable.

Let me provide a parting caution to the elected officials who continue to hide from the tough decisions of solid waste: Political winds are carrying the foul stench of backed up garbage because of the inaction of many of our representatives.

Mr. Chairman, thank you very much. If there are any questions, I would be glad to answer them.

ASSEMBLYMAN HOLLENBECK: First of all, the Chairman of the Committee sites the location of where the hearing is going to be; I sited the location for this hearing. It happens to be one of the prime areas where this particular subject comes up dealing with redirected flows. Just so we understand any sort of implication with reference to the hearing. All right? I site the hearing areas and the dates of the hearings.

Number two, you are in error with reference to Essex County. Essex County has an inter-district agreement with the HMDC as far as their redirected flow is concerned during the period they are under construction of their resource recovery plant, which has been sited.

MR. DeSANTIS: They do export their garbage though, don't they?

ASSEMBLYMAN HOLLENBECK: They export it, but by inter-district agreement.

Thirdly, regarding the question of changing the Solid Waste Management Act to having 567 solid waste districts within the State-- I find that ludicrous. I think there could be no greater danger to the ground waters of this State than to have that occur because few would do it. I think you would find 567 crises around the State, as opposed to dealing with 22.

MR. DeSANTIS: May I respond to that, Mr. Chairman?

ASSEMBLYMAN HOLLENBECK: You know, this was part of your testimony. I have to disagree with you in some areas.

MR. DeSANTIS: I may not have been completely clear on something here; there may be a misunderstanding. I'm saying there are communities which have indicated they would be willing to accept these situations, and only in those cases should it be allowed. The Town of Edison rejected a plan. That's fine. If the Town of Carteret would like to have it, let the Freeholders act in an oversight capacity. Don't allow them to dictate; let them act in an oversight capacity as to whether that is in the best interest of the health and welfare of that community. If the Town of South Amboy, through some regional approach, wishes to accept it, allow that community to make that decision and accept it. That is the only point I am trying to make here.

ASSEMBLYMAN HOLLENBECK: I think those are the questions you should deal with with your own solid waste advisory groups, and then with your Board of Freeholders. I don't know whether or not you are talking about legislative changes. We are not talking siting within this particular legislation. Siting is something we are not going to take responsibility for. That is the responsibility of the solid waste management districts. I think what we are trying to deal with is-- When you are trying to plan in a solid waste management district for solid waste flow, and for some reason or other you have redirected flow to you and it is now changing the whole plan you wanted to start with, how can you ever accomplish anything?

I think everyone agrees there should be -- and we encourage it -- inter-district agreements. I think that is the greatest thing in the world. I would hate to think we would end up with 21 or 22

resource recovery units hanging around the State. I think that would be the worst thing in the world. No one wants that, so it requires inter-district agreements. But, you have to have it within your planning stage. You can't go in and build a resource recovery unit for an "X" number of tons of waste to be removed or disposed of, and all of a sudden have someone direct 50% more to you. That would ruin you. We can't have that. I think that is where the real problems come in, in the redirecting of the flow, particularly when you have other areas. It is a very popular position to say, "We have no suitable siting within our whole county." That is a very nice, easy thing to say. It is a very safe political position, too.

MR. DeSANTIS: I have not said that, Mr. Chairman.

ASSEMBLYMAN HOLLENBECK: No, I am just saying what has occurred.

MR. DeSANTIS: For someone else, for parochial reasons, I understand that.

ASSEMBLYMAN HOLLENBECK: We are going through it in one of my neighboring counties which, by the way, dumps 100% into my county because of the closing of Hamm's. Actually five more towns were added, but, at least, that agreement required them to go into recycling. They had to go into a recycling effort to reduce their flow. But, the major thing now is, "We'll send it out of State." You know, they are hiding their heads in the sand; they are trying to fool the people. That is not worthwhile; you are only fooling yourself.

MR. DeSANTIS: I agree.

ASSEMBLYMAN HOLLENBECK: I think those are the questions we are dealing with. However, I think the Committee is more interested-- With reference to inter-district agreements, I think Burlington County is a little different because some of the flow they had their agreement on was already going into that particular area.

ASSEMBLYMAN SHINN: Yes, the concept--

ASSEMBLYMAN HOLLENBECK: Some of it was going in there and it was a way of phasing out some of the--

ASSEMBLYMAN SHINN: I think you are in a similar situation in Middlesex County.

ASSEMBLYMAN HOLLENBECK: It was a way of phasing out of it, but as I understand it, this was not coming here and then being redirected.

MR. DeSANTIS: Mr. Chairman, it is my understanding though--

ASSEMBLYMAN HOLLENBECK: A completely different set of circumstances.

MR. DeSANTIS: —that if a district has developed a plan, that plan becomes its tool to control its destiny. That was the point I was making when I compared us to Burlington County. Middlesex County has no plan. That is the major part of the problem here. If we had a plan and agreements that were tied into that plan, then the courts and DEP would come down on our side. I think that point was made earlier. I believe that is the basic understanding of the Act. That is what I say we must get on to, instead of railing at this point.

ASSEMBLYMAN HOLLENBECK: You cannot make a plan if they keep changing it. I think that is one of the things the Speaker said.

MR. DeSANTIS: But the State hasn't changed it. The County--

ASSEMBLYMAN HOLLENBECK: Sure, DEP has changed it by redirecting, hasn't it?

MR. DeSANTIS: Excuse me. The County has not come up with a plan that works for its own control. Edison just went out the window.

ASSEMBLYMAN HOLLENBECK: How can you come up with a plan if the figures keep changing?

MR. DeSANTIS: If the plan was in effect at this point in time, we would have our destiny under control, as expressed in my comments. Burlington County did it, why can't we do it?

ASSEMBLYMAN HOLLENBECK: Thank you very much.

MR. DeSANTIS: Thank you.

ASSEMBLYMAN KARCHER: I don't want to put words in your mouth, but you heard testimony earlier with reference to the bill Assemblyman Pelly has proposed. In 1984, we had somewhere between 20 and 30 years of life expectancy at Edgeboro Landfill. Do you have any question about that being correct?

MR. DeSANTIS: I would defer to the experts on that, but I would assume that is probably correct.

ASSEMBLYMAN KARCHER: And, in December/January, we had redirected to us-- We had 20 or 30 years in December/January, 1984, for in-county garbage. Now, are you suggesting that what the County should have done was voluntarily accept Morris, Union, and Somerset Counties? Should we have voluntarily accepted that?

MR. DeSANTIS: No, Mr. Speaker. What I am suggesting is—

ASSEMBLYMAN KARCHER: I just want to make that clear. So, you agree that the County was right in not signing that?

MR. DeSANTIS: You asked me a question, Mr. Speaker. I would like to respond.

ASSEMBLYMAN KARCHER: Sure.

MR. DeSANTIS: I'm saying that if the County had fulfilled its obligations under this Act, which was voted on and probably penned by some of you folks, it would not be in this dilemma because DEP and the courts would come down on its side. It is a fact that the County has delayed; it has not come up with a plan. Just because Edgeboro has capacity doesn't mean that this County organization had anything to do with establishing it as a plan. Sure, they were knowledgeable about it, but there was no long-range plan. Middlesex County's plan was just designed around this project over here in Edison. It is now by the boards, and suddenly Middlesex County is saying, "Hey, we don't want anything to do with outside garbage," because they found out that the public is just not in favor of that.

But, if they had a plan in effect, Mr. Karcher, we would not be faced with this dilemma.

ASSEMBLYMAN KARCHER: I don't want to put words in your mouth; I want to understand this perfectly. You're saying it is because we do not have a plan that Commissioner Hughey redirected Morris, Somerset, and Union Counties to Edgeboro.

MR. DeSANTIS: I'm saying, if you had a plan, you would have been in a legal posture to have handled your destiny, or this County's destiny, as to how long, how short, or even if we would have to have accepted that outside disposal.

ASSEMBLYMAN KARCHER: Tell me if what I am saying is unfair. You're saying that because we did not have a plan as of December, 1984,

that was the effective reason that Commissioner Hughey directed Somerset, Morris, and Union Counties' garbage to Middlesex County.

MR. DeSANTIS: Mr. Karcher, I get the feeling that I am now on the witness stand.

ASSEMBLYMAN KARCHER: No, not at all. I just want to know if that is fair.

MR. DeSANTIS: Excuse me, Mr. Karcher. You are an attorney. I do not care to find myself exposed to a legal counsel's trade by being put in the position of being on the witness stand. I came down here today to offer opinion and suggestion. I am not going to get involved in the nuances of a legal interlocutory or deposition type situation. If you have a specific question as to what I have stated here today, for clarification I will be glad to give you an answer. However, I do not intend to sit here and be interrogated, as it appears you are starting to do.

ASSEMBLYMAN KARCHER: The last thing in the world I would do is try to interrogate you. I do not want to do that; I do not want to be unfair to you in the slightest way, Mr. DeSantis. I want to know about the bill that is pending which has been proposed by Assemblyman Pelly. In your testimony, you used the word "dilemma." Now, we already know that in December, 1984, there was no dilemma because we had 30 years of capacity in Edgeboro. So that dilemma has occurred between December, 1984, and August, 1985. Now, my question really was— If it is an unfair question, just tell me it is unfair.

MR. DeSANTIS: Fine.

ASSEMBLYMAN KARCHER: Are you saying that Morris, Somerset, and Union Counties were redirected here by Commissioner Hughey because we failed to have a plan, even though we had 30 years of capacity at Edgeboro? Is that the reason we have the -- to use your word -- dilemma of Morris, Somerset, and Union Counties' garbage here?

MR. DeSANTIS: I'm saying that if a proper plan per the Solid Waste Management Act criteria had been in effect, you could have controlled and had the blessings of DEP and the courts to prevent a crisis situation in Middlesex County. That is what I am saying.

ASSEMBLYMAN KARCHER: You're also saying that we do not have their blessing; but, instead, we have their punishment by having these three counties dumping upon us.

MR. DeSANTIS: This so-called punishment, Mr. Karcher, I would like to point out-- It is strange to me that suddenly, at this point in time, this so-called punishment is being addressed. Yes, I think it is a punishment to the citizens of Middlesex County to have to accept this out-of-county garbage. I certainly do. And I think it is terrible that we have to put up with the traffic. I think the reason we are taking this punishment is because of our inaction.

ASSEMBLYMAN KARCHER: You don't have any question or doubt that this is here by an executive act, and by an executive act it could be removed, do you?

MR. DeSANTIS: No, I do not.

ASSEMBLYMAN KARCHER: But that has not been done, has it? There has been no executive act to redirect it.

MR. DeSANTIS: No.

ASSEMBLYMAN KARCHER: Do you know where Morris, Somerset, and Union Counties stand with their Solid Waste Management Plans?

MR. DeSANTIS: I believe, from following this in the newspapers, that they have been relying heavily on the fact that Middlesex County's executives are negotiating with them and will accept their garbage for some time, not only as part of Edgeboro, but as part of a plan that has now gone by the wayside. They were actually negotiating contracts for the incinerator in Edison, which is not going to be built. Therefore, that shows all the more that their inaction is irresponsible because they are not only misguiding the citizens of Middlesex County, they're misguiding the citizens of Morris County, Somerset County, and others. We have to stop playing those kinds of games, Mr. Karcher.

ASSEMBLYMAN KARCHER: Do those three counties have plans?

MR. DeSANTIS: I believe they are probably as neglectful as Middlesex County.

ASSEMBLYMAN KARCHER: I only have two more things. You used the words self-determination seven times.

MR. DeSANTIS: I'm glad you were paying attention.

ASSEMBLYMAN KARCHER: Is Middlesex County self-determining in any way, shape, or form the fact that Somerset, Morris, and Union Counties are here by Executive Order? Is that self-determination within your definition?

MR. DeSANTIS: Mr. Karcher, it seems as though the purpose of this commentary today is to direct focus to Edgeboro. Edgeboro is a severe problem, but the problem is much greater than that. The problem is, we do not have a plan. We do not have a method of handling our future. Sure, that future has had a setback because of outside problems. I do not deny that. That is not just an inherent problem in Middlesex County. Mr. Karcher, what would we do-- We send our sludge out of County, don't we?

ASSEMBLYMAN KARCHER: To the ocean.

MR. DeSANTIS: No, Mr. Karcher, we send sludge to many, many areas.

ASSEMBLYMAN KARCHER: In Woodbridge, you send your sludge someplace, don't you?

MR. DeSANTIS: Many communities in Middlesex County do, not just Woodbridge. In fact, Perth Amboy sent PCB-loaded sludge down to Edgeboro and was severely criticized for it. Right now, Mr. Karcher, there is no place we can send sludge in Middlesex County. If we put up barriers to taking out-of-county garbage, what is to stop other counties from putting up barriers to taking our sludge, which could be just as severe a problem, if not more so, than the garbage problem? "What is good for the goose, is good for the gander." We would have a real problem since we have no place to put sludge.

ASSEMBLYMAN KARCHER: So, you are against the bill which is being proposed?

MR. DeSANTIS: I say we should-- I heard testimony about this bill today. I would like the opportunity to review it further. I am not saying I am opposed to it. I think there is some very good intention in that bill. In fact, I might consider supporting it, but I would like to-- The jury is still out on it. That is a good potential move for the future, as long as we are not walking into a trap. I think there has to be consideration given. If we suddenly put up a

wall about where we can send this stuff, the problem will never be solved.

Our problem with sludge is just as severe. We find it piling up in Perth Amboy; we find it piling up in Woodbridge; we find it possibly piling up in several other communities because there is no place to go with it. We do not have the facilities in Middlesex County to handle it. What I am saying to you, sir, is that any legislation we pass must not be purely parochial in its view. It has to consider the fact that there are proper places to put it and there are places that will accept it. That is where local determination, self-determination comes in. There are communities and there are counties that are willing to deal with this. If Middlesex County can find an out-of-county place to send its garbage and sludge, I would think it would be to our best interest. If they would willingly accept it, I think it would be to our best interest to send it there.

ASSEMBLYMAN KARCHER: No, that is not what this bill says. It says if they are willing to take it-- The bill, as written, says: "Any county that is willing to take it." That is all well and good, but what it says is, "A county cannot have it forced upon them."

MR. DeSANTIS: I would agree with that.

ASSEMBLYMAN KARCHER: Thank you very much.

ASSEMBLYMAN HOLLENBECK: Thank you very much, sir. May we have Mr. Michael Leibowitz from District 18, please? Do you and Mr. Mayo have a joint statement, sir?

MICHAEL LEIBOWITZ: We have a joint statement, but I believe Mr. Mayo may wish to add something.

ASSEMBLYMAN HOLLENBECK: He might want to supplement it?

MR. LEIBOWITZ: Yes, sir.

ASSEMBLYMAN HOLLENBECK: Mr. Leibowitz and Mr. Mayo are both candidates for District 18, which I guess is Middlesex County.

MR. LEIBOWITZ: My name is Michael Leibowitz. I am a resident of, and a Councilman in, Monroe Township. I have a mailing address in Spotswood. I am a Republican candidate for the Assembly in District 18.

I would like to thank you for the opportunity to testify on an issue of great importance to the people of Middlesex County. But, at the outset, let me say that I question the timing of the hearing, coming as it does only two months before the General Assembly election. I would like to ask where our Assemblymen were two years ago when the problems posed by dwindling landfill space were quite apparent? Where were our Freeholders two years ago when new solutions to solid waste management were desperately needed? Where were you last year when we had a garbage haulers' strike in Middlesex County? Why is it that this Committee has decided to hold a hearing after the impact of years of inaction and lack of foresight has hit Middlesex County?

When I was in the Army, we officers ate after our soldiers were satisfied. Yet, today, the Speaker of the Assembly had the opportunity to consume a half an hour of the residents' time, and then gave his running mates the next hour before the public had an opportunity to speak. This is not my concept of an open public hearing.

Mr. Chairman, I implore you to allow the public to speak first at hearings, and let your elected officials debate the issues in committee and on the floor of the Assembly.

From what these people have said, I realize that after years of public outcry they have finally heard our pleas. Gentlemen, I congratulate you for not wanting to be part of the problem anymore and for wishing to follow our lead in seeking solutions. I suspect that the timing of this hearing has something to do with the political calendar, but I will let the public be the judge of that. Get-tough measures on counties that send garbage to other counties are long overdue.

Elliot Mayo and I would like to propose several steps that would immediately help to discourage counties from exporting solid waste. One is a mileage tax on garbage coming from out of county. The tax would be imposed for every mile garbage trucks from other counties travel on the host county's roads. The tax would be paid by the paid by the sending county, and the receipts would be divided among the affected municipalities. This would serve as an immediate short-term

solution and encourage the sending counties to speed up their own solid waste management programs. I am referring to counties such as Richmond County and Manhattan in New York. I saw their trucks today on Route 18, so it is not just New Jersey counties. I believe what Assemblyman Shinn was referring to was, in order to stop out-of-state dumping, we have to do something definitive, and we have to have contracts between the counties.

Another step that could be taken would be an increase in host municipality fees. The towns in which a landfill or a resource recovery facility is located would receive extra funds from counties sending garbage to their plants. We want a strong bill to mandate recycling and to force counties to come up with solutions for themselves.

Finally, the State Department of Environmental Protection should take stronger steps against counties that do not take action to meet their own solid waste needs.

These and other measures are needed to break the logjam on the solid waste issue and to start forcing counties to meet their obligations. Enough is enough. Of course, Middlesex County would be in a stronger position to legally say "No" to out-of-county garbage had it proposed long-range plans to take care of its own solid waste. Two years ago, and last year, we requested the County to make definitive decisions, and they flip-flopped. The wishy-washy attitude toward finding a solution to our garbage disposal problems has put us at a disadvantage.

I am a member of Mr. Heller's group. I have consistently opposed putting a resource recovery plant on the site in Edison. We knew from the start that Edison was the wrong place to put the facility. Unfortunately, the County's elected officials had to waste \$50,000 on a consultant's study, waste precious time, and send shivers up the spines of Edison residents before they realized that the plan was foolhardy. It is a sad fact that our Democratic officials seem only to see the light when someone else is holding the beacon.

Messrs. Pelly, Karcher, Schwartz, Paterniti, and Otlowski have been Assemblymen representing Middlesex County for the past four

years in a Democratic-controlled Legislature. During this time, they have allowed Middlesex County to become an "overloaded outhouse" — to quote Mr. Otlowski. Now the sleeping giants have awokened because they have become mixed in the garbage. You have been blaming the Executive Branch for the problem, when actually the blame rests with the ruling Legislature.

Let us cut out the politics, review the facts, and develop long-term solutions that are acceptable and safe for the people of Middlesex County and the State of New Jersey. Thank you.

ELLIOT MAYO: Mr. Chairman and members of the Committee, I would simply like to emphasize one aspect that I do not think has had its full impact stated here today and may not be fully realized in the bill as proposed. That is the tentacles that go out from a resource recovery location, or a landfill location, the use of the roads and the annoyance to the various communities from the bringing in of the garbage and refuse to a specific location. That has an enormous impact on every single community, wherever it is in New Jersey. I do not think we have weighed carefully the impact that has had. I saw it impact on our County College when Kin-Buc was in full operation. I saw it impact on the business areas in our communities, as in East Brunswick at the present time. Accidents are caused, as Mr. Karcher, unfortunately, has close personal knowledge of. I don't think that has been appropriately addressed in the various bills.

Thank you.

ASSEMBLYMAN HOLLENBECK: Before we have any questions, I would just like to correct you. I set the hearing date.

MR. LEIBOWITZ: I heard that before, sir.

ASSEMBLYMAN HOLLENBECK: I set the site; I set the agenda; and, I extend courtesy to my peers. I apologize to Dr. Paterniti because I allowed Freenolaer Crabiell to speak before him. But, I set the agenda, and I set the speakers on this. So, if there is any blame, blame the Chair. I have been dealing with this subject since 1976. I was involved in the establishment of the Solid Waste Management Act. No one ever said that Act was perfect when it was created. However, whenever a problem develops, we address it, i.e., when we saw siting

occurring on sole source aquifers, the Committee moved a bill dealing with trying to block that particular action.

This Committee held hearings on water supply for the rest of the State; we have had hearings on mandatory recycling; we have had hearings on deposit legislation. This Committee has probably been one of the most active committees. The timing schedule of this has nothing to do with politics. If it were politics, we wouldn't be here.

The question we are here to discuss is not what is done by the Board of Freeholders; it is to look into the question of inter-district transfers and direct orders by the Commissioner. That is what we are dealing with, whether there should be amendments to that, and whether there are other changes needed to enhance it. Also, if there is some type of thing dealing with mandatory recycling, to see if we can get a reduction of that flow. That is what we are interested in. We cannot just deal with a single problem. We have to look at the whole State. There are areas of the State where the Solid Waste Management Act has worked, and where it is in effect. But, we see a problem here, and we are going to have a hearing to take testimony on it.

So, don't question the Committee's reason for having the hearing at this time of the year. I suspect your reason for being here at this time of the year is political.

MR. LEIBOWITZ: My reason for being here at this time of the year? Sir, I have been here for three years. I have been asking the Freeholders, and now I am asking you, to take the proper action.

As far as the hearing is concerned, if you had not had the Assemblymen who represent the people here as the first speakers, I may not have questioned your motivation. But, when I sit here and see that the people who have to make the decisions, who organize the committees, and who are running for office, are the ones who speak first-- I don't think I should be speaking now either. I think the general public should have the first opportunity to speak because, as I understand it, this is a public hearing. A public hearing when we have our Council meetings is the time for the public to speak; they are the ones who speak first, not us. That is what I am questioning.

ASSEMBLYMAN HOLLENBECK: I am going by the list before me. I have not deviated, except in the case of Assemblyman Paterniti.

MR. LEIBOWITZ: Did you prepare the list or did someone give it to you?

ASSEMBLYMAN HOLLENBECK: The list was out on the table, sir, the sign-up list.

MR. LEIBOWITZ: Well then, you are taking the onus for it. You shouldn't; whoever prepared the list should. I think you should direct those people to prepare the list so that the public speaks first.

ASSEMBLYMAN HOLLENBECK: Do you support the particular measures presented here by Assemblyman Paterniti -- the piece of legislation we are talking about dealing with the redirecting of the flow?

MR. LEIBOWITZ: Assemblyman Paterniti's proposal was presented today. Is that correct?

ASSEMBLYMAN HOLLENBECK: No. There is a bill which has been in the hopper for about a month and a half, I think. He is now working on another bill dealing with other nuances of it. I'm sorry, that's Assemblyman Pelly, not Assemblyman Paterniti.

MR. LEIBOWITZ: I'm sorry, but I did look at the right person.

ASSEMBLYMAN HOLLENBECK: Let me clarify it just to be sure, but there has been a bill in for a period of time.

ASSEMBLYMAN PELLY: Mr. Chairman, if I may. The original bill -- for your edification, Mr. Leibowitz -- was introduced on December 17, 1984. So, you may want to have a look at that prior to addressing the issue. It is Assembly Bill 3041, introduced December 17, 1984, three days after DEP forceably directed the garbage from Morris County into Middlesex County. I apologize for that three-day delay. It was due to the fact that the Legislature did not convene for three days after the redirection.

ASSEMBLYMAN HOLLENBECK: The question is, do you agree with the particular concept that there should be some type of an agreement before you redirect?

MR. LEIBOWITZ: I believe there should be an agreement between the counties; that would give us the strength to take the actions we have to in order to keep out-of-county dumping in the future, yes. I believe the Governor has also taken the same stand.

ASSEMBLYMAN KARCHER: From your mouth to God's ear.

MR. LEIBOWITZ: You're all sitting there saying it is not politics, but it looks as if this man is running for Governor. So, I feel that someone should make that statement. That is the way I understood it when he made his public statements.

ASSEMBLYMAN HOLLENBECK: Well, we can assure you he is not; not for four years he isn't, that's for sure.

MR. LEIBOWITZ: Are there any other questions, sir?

ASSEMBLYMAN KARCHER: Mr. Leibowitz, with regard to that, the Governor has adamantly opposed redirection out of the County. When I say that, I don't mean to be facetious. We would not be here today, and Mr. Pelly would not have introduced the bill, but for the fact that Governor Kean and Commissioner Hughey redirected Somerset, Morris, and Union Counties to Middlesex County. When you said the Legislature— You're not suggesting that somehow the Legislature redirected that garbage here, are you?

MR. LEIBOWITZ: I'm not being interrogated either. Basically, sir, the Governor has, on a number of occasions, publicly stated that we have to have interlocking agreements with the other counties before DEP can take definitive action to help us. That sounds to me as if he has the same objective we have. So, someplace along the line in this County, we are not doing the job. We can only blame that on the Freeholders in this County and the Republican Freeholders in Somerset and Morris because they are not coming together and making that agreement.

ASSEMBLYMAN KARCHER: Then you would have supported the agreement that was pending back in December, 1984? Do you think our Freeholders should have signed that agreement?

MR. LEIBOWITZ: I am not familiar with that, and I will not comment on it.

ASSEMBLYMAN KARCHER: Last, but not least, you said you were a member of Mr. Heller's group. I take it then that you supported the testimony he gave here today.

MR. LEIBOWITZ: No, not the testimony that was given today. He changed a lot of the testimony he has made in the past.

ASSEMBLYMAN KARCHER: Then you don't think Commissioner Hughey should be investigated?

MR. LEIBOWITZ: If you want to investigate anyone, and you have the authority, you should do so.

ASSEMBLYMAN KARCHER: You said you were a member of his group, and I just wanted to know whether you concurred with--

MR. LEIBOWITZ: I am a member of his group; however, it is not a cohesive, interlocking group. It is a group of many different organizations and people who have an interest in the solid waste problems in Edison. When I ran for Freeholder last year, I attacked the situation in Edgeboro because I did not feel the direction we were going in was proper. I am happy to say that I was listened to and that different actions were taken by the Board.

ASSEMBLYMAN HOLLENBECK: Thank you. I think we all agree on a couple of things. Assemblyman Shinn has also had to go through this as a Freeholder in a County with similar problems. I think we are all sort of in agreement. When we look at the draft we have here, I think we are also in agreement with what that is saying in a lot of areas. Regarding the regions, and the way they were picked out, you know, the 21 counties and the HMLC -- that was just a very easy, convenient way to do it. It was probably a foolish way, if we were to relook at it. When we did it, it happened to be a convenient line. There is nothing sacrosanct about one side of the street against the other side of the street, if that is the County dividing line. It was really based more on geographical reasons as to why we should have it. But, unfortunately, we're stuck. In a lot of cases, inter-district agreements are advantageous to the overall management.

I think we are all looking at the same types of things here, but once in a while, between the courts and some actions, or inactions, things get loused up. That is what we are trying to straighten out.

MR. LEIBOWITZ: Mr. Chairman, I agree with you. Because there have been so many fingers pointed today, I felt it was necessary to point a few of my own. The objective of the residents of Middlesex County, and I assume your Committee has the same objective, is to find a long-term solution for our problem, which should, in turn, be a long-term solution for the State of New Jersey. If this hearing today results in that, then I applaud and commend you.

ASSEMBLYMAN HOLLENBECK: Thank you very much, sir.

ASSEMBLYMAN SHINN: I have a couple of comments. DEP is going to be here at some point today, I take it.

ASSEMBLYMAN HOLLENBECK: No, not today.

ASSEMBLYMAN SHINN: Oh, not today. I had a comment on the update relative to waste flows, but it didn't address--

ASSEMBLYMAN HOLLENBECK: I think probably we are going to have Mr. Pereira come in to talk to us.

ASSEMBLYMAN SHINN: Okay. The issue I would like to reiterate, particularly since Mr. Leibowitz commented on municipalities being involved in the planning process-- We have 40 municipalities, and not one came to us and said, "We have a solution in our section of the County for your solid waste plans." We have had plenty of criticism, but no solutions from the municipalities. Were that to occur, believe me, I would have gone to that municipality and, if the environmental constraints were appropriate, certainly they would have been incorporated in our plan.

I think to protect the municipality, because there is no end of the political heat in implementing this neat little document, which is a meat grinder, the County, at some point, when it gets an indication that that municipality is interested in being a site for resource recovery, recycling, or whatever, has to pick up that ball with environmental studies, engineering studies, and so on, and incorporate them in an overall plan.

I think the ability to digest that municipal input is still in this plan, having the Freeholders involved and probably implementing and sophisticating what the municipality has proposed, whether it be the private or governmental sector.

One thing which stuck out in my mind through the testimony was, I know that to each solid waste administrator in the State and to each county Board of Freeholders-- We have had the indication several times from the Commissioner that he will do everything in his power to support counties which have adopted solid waste plans, and that the counties that do not, can expect redistributed waste flows. I know it has happened to Ocean County; I know it has happened to several other counties either before they had their Consent Order signed or their Solid Waste Management Plans adopted. It is going to get worse; it is not going to get better because there is too much to go around and there are too few places to put it. The counties which are going to get redirected to are the counties that do not have plans in place.

The planning process -- and the solid waste administrator can attest to this -- is going to get more and more difficult because if you have agreements, you have volumes, and if you have your capacity established, you know what volumes you have to plan for, you know what you can take out of the waste stream, and you know what you have to deal with as far as resource recovery is concerned. When you become mired in redistricting, the planning process becomes-- Until you get some kind of a handle on redistributed waste flow, the planning effort becomes bizarre because you do not know how much you must plan to deal with.

If I were asked for a suggestion for Middlesex County -- which I wasn't, and I do not want to be presumptive -- I would say that the first thing they ought to do is adopt a bond issue because this process takes a lot of money even before you adopt a plan. And, don't adopt a plan and then try to fund it. Get an estimate of what your plan is going to cost because you are going to be taken to the Supreme Court, I'll guarantee it, whatever the plan. You need dollars to fund that. You need dollars for the planning; you need dollars for the environmental impact; you need dollars for the archaeological study, etc., etc., etc. I think it is almost too much for an annual budgetary item to digest. I think you need a solid waste bond issue to say, "We are committed to solving this problem. These are the dollars we are going to use to get to Point B, and then we will go right into district

agreements for waste flow." Tell DEP what you are going to do and what you are not going to do. "This is what we are doing, and if you do not agree with us, we are going to end up in court together." That is the posture we took, and we got there. It wasn't easy, but I think, A), you have to be committed; B), if you are receiving imported waste you have to have waste flow agreements; and C), the only way out of this is through a plan. I don't think there is anyone who is going to do it for you unless you certify failure, and I do not see that as a very popular possibility, or remedy. After that happens, you are not going to get the best plan from DEP or this Legislature. The best plan is going to come from the county, or the people of the county.

ASSEMBLYMAN HOLLENBECK: I don't know if that requires an answer.

MR. LEIBOWITZ: I would like to make a comment. Recycling was mentioned; so was resource recovery or cogeneration. The resource recovery proposals I have seen are all for massive facilities that will burn just about everything that God has put on earth and everything that man has made. We're talking about recycling, recovering, and reusing as part of the State's plan, and yet, if those facilities are built in that way, then we cannot afford to recycle because we need the recyclables to create the heat to burn the other matter.

If that is the direction we are going to go, and I do not advocate it, then we should not waste our money encouraging people to recycle and to reuse things. If we do spend the money for recycling and reuse, we should look at downsizing the resource recovery facilities so that they do not eat up our recoverable resources.

ASSEMBLYMAN HOLLENBECK: You are right in a lot of what you're saying, except that there is no BTU content of glass. There is none of aluminum; there is none of steel. There is no heat content to those. Their heat sinks. They are a detriment to resource recovery units. Also, when you start dealing with \$36 a ton, you try to get as little tonnage as possible going into that plant because that is a tremendous cost over the cheapest way of disposal, which is landfill. That is why recycling is so important.

Thank you very much, gentlemen. May we have William Jackson, Councilman from Sayreville. Mr. Jackson?

WILLIAM JACKSON: Thank you gentlemen for allowing me to be here. I know you had a lot of distinguished speakers, and I appreciate the chance to say a few words.

My name is William Jackson, and I'm a Councilman in the Borough of Sayerville, Mr. Karcher's hometown. I have been asked by our Mayor, John McCormack, to address you here today. My comments reflect the concerns of the colleagues on the governing body and also those of the residents. We believe that the management and the flow of solid waste are serious and significant issues, and I want to thank this Committee for convening this hearing.

Let me begin by stating a simple and basic philosophy. I, and the governing body in Sayerville feel waste disposal, whether it be landfilling, or incineration, has as its first priorities, the health, welfare, and safety of the residents. Counties with poor or no solid waste management plans should be forced to develop and implement plans. Counties that have done their jobs, such as Middlesex, should not be an unwilling party to other counties' irresponsibility.

Mr. Chairman and members of the Committee, the town I represent, Sayerville, is less than a mile from the Edgeboro Landfill in East Brunswick. The quality of life in my town has deteriorated significantly since Edgeboro was forced to accept trash from distant counties and states. Not only is the landfill rapidly reaching its capacity, not only is the great influx of new garbage seeping its way into our streams and water systems, but the very air itself smells for miles and miles because the garbage cannot be covered as fast as it's dumped.

If any of you were unfortunate enough to come up Route 18 today, as many local residents are forced to do on a daily basis, you would have seen the major traffic problems that have been created, and if you were bored by sitting in the never moving lines, you could read the signs on the trucks saying "Morris County, Somerset County," and also "New York". Mr. Chairman, this is not a case of a municipality, or one county, saying, "do not dump in my back yard." The reality is that we already have dumped in our back yard, and in our side yards, and even in our front yard. It's getting so that we don't have any yards remaining.

Councilman Kenneth Buchanan, who could not be here today, is in charge of sanitation for the Borough of Sayerville. If he were here, he would quote figures and statistics about how the cost of waste disposal has risen just because of trucks waiting in line for hours and hours, and the gasoline that is wasted, plus the overtime that is paid because we have to wait our turn behind scores of trucks from other counties and even other states. This is a serious burden, and is affecting quality of life in this county.

Mr. Chairman and members of the Committee, we in Sayerville, Middlesex County, implore you; please do not burden us with the solid waste of other counties, as we are already overburdened with our own. Please do not ask us to compromise the safety of our environment and the welfare of our people, because some counties who can well afford to dispose of their waste properly choose not to do so.

Again, I want to thank you for allowing me to be here, and I hope that you will take some of my remarks into consideration.

ASSEMBLYMAN HOLLENBECK: Thank you very much Councilman. Do you have any questions for the Councilman? (negative response indicated) No? Thank you very much sir. Joseph Bodnar.

JOSEPH BODNAR: My name is Joseph Bodnar, and I live at 19 June St., South River. I come here as a public official, and I believe I'm the only one really from the public here. I've served my community 15 years on the School Board, on which I presently sit, and I've also served three terms on the Town Council. And different than most politicians, I was elected as a Democrat, Independent, and Republican, so there's no politics here. What I'm telling you is right from the heart. I live with the problem. I have lived in the area 65 years in the house I was born in. I would just like to bring to your attention the problems that we're having in the North End. I'm sure Alan is aware of our problems, and also the problems that exist in the lower part of Sayerville, which is located over the Veteran's Bridge where Alan lives, and what happens is-- On July 30, 31, and August 1, you couldn't stay in the house. At 1 o'clock in the morning I received calls about children being put on the front porch because with the smell they couldn't stay in the house. When you get up in the morning

it's like being in a garbage can; it's as if you slept in a garbage can.

I contacted the Middlesex County Department of Health-- we have a number through the Sheriff's Office-- and the next day Dennis Malinowski, an inspector for the County working out of East Brunswick/Rutgers, and the Director for Middlesex County both contacted me, and told me the complaint I made was valid. The dump isn't being covered every night because of the volume of traffic at that dump. So when the dump is not covered, we suffer, especially these days that we've had this past week or two, when it was hot, you couldn't breath. The area in which I live is at least 25% or 30% senior citizen. A lot of these people have worked in the brickyards, and they've worked at other plants where they have no pension plans, and with the high electric rate they don't have air conditioning. They're poor people where I live, very poor. They have to sit out in front of the house to try to get away from some of that smell because in the house your clothes stink from it.

I'm primarily interested in the health of our people in the North End of town as well as the whole town. South River is like being in a valley. I just want to show you a couple of things (walks to map). Here's the Edgeboro Dump in this area, here's where Mr. Karcher lives which is roughly about 1000 yards from the area of the dump, and here's where we have some houses only 800 or 900 feet away from the dump site. If you don't cover this garbage as prescribed by statute, the dump smell comes right into the house. That's our problem; that hasn't been covered. That dump is not covered, and if your Committee takes the time to examine the records of the County Board of Health, you'll find that what I'm saying to you is really the honest truth. I have no other reason to be here today.

I'm not really a newcomer to resource recovery, as some who have spoken before are. In fact we go back to 1977 when Van Guard and other companies came into South River. At that time we received very little cooperation from the DEP. We still receive very little cooperation from the DEP at the present time. At that time we got no help at all. They were dumping acid into our sewer lines, and only

through harassment by our Police Department did we finally get them to move out of South River. It's not only the smell that hits our community, we're also hit with about \$40,000 worth of bills for gasoline and overtime. I really don't know how the municipal government-- if you have a line item, you can't exceed that line item until you make a transfer in November-- I don't know how they're getting along, and I will never question them because they have the right to use the money, but we're not fixing any streets in our town; the holes are there, but they haven't got the blacktop there. We're spending this \$40,000— in some communities \$40,000 is hardly anything, but not in a community where you have approximately 25% senior citizens. We're only one and three quarters miles in size, with the second highest tax rate in Middlesex County. So you say to yourself, "Where's this money coming from?" It's coming from the same people who are sitting on the porch at 1 or 2 o'clock in the morning because they can't breath the air. They're entitled to clean air. The most important thing is the clean air that you breath, especially when you get to be my age and older, as are the people in my area of town.

About two weeks ago I took my granddaughter into Washington. We came in on Eastern Airlines, and as we were flying just over South Jersey, my granddaughter said to me, "Poppy, will you show me where Middlesex County is when we come over the area?" Well, it used to be that you would gauge where you were by the Statue of Liberty, but now that the Statue is down for repairs, I said, "just look at your left," as we were flying easterly, "you see those dumps? That's Middlesex County." It's not getting any better, it's getting worse. We're basically from Czechoslovakia, in this community, and we ask ourselves, "Did we have a better environment, and everything better, than what we're passing onto our children today"? What are we really giving them? The air is polluted, the water is getting to a point in our town where it may be polluted, because as you put this garbage down, it gets into the water area. What are we really leaving behind? Nothing really.

You know, I heard people testify this morning, and they talked about the environment, and how each community should determine

the way it wants to go. Well that's not the right way to go. In our town, we had three Councilmen voted in on January 1, at 12 p.m., and at 12:05, they voted to site a resource recovery plant in our community. They saw those dollar signs the State is projecting to the various communities, and the communities are hungry for money. Instead of sitting down, and talking with all the communities of Middlesex, through the Freeholders, and coming up with a basic answer-- I don't want my County to receive all the garbage, when in Somerset County, if you look in the paper, there's nothing in there about garbage. Yet we're fighting about garbage every week. We're concerned about garbage, yet everything comes here. Everything comes here. These mountains along from here-- if you look from Sayerville over to Kin-buc, and you look over to ILR, and you look at the other dumps-- At times you've had the Pastor from St.Stan's call you, I'm sure, that the windowsills are deteriorating. We've got to come up with an answer. Not as Republicans, not as Democrats, and not before election. We have to come over and say, "hey, this is what's best for our community." Don't let lily-white Somerset County sit there and do nothing, and wait for everything to come to South River. Don't let Union County and Morris County dump on us. It's time that the State of New Jersey, working with the Governor, came up with a plan. One of the speakers said that the Governor would want to come here. Maybe the four candidates for the Assembly can ask the Governor, and can ask Hughey, "Come to Middlesex County, let's see what our problem is, and let's work it out." Don't dump on us anymore.

I, for one, am not opposed to inter-county agreements. My position is not against inter-county agreements. But county agreements are good when each county opens up its area and says, "Hey, here we are. We're ready to take some of this garbage." But this is not the fact. One politician writes off one area, another politician writes off another area, while I have to breath that stuff every night when I go to sleep. I have no air conditioning. If I had the money to put in an air conditioning unit or help other people get them, I would do it. But you have to come up with an answer that will solve the problem. Don't look back at what the Freeholders have done or what they haven't

done, let's move ahead with a plan that will benefit all of us. We cannot have everybody bringing their garbage into the valley in which we live.

This is my position, and thank you for listening. I just want to tell you that everything I say is from my heart. I'm not seeking any office; I'm really worried about my people, and my seven grandchildren.

ASSEMBLYMAN HOLLENBECK: I think, Mr. Bodnar, we recognize that you're one of the impacted citizenry of the landfill site and the problems of landfill sites. I think what you brought up is, of course, a problem. I'm going to speak with the Committee Aide, and we're going to check the Eageboro Landfill site regarding the complaints about the coverage, all right?

ASSEMBLYMAN KARCHER: Mr. Bodnar and I share something. We call every day--

ASSEMBLYMAN HOLLENBECK: We'll check it. I'm just curious because they-- Anytime, it's not properly handled, it's worth checking. As we all know, there's nothing sanitary about a sanitary landfill. (laughter) There's nothing sanitary in the least about it.

MR. BODNAR: I just want you to know that the records are here in the Health Department, and the fellow's name is Lazlo Sabo, who is the County Administrator. He and the inspector, Dennis Malenowski, both called me. The record is here. If the law isn't being adhered to, then it's somebody else's job on the State level to say to that dump, "If we can't take 1500 trucks and cover it properly, let's take 500 trucks and do it properly." When it affects my health, I have to fight. Did you want to ask me something?

ASSEMBLYMAN SHINN: Yes. I have a couple comments. Under the Environmental Health Act, there is a provision that states the county receives 1 cent per cubic yard. That's for a litany of environmental health provisions under that act. You can use the Environmental Health Act, and the Health Department, for the daily cover inspections. And you can submit a work scope to be approved that will increase that 1 cent per cubic yard millage factor to pay for inspectors to make sure you're getting a daily cover. I would suggest that.

ASSEMBLYMAN KARCHER: Bob, can I interject? It's very good of you to come up from Burlington County, but, if you were to come here, and Mr. Bodnar can testify to this, you could be at Edgeboro as late as 7 o'clock at night, and there are still trucks coming in. They come in literally all night long. When they had 500 trucks they would close at 3 a.m. and try to fill. Now that they have 1200 trucks, just figure it out mathematically, 1200 trucks, and divide 60 minutes into 1200, and you will find that you have trucks dumping every couple of seconds, so to try to cover it is impossible. We could have all the money in the world, but logically and physically, the place can't be covered fast enough.

ASSEMBLYMAN SHINN: The other aspect you commented on was inter-district flow agreements, and every inter-district agreement contains the responsibility of the contracted county agreeing to site the facility and bring it on-line. That's the heart of the agreement. It puts a time frame in place where they come on-line with a facility to handle their own waste. And that's the heart of the issue.

MR. BODNAR: I just want to say one thing. The contractor, the dump operator, has included the six inch cover over the dump in his tariff. So if he doesn't cover it, hey man, he's making that money, so he's not going to complain about it. We have to have proper inspections at these dumps. And somebody has to provide the money so they are inspected properly. As I sit here, these dumps are not covered, and the dump owner is not going to complain because the more uncovered it is, the more dough he has. But he's dealing with my health, and that of my people and my children. I want to leave my kids a little better town than what I inherited from my father, and that's almost impossible.

ASSEMBLYMAN SHINN: There's one other area--

ASSEMBLYMAN KARCHER: When you figure it out, if you dump one truck a minute, you'd have to dump twenty hours a day to take care of 1200 trucks. So to try to cover that over is a real, you know--

ASSEMBLYMAN SHINN: We've had lines of a thousand trucks a day at a facility, so I know what you're talking about. I don't know whether Middlesex has applied for that increased millage under the

Environmental Health Act provision for the 1 cent per cubic yard, but it's another aspect worth looking into, because it makes a lot of sense to have a Health Department inspector on call. With that volume he would have to spend quite a bit of time in the facility, because it really helps the operation. Also, with that type of liaison on site, you'll get more cooperation from DEP. You may not be able to fund it this year, but you can certainly apply to get funding for it this year. This years budget won't permit, but bring it on as soon as possible. An inspector also monitors who's coming to the site, because, now that we've got our waste load agreements in place, we find that occasionally we get a person who's not eligible to dump there coming to the site. That affects your capacity also, so who is coming there, what the cover requirements are, what the Act requirements are, and how they can be met, are all problems that I think you can get some help with from the Environmental Health Act, at least on a long term basis.

MR. BODNAR: But if you have an inspector who is at the site from 8 or 9 o'clock until 4 o'clock, this will not be adequate because, as Mr. Karcher said, they dump often until 9 o'clock at night. By the time he comes back in the morning, that dump is covered, because these contractors are awfully smart. Then he covers up and leaves it, so he makes the money and goes on to the next section of the dump. I'm really concerned and if there's any input that the public, which is me right now, can give you, I'm sure Alan Karcher can contact me.

ASSEMBLYMAN HOLLENBECK: I want to thank you very much Mr. Bodnar. Ladies and gentlemen, that was the last person to testify at the hearing. The Committee will probably be dealing with this proposed legislation in the next two to three weeks, I guess, during which time we, hopefully, will have looked at the testimony before us, so that we can inform the full members of the Committee and reach an intelligent decision as far as our actions within the Legislature are concerned. Thank you very much.

(HEARING CONCLUDED)

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