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PUBLIC MEETING

before

ASSEMBLY ENERGY AND NATURAL RESOURCES COMMITTEE

ASSEMBLY BILL 3562

(Would require the Hackensack Meadowlands Development Commission to provide until December 31, 1990 solid waste disposal facilities for those counties which are currently disposing of their solid waste at facilities within the Hackensack Meadowlands Distict)

March 23, 1987
Maplewood Town Hall
Maplewood, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblywoman Maureen Ogden, Chairwoman
Assemblyman Robert J. Martin, Vice Chairman

ALSO PRESENT:

Assemblyman Harry A. McEnroe
District 27

Raymond E. Cantor
Office of Legislative Services
Aide, Assembly Energy and Natural
Resources Committee

* * * * *

Hearing Recorded and Transcribed by
Office of Legislative Services
Public Information Office
Hearing Unit
State House Annex
CN 068
Trenton, New Jersey 08625

MEMORANDUM FOR THE RECORD

DATE: 10/15/54

TO: SAC, NEW YORK

FROM: SAC, NEW YORK

SUBJECT: [Illegible]

[Illegible]

[Illegible]

[Illegible]

Very truly yours,
[Illegible]



MAUREEN OGDEN
Chairperson
ROBERT J. MARTIN
Vice-Chairman
ARTHUR R. ALBOHN
NICHOLAS R. FELICE
ROBERT C. SHINN, JR.
ANTHONY S. MARSELLA
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New Jersey State Legislature

ASSEMBLY ENERGY AND
NATURAL RESOURCES COMMITTEE

STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625
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MEMORANDUM

March 18, 1987

TO: ASSEMBLY ENERGY AND NATURAL RESOURCES COMMITTEE

FROM: ASSEMBLWOMAN MAUREEN OGDEN

SUBJECT: COMMITTEE MEETING - MONDAY, MARCH 23, 1987

The Assembly Energy and Natural Resources Committee will hold a committee meeting on Monday, March 23, 1987, beginning at 10:00 A.M. at the Maplewood Town Hall, Maplewood, New Jersey.

The purpose of the meeting is to discuss the short-term solid waste disposal capacity needs of Essex, Bergen, Hudson, and Passaic counties and to discuss the provisions of Assembly Bill No. 3562 of 1986 which would require the Hackensack Meadowlands Development Commission to provide, until December 31, 1990, solid waste disposal facilities for those counties which are currently disposing of their solid waste at facilities within the Hackensack Meadowlands District.

Anyone wishing to testify should contact Raymond Cantor, committee aide, at (609) 292-7676.

Directions from Trenton - Route 1 North to the Garden State Parkway North. Take exit 140B off the Parkway to Route 22 East. Heading toward Newark for approximately 1 mile there will be a Bradlees on the right-side; go under an underpass and take first right after the underpass onto a jughandle which will lead onto Baux Hall Road. Approximately 10 traffic lights on Baux Hall Road will be Valley Street. Make a right onto Valley Street. The municipal building is 1 1/2 miles down the road on the right-hand side; 574 Valley Street. Maplewood Municipal Bldg - (201) 762-8120.



ASSEMBLY, No. 3562
STATE OF NEW JERSEY

INTRODUCED DECEMBER 18, 1986

By Assemblymen McENROE, ROONEY, Assemblywoman Garvin
and Assemblyman Adubato

AN ACT concerning certain solid waste facilities, amending P. L.
1968, c. 404, and supplementing P. L. 1970, c. 39 (C. 13:1E-1
et seq.).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 9.1 of P. L. 1968, c. 404 (C. 13:17-10) is amended to
2 read as follows:

3 9.1. (a) Within six months of the effective date of this act the
4 commission shall undertake and complete a survey of the district
5 to determine the total amount of solid waste treated and disposed
6 on a daily basis in the district as of the effective date of this act
7 by persons in this State.

8 (b) (1) The commission [is hereby authorized, empowered and
9 directed to] shall guarantee that solid waste disposal facilities
10 sufficient to treat and dispose of the total amount of solid waste
11 determined by its survey shall be available or be provided by the
12 commission.

13 (2) *The commission shall make available or provide within the*
14 *district through December 31, 1990 solid waste disposal facilities*
15 *sufficient to dispose of the total amount of out-of-district solid*
16 *waste disposed of on a daily basis in the district as of January 1,*
17 *1987 by persons in this State.*

18 (c) In providing the solid waste disposal facilities which it is
19 [hereby authorized, empowered and] directed to provide, the com-
20 mission shall, prior to preparing any plans or specifications for

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

Matter printed in italics thus is new matter.

21 such facilities, consult with those persons utilizing the district for
22 the treatment and disposal of solid waste and, pursuant to the
23 provisions of section 78 of this act, contract with such persons or
24 any of such persons, who desire to utilize any solid waste disposal
25 facilities provided by the commission, and in the provision of such
26 facilities the commission may:

27 (1) Acquire or construct any such facilities as an improve-
28 ment, and may recover the cost of such acquisition or construc-
29 tion in the same manner and pursuant to the same procedure
30 provided for any other improvement undertaken by the com-
31 mission pursuant to this act;

32 (2) Operate and maintain any such facilities and generally
33 fix and collect rates, fees or other charges for any such facili-
34 ties in the same manner and pursuant to the same procedure
35 provided for any other facilities operated and maintained by
36 the commission; or lease as lessor or lessee any such facilities,
37 or provide by agreement or contract with any person for the
38 operation of any such facilities; provided, however, that prior
39 to the acquisition, construction, operation, lease as lessor or
40 lessee, contract or agreement by the commission for any such
41 solid waste disposal facilities in the district, the commission
42 shall submit to the Commissioner of the State Department of
43 **[Health]** *Environmental Protection* for approval a plan or
44 plans describing in detail the purpose of such acquisition, con-
45 struction, operation, lease as lessor or lessee, contract or agree-
46 ment. In reviewing the plans submitted in compliance with this
47 section and in determining conditions under which such plans
48 may be approved the commissioner shall give due consideration
49 to community development of comprehensive regional solid
50 waste disposal facilities, in order to be assured insofar as is
51 practicable that all proposed solid waste disposal facilities
52 shall conform to reasonably contemplated development of com-
53 prehensive community or regional solid waste disposal facili-
54 ties. No solid waste disposal facility shall be acquired, con-
55 structed, operated, leased, contracted or agreed for in the
56 district without approval of the Commissioner of the State
57 Department of **[Health]** *Environmental Protection*.

58 (3) Join and participate in any agency, instrumentality or
59 authority created by the State, or by any political subdivision
60 or subdivisions thereof, for the purpose of treating or dispos-
61 ing of solid waste in which it may be authorized by law to join
62 and participate, under any terms or conditions, subject to any
63 duties and entitled to any rights and powers provided by such
64 law.

65 (4) Permit, by contract or agreement, any agency, instru-
66 mentality or authority created by the State, or by any political
67 subdivision or subdivisions thereof, for the purpose of treating
68 or disposing of solid waste to acquire, construct, or operate
69 and maintain any solid waste disposal facilities which such
70 agency, instrumentality or authority is authorized by law to
71 acquire, construct, or operate and maintain. Any such facili-
72 ties acquired, constructed, or operated and maintained by any
73 such agency, instrumentality or authority may be located
74 either within the district or without the district but within the
75 jurisdiction of such agency, instrumentality or authority; pro-
76 vided, however, that if any such facility is located within the
77 district it shall be subject to the same procedure for approval
78 by the Commissioner of the State Department of [Health]
79 *Environmental Protection* as any other [such] *solid waste dis-*
80 *posal* facility in the district.

81 (d) Nothing herein contained shall be interpreted as requiring
82 any person to utilize any solid waste disposal facility provided by
83 the commissioner[; provided, however, that upon the completion of
84 the survey undertaken by the commission pursuant to this section
85 no solid waste may be treated or disposed in the district by any
86 person without the express written consent of the commission].

87 (e) The commission[, in its discretion, may] *shall* provide solid
88 waste disposal facilities sufficient to treat and dispose of more than
89 the total amount of solid waste determined by its survey, and
90 [may] *shall* make [such] *these solid waste disposal* facilities
91 available to persons other than those treating and disposing of
92 solid waste in the district as of the effective date of this act. *The*
93 *commission shall continue to provide through December 31, 1990*
94 *for the disposal of out-of-district solid waste to the same extent*
95 *and in the volume that out-of-district solid wastes have been dis-*
96 *posed of within the district as of January 1, 1987 by persons in*
97 *this State.*

98 (f) In order to acquire or construct any solid waste disposal
99 facility the commission is authorized to issue bonds and notes and
100 to pay or redeem said bonds and notes from revenue derived from
101 the fees and other charges collected for such facilities. Any cost
102 incurred by the commission in providing any solid waste disposal
103 facilities shall be charged by the commission to the persons utilizing
104 such facilities, and nothing herein contained shall be interpreted
105 as requiring the commission to bear the cost of any solid waste dis-
106 posal facility provided by the commission pursuant to this [act]
107 *section.*

1 2. a. (New section) The provisions of P. L. 1970, c. 39 (C. 13:1E-1
2 et seq.) or any law, rule or regulation to the contrary notwith-
3 standing, the Department of Environmental Protection shall ex-
4 tend, for a period of at least 36 months following the effective date
5 of this amendatory and supplementary act, the registration state-
6 ment and engineering design of any solid waste facility located
7 within the Hackensack Meadowlands District and approved pur-
8 suant to section 5 of P. L. 1970, c. 39 (C. 13:1E-5) which is sched-
9 uled to terminate operations prior to December 31, 1990 and which
10 has been determined by the governing body of a county utilizing
11 the facility to be necessary for its short-term solid waste disposal
12 needs pending the completion of a planned resource recovery
13 facility which has been determined by the Statewide and relevant
14 district solid waste management plans to be necessary for the long-
15 term disposal needs of the district.

16 b. In the event that the department issues a registration state-
17 ment or engineering design approval for any new or expanded
18 solid waste facility within the Hackensack Meadowlands District,
19 including any previously terminated but improperly closed sanitary
20 landfill facility, those districts utilizing any other solid waste
21 facilities provided by the Hackensack Meadowlands Commission
22 as of January 1, 1987 shall be permitted by the department to dis-
23 pose of their solid wastes at the new, expanded or previously
24 terminated facility to the same extent and in the same volumes
25 that out-of-district solid wastes have been disposed of within the
26 Hackensack Meadowlands District as of January 1, 1987.

1 3. This act shall take effect immediately.

STATEMENT

This bill would require the Hackensack Meadowlands Development Commission to provide until December 31, 1990 solid waste disposal facilities for those counties which are currently disposing of their solid waste at facilities within the Hackensack Meadowlands District. The HMDC is required by the "Hackensack Meadowlands Reclamation and Development Act," P. L. 1968, c. 404 (C. 13:17-1 et seq.) to provide for the disposal of solid waste to the same extent and in the volumes that solid wastes have been disposed of within the Hackensack Meadowlands District as of the effective date of that act, January 13, 1969. This bill would modify this "guarantee" to provide interim disposal capacity within the district to those counties currently utilizing solid waste facilities provided by the HMDC pending the completion of planned resource recovery facilities in those counties.

Specifically, the bill would: (1) require the HMDC to continue to provide solid waste disposal capacity through December 31, 1990 to persons utilizing solid waste facilities within the district as of January 1, 1987; (2) require the Department of Environmental Protection to extend, for at least 36 months, needed permits for the continued operation of the HMDC landfill or baling facilities, if needed by the counties utilizing either of these facilities as a short-term disposal requirement pending the completion of planned resource recovery facilities; and (3) require the DEP to permit counties currently disposing of their solid wastes at existing HMDC facilities to use any new, expanded or reopened HMDC solid waste facilities that may become available.

SOLID WASTE

Requires HMDC to provide solid waste disposal facilities to certain counties under certain circumstances.

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ASSEMBLYWOMAN MAUREEN OGDEN (Chairwoman): I would like to call the meeting to order at this time. If we stop standing and waiting for the coffee to perk-- It is going to do it in our absence so, everyone, please feel free to go out and get a cup of coffee. I am sure it is going to be ready in just about five or ten minutes. I know there are several people here to speak this morning, and I don't want to hold anyone up.

This is a public meeting of the Assembly Energy and Natural Resources Committee. The particular bill on our agenda this morning is Assembly Bill 3562, sponsored by Assemblyman Harry McEnroe. Assemblyman McEnroe is sitting with me up here on the dais this morning, and I would like him to describe his bill, the reasons for putting it forth, and why he thinks it is an important bill and is necessary.

ASSEMBLYMAN McENROE: Thank you, Madam Chairman. I very much appreciate the consideration of the Committee in placing some importance on the legislation which is before us today. I would like to comment briefly on the intent of the legislation.

The bill was introduced in December, 1986. It carries the number A-3562. Its intention is to require that the Hackensack Meadowlands provide continuing disposal capacity for those districts that are currently disposing of their waste within that district. It means that the consent deadline between Essex and the Hackensack Meadowlands requiring that the county no longer dispose of its waste beyond July 31, 1987 be set aside, and that continuing disposal capacity be provided for this county, and other counties for the period until December 31, 1990.

One particular aspect I would like to address immediately is, this is not an Essex County bill. I submit that it is not a matter of only Essex County's concern, but is a matter of statewide concern, in that the Counties of Essex,

Bergen, Hudson, and Passaic, representing a population of more than 40% of the citizenry of our State, dispose of approximately 40% of the waste generated in the State. Currently, that waste is accepted at the Hackensack Meadowlands, so the size and complexity of that problem, in terms of its statewide impact, must be measured statewide.

It is the responsibility of this Legislature to establish sound public policy. I submit that this legislation provides a feasible and reasonable alternative to the present plan proposed by the Department of Environmental Protection.

Presently, the Department will not redirect waste to any in-State landfill. Also, it will not direct the Hackensack Meadowlands to continue to accept waste for this interim period. By interim period I mean that period of time between the July 31, 1987 date and the date when the Essex County resource recovery facility will be operational. It is estimated that with a beginning date of May, 1987 -- certainly before July 1, 1987 -- construction will commence in Essex County, and will allow our facility to be on-line well before the January 1, 1991 date.

The bill before us requires that the current disposal of solid waste by the Counties of Hudson, Essex, Bergen, and Passaic be permitted for an additional three years. The down side environmental impact is to delay the reclamation of the Meadowlands for a period of an additional three years. There has been substantial progress, and worldwide recognition has come to our State because of the good judgment by the Legislature in establishing the policy, and sound administration by those Commissioners at the Hackensack Meadowlands.

I think we can be proud of the economic resurgence and environmental improvements at the Hackensack Meadowlands, but I do think that in the long term, when history evaluates the use of that Meadowland area-- I think when every consideration is

weighed, the acceptance of waste for an additional three years is a reasonable compromise.

Each of the northern counties involved -- Essex, Bergen, Hudson, and Passaic -- have addressed their solid waste crisis in a responsible manner. We in the County of Essex have determined, with the cooperation of the City of Newark, that we will have a resource recovery facility serving all of Essex County's needs within a three-year period. The facility has been designed; the financial package is in order; the political requirements and approvals by the Department of Environmental Protection have been granted; and all the judicial challenges have been met. Every concern has been reasonably and responsibly addressed.

We think it is reasonable that we, as representatives of the people in the Legislature, should come before the public in circumstances such as these, where the public has a right to respond to the legislation. We feel -- at least I certainly feel -- that this legislation is a reasonable solution. I would hope that this legislation would proceed for a full vote of both houses of the Legislature very shortly. There are other accompanying questions that are not addressed in the legislation which are a part of the public debate. One, certainly, is the establishment of transfer stations within the most populated county in the most densely populated State in the nation. There is also the concern and the question -- a reasonable and understandable one -- of cost. It has been clearly established that the potential disposal of our waste at an out-of-state location will quadruple the current costs of disposal for each of our homeowners. There is a substantial body of public questions that can be addressed directly in this bill, which are certainly a part of this debate.

I very much appreciate the consideration of Assemblywoman Ogden, the Chairperson of this Committee, and the other members who are here. I would think that the meeting

today -- and if there are subsequent meetings -- would provide an opportunity for all of us in the Legislature, and in the public body of our citizenry, to evaluate the importance of this public position.

So, I thank the Committee very much for this opportunity to have this legislation heard by them. Thank you.

ASSEMBLYWOMAN OGDEN: Thank you, Harry. I am pleased to say that we have been joined at this time by the Vice Chairman of the Committee, Assemblyman Robert Martin, whose legislative district is in Morris County.

The procedure we are going to follow this morning is first to ask State agencies to testify; then to go to any other State officials who are here, county officials, and then spokesmen for municipalities.

For those of you who are here who have not signed up to speak ahead of time, if you wish to speak, please come and sign up now. We also have extra copies of the bill for anyone who would like one. Ray (addressing Committee Aide), could you just maybe put them over here somewhere to make it easy for people to come up and get them?

We will begin with the State agency which has the responsibility for dealing with solid waste, the Department of Environmental Protection. I believe we have Mike DeBonis here representing the Department. Is Joe Wiley coming, too?

M I C H A E L D e B O N I S: No, Joe is not coming.

ASSEMBLYWOMAN OGDEN: Possibly I should clarify this. For those who are signing up, it is because you wish to speak, not just to say you are attending the meeting. Does everyone understand that? (affirmative response) Secondly, the coffee is now perked, so anyone who would like a cup, please go and help yourself.

At this time, DEP is going to lead off with a brief slide show to give an overview of the solid waste situation in the entire State.

MR. DeBONIS: Thank you, Assemblywoman. Good morning, members of the Committee and legislative aides. I will indicate at the outset that the Department of Environmental Protection must regrettably oppose the Assembly Bill 3562, for reasons I will indicate in a few moments. I think it would be helpful, though, if we showed you some slides regarding the overall disposal capacity situation throughout the State by way of background.

We appreciate the sensitivity of the Legislature to the severity of the solid waste problems. We certainly can agree on that. I am afraid that regarding what the solution is, is where the disagreement may come in. Let me say at the outset that I appreciate Assemblywoman Ogden's and Assemblyman McEnroe's indulgence in watching this slide presentation again. They just saw it last Thursday night at a meeting of Essex County mayors. Assemblyman McEnroe, I am sure, has seen it before in his capacity with the Solid Waste Advisory Council of Essex, so it is at least the third time for him. So, I won't spend any more time than I have to on this, certainly less than 10 minutes, just to give you a little bit of background. Bob, could you-- (Addressing assistant in the audience who is helping with the slides.)

Let me just indicate that the slides I am about to show you are meant to give you a brief snapshot of where the State stands in terms of disposal capacity. As you are well aware, with the Chapter 326 amendment to the Solid Waste Act of 1975, solid waste districts were established -- in effect, the 21 counties and the Hackensack Meadowlands district. Among the other responsibilities that the counties had, insofar as their district solid waste management plans were concerned, was the requirement to identify the existing solid waste management facilities within the district at that time -- in each district -- and also designate sufficient available suitable sites to handle the solid waste that needed to be disposed of over the 10-year planning period.

I might add, the few slides I am going to show you are from a longer presentation regarding the contingency planning that the State has been doing at the State level. But, again, we will just try to summarize for the purposes of the meeting this morning.

Look at this particular view of the solid waste management districts. What we are trying to indicate here -- in the blue color -- are the counties that have selected resource recovery sites throughout the State -- 15 separate facilities. In addition, 12 counties have selected long-term land disposal sites. So, to look at a composite of those two slides, you can see that all but three counties have selected at least a landfill or a resource recovery facility site. In fact, Atlantic County has since amended its Solid Waste Management Plan to provide for additional landfill capacity. So, the situation, on paper at least, is even a little bit better than it looks here.

The problem arises in that many of these siting designations exist strictly in the solid waste management plans or in some stage of application process, whether it be application for approval pursuant to Section 26 of the Solid Waste Management Act regarding the environmental impact statement process called for in that section, or whether for an engineering design and registration pursuant to Section 5 of the Act. So, of the facilities designated, very few are actually established and ready to receive waste.

If we look at this in a slightly different fashion, then we can see that over the next five years-- What we have outlined in the green color here are those counties which either have existing disposal capacity available right now, or will have available disposal capacity prior to their existing facilities running out. The remaining counties, then, are those where there is a high degree of uncertainty regarding the availability of disposal capacity, at least at some point, over the five-year period coming.

The overall objective of the contingency plan was to identify the solid waste disposal capacity shortfall over the next five years. Without going into a lot of detail, it amounts, statewide, to roughly half of the disposal capacity that the State needs over the next five years, or approximately 25 million to 30 million tons.

You probably can't see this terribly well, but it shows you that without significant action on the part of the counties and/or the State to provide some sort of alternatives, then by October of this year we could wind up with as few as eight major solid waste disposal facilities. The new facility listed on the bottom -- the Gloucester County Landfill -- just opened in the beginning of February. In fact, the scenario is even a little more grim than this, because the Meadowlands facilities would have their capacity exhausted only shortly after the October, 1987 date.

ASSEMBLYMAN MARTIN: It's hard to see. Are there any identified in North Jersey besides the Meadowlands?

MR. DeBONIS: Besides the Meadowlands, no, not at this time.

ASSEMBLYMAN MARTIN: Where is number two line?

MR. DeBONIS: That is the HMDC Bailfill, which is scheduled to reach capacity about December of this year.

What we will try to do in the next three or four slides, is just characterize the different situations that we find the solid waste management districts in, because there are some commonalities in terms of the situations they face.

The first group of counties that we are showing here -- Monmouth, Ocean, and Cape May -- have existing permitted capacity available to carry them through the five-year period, beginning now. In fact, we would have to add Gloucester to this list; this slide is a few months old. As I indicated earlier, their landfill opened at the beginning of February.

In the counties we have added at this point -- Cumberland, Salem, Gloucester, and Burlington -- we expect new state-of-the-art waste disposal capacity to be available prior to the exhaustion of existing facilities. In fact, as I indicated, again, Gloucester should be colored in in the pink color here, rather than the green, because they are already on-line. Cumberland is under construction. We had a permit hearing in Salem last week, and we have full applications in for Burlington at this point.

The counties that are outlined in blue -- Sussex, Warren, Hunterdon, Mercer, and Camden -- are already sending all, or a very substantial portion of their solid waste for disposal out-of-state. The counties we have outlined in this slide -- Passaic, Morris, Essex, Union, and Somerset -- either had the transfer station system which Assemblyman McEnroe discussed briefly proposed for them by the State, or, in the case of Essex County, have proposed a similar transfer station system on their own, whereby waste would be brought to centralized transfer stations and shipped out-of-state.

The counties we have outlined in red are those where negotiations are ongoing regarding the specifics of the interim disposal solution which is being proposed for those particular counties. Again, as I indicated, Atlantic has since selected a major expansion to a very large landfill site, so they are off the list, in effect. Middlesex is currently studying a variety of landfill alternatives, and Bergen and Hudson have proposed various things, and are in discussions with the Meadowlands Commission regarding residual sites sited in Bergen, and a variety of other activities, which I am sure the Meadowlands will be prepared to discuss.

So, again, just to summarize, the solid waste disposal situation statewide is rather an acute problem. This is not germane to the Meadowlands area, by any means. By the same token, the most severe shortages which we expect to occur,

will be experienced by those counties disposing of waste in the Meadowlands and, also, in Middlesex County, at the Edgeboro Landfill, which is why the Department has proposed, on behalf of those counties, to establish transfer stations.

I think we can turn this off now, Bob. Regarding the specific bill at hand -- Assembly Bill 3562 -- as I indicated, the Department regrettably has to oppose this bill for a variety of reasons. In the first instance, it is not consistent with judicial Consent Agreements and other inter-district agreements reached between the Meadowlands, the Department, and some of the specific counties involved.

The second reason is, the lack of any demonstrated disposal capacity in the Meadowlands to continue to handle the waste going into the Meadowlands for the next three to four years. Again, I am sure that Executive Director Scardino and Tom Marturano will be able to tell you more about the specifics of that. I can only tell you from the Department's standpoint, that we are certainly unaware of such capacity in the Meadowlands area. In fact, the existing facilities are unique from the standpoint that they are the only places in the State where we have required the installation of mechanical devices called slope inclinometers to monitor the amount of movement in the side slopes of those landfills, which are -- every one of them virtually -- moving at some rate or another, with the ultimate possibility being a sort of slope failure, such as we experienced down at the Global Landfill. So, we do monitor those on a weekly basis, in conjunction with the HMDC. Our hope really is that we can get through, frankly, the end of this year without any major problems on those existing facilities.

The third serious concern we have regarding this specific legislation is that it would seek to legislatively require the Department to issue a permit, which is inconsistent with the standards and regulations established under the Solid Waste Disposal Act.

The Department has been speaking of a solid waste crisis coming on for the last several years. In fact, the clock has been stopped on several occasions by the courts, in terms of allowing certain major facilities additional time to operate, notwithstanding the fact that they had no permit. This happened in the Hamm's Landfill case; it also happened in the Industrial Land Reclaiming -- the ILR Landfill -- down in Middlesex County. It happened in the Kinsley Landfill down in southern New Jersey. I would just submit to you, though, that those particular cases are unique from the standpoint that there was room for disposal -- for additional disposal -- by way of vertical expansions of those particular landfills, even in the absence of a formal permit from the Department and the courts in those cases to allow those facilities to remain open. It is inconceivable that the Legislature, or the courts, or anyone, could require the HMDC landfills to continue operating beyond the end of this year, considering the fact that most of them are at the 150-foot elevation at the present time.

So, again, we have been working on behalf of Somerset, Morris, Union, and Passaic to establish those transfer stations. In terms of the facilities that use the Meadowlands, that really would be limited to a small portion of Union, and also Passaic. In terms of Essex, specifically, they have been working on the transfer station program. We have met with Essex County staff on several occasions. We will be reviewing their transfer station proposals with them. We have also met with the County Executive on the interim disposal problem, as well as moving forward on the resource recovery facility. We are certainly looking forward to the establishment of the resource recovery facility, but, frankly, we are inclined to agree with Essex County that for the interim solution, the transfer station system will be a necessity.

Thank you very much. I would be happy to try to answer any questions you might have.

ASSEMBLYWOMAN OGDEN: Harry, do you have any questions?

ASSEMBLYMAN McENROE: No, I don't.

ASSEMBLYWOMAN OGDEN: Assemblyman Martin?

ASSEMBLYMAN MARTIN: One question. You talk about the fact that the slopes are moving. Suppose the slopes do shift down, what happens? What is the negative effect?

MR. DeBONIS: There are structures adjacent to virtually every landfill in the Meadowlands -- power lines, railroad tracks, highways, pipe lines -- and any substantial shift in the side slopes at those facilities, could seriously affect any of those particular structures. In the case of the major slope failure we dealt with in Middlesex County -- it was the Global Landfill-- It was in the Cheesequake area, and there really were no structures to be affected. But, were there structures adjacent to that landfill, they could have been seriously affected by that kind of a slope failure.

Again, I think the HMDC representatives, who have those devices installed on some of the landfills, and who actually take those readings, can give you a further indication of what movement has occurred to date and what our concerns are.

ASSEMBLYWOMAN OGDEN: Harry?

ASSEMBLYMAN McENROE: Yeah, I have a question, through the Chair. Mr. DeBonis, you mentioned in your presentation that DEP was unaware of any existing disposal capacity in the Meadowlands. Now, I don't want to challenge you on the usage of language, but being unaware seems to be an almost casual addressing of a serious problem. Now, DEP has substantial responsibility under existing law. Is there a continuing monitoring? Is there a careful evaluation of that information, and how close is DEP to the Hackensack Meadowlands Commission in its daily monitoring of the current capacity and its potential for new capacity? Part of the question also is: Are

there any landfill locations within the district that were closed that might be usable if you took a second and closer look at the areas that are closed?

MR. DeBONIS: Assemblyman, perhaps to draw the distinction, as I indicated, I can be stronger than to say I am unaware insofar as disposal capacity is concerned, because permitted disposal capacity is, of course, a function of the Department's regulatory authority. There clearly is no permitted disposal capacity at this time.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Answer the question.

MR. DeBONIS: Regarding the second question, insofar as new capacity is concerned, we are certainly not as familiar with the real estate in the Meadowlands as the HMDC is. We are aware from what analysis we have done of the Meadowlands area that most of what remains are wetlands areas, which would require Army Corps of Engineer permits. In fact, we have had specific experiences on that in cases in Bergen County. Should it be possible even to get those Army Corps permits, they would require substantial mitigation in other areas of the Meadowlands and, frankly, the costs of establishing those kinds of facilities, even to speak of sites in the abstract, would be probably on the order of close to \$100 a ton to do that kind of mitigation. Again, without any kind of specific engineering analysis to cost that out, by comparison the new landfill that opened in Gloucester County currently accepts waste at \$47 per ton, as opposed to the \$20 to \$30 in the Meadowlands, and there are no wetlands issues down there. But that is a state-of-the-art landfill. We would expect anything to be established in a wetlands area of the Meadowlands to be extremely costly.

But, again, I am not as familiar, nor is anyone in the Department really, with the physical situation and the real estate up there as is the HMDC, so I would respectfully defer to them.

ASSEMBLYMAN McENROE: Thank you.

ASSEMBLYWOMAN OGDEN: Mr. DeBonis, part of the reason that Essex County is facing the solid waste crisis it is, is because of the delay. It took two years for DEP, after the permits were submitted, to issue them. Now, I am not saying that was wrong, because, as we all know, Essex County was the first county to submit plans for a resource recovery facility, and you did have to go over it carefully because you were establishing precedent.

On the other hand, two years is certainly a long period of time. Now, I'm curious in terms of the other counties you are working with and developing a transfer station ability. How long have you been working with them? What is the time period in terms of permitting from DEP? What has been the time period in terms of actually siting them?

MR. DeBONIS: Assemblywoman, the counties I spoke of, where the Department is acting on behalf of the counties-- That process began in January, 1986, when we proposed -- as a conceptual matter -- that transfer stations should be established to haul waste out-of-state as an interim measure. That process has been ongoing for the last 14, 15 months. We have gone so far as to actually propose plan amendments and hold public hearings on behalf of Passaic and Somerset Counties. We are about to adopt the plan amendments in those two cases. In the case of Morris and Union Counties, we are about to propose those plan amendments and hold those public hearings to establish the specific facility sites in the plan. In every case of those counties, we have worked with the specific vendors selected who control those sites, to try to get a head start on developing permit conditions and reviewing engineering designs for those particular sites. So, we are hopeful that within a three- to four-month period we can actually finish the permitting process and permit those sites.

With the steps remaining, we are still talking about a period toward the end of this year, at the earliest, when those facilities could be established and on-line.

ASSEMBLYWOMAN OGDEN: So, we're really talking in terms of the site and the permitting -- and all this is before we actually start construction -- at least a year and a half in terms of the other counties. In Essex County, we have a short four months ahead of us, when we have to have transfer stations operating. Everyone knows that August is one of the hottest months of the year. We certainly don't want to see the garbage piling up there when the temperature is 95. You know, how are we actually going to do it in the next four months?

MR. DeBONIS: Assemblywoman, the only answer I can give to that is, I am aware that the County Executive has written to the Governor and asked for authorization, pursuant to the Governor's emergency powers, to allow the Department to permit those facilities and allow them to operate outside of the normal solid waste plan amendment and permitting process established under the Solid Waste Management Act. We are as anxious to hear from the Governor's office as I am sure the County Executive is, regarding whether or not the Department will be allowed to do that.

ASSEMBLYWOMAN OGDEN: What would this involve? Would this mean there would not be public hearings, for instance, and that DEP would just choose the site and then would go ahead?

MR. DeBONIS: To a large extent, I am sure that would depend on the language of the order itself. But, it is our understanding that Essex County is prepared to recommend a site by April 15 -- a site, or sites. We would be guided, of course, by the particular sites chosen by the county. But, what has been suggested in terms of an emergency order would obviate the need for proposal of plan amendments, public hearings on plan amendments, adoption of plan amendments, and similar steps in terms of public hearings on the permit

process, in an effort to establish those transfer stations on a highly expedited basis.

ASSEMBLYWOMAN OGDEN: Under emergency powers, that would be possible by July 31?

MR. DeBONIS: Yes, Assemblywoman, it would be.

ASSEMBLYWOMAN OGDEN: Are there any other questions?
(no response) Thank you very much.

MR. DeBONIS: Thank you very much.

ASSEMBLYWOMAN OGDEN: We will next call on representatives from the Hackensack Meadowlands Development Commission. We have the Executive Director, Anthony Scardino, and the Director of Engineering and Solid Waste, Thomas Marturano -- either one or both, whichever one would like to speak.

THOMAS MARTURANO: Thank you. I guess the first thing I want to say is, obviously, the HMDC is opposed to this bill, as it was opposed to the identical bill--

ASSEMBLYWOMAN OGDEN: Would you please give your name and title for the benefit of the record?

MR. MARTURANO: I'm sorry. My name is Tom Marturano. I am the Director of Solid Waste and Engineering for the Hackensack Meadowlands Development Commission. As I said, obviously our position is that we are opposed to this bill, just as we were opposed to the bill that was introduced last year by Senator Graves. It was essentially the exact same bill. The reasons we were opposed to it then are no different from why we are opposed to this one here.

The sad fact is, you can't legislate space. Those landfills, as Mike alluded to, are at structural capacity, and you just can't say-- You know, with the stroke of a pen, you just can't vertically extend the height of those landfills. We have over a million dollars' worth of monitoring equipment surrounding those landfills right now and, as Mike indicated, the reason we have installed that equipment, and the reason why

the landfills in the Meadowlands are the only ones that have that equipment, is because the slopes are moving now.

The landfill that is used by Essex County is the 1-C Landfill. It is the one that is closest to the Turnpike as you go south on it. The next time you are driving south on the Turnpike, take a look at that landfill, and you will notice, about two-thirds of the way up the slope, that there is a large notch in the slope. Then the slope continues about 200 feet back from that slope. The reason we had to move the landfilling operation away from the slope at the 100-foot level, was because the slopes were starting to become unstable. We didn't do that for aesthetics; we did it because at the 100-foot level, the slopes were beginning to become unstable. We knew that by the monitoring equipment. So, we moved the entire operation 200 feet in from the slope, and then went higher up to the 150-foot plateau, where it is right now.

The slope stability of those landfills is marginal. It is just a hair over one, with one being-- Anything less than one, the landfill will become unstable and collapse.

As Mike also alluded to, the landfills in the Meadowlands are unique, in that they are surrounded -- that particular landfill is surrounded by the Belleville Turnpike. It is less than 40 feet from the bottom of that slope. There is a rail line which is less than 50 feet from one of the other slopes, and there is a PSE&G main power line bordering the third slope. The fourth slope borders onto the Saw Mill Creek -- a wetlands area.

The slope failure in any of the first three directions would undoubtedly result, not just in an inconvenience or an environmental disaster; it would also result in a loss of life. There is no question that the Belleville Turnpike would be destroyed, or that that train line would be destroyed, or that those power lines would come down. Given that the case, you are almost assured that there would be a loss of life in

that type of a situation. This is why, certainly, it is the HMDC's position, as well as DEP's position, that the thought of extending those landfills higher is absolutely out of the question. Now we are not talking about mere inconveniences or about dollars; we are talking about people's lives. It happens to be a very serious situation.

As far as extending the landfills horizontally, instead of vertically, the only place to extend them would be into that wetlands area. Anyone who has dealt with the Army Corps of Engineers, or anyone with just common sense, knows that the likelihood of us extending laterally into the Saw Mill Creek wetlands area is nonexistent. The situation, as it now stands, is an environmental disaster out there. We have been trying to close those landfills. In fact, the 1-C Landfill was closed back in '83 for a period of 18 months. Then it had to be reopened on an emergency basis.

As I said, that 1-C Landfill was closed for about 18 months back in '83. Essex County had another crisis situation; it was extended. We reopened it to where it is operating now, and we are going to close it when it hits the 150-foot level. The situation, as it now stands environmentally, is a disaster. Every single day that that landfill remains open, that we are unable to close it because of continued dumping, there are a million gallons of leachate going into the freshwater and saltwater wetlands which surround that landfill, and ultimately into the Hackensack River, ultimately into Newark Bay.

While it may appear cheap that, you know-- It seems to me that the big argument here is about economics. The transfer stations are going to cost more money, and the Meadowlands landfills are cheap. The reason the Meadowlands landfills are cheap is because they are dumps. They are not really landfills. They are unlined, and they are leaking leachate every single day. They are an absolute environmental

disaster, and we are trying to close them. We can't close them if they continue to be extended. Every single day-- While it may appear that dumping there is cheap, we don't really know the full costs of that environmental damage that is occurring to that wetlands area, to the Hackensack River, and to Newark Bay, because of the continued operation of that landfill, and of the other landfills in the district. None of the landfills in the district are contained, except for the 1-A Landfill, which was recently closed by the HMDC, and now has a cutoff all around it and a leachate collection system.

Since we started collecting leachate at the 1-A Landfill, which is located in Kearny, we have collected 26 million gallons of leachate. We have only been doing it for about six months now, and that is only a small landfill. That is only 50 acres. The landfill where Essex County currently dumps is over 200 acres.

So, the environmental damage here is just staggering. We need to close those landfills. More important than that, they just happen to be unsafe. They are really just unsafe landfills. We got hung up on this argument: "Well, the transfer stations are going to cost \$80 or \$90 a ton, and the Meadowlands is cheap now that it is in the \$30 a ton range." That is not the comparison. That is not the true comparison you want to make, because even if, by some, you know-- Suppose the landfill wasn't at the 150-foot level and it could be extended, that would not be the rate. The rate would be something dramatically different. The fact that we have to open a new landfill now, means that the landfills in the district are going to be close to that \$80 to a \$100 range. So, you are not really comparing-- You know, it's not \$90 versus \$30; it's \$90 versus \$75. That is pretty much the comparison we are really dealing with.

So, for technical reasons -- and I am a professional engineer -- for technical reasons, those landfills cannot be

extended, not by-- There is just nothing that can be done. It can't be done by a judge; it can't be done by the Legislature, because they are in danger of falling down. That is not a risk that I think anyone is really going to take.

So, what does this bill really do? Suppose this bill were to be signed? What this bill really does-- It doesn't direct those landfills in the Meadowlands to stay open. What it really does is direct this waste down to South Jersey, and I think that is wrong. That is what would ultimately occur from this bill. There would be no other alternatives, because it would stop the transfer station initiative if it were signed. The transfer station initiative would stop cold, yet the landfills in the district -- in the Meadowlands district -- couldn't be extended. You will then be faced -- someone will be faced, probably the Governor at that point-- Come August, he will be faced with the choice of letting the garbage pile up on the streets of Essex County, or directing it to one of the southern counties.

It seems wrong, and I know it is the Department's position that for those counties which have done what they were supposed to do-- They shouldn't be penalized by those counties which -- for whatever reasons -- have not been able to meet the deadlines, yet that is exactly what this bill would do. There would be no other practical alternative. You wouldn't be able to ship it out to Pennsylvania in time. You know, as it is, we are really running short of time here in terms of getting this thing implemented. As Mike pointed out, it is going to take an executive emergency action for this plan to be done. Now, it can be done. In Rhode Island, they put transfer stations on-line in three days. So, it certainly can be done if it has to be done. And it appears as though in this situation that it has to be done. This is not something that popped up overnight. The contract between the HMDC and Essex County was signed back in '83, so they knew -- Essex County knew almost

five years ago that they would have to be out of the district come July of '87. So, it is not something that has just popped up overnight. In fact, due consideration has passed. We contributed -- not just we-- The ratepayers from Bergen, Essex, Hudson, and Passaic Counties contributed to Essex County to get out of the district. There is a substantial amount of money which is flowing to Essex County for that very purpose, to make sure that they get out of the district. That was part of the agreement.

I don't want to take up too much more of the Committee's time, other than to say that it just can't be done technically. If it can't be done technically, and we have to go into wetlands, the costs would be just too dramatic, and the timing just isn't there. To think that we are talking about trying to establish transfer stations in four months. Can you imagine trying to establish a new landfill in wetlands within that same four-month period? That is something that could not be done through an executive emergency, simply because you have a Federal regulatory agency involved. You have the Federal government involved regulating those wetlands. They don't care about New Jersey's garbage crisis. They don't care about the fact that it is going to cost more money to send it to Pennsylvania. Their job and their edict is to protect those wetlands, and that is what they are going to do. You know, there is a Federal judge just waiting to overrule a State judge trying to force straight dumping into wetlands. I think it is something that obviously none of us here should want to promote. I know that is not exactly what the bill says, because it does say just extend those existing landfills, but when you look at the reality behind it, and that the landfills can't be extended, you are then faced with straight dumping into wetlands, or you are faced with shipping the garbage to the southern counties, and I don't think that that is really the alternative that anyone in this State wants to do.

We have an initiative-- Essex County has taken an initiative to establish these transfer stations, and I think what we should be doing is looking to help them in their goal. You know, we should be looking to pass legislation to help the haulers who pick up in Essex County to deal with this situation, since their rates are going to jump dramatically overnight. They need to know that they have the support. You know, they will follow this plan. I am sure they will go to those transfer stations, since it is much better than dumping at a landfill, but they need to know that they are going to be able to recoup those costs as well.

So, we need to help Essex County in what they are doing, not only Essex County, but that type of legislation would help everyone. It would help Passaic, it would help all of the counties which are going to transfer stations. Those haulers need to know that they can pick up these rate increases, that they are going to be able to pass them along, without having to go through a month, or two months, or three months down at the BPU waiting. They just won't be able to handle that type of an increase. Likewise, the towns need to be able to-- They are probably going to need some relief for the increase, although, again, it is hard to put into perspective what the true cost is. In this area, we generate a ton per person per year in garbage. That means that a family of four generates four tons of garbage per year. Even at the \$100 a ton level, that means \$400 a year is what it will cost a family of four to dump their garbage -- at \$100 a ton at these transfer stations. You know, for \$400 a year, they get to throw whatever they want, twice a week, on the curb, and it disappears. That is one of the cheapest municipal services provided. The reason it seems expensive is because it has been artificially low for so long. That is because we have been open dumping. That is what we have been doing. We have been dumping. The leachate goes into it, and it appears as though,

"Well, it is in the Meadowlands. It is surrounded by all those wetlands. Who cares if there are millions of gallons of leachate leaking out?" Obviously, it is having a tremendous impact on those wetlands, on the river, on Newark Bay, and it is something that needs to be stopped now. This bill won't do it. This bill will make it worse, not better.

ASSEMBLYWOMAN OGDEN: Thank you. Harry?

ASSEMBLYMAN McENROE: Through the Chair, I have--

ASSEMBLYWOMAN OGDEN: First, are people still having problems hearing the person who is up here? (affirmative response) Maybe if you could speak just into that middle microphone. Is it turned on?

MR. MARTURANO: Yes.

ASSEMBLYWOMAN OGDEN: All right.

ASSEMBLYMAN McENROE: Thank you. I have visited the Meadowlands and have had an opportunity to accompany Mr. Marturano on a tour of the landfill. I think it should be recognized that Tom is one of the unsung, demonstrable, good public servants we have in the State. He manages a facility that all of us recognize as a very important one in an area that is difficult, at best, and he survives in the political arena by his professional expertise. He has been of great assistance to me, and I think to most of those involved in this public policy question. He has been there and has weathered many storms.

There is one question I want to ask, again a question of a technical nature. The bailer-- I had the opportunity, again, of spending a full day with Tom and all the other people -- among other legislators -- and it is an impressive facility doing a very necessary job. Now, why didn't the Hackensack Meadowlands -- or why hasn't public policy required that Essex County's waste during the past six years been bailed at the Meadowlands, because the intention of the bailer is to compact our waste, our garbage and, in a sense, the public intention is

to save landfill space? Why hasn't that been a part of our public policy?

MR. MARTURANO: Very simply, the bailer was originally constructed to handle 2000 tons per day. That is the maximum capacity of the bailer. It operates 24 hours a day, six days a week. Right now, the bailer receives about 4200 tons per day, so it is receiving more than twice what its capacity is. Right now, it handles Passaic and Hudson Counties' waste, and that amounts to about 4200 tons per day. Of that, we are now-- Twenty-two hundred tons of it -- actually a little more than that, because we are now up to 2000 tons-- About 2300 tons of that is straight landfilled every single day. It is working at its ultimate capacity. It is still doing the-- Nineteen hundred tons per day is being bailed, but the majority of the waste coming into the facility now has to be straight landfilled, simply because the waste falls have increased so dramatically, and what was directed to the bailer has increased so dramatically.

So, you could direct Essex County there, but it certainly couldn't be bailed. It would have to be landfilled with the remainder of the material which now by-passes the bailer.

ASSEMBLYMAN MCENROE: If we wanted to construct a bailer, commencing within the next 30 days, to locate it next to your existing bailer, and it was directed to serve as the Essex County facility, could it be constructed within a six-month period?

MR. MARTURANO: The reason a bailer could not be constructed within that time period is because of the lead time needed for the equipment. It is just not readily available equipment. That is the world's largest bailer -- the one in the Hackensack Meadowlands -- and to handle Essex County waste you would need one more than twice that size, since Essex County is generating about 4000 tons per day. It is just

something that could not possibly be done, certainly not within six months.

Additionally, that would not even solve your problem, because then what would be do with the bails? You know, the--

ASSEMBLYMAN McENROE: But, if the waste were compacted, we could at least lengthen the period of four months into possibly eight months or 12 months. At least we would have some salvation.

MR. MARTURANO: Why that breaks down is because you can't bail everything. Obviously, you can't bail demolition waste, for example. That is very bulky waste which has a lot of void space in it. What we find, is that when you compare the densities of the waste that is bailed with the by-passed waste which is primarily made up of the demolition-- When you average those two densities, the density for the facility is no different than the density of the current Essex County landfill, which is just straight landfilling. In the current Essex County landfill, that void space that occurs with the demolition waste-- When you compact the waste with the machines, the regular household garbage filters in through that void space, and you end up with a density, in fact, a little bit more than what we are getting at the bailfill right now.

The thinking behind it was good when it was initially created, but I certainly would not -- under any circumstances -- recommend a bailer for any of the counties in the State at this point. It is just too labor-intensive, and the benefits from it just aren't there any more. Additionally, our bails are strictly held together through compression. They are not tied. The reason for that is because they are only going a mile from where the bail is created. There was some talk at one time about using the bailer as a transfer station. It just can't be done because the bails would just break apart. They would have to be tied and, as I say, the bigger problem with that is that you can't bail the demolition waste. So, what do you do with the demolition waste that comes in?

You also can't bail straight residential garbage. The mix has to be about 70% commercial to 30% residential. That waste is dumped on a big floor. It is approximately a half an acre big. It is mixed with machines and then fed into conveyors, which then feed the bailers. That mix makes a bail which stays together. Residential garbage is too wet to bail by itself, so if you had a county, for example, some of the southern counties, where there isn't a lot of commercial or industrial waste, they just couldn't use the type of bailers that we have here in the Meadowlands, because the bails just wouldn't stay together. They would be just too wet.

ASSEMBLYMAN MARTIN: What is your ultimate plan for the mountains of garbage which exist now? What does the Commission plan to do with those?

MR. MARTURANO: Okay. The original plan was, the landfills were going to be contoured and created into DeKorte Park. The original concept, anyway, of DeKorte Park is now gone. That was, you know, the sculpted landfill that had amphitheaters on it. It had quite a few uses on it to turn it into a park. That no longer exists because we essentially had to create this pyramid out there. The top of the landfill, even though the base is about 400 acres, is going to be less than 70 by the time we're done, just to give you an idea of how pointy it is.

What we are going to do with the landfills once they close-- The first thing we are going to do is wait for them to stabilize. We are going to start the closure improvements this fall to try to make them -- the idea of containing the leachate. We intend to start the cutoff wall, which is an impermeable barrier which is placed around the entire perimeter of the landfill. That work is going to start this fall.

We are going to start covering with an impermeable cap to prevent the leachate generation, at least in certain areas. We will be starting that, probably in the spring of the next

year. But, our big thing right now is, we want to get that cutoff wall in so we can stem this tide of leachate that is going to the wetlands right now. We are also going to be trying to establish some methane gas recovery. The big problem is, the landfills are going to be very unstable for the next two to three years, simply because of the settlement, because of the decomposition that is going on within the landfill, because of the high level of leachate that is in the landfill. They are very unstable. We have to pay close attention to the monitoring aspects of it.

ASSEMBLYMAN MARTIN: You spoke about the imminent danger from one of those sides collapsing, as it were. Aside from the public policy question, which you probably oppose, aren't there ways -- engineering-wise -- to put up some type of a retaining wall or structure that would at least preserve, let's say, the highway, or the rail?

MR. MARTURANO: I wish that were true. It's not. There is nothing that could hold back the amount of weight we are talking about there. If you look at what happened at the Global Landfill, I mean-- I wish I could tell you the millions of tons of force that are involved with a failure of that type. There is just nothing that can be done, because the failures we are looking at-- They are not like mud slides, like what occur in California. They are what is known as deep-seated failures. The area that is failing is actually 80 feet below sea level. There is about 300 feet of clay beneath that site, and clay is very soft. The area that is failing is approximately 80 feet below the surface. There is a circular plain in that area which is failing because of the weight that is being placed on the landfill, and what will happen if that fails-- If it fails, that 80 foot-- It's a whole semicircle that effectively rotates, so the clay from the bottom actually gets pushed up, and the weight over here, which is the garbage, drops vertically. It takes the place of the soil that was

underneath it, and all the soil that was underneath it gets pushed up. That will extend over a 300- or 400-foot distance from the edge of the landfill.

So, there really isn't anything you can do. You know, it's not as simple as building a retaining wall. You're talking about 150 feet of garbage over, like, a half mile area. It's not something that really could be done. The perimeter of this landfill is about five miles, so it is a tremendous-- Obviously, it is a tremendously sized landfill. You just can't believe the weight that is involved.

ASSEMBLYWOMAN OGDEN: The three other counties-- They are all going to cease as of the end of this year. Is that correct?

MR. MARTURANO: The schedule, according to the agreements we have-- The agreement with Essex calls for July 31. The agreement with Passaic County is December 1, 1987. The agreement with Bergen County is December 31, 1987. And, the Hudson County-- We don't have an agreement with Hudson County, although we are working with Hudson County to come to some resolution.

ASSEMBLYWOMAN OGDEN: The other two-- Are they consent judgments, court orders, or--

MR. MARTURANO: The Passaic County agreement is a court order. As you are aware, Passaic County has recently gone ahead and entered into an agreement to establish transfer stations in Passaic County. The one with Bergen County is not a court order. It is an inter-district agreement, which was ratified by both the HMDC and by the Freeholders of Bergen County.

ASSEMBLYWOMAN OGDEN: So, there is no doubt in your mind that it is going to cease as of the end of this year for all counties, except maybe Hudson?

MR. MARTURANO: That is correct.

ASSEMBLYWOMAN OGDEN: One other question about the bailer -- the possibility of that being-- What is the possibility of that being a transfer station -- just the bailer site itself?

MR. MARTURANO: As I said, it is not really amenable to a transfer station type operation because we don't tie the bails. If they had to be transported, say, to--

ASSEMBLYWOMAN OGDEN: But whatever would be transported would be transported in a covered trailer truck. I mean, it wouldn't be open so that it could fly away. It would be compacted within the truck.

MR. MARTURANO: That is not the way a bailer works. The bailer produces what I'll call -- for want of a better analogy -- large bricks. Okay? That is what it produces. It produces large bricks, one every minute and a half, two minutes. They are approximately three feet by three feet by four feet, and they weigh about a ton, ton and a half. They have to be individually loaded onto a flat-bed trailer, and they are. That is how it works. They are loaded onto a trailer with no sides, because that is how they are loaded, from the side. They can't be loaded from the end because the bails are not strong enough to be used to push the bails that would be in front of them back further into the truck. So, they have to be loaded individually from the side. So, there is no side -- no structural side to one side of the trailer. Our trailers have no sides to them, but I suppose you could potentially put one side of a trailer-- You could have a trailer with one side on it. They would just break apart inside there, and then how would you unload it? There is no mechanism to unload it. The way we unload them now is with a forklift. We literally have a forklift that comes and picks up the bail and takes it where it has to go. If they were to break apart, even if the trailer were covered, then you would have a 45-foot long mass of loose garbage in there, with no way to get it out, other than someone going in there with a shovel.

Big transfer trailers now have a ram -- a hydraulic ram -- that is used to push out all the waste that is in the trailer. Obviously, these trailers can't be built like that because they don't have sides. So, there would be just no way to get the loose garbage out of the trailer once it arrived at the landfill. That just speaks to the idea of a bailer being used at all. It doesn't speak to the fact that you have Passaic and Hudson using the bailer right now for regular -- for its normal disposal operation. It certainly is not going to be an effective help to Essex County come August, because there are already 4200 tons a day going into the plant.

ASSEMBLYWOMAN MARTIN: If it has no value presently as you described it, why are you even using it?

MR. MARTURANO: Well, it does provide some function, in that it is helping us as we get closer and closer to the top and we are landfilling in areas of smaller and smaller dimensions. Instead of trying to back trucks and dump them, as I say, we have them segregated off to the side, and we are using them to cap off the landfill now. We can put the trailers in relatively small areas. The forklifts unload them, and we build brick walls -- in essence, that is what it looks like -- whereas you wouldn't be able to fill in those spots with traditional dumping, simply because the packer trucks and the big transfer trailers wouldn't be able to get into those small spots.

ASSEMBLYWOMAN OGDEN: Harry?

ASSEMBLYMAN McENROE: Madam Chairman, we are searching for a solution and Tom, I think, has been helpful in finding one. But I would like to recommend that the Committee -- based on comments by the Department of Environmental Protection and the representative of the Hackensack Meadowlands -- evaluate and investigate its authority in ordering an immediate emergency engineering study of the Hackensack Meadowlands. I would think, and hope, that it would be an independent study,

with an evaluation available to the Committee within a very short period of time, in order that this public question can be resolved, because I think it would demonstrate that we are attempting to find the key to this difficult problem.

I think if the Committee had the benefit of an engineering review to determine where the impact would be felt in the area of wetlands, where the potential is for further disposal at existing sites, where some of the disposal sites that were closed -- were they closed prematurely and, also, the regard that Tom mentioned for the power lines and the location of the railroad right-of-way, and also its potential impact on the Belleville Pike-- We know the importance of the Meadowlands, we know the services provided, but I think it would be helpful to all of us in the Legislature to have a current evaluation available, without delay, so that we could determine the feasibility of the Meadowlands' position and the Department's position relative to the public needs we have in these four counties.

MR. MARTURANO: As I mentioned during the meeting we had last Thursday with the Essex County mayors, I, you know-- At that time, I invited the town engineer from every single town in Essex County to come down and review our files. Our files are all public documents. I am not trying to kid anybody about the seriousness of the situation, and I would welcome any study you would want to do. The only thing I would caution is, we are very short of time here in terms of getting those transfer stations on-line, and I would hate to see-- If you are going to do that, I would suggest a parallel action with the transfer stations going forward, simply so that Essex County people are protected. To put off the transfer stations initiative while you do the study can only hurt the people of Essex County. It can in no way help them.

ASSEMBLYMAN McENROE: Oh, I am not suggesting that at all. Oh, no. This is a potential solution. We feel -- at

least I do -- that it is responsible to pursue this option. I understand the Department's responsibility and I know you have responded to it, and I certainly know that Essex County has responded to the public position of the Department, and its own needs at this time.

But, I sense in here a north versus south strategy. I submit, again, that a State with seven million people, that is very much divided according to the demonstration by the Department-- The solution has been found in South Jersey, and it is in the direction of sanitary landfill. Where, in northern New Jersey, because of the lack of space, and because of the dense population, and because of the requirements of urbanized living, we are directed and encouraged to go the route of resource recovery. We have responded to that. Certainly the County of Essex and the County of Bergen particularly have responded, and are in the forefront of the development of nationally recognized plans for environmentally acceptable and economically feasible resource recovery.

So, we are not looking to turn in a new direction. We are looking to buy some time. We have made our commitment. We have a \$400 million facility that is accepted and financed and ready to begin construction. So, we're looking more for cooperation and flexibility.

I appreciate your professional position, but I think the laws of our State must response and recognize the practicality of disposal of our waste. As the Chairperson has said, August is just a short distance away, and we know the kind of chaos that can create in our county.

MR. MARTURANO: Keep in mind that even with the resource recovery plants, they will still need a landfill to go with them -- somewhere. I mean, you have all the stuff that doesn't burn, the non-processables, as well as the residual ash.

ASSEMBLYMAN McENROE: Well, I think the County Executive is here today, and he will respond to that. That

part of the plan is moving along very smoothly, as I understand it.

ASSEMBLYWOMAN OGDEN: Thank you very much. Our next speaker will be Nicholas Amato, Essex County Executive.

N I C H O L A S A M A T O: Good morning. First of all, I would like to thank you for giving me this opportunity to come before your Committee on Energy and Natural Resources.

Assemblywoman Ogden, Assemblyman McEnroe, Assemblyman Martin: Before I comment specifically on Assembly Bill 3562, I think some background should be given to the Committee for the record. We just heard from Mike DeBonis from the Department of Environmental Protection, and he advises us that solid waste is not a municipal or county problem, but is a statewide crisis, and that all across New Jersey landfills are at, or are close to, capacity.

We have known in Essex County for the past five years that on July 31, Essex County will no longer be able to dispose of its garbage in the Hackensack Meadowlands. When I took office on January 1 -- some 82 days ago -- I reviewed the solid waste disposal situation, and I must tell you that what I discovered was shocking. The previous administration knew that the July 31 deadline was coming about as early as 1983 and, even though the proposed resource recovery facility was tied up in litigation and negotiations, it was known by September of 1984 that the facility would not be operational by the deadline of July 31.

On the 14th of August, 1986, my predecessor received a letter from Commissioner Dewling of DEP, and I quote: "Grave concern over a rapidly approaching crisis situation with respect to waste management in Essex County--" The Commissioner went on to say, and I quote: "At this point in time, the Essex County resource recovery project is significantly behind schedule. In fact, it is accurate to project that this facility will not be operational until some

time toward the end of the decade. While this situation is clearly apparent, the county has, to our knowledge, made no concerted efforts to address interim disposal."

Further down, Commissioner Dewling wrote: "However, while the proposed facility has been permitted, it is significantly behind schedule, which is compounded by the county's inactivity in landfill siting and/or negotiations of inter-district disposal agreements."

Still, my predecessor chose not to act, as no provision was made for interim disposal between July 31, the time the facility would close, and some time in 1990, when the facility would be built.

I want you to know that this is my responsibility, and is now my personal commitment. As County Executive, I will do everything in my power to ensure that Essex County will have a place to dispose of its solid waste after midnight July 31, 1987. (applause) My administration--

ASSEMBLYWOMAN OGDEN: Please, no comments or clapping.

MR. AMATO: I don't mind; I really don't mind. Just rule out the boos.

My administration has been working continuously since January 1 to resolve this immediate crisis and plan ahead for long-term solid waste disposal. We have made some major accomplishments, I think. We have had ongoing meetings with the Port Authority about our resource recovery facility, and they have provided us with excellent technical assistance. In fact, they have loaned us an expert -- one Robert Copinski (phonetic spelling). He is a Senior Operations Analyst. He works full-time; he is assigned to my staff.

As a result of meetings with the State Attorney General's office and representatives from the Treasurer's office, we will definitely get a State loan, interest free, of some \$48 million for our resource recovery facility.

At a meeting last Tuesday night, which lasted until well after midnight, we virtually finalized the revisions in our solid waste management plan with the vendor, American Refuel. By the end of this week, after review by the Solid Waste Advisory Council, we will submit the plan to the Board of Chosen Freeholders for approval. This past Thursday afternoon, the county began contract negotiations with a potential landfill vendor for disposal of the residual ash. That contract should be in the hands of the Board of Freeholders by the end of the month. We are within two weeks of nailing down a franchise agreement with the Board of Public Utilities that will finally put control of our solid waste in our own hands for good.

What does this all mean to us? It means that by the end of April, after five long years of inertia, Essex County can go to the appropriate State agencies for final approval of our Solid Waste Management Plan. Then, we will be able to put the first shovel in the ground for the resource recovery facility early this summer.

But I know our major concern now is, "What are we going to do with the garbage after July 31?" We have heard from Tom Marturano, who presents a very strong case for keeping the Meadowlands closed. He said that it is environmentally unsafe, and that it should not be open. Interim waste disposal is a very real problem, and I want to assure you that the county is taking positive steps to solve it. Today, we have nine proposals on hand from developers to build and operate transfer stations for solid waste. Their total combined capacities would not only meet the county's needs, but would exceed those needs four times over.

We are currently evaluating the proposals and the vendors, and I will make my recommendations to the Board of Freeholders by the 15th of April, 1987. Once the interim disposal plan is adopted, the vendors can submit their permit

applications to DEP. Ordinarily, the process would take up to a year, but obviously we cannot wait that long. This past Tuesday, my staff and I met with Commissioner Dewling of DEP and Barbara Curran, President of BPU, and they committed their full cooperation to accelerating the permitting process.

I have been in contact with the office of the Governor to request his assistance in obtaining permits for the vendors. We are assured that if necessary, executive powers to declare a state of emergency in Essex County will be invoked.

Members of the Committee, we are definitely in a state of crisis and emergency in Essex County. We have until July 31 -- some four months away -- to build transfer stations for solid waste, before what I call "D Day." Taking care of this ancient waste disposal problem will not be easy, but it must, and it will be done.

As a responsible public official, I cannot proceed on the theory, or the thought, that the ban or the consent judgment will be lifted. Therefore, I must proceed with everything in my power to have a transfer station in operation on or before July 31. Should the Meadowlands be extended for some reason, fine, but with the consent judgment-- Being a lawyer, I have to take the position that it is not going to happen.

ASSEMBLYWOMAN OGDEN: Thank you. Questions?
Assemblyman McEnroe?

ASSEMBLYMAN McENROE: Through the Chair, I don't really have a question for the County Executive, but I appreciate his immediate reaction to the crisis, which he recognized immediately upon his election to the position of County Executive. It is one of the-- It is the important public policy question facing our county, and I appreciate his response and his attention to my particular legislation.

Of course, I know of the meeting the other night, and the excellent response by county government to the concern of

the mayors in this particular county. Again, as I mentioned earlier, I do see this as more than an Essex County concern. It is an immediate concern for our particular county, but the impact of the statewide policy is certainly more important in the four northern county areas which dispose of their waste at the Meadowlands, that anywhere else in the State.

I appreciate the Executive taking the time to attend today's hearing. Thank you.

ASSEMBLYWOMAN OGDEN: Bob?

ASSEMBLYMAN MARTIN: I would just like to follow up on that train of thought. Morris County has not been-- I do represent portions of Passaic, but we have not been in the forefront for the responsible handling of our garbage crisis. I want that to be clear. You know, I am not pulling any punches. The actions you have at least identified as being able to initiate between now and July 31-- There are three other counties we are talking about which dump in the Meadowlands, including Passaic County. Is there anything you think you have done which is unique to Essex County, where these other counties could possibly follow the same course of action before the end of July?

MR. AMATO: I would suspect that the biggest thing would be to call on all parties involved, to sit down, and say, "We have a mutual problem here." There is no Democratic or Republican way to solve the garbage problem. It is a people problem. The biggest thing I think we have been able to do is get total cooperation from DEP. Even though the Meadowlands are closing, we are not shooting darts at each other -- at Commissioner Scardino and Mr. Marturano. We are all trying to work to solve this problem. I think the biggest thing we were able to do was get total cooperation from all agencies, and I think to get the executive order in place to expedite the permitting process, because otherwise we couldn't do it. So, to get an executive order, if you will, for emergency permitting is going to help us to meet our deadline.

I think we all know that we have to meet the deadline by July 31, and we are going to.

ASSEMBLYMAN MARTIN: Your deadline is July 31. For some of the other counties, it goes to December. Hudson is still unresolved.

MR. AMATO: I wish I had until December.

ASSEMBLYMAN MARTIN: What bothers me most is that we may, through this type of legislation, be giving signals that whenever you approach a deadline, there will be some remediation down the road, and you can postpone the inevitable problem. That concerns me a great deal.

MR. AMATO: I think you have to proceed on the premise that it is not going to happen. I think to do otherwise is putting your head in the sand, or in the garbage. You know, it is just not going to happen. If it does happen, fine, but I must proceed-- Not that I don't want it to happen -- don't let me transmit the wrong signals -- but I have heard Mr. Marturano testify. I know DEP is against opening up the Meadowlands. I have heard the Director, Mr. Scardino, testify. I don't think they get any particular pleasure out of saying no. They are just giving their opinions, so I have to respect that. If it should happen, that's fine, but I can't proceed on that theory.

ASSEMBLYWOMAN OGDEN: Like Assemblyman McEnroe, County Executive, I, too, would like to praise the actions you have taken. You certainly are responding to the situation, and doing everything you possibly can, obviously, by having meetings with all the appropriate officials, in an effort to make sure that you are going to have a solution of one kind or another by July 31.

I would just like to ask you, though, in terms of-- I believe you said there were, what, nine proposals?

MR. AMATO: Nine proposals.

ASSEMBLYWOMAN OGDEN: How many actual transfer stations do you think we will end up with? I assume not nine.

MR. AMATO: No.

ASSEMBLYWOMAN OGDEN: Would it be, like, three?

MR. AMATO: Three to four.

ASSEMBLYWOMAN OGDEN: Located geographically in different parts of the county?

MR. AMATO: Yes.

ASSEMBLYWOMAN OGDEN: Now, if we are talking about transfer stations being on-line as of August 1, we are really talking about, what, a big piece of concrete that they are going to dump the garbage on? We certainly cannot build a transfer station building between now and then, so we're really just talking about some big open space that has concrete, or macadam, where you can dump the garbage, and then put it in a trailer?

MR. AMATO: We are talking about to meet the minimum requirements for a transfer station, which will be approved by DEP so we can operate it.

ASSEMBLYWOMAN OGDEN: And, you feel confident that there are the necessary emergency powers so that it is not going to be held up with permitting, public hearings, lawsuits, and everything else that has stopped us from having our resource recovery plant operating as of this time?

MR. AMATO: I can't stop the lawsuits, but I can tell you this: The cooperation that I have received from DEP, from the AG, from the Board of Public Utilities, from everyone, realizing that it is a joint problem, I feel is a clear signal that we are going to meet the deadline.

ASSEMBLYWOMAN OGDEN: Thank you very much.

MR. AMATO: Thank you.

ASSEMBLYWOMAN OGDEN: Next we would like to call those elected officials who are here today. The first one who signed up is Mayor Hill, of Kearny. Mayor Hill, would you please come up? (applause)

M A Y O R H E N R Y J. H I L L: No applause, please.

ASSEMBLYWOMAN OGDEN: You brought your supporters.

MAYOR HILL: I have heard everyone testify, and I have had the pleasure of attending meetings with Assemblyman McEnroe before. Sorry (speaking to hearing reporter), my name is Mayor Henry Hill, of Kearny, for your purpose.

I get a bit concerned because I feel as though being a Mayor of a town, I am in the same family as the Hackensack Meadowlands Development Commission, as the Assemblymen in Trenton, as the Senators in Trenton. We are all part of the governing body of the State of New Jersey. As much as I possibly can, I try to protect the agencies when discussing this with the rank and file.

If you will just reflect back to Mike DeBonis' presentation, you will notice that Hudson county is the smallest county in the State, at least on his map -- the smallest county in the State, by far. Union County is much larger, to the eye criteria, and there may be one other county. And yet, with all of the respect that I want to give the Assemblypeople, to have someone tell me that I have 40% of the waste of the State-- I would like to recommend that 40% of that waste goes into Hudson County. That certainly is a provincial approach, because I don't want it in Essex County, or some other county. Let's put it somewhere else.

I wish I were just Hudson County, then I could spread this. But, I am in Kearny, and you are suggesting that this -- or at least you are inferring -- that this goes onto the HMDC site in Kearny -- 40% of the waste into a very, very small area of 200 acres, as Tom Marturano has stated. That bothers me tremendously.

Again, I am looking at it from a local standpoint. I come to a meeting here-- We have been looking forward to having a DeKorte State Park on that landfill. Our ordinance called for 40 or 60 feet heights, and we couldn't go beyond

that. But the State agency came in and overruled us. So, now we are at 150 feet. The person who bought a house to take a look at the New York skyline doesn't see the skyline at all. He just sees the landfill.

All of this is in the local vein. I am afraid that our future meetings-- For your information, Madam Chairperson -- and other Chairpersons -- if we continue to listen to the State people, the State agencies, the county people, and then ask the people -- the Mayor of a town, and the people afterward, our public hearings are not going to be very effective. I've attended meetings before where, by the time the public hearing was opened to the people from the street, most of the others were out the door. This is only a comment that I wanted to pass on to you.

I am just reflecting back to two weeks ago, when I had a call from DEP, an emergency call on Thursday afternoon, to appear at a meeting on Friday -- very apropos to what Tom Marturano was saying -- to attend a meeting because we had an emergency. All of these emergencies pop up within a day. I was to attend the meeting because we have a landfill of maybe 120 to 140 feet, other than the one you are speaking of. The only reason that landfill was closed was because Bo Sullivan, the Chairman of the New Jersey Turnpike, approached HMDC and said, "Fellows, you are overstepping your bounds. This is going to overflow and knock the infrastructure of the New Jersey Turnpike."

The purpose of the meeting -- Friday, just a week, week and a half ago -- was, there is a fissure in this landfill, and it's dangerous. It may spill over onto the New Jersey Turnpike. If we were to take emergency measures -- when I say we, I mean the State agencies combined with everyone else -- I would be very happy to listen to them. But, at the meeting, the finger points at the landfill operator, and at Mayor Hill, because "You are responsible for the closure

costs." The closure costs are astronomical. My point is, you close a landfill in 1982, and here we have an emergency in 1987. They invited Public Service, the New Jersey Turnpike, the Hackensack Meadowlands Commission, and all of the State agencies to listen to the purpose of the meeting, but the other people were just in the audience, and they were pointing a finger at the town itself.

The same applies to this landfill. The landfill, if it is accepted-- If the expansion of the rights is accepted, then we will have the Belleville Turnpike closed down. In addition to the other problem I have -- and I have to answer DEP very shortly with my landfill operator -- what am I going to do with the other landfill? This is five years after the landfill had been closed.

Now, let me get back to the proposed Assembly bill. Frankly, I am embarrassed for the bill, because I am still a part of the governing family. To have someone suggest that we put 40% of the waste of the State into a place where the experts tell us there ain't no room-- Then, locally, I am very much concerned because this is in Kearny, and the one million gallons per day of leachate, which Tom Marturano alluded to, will be created. I have leachate on the landfill, which they have under control now. We dump it into a sewer to get it into the Passaic Valley Sewerage Commission. That is the landfill that was closed more than five years ago.

These are the local problems. I think you have to address yourselves, and give me some assistance to see how I can cope with the situation. I am going to burden you with some more details, just to give you an appreciation of what the people in Trenton can do if they are not looking at the whole picture. I have a lease with Hartz Mountain, and with another party, since 1978, for development of almost 300 acres across the road and adjacent to the landfill. This could equate to maybe \$100 million, or more, in development. Heretofore, when

people were trying to find a landfill -- well, particularly in Essex County when we had 21 landfill sites located-- People were saying, "Let's review the feasibility of putting a landfill in those areas." This is going back four or five years. Well, there hasn't been any development, other than a \$6 million warehouse. The lease is from '78 to '87. It is eight and a half years old now, and Hartz Mountain is talking to the Hackensack Meadowlands Development Commission, and submitting plans -- conceptual plans and general plans. "Let's review this, and see what we can do."

But, you can appreciate that if some potential customer comes there and sees the rumbling trucks up and down Belleville Turnpike, they are not going to be very attracted to it. That is the impact on the town itself.

Now, as far as continuing this 3562 -- with all due respect to Assemblyman McEnroe -- I don't know how we can, in good conscience, push it. If I were in the Assembly, I couldn't push it. Of course, I am influenced by its location being in Kearny.

I was very pleased to hear County Executive Amato, but, again, the credibility gap between the Department of Environmental Protection, the Hackensack Meadowlands Development Commission, and also between some of the other agencies coming in to us, has increased to a point where it is embarrassing to me to try to even rationalize why we are not meeting our promises. I applaud County Executive Amato for his plan. I think it is a very, very aggressive plan, and I hope that he meets his deadline. But, if that doesn't happen, then we have not only the credibility gap between the Assemblypeople, including McEnroe-- Mr. McEnroe knows Margaret Holloway who attends all of his meetings. I think he sends her an invitation. He's lonely when she doesn't show up. But, the credibility gap is going to increase.

I don't know what I am going to tell my Kearny people when we publicly say that the DeKorte Park they were supposed to have, because they had suffered with the landfill for so many years, just ain't going to be because we built it too high. The impact of that on the people of Kearny-- We had a plan, and you may be able to see that one of the other landfill sites closed with a specific plan. No ratables, no nothing, but it was going to look a bit nicer.

I am concerned about the 1-D Landfill site I told you about, with the fissure on the side, with, "Mayor, you've got a big problem. That is going to spill over into the New Jersey Turnpike -- not the New Jersey Turnpike, but the 280 site." All of these are State problems, and then when it comes down to the little town of Kearny -- of nine square miles-- The uplands is two square miles. We are talking about an area of two square miles, as related to Essex County, with seven million people; Hudson County with a bit less than 600,000.

We are trying to stuff -- the old joke -- five pounds of something into a two-pound bag. This is what we are doing. I appeal to anyone listening that 3562 for expansion, as it is written, is certainly a bill that should not get very, very good, favorable attention from anyone who studies it, particularly if he or she looks at it through the local application.

Thank you very much.

ASSEMBLYWOMAN OGDEN: Thank you very much, Mayor Hill. Are there any questions? Harry?

ASSEMBLYMAN McENROE: I just want to commend the Mayor.

ASSEMBLYWOMAN OGDEN: Thank you for coming here to testify and give us your views. We have several other Mayors here with us this morning. I know Mayor Reiher was here early, so out of deference to your coming so early-- Then Mayor Spina, and I believe we also have the Mayor of Cedar Grove, Mayor Katzmann.

M A Y O R R O B E R T L. R E I H E R: Assemblywoman Ogden, Assemblyman McEnroe, Assemblyman Martin: Thank you for the opportunity to present our side of the story here. My name is Bob Reiher. I am the Mayor of the Township of West Caldwell, a small municipality located in the western half of Essex County, comprised of 11,407 people.

I am here today to represent the person who is going to pay for all of this, and that is our local, small town taxpayer in suburban Essex County, or all of the towns in Essex County. We have heard from the very learned engineers, and everyone else here who has much more knowledge than myself, basically, on the whys and wherefores of how to build a landfill and what is happening to 1-C.

While it is true, I'm sure, that the 1-C Landfill in the Hackensack Meadowlands Development area is at capacity, I ask the question, is all of the land in the landfill area at capacity, or is there still time to see whether we can put some of our solid waste in other areas around 1-C? Therefore, I am very much in favor of A-3562, and speak to the point that anything we can do to delay the ultimate and overall cost to the local taxpayer in Essex County, should be considered.

Right now, our local taxpayer in West Caldwell is paying about \$22.03 per person per year to dispose of their solid waste. That is when I eliminate the cost for industrial and commercial. So, that is what it is costing the average person. You're asking me to go back to my community and say to the average person that we are going to raise that cost to him to \$100 per person per year.

Everything we can do to delay that ultimate cost to him and our local municipalities, I would be in favor of. Right now, we are looking, in our community, at spending close to \$400,000 a year to dispose of our waste. You're asking us-- On the side of the local homeowner, their proportionate share is someplace in the area of \$200,000. With what we are

talking about here, with the average person disposing of approximately a ton of garbage a year, and the average cost we talked about today, we are asking that our taxpayers increase their costs in our local municipality from what they are paying for their share -- \$200,000 -- to some \$800,000 a year. That is an increase of \$600,000. If we are to take that from July 31, that is an increase of \$300,000 to our local taxpayers, for a small town of 11,000 people. It would be very, very expensive, and if we can do anything whatsoever by delaying this to get a better handle-- If we can save \$5 per ton-- If we can save five cents a ton, I think it is our obligation to see that we get the best possible cost to deliver the most service to our taxpayers.

Therefore, I would ask that you give favorable consideration to this bill, and do what you can to see that -- if it is at all possible -- other sites are considered in the Hackensack Meadowlands Development area. If not other sites, possibly use some of that area as a transfer station for the county, thereby eliminating the additional cost to develop all of the transfer stations we would need within the county, and thereby cutting the ultimate cost to the little taxpayer.

It is very hard, as an elected official, as a Mayor of a community, to go out and sit down with a man who has brought up his family in our town-- He sits down, he is in his late 60s, and he says, "I have lived in your community for the last 40 years. I brought up my children here. My wife is in that bedroom right now with her leg amputated. I shot all the money I had--" With the tears running down his face, he says, "Mayor, what are you going to do to keep the costs down so I can maintain my home?" We have things like this hanging over our heads; we have our problems with waste water treatment plants hanging over our heads; we have all of our infrastructure problems hanging over our heads. These are all costly to the local taxpayer. I don't want to see the western

Essex area, or any of Essex County, become ghost city because people just cannot afford to continue to pay and pay and pay for all of these additional services.

We have to be able to-- If we can save one dollar someplace, five cents someplace else-- We have to do whatever we can. The problem, too, is in reducing the overall tonnage going to the solid waste area. I think it is incumbent upon the State, as we try diligently to slow down the waste load going to these areas through resource recovery, through recycling methods-- It is incumbent upon the State to look into areas where we can get markets, because without the markets, it is going to be very, very difficult for us to sit back and say we are going to reduce 10%, 20%, 25%, 30%. If there is no place to put the additional solid waste, and there is no market for it, we are going to find ourselves in a very troubled position with all of the solid waste areas in our municipalities, with papers piled all the way up, and with glass, and no place to do it. I think it is incumbent upon the State also.

Anything we can do now to delay this until we are absolutely sure-- I think it is incumbent upon this Committee to take every item into consideration, and every bit of the expert advice. Thank you very much for the time to address you. Do you have any questions?

ASSEMBLYWOMAN OGDEN: Thank you. Harry?

ASSEMBLYMAN McENROE: No questions, thank you.

ASSEMBLYMAN OGDEN: Bob?

ASSEMBLYMAN MARTIN: Mayor, I appreciate your position. Government, as you well know, especially at the local level, is often a question of tough choices. We just heard from a Mayor of a town-- I mean, Kearny's situation and your situation-- He's opposed to it; you are in favor of it. I'm from another county, which has a garbage problem, but which is not involved in this immediate problem.

I can't help but feel, at least on the face of it, that the problem in Kearny is more severe, from what I have heard. They are the recipient of mountains of garbage, and we have experts at least-- I don't think they are trying to misrepresent the situation. I have heard it before from the Meadowlands, that there is a crisis which is brewing with mountains.

I recognize the problem. Some taxpayers are-- Probably it is really going to hurt them in the pocketbook, but opposed to an immediate health crisis-- Also, the fact that Kearny-- You know, it reaches a point, it seems to me, where a town shouldn't have to take 40% of the garbage, particularly when it is even out-of-county garbage.

How would you respond if you were in my shoes? You know, if you had to pick between your case and the situation just previously presented?

MAYOR REIHER: If that were the case, Mr. Assemblyman, I would run for the Assembly, and then I would sit there and make that decision. Unfortunately, that is not the position I am in. I have been elected to represent the people of West Caldwell, while the Mayor here from Kearny has been elected to represent the people there. The people in West Caldwell are not familiar-- They really have empathy for the Mayor down there, just as I have, but I also have to recognize that the costs for the people whom I represent are continuing to escalate, while he has to represent his people, and you have to make the decision.

ASSEMBLYMAN MARTIN: You know the cost is going to go up for garbage.

MAYOR REIHER: Absolutely.

ASSEMBLYMAN MARTIN: I mean, everybody knows that.

MAYOR REIHER: Absolutely, everybody knows that. But what we are faced with now is, you know, everyone says it is a good buy; well, at what price is it a good buy? Is it a good

buy at \$100, or at \$95? By the Committee taking a little longer look at it, if we can save \$5 a ton-- I'm talking, you know, 8000 tons in a very short time in my town.

ASSEMBLYMAN MARTIN: With all due respect -- and I know you don't make decisions for Essex County -- five years seems to be a pretty good look at a crisis, and that is what Essex County has had to try to get at the problem.

MAYOR REIHER: But, you have to coordinate everything. The resource recovery plant is on-line to be built. Somebody in the State knows that the delays that are being considered and everything, are all part of the overall scheme of things. You have to recognize all the various parts of the puzzle all fit together until you come up with the ultimate. When the resource recovery plant is on-line, Kearny won't have this problem. Obviously, the county didn't plan on a delay and being challenged in court, but that did happen.

The State has to recognize and build in lead times for the proper closures of all of these landfills.

ASSEMBLYMAN MARTIN: Well, would you support the County Executive who was here earlier, who said--

MAYOR REIHER: Yes.

ASSEMBLYMAN MARTIN: Would you support him with his plans if he can get those transfer stations in place?

MAYOR REIHER: Yes. Thank you.

ASSEMBLYWOMAN OGDEN: Mayor, I would just like to thank you for bringing up the subject of recycling, because I think in the long run that is what we are all going to have to do, regardless of whether we are going out-of-state. If we had a resource recovery plant operating, certainly the cost of disposing of our garbage would go up tremendously.

It is frustrating to me, though, and I gather from what you were saying that it is frustrating to you, that we really aren't getting the help we need in terms of markets. As you know, the Legislature has passed mandatory recycling up to

25%. I feel that if we are going to deal with the issue that we have to deal with, the escalating costs for all homeowners, particularly senior citizens, who have such a hard time meeting these higher costs, we will have to go, probably, much higher than just 25%. We really need help from-- Probably DEP is the organization that we are looking to. So, maybe we will have to take the glass and papers that we can't find markets for -- take it to their parking lot, or something, in Trenton. Maybe that would bring some action. But, to me, for the past decade that has been a problem.

We had mandatory recycling in Millburn Township with our glass 10 years ago -- 12 years ago, as a matter of fact. We had to give up on it because we couldn't find a place to take it. So, you know, that is a key problem we all face. We certainly need a lot more help.

Thank you very much for coming.

MAYOR REIHER: You are absolutely correct. Thank you very much.

ASSEMBLYWOMAN OGDEN: The next Mayor we have is the Mayor of West Orange, Sam Spina.

MAYOR SAMUEL A. SPINA: Madam Assemblywoman, Assemblymen: Thank you very much for this opportunity to be here. I am Mayor Sam Spina from the Township of West Orange. I would just like to express my support for Assembly Bill 3562.

I have been an elected official for many years now, and during this period of time I have seen costs escalate for the collection and disposal of garbage from approximately \$1 a ton up to the present \$26 a ton. The unfortunate thing about it is the utter frustration. There isn't a thing I can do about it. Many of these increases have been legislated. We went to court to try to prevent it, but were unsuccessful, as other municipalities were. We did everything we could to hold down the costs to our local taxpayers, but it was beyond our control.

I have listened to the representatives from HMDC and DEP and, unfortunately, it seems as if there is an adversarial position that has been established between these agencies and the municipalities. I would like to hope that they would work with us to help us to resolve this problem. I realize they have an environmental problem, a possible health and safety problem and, for that reason, I would totally support your comment, Assemblyman McEnroe, that an outside independent appraiser, you might say, come in to look over the situation, to find out just what's what. Is there more land available? Can anything more be done? If, after that is conducted, we find out that the answer is no, then let's play ball the way we have to, and we will have to eat the costs, as unpleasant as they may be.

When we go to Pennsylvania with all of this garbage, what about the fees that are currently being paid to the State and HMDC? Obviously, they are going to be discontinued, I assume. Do we really believe that Pennsylvania is going to welcome us with these garbage trucks on their highways, day in and day out? I would venture a guess that the most a truck could make -- a trailer -- would be about one trip a day, and there would be a constant flow of these trucks into Pennsylvania. Just as my colleague, Mayor Hill, doesn't want it dumped in Kearny, I can't imagine the municipalities in Pennsylvania saying, "We welcome your garbage." It just doesn't seem to be working.

We are constantly inundated -- the local municipalities -- with increased costs. We have seen escalations in our pensions, our health benefits, solid waste disposal, you name it, and the local taxpayer has to eat the bill. It is getting to the point where it is becoming extremely distressful. We have lost \$500,000 in revenue sharing. We are not receiving any increases in our gross receipts tax. West Orange is not a distressed municipality,

although there are many people in our municipality who are extremely distressed.

We made an extraordinary effort to conduct a very successful recycling program. In fact, I would put West Orange up against any municipality in the State. We have been very successful. And, you know what happened the other day when we went for some financial assistance from the Recycling Program? We were told that our program was very successful and established. Therefore, "You are not getting anything." It seems as if the worse you are, the more you are going to get. That just doesn't seem fair.

I would suggest that perhaps you make an amendment to your legislation; that is, that there be a moratorium declared on any increased costs to a local municipality, with an effective date of either January, 1986, or January, 1987, and that any increase in costs for disposal of solid waste be borne by the State. Then let's see what happens.

Thank you very much.

ASSEMBLYWOMAN OGDEN: Thank you, Mayor.

MAYOR SPINA: Oh, I'm sorry, Madam Assemblywoman. I would just like to enter into the record also some of the costs that West Orange incurs in its solid waste disposal, if I may: Our basic annual charge is \$610,000; new pickups for this coming year -- we anticipate about \$6500; HMDC disposal fees, in 1986, were \$228,000; this year they are \$348,000, over a \$100,000 increase; closure tax, \$28,300; recycling tax, \$7500 -- I can't even get a nickel back on that; service tax, \$10,400; recovery tax, \$37,700; importation -- and I believe this is importation and host community tax -- \$18,900. We anticipated -- this was a few months back -- a rate increase of approximately \$50,000. That figure is just not valid at the present time. So, our estimated total for 1987 is now \$1,137,000. That is a \$144,000 increase over last year's figure.

Now I hear it is going to cost four times that amount to dispose of my garbage -- \$4 million? That is outrageous. The taxpayers of West Orange, unfortunately, look to their local officials to help them. That is why I am here -- to help them. Thank you.

ASSEMBLYWOMAN OGDEN: Thank you, Mayor Spina.

ASSEMBLYMAN McENROE: Madam Chairlady, I would like to thank Mayor Spina for his support of the legislation, and for his providing this Committee with some significant statistics regarding the plight of the taxpayer in the Township of West Orange.

Your comments and presentation opened certain other areas of concern, I think, that we should be mindful of. The Laws of 1985, Chapter 38, provides, in addition to the services tax moneys that the municipalities of our State pay and the resource recovery investment tax moneys that the consumer pays and the State distributes back to the counties and the districts for their development of resource recovery or sanitary landfill capacity in various parts of the State, also provides a host community benefit. I do want to address Mayor Hill, whom I consider an aggressive, competent, and very concerned spokesman for the town of Kearny. He is a very visible person to everyone in the State House on matters relating to the environment and his community.

But, there are host community benefits that are derived by municipalities that accept waste from other communities.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Let them have them. They can have them.

ASSEMBLYMAN McENROE: It is a matter, for the record, that it be understood that when a community accepts waste, whether it be for final disposal -- which is the current circumstance in the Meadowlands -- or for, even in a sense, the transfer of that waste to another jurisdiction, there is a

compensation paid by other communities and other individuals to that community.

Again, I understand the quality of life in Kearny, and I appreciate the impact of the location of that landfill. Unfortunately, it is an attachment -- if I may describe it as that -- to the town of Kearny, and I deplore that. But I think it is something that is important for the record, that the Legislature of this State, and its Governor, recognize that the disposal of waste, or interruption of the quality of life in a community is compensated under present law.

I know the Chairperson of this Committee has cosponsored, with myself and others -- other legislation that will provide compensation for composting facilities and for the location of transfer stations in various communities.

Thank you.

ASSEMBLYWOMAN OGDEN: Bob?

ASSEMBLYMAN MARTIN: I'll ask, although I think I know what the answer is, and it would be the same when I was on the council in my town-- I heard the County Executive announce before that he was going to be introducing approximately four transfer station areas. If one of those areas happened to be in the Township of West Orange, what would your response be? Would it be unequivocally no, or would there be-- Is that a fair question to you, Mayor?

MAYOR SPINA: Sure. Knowing the mood of the people, and having gone through the radon experience just recently, absolutely not.

ASSEMBLYMAN MARTIN: The point I think we have to look at as State legislators, if we are all going to try-- My town -- and I keep mentioning that because I want you to be clear-- I am not saying, you know-- We oftentimes fit into the situation. It seems to me that if we want to try to solve these problems and not be a host community -- and apparently Kearny would be willing to give up whatever host fees are

presently, or even contemplated being associated with it -- we have to be willing to bear the costs -- the true costs -- of garbage removal to wherever it will go. I don't know. I think Harry's point is--

I am not opposed to a look at the Meadowlands by so-called neutral observers to see whether there is any additional land. But, if there is not -- on that assumption -- I don't know where else it can reasonably go right now. I don't think-- As I drove through West Orange today, it didn't look like a reasonable site to me for a transfer station or a landfill, nor does the Borough of Morris Plains, where I live. I don't see any readily available sites. If we have to go as far away as Pennsylvania, or South Jersey, or some other place, I think whatever that fair cost is, it has to be borne by the people who are making the garbage, whether that is a State tax or a municipal tax. One way or another, it is going to have to be paid. I don't see any other solution to that, do you?

MAYOR SPINA: I'm glad you said "a State tax." Let it come from the State, then. The State is taking plenty from West Orange. Let's start getting something back in return. Let the State pay for it out of its surplus. At least we have a surplus anticipated for another year, possibly another couple of years, so that we can get into 1990, which is the date of the resource recovery plant coming on-line.

I would welcome the State paying any increased costs. I would ask the Committee to tack that on as an amendment, then let's see where we go.

ASSEMBLYMAN MARTIN: I would only say as a matter of public policy, however the consumer -- in this case the garbage producer -- however he or she ultimately pays for it, it has to be real from their pocket, because it ties into the other thing we have been talking about, and that is mandatory recycling and ways to cut down garbage. If one knows that the cost can be reduced by being a little more responsible, I think that is the

kind of policy we should be developing for the State of New Jersey.

MAYOR SPINA: We have had a mandatory recycling program in effect for approximately 10 years now. We were one of the first communities to do it. We bit the bullet, as they say. Many people were unhappy, but we made them separate their paper and glass. We have been doing it. We have our own staff, our own resources picking it up. It is costing the taxpayer money there, too. Fortunately, we get something back. We do have a market for paper and for glass at the present time. But, as Assemblywoman Ogden said, it is very shaky, and the prices that municipalities receive aren't always there.

So, we have done what we felt could be done. We are a municipality within Essex County. Is it our fault that the resource recovery plant was tied up in regulations and litigation? Why are our taxpayers being asked to pay the bill? That is why I say, "Let the State join in." We have lost money-- Most of the municipalities in Essex County have lost their revenue sharing money, and there is a State surplus. We keep hearing about the surplus, but that surplus seems to disappear every year. It just disappears. Let's start using up some of that surplus. Let's use it right here; here is a perfect example. For all of the municipalities in the State of New Jersey -- let's help them -- or at least Essex County.

ASSEMBLYWOMAN OGDEN: Thank you very much, Mayor Spina.

MAYOR SPINA: Thank you.

ASSEMBLYWOMAN OGDEN: It has been brought to my attention that we have another elected official at the county level -- Freeholder Walter Porter.

F R E E H O L D E R W A L T E R W. P O R T E R, J R.:
Madam Chairperson, Assemblyman McEnroe and, of course, my
Assemblyman, Assemblyman Martin: I am here today as a past

Director of the Board of Freeholders of Passaic County. My name is Walter Porter, incidentally, from Passaic County. I just want to make mention of the fact that I have heard the name McEnroe so often that I feel as though you are a neighbor of mine. I just want to say to this Committee-- I want to commend you for the dedication and the work you are doing on behalf of we who are in dire straits in these urban counties of the State of New Jersey.

Before I call on our Director of Planning and Economic Development, I want to say at this time that I am a substitute for the Chairman of the Planning and Economic Development Committee of Passaic County -- Richard DuHaime -- who finally came in. I'm sure that if he has anything to add, he certainly will. I appreciate this opportunity.

In the seven years that I have served on the Board of Freeholders of Passaic County, I have lived with the problem of garbage. I want to commend, indirectly, the Department of Environmental Protection, because they gave us the nudge, three or four years back, and said, "Hey, do something soon, or else." And the "or else" is here. I just want to assure you, Assemblyman Martin-- You made reference to the fact that your county has been a little remiss in the area of solving the problem of garbage. I just want to take exception--

ASSEMBLYMAN MARTIN: I didn't say little.

FREEHOLDER PORTER: Sir?

ASSEMBLYMAN MARTIN: I didn't say little; I said we were remiss in Morris County, and Passaic County is-- Well, we'll listen to what you have to say.

FREEHOLDER PORTER: I take that constructively. I have appeared, I guess, before many of our municipalities in Passaic County, and engaged the wrath of the citizens -- rightly so. I found out that the experts who advised us -- good or bad -- finally said that there was no place in Passaic County to site a landfill. So, we are at the stage now where

we have done everything. I assure this Committee that we have done everything humanly possible to bring the resource recovery concept into fruition. As a matter of fact, our County Administrator just whispered in my ear that one of the final stumbling blocks, as far as siting the resource recovery plant in Passaic, was decided by our Assignment Judge in Passaic County, and he ruled in our favor. Now, that is one more step toward the establishment of our resource recovery.

I just want to bring up the fact that in Passaic County, we are on target as far as our transfer stations are concerned. What we anticipate, however, is that while we are trying to establish four of the transfer stations throughout Passaic County -- one up in West Milford, two in Paterson, and one in Totowa Boro -- we find that we may have some litigation and, of course, this bill would fall right in line, because it would give us some breathing time. As you know, as of December 1, 1987, we have been directed and ordered to be out of the Meadowlands. We feel rather strongly, having been down there on many occasions-- We do feel sincerely, notwithstanding the expert testimony, that we should be allowed, if need be-- I assure you, I pledge to you, that we are making all of our plans -- very strong plans and firm plans -- to be out of the Meadowlands by December 1. However, we just want to have that contingency to know -- and it may come through court action, if we can't work out the agreements with the different municipalities on the transfer stations -- that we will have somewhere to go.

In addition to that, we have on line the contractual agreements that are imminent to take our garbage up to Pennsylvania. Now, I just want to assure you once more that we have done everything humanly possible to concur and to go along with whatever has to be done. By 1990 -- which I think is apropos -- we will -- I'm positive -- have our resource recovery plant on line.

If you would indulge us just for a couple of moments, I would like our Director of Planning and Economic Development to get this short message on the record. Mr. James Rogers.

J A M E S R O G E R S: Thank you, Freeholder. Members of the Committee: Again, just to give you some further background on where Passaic County is with its entire Solid Waste Management Program, back in December, 1984, following the closure of Hamm's Sanitary Landfill in Sussex County, Passaic County signed a Consent Agreement with the New Jersey Department of Environmental Protection and the Hackensack Meadowlands Development Commission, which permitted the addition of five Passaic County municipalities to those which had been utilizing the disposal facilities in the Meadowlands.

In return, the county agreed to mandate recycling, to establish a schedule for the implementation of resource recovery, and to develop an in-county landfill. All of Passaic County's municipalities, as the Freeholder indicated, are to cease disposing of their waste in the Meadowlands by December 1, 1987. Since we entered that agreement, Passaic County has been working very diligently to develop its own waste management facilities.

I would just like to recount the last few years' activities for you, so you will be aware that Passaic County has moved expeditiously, and that there is a need for just a few more years of disposal capacity in order to develop the long-term solutions which the region and the State so desperately need.

ASSEMBLYWOMAN OGDEN: May I ask you if it would be possible for you to summarize your statement, because we do have some other people who want to speak who are under a time deadline?

MR. ROGERS: Yes, fine. I think that is a good idea.

ASSEMBLYWOMAN OGDEN: You can submit your statement for the record.

MR. ROGERS: Yeah, a copy will be submitted. We have moved aggressively on recycling. We have mandated that in the county. I think we are one of the two counties in the State-- We had 100% of our municipalities filing for recycling grants. We have a very ambitious program to continue and expand our recycling efforts, so we are very supportive of that.

As mentioned, we just achieved a milestone in our resource recovery project with the favorable decision by the court. We have filed a Preliminary Environmental Impact Study on our site with the Department of Environmental Protection. They asked for some additional information. We filed that last week. We hope that within three to four weeks we will get a favorable review of that PEIS, and that we can move forward with our own permitting process.

We could file those permits by July. We know that the review period on permits has ranged from eight months to two years. We could be in the ground on the construction of our project sometime early in '88 -- it's possible to do that -- and be in commercial operation in 1990. As the Freeholder said, that is the window, the gap, that we need to fill with disposal capacity until that resource recovery facility is on-line. At the same time, we are moving forward with the development and signing of contracts with transfer station operators and waste haulers and landfills, so that by December 1 of this year we will, in fact, have out-of-state disposal capacity. We expect that those contracts could be finalized within a period of several weeks.

We urge you to move forward with this legislation, while at the same time we are moving forward with our own package. Obviously, because of our time frames, we hope that something will happen in the very near future.

ASSEMBLYWOMAN OGDEN: Thank you. I understand that Freeholder DuHaime of Passaic is also here. Freeholder DuHaime, if you would like to say a few words, we would welcome them.

ASSEMBLYMAN McENROE: You are a well-known name to me, too, Walter.

FREEHOLDER RICHARD A. DUHAIME: Thank you, Assemblywoman. I appreciate the opportunity to come before you. I will try to be as brief as I possibly can.

We have complied completed with DEP. We are ready to go out-of-state. But, you are here for a specific reason. You want to know about this Assembly bill. Let me just tell you about the impact -- which I think is more important than anything else -- on the citizens of this State.

Passaic County is having to go to Pennsylvania. It is going to cost the citizens of Passaic County three times as much to go there -- starting December 1 -- than it would cost if we stayed in the Meadowlands -- three times as much -- and we are doing it economically compared to the other counties in our State, which are paying much more. Now, if we are spending all of this money to go out-of-state, don't you think it might be prudent to put some of it into the Meadowlands, move some of the power lines they are so concerned with, and stay there until our resource recovery plants are on-line?

Now, as Freeholder Porter pointed out a few moments ago, we have just gotten a favorable decision, where the stumbling block -- or the suit of the City of Passaic against our resource recovery plant -- has been turned down, and the county has won. Our plant will be in operation by 1990.

I think the people who run the State have to be concerned about the people who live in the State, and the amount of dollars that they can keep in their pockets. It is vital to keep that money here, and not give it to another state. Keep the Meadowlands open for that period of time for all of us, and you will be performing, I think, a great service for the people you represent.

Thank you very much.

ASSEMBLYWOMAN OGDEN: Thank you. Are there any questions?

ASSEMBLYMAN McENROE: I don't have any.

ASSEMBLYMAN MARTIN: Just a couple of questions, if I may. New York has made it clear-- I know you previously had some discussions as far as removing and hauling garbage up across the border of Passaic into New York. There is no possibility of that occurring, is there?

FREEHOLDER DuHAIME: Are you talking about the Goshen site?

ASSEMBLYMAN MARTIN: Yes.

FREEHOLDER DuHAIME: No, there is no possibility of that. That fell through.

ASSEMBLYMAN MARTIN: And, with the areas in Pennsylvania, is there a fixed price in terms of agreements as to what those disposal costs will be in Pennsylvania?

FREEHOLDER DuHAIME: Yes. We have bought space in a landfill. It is just like buying a landfill. We have fixed prices for the next five years, and also for 10 years past that for a residual.

ASSEMBLYMAN MARTIN: Are there escalators involved in those costs?

FREEHOLDER DuHAIME: Yes, but small escalators. In comparison, DEP had gone out and gotten prices, and they started at \$93 a ton. We worked it out where we got it down to \$65 a ton to start with, and after five years it will not even approach the \$93 a ton that DEP had already agreed to. So, in essence, we have saved our people a great deal of money.

ASSEMBLYMAN MARTIN: What is the cost per ton to dump in the Meadowlands?

FREEHOLDER DuHAIME: Twenty-four dollars, and it will be \$65 a ton to start with in Pennsylvania, from our transfer station. So, you're talking about an increase of three times what they are paying now.

ASSEMBLYMAN MARTIN: The independent haulers who have to take it to Pennsylvania-- Do you see a real strong

resistance? Well, they will just take it to the transfer station, right?

FREEHOLDER DuHAIME: They will take it to the transfer stations. We supposedly have four. We are in litigation on one of them. I understand that if it goes down, we will still be able to run it with three. I feel we won't have any problem with three. We could probably do it with two very easily, if we would just make the two of them a little bit larger.

ASSEMBLYMAN MARTIN: In the arrangements with the hauler who would transfer from the transfer station to Pennsylvania--

FREEHOLDER DuHAIME: Yes, that's--

ASSEMBLYMAN MARTIN: Those plans have been tentatively arranged?

FREEHOLDER DuHAIME: They are done; they are done. Our agreement is with Penpack, which is a loosely knit group of haulers. They have the arrangements to take it out. They know exactly what they are doing and how it is going to go. It is going to go from the transfer stations via Conrail, I understand, to a site that is somewhere in the vicinity of Pittsburgh. That is how far we have to go, and it is going to get worse for the counties of this State. As you well know, in Essex County, you have to be out of the Meadowlands July 1. I heard dollars coming in, and it is horrendous. I wish you success. Okay?

Thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much.

FREEHOLDER DuHAIME: Thank you very much. It was my pleasure.

ASSEMBLYWOMAN OGDEN: Is the Mayor of Cedar Grove -- Mayor Katzmann -- still here? (affirmative response)

M A Y O R F R E D K A T Z M A N N: Chairperson Ogden, Assemblyman McEnroe, and Committee members: I would like to thank you for the opportunity to speak on this issue today. It

is a very important one for Cedar Grove because it involves so much money. I want you to know that I am in full accord with Mayors Reiher and Spina from West Caldwell and West Orange, because we are all in the same boat together. We hope we can stay afloat, that the Assembly will pass this bill, and we won't have a leak in the boat which will sink us all.

I come here, of course, to speak in favor of Assembly Bill 3562, primarily as an interim measure. I am not looking for this to be a forever situation. I am looking for it to tide us over until our disposal plant can be built in 1990 and can be effective.

The counties which presently use the Meadowlands' landfills involve approximately three million people. The testimony we have heard at this session, and at the session last week when Mr. Amato called the mayors together, indicates that the increase at the beginning will be at least \$55 per person per year, based on the increased costs and on the fact that there is one ton of waste that has to be disposed of per person each year. Now, that amounts to \$165 million annually. If we stretch that over three years, that is more than \$500 million -- a half a billion. Now, I would think that that money could be well spent on other public priorities, or retained by the taxpayers.

I think the cost/benefit ratio of what we are looking to do here is very, very poor -- extremely poor. I think the bill should be passed because it will save us -- well, by my calculations based on the testimony given -- over \$500 million.

I would like to offer some possible suggestions on how we might move by looking at parallel ways of getting rid of the problem, because certainly we do have a problem. There was a question that the landfill site in the Meadowlands could not be expanded because there is a railroad track in the way. It certainly seems possible, in a very short time, to move the railroad track, and thereby increase the dump capacity. This is a very low-cost solution.

Also, the railroad presents an opportunity that hasn't been explored as yet. Certainly, if we have a railroad, we could use it to move solid waste to other dump sites, wherever they may be -- out-of-state, or what have you. The railroad would be a very inexpensive solution. Very simple ways could be used to fill hopper cars, which eventually could be dumped into old mine shafts, and the like. Certainly this would be a simpler way of moving the waste, and would give us a great flexibility as to where we could put it, much more so than truck and road traffic would afford us.

Now I would like, perhaps, to review the impact on our town, which would be very substantial. Based on the \$55 per person, in our town the increase would amount to \$687,000 a year -- increased costs. We have 12,500 people. Our town municipal budget today is \$4 million, so this would represent a 17% increase in municipal costs in Cedar Grove. I think that is an astounding number. I think if we could put that off for three years, and not waste our money -- building sites where we temporarily transfer garbage, these transfer sites-- If we don't build those, which would only be used for three years, then I think we would have accomplished something, and would have done the right thing by the taxpayers.

I would like to think that the scare tactics that are being used here -- and I would like to say that again, the scare tactics that DEP is using -- are a very cavalier way of dealing with our money. At relatively little cost, the present dumps can be stabilized. This business of cracks and 300 feet of clay, and all this-- I am a professional engineer, and I'm sure that if we can build high-rise apartment buildings in the Meadowlands, we can stabilize a landfill of 150 feet. I don't think there is any problem. It costs a little bit of money, but it costs a great deal less money than what we are proposing to do today.

I would also like to suggest that the costs that would be incurred by each person who lives in the respective counties would, in some way, effect a limitation on the population density in this area. Eventually, we are just going to price ourselves out of business if we continue to increase our costs as we have been doing. Certainly we need to clean up our environment, and we have an obligation to do that, not only for ourselves, but for the people who follow us who will live here on the land. But there is a certain limit in the rate of cost increment that I think we need to be very much concerned about. Most of the communities in West Essex today have to increase their sewage treatment capability. We have to go to tertiary treatment in streams that take all of the surface runoff, and which, therefore, are really not fit for trout fishing. Yet, we are expected to improve the water to that level. This costs millions. It doesn't seem fair that at this point, when there is an alternate solution, that we should increase the cost of solid waste disposal, as has been proposed.

I would like to commend you for your action in hearing this bill -- for having this public meeting here today. I urge the Assembly to pass 3562 as soon as possible. Thank you.

ASSEMBLYWOMAN OGDEN: Thank you, Mayor. Are there any questions?

ASSEMBLYMAN McENROE: I appreciate the concern and the testimony of Mayor Katzmann.

ASSEMBLYWOMAN OGDEN: The last elected official we have yet to hear from is Councilwoman Barbara Thompson. Is she still here? (affirmative response) Councilwoman Thompson, I don't have the name of the town you are representing.

C O U N C I L W O M A N B A R B A R A T H O M P S O N:
Kearny, also.

Thank you, Assemblymen and Assemblywomen. For the record, I am Councilwoman Barbara Thompson, town of Kearny. Naturally, my feelings are very much against this bill --

A-3562. I notice that Assemblyman McEnroe said he has been down to tour the district. At this time, I would like to invite the whole Committee down, because I don't think you can possibly understand what we live with on a day-to-day basis, unless you see it with your own eyes. So, I am giving all of you a personal invitation to please come down.

ASSEMBLYMAN MARTIN: I took a personal tour last fall. It was on my own, with my family.

COUNCILWOMAN THOMPSON: Well, then, you know exactly what the problem is. Thank you.

When I decided to come here today to discuss solid waste disposal needs, I wanted to tell you straight out that Kearny's first need is to get rid of everybody else's garbage. (applause) There are three important reasons why Kearny needs to be rid of garbage. We have no place to go for our land needs except that of the town. As Mayor Hill told you, we only have two square miles for our own local needs. Naturally, the health and safety needs of our citizens is a basic right that we all have. I feel very strongly about that.

Then, we also have the problems that are created on our streets because of the garbage trucks going through all the time. Naturally, my comments are going to be very locally oriented, because that is my job. We are all well aware of the health and safety environmental problems that landfills create, but when I think of landslides and disposal of harmful materials, such as cleaning fluids, old smoke alarms, chemicals, the problem worsens drastically with time.

Other problems created by your garbage on our streets-- The heavy trucks travel on our streets and ruin them. That is a cost factor for us that everyone seems to forget. All these Mayors-- I understand their problems -- their cost problems -- but we have our cost problems, too, and it is very unfair.

I think the town of Kearny has been handed a raw deal all these many years. Assemblyman McEnroe, three years ago we sat before you in Trenton and tried to explain some of our problems. That was three years ago, and things have remained exactly the same. I have been a Councilwoman in Kearny for over five years, and the only thing that has changed for Kearny, as a town -- and as far as the garbage is concerned -- is that the closing dates have been moved ahead again and again. You are affecting our citizens by your lack of planning for your own garbage disposal, and it must stop.

I take issue with Assemblyman McEnroe's statements. We are sorry. We have been good neighbors long enough. We want you to use your resources to dispose of your garbage, not ours. It is, after all, your problem, not ours.

Thank you very much.

ASSEMBLYWOMAN OGDEN: Thank you, Councilwoman. Any comments?

ASSEMBLYMAN McENROE: No, thank you.

ASSEMBLYWOMAN OGDEN: At this time we do have about a half a dozen representatives of various municipalities, and one or two organizations. I think it would be best if we continue, and hopefully everyone will limit their remarks to no more than five minutes. Assemblyman Martin has to leave when we stop for lunch, so in the interest of his being able to hear what everyone has to say who has come here this morning, we would like to go ahead, probably for about another half an hour.

The first person I would like to call is Margaret Schak, who is speaking on behalf of the Hackensack Meadowlands Municipal Committee.

M A R G A R E T S C H A K: My name is Margaret Schak -- S-C-H-A-K. I am Executive Director of the Hackensack Meadowlands Municipal Committee.

During the 12 years that I have been affiliated with this Committee, either as a Mayor, an alternate delegate, or

now as Executive Director, I have attended many meetings of our group when the elimination of sanitary landfilling from the Meadowlands has been discussed. We have not always supported the Hackensack Meadowlands Development Commission on many issues, but on their continual attempts to orderly plan for the end of landfilling, we have supported them, and we continue to do so today. We supported the HMDC on the controversy over Passaic County's solid waste problems. Now, we have a similar problem with Essex County.

The agreement that Essex County made with the HMDC must be adhered to. We must support this Consent Agreement. Otherwise, all other counties, such as Passaic, etc., will be looking to extend the date, and then what?

We, the HMMC, support the HMDC, and recommend the defeat of A-3562, for the reasons just stated, and also for the reasons Tom Marturano of the HMDC and Mayor Hill of Kearny just put into the record.

Now, if I may give you my own personal paragraph at the end. I remember when the Essex County Consent Agreement was being discussed. I believe they were fortunate enough to be granted a large sum of money, to the extent, I believe, of a million dollars, to cover the interest on the building of the resource recovery plant. That was a Consent Agreement. All those become issues. If this Consent Agreement is not adhered to by July 31, 1987, maybe there will be further objection to the fact that Essex County is getting this large sum of money, I think contributed by the Hackensack Meadowlands Development Commission. If I am wrong, someone should please correct me.

The 14 towns that are involved in the Meadowlands Commission, for years, have been waiting for money to help them with the roads. That is such a terrible expense to the 14 towns that are putting up with the garbage trucks, and the Sports Authority traffic, and so forth. We are getting no help at all. If Essex County is getting this amount of help, they

should be thankful. And, if the County Administrator (sic) thinks he can meet the deadline, then I would suggest, personally -- my own opinion -- give him a chance.

Thank you.

ASSEMBLYWOMAN OGDEN: Thank you. Any questions or comments from the Committee?

ASSEMBLYMAN McENROE: Yeah, I'll comment. The County Executive, by his own testimony, indicates that he is moving ahead on the transfer station option, and that he appreciates and understands the public discussion of A-3562.

Your comment regarding money available to the County of Essex, through the Hackensack Meadowlands Development Commission-- You commented on it being a million dollars. It is \$15 million. Fifteen million dollars is a part of the Consent Agreement provided by the Hackensack Meadowlands through its user fees; again, coming from the public sector, the citizenry of our State. That will be provided to Essex County as a part of the financing of the close to \$400 million facility.

But, again, it is part of the regional agreements that all of us in the public sector feel are a necessary part of our responsibility. We, like the Hackensack Meadowlands, like the County of Passaic, like all the other counties, expect New Jersey -- in a 10-year period -- to be the one State in the nation that succeeds in disposing of its solid waste in an environmentally acceptable way, yet recognizing that we are the most densely populated and most impacted of all the states with regard to the disposal of waste.

MS. SCHAK: But, you can understand, from the viewpoint of the 14 towns, that there is a section in that law which created our Committee at the same time as the HMDC was created. There is a section in there that 25% of the garbage profit and user fees were supposed to go to those 14 towns. We haven't seen a penny, so I say Essex County should be very

thankful if they are getting \$15 million to help to finance the building of that resource recovery plant. I would suggest that they try very hard to reach that deadline, which was part of that compliance.

ASSEMBLYMAN McENROE: Again, that is a separate agreement. There is current law on the statutes of our State which provides compensation for communities that are impacted by waste disposal.

MS. SCHAK: Okay.

ASSEMBLYWOMAN OGDEN: Thank you very much, Ms. Schak.

MS. SCHAK: Thank you.

ASSEMBLYWOMAN OGDEN: Next we have a representative from the City of Newark, Mr. Frank Sudol.

F R A N K S U D O L: I would like to thank the members of the Committee for holding this fact-finding meeting in Essex County. I think it is very important.

One item of correction before I start my testimony. It is not \$15 million that is being provided to Essex County. It is the interest on \$15 million, which is substantially different.

I hate to say that perjury was committed today before the Committee, but, at the minimum, not all of the facts have been told, specifically with respect to presentations made by State officials. Specifically, less than three years ago, a study was undertaken by the Department of Environmental Protection, through an independent consultant. The study looked at 204 sites in four counties -- Bergen, Essex, Hudson, and Passaic. The study concluded, after looking at these 204 sites, that, in fact, there were six sites that were most suitable for resource recovery residue. Resource recovery residue includes ash, which is generally considered to be more toxic than municipal solid waste. Downtime for municipal resource recovery facilities -- which would include municipal solid waste--

The three highest suitable sites found after studying 204 sites in these four counties were in the Meadowlands. So, to say that capacity does not exist, is a lie. The three highest priority sites found in the Meadowlands include acreage of over 200 acres, which is sufficient capacity to maintain, on an interim basis, the handling of municipal solid waste from Essex County, and other counties which are now taking waste to the Meadows, until such time as the resource recovery facilities are, in fact, on-line.

Representatives from East Orange, Newark, and West Caldwell, this morning went down to take a look at these four sites; the four sites being the three that were most highly recommended, and one additional site, which I will get into in a little bit if I have time.

We have photographs of the sites, and I would like to enter the photographs into the record for the Committee, as well as provide copies of the study that was done for DEP by the consultant, if the Committee so desires.

The three sites have sufficient capacity to handle the waste; can, in fact, accept waste on an immediate basis, particularly the site between the bailer and the 1-C Landfill, which is the landfill currently used. There is a junkyard which exists there, and there is no reason why that junkyard couldn't be filled in.

This photograph -- the first photograph -- represents the area-- I think it would be advisable for members of the Committee to physically take a tour of these four sites as part of its fact-finding mission.

ASSEMBLYMAN MARTIN: Are any of these in wetlands -- these sites -- do you know?

MR. SUDOL: Well, this report looked at--

ASSEMBLYMAN MARTIN: Because before some of the testimony was that it would require Army Corps approval.

New Jersey State Library

MR. SUDOL: Right. There are four basic areas that the study looked at: Community sensitivity, which included population within one mile of the site; percent of trips on State and Federal highways; structures per mile between the site and the nearest State and Federal highways; and proximity to State and county public parklands. That was the first level of criteria -- community sensitivity.

The second was cost: Intersections per mile between the site nearest State and Federal highways, etc., etc.; acquisition costs; and site area slopes. The third area was environmental, and within environmental they looked at: the issue of depth to the aquifer, aquifer yield, depth to bedrock, proximity to potable water wells, depth to water table, groundwater flow, systems proximity to geologic faults, aquifer use, soil permeability, proximity to downstream surface waters, and bedrock characteristics.

So, it was a very thorough set of criteria that were looked at, in addition to land use.

ASSEMBLYMAN MARTIN: I don't mean to interrupt you. My question was, with Federal jurisdiction over some areas, we may not, as a State -- even if we take action-- We could easily be overruled by a Federal court. I just--

MR. SUDOL: Well, there is no question that--

ASSEMBLYMAN MARTIN: I don't know whether any of those areas were in the--

MR. SUDOL: Right. There is no question in my mind that if a gubernatorial emergency is declared, and transfer stations have to be sited, or a landfill has to be opened, that the legality of any of those steps will be questioned. The same question comes in with respect to these sites. I am sure there are many areas that could potentially be challenged if we open up a transfer station or a landfill.

ASSEMBLYMAN MARTIN: My question was just a simple one: Do you know if any of those four areas are within the area that would involve a State permit?

MR. SUDOL: I'm sure some of them do involve wetlands; to what extent exactly, I don't know. But, I'm sure that if the consultant was called in, he could lay out, in great detail, the steps that were taken, and what particular parcels of property are involved.

The three sites that were highest on the list were sites: H-12A, H-13, and H-2. At the minimum -- maybe even before the end of the day -- we can make copies of these sheets that detail the evaluation and what came of the evaluation.

I am totally aghast that DEP and other State officials say that they are "unaware" -- in quotes -- unaware of disposal capacity. That is just not true. As I said, the representatives of the municipalities in Essex County are very concerned. We are going to be getting together, probably next week, in terms of strategy to take as a result of what we have so far determined. Needless to say, Newark is in a particular bind, and we fully support adoption of A-3562. The reason why we are in a bind is because our current costs are in excess of \$5 million annually. Those costs are going to exceed \$20 million next year if, in fact, we have to long-distance transfer haul to Pennsylvania. It would be a \$15 million annual increase to the residents of the City of Newark. When you have so many people on welfare, how do you take-- You are literally taking the food out of the mouths of these people. It's just not fair.

There is a lot more I could say, but I'll keep it short. I would like to work individually with the members of the Committee to tour these sites and show, not only this one site that I mentioned between the bailer and the existing 1-C site, but the three other priority sites -- highest priority sites -- that were recommended by the consultant to DEP in terms of interim capacity for residual landfill capacity.

MAYOR HILL: May I ask just one question? Where are the other three sites?

ASSEMBLYWOMAN OGDEN: Mayor Hill, I think you two can talk afterward. Members of the Committee? Assemblyman McEnroe?

ASSEMBLYMAN McENROE: Well, I would like to express my appreciation to Mr. Sudol for his bringing the Committee's attention to this report. He has been an active member of the Solid Waste Advisory Council for the county on behalf of the City of Newark, and Frank is a professional engineer who is, I think, respected in the community. I appreciate his comments relative to DEP's inflexible position regarding review -- or further review -- and evaluation of existing potential sites in the Meadowlands.

MR. SUDOL: Because of a death in the family, Alvin Zack (phonetic spelling), who is the professional engineer for the City of Newark, was unable to attend, but he did send me. I am not a licensed professional engineer, but I do work in the Newark Department of Engineering.

Just one last thought. The Essex County SWAC -- the Solid Waste Advisory Council -- last Tuesday at its meeting, adopted, unanimously, a resolution supporting A-3562. The Chairman was unable to attend because of other business, but I just wanted to make sure that the Committee members, in fact, knew that this resolution was unanimously adopted. I am sure most people are aware that the Solid Waste Advisory Council is an organization that is an advisory group to the Board of Freeholders, and its suggestion to the Board of Freeholders was to fully support A-3562.

Thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much. We will now have a spokesman for the City of East Orange.

D O M I N I C K D ' A L T I A L I O: Good morning.

ASSEMBLYWOMAN OGDEN: Would you please give us your name and title for the record?

MR. D'ALTIALIO: Yes. My name is Dominick D'Altialio. I am a Sanitation Superintendent for the City of

East Orange. It's good that I am following Newark, because East Orange is the second largest community in Essex County, and I think we are the tenth largest urban center in the State.

I sat here this morning and saw and heard the doom and gloom slide show from DEP, and the HMDC's reports on how they want to close the landfill. There are great environmental problems that they bring to the Meadows. They may not have brought up the environmental problems or the other things that they brought into the Meadowlands, such as the Sports Complex and the Hartz Mountain developments.

I have heard the optimism of Mr. Amato, and that transfer stations may be on-line in time. I have heard the concerns of the Mayors of Kearny, West Orange, West Caldwell, and Cedar Grove. I heard Ms. Schak from the HMMC say that she remembers consent judgments. I also remember enabling legislation that said that the HMDC would provide, in perpetuity, disposal for 118 communities. It appears that perpetuity has come about.

But, why I am really here today, is because I am scared. I am scared because in 130 days, the 80,000 residents of East Orange, and the other 850,000 residents of Essex County, will have no place to dispose of their garbage.

UNIDENTIFIED SPEAKER FROM AUDIENCE: We gave you seven years.

MR. D'ALTIALIO: Excuse me. We gave you the courtesy when you spoke, so please offer us the same courtesy.

UNIDENTIFIED SPEAKER FROM AUDIENCE: I did not get a chance to dispute you.

MR. D'ALTIALIO: No, but your Mayor did. Thank you.

ASSEMBLYWOMAN OGDEN: Any more comments, and you will have to leave the room.

MR. D'ALTIALIO: We in East Orange are very sensitive to the fact that the current -- I stress the current -- landfill site, 1-C, may be near its capacity. We are very

sensitive to the fact that landfilling may not be the most environmentally sound way of disposing of garbage. But we are also very sensitive to the fact that come July 31, in the middle of the hot summer, if the HMDC closes the district landfills, they will create a health hazard in East Orange and in the rest of Essex County.

We have been told to take our garbage out-of-state. We have been told to use transfer stations. But we are at a complete loss -- and I stress, a complete loss -- on how we are going to pay the 3.5 times more disposal costs, or approximately \$3,600,000 of disposal costs, to take our garbage out-of-state. That is, of course, if sufficient transfer stations are made available; if they are permitted; if the BPU sets rates; if they are constructed; if there is enough transfer station compactors available to vendors to produce these transfer stations.

Other counties have taken 15 months to do it. Passaic County is quite optimistic, but they have a different type of an arrangement than Essex County has. We have solicited proposals. We have not actually gone into agreement with transfer station operators.

I said it's scary, and it is. Once again we will have no place to bring our garbage, or, if by some miracle these transfer stations are constructed, we will have to make a serious decision. East Orange, as you know, is a depressed community. We are already asking for State funding under that. But, we will have to make a decision. Three point six million dollars for garbage, or \$3.6 million out of our budget to pay police and fire salaries?

We believe, as do the sponsors of A-3562, that additional and sufficient landfill space is available in the Meadowlands. As Mr. Sudol stated, I, a member of my staff, and the borough engineer from West Caldwell, visited sites in the Meadowlands today. Probably the most obvious site is what

appears to be two privately owned -- for lack of a better term -- auto junkyards located between the bailer and the existing landfill. I think we have to say that East Orange and the rest of Essex County is not looking for something or someplace to dump our garbage forever. We have made arrangements -- or we are in the process of making arrangements -- with landfills in New York State to dispose of our nonprocessable waste, and also our ash. We are looking for help in the interim, in the time it takes to either build transfer stations, or in the time it takes to get our resource recovery facility on-line. One hundred and thirty days is a very short time to do everything we have to do.

You know, we sincerely appreciate the efforts of Assemblyman McEnroe, Assemblyman Rooney, Assemblywoman Garvin, and all of you who have come out here today, but what we need is help. We can't let the HMDC and the New Jersey Department of Environmental Protection put the residents of East Orange and the rest of Essex County in serious jeopardy by allowing a health hazard, and also a serious financial hazard to occur.

Thank you.

ASSEMBLYWOMAN OGDEN: Thank you. Commentary?

ASSEMBLYMAN McENROE: No. Thank you, Dominick.

ASSEMBLYWOMAN OGDEN: Thank you very much. We have the Administrator of Roseland Borough, Gloria Floyd.

G L O R I A C. F L O Y D: I would like to thank Assemblywoman Ogden and the members of the Committee for this opportunity. I would also like to extend Mayor DeBell's regrets that he could not be here today.

For brevity's sake, let me express the fact that Roseland supports this bill. At the present time, we have many problems in Roseland, one of the biggest being a mandate by DEP to upgrade our sewer system, which presently is in Caldwell Borough. This will increase our taxes greatly. We also have to upgrade our own sewer pumping stations, and the addition

from the sewer, plus the addition of the new solid waste proposals-- The solid waste alone will increase our taxes 30 to 60 points. Many of our residents are senior citizens, and the average resident of Roseland could not carry this amount.

Thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much. Is the Administrator of North Arlington, Robert Landolfi, still here? (affirmative response)

R O B E R T M. L A N D O L F I: My name is Robert Landolfi. I am the Administrator from the Borough of North Arlington. I am here to enter into the record comments on behalf of Mayor Leonard R. Kaiser.

First, I would like to thank the Committee for the opportunity to appear today. I will try to keep my comments brief. I think many of the things that North Arlington has to say have been said -- quite forcefully and succinctly -- by the HMDC, DEP, Mayor Hill, and Councilwoman Thompson.

The perspective I bring -- and North Arlington brings -- is a little bit different, though. I think it is important that the Committee understands that North Arlington understands the crisis of solid waste. On a daily basis, it is our children who are endangered by the trucks that roll through our streets. It is our fire fighters who respond continually to fires in the bailer and on the bailfill and in the BCUA Landfill. It is our residents who daily smell the stench of the landfill odors. We, probably more than any other community, understand what landfilling is about and what the crisis is about.

Presently, the Borough of North Arlington receives the solid waste from the Counties of Passaic, Hudson, and Bergen. North Arlington is a one square mile community. You can imagine the impact. Right over our border, in Kearny, is the 1-C Landfill, which accepts all of Essex County's waste. At the present time, within that one square mile area is received

the solid waste of four, if not the most populous, four of the most populous counties in the State.

A little history and a little perspective is in order. Ten, 12, 15 years ago, when the bailer was being conceived as a short-term solution to the solid waste problem and crisis of that era, North Arlington was designated as the recipient of the bailer and of the bailfill. We were told at that point in time that it would be a short-term solution, but that landfilling had a very positive aspect; that ultimately the landfills would be converted into active recreational areas, with playing fields, contoured slopes, and amphitheatres. The visionary would see children at play and emerald green areas. A freshwater lagoon was to be a landmark, a hallmark of that park. It had a name -- DeKorte State Park. It has a name -- DeKorte State Park.

I would invite the Committee -- and I think most of you have been there -- to come to DeKorte Park State Park today. I don't think you will find many children playing; I don't think you will see any boats sailing. I do think what you will find is 150-foot mounds of garbage, piled high, emitting odor, causing daily problems with garbage truck traffic. DeKorte State Park, at present, is an euphemism for landfilling.

Let's look at how that came about in the last four, five, or six years, and some of the actions that have taken place. North Arlington has seen the condemnation of 180 acres of municipal land for additional landfilling purposes. The park has lost its contours. There will no longer be terrace playing fields and amphitheatres. Height restrictions have increased, blocking out the view of New York City. Five additional Passaic County communities have been permitted to landfill in the Meadowlands in North Arlington. The freshwater lagoon that was the centerpiece of the park has been eliminated, lost due to an interim landfill for the Bergen

County Utilities Authority. The 1-C Landfill across our border has been reopened for Essex County garbage. North Arlington has been designated as the residual site -- as the site for the residual landfill for the BCUA.

I would like to stop here for a second, and just tell you that most of those decisions were the result of a crisis. "We are in a crisis," we are told. What to do? Increase the height restrictions; condemn additional land; dredge a freshwater lagoon. Fill it with garbage, and continue on filling to a height of 150 feet.

The decision you have before you today should not be viewed in isolation. It is, in fact, a decision along a continuum. Every time we have been faced with a crisis of solid waste in northern New Jersey, we have looked to the southern Meadowlands, three communities in particular -- North Arlington, Lyndhurst, and Kearny -- to accept that garbage. I think Assemblyman Martin said, "What will the signal be if this bill is passed?" The signal has been continually sent, "Do nothing. We will raise height restrictions. We will pass legislation. You will be permitted to continue to landfill in the Meadowlands."

There has been a real impact on North Arlington. DeKorte State Park has not been built. The environmental impacts of why landfilling is felt-- Just as importantly, when you talk in terms of economic impact, it is conservatively estimated that North Arlington has lost approximately \$400 million in ratables as a result of the continuing landfilling of acreage within our borders.

The solution is at hand. At least two of the counties involved -- Passaic and Essex -- have entered into voluntary Consent Agreements. Those Consent Agreements would remove their solid waste streams from the Meadowlands. Legislation must not be enacted that will permit those counties to circumvent their voluntary agreements. Furthermore, Bergen and

Hudson Counties must be forcefully dealt with to arrive at interim solutions for their landfills and the development, so long ago promised, of DeKorte State Park must take place.

ASSEMBLYWOMAN OGDEN: Thank you very much. Assemblyman McEnroe?

ASSEMBLYMAN McENROE: I don't have any questions, thank you.

ASSEMBLYWOMAN OGDEN: Spokesman for Union Township, Mr. Yacovelle-- Is he still here? (affirmative response)

J O H N A. Y A C O V E L L E: Assemblywoman Ogden, Assemblyman McEnroe, and Assemblyman Martin: I thank you, most sincerely, for the opportunity to make a comment here. I happen to belong to a municipality which actually is an orphan, sort of, in that we are in both plans. We are part of the Hackensack Meadowlands plan, and we are part of the Union County plan. As a matter of fact, I relished the experience, over the past eight years, of being active for the HMDC at hearings, and as the announcer for the commercials of Bell Telephone Company. When the time came for appearing for the franchise for the bailer, I was there. When the time came for the appearance of the acceptance of the formula of rate averaging, I was there. When it came to hearings on proposed landfills, I was there. The last time I appeared was at the hearing in Rutherford High School in 1984, on behalf of the Hackensack Meadowlands Authority. I was there. And, as far as the rate increases -- all of the hearings -- I was there.

But, that paid off handsomely for me, because I got eight years of disposal capacity in the HMDC for my town and, also, for Springfield. I'll take an opportunity like that if it comes along every day.

I want to recognize the ability of Mr. Marturano. It is remarkable what he has done with the 1-C Landfill. That landfill was opened early in 1982 and, if you recall, in 1984-- It was only supposed to be for a year. In 1984, when

the terrific increase in the rate averaging took place -- about 150% -- you recall that, in May of '84 -- it was significant that even the Board of Public Utilities, in their order, insisted that a review be made of the 1-C Landfill. It indicated, in its closing remarks on that particular landfill, that a substitute for that landfill site should be in their hands by November, 1984. In other words, it was supposed to be a one-year deal.

Now, through the engineering genius of Mr. Marturano and company, they had extended the use of that landfill for four years.

ASSEMBLYWOMAN OGDEN: Mr. Yacovelle, in the interest of letting the two or three other people who wish to speak before we have to stop, if you could just--

MR. YACOVELLE: Yes. The main reason why I remained here is this: I am sold on the idea of the transfer station. I think it will be there. It should work. I have watched them; I have observed them in action. I am for that, and we are going to have them in the State of New Jersey. We are going to participate in that. My township is going to participate in that, if we even get the action that we should get from DEP.

Here we have been waiting over 10 months, from the time the proposals went out until now, and we still don't have a signed contract to build that transfer station. We still don't have it. The 31st is going to come, and I don't believe the transfer station is going to be in existence.

But I would like to say this to you people who are in the Assembly: If you really want to put impact into this bill, or if you want to talk about a bill that is going to really make the difference, what you should add to this bill-- We need the action, the image of the State Assembly, and the Senate, in order to make this a reality. If you leave it up to DEP, or HMDC, or any of those organizations, you are not going

to get the eight, or nine, or ten landfills that you will need in order to solve this problem. You are not going to get them.

Now, if you can get the Department of Environmental Protection to build a model landfill facility-- I have been down to see them in Burlington County; they solved the problem completely. In Cape May County, they solved the problem completely. In Atlantic County, they solved it completely. I am not referring to the 5000 acres that the casinos bought which, of course, are there to guarantee that they are going to be taken care of.

Now, if you want to do a good job, insert two things: Number one, Mr. DeBonis, who is one of the managers as far as solid waste disposal for DEP is concerned, came out with something that we all have to accept; that is, there are a host of landfills that were not completely used. They are there, and should be considered for reopening. You had better make it a point, and include it in your bill, that you want speedy action on that phase of it.

Number two, as far as landfills are concerned, if you can just get the private sector interested in building these landfills-- The economics of building a landfill today are self-assuring that they will pay. You will get the eight or ten. Now, I have hunted in every area of this State. I know the areas -- I know the wooded areas. I certainly could join in with, let's say, one of the most eligible-- Why couldn't a contractor who handles our waste go in and be interested as Waste Disposal was, in landfilling, and as BFI is, and has been? Why couldn't we have that? Why can't we go out and get these landfills? Why can't we get a model landfill site so that the commercial people can see it?

You know, we are a business community here in the United States. What they see -- that's the thing. That is what we want. There are people who will build these landfills. I don't mind if we go for 40 years with the

transfer stations and deliver our garbage 60 or 70 miles. What I loathe, and what I am opposed to, is the gypping we are giving our people by sending it to Pennsylvania, paying for their landfill closures, paying for the host community, and paying all the other charges that go into that, rather than paying it here to take care of our own landfills. Isn't that actually a betrayal as far as the public trust that people put in the Legislature when you permit that sort of thing to go on?

Now, we may be bringing garbage up into Pennsylvania, but I would like to see that cut to the minimum, for the simple reason that I am fully aware that there is every intention of requiring payment on the taxes of May 1 -- Chapter 38. You are going to pay those taxes. I am sure you are going to pay the landfill closure and recycling tax. Those are going to be in addition to all of the increases that you people are complaining about now. If you think that is bad, you wait and see. You are going to find that they are going to be assessed at the transfer station.

Now, surely if you want to make an impact, you will go out for those two things. I spent 30 years in the oil business. I am a volunteer in this job. I am a volunteer in the recycling. I have the honor of having delivered to Trenton last Monday, documentation showing that on a volunteer basis I was able to recycle a total of 6000 tons -- one-sixth of the total potential of my municipality -- without it costing one dollar to my municipality.

Now, the least you can do is this: There is no sense in participating in an exercise in futility. That is what it amounts to.

In closing, I would say this: Goodness knows, after hearing the Mayor of Kearny indicate to me that 40% of all the waste in New Jersey is generated here, the blotting out of the New York skyline, and so forth, do you think I would want to work hardship on him, and give him a little more of the same

thing that they have put up with? Let me tell you something: I was there in Rutherford for the last meeting, and I was disgusted with it. I was in the sixth or eighth row -- myself and Mr. Kazar, the County Director on Environmental Affairs. They always came with me. Apparently they wanted us to work with the Hackensack Meadowlands. I was delighted in my experience working with the Hackensack Meadowlands. They were qualified people.

ASSEMBLYWOMAN OGDEN: Mr. Yacovelle, we--

MR. YACOVELLE: I will close with just this one punch line, but do you know something: Every Mayor in the area was there that night, and other officials. When it came to the dais, I was number eight, and Mr. Kazar was number seven. We didn't come up. They were up to 12 or 13, and they had a session of rest, naturally, and I said to Mr. Kazar, "I smell trouble here. I smell possible violence. Let's get the hell out of here." Do you know what the HMDC had the nerve to do in that particular instance? There were only three people involved, and the public relations man there. When the Mayors asked them, "Where is Mr. Kazar, where is so and so--" Well, imagine getting this answer.

ASSEMBLYMAN MARTIN: I am beginning to smell violence here.

MR. YACOVELLE: "They have other jobs. They have other duties," and so forth and so on. Now, did they really want to solve this problem on landfill sites? No. I could give you testimony right now that would indicate that they did not. They were never anxious to provide landfill sites, and I can prove it.

Thank you very, very much.

ASSEMBLYWOMAN OGDEN: Thank you. Is the representative from Irvington, Adam Samiec, still here?
(affirmative response)

A D A M S A M I E C: I am glad to follow Mr. Yacovelle. I have sat at many meetings with him. He is a very interested person.

Assemblywoman Ogden, Assemblymen McEnroe and Martin: I am representing the Mayor of Irvington, in a way. We are facing a crisis, just as the other communities, with this interim disposal. We are also facing a crisis, just as the others, with landfills. As Kearny has been suffering with their problem, so have we been suffering.

I would like to believe that we will have these transfer stations in operation, and I would like to think that our problems will go away. But, I don't believe that is going to happen. So, in the interim period, I would go with Mr. McEnroe's bill, and I would hope that people would support it. But I would do one other thing, and that would be strictly my own opinion.

There was talk here about economics of scale. We are talking about spending large sums of money to build transfer stations. We are talking about large transportation costs. We are talking about keeping the Kearny Landfill open. As was noted, this is a crisis situation. But when initial discussion started out this morning, I heard someone along the way talking about reclamation of the Meadowland areas. I think maybe this is the time that we should start this reclamation program. Why can't we -- during this interim period -- show Kearny, show North Arlington, maybe show the rest of the nation -- and start, instead of spending that money -- large sums of money -- transporting it out to Pennsylvania and building transfer stations, instead reclaim some of this landfill that we have now, provide interim capacity in the same area, but remove it by large-scale contracting operations.

Now, we have built on the north Meadowlands; we built a Turnpike on the Meadowlands. We excavated first; we moved it under contract -- large amounts of fill. The north Meadowlands

was nothing but a dump site, mounds of fill. We had to excavate that to make the land usable again. We built industrial parks on it; we built the Turnpike; we built other highways. I think we have to look to the State to resolve this particular problem. We hear HMDC talk about mud slides. They are underground slides. We had the same problem when we built the Turnpike. I know what they are facing, because they can damage the railroad, they can damage the power lines.

What has happened is, they have loaded the landfills at a rapid pace, not giving them enough time to settle, and shears will occur. I think if we start removing that during this period, Kearny will see that the State is now taking a positive attitude. We have to get rid of that garbage somewhere, and I think we can do it by contracting out in large scales. Open up enough area on the same site, reduce that hill, start putting some leachate equipment in there, start doing whatever we have to do to prepare that land.

The Hackensack Meadowlands is going to have to spend money, once it is closed. If they are closed in December, 1987, they are going to wait, and then they are going to start excavating. They are going to fill it; they are going to be moving dirt. The State is going to be paying the costs, I'm sure, for part of the same problem. Meanwhile, the municipalities are going to be spending money, as was noted here, to the State of Pennsylvania, and not getting anything out of it. Why not give it back to Kearny, to the State. Start reclaiming the land, provide interim space, and put the counties on some kind of a fine basis, where if they don't get out by the time they have promised-- Of course, we have moved ahead in Essex County. We will get our plan in operation. It has been in litigation; it has been in DEP.

I think it is a whole total approach that must be taken to resolve this particular problem. We don't want the dumps. We don't want the park that was there -- the DeKorte

Park. We want growth in the Hackensack Meadowlands. We want development; we want ratables; we want jobs. The way you are going to do it is by removing that mound of dirt; you are going to have to remove that fill -- that garbage. Once a plant is in operation, if you don't remove it all-- These plants will be able to accommodate some of this waste during a slow period, and burn it off into energy, or whatever. You don't have to transport it out, as we talked about.

But, we've got to move some of that material to show good faith to the communities. That is the end of my speech.

ASSEMBLYWOMAN OGDEN: Thank you very much.

ASSEMBLYMAN McENROE: Thank you. I appreciated your comments.

ASSEMBLYWOMAN OGDEN: Is Michael Gordon, from Ridgefield, still here? (no response) Is Ted Schwartz here, representing Montclair?

T H E O D O R E S C H W A R T Z (speaking from audience): I am not representing Montclair. I think when I telephoned the gentleman from Legislative Services, I said I was an attorney from Montclair.

ASSEMBLYWOMAN OGDEN: Oh, I see. Is there anyone else here who is representing a municipality before we take Mr. Schwartz? Yes? (In response to a gentleman in the audience, whose comment could not be heard by the transcriber.) Kearny has already had two turns, so I think we will take everyone else first.

B E N M A R T O R A N A: My name is Ben Martorana. No relation to Tom, although I have a great deal of respect for his abilities in the tough job he has.

I am the Administrator and Municipal Engineer in West Caldwell. I am lucky to have the perspective of those two positions, because I can see both the technical constraints, as well as the practical realities of implementing a public policy.

I think what we need here is clearly a legislative remedy. You have heard the competing opinions of people with legitimate self interests; people who are very much concerned about the issues in their communities. I think we have seen a trend in New Jersey, though, over the last several years, where unelected, appointed officials in regulatory agencies -- whether it be DEP, HMDC, or a host of other agencies -- have imposed growing and onerous mandates on municipalities, without legislative authority. They have done this on their own authority, and they have done it in a way which leaves municipalities very few options in responding to that. The threat of fines from DEP, the threat of loss of aid in many cases, is a tough one for a municipality to deal with.

What we need is for the Legislature to take charge of this problem, and I think that the bill which is proposed does just that. We need an informed remedy. I was going to come to you and suggest -- just as Mr. McEnroe did -- that you have two issues before you. Is there, or isn't there room in the Meadowlands? The way to find that out is with an independent study. I did meet with the representatives of Newark and East Orange this morning. We did tour the sites, and we reviewed the Dresner Report, which may form the basis of that study. I think with that information available, the principle that we always have to apply -- the greatest good for the greatest number -- has to apply here.

There are problems with any of these solutions, whether it is cost, or whether it is a problem of the perception of a community. They are difficult problems to deal with. I am glad I am not in your position of having to vote on legislation such as that. But, it is very important that this be a legislative remedy, and not an administrative remedy by our appointed agencies.

Thank you.

ASSEMBLYWOMAN OGDEN: Thank you.

ASSEMBLYMAN MARTIN: Just a thought. Applying your theory of the greatest good for the greatest number, if it turns out in the decision-making process in Essex County that a transfer station or an ash landfill should be located in West Caldwell, don't you think you would probably be forced to reanalyze your thinking?

MR. MARTORANA: Well, one of the things that I--

ASSEMBLYMAN MARTIN: I am not really being facetious.

MR. MARTORANA: I understand that.

ASSEMBLYMAN MARTIN: I am just really troubled by this, because there are no easy solutions to many of these problems. When we talk about the Meadowlands, we are talking about other municipalities.

MR. MARTORANA: We certainly are. One of the things I learned early along in this business was to avoid hypothetical questions. We all have a limited amount of energy to spend. We have an enormous number of problems to solve. We have to spend that energy on real problems that face us, not necessarily hypothetical ones that aren't here right now.

The areas we looked at today lend themselves to this use. The one area that Mr. Sudol especially referred to is adjacent to an existing landfill. To impose new environmental concerns, with a whole host of new problems, in such a short time frame-- It is not realistic to even expect that that would come out of a report, so I don't think that is an issue we are dealing with.

I think the issue we are dealing with is for the Assembly Committee to make an informed judgment, and to develop legislation that will help to solve this problem. Thank you.

ASSEMBLYWOMAN OGDEN: Thank you.

ASSEMBLYMAN McENROE: Thank you.

ASSEMBLYWOMAN OGDEN: Mr. Schwartz, from Montclair?

MR. SCHWARTZ: Good afternoon, Assemblywoman Ogden, Assemblyman McEnroe, Assemblyman Martin. My name is Theodore

Schwartz. I am an attorney in Montclair, New Jersey. I have been intimately involved in solid waste management matters for 22 years; five years as a Deputy Attorney General in the State of New Jersey -- from 1965 to 1970 -- and from that period of time to today, in private practice, representing some of the largest companies in the world in this business.

But, I am not here to testify on their behalf. I am here to testify in my capacity as a private citizen -- a citizen of Essex County -- who, frankly, is very pleased to see that this Committee's action has highlighted one of the most serious problems we have in New Jersey, and that is the disposal of solid waste.

I sat here just for a brief period of time listening to some of the speakers, and you undoubtedly know that you are in an area where there are no winners. Everybody is a loser; no matter what you decide, you are a loser. So, it is a no-win situation. I am sympathetic because I am involved constantly in siting decisions, solid waste planning, waste flow control, and so on and so forth, throughout the State of New Jersey. I probably represent most of the -- I would say the majority of landfill operators in the State of New Jersey.

But, I am kind of getting fed up with the whole problem. I am glad to see that the Committee is zeroing in on the situation. I think the Meadowlands area dramatizes the extent of the problem in the North Jersey area. I think when you approach problems of this nature, there has to be some practical suggestions, practical solutions, some middle grounds, and some give and take on both sides. I sympathize with the Meadowlands Commission and its problems. Frankly, I have a scant view of continued landfilling in the Hackensack Meadowlands area.

But, I think there are alternatives. The speaker from Union Township, I think, touched on it, but didn't develop it enough. It is the area that I have been very interested in --

the recycling of landfills throughout New Jersey. I have taken on a personal effort relative to this activity, since there are many solid waste disposal facilities in New Jersey which have closed prematurely, but have problems. There are a lot of old landfills that have problems in New Jersey. But when we sit back and say, "How are these problems going to be solved? Are we going to use the Spill Fund? Are we going to use Superfund money? Are we going to start litigation?" and so on and so forth-- There is no vehicle to bring about immediate correction of these environmental problems which exist in various landfills. There are probably about 60 of them in the State of New Jersey that could be recycled.

My thought -- and I have been working with DEP in this area for a number of months -- has been to propose an amendment to your legislation, mandating the recycling of landfills in New Jersey, in this type of a way: It takes millions of dollars to correct a landfill problem. I would rather not see Spill Fund money and Superfund money going into these problems. There are companies, there are people, who are willing to go in and take on the investment of upgrading an old landfill, putting in the environmental improvements; in other words, pre-financing the correction of a landfill and, at the same period of time, reopening the landfill and developing a rate structure that pays back for the upgrading costs, and pays the profit on the operation, then shut it down once you have achieved enough money to pay for those improvements.

We have so many of these sites in New Jersey that could be utilized for this purpose. It is helpful to the communities where those landfills are located, because they are sitting with the burden of potential of groundwater disaster. There are many sites that are owned by bankrupt companies or private individuals who don't have the money to fix these things. There should be a way to come in and alleviate a situation and provide for the interim disposal capacity which

we are talking about, over a five-year period of time, as it may pertain to Essex County.

The transportation of refuse outside of the State of New Jersey, in my opinion, is an ill-founded program. Although, unfortunately, I am participating in a couple of them in Morris County and Union County, I am really not happy about it. I also worked as special counsel to the County of Passaic for two years, and I am really not too excited about these types of programs. Why? Because what we did when we said, "Well, let's take it to Pennsylvania; take it to New York," was to also automatically artificially increase the price of disposal. When you're talking about transporting garbage 100 miles, 200 miles, or 300 miles, the logistics of it is quite serious, and the cost -- when you talk \$70, \$80 a ton-- Just Passaic County alone, when I did an analysis on a yearly basis, was \$36 million. Where are you going to get this money? I can do the same thing for Essex, and so on and so forth -- the Hackensack Meadowlands communities.

We are also losing a lot of taxes, the taxes which Assemblyman McEnroe has been involved in; the taxes we have on landfills. We are losing all that money. It is all going out-of-state. All the dollars that we are going to spend for out-of-state disposal are going to be spent in Pennsylvania, Ohio, New York, or whatever. I believe those dollars should be spent in New Jersey, recycling and cleaning up landfills for short periods of time. That way you don't place a burden on the Hackensack Meadowlands Commission; you solve an environmental liability that is sitting out there; and you are doing things that are productive. We are not fighting with each other all the time. We're moving ahead.

I also have another issue that I think you should be aware of. The bailer that exists in the Hackensack Meadowlands district was built by Federal moneys. The people own it. It was \$8 million under the 90-day Public Works bill a number of

years ago. That building -- or that facility -- in and of itself, might be able to serve as a transfer station, to be utilized for some of these programs.

So, there are a lot of pieces to the puzzle. I think you have the vehicle before you now in the legislation to hopefully make amendments, to mandate recycling of landfills, and to develop some balanced programs to approach this problem. Let's not send all of our money out-of-state and not be able to make use of it.

I appreciate the five minutes. I have spent a lot of time on this, and I would be glad to share my thoughts with you at a more comfortable meeting. Thank you.

ASSEMBLYMAN McENROE: Thank you very much. I appreciate your comments.

ASSEMBLYWOMAN OGDEN: Thank you. Andy Cappon?

A N D Y C A P P O N: My name is Andy Cappon. I am active in The Orchard Street Association in downtown Newark.

First, I would like to make an observation that the City of Berkeley, California, recycles 75% of its garbage. In view of that, the following:

Our neighborhood Association has been recycling for 15 years, currently running one of the largest buy-back centers for aluminum cans on the East Coast. Our recycling efforts were recognized by President Reagan, when the Orchard Street Association received the Presidential Recognition Award in 1986.

ASSEMBLYWOMAN OGDEN: Mr. Cappon, since I see you have copies of your statement which we will have as part of the record, is it possible for you to summarize this?

MR. CAPPON: This is only five minutes. I would like to read it.

For those of you not familiar with the neighborhood buy-back center concept, I'll briefly explain our operation. Our center is open daily from nine a.m. till one p.m. Collectors from all over Newark and a few from nearby towns

bring aluminum cans to our center in amounts varying from 10 pounds to 200 pounds, and get paid by the pound at the going rate. Today it is 30 cents per pound, or one and a quarter cents per can. We have between 500 and 1000 active collectors, gathering cans from their own homes, their neighbors, bars, restaurants, streets, or garbage containers. They bring their cans pushing old shopping carts or carrying bags; some come by car or in a pickup truck. Some sell their cans daily; others once a week or once a month.

We sort and weigh the cans and pay cash to the collectors. The recycle collector then goes out and spends that money on a meal, a drink, the Lottery, or whatever. Thus, this money is immediately turned over, benefiting the business community at large, and eventually ending up in the State coffers as sales tax, Lottery rake-off, alcoholic beverage taxes, cigarette taxes -- you name it.

Two years ago we were doing the same with newspapers and glass bottles, paying \$30 per ton. After the proposed recycling bill surfaced, the markets for glass and newsprint collapsed, and we had to end these programs. So much for our recycling history.

I am here to explain that based on our knowledge and experience, the State of New Jersey does not have a garbage crisis. New Jersey has a false and imaginary crisis created by the solid waste and sanitation establishment in an effort to convince the people of New Jersey that we must spend large amounts of money to get rid of our garbage and that the building of expensive garbage burning incinerators is the only solution. This is a lie.

In Newark, it costs \$50 per ton to collect the garbage, plus \$30 per ton to transport it to the Meadowlands and dump it. See the "City of Newark Waste Utilization Study," October, 1986. Please remember this \$30 per ton dumping cost. Suburban towns in Essex County spend the same or more because

of lower population density. Furthermore, if that garbage burning incinerator were to be built in Newark, we can safely assume that the dumping cost would skyrocket. To prevent this from happening, we propose a very simple solution: Pay the recyclable materials collectors the dumping cost for every ton they divert from the garbage stream into recycling -- currently \$30 per ton -- and half your garbage disappears into recycling. To implement this solution we need the following:

1) Garbage collection is changed from twice a week to once a week;

2) Homeowners are asked to separate the recyclable materials, such as glass bottles, newspapers, tin cans, wood, steel, corrugated, from the rest of their garbage, and place it at the curb any morning before nine a.m.;

3) Our collectors gather these recyclables the same way they now collect aluminum cans and take them to their nearest neighborhood buy-back center;

4) At this center they are paid \$10 per ton, or a half a cent per pound for every pound they bring in; and,

5) Next, they take their weight receipts to the municipal recycling office and get paid the \$30 per ton that the municipality saves by not having to dump that material as garbage.

Under this system, the collector receives \$40 per ton or two cents per pound. Having run newspaper and glass buy-back at \$30 per ton, we have proven that this system works. We also have an army of current active collectors ready and willing to start with this collection system throughout the City of Newark, and every little town has plenty of people willing to do this -- retired people, you name them.

All homeowners who have ever looked at their garbage -- and that includes all of you members of this Committee -- know that if all glass, newspaper, corrugated, steel, aluminum, and wood is kept out of their garbage, the only items remaining

are organics, which should be composted, and plastics, which should never be burned, but can be safely compacted and landfilled.

The neighborhood buy-back centers under this system receive sorted recyclable materials at a low cost of \$10 per ton, plus handling cost. Their responsibility then remains to sell this material in a free market -- currently averaging about \$30 per ton. Again, no problem; no need for recyclable materials market development; no crisis.

If you wonder why this type of operation has not been put in place, the answer is threefold:

- 1) It would reduce sanitation budgets by about half; not desirable from a sanitation manager's point of view;
- 2) It would kill off a large part of the solid waste industry as it is currently operated; not desirable for anyone involved in the solid waste industry; and,
- 3) It would eliminate the need for garbage burning incinerators; not desirable for incinerator builders and politicians promoting incinerators.

Thank you. Are there any questions? I would like to answer them.

ASSEMBLYMAN McENROE: Thanks for coming.

ASSEMBLYWOMAN OGDEN: Thank you very much for coming. Sorry you had to wait so long. Is Arnold Cohen still here?

MR. CAPPON: He had to leave.

ASSEMBLYWOMAN OGDEN: Oh, he had to leave. All right. We just have one more person signed up, Mr. Robert Hakim. However, I think your viewpoint has been presented by the others from Kearny. Is there anything different that you wish to give the Committee?

R O B E R T H A K I M: Yes, I have my own thoughts I would like to make.

ASSEMBLYWOMAN OGDEN: No more than five minutes, please.

MR. HAKIM: No more than five minutes. First of all, I apologize for my applause disturbing the meeting. Okay? My name is Robert Hakim. I am from Kearny. I have been a Kearny resident for 65 years, and I am very proud of it. I am also Chairman of the Kearny Industrial Commission. With me today is Councilman Thomas Magenheimer, from Kearny.

I want to show you -- Madam Chairman and Committee members -- a sketch that I had made about eight years ago. I asked the artist to tell us what he thought Kearny would look like under the present circumstances of garbage. Okay? It is just a charcoal sketch. (holds sketch up for the Committee) Here you see Kearny; here you see the New York skyline on the east. Here you see Kearny on the north, and here you see Kearny on the west. The artist's conception was, and is, the enveloping of Kearny with seas of garbage. Garbage to the east, garbage to the north, garbage to the south. Kearny is enveloped in the center.

This type of thing bothers the 39,000 people in Kearny, and the thousands of people employed in its industries. Okay?

Now, I was very impressed by some of the remarks made by some of the speakers today. I was encouraged by the thoughts of the County Executive from Essex. He is cooperating and trying to keep his deadline going. I was impressed by the remarks made by Tom Marturano from the HMDC.

There are a couple of things bothering me, Madam Chairman and members of the Committee. The town of Kearny and the HMDC has a valid Consent Judgment, made on March 2, 1982, and further amended on May 2, 1983, wherein the county went before the judge and asked for a Consent Agreement with certain deadlines and certain provisions whereby Essex County would stop dumping by July 31, 1987. This is the crux, Madam Chairman -- an agreement, an arrangement, a solemn word. Essex County would be out by that time.

Now, I have heard some of the various Mayors and people speak about all the time frames. Madam Chairman and Committee, the Solid Waste Management Act of 1972, by the State and the Legislature, said that every county and district in the State must start planning for solid waste -- 1972. Look how many years have elapsed -- approximately 16 years. Who in the State has built one solid waste facility? There is only one I know of. The United States Army, at Fort Dix, built a \$5 million plant one year ago to take care of their solid waste disposal.

All of the other counties had their chance. They have been hiding their heads in the sand, like an ostrich. No one wanted to move. Why? Because it was easy to dump in Henry Hill's back yard, in Councilwoman Thompson's back yard. Day after day, week after week, month after month, year after year -- trucks, garbage. Kearny was easy, a good place to dump. What right does its citizens have to squawk?

Assemblyman McEnroe, I just wish that today -- a lovely spring day -- you could just simply take your bill and withdraw it. It would be a nice gesture if that could be done, because I see here a solemn pledge by Essex County, the State of New Jersey, and HMDC -- a pledge to be out. Why are these Councilmen and Mayors all so nervous about the money they are going to lose? Where were they in 1980, '82? We all sat, sat, and put our heads in the sand, and now we, all of a sudden, have a crisis developing. Where were these men? They are elected officials. They should have known what was going on.

The gentleman from Newark mentioned -- and I didn't get all of his drift, Madam Chairman-- But, back in 1980 -- August, 1980 -- Jerry English, at that time, asked Essex County to submit sites for possible dumping grounds for garbage in Essex County, and sites in the HMDC district. Essex County replied that it had 19 potential sites -- 19. You know who the winner was? Kearny, again. Again an easy way out.

You have correspondence in your files; I have correspondence in my files here. The 19 was watered down to "X." I have this correspondence going back to 1980. If you want to review it with me, fine; review it with me.

Now, I don't want to take more than my five minutes.

ASSEMBLYWOMAN OGDEN: Your five minutes are up.

MR. HAKIM: Well, I am going to wrap it up with this one thing, Madam Chairman. There is one thing I want to say -- one last thing. I want to read from something I have written. As for Kearny, it is our hope that the word of the agreement will be truly honored. We have, during this time, thought that somehow, or in some way, that someone, or somebody, might try to negate this agreement between Essex County and the Hackensack Meadowlands Development Commission -- a State agency in the Department of Environmental Protection. We in Kearny have borne the burden of garbage disposal for far too long. Are we not entitled to the honoring of the State's word?

I thank you.

ASSEMBLYWOMAN OGDEN: Thank you very much. That concludes the meeting on Assemblyman McEnroe's bill. I would like to thank everyone who has come and stayed throughout the entire meeting, and also to thank the township of Maplewood for lending us this beautiful hall. Thank you all.

(MEETING CONCLUDED)

