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PUBLIC HEARING

before

ASSEMBLY ENVIRONMENTAL QUALITY COMMITTEE

Testimony concerning the Water Testing Program conditioned under recent revisions of the "Water Control Act"

April 22, 1986
Wallington Civic Center
Wallington, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman John O. Bennett, Chairman
Assemblyman Robert W. Singer, Vice Chairman
Assemblywoman Kathleen A. Donovan
Assemblyman Frank J. Gargiulo
Assemblyman Robert C. Shinn, Jr.
Assemblyman Byron M. Baer
Assemblyman Robert G. Smith

ALSO PRESENT:

Mark O. Smith
Office of Legislative Services
Aide, Assembly Environmental Quality Committee

David Cantor
Aide, Assembly Minority Office

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

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JOHN O. BENNETT
Chairman
ROBERT W. SINGER
Vice-Chairman
KATHLEEN A. DONOVAN
FRANK J. GARGIULO
ROBERT C. SHINN, JR.
BYRON M. BAER
ROBERT G. SMITH

New Jersey State Legislature

ASSEMBLY ENVIRONMENTAL QUALITY COMMITTEE
STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625
TELEPHONE: (609) 292-7676

MEMORANDUM

April 16, 1986

TO: ASSEMBLY COMMITTEE ON ENVIRONMENTAL QUALITY

FROM: ASSEMBLYMAN JOHN O. BENNETT, CHAIRMAN

SUBJECT: PUBLIC HEARING/COMMITTEE MEETING - Tuesday, April 22, 1986

The Assembly Commmittee on Environmental Quality will hold a public hearing on April 22, 1986 at 10:00 AM at the Wallington Civic Center in Wallington, New Jersey. The address is: 24 Union Blvd., Wallington, N.J., Phone #201-777-0318. Directions to the Center are as follows: Garden State Parkway North to exit 153 to Route 3 West to Route 17 North to Paterson-Plank Rd. which will become Paterson Avenue - follow to Union Blvd. which is on the right. The Civic Center is 1/2 block on right (from Rt. 17 to Union Blvd. is approximately 5-7 minutes).

The subject of the public hearing will be the Water Testing Program, conditioned under recent revisions of the "Water Control Act".

(Persons wishing to testify at the public hearing should contact Mark O. Smith, Committee Aide, at (609) 292-7676.

Following the Public Hearing will be a Committee meeting. Please be prepared to consider the following bills:

A-2290 Donovan	Permits the use of 1981 Hazardous Discharge Bond monies independently of other state or federal cleanup monies.
A-2108 Doyle	Requires DEP to provide alternate sources of potable water for those wells are contaminated.. Authorizes use of Spill Fund and appropriates $5,000.00.

A-2136 Bennett	Provides for the upgrading of standards for the certification of water testing laboratories.
A-2143 Zimmer	Provides for alternative potable water sources in certain instances of contaminated drinking water supplies.
S-1145 Lesniak	Prohibits certain persons from performing water analyses.

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Hearing transcribed by J & J Court Transcribers

ASSEMBLYMAN JOHN D. BENNETT (Chairman): I'd like to come to order if we could. Call to order the meeting of the Assembly Committee on Environmental Quality. This is our first Committee meeting for this term that is outside of Trenton, so I apologize for the delay, but we're kind of working out some of the mechanics of not holding our hearing where I'm used to having it.

It's indeed a pleasure to be here in Wallington. It was 12 years ago at this time that I did a lot of traveling up to Wallington to visit a woman that has now become the mother of my three children so there always will be a warm spot in my heart for Wallington as this is where I met my wife and where she was residing at the time that we were dating.

I'm very happy to come today and bring the Committee meeting here to Wallington at the request of Assemblywoman Kathleen Donovan, who has already demonstrated an uncanny ability to move into an environmental area as a freshman legislator, and one that I am very proud to have serve on this Committee. She brought to our attention some problems that people in her area would like to speak to the Environmental Quality Committee and let us know about some of their concerns, and felt that some of the people in that area would also like to talk to us. So we have been accommodating to be able to come up here today at her request. We've very happy to do so.

What I'd like to do is call upon Assemblywoman Donovan to basically do the welcoming and the address and introduce local people and then after that we will have an introduction of the people here at the head table so that all of you know who we are, and we will try to run today's hearing in a manner that everyone will be afforded the opportunity to speak that desires to speak. If you don't know if you want to speak in the beginning but as the course of the hearing takes place and you want to get up and say something, feel free to have your name sent up here. We'll be happy to hear from any of you on any of the concerns which you may have which we're addressing.

At this time I'd like to call upon Assemblywoman Kathy Donovan.

ASSEMBLYWOMAN DONOVAN: Thank you very much, Mr. Chairman. I would like to formally welcome all of you to the great District Number 36, best district in the State. Some of you I know already, of course, from being in Wallington. I'm sure that you will enjoy your stay here. I hope that we will be able to resolve some of the problems or at least work on resolving some of the problems that plaque us here in Wallington and in other parts of the District.

I would like to introduce a couple of people. The first person I would like to introduce is Freeholder Art Jones who is with us today and may be giving some testimony later on, but those of you who know Art Jones from Leonia -- he's a freeholder in Bergen County. Freeholder Len Kaiser was here earlier but had to go and he may be able to come back. There are three people here from Wallington. Those of you in the back know them already, but I'm going to introduce them formally to the people here. First, Councilman and also Council President Bill Kogut. I know you'd like to say a couple words about Wallington. Bill.

W I L L I A M K O G U T: First I would like to welcome the Committee to Wallington. I think it's very appropriate, some of the problems we've come across lately, I know the Committee's here to let us know -- for us to let them know some of the problems that we have and hopefully with the water and some of the other situations that have -- come up later they'll be more than happy to work with us and we along with them. Thank you.

ASSEMBLYWOMAN DONOVAN: Thanks a lot, Bill.

Two other people I would like to introduce to everyone. One is Councilman Glenn Van Hook, who will be giving some testimony later on. Those of you in the back, of course, know Glenn. And I'd also like to have Councilman Rich Slivinski come up to lead us in the Pledge of Allegiance. Flags are here.

R I C H A R D S L I V I N S K I: Would everyone please rise for the flag salute. (Pledge of Allegiance recited)

ASSEMBLYWOMAN DONOVAN: Thank you. Mr. Chairman, I'd now like to turn the meeting back to you.

ASSEMBLYMAN BENNETT: Thank you Assemblywoman Donovan. We'll start on my right and we will come down the table and tell you who we are, where we represent or in what capacity we're sitting here so that you'll have some idea as to who is sitting up here during the public hearing. We'll start with the Assemblyman to my far right.

ASSEMBLYMAN GARGIULO: I'm Frank Gargiulo. I'm from Assembly District Number 32, that's part of Hudson County. I am principal of a high school over there and am very happy to be in this great City of Wallington, the second best district. (Laughter)

ASSEMBLYWOMAN DONOVAN: You've heard my name before. It's Kathy Donovan. I'm in Lyndhurst, but part of District 36, which is part of Wallington.

MS. JENGO: My name is Judy Jengo. I'm a committee aide with the Assembly Majority Office in Trenton.

ASSEMBLYMAN BENNETT: I'm John Bennett, Assemblyman from Monmouth County and the Chairman of the Environmental Quality Committee.

MR. SMITH: Mark Smith, Committee Aide.

ASSEMBLYMAN SINGER: Bob Singer, I'm the Assemblyman from the 10th District, which is Ocean County, the southern part of the State. I'm also the mayor of Lakewood and the Vice Chairman of the Environmental Quality Committee.

MR. CANTOR: David Cantor, Assembly Minority Staff. Assemblyman Smith will be back in a minute.

ASSEMBLYMAN BENNETT: These do not pick up, these are merely for the recording system. This is the microphone for the amplifying, so we'll have to speak up because that's the only mike, I think, for the amplifier.

Assemblyman Bob Smith is also the mayor of Piscataway. He's come up to join with all of you today to this hearing. He's working his way up to the head table here now. This is

Assemblyman Smith. He has the unique pleasure of not only serving on this Committee but also serving on the Appropriations Committee, which usually has been meeting three or four times a week during this "break" while we're in the Legislature. So his break is usually four -- and now with this meeting -- five days a week, which isn't really much of a break, and I'm happy that you could join us today.

ASSEMBLYMAN SMITH: I didn't want to-- mike on?

ASSEMBLYMAN BENNETT: No, this is the only one.

ASSEMBLYMAN SMITH: I didn't want to earn a living anyway.

ASSEMBLYMAN BENNETT: Okay. The first person that I'd like to call upon today is no stranger in the field of the environment. It doesn't seem possible but it was 16 years ago he was asked to be the first Commissioner of the Department of Environmental Protection, a job that he served in with distinction. And today, many years later, he continues to be a leader in bringing New Jersey to the forefront with respect to the quality of the environment in this State. It's with great pleasure that I introduce to you Richard Sullivan, the Chairman of the New Jersey Drinking Water Quality Institute.

R I C H A R D S U L L I V A N: Thank you, Mr. Chairman. I appreciate the introduction. I also appreciate the invitation and I'm here today as a citizen volunteer.

ASSEMBLYMAN BENNETT: If anyone can't hear just raise-- you can't? Okay, raise your hand and we'll--

UNIDENTIFIED SPEAKER FROM AUDIENCE: We can't hear you.

ASSEMBLYMAN BENNETT: Okay, thank you. Try to do it this way.

MR. SULLIVAN: Can I be heard in the back of the room?

AUDIENCE: (Affirmative)

MR. SULLIVAN: I also have the added function of serving as the prototype of the audio system.

ASSEMBLYMAN BENNETT: Really.

MR. SULLIVAN: Actually I'm here on behalf of the

Drinking Water Quality Institute which the Legislature established in amendments referred to still as Assembly 280, adopted in January of 1984. The Institute has 15 members, six of whom are ex-officio and nine of whom are appointed: three each by the heads of the two bodies of the Legislature and by the Governor. I wanted at the beginning of these proceedings to give you a brief report on the work that the Institute is now performing and the schedule we expect to follow in carrying out the statutory functions that we have.

Members of the Institute, aside from the governmental people, represent academic science, they represent the water suppliers of the State, and they represent people who have environmental health backgrounds. We hope in the product that they give to the Legislature and to the Department that they'll represent the public interest as well.

Essentially there are three functions of the Institute. The first is to make recommendations concerning testing methods and testing requirements. The second, and the most important function, is to make recommendations to the Commissioner for maximum contaminate levels for 22 chemicals that are actually named in the statute and for such other chemicals as the Institute in its judgment believes should also have limits established. The third function is to give general advice to the Department on the manner in which it carries out its program for protecting safe drinking water for everybody.

Now, Institute was actually established in March of 1985, and held its first meeting a little over a year ago. It set up three subcommittees to deal with these three functions: the testing, the establishment of standards, and the program. Actually our program subcommittee chairman, Tom Cowley from Elizabethtown Water is in the audience today.

The testing area -- the law requires periodic testing of all water supplies -- is one of the most important elements of the statute. Without waiting for any recommendations from the Institute, first and second rounds of that testing have been

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carried out with results that I think can be better presented to you by representatives of the Department. Essentially, however, the results show that we compare favorable, which was a nice surprise, with the nationwide averages produced in testing by the Environmental Protection Agency.

Now this system will only work as well as the competency of the laboratories in New Jersey to perform the tests will allow. So one of the very important considerations in the whole area of setting standards is the qualifications of those facilities to provide the tests. I can see that concern is reflected in legislation now before you for consideration. There are about 30 laboratories in New Jersey that are certified to do this work, and eight or ten of them actually perform most of the functions. From lab testing precision or competency of its sensitivity governs the kind of standards that the Institute can recommend and the Commission can adopt. That is, in fact, the limiting factor. It would be a bad joke on the public to establish standards that are so stringent that no one can test to find out whether they're being met.

As information available to the Institute from the EPA, there's a study project now underway at Rutgers University as to detection sensitivities that are possible given the present technology, and there is tentatively under consideration an empirical study to be done this summer by the Department, of laboratories operating in New Jersey to better determine what testing sensitivities they actually can achieve.

We don't want to be stuck with the present limitations on these laboratories. We'd like to do everything we can to raise their standards. Our impression in the first year of our operation is that the raising of these standards is actually now occurring.

Now there are 22 compounds mentioned in the law. Sixteen of them were tested for because we lack approved methodologies for the other six, another deficiency which we hope will soon be corrected. And of the 16, 12 were actually found to

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be present in the water.

On our second assignment, which is the setting of levels, which I consider the most important, the Institute in my opinion serves as kind of a filtering mechanism in the whole process, a process which is part technical and it's part social; it's scientific and it's part judgmental actually. I don't think the Legislature should be attempting to deal with the specific standards themselves which are subject of very detailed scientific considerations. I don't think the Commissioner, with all affection for that office, should all by himself be deciding what these standards ought to be. So I regard the Institute as a mechanism that functions between these two entities in order to come out with a standard that's enforceable, and one in which the public can have maximum confidence.

What's happened in the course of the last year is that the Department has gathered together all of the epidemiology, all the public health information, all of the animal experimentation information which provides credible evidence of the harm that these materials can cause and put these together in support documents which have been given to the Institute for its consideration. Seven of the 22 have thus far been approved and health based standards have been accepted by the subcommittee.

So far the numbers that have been developed deal with health effects only. Other issues such as cost and feasibility will have to be applied to those compounds other than the ones that are thought to be cancer producing, in which case the Legislature itself has set for the absolute criterion for judgment. The Department itself has adopted on an interim basis the guidance for the community without waiting for the standards to be adopted so that we can get on with the problem of correcting dirty water wherever it's found.

On the program level we wanted to give advice to the Commissioner on the conduct of his program, but we'd also like to get the advice of the industry and the others in the community as to what we can actually do in the way of protecting our water

supplies. What will technology permit us to do in the way of water treatment? Cost is not the governing consideration when it comes to public health standards. We want to make sure we're not transferring a dirty water problem into a dirty air problem by our treatment processes. The program subcommittee is considering all the available treatment technology as being assisted by a contract the Department has entered into for a treatability study done by private consultants.

We got started a little late in this whole process. The public has a legitimate concern about and apprehension about, the quality of its drinking water. The public has a feeling that there's a creeping contamination of chemicals in the water and there's nothing quite as mischievous as poisoning the well we use for our supplies.

We would like to move on and adopt our own recommendations for these standards as quickly as possible. We would also like them to be rigorous enough so that they'll bear up against the challenge which is likely to come, and we would like them to be carefully drawn enough so that the public can have confidence in the process. So taking all those factors into consideration we now believe that we'll be in a position to recommend our standards by September of this year, which will be 18 months after the Institute is established. Eighteen months is the period set by the Legislature itself when it adopted the statute originally. And we expect, as we move into 1987 we will then begin to do the same thing for contaminates which we do find in the water and which are a hazard to health but which were not named in the statute itself.

I'd like to conclude, Mr. Chairman, with just a couple of brief questions about where we are with all of this, questions that I often get put to me as I talk to other people on the subject. One is whether or not the standards are going to help us? We have a pension for adopting standards for everything, and I think that's a legitimate question. I think they will. I think it gives definition to the problem. I think

you can't really talk about poison unless you talk about how much. I also thinks it gives us a criterion we can use for enforcement purposes and, perhaps most of all, it gives us a threshold that we can use to push the technology forward to perform better in the future than it has in the past.

Another common question put to us is if the Environmental Protection Agency is busy doing all this work why don't we wait for them to set the standards? Why play around and have New Jersey set its own? The EPA has a slightly different mandate than we do. They're not required to deal with the absolute standard for protection against carcinogens, for example. We have the advantage of all the work the EPA has done, and its representative meets with us in every one of our meetings. Most of all, we think we ought to get on with the assignment the Legislature has given to us and come out with our standards, not wait for the EPA to do it because we're not sure when they're going to do it, if ever. So that's the ultimate deciding factor.

Do we know enough to set the standards with confidence? Well, the answer to that is, "No." We really don't. That's not very unusual in the field of public health or environmental protection. Again, we think we should gather together the most competent, credible testimony, evidence that we have on the subject. Put together the best standard we can and promulgate it. Get on with the task of making the water as clean as we can.

As to what else we need, I feel a little funny about coming before a Legislative Committee, which I've done on many occasions, and saying I don't think we need legislation right now, although that's my honest opinion. I think we may have some specific recommendations to make to you at the end of the year when we come forward with our maximum contamination levels and when our other subcommittees prepare recommendations, having looked at the Department's program and having gotten further into the laboratory certification issue. I think there is adequate authority under the present statutes to do what we need to do. I

think we're way behind, which is not unusual in terms of environmental problems, in dealing with something that's been creeping up on us for decades. And yet I also think that we're way ahead of the rest of the nation in considering the problem.

So I may want to come back if you will extend the invitation again in the months to come, when we have finished the first round of our work, and make specific suggestions to you as to changes in the legislation that authorized us in the first place. Right now we have plenty to do and good resources to do it, and I hope to be able to report in the next six months that we've done what you've asked us to do. I thank you for your invitation.

ASSEMBLYMAN BENNETT: Thank you, Mr. Sullivan. I certainly will look forward to having you appear in front of us again. I have just a couple of questions if I could, and they may be premature and they may be questions that would be more apt or timely when your subcommittees report back to you. But at this point in time, do you think there has been any additional chemical contaminates that should be added to that list of, what, I believe we have 22, or do you think that we have included a sufficient number? Or is that going to develop as we continue?

MR. SULLIVAN: I think it will develop. I think the number that's listed in the statute is not sufficient. We already have ten candidate chemical substances to be delivered to the subcommittee to begin their work looking at all the health effects information that the Department is gathering -- ten substances which are not named in the statute.

While I think the list in the statute is not adequately inclusive, the fact that there is a 2(b) section of the statute that authorizes the Institute and the Commissioner to deal with others means that there will not be an impediment to progress because they're not named.

ASSEMBLYMAN BENNETT: Fine. There's also been allegations made with respect to the reliability of the test results of the certified labs. At the present time are you

comfortable that the labs are qualified to do the analysis with reliability?

MR. SULLIVAN: I wouldn't use the word comfortable, no. I'm satisfied that there has been significant improvement in the capacity of the laboratories that are certified to do the work to do it with reliability and with sensitivity. I think that continued work will be needed to assure that these laboratories merit their certification and to be assured that the ingredients of the certification now contained in regulations are adequate. I don't see any need for fundamental change in the method of regulation of laboratories in order to give us this confidence. The State will ultimately determine whether we can believe their results, of course, and whether or not we can set very low standards with the assurance that they will be able to test to them.

I think, again, in the fall when we have completed -- the Department has completed its assessment of this ongoing work with the labs, whatever, I'll have a better answer to that question. Right now I'm satisfied that progress is being made under a good certification program and confidence is not complete but it's quite substantial.

ASSEMBLYMAN BENNETT: Thank you. Is there any questions that any member of the Committee would like to ask Mr. Sullivan at this point in time?

ASSEMBLYMAN SINGER: Just one thing, John. Mr. Sullivan, I know it's not under the domain of your group to look into private individual wells, but I would hope that maybe when your task is completed looking into municipal wells and everything else in general, you might turn some of your attention towards that and request to be involved in them. I come from an area of the State where many, many people have their own home wells. And as you know right now there is no mandatory testing other than the fact that when you first drill your well, you purchase a new home on that. We are finding more and more problems with that in the State. We've got to devise an inexpensive testing program of

some sort for that, number one. Number two, I think we're going to have to look at some type of regulation because people just do not test their wells and it is becoming a serious problem so I would hope that maybe -- again, I realize it is not under your domain right now, but when we start giving some thought to that in the future of maybe having something done in that direction.

MR. SULLIVAN: We would be glad to do that. I think the legislation wisely instructs us to look at public community water systems now simply because that involves or protects the largest number of people.

ASSEMBLYMAN SINGER: Right.

MR. SULLIVAN: But without question there are problems of contamination of individual wells and in our assessment of the whole drinking water program of the Department I'm sure we could take a look at that as well.

ASSEMBLYMAN SINGER: Thank you.

ASSEMBLYWOMAN DONOVAN: Mr. Sullivan, once the standards are set you would be working with programs that would help communities like Wallington that have contaminated wells, isn't that true?

MR. SULLIVAN: Actually the Institute will recommend to the Commissioner standards which in its judgment are appropriate and he will be responsible for assuring their enforcement that all the public water supplies in the State conform with them.

ASSEMBLYWOMAN DONOVAN: So that ultimately it will assist the communities that have contaminated wells right now?

MR. SULLIVAN: I certainly hope so.

ASSEMBLYWOMAN DONOVAN: Thank you.

ASSEMBLYMAN BENNETT: Assemblyman Smith?

ASSEMBLYMAN SMITH: It doesn't work anyway. (referring to mike)

ASSEMBLYMAN BENNETT: That's just for the tape.

ASSEMBLYMAN SMITH: But it looks good.

ASSEMBLYMAN BENNETT: You have to speak so that people can hear you.

ASSEMBLYMAN SMITH: It's a symbolic microphone, that's all.

ASSEMBLYMAN SINGER: He's taking all my lines.

ASSEMBLYMAN SMITH: With respect to the--

ASSEMBLYMAN BENNETT: Loudly for the people in the back.

ASSEMBLYMAN SMITH: With respect to the testing of water and the ability of laboratories to do so, are there commercial laboratories in the State who can test to the levels currently required by DEP?

MR. SULLIVAN: I think that there are. The results-- Again the people who collected the data can probably comment on this more competently, but the results have shown an encouraging pattern. There have been a few that showed sensitivity, detection sensitivity levels that were not adequate. I think the Department has been working with those laboratories to improve the precision of their testing. But generally speaking, in my opinion, the certification program of laboratories have been successful and we do have much better, than is the case in the nation generally, laboratory competency. We'd like to see the competency even more improved so that doesn't get to be the limiting factor in the kind of standard we can adopt. I'm very encouraged by the progress they've made.

ASSEMBLYMAN BENNETT: Thank you once again. I'll look forward to hearing from you again later on today.

MR. SULLIVAN: Thank you very much.

ASSEMBLYMAN BENNETT: I'd like at this time to call upon George McCann from the DEP, who is presently the Acting Director of the Division of Water Resources.

G E O R G E M c C A N N: Thank you, Mr. Chairman. I appreciate the opportunity to appear before the Committee this morning. Following Richard Sullivan is generally difficult. He's touched on a number of items which I have in my prepared testimony so I think that I'll abbreviate some of what I've prepared and get to what I think is a very successful program and a positive story that we have to tell in the State of New Jersey.

Just to supply you with a little background, the legislation passed at the Federal and State levels in the mid-1970s sought to establish minimum standards and provide for a program of continuously updating standards for drinking water quality. It also set in the intent of that legislation to allow for a self-compliance monitoring program which deals with the certified laboratory issue where purveyors throughout the country would, through that legislation, be considered to monitor through labs that were certified by the primacy agency within a particular state. In the State of New Jersey, of course, that rests with the Department of Environmental Protection with regards to the certification of laboratories.

The EPA, as they were required to develop standards, was a bit slow in the process. As Mr. Sullivan has mentioned earlier the question has come about why not wait for the EPA? Well, in the State of New Jersey that was not thought to be appropriate and certainly the Legislature in 1983 in proposing the amendments to our State Safe Drinking Water Act in the form of the Bill A-280, which was then signed by the Governor in January, '84, felt it was necessary to deal with the issue in advance of waiting for the EPA national guidance.

The program was put in place in January '84 and the Water Quality Institute, which was mandated through the law, was not established, actually, until March of '85. However, during that period, in accordance with the law, all of the purveyors throughout the State were required to do an initial round of sampling against the chemicals which were listed in the statute. Upon beginning to receive the information, or actually in advance of that, the Department found it was necessary to determine what we would do with the data, how we would react to it, and to set some interim guidance for our Department to react to the information as we began to receive it.

What we did was establish four levels of reaction that we would have to the data, and those are displayed on the chart. They're also in one of the handouts which I've made available to

the Committee, which is called the Drinking Water Guidance Interim Action Levels. Briefly to go over them, the level one is the level where no action would be required. The quality of the water would be acceptable and continued sampling, random sampling would be done. Level two raises a bit higher level of concern. We would require more frequent monitoring. We would recommend the consideration of looking into possible treatment of the water, identification of the source of contamination, or changing the source of the water.

Level three is, again, a higher level of concern and at that level we would go out, first to confirm the results that we received from the purveyor. And then we would require that the individual purveyor develop within a year -- mandate within a year a plan be developed to have an alternative water supply. In addition we would have very frequent monitoring of the system provided to the Department. Level four is the area of most concern. And after confirming those results we would immediately require that the system be either taken off line or remedial action, some treatment type, on that supply be provided.

To give you an idea how these levels translate into the chemical, the second chart deals with a number of the compounds that were listed within the 2(a) category within the bill. The numbers are listed there in parts per billion and as you read across the levels, one, two, three, four correspond to the first chart, which is the reaction of the Department to any results that would be within those levels. The compounds that are there are the ones, as I said, listed in the category 2(a) and they are the ones which we currently have accepted standard testing procedures for.

Turn to the next chart. The results of all of this produced the initial round of testing which occurred during 1984 following the passage of this Act. Six hundred and twenty-nine systems is the total number of public supplies throughout the State. As you can see, we have a very positive story to tell. Level one means that this is quality water that we are drinking

in the State of New Jersey. Five hundred and eighty-seven represents about 90% of the total number of systems which have less than detectable limits as noted on the chart. Level twos: there was 34. Level three and level four, the areas of major concern, are very few.

Unfortunately one of the supplies tested in this -- Wallington Water Department tested in the level four area during 1984. The reaction was the appropriate one: When they were notified and they were made aware of those results they took the well out of service.

Following these results, the first round of periodic testing took place during 1985 and you'll see a difference in the total number of systems that were looked at, 629 down to 535. That difference is made up in exemption given to certain bulk purchasers of water. What that means is that their water is tested by the generator, the supplier. The bulk purchaser since it's already tested, was not required to provide testing in this round.

The story again repeats itself as a positive one with the majority of the facilities in the less than detectable limits and a much fewer number which had problems. Again, Wallington being -- unfortunately has a well which is in the level four area, which has been taken out of service. Many of the communities and many of the purveyors that we have notified where there were those problems took the appropriate actions, which was to either begin to treat or to take the systems out of service. The Wallington system, for example, is presently buying water from Passaic Valley Water Commission and the Hackensack Water Company. One of the other levels -- I guess the third level four well occurred in Middlesex County and in that situation they've taken that supply out of service. Some of the level threes are also in nearby areas here. Garfield Water Department, the results that were in level three -- those wells were also taken out of service and they're supplied water with Passaic Valley Water Commission.

This story is consistent with each of the systems where we had found problems and the success of the program and the good message to be delivered in all of this is that the quality of water is good that the people in the State of New Jersey are drinking. There had been for a long time a belief that there were a considerable amount of problems with the water in the public supplies. I think that what we've found to date has demonstrated that there is quality water being delivered to the residents of the State throughout. And where there are problems, that the appropriate responses are being made and corrections are being performed.

The last two years have been rather busy ones for the Department relative to this legislation and in our work related to the Water Quality Institute. There is a considerable amount more work to be done as the Institute makes its recommendations to us on final standards that they would like to see established and the Department will then move to adopt into regulations those standards. That process will be a part of public hearings which will be held, or we hope to have held either later this year or the beginning of next year based upon the receipt of the recommendations from the Institute.

In conclusion, I think I would say that the Department and the Legislature in passing the Act has acted to deal with a serious problem and concern of the public and we have gotten the proof of a good system throughout the entire State of New Jersey. There's much more work to be done and the Department is committed to doing that. Thank you.

ASSEMBLYMAN BENNETT: Thank you. You remarked on it and since we're here in Wallington, you talked about how the wells here have been taken out of service as a result of the testing of 280, and also that Garfield Water Department had to increase their monitoring. Could you tell us what is the next step? Where do we go with those level fours once they've had the verified and they've taken their systems out of service? What's the next step? Is there a next step and what's the direction

that it goes?

MR. McCANN: There is another step for the Department. The immediate concern in the water that is being delivered to the general public has been addressed once the well has been taken out of service and that they're receiving quality water. However, the next step for the Department is to investigate the source of contamination that may have resulted in the levels that were found. Those investigations are conducted by the Department, by the Division of Water Resources. In Wallington, for example, we're in the process of doing industrial surveys to identify any industries that may have either produced, manufactured, or who has handled chemicals that were found in the water supply. It becomes a major investigation which, if we can identify the source, we then hold the responsible party to provide for the cleanup. Of course, they may be liable for other damages by Wallington against them. But that is the next step -- to identify the sources of contamination that have affected this supply or any other supply in the State and move to take actions against them.

ASSEMBLYMAN BENNETT: Under the existing law do we have to wait until we identify a responsible party before we proceed, or can we proceed to go ahead and take the necessary steps that are done to assure a return to water quality and then prosecute if we subsequently determine who is responsible?

MR. McCANN: The first and foremost is to assure the quality of the water that is being delivered to the people. The law is structured in its mandates and the actions taken by the Department are all geared towards dealing with that priority. After the water supply is either taken out of service or treated adequately to be delivered to the general public, then the secondary problem is the identification of the source. We would then follow up in that order.

ASSEMBLYMAN BENNETT: Now this first round, I noticed that-- It appears that there are less people that have responded to a second round than to the first round. If that is because if

you pass you don't have to do it the second round, or--

MR. McCANN: No. The initial round required all supplies throughout the entire State to be tested. The difference between the 629 systems and the 535 represents bulk purchasers of water. By that I mean they do not have their own water source. They don't generate their own water and they don't have their own wells. They purchase it from someone else who does. Since it's already being tested by them, then a number of them were exempted from having to test again. The assumption is certainly that once tested, the quality of water that's moving through the pipe is the same when it's delivered to the bulk purchaser as it is when it's generated from the initial source.

ASSEMBLYMAN BENNETT: Do we know how long there had been a problem in the water supply in the Wallington wells? Do we know how long that problem had existed, or the tests don't tell us that?

MR. McCANN: The tests cannot tell you how long the problem has existed. They only identify that, in fact, there is a problem. What I would say to you is that in other parts of the State when levels begin to get high enough that it becomes rather obvious. The water will have an odor to it. It will have a peculiar taste and it will generally-- In the past what has been done is it will be taken out of service just on a spot check testing done based on those concerns. So we don't know exactly how long they may have been contaminated. It's possible that by identifying the source -- the responsible party -- and we can identify the activity -- we can then see when that activity began that would have caused the contamination. By a hydrogeologic study we can make some assumptions as to how long it would have taken the material to have travelled through the groundwater to affect the wells, but those would all be assumptions that we might be able to calculate once we identify the sources and so on.

ASSEMBLYMAN BENNETT: Are the labs that are doing the testing as set forth here, the same labs that do the testing for

-- in those areas that are located in close proximity to the hazardous waste dump discharge sites? I mean don't we use the same labs to do both sets of testing?

MR. McCANN: All the results here are, of course, from certified labs. A number of those labs that are private laboratories do do other work. They do do testing for hazardous waste sites. The testing and the certification process certifies a laboratory in the performance of certain compounds so when a lab does analyses for chemicals that they may find in the groundwater, they may be chemicals other than those that are part of the certification program. I think that's the answer to your question.

ASSEMBLYMAN BENNETT: Do you find that the certifications required by each of these labs are universal standard or can one qualify-- I mean, to put it in complete layman's terms, can you have -- meet a minimum standard to become a certified lab and still find that certain labs have a much higher quality than others that are also still certified?

MR. McCANN: The program certainly is established to have laboratories meet an acceptable standard. I think laboratories, as in any other business, you'll find some are better than others. And that is the case in New Jersey as we find it. But the program is intended to insure that they meet a minimum acceptable level.

ASSEMBLYMAN BENNETT: Thank you. Bob?

ASSEMBLYMAN SMITH: Following up with the level three and level four situations, is there any estimate of what the costs might be to the water treatment systems to bring them into compliance?

MR. McCANN: It depends on the given situation. The alternatives range from if there is an interconnection available where the--

ASSEMBLYMAN SMITH: Alternate water supply.

MR. McCANN: An alternate water supply system can be provided. It may well be that a water department may have other

wells that they can tap and just take the well out of service and not have to treat it. If they do not have other wells, they do not have a readily available alternative supply, then we are talking about treatment. And treatment of the supply, the contaminated supply, of course, is the most costly. It's costly for the capital improvements that would be required. In most cases what we're talking about will probably result in carbon filtration. After it's installed, it's also costly to operate because the carbon must continually be replaced as it becomes spent through the process. So it depends on the given situation. It could run millions or hundreds of thousands of dollars in operating costs with millions being expended in capital improvements, or it may be considerably cheaper if they have the luxury of additional supplies or interconnections. So there's a wide range.

ASSEMBLYMAN SMITH: Has the Department begun to consider what it will do when it gets to the point that it has systems that have no alternate water supplies and the system is facing huge treatment costs? I mean obviously you can't have a situation where people can't have water through an existing distribution system. And if there are no alternative supplies, and either the private or public company says they don't have the money, what's going to happen at that point?

MR. McCANN: Well, the responsibility we've left with the water company and we would be requiring them to make the necessary corrections. In certain cases we have statutory authority if they were a small enough company that the water company could be taken over -- the Small Water Company Takeover Act. That's a possibility. Larger companies, I would assume that the issue is one that if they can establish high enough rates to provide the treatment that they would do that. Those are regulated through the Board of Public Utilities. The Department would be certainly amenable to intervene with the Board of Public Utilities to have those rates put forth and help them to

get the necessary moneys to move ahead on the treatment.

ASSEMBLYMAN SMITH: Is the bottom line on this that the Department is not anticipating at this time proposing any legislation to fund this type of treatment?

MR. McCANN: There are some moneys that are available through the 1981 bond program, loan program. Those are low interest loans. Those exist. At this time there are no other proposals. We do have some work that has been done in conjunction with the Spill Act where we have identified areas, but that's been to date mostly with individual wells that have been affected and contaminated. But other than that, those are the best programs we have.

ASSEMBLYMAN SMITH: Okay. Is there any other state in the United States that is further ahead in this program than New Jersey?

MR. McCANN: Absolutely not. New Jersey is the leader in the country. The program that we have here is a one-of-a-kind. We are contacted continuously by other states to ask about the program, ask about the results, how it's being administered, and so on. We are absolutely the one and only in this regard.

ASSEMBLYMAN SMITH: Okay. Thank you.

ASSEMBLYMAN BENNETT: Thank you.

ASSEMBLYWOMAN DONOVAN: Mr. Chairman, can I--

ASSEMBLYMAN BENNETT: Yes.

ASSEMBLYWOMAN DONOVAN: What you just said, Mr. McCann, about New Jersey being the number one in the country is, unfortunately, of no comfort to Wallington and Garfield with their level four and level three wells. You are-- Obviously we are in the district right now, District 36, and it does have some problems or some other towns that may be affected by the contamination of industrial latex in Wallington which is the original contaminator or at least one of the main contaminators of Wallington's wells and affecting Wood-Ridge as well. Is there anything else that you can tell us at this point that you're going to do for Wallington and Garfield, because there are a lot

of lives affected by this? Merely tapping off the wells, or capping off the wells isn't going to solve the problem.

MR. McCANN: Well, I think that to take the what is now known as contaminated water out of service is very positive. It deals a significant step.

ASSEMBLYWOMAN DONOVAN: Sure, that's the first step.

MR. McCANN: And it deals with the immediate concern. As I said, we are doing a survey. The company you mentioned is certainly one that we are looking at quite closely as being potentially responsible for the contamination that we found in the area.

ASSEMBLYWOMAN DONOVAN: What's a time frame tnat I can tell people that you'll have some results?

MR. McCANN: The type of investigation and particularly for this type of area where there are potentially a number of different sources it's rather difficult to put an exact time frame. It requires detailed hydrogeologic studies which have to look at the groundwaters in the area, general flow. It will be continuous monitoring of wells. We'll be putting in our own monitoring wells throughout the area where we think they are necessary if there are not wells currently available. I would like to tell you that we can turn it around in just a matter of months, but I would not want to make that commitment to you because the situation becomes so complex, that it's a very dynamic process. As we get more results they may lead us in different directions in trying to fingerprint the exact source of the problem. If there are multiple sources it is even that much more complex.

ASSEMBLYWOMAN DONOVAN: Are we talking about two years? Twelve months?

MR. McCANN: I would say to you that certainly in the time frame of 12 months to 24 months we should be able to have a good handle on if we can identify the actual responsible parties or the number of responsible parties, if there is more than one.

ASSEMBLYWOMAN DONOVAN: The potential penalties are then

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what amounts of money?

MR. McCANN: Penalties could run and depending on the time when-- It depends on when the activity may have occurred. In this case certainly what its impact has been it could run into the millions for any one of the companies we find to be the responsible party. Also the cost of correcting the problem would far exceed even what the penalties would be.

ASSEMBLYWOMAN DONOVAN: Thank you. Mr. Chairman, I have no further questions.

ASSEMBLYMAN BENNETT: I would hope that in a situation where -- I mean, I have read several of the articles with respect to the Wallington problem and that I think if you ask some of the people in Wallington they would be probably pretty close to being able to tell you who they feel is responsible for this type of action that's happened. But I would certainly be hopeful that in the eventuality that when you're able to ascertain the proof that every resource available is going to be utilized because here we have a situation where actual wells were taken out of service. I think that there's something to be said that is very positive that we have, in fact, been able to remove a potential health problem. But that the mere fact that it occurred and that the potential is there for it to occur on other ones, makes it almost paramount that every penalty available is utilized against those found to be liable. And if it's not enough, I would certainly hope the Department will come back to the Legislature and ask for the penalties to be even increased greater. Only when we can economically hit those that are polluting and threatening our water sources, I think, are we going to be able to prevent it from occurring again.

As long as the fines or the penalties are such that it is still cheaper for them to indiscriminately dispose of their waste, as opposed to doing it properly, are we going to be able to stop what I think has been a process that has lasted all too long. I think here in Wallington when we from throughout the rest of the State can look at a very -- a real town with real

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people that no longer can use the water that they were drinking for many years is -- we can be happy that we found out there's a problem. But I, for one, am not going to be happy until we're able to put the -- I mean, quite frankly short of going to jail is not, probably, even enough. To destroy ones water source is more than just a civil problem. It's actually a criminal action as far as I'm concerned. I think that every method should be utilized to go after those responsible. So I'm hopeful that when you do isolate them and when you do determine what caused the problem that if there are not sufficient penalties in the law to act as a future deterrent, that you will certainly tell us so that we will be able to work on even making it tougher, because we cannot tolerate any more being added to those level threes and fours at all. I think that it's just unacceptable to this Committee and to the Legislature at large. So I would appreciate at some point in time input on that.

It's my understanding that with 280 that the report said that approximately 93% of the water supplies that were tested was, in fact, safe and in good shape. Now, is that 93% of approximately the 50% of the total amount that's tested? Isn't it roughly 50% is tested through 280 and the other 50% is wells that are not tested or is private water sources? Is that--

MR. McCANN: Okay. To give you the numbers, approximately 50% of the residents in the State are dependent upon groundwater as a water supply source. All of the public supply systems are required to comply with A-280. That represents about 90% of the population. So 90% of the population, thereabouts, is served by public supply systems. The remainder are the systems that are on individual wells, and they do not fall under the A-280 requirements.

ASSEMBLYMAN BENNETT: So it's 93% of the 90%?

MR. McCANN: Yes.

ASSEMBLYMAN BENNETT: Okay. How would you categorize the 7% that's not safe?

MR. McCANN: The ones that are not safe, the majority of

that 7% fall into the level two category. Level two just means that the compounds that were found in the water require more frequent monitoring to see exactly if we have a problem. It also raises a concern to have the individual purveyor or the Department to look into it to see if treatment or different blending of the water might be possible, because it is higher than what we've determined to be acceptable level. We have been most fortunate that only a small amount are in the level three and level four categories, which are the ones that are of most concern, which we would require that they be taken out of servide either immediately in the case of level four, or have plans within one year in case of level three.

ASSEMBLYMAN BENNETT: Now, we know that those contaminates that are the 22 contaminates that we've been addressing ourselves to. Do we also know about the presence or absence of those other non-specifically listed contaminates that are non-specifically listed in the bill, but may, in fact, be -- I think EPA has a list of, if you're doing testing, of like a hundred or some so contaminates. Are we also verifying their presence or their absence when we test for these others?

MR. McCANN: The chemicals that we have and the compounds that we have in the category 2(a) are the ones that are, I guess, unfortunately the most commonly found contaminates that have been identified nationally as the most commonly found in water supplies. Other chemicals that are in there are not routinely being tested. They might be identified as some other usual peaks that are identified in the scan that's done in the sample, but they are not being required to be tested for. We are, however, based upon information that we're finding both in the area of different compounds that we would be concerned with that may appear in the water or are also being found, for whatever reason, more frequently in the State of New Jersey, considering that those would be mandated to be part of the standards and put into the -- from the category 2(b) list which was spoken about earlier as part of the law. Those are

recommendations that you would hear from the Water Quality Institute sometime in the next year.

ASSEMBLYMAN BENNETT: I believe Mr. Sullivan talked about potentially he has a list of ten, I think, at this point.

MR. McCANN: Right.

ASSEMBLYMAN BENNETT: Are we checking on those at the same time that we're doing these 22 presently?

MR. McCANN: We're not requiring the specific chemicals to be tested for, the other ten, 15. I think the number you might be talking about, the EPA number, maybe is the priority pollutants, which is the 129 commonly referred to.

ASSEMBLYMAN BENNETT: But I'm focusing now in on the ten of them that Mr. Sullivan referred to.

MR. McCANN: No, those are not being required to be tested for.

ASSEMBLYMAN BENNETT: In order for us to require them to be tested also do we have to then have -- the Institute makes the recommendation to the Department and then the Department incorporates it in further--

MR. McCANN: Regulations.

ASSEMBLYMAN BENNETT: But unless the Institute recommends, the Department won't act?

MR. McCANN: If the Department felt that there was presence of some specific chemicals we would certainly ask that they be tested for. The types of things that are being done, as I said, are not necessarily in response to a problem in any one supply, but they are other compounds that have a -- potentially are carcinogenic, have a public health risk, are being evaluated, standards that reflect the ability to detect those chemicals in water, and the public health risks associated with it is what's being studied.

ASSEMBLYMAN BENNETT: I can appreciate the answer. I'm just a little troubled that you don't test unless you suspect they're there and yet I don't understand that you suspect that they're there unless you do some tests. Almost seems to me like

to be a circle.

MR. McCANN: One of the ways that you can identify is if you just do a scan of the water which can show peaks of different compounds that you can focus on and identify the specific compounds, is one of the ways you can generate that type of information. As I said, if we had a reason to believe that there was a presence of specific chemicals that we wanted to find additional information on, we could either request that it be provided to us by the purveyor or actually do the sampling ourselves. I would also tell you that the Department as part of doing the research and the development of the information that we're supporting and providing to the Institute, are doing our own sampling program where we're testing for many more chemicals other than the ones that we have listed here. And we are testing for chemicals like the ten that were mentioned by Mr. Sullivan and other chemicals to see what we're finding out there. So we are doing our own research and testing of the different water supplies throughout the State and that information is part of what is formulating or will be formulating other recommendations made by the Institute. So the answer to your question-- We are going out; we're following up. If there's any suspicions, we are routinely testing different size systems and different areas of the State.

ASSEMBLYMAN BENNETT: While you're not requiring the purveyors to do it, you are doing some testing yourself?

MR. McCANN: Yes.

ASSEMBLYMAN BENNETT: Well, that makes me feel a little bit better.

ASSEMBLYMAN SMITH: John?

ASSEMBLYMAN BENNETT: I'm sorry. Yes.

ASSEMBLYMAN SMITH: Can I get one more in?

ASSEMBLYMAN BENNETT: Sure. I wanted to introduce our veteran legislator from Bergen County who has been on this Committee since the first of the year and has been a welcome addition to the Environmental Quality Committee, has been an

active environmentalist himself, in his own rights, in his 12, 14 years. I've lost count.

ASSEMBLYMAN BAER: Fifteenth.

ASSEMBLYMAN BENNETT: Fifteenth year in the Legislature.

ASSEMBLYMAN BAER: I've lost count, too.

ASSEMBLYMAN BENNETT: And that's Assemblyman Byron Baer. Byron, thank you for joining with us today.

Bob?

ASSEMBLYMAN SMITH: When the 93% figure was announced in terms of the safe water system, had all of the testing of all of the water systems been completed at that time?

MR. McCANN: From the initial testing we had a number of systems, smaller systems, that we did not receive information from the purveyors as they were required to provide us by law. Those that did not provide it, the Department went out and did the sampling themselves to generate that information.

ASSEMBLYMAN SMITH: Was this-- In that first round had the City of Elizabeth's information been received?

MR. McCANN: In the first round the City of Elizabeth did report, yes. It was in the second round that we did not receive information from the City of Elizabeth. The City of Elizabeth, I might add, is in the situation I had mentioned earlier about bulk -- purchasers of bulk water supplies being exempted. The City of Elizabeth, because of the number of people served, did not qualify for the exemption and were then required to participate in the second round.

ASSEMBLYMAN SMITH: Okay. From the point at which the 93% announcement had been made and then followed by the subsequent testing, getting the results from the purveyors that had not provided it, did the percentage change? The percentage of safe systems? What did you find when you did the systems that had not reported in?

MR. McCANN: Nothing different. I think the problem that we ran up against with the purveyors that did not report is that they just did not-- They were smaller companies. They just

did not wish to -- did not want to incur the costs related to doing the testing. However, what they will probably find out is that the penalties that are being imposed far exceed what the cost would have been to do the sampling in the first place. So it's the type of philosophy that the Chairman had mentioned earlier: if it's cheaper to do the sampling than it is to do the penalty, then people will do the sampling.

ASSEMBLYMAN SMITH: Okay. But the percentage didn't change?

MR. McCANN: Not really. The number that we have are rather consistent in the second round that was done and it's also consistent with the results that are now coming in in the third round. They also reflect about the national averages of what you would find in other states.

ASSEMBLYMAN SMITH: Thank you.

ASSEMBLYMAN GARGIULO: John?

ASSEMBLYMAN BENNETT Sure, go right ahead.

ASSEMBLYMAN GARGIULO: Mr. McCann, I got lost somewhere along the line there. When your Department identifies the level four contaminates and you deem the water source unacceptable, your remedial action is to take that water supply out of public use. As you go along with that thing, let's say in the case of Wallington now -- it's a municipal water supply. Once you have identified the source, once you have identified the contaminates, once you have identified all the things that you have to identify about the water supply, do you propose a solution, and if you do, do you decide if whether that water supply should go back on a certain date or is that left up to the owner or the, in this case, the municipality?

MR. McCANN: Well, in the case of level four, as we would look to have the supply immediately taken out of service that does not mean that the supply would not be able to be used in the future if adequate treatment would be provided. As I said, typically the type of treatment that we would be talking about would be carbon filtration. It's expensive to install the

equipment. It's also expensive to operate, but that represents state-of-the-art technology for the treatment of water. It's used extensively for handling contaminates of the types that we've found throughout the country.

ASSEMBLYMAN GARGIULO: I'm not asking that. What I'm asking is you didn't set a date as to when that was. Once you've decided what the problem is and what the solution is, does your Department set the date, say to the municipal government in Wallington, we want that water supply back in operation within a year, within whatever?

MR. McCANN: The dates that we set, in the cse of level four, have been immediately taken out of service. We don't set a date for bringing it back on-line. Inthe case of, in level threes, for example, where there are certain levels of contaminates we would say that within a year they must provide the plan for the alternative supply. What that means is that the levels that we've identified have -- they're of concern but they're acceptable for consumption for a period not to exceed a year for beginning implementation of an alternative plan. But to directly answer your question, no, we do not set the date that requires a community to bring a community back on line. We're just governing what is being delivered as a final water product.

ASSEMBLYMAN GARGIULO: My last question then: Is it acceptable that -- it could be the Hackensack Water Company or Wallington or whatever, that they decide not to clean up the water? Could they just leave the supply contaminated? Say we're not going to use it and just--

MR. McCANN: Okay. The responsibility for the contamination of the supply, I think, is your issue, and are we going to require that to be cleaned up? The answers are yes. I would not say that the water companies are the ones responsible for that. They are the ones who are merely supplying the water which they may be drawing from an aquifer that they're not responsible for it being contaminated. Their responsibility is with the delivered water product and if they continue to use that

as a source, the need to treat it. As far as the contamination that occurred, that requires the investigations that we spoke about earlier, finding the responsible parties in the forms of some industries that may have had some past practices that resulted in the groundwater contamination and requiring them to pay the money to treat the groundwater to restore the aquifer.

ASSEMBLYMAN GARGUILO: I have a sense that-- I hear what you're saying, but I have a sense that those companies are long gone -- dissipated and don't exist. I know there are some laws that you can dig up those offenses, but I have a feeling you're not going to get the money you want. What I'm saying is can Wallington decide never to use that water source? That's the question.

MR. McCANN: Okay. The answer to the first part of the question, there are other laws that deal with it. There is Federal legislation in the form of the Superfund law referred to as CERCLA. There is also State legislation in the form of the Spill Fund that deal with cleaning up contamination where there is not either a responsible party that can be found or if there is not a party that has the financial wherewithal to accomplish the cleanup. So there are State and Federal moneys available to do that.

As far as Wallington ever being able to put their -- use their service again, it becomes-- It's an issue of the demand on the water. It becomes an issue of what's the cost to them to purchase water from Passaic or from Hackensack. Those considerations become economic. It may be cheaper to consider providing treatment of their supply and then go back into the business of doing that as opposed to purchasing the water. So those are more economic in that regard.

ASSEMBLYMAN BENNETT: One last question on my part. I notice on test results that what led to Wallington's water source from being removed was, if I understand this correctly, in essence three of those 22 different contaminates showed up. And I was curious if once those showed up, did that trigger any test

which would then show the presence of any additional contaminates that would not be specifically listed?

MR. McCANN: Once the contaminates are shown within the level -- in this case level four -- immediately what we do is take the supply out of service.

ASSEMBLYMAN BENNETT: Right. That part I understand.

MR. McCANN: The testing of additional chemicals then becomes part of the investigation that we would perform through the Department. We would look at -- do a variety of scans. We would do the priority pollutants that you are talking about. We would need all that information in order for us to do the fingerprinting of the responsible party that would have caused the contamination in the first place, or multiple parties. So that's part of the work that would then get done by the Department by trying to identify the source of contamination.

ASSEMBLYMAN BENNETT: I would assume that's already been done with respect to Wallington at this point then?

MR. McCANN: Samples have been taken. Industrial surveys are underway to look at industries in the area as to the types of chemicals that they produce, manufacturer or have handled in the past to see what can be matched against the--

ASSEMBLYMAN BENNETT: No, but I mean haven't we tested that water even further now, right? I mean we know it's out of -- we took it off the line, but because of the presence of these three contaminates I'm asking basically if our tests revealed that there have been further or additional contaminates contained in the water?

MR. McCANN: I don't know the results of any additional sampling that was done, but there is an ongoing investigation into the contamination not that it's been identified for the Wallington area.

ASSEMBLYMAN BENNETT: I would like, if you would, once that information is available I'd like to have that information made available to the Committee with the result of the additional tests with respect to any other additional contaminates in it.

If you would make that available to us I would appreciate that.

MR. McCANN: Absolutely.

ASSEMBLYMAN BENNETT: And I thank you very much again, and I'll see you again later this afternoon also.

MR. McCANN: We will. Thank you.

ASSEMBLYWOMAN DONOVAN: Mr. Chairman, when you made your introductions before of Byron Baer I wasn't quick enough. Walter Slomienski has just walked in. He's the mayor of Wallington. I wanted to introduce him to the group that's here today.

ASSEMBLYMAN BENNETT: Thank you very much. Mayor?

W A L T E R M. S L O M I E N S K I, J R.: As the mayor I would like to welcome the Assembly Committee and the various departments who are here this morning for this hearing -- welcome you to Wallington. I hope that you have a very productive morning. A very productive morning not only for Wallington but for the State of New Jersey in general. As you can see, we here in Wallington have some very serious problems with our water. We have Councilman Glenn Van Hook here this morning who will have some questions. Perhaps you can ask him some comments to make to the Committee. But during the brief time I'm here if I can just mention one or two things.

ASSEMBLYMAN BENNETT: Absolutely.

MAYOR SLOMIENSKI: Is that permissible?

ASSEMBLYMAN BENNETT: Absolutely.

MAYOR SLOMIENSKI: Just the two concerns that I have is that we've reached a point now where we've determined that we do have a problem with our water in town. It's my understanding now that the investigative process is in place and we're attempting to determine what caused the pollution to our water system. And there are various arms, various investigations going on. What I'm concerned about, though, is I'm certain that we will determine what were the sources of the pollution, and I'm certain that at some particular point we will be able to seek aid from these particular sources to remedy our system, to correct our system that has been damaged.

That may be in the longrun though. That may be four or five years down the road knowing investigative process, as an attorney knowing the legal process. What I'm concerned is about the intermediate and short-term. At the present time now we've taken our water system off the line and we're purchasing from Passaic Valley Water, and it's rather expensive for the Borough of Wallington. We felt that at this particular time that it was -- if we're going to err, it was going to err on the side of safety. That we would take our water out of use, that we would purchase Passaic Valley and we realize it's a little more expensive.

Is there any aid that's been contemplated through the State or through the DEP to help towns such as Wallington in that particular category to rectify our water system now with some type of State aid, with some type of payback perhaps in the future when we're able to find out who damaged the water system and we're able to collect sums of money from those particular people for damaging our system? Is there any type of immediate aid suggested now for towns like Wallington?

The reason I ask that is looking at your chart I see approximately maybe 1300 systems were tested and out of the 1300 systems that were tested, there were perhaps six in the category three, and three in the category four -- somewhere in that area. So what we're talking about is a relatively small number of municipalities who have a relatively serious problem. Has any consideration been given to some type of intermediate or immediate aid for cities to move forward with some type of feasibility studies and to correct that problem so that we could utilize our water until we have determined who caused the damage?

ASSEMBLYMAN BENNETT: If you'd like to address yourself to the question.

MR. McCANN: Yes. I'm George McCann, Director of the Division of Water Resources. The--

ASSEMBLYMAN BENNETT: I think you better come over near the mike so that the tape can pick it up.

MR. McCANN: Yes. There are some loan moneys that are available, low interest loans that can be made from the 1981 Bond Act. We have a program to deal with that. There are certain applications that we could assist you in preparing to provide you with the moneys, but they are in the forms of loans. They are low interest. But that and the other possibilities of moneys that could be available is if you could qualify under the Spill Act for those moneys. That takes a little bit of a longer process because there's a requirement to look into the responsible parties through the Act, which is part of the what we're doing right now, which is not readily identifiable if there is one or multiple parties. But there is the program. I'd be happy to get you in contact -- have the people contact you regarding that and discuss what is available.

MAYOR SLOMIENSKI: What type of interest rate are we addresses ourselves--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Right now it's being changed in the Department of Treasury and we're negotiating but I think the last time I think it was five.

MR. McCANN: As interest rates drop we are trying to adjust ours to make it competitive, more than competitive, but attractive as a loan. It was at about 5% but I think we're looking to see if we can bring it down to a 3% amount.

MAYOR SLOMIENSKI: What I would perhaps suggest is some type of -- being that there are relatively few municipalities in category three and category four position, that perhaps some type of State funding be made available to rectify those systems with a payback over a period of years once we're able to determine the people who have damaged the water system, with almost a minimal type of interest. We're talking about a rather-- I would tend to think that probably the phase, and again I was a little late attending this morning and excuse me for that -- I would tend to think that the people in the phase three and phase four are probably from the congested urban areas where we have much industry. So we're talking about even though there are only

eight and three or six and three, whatever the case may be, we're probably talking about a group of people that is a substantial portion of the population of the State of New Jersey who are being affected by this. That's just a suggestion.

The other question that I have: we've looked at and I've read through the phase three criteria and what it says is that within a one year period of time that the municipality is either to find an alternative source of water or (b) take remedial action to correct its water system. I just wonder-- We in Wallington have taken our water out of line and that was a decision that the governing body made. We took our water system out of line and again we felt that we were going to err on the side of safety. The reason that we did that is because when we read the criteria for stage three or position three that really troubled us because we felt that if we permitted that water to be on-line after testing that there might be some deleterious effects, harmful effects, to the citizens of Borough of Wallington. Even if we kept it on-line for nine months or 11 months or ten months or a year before we took it off line. And that's why we took ours off line. My only suggestion is perhaps if we find that there are harmful matters in that type of water that we don't keep the water on for a year until you find an alternative or until you correct the system. That it be perhaps turned off almost immediately. Because just reading that particular phase it would seem to me that the water is harmful and we should not keep it on any longer than we absolutely have to.

MR. McCANN: Just to comment on that. The nature of the harm, potential harm, as a health risk is something that is measured. Numbers that are used are established through the legislation. Risk of one in a million -- which is a standard health risk number which is used throughout the industry --that corresponds to the assumption that the water is consumed by an individual in the amounts of two liters a day for a 70-year period at the particular level of contaminate that we're talking

about. Now if you're at a different level and you were to be drinking it for a year and it's less than the amount of concern, what we're talking about since we started out with a number of one in a million, is risks that relate to one in a billion or more, whatever they might be. That's the consideration that's being made when you look at the cost, that they're related to any community in supplying an alternative supply or supplying remediation or treatment or whatever. So the numbers need to be kept in perspective as part of the decision making process and that it should not be considered that one glass of the water relates itself into immediate cause of cancer, but rather the health risk situation is the one in a million and it assumes consumption two liters a day for a 70-year period. That's one of those considerations that we're in the one year allowance.

MAYOR SLOMIENSKI: Very fine. I thank you for your time. Thanking for having me address--

ASSEMBLYMAN BENNETT: Thank you for making available these very beautiful facilities that you have here. Lawyers are always excused for timeliness in front of this.

ASSEMBLYWOMAN DONOVAN: If you have trouble with that, please give me a call. I'd be glad to work with you on it.

MAYOR SLOMIENSKI: Again, let me thank you for your time and efforts on behalf of the people of the State of New Jersey. Again, a warm welcome to the Borough of Wallington. Thank you.

ASSEMBLYMAN BENNETT: Thank you very much.

ASSEMBLYMAN SMITH: John, before the mayor leaves, just two other thoughts that might be helpful to him or for the district representative.

ASSEMBLYMAN BENNETT: He wasn't here when you were introduced. Not only Assemblyman Smith, but it's also Mayor Smith from Piscataway so you two have something else in common.

ASSEMBLYMAN SMITH: Absolutely. The current costs that Wallington is paying as a result of going from the existing system to an alternate source, are you having any cap problems as a result of that?

MAYOR SLOMIENSKI: I think the water is outside of cap, isn't that right? The water is outside of cap, so that's not really a cap problem but it's a budgetary problem. We're putting a budget together and actually, naturally, it's a burden on the taxpayers.

ASSEMBLYMAN SMITH: Okay. I'm glad that you had the chance to make a suggestion to the Committee that we consider some public funding to solve the problem. I would ask that when we do consider it, that we focus our attention on public systems. I mean obviously that for a private system becomes less defensible to the public, but I think for the public system not only is it defensible, but there is precedent for it in the State. We have taken action in health emergencies before. And in addition to that, what I think it does do that's really helpful is it gives the State of New Jersey a financial interest in seeing the responsible party be -- I don't want to say caught -- but held responsible for the financial risks.

You indicated in your testimony that at some point four or five years down the line you feel that Wallington will be able to recover from the responsible party. One of the problems that townships have in this environment of litigation is the township attorney is a great municipal attorney, but environmental law is just a little bit different. It would be nice to see the State of New Jersey as a partner with Wallington going after the responsible party to recover the cost incurred by Wallington to restore the system. That's another reason why it would be beneficial for the State to be providing public moneys to repair the system.

MAYOR SLOMIENSKI: Thank you.

ASSEMBLYMAN BENNETT: Thank you very much. I'd like to call on at this time one of Bergen County's Freeholders, Bergen County Freeholder Art Jones.

A R T J O N E S: Thank you very much, Mr. Chairman. May I also extend the good wishes of my colleagues who could not be here today and welcome you to Wallington and undertaking this

tremendous problem of discovery and recovery and resolution of the very serious problem.

As Mayor Slavinsky was commenting now I immediately empathized with him over his particular problem here. However, it's a problem as we all know that's not just fixed here in Wallington, but obviously affects other towns as well.

But my memory goes back to a time when I was the Mayor of the Borough of Leonia, which I had served tOo, for eight years. Where Leonia was located was on the side of the hill of the Palisades in East Bergen with Fort Lee overlooking the Borough. For many, many years because of the presence of gasoline stations, there was the constant seepage of gasoline of various types working its way into the rock faults and flaws in that structure of the hillside. I recall one time when I virtually had to close the entire town down because 30,000 gallons of diesel fuel went into our sewer system. And it was a very warm night in August with high humidity and the entire town was exposed to a potential explosion. That night my energies as mayor were completely taxed and I must say I reached out to every available authority. I think the Governor at that time was Brendan Byrne. I called for him at his home. I ended up calling the Coast Guard which responds, by the way, to emergency situations where waterways are involved and I guess, fortunately, the Opapeck (phonetic) Creek which is just below Leonia was nearby and therefore the Coast Guard could respond.

But I am very sensitive, though, to the very serious problems. Problems such as what have occurred here at Wallington surface, obviously, in the other communities. Garfield is an example that was cited before. The county has responded to requests when the communities request such assistance and through our Department of Health Services and also through our Department of Public Works we respond -- we run dye tests and testing of various measures. What I am offering to this Committee at this particular time is the resources of Bergen County and any of those Departments that might be as you might feel fit to be

appropriate to the task at hand right here. I mentioned before Garfield. I think of Danards Pond (phonetic) which became polluted as a result of upstream contaminates entering into the water system and then flowing ultimately to this pond, which at one time was a very lovely pond in the center of Garfield. But as a result of the pollutants, became stagnant. The wildlife, the foliage no longer existed. We did assist Garfield in attempting to remedy that particular problem.

I offer to you as you can see fit to utilize those services. I also realize, too, the toxicity of whatever the type, whether it pollutes our water system or our ground. Our environment in general is a monumental task in the attempt to discover it and remove it from our environment. I realize that necessitates the cooperative help not only of the local authorities who are virtually overwhelmed by the problem, but demands really the direct intervention and involvement of the State as well as the Federal authorities.

I am somewhat concerned about the remarks made before by the representative from the DEP to the effect that potentially the resolution of the problem here in Wallington, and it may also involve Wood-Ridge as well, may run at least 12 to 24 months. I think of the hardships that are going to be worked on the people here in Wallington and I hope not in the other peripheral communities. But 12 to 24 months is an awfully long time because as I know the facts as they exist right now, the people of Wallington may very well be faced with drought conditions being imposed on them when, ironically, the State can enjoy almost a superabundance of water supply this particular year and, of course, this particular summer. I think about those kinds of hardships being worked on the people and that has got to be considered as an immediate concern of this Committee and certainly Bergen County and any of the other authorities who might be able to remedy the situation.

What complicates the problem here in Wallington, as that has been explained to me, is the limitation of lines to tap into

the other systems, be they the Hackensack Water System or the Passaic Valley Water System. Limited lines, therefore limited amounts of water coming in, and again, I recite the fact that they will be facing drought-like conditions and have those conditions imposed upon them this summer and I guess for the balance of that period until these wells are proven to be healthy and safe for the citizens to utilize those waters again.

So in any event, just to conclude my remarks, I am absolutely concerned about this particular problem here in Wallington and in the other communities where such toxicity exists. I offer to you the various services of the Departments in Bergen County government to be at your assistance and to work with you in a partnership to remedy the situations. Again, I thank you very much for being here today.

ASSEMBLYMAN BENNETT: Thank you very much. We're happy to have you.

I'd like to call next from the City of Wallington -- Borough of Wallington, a very nice -- looks like a city, and I'm a country boy from Monmouth County. Get up over the river and everything is a city for me. Councilman Glenn Van Hook.

G L E N N L. V A N H O O K: First of all, I wish to thank all the members of the Committee for holding a meeting here to allow anybody interested in the area to voice their opinions and views and perhaps bring a few situations to the attention of the Committee which they can deal with.

The entire toxic situation in this particular area was a very quick awakening to the Borough of Wallington. In October, last summer, it was written in papers that we had the best wells in the area, best water in the area. In November, Assemblywoman Donovan was down at the DEP with me. We had a meeting down there and the serious repercussions of toxic waste reared its head. Basically one situation developed with a company called Industrial Latex and in late December another situation developed with another company called Curtis Wright. The major implications that have come up is the effect on groundwater.

When we look at the charts and we see level three and level four and we're talking about individual cases, I'd say we also have to look at a whole picture of that. We have about eight, nine level three and level four water supplies. If we add Wallington's one level four, two of those are Wallington's level three wells, a couple of those are Garfield's wells, and perhaps a couple of those are Lodi's wells, you will have a very high percentage of those level three and four incidents in the immediate area. The other two towns are adjacent towns. One thing I wish to point out is those are water supplies. One town can have more than one supply. Wallington has four wells that were shut down. Three of those are listed in those supplies.

Now this can have severe repercussions on a Borough like Wallington. Number one, our wells were a source of community pride, but they were also a source of financial stability for the Borough. When you take a look at what's going to happen in the future it's very nice to say well, eventually we can go after whoever was the source of the pollution. In the meantime we have a tax rate in the Borough that will suffer the effect of this, water charge rates will suffer the effect. There are more than likely going to be attorneys' fees involved in this. We also have a problem where we don't know if we will have an adequate supply of water this summer. We may have to institute some type of drought restrictions in the Borough because of an inadequate supply coming in from our existing supply lines. There are time delays that are going to be involved here. We have already authorized the expenditure for research and study fees.

There has to be some type of funding available for immediate remedial action. This comes out in various areas. When Industrial Latex was developing, everybody agreed that there was a need for immediate action up there, but it takes a little bit of time to get this money moving. Assemblywoman Donovan has become very familiar with the situation there.

Now when we start talking about the effects -- I said 15,000 is the tax point in town. We've had an increase in water

rates of 25, 30% which will hold for this year only. Tax rates when it comes into expending money for attorneys' fees, capital improvements to perhaps give us an adequate supply of water, can knock this through the ceiling.

I don't believe the residents of the Borough should be penalized for the actions of some irresponsible party, and that is what it is boiling down to what is happening. I think Wallington might be in the forefront of communities that will end up facing this problem. The 280s are a fairly recent occurrence and the standard being set by them are a fairly recent occurrence. The problem isn't alone to Wallington in this area. Talking about a groundwater survey. I read a memo from the DEP, that's approximately a $400,000 expenditure for that particular study. When I mentioned Garfield and Lodi, it seems there is a serious problem underneath us right now. Of learning words like aquifer, main underground supply of water for the area-- Perhaps there is something wrong down there. It appears that way. Wallington, we're talking about a couple of million dollars to renovate the wells so that they would supply clean water. A couple of million dollars in a town like Wallington is an impossibility at no interest. Capitalization, to repay the capitalization of such a project would multiply our tax rate. Forget about adding 10%, you're multiplying it. That is something we can't afford to do.

As I said earlier, I think Wallington and the adjoining towns to Wallington are the beginning of a situation that may be coming up in the future in other towns throughout New Jersey. I feel that this Committee will have to work on legislation to provide some type of immediate capitalization, some aid to these towns when these situations arise, and repayment for that capitalization can come a year, two years, three years down the line when a responsible party is found. But at this point in time the Borough of Wallington is faced with a summer where they may not have enough water to supply the residents without instituting restrictions. Pressure problems in case of a fire.

and a fire is something that happens in the area. We had a tremendous usage of water when there was the massive Passaic fire last year. And long term solutions for all these do not come easy. That pretty much concludes what I have to say. I wish to thank you for hearing me.

ASSEMBLYMAN BENNETT: Thank you very much for coming today.

ASSEMBLYMAN SINGER: John, just one comment before the Councilman leaves. I just would like to reiterate one thing I'm sure you're hearing. I'm also the mayor of a community and I share the problems that you share when these things happen. We cannot put the burden on the local taxpayers for such things. It's just not in their realm to be able to take care of it when you're talking about an MUA. And I certainly must tell you, and I'm sure it's the feeling of most of us, that there is a sense of responsibility from the State level to help you out at least until we identify who the people contaminating the wells are. And certainly we understand, also, that when you're talking about millions whether it is at no interest or low interest rate, it's the same difficulty in payback. The smaller communities just do not have the depth of bonding -- the depth of payback that can do these type of things, and if you can't turn to the State, who can you turn to? So--

COUNCILMAN VAN HOUK: Right. Thank you.

ASSEMBLYMAN BENNETT: Thank you again. From the Environmental Lobby, Statewide environmental group, I'd like to call upon Jim Lanard, who would like to make a few remarks.

J I M L A N A R D: Mr. Chairman, members of the Committee, my name is Jim Lanard. I represent the New Jersey Environmental Lobby, which is a Statewide environmental lobbying group.

I have just two comments on the hearing that you're having and with your indulgence, Mr. Chairman, I'll make three comments on bills very, very generally this morning because I need to speak at a class at Montclair State College this afternoon. First I'd like to acknowledge that we think the

Department of Environmental Protection is doing good work in this area of water quality testing. We support very strongly the efforts of the Institute. We're very impressed with the testimony of the Chairman this morning. We're anxious to see them look at additional chemicals. We know they're considering ten more right now and hope that they will continue to develop concepts for other chemicals that might have to be covered in this.

Let me tell you about one piece of legislation that did not go very far in the past few sessions of the Legislature that I think ties directly into this issue. As you heard from Mr. McCann, 90% of the residents of New Jersey are currently using water that's tested under A-280 program. Ten percent of the residents are not. There was a bill in the Legislature a while ago to require that the sale of homes that are supplied by private wells not covered by A-280 be tested -- that the water quality be tested for those wells before there could be the sale of the property. Now the irony that we find-- That bill, by the way, was strongly opposed by the real estate lobby because they felt that possibly homes wouldn't be sold if water quality was found to be at health threatening levels and therefore people would be buying homes with no adequate supply. The irony is that every home buyer has the right to termite inspection and won't buy a home unless that house is tested for termites, unless it's treated. Yet there is no provision that the State provides for safe drinking water. That's more than irony in my opinion. That's an absurdity and we hope that you'll consider that because that will go a long way to addressing the deficiency of the 10% homes right now. You've got a good fight on your hands, and we'll be glad to help you with it, and hope that you'll consider that.

The second has to do with risk communication related to the findings that the Institute and the DEP came out with. And that is my first understanding of the latest round of testing is when I read The Newark Star Ledger and found out that 93% of the

homes were safe. I also read in that article that 10,000 of 50,000 users of Camden's water supply were using unfit, unsafe -- water that was not recommended for consumption. This is an uninformed comment because I don't know how that information was communicated to the users, but we would hope that the Department would develop a hazard communication, risk communication program so that all 50,000 residents, say, in Camden don't panic when they find out that one-fifth of their supply was contaminated or possibly posing health risks. So that when the announcements are made there is also a program implimented immediately to tell the users that they should consider alternative supplies if the Department is not going to mandate that alternative be provided. And they may have done that. But it wasn't clear from the articles that I read, and my first reaction was which 10,000 people in Camden are in jeopardy and how do they know?

A couple of comments on the bills that you're going to consider this afternoon. The first one is A-2280, Assemblywoman Donovan's bill, which relates to the Hazardous Discharge Bond Act Funds, not being -- sort of separating the connection with availability of funds and the Spill Fund. We strongly support that piece of legislation. We're disappointed it hasn't become law already and hope that you'll move quickly so that the Governor can enact that.

Concerning the two bills related to providing alternative sources when there's contamination, that's the Doyle bill, A-2180, and the Zimmer bill, A-2143. The comment here is -- First we want to question: why tie the contamination into a hazardous waste site or hazardous waste discharge? Why not just allow the person to petition for alternative supply if that water system has been found to be contaminated? If you have to prove the source-- I know you don't have to prove the source, but if you have to even suggest a source it may delay the Department's acting on providing the alternative supply. The issue you're concerned about is public health. Therefore, once you find out that the supply is contaminated let's start the mechanism to

provide for alternative supplies. Later on you can try to find out the source and not tie any of this in to potential hazardous discharge sites. De facto it's related to some type of hazardous discharge, the fact that it's contaminated, but don't be more specific than that. That's a recommendation.

The last comment that I have to make concerns the Zimmer bill in particular and how it ties payment back from the Spill Fund and how it ties into the Superfund. It's not clear to me but my guess is because of the U. S. Supreme Court decision in the Spill Fund, in the New Jersey Spill Fund case, that you may need to change the wording a little bit or possibly separate the payment back to the Spill Fund for -- and use of the Spill Fund moneys to provide payment for those alternative supplies. I'm sure that's just a legal question that your legal staffs can check out and make sure that the wording is consistent with the court case.

I appreciate the opportunity that you gave me to address the bills before lunch. I'm sure everybody else would have liked that opportunity, too, to get on to other things that they're doing, so thanks.

ASSEMBLYMAN SINGER: Jim, just one comment before you leave. You know, I think there's one thing you must be concerned -- you have to realize we're concerned about. When the homeowner has a contaminated well, especially in the less densely populated areas of the State, it becomes a financial hardship, in many cases, of bringing city water -- available -- to them. I think what we're looking for also is help deferring some of that expense. You know, in many cases it's a question of running those lines an extensive amount of distances to bring them to those homes. And again, neither the MUA, in the case of a city, or a township run authority, or the purveyor wants to do that. And if there's certainly some way to offset some of that expense and that burden, whether it be, as I said, on the township itself or on the private purveyor, that I think is an important aspect of looking at it.

MR. LANARD: And we would -- I support that and my comment tying the Spill Fund in has to do with whether-- I think the Spill Fund can pay for that regardless of where the contamination came from. But don't try to prove that it's a Superfund site because that's when you get into the problem of not being able to use -- possibly using the Spill Fund for that. I'm not informed enough, I haven't studied the court decision. And as you know, in the legislation alternatives that are specifically identified include carbon filtration and bottled water as initial mechanisms before they figure out what the best long-term strategy is. While we argue for user fees as much as possible, because of the public health threat we've got to get them safe water first and figure out how to pay for it later.

ASSEMBLYMAN BENNETT: Any other questions? Thank you very much, sir. Are there any other members of the public that would like to address the Committee with respect to the public hearing issue? We'll go after the lunch break into the specific bills, but I told you before that if you did want to speak you would be afforded that opportunity. So if anyone does have anything to say I'd like to do that so that the hearing would be able to closed and we won't have to keep those responsible for the conducting of a hearing open and keep them around all afternoon. (no response)

Seeing that there's nothing further, then I would like at this point to thank you once again for allowing us to have the public hearing here in Wallington, Assemblywoman.

ASSEMBLYWOMAN DONOVAN: You're welcome. We were glad to have you.

ASSEMBLYMAN BENNETT: And that we will look forward to this afternoon. I would like to probably break for about 45 minutes and we'll break and we'll come back to discuss the five bills that are contained on the agenda as a regular committee meeting. Thank you all very much who did participate today in the public hearing.

(HEARING CONCLUDED)

APPENDIX

APR 21 1986

MICHAEL F. RICCARDELLI
A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
51 PARK STREET
MONTCLAIR, NEW JERSEY 07042

(201) 783-5010

MICHAEL F. RICCARDELLI
JOSEPH ROSA, JR.*
*ALSO MEMBER OF NY BAR

April 21, 1986

Assemblyman John O. Bennett III
Chairman Assembly Environmental
Quality Committee
6 West Main Street
Freehold, NJ 07728

Re: Borough of Wallington - Groundwater Contamination

Dear Chairman Bennett:

Thank you for holding your Committee meeting in the Borough of Wallington to discuss the environmental problems which the Borough is currently experiencing. I am unable to attend the Committee session due to a conflict with my normal working hours. However, I would like to take this opportunity to place my observations, and comments before the Committee, and would therefore ask that you please accept this letter as my written comments in lieu of oral testimony before the Committee.

Wallington, although a small Borough, is presently experiencing many of the large environmental problems experienced by many other municipalities throughout, not only the State of New Jersey, but our Country as a whole. Of particular concern to your Committee is the contamination which the Borough has discovered at the Industrial Latex site, and the possible contamination which exists at the Curtis Wright Plant. Both of these sites may, or may not, be contributing to the water contamination problems that the Borough is currently experiencing. The Latex Plant is a highly suspect, due to the fact that a number of deteriorating barrels have been observed. The site itself is also within one-half mile of the location of one of the Borough's wells.

IX

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We are well aware that the aquifer from which Wallington draws its well water, is not limited to the area directly beneath the Borough, but extends for miles both north and south. The contamination therefore can emanate from sites far distant from the Borough. This fact, which seems to be borne out by the fact that the neighboring City of Garfield and the Township of Lodi have recently also experienced well water contamination.

It is my feeling that cleanup of all contaminated sites in the area should be given a top priority, inasmuch as it appears that the southern Bergen County area is a particular environmental "hot spot". Further, in all three of the aforementioned cases, drinking water contamination is involved. This is not to denigrate the needs of other sites throughout the State which are also currently experiencing the results of industrial pollution, however, it is my feeling that since water supply problems are involved in the South Bergen area, they should be given a top priority. My recommendations would include the following:

1. Immediate application of funds present in the Hazardous Spill Act, and the Environmental Cleanup Responsibility Act, along with possible funds from the Sanitary Landfill Closure Act to identify the sources of possible ground water contamination.

2. After identification and location, these sites should be immediately cleaned-up.

3. State funding should be provided to those municipalities to remediate the effects of the industrial pollution upon their water supplies.

4. The New Jersey Department of Environmental Protection should work in close concert with the Federal Environmental Protection Agency so as to effectuate a pooling of resources, both monetary and otherwise, to eliminate the severe environmental problems that many of these southern Bergen County towns are currently experiencing.

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I am well aware of the financial restraints within which the State operates, and which the Federal Government is currently operating due to the strictures of the Deficit Reduction Act. However, I feel that there can be a few items of more importance than the water that we all drink every day.

I thank your Committee for your kind attention to my remarks, and would offer to amplify any of them upon your Committee's request.

Respectfully yours,

JOSEPH ROSA, JR., Councilman
Borough of Wallington

JR:clt

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