

PUBLIC HEARING
before
ASSEMBLY AGRICULTURE & ENVIRONMENT COMMITTEE
on
HAZARDOUS DISCHARGE BOND ACT

Held:
July 22, 1982
Marlboro Township
Municipal Building
Marlboro Township, N.J.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Raymond Lesniak (Chairman)
Assemblyman Anthony S. Marsella (Vice Chairman)
Assemblyman John O. Bennett
Assemblyman Elliott Smith

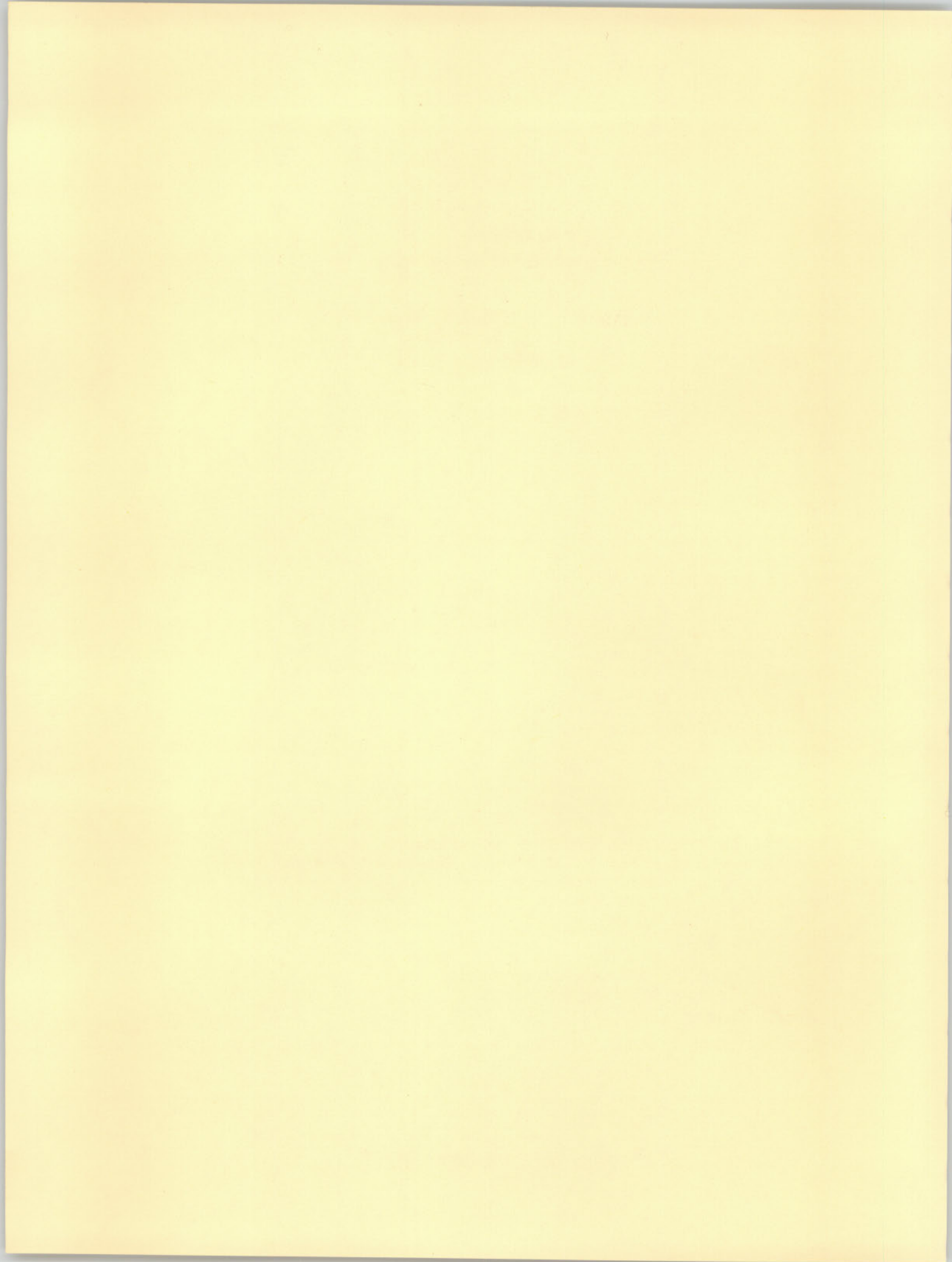
ALSO PRESENT:

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

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ASSEMBLYMAN RAYMOND LESNIAK (Chairman): This public hearing will come to order. I would like to thank everyone for coming down this morning. This is a public hearing of the Assembly Agriculture and Environment Committee. I will give a brief outline as to what our format will be today: I will make an opening statement regarding the purpose of this meeting, then we will hear from the ranking Republican member of the Committee, John Bennett, who has served on this Committee for three years, along with me, and we will also hear from Assemblyman Smith. At that time, we will call on the Mayor, who has been very hospitable by allowing us to use the Town Hall for this public hearing. After Mayor Hornik speaks, we will then call on representatives of EPA, DEP, and the State Treasury to get into the substantive issues regarding the State and the Federal government's efforts to clean up chemical dumpsites throughout the State of New Jersey. At that time, we will take a short break and then call upon any local officials and any concerned citizens interested in making remarks regarding the cleanup efforts in New Jersey.

In addition, after EPA and DEP give their testimony, I will ask if there are any specific questions that the public or municipal officials would like to address to the representatives of EPA and DEP. I am sure they will be more than happy to answer any questions or attempt to answer any questions for you.

Last November, the voters of the State of New Jersey overwhelmingly approved the \$100 million Hazardous Waste Discharge Bond Act. Pursuant to that proposal, the Legislature approved an appropriation of \$33 million, which was signed into law in January of this year.

As sponsor of both measures, I and Assemblyman John Bennett, the ranking Republican member of this Committee and co-sponsor of the aforementioned measures, along with Committee Vice Chairman Anthony Marsella, Assemblyman Thomas Pankok, and Assemblyman Elliott Smith, are here today to

determine the progress of cleanup efforts at the 36 hazardous waste dumpsites designated under the \$33 million Appropriations Act, and the status of other anticipated cleanup monies on both the Federal and State levels. Of particular concern to this Committee is why New Jersey has only received a fraction of the money appropriated under the Superfund program.

It should be noted at this point that the total price tag for cleaning up the more than 400 dumpsites throughout New Jersey is in excess of \$1 billion. There are currently only three primary sources of funding available to pursue that awesome task: The New Jersey Spill Compensation Fund, which generates approximately \$12 million to \$14 million a year through a tax on the State's petrochemical industry; the \$100 million Bond Act; and, the Federal Superfund.

In order to answer the questions regarding cleanup operations throughout the State, the Committee has invited representatives from the Federal Environmental Protection Agency, the State Department of Environmental Protection, the State Treasury, and municipal officials from those communities most adversely affected by some of the worst toxic dumpsites in the State.

Last November 23rd, when I introduced the appropriation measure, I stated:

"It is imperative and urgent that funds be made available promptly so that we can make substantial headway in our struggle to eliminate the legacy of poison affecting our environment due to the irresponsible dumping practices of the past. Time is literally running out when you consider that many of the dumpsites targeted for funding are posing an immediate threat and danger to the precious drinking water supplies of dozens of communities throughout New Jersey."

Those words are even more appropriate today, seven months later.

I would like to briefly describe some of the more serious problems we are facing:

Burnt Fly Bog -- which just about everybody in this room knows about -- covering a total area of 1700 acres contaminated with highly toxic substances such as PCB's, trichloroethylene, benzene, chloroform, and many other cancer-causing substances. This site is located atop the Englishtown Sands Aquifer, a source of drinking water for 23 communities in Monmouth and Middlesex Counties. The estimated cleanup cost for this site is \$20 million.

Lone Pine Landfill - this site covers a total of 144 acres in Freehold Township containing trichloroethylene, chloroform, benzene, and PCB's. The site is leaching 2,800 gallons of contaminated water daily into the Manasquan River. The estimated cleanup cost for this site is \$10 million.

Price's Pit Landfill - possibly the most serious environmental hazard in the United States. Contaminants from this environmental atrocity, encompassing 26 acres in Atlantic County, have infiltrated the Cohansey Aquifer, which supplies drinking water to Atlantic City and other communities throughout Southern New Jersey. The estimated cleanup cost for this site is \$16 million.

Kin Buc Landfill - covering approximately 200 acres in Edison, this PCB-laden site is estimated to contain as much as 70 million gallons of toxic waste. The estimated cleanup cost for this site is \$16 million.

Plumsted Township - the location of two heavily contaminated sites covering approximately 13 acres which are adjacent to farmland. In addition to contaminating many wells in the area, this site also produces considerable air pollution generated by the vapors emitted into the atmosphere. The estimated cleanup cost for these sites is \$12 million.

In addition to these sites, 31 sites throughout the State are posing an immediate threat to the health and safety of New Jersey -- I might add, that is 31 sites that we know of and that are designated under the Appropriation Act. I am sure there are others that ought to be added to this list.

We are here today to determine the actual progress of cleanup operations throughout the State and to promote a better understanding between the Committee and the Federal Environmental Protection Agency, and the State Department of Environmental Protection, on their respective responsibilities and roles in the overall cleanup process. Such an understanding will be a benefit to both the public and the Legislature.

The financial mechanisms for cleaning up the deadly dumpsites that are threatening the health and safety of New Jersey residents are in place. They are just not being as fully and effectively utilized and dispersed as they ought to be. As Chairman of this Committee and sponsor of the Hazardous Waste Discharge Bond Act, and the Spill Fund as it now exists, I want to know why. Assemblyman Bennett?

A S S E M B L Y M A N J O H N O . B E N N E T T: Thank you, Mr. Chairman. First of all, on behalf of my colleagues, Senator Gagliano and Assemblywoman Mhueller, I would like to welcome all of you to the 12th Legislative District in the State. I would particularly like to thank the Chairman of this Committee, Ray Lesniak, for bringing this hearing here, to the 12th District. So often, Committee meetings of the Legislature are held in Trenton and many people in the municipalities do not have the opportunity to view government as it is working or to have an opportunity to participate, unless they travel to Trenton. This is the second occasion in the three years that I have been in the Legislature that we have, in fact, had a meeting of this Committee in this District. I would like to compliment the Assemblyman, who is the Chairman of this Committee, for holding the meeting here.

Marlboro is a particularly sensitive and important town to me; it is my birthplace and the town where I resided for 25 years. So, it is more than just representing this town, but it is something that is particularly sensitive to me with the concerns that we have.

Unfortunately, the 12th legislative District is the district in the State of New Jersey that contains more hazardous waste sites than any other legislative district on the top ten list of sites in the entire State of New Jersey.

We are all familiar with Burnt Fly Bog and Lone Pine. Unfortunately, we also have the Bog Creeks and the Friedman Property to complete the top ten sites, and many other smaller sites which are equally important to all of us that are aware of them. The WDI site and the additional sites located in Marlboro Township may not make the "massive" list as to being contained in the top ten. We are seriously concerned about the health and safety of the residents, of the people, as well as the ever necessary desire to protect all of our water supplies from what I think can best be termed, "festering puddles of poison". They continue to threaten our well-being for not only this generation but all future generations to come.

I was particularly pleased last week with the announcements of certain Federal dollars to come in to the District for a feasibility study of Lone Pine. However, I think it is only fair to tell those of you who are present today where I am particularly coming from, and without any doubt, the majority of this Committee. When there is an announcement that there is \$3 million coming in to the State of New Jersey from any source, I personally am pleased if they announced that that money was coming in on a Wednesday. However, I must immediately ask the question, "Why was it not \$6 million and why was it not here the day before?" I think that may be termed to be somewhat unreasonable when you ask those questions of certain sources, but it is our obligation to continue to ask and to continue to let the different bureaucracies be aware that we in New Jersey will not be satisfied nor will we rest until we are assured of the very fact that these landfills will be secure, and that we no longer have to worry

about that threat. Of particular interest, and something that I am hoping we will be able to address ourselves to today, the Legislature of the State of New Jersey has taken necessary steps to appropriate, already, \$33 million from the Bond Issue, referred to by Chairman Lesniak.

It is imperative that the State be given the opportunity to use these monies for cleanup purposes without the threat of loss that they will not qualify for matching dollars by the EPA. I am most anxious to be able to cut through that bureaucratic red tape in seeking the necessary approvals so that we may move ahead, as the first state in the union, to have the necessary matching monies available that we can proceed to take the necessary steps to do our studies and to do and implement immediate necessary cleanups. When and if these sites and the monies come through from Washington, we will not be faced with coming up with additional matching dollars, but those dollars already expended can count and we will receive the necessary monies.

This is something that I am particularly concerned about, and I am hoping that through this Committee and these hearings, we are going to be able to cut through and show the sincerity of the State to work together in a bi-partisan effort, which this Committee has always functioned in, to see that we will, in fact, have our sites and our landfills secured. Thank you.

ASSEMBLYMAN LESNIAK: Thank you, John. John and I -- as he mentioned before he ended his remarks -- have wadged quite a few battles together, most particularly, over the \$100 million Discharge Bond Act. We are speaking to each other daily in order to convince DEP, the Governor, and the Capital Budget and Planning Commission to approve it. It was quite an uphill battle, but we got it through, we got it on the ballot, the voters agreed with us, and approved it. That is why we are so concerned about how that money is being spent.

John's comments, I think, are particularly appropriate, considering the fact that in New Jersey we will require over \$1 billion to clean up our chemical dumpsites, and also because of the fact that New Jersey industries will be contributing over \$150 million to the Federal Superfund. If we are going to be contributing so much, I think we should at least get that money back. Assemblyman Smith?

A S S E M B L Y M A N E L L I O T T S M I T H: Thank you, Mr. Chairman. It is a pleasure to be here today. I want to thank the Mayor and Council for allowing us to use this lovely building. I am a farmer at heart, so I recognize what you have here.

Funding is something that is very important to us. I, for one, have been very interested in trying to get this funding released because we have municipalities in my district, for instance, who have gone ahead and spent money up front. We want to make sure they get reimbursed because they are going out and doing types of things that need to be done for the constituents.

Our potable water supply is very critical to us here, in New Jersey; it is our health. Without water-- Jersey City just recently experienced the loss of water during the tremendous hot weather we have had over the weekend. It certainly was a problem for Jersey City. I feel very strongly that our water supply is something that we must protect. I happened to have served on the Energy and Natural Resources Committee during the last session, and we went to all of the water hearings in New Jersey because of the drought we had in the northeast corridor. We have to protect the water very closely.

We are all concerned. I say that very sincerely, because I think every member of this Committee has a particular problem in their district. That is why we are here; that is why we want to serve on this Committee to try to get to the root of this and to get these sites cleaned up.

The Chairman said it is a \$1 billion cleanup project. That is a lot of money, and it is going to come slowly. Certainly we want some of this money available to help offset and reimburse our municipalities and our State. If they go ahead with this, we also want to make sure that we have funds available for alternate water supplies, particularly alternate water supplies, because when you have a health hazard, you cannot wait two days, three days, four days, a week, a month, you have to do it and act quickly. I think this is one of the areas that we want to get to the root of today to make sure that this is going to happen, because in my own personal experience in my own district today, we have a situation where we need that money available for an alternate water supply. I think that is the area we want to be moving in, and make sure that we do have this. Thank you very much, Mr. Chairman.

ASSEMBLYMAN LESNIAK: Thank you, Elliot. At this time, I would like to call Mayor Hornik for some opening remarks and comments regarding the Township of Marlboro. Mayor, thank you very much for your hospitality.

M A Y O R S A U L G. H O R N I K: First of all, this is a historic occasion for Marlboro; this is the first legislative hearing we have had here. We are very grateful to you for coming to Marlboro, which unfortunately, has one of the major sites under consideration for the Superfund. However, there are other sites within Marlboro that I would like to address. There are a lot of speakers here. We have members from our Burnt Fly Bog Committee: the Chairman, Sally Mollica, Barbara Vecchiarelli, a member of that Committee, will also address certain issues later on during your session.

What I would like to address -- it came up in a question last week when Secretary Gorsuch and Congressman Rinaldo announced the \$300,000 plus funding of the Freehold projects, and that had to do with additional and adjacent sites

with regard to the Burnt Fly Bog area.

Our concerns in Marlboro are based on three areas: One, the work that has to be done to clean up the bog after the study. The Dames and Moore study, as Lester Jargowsky, our County Health Officer has indicated, will be done by and around December 1st. Since the Burnt Fly Bog is a DEP project via EPA funding -- which is different than the other projects -- I would like to solicit your efforts in getting the Superfund money as soon as possible after the completion of the study, which would be December 2nd, if it is finished on December 1st.

The second aspect of the request has to do with regard to adjacent sites. If a surgeon goes to remove cancer from a person's body and he leaves part of it there, it eventually kills that person. It is our opinion that if you do not clean up the adjacent sites, even though they are slightly smaller but are as bad with regard to toxic waste concentrations with arsenic, chromium, PCB, lead, and what have you, then, in essence, you have not solved the problem.

What I have here is a map of Marlboro that we had made up a while ago. For the purpose of the Committee, we would like to show you what we are talking about. (indicating) this is the Burnt Fly Bog tract as it presently exists where the tension is. Right here is a storage dump which has 300 gallons of toxic waste and is presently leaking into the Englishtown sands. The Englishtown sands are right below the bog which in essence, covers this whole area. We have we have Imperial Oil here, which I understand you may not have been aware of, (Inaudible) that have been discovered a year ago. I personally went down to the plant to investigate the site, based on a Planning Board application, which we have not approved to the State. What we understand from our County Health Officer, Mr. Jargowsky, we jeopardized the (Inaudible) in this particular area.

Most recently, based on another application of a commercial development on Route 9, we asked Lester to go in and survey an area where there had been an alleged dump with modern equipment. He discovered the Arky Site. Though small, it is highly concentrated, which goes back to a DEP order in 1973 to clean up.

What we are request is, based on the way this looks, is that if you come in to new land zones, you add Storer and Arky to the cleanup and push for that cleanup. It would be cost-efficient to do it this way.

We have Federal help for that. There is a letter in the file that I will leave with you with regard to that. I have written to Anne Gorsuch, the Administrator of the EPA, asking her to place the two additional sites. I have written to Congressman Rinaldo for the two additional sites. Congressman Rinaldo has responded in that he will push vigorously with Anne Gorsuch to get these two sites listed as well as the other two that are in the Monthmouth County area, because I have included in the communication to Congressman Rinaldo the memo that Lester Jargowsky had written to Tony Faro.

ASSEMBLYMAN LESNIAK: Mayor, what do you think your chances are when the EPA Administrator of the entire country makes a personal appearance in the State of New Jersey to announce a \$4.2 million program? What do you think our chances are of getting anything additional when such a big deal is made of \$4.2 million?

MAYOR HORNIK: I think, basically, they can be good. Let me tell you how I look at this--

ASSEMBLYMAN LESNIAK: Next time she comes in, I hope she comes in with about \$40 million.

MAYOR HORNIK: It should be \$100 million. We wouldn't have to use State money. The way I look at this, and I think we all have to sit back and be realistic-- Burnt Fly Bog was not made yesterday; it is 20 years in the

making. The public awareness of the condition is across the country because of an educational process. It might have started with Love Canal. Just as a cancer in the body takes up to 10 years to develop, it is discovered and then you have to do a radical surgical procedure.

ASSEMBLYMAN LESNIAK: Mayor, we spent \$26 million in my district to clean up chemical control sites. Twenty-six million dollars in State monies, and we got it cleaned up. Why can't the Federal government do more to clean up Burnt Fly Bog?

MAYOR HORNIK: We will get the money, I believe.

ASSEMBLYMAN LESNIAK: Are you satisfied with the progress made to date, of EPA cleaning up Burnt Fly Bog?

MAYOR HORNIK: I will tell you this, with regard to the satisfaction of a realist; I have become a bureaucratic realist.

ASSEMBLYMAN LESNIAK: If we can clean up Chemical Control, why can't we clean up Burnt Fly Bog?

MAYOR HORNIK: You can't clean up Burnt Fly Bog until the Dames and Moore study is done, and until we assess exactly what the damage is.

ASSEMBLYMAN LESNIAK: Why did it take a year and a half just to get the money for the study?

MAYOR HORNIK: I think this was the first project that went through the DEP through the EPA. The EPA is direct with regard to the Lone Pine; it is not direct with regard to Burnt Fly Bog. That is the difference. I think there might have been an administrative adjustment to both agencies doing the job properly - testing the ground. I will go back to the original statement that I made: Burnt Fly Bog wasn't made yesterday. I know our County Health Officer, in 1978, began to push for this. I also know that when he came to me in 1980 with the results, we had television stations down here the next day to start generating publicity about the toxic waste test results that had come back. Frankly, the

the philosophy was the squeaky wheel gets the attention. That was our aim at the time.

I really don't want to criticize anyone. You did have a change in the presidential election, and you had a change in the administrative personnel. When anyone new comes in, they evaluate what is going on. I think that after 20 years of the toxic waste dump at Burnt Fly Bog, and working through the State DEP to receive money through the EPA, and all of the adjustment factors, I think a year to get the money, \$350,000, isn't really that long.

ASSEMBLYMAN LESNIAK: It was a year and a half.

MAYOR HORNIK: All right, a year and a half. The test on the efficiency of the EPA -- I will throw this challenge at them -- through the DEP right now, will be the day the study ends for Dames and Moore and the parameters are set up with regard to the criteria that is necessary to clean up the bog and the cost factor, how fast they will act on it.

ASSEMBLYMAN LESNIAK: Mayor, if we had been complaisant with Chemical Controls, have of the City of Elizabeth would have been blown up. I would hope that EPA can move much more quickly in terms of Burnt Fly Bog.

MAYOR HORNIK: Like I said, December 1st, we would like to see the money on December 2nd, or we would like to see the project begin on December 2nd. It is just a reality. I would like to recommend this to the State. For the purpose of hazardous waste control, since we do have so many sites, do what we have done in Marlboro: take a map of the State of New Jersey, pinpoint your major sites, and then pinpoint your satellite sites, then, from a cost-efficiency standpoint, find out what it is going to be to go in and clean them up. It may even be feasible to subcontract out the Federally-employed or Federally-contracted firms that are doing the cleanup to clean up the secondary sites in the area. Get it done. That is all we are indicating.

ASSEMBLYMAN LESNIAK: I appreciate those comments, because Assemblyman Smith has a bill that passed the Assembly and the Senate, and I have a bill that has passed the Assembly and is waiting for release in the Senate. They work with each other to do exactly that, so I hope we will have that in place by September.

MAYOR HORNIK: I would just like to close by stating that we consider this a bi-partisan effort. The people in Marlboro, Democrats, Republicans, and Independents, have worked together in order to get this done. Each has worked in their own way, and each has worked with each other. The fact remains that right now we are beginning to see the light at the end of the tunnel. We would appreciate, again, any type of pressure that you can bear against the DEP to push the EPA in order to get the adjacent sites within Marlboro to be cleaned up when Burnt Fly Bog is done. Going back to the original analogy, in our opinion, if Arky's is left and Storers is left to linger for years, they will do the same type of damage to the Englishtown Aquifer system as is occurring or possibly occurring with regard to Burnt Fly Bog.

I would like to thank all of you for coming down here. I am not exactly happy that Burnt Fly Bog brought you down here, but I would like to thank you. I would recommend that if a coordinated effort can be accomplished with Congressman Rinaldo, then that would be of great assistance.

ASSEMBLYMAN LESNIAK: I would prefer to deal with the Congressman from this District, Congressman Howard.

MAYOR HORNIK: All right. I would like to say that Congressman Howard has communicated with me, and also has worked with it.

ASSEMBLYMAN LESNIAK: I think you would probably be more affective in dealing with him also.

MAYOR HORNIK: All right. Before I go, I would

like to leave these files with you. In these files are communications from EPA and also the Imperial Oil file, which you might find interesting with regard to -- I won't criticize EPA in what seems to be some strange letters that I would like you to look at.

ASSEMBLYMAN LESNIAK: I am familiar with those.

MAYOR HORNIK: I would say necessary pressure on the Township to do certain types of approvals have existed.

ASSEMBLYMAN LESNIAK: Thank you, Mayor.

ASSEMBLYMAN BENNETT: The Mayor spoke with the bi-partisan support that has happened here in the Township, and it has been tremendous. As I have said before, I feel that it is imperative that when you are dealing with environmental issues, you do so in a bi-partisan or a non-partisan manner. I would be remiss if I didn't take note today that it is somewhat of a pleasure. I think it is the first time that the Chairman has had two members of the opposition party. It is the first time that we have had a two-to-one representation on this Committee. I thought I had to point that out today.

ASSEMBLYMAN SMITH: I would like to make one comment, Mr. Chairman. The Mayor has brought some very good points forward. Maybe in looking at the overall picture about the funding, that is the key to this whole thing: get the approval to spend the money and get the money spent, then get reimbursed, or whatever it takes through the mill. I think we might have to come up with some new or innovative ways of handling this funding. I have some thoughts on that and as we proceed today, maybe we can ask those kinds of questions to our Department of Environmental Protection as well as the representatives from EPA. This holdup of funding-- This is the thing. People do these jobs and want to get paid. Taxpayers just have so much money, and when it runs out, what do you do? You stop. This is too important. I think we have move ahead and get those kinds of things ironed out.

ASSEMBLYMAN LESNIAK: Thank you.

ASSEMBLYMAN SMITH: Thank you, Mr. Chairman.

ASSEMBLYMAN LESNIAK: At this time, I would like to call Jacqueline Schafer, the Regional Administrator for Region 2 of the United States Environmental Protection Agency. Jacqueline, welcome to Marlboro Township and the Assembly Agriculture and Environment Committee's public hearing. I hope you have some good news for us.

J A C Q U E L I N E E. S C H A F E R: Thank you very much, Mr. Chairman, Assemblyman Bennett, and Assemblyman Smith, for coming today.

Mr. Chairman, I am very pleased to appear before you this morning to discuss the progress that the Environmental Protection Agency has made in implementing the Federal Superfund program.

My testimony today will cover three aspects of Superfund implementation. First, I will provide an overview of the program from the national perspective. Next, I will discuss the specific mechanisms that have been developed for initiating remedial action at Superfund sites. Finally, I will update the status of the 12 Superfund sites here in New Jersey.

The Superfund program, as you know, was established by the Congress under the Comprehensive Environmental Response, Compensation and Liability Act -- sometimes called CERCLA -- in December, 1980. Until this law was passed, the Federal government lacked general authority to clean up hazardous waste sites, or to respond to spills or releases of hazardous substances onto land or into the air or non-navigable waterways.

While some states, like New Jersey, had established their own programs for spill response or the cleanup of uncontrolled waste sites, state governments often lack the funds and the legal authority needed to deal fully with the problem. The Congress, therefore, enacted new legislation to

establish a five-year program to spearhead both Federal and State efforts to respond to releases of hazardous substances into the environment. The Superfund law authorizes the Federal government to respond directly to releases or threatened releases of hazardous substances that may endanger public health, welfare, or environment.

The law gives state governments the opportunity to plan and manage responses directly under agreement with the Federal government, and EPA is encouraging the states to take responsibility for an increasing number of Superfund-financed remedial action. I might say that we are very pleased with the progress and the willingness that states have -- particularly in New Jersey -- to take on a larger part of that management burden.

The Superfund, officially known as the Hazardous Substances Response Trust Fund, is to be financed over a five-year period from taxes levied against chemical manufacturers and from general revenue appropriations. Tax levies of \$1.38 billion will compromise about 86% of the total \$1.6 billion fund authorized by the Congress. Appropriations from general revenues will total up to about \$220 million. Interest on these monies, fines, and penalties are also added to the fund. EPA may draw from the Trust Fund up to the amount of the Agency's yearly budget appropriation for the Superfund program. In other words, funding coming into the fund comes from the taxes on industry and appropriations from the general fund to the treasury. To take money out of the fund will depend on appropriations made annually by the Congress.

The EPA has assigned implementation of the Superfund program under CERCLA, the highest priority since its enactment in 1980.

EPA established the Office of the Assistant Administrator for Solid Waste and Emergency Response, and the Recourse Recovery and Conservation Act, and Superfund programs were merged into that one office under that Assistant Administrator.

A new accounting system to ensure proper fund management was also set up.

In October, 1981, the Agency established an interim Priority list of 115 Superfund sites. The list was developed using a site hazard scoring system which accounts for population at risk, potential for contamination of water supplies, human contact, destruction of sensitive ecosystems, and other appropriate factors. This mathematical model, sometimes referred to as the "Mitre model" - after the contractor who devised it for the Agency -- measures the potential impact of hazardous pollutants through three pathways: air, groundwater, and surface water. Each state ranked sites using this system and submitted them for quality assurance review by EPA. The interim priority list includes twelve sites in New Jersey.

The National Oil and Hazardous Substance Response Plan was also revised by EPA to set forth criteria and procedures for using Superfund monies to respond to hazardous substance spills and sites. The Agency published final revisions to the National Contingency Plan on July 16, 1982. The original plan, first published back in 1968, dealt only with oil spills. In 1980, it was amended to cover hazardous substances spills to navigable waters.

The plan now authorizes response to more hazardous substances, to waste sites, and to incidents in all media: air, land, and water, not just navigable waters. The revised plan also includes procedures for compliance with the National Environmental Policy Act, which you may know as NEPA.

EPA has made significant strides in actual site work. Although Superfund was enacted in December, 1980, the first Federal appropriation for the program was an appropriation in the amount of \$68 million, made in July, 1981, and EPA was given an allowance to spend that money beginning in August, 1981. So, the program has actually been in effect for relatively a few months. Fiscal Year 1982 marks the first

full year of Superfund program operation, and the President requested a budget appropriation of \$190 million, which was enacted by the Congress.

On a national basis through July, 1982, more than \$53 million has now been provided for long-term remedial action at 56 sites. Nearly \$25 million has been allocated for removal actions at 73 sites. Removal actions have been completed at 25 sites. I will provide you with the specifics on the twelve New Jersey sites later in my statement.

In addition to the work at the 115 interim priority sites, other hazardous waste sites are being evaluated by the State and EPA personnel for possible inclusion in the expanded list, the full list of 400 Superfund candidate sites. During 1981, the states and EPA carried out 2,347 preliminary site assessments, 1,769 site inspections, and, 279 field investigations.

An important part of the program, however -- I think this is something to emphasize in terms of the monies available -- is to encourage voluntary cleanup by private industries and individuals who are responsible for the releases so that the limited Superfund monies will go further. More than 1,300 notices have gone to generators or disposers of hazardous waste at 82 Superfund sites. So far, more than \$80 million in private money has been committed for cleanup at more than 20 sites. This is a very substantial contribution to our total effort.

An EPA task force was set up in February of 1982, to modify as many responsible parties as possible of their potential liabilities if fund monies are used at the sites with which they are associated. The Superfund is reimbursable and EPA can take legal action to recoup its cleanup costs from those who are subsequently identified as responsible parties. I assure you, we intend to proceed vigorously in that effort as well.

ASSEMBLYMAN LESNIAK: I assure you that we will probably be waiting 20 to 50 years to collect most of that, too.

MS. SCHAFER: I hope it won't take that long.

ASSEMBLYMAN LESNIAK: That has been our experience here in the State of New Jersey. I would not expect your efforts to go any better because most of these sites are abandoned sites. I am sure you are well aware that many companies' adjustment proof and litigation takes so long. It is so difficult in this area that I would certainly not rely on too much money coming in that way in order to fund other cleanup efforts.

MS. SCHAFER: Nevertheless, up until this point, it has been an important contribution in terms of commitment of funds.

ASSEMBLYMAN LESNIAK: How much is that?

MS. SCHAFER: Eighty million dollars voluntarily.

ASSEMBLYMAN LESNIAK: What do you consider the entire cleanup cost to be throughout the country? It is \$1 billion in the State of New Jersey.

MS. SCHAFER: This is something that we will not know until we make significant progress--

ASSEMBLYMAN LESNIAK: Would you consider \$80 million significant in terms of the overall cost of the problem throughout the United States?

MS. SCHAFER: No, I do not.

Anyone who is liable for a release and fails to take appropriate action ordered by EPA can be liable under certain conditions for punitive damages equal to three times the government's cost. That is another contribution to the fund, so-to-speak.

The Superfund program recognizes that emergency responses and site cleanups must be tailored to the specific needs of each site, or each release of hazardous substances, as outlined in the National Contingency Plan.

While we encourage responsible parties to finance cleanup actions wherever possible, direct government actions, when called for, usually take the following forms:

First, immediate removals to prevent harm to public health, or welfare, or the environment. These actions are ordinarily limited by law to six months and a total cost of \$1 million.

Second, planned removals when the response must be expedited, but not necessarily immediate, to minimize potential threats. The same time and cost limits apply as for immediate removals.

Third, remedial actions are aimed at long-term, permanent remedies for sites identified as national priorities on the interim list of 115 sites published in October, 1981, or on the expanded list of 400 sites, which is being compiled. Remedial action includes feasibility study and design work as well as implementation of interim and long-term solutions.

When responsible private parties refuse to undertake voluntary or court-ordered remedial action, or are not identified, the mechanisms by which the EPA can initiate clean-up actions are: First, a cooperative agreement under which the State takes the lead role; and second, a direct Federal contract in which EPA takes the lead.

The process by which a cooperative agreement is drawn between EPA and the State is very similar to the grant-in-aid process. The cornerstone of the cooperative agreement is a Remedial Action Master Plan for the site. EPA and the State Department of Environmental Protection, by using the services of an engineering consultant, jointly develop the Master Plan which details every task to be performed during the various phases of cleanup. The cooperative agreement defines who will pay for the various tasks and who will do what work. When EPA and the State complete negotiations on the proposed agreement, a grant offer is made to the State by EPA and accepted by the State. That is the nature of the cooperative agreement.

In contrast, when EPA takes the lead responsibility for remedial action at a priority site, a contract, based on, again, the Remedial Action Master Plan, is drawn between EPA and the State. EPA has what we call "zone contractors" on retainer to implement field investigations and engineering feasibility studies for us. The U.S. Army Corps of Engineers will perform final engineering design work and be responsible for construction activities under an interagency agreement with EPA, which was signed in February. Thus, once the contract is signed by both parties, remedial work can commence.

The drawing of a contract, even when EPA takes the lead, is a necessary step, since Superfund requires the state to provide 10% of the cost of remedial action. In the case of a publicly owned site, that amount would be 50%. The State is also required to assume responsibility for the future operation and maintenance cost at the site in order to be eligible to receive Superfund dollars. States may, however, apply for credit against the matching share for eligible work performed on Superfund sites with non-federal funds between the period of January 1, 1978 and December 11, 1980.

Even today, this State may carry out preparatory site work with non-federal funds prior to the execution of a cooperative agreement or a federal contract and be eligible for credit against the matching share. This is accomplished by applying for a deviation under EPA general grant regulations. However, all of the work must be documented, must be consistent with the final cooperative agreement, and must be approved by the EPA.

As far as the status of the sites here in New Jersey are concerned, I would like to say a few additional words: Preliminary work such as site inspections, assessments, and feasibility studies on several sites in New Jersey, were begun under Section 311 of the Clean Water Act, under the Resource Conservation and Recovery Act -- known as RCRA -- under Section 13 of the Rivers and Harbors Act of 1899, or under Federal

programs before Superfund monies became available one year ago. Feasibility studies and design work at Burnt Fly Bog, for example, were started with monies allocated under RCRA. Field investigations, feasibility studies, and environmental evaluations, were funded from non-Superfund sources at LiPari in Gloucester County. Funds under Section 311 of the Clean Water Act were used for various purposes at Chemical Control, in Elizabeth; Kin Buc, in Edison; Bridgeport Rental and Oil in Bridgeport; and at the Goose Farm site in Plumsted.

EPA has taken the lead on cleanup work to be done at the Lone Pine and Kin Buc Landfills. Federal contracts worth more than \$3.1 million in Superfund dollars were signed on July 7. You made reference to this earlier.

Within the next three months, we hope to award federal contracts for interim remedial action at the Bridgeport Oil and Rental Site, and for remedial design and implementation at LiPari. Cooperative agreements should also be signed within the same time frame for: Pijack Farm, Spence Farm, Goose Farm, and the Friedman Property, as well as for contract at the D'Imperio site.

In total, EPA has allocated nearly \$15.8 million for remedial work on the 12 interim priority sites in New Jersey. I have attached to my testimony a brief overview of the present status of each one of those sites individually.

Within the next few days, EPA will announce an expansion of the interim Superfund priority list. This is a step between the list of the 115 that was established last Fall, and the list of 400 which will be established this Fall. The State of New Jersey, as you may know, has submitted five candidates to EPA to be considered for inclusion on the expanded list.

As I said, this Fall, the Agency expects to issue and receive public comments on the final list of 400 national priority sites mandated by the CERCLA Act. EPA Region 2 is working with New Jersey DEP to develop data on sites which the

Department intends to score and submit to EPA for priority ranking. In August, the hazard scoring process should be complete, and once again, EPA will quality assure the site scoring. We can't predict at this time how many of the 400 sites will be in New Jersey. However, I think it is safe to say that New Jersey will be getting its fair share, considering the nature of the problems that we have in this State.

The Superfund program continues to be among the Agency's top priorities. It would be less than candid to admit that yes, the President's budget does request a 12% decrease in EPA's operating budget between Fiscal Year 1982 -- in which we now operate -- and next year, Fiscal Year 1983. However, that same budget also requests a 21% increase in the Superfund program by an amount of \$40 million for Fiscal Year 1983, to a total, new money for next year, of \$230 million.

This concludes my prepared statement, Mr. Chairman, and I would be pleased to respond to your questions and those of the Committee members at this time.

ASSEMBLYMAN LESNIAK: Thank you, Jacqueline. I am told that we "low-balled" our chemical industry -- that we would probably be paying up to \$200 million into Superfund from industries here in the State of New Jersey. Can we expect to get \$200 million back from the Federal government?

MS. SCHAFER: The amount of money that would be available to the State of New Jersey will depend on what our feasibility studies and our engineering studies show would cost to clean up the sites that are ranked and selected for inclusion. I can't predict whether the correct number is \$75 million -- which I saw in your statement -- or \$200 million. As important as it is to spend the money, it is also part of our objective to make sure that we do it in the most cost-effective manner possible. We are very much concerned that we aren't going to be sitting five or ten years from now,

being concerned about having wasted the taxpayers' money. We are very careful about planning remedial actions for these sites and budgeting for them in a way that we will produce as much cleanup with the money that we have available.

ASSEMBLYMAN LESNIAK: I appreciate that, but my concern is the fact that New Jersey has had the first program in existence for cleanup efforts. We have spent the most money of any state in the nation. We have one of the most severe problems, if not the most severe problem, in the nation than any other state. I don't believe that we should be an exporter of our resources to help clean up sites throughout the country. It appears to me, from everything that I have heard to date, that we are not going to get that \$200 million back. Can you give us an idea of approximately how close we are going to come to that figure?

MS. SCHAFER: I don't have any way of estimating that now, until we actually find out what is the cost of cleaning up each one of the individual sites. We don't even know exactly how many sites New Jersey will have on the total list of 400.

ASSEMBLYMAN LESNIAK: Is it your opinion that it is unlikely that we would even come close to that figure?

MS. SCHAFER: I can't make a prediction on that at this time. It is a fact of life that states like New Jersey and New York have the same problem: we tend to send more tax money to Washington, not just for this program, but for many programs than we take back. We are fortunate in having a fairly high per capita income, and we do make a major contribution to the Treasury for a whole variety of things, not just for this program.

ASSEMBLYMAN LESNIAK: Why are we cleaning up that Oklahoma Mine site for \$445,000? That is an unfair question to ask you, right?

MS. SCHAFER: I don't know anything about that particular site. That's not in my region, right.

ASSEMBLYMAN LESNIAK: Are you satisfied that \$1.6 billion is going to do the job for the nation? Would you recommend to Ann, our good friend, that the Superfund ought to be expanded to the original \$4.2 billion that it was conceived at?

MS. SCHAFER: As you know, I was serving on the Senate Staff at the time Superfund passed. I didn't work on it directly, myself, but there was a lot of lively debate about what the appropriated amount of money was. I think Congress was satisfied that \$1.6 billion would get us off to a good start, run the program for five years, and just see where we are.

ASSEMBLYMAN LESNIAK: You would anticipate that there would be a possibility that Congress could make an effort to expand Superfund, if it is determined that the \$1.6 billion is not sufficient?

MS. SCHAFER: There is no question that this will be an issue when the authorization period for the statute begins to run out. I believe Congress will be holding a major oversight into the effectiveness of the program and what needs to be done.

It should be kept in mind that there are other programs that the Congress has enacted and that the Agency operates to prevent this sort of thing from happening. A lot of Superfund money is available to clean up past mistakes; however, we are also carefully applying the requirements of the Resource Recovery and Conservation Act to make sure that we don't continue to create this problem so we always have a backlog of sites to clean up.

ASSEMBLYMAN LESNIAK: Aren't we continuing to create these problems? Aren't we, in fact, as we speak, continuing to create these problems?

MS. SCHAFER: We are applying the statute vigorously to try to get people who are disposing of wastes to do it in a responsible manner and where we can, to recycle and reuse wastes.

ASSEMBLYMAN LESNIAK: Can we deal with the problem?

MS. SCHAFER: I certainly hope so. That is why we are here, to give it our best try.

ASSEMBLYMAN LESNIAK: You say that 25 sites -- cleanup work -- have been completed on the Superfund funding.

MS. SCHAFER: For the removal.

ASSEMBLYMAN LESNIAK: For removal work. Are any of those sites in the State of New Jersey?

MS. SCHAFER: I would assume that we would consider Chemical Control as one of those.

ASSEMBLYMAN LESNIAK: From Superfund? We are still waiting for our first penny.

MS. SCHAFER: It is on the Superfund list.

ASSEMBLYMAN LESNIAK: You said that under Superfund, removal work has been completed on 25 sites.

MS. SCHAFER: I don't believe that any of those sites are in New Jersey.

ASSEMBLYMAN LESNIAK: We spent \$28 million from the State's fund on the Chemical Control cleanup operation. It is now 99% complete. Can we get any of that money back for other sites throughout New Jersey? My conscience is bothering me that Elizabeth -- that is my District -- received a complete cleanup effort and Burnt Fly Bog in Marlboro Township, and other sites in New Jersey haven't even begun working on that problem. Since I carried the Spill Fund Amendments that taxed the petrochemical industry alone--and you weren't in the Assembly at that time, John, to help me--I think that was justified in getting the Chemical Control site cleaned up first. Nevertheless, can we get some of that money back from Superfund?

MS. SCHAFER: No. I don't believe that Superfund is available to pay back work that was begun prior to the enactment of Superfund. That, as you well know, Chemical Control fire happened, and work was begun to clean up there even before Superfund was passed or funds were available

under Superfund.

ASSEMBLYMAN LESNIAK: When it was just a gleam in Congressman Florio's eyes, right?

MS. SCHAFER: Well, it certainly was a valuable experience in getting national attention focused on the need for the Superfund legislation, that for which the rest of the state will now benefit, we hope.

ASSEMBLYMAN LESNIAK: Federal contracts have been bid out for cleanup -- Kin Buc, for instance. How are the contractors qualified in order to do the work? Is that through the State DEP, or through EPA?

MS. SCHAFER: In the case of where the State takes the lead, the State would select the contractor; where we would take the lead, we would select the contractor.

ASSEMBLYMAN LESNIAK: Are you familiar with the contract for the Kin Buc site?

MS. SCHAFER: I was not in the region when that contractor was selected. I don't know specifically.

ASSEMBLYMAN LESNIAK: It was just announced last week at the big fan fair.

MS. SCHAFER: What we were doing last week was to announce the continuing--

ASSEMBLYMAN LESNIAK: (interrupting) I know what you were doing last week.

MS. SCHAFER: We were continuing the work for cleaning up the pools, and the contractor, which the agency had used, will continue to do that work for I think the next six months. I believe it is a firm now called Peabody, which was previously called Coastal.

ASSEMBLYMAN LESNIAK: Earthline?

MS. SCHAFER: That name is not familiar to me.

ASSEMBLYMAN LESNIAK: It's not Scientific Chemical?

MS. SCHAFER: That name is not familiar to me. As a contractor, no. What we are going to be doing is re-bidding the work in about six months. It would be done under

regular bid procedures.

ASSEMBLYMAN LESNIAK: What type of effort is made to ensure that the people doing the work are qualified?

MS. SCHAFER: That is one of the things that we are consciously concerned about, that the work will be done properly. The staff that helps select them, of course, does it on the basis of reputation and by previous experience. If, for example, anything were brought to our attention which provided evidence that a firm is not doing a good job, naturally, we would take that into consideration and act appropriately.

ASSEMBLYMAN LESNIAK: I don't mean to be repetitious, but I am concerned when a big fan fair is made by the big boss or the big chief to announce \$4.2 million. When can we seriously expect to have the answer to my question? That is, of that \$200 million we are going to contribute to Superfund, how much of that are we going to get back?

MS. SCHAFER: Let me try to respond to the first part of your question. It is always a pleasure for me -- I think it is for most people -- when the Administrator, the Agency, and the Governor are able to come together to show that some progress is being made in anyplace. When there is good news, everybody wants to be involved.

ASSEMBLYMAN LESNIAK: When you have a billion dollar problem, when the State has spent \$40 million in the last two years--

MS. SCHAFER: The important message we were trying to give was that the EPA and the State of New Jersey are now in a mode of a very close working, cooperative relationship which would be necessary to make progress, not only at those two sites for which funds were announced. I don't doubt that \$3 million or \$4 million is a relatively small part of the total job that needs to be done. It is very important because we are going to rely very heavily on the State of New Jersey in getting a lot of this work done, that we have an excellent cooperative relationship for this site, for the 12 other

sites in the State, and for any other sites that are part of the total list of 400. That will be critical to our making good progress, being able to be responsive in a timely manner to actually get the work cleaned up. I think that was as much a part of what Mrs. Gorsuch and the Governor were trying to communicate by coming together at that particular time.

ASSEMBLYMAN LESNIAK: Has any other state made such an effort as the State of New Jersey, in terms of cleaning up their own sites and in terms of supplying the state matching funds for Superfund?

MS. SCHAFER: I can only speak from my own experience. New York State has eight sites on the interim list, and we have made some excellent progress at what was the number one site for us, the Pollution Abatement Services site in Oswego, New York. Three million dollars is now being spent for remedial action at that site. Last week, the Director of the Solid Waste program in the State, and I, jointly announced \$7 million in a cooperative agreement where the state will take the lead for cleaning up Love Canal. That is probably just the beginning of the total costs that will need to be spent there. As far as this region is concerned, both states have taken an active role and assumed a great deal of responsibility in getting this work done.

ASSEMBLYMAN LESNIAK: Assemblyman Bennett?

ASSEMBLYMAN BENNETT: I have for some time, ever since Superfund was first done, been concerned with the fact that the taxpayers or the petrochemical industry would be expending more dollars and sending them to Washington than we would be getting back. Some of those problems I would -- I am not asking you to point specifically, but I think we are all aware of some of the language problems. The bill would require one site in every state, even if there is a site in Wyoming that may be lower on a priority than any of the sites in New Jersey, that every state has to get at least one site out of the first 50. Isn't there language

somewhere along that line in there?

MS. SCHAFER: I don't know if there is language in the Act that says that. I just can't remember. I know that tends to be what Congress expects.

ASSEMBLYMAN BENNETT: We have never -- ever since it has been passed -- been able to expect that we would ever be able to get as much back into New Jersey as we would be sending out from our taxpayers, with the industry being as large as it is in this State.

The list of 400 sites is anticipated to come out by the end of next month? Is that correct?

MS. SCHAFER: No, by the end of the year.

ASSEMBLYMAN BENNETT: Not until the end of this year?

MS. SCHAFER: The next calendar year.

ASSEMBLYMAN BENNETT: Calendar year?

MS. SCHAFER: It may be before that.

ASSEMBLYMAN BENNETT: Why is that taking so long?

MS. SCHAFER: We are trying to get some good information on each of the sites. We are trying to prioritize them. A lot of sites we don't have data on. The sites that the Mayor was pointing out to us this morning, for example, may or may not be considered by the State, but in developing candidates for the sites, a fair amount of work has to be done on characterizing how bad they are. You don't just want to put any site on if there are others around that are worse. You want to try to do some prioritization.

ASSEMBLYMAN LESNIAK: When is the target date for the completion of the design standards for cleanup of Burnt Fly Bog?

MS. SCHAFER: I think it is December. The Mayor mentioned December of this year.

ASSEMBLYMAN LESNIAK: Your statement says December of 1983. Is that a typing error?

MS. SCHAFER: Excuse me, it must be.

ASSEMBLYMAN LESNIAK: Could we have that officially changed for the record?

MS. SCHAFER: I'm sorry.

ASSEMBLYMAN LESNIAK: It is in your status of New Jersey sites, Attachment A. My original question was why are we going to have to wait until December before we even think about beginning cleanup work at Burnt Fly Bog? I hope you're not talking about December of 1983.

MS. SCHAFER: Let me just check.

ASSEMBLYMAN BENNETT: Specifically, in your statement, when you talked about the EPA's position to encourage the State to take responsibility for an increasing number of Superfund finance remedial action, that does not bother me. But again, as I said in my opening statement, I have a concern with the amount-- New Jersey has certain monies available. The voters in an entire state overwhelmingly passed the bond issue, and the Legislature speedily did an appropriation from that bond issue of \$33 million.

ASSEMBLYMAN LESNIAK: For the Superfund sites.

ASSEMBLYMAN BENNETT: Some of those monies were to be used as matching funds on a draw-down for Superfund. However, it is my understanding that before we would expend those dollars, it must be approved by the EPA that the work that we would be doing with those monies could subsequently count as our matching dollars. If the EPA recognizes the efficiency and the fine talents that we have in the DEP in our State, why then, if they submit the request, will it take so long to get an approval to spend our own dollars?

MS. SCHAFER: Is the problem that it is taking a long time getting an approval? I'm not sure I understand that that is a problem.

ASSEMBLYMAN LESNIAK: I believe that any monies that we spend, if EPA does not approve it, we would not be subject to reimbursement or would not be allocated towards our state match unless it is approved by EPA. In other words, if we have appropriated \$2 million for Burnt Fly Bog, if the State went ahead and did something to remove, cleanup, or

contain Burnt Fly Bog, that would not be credited towards our master Superfund unless EPA had approved it prior. Of course EPA isn't going to approve it prior until the study comes back in December of 1982. I guess the basic question is this: two years from the date of signing of Superfund, we will first know what should be done to clean up Burnt Fly Bog. The people in the Township of Marlboro and the surrounding communities, and those that get their water supplies from the Englishtown Sand Aquifer, are going to wait two years just to know what should be done to clean it up. How many more years later before the remedial action is taken? Why two years?

MS. SCHAFER: I don't know--

ASSEMBLYMAN LESNIAK: I know, you haven't been there two years.

MS. SCHAFER: As we said, Superfund, no funds were available until nine months after the bill was signed.

ASSEMBLYMAN LESNIAK: When is that? I know we are asking the wrong person.

MS. SCHAFER: The first funds were available in August.

ASSEMBLYMAN LESNIAK: You are the only one we have.

MS. SCHAFER: That's all right. I really think that overall, the Superfund program, in terms of getting a program, a brand new program, up and running by any Federal agency, that we have done a very good job. I am not really worried.

ASSEMBLYMAN LESNIAK: Why were the first funds available in August? I can't get away from that.

MS. SCHAFER: Congress appropriated funds in July, and they were released for expenditure in August. The Superfund Act was passed in December.

ASSEMBLYMAN LESNIAK: So, we blame our Congressman.

MS. SCHAFER: The Superfund Act was passed in December. Its effective date was April, 1981. The Congress did not get around to appropriating any funds for anything for this

Agency until July, and those funds were released immediately and were available at the beginning of August. You have to crawl before you can walk and walk before you can run. I think yes, right now we are concentrating on getting feasibility studies done, the design work done, and when we actually get into the construction phase, I believe you will see more money being expended just because construction costs much more than feasibility, which is somewhere between 5% and 10%, or the design work.

ASSEMBLYMAN LESNIAK: The design work will be completed in December of 1982 for Burnt Fly Bog. For Bridgeport rental, you expect completion in April of 1983. For Kin-Buc, you don't have a design contract for Kin-Buc cleanup, do you?

MS. SCHAFFER: Not yet.

ASSEMBLYMAN LESNIAK: But you are expending monies to cleanup Kin-Buc.

MS. SCHAFFER: Yes.

ASSEMBLYMAN LESNIAK: Because you consider it an immediate danger?

MS. SCHAFFER: We are cleaning up the Pool C Leachate, and we have a collection and disposal system for doing that. That is something that we are going to be doing more of and looking into different ways of doing it.

ASSEMBLYMAN LESNIAK: That is the only site in New Jersey that you are expending money for cleanup?

MS. SCHAFFER: I don't think that is true. I don't know how you would want to characterize prices, for example, where we had actually gone in and put in new water lines and established a carbon filter system as a standby measure to protect Atlantic City's water supply.

ASSEMBLYMAN LESNIAK: Kin-Buc and Price's Pit are the only two sites in New Jersey that you are doing remedial work, is that correct?

MS. SCHAFER: I guess that is true. We will be finishing this week at Bridgeport; however, that is a removal action, drawing down the level of the pool, which is about a 16 acre pool of water, where we had a lot of rain in South Jersey early this summer and it was filling up and getting close to the top. We have money being spent there right now.

ASSEMBLYMAN LESNIAK: Bridgeport, Kin-Buc, and Price's Pit are considered to be emergency in nature, that they receive top priority for remedial work. The other sites in New Jersey are not?

MS. SCHAFER: They are not posing a threat. They are obviously a threat; otherwise, they wouldn't be on the Superfund list. They are obviously a high priority, or they wouldn't be on the Superfund list. They are not posing an immediate threat to, for example, the Public Water supply. We know, through a hydrogeological study that we conducted at Lone Pine, that leachate is getting into the aquifers and going into the Manasquan River

ASSEMBLYMAN LESNIAK: Twenty-eight hundred gallons a day?

MS. SCHAFER: That's right. But, no current supply of water is being contaminated. We would like to have monitoring wells between the site and the actual water supply source for the surrounding community. We have found that is not being adversely affected. Naturally, we would like to get in there and clean up so that Manasquan can be used when the State so sees fit for a water supply for that part of the State.

ASSEMBLYMAN LESNIAK: We have three sites where remedial action is being taken to a limited extent. We have Burnt Fly Bog, which the design work ought to be completed in December of 1982; we have April of 1983 for Bridgeport. But, the other sites, if it is April of 1983 for Bridgeport Rental, does that mean we are looking at later in 1983 and probably in 1984, before the master plan and the design work

is completed for the other New Jersey Superfund sites?

MS. SCHAFER: May I ask for a little assistance?

ASSEMBLYMAN LESNIAK: Sure.

MS. SCHAFER: I have a staff member who is very familiar with each one of the sites. We are getting into some engineering things that I just don't know about.

ASSEMBLYMAN LESNIAK: Okay.

MS. SCHAFER: Dr. Don Deieso is the Chief of Hazardous Remediation Section for EPA in Region 2. He is quite familiar with the individual sites, and he might be able to address himself to your Bridgeport question.

ASSEMBLYMAN LESNIAK: What about these other sites where we don't even have a design contract bid out yet? What type of time table are we talking about?

D O C T O R D O N D E I E S O: Let me offer a point of clarification that the remedial dollars include feasibility studies.

ASSEMBLYMAN LESNIAK: You define them to include feasibility studies, I don't.

DR. DEIESO: It is presented in the testimony included in the feasibility studies.

ASSEMBLYMAN LESNIAK: Let's go by the definition of remedial dollars, meaning actual cleanup work in one way, shape or form, for removal.

DR. DEIESO: Let me address Burnt Fly Bog: Burnt Fly Bog, as you have heard, and correctly stated, our design would be completed in December of 1982. What remains then, of course, is for construction and its limitation of that design. At Bridgeport, presently, we have 300--

ASSEMBLYMAN LESNIAK: Is Federal government prepared to give us at least \$20 million for Burnt Fly Bog? Is it too early to ask that question?

DR. DEIESO: It is much too premature.

ASSEMBLYMAN LESNIAK: We'll be back in December to ask you that.

DR. DEIESO: At Bridgeport, we have presently a \$360,000 feasibility study underway. I share and fully understand some of the frustration in the siting of each sites' feasibility studies. It is an essential part of the proper and correct engineering remedy. This past year, nicknamed, "The years of the feasibility study", or, "The year of the feasibility study", is so aptly named in that we -- before we can take on any of the construction, before we can take on the implementation of the remedies--we do have to design, and we do have to do this via feasibility studies.

As Jacqueline Schafer mentioned, the feasibility study constitutes 10% of what we usually expect cost of the construction limitation to be. Yes, these are feasibility studies. We have them on-going at most of the 12 sites, and we could go through each if you would like.

ASSEMBLYMAN LESNIAK: I do want to go through the other sites, because it is my understanding that you haven't bid out the contracts for any of the others -- at least according to this statement.

September 29, 1981 - DEP and EPA, recent agreement regarding a feasibility study for Burnt Fly Bog. Not complete until December of 1982. How come? It takes a year and three months to do a feasibility study?

DR. DEIESO: The time to negotiate and complete, the State, once given the Federal dollars receipted on their bidding advertising procedure, took at a minimum -- I'm guessing. It would be best addressed by someone from DEP -- of at least a three month or four month period of time to evaluate RFP's from various contractors, and to make the selection and award, and following the award to very carefully design the type of work -- in this case -- Dames and Moore would take.

ASSEMBLYMAN LESNIAK: Is any consideration being given to an interim or a preliminary report, which could be a basis for the initiation of cleanup effort? You know we

are going to clean up Burnt Fly Bog, right?

DR. DEIESO: Yes.

ASSEMBLYMAN LESNIAK: Okay. Does the whole design program have to be completed, and a completed report be given before a decision is made to spend any money to clean that up? Can't you work on interim reports?

DR. DEIESO: The approach to outline is precisely the one that we follow. We have a commitment. The commitment for the feasibility study is the first step. To commit any further dollars to it would be strictly conjecture.

ASSEMBLYMAN LESNIAK: It is my understanding that you are not going to commit anything until the complete study is done in December of 1982.

DR. DEIESO: The first commitment was in the body of the feasibility study. It was the first Superfund commitment that was made--

ASSEMBLYMAN LESNIAK: (interrupting) No. But for cleanup, can't you have some type of process which would present an interim report to say, "This has to be done. We know we have to do this. Let's go ahead and do it. Why should we have to wait until December?"

MS. SCHAFER: I don't know exactly what the fix is, for example, at Burnt Fly, but, where action has to be taken now and can be taken, or where we can actually segment or separate something, we would do it. Kin-Buc would be an example of that, where we are working at doing something at these leachate pools. Very often, the solution is a comprehensive one, and you really have to know exactly what you are doing before you actually go out and segment the construction.

ASSEMBLYMAN LESNIAK: As of now, there is no emergency action necessary at Burnt Fly Bog?

DR. DEIESO: That's correct. I can also add that there are several sites -- Bridgeport is one -- in which the

proposition you have made is what we intend to do. There is some very quick surficial type of action that we can take, and we can take it prior to the completion of the feasibility study. We recognize it. The completion of the feasibility study is not pending, and we are doing just that at Bridgeport.

MS. SCHAFER: Mr. Chairman, this brings up a point I would like to make. One thing we have found in pursuing this program, it's not like the Construction Grant Program for building sewerage treatment plants, for example, where the technology is fairly known. It is fairly constant. You pull it off of the shelf. It is taught in engineering schools. Each one of these is tailor-made to the situation, and we are the cutting edge of the technology, as far as engineering is concerned, on how to remediate aquifers, and how to control some of the leachate migration. I think that is part of the problem that we are all facing, that we are actually moving along with the technology in this case, and each one of the sites are different. It is possible that in addressing any particular site, you could segment it.

ASSEMBLYMAN LESNIAK: Isn't also one of your concerns the fact that you have to stretch limited dollars to the greatest extent possible?

MS. SCHAFER: That will always be our concern. Yes. Absolutely. We face that in almost every area of public endeavor.

ASSEMBLYMAN LESNIAK: If you had more money, you may do things in a quicker way, more complete--

MS. SCHAFER: I'm not so sure. I think it is our responsibility to make sure that the remedial action we select for any site is the most cost-effective action that we can imply at that site. Yes.

ASSEMBLYMAN LESNIAK: How do you measure cost-effectiveness?

MS. SCHAFER: That is done through a study that is part of the feasibility study. We ask the contractor to

look at a number of approaches to the problem and to lay out for us the most cost-effective one, and then we make a selection based on options that are presented to us.

ASSEMBLYMAN LESNIAK: Does that include the environmental and health hazard being exposed to residents of the areas throughout this--?

MS. SCHAFER: Yes it does. Part of the feasibility study is also an assessment of what the environmental effects of each one of the proposed actions would be. Yes.

ASSEMBLYMAN LESNIAK: How do you balance somebody's life and health against those dollars? It is difficult, isn't it?

MS. SCHAFER: That is one problem that we face every day. Given the risks, we try to do the very best we can, and we are certainly going to--

ASSEMBLYMAN LESNIAK: (interrupting) With the limited resources that you have?

MS. SCHAFER: By definition, with the limited resources. Yes. We are trying to reduce the risk of exposure to people to these pollutants as much as possible.

ASSEMBLYMAN LESNIAK: Within the limited dollars that you have?

MS. SCHAFER: That will always be the constraint. Yes, sir.

ASSEMBLYMAN LESNIAK: Specifically with the other sites, when can we expect some design studies -- the feasibility studies -- to be complete on those sites?

DR. DEIESO: The Burnt Fly Bog site we have--

ASSEMBLYMAN LESNIAK: December of 1982.

DR. DEIESO: Yes. Chemical Control. The D'Imperio site is one that we are presently completing the work on our contract with the State DEP. It will involve a \$300,000 feasibility study. Again, we expect it in mid-August.

ASSEMBLYMAN LESNIAK: In mid-August -- the contract.

DR. DEIESO: Contract.

ASSEMBLYMAN LESNIAK: Would the feasibility study be sometime over a year later?

DR. DEIESO: The feasibility study will follow very quickly within a month or six weeks after the assigning of the contract.

ASSEMBLYMAN LESNIAK: Completed?

DR. DEIESO: Beginning. Six months to the completion is our proposed time.

ASSEMBLYMAN LESNIAK: How about completed?

DR. DEIESO: Within six months it will be complete.

ASSEMBLYMAN LESNIAK: Within six months? Is that standard, six months for the feasibility studies?

MS. SCHAFER: Three to six months. That is what we are working on.

ASSEMBLYMAN LESNIAK: Okay. So, we are talking about that site in the middle of 1983 - Plumsted.

DR. DEIESO: Goose Farm is one, as you very well know, that has previously been addressed.

ASSEMBLYMAN LESNIAK: When is the target date for the completion of the feasibility study for Goose Farm?

DR. DEIESO: Presently, at Goose Farm, the State is evaluating how effective the previous cleanup actions have been. Pending those results will determine whether the site is considered clean, or will require further action. Pending that the feasibility study is in line.

ASSEMBLYMAN LESNIAK: When is the Kin-Buc feasibility study?

DR. DEIESO: It is presently underway. It will move concurrently with the design in a twelve-month operation -- the interim removal system--specifically for the Pool C oil leachate. At the end, we have a sequence such that a full feasibility study is preceding while we are designing and will be operating for twelve months, the Pool C abatement

system. At the end of the twelve-months abatement system, the feasibility study will be complete. We will know at that time what the long-term remedy will be, and then, of course, implementation.

ASSEMBLYMAN LESNIAK: LiPari Landfill?

DR. DEIESO: The LiPari Landfill, presently we have all of our alternatives. They are being evaluated. When that is complete, we expect very shortly construction, and implementation is the next step.

ASSEMBLYMAN LESNIAK: Did you say the feasibility studies are complete?

DR. DEIESO: That is correct.

ASSEMBLYMAN LESNIAK: When was the feasibility study completed?

DR. DEIESO: The piece of the feasibility study, the evaluation of alternatives, was completed in September of 1981. What has taken place in the past several months is the evaluation of those cost-effective criteria and the generation of an environmental information document. That is the document that is so important to us, which evaluates--

ASSEMBLYMAN LESNIAK: (interrupting) The LiPari Landfill feasibility study was completed in September of 1981?

MS. SCHAFER: Let me bring up a point here.

ASSEMBLYMAN LESNIAK: It is now July of 1982. Are we going to wait nine months without any remedial action at Burnt Fly Bog after December of 1982?

MS. SCHAFER: No. Let me explain something that is fairly unique about LiPari, although there are other sites in the State also. The action under LiPari was begun under Section 311 of the Clean Water Act. To do action under Superfund, the law itself requires us to do the cost-effectiveness study and the environmental assessment that we were discussing. That was not done prior to-- along with the feasibility study, which is the normal way to do it. You do those things with the feasibility study. We had to go back

and do the things that are required under Superfund.

ASSEMBLYMAN LESNIAK: Is that being done right now with Burnt Fly Bog?

MS. SCHAFER: Yes it is. The feasibility study that we are undertaking at Burnt Fly Bog has, as part of it, the cost-effectiveness analysis and the environmental assessment.

ASSEMBLYMAN LESNIAK: Is the cost-effectiveness analysis complete for LiPari?

MS. SCHAFER: Yes.

ASSEMBLYMAN LESNIAK: When was that complete?

MS. SCHAFER: It is being completed. Tomorrow I will be going to Gloucester County to a meeting which Congressman Florio has suggested we hold to bring folks up-to-date on exactly where we are. I will be discussing that more in detail tomorrow. It is, in essence, completed. Yes.

ASSEMBLYMAN LESNIAK: If that is complete tomorrow, how soon can we expect Anne Gorsuch to come back to New Jersey to announce another grant?

DR. DEIESO: We expect within the next few weeks to have a firm idea on which alternative we will implement. The next step for us then is to go to the Department of Environmental Protection. We have already begun this negotiation, to sit with them and negotiate a contract. We don't expect it to take longer than August 15th to finalize that contract. Once the contract is in place, then the construction is what the contract will be for.

ASSEMBLYMAN LESNIAK: It will take about a month to negotiate the contract?

DR. DEIESO: To negotiate, to finalize, and to prepare for a final signature.

ASSEMBLYMAN LESNIAK: About a month or two months. Then it has to be bid out?

MS. SCHAFER: Right.

DR. DEIESO: The actual construction, yes.

ASSEMBLYMAN LESNIAK: How long for the bidding process?

DR. DEIESO: The construction will be through the corps of engineers. Their time estimates for advertising--

ASSEMBLYMAN LESNIAK: (interrupting) Five to ten years, right?

DR. DEIESO: Two and a half months.

ASSEMBLYMAN LESNIAK: Two and a half months. That would be standard for any other site in New Jersey?

DR. DEIESO: Yes.

ASSEMBLYMAN LESNIAK: Realistically -- I do want to try to pinpoint as much as we can -- we are probably talking, as far as Burnt Fly Bog, without any remedial work until mid 1983. Is that a fair assessment?

DR. DEIESO: Actual shovel-in-the-ground type of construction? I would think that is reasonable.

ASSEMBLYMAN LESNIAK: You don't have a date for the feasibility study of Lone Pine Landfill for completion?

DR. DEIESO: The feasibility study has begun. We expect a six-month project period for the feasibility study.

ASSEMBLYMAN LESNIAK: Again, we are talking about December or January, or somewhere around there?

DR. DEIESO: Yes, and early spring for the actual completion of the feasibility study.

ASSEMBLYMAN LESNIAK: Early spring? For Lone Pine, we are talking about Fall of 1983, before the bulldozers or whatever you do come in - or contractors?

MS. SCHAFER: Mr. Chairman, we are giving you our best estimate right now. I realize that it is sometimes risky putting dates in, especially if we don't need them. I realize that is part of what you are trying to establish now.

ASSEMBLYMAN LESNIAK: I'm holding you to the four seasons, that's all.

MS. SCHAFER: This is what our targets are, this is what our intention is, and we will try to meet them as we proceed.

ASSEMBLYMAN LESNIAK: How about Pijack Farm in Ocean County?

DR. DEIESO: The contract with -- in this case -- a cooperative agreement with DEP, will be in place by August 15th. The same is true with Friedman, Friedman Property, and Spence Farm.

ASSEMBLYMAN LESNIAK: Then about another six months for the feasibility study?

DR. DEIESO: Yes, with one exception. In the case of Spence Farm, we expect that there is some surficial cleanup action that we can take. This falls into the category of your suggested quick action. If there is something we can do prior to the completion of the feasibility study and expense, this is definitely a candidate, and we are seriously investigating it now.

ASSEMBLYMAN LESNIAK: What about Price's Landfill? When is that feasibility study going to be complete?

DR. DEIESO: The feasibility study is being completed now. We expect a draft within the next three or four weeks - certainly by mid-August.

ASSEMBLYMAN LESNIAK: I'm sorry. We have a late arrival, the Vice Chairman and I have to go by protocol. Tony, do you have any questions?

ASSEMBLYMAN MARSELLA: No, not at this time.

ASSEMBLYMAN BENNETT: It is very late and there are many people who want to testify who have places to go, so I will try to go very quickly. In your testimony, you mentioned that the State may apply for a deviation under EPA general grant regulations in order to speedup that procedure. How long does that generally take now, if one wishes to go ahead on a state level and go through this deviation in order to get an approval? What is the time table on that now, if

the State comes to you and says, "Hey, I have \$600,000, and I want to proceed to move ahead on it, but we want to be sure that will count for matching dollars." What are we talking about, on a time frame?

DR. DEIESO: As a first step, we would have the cooperative agreement or the contract filed, and that request is a deviation to that cooperative agreement or contract. If that is the first condition, the deviation could be a short a period of time as two or three weeks.

ASSEMBLYMAN BENNETT: The Friedman Property, which happens to be in this legislative district, you said it is hopeful that you will be having the cooperative agreement announced by August 15th of this year. When did you start working on getting into that cooperative agreement? At what time frame did those negotiations commence?

DR. DEIESO: We had drafts and had performed the remedial action master plan studies on these sites back as far as six or eight months ago. The work is coming to fruition now, and if we have those preliminary documents, then it would permit us to well define the scope of work that is part of the cooperative agreement.

ASSEMBLYMAN BENNETT: While the feasibility studies are being done, are the alternatives being explored as the data is collected, or is it after all of the data is collected that one sits down to determine the alternatives that are as a result of the study? For instance, on Burnt Fly Bog, the study is on-going right now. Will we be looking at the Dames and Moore data as it is collected and be reviewing it to determine what direction to go, or do we wait until December 2nd, when the study is completed, and then review all of the data?

DR. DEIESO: The study has a part, and the part that will be reported on December 2nd or 3rd is the actual conceptual design. In the case of Burnt Fly Bog, it would be a detailed design. So, during the course of the study,

the contractor has the responsibility of generating, investigating, being comfortable with all of the physical characteristics of the site, and, he will take as much information as he feels necessary to come up with his design--adequate to accomplish the objectives of our cleanup.

ASSEMBLYMAN BENNETT: When the study is completed, then bids could be drawn immediately for the specifications for the cleanup? By December 15th, we could expect the bids to be going out then? Is that possible?

ASSEMBLYMAN LESNIAK: No.

DR. DEIESO: It takes a little more time to convert the detailed design into a bid document. The bid document is what a contractor would use to properly evaluate everything you are asking of him, and then come up with his best estimate for cost. That transition from detailed design to bid document can be assured as a month, if the project is not a detailed one, or it can be a month and a half to two months if it requires quite a bit of detail.

ASSEMBLYMAN BENNETT: I won't ask anymore questions. Personally, I would like to thank you very much. As I said to you before, don't be surprised as these dates come up, I truly feel that it is the function of this Committee, and those of us as legislators, to pursue and ask these questions and continue to ask the questions. If we become a thorn in the side, that is not our intention. As you are attempting to do your jobs, we are also attempting to do ours. We may, in fact, become repetitious when it comes to these questions, but it is very paramount to our concern to receive those answers.

MS. SCHAFER: Assemblyman Bennett, this is a matter now of trying to manage the projects that we have in an efficient way. The money is there and the commitment is there to move ahead. There is no question about the fact that we are all committed to getting something done. Now it is a matter of just making sure that-- When all of these

feasibility studies come due at the same time, they are going to have to be looked at very carefully. We need to smooth out the flow of the work, as far as the staff is concerned. That is something that is holding us to a particular day to the 15th as distinguished to the 16th or the 20th, or something like that. This is our target. This is what we are shooting at right now. What we are trying to do is demonstrate that we are pledged to moving ahead aggressively on all of the sites in New Jersey. With the excellent cooperation which has been demonstrated between the EPA and the State Department of Environmental Protection, I think we can get the job done, in spite of your concerns about the lags that have taken place in the past.

ASSEMBLYMAN BENNETT: If they are not done on the 15th, I'm not holding you to the 15th, but on the 16th, I want to know why it wasn't done by the 15th.

MS. SCHAFER: That is somehow the feeling I had when we started talking about the 15th, but that is the general time frame. Moving towards the end of the fiscal year, we would like to see some feasibility study done or underway on all of these sites.

ASSEMBLYMAN LESNIAK: Elliott?

ASSEMBLYMAN SMITH: Thank you, Mr. Chairman. I think you can recognize the frustrations which we are going through in this particular instance. It is not uncommon to go through these in many bureauracies of this type. I hope you will recognize our frustrations. As John has just said, we need information, and this is a good forum for this. We would want to ask and request, as we do request from time to time, an update as to where these projects are, because they are very close to all of us, depending on who's district it. Collectively, they are close to all of us because we represent a given district in New Jersey, but we represent the whole State as well. We are concerned about the whole State. That I want to leave with you so

you understand where we are coming from. As John said, we are going to be bugging you. Believe me, we will. But, we do want the information and we are frustrated.

One of the things I would like to ask is this: Is it possible to review your procedures? Is it possible to get away from as much duplication of effort? In New Jersey, we are moving ahead. We are going to get a priority list of sites. Are you going to be duplicating that? Are you going to take our word for what we feel in New Jersey, what DEP is worth, for instance? They are responsible for selecting these sites. Assemblyman Lesniak and myself are getting legislation in place to do just that. Is it necessary for you to come in and reevaluate these sites once DEP has done it? Is it necessary for you to do a complete analysis again if DEP has already done a complete analysis? If you do that, what is the experience in correlation between data? We are finding that municipalities will go out and hire a contractor to come in and do an evaluation. The Department will then go in and do an evaluation, and sometimes they are at odds with each other, the interpretation or technology, if you will, of test data and the like and the method of taking it. These are all things that are bogging this thing down. In the meantime, we have people that are frustrated in their own homes because they were drinking water-- They may want to sell their home and they can't sell it because there is a water problem in the area, or there is a threat of a water problem. They would be psychosomatic; they would be getting ill because of nothing getting off of their minds and their nerves and their frustrations.

These are the kinds of things that we live with very closely. These are the kinds of things that frustrate us and our constituents and the people directly involved. We want to leave that with you so you understand.

Specifically, getting back to the duplication of effort on our selection of sites and priority lists, are you

going to accept those, or are we going to have to go another six months until you get your sites in place?

MS. SCHAFER: Our principal objective is to rely on the State. We are working very closely with the State to develop information about sites so that we can compress the amount of time that it takes to identify sites. Our general way of operating is to rely on the State for advice on candidates to put on the Superfund list.

ASSEMBLYMAN SMITH: What about data? When we collect the data, or someone has corrected data, a contractor or whoever has presented data, have you found correlation to data pretty accurate, or has there been some discrepancies?

DR. DEIESO: We must assure ourselves that the numbers that are generated in taking samples of water, well water, or drinking water, that the methods of analyses and the methods of taking the samples conform to high standards which the agency proposes and uses. In certain instances, we find that a random sample that is improperly labeled, handled, or analyzed, and the results generated therefrom, are just not acceptable to us, and a number on which we could not base a scientific decision. In those instances, we will go back and repeat, using our very stringent procedures for sampling an analysis, to confirm that piece of data.

ASSEMBLYMAN SMITH: I understand that, but what I am saying is, for instance, if there comes a gray area, some of these will jump right out at you. I can understand that. It is just off-the-wall. It doesn't conform at all, and it is very obvious that it doesn't conform. When you get into areas that are intermittent, water table levels change with rainfall, and the like, and these wells sometimes will be contaminated at certain times and not at others. These are the kinds of gray areas that we are going to get into and continually get into. We are in one right now, in my district, with that same principal. This is the thing that we are concerned about. Everything seems to stop, and

what we are going to study would take another six months or another year. In the mean time, the scenario that I described to you about the individuals and the constituents becomes worse.

DR. DEIESO: I can assure you that we do our best to use as much existing information and data that we can. In fact, in part of the feasibility study, we will amass all of the existing information that we can on a site, whether it was done by the municipality, the county, or the state, and it is at that time that we very carefully screen it and note which pieces of that study or scientific investigation can be used and will be used. And, whenever possible, we salvage, if strictly from the economic concerns so that we will not go back and repeat at the taxpayers' expense, more--

ASSEMBLYMAN SMITH: This, quite frankly, is what we are asking. We are asking you to take a good hard look at these things and speed the process up as much as possible. We don't want to see taxpayers' money purposely spent and thrown away either. That is our responsibility as an oversight also. On the other hand, I have seen, in my experience, over and over again, things being studied to death -- I am talking about the environmental impact study -- and nothing happens, and in the mean time, things continue to deteriorate. That is the message I would like to leave with you people; you use what you can, move it along as quickly as possible, and cut down the frustration period for not only the Legislature, but the people. They are the ones that count.

MS. SCHAFER: Assemblyman Smith, what is the site you are referring to?

ASSEMBLYMAN SMITH: Pardon me?

MS. SCHAFER: You said working through an experience.

ASSEMBLYMAN SMITH: This is one that the State is working on with the local municipality. It is number 16 on our \$330,000,000 site.

ASSEMBLYMAN LESNIAK: Jacqueline and Dr. Deieso, I want to thank you for coming down here. We will be in communication with you again. I want to leave you a message to take to Anne Gorsuch, to Mr. Watt, to the President of the United States, and to Congress: we had a recent study done in the State of New Jersey that showed a correlation between a very high instance of cancer-- that location to chemical dumpsites. Every single day that goes by, we are going to continue to expose our residents to higher cancer rates, to birth defects, and to all kinds of ailments when action is not taken. I, personally, do not -- I am not directing this to you, but to the people you work for, and to the Congress of the United States -- think that two and a half years from Superfund to get the shovels in to clean up Burnt Fly Bog-- I don't consider that to be aggressively pursuing the problem. If I had waited that long for Elizabeth in Chemical Control, I probably wouldn't be sitting right here. I would have been blown up with the City of Elizabeth when that fire went up.

The major problem is that we are stretching insufficient dollars, \$1.6 billion -- I think both of you know, as you sit there, in your conscience, that \$1.6 billion is grossly insufficient to deal with this problem in New Jersey and throughout the United States. I would hope that someone in the Administration and the people in Congress would join up and have the courage to stand up and say we need more money, we need a lot more money, and that people's health and lives are being threatened because we do not have sufficient money. Thank you very much.

We are now going to take a break for lunch. Jacqueline, we will be in touch in the future. Thank you for a job well done.

MS. SCHAFER: Thank you very much, Mr. Chairman and members of the Committee.

ASSEMBLYMAN LESNIAK: We are not adjourning. Everyone come back. We are not adjourning because we have to hear from DEP. George Tyler, a very important part of the Administration, the DEP Assistant Commissioner, is here to testify, and I don't want to lose him. Thank you, George.

G E O R G E J. T Y L E R: Thank you, Assemblyman. I will be as brief as I can.

ASSEMBLYMAN LESNIAK: George, we know all of the background information that you have in your prepared statement. We will enter the prepared statement into the record of today's meeting. Can you shed some light on what has already transpired this morning, and in reference to the other 26 sites that are included in the Appropriation Act that are not on the Superfund list?

MR. TYLER: I think I can. I would like to begin by thanking the Committee for the opportunity to testify this morning.

There is no area of environmental protection - air pollution, radiation, pesticides, or noise control -- that so stirs the public's interest and so arouses the public concern as proper management of hazardous waste. As you know, New Jersey ranks second in the nation in industrial chemical output. We are blessed with the unique and very fragile ecology at the same time, so we may well have the worst disposal problem in the nation.

We have had an exemplary record, I think, over the past 3 or 4 years from the Legislature, the executive branch, the public, and the industrial community of the State in dealing with this problem. Just a short look at the legislation that has passed in New Jersey since 1977, commencing with the Spill Act; 1980 amendments to that Act made New Jersey the first state in the nation that could clean up hazardous waste with a State funding source. The 1980 amendments to the Solid Waste Act made New Jersey a leading

state in enforcing criminal penalties against violators of hazardous waste rules. The 1981 Bond Act and the 1981 Sanitary Landfill Closure Act are both landmark laws in terms of providing resources for hazardous waste and toxic waste cleanup. In 1981, we also saw S-1300 passed, which is another very important component of the problem - the major hazardous waste facility siting act.

On the administrative side, too, I think, we have made remarkable progress. I will take off just a few of the things we have done:

Quite recently, Commissioner Hughey has reorganized all of the Department's waste management functions into one comprehensive division of waste management. At the same time, he has established an Office of Special Funds Administration to begin to deal with the red tape of moving these contracts and procurement authorizations through the process. In Fiscal Years 1980 and 1981, we saw a 6-fold budget increase in our regulatory side of the toxic waste management effort, and a 3-fold budgetary increase on the Spill Fund cleanup side. We have adopted comprehensive new regulations for manifest, for storage treatment, and for disposal. We have established 2 task groups to deal with siting criteria and priority criteria to be ready to implement legislation, which is now pending. We have established a Strike Force to deal with criminal violations associated with hazardous waste disposal. We have adopted numerous new procedures for financial control. I think later you will hear from the Administrator of the Spill Fund on some of those things that we have done. We have engaged in several major audits and reviews of what has gone on before.

ASSEMBLYMAN LESNIAK: George, you are going through a list of my legislation, and I appreciate that.

MR. TYLER: I realize that. What I wanted to say in conclusion was that we are really blessed in New Jersey with an exemplary legislative oversight and review of hazardous waste and toxic waste problems.

It has been a bi-partisan effort. I compliment the Committee, especially the Assemblymen that are before me today, for that effort. I just want to say that we wouldn't be where we are today if it hadn't been for those laws and those rules. At the same time -- this is my last comment -- I invite the continued review that this type of hearing provides because I think in that way, you get to hear some of the problems we face implementing those laws. You also get to hear and keep us on track. I appreciate the opportunity to be here today.

ASSEMBLYMAN LESNIAK: George, I appreciate those comments, and I appreciate the laundry list of legislation that the Legislature passed. I want to say this: over the last 7 months, I could not be more pleased with the cooperation that I have gotten from DEP in our legislative initiatives. I hope and I expect that it is going to continue.

What we want to know, specifically, today is, what is happening with the money that was appropriated under the \$33 million bond act?

MR. TYLER: I will just begin by saying that New Jersey was one of the first states to respond to the call from the Federal government for sites to be put on the Federal Superfund list. Of the 114 sites, New Jersey has 12. Of those 12, as you have discussed with Jackie Schafer, we have already negotiated agreements or contracts on 3 of them under Superfund, and 1 of them under the Resource Conservation Recovery Act. In addition, we are negotiating with EPA right now on cooperative agreements or contracts on 6 more of those sites, so, we will be up to 10.

ASSEMBLYMAN LESNIAK: George, put the Superfund sites aside; I think we went over them very thoroughly. What about the other 26?

MR. TYLER: The other sites in the-- First of all, a good chunk of the bond issue is the 10% match for Superfund, which is why I was addressing those. In addition, the non-

Superfund work is preceding under the bond issue at this point in time.

Keep in mind that a lot of the work is actually being done with authorizations from the Spill Fund, because the bond issue is passed as insurance for the Spill Fund. The Spill Fund must be tapped out before the bond issue dollars are actually used. We are doing this work, and it doesn't show, I don't think, as a draw-down from that appropriation as yet; when the actual work in the field is underway, it will.

I have a very brief status report on these sites. Then I would be prepared to supplement that if you wanted something specific on each one.

ASSEMBLYMAN LESNIAK: Could you please? I'm not going to ask for it off the top of your head. Could you submit, for the record -- we will hold the record of this hearing open -- a status report on all of those 26 sites?

MR. TYLER: Yes, I would be happy to. Absolutely. Do you want me to take them off at this point?

ASSEMBLYMAN LESNIAK: Do you have it with you?

MR. TYLER: It is very cursory.

ASSEMBLYMAN LESNIAK: Very cursory?

MR. TYLER: Yes.

ASSEMBLYMAN LESNIAK: If you can go over the cursory list now, and then submit the status report--

MR. TYLER: And then submit the status report, absolutely. I would be happy to do that. The list, as I have it, is not in any order of priority.

The Bog Creek Farm site in Howell Township in Monmouth County, we have prepared a scope of work, and we are working on that through the financial process to put that out for bid. The Myers Property in Hunterdon County, we are doing sampling through our Office of Cancer and Toxic Substances to determine the need for cleanup and the nature and extent of the problem at the site.

ASSEMBLYMAN LESNIAK: George, if we are just developing the need for cleanup now, why did we appropriate the money back in January?

MR. TYLER: The money was appropriated based on the information that we had available at that time. We have various degrees of sophistication in the information we have available for 400 sites.

The urgency to move an appropriation bill led us to use the information we had available at the time, which was in some cases very detailed. For example, LePari has been studied, and studied, and studied, and in the other cases of sites I just ticked-off, we had a skimpier amount of information. One of the early decisions we made in moving on this site was that we needed more information. It is always possible that in a given case the information you develop could show that you don't need to spend money for a cleanup. That is good government, I think. That is fine, we studied it, and the problem is not there. That is great. Let's go on to another site.

ASSEMBLYMAN LESNIAK: George, may I ask who is sitting along with you?

MR. TYLER: I'm sorry, I neglected to introduce David Mack, Staff Attorney with the Department, and in fact, our leading Superfund and State Spill Fund legal expert. If you want to know the answer, and it relates to Superfund, ask Mr. Mack.

There is a drum dump in North Bergen. We are in receipt of 3 proposals at this point for surface cleanup work. As soon as we select a contractor, actual cleanup work will begin there. There is a drum dump in Carney, in Hudson County, which was recently cleaned up by the owners of the property. Since one of the first steps in any of our cleanups is to notify any possible culpable parties--

ASSEMBLYMAN LESNIAK: (Interrupting) As a matter of fact, you are required to do that.

MR. TYLER: Yes. That is correct. Absolutely. They, in this case, responded and did the cleanup with our oversight and our supervision. 610 South 13th Street in Newark, we began cleaning up the approximate 400 drums on that site in February, and my information is that has been completed. The Gems Landfill in Gloucester County, which is particularly a serious and major case, I think, we have put out an RFP-- Excuse me. We are developing an RFP for a feasibility study and a hydrogeological study. We have submitted a Superfund application.

ASSEMBLYMAN LESNIAK: What site is that?

MR. TYLER: Gems Landfill, Gloucester Environmental Management Services Landfill, Gloucester Township, in Camden County. We are putting out a scope of work right now to put a fence around the site as an interim step.

The Roosevelt Drive-in Site in Jersey City was cleaned up by the owners with DEP monitoring the operations. There is a trailer in Bayonne where the owners have agreed and negotiated settlement with us to remove drums, and that operation should begin within a month.

The Kiswati Farm in Hillsborough Township, we are still engaged in groundwater and monitoring at that site. Recent geologic information that we made available to us changed somewhat our thinking, not an intent to clean up, but the need for emergency installation of water supplies.

ASSEMBLYMAN SMITH: May I ask you a question, George?

MR. TYLER: Yes.

ASSEMBLYMAN SMITH: That is the one that I am concerned with. By the geological substrata, evidently, there is some controversy between you and the contractor that did the original work.

MR. TYLER: Yes. Right.

ASSEMBLYMAN SMITH: This was really going to make the cleanup and the overall picture of that particular site

even more intense because you are including a lot more people by doing that. I am just concerned that we are not going to stop at this point now and say, now we are not going to do anything, we are going to study them for another 6 or 8 months. Those people up there are really concerned.

MR. TYLER: We are not going to stop. We may have to study. It may sound like a bureaucratic cop-out, but we have to know what we are doing before we cut a contract with an engineering firm or a construction firm to move in on a site. In this case--

ASSEMBLYMAN SMITH: We are talking initially about our alternate water supply.

MR. TYLER: Absolutely. Frankly, aside from the proximity of this particular drum dump in this particular case, public water supplies make eminent sense as a matter of public policy anyway. So, it is something that we continue to move on anyway. All I meant to imply was that -- in fact, it was good news -- the monitoring data showed that the water in the homes was cleaner, in fact, very clean, and did not show any traces of toxic substances. That was viewed as a mixed bag because on the one hand, while it was good news that there wasn't any toxic substances in the water, it did take some of the urgency with which we were moving on the project away in the minds of some of the local officials. I assure you, we are continuing to move on the job, and we will be responsible in any decisions we make on that job.

ASSEMBLYMAN SMITH: It is very important, not only because it is my site, but all of these sites are important to us, throughout the State. When you get a call from a woman who is trying to sell her house, and she can't sell her house because-- and she has to get out because she has certain economic problems. Those are the kinds of things that we feel and we get frustrated about and the citizens get frustrated about. I just wanted to press upon you that we have to keep moving on all of these.

MR. TYLER: I share your frustrations. I think the real answer is that we have to make sure that the people we have in government have enough energy and enough drive to keep exercising the system to get through this rather awesome list. I will submit as part of the record of today's hearing, Assemblyman, a copy of our complete priority list, including the list of work that we have completed up-to-date as of June or July.

I have just 2 or 3 other sites that are in the bond issue: The Newark Site in Essex County, we have removed 200 drums and completed that job. There is an oil recovery firm that is no longer there in Camden County. We have issued a scope of work and submitted a Superfund application on that site.

I expect some of the sites that were listed for strictly State work in the bond issue and in the Appropriations Bill, we will be making Superfund applications on. We may come back for an amendment to that appropriation bill. Why will we do that? To try to attract more Federal dollars to New Jersey.

ASSEMBLYMAN LESNIAK: The only problem with that is, if we wait for Superfund to do the work, we will probably be waiting 5 more years.

MR. TYLER: It is a question of exercising our judgement as to whether we are better off waiting for the Federal dollars in certain cases, or moving with the State's own resources. I feel fortunate, as an administrator, that we have that opportunity to select from several different funding sources at this time, where 2 years ago, there weren't any.

ASSEMBLYMAN LESNIAK: George, you don't think that \$1.6 billion is enough for Superfund, do you?

MR. TYLER: No. New Jersey's testimony consistently lobbying for Superfund was always that that was insufficient. We lobbied for, over the years, a much larger amount of money.

ASSEMBLYMAN LESNIAK: Assemblyman Bennett?

ASSEMBLYMAN BENNETT: How much of the \$20 million that we appropriated has been expended, if any? Or, have we been strictly dealing with the Spill Compensation dollars to date on these sites?

MR. TYLER: Yes. That is right.

ASSEMBLYMAN BENNETT: So, not a penny of that \$20 million that was appropriated has been touched?

MR. TYLER: By law, we have to exhaust Spill Fund before we can use the Bond Issue. The Spill Fund is, in fact, not exhausted, so, there is no need or any reason at this point in time to turn to that Bond Issue. Other than that, it is an authorized funding source so that we can legitimately, under the State's procurement laws, hire contractors to do the work. In other words, it is very helpful to us to have that appropriations bill in place. For example, on the Superfund side, we are one of the few states that can say to EPA, "Wait, we have the 10%, so, negotiate with us". When you negotiate after you have finished the feasibility study and actually do a design and construction contract, then you are going to have to turn to that immediately, because those design construction contracts for each site are going to be a lot more than the \$300,000 or \$400,000 that we are using for a feasibility study, and when you are going to actually start moving steam shovels and bulldozers, and you are going to talk \$3 million or \$4 million at each site. That--obviously, the Spill Fund can't sustain. It only raises about \$8 million or \$10 million a year.

ASSEMBLYMAN SMITH: Is it a fact that those bonds have not been sold yet?

MR. TYLER: I'm not--

ASSEMBLYMAN SMITH: The last time I checked, they had not been.

MR. TYLER: As far as I know, it is not. I have to tell you from my perspective, I don't think it matters. I guess you can ask the Treasurer, because with all of the other

bond issues that we deal with in the Department, water supplies, or sewers, we have never been worried about when the bonds are sold or when they aren't. What I think happened in this case, if I might, is that the Attorney General raised a legal question with whether or not the bonds could ever be sold. That made everyone very concerned about whether or not the bonds are sold. That has been cleared up. At this point, I assume that money is there. It is appropriated to us by law. Whenever we need it, we will apply to draw on it.

ASSEMBLYMAN LESNIAK: The Treasurer can certify the release of that money in anticipation of a bond sale. So, the sale of the bonds have not been a problem at all, in terms of the cleanup of these 26 sites?

MR. TYLER: Not yet, no.

ASSEMBLYMAN SMITH: As I understand it, you will make the request to the Treasurer when you are going to get into these funds, and they will make it available to you?

MR. TYLER: That is how the process works at this point in time, yes.

ASSEMBLYMAN LESNIAK: Unless the Committee members have any other questions or unless George has anything to ask, George, what I would like to do is, there are some municipal officials here. I would like to give them the opportunity, through me, to ask you any questions.

MR. TYLER: I would be delighted to try to answer them. I have to tell you in advance that I am not terribly familiar with each specific site. But, I will be glad to provide any answers I may have.

ASSEMBLYMAN LESNIAK: I am sure that they would be delighted if you would answer them. If you can't answer them today, you will respond to them when you know the specific answer.

MR. TYLER: I will do my best.

ASSEMBLYMAN LESNIAK: Thank you. Do we have anyone from any municipality that would like to ask DEP a direct question?

Now is your opportunity. Tex Aldredge, from Jersey City.

E A R L Z E L A T E X A L D R E D G E: I have a question. Has he actually seen the site, himself?

ASSEMBLYMAN LESNIAK: Tex, all of the questions have to go through me. I don't know if it is appropriate to ask an Assistant Commissioner if he has to actually see a site. There are many people who work for DEP that could do that responsibility.

MR. TYLER: The answer is no. I have not, in that case.

ASSEMBLYMAN LESNIAK: The answer is no.

MR. ALDREDGE: (Inaudible)

ASSEMBLYMAN LESNIAK: Is that site on our list now?

MR. TYLER: I indicated that the owners were funding the cleanup, and that we were monitoring the operations.

ASSEMBLYMAN LESNIAK: How long do you expect to give the owner to clean up the site?

MR. TYLER: I don't have that information. That is part of what I would be glad to provide to you, but I don't have that now.

ASSEMBLYMAN LESNIAK: Tex, what DEP will do--and I would ask you, George, with a copy to me -- is notify the Mayor of Jersey City, and of course, Tex, regarding what timetable they expect to give the owner to clean up that site.

MR. ALDREDGE: Thank you.

ASSEMBLYMAN LESNIAK: Are there any other questions? Can you identify yourself?

M A R Y A N N B A N C R O F T: My name is Maryann Bancroft from Howell Township. I heard Bottle Creek Farm mentioned on the list. I couldn't hear exactly what you said. Could you repeat what you said about Bottle Creek Farm?

MR. TYLER: All I indicated was, a scope of work has been developed for a feasibility study. That would then have to go out for bid to hire an engineering firm to do that

feasibility study.

ASSEMBLYMAN LESNIAK: Do we have a timetable?

MR. TYLER: No.

ASSEMBLYMAN LESNIAK: How about a timetable for the feasibility study?

MR. TYLER: We don't have that either. We have simply prepared the scope of work. Right now-- I neglected to mention in my prepared testimony that we have, because of the opportunity presented by the movement we have seen on Federal Superfund, diverted a great deal of our staff effort at this point in time. We created 2 task forces to move very quickly on Superfund. At the end of this month, we hope to file 100 additional applications to get them into the Federal system, because the EPA has indicated an intent to expand the list from 100 sites to 400 sites by the end of this calendar year. I believe that was the testimony given earlier. We want to make sure that New Jersey at least qualifies as many sites as possible so that we do have the opportunity of picking and choosing between funding sources, if that is the case. As a result, some of the State work has been deferred. I am not aware of exactly where we stand with the Bog Creek Fram scope of work, but, I don't think we have a schedule in mind yet for letting that contract and for hiring anyone. I may be wrong; I hope I am. I will be glad to check it and provide it to Mrs. Bancroft and to the Committee.

MS. BANCROFT: Our other concern is, whether or not the DEP knows that this property is being inhabited and being used as a public recreation facility. So, if this property is a dangerous toxic site, I would like them to know that this involves the people living there and the people that go there for recreation.

MR. TYLER: I will be glad, as I said, to look into it. I will get back to you. I am not aware of the details.

ASSEMBLYMAN LESNIAK: I would be personally interested in this particular site. What are people doing around the site?

MS. BANCROFT: There is someone there renting a facility. They have horses, they rent the horses out, and the people ride on the property.

ASSEMBLYMAN LESNIAK: They go over the site?

MS. BANCROFT: The horses are raised there, the people stable them, and the people ride around the property.

ASSEMBLYMAN LESNIAK: It sure sounds very serious to me.

MR. TYLER: As soon as I get back to Trenton, I will find out.

ASSEMBLYMAN BENNETT: I am concerned about if the Legislature, in fact, does an appropriation bill and specifically has sites in there, why don't we have a timeframe on Bog Creek? Why don't we have anything, except we do the scope of the work, and we don't have--

MR. TYLER: I read you the list of 20 or so sites and what we have done. There has been varying degrees of work on each one. If I had one site, you would have it done. Last year and the year before, we did 2 major sites and 18 minor sites. They strapped the resources of the Department. I would suggest that the Department would be lucky to manage more than 3 or 4 major cleanups in any one year. I said that before your Committee earlier. These are labor intensive, they are technically complex, they are legally, and incredibly complex, both in terms of law suits against possible couplable parties, and in terms of procurement laws; hence, our initiatives and EPA's initiative to try to work together to maximize the Federal resources that we draw from Superfund and from the corps of engineers and that way, we multiply the staff and the talent available to deal with these sites. There is no way -- I don't think anybody really expects this -- in any kind of reasonable dispatch,

we can move quickly through 400 sites.

ASSEMBLYMAN LESNIAK: Twenty-six.

MR. TYLER: That's right. These are the 26.

ASSEMBLYMAN BENNETT: George, in all sincerity--

MR. TYLER: There are 18 others that we have already cleaned up. There are 11 others in various states of decontamination, and I gave you the status report on these sites. They are not going to happen over night.

ASSEMBLYMAN BENNETT: With all due respect, I understand it is not going to happen over night. But, I personally find that answer totally unacceptable. I think if the Department had the sufficient data to come forward and ask for a certain amount of money, and the Legislature responds immediately, I do not expect the DEP not to be able to pursue what they ask for in the first place.

MR. TYLER: We are pursuing it.

ASSEMBLYMAN BENNETT: You are not on the site. You are not.

MR. TYLER: I indicated that my engineering staff had prepared a scope of work. I realize that it is not a terribly significant step. But, it is one step.

ASSEMBLYMAN BENNETT: Well, it was \$600,000 for Bog Creek that the Department came forth and asked for. I would certainly expect that because of its proximity to the Manasquan and the hole over on the Manasquan River project also, that would be one that would be pursued. Just that you turn around and say we don't have the sufficient personnel to do it, you have \$20 million plus compensation fund, and go hire the contractors to do the study.

MR. TYLER: None of that is available to us in terms of--

ASSEMBLYMAN LESNIAK: Can we not appropriate money from either the Bond Act or the Spill Fund Act for administrative purposes?

MR. TYLER: You do, under the Spill Fund at this point in time.

ASSEMBLYMAN LESNIAK: We can?

MR. TYLER: You can and you do.

ASSEMBLYMAN LESNIAK: Why don't we?

MR. TYLER: You mean why don't we do more?

ASSEMBLYMAN LESNIAK: Yes. We haven't had a request from you to do it.

MR. TYLER: The Spill Fund budget was part of the State general appropriation. In fact, there is an appropriation for staff to implement these laws. I'm not trying to argue with you--

ASSEMBLYMAN LESNIAK: I am just saying, would more staff be helpful? We are willing to give it to you.

MR. TYLER: There is only so much that the system can absorb at any one time. That has been a long standing problem. Once you pass a law and once the money is appropriated, that raises the public expectation of immediate action. The next step, having to be a study step, a feasibility study step, and the fact that they are competing priorities, leads us to this kind of discussion. I think the departments acted responsibly at moving on these sites. I will be glad to provide you with detailed reports on them, as well as all of the other work that Spill Fund-budgeted staff has done. In fact, if you conclude that additional staff researchers are necessary, then we will be happy to try to absorb them into the system.

ASSEMBLYMAN LESNIAK: You know we can't conclude that. You have to conclude that, and advise us accordingly.

MR. TYLER: Right. I have, on numerous occasions, asked for additional staff.

ASSEMBLYMAN LESNIAK: I would ask you and direct you to consider that. If it will help get these sites cleaned up -- I can at least speak for two, if not more, members of this Committee -- we will get you the money for it.

MR. TYLER: Okay.

ASSEMBLYMAN MARSELLA: May I ask a question, Mr. Chairman.

ASSEMBLYMAN LESNIAK: Sure.

ASSEMBLYMAN MARSELLA: George, how many companies are available to do the studies? Are there many available?

MR. TYLER: How many companies?

ASSEMBLYMAN MARSELLA: Consulting companies, to go out and actually do the physical work? Is that the problem that we are having?

MR. TYLER: There is a step in the procurement process that is about to be taken that will solve that problem. It is a present problem for the State. We are operating under a contract that was in 1979, which was primarily an oil spill cleanup contract document. With the advent of hazardous waste and then with the mass amount of resources that were dedicated to the Chemical Control and Goose Farm cleanup, we found, quite clearly, that contract was not sufficient and not adequate in terms of the kind of people it attracted to bid on it -- not that there was anything wrong with what they were doing, but, they were simply cleanup contractors, not engineering and consulting firms. It was geared more towards strictly emergencies. We are about to let a new contract which at least 200 firms have expressed an interest in bidding on. We also made a policy decision between the Treasurer and the Department, to move on a more standardized bidding and procurement basis. In fact, I have established a Procurement Committee for these types of contracts, made up of engineers and financial experts from State government. I don't think that is a problem right now. I think when we take that next step, that will clear it out.

It has been a problem in the past. It is one of the reasons I have stressed in my prepared remarks that the Chemical Control and Goose Farm experiences were learning steps for both New Jersey and through the rest of the nation.

Just yesterday, I spent an hour on the phone with the New York City Environmental Commissioner, talking about the experience we had in procuring services to do hazardous waste cleanups. We have set a trend and we have established a model. It is always tough when you are breaking new ground. I think we will remain in the forefront. If you visit us, and I know you will, again, in December, and continually through the coming years, you will start to see a lot more progress. Right now, we are forced by law to do these up front studies and analyses, and we are forced by good common sense. The other thing is, New Jersey moved through a list of about 25 sites very quickly in 1980, when the Spill Fund was amended, including major work at Chemical Control, but also a lot of other sites.

Those sites don't present, or didn't present, the same degree of difficulty as the Chemical Control. It is not like one site and another and you just interchange them. The Gems Landfill, the Lone Pine Landfill, and the Price's Pit, those kinds of sites are not the kind where you can just hire a contractor rather quickly, go in, and use good sense, make determinations and have a cleanup done; they do require a very elaborate geohydrological studies, for example. It is going to take a little more time, I think, than the public expects, and you expect, and I expect. I think that is good that we keep driving the system that way.

MS. BANCROFT: I have one other place that I would like to ask questions about. I have a statement before I do I agree with what Mr. Bennett said. I find it incredible (inaudible) In answering to what you said about needing more help, we have been down, a number of times, to the DEP in Trenton, and I have never seen such an incredible bureaucracy of buildings all over the place and people all over the place. It still amazes me to this day that such a large group of people could allow this kind of mess we have in New Jersey now. The statement was made earlier that we--

ASSEMBLYMAN LESNIAK: One thing you should realize is, that has become such a large group of people only after the last couple of years with legislation that we sponsored and passed to expand the operations there. I'm not letting them off the hook for what went on in the past, but in terms of the future, what we want to do is to make sure that group of people operate in the most efficient manner. That ought to be our concern. I don't want to lay that on them now.

MS. BANCROFT: He made the statement before that we are number 1 in enforcing violations against landfills. We have a toxic landfill in Howell that has been designated as another possible Love Canal. It was found 2 years ago with contaminated streams, the groundwater with carcinogens. We are still waiting after 2 years for a cleanup plan. We also have citizens in the area who have come forward to the DEP, with violations that this landfill has made, and they are willing to give depositions to DEP. DEP said they are willing to accept these definitions and would prosecute the landfill to the fullest extent. That was 3 months ago. Can I ask, when are they going to do that?

MR. TYLER: I can only respond to part of that question because this case is a case where we are negotiating with the operator of the landfill, a cleanup agreement on their consent order. I have talked to Assemblyman Bennett, because this site is in his district on numerous occasions.

ASSEMBLYMAN LESNIAK: This landfill site is still open?

MR. TYLER: It also has never been characterized as far as I know, at least by me, and I think by anyone from the Department -- as another Love Canal. In any case, we are negotiating what we believe to be a responsible cleanup under a consent agreement with the operator of the site. The attorneys representing both sides, especially the Attorney General, he has made it very clear that we can not make public

statements at this point in time about that consent agreement, least we jeopardize those negotiations. However, I can address the last point, which was a letter addressed to one of my staff concerning a waste flow violation.

ASSEMBLYMAN BENNETT: Several letters.

MR. TYLER: I am referring to one, Assemblyman, and one which I responded to personally. There was a waste flow violation allegation made. In other words, a truck that was supposed to go to a different landfill came to this landfill. As you know, under the Solid Waste Management Act, there is a solid-waste planning process. County governments are required by that law to prepare solid-waste management plans. One of the components of that plan that the Department has insisted on is the ability to direct waste to specific disposal facilities. That is very important from a financing viewpoint if we expect to attract high-technology research recovery facilities to the State. We are only in the beginning of enforcing waste flow. It is very difficult. We have been in court on many, many different cases in the Hackensack-Meadowlands district, where there is an enormous amount of illegal New York dumping going on. That, in terms of waste flow, has been our top priority area. The waste flow violation that was presented to us presented a unique opportunity to us, to use a citizen complaint, and as a witness in a hearing, if one were requested by an operator who was cited by a violation. I, personally, responded by saying I thought that was a good idea. In fact, I suggested that in my response. I will inquire immediately why it hasn't happened yet, except I suspected it is simply not our highest priority in that area.

ASSEMBLYMAN LESNIAK: Let me suggest something to you, George.

MR. TYLER: Sure.

ASSEMBLYMAN LESNIAK: A consent order was negotiated with Chemical Control. The very same people who established the problem agreed to clean up the problem - just about the

same people. You know what happened with that consent order. Not only was it not complied with, but the situation got even worse.

MR. TYLER: Absolutely.

ASSEMBLYMAN LESNIAK: Who is the owner of this landfill?

MR. TYLER: I don't know how far I can get on the record.

ASSEMBLYMAN LESNIAK: The owner is SCA. I know who the owner is.

MR. TYLER: I'm not trying to hide it, I am just under the constraint of the Attorney General, who has told us not to talk about it.

ASSEMBLYMAN LESNIAK: I don't think they have a particularly good track record in this state. Let me suggest this: under the law, you are authorized to go and clean that site up and assess that owner 3 times the cost of the cleanup. I would think that would be the better way to proceed than to go through any protracted negotiations regarding cleanup of a site that people that are responsible for contaminating it are then going to be those responsible for cleaning it up.

MR. TYLER: There are a variety of enforcement options available to the Department. The selection of those enforcement options is a judgement call made on a case-by-case basis by both our staff and the Attorney General. Suffice to say that I think we are pursuing the most responsible course of action in this case, and I will be glad -- off the record -- to go in great depth with you, or have the DAG contact you and tell you what is going on.

ASSEMBLYMAN LESNIAK: I understand your problem and your position. Let me say this: We are only legislators. We can't force the administration to act. If I were there, I would go in and clean it up and then assess them 3 times the cost.

Okay, Sally - Councilwoman, do you have a question?

S A L L Y M O L L I C A: Thank you, Assemblyman Lesniak. Perhaps my math calculation is incorrect, but, I believe Mr. Tyler said we will clean up 4 sites a year, and we have 400 that are documented. In due progress, figuring correctly, that is 4 into 400, and 100 years we are going to due progress.

MR. TYLER: No.

ASSEMBLYMAN LESNIAK: I think he is talking about the major sites.

MR. TYLER: I was talking about major sites, such as large landfill sites, like Lone Pine, which are 150 acres or Kin-Buc, which is a major site. The facts are, last year we dealt with 29 separate small sites and 2 major sites. I think with the additional resources that we have available, we will be able to improve on that. By no means am I talking about 400 sites over 100 years.

MS. MOLLICA: Thank you.

ASSEMBLYMAN LESNIAK: We may be waiting that long for Superfund money. Do we have any other questions from municipal officials? By the way, don't let me leave that to just municipal officials, the public may ask questions now. I only ask that you ask the questions through me.

E D G R O V E N O R: Mr. Chairman, thank you. My name is Ed Grovernor, I am the Health Officer from the City of Kearney, representing the Bureau of Health. Would it be appropriate for me to make 3 statements before I ask George a question?

ASSEMBLYMAN LESNIAK: Yes. You have one site on the list in Kearney?

MR. GROVERNOR: Yes. It was taken care of, by the way.

ASSEMBLYMAN LESNIAK: Good. That is the Marcheski Street Dump?

MR. GROVERNOR: Yes. I would like to make a statement now. We do have 6 or 7 other locations with a total of 300

visible drums, still not in the priority that was put on the Sparsuski Street. We also have 6 major landfills much larger than any that you mentioned on your list. I'm not putting Mr. Tyler on the spot, by the way.

ASSEMBLYMAN LESNIAK: That is what he is here for.

MR. GROVERNOR: Three of the sites were known to accept industrial waste years ago. We also have industrial properties that are listed as hazardous waste spills -- I'm trying to word this-- Their waste was used to fill other lands, by the way, so, we have a total of 30 or 40 sites.

ASSEMBLYMAN LESNIAK: Are those industrial properties still operating?

MR. GROVERNOR: Yes. Some were recently closed. (Inaudible) The town, with, the help of present landfill operators, (Inaudible)

Along with all of this, we have the most recent headlines, which concerns me as Health Officer: July 15, 1982 - "Kearney Identifies Cancer Hot Spot". Our mortality rate on cancer is higher than the State in general, and it is higher than Hudson County, which is one of the top in the country. Kearney has the highest mortality rate. That concerns me.

I would like to ask George a question. Is there any possibility of having Kearney sites pay back -- especially after Federal monies become available. I know we have had some evaluation I should say we received more help than the one site in Kearney, but I still feel Federal monies should become available. Can we reevaluate it for a priority status?

ASSEMBLYMAN LESNIAK: I will again make this one caution: when you are talking about Federal monies becoming available, you are also talking about extending the time for cleanup. It is a sore that cuts both ways.

MR. TYLER: The answer is, we are moving right now. I indicated earlier to prepare comprehensive assessments of what data we have available for 100 additional sites, which

we will use as Superfund applications on the one hand, and which we will use on the other hand to re-assess our priority list. We are also, at the same time, proceeding to implement pending legislation before it actually passes, and have established groups in the Department to develop priority criteria so that we are ready to implement that legislation when it becomes law.

ASSEMBLYMAN LESNIAK: Wouldn't one of that criteria be the number of dump sites, the high density of people, the cancer and--?

MR. TYLER: (Interrupting) Absolutely. They are already built-in to what is known as the mightier formula, after the companies who developed the formula for EPA-- proximity to population, air, water quality data, or water supply threat; those are the factors that are built in.

What occurred to me this morning, in developing the State's priority criteria -- after listening to Mayor Hornik -- is that we ought to take a look at proximity of other sites, so that we could, from a cost benefit viewpoint, perhaps, take him up on his option, when we contract with a cleanup contractor for one site, perhaps, be able to deal with 2 or 3 sites in the same area.

ASSEMBLYMAN LESNIAK: That would also apply to the Kearney situation?

MR. TYLER: Yes. Let me say this -- I don't want to raise any expectation that in 2 months we are going to have this in place. Bob Hunt is probably shaking his head at the way I am talking about the we are going to move things through the financial system.

ASSEMBLYMAN LESNIAK: We are going to bring Bob Hunt up in one minute.

MR. TYLER: Okay. That is a very good suggestion. We will be having public meetings and public hearings on that cleanup criteria and priority criteria for cleanup. That is

someplace where we should get that information and put it into the system.

ASSEMBLYMAN LESNIAK: Thank you for bringing that to our attention.

R. J. R E Y N O L D S: I would like to find out--

ASSEMBLYMAN LESNIAK: (Interrupting) Could you identify yourself?

MR. REYNOLDS: My name is R.J. Reynolds, from Bayonne. (Inaudible) You are going to have the price of \$25,000. Who figures that price out?

ASSEMBLYMAN LESNIAK: Is that the Bayonne site?

MR. REYNOLDS: It is number 20 on the list. It is the Bayonne Trailer Site.

ASSEMBLYMAN LESNIAK: Are you familiar with the Bayonne Trailer Site?

MR. REYNOLDS: Yes.

ASSEMBLYMAN LESNIAK: What is it?

MR. REYNOLDS: It is a trailer that was seized for criminal justice.

ASSEMBLYMAN LESNIAK: Where is it now?

MR. REYNOLDS: It is still in Bayonne. Over 2 years ago we seized it.

ASSEMBLYMAN LESNIAK: Is that the one we sent over from Chemical Control? George, what are we doing on that site?

MR. TOLER: We identified, through the criminal justice investigation and some of our laboratory work, the owners of the drums. They have agreed to remove them on their own, and we are negotiating agreement with them to have that removal carried out. I expect within a month from today to have that operation begin. The question was, however, how do we get that \$25,000? I'm not exactly sure who did that, but, one of our staff obviously developed the cost estimate.

ASSEMBLYMAN LESNIAK: Sir, if that trailer is not removed--

MR. REYNOLDS: I can bring him up-to-date on some of the projects.

ASSEMBLYMAN LESNIAK: No, no. If that trailer is not removed in 6 weeks, you tell Mayor Collins to get in touch with me. Okay?

MR. REYNOLDS: I have from DEP-- (inaudible) and they also told the newspapers on December 5, 1981, that trailer would be removed before the end of the month. On May 25, 1982, the same gentlemen that made this statement said he doesn't know when it is going to be removed. My numerous calls to Trenton -- I was thinking of sending DEP the bill, because I know sooner or later somebody is going to be hollering about why I am constantly paying to call Trenton. We were told once that it is owned by Spencer Kellogg. We were told again it was Ashman Chemical. I placed a call to Ashman Chemical. They agreed to hire somebody to get rid of it. It turned out SECO International came in just the other day, although they were due 2 weeks ago. I am talking about a figure of \$25,000. The criminal case has gone down the drain, the sentencing is all over, the man was put on suspended sentence, probation, and they fined him \$2,000. I think it is very profitable for somebody to go into business, take their drums, dump them, let the State take them, take them to court-- (inaudible) You are running a surveillance on the property. The fine won't even pay for it.

ASSEMBLYMAN LESNIAK: I have two points: Number one, I presume Governor Kean is going to shortly sign 1240, which is going to increase those penalties. Is it 1240? It was 1204, I was right the first time. It is going to increase those penalties for violation of DEP rules and regulations. Under this, they will be able to be fined \$100,000. I happen to think they should be thrown in jail. The judge certainly can do that, and ought to do that. I think we will find that happening more and more now. I hope Governor Kean will sign that as soon possible, and I am sure he will.

However, if the trailer is not out of there in
in 6 weeks, give me a call.

MR. REYNOLDS: If it is not out in 6 weeks, you are
liable to see it in Trenton.

ASSEMBLYMAN LESNIAK: Before he moves it to Trenton,
have your Mayor give me a call. Thank you. Are there any
other questions? (no response) Are there any other questions
from the Committee? (no response)

George, I am going to call Bob Hunt. I just wanted
to ask one question while you are here. Bob, could you come
up? We have the Spill Fund Administrator, the fellow who
dulls out the bucks from our Spill Fund, here today.
Bob, I think most of the questions we have to ask you have
been answered already, fortunately, but, unfortunately, you
are all the way down here.

R O B E R T H U N T: That is the advantage of being last.

ASSEMBLYMAN LESNIAK: You are not quite last, but you
are last from the State. What is the process-- Have you read
the recent Attorney General's opinion regarding the bonds?

MR. HUNT: Yes, I have.

ASSEMBLYMAN LESNIAK: Do you anticipate from the sale
of the bonds, or the money from the bonds in coordination with
the Spill Fund, that there is going to be any detail in that process
which would adversely impact upon DEP's ability to do cleanup
work?

MR. HUNT: The opinion zeroes in on the pre-act area
with identified caps of \$3 million per year. We already have
in place commitments for the current year of \$3 million.
I do not see any problem in committing 2 years hence once DEP
supplies me with the sites and numbers.

ASSEMBLYMAN LESNIAK: I have no further questions.
John?

ASSEMBLYMAN BENNETT: As of today, would you have
an approximation of the unaudited balance as to where we stand?

MR. HUNT: I can give you copies. I brought them with me. If you would allow me to just summarize this page. There is cash in the fund of just over \$20 million. There is approximately \$8 million itemized invoices which are being processed, and administration costs which have to be paid at the end of the fiscal year, June 30th, leaving a net balance at that point of just over \$12 million. That is further reduced by \$5.7 million for authorizations that have been extended to DEP for cleanups at various sites, plus, pending third-party damage claims, which in effect leaves a \$6.5 million operating balance. That is as of June 30th.

ASSEMBLYMAN LESNIAK: Let me ask you a question: The Petroleum claims against the fund, don't we have sites that are primarily contaminated-- oil, waste oil contamination?

MR. HUNT: I would have to refer that question to George. I take the interpretation from the way they are classified by DEP.

MR. TYLER: What was the question?

ASSEMBLYMAN LESNIAK: According to Bob's list, petroleum claims against the fund are minimal - negligent. Yet, it is my understanding that, for instance, Bridgeport Rental and Oil Services is primarily waste oil.

MR. TYLER: I don't know if it is proper to characterize it as waste oil or hand. It is an oil-like substance made up of many different toxic substances. It might be. That is an interesting claim that we haven't made, that would probably raise substantial legal questions. I would be glad to look into that further.

MR. HUNT: I might comment on that point. It is my understanding that while there are oil products identifiable, the major problem from a health standpoint, as I understand it, is the hazardous substances that are within that problem.

MR. TYLER: I might add one other point of clarification: That issue did come up with respect to an oiling of

a road that occurred in Northern New Jersey, where a constituent of that oil was a PCB. We took the position in that case that the reason we did the cleanup, in fact, was the fact that there was PCB's involved. Many roads are oiled, be it illegally where no cleanup occurs -- shouldn't occur, in fact. The oil itself, over time and the right circumstances, degrade biologically as long as it doesn't contain persistent long-chain hydrocarbons like polychlorinated biphenyls, which don't decay and which are toxic. In that case, I believe we classified that as a hazardous waste.

ASSEMBLYMAN LESNIAK: Accept for the fact that if the oil wasn't there, the contamination wouldn't be there.

MR. TYLER: Yes. That is why I said the point you raised is going to cause lawyers to be writing law review articles for a couple of years.

ASSEMBLYMAN LESNIAK: Are there any questions?

ASSEMBLYMAN BENNETT: Is that three and a half million dollars that is outstanding for the administration; that is just the monies that are due and owing as of June 30th? That is not reflected as an entire year's amount?

MR. HUNT: That is a full year's administration cost for Fiscal Year 1982.

ASSEMBLYMAN LESNIAK: I want to reiterate. George, if you need additional personnel to administer these cleanup efforts, I stand ready to sponsor the legislation to get it for you.

MR. TYLER: Should I do my sales pitch on last year's A-2283?

ASSEMBLYMAN BENNETT: Clean up a few places first.

MR. TYLER: We have done that, Assemblyman.

ASSEMBLYMAN BENNETT: You did in this District, now it is due to come around to a few of us.

MR. TYLER: The interesting part of that law, if I might just do a little piece, is simply that it provides

additional funds not only for enforcement at the State level to prevent problems from occurring, but also at the County and local level. I think what you have heard through the testimony today and the questions directed to me, there is great concern by everyone around everyone of these sites, and each one site is in the minds of the people that live near it or are responsible for it from a governmental viewpoint the top priority. To deal with all of those sites in an expeditious manner and keeping with that expectation out there, that top priority expectation, there is only one way to do it; that is, to do it at the County and local level as much as possible. That is my point in promoting the bill to fund the County Environmental Health Act, to fund local governments in cleanup assistance. People like Tex in Jersey City should have an ability to encourage that in every city, and in every part of the state. That is really where I am coming from. I think the general tenor of the testimony today warrants that. That, I think, might require-- You might want to look into some new legislation on that.

ASSEMBLYMAN LESNIAK: I just do not want to hear why we haven't been able to get to it because we don't have the staff.

MR. TYLER: It's not that. I didn't say that. I think another general observation is that in the first 2 years of cleaning up hazardous waste-- Let's say, beginning with the amendments in January of 1980, we went through an intense learning experience. We have been criticized in many cases for moving too fast, as you are well aware, as well as for moving too slow. I think--

ASSEMBLYMAN LESNIAK: (Interrupting) I never criticized you for moving too fast.

MR. TYLER: I appreciate that. There has been a bit of a pause. We are reassessing how we contract for these, how we fund these, and the type of staff we have available for

them. That will sort out. I think it is sorting out right now. We have put a new organization in place in the Department. There are, as I said, many audits and reviews of the Spill Fund activity in all of this tangential activity underway. They will be done in September or October. When those results come back when those hearings are held, I think we will put together an even more sophisticated and more professional, polished program that can move quickly, now that we have all of these funding sources in place.

As I started out this afternoon, I invite you to come back and revisit this in December and see what we have done. I think we have a good track record thus far. We are making a prudent reassessment at this point in time, and we will have an excellent track record in the future. That is where I am coming from.

ASSEMBLYMAN LESNIAK: Thank you, George. I think we have one other question.

B A R B A R A V E C C H I A R E L L I: I would like to know, Mr. Tyler, when the responsible parties of dump sites take upon the responsibility of cleaning up the dump site, who receives the cleanup, and by what guidelines do they go by?

ASSEMBLYMAN LESNIAK: That is a good question. That is an excellent question.

MR. TYLER: When an individual agrees to do a cleanup, he has control over the contracting and hiring.

MS. VECCHIARELLI: I can't hear you.

MR. TYLER. I'm sorry. When an individual company or property owner agrees to do a cleanup, they are basically free to contract with whoever they want and to hire whoever they want to do engineering work for them, if that is involved. That is supervised by either one of our enforcement investigators, or one of our cleanup staff, either an engineer or a technician. However, that is one area, and probably the

most productive area, where county and local health departments could and should become involved in it because we don't have enough staff in that area to do the full time-- If we were to get 20 or 30 jobs going at once-- We stretched the system last year doing about 18 small sites simultaneously. It requires basically--I think what the public wants is a kind of a round-the-clock supervision, or at least any time there is activity on that site. We want that too, but because we don't want to compound other problems by having waste moved from one place in the state to another place in the state. That is not suitable to be used as a disposal site. I think that is another area where we need to expand the role of the County Environmental Health Act.

ASSEMBLYMAN LESNIAK: I don't know if that is an answer. It is a problem that we have to address. It is a very good point to make. Yes, do you have a question?

A N N M U L L E N: Mr. Chairman, I am Mayor of Gloucester Township, Ann Mullen. Our area, of course, has the (inaudible) landfill, which is causing us horrible problems. I could stand here and relate to (inaudible). But, I think part of our problem has been compounded because we do not have the authority in the local community to exercise the right to police landfills that are located in our community. Our landfill is a 60-acre landfill located in the direct middle of a community of 50,000 people. Unfortunately, because of poor planning in the past, previous boards have allowed homes to spring up right in (inaudible). So you can imagine the immense problems we are having with pollution, leachate chemicals, and so forth.

To compound our problem, we were not allowed, under the present DEP laws, to police the area and to check materials coming in. Part of the problem is caused by 1,700 truckloads of material brought into the landfill after it was closed -- by order of the DEP, which we subsequently found contained DED, which is a very hazardous material. If we had been allowed,

I feel, to police this area ourselves, I think maybe we could have avoided that problem. Our problems are serious enough. I would hope that maybe you could consider this, or DEP would consider this, and give some power back to the local municipality. Thank you.

ASSEMBLYMAN LESNIAK: Thank you, Mayor.

MR. TYLER: I want to point out that the power to delegate the enforcement authority is not the Department's prerogative. It is, in fact, the legislative prerogative. There are bills now in the Legislature with delegated additional authority to local governments to enforce solid waste management, and rules and regulations.

ASSEMBLYMAN LESNIAK: What is the position of those bills?

MR. TYLER: I'm not sure. I believe one of them already passed the Assembly and is pending in the Senate.

ASSEMBLYMAN LESNIAK: That is Marty Herman's bill?

MR. TYLER: I believe so. There is also in current law, an ability in the parts of local Boards of Health to enforce solid waste and hazardous waste regulations. However, under current law also, the citing of such facilities is preempted.

ASSEMBLYMAN LESNIAK: Mayor, it is my understanding -- I went through this problem in Elizabeth -- that the local health officer does have authority on the Solid Waste Management Act to enforce the Department's rules and regulations.

MAYOR MULLEN: (Inaudible)

MR. TYLER: I have to look into that part. I don't know that part of it.

ASSEMBLYMAN LESNIAK: Is this a continuing problem, Mayor? Is this a continuing problem, or is it closed now?

MAYOR MULLEN: It is closed now. Now it is just the aftermath.

ASSEMBLYMAN LESNIAK: There is an application being made now to include that site on the Superfund list.

MR. TYLER: That is correct.

MAYOR MULLEN: Mr. Chairman, as you pointed out, that almost frightens me, because if we have to wait 10 years to get Superfund money-- (inaudible)

ASSEMBLYMAN LESNIAK: It bothers me too, Mayor. I agree with you.

MR. TYLER: I agree with the Mayor. That is one of the most serious hazardous wastes in solid waste disposal sites we have to deal with in the State. We are committed to moving on it as expeditiously as we can. The Superfund application is but one step in a multi-step process to deal with that site. We are releasing our own RFP. It is being prepared right now, and, I think the funding authorization is on its way to Mr. Hunt for us to do that feasibility study on our own, not waiting for Superfund, but at the same time, we are developing the Superfund application.

ASSEMBLYMAN LESNIAK: Let me ask this, now that we have Jacqueline here: Jacqueline, if DEP does their own feasibility study, if EPA accepts the site, will they then say, "Well we have to do our own feasibility study, and it is another year before we decide what to do with it"?

MS. SCHAFER: No. Any work that you have done would probably be very useful.

ASSEMBLYMAN LESNIAK: No. Would you then do your own feasibility study?

MR. TYLER: It is possible that we would even do our own engineering work in the case of the Gems Landfill, because while it is a major cleanup in terms of an all encompassing cleanup, there are some very severe situations that probably warrant an interim step. I think your question is, do we get credit for that interim step, whatever it is, study or engineering, as part of our match in Superfund. I think the answer is, we have to negotiate a cooperative agreement with EPA first,

and then seek a deviation from the Federal grant rules, which I am sure we would get, then, it would be credited as part of our 10%.

ASSEMBLYMAN LESNIAK: My question is, if we do the feasibility study, will EPA, if it is accepted on the Superfund list, then say, "Well, now we have to have our own feasibility study"?

MR. TYLER: I doubt it. I would be surprised. We have been working very--

ASSEMBLYMAN LESNIAK: (interrupting) You would be surprised and I would be surprised, but how would Jacqueline feel?

MS. SCHAFER: This is the sort of thing where the State and the Agency would want to work closely together to make sure we don't do that sort of thing.

ASSEMBLYMAN LESNIAK: George, EPA is stretching out these dollars. I just hope that the Mayor doesn't have to wait years and years longer because we qualify for Superfund funding. That is a decision that the Department is going to have to make, and I just hope that-- I know it will make it to the best benefit of the residents, and we will be right there with you to ensure you that the correct decision is made.

R O B E R T P I S C I O N E: My name is Robert Piscione. I represent the Township of Gloucester. The difficulty is that the present statutes that we have lay the liability right back in this case, to the Township. That means, if DEP comes in and does the site (inaudible)

ASSEMBLYMAN LESNIAK: Is it a municipal landfill?

MR. PISCIONE: It is leased to a private individual. It was municipal ground.

ASSEMBLYMAN LESNIAK: That is correct.

MR. PISCIONE: Therefore, the difficulty is that real liability (inaudible).

ASSEMBLYMAN LESNIAK: What we are talking about in terms of the money expended would be a lien against that property. We are not talking about sending the township a bill for this, are we?

MR. PISCIONE: They have that ability under the statute.

ASSEMBLYMAN LESNIAK: George?

MR. TYLER: That is right. We have that ability. I would suggest that we are a long way from making that tactical judgement, in terms of litigation or claim. I believe it is a mandatory claim. I don't know how much flexibility we have.

ASSEMBLYMAN LESNIAK: Okay. That is a good point. We will be making revisions to the Spill Fund. That will be a consideration. Thank you for raising it.

MR. PISCIONE: Perhaps the best thing that the DEP and this Committee can do for any municipality that has the problem is to assist them. Much of the Township of Jackson is done in collecting almost three-quarters of a million dollars from their insurance carriers in paying for the feasibility studies, and hopefully ultimately the cleanup. That is really where your deep pocket lies outside of the public troll. That is what the Township of Gloucester is attempting to do, and I respectfully suggest that combined with the DEP, there is a tremendous ability to do them.

MR. TYLER: It sounds like a good approach. We are involved, again, in potential litigation -- I guess with the City. I believe the City sued State government in this case. Certainly, with the City of Philadelphia and other parties -- I am talking about the legal tactics. Again, it gives me a problem at this point.

ASSEMBLYMAN LESNIAK: I understand that. We will be taking up very shortly, Spill Fund revisions. I think we ought to have some discretion, at the very least, in terms of municipalities, and we will deal with that problem at that time.

George, Robert, and Jacqueline, thank you very much for helping us. We will be back to see you again. Assemblywoman Mhueller is here. I didn't know she was in the audience. I would like to call on her to say a few words. I know you have to go, so we will hear from you now.

A S S E M B L Y W O M A N M A R I E M H U E L L E R:
I don't intend to be lengthy, although this project has been, for me, one of the many projects you are hearing, and that is Burnt Fly Bog. I come here not only as a legislator, but someone who lives in the community. Our drinking water happens to come from the Englishtown Sands, which is where this toxic site sits on its aquifer. We have been drinking that water -- at least my family has -- for the last 15 years in this town. I have a particular concern about the effects and the location of these sites.

I did have one or two questions because I have some indication that there is a possibility of a downgrading of one of the projects, namely, Burnt Fly Bog, in its priority list. I don't know if there is anyone there to give information, but having watched the timetables that we have addressed over the years, I just worry about the fact that should it happen, that one of these projects is downgraded, and reading the different pieces of legislation that deal with it, will we, as a State, still keep our list of priorities? Is that going to change? Will a project, because, it is downgraded by EPA, also be downgraded by the State DEP? And, is the prime consideration the amount of toxic waste that is at a site, or, is it its sensitivity to the environment, such as water sources? When you are considering public health and safety, I would think the fact that it is near the source of drinking water would be of extreme importance.

I noticed in the legislation that -- I know all of us support it -- there was a provision that I am a little bit concerned about in here.

ASSEMBLYMAN BENNETT: Which bill is that?

ASSEMBLYWOMAN MHUELLER: I have the law approved August 27, 1981, Assembly substitute for Assembly 3209 and 3215. I believe those were the 2 bills. One was yours, John, and one was Ray Lesniak's. It says in here: "Monies in the fund shall be appropriated and expended only for hazardous discharges, not eligible for cleanup and removal, pursuant to provisions of the Spill Compensation Control Act." If monies have been expended under that, does that disqualify other projects? I know it says further on that monies will be expended or the State will take over when monies are not available, or if there is not enough from EPA. I wonder whether we are disqualifying any of the toxic waste sites in the State.

ASSEMBLYMAN BENNETT: We are not disqualified for coming up with the matching funds. Our concern that Assemblyman Lesniak was talking about earlier is, once a site goes off of the State list-- The concern is, if the new list, which will, according to Jackie Schafer, be available as of the end of this year. If a site, such as Bog Creek, conceivably would go from our list of priority sites and then contained on the Federal Superfund sites, the only monies that we can come up with and expend from the bond issue would be our matching portion, or the 10%. So, the concern is being expressed that perhaps we should not be as anxious as we thought we would have been earlier, to get more sites on the Superfund list that could conceivably delay expenditures of dollars. If they do not go on the Superfund list, then we can proceed to deal with them as State projects. Once they are on the Superfund list, we could appropriate -- in fact, we did for Burnt Fly Bog -- \$2 million and we couldn't do more than that because the estimated Federal amount would be \$20 million. We can only come up with 10%.

ASSEMBLYWOMAN MHUELLER: That deals with the Federal monies.

ASSEMBLYMAN BENNETT: Right.

ASSEMBLYWOMAN MHUELLER: This bill that I am concerned about says, "once money has been spent from the Hazardous Oil Spill Compensation Fund, these monies cannot be used."

ASSEMBLYMAN BENNETT: We must expend the monies from the Spill Compensation Fund first.

ASSEMBLYWOMAN MHUELLER: First?

ASSEMBLYMAN BENNETT: First.

ASSEMBLYMAN SMITH: In its entirety.

ASSEMBLYMAN BENNETT: And, it has to be wiped out. We did the appropriation, but we had a difference of opinion. I told Commissioner Tyler that I respect his view, but hardly disagreed with him. We did that appropriation with the thought that they would proceed to go ahead and expend the dollars, and if it came first from the Spill Compensation Fund, until that was exhausted, so be it. They have not been expending those dollars that we have told the Department to expend. Right now, according to the statement, there is an operating fund of approximately six and a half million dollars in the Spill Compensation Fund as of June 30, 1982. I am pleased to see for the first time in my legislative career--I finally got a statement telling me that it wasn't in the deficit. However, before we can expend any of our bond dollars, we must expend that six and a half million dollars first. That is the way it is drafted now.

ASSEMBLYWOMAN MHUELLER: Have we learned anything from the first timetable of the testing that is going on right now?

ASSEMBLYMAN SMITH: Burnt Fly Bog?

ASSEMBLYWOMAN MHUELLER: Yes.

ASSEMBLYMAN SMITH: As of the target date, the completion of the feasibility study in September of 1982, the design work is to be completed by December of 1982. So, you are talking the end of this year to go to bid, or shortly thereafter to go to bid for that cleanup.

ASSEMBLYWOMAN MHUELLER: Has whoever was here to testify for EPA assured the State that should those recommendations come through, that Federal money would be forthcoming? Or, is there going to be a bureaucratic lag, possibly somewhere, because of a downgrading of a project? Is that possible? And, if it is, my concern is that there be the ability for the State not to wait for those funds. There is a problem there because of the match. All of this flies a little bit in the face of one of those very important words in the law that we passed on bonding, which says: "prompt identification in cleanup and removal of these hazardous discharges." That word "prompt" is very hard to follow-up on if there are going to be further complications. I wonder how soon those of us that are at the State level are going to know what complications are ahead of us to be able to deal with them?

ASSEMBLYMAN BENNETT: The Chairman also addressed that question to Jacqueline Schafer. The essence was, come December 2nd, if it is completed, while we may not expect it to go to contract on December 3rd, we expect on December 3rd to have an answer when the specifications can be completed to go out for bid, and that we will be asking that repeatedly. We do not expect, nor will we accept any delays, and if they consider that to be a thorn in their side, so be it, that the State feels that it is of such paramount interest that we are not going to accept delays. We did not get an answer that would not be a two or three month reviewing process, which unfortunately, historically, has been the case, that the study had been completed and then they reviewed it to determine what direction to go. We cannot expend our State dollars until the EPA gives the Okay to it.

ASSEMBLYMAN LESNIAK: Marie, it appeared quite evident that the earliest time that any remedial, actual removal work, any time you will see any people actually on that site cleaning it up, at the earliest, is going to be in the Spring of 1983.

ASSEMBLYWOMAN MHUELLER: That is at least encouraging.

I just wonder what the availability would be for us, as a State, if EPA is not going to be forthcoming with those dollars, based on the status of one project or another. Are we able to go ahead on their recommendations from their study of what has to be removed, if we set our own priorities, and still expect them to repay us for monies spent on these projects?

ASSEMBLYMAN LESNIAK: They have prior approval. They would have to approve it.

ASSEMBLYMAN BENNETT: They have to approve it first.

ASSEMBLYWOMAN MHUELLER: So, we cannot spend any monies until they are ready to match?

ASSEMBLYMAN LESNIAK: We cannot spend any monies and expect to get-- We will not get any credit towards the match for any monies that we expend that has not been approved by EPA. EPA is not going to approve anything until their December feasibility study is complete.

ASSEMBLYWOMAN MHUELLER: Fine. That tells us how important this cooperative effort is, doesn't it?

ASSEMBLYMAN LESNIAK: It also tells us how important it was to begin this work two years ago, rather than July of 1982.

ASSEMBLYWOMAN MHUELLER: Well, it is not as good as 17 years ago, but it is a lot better than 2 or 3 years from now.

ASSEMBLYMAN LESNIAK: Seventeen years ago, John and I were in grammar school.

ASSEMBLYWOMAN MHUELLER: I'm not going to tell you where I was.

ASSEMBLYMAN LESNIAK: So were you, Marie. (Laughter)

ASSEMBLYMAN SMITH: They have not, to the best of our knowledge and from the testimony given here today, downgraded all of Burnt Fly Bog. They are moving ahead with it in anticipation of cleaning with Superfund money and our 10% match out of the \$33 million that we appropriated. That is the understanding I got. Is that correct?

ASSEMBLYMAN LESNIAK: Yes. Burnt Fly Bog is not going to be downgraded.

ASSEMBLYWOMAN MHUELLER: Fine. I thank you very much for coming into my District and my town.

ASSEMBLYMAN LESNIAK: Thank you. I am glad to be here.

ASSEMBLYWOMAN MHUELLER: And thank you for your interest in this very important matter.

ASSEMBLYMAN LESNIAK: What I would like to do, if we can-- How many people would like to testify at this time? Three? We have a Councilwoman here. I have to respect my elected officials.

ASSEMBLYMAN BENNETT: She is also the Chairman of the Burnt Fly Bog Advisory Council? Is that--

S A L L Y M O L L I C A: The Citizens Advisory Council.

ASSEMBLYMAN LESNIAK: Councilwoman, how do you feel? You have heard all of the testimony this morning. How do you feel about it?

MS. MOLLICA: Right now, honestly?

ASSEMBLYMAN LESNIAK: Do you feel apprehensive? Concerned?

MS. MOLLICA: Apprehensive, very long, very drawn out. It seems like we have been through this for quite some time.

I would like to thank Assemblyman Lesniak, Assemblyman Bennett, and honorable guests from the Agriculture and Environmental Committee for conducting this hearing. I am aware of both the time and the patience that this is involving with the essential communication channel.

For the record, my name is Sally Mollica. I am the elected official of Marlboro Township Council as well as the Chairperson of the Burnt Fly Bog Advisory Group. I am also formerly the Township Environmental Officer here.

My initial activity with township environmental problems stem from living in the area that has open sewerage leaching into the streams and woods of our surrounding homes, where the stench permeates the air. This area is Marlin Estates, which was just

this week denied Federal funds for help. It is a high water table area where the ground surface waters are impacted by poorly designed septic systems. This was my introduction into this whole realm of environment.

ASSEMBLYMAN LESNIAK: Are you describing Burnt Fly Bog?

MS. MOLLICA: No. This is an area called Marlin Estates. It is not too terribly far away from Burnt Fly Bog. I would say it is within a mile from the area.

ASSEMBLYMAN LESNIAK: And a Superfund application was made?

MS. MOLLICA: Yes.

ASSEMBLYMAN LESNIAK: And denied?

MS. MOLLICA: And denied.

ASSEMBLYMAN LESNIAK: You are lucky. We will add it to our appropriation list and get it cleaned up.

MS. MOLLICA: This just came in within the last week. The area surrounding the bog radius is another important factor that we should be concerned with. They have residential wells that are less than 35 feet deep. They have been tested and they contain certain bacterial contaminants. Yet, these very same wells are used daily as the only source of drinking water for many families within that area.

ASSEMBLYMAN LESNIAK: Those wells aren't being tested for volatile organic contaminants, are they?

MS. MOLLICA: Yes. They are also being tested for that.

ASSEMBLYMAN LESNIAK: They are?

MS. MOLLICA: Yes, under Lester Jargowski's supervision.

My first awareness of the bog was in 1969, but since I was a commuter into New York, I really did not pay too much attention to it. Recently, in July of 1980, after attending a public hearing in Middlesex presented by DEP in conjunction with the Delaware River Basin Commission, I became more aware of the problem. According to the study, the criteria for suitable storage areas

for hazardous waste was the northwestern Monmouth County area. After reading the criteria at the time, I felt changes had to be made. By July 23, 1980, 18 representatives from the neighboring communities around Marlboro, met here, in Marlboro to draft letters and petitions for a public meeting for input in our own area. On August 5th, DEP met with local representatives in Freehold under Assemblyman Bennett's persistence to clarify our concerns and apprehensions. At that time, we thought the hazardous waste dumping site was going to be in our backyards.

January 30th of 1981, we were able to organize the public hearing--

ASSEMBLYMAN LESNIAK: Councilwoman, if I may. We are not dealing today with siting.

MS. MOLLICA: No. But, this is kind of a chronological breakdown of the development to put the coin on in the Township of Marlboro.

In January 30th of 1981, we were able to organize the public hearing in this municipality with over 200 people attending. Mr. Jargowski, at this particular meeting, emphasized the chemicals in the lagoon at the bog did not yet penetrate the underlining Englishtown Sands aquifer, which, as you know, serves 21 municipalities in Monmouth, Ocean, and Middlesex Counties. However, he felt it was time to press for Superfund allocations. Mr. Aunsdorf, the Chief of Enforcement offices for DEP at that time, stated that a study was required, and that Burnt Fly Bog was already an established high priority.

On June 5th, a hearing was conducted in Freehold Township, which you presided, in order to propose the \$100 million bond issue to clean the hazardous toxic waste disposable sites. Again, Marlboro was well represented.

August 12th of 1981, another public hearing was held with DEP. By October of 1981, Burnt Fly Bog's Advisory Group became effective. A general outline from DEP was followed. At present, this advisory group meets once a month, we send out town-

wide flyers and newsletters. We have offered a special training course to our first aid squads and local fire companies in a toxic and hazardous waste training course. As a group, we keep abreast of the environmental problems, we attend seminars, and also have representation at State hearings. We receive a monthly progress report from Dames and Moore, which is the engineering firm who is conducting the on-site activities. I believe you have copies of their latest engineering report. If not, I will supply them.

ASSEMBLYMAN BENNETT: Is that in the Mayor's package?

MS. MOLLICA: It should be in there, yes.

ASSEMBLYMAN BENNETT: The Mayor passed out a package earlier, so, it may be in here.

MS. MOLLICA: If it isn't, I will bring more copies forward. As far as the background of Burnt Fly Bog, most of this will be inclusive in Mrs. Vecchiarelli's report. We felt it would be redundant to cover the same areas.

One of our chief concerns with the bog is the leachate contamination from this landfill, which for over 25 years contained industrial waste, which includes: PCB's, lead, arsenic, and cyanides. If through a drought or a tremor, the reversal of the hydrological conditions of discharge change, we would have a major contamination of water supply of well over one million people.

I don't know if you recall that 3 years ago, we did have a major tremor. The area was the Morganville section.

All of these meetings, and petitions, and hearings, from 1980, has yet produced one removal of one single drum. The Superfund was designed to provide cleanup of hazardous waste sites. The good people of Marlboro have done their very best, Mayor Hornik, Assemblywoman Mhueller, Assemblyman Bennett, Mrs. Vecchiarelli, Mr. Lester Jargowski, Congressman Howard, and many others. But, our best will go unheard of. If the State and Federal government does not put into motion the funding, the technology, and the labor to correct this devastating life-

impairing situation. Our lifeline is clean air and water, and yet, with all of the input, we are still discussing the facts. We must provide a solution, we must act, and, we must protect our quality of life.

To solve the problems, we must work in two directions: We must seek alternate methods for cleanup. Landfills could reclaim old, abandoned quarries, clay pits, and strip mines, and return them to usefulness such as parks or playing fields. This is done with daily soil covering and compaction with heavy equipment. Heat and power generation and incineration: Half the major cities of Northern Europe have revenue producing incinerators. They capture heat from burning garbage in the form of steam, and then they use the steam to generate electricity or heat buildings.

Salvaging, recycling and composing is another area that we should be concerned with. It is time we use our materials over and over, rather than continually spill scarce landfills and strip the land of raw materials. Glass bottles can be melted down and remolded. Aluminum cans can be reclaimed. Machinery is now available that shreds automobiles and separates all reuseable metals. Organic materials can go into landfills for composing plants.

These are areas that can be investigated and implemented, along with the cleanup process. You cannot have one working without the other; there is no way to do it. We have to educate and train ourselves to be more environmentally aware. Both government and citizens will have to work for effective waste salvage and recycling systems, and to be prepared to pay the cost, both in time and dollars.

Gentlemen, I thank you. If I can be of any service in your program, please do not hesitate to call me. Thank you.

ASSEMBLYMAN MARSELLA: Thank you. Were you satisfied, at least today, with the hearing and with what is taking place at that toxic landfill?

MS. MOLLICA: I would like to see more done at a faster pace. I feel that sometimes we put a great deal of time and length in feasibility studies. I think it is almost time for the action to begin.

ASSEMBLYMAN MARSELLA: The actual shovels to go into-- We agree with you. Thank you very much.

ASSEMBLYMAN LESNIAK: Our next witness is Lester Jargowski.

L E S T E R J A R G O W S K I: Mr. Chairman and members of the Committee, I am Lester Jargowski. I serve as Public Health Coordinator. I am the Health Office of Monmouth County Health Department. I have been employed in my position since April of 1978. Unfortunately, I have been involved with quite a few hazardous waste investigations.

ASSEMBLYMAN LESNIAK: Lester, how do you feel about the fact that nothing is going to be physically done at Burnt Fly Bog until, at the earliest, Spring of 1983?

MR. JARGOWSKI: I am appauled. I have to say that I have been sitting back listening to the various testimony being provided, and I am much more skeptical of what is going to transpire than what you have heard today. Why I say that is based on past experience. A site like Lone Pine-- We were let down. We were let down by the State, and by DEP. It goes back to 1971, when the chemical odors were apparent at the site, and the site was never authorized to accept any type of hazardous waste or chemicals.

At the Lone Pine site, the EPA in the early years, came in and evaluated that site and said it was a medium priority. It would never have, under that priority, gotten to the Superfund list and where it is right now. We disagreed quite vocally-- We testified at a congressional hearing in Washington-- With a combination of the leachate coming out of the landfill with known hazardous waste, with contamination -- documented contamination -- by the DEP, of two aquifers underneath the landfill.

This is going back some years, with the visible presence of barrels, which, by the way, were brought to my attention after erosion took place, and a couple of kids shot into them with .22 rifles.

ASSEMBLYMAN LESNIAK: At the earliest, there is not going to be any remedial work there until the Fall of 1983.

MR. JARGOWSKY: Yes. I am-- The Lone Pine Landfill probably frightens me more, as a Public Health Official, than even Burnt Fly Bog. At Lone Pine, it has been demonstrated that there are perhaps 50,000, 55-gallon barrels in that landfill of hazardous waste. The excavations that were conducted by the EPA to intercept those barrels and sample them, found many of those barrels are still in tact and others leaking. We haven't seen the worst with the landfill yet.

We have a documented, clear-cut connection between two aquifers there. There is literally a pipeline -- if you can envision a pipeline under and around, through groundwater flow with contaminants to the Manasquan River - a literal pipeline. To give you an example of how good the pipeline is, one of the monitoring wells that was put in near the river will flow without pumping, at a rate of about 500 gallons per minute, as soon as they put it in. So, as this material breaks down and gets moving, it is going to hit the river. It is going to hit the river in substantial quantities. There is going to be downrange impact, and it has to be monitored very closely.

How anyone could propose to build a resevoir system downstream from a known hazardous waste landfill, without moving on that very, very briskly, is beyond me. They could never move on that fast enough.

We have had an opportunity over the years to track various things. I believe it is a matter of record that back in July of 1980, my Board, the Monmouth County Board of Health, passed a resolution indicating its concern on Lone Pine problems, and deemed the resevoir project as a potential economic and public health disaster. This is back in July of 1980. We sent a copy

of that resolution to the DEP Commissioner and to the Region II Office in EPA, asking for a written response to what they were going to do to keep these toxins out of the river. We never got a response. We were involved and testified at a Congressional hearing on Lone Pine, and that finally prompted Congress to order the EPA to do further studies at Lone Pine, which brought that site from a medium priority up to the current high priority that it is at.

What I am getting at is, we still have to provide safeguards in the system to look out for our own interest. We have been hurt in the past.

We are pleased that there are some actions coming. We were first involved with Burnt Fly Bog in September of 1978. That was our entree to the whole hazardous waste business. One of our inspectors literally fell in the lagoon. The edge of the lagoon was up to his waste and still going down. You had to form a human chain to pull him out. He thought he was walking on firm sand when he went through the crust. That was our introduction to hazardous waste problems.

Since then, we have been working on a variety of sites, which includes Lone Pine, Burnt Fly, Bog Creek Farm in Howell Township, the DWI Landfill in Howell, the Arky Site in Marlboro Township, the Storer Site in Marlboro Township, monitor devices in Wall Township-- There is no cleanup. Nothing has happened. We have been involved with some of these sites going back to 1978 and the early part of 1979. Truthfully, gentlemen, and respectfully, I'm getting tired of talking about it.

ASSEMBLYMAN LESNIAK: So am I.

MR. JARGOWSKY: I'm really getting tired of talking about it. We, as public health officials, and you as distinguished State representatives, have a charge to look out for the public's health and well-being. There is a certain point beyond which you start to wonder what is going on. You shouldn't have to go through all of this anguish and constant hearings--

ASSEMBLYMAN LESNIAK: (interrupting) It is quite clear to me that EPA is operating with very limited monies, when you look at the entire picture throughout the country. They are attempting--and are doing--to stretch those dollars as far as they possibly can. They are stretching those dollars over the best interest against the interest of the health and safety of the residents of this State. Until the Superfund monies are substantially increased, we are going to be back here time and time again. I don't know how much more we can do to hammer that position home to them. When they say that they are aggressively pursuing something, aggressively pursuing means that they are going to start remedial work sometime in the middle of next year, when it should have been done years ago. I questioned whether that attitude itself-- How do you combat something like that when they consider what they are doing is aggressively pursuing it, when we see it as being dilatory and dangerous?

MR. JARGOWSKY: Mr. Chairman, on your stretching of the dollars, in that concept itself is a substantial danger to the State's and local political subdivisions. As you know, the Superfund program will provide for a cleanup, an action at a site. When that action is completed, whatever it might be--

ASSEMBLYMAN LESNIAK: (Interrupting) The State has to maintain it.

MR. JARGOWSKY: (Continuing) The long-range maintenance, and the monitoring at that site is the State's responsibility or the local political subdivision's responsibility.

ASSEMBLYMAN LESNIAK: In the mean time, by the way, we are paying to clean up sites in other states - our industries.

MR. JARGOWSKY: Say in the process of stretching the dollars, a bandaid approach, such as just capping a site is taken. Who are we fooling? You are going to be holding hearings on this topic for a long time. We can literally be set up for a financial albatross of things aren't done properly on this whole matter.

ASSEMBLYMAN SMITH: May I interrupt, Lester? One of the things that come home to me, personally, in representing my district is the fact -- I think DEP is looking at this. It may be a Superfund responsibility to clean it up, but DEP is looking at the \$100 million that we put in as a source of funding for alternate water supplies and quick remedy of health hazards, and not really addressing, in the long haul, the actual cleanup. That concerns me as it concerns you. Some of these sites may never be cleaned up.

MR. JARGOWSKY: Exactly.

ASSEMBLYMAN SMITH: I think that is what you are trying to put forth. I am very much aware of that, and I think the Committee is very much aware of that. We are really just scratching the surface.

MR. JARGOWSKY: I am in complete agreement with that. There are some other aspects which I would like to address: One is the State and Federal government's responsibility -- I want to underline responsibility -- to the citizens that live around a dump site to inform them of what is going on. There is so much anguish involved here, a tremendous amount of anguish. A lot of that could be minimized if there were a free flow of information at all times when things are happening. Quite often, what you see is that the citizens have to go after the government. They go banging on the doors. There is no need for that. You know that is going to happen at any given site. How should government address it? This government should open up right away, when they have the data, and meet with the people. Go to them. That may sound farfetched, but, I think it is the only appropriate way to address the issue.

The New Jersey State Legislature in 1978 passed legislation entitled, "The County Environmental Health Act". This State law and the regulations thereto represents outstanding vision and action on behalf of the State Legislature. A large portion of this law directly impacts on the hazardous

waste issue at hand today. Most of the counties in New Jersey are implementing this law in a way and manner that will provide for additional eyes and ears for the NJDEP to address hazardous waste issues. The Monmouth County Board of Chosen Freeholders has supported our environmental work program, pursuant to this Act for several years now. Thus, we are able to focalize at a lower level of government on these very critical issues and make sure that the public's interests and health are protected.

It is important to note that on a program as important as hazardous waste, control, addressing the issue, the equipment is necessary, and the personnel, but not one dollar in grant and aid support is coming to Monmouth County health departments from the NJDEP, to support any hazardous waste control programs. Not one dollar. We are a field office of the NJDEP for environmental work. On the other hand, we are also a field office for the New Jersey State Department of Health for public health work. There is grant and aid dollars coming to the local health departments in Monmouth County to support those programs. Something as important as hazardous waste and there is not a dollar coming.

It is my professional opinion that State expenditures for hazardous waste control and management should be reviewed with an eye toward not building up a very large uncontrolled number of State DEP hazardous waste inspectors, but financially reinforcing the County Environmental Health Act initiatives on hazardous waste statewide - in the 21 counties. This is the only way I can see that we can prevent future Lone Pines, Burnt Fly Bogs, and, at the same time -- which was brought out in other testimony -- effectively, cost-effectively, manage the existing hazardous waste sites. I think it was brought out quite clearly that they were not going to clear these up in a very short period of time.

In the interim, we need a system to protect the people that are around those sites. Things are changing. Barrels are breaking down. There are new hazards. We have to be able to assess these sites with safety. My inspectors won't do me any

good if they get hurt. I'm concerned for their safety. That is paramount. As long as they need proper equipment, they need proper skills, training, and with that proper equipment, skills and training, they can cost-effectively protect the public health.

At times, I am quite disturbed about even the state of readiness, as I see with DEP inspectors that come out on hazardous waste investigations. They quite often tell us you are better equipped than we are. I am concerned about that for potential claims in the future of workmen's comp.

We must applaud -- speaking from the perspective of the County of Monmouth -- the initiatives of this Committee. The Assembly Agriculture and Environment Committee has been outstanding, in our opinion, in addressing the key environmental issues of the 80's, which is hazardous waste. We truly appreciate our local leadership of Assemblyman Bennett, the tremendous feedback we have had from him; Assemblyman Lesniak has been very candid with me in conversations as well. I look forward to working with all of you. Thank you.

ASSEMBLYMAN LESNIAK: Thank you, Lester. I wish you would bring those points up when we go into our review of the Spill Fund. We may have some avenues to approach there. Our next witness will be Barbara Vecchiarelli.

B A R B A R A V E C C H I A R E L L I: First, I would like to thank you very much, Assemblyman Lesniak, and Assemblyman Bennett, for asking me to testify today as a concerned citizen. I think it is very important that we all work together, whether we are elected officials, legislators, concerned citizens, or what have you. I have to repeat what Lester just said, but, the job this Committee is doing is tremendous: supported the bills that you put in for vote; told people you better vote "yes", otherwise, forget about it. It is something that I am very proud to have campaigned for - the legislation that you put through.

The problem of toxic waste dumps, if not a local problem, even though dump sites are usually located in small rural townships, but a Federal problem, since the sources of waste have to be stringently controlled and the enormous cost to clean these toxic dumps can only be funded through Federal and State money.

In actuality, I feel the contamination of Burnt Fly Bog is worse than Love Canal, because at Love Canal, people were unaware of the disaster that was right underneath them. Over here, we are aware of what is at Burnt Fly Bog. Our local, State, and Federal governments are all aware, and in fact, Burnt Fly Bog is now commonly rated one of the top 10 toxic dump sites in this country today.

After the meeting of January 27, 1981, where over 200 people attended, out of that meeting, we formed the Concerned Citizens to Save our Environment. What I would really like to get through is to skip a lot of what Sally already said, and get right to the meeting that I was fortunate to be at, in Washington, with Mrs. Gorsuch and her directors.

Presently, the EPA has released \$325,000 for a preliminary study of the cleanup of Burnt Fly Bog. The study is presently being done by Dames and Moore. The Citizens Advisory Committee has been formed, and we act as a liaison between the State and the DEP. Richard Gimello and Anthony Farro are DEP representatives, and Councilwoman Sally Mollica is the Chairperson. It is the function of the Committee to keep the citizens informed of the status of all work, studies, and problems that may arise doing the project study. Also, to remind them over and over again that even though the study is being done at the dump site, there is no way it guarantees us any Superfund money at all. Believe me, this has raised many hopes of the people that live around the bog. It is going to be cleaned up, we have nothing to worry about.

I believe, because of the hard work of concerned citizens, the problem has been made an issue that cannot be forgotten. But, the bureaucracy and red tape, and budget cuts, and government today is going to be a deterrent to the ultimate solution. According to EPA officials and Anne Gorsuch at the meeting which I attended, there is no guarantee that Superfund monies will be available or appropriated to Burnt Fly Bog, even though the testing and studies show a definite potential contamination to the Englishtown Sands aquifer.

Another stumbling block at EPA is that there are no guarantees on any timeframes for funding if approved. This means that after the EPA -- or wherever the money came from -- for the preliminary study -- there is no timeframe to say if we are approved, when we will get the money. It could be 10 or 15 years before we get any money to start cleanup. There must be timeframes. EPA is very lax on this. They can make no guarantees and no promises. By not doing this, the public is becoming very frustrated. They feel that the old saying is, "You cannot fight City Hall". Believe me, the job I am trying to do, and many people like me, is to tell them you can fight. If you scream loud, long, and hard enough, you will win. I believe that all of these hearings, I don't care how many times we have to go to them and repeat ourselves, they will do good, because we are not going to stop until they do. I guess it is a "whose side gives in first", but, when it is your future at stake, you are not going to give in.

Groups such as ours, and being guided by our legislators have all shown a tremendous response to our plight in organizations such as the Environmental Defense Fund, have given us a wide scope of understanding in the background of successes and failure of other groups throughout the country in order to succeed.

At this conference in Washington, with the Environmental Defense Fund, we have learned across the country, the many problems that other people who are in similar situations as ours, are

facing with Superfund monies. There is the Springfill site in California, which receives Superfund monies. The job wasn't done correctly. The contaminants are still all over. There is no more money to go back there.

The toxic waste cleanup learned to recognize the problem. Educating the public should be the number one priority in this country today. I feel a more pending disaster from toxic waste in our environment and children than nuclear war or nuclear accidents, since we already have contaminated our environment through negligence and lack of control with toxic waste. I feel we must do something now; tomorrow is too late. I am really sorry that the EPA officials left already, because I think instead of building--

ASSEMBLYMAN LESNIAK: (Interrupting) I wish we had you on first. I really do.

MS. VECCHIARELLI: Thank you. Instead of building stumbling blocks, I would like for all of us to build bridges to help one another, to work hand-in-hand, to go across not only our state, but the country, in cleaning up toxic waste. Having the opportunity to meet with Mrs. Gorsuch, and asking of the specific question, "Can you give us a guarantee that we will ever receive Superfund money?" Her answer was, "No". Can you guarantee any timeframe with Superfund money?" Her answer was, "no". She did, however, say money was not the problem. If money is not the problem, then what is the problem? When she was in New Jersey two weeks ago, she -- I don't know if it was correct or not -- said she has the money. There is enough money in the Superfund not only to clean up the 12 dumps in the State of New Jersey, but, also in the country. My answer to that would be, if that is so, then sign the check today, send it to the State of New Jersey, and let's get going.

ASSEMBLYMAN LESNIAK: If she believes there is enough money in Superfund to clean up all of the sites in the country, she is a minority of one.

ASSEMBLYMAN BENNETT: She is talking about the 115 sites.

MS. VECCHIARELLI: One hundred and fifteen sites, plus the 12 sites in New Jersey.

ASSEMBLYMAN LESNIAK: She is still a minority of one.

MS. VECCHIARELLI: I agree.

ASSEMBLYMAN LESNIAK: I really question her competence. Assemblyman Bennett?

ASSEMBLYMAN BENNETT: Oh, you threw it at me with the comment? (Laughter)

ASSEMBLYMAN LESNIAK: I won't leave it to you. I know it disturbs you. I just don't understand how EPA can sit right where you sat and say they are vigorously pursuing the implementation of Superfund.

MS. VECCHIARELLI: It was very hard for me to sit there and not jump up and say, wait a minute. That is not what I was told by your administrator on a one-to-one basis in a room full of 30 people, where Lester Jargowski was also in attendance. There is a great lack somewhere. I feel this must be the number 1 priority in the country today - to clean up toxic waste. If we don't start doing it, like you said before and many times over, where is our future or where is the future for our children? It is not necessary to repeat everything that was said before, just the fact that you asked me to testify, I thank you very much, and anything I can do as a concerned citizen, I am going to do, and I am not going to stop.

Right now, we have approximately 4,000 signatures on petitions that started back in February of 1981, the first time I met you, Assemblyman Lesniak, when Jim Florio came with the Superfund bill. I started then. You have given me a lot of information. It was of great help. There is not enough I can say about Assemblyman Bennett and the work that he is doing sincerely, because he cares.

ASSEMBLYMAN LESNIAK: He is a good guy.

MS. VECCHIARELLI: I know, and we plan on keeping him.

This is a non-partisan situation, and it is going to stay that way.

ASSEMBLYMAN LESNIAK: Are there any questions from the Committee? (no response) Barbara, keep up the good work.

MS. VECCHIARELLI: I will. I would like to keep the Committee informed of any actions we take as a concerned group. I am sure Sally will keep you informed with the Citizen's Advisory Committee. When we do finish the petitions -- we hope to get a couple thousand more signatures -- I would like to send them in to you. We are saving those petitions because we have the money for the feasibility study, but we don't have the money for the cleanup. That is going to be for the cleanup. The citizens are going to be heard, their voices are going to be heard, and we are not going to stop until we get it. Thank you very much.

ASSEMBLYMAN LESNIAK: Thank you. Next, we will hear from Mrs. Bancroft. You can't be too gratified about the testimony today either, can you?

M A R Y A N N B A N C R O F T: I thank all of you for the privilege of being able to come here to speak. We, as citizens, and the citizens group that I represent, Howell Citizens Against Toxics, have a great deal of frustrations -- as Mr. Smith mentioned before. The other people that I came here with today live less than a mile from the toxic landfill that I mentioned. Every day, we must live with the threat and the frustration of what is going into the groundwater and into our streams.

ASSEMBLYMAN LESNIAK: Was that your Mayor here?

MRS. BANCROFT: Yes.

ASSEMBLYMAN BENNETT: Was that Mayor Mhueller?

MRS. BANCROFT: No.

ASSEMBLYMAN BENNETT: The Mayor of Howell was here earlier and left. But, the Mayor that spoke was not the Mayor of Howell.

MRS. BANCROFT: I won't go into anything very long because the afternoon has stretched a very long time, and I can't say anything better than the other citizens that spoke today. I agree with all of them, and also with Les. They put it in as strong of words as they could in public.

ASSEMBLYMAN LESNIAK: Let me just say this: we have passed the laws, we have passed the funding mechanism, and we have passed the authorizations. It is so frustrating to get the bureaucrats to implement them the way that you expect them to. We can't arrest them. In some cases we would like to. We can replace them. But, we can't keep hammering at them. We will keep trying and trying. That is what we will continue to do.

MRS. BANCROFT: I think the few things that we would like to see, as concerned citizens-- And I am sure, from speaking with other groups in New Jersey, they basically all have the same problem: it seems that we always end up fighting the people that we should be on the same side with. Government seems to fight the citizens more than it does the toxic polluters. We really should be on the same side fighting for the same thing. We, on the local level, have been harrassed by governmental officials who don't feel that the people have a right to know what the problem is facing them; who refuse to keep us informed; who even refuse to allow us to participate in what is going on. We have been held at bay by a DEP who misleads us, who literally lies to us, who saws us.

I can't say anything more than to say that we have Bog Creek Farm, which has existed for probably more than 8 years. It is not cleaned up and there are people there. We have an existant landfill that hasn't been cleaned up after the EPA came in and found 34 priority pollutants, 27 of them carcinogens. This was 2 years ago, and we still don't have a cleanup. Somebody is doing something wrong someplace.

We question, as citizens, who is actually in control in New Jersey? That is what it comes right down to. I go to meetings, I listen, and I listen, and I hear talk. To be very frank with you, the citizens seem to feel that the root of the problem is government. They have allowed this to happen, and they are allowing it to continue, and they are not allowing it to be cleaned up.

ASSEMBLYMAN LESNIAK: They are absolutely correct.

MRS. BANCROFT: As Barbara said, there are a great group of concerned citizens out there. We have joined the New Jersey Environmental Coalition. These people are angry, they are scared, and we grow in numbers every day. We are willing to back the people who will help us, and we are willing to fight the people who won't. That is what it comes right down to. We have our childrens' future and our future at stake, and we feel we have to act quickly and decisively to solve the toxic problem. It can't be a political football. A lot of politicians concern themselves with housing, inflation rates, and foreign relations. They won't have to worry about all of these problems if we don't solve these toxic problems, and clean up the mess we have, because there won't be any people around.

We have some very damning questions which all of the groups seem to be asking. The answers hit at home very hard. Why do we in New Jersey have so many toxic dump sites? Why are we number one as far as the cancer rate goes? Why have we had so little progress as far as cleanup? And, why have violations gone unprosecuted? We need governmental officials like you who will act now and talk less. We would love to see a more cooperative effort between government and the citizen. We are a very ready and willing volunteer army who will go out and fight this menace which is entrenched in New Jersey.

I must say though, when I listened to the first part of the program this morning, DEP and the EPA, I am staggered and I am dumbfounded by the bureaucracy I see. I am depressed by the time element, the red tape, the report, and the possible duplications. Please, gentlemen, if you do one thing for us, don't let them drag their feet. If you do another thing for us, we are also very horrified and very scared that the people who created these toxic horrors are now going to be cleaning them up in a great many instances. It seems the garbage industry used to be the business to be in; now it is the cleanup business.

Please, gentlemen, protect us. There aren't many people around who are willing to. We are trusting our lives and our childrens' lives in your hands.

ASSEMBLYMAN LESNIAK: Thank you very much. We do have a bill that is going through that. We may need some help on it because it is an attempt to drive those elements out of the solid waste and hazardous waste industry that are not only taking the money, but contributing to the environmental problem. We will be dealing with that too.

MRS. BANCROFT: All right. We will be there and ready to help. I thank the few bright spots that we have. Mr. Bennett and Mr. Lesniak, you have been a great help to us. The bills that you have put through have given us a lot of hope. I have one other person to compliment because he has worked very hard for the people of Monmouth, and that is Les Jargowski. I hate to do it because I think one of these days somebody is going to steal him away from us and we are going to be in big trouble. So, just leave him right where he is, but give him a pat on the back.

ASSEMBLYMAN LESNIAK: Who knows, he may be a DEP Commissioner one of these days. Thank you. Would anyone else like to testify. Tex Aldredge? Is that it? Will that conclude the first part of our public hearing? (no response)

Do you have any water in Jersey City yet?

E A R L Z E L A T E X A L D R E D G E: Yes. We got it last night.

ASSEMBLYMAN LESNIAK: Can you drink it, though?

MR. ALDREDGE: Yes. I only got six hours of sleep since the water crash.

Mr. Chairman and members of the Committee: One thing I am going to be requesting from the Committee is, in lieu of the allotment to the Roosevelt Drive-In site, we have a site where we need a diagnostic plant that is more dangerous. W.R. Grace is fully cleaning up Roosevelt Drive-In. So, we do not need that \$250,000 for that; we need it for PJP Landfill.

ASSEMBLYMAN LESNIAK: Is that on our "hit list"? That is not on the 26--

ASSEMBLYMAN BENNETT: Roosevelt Drive-In is on there. What is the name of that one?

MR. ALDREDGE: PJP Landfill. Here are some pictures of the present condition at PJP, and here is a copy of my latest report for the Committee.

ASSEMBLYMAN LESNIAK: Tex, what we are going to be doing is, the re-assessing that is being done right now-- The priority list for cleanup-- What I would suggest you do is offer all of your evidence that you have to DEP now.

MR. ALDREDGE: I delivered a full copy of my file last week at their request.

ASSEMBLYMAN LESNIAK: Okay. We don't make the priority lists up. We are not the experts.

MR. ALDREDGE: But you still appropriate the funds.

ASSEMBLYMAN LESNIAK: We appropriate the money. We have been pretty good at that. We have been getting the money out. We were the first State in the nation to do it, as you know. Whatever we can do in terms of these priority listings, and we are doing something about that too, in

terms of legislation-- That is awaiting action in the Senate, and we expect to have that soon.

MR. ALDREDGE: Yes, I have seen some of the new bills you have.

ASSEMBLYMAN LESNIAK: I am sure that Assemblyman Janiszewski will have an awful lot to say about what sites will be on the new list. You will be given every consideration.

MR. ALDREDGE: Yes. He is working with me very closely.

ASSEMBLYMAN LESNIAK: Great. Thank you very much.

MR. ALDREDGE: The main thing I wanted the Committee to see is the conditions at PJP, which is endangering the Polaski Skyway.

ASSEMBLYMAN LESNIAK: The pictures?

MR. ALDREDGE: Yes.

ASSEMBLYMAN Lesniak: They are being passed around now.

MR. ALDREDGE: I want to thank the Committee for their great work in protecting the environment. I would like to remind them that our decisions today will mean whether we will have world that we can live in or a world that we have to live in, in the future.

ASSEMBLYMAN LESNIAK: You are absolutely right. Thank you for the work you are doing in Jersey City. Give my regards to the Mayor.

MR. ALDREDGE: I will.

ASSEMBLYMAN LESNIAK: Thank you. This concludes the first portion of our public hearing. The record will be open for it to be supplemented by George Tyler, with additional information.

(Hearing Concluded)

MARLBORO TOWNSHIP

1979 Township Drive
Marlboro, New Jersey 07746
(201) 536-0200

SAUL G. HORNIK
Mayor

July 12, 1982

Congressman Matthew J. Rinaldo
2338 Rayburn House Office Building
Washington, D.C. 20515

Dear Matt:

Recently you received a copy of a letter that I wrote to Mrs. Anne Gorsuch, Administrator of the E.P.A. along with a memo that Lester Jargowsky sent to Tony Farro of the State D.E.P.

Your help would be appreciated in getting the Arky Site and the Storer Landfill included in the Super Fund list for cleanup, preferably at the same time that Burnt Fly Bog is done. I know that your input in this situation will be invaluable in accomplishing this task.

Thanking you in advance for all your cooperation and assistance to the citizens of Marlboro.

Best regards,

Saul G. Hornik
Mayor

SGH/sj

CC: Governor Keane
Anne Gorsuch, E.P.A.
Tony Farro, D.E.P.
Lester Jargowsky
Board of Health

MARLBORO TOWNSHIP

1979 Township Drive
Marlboro, New Jersey 07746
(201) 536-0200

SAUL G. HORNIK
Mayor

July 8, 1982

Mrs. Anne Gorsuch
Administrator
United States E.P.A. Agency
Washington, D.C. 20460

Dear Mrs. Gorsuch:

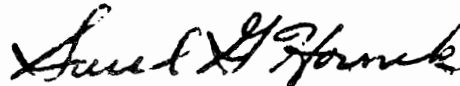
I would like to thank the E.P.A. for their cooperation with the D.E.P. in regard to the cleanup of Burnt Fly Bog.

Enclosed please find a memo from the Monmouth County Health Officer, Lester Jargowsky, regarding 4 additional sites of which the Storer Landfill and the Arky Site are in Marlboro Township. We respectfully request that these sites be added to the Super Fund list.

I would appreciate that at the time the Super Fund money becomes available, at the completion of the Dames and Moore impact study for the Bog, that both the Storer Landfill and the Arky Site be reclaimed at the same time that the Bog project is undertaken. The closeness of these 2 sites to the Bog would seem to us to be the logical approach to this problem and would be cost efficient in the long run. Your consideration of this request and your expeditious response would be appreciated.

Again, I thank Governor Keane, Congressman Rinaldo, and yourself for coming to Freehold, New Jersey and showing your personal interest with regard to this critical situation.

Sincerely yours,



Saul G. Hornik
Mayor

SGH/sj
Enc.

CC: Governor Keane
Congressman Rinaldo
Tony Faro, D.E.P.
Health Officer Lester Jargowsky

MATTHEW J. RINALDO
12TH DISTRICT, NEW JERSEY

WASHINGTON OFFICE:
2338 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-8361

DISTRICT OFFICE:
1961 MORRIS AVENUE
UMONK, NEW JERSEY 07083
(201) 687-4235

Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEES:
ENERGY AND COMMERCE

SUBCOMMITTEES:
ENERGY CONSERVATION AND POWER
TELECOMMUNICATIONS, CONSUMER
PROTECTION AND FINANCE

SELECT COMMITTEE
ON AGING

SUBCOMMITTEE:
HUMAN SERVICES

July 14, 1982

The Honorable Saul G. Hornik
Mayor
Marlboro Township
1979 Township Drive
Marlboro, New Jersey 07746

Dear Saul:

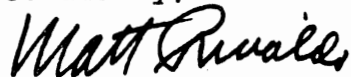
Thank you for sending me copies of your correspondence with the Environmental Protection Agency as well as your follow-up letter to me urging the inclusion of Storer Landfill and Arky Site on the current Super Fund list.

Because of their proximity to the two hazardous waste sites, for which EPA and the state announced clean-up plans last week, I agree with you that it could be cost effective to include the additional sites in Marlboro Township in the current clean-up efforts.

Whether this can be done is up to EPA. Therefore, I also have contacted Administrator Gorsuch to urge her favorable consideration of your suggestion. As soon as I receive further information from her offices as to what action can be taken, I will be in touch with you again.

Best regards.

Cordially,



MATTHEW J. RINALDO
Member of Congress

MJR:lm

TOWNSHIP OF MARLBORO

MARLBORO, NEW JERSEY 07746

(201) 536-0200

MARLBORO PLANNING BOARD

March 24, 1981

Environmental Protection Agency
Region II
Edison, New Jersey 08817


Dear Mr. Rubul;

In the matter of Imperial Oil, Morganville, N.J., this application is before the Planning Board for Site Plan review. In 1976 this firm was summonsed by the EPA due to failure to prepare an SPCC Plan for its facility. After speaking to Michael Polito he informed me that this company has not been inspected since 1976.

Would it be possible to have an up-dated SPCC Plan submitted from them and an inspection made by your agency. This information would assist the Planning Board to make its decision on this application.

Please feel free to call me if additional information is needed.

Very truly yours;



Gloria J. Leks, Clerk
Marlboro Planning Board



Mayor Saul Hornik

CC: Norman Perlmutter
Russell Reeves

The Monmouth County Board of Health

JUNE COUNTERMAN
President

LORRAINE CRONIN
Vice President

CHARLES ORMSBEE, Jr.
Secretary

LESTER W. JARGOWSKY, M.P.H.
HEALTH OFFICER

PUBLIC HEALTH CENTER
17 LAFAYETTE PLACE
FREEHOLD, NEW JERSEY, 07728

Telephone: Area Code (201) 431-7456

April 27, 1981

Mayor Saul Hornik
Township of Marlboro
Wyncrest Road
Marlboro, N.J. 07746

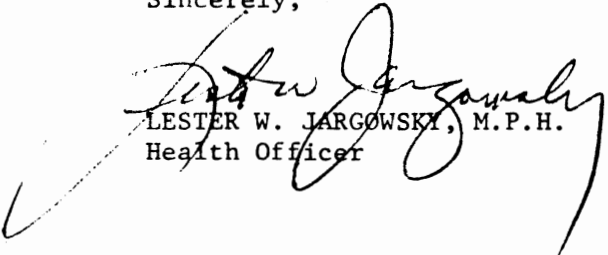
RE: Imperial Oil Company
Orchard Place
Marlboro, N.J.

Dear Mayor Hornik:

As per our telephone conversation on April 22, 1981 the County Health Department has documented several serious environmental problems at the above referenced location.

Demolition of the old buildings at this site may aggravate the situation. We therefore request that no permits for such activity be issued by the Township until we have further data or the environmental hazards are removed.

Sincerely,


LESTER W. JARGOWSKY, M.P.H.
Health Officer

LWJ:bah

The Monmouth County Board of Health

JUNE COUNTERMAN
President
LORRAINE CRONIN
Vice President
CHARLES ORMSBEE, Jr.
Secretary

LESTER W. JARGOWSKY, M.P.H.
HEALTH OFFICER

PUBLIC HEALTH CENTER
17 LAFAYETTE PLACE
FREEHOLD, NEW JERSEY, 07728

Telephone Area Code (201) 431-7456

May 4, 1981

Jerry Fitzgerald English, Commissioner
New Jersey Department of Environmental
Protection
P.O. Box 1390
Trenton, N.J. 08625

RE: Imperial Oil Company
Orchard Place
Marlboro Township, N.J.

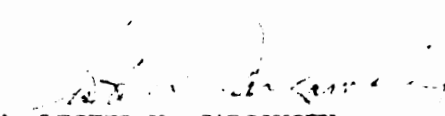
Dear Commissioner English:

This Department has documented an oil spill at the above referenced oil processing firm in Marlboro Township. Our findings have been witnessed by various representatives of the NJDEP including the Hazard Management section. In that this oil spill is also laced with PCB's and lead it is imperative that an immediate clean up be instituted in accordance with the provisions of the N.J. Spill Fund. Most specifically we are asking that the oil spill accelerator be used to generate the needed funds for the Spill Fund to address this serious situation.

The oil spill starts in the area of a series of non-functional oil separators at the Imperial Oil site. The last separator is connected to a nearby stream by a pipe. The banks and flood plain of the stream known as Birch Swamp Brook are coated with oil and sludge. There is evidence of oil/sludge damage in the stream for roughly 2 miles as it flows toward Lake Lefferts in Matawan. The immediate flood plain area of the brook near the Imperial Oil Company has had severe aquatic and vegetation damage. Numerous trees and shrubs have died as a result of this continuing spill.

We ask for your technical assistance, guidance and resolve to immediately address this serious environmental hazard. If we can be of further assistance in this regard please feel free to call.

Sincerely,



LESTER W. JARGOWSKY,
Health Officer

LWJ:bah

cc: Monmouth County Board of Chosen Freeholders
Monmouth County Board of Health
Saul Hornik, Mayor, Marlboro Township ✓
Assemblywoman Muhler
Assemblyman Bennett
Senator Gagliano

The Monmouth County Board of Health

JUNE COUNTERMAN
President

LORRAINE CRONIN
Vice President

CHARLES ORMSBEE, Jr.
Secretary

LESTER W. JARGOWSKY, M.P.H.
HEALTH OFFICER

PUBLIC HEALTH CENTER
17 LAFAYETTE PLACE
FREEHOLD, NEW JERSEY, 07728

Telephone: Area Code (201) 431-7456

May 4, 1981

Jerry Fitzgerald English, Commissioner
New Jersey Department of Environmental
Protection
P.O. Box 1390
Trenton, N.J. 08625

RE: Imperial Oil Company
Orchard Place
Marlboro Township, N.J.

Dear Commissioner English:

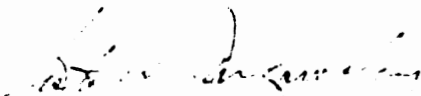
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page #2 (continued)
Commissioner English

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Sincerely,



LESTER W. JARGOWSKY,
Health Officer

LWJ:bah

cc: Monmouth County Board of Chosen Freeholders
Monmouth County Board of Health
Saul Hornik, Mayor, Marlboro Township ✓
Assemblywoman Muhler
Assemblyman Bennett
Senator Gagliano

JACK GOLDSTEIN

ATTORNEY AT LAW

22 STOCKTON DRIVE

MARLBORO, NEW JERSEY 07746

201 - 431-4143

MEMBER OF N. J. AND N. Y. BARS

NEW YORK OFFICE

233 BROADWAY

NEW YORK, NEW YORK 10279

212 349-6680

May 26, 1981

Hon. Saul Hornik
Township of Marlboro
Drawer "D"
Marlboro, New Jersey 07746

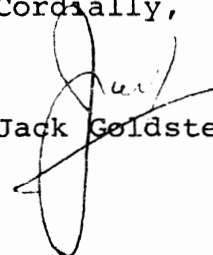
Re: Imperial Oil Co.

Dear Saul:

I saw the letter from Fred Rubel, Chief of the Emergency Response Branch of the United States Environmental Protection Agency. I must compliment you on your insight and the follow-up steps taken by you to have the inspection conducted. I think the whole incident constitutes a turning point in the protection of Marlboro and its environment.

Keep up the good work. You know that you can always rely upon me for my support in these efforts.

Cordially,


Jack Goldstein

JG:dd



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

October 8, 1981

Honorable Saul Hornick
Mayor
Township of Marlboro
Marlboro, New Jersey 07746

Re: Imperial Oil Company, Inc.
Building Permit for Facility
Modernization
SPCC Docket No.: OH-II-81-06

Dear Mayor Hornick:

I have been informed by Gail H. Allyn, Esq., attorney for Imperial Oil, that the issuance by the Township of Marlboro of a building permit for intended modernization of Imperial's facility is being impeded by their previous non-compliance with EPA's SPCC regulations. Please be informed that on September 21, 1981 the new SPCC Plan for Imperial's facility was formally approved by EPA.

EPA Region II believes that although full implementation of the Plan is not presently in place and cannot be accomplished until water which has accumulated on the facility property can be removed in a legal manner, a matter currently being worked on, the construction of the planned storage building will generally increase safety at the facility and will provide an improved storage area for the drums which are stored at the facility, thus adding to the margin of spill prevention afforded by the SPCC Plan and its ultimate implementation.

Your assistance in notifying the Planning Board that the SPCC Plan has been approved will be appreciated.

Sincerely yours,

Henry Gluckstern
Henry Gluckstern
Attorney
Enforcement Division
(212) 264-4430

*Location of new building
is near old building*

cc: Gail H. Allyn, Esq.
Pitney, Hardin, Kipp & Szuch
163 Madison Avenue
Morristown, New Jersey 07960

MARLBORO TOWNSHIP

1979 Township Drive
Marlboro, New Jersey 07746
(201) 536-0200

SAUL G. HORNIK
Mayor

TO: Norman Perlmutter, Planning Board Chairman
FROM: Mayor Saul G. Hornik
DATE: October 28, 1981
RE: Imperial Oil

Attached are two letters for your perusal.

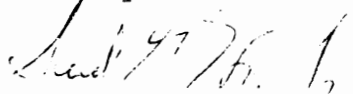
The 1st is a letter from the attorney
of the E.P.A., Region II.

The 2nd is the response that I had
requested of Lester Jargowsky.

I would like to recommend to the Board that we
not move on this application until Lester is
satisfied. If the time is critical, then we
should consider our options.

A copy of the enclosed letter has also been sent
to Barbara Greer at the D.E.P.

Thank you.



SGH/sj
Enc.

cc: All Planning Board Members

The Monmouth County Board of Health

JUNE COUNTERMAN
President

LORRIANE CRONIN
Vice President

ROBERT W. DENMAN
Secretary

LESTER W. JARGOWSKY, M.P.H.
HEALTH OFFICER

17 Lafayette Place

FREEHOLD, NEW JERSEY 07728

Telephone: Area Code (201) 431-7456

October 27, 1981

Henry Gluckstern, Esq.
Enforcement Division
U.S.E.P.A. Region II
26 Federal Plaza
New York, New York 10078

RE: Imperial Oil Company, Inc.
Marlboro Township, New Jersey
SPCC Docket No. #OH-II-81-06

Dear Mr. Gluckstern:

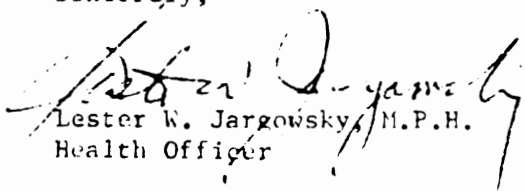
Mayor Hornik has requested that I reply to your letter to him dated October 8, 1981 regarding the above referenced facility. We are pleased that this company has filed a new SPCC plan with the E.P.A. and that it has not with E.P.A. approval. However, we are concerned that construction on this site will aggravate the current environmental conditions thereon and jeopardize the public health and welfare.

Specifically, we have not been provided the detailed sample results from the U.S.E.P.A. and the N.J.D.E.P. relative to this site. Our initial findings indicated a possible problem with PCB's, heavy metals (lead-arsenic) and soils heavily saturated with oil.

We desire documentation that construction and related land moving on this site will not jeopardize the public health and welfare, nor adversely impact Birch Swamp Brook. Until we are provided the aforementioned data we will not render a judgement on the issuance of the building permit in question.

Your assistance in obtaining this additional data is appreciated.

Sincerely,


Lester W. Jargowsky, M.P.H.
Health Officer

LWJ/pco

cc: Mayor Saul Hornik,
Marlboro Township

13x



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278

October 8, 1981

Honorable Saul Hornick
Mayor
Township of Marlboro
Marlboro, New Jersey 07746

Re: Imperial Oil Company, Inc.
Building Permit for Facility
Modernization
SPCC Docket No.: OH-II-81-06

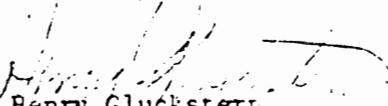
Dear Mayor Hornick:

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EPA Region II believes that although full implementation of the Plan is not presently in place and cannot be accomplished until water which has accumulated on the facility property can be removed in a legal manner, a matter currently being worked on, the construction of the planned storage building will generally increase safety at the facility and will provide an improved storage area for the drums which are stored at the facility, thus adding to the margin of spill prevention afforded by the SPCC Plan and its ultimate implementation.

Your assistance in notifying the Planning Board that the SPCC Plan has been approved will be appreciated.

Sincerely yours,


Henry Gluckstern
Attorney
Enforcement Division
(212) 264-4430

cc: Gail H. Allyn, Esq.
Fitney, Hardin, Kipp & Szuch
163 Madison Avenue
Morristown, New Jersey 07960

*1 location of ...
is ...*

2.

JACK GOLDSTEIN

ATTORNEY AT LAW

22 STOCKTON DRIVE

MARLBORO, NEW JERSEY 07746

201 - 431-4145

MEMBER OF N. J. AND N. Y. BARS

NEW YORK OFFICE

233 BROADWAY

NEW YORK, NEW YORK 10279

212 349-5680

December 21, 1981

Ms. Barbara M. Greer
Office of Enforcement
Department of Environmental
Protection
CN-402
Trenton, New Jersey 08625

Re: Imperial Oil Company

Dear Ms. Greer:

I am the attorney for the Planning Board of the Township of Marlboro. There is now pending before that Board an application for Site Plan Approval submitted by Imperial Oil Company, Inc. It was as a result of that application and the resourceful efforts of the Mayor and Health Officer of the Township that the Department of Environmental Protection was alerted to the problem that existed at the Site.

The application of Imperial Oil is still pending before the Planning Board and the applicant is now requesting early approval of its site plan.

I have reviewed the Administrative Consent Order which was entered into. The Planning Board is deeply concerned regarding this application and is fearful that disturbance of land and proceeding with the construction as contemplated might aggravate the very dangerous condition which exists there.

Based upon the information at hand, the Planning Board believes that we are still not aware of the complete nature and extent of the pollution on the Site.

For our information, we would like answers to the following questions:

1. Can you verify that Item No. 12 has been complied with? If you can, please certify that same has been done. If you can't, please notify us as to when you anticipate that it will be completed;

Ms. Barbara M. Greer
Office of Enforcement
Dept. of Environmental
Protection
CN-402
Trenton, N. J. 08625

December 21, 1981

2. Can you verify that Item No. 13 of the order has been complied with?
If you can, please forward us a copy of a report that sets forth that conclusion.
If you can't, please notify us when you anticipate that it will be complied with.
Relating to that same item, please advise whether final NPDES and/or NJPDES permits have been issued. If they have been issued, please verify that fact in writing. If they have not been issued, please notify us as to when you expect that they will be issued.

Further relating to that item, please advise whether you have reviewed the monitoring results, and if you have, what that review indicated;
If you have not reviewed the results, advise us when you expect to do so;
3. Relating to Item No. 14 of the Consent Order, has there been an analysis and removal of sludge accumulations, and has an inspection of the Separator System been made, and are you satisfied with that inspection? If improvements were necessary, have they been installed? If not, have final engineering plans been filed?
4. Relating to Item 15 of the Consent Order, have soil, surface water and ground water assessment programs been submitted together with an implementation schedule?
5. Has the analysis required in Section 16 been performed, and have any additional samplings become necessary, and if so, has it been done?
6. Relating to Item No. 17, has the NJDEP determined that ground water, surface water, soil or sediment contamination exists, and if so, have standards been established?
7. Regarding Item No. 18, has a comprehensive remedial plan been filed together with an Implementation Schedule? Is it contemplated that an amendment to the order will be made, and if so, when is that expected?
8. Relating to Item No. 19, has a Discharge Prevention Containment, or Counter-measure Plan, been filed and approved?

Ms. Barbara M. Greer
Office of Enforcement
Dept, of Environmental
Protection
CN-402
Trenton, New Jersey 08625

December 21, 1981

9. Regarding Paragraph 21, has a Performance Bond been filed?
10. Regarding Item 27, has the Department reinspected the premises since the execution of the Consent Order, and if so, kindly provide us with a copy of the report. If it has not been reinspected, when is it anticipated that such a reinspection shall take place?

The Planning Board deems it essential to have this information before it can even consider approving the Site Plan, as filed. While I understand that it undoubtedly is the obligation of the applicant to provide this information, the Planning Board would feel more comfortable if the information came from you.

Since the Planning Board is very much concerned about the environment at this location, as well as other locations within the Township, and since it believes that there should be no disturbance of the area until complete information is obtained, I request that the inquiries and requests set forth in this letter be complied with as soon as possible.

I am forwarding a copy of this letter to the Attorney for Imperial Oil for its information and to other officials of Marlboro Township.

Thank you for your cooperation in this matter.

Very truly yours,

JG:dd

Jack Goldstein

cc: Hon Saul Hornik ✓
Mayor of Marlboro Township
Marlboro, N. J. 07746

cc: Chairman, Marlboro Township
Planning Board
Marlboro, N. J. 07746

cc: Mr. Lester Jargowsky

cc: Martin M. Barger, Esq.
34 Broad Street
P. O. Box 580
Red Bank, N. J. 07701



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
JERRY FITZGERALD ENGLISH, COMMISSIONER
CN 402
TRENTON, N.J. 08625
609-292-2885

December 8, 1981

Mayor Saul Hornik
Marlboro Township
Municipal Building
76 Wyncrest Road
Marlboro, New Jersey 07746

Dear Mayor Hornik:

Enclosed please find a copy of the Imperial Oil Company Administrative Consent Order executed this past week. I believe you will find it to be comprehensive in addressing the pollution problems at the site.

In addition to the work that IOC will be carrying out on their site, the Department plans to undertake extensive monitoring of the tributary to Lake Lefferts downstream of IOC to determine if further remedial work will be required. The Department is also in the process of evaluating the off-site dump areas and will establish a priority ranking for those areas so that they may be scheduled for cleanup as funds become available.

We are pleased that the Imperial Oil Company officers have taken, are and continuing to take, those steps necessary to control and abate the contamination on their property. They have been most cooperative with the Department and therefore deserve every consideration your administration might show them, consistent with the terms of the Administrative Consent Order. I would therefore urge you to consider their willingness to comply with all environmental controls in your decision-making process in regard to IOC's application for a building permit. As Henry Gluckstern of EPA indicated in his letter to you of October 8, 1981, the proposed storage building will increase safety at the facility as it applies to spill prevention.

Thank you for your anticipated cooperation. If you have any questions concerning the Consent Order, please do not hesitate to call me at 609-292-9289.

Very truly yours,



Barbara M. Greer
Assistant to Chief,
Office of Enforcement

BMG:df

Enclosure

cc: Lester Jargowsky, Monmouth County Board of Health
Henry Gluckstern, EPA Region II, Enforcement Div.
Gail Allyn, Esq., Pitney, Hardin, Kipp & Szuch



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER
CN 402
TRENTON, N. J. 08625
609-292-2885

IN THE MATTER OF :
IMPERIAL OIL COMPANY, INC. : ADMINISTRATIVE CONSENT
MARLBORO TOWNSHIP : ORDER
AND
CHAMPION CHEMICAL COMPANY :
MARLBORO TOWNSHIP :

The following FINDINGS are made and ORDER issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "NJDEP") by N.J.S.A. 13:1D-1 et seq.; N.J.S.A. 13:1B-5; the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.; the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq.; and the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.

FINDINGS

1. The Imperial Oil Company, Inc. (hereinafter "IOC") operates an oil blending facility, located on Orchard Place, Lot 30, Block 10, in the Township of Marlboro County of Monmouth, State of New Jersey.
2. Champion Chemical Company (hereinafter "CCC") is the owner of real property located on Orchard Place, in the Township of Marlboro, County of Monmouth, State of New Jersey, more particularly described as Lot 30, Block 10, on the tax map of the Township of Marlboro. The premises are leased to IOC.
3. The IOC facility has a total bulk storage capacity of over 400,000 gallons of a designated hazardous substance (oil) and is therefore a "major facility" as defined in N.J.S.A. 58:10-23.11b(1) and N.J.A.C. 7:1E-1e(1). Neither IOC nor CCC have previously submitted to NJDEP a Discharge Prevention Containment or Countermeasure (DPCC) Plan or a Discharge Cleanup and Removal (DCR) Plan.
4. The facility contains a network of storm sewers and catch basins, which flow into a series of oil/water separator units and an oil recovery separator unit in the catchment area. The outflow from this system flowed

through a pipe into a watercourse due east of the catchment area which is a tributary to Lake Lefferts. Neither IOC nor CCC had previously applied for or obtained a New Jersey Pollutant Discharge Elimination System (NJPDES) or National Pollutant Discharge Elimination System (NPDES) Permit or a Treatment Works Approval from NJDEP. On September 18, 1981, IOC applied to the U.S. Environmental Protection Agency for a NPDES Permit.

5. On March 27, 1981 and on April 28, 1981, representatives of NJDEP conducted an inspection of the facility. On April 28, 1981, liquid and sediment samples from the watercourse, soil samples and samples from the waste pile on the site were collected. Sample analysis of the water column in the stream revealed concentrations of arsenic, petroleum hydrocarbons and PCBs in excess of those allowed in the N.J. Surface Water Quality Standards and guidelines for FW-2 waters, N.J.A.C. 7:9-4.5 and 4.6(e). Samples of the sediment in the stream revealed measurable levels of arsenic, barium, lead, petroleum hydrocarbons and PCBs. Sample analysis of the soils on site revealed measurable levels of arsenic, barium, lead, chromium, PCBs and petroleum hydrocarbons. Sample analysis of the waste pile revealed measurable levels of arsenic, barium, lead, PCBs and petroleum hydrocarbons.
6. As a result of the inspections and sample analyses performed by NJDEP and IOC, it is alleged that IOC and/or CCC have violated the following statutes and regulations:
 - (a) New Jersey Spill Compensation and Control Act, 58:10-23.11(c) for spillage or discharge of designated hazardous substances such as oil.
 - (b) New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11(e) for failure to notify NJDEP of such discharges.
 - (c) New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. and N.J.A.C. 7:1.1 et seq. for failure to submit a DPCC Plan and DCR Plan.
 - (d) N.J.S.A. 58:10A-6(a); for discharging pollutants into waters of the State and onto the land from which it might flow or drain into waters of the State except in conformance with a valid NJPDES or NPDES permit.

- (e) N.J.S.A. 58:10A-1 et seq. for the installation or operation of a facility for the discharge of any pollutant except after approval by NJDEP.
 - (f) N.J.S.A. 58:10A-1 et seq. and N.J.A.C. 7:9-4.1 et seq. for discharging hazardous pollutants resulting in concentrations exceeding the Surface Water Quality Standards for FW-2 waters.
 - (g) Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and N.J.A.C. 7:26-2.2 for conducting a landfill without a Certificate of Registration and Approved Engineering Design.
7. On June 17, 1981, NJDEP notified IOC/CCC by directive letter to immediately cease all discharge into waters of the State, onto the land or into the ground and to cease the landfilling of sludge. IOC/CCC was also directed to prepare a groundwater monitoring plan and to prepare a comprehensive plan for implementing remedial measures to abate all pollution at the site. Such remedial plan to address, at a minimum, removal and proper disposal of all contaminated soils and sediments located at the property and in the adjacent stream, the removal and proper disposal of all drums containing waste materials, the construction of secondary containment dikes and/or diversionary structures, upgrading or replacement of the septic system, and provision of an impermeable base for the tank farms.
 8. On July 8, 1981, the NJDEP issued to IOC/CCC a Notice of Prosecution and Order for Landfilling without obtaining an Approved Engineering Design in violation of N.J.A.C. 7:26-2.2.2 and N.J.A.C. 7:26-2.2.3 and assessing a penalty of \$20,000.
 9. On July 10, 1981, a conference was held with representatives of IOC, NJDEP and the U.S. Department of Environmental Protection to discuss the above findings of fact, and proposals for certain remedial activities.
 10. Without admitting any violation of any law, statute, rule or regulations or any liability, IOC has agreed to and has begun to undertake certain measures at the request and recommendation of NJDEP.
 11. IOC, CCC and NJDEP desire to amicably settle and adjust their differences in this matter and, therefore, the parties have agreed to enter the following Order.

ORDER

NOW THEREFORE, IT IS ORDERED AND AGREED THAT:

12. IOC/CCC shall immediately cease all point source discharges into the waters of the State and shall cease and refrain from depositing sludge from the separator system onto the land. Point source discharges into waters of the State shall not resume until all appropriate discharge permits have been issued by NJDEP and/or the United States Environmental Protection Agency, except as set forth in this Consent Order.
13. IOC/CCC shall immediately skim the accumulated floating pollutant layer from the existing separator system and restore the separator system to proper operating capability so as to prevent the untreated discharge of contaminated storm water runoff from the site. The large existing pool and any additional accumulations of contaminated storm water runoff shall be pumped to the separator system for treatment prior to pumped discharge to surface water in a location acceptable to NJDEP and in accordance with the following effluent limits and monitoring frequency until issuance of the final NPDES and/or NJPDES permit:

<u>Parameter</u>	<u>Concentration Limit (Max.)</u>	<u>Grab Sample Frequency</u>
Organic Priority Pollutants (Base/Neutral and Acid Extraxtable Fractions)	100 ug/l Total	Monthly
PCB's	None detectable by 600 Series EPA Method	Monthly
Arsenic	0.20 mg/l	Bi-Weekly *
Barium	1.0 mg/l	"
Copper	0.5 mg/l	Monthly
Cadmium	0.01 mg/l	Bi-Weekly
Mercury	0.002 mg/l	Monthly
Chromium	0.05 mg/l	Bi-Weekly
Lead	0.20 mg/l	"
Zinc	1.0 mg/l	Monthly
Selenium	0.05 mg/l	Monthly
COD	50 mg/l	Bi-Weekly
TSS	45 mg/l	"
Oil and Grease	10 mg/l	"
pH	6 to 9	"
Flow	20,000 gpd	"

* Bi-Weekly = Once every two weeks.

IOC/CCC shall submit the monitoring results of the first discharge event to NJDEP immediately upon completion and shall submit the subsequent discharge monitoring results to NJDEP on a bi-weekly basis. Should review of the monitoring results show toxic or priority pollutants exceeding the effluent limits set forth above, NJDEP will immediately direct IOC/CCC to cease the discharge. Should review of 3 months of monitoring results show that certain pollutants are not detectable or substantially below the Paragraph 13, effluent limits, the monitoring for those pollutants will be decreased in frequency.

14. IOC/CCC shall, within 45 days of removal of the existing pool of contaminated storm water runoff, analyze and remove the sludge accumulations from the existing separator system for disposal in a manner acceptable to NJDEP. IOC/CCC shall have a New Jersey licensed Professional Engineer inspect the separator system and certify to NJDEP: (1) the design flow; (2) that the units are constructed with intergral, impervious bottoms; (3) that construction is in accordance with good engineering practice. The separator shall not be operated in excess of its design flow. Should improvements be required to install impervious bottoms or to meet good engineering practice, IOC/CCC shall implement such improvements under the supervision of the Professional Engineer and submit the final, sealed engineering plans and report to NJDEP within 90 days of removal of the storm water runoff pool.

15. IOC/CCC shall, within 30 days of signing this Consent Order, submit a soils, surface water and groundwater quality assessment program, including an implementation schedule, to the NJDEP. The assessment program shall be initiated within 15 days of its approval by NJDEP. The program shall include the following.

(a) Groundwater and soil assessment component which shall include : (1) The installation and sampling of monitoring wells and sampling of the waste pile and designated fill areas at various locations to be determined in consultation with NJDEP; (2) representative soil borings for soil analysis; (3) notification to NJDEP at least seven (7) days prior to the boring/drilling operation which shall be supervised by a qualified hydrogeologist; (4) within five (5) days after installation of the monitoring wells, a survey of all monitoring wells at top of casing to the nearest one-hundredth of a foot from a known datum by a licensed professional land surveyor; (5) an accurate water table map

indicating the direction of groundwater flow; (6) within ten (10) days of completion of the soil borings and well installation, submission of soil and groundwater samples for analysis by a qualified laboratory for the following parameters: pH, chemical oxygen demand (COD), total dissolved solids (TDS), chlorides, zinc, lead, petroleum hydrocarbons, polychlorinated biphenyls (PCB), base/neutrals and acid extractables, arsenic, barium, cadmium, chromium (hexavalent and total) and a quantitative volatile organic scan.

- (b) A surface water assessment component which shall include: (1) a stream monitoring survey of both the aqueous layer and sediment of the tributary to Lake Lefferts at various sites on the IOC/CCC property to be determined in consultation with NJDEP; (2) submission of aqueous and sediment samples for analyses by a qualified laboratory for the same parameters as set forth in (a) above, except that the volatile organic scan may be omitted and PCB samples may be obtained from the sediment only; (3) establishment of at least two (2) water elevation gauges at surface water sampling sites so as to determine the surface/groundwater relationship.
16. All analyses required by the assessment program in paragraph 15 shall be performed in accordance with standard test methods recognized by NJDEP and shall be completed on properly collected and preserved samples within the required holding time for each specified parameter. All results of sample analyses shall promptly be forwarded to NJDEP. Based upon the results of the initial sample analyses, additional sampling may reasonably be required by the NJDEP after consultation with IOC/CCC.
17. After reviewing the results of the sample analyses, should NJDEP determine that groundwater, surface water, soil or sediment contamination exists, NJDEP shall notify IOC/CCC of the contamination and the specific standards on which it bases its determination. (See, Surface Water Quality Standards, N.J.A.C. 7:9-4.5(c) and 4.6(e); Groundwater Quality Standards, N.J.A.C. 7:9-6.6 and Solid Waste Management Regulations including N.J.A.C. 7:26-8.1 et seq.) IOC/CCC shall have the opportunity to provide additional data and to discuss the findings with NJDEP.
18. Based upon the findings of the assessment program and the discussion of those findings among the parties,

within 60 days of acceptance of the assessment program report by NJDEP, IOC/CCC shall submit, for review by NJDEP, a comprehensive remedial plan, including an implementation schedule and an estimate of cost, for remedying the contamination on the IOC/CCC site so as to comply with all applicable statutes, regulations, standards and pollution control permits. Prior to implementation of the remedial plan the parties contemplate embodying such plan in an amendment to this Order or second Consent Order. IOC/CCC shall obtain NJDEP approval and shall notify NJDEP when work required by the plan will commence.

19. IOC/CCC shall, within 90 days of signing this Consent Order, submit to NJDEP a Discharge Prevention Containment or Countermeasures (DPCC) Plan and a Discharge Cleanup and Removal (DCR) Plan in accordance with N.J.A.C. 7:1E-1.1 et seq.

20. In the course of investigating and sampling at the IOC/CCC site, \$3,830 was expended by the Administrator of the New Jersey Spill Compensation Fund for laboratory analyses. Without admitting any violation or liability, IOC/CCC hereby agrees to reimburse the Spill Fund in the amount of \$3,830. Payment shall be made to Administrator, N.J. Spill Compensation Fund, at the address cited below:

N.J. Spill Compensation Fund
c/o Karl Birns, Assistant Director
Division of Hazard Management
120 Route 156
Yardville, NJ 08620

If, in the course of performing the analyses and remedial work set forth in this Consent Order, additional money is expended by the Spill Fund, IOC/CCC agrees to reimburse the fund in the amount expended.

21. Prior to initiation of the remedial program under paragraph No. 18, IOC/CCC shall use their best efforts to secure a "Performance" bond to guarantee adequate finances to perform the work. The bond shall be written in an amount equal to or greater than the clean-up cost estimate which is presented to and approved by the NJDEP. The obligee of the bond shall be NJDEP.

22. NOTICE IS HEREBY GIVEN that IOC/CCC may also be subject to penalties of up to \$25,000 per day for each violation of the Spill Compensation and Control Act. Under the Act, the authority to assess such penalties is conferred

on the Administrator of the Spill Compensation and Control Fund.

23. NOTICE IS HEREBY GIVEN that pursuant to N.J.S.A. 58:10A-10(d), NJDEP is authorized to assess a Civil Administrative Penalty of up to \$5,000.00 for each violation, and additional penalties of up to \$500.00 for each day during which such violation continues after receipt of an Administrative Order from NJDEP.
24. NOTICE IS HEREBY GIVEN, that pursuant to N.J.S.A. 58:10A-10f, willful or negligent violation of N.J.S.A. 58:10A-1 et seq., is a misdemeanor punishable upon conviction, by criminal penalties of up to \$25,000 per day of violation.
25. NJDEP will reevaluate the penalties assessed in the July 8, 1981 Notice of Prosecution and Order during the course of the activities undertaken pursuant to this Consent Order and if IOC/CCC is in compliance with the remedial plan schedule, then NJDEP will negotiate a reduction in penalty assessment. This provision hereby supersedes the date of payment in the Notice of Prosecution and Order of July 8, 1981. All other terms of said Notice and Order not inconsistent with this Consent Order shall remain in full force and effect.
26. Nothing in this Consent Order shall constitute a waiver of any statutory right of NJDEP pertaining to the items cited in said ORDER should NJDEP determine that further remedial measures are necessary to protect the public health, safety and/or welfare.
27. The Department shall have access to this facility for the purpose of inspecting the premises and the conditions thereon, upon presentation of identification or credentials. The Department may take samples, photographs and statements of facts relating to this Consent Order, the operation of this facility, and the condition of the soils, groundwater, surface water, and air during such inspections.
28. IOC/CCC hereby consents to and agrees to comply with all the terms and provisions of this Administrative Consent Order which shall be fully enforceable in the New Jersey Superior Court having jurisdiction over the subject matter and parties that have signed. This Consent Order shall also constitute an Administrative Order issued pursuant to the New Jersey Water Pollution Control Act the Solid Waste Management Act, and the Spill Compensation and Control Act, and shall not prohibit, prevent or otherwise preclude NJDEP from taking whatever

actions it deems appropriate to enforce the pollution control laws of the State of New Jersey in any manner not inconsistent with the terms of this Consent Order.

- 29. The parties agree that nothing herein shall constitute a finding or admission of any violation of any law, statute, rule or regulation, or any liability on the part of IOC or CCC, other than to comply with the terms and conditions of this Order.
- 30. Nothing in this Consent Order shall in any way limit IOC's or CCC's rights to seek administrative or legal relief, including without limitation, stays and appeals of any other Order issued by the Department.
- 31. This Administrative Consent Order shall be binding upon IOC/CCC, its principals, agents, employees, successors, and assigns.
- 32. This Administrative Consent Order shall take effect upon the signature of all parties.

IOC hereby consents to the entry of this Order and waives any right to a hearing concerning the matters set forth herein pursuant to N.J.S.A. 52:14B-1 et seq.

DATE 20 NOV 1981 Richard Robinson
FOR IOC:

CCC hereby consents to the entry of this Order and waives any right to a hearing concerning the matters set forth herein pursuant to N.J.S.A. 52:14B-1 et seq.

DATE 11-20-81 [Signature]
FOR CCC:

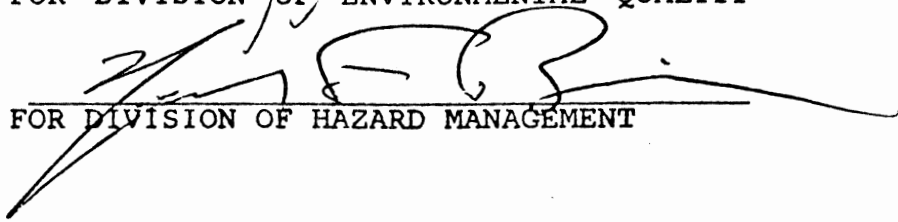
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

DATE 12/11/81 [Signature]
FOR DIVISION OF WATER RESOURCES

DATE 12/1/81


FOR DIVISION OF ENVIRONMENTAL QUALITY

DATE 12/2/81


FOR DIVISION OF HAZARD MANAGEMENT

STATUS OF NEW JERSEY SITES

Bridgeport Rental and Oil Services, Bridgeport

Funds available under Section 311 of the Clean Water Act totalling \$200,000 were used to reinforce the dike on site. EPA is now in the process of lowering the lagoon level utilizing funds authorized under the emergency removal provisions of Superfund. Feasibility studies for a long term remedy now underway are expected to be completed by April, 1983. Federal contracts for interim remedial action to lower the lagoon further and to empty storage tanks on site are likely to be awarded early in fiscal year 1983.

Burnt Fly Bog, Marlboro

Feasibility studies and design work were initiated with RCRA monies under a cooperative agreement with the Department of Environmental Protection signed on September 29, 1981. Target date for study completion is September, 1982; for design work, December, 198². EPA also expended \$35,000 in RCRA monies for a fence and berm reinforcement. The New Jersey Spill Fund has expended \$30,000 for a site investigation and waste characterization.

Chemical Control, Elizabeth

Waste removal and disposal were carried out by the New Jersey Department of Environmental Protection (DEP) using the State Spill Fund dollars totalling \$28 million. Under DEP lead, subsurface water treatment was accomplished utilizing \$4.1 million in Section 311 Clean Water Act funds. The State will shortly issue a bid request for removal of gas cylinders on the site using Spill Fund monies.

D'Imperio Property, Atlantic City

A Remedial Action Master Plan funded by Superfund monies totalling \$15,000 is being prepared for this site. EPA and NJDEP are negotiating a contract for site investigation and feasibility studies.

Goose Farm, Plumsted

Removal actions including excavation and reburial at CECOS and groundwater treatment has been done using Section 311 and superfund emergency removal funds amounting to \$2.4 million and New Jersey Spill Fund monies totalling \$4 million. Additional groundwater monitoring is being pursued to determine if contamination persists. The State is developing a sampling plan.

Kin Buc Landfill, Edison

EPA has expended \$2 million in Section 311 and Superfund removal fund on emergency clean up activities at Kin Buc plus \$100,000 to determine the extent of leachate contamination at the site. On July 7, a federal contract was signed with the State totalling \$2.8 million in Superfund monies to expand clean up activities, construct an interim leachate containment, collection, and treatment system and to develop a long term clean up plan for the site.

LiPari Landfill, Pitman

EPA has funded a field investigation for \$71,000, feasibility studies costing \$235,000, and cost and environmental evaluations of alternatives for \$150,000 using Section 311 and research monies. Federal contracts for remedial design and implementation are anticipated in the next three months.

Lone Pine Landfill, Freehold

A federal contract for feasibility studies of alternative remedial actions for \$330,000 was signed with the State of New Jersey on July 7, 1982. Site investigation work totalling \$174,000 was carried out using Superfund dollars including geophysical investigation; drum excavation, sampling and analysis; and, hydrogeologic investigation of the site.

Pijack Farm, Ocean County

A Remedial Investigation/Feasibility Study cooperative agreement is being negotiated with the State.

Price Landfill, Pleasantville

Both a federal and cooperative agreement were contract signed with the New Jersey Department of Environmental Protection to conduct remedial actions. Activities underway include feasibility studies, interim action design, and interim water treatment.

Spence Farm, Plumsted

A Remedial Investigation/Feasibility Study cooperative agreement is being negotiated with the state. Removal of surface materials is also contemplated.

Friedman Property (formerly Upper Freehold), Monmouth

A Remedial Investigation/Feasibility Study cooperative agreement is being negotiated with the state.

TESTIMONY OF THE NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION BEFORE THE ASSEMBLY
COMMITTEE ON AGRICULTURE AND THE ENVIRONMENT

JULY 22, 1982

PRESENTED BY GEORGE J. TYLER
ASSISTANT COMMISSIONER FOR
ENVIRONMENTAL MANAGEMENT
AND CONTROL

GOOD MORNING CHAIRMAN LESNIAK AND MEMBERS OF THE COMMITTEE. I WANT TO THANK YOU FOR THE OPPORTUNITY TO ADDRESS THE COMMITTEE ON AGRICULTURE AND ENVIRONMENT REGARDING AN ISSUE WHICH GREATLY IMPACTS UPON THE HEALTH AND WELFARE OF THE CITIZENS OF OUR STATE.

CLEAN-UP OF HAZARDOUS WASTE SITES IS STILL A RELATIVELY NEW FIELD. NEW JERSEY'S PAST AND PRESENT CLEANUP OPERATIONS HAVE SERVED TO PROVIDE THE STATE AND THE NATION WITH VALUABLE TECHNOLOGICAL, FINANCIAL AND (WITH YOUR HELP AND SUPPORT) LEGISLATIVE EXPERIENCE. NEW JERSEY RANKS THIRD IN THE NATION IN INDUSTRIAL CHEMICAL OUTPUT, CONSEQUENTLY WE ARE FACED WITH THE CHALLENGE OF PROTECTING OUR ENVIRONMENT AND OUR CITIZENS FROM WHAT MAY BE THE MOST SEVERE WASTE PROBLEM FACED BY ANY STATE. RECOGNIZING THIS PROBLEM, WE HAVE, OVER THE LAST TEN YEARS, DEVELOPED AND IMPLEMENTED EXTREMELY PROGRESSIVE LEGISLATION WHICH HAS PRODUCED FAIRLY SOPHISTICATED PROGRAMS TO PREVENT INAPPROPRIATE HAZARDOUS WASTE DISPOSAL IN THE FUTURE. THESE PROGRAMS ARE ALSO GEARED TO AMELIORATE THE PROBLEMS PRESENTED BY ILLICIT OR IMPROPER HAZARDOUS WASTE DISPOSAL IN THE PAST. AS A RESULT OF OUR PIONEERING EFFORTS IN THIS AREA, THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA), AS WELL AS OUR SISTER STATES, HAVE QUITE FREQUENTLY TURNED TO NEW JERSEY FOR GUIDANCE.

MOREOVER, NEW JERSEY IS CONSTANTLY TAKING MEASURES TO MAINTAIN ITS LEADERSHIP IN THIS AREA. ON THE LEGISLATIVE FRONT, THE RECENTLY PROPOSED ASSEMBLY BILLS 280, 285 AND 1255 ILLUSTRATE THE EFFORTS OF NEW JERSEY'S ENVIRONMENTAL COMMUNITY, THAT IS OUR LEGISLATIVE AND EXECUTIVE BRANCHES AS WELL AS MEMBERS OF OUR PUBLIC INTEREST AND INDUSTRIAL COMMUNITIES, TO FURTHER DEVELOP THE STATE'S EXPERTISE IN THE FIELD OF TOXIC WASTE CLEANUP AND PUBLIC HEALTH PROTECTION. ON THE ADMINISTRATIVE SIDE, COMMISSIONER HUGHEY'S REORGANIZATION OF THE DEPARTMENT'S PROGRAM AREAS RESPONSIBLE FOR TOXIC WASTE CLEAN- UP HAS ALREADY DEMONSTRATED ITS EFFICIENCY BY GIVING THE DEPARTMENT THE NECESSARY COORDINATIVE TOOLS TO NEGOTIATE FOUR SUPERFUND AGREEMENTS IN THE LAST THREE MONTHS.

AS THE COMMITTEE MEMBERS ARE WELL AWARE, NEW JERSEY'S PROBLEMS IN THIS AREA MAYBE THE MOST EXTENSIVE OF ANY STATE IN THE UNION. THERE ARE OVER 350 KNOWN AND/OR SUSPECTED HAZARDOUS WASTE SITES IN OUR STATE. THAT'S ONLY SLIGHTLY LESS THAN THE TOTAL NUMBER OF SITES SUPERFUND REQUIRES TO BE LISTED UNDER THE REVISED NATIONAL CONTINGENCY PLAN FOR THE ENTIRE NATION. TO DATE, NEW JERSEY HAS SUCCESSFULLY AND COMPLETELY DECONTAMINATED 18 SITES AND HAVE PERFORMED DETAILED INVESTIGATIONS OF AT LEAST 100 OTHERS. IN ADDITION, WASTE HAS BEEN PARTIALLY REMOVED FROM 11 ADDITIONAL SITES THROUGHOUT THE STATE.

FURTHERMORE, NEW JERSEY HAS BEEN A PIONEER IN THE AREA OF HAZARDOUS MATERIALS SPILL RESPONSE AS WELL. OUR STATE CREATED ITS FIRST SPILL RESPONSE PROGRAM IN 1971 AND HAS BEEN BUILDING ON THAT PROGRAM EVER SINCE. TO DATE, NJDEP HAS RECEIVED 13,719 SPILL REPORTS AND IN 1982 RESPONDED TO 30% OF ALL SPILLS REPORTED THAT YEAR. OVER THE YEARS, THE DEPARTMENT HAS DEVELOPED THE TECHNICAL CAPACITY TO HANDLE THE HIGHLY COMPLEX CHEMICAL HAZARDS THAT OFTEN RESULT FROM SUCH SPILLS AND, THANKS TO THE FUNDING SOURCE CREATED BY THE SPILL COMPENSATION AND CONTROL ACT OF 1977, HAS BEEN ABLE TO EFFECTIVELY AND EXPEDITIOUSLY CLEAN-UP THESE SPILLS WHENEVER CONDITIONS REQUIRE IT. PERHAPS MORE IMPORTANTLY, THE EXTREME LEGISLATIVE SANCTIONS AVAILABLE AGAINST THOSE PERSONS RESPONSIBLE FOR A SPILL COUPLED WITH THE DEPARTMENT'S DILIGENT ENFORCEMENT EFFORT IN THIS AREA, HAS CONVINCED MOST PARTIES RESPONSIBLE FOR A SPILL TO PROVIDE FOR THE NECESSARY CLEAN-UP THEMSELVES.

AS I HAVE SAID, NJDEP IS CONSTANTLY LEARNING HOW TO MORE EFFECTIVELY UTILIZE ITS RESOURCES TO PROTECT NEW JERSEY'S ENVIRONMENT FROM THE HAZARDS THREATENED BY THE ILLEGAL DISCHARGE OF HAZARDOUS SUBSTANCES. AS I STATED PREVIOUSLY, THE PAST FEW MONTHS COMMISSIONER HUGHEY HAS TAKEN SEVERAL ORGANIZATIONAL MEASURES TOWARDS THIS END.

THE DEPARTMENT'S VARIOUS SOLID AND HAZARDOUS WASTE PROGRAMS HAVE BEEN CENTRALIZED IN THE NEW DIVISION OF WASTE MANAGEMENT.

THE DIVISION COMBINES ALL WASTE MANAGEMENT ACTIVITIES WITH EMERGENCY RESPONSE AND CLEANUP ACTIVITIES. MR. JACK STANTON, PREVIOUSLY AN EMPLOYEE OF THE USEPA AND A 14 YEAR VETERAN IN THE ENVIRONMENTAL AREA, WAS NAMED DIVISION DIRECTOR.

WE ARE ALSO CURRENTLY DEVELOPING A SYSTEM FOR COMPREHENSIVE REVIEW OF ALL THE KNOWN AND SUSPECTED HAZARDOUS WASTE DISPOSAL SITES IN OUR STATE. THIS SYSTEM WILL PROVIDE US WITH THE INFORMATION NECESSARY TO DETERMINE THE EXISTENCE OF A HAZARD, THE NATURE AND EXTENT OF THE HAZARD, THE DEGREE OF POPULATION EXPOSURE, THE THREAT TO THE GROUND AND SURFACE WATERS, AND MANY OTHER IMPORTANT ENVIRONMENTAL AND PUBLIC HEALTH FACTORS. THIS SYSTEM CALLS FOR THE PRIORITIZATION OF THESE SITES TO FORM AN ACTION LIST, TO DEVISE PLANS OF ACTION, AND TO DETERMINE WHICH FUNDING SOURCE WILL BE USED. ONE OF THE LESSONS NEW JERSEY LEARNED YEARS AGO - ONE WHICH OUR SISTER STATES AND EVEN THE FEDERAL GOVERNMENT ARE JUST NOW ACTING ON - IS THAT THE ANSWERS TO THESE PROBLEMS ALL COST A GREAT DEAL OF MONEY AND AGAIN, NEW JERSEY HAS BEEN A PIONEER IN DEVELOPING INNOVATIVE LEGISLATIVE MEANS OF PROVIDING THAT MONEY WHEN AND WHERE IS NEEDED.

OUR MAJOR FUNDING SOURCES FOR THE CLEANUP OF HAZARDOUS MATERIALS ARE THE SPILL FUND, THE HAZARDOUS DISCHARGE BOND FUND, AND THE SANITARY LANDFILL FACILITY CLOSURE AND CONTINGENCY

FUND. THE SPILL FUND WAS CREATED PURSUANT TO THE SPILL COMPENSATION AND CONTROL ACT AND IS SUPPORTED BY A TAX ON THE TRANSFER OF PETROLEUM, PETROLEUM PRODUCTS AND OTHER HAZARDOUS SUBSTANCES. THE FUND IS DESIGNED TO PAY THE COSTS OF CLEANING UP SPILLS IN ADDITION TO COMPENSATING PERSONS FOR DAMAGES WHEN PAYMENT IS NOT READILY AVAILABLE FROM THE RESPONSIBLE DISCHARGER. THE NEW JERSEY DEPARTMENT OF TREASURY HANDLES THE ADMINISTRATION AND COLLECTION OF TAX PAYMENTS FROM THE FUND. TAX REVENUE FOR THE SPILL FUND IS ESTIMATED TO BE OVER \$1.1 MILLION PER MONTH.

THE SPILL ACT WAS ORGINALLY INTENDED TO PROVIDE FUNDS FOR THE CLEANUP OF SITES WHERE DISCHARGES WERE OCCURRING. IN JANUARY OF 1980, THE SPILL ACT WAS AMENDED TO ALLOW THE USE OF THE SPILL FUND FOR THE CLEANUP OF ABANDONED CHEMICAL DUMP SITES WITH THE POTENTIAL TO CAUSE PUBLIC AND ENVIRONMENTAL HARM. THIS AMENDMENT WAS SPONSORED BY ASSEMBLYMAN LESNIAK.

THE HAZARDOUS DISCHARGE BOND ACT AUTHORIZES THE ISSUANCE OF BONDS IN THE SUM OF \$100 MILLION TO ESTABLISH A FUND FOR USE IN THE IDENTIFICATION, CLEANUP AND REMOVAL OF HAZARDOUS SUBSTANCES. A-3699 APPROPRIATES \$33 MILLION FROM THE HAZARDOUS DISCHARGE FUND CREATED PURSUANT TO THE BOND ACT. THIS APPROPRIATION IS FOR THE CLEANUP OF OVER 20 SITES, THE 10% NONFEDERAL SHARE OF SUPERFUND FOR TEN SITES INCLUDING BURNT FLY BOG,

AND UNANTICIPATED EMERGENCY SITUATIONS.

THE SANITARY LANDFILL CLOSURE AND CONTINGENCY FUND ACT CREATES A FUND THROUGH FEES ON SOLID AND LIQUID WASTE DISPOSAL. THIS FUND WILL BE USED TO COVER DAMAGES TO PROPERTY ARISING FROM IMPROPER LANDFILL OPERATION AND CLOSURE, AS WELL AS TO PAY THE COSTS OF MONITORING AND CLEANUP WHERE A DISCHARGE OCCURS FROM LANDFILL OPERATION OR IMPROPER CLOSURE.

NEW JERSEY ALSO INTENDS TO TAKE FULL ADVANTAGE OF FEDERAL FUNDING FOR TOXIC WASTE CLEANUP TO BE PROVIDED UNDER CERCLA. CERCLA, OR AS IT IS USUALLY TERMED, SUPERFUND, IS SLATED TO PROVIDE UP TO \$1.6 BILLION IN TAX REVENUES FOR TOXIC WASTE CLEAN UP. IT REQUIRES A STATE/FEDERAL PARTNERSHIP IN PRIORITY RANKING AND FUNDING. THE STATE MUST ASSESS AND PROVIDE A PRIORITY RANKING OF ITS WORST SITES USING A FEDERALLY DEVELOPED RANKING SCHEME. THE STATE MUST ALSO HAVE FUNDING AVAILABLE TO PROVIDE A 10% SHARE OF THE CLEANUP EXPENSES FOR THE SITES WHICH ARE ADDRESSED BY SUPERFUND. NEW JERSEY IS ONE OF THE ONLY STATES WHICH CAN PROVIDE THIS NECESSARY FUNDING; BECAUSE OF ITS ALREADY ESTABLISHED STATE FUNDING SOURCES, THE SPILL FUND AND THE HAZARDOUS DISCHARGE BOND FUND, NEW JERSEY'S FINAL COMMITMENTS IN THIS AREA HAVE ALREADY BORNE FRUIT. WE ARE BEGINNING TO SEE A FLOW OF ACTUAL SUPERFUND DOLLARS. THIS IS EVIDENCED BY THE RE-

EXECUTION OF SUPERFUND AGREEMENTS WITH EPA FOR REMEDIAL WORK AND ENGINEERING STUDIES AT THE PRICE LANDFILL, AND KIN-BUC LANDFILL AND FOR AN ENGINEERING STUDY OF THE LONE PINE LANDFILL. IT HAS ALWAYS BEEN OUR POSITION THAT PROPER ORGANIZATION OF THE ADMINISTRATIVE AND FISCAL COMPONENTS OF A PROGRAM ARE ESSENTIAL IF THAT PROGRAM IS GOING TO WORK SMOOTHLY. THEREFORE, AS THE STATE MOVES INTO AN ERA OF MORE COSTLY AND LONGER DURATION CLEAN-UPS WITH THE ADVENT OF SUPERFUND, THE DEPARTMENT IS TAKING EVERY NECESSARY STEP TO ASSURE THAT THE PROPER ADMINISTRATIVE RESOURCES ARE AVAILABLE TO IMPLEMENT THOSE CLEAN-UPS AS EXPEDITIOUSLY AND AS COST-EFFECTIVELY AS POSSIBLE.

SEVERAL OTHER ADMINISTRATIVE ACTIONS TAKEN BY COMMISSIONER HUGHEY SHOULD BE MENTIONED.

AN OFFICE OF SPECIAL FUNDS ADMINISTRATION HAS BEEN CREATED IN THE DEPARTMENT TO ENSURE THE PROPER EXPENDITURE OF FUNDS FROM SOURCES SUCH AS THE SPILL FUND, THE HAZARDOUS DISCHARGE BOND FUND AND THE SANITARY LANDFILL CLOSURE AND CONTINGENCY FUND.

NEW, FORMALIZED PROCEDURES (311 PROCEDURES) HAVE BEEN ADOPTED FOR THE PURPOSE OF AUTHORIZATION AND UTILIZATION OF THE STATE'S CLEAN-UP FUNDS. THESE PROCEDURES ALLOW FOR SPECIAL

CONSIDERATION FOR EMERGENCIES AS WELL AS FOR COMPETITIVE BIDDING FOR NON-EMERGENCY WORK. THE PROCEDURES ALSO PROVIDE FOR FUNDING CONTROL AND ENSURE FISCAL INTEGRITY FOR ALL STATE CLEAN-UP EXPENDITURES.

FINALLY, WE ARE CURRENTLY REVISING OUR STANDARD STATE CONTRACT FOR CLEAN-UP WORK, A TIME AND MATERIALS CONTRACT, WHICH WILL REFLECT WHAT WE HAVE LEARNED OVER THE YEARS. THE NEW CONTRACT WILL ALLOW FOR IMMEDIATE RESPONSE TO EMERGENCY SITUATIONS IN A MORE COST-EFFECTIVE MANNER.

THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S PROGRAMS IN THE AREA OF HAZARDOUS WASTE CLEANUP AND SOLID WASTE MANAGEMENT ARE CONSIDERED TO BE THE MOST ADVANCED IN THE COUNTRY. OUR STATUS AS SUCH WAS PROMOTED BY THE VAST ENVIRONMENTALLY ORIENTED COMMUNITY AND THE MANY THOUSANDS OF CONCERNED CITIZENS IN OUR STATE.

N.J. SPILL COMPENSATION FUND

FUND BALANCE

June 30, 1982

<u>FUND BALANCE</u>		\$20,183,490.91
Funds Available	\$ 18,485,241.70	
Interest Income as of 6/22/82	1,698,249.21	
<u>ACCOUNTS PAYABLE</u>		
<u>Cleanup Expense</u>		
Unpaid Invoices & Work in Prog.	2,741,571.03	
Escrow Obligation	14,284.00	
<u>Administration</u>		
Spill Fund & DEP	<u>3,544,782.00</u>	
Sub-Total Accounts Payable		7,984,602.24
Net Balance		12,198,888.67
<u>OUTSTANDING COMMITMENTS/PENDING CLAIMS</u>		
<u>Hazardous Substances Claims Against the Fund</u>		
Contaminated Wells	253,661.00	
Damage Claims	2,588,094.00	
Cleanup - Balance of Auth.	2,645,253.07	
Sampling & Investigation- Balance of Authorizations	81,922.73	
Small Drum Dumps-Balance of Auth.	<u>6,111.13</u>	\$5,575,041.93
<u>Petroleum Claims Against the Fund</u>		
Cleanup Balance of Auth.	9,593.90	
Damage Claims	<u>139,139.00</u>	148,732.90
Sub-Total--Outstanding Commitments/Pending Claims		<u>5,723,774.83</u>
<u>OPERATING FUND BALANCE</u>		<u>6,475,113.84</u>

