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**PUBLIC HEARING**

before

**ASSEMBLY COORDINATING PANEL ON OCEAN POLLUTION**

Review of Legislative Bills Addressing the  
Problem of Ocean Pollution

December 1, 1987  
Dover Township Municipal Building  
Toms River, New Jersey

**MEMBERS OF PANEL PRESENT:**

Assemblyman John O. Bennett, Chairman  
Assemblyman Robert W. Singer, Vice Chairman  
Assemblyman John T. Hendrickson, Jr.  
Assemblyman Anthony M. Villane, Jr.  
Assemblyman Robert C. Shinn, Jr.  
Assemblyman John Paul Doyle  
Assemblyman Robert G. Smith  
Assemblyman George J. Otlowski

**ALSO PRESENT:**

Norman Miller  
Office of Legislative Services  
Aide, Assembly Coordinating Panel  
on Ocean Pollution

\* \* \* \* \*

Hearing Recorded and Transcribed by  
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EXECUTIVE DIRECTOR

CHUCK HARDWICK  
SPEAKER

November 16, 1987

NOTICE OF A PUBLIC HEARING

The Assembly Coordinating Panel on Ocean Pollution will hold a public hearing on Tuesday, December 1, 1987, beginning at 10:00 A.M., in the Main Chamber of the Dover Township Municipal Building in Toms River, New Jersey.

The nine-member panel, chaired by Assemblyman John O. Bennett, was created at the direction of Speaker Chuck Hardwick to conduct a comprehensive review of the dozens of legislative bills addressing the problem of ocean pollution that are pending in the General Assembly, and to recommend a legislative package that would provide a comprehensive, coordinated approach to a problem that became a prominent public issue this summer and that remains a matter of continuing concern.

Speaker Hardwick will be the first witness at the hearing. Others invited to provide testimony include the Commissioner of Environmental Protection and representatives of the New Jersey Environmental Lobby, Save Our Shores (SOS), Clean Ocean Action, and the Littoral Society.

The Chairman specifically asks that witnesses direct their remarks toward solutions rather than rehash the problem. In particular, those testifying are requested to discuss the strengths and weaknesses of pending legislation on the issue, or propose new solutions to the problem.

Those interested in providing testimony should contact Norman Miller at (609) 292-7676.



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**ASSEMBLYMAN JOHN O. BENNETT (Chairman):** I would like to call the hearing to order. I would like to introduce the Vice Chairman of this Committee, Assemblyman Bob Singer, who will give the welcome, as well as introduce some people. Assemblyman Singer.

**ASSEMBLYMAN SINGER:** Thank you, Mr. Chairman. First of all, I would like to welcome the Committee here to Ocean County. Both John Paul and myself -- this is our district -- thank you for coming here to have the first hearing of this Committee.

I would just like to make one brief comment, which we have all shared, and which I want to share with the public: This is the only public hearing where we are going to be hearing testimony from the public. The real work of this Committee is something to put the bills together and take action, not just to go around the State to discuss the problem we all know is out there.

Ocean County, which has the largest amount of beaches in all of the states -- 15 miles of beautiful beaches -- is concerned with this number one issue in our environment, and with what is happening to ocean pollution. This is a serious situation down here. We realize that, and we want to take a no-nonsense approach. We want to stop it now.

So, I thank the Committee for coming here for their first hearing. I appreciate them taking their time to listen to many of the residents here, who will share their concerns and thoughts with them.

At this time, I would like to introduce our host, Committeeman Roden Lightbody, who is going to lead us in the Pledge of Allegiance.

**C O M M I T T E E M A N R O D E N L I G H T B O D Y:**  
Please rise. (audience and Committee recite the Pledge of Allegiance)

**ASSEMBLYMAN BENNETT:** Thank you, Committeeman. Thank you, Assemblyman Singer.

Today is the first formal meeting of the Assembly Coordinating Panel on Ocean Pollution. I believe it is appropriate that this Panel was charged by the Speaker of the General Assembly to deal with what he considers as one of the number one problems facing the State. It is with a great deal of pride that I introduce today our initial speaker for this public hearing, the Speaker of the General Assembly, Assemblyman Chuck Hardwick. Mr. Speaker.

**A S S E M B L Y   S P E A K E R   C H U C K   H A R D W I C K:**  
Good morning. Let me first of all say how heartened I am to see this Panel gathered and ready to work so soon after I called for its formation. The idea in creating the Panel was to bring together the very best thinking about legislative solutions to the critical problems of garbage and pollution at the Jersey shore. You, the Panel members, especially Chairman John Bennett, have demonstrated time and time again your competence as legislators and your commitment to a clean environment. I am confident that as you coordinate the various areas of concern each of your Committees represents, we will see emerge a comprehensive and practical blueprint for solving the several aspects of ocean and beach pollution.

I would hope that you would prioritize your work so that a number of concrete recommendations can be issued in relatively short order. You have my commitment that I will post bills considered vital by this group as expeditiously as possible. After all, this Panel is modeled after a drug coordinating panel that proved so effective and efficient this past summer, that many of their recommendations are now law. If possible, the timely issuance of your recommendations is even more critical, because we must act before this next spring and summer to ensure that we do not see a rerun of last summer's problems.

Beginning right now, your task, and this State government's resolve, must be as simple as it is unequivocal:

We must do everything in our power to ensure that our citizens will not have to endure the offense of beaches closed by garbage, and perhaps ill effects of disease caused by contamination. The people of New Jersey want, demand, and need both a clean and safe shore.

As you are aware, the Governor has issued a number of recommendations about ocean pollution which I trust you will carefully review, along with others, during your deliberations. Your deliberations, while careful, must be carried out with a sense of urgency. In my opinion, this next summer will be decisive for the future of the Jersey shore well into the next decade. For if families are forced to abandon plans for vacations this coming season, or find our shore an undesirable place to live, it may be years before we will recover public confidence in New Jersey's oceanside as a vacation spot or home. Much of the new-found pride in New Jersey which has so bolstered our citizens will be eroded, and the "Jersey jokes" will begin again.

That's why I believe we need both a short-term and long-term plan. By short term, I mean a plan that does not wait until the next fiscal year begins, but one that brings forward some of the ideas that have been considered so we will have in place solutions for ocean and beach pollution before there are even traffic jams on Long Beach Island.

I trust you will feel free to recommend a number of short-term proposals that will help guarantee the integrity of the Jersey shore this next summer. But I hope you will take an especially hard look at three ingredients as part of our immediate action.

First, I was surprised to learn that there is no marine police station north of Monmouth County on the New Jersey shore. That is why I am proposing that the State provide immediately \$4.6 million for the acquisition of a facility in Port Newark\* that will be in operation by next May.

In conjunction with this, I would ask you to carefully consider Assemblyman Villane's legislation that would provide \$1.3 million to create an elite marine police contingent that will staff this station. We believe that if we move swiftly, 25 officers can be trained and organized into three top units to staff the Port Newark facility. A portion of this money will be dedicated to purchase necessary vessels, vehicles, and equipment. The officers from this new station can patrol the northern New Jersey waters in a vigilant patrol with the goal of ending illegal dumping. The cost of setting up the new station and providing personnel is estimated to be \$5.9 million, which will be added to the \$1.5 million associated with the "Eye in the Sky Proposal," a surveillance station that will patrol the coast from the air, legislation which you have already passed unanimously in the Assembly.

In conjunction with the beefing up of marine police operations, Assemblyman Villane has also suggested legislation that would create the Marine Crimes Investigation Unit, a proposal that deserves serious consideration, along with increased fines and penalties for those convicted of fouling our shore. We estimate a \$5 million price tag for this proposal.

A second problem that must be addressed immediately is that of controlling beach litter. Some money now for picking up garbage on our beaches is already dedicated. The so-called litter tax money -- \$13 million over two years -- is now at work to control litter, and the Governor's plan also calls for additional funds. But we must also attack the root of the problem by increasing public education about the devastating effects of carelessly disposed of cans, papers, and other debris. A viable public awareness campaign before and during the summer season is both appropriate and necessary. We estimate the costs for additional cleanup programs and funds for public relations to total about \$4 million.

A third essential component of the short-term plan has to do with making sure that the kind of hospital waste we saw last summer on our beaches doesn't end up there again. I realize that it is likely that New York hospitals were the culprits then, but the development of a manifest system to track the disposal of waste is simply a prudent step to prevent the problems we had last summer. In addition to the Interstate Hospital Manifest Proposal, we need to proceed with separate legislation that covers New Jersey's hospitals. Let's make sure our own house is in order.

Further, I suggest we can create bipartisan support for Assembly Bill 4593, sponsored by Assemblymen Robert Smith and David Schwartz, which will provide a reward to people who assist in uncovering violations of environmental statutes.

There are other proposals, such as sewage treatment surveillance and enforcement, that should be stepped up, and implemented right away. But getting the marine police in place, developing a beach control strategy which includes public education, and requiring a hospital waste manifest system will, it seems to me, require your immediate attention.

Next, we must recognize that while we in New Jersey have to use every means at our disposal to conquer the problem of ocean pollution, the solution does not lie solely in New Jersey. Let me give you an example of the wider action that is necessary.

Last summer, the beaches were closed on one occasion because of garbage that very likely came from a barge in New York waters. It is the regular practice of garbage haulers in New York to use barges to transport garbage to landfills, including the mammoth Fresh Kills Landfill on Staten Island.

It is obvious that whatever standards exist for the barges that carry garbage, they are not adequate to prevent the common loss of a lot of garbage into the ocean. As it stands now, garbage on barges means garbage in the ocean.

Much of the solution here must lie in consistent standards for ocean-going barges that carry garbage from state to state. And arriving at that solution will take legislators who are involved in national organizations pressing for consistently high standards for garbage barge transport. Whether through the Council on State Government, the National Conference of State Legislatures, or whatever organization we may be members and active in, each of us must use the opportunities we have to bring about positive change.

Recently, I was elected Chairman of the State and Federal Assembly of the NCSL. I want you to know that I will use that position to encourage a hard look at the standards states have for barges that carry garbage. I urge you to use your interstate contacts to do the same.

If such multi-state or even Federal legislation had been in place last summer, thousands of families would not have had to face a beach littered with hospital trash.

In addition to the proposals created by the Legislature, and in large measure endorsed by the Governor, I believe there are two other significant areas that must become a part of our long-term plan.

First, we must support and advance research and development in the field of high technology. I would like you to consider that we earmark \$10 million over the next five years for work in this area.

An example of the kind of investigation we need to be doing was suggested to a layman by the July "National Geographic" magazine, which reported that four-fifths of Lake Superior's toxins come from the air. Half of Lake Michigan's toxins come from the air. We need to know the effect of air pollution on New Jersey's water quality, a question that apparently cannot now be answered. Therefore, we need to encourage the academic community, working in concert with private industry, to provide us with the data to act upon, and the means to deal with the information which is uncovered.

Similar work is already going on at the Industry/University Cooperative Center for Research in Hazardous and Toxic Substances at the New Jersey Institute of Technology. We need further cooperation between our universities, institutes of technology, and industry in developing creative technologies for waste reduction; for example, biodegradable plastics.

Some technological solutions, however, already exist. For example, some packaging is clearly less harmful than other packaging. But not all packaging is equally cost-effective, and not all businesses, especially small businesses, have the resources to sacrifice profit for even a significant public good.

Therefore, as an incentive for small businesses to use the technology that is the most environmentally sound, I will propose a tax incentive plan of \$30 million over the next five years to encourage companies to change over to products that will not perpetuate the problem of garbage accumulation.

For example, fast food packaging has recently received attention. What has been lacking is a realistic look at the costs associated with changing that packaging. Tax incentives for small businesses can ease that transition.

Finally, I hope this Panel will pay special attention to pending legislation which would require minimum quality standards for sludge. I also urge you to study legislation which bans certain non-biodegradable materials that find their way into our ocean and harm marine life, and perhaps harm human life as well. I further look to you to consider bills that will increase penalties for violation of any statute which aims to control ocean pollution.

I understand that your recommendations will not come cheaply; I know the total of the bills I mentioned to you this morning that I am supporting exceeds \$223 million. But I firmly believe that this is one area on which the public agrees action is needed, and that the moneys spent will be well spent.

Of course, the bottom line is not how much our programs cost, but how much good they will do. I see no reason why our children and grandchildren shouldn't enjoy beaches that are as clean, indeed cleaner, than previous generations experienced.

I sincerely hope that I can meet with this group again, say, in September of 1988, at the Jersey shore. And I hope that we can stand on an unpolluted, uncluttered beach and smell the sweet salt air, and take pride in what we have accomplished in just these few short months. We will not be able to rest then, for there will be future years to think about for future generations. But at least we will be able to say that we have begun well, that having heard the alarm, having experienced the warning, we acted expeditiously on behalf of the people of this great State. For in the end, it is the people who deserve our very best efforts, and it is the people who deserve a clean and safe shore.

Mr. Chairman, thank you very much.

ASSEMBLYMAN BENNETT: Thank you very much, Mr. Speaker. If you could entertain just a couple of questions, if you wouldn't mind.

ASSEMBLY SPEAKER HARDWICK: I would be pleased to.

ASSEMBLYMAN BENNETT: The comments you presented to us today I believe indicate that you feel, in one area specifically, that enforcement needs to be enhanced. Do you feel that efforts in the past have been lacking up until now in the enforcement area?

ASSEMBLY SPEAKER HARDWICK: I think it has been a combination of things, Mr. Bennett. I don't think the resources have all been in place for enforcement. That is why I, along with Dr. Villane, co-sponsored, and you supported, the Eye in the Sky. If you don't have adequate resources for surveillance, if you don't have an adequate number of units able to enforce pollution in the ocean, then you are naturally

going to get pollution. So I think we need to do more to enable the authorities to enforce the laws.

ASSEMBLYMAN BENNETT: Your comments today also indicate that you feel that while much has to be done on the State level, obviously a lot has to be done on the Federal level -- I totally agree with you on that -- and that we should do everything -- not only this Panel, but we in the Legislature -- we can to influence change, not only on the State level, but also on the Federal level.

In particular, however, you mentioned the need for better barge transportation standards. Do you feel then that this is not just an enforcement issue?

ASSEMBLY SPEAKER HARDWICK: Apparently, from what I have been able to learn -- and as my statement said -- garbage on barges means garbage in the ocean. It is something that even when they are trying their very best, they have not been able to transport garbage on barges without slippage and without spillover. I know now that one of our northern counties is considering shipping garbage by barge all the way to Central America. Well, I think that would be-- I can just see pollution potentially going right down the whole East Coast of the United States. We should care about the ocean in Delaware and Maryland, the same as we do in New Jersey.

So, I think that on an interstate basis, the Federal authorities should take a very hard look. Is it even possible to haul garbage by barge? I am not convinced that it is, without extraordinary scooper proposals following up -- extraordinarily expensive proposals. I would recommend that this Panel look at that whole concept very carefully, and that we, in our dealings with other states, press for Federal standards. Either learn to do it right, or don't do it.

ASSEMBLYMAN BENNETT: Thank you. I believe there are a couple of comments that members of the Panel wish to make. As I call on them the first time, I will tell you their title

and where they are from, so that as the day progresses you will get to know everyone who is sitting up here. First will be the Chairperson of the Assembly Revenue, Finance, and Appropriations Committee, a shore legislator from Monmouth County, Assemblyman Doc Villane.

ASSEMBLYMAN VILLANE: Mr. Speaker, I had the occasion, with Colonel Pagano from the Department of Law and Public Safety, Division of State Police, to fly over the Arthur Kill Landfill -- the Fresh Kills Landfill. It is an experience that every single legislator has to have. As we flew over this landfill, it is incomprehensible the mountain of garbage, and the management of the garbage defies belief. There were scores -- I mean literally scores -- 40, 50, 60 barges lined up in the Arthur Kill, loaded with garbage right up to the gunnels of the boat, in piles, and these gigantic cranes, longer than this building, sweep over to the garbage barges, and pick up garbage -- loose garbage, not bailed, not condensed, not separated -- loose garbage. These cranes unload these tons of garbage onto open tandems. These open tandems proceed to go up and around the mountain of garbage in Staten Island. It has to be the worst-managed landfill ever, and I have known it for years. I have gone up there by car; I have gone up there by boat. But, unless you see it from the air, unless you experience the dimension of that garbage landfill, you will never know why we have so much garbage in our water.

These barges go from six transfer stations in Manhattan, ply the open-- They traverse the open water of the lower bay into the nape of the neck of New Jersey. At that point, they wait in line -- sometimes for days -- to be unloaded with all of the garbage. Every single speck of garbage from Manhattan ends up between Staten Island and New Jersey to be unloaded.

So, until we can enforce the law, and until we can convict the people with hard evidence, and unless we put people

in jail, we are never going to stop the pollution. That is why I really think that enforcement depends on being able to garner the evidence -- to put the evidence together. As far as I am concerned, the evidence has to be hard evidence, submissible to court. Our Attorney General could not find the hard facts against New York, but if we can photograph it day and night with infrared cameras, if we can videotape it, and the idea that we talked about, the Eye in the Sky, then we will stop polluters. We will be able to convict them, and it will also act as a tremendous deterrent.

I really appreciate your support, Mr. Speaker.

ASSEMBLY SPEAKER HARDWICK: Well, Dr. Villane, this morning's Star-Ledger had a column by Herb Jaffe, in which he discussed Judge Trump referring to the possibility of putting elected officials in New York in jail. I think we must be relentless -- absolutely relentless -- in our pursuit of New York. Following Federal law-- They clearly have not. In addition to the people operating the barges, if you start talking about, "It is time to lock up Mayor Koch," then I think there may be some action in New York, because to let that go on year after year is inexplicable and shameful.

ASSEMBLYMAN VILLANE: It is.

ASSEMBLY SPEAKER HARDWICK: It is.

ASSEMBLYMAN VILLANE: Thank you, Mr. Chairman.

ASSEMBLYMAN BENNETT: You're welcome. The Acting Chairman of the Select Committee on Tourism, and an Assemblyman from this district, Assemblyman Bob Singer.

ASSEMBLYMAN SINGER: Thank you. I, too, appreciate your remarks, Mr. Speaker. I have just one brief comment: I am concerned that although enforcement is certainly something we have to direct ourselves to, we also have to clean up our act here in New Jersey with our own pollutants. The sludge concern we have of the million pounds a day being dumped off our shores from our own municipalities, certainly has to be a

concern -- a major concern. The problem we have of the outdated sewer treatment lines and other outflow lines into the ocean has to be a major concern now. These are things that New Jersey has to take the lead on.

Certainly I appreciate the concept of surveillance by the blimp from Doc Villane, and your concept of more marine police. They are excellent, and they are part of it. But I must say that my thrust has to be to make New Jersey number one in showing the rest of the coast that we can do our job here. That is something I think we have to take an active role in now.

ASSEMBLY SPEAKER HARDWICK: Amen. I agree with you.

ASSEMBLYMAN BENNETT: The veteran legislator from this district, and Assistant Minority Leader of the New Jersey General Assembly, Assemblyman John Paul Doyle.

ASSEMBLYMAN DOYLE: Mr. Speaker, more than your remarks, I appreciate the fact that you convened this Committee. You did, as I thought ought to be done, create a single focus. I think that was very commendable, as were the excellent public-spirited remarks you gave today, and I appreciate that.

A couple of things, Mr. Speaker, that we shared privately, just so we can move on and indicate our bilateral sense of importance to this issue. You have, in your last two years of speakership, designated days in the Legislature where we worked on nothing but pretty much volunteer aid, or drug packaging, or whatever that single subject was that indicated to the public our concern, and also focused the attention of the Legislature on that issue. I would hope, Mr. Speaker, that you would set, almost formally, for this Committee, a deadline for action of early 1988 -- in the area of February to March 1 -- and that immediately after that, you look at a specially convened session that would focus on what to me is our single biggest priority for 1988, and that is to clean up the ocean.

ASSEMBLY SPEAKER HARDWICK: I think that is an excellent idea. I would be happy to follow up with the Chairman and the Committee staff and members on that. I can't think of a better day to have in the Assembly than "Clean Ocean Day." I think it is an excellent idea.

ASSEMBLYMAN DOYLE: Secondly, with respect to the costs, it has been said by past, present, and different circumstances that "No cost is too great; no burden too much to bear." That was in the protection of freedom. Now, we are talking about the protection of a clean ocean. Is there any question in your mind, Mr. Speaker, that regardless of the costs: One, we have the money available; and two, we must, if we haven't, make it available to do this?

ASSEMBLY SPEAKER HARDWICK: Well, there is no question in my mind that we have the money available, or need to make available what I have outlined here today in the amount of \$225 million in programs. I don't know that we will ever get everything done in the way of infrastructure changes and sludge treatment processes that we would all like to get done, at least in the next few years. I think the reason we convened this Committee with some of the best legislators we have in the Assembly, to focus on this issue, is that its impact is not just short term, but is lasting and long term. It is one of those issues that affects the quality of life of everyone in the State; not just the people who live in Ocean County, but everyone in the State, from an economic standpoint and a quality of life standpoint.

I can't say there are absolutely no cost constraints, because realistically -- and I know you are not implying that -- there are. But I think it should remain, not only in this Administration -- which it clearly is with Governor Kean -- but in subsequent administrations, a major priority.

ASSEMBLYMAN DOYLE: Thank you.

ASSEMBLYMAN BENNETT: Assistant Majority Leader and Ocean County legislator, Assemblyman John Hendrickson.

ASSEMBLYMAN HENDRICKSON: Thank you very much, Chairman Bennett. Mr. Speaker, I also want to commend you on the excellent report you have given us today. But I think the direction now is that this is really a moral issue -- the degradation of that gem of an ocean out there -- and the moral attack on the City of New York and, yes, even some of the municipalities and counties in New Jersey, to bring to their attention exactly what is happening, and to make them bite the bullet, if you will, for what they are doing.

We know -- and Assemblyman Doyle said it very well -- that this thing is a big dollar problem. The money is out there. We must find some way of financing, and getting in line the cleaning of it. Then, if I may propose perhaps, we could extend the Committee into the groundwater pollution problem we're having, because that should also be high on our agenda. The ocean has to be cleaned up, but we should also be taking direction on our groundwater pollution.

ASSEMBLY SPEAKER HARDWICK: Thank you, Assemblyman.

ASSEMBLYMAN BENNETT: On a personal level, for myself, Mr. Speaker, I would like to compliment you, not only for the leadership you demonstrated in establishing this Committee, but for the charge you have given us. I think it is a rather historic day when a Speaker of the General Assembly comes forward and offers a program to a Panel that he has appointed and charged, for \$225 million, as a plan to do something about our cleanup, not a shore legislator, but the Speaker who is speaking on behalf of the State of New Jersey, in what you perceive is the best interest.

I compliment you for appointing this Panel. I compliment you for coming forward today with a plan to give us a charge, pledging that the work of this Panel will not be buried, or will not just languish, but will, indeed, be posted

and will move forward in a bipartisan manner to see to it that we will get our ocean back. I thank you for that leadership.

ASSEMBLY SPEAKER HARDWICK: Thank you.

ASSEMBLYMAN BENNETT: The Chairman of the Select Committee on Solid Waste and a member of this Panel, Assemblyman Bob Shinn.

ASSEMBLYMAN SHINN: I would like to add my thanks to the Speaker for focusing the Legislature's attention on this problem. I think the enforcement issue is a good one; however, the enforcement issue leads us to the issue of a solution to the problem, not only for solid waste, but for sludge disposal. I think clearly that New Jersey is going to be in a deficit situation as far as both sludge and solid waste disposal are concerned from '88 through '92, so essentially we have five years to look forward to being a transporter of waste from transfer stations out-of-state. The immediate future is Pennsylvania, Ohio, West Virginia, etc., but certainly barge transportation is in the future of our solid waste and sludge disposal.

I think pointing to the barge transportation pollution issue is a good one, because I think we have time to get some regulations in place for barge transportation in the, I guess, soundest fashion that you can transport waste and sludge in barges, because we are going to be transporting waste in barges to countries other than the U.S. -- I think that is very clear -- in the next five years. So, part of this effort should be to bring on solutions at the earliest possible time in this State for the proper disposal of solid waste, sludge, hazardous waste, low-level radioactive waste, and the whole litany of problems we have. So, there is a large mission before this Committee.

Thank you.

ASSEMBLYMAN BENNETT: Indeed there is. Thank you very much.

The other member of the Panel who is here today is an Assemblyman, a long-term veteran legislator from Perth Amboy, where he also serves as the Mayor of that municipality, a man that has been concerned about environmental issues for many years and who has worked very hard in the Legislature to see that, in fact, many of the proposals we are talking about today will become a reality. He is Assemblyman George Otlowski, from Perth Amboy, Middlesex County -- down at the end.

ASSEMBLYMAN OTLOWSKI: I have no comment at the moment. Thank you very, very much.

ASSEMBLYMAN BENNETT: You're welcome. The two members of the Panel who are not here today -- at the present time anyway -- are Assemblywoman Maureen Ogden, who is the Chair of the Energy and Natural Resources Committee, and Assemblyman Bob Smith, who is also from Middlesex County. He is a member of the Appropriations Committee, and also a member of the Environmental Quality Committee, which I chair. I am Assemblyman John Bennett, from Monmouth County. That is the membership of this Panel. You have heard the charge that has been given to this Panel from the Speaker.

One of the items we are going to be dealing with, just so that the people in the audience are aware of it-- All of us who sit up here as members of this Panel have had the opportunity to work together as legislators for at least two years and, in some cases, for a longer period of time. We do not believe -- and I am going to give this from the very beginning so that hopefully it will set a tenor -- that the cleanup of the environment, whether it be on land or sea or in the air, is a political problem that can be done by either one party or the other. If you want, in fact, to clean up the environment and do what is right, it takes a bipartisan effort from people who care and want to take a stand and make difficult decisions.

I think the Speaker has selected the people who serve on this Committee because they are not afraid to make difficult decisions and, in fact, this Committee is charged with people who know how to work in a bipartisan manner in an effort to do what is right. That is going to be the tenor and the charge of this hearing. We are not here to take a political stand or to grandstand, or to give speeches and talk about things that are not going to happen. As we have worked on other areas of the environment together and come up with the most comprehensive environmental legislation, this Committee is going to work to see to it that we come up with the most comprehensive clean ocean proposals that can be done anywhere in the State of New Jersey.

I have a list of quite a number of people who are going to be testifying. If there is anyone who has not had the opportunity to sign up, in-between people who are testifying, please feel free to come forward and sign up on the sign-up sheet, to enable us to call upon you.

The next speaker will be the Commissioner of the Department of Environmental Protection, the Honorable Richard Dewling.

**COMMISSIONER RICHARD T. DEWLING:**  
Mr. Chairman, I wonder if I may have Ralph Izzo, Jane Kelly, and George McCann join me up here? They will be able to answer any questions you might have.

**ASSEMBLYMAN BENNETT:** Commissioner, if you can just hold on for one second. If at any time during the day people cannot hear anyone at the table or anyone testifying, just kind of wave your hands, and I will try to get whomever is doing the speaking at that point to speak out. I think the acoustics are relatively good in this room. It is a fine facility that the Dover Township Committee has made available to us, but if at any time you cannot hear, just give me a high sign, and we will take it from there.

COMMISSIONER DEWLING: Mr. Chairman, do you want these so you can see them? (referring to charts)

ASSEMBLYMAN BENNETT: No, that's fine. We will be able to see them as we go along, and I want the public to be able to see them. Perhaps at some point in time you will be able to turn them around for us, but right now, I would like the public to be able to see them. (pause here, awaiting the return to the room of one of the aides)

Commissioner Dewling?

COMMISSIONER DEWLING: Mr. Chairman, thank you very much for giving us the opportunity to come down here to discuss what I think is the most crucial issue facing the State, both short term and long term. I have given an official copy of my statement to the reporter, and what I will try to do is summarize the official statement. Then I will be able to answer any questions you might have.

With me this morning is Jane Kelly, Counsel in the Governor's office; Ralph Izzo, from the Office of Policy and Planning; and George McCann, Director of water programs in the State DEP.

The summer of '87 was to New Jersey what the summer of '76 was to the Long Island beaches, and also to the New York Bight. In 1976 -- in the Bicentennial Year -- we celebrated an anoxic condition, meaning zero dissolve oxygen, off our coast -- on July 4 weekend. We had an emergency declaration declared by the President of the United States to clean up the beaches on Long Island -- to assist them in removing tar balls, grease balls, and floatables from their beaches. The same arguments about floatables -- who caused it, what the problems were-- All science tried to define where it came from, but the final nail in the coffin was when a New York City police barrier came up on the beach. That sort of sealed the coffin about what the source was.

The summer of '87 saw several unrelated insults to our shore. There is no question that these insults have damaged the collective pride of the State. First we saw the wash-up of some oil and grease balls and tar balls on the shore; second, we had the unfortunate situation of the death of the dolphins. The sad part about that is that it may represent 30% of the dolphins in the area. The one important thing is that at no time have we been able to relate the cause and effect of water quality to the death of the dolphins. We believe it is a symptomatic problem where they have had a disease not associated with water quality. We had a similar problem in the State with a pox-type impact on deer, where we lost 1800 deer several years ago.

The final blow, I think, was on two occasions when we had the insult of garbage washing up on our shore. The first time you know it did hit shore. The second time, we were able to marshall our forces together to stop it from hitting the shore. We were successful in preventing it from hitting the shore.

Probably the most unfortunate situation was the driftwood problem, in which two youngsters were injured by a piece of driftwood. Unfortunately, there was a quantum leap that was made that the burn barges had impacted and that that was the source of that driftwood. There had not been a burn barge in the area for six weeks prior to the time, and we do have other sources of wood in the area.

Let me emphasize that the Governor's interest and commitment, and our interest and commitment to the ocean, did not begin with the '87 insults. These incidents served to focus -- rightfully so -- the public's attention on the need to protect the most cherished resource we have in the State -- our 127 miles of shoreline. The analogy I like to draw between this focus is the garbage barge that sat across New York City, which probably did more to focus attention on the solid waste

crisis we have in this State, as well as in New York. I think the issues we have here today, and the incidents we had last summer, equally focus that attention.

I have been asked many times, is there a relationship between the incidents we had last summer and some environmental response, and the answer is yes -- the solid waste problem. New York City closed its Pennsylvania Avenue landfill. When that happened about a year and a half ago, that meant that all of the 22,000 tons a day of solid waste went to the Staten Island landfill. Doc Villane mentioned that you have to see it. I agree. It is the largest landfill in the world. It will be going up to 500 foot tall. Its only restriction will be the approach to Runway 4 at Newark Airport. It is a monster.

If I give you some feeling in terms of what we did prior to '87, I think it will emphasize the need to look at the ocean as a total system. In '85-'86, we increased the monitoring stations from 50 to over 300. We unified all of the counties -- the DEP and the DOH. We standardized the testing procedures. We had the problem. What kicked that in was, we improved and got more involved in sewage treatment plants investigations. What kicked that in was the failure, on Labor Day weekend, of Wildwood/Wildwood Crest, which shut the treatment plants down, and shut the facility down.

We also, last year -- early in the year -- took the lead in notifying every state in the coastal area to get Federal legislation on the MARPOL Convention. We were personally involved in international activities on that to get legislation through and to force the coastal states to put pressure on the U.S. Congress. That has just passed. The irony here is that Russia beat the United States in adopting that responsibility. But we still need the enabling legislation.

Last year we started out the "New Jersey Shore, Keep It Perfect" campaign, again because of the recognition that

litter was impacting our beaches and seemed to be increasing over the past couple of years. We also started a health survey and, most importantly, the burn barges. I think very honestly if you ask people this year, there was less wood in the water than there was two years ago. The reason for that is that we asked EPA to deputize us, so that we would be there when every burn barge was there, so we would know if material was overboard, and we could have it picked up.

The question we have to look at here is on the broader sense. We need to focus not just on the short-term issues, but on the long-term issues. Earlier this year, we started the focus of addressing that issue by bringing to light the need to have a single focus agency along the coast, that being the Coastal Commission. I must say very honestly that initially there were some skeptics in my own Department about the need for such a focus. I think the arguments no longer stand. I suggest that the motives were probably somewhat selfish in nature, and I submit to you the following:

In your own county, we have built the Manasquan Reservoir. DEP could have built that. Would it have been built in the same time frame? The answer is no. DEP set up through the New Jersey Water Supply Authority, and the Water Supply Authority manifested it in building that reservoir system probably five to ten years earlier than DEP could have done it. Six years ago, we focused on the Navesink River. The Navesink River was six to seven years to focus on a non-point source pollution, and we still haven't addressed it to the extent we should. I think that is the time frame. We don't have time to wait for normal government processes to take place. That is why I am saying the focus has to be on a long-term solution that more or less looks at providing a needed focus on regional management, State coordination, and the need to turn around recent trends and protect our \$2 billion a year tourist industry. I suggest to you that the

focus for that is an advocacy agency, such as the Coastal Commission.

The summer's events-- All of you have put in many long hours crafting bills that address problems we have experienced. There has been a considerable effort on the part of the Assembly, and much fine work has resulted. Governor Kean is looking at these -- redoing these legislative ideas. As well as getting input from the environmental communities, which Ralph Izzo spearheaded, the Department is spearheading getting input from the scientific community, including people from Wood's Hole -- the University of Rhode Island -- and other well-known institutes, to come up with what we consider a comprehensive 14-Point Plan, which the Governor presented on November 17.

We feel that that plan, along with the creation of a Coastal Commission, will form a template by which legislation and administrative action should be taken over the next five years to address ocean and shore problems. While in many ways independent of the Coastal Commission, it must be emphasized that the full long-term benefit of many of the 14 points will be realized with the structure and the shape of such an organization. It could give the necessary focus to the need for turning around the problems we have had.

Let me just emphasize to you, and summarize, the 14 points the Governor has detailed in his program. It involves local, State, and Federal responsibility. Let's look at the control of beach litter. In the State of New Jersey, we estimate that 26,000 cubic yards of litter is cleaned from New Jersey's 127 miles of shoreline every year. The 40 communities spend approximately \$2 million a year on beach cleanups. We have provided, for the first time this year, \$1 million from the Clean Communities Act to assist those communities in that endeavor. Under the Governor's plan, we will provide additional grants of \$2 million to these communities to assist

them in purchasing equipment to assist them in cleaning up the beaches. The Clean Communities Act does not allow us to buy equipment; does not allow us to buy, you know, baskets, and things like that, but there is a need for them.

What we found out last year was that all the Jersey shore communities basically felt that the litter on the beach was what was left behind by many people. You take the cigarette butts, put them in the sand, and when the tide comes they now become floatables. It is those issues they need to focus on.

The second item is the best management practices for storm water. We have along the shore, 200 ocean discharges of storm water. In the coastal area, we estimate about 5000 discharges. These discharges contain oily material and any floatables that are in the street, and eventually they wind up along the shoreline and become floatables.

When we approached New York City on its problem-- Some of the crack tubes that we are now finding on the shoreline, some of the needles we are finding on the shoreline, are associated with the indiscriminate dumping of these materials in storm drains. You have to have a storm drain maintenance program; you have to have a preventive maintenance program. In New York City, in the Coney Island area, where I know a lot of this material may be originating from, their practice is to do it once every 18 months. I mean, we're talking three or four times a year.

Cape May, last year, set up a major program for controlling non-point source pollution -- storm water overflow -- and was successful in doing that. I hold them up as an example. They passed local pooper-scooper laws. They passed local ordinances controlling those types of discharges. They did not have any failures of their beaches because of storm water overflow.

From the State's side, there is no question -- and it was mentioned before by the Speaker -- that the marine police funding needs to be increased. The bays and the ocean-- What happens in the bays also happens in the ocean. There has to be greater visibility. As an example, the Metedeconk River. If you are there on a Sunday night, all the boaters come back in and wash down their ships. All that just washes into the Metedeconk River. That normal practice, which is all the detergents going in, all the litter they bring back-- Somebody has to enforce against those things. The Metedeconk River has no direct sources of pollution. We have a beach in that area. I think it's Windwood Beach.

ASSEMBLYMAN BENNETT: It is, Commissioner.

COMMISSIONER DEWLING: Windwood Beach. We paid to build that beach. That beach is one of the most beautiful areas I have seen down there, and we can't use it because of non-point source pollution. There has to be a redirection of focus. The Metedeconk River would be an ideal area to set up a program, using the Coastal Commission format to focus on trying to address those non-point source issues.

Additional legal surveillance: Without any question, I agree with Doc Villane that it is needed. The question here is beyond the three-mile limit. We can go out to three miles. What happens after three miles? There has to be concurrent responsibility with the Coast Guard on this issue.

Control of storm water pollution: Without any question -- and I am just strictly talking storm water discharges, not combined sewer overflow-- The non-point source pollution problem we have down in the Metedeconk -- we have been able to demonstrate there-- Eighty percent to 90% of our beach closings in the coastal areas are due to elevated counts of bacteria, not from sewage treatment plants, not from combined sewer overflows, but simply from normal storm water overflows. I mentioned to you before that it is 200 at the

shore and 5000 in the coastal area. A major effort has to be implemented to identify where the connections are, where the storm drains are, and correct the problems.

Seventy percent of the contaminants we find are bound to particles. Those particles then get out there and elevate your bacterial counts. What we are talking about here is a \$60 million program for the State up-front. We are talking about mapping and identifying, and then when you set up a long-term capability of focus for the whole shore, carrying out the remediation of those activities. We would never have been able to find-- Last year, when Atlantic City had a problem of a cross connection, that closed the beaches in Atlantic City. It was an illegal connection into a storm drain.

In Deal Lake, similarly, an illegal connection in the storm drain closed that lake. That type of information has to be gained, and it will take a year at least to start those studies and move on that before you can make the corrective action. Again, that \$60 million program is a short-term and a long-term need.

Improved monitoring and surveillance of the wastewater treatment plants: An additional half a million dollars at DEP would give us -- where now we are going once a week to the primary plants and once every two weeks to the secondary plants -- a higher visibility focus on each treatment plant of at least once a week.

The extent of Monmouth County outfalls: If I go back to 1970, the coast of New Jersey had 39 discharges, most of which provided primary treatment. In fact, during the off-season, they discharged sludge several hundred yards from the beach. In 1970, we took legal action when I was with EPA and stopped that practice in New Jersey. The problem here is that we discharge 140 million gallons a day of effluent, 10 of which now is primary treatment. By next year, all that will be secondary treatment.

We have a program. We spent over a billion dollars. We had these 39 discharges. They are now down to 13. The question here is, there is a need, particularly in Monmouth County, to extend those outfalls. The reason for that is because of the unique capability we have in the State, where the material that comes out the bays has a tendency to hug the shore. So, any pollutants that are in the bay do not get out to the ocean. They hug the shoreline area, and moves back and forth along the shore. The outfalls up in Monmouth County should be -- and I mentioned this to you over a year ago, Assemblymen, as you well know -- almost a mile out, to get beyond that influence of the coastal hugging. All of the other outfalls are already at 4000, 5000, 6000 feet, so it is not the problem in the other areas. The sewage authorities we are talking about are Long Branch, Monmouth Township, Ocean Sewage Authority, and Asbury Park. The cost of doing that, we estimate from the State's perspective -- which would be a grant program -- would be \$30 million.

Combined sewer overflows: What impacts our Jersey shore, is up on the New York City side and the New Jersey side. In Perth Amboy, we have combined sewer overflows. On the New Jersey side, we have about 113 million gallons a day of combined sewer overflow. On the New York side, it is 150 million gallons a day. At times, I have seen numbers around 185 million gallons a day. What that means is that on a dry day it's zero, but on a rainy day -- if we have one dry day -- the next day it would be 300 million gallons a day. If we have two dry days, it could be 500 million gallons. All right? So, the average of the whole year, at any one time it could be a couple of hundred million to 500 million or 600 million gallons, coming out that particular day.

That transport issue is real. In today's Asbury Park Press, the largest bottle ever just floated up on the Lavallette shore. A buoy -- all right? -- 25 feet long, which

was up in Upper Bay, wound up on our shore, which again verifies the commitment that anything in the Upper Bay is going to influence what happens on our shore. Seventy-five million dollars is needed as a down payment, to start immediately the correction of those problems up in the northern part of the State, to prevent them from impacting our coastal areas.

We need to accelerate the Industrial Pre-Treatment Program. What we are talking about here is an additional \$2 million to help us in correcting the problems we have in some of the sludge characteristics. Fifty percent of our sludge goes to the ocean. Eighteen percent is incinerated, and 18% is land applied. I submit to you that the 50% that is ocean dumped -- I don't care how good a pre-treatment program you have-- None of that material would ever be acceptable for land application. You are going to have to build incinerators. If we are going to build incinerators, we have to worry about the emissions, and you must then control the heavy metals and the sludge.

In many cases where we have our programs in place right now, we have had success -- anywhere from 30% to 90% reduction in these heavy metals -- but it is not good enough. We need more effort in that area.

The problem of incineration: Where is the money going to come from? The costs to build these facilities could go as high as \$500 million, totally. The cost per capita goes from pennies a day to no more than 30 cents a day in the worst case scenario. I think that is little enough for anyone in the State of New Jersey to commit to for a clean ocean.

From the Federal side: Without any question, it is imperative that the Congress take steps. It is our position that ocean dumping at the 106-mile site-- They should not renew the applications for consideration for renewal of that site. It should stop. As long as there are loopholes in the law, New York will continue, Long Island will continue, and

Westchester County will continue. New Jersey needs that type of Federal support, in order for us to stop the ocean dumping.

In '76, we had 150 New Jersey sewage authorities dumping out there. Today we only have six left. New York City has moved to the 106-mile site as of last week. I know there is legislation in place to require that. It has already happened. New Jersey will be out by the end of this year. I guarantee you, there will be no dumping at the 12-mile site by the end of this year. It will be dumped at a site probably 4000 feet deep, where the present site is only 80 feet deep.

I caution you, though, that we are producing more sludge every day. The sludge volume will increase by 25%. As we upgrade the level of treatment, we will produce more sludge. When we had meetings to discuss alternatives like land-application incineration, opposition was fierce. So, it is going to have to be a concerted effort by everyone, when we try to focus on ending ocean dumping.

I just noticed the other day that in England, which is still the only country in Europe dumping, they are getting pressure also to cease ocean dumping of sewage sludge. We produce, on average, almost a million pounds a day of sludge, which we have to dispose of. So we only have the options of the ocean, incineration, or land application. If the ocean is out -- and I agree it should be -- then we have to build these incinerators.

In the next couple of weeks, we will be identifying the NPDS permits. We will be telling the sewage authorities that are dumping that we expect them, within one year, to identify and cite what process they are going to use, and identify the location where they are going to build their facility. This will be a requirement of the NPDS permit that we will put in place within the next couple of weeks.

Ocean disposal of dredge materials: We have a site six miles off our coast. New York City discharged, up until

last year, raw sewage. It doesn't any more. But all of the combined sewer overflow settles up in Upper Bay. All of that material is disposed of six miles off our coast. EPA has been directed to relocate -- to do a study to relocate that site 30 miles off the coast, or 20 miles off the coast. That has to be done in a tight time frame. The schedules they have identified are for three years. With the new budget cuts, they are now talking about longer than that.

There is also a need to focus on the area of the additional requirements of many of the components of dredge material taken from Upper Harbor. They have contamination in them. There has to be better technology than finding a hole, putting the polluted material in the hole -- in the burrow pit -- and then covering that with clean sand, because eventually it is going to be available. EPA has to start looking, with the Corps, at extraction technologies or solidification technologies for that small percentage of the dredge material that falls into the category of being contaminated.

The wood-burning site: I mentioned before that there is a site 20 miles east of Point Pleasant. We are opposed to EPA designating that site on a permanent basis, because what that means is that every coastal area -- somebody in Maine, somebody in Massachusetts, somebody in North Carolina -- could come up here and burn wood off our coast. We have taken a great deal of effort and spent our own money to make sure that that does not happen, by us being out there with every burn barge. We estimate that right now, we have current permits requiring a burn about once every four weeks, to solve our problem in our own Jersey coastal area.

So, again we're saying, "Let's not have EPA move forward and completely identify that site. Make it on a case-by-case basis."

Coast Guard funding: New York City is out to the 106-mile site right now. Who is watching them? New Jersey goes out there January 1. Who is watching?

ASSEMBLYMAN VILLANE: The blimp.

COMMISSIONER DEWLING: The blimp? Possibly -- 106 miles out. What we are dealing with here is the black box. The black box will not be in place for at least another seven or eight months, and we will have a primitive black box. You will not have real time data. The intent was to have a black box in place that would have a satellite system that could tell someone sitting at a display screen exactly where each barge was. Now what you get back with the primitive black box will be a strip chart that says, "This is where I was three days ago." It won't do you much good after the fact.

So, the black box necessity here is in the short-term future. What is wrong with ship riders today? Get the Coast Guard to expand their role. Get the Federal government to expand their role to have those types of ship riders, to make sure that short dumping does not occur. Very honestly, having been a sludge dumper at the 12-mile site 25 years ago-- Sludge dumping, at 12 miles-- There was never short dumping. There was no incentive to short dump. The longer we stayed out, the more we got paid, so we never wanted to come back in. What I am saying to you is, going to the 106-mile site, when the weather is bad-- I'm telling you, there will be many instances where they never make it. That is where surveillance has to be improved.

The MARPOL Convention: We've got to get in there to get the U.S. Congress to provide the implementing legislation, because we have a population of 3000 people off our coast who dispose of every plastic, every piece of wood, onto our shore. That winds up on somebody's shore.

The manifest system for hospital waste: EPA says it's optics. I can't agree with that. It's more than optics; it's a real problem. I think we have to get into a program of manifesting this material, so we do know internally with our own State, as well as with the other state, where these materials are going.

I wouldn't be so bold as to kick an extra point here and make it 15 points, but I would ask the Legislature to focus on an issue that I feel very strongly about; that is, the irresponsible beach fees that are being charged. Both the Public Advocate and I have come out very strongly for that. A total package for the improvement of water quality and the quality of life should also include beach fees.

Let me just summarize and say that there is a long-term need and a short-term need. The effectiveness of these 14 measures will be significantly compromised without a comprehensive coastal management program. The Coastal Commission is essential to provide a framework for the long-term protection of our beaches and the water. The Commission will serve to ensure this protection by continuously lobbying Congress for the changes that we just identified and carrying out the long-term programs.

DEP is an action agency. The continuation of a focus agency, in my view, is ultimately needed to solve the problems along the shore.

I thank you. I would be happy to answer any questions you might have.

ASSEMBLYMAN BENNETT: Commissioner, what I would like to do, if it is at all possible-- I am trying to run everything within a time frame. If I could just hold the questions for a few minutes, let the Attorney General give his presentation, because he has another commitment, and then while I have a captive audience with you and members of the Governor's office, I would like to return to the Panel and do some questioning, if that would be acceptable to you.

COMMISSIONER DEWLING: Sure. Private Dewling will acquiesce to the General. (laughter)

ASSEMBLYMAN BENNETT: Thank you. So, we will return to the Department and the Governor's office for questions. I thank them very much for coming today, and we will get to some questions in just a few moments.

I requested the next speaker to come forward, as many of you have been reading some things in the press with respect to an ongoing situation between the State of New Jersey and the State of New York. It is with a great deal of pleasure that I introduce to this Panel, and to the members of the public, the Attorney General of the State of New Jersey -- Cary Edwards.

A T T O R N E Y G E N E R A L W. C A R Y E D W A R D S:  
Good morning, Mr. Chairman. It is good to be here. I thank you very much for the courtesy of squeezing me in. I thank Commissioner Dewling, too. Private Dewling has always been a good soldier in this world. I appreciate that. I have another commitment in Newark that is a very important one, so I appreciate it.

I also appreciate the opportunity, for a couple of brief minutes, to come down to try to explain to you what the status of the litigation with the City of New York is. There has been much discussion about that, and I will take a couple of moments and try to walk you through a history of where we are at this particular point, and where we are going. I will respond to some questions, too, if you would like. There are certain items, obviously as a result of the status of the litigation and the negotiations, that I cannot give you specifics about, but I think the explanation will prove beneficial to your deliberations on probably one of the most important matters facing the State, which is our ocean, the quality of that ocean, and the ocean processes that make for the quality of life along the 127 miles of New Jersey's shore.

I am going to take you all the way back to 1930-'31, with reference to the issues as they involve the City of New York and how it handles its garbage. New York City was relying on a combination of landfills and incinerators in the '20s and early '30s. They had an insufficient amount of incinerator capacity in the City of New York. I find it a bit ironic that they went from incinerators to landfills, and we are all going

back to resource recovery at this point, which is a much more sophisticated incinerator process. But, as a result of that, they began to have excess garbage that could not be handled at their various facilities. They made a unilateral decision to dump that garbage at sea off barges.

In 1931, New Jersey took the City of New York to court -- before the United States Supreme Court -- using original jurisdiction. In 1934, there was ultimately an order -- an injunction -- issued that was enforced with a \$5000-per-day penalty against the City of New York for violation of that injunction order, which prohibited the City of New York from dumping garbage at sea anywhere, or in the Newark Bay, off barges. That \$5000-a-day penalty in today's dollars would equal \$85,378.36, based on our particular calculations.

That legal process and that injunction, per se, for deliberately dumping garbage waste into the ocean is technically still in effect. They did cease and desist from operating barge dumping operations, or ocean dumping operations of garbage at that particular point in time. They reverted, primarily, to landfill sites throughout Long Island and in New York to handle most of their garbage waste for the next 30 or 40 years. Their landfills, as in New Jersey, began to run out in the '70s, and the one landfill in existence on Staten Island, which we all refer to as the Arthur Kill Landfill, has today become their only remaining source of garbage disposal, other than two small incinerator sites they have going in New York. They deliver to that landfill 22,500 tons of garbage per day; 14,500 tons by barge, and 6000 tons by truck. They have been phasing out various landfills over the last eight or nine years, until they have arrived at this one remaining landfill.

In 1979, the City of Woodbridge brought the City of New York to court because of the result of the operation of that landfill, which is on Staten Island and off the Arthur Kill. Now, the area in question is an area that has-- I guess

it is the size of a major river -- the area between the City of Woodbridge and Staten Island and that particular landfill and the rest of the Arthur Kill in that particular area. The barges come out of New York through eight marine transfer stations into that particular landfill and unload. Somewhere between 22 and 25 barges per day are delivered to that landfill. The method by which they were operating that landfill was the subject of the lawsuit which was brought. The garbage that was being unloaded off the barges was finding its way into the water and ultimately onto the shores of Woodbridge.

In 1983 -- the end of 1983-'84 -- Judge Stern, in the Federal District Court in that case, issued an order against the City of New York, directing them to do a series of things to improve the operations at that landfill to stop the garbage from falling into the Arthur Kill and washing up on the beaches of Woodbridge. The City of New York complied with a number of items on that particular list. Now, it did not comply, however, with a couple of the items. One -- the most notable one -- was the enclosed unloader, which by January 1, 1986 they were supposed to have built on that particular site. Now, an enclosed unloader was-- The concept was, it was designed to unload the barges in a physical building in a much more -- in a cleaner way that it was being operated presently. Presently, it is operated with nothing but what constitutes a very large steam shovel, that literally drops down into the middle of the barge and picks the garbage up -- as much as it can. It falls off both sides and out of the bottom. It is unloaded onto what they call an athway (phonetic spelling). That athway, then, is a track vehicle that moves the garbage up to the landfill. An incredible amount of garbage falls off into the water in that particular process. It is that garbage that falls off into the water, or the garbage that falls off the athway or blows off the landfill, that winds up in and around the City of Woodbridge.

At the request of the Mayor of the City of Woodbridge, in the summer of 1986, right after I became Attorney General, I entered the suit on behalf of the State of New Jersey, along with the Interstate Sanitation Commission. Our technical date of entry into the suit was in October of 1986. Woodbridge, the Interstate Sanitation Commission, which joined the case at that time with us, and a group called GAG, which is a group of citizens from Staten Island against that garbage landfill, were the parties to that particular action at that point in time.

We brought motions to hold New York in contempt of court for not complying with the orders of Judge Stern that were officially entered in 1984 and, more specifically, for not having constructed that enclosed unloader at the landfill. The subsequent hearings and arguments proceeded as to why New York had not done that and their reasons as to why that was an impractical thing to do. In the interim, while that matter was pending, the infamous 50-mile slick that washed up on the beaches of New Jersey, New York, and Delaware between August 13 and August 15 happened. Following that event, the Governor asked me to do an investigation as to the source of the debris and garbage that washed up on those particular beaches of the State.

For the next 30 days, we underwent as intensive an investigation as we could that our resources would allow. We found, as a result of that, that all identifiable pieces of garbage -- and I say that with a great deal of caution, identifiable pieces -- things that we could trace to a specific source, came from the City of New York. I will give you some examples of that.

There are various long, what we call Chinino (phonetic spelling) Pop wrappers. In Coney Island in Brooklyn, they sell a frozen flavored ice in a long cylindrical plastic tube. They are called Chinino Pops; they are called a number of different things, in various places there. We found tens of thousands of

those things along the beaches from Delaware to Long Island. There are little plastic orange drinking containers that they sell with an orange drink, also in Brooklyn and the Coney Island area. They were found by the thousands washed up on the beach. There were deposit cans. You know very well, members of this Committee, that we do not have a deposit law in the State of New Jersey. We found a number of soda cans that had a mandatory five-cent return paid upon-- It is stamped on the top of the can. We found laundry tags -- one or two laundry tags -- from city hospitals in New York. Now, this is not red-bag hospital waste. Our investigations have not identified any, what would be referred to as "red-bag hospital waste" in this particular spill.

We found various other pieces of material, some prescription bottles from Brooklyn pharmacies or New York pharmacies or with New York addresses. We found thousands and thousands of crack vials. You know, crack vials never sink. Crack vials have a little cap in the end of them. We checked them all, and they were all empty by the time they got to us. I am assuming that they came from various sources. We found syringes of all shapes and types, from I.V. drug user to hospital-type syringes to insulin syringes that would be used in the home, most of them with needles still in them, which is a significant factual issue, because most medical facilities and nurses are trained to break needles off at the end. We found an incredible amount of wood debris -- partially charred wood debris. The bulk of what we found was wood debris.

Having completed that particular investigation and identified a couple of potential sources, we found that same array of material around an incinerator called the Southwest Brooklyn Incinerator, which is an incinerator marine transfer station that sits just below the Verrazano Bridge. Exactly the same kinds of materials were found in the water in and around that particular marine transfer station and unloading. The

same debris was found on Coney Island beaches and all the way down to Dover. They were found on Staten Island beaches that are across from that particular facility.

We have, we believe, enough factual information, in addition to what I have described to you, to identify the Southwest Brooklyn Incinerator as one of the potential sites for the garbage that wound up on our beaches between August 13 and 15. I need to remind you-- I probably need not remind this Committee, but it needs to be pointed out that the amount of garbage debris -- syringes, crack vials, and that kind of garbage washing up on our beaches -- has been increasing over the last 10 years. That is what our research shows. It seems to be -- although we have not identified this -- in direct proportion to the closing of landfills in New York, the larger dependence on that Staten Island landfill, and more significantly, the barging operations in New York.

We are not, in my view, looking at just an event that happened between August 13 and 15, although I am attempting to identify that. Having completed that, on September 15, we made an arrangement with the U.S. Attorney's office to empanel a Federal Grand Jury to investigate the source and cause of the garbage that wound up on our beaches between August 13 and 15, to determine, at a minimum, if there is any criminal culpability, or if there is a presentment as to a civil culpability and liability in that process. On the same day, I announced that I had filed a Notice of Intention to bring suit against New York to the EPA, as required under the EPA Clean Water Act and the RCRA Act. That Notice of Intention to sue required a 60-day waiting period before we could begin. I was fully cognizant at the time, and still am, that we can bring the suit -- we have original jurisdiction -- before the Supreme Court, or maybe perhaps attempt to reopen the case from 1931 to 1934, as one of my procedural options.

Another procedural option that was well-known to us at the time was joining in the Woodbridge case, where New York City and its Department of Sanitation are already in contempt of court. Following that particular announcement on the fifteenth, and the judgments that were made in conjunction with that, New York continued -- and I should say this with some degree of interest to this Committee -- to be cooperative in opening up and supplying us with information, data, and access to their facilities to conduct the investigation in question.

In addition, New York denied liability -- vehemently and violently. If New York were to admit liability for the events of August 13 to 15, or that they were, as an institution, the cause of the garbage winding up on our beaches at any time, they would be subject to hundreds of millions of dollars in liability claims against them, by us-- I would file; so would the businessmen in the municipalities of the entire shore region in New Jersey, and New York, and perhaps in Delaware. New York will never voluntarily admit liability, whether or not they believe it, because of the economic consequences of what that means. That means something else also, which is very important for this Committee and the public to understand. For us to get action by New York to remediate its activities, we must establish that liability by law, in a court of law. New York will never acknowledge that, because of the potential for the claims, which means, from my perspective -- and I have known this from the beginning -- that we are looking at one of the most protracted and lengthy litigations that this State has ever seen. Whether or not I apply for injunctions to stop them from doing various things, if it is related, in any way, to the liability for garbage washing up on our shores, they will use every litigation resource available to them before they will admit or take any remedial action in conjunction with it.

Now, having recognized that, I had some very difficult decisions to make. An event happened on October 26 as a result of our Notice of Motion to hold New York in contempt for the Woodbridge case, which was still a separate case. We were given an avenue with New York to begin to explore. So, it was worth their while, having been held in contempt, to talk about items and actions that they may be willing to take above and beyond those related to just the Woodbridge matter. They approached us with that particular request. It was my judgment at the time to pursue those discussions. Recognizing that three, four, five years of litigation would cause no remediation to the activities in New York or on proving liability, I have to find another way to deal with how New York handles its garbage, or we are going to have four or five summers along our shore, and the people of this State deserve a lot better than that.

We have pursued those particular discussions. My litigation strategy in this is to pursue and expand the Woodbridge litigation; not choose the original jurisdiction potential before the Supreme Court, and not choose a separate litigation, because I have, as a matter of court record in this particular litigation, a history of New York's inactivities, or inability to handle its garbage properly -- as part of the record in that particular case. I want to expand that case by including the way they handle their marine transfer stations and the rest of their garbage operations, including non-point pollution and their combined sewer overflows in the City of New York, problems we also have in New Jersey, I might add.

In doing that, and in deciding to expand our litigation in that regard, we're dealing with the entire record as it exists in the Woodbridge case for eight or nine years, along with the expanded amended complaint. New York and I, and my staffs and their staffs, have spent an incredible amount of time going over the whole array of options and remedies with

reference to how New York deals with its waste from the Department of Sanitation's standpoint, e.g., non-point pollution, its combined sewer overflows -- which are not directly their responsibility, but which they have acquiesced to -- how they operate their marine transfer stations, how they operate their barges, and how they operate their landfills.

So, the issues on the table are the entire array of New York's handling of its garbage, not just the Southwest Incinerator and not just the Staten Island landfill. I am also cognizant of the fact that the Staten Island landfill is not a permanent landfill by the State of New York; that its proposed use is beyond what is acceptable to me and to the State of New Jersey. We are not discussing that part of the issue. We have agreed to discuss that after we get to the next phase of this particular litigation.

We arrived at what is a framework of a settlement which we think is significant. We announced that framework on the sixtieth day that I was to make a judgment as to where I would file the litigation for the events of August 13 to 15. Now, that was done propitiously for two reasons. First, I wanted to get New York on the public record that they were prepared to take remedial action. Second, the people of this State, this Legislature, and everyone else had a right to know where we stood after that 60-day period.

The agreement that we are proffering -- the hammer on that agreement -- is Judge Barry's contempt citation. That is what keeps them at the table, because of the potential claims that are associated with that. So, we are in the midst of that particular negotiation process now. On the Thursday following that announcement, I appeared personally before Judge Barry. It was the first time I had been in the Federal Court in six years. For the lawyers in the room -- and the Chairman is a member -- it felt real good to go to court again, especially a trial court, after such a long period of time. But, I was

there to request two weeks of the court to allow the New York Department of Sanitation and my office, along with Woodbridge at this point -- because Woodbridge had not been a party to the suit -- along with the Interstate Sanitation Commission, and GAG, the citizens from Staten Island, to participate in this particular matter and any proposed settlement that would be presented to the court. The court gave us until December 7 to complete that process and to submit whatever drafts and documents and positions we had arrived at to the court. The people are meeting today, all day, negotiating the details of that particular agreement.

I can't stand before you today and say, "We have an agreement with New York." I can tell you that we have a lot of concessions by New York in dealing with the wide array of issues that the New York Department of Sanitation -- the City of New York -- might or can control in this matter. We may turn around on Monday and announce that we don't have a settlement. If we don't, nothing has been lost by the two-week period. I still have the full array of litigation options. If we do have a settlement, the settlement will contain very specific actions that the City of New York will be required to take over the next 36 months to deal with the wide array of issues, along with sanctions -- dollar sanctions -- for their nonperformance, which we have never had from New York before. We didn't have it in the Woodbridge case. That is exactly what the hearing before Judge Barry is, to ascertain what kind of sanctions to impose. Part of it is mandatory sanctions for performance.

Let me add one more component to the process. People have a tendency to focus on the mechanical things that are done. Are they going to build an enclosed unloader? Are they going to build a new super boom? Do the skimmer boats work? Those things are important. But, more important are the processes and procedures by which they handle their garbage.

They have good procedural manuals. They say they are supposed to do the right thing, but do they do it? The problem with New York, because of its size and the levels of bureaucracy, is that the level of performance does not meet the standards that are, in fact, in place. To me, the most important component of this, is forcing New York and its bureaucracy and its employees to perform in accordance with the standards that are prescribed. That will have far more benefit this summer along the shore, if we are going to get an agreement. I am not claiming that this agreement will stop all trash from washing up on our shore, because it won't. But it will deal with a number of the issues that will remediate the potential for that happening, and lessen the possibility of us having another summer of the devastating nature that we had before.

The last item I would like to point out to you is, the issue of liability is still an open issue to be litigated over a period of time, and the Grand Jury proceedings are ongoing, dealing with the culpability of the City of New York and any other parties that may be involved in the period of August 13 to 15.

I would enjoy, probably as much as the other seven and a half million people in New Jersey, to bash New York for the next four or five years in litigation, and to file all kinds of claims, and beat them up. I think a lot of us are taking out some of our frustrations on a whole lot of issues with New York, but we finally got them on garbage, and we should go get them. More than one person has stopped and told me that. Nothing would give me greater pleasure than to do that, on a personal and an emotional basis. But, on a practical basis, for the people of this State, it is my responsibility to get as much action as I can, and to remediate as much of the problem as I can, as quickly as I can, without giving up any of my rights to do that on behalf of the people. This particular proposed settlement falls into all of those categories. Those

are the criteria that I am pursuing on behalf of the people in this particular litigation matter. Those include having our own DEP people hired and paid to be on-site at all of the operations, to guarantee the performance levels there.

I would point out something that is very important for this Committee to consider, and do it relatively quickly. It has to do with the 14-point Governor's proposal, and it has to do specifically with my responsibility for marine police as part of our State Police. If we want to have marine police capacity in and around our shore areas this summer to conform to that plan, I need the dollars by January, or I can't put the tactical patrol operation and the manpower on the beaches and on the ocean of this State for the summer. A delay in supplying at least that component of those dollars so I can begin to acquire the tactical patrol and hire the people, will result in a summer in which I will not be able to provide the level of marine police protection contemplated in that plan, or contemplated by all of you.

So, if I could give you a side priority, other than the discussion I just had, it would be to please take up, as quickly as you possibly can, the issue of that first phase of that master plan and the tactical patrol component of that, so that I can have it in operation by this particular summer coming up.

Thank you, Mr. Chairman, for the opportunity. I will answer as many questions as I can within the confines of the restrictions on the negotiations and litigations I am involved in.

ASSEMBLYMAN BENNETT: Thank you, Mr. Attorney General. It is my understanding also, that if there are questions specifically on that negotiated settlement type of practice, that we would have an opportunity to submit them in writing. You will have a member of your staff present here, and then as time and the restrictions of the court will permit,

those questions will be answered in their entirety and sent back to the Panel. That is my understanding.

ATTORNEY GENERAL EDWARDS: Absolutely, Mr. Chairman. In addition to that, I will be happy, if we arrive at an agreement at all, to come back to you and outline -- with Commissioner Dewling, I think, who has been working with me on this, and his staff, to explain the context of what that agreement is and what it means, what we did get and what we didn't get, and what we still have an option to pursue. So, I will be happy to come back to you at some future hearing date, when and if we have an agreement. If we don't have an agreement, I will be happy to come back and explain to you why we don't -- as much as I can with litigation strategies understood -- where we are going, and how we are pursuing that particular matter.

ASSEMBLYMAN VILLANE: John?

ASSEMBLYMAN BENNETT: Assemblyman Villane?

ASSEMBLYMAN VILLANE: Thank you very much for being here, General. I know you have a busy schedule. I would like to relate to you, and to the Panel, my first interface with Mayor Koch. That was when they first constructed the Javits Center, which would have no sewage connection whatever. Assemblyman Doyle was with me in New York that day. It was a meeting that was arranged by Congressman Howard. It bears out the simple fact that I think you are trying to avoid. We talked to Koch about flushing all those toilets from the Convention Center into the Hudson River. He looked at me, in all sincerity -- and John was there -- and he said, "Doc, sue me, because I've got dozens of lawyers who work for the City of New York." He said, "Almost everybody who comes through this building sues me." That is the attitude and the mentality. I hope we don't get trapped into a decade of court trials that will not produce the results you need.

One of the things, General, that you talked about, that is so important, is the ability of the tactical patrol

program-- This is a new program -- a bill that has been submitted to the Legislature. There are some co-sponsors here. That would provide the \$1.7 million you need for the heavier dependency on the marine police and getting them there.

The other thing, General, I want to ask you, is, if we could present photographic evidence, and if we could present infrared photography of practices that aren't up to standards in the handling of garbage, would that be admissible in court -- if we could prove that the litter and debris is coming from the landfills and from the garbage barges?

ATTORNEY GENERAL EDWARDS: Of course. Any valid evidence that shows a reproduction of an event or circumstances that are identifiable is admissible evidence.

ASSEMBLYMAN VILLANE: I think you have endorsed the Aerial Surveillance Program that we talked about. You know that the Navy has committed \$168 million to the same kind of aerial surveillance from airships that we are talking about for the State of New Jersey. I think you have endorsed that program.

One of the provisions of the aerial surveillance bill -- which incidentally has passed unanimously in the Assembly and now awaits action in the Senate-- It mandates that you, as the Attorney General, put a task force together of the New Jersey DEP, the Environmental Protection Agency of New York City, the Coast Guard, and the EPA, to work on a regional enforcement. Would it be possible for you to work with all of those agencies to kind of pull all the things together? We work in a vacuum sometimes.

ATTORNEY GENERAL EDWARDS: Well, I am willing, obviously, to work with them, Doc. The question is, are they willing to work with us, and how productive are those things in a real sense? Obviously, the dollars to provide a meaningful analysis of what surveillance will produce the most valuable information as to enforcement of the rules, regulations, and/or

procedures that should be followed in prudently handling our environment, literally around the whole New York Bay area and our Atlantic Ocean, is a valuable tool we need to ascertain. We made a commitment in this State to a clean ocean and to do anything and everything we possibly can, within reason, to accomplish that.

The surveillance capacities along our shores to be able to ascertain where the problems are, is a major component of the facts necessary to be able to take action that will, in fact, continue year in and year out to make our beaches and our ocean cleaner and safer and better. So, yes, they will be very valuable dollars. They can be very well spent to get back the kind of intelligent information you in the Legislature need, to make the decisions you have to make on expenditure dollars for surveillance. Should it be a blimping system? Should it be some other kind? Should it be the black boxes? Should it be-- All of those are options that are available. Helicopter surveillance is part of that, too. I always hesitate to talk about helicopters, Doc, for obvious reasons that need not be discussed, with this Committee at least. But, yes, those moneys will be very well spent. You will get the facts. We will do the best we can with those dollars to give you as many facts as possible to make as intelligent a decision as you can.

ASSEMBLYMAN VILLANE: Thank you.

ASSEMBLYMAN BENNETT: Bob Shinn?

ASSEMBLYMAN SHINN: Cary, you mentioned that New York was in default of an existing court order in two areas. One was the enclosed unloading of barges, and I assume that applies to trash truck unloading.

ATTORNEY GENERAL EDWARDS: No, it doesn't. The trash truck unloading was not necessarily part of that.

ASSEMBLYMAN SHINN: The second area either you didn't mention, or I missed, relative to that decision.

ATTORNEY GENERAL EDWARDS: The super boom.

ASSEMBLYMAN SHINN: The super boom, okay.

ATTORNEY GENERAL EDWARDS: When they bring the barges into the area for unloading at the landfill, they have a booming system there, and they have a little tugboat that pulls the boom out. Then the barge goes in. What they do is, they open the boom up, and they can then close it about four or five hours later. It only has about a three-foot net on the bottom of it. We want what they call a "super boom," which is about a seven- or eight-foot net on the bottom of the booming system. It is automatic, because it stays open for four or five hours. On an interim basis, until that super boom is, in fact, built, we want a locking system of booms in there, so that barges can't get in and out unless they are actually physically opened and closed. It is a three-booming locking system.

ASSEMBLYMAN SHINN: Since they are in default of an existing court order, is there a faster method to get those particular issues addressed, and separate them from the myriad of issues we have?

ATTORNEY GENERAL EDWARDS: That is for the benefit of Woodbridge, with reference to the landfill. There are things that they can do in the interim that are part of this particular order. There is a hydraulic unloader they are talking about, as opposed to an enclosed unloader, and a catching system. They have maintained all along, Bob, that the enclosed unloader only puts a building around what already happens. It is the hydraulic removal system that will ensure the garbage not falling off the barges, and a catcher system around those barges as they unload them, that are more important than the physical enclosure. They are making commitments in this particular agreement to supply that hydraulic lifting system and those catchers and to go to contract with specific dates, and failure to perform as automatic sanctions that are attached, as opposed to having to go back to court and get the sanctions. That is the way we are trying to force them to enforce it.

The debate right now, I'll tell you honestly, is, how much should the sanctions be for their failures in the past? Woodbridge has a claim; we have a position. New York, obviously, doesn't want to pay those particular amounts. That is one of our biggest stumbling blocks right now.

How do you make New York perform? I don't know. You do the best you can. You put as many sanctions and as tough as sanctions in place as you possibly can. The answer we have gotten about the garbage between August 13 and 15 is, "So, go ahead, file your suit. We'll be here for 10 years." That does not do us any good in New Jersey. We will still pursue that. We have not given up our rights to do that, but we have them right now in some kind of leverage. Exercising that leverage is what I am trying to do.

ASSEMBLYMAN OTLOWSKI: Mr. Chairman?

ASSEMBLYMAN BENNETT: Yes, Assemblyman Otlowski?

ASSEMBLYMAN OTLOWSKI: The Attorney General, of course, spent considerable time talking about the situation in Staten Island and in Woodbridge. I think he can understand that that is in my district so, of course, it is of tremendous concern to me and to the people of that area and, as a matter of fact, even more, it should be of concern to the entire State of New Jersey--

ATTORNEY GENERAL EDWARDS: Absolutely.

ASSEMBLYMAN OTLOWSKI: --because of your own testimony about what is happening out there. In the brief period we have been here today, and from the testimony we have heard, it is obvious that this is a horrendous problem -- the whole business of garbage and garbage disposal and the contamination of the ocean by sewage and solid waste. That solid waste, of course, includes plastics and all of the other toxic materials that are burned, which produces still another problem.

I think we would be making a terrible mistake here today if we let people believe that as a result of these

hearings, as a result of the passage of a few bills, and as a result of appropriating some money this year, that we are going to solve that problem within the next year. Frankly, I just want to make this known, and I think it should be part of the record, that I don't see the beaches being cleaned up for a long time. I am not indicting anyone for any program that is being proposed, but I think the problem is so gigantic, that it is not going to be solved in one year, or in two years. I just wanted to make that view part of the record.

Now, getting back to Woodbridge, and getting back to Staten Island and the problem that that dump presents-- You know, by your own testimony, you have shown that we have been in court since 1979 and, as a matter of fact, the record even goes beyond that. We were in court long before that about that dumping site in Woodbridge. The truth of the matter is, with all of the devices they have engendered, and even by your own testimony, you have found out that it is difficult to deal with the kind of bureaucratic structure they have in New York. When you are dealing with the people who handle that dump, you know you are going to have the spillage and you are going to have the overflow that gets into the Kill, eventually into the bay, and eventually into the ocean, and it not only contaminates Woodbridge and the immediate area but, as a matter of fact, you know, by your own testimony, it is contaminating the whole area, even our beaches.

I think we are making a terrible mistake -- I am not directing this at you particularly-- I think that all of us are making a terrible mistake when we try to correct that situation in Woodbridge. In my opinion, it cannot be corrected. The only way to correct it is to eliminate the dump -- eliminate the dump. Now, frankly, as the Attorney General, I would hope that you would forget about corrective measures on that dump, and concentrate the authority of your office, and concentrate your talents on immediately stopping the dumping,

because that dump presents all kinds of dangers, aside from the bureaucratic handling, as you testified, and aside from the mechanical difficulties presented in handling that dump.

I think the immediate strike, the immediate effort that has to be addressed by the might of your office, is to stop and close that dump. Concentrate all of your efforts on closing that dump. I am not going to tell New York where they should dump, but, you know, I have the impression from my meager knowledge of geography, that New York is a hell of a big state, with a lot of areas. As a matter of fact, there is a lot of dumping going on there from the whole country. New Jersey dumps a lot of its toxic materials in New York State. Now, in that vast area that is New York State, there has to be a suitable dump New York could use, and I am not talking about the Philippines, and I am not talking about Panama, or about Costa Rica. I am talking about a dumping site in New York State.

I would hope that while you are here-- I am not faulting you. I think you have been alert to this. I think probably more than any Attorney General up until this time, you have gone after them, you know, with what you thought you had to do, and the kind of pressure was on you at the moment. But I just want to ask you here at this hearing-- As a matter of fact, I want to make it known to you, that I, for one, am convinced that as long as you have that dump, with all of its mechanical devices, and with all of the time they are going to get in court, you know, by your own admission, and by your own testimony -- with all of the time they are going to get in court, the beaches in New Jersey -- Woodbridge and all of that area -- will not have the relief. They will become the subsidiary dumps of that dump that is now in Staten Island.

ATTORNEY GENERAL EDWARDS: Well, I wouldn't classify it that way. It is taking some of the residual consequences of that dump. I wouldn't call it a residual dump, though. \* You're

absolutely right, Assemblyman. My first demand on the court was to close that particular landfill. I would agree with you that that landfill, as it is presently operating and as it is projected to operate in the future -- at least in my opinion from the knowledge that I have so far, and I don't have all the knowledge yet, but we are analyzing it -- cannot be allowed to grow to its full maturity, as they say. I would be more than happy to effectively close that landfill tomorrow.

Realistically, can I accomplish that goal, though? I don't think I can realistically accomplish the closing of that landfill tomorrow. I have to deal with the real world of today. Today, what I can get done will mitigate the circumstances as they impact both Woodbridge and your whole district, Assemblymen, and that whole Arthur Kill area, and the whole Newark Bay area, along with things that are not covered by just closing that landfill, which are all of their eight marine transfer stations all over New York, their incinerator operation, their non-point pollution, and their combined sewer overflow, all of which wind up on the beaches of Woodbridge and the Arthur Kill also.

So, I am trying to deal with a much more holistic area. I have told the New York Department of Sanitation that nothing I am doing in this particular matter should preclude me from attacking the validity of that landfill and its structure and its compliance with existing regulations and its continued existence. I happen to agree with you. I don't think that landfill has a long useful life into the future. I don't know, I get the feeling that I don't think New York does either. They would almost welcome someone forcing them to find another vehicle.

They are trying to build, as we are in New Jersey, resource recovery facilities. They have the same kinds of problems. I don't believe that if I asked that court to close that landfill it is going to close tomorrow. I may get it

closed in two or three years, but I won't get it closed tomorrow. I will get remedial action taken on leachate and various other things in the process. We will be pursuing that with the Department of Environmental Protection of this State. But, realistically, I can't look at that as a remedy. You are not going to find New York with no place to deliver their garbage. They will allow it to continue -- six months, a year, a year and a half, two years. I have to deal with that issue on the landfill and the broader issue on the marine transfer station. If they close the landfill and they start moving it to resource recovery facilities, they would still be putting it in the barges, still dumping it in the sewers, and it would still be washing up on New Jersey's beaches.

The landfill is only one component. I am looking at a much more holistic solution, without giving up my rights to pursue that landfill, which, make no mistake about it, Assemblyman, I am looking at, and so is the Department, as to its impact. I believe the impact of the landfill -- not the garbage that is washing up on the beaches -- is far more significant than that garbage is. We clearly understand that. For you and your constituents in your area, please rest assured that we are doing, and will do, everything in our power to protect the quality of their lives in that area.

ASSEMBLYMAN OTLOWSKI: General, I just want to make this clear. I am mindful of the fact that that dump is only part of the problem -- part of the whole problem--

ATTORNEY GENERAL EDWARDS: I know that.

ASSEMBLYMAN OTLOWSKI: --that you related in your testimony. But that dump, of course, presents one of the biggest problems, in my opinion. Frankly, I hope I am not appearing parochial about this thing, but that dump is one of the biggest problems. As a matter of fact, you know from your own experience, that experts at this moment do not know, and cannot predict when you will have an avalanche there, or when that whole dump will collapse into the Kill.

I commend you for the action you have taken, and for the wonderful testimony you have given here today about the whole beach problem. I agree that the storm sewer problems are creating additional problems for us on our beaches, with the cups and the dishes and the whole business. But, you know, as long as we have a fast food society, and as long as we have abandoned china dishes, we are going to have this, and it is going to get worse.

ATTORNEY GENERAL EDWARDS: Assemblyman, just recognize that I understand the problems you have. I know exactly what it is. I can't tell you all of the things we're doing. If I did, I would be reaching some strategies that are yet to unfold.

ASSEMBLYMAN OTLOWSKI: General, the only thing I would hope would come out of this hearing -- and I think you are thinking in that direction-- I would hope that aside from thinking, you would move simultaneously toward closing the dump -- toward an action to close the dump. That's all I'm saying.

ATTORNEY GENERAL EDWARDS: When I go to close it, Assemblyman, rest assured I will have the ammunition to do it.

ASSEMBLYMAN BENNETT: I would like to thank you very much, General, for appearing today. Any further questions we have we will get to Dennis Crowley, so you can make your appointment.

ATTORNEY GENERAL EDWARDS: Please do, and we will be happy to answer them for you.

ASSEMBLYMAN BENNETT: I want to keep my commitment to the Commissioner, by having him come back and get finished. I thank you very much for your presence today.

ATTORNEY GENERAL EDWARDS: Thank you, Mr. Chairman.

ASSEMBLYMAN BENNETT: Unfortunately, the Department and the Governor's office have to conclude this morning. Assemblyman Moran had an emergency meeting he had to attend. When we come back this afternoon, we will have Committeeman Roden Lightbody from Dover Township, the Mayor of Lavallette,

and Dennis Sternberg, from Save Our Shores. We will develop that witness list so we can move expeditiously.

I think the information we are receiving today is going to be helpful to this Panel, and certainly helpful for the commitment to be made by the people of this State, and by the State government, that we are going to continue. I think that once these words are spoken, the public will hold those of us at this table, and the Legislature, accountable to see that we follow through. We will move as expeditiously as possible this afternoon. There are many groups here which I want to hear from. It is the general pattern of a legislative committee that we hear from the departments first, the elected officials, and then the public and the general groups that are represented here. So, that is the order.

Commissioner, Vice Chairman Bob Singer has a question he would like to ask.

ASSEMBLYMAN SINGER: Just one brief comment, Commissioner. I am not happy with your comment concerning beach access. I think DEP has a lot more important things to put their efforts into than worrying about beach access. I would be more than willing to discuss that problem with you down here at later meetings, but I have to tell you that I think, with our groundwater pollution problems in this county, with problems concerning the pipe line, with problems concerning water pollution in our ocean, I would rather see you take your efforts in that direction, than worry about beach access.

When the State proves to us that they can handle those items, we will discuss beach access to our beaches here. That is my comment.

ASSEMBLYMAN BENNETT: With respect to the Asbury Park outfall, I know that \$30 million is being discussed. But, as they are building the Asbury Park plant now and putting that pipe line in, is there any possibility that we could perhaps

accelerate that pipe line while they are doing the dredging and laying those pipes now? If so, what would the money be that we would need for that?

COMMISSIONER DEWLING: The answer to that is yes. What we would do-- We are going to be calling in the four municipalities that we are dealing with in discussing the extension of those outfalls. I think to reflect on what the Attorney General was saying before, we don't have time -- two, three, four, five years -- to implement this program. What we are saying is, here is a total package that is comprehensive to focus on the issue. There is a need now to try to get the Asbury Park treatment plant, while they are doing the construction -- to save money now -- to do exactly what you are talking about -- to extend the outfall now. That is what we intend to do. We may have to come back to you if a total package like this doesn't pass, to ask for some interim appropriation, or to try to use some of our loan trust money to do that -- to allow that to happen.

ASSEMBLYMAN BENNETT: Maybe we can put you on another spot, because you know I always like to do that. I would like to request a commitment from you, that while this Panel continues its work -- and from this point of a public hearing we are going into workshops and getting down to the real nitty-gritty of putting things together -- we may call upon your Department for some assistance, as we have a massive job to do in a small period of time, and the expertise of your Department would, I think, be helpful to this Panel, as we move toward solutions on the Governor's points and the Speaker's points, and a comprehensive plan. I would just like to get a commitment that we will be able to come back and call upon you and your Department for technical assistance, as we move on this task in the next few weeks.

COMMISSIONER DEWLING: Yes, no problem.

ASSEMBLYMAN BENNETT: Assemblymen Hendrickson?

ASSEMBLYMAN HENDRICKSON: We all have some reservations about new commissions. Again, you brought up long-term action and the New Jersey Coastal Commission. Under your Department, we have the Division of Coastal Resources. I know it is an initiative of government. Why can't we use what we have -- Coastal Resources -- and the information you already have, and the experts you already have? Coastal Resources has been there so long. They had a package together at one time for coastal protection. That Division, if anything, could be expanded, rather than put a whole other bureaucracy in place. There are an awful lot of reservations on the establishment of a whole new bureaucracy to take care of a problem that I know you have been working on, and Commissioners before you worked on.

COMMISSIONER DEWLING: I will let Ralph respond to this, but let me just say, by having a single focus group-- The CAFRA Program only looks at a very narrow area. All right? It does not look at the biggest problems dealing with water quality we're having. You're looking at development. You're looking at certain focus issues that now have a greater impact on the Jersey shore -- the combined sewer overflow up in the northern part; the storm water overflow we have along the coastal area; the sludge management issues; the non-point source pollution issues. It is a bigger issue than CAFRA. All we initially defined was the area of concern. The 14 points recognize the impact on water quality, and go beyond the CAFRA area. But you have to have something in place that brings something concrete to the implementation of a program. An example I gave before -- the Manasquan water supply system-- When the Department first talked about building that Manasquan system, the idea was to form the New Jersey Water Supply Authority. There was resistance within the Department. They said, "Why do you have to take something out of the Department when the Department can do it?" Well, the bottom line is, if

you don't take it out of the Department to have that single focus issue, the time frame for implementation is going to be extended by years. It could be a decade. You don't have that time. There has to be somebody down at the shore focusing on the shore. That is really the issue.

The Department-- The components of it are there, but there are other components that are not in the Department, which rightfully should be focused in the Coastal Commission. Ralph?

R A L P H I Z Z O: Assemblyman, that is an excellent question. It was only have months of rather careful analysis that we reached the conclusion we did. But I think that what was most impressive, were the remarks of Assemblyman Singer, but a moment ago, that probably captured the months of analysis we did as to why it can't be done by DEP. That is to say, to look at the myriad of issues, from water quality to land use planning, you need to incorporate the municipalities in that process. You cannot regulate it heavy-handedly from Trenton. The Department is an outstanding Department of Environmental Protection, with regulatory responsibilities. But to look at comprehensive planning, to look at the various levels of government that are involved in coastal management, you would come up with the same conclusion your Speaker did; that is, that you need an Assembly coordinating panel. No one Assembly panel could handle it. You had to go across jurisdictions. You had to bring in a bunch of different players to do the job well.

Who is going to continue to do the Federal lobbying for the other eight points? What is going to be the glue that holds the pieces together that this Panel puts forward later on as its comprehensive package? That is not the role we have traditionally asked our departments to take.

ASSEMBLYMAN HENDRICKSON: Just one comment, and only because you brought it up. I didn't really want to. The

survey we made indicates that people are really opposed to what has happened on the high cost of beach fees -- the great majority. I believe there are something like five, or maybe six municipalities that "are charging exorbitant beach fees." The analysis is from the office we have. The best we could get was that the great majority -- and I will say 98% -- are charging only what it takes to keep them clean themselves. We cannot find anything else. I believe the Public Advocate got into it and actually found that the great majority of the coastal communities are only charging minimal fees in order to take care of expenses. But, there are a few culprits.

ASSEMBLYMAN VILLANE: I will point out that they are all in my district.

ASSEMBLYMAN HENDRICKSON: No, no, we have one.

ASSEMBLYMAN DOYLE: I've got one or two, too.

ASSEMBLYMAN VILLANE: John, if I may respond just to the beach fees, and about--

ASSEMBLYMAN DOYLE: Can't we get to pollution? That's what we are here for.

ASSEMBLYMAN OTLOWSKI: Nobody is going to go to the beaches anyhow.

ASSEMBLYMAN BENNETT: I don't want to spend too much time on beach fees.

ASSEMBLYMAN VILLANE: I would just say that Assemblyman Kline has agreed to present that bill on fair beach access, which is another forum.

ASSEMBLYMAN HENDRICKSON: Another time, yeah. I'm sorry, Mr. Chairman. I only brought it up--

ASSEMBLYMAN BENNETT: Okay. Assemblyman Doyle?

ASSEMBLYMAN DOYLE: Let me make a statement, and then ask a few questions, Commissioner. With respect to the Coastal Commission -- with all due respect -- it does not take a new bureaucracy to clean up the ocean. It takes basically three things, and I think we would agree: One, it takes laws to

prevent, to the degree necessary, and prohibit wherever possible, what goes into that ocean; two, it takes money to enforce those laws with strong penalties; and three, it takes guts to say that the stuff that is going into the ocean that we don't want to go into the ocean, has to go somewhere else, or to be somehow disbursed. Laws, money, and guts; not more bureaucracy.

Now, with respect to the ocean-- You made a point, and maybe the Chairman might want to think about extending the charge of this Committee. On storm water, you make the point that the ocean is a reflection of the bay, and so too, in mentioning the Metedeconk in our district, the bay is a reflection of the river. Much of what happens along the river that is right behind this building is done because a lot of subdivisions built in the 1920s and '30s were right on the river. Storm water management means it shoots down the street right into the river, and that is why those rivers are being polluted.

I would hope that maybe we would look at that as a part of this, because what defines our ocean is not merely the ocean, but the barrier island nature of it; that it is backed by the bay, and that bay is supported by rivers. As an economic force, and as a tourist force-- When people think about, "I am going down to the shore," they oftentimes mean not only the ocean, but the bay and those rivers. Storm water management is going to take a lot of money, because those homeowners in those municipalities cannot afford what is necessary, and it is going to take an overall program on that.

COMMISSIONER DEWLING: Well, the Barnegat Bay beaches and the inner beaches are closed more than they are open, because of the non-point source pollution problem.

ASSEMBLYMAN DOYLE: Now, with that non-point pollution, many of the biggest polluters are public bodies, as it is with the ocean. We talk about New York, and we rightly

rail against it. But, is it not fair to say that the overwhelming majority of what goes into our ocean -- the Jersey shore part of the ocean -- is our own doing?

COMMISSIONER DEWLING: The direct discharges we have-- We have one industrial discharge, and we have 13 municipal effluences, which are meeting secondary treatment. That is about 140 million gallons a day.

ASSEMBLYMAN DOYLE: Out of what we think goes into it altogether, including the Staten Island problem?

COMMISSIONER DEWLING: Yeah, but if you start talking about the non-point source pollution problem, you're talking billions of gallons.

ASSEMBLYMAN DOYLE: Okay. Now, with respect to one of those principal sources-- The Asbury Park pipe line-- There has been talk about spending money to extend that line. Is that the best answer, just to move it? There are a number of environmental groups that greeted that suggestion with as much affection and attachment as they greeted other parts of the Governor's program. Regarding that particular part, they said, "We are just moving another mile or two." Wouldn't we be better off investing in treating that or removing it, instead of just moving it so that it floats back a little later in the span of time?

COMMISSIONER DEWLING: What you are trying to do here-- What happens is, the cost of the hugging effect along the shore-- You want to break through that plug, so to speak, and you want to get better diffusion. High levels of treatment-- We're getting 85% treatment with the secondary treatment plant. High levels of treatment are not the issue we are talking about here. The effluent from all of the treatment plants have to meet that 85%. The problem here is-- What happens is, you get impingement on certain tidal excursions of that effluent possibly coming back on the beach. To provide that extra safeguard to swimmers, we're saying, "Have better diffusion of that outfall."

We do it in every other part of the State. We did not do it in the older outfalls up in Monmouth County. The studies we did years ago clearly indicated to us that would be a plus to the environment relative to beach impingement -- doing that action. That is an action we have recommended as scientists and engineers to improve water quality, to have less opportunities for having any impingement of a discharge coming back on the beach maybe once or twice a year.

ASSEMBLYMAN DOYLE: That diffusion, though, just uses more water to dissolve it, but it doesn't dissolve it. It will collect ultimately, will it not?

COMMISSIONER DEWLING: No. The difference between all effluence, you know, that has 85% removal-- You design the system to give you 100 to one minimum diffusion and dilution going out into the outfall. I mean, that is what we do in streams; that is what we do all over the country. That is the standard we use -- 100 to one. So, you don't have an adverse impact on the receiving water. I am not aware of any adverse impact that any of our discharges are having on the receiving water, relative to beach closures. All right? None of those discharges caused beach closures. What caused beach closures were incidents adjacent to the beach.

ASSEMBLYMAN DOYLE: Now, let me just continue with a thought about public bodies being a source of pollution. Today, we were supposed to be at the opening of the Laurelton Road, instead of the Laurelton Circle, because we had changed that transportation configuration. The drainage that is coming off of that DOT project -- and Mayor Newman from Brick Township has told me about it -- is going through a pipe that goes right into the headwaters of the Metedeconk. If a private entrepreneur were to dump storm water in that manner, he would be shut down, but because it is the DOT, it's different.

Right now, on Main Street out here in Toms River-- Next spring, there is going to be a project that Assemblyman

Singer and I have worked hard to bring the DOT to do, because of some busted pipe lines in the surface. They are going to dump their surface right into the headwaters of the Toms River, within spitting distance of this building. A private entrepreneur would not be allowed to do that.

In the Metedeconk River you mentioned, the County of Ocean is putting in a 60-inch diameter pipe, a storm water runoff that is going into that river, where beaches have been, as you well testified, habitually closed because of the coliform count. That would not be allowed by a private entrepreneur. What can be done about stopping our own selves from polluting in the fashions I have mentioned?

COMMISSIONER DEWLING: I don't believe-- If there are stream encroachment permits, DOT is required to get the same permits from us as any private enterprise. When we develop housing projects, or we develop shopping centers, all the runoff from those areas must go someplace. You know, if you talk about the issue of the Coastal Commission, what issues can it focus on? We developed, 10 years ago, porous cement. Why shouldn't we have a requirement in this State to develop all new areas that we are going to put with concrete and blacktop, with porous material, so we get back into the groundwater recharge area? Why don't we develop the area like we did Smithville, so we don't have that problem of runoff. We use that water for recharge, so that we don't cause the in-stream problems.

But, I am not aware of any double standard for DOT versus the private sector. They are required to get the same permits, with the same frustrations.

ASSEMBLYMAN DOYLE: DOT has told me that with the ones I just mentioned, if they had to meet your standards, they could not do the project as it is designed, or on the same time line. I would just ask that those three in particular, within this Tenth District, be taken a look at.

COMMISSIONER DEWLING: If you will give them to me, I will definitely take a look at them.

ASSEMBLYMAN DOYLE: Fine. Finally, on the beach cleanup suggestion-- What happens, particularly-- Take Long Beach Island, even though it is not in my district presently, or if you went from Lavallette or from Brick to Dover to Lavallette to Seaside Heights to Seaside Park-- It is one continuous beach. Each of those towns gets separate amounts of money. Each of them clean up their beaches with that litter money as they see fit. Is there not a way, legislatively if necessary, to consolidate all of that, to make sure it is done in the cheapest, most consolidated way possible?

COMMISSIONER DEWLING: They have not received money from us previously.

ASSEMBLYMAN DOYLE: Well, before we get to that point, if you parcel it out, it will be done unevenly. When we say, "Our beaches," we mean the State's beaches. Now, I realize municipalities have the burden of caring for them and paying for them. Is there not a better way than to distribute that money in little pots to each municipality and hope that each little municipality does its work? We do it, for instance, in the purchasing of vehicles. There is a State contract. A municipality can make a decision to buy a vehicle through the State contract and do it more cheaply. Is there not a way to look at doing that on a State contract, rather than parceling out the money?

COMMISSIONER DEWLING: The answer is yes. We have not defined how the money is to be distributed. Either we could do it through the county, or we could do it on a per-mile basis, or on a population basis. You know, that is what we are talking about -- developing-- We are willing to work with you on developing protocol on how to distribute that money.

ASSEMBLYMAN DOYLE: I am not so sure I want it distributed. I think I might just want you to do it quickly as a single unit.

COMMISSIONER DEWLING: Do you mean to get the State, to add to what Mr. Hendrickson talked about before -- get the State involved in cleaning up beaches, and bring greater bureaucracy into local communities? God help us.

ASSEMBLYMAN DOYLE: I don't think it would be bureaucracy. It would be just one contract, instead of-- You've got how many municipalities along the beach who are going to get that money -- 127 miles long, 58 municipalities?

COMMISSIONER DEWLING: Forty municipalities.

ASSEMBLYMAN DOYLE: So you are going to have 40 separate contracts; 40 separate levels of enforcement.

COMMISSIONER DEWLING: Yeah, but a lot of the towns use their own people -- their own staff to do those types of things. They have their own equipment. The towns themselves already spend \$2 million for beach cleanup. What we are trying to do is assist them in the hardware and some of the equipment. With the Clean Communities Act what we try to do, is assist them in making people aware of the problem they have of leaving litter behind. So what we are talking about here is buying the hardware for the counties, like for the storm water overflow. Every town doesn't need a vac-haul (phonetic spelling). Every town doesn't need street sweeping. What we are talking about here is possibly with the county, saying, "All right, we will buy you X, Y, and Z," and then schedule these things through all the towns.

ASSEMBLYMAN DOYLE: That makes more sense to me that distributing dollops of \$30,000 or \$40,000 amongst the towns. Okay.

COMMISSIONER DEWLING: That is what we are talking about.

ASSEMBLYMAN BENNETT: Thank you very much, Commissioner, members of the Governor's office. I look forward to continuing this process of working together.

ASSEMBLYMAN SMITH: John, may I get a few questions in here?

ASSEMBLYMAN BENNETT: Oh, I'm sorry, Assemblyman.

ASSEMBLYMAN SMITH: Commissioner, in reviewing your testimony, it would seem -- and I am asking for a correction if I have misinterpreted your statement -- that perhaps the biggest single element of our shore problem, from the point of view of health -- the individuals swimming in the Atlantic Ocean -- is the combined storm water pollution. Am I correct in that?

COMMISSIONER DEWLING: As far as the shore is concerned, storm water overflow, where we have had beach closings -- all right?--

ASSEMBLYMAN SMITH: Right.

COMMISSIONER DEWLING: --the beach closings have been more associated with storm water overflow than any failure on the part of any other action.

ASSEMBLYMAN SMITH: Okay. In fact, you made the statement that 80% to 90% of all of the beach closings in our coastal areas are due to the elevated levels of contaminants from that--

COMMISSIONER DEWLING: Which normally occur for maybe a day or a day and a half following a storm event.

ASSEMBLYMAN SMITH: Right.

COMMISSIONER DEWLING: We have 200 pipes, per se, along the coast.

ASSEMBLYMAN VILLANE: Is that septic waste?

COMMISSIONER DEWLING: No, no. These are storm drains street runoff. It has no human connection. It is dog droppings; it's bird droppings; it's oil from shopping centers; it's oil from your car; or it's particles of sand.

ASSEMBLYMAN SMITH: Right. As I read the Governor's proposal, it provides for \$60 million in State money for the purpose of solving that problem, which would be provided in a grant program -- 75% from the State government and 25% as a municipal match. Would there be a requirement in the

government's program that municipalities mandatorily participate in the program?

COMMISSIONER DEWLING: I think that is the purpose of having a Coastal Commission, to try to properly plan the implementation of those programs.

ASSEMBLYMAN SMITH: Well, if it is a grant program-- I understand it would be that you apply for a grant, if you want to, and you get it if you apply and you have a good application. There is no requirement that you do so. As a matter of fact, we have even had laws -- like the '72 amendments to the Water Pollution Control Act -- that have said that municipal governments, by 1985, will have secondary sewage treatment -- all municipalities in the United States. Sadly to say, that has not occurred.

I am wondering, does DEP have a position on whether or not that provision should be mandatory? Should State government be able to say to local governments, "You must build the facilities necessary to control storm water pollution"?

COMMISSIONER DEWLING: The answer to that question, in my view, is very simple. The answer is yes. The question is, how do you do it?

ASSEMBLYMAN SMITH: Right.

COMMISSIONER DEWLING: One way of us doing that would be by requiring a discharge permit. You know, the State of New Jersey required a discharge permit for landfills before the Federal statute did. In fact, we just won a case where we issued a unilateral permit to an old landfill, where they said, "I didn't have to file. I don't have to do anything." We won in court. They do need a discharge permit. They have to control their discharge.

The storm water pipes-- We could get into the position of issuing a blanket permit for every storm water overflow, to correct those problems. I would hope that coastal communities, recognizing the benefit of the ocean to their overall economy--

ASSEMBLYMAN SMITH: Would voluntarily do so.

COMMISSIONER DEWLING: --would voluntarily do that.

ASSEMBLYMAN SMITH: But, if they don't, DEP is of the opinion that they need some ability to impose the requirement of making the correction.

COMMISSIONER DEWLING: I think we have the ability now under the existing Federal statute and our own NPDS Program.

ASSEMBLYMAN SMITH: What is the size of the problem, in terms of the cost to correct it along the New Jersey shore?

COMMISSIONER DEWLING: Well, we estimate-- Well, that is what we are saying. It is a three-phase study. One, you have to map it out, and then find out where they are. We're saying that our best estimate is that you're talking about a \$60 million program here.

ASSEMBLYMAN SMITH: To estimate the size of the problem, or to solve the problem?

COMMISSIONER DEWLING: To solve the problem. All right? I mean, some of these problems can be solved very simply, by eliminating the illegal connections to the storm drains. Where you have significant quantities, you can go into retention basins to equalize the flow and prevent it from coming out, or set up other programs for controlling the discharges.

I'm saying to you: We don't know where all the pipes are. We don't know what the interconnections are. That is the first step. Before you can take corrective action, you have to define-- You know, we have defined the symptom. We know what the problem is, but we don't know the magnitude of the problem. We are estimating here \$60 million, based on our experience, and on what we know about down in New Orleans and other cities where this program was done years ago.

ASSEMBLYMAN SMITH: Thank you, Mr. Chairman.

J A N E K E L L Y, E S Q.: Assemblyman Smith, several years ago, a law was enacted which required storm water

management planning. Unfortunately, it was not mandated upon municipalities, unless they were 90% funded by the State. Assemblyman Bennett has an excellent bill in now, which would correct that and require municipal storm water management planning. We have always supported that bill.

ASSEMBLYMAN VILLANE: Mr. Chairman?

ASSEMBLYMAN BENNETT: Assemblyman Villane?

ASSEMBLYMAN VILLANE: How many beach closings did we have in 1986, Commissioner?

COMMISSIONER DEWLING: When you talk about it, the numbers get very-- It was about 45 or 47. The question is, a lot of that was associated with a large component of the beach that was closed down in Atlantic City because of its illegal connection. The question is, how many were closed due to improper treatment plants? The answer is none. How many were closed due to improper industrial discharge? The answer is none. How many were closed because of some incident? All right? That is when we had the beach problem with the garbage. We had the beach problem with the floatables.

This year, we had more incidents than we have had before, so we equaled out about the number of beach closures we had in previous years.

ASSEMBLYMAN VILLANE: What percentage of those beach closings were a result of ocean dumping of sewage sludge, and what percentage of those beach closings were represented by what you call "incidents adjacent to the beach"?

COMMISSIONER DEWLING: We estimated that 80% to 90% were associated with incidents adjacent to the beach.

ASSEMBLYMAN VILLANE: And those were from storm water runoff -- rainfall that goes into the streets at an outfall line?

COMMISSIONER DEWLING: That is correct.

ASSEMBLYMAN VILLANE: And the others were incidents from floating plastics, and the incident we had in Ocean Township, where we had a malfunction of a pipe?

COMMISSIONER DEWLING: That's right.

ASSEMBLYMAN VILLANE: In Deal Lake, where we had a crossover between storm water and septic water?

COMMISSIONER DEWLING: That's right.

ASSEMBLYMAN VILLANE: What is the status-- You know, we often look at New York, of course, and some of us down at the shore look at Hudson County. What is the status of the Hudson County sewage problem?

COMMISSIONER DEWLING: Let me have George McCann speak to that. They are all being built right now, though. George?

G E O R G E G. M C C A N N: Funding has been provided for all of the Hudson County facilities, effective September 30 of this year. Several of them are already under construction; others have received the grant moneys, and they will be under construction shortly. They are going out to bid in the next month or two, as they finalize their bid packages. But, every one of them has now been addressed with public funds that have been made available to them. They are on varying schedules as to when they will be completed, ranging from late 1988 through to about 1990.

COMMISSIONER DEWLING: These moneys would not have been available if it hadn't been for your efforts on the trust and the loan program.

ASSEMBLYMAN VILLANE: I wanted to ask you a couple of things. What is the membership of the Coastal Commission who would act on behalf of the shore area? What would be the representation from the shore area? Mr. Izzo might know.

MR. IZZO: Sure. There are 15 members, as pointed out in your legislation. Three of them are from State government -- the Commissioner of the Department of Environmental Protection, the Commissioner of Commerce, and the State Treasurer. There are eight to be selected from the public at large, appointed by the Governor with the advice and consent of the Senate, to represent the environmental community, the

fishing community, the tourism businesses, and the building and development community. The remaining four members are selected by county governments, through the following process: The shore is divided into four regions, Region 1 being Monmouth, essentially; Region 2 being Ocean; Region 3 being Atlantic; and Region 4 being Cape May, Salem, and Cumberland. County governments pick 15 members to serve on regional advisory councils. Those councils elect a chairperson. That chairperson serves on the Commission. That was done specifically to institutionalize public participation, to make sure that it wasn't Trenton that was dictating the way life is to be led at the shore, but the municipalities themselves have a lot to say about what goes on.

ASSEMBLYMAN VILLANE: You know, the charge that more bureaucracy-- Are these paid commissioners who are going to be on this Commission?

MR. IZZO: Absolutely not, no. I'm glad you raised that point, Assemblyman. In fact, everyone talks about the need for more action along the shore. Well, to have more action along the shore, you need the laws -- as Assemblyman Doyle pointed out -- you need the money -- as the Governor has proposed -- but you also need the staff and the personnel to do it. No one is at all proposing that we undercut the efforts of the Division of Coastal Resources. In fact, the way to look at the Coastal Commission is to say, "The Division of Coastal Resources is now giving a significant public input component, and is being elevated to a full-time entity that has as its sole purpose the protection and preservation of the New Jersey shore."

ASSEMBLYMAN VILLANE: Where would they be located? Would they be another bureaucracy in Trenton?

MR. IZZO: Absolutely not. They would be located at the shore, with regional offices servicing those regions we spoke of. So, in fact, the Coastal Commission would be the

logical entity, with its sub-regions, to distribute the equipment necessary to do the sand cleaning and the shoveling along the beaches. So, people would not-- I know you will hear from some folks later on who do come to Trenton a fair amount, but there are other folks you will be hearing from who don't like to travel to Trenton. They find it a bloated bureaucratic institution, and they don't understand the way in and out of that maze. They would like to see some government along the shore.

ASSEMBLYMAN VILLANE: One of the charges about the Commission has been that, if we have a Coastal Commission, it will be easier for developers to violate the environment.

MR. IZZO: Absolutely not. What it will be easier for developers to get, will be a clearer set of rules and a more understandable regulatory process. That is the only thing we promised anyone. The fact is that the present set of rules -- the present regulatory maze -- is so indecipherable, so unintelligible, that people can't really make an intelligent guess as to whether they should go out and get the financing for that project. The Governor never guaranteed anyone a yes or a no. He guaranteed them a quicker, more rational response.

ASSEMBLYMAN VILLANE: The last one or two questions-- You know, we are concerned, in the environmental area, that oftentimes the present CAFRA permitting -- you know, the coastal area review process -- allows for some development that ends up being an embarrassment to the State, where overcrowding is a loophole in the law. How will the Coastal Commission address that problem?

MR. IZZO: Well, Assemblyman, that is another good question. Right now, we have to recognize the fact that there are some areas along the coast that are much more environmentally sensitive. In those areas, we need to tighten the loopholes in CAFRA to say that only one or three units are to be regulated there. Then there are other parts of the CAFRA

zone that are significantly inland, away from environmentally sensitive areas, where the State has absolutely no business dictating what the low tide level should be. It only needs to be loosened up there. The number, which I am sure you are familiar with, is 75 units in those areas.

So, the idea is, let's dedicate our effort, our time, our resources, our money to those areas that warrant the most attention.

ASSEMBLYMAN VILLANE: My last question: Does the Coastal Commission Act, as proposed, tighten up the CAFRA laws?

MR. IZZO: Absolutely, yes.

ASSEMBLYMAN VILLANE: And the fear that we are going to loosen up the environmental standards is unfounded?

MR. IZZO: I think that with people like yourself out there, the answer to that question is that it is unfounded.

ASSEMBLYMAN VILLANE: Thank you for discussing my bill.

COMMISSIONER DEWLING: Plus, I think there is more consistency with the stream encroachment issue and the freshwater wetlands with the CAFRA Program.

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

ASSEMBLYMAN OTLOWSKI: Mr. Chairman, may I ask the Commissioner a question?

ASSEMBLYMAN BENNETT: Yes, Assemblyman Otlowski.

ASSEMBLYMAN OTLOWSKI: Commissioner, you said that one of the problems with the beaches was the problem you had in Atlantic City with the sewage. Of course, that was one of the things that closed down 45 beaches. Is that correct?

COMMISSIONER DEWLING: No. There was an illegal connection in the storm drain -- a sanitation connection in the storm drain -- that closed down several blocks of beach down in Atlantic City.

ASSEMBLYMAN OTLOWSKI: The truth is, the beaches were loaded with garbage.

COMMISSIONER DEWLING: No, not in Atlantic City.

ASSEMBLYMAN OTLOWSKI: I'm not talking about Atlantic City; I'm talking about Point Pleasant-- All of those beaches were loaded with garbage this year.

COMMISSIONER DEWLING: For that three-day period, you're right. We're talking about over the whole summer. There was a problem down in Atlantic City with storm water overflow that closed those beaches.

ASSEMBLYMAN OTLOWSKI: But you had a big tide of garbage all along the shore.

COMMISSIONER DEWLING: Yes, that is correct.

ASSEMBLYMAN OTLOWSKI: And, as a matter of fact, to make your way into the ocean, you had to push the garbage away.

COMMISSIONER DEWLING: That is correct.

ASSEMBLYMAN OTLOWSKI: The fact of the matter is, Atlantic City was only one of the problems. The other problem was the garbage.

COMMISSIONER DEWLING: The garbage problem resulted in closings of beaches. There is no question about it. What we are talking about here-- The question was: What percent of all the beaches were closed? We had a lot of beaches that were closed in the bay area because of storm water overflow. There were more beach closures than openings in the inner bays, because of storm water overflow. That happens all the time. What we are talking about is, this problem has to be corrected if we want to improve water quality. But one insult we had -- the garbage on the beach -- can be corrected. I am confident the Attorney General will correct that. But that is still not going to have all beach openings magically appear, as long as we have the storm water overflow problem.

ASSEMBLYMAN OTLOWSKI: From your own testimony, the beaches were primarily closed because of that illegal connection in Atlantic City. That isn't going to be happening every day this coming summer.

COMMISSIONER DEWLING: No, but all throughout the summer, our monitoring program-- Now that we have 300 monitoring sites, where before we had 50, we can pick up the smaller fluctuations in quality that we couldn't before. In one case, we had bird droppings underneath the pier -- four inches of bird droppings -- causing the closure of the beach. In other cases, we found out there was a broken pipe that we didn't know existed. One of the outfall pipes was shorter.

What I am saying to you is, intensive monitoring has enabled us to define why closures are now occurring, and the storm water overflow problem, in many areas, is the reason. That has to be corrected.

ASSEMBLYMAN OTLOWSKI: Of course, the program that is proposed here, obviously is a wonderful beginning. But what bothers me is, how are you going to clean up these beaches, you know, next year, and the year after that, with the tremendous garbage problem that is developing now, and which is, in fact, a part of the beach environment?

COMMISSIONER DEWLING: The question of the floatables -- all right? -- the issue of plastics on the beach, the artifacts of life that we are finding on the beach-- The sludge dumping will cease at the end of this year at the 12-mile site. That will now go out to the 106-mile site. So, the probability of getting some of the grease balls that we were getting on our shores will probably be greatly reduced. The problem of other floatables coming up on the shore from combined sewer overflow, in Perth Amboy, in New Brunswick, and in some of the other areas there up along the Jersey side, and the New York side-- That is the combined sewer overflow problem that results in almost 300 million gallons a day. That is what we need to address the problems in the Upper Bay for. We have to correct that problem if we are going to improve water quality.

ASSEMBLYMAN OTLOWSKI: How are you going to make boat owners -- and they are going to increase tremendously now, with the kind of marinas you are going to have throughout the whole State-- How are you going to make sure that their dumping of litter does not take place in -- what Assemblyman Doyle said -- the inlets and the rivers? How are we going--

COMMISSIONER DEWLING: That is why we need the marine police. We are talking about \$4 million or \$5 million more for enforcement of the inner bays and the outer waters with State marine police. You have to have someone out there giving a ticket to the person who throws the plastic bag overboard. You have to have someone to give a ticket to a fishing boat that throws over the bait bags and the plastic bags. You have to have that enforcement mechanism out there. That is part of this program.

ASSEMBLYMAN OTLOWSKI: With the implementation of this plan -- let's assume that this plan is implemented -- do you see the beaches being cleaned up in two, three, four, five, six years?

COMMISSIONER DEWLING: This is a five-year program. You can have results immediately, and the full implementation you're talking about within five years.

ASSEMBLYMAN OTLOWSKI: So, if anyone is talking about cleaning up the ocean next year, that is absolutely impossible.

COMMISSIONER DEWLING: No, we have to put it in perspective. From the standpoint of swimming -- all right? -- I have absolutely no compunction about swimming in the Jersey coastal waters. It is my opinion that the risk of drowning far exceeds the risk of coming down with an infectious or contagious disease, when we meet the bacteriological standards. Obviously, no one wants to swim in water with floating debris. You can solve that floating debris problem by next year. By closer enforcement and our consent with New York City, that can be stopped. The question of the storm water

overflow discharges-- You have to map them first -- determine where they are -- and then correct them. The problem with storm water combined sewer overflow is the same thing.

So, there is a component that is short term, and there is a problem that is long term. But, public-health-wise, there is absolutely nothing wrong with the Jersey coastal waters.

ASSEMBLYMAN OTLOWSKI: I am never concerned about it myself, because I am completely immune to any disease from the water. What I am talking about here, is that it would be unwise for us to be making promises to the public that aren't going to materialize, because just by your own testimony, this is going to take five years. The Attorney General points out that the New York thing will probably take generations to clean up, if New York City takes advantage of all of the court avenues that will be open to them.

So, the truth of the matter is, even if this plan is implemented -- and let's assume that it is workable -- the next thing, of course, is that you are still going to have that problem, and that is not a Woodbridge problem -- that New York dump -- that is a New Jersey problem, because it comes right down to the shore. It comes down to all of the beaches along the shore. By the Attorney General's own testimony, he pointed out that a lot of the stuff that they have identified comes from that dump. Unless that dump is a part of this whole approach, I don't see where we're going here.

COMMISSIONER DEWLING: It is part of the whole approach. The question is, this past summer, we had the best water quality ever in the past 20 years. All right? So we're dealing with different issues here. We have a floatables problem that is real. We have a floatables problem that needs correction. That is a short-term correction. The problem of algae blooms, the problem of enrichment of the rivers where we get the red and the green algae-- The way to correct that is by controlling storm water overflow -- the urban runoff. That

process takes a little bit longer. But the immediate pollution problems that we see out there can be corrected in a short term. We can correct the problem at the landfill. You can control the floatables, but it is going to require the City to make a sizable investment in controlling that, and strong enforcement. You have to have the enforcement and the mechanism to stop any problem you see at an early date.

ASSEMBLYMAN OTLOWSKI: Are you saying that by the correction of these sewer systems, that you are going to eliminate most of the problem?

COMMISSIONER DEWLING: I'm saying that the floatables problem -- the garbage, the floatables problem -- can be corrected as rapidly as we can get money into the communities, and as rapidly as we can resolve the suit with New York City. I feel confident that that is going to be corrected before this coming summer.

As the Attorney General said, if we are going to have more marine police out there next summer, we need action now to give us that enforcement tool.

ASSEMBLYMAN OTLOWSKI: Commissioner, I just can't see how you are going to solve that New York problem, you know, in the next several years, with any kind of court action. Frankly, I have to disagree with you and the Attorney General about that, because that scene has been going on for years, and it is going to go on for years more. Frankly, I don't see anything they can do with that dump that is going to give us the relief.

Again, I am not talking about Woodbridge. I am talking about the Jersey shore, when I am talking about that New York dump. I don't have that kind of an optimistic feeling about cleaning up this Jersey shore, so long as you allow that dump to continue in New York.

COMMISSIONER DEWLING: But the question here is, the problem along the Jersey shore-- What percent of the problem

we have had is associated with that dump? It's small, relative to the real pollution problems. It is big, in terms of the insult we had this past summer. Most of the closures were not due to the dump. They were due to storm water overflows, from a bacteriological increase. But the insult we had, which received national publicity-- You know, the image is that we have garbage on our beaches everyday from New York City. We have garbage on our beaches, but a lot of it is coming from ourselves. Some is coming from New York City. We have to clean up our own shop, as well as control New York City. That dump will not be out of there -- I agree with you -- in two years. No question, it can't be out of there in two years. Physically, they have no other place to put their garbage.

ASSEMBLYMAN OTLOWSKI: It's one thing to have a beach polluted by sewage, but it is another thing to fight your way into the water by separating garbage. And that was the big problem this year, aside from the sewage.

COMMISSIONER DEWLING: For three days. I submit to you that Keyport, within our own State-- I was at an environmental meeting here about three months ago, and one of the environmentalists brought in a photograph of a landfill in Keyport that was an old landfill. Within three weeks we had that corrected. This landfill was never closed properly. It was sold to a developer in New York City. We got a consent order, and we got that problem cleaned up within six weeks from the time we found out about it, where all of the debris was washing in the water -- plastics, solids, and everything like that. It was a disgrace. Those things are done by closer enforcement. With stronger enforcement, you can correct a lot of the floatables problem.

ASSEMBLYMAN OTLOWSKI: Thank you, Mr. Chairman.

ASSEMBLYMAN BENNETT: Thank you very much, Commissioner. I have a couple of announcements to make. One, obviously we are not going to break for lunch. However, I am

to announce that those of you who want to go and grab a sandwich while you are waiting to testify, that within walking distance there is a coffee shop called Frankie's on Washington Street. I have no interest, financial or otherwise, in any of these places. There is a coffee shop on Main Street called Tommy's, and there is a restaurant, the Lobster Shanty, on the river, which is down the hill behind this building.

We are going to take a five-minute break merely for the purpose of stretching. I want you all to understand something: As members of this Panel come and go -- because they have another commitment, or they are coming back -- everything is being recorded, and a transcript is being made of this hearing of everything that everybody says. So, even though you may not be on in the order that you may have preferred, the Committee members will have that transcript as we go to our workshops. Everything that is being said is important and will be useful.

I will try to keep three or four names at a time announced, so you will know the order you are going to be called in. You can then make your lunch plans accordingly. Dennis Sternberg, from Save Our Shores, will speak next; Committeeman Lightbody; Mayor Boekholt; and then Cindy Zipf.

We will take five minutes just to stretch, and then we will return. Commissioner and members of the Governor's office, thank you very much. You are excused at this point, also.

(RECESS)

**AFTER RECESS:**

**ASSEMBLYMAN BENNETT:** I would like to get started as soon as we can now. You have experienced the Trenton five minutes -- legislative time. The five minutes is up. If you

are not going to come in, could you please close the door. If you are going to speak, please take your conferences outside. We are reconvening at 1:30, but that doesn't mean that we have all had lunch. In any event, we will try to proceed and get as much of the testimony on the record as we can. I appreciate so many of you staying. I know there will be members of the Committee coming and going as the afternoon progresses. As I said, everything is being recorded, and the Committee will have the opportunity to review all of the statements that are being presented. I will do my utmost to see to it that everyone who wants to speak gets the opportunity to speak. One of the worst things about being the Chair, is trying to make sure to get everyone called upon, and doing it in an order that is appropriate. Even though I have been doing it for two years, you never really get totally used to it.

The next speaker is one of the founders of Save Our Shores, a group of professionals who have raised the consciousness, I believe, significantly in this State, when it comes to some of the problems that all of us know about. More importantly, he has been instrumental, not only in bringing problems to the attention of the general public and raising consciousness, but I believe he has played a significant part in coming up with solutions. I teased Dr. Sternberg several times, by saying that when the extension on the Asbury Park outfall is put in, we will name it after him, and that can be his little claim to fame, that he has an outfall pipe named after him, because before anyone was speaking about extending these outfall pipes, which are now in the 14-Point Plan -- the 19-Point Plan, or whatever point plan you are talking about -- they had committed themselves to having that extension. That is something that Dennis Sternberg talked about a long time ago.

But, as one of the founders, and an officer in Save Our Shores, I appreciate your taking the time to come today, Dennis, and I call upon you now.

D R. D E N N I S S T E R N B E R G: Thank you, John, Assemblyman Villane, Assemblyman Hendrickson. I would like to thank you for the opportunity -- for giving us a chance to speak to this Panel. Beside me are Linda Hasbrouk of Save Our Shores, and Christine Reuther (phonetic spelling), who represents our attorneys, Ballard, Spar, Andrews, and Ingersol (phonetic spelling).

As you may be aware, Save Our Shores also filed intent to sue the City of New York over what happened at our beaches last August. Christine will speak about that issue.

What struck me most this morning -- and it is refreshing and enlightening -- is that after all the years of being on this side of the panel, hearing for the very first time the other side -- where you sit -- of the panel speaking about just what needs to be done; how we are to do it; and having the money to do it; and hearing DEP, and hearing other members of governmental organizations and bureaucracies, speak about what we are going to do, rather than speaking about the problem which they refuse to admit existed. It is an enlightening and refreshing event.

I think we have come near the summit of the mountain. We are in a rest camp. The summit is the hardest point to reach. The winds blow and the sun beats down and the ice falls down on you. Whether or not we get to the summit and see the other side, is going to depend very much upon what you gentlemen decide and how you organize what you decide.

Save Our Shores is, as you said, an organization whose chief job, as we saw it, was to bring to the public, to the newspapers, and to the politicians an awareness of the tremendous problem that we have had, not just this summer, but for years and years at the Jersey shore. I believe we have made you aware. It is wonderful to see that many -- very many -- of the initiatives that we proposed at Save Our Shores, are both on the Governor's plan and on Mr. Hardwick's plan. For

that, we thank you, from the people, because we believe we are motivated by the people, and so are you.

In light of that, we want to go through some more ideas we have. We believe this is what the purpose of this hearing is, to help us gain our ocean back.

Number one, we want accountability for the implementation of both Mr. Hardwick's plan and the Governor's 14-Point Plan. How do we get that accountability? Through you, and through the press. We believe the people of the State of New Jersey and, indeed, the nation-- I can guarantee you their eyes are on us, and have been, and it seems like we might come up with the answer to our problems, and will hint at how they can answer their problems. So, I am asking that the Legislature become accountable by presenting to the press, not just in hearings like this, but in a regular scheduled report, where all these 86 or 87 bills are. Are they passed? Are they not passed? Who is voting for them? Who is voting against them? What is the state of our laws to protect the citizens?

Number two, we suggest that a special prosecutor and grand jury be appointed, and the grand jury sit, in order to bring to trial, if necessary, the polluters. The grand jury can sit and act on the prosecutor's request. In other words, ladies and gentlemen, people understand that a change in attitude has occurred here in New Jersey. From the top -- from the Governor on down -- it has changed. Fortunately, groups like ourselves and others have helped it to change. We feel that perhaps you can introduce legislation for a special prosecutor and a grand jury. I know that John Kaye in Monmouth County has an environmental portion set aside in his office. I think that something like that, or modeled from that, or modeled from something in California, can be helpful to us.

There must be the threat of punishment and recrimination for environmental crimes. There is precedent. In California, the prosecutor's office not only threatens, but

executes jail terms for corporate officers who act irresponsibly over and over again, apparently. When it becomes apparent to corporate officers and to the public at large that they are not just slapped upon the wrist, not just given fines -- which have, incidentally, become a way and means of doing business which is in the long run cheaper than taking care of pollutants and industrial potentially hazardous wastes -- then the change can go from the Governor, from the Legislature, and from the people right to where it means something -- to the corporate offices. It also becomes a significant mind change for them. Save Our Shores has stated repeatedly that we believe the State of New Jersey has the obligation to work with the industry that is presently in New Jersey -- we feel that they have a very profitable operation in their company -- in not polluting the environment.

We were told years ago that we had to have a polluted environment and accept it if we wanted to have nice things; if we wanted to have jobs; if we wanted to have industry; if we wanted to have a better way of life. I do not hear chemistry is a better way of life any more. I hear basically that there is change. So, Save Our Shores went to a company like IFF, which was one of the worst polluters in New Jersey. We asked them to change their act. The prosecutor in Monmouth County was going to indict them to make them change their act. A strange thing happened: They did change their act. They have introduced tertiary pre-treatment of their industrial waste before it enters the public sanitary sewer system. There was a precedent.

Save Our Shores is asking other industries to follow the lead that Save Our Shores and IFF created, by taking something that is supposedly very bad, and changing it for the better. The companies can no longer stand the bad press and the fines and the public outrage. So, we feel there is room for change there.

We need to continue the health study that we started this year, as a tool to find out just what the health risks of swimming in the ocean are, and to rectify them. If all of the points of the Governor's 14-Point Plan are implemented, and if the Assembly's plans are implemented, perhaps we will never get to that point, but Save Our Shores, which works so diligently and hard for that health study, wants the people who are doing the health study in the Health Department, and also the bureaucrats in DEP, to realize, from the top, that there has been a change in attitude; realize that now it is okay to rock the boat for the benefit of the people and do the right thing. Take the blinders off and say what you have known all along, that problems exist. We have talented people in all of these agencies, which I feel, from my experience, are sometimes stifled for fear that rocking the boat would endanger their own careers.

We feel that at this time it would be beneficial for the Commissioner of DEP and the Health Department Commissioner to let the word go down through the ranks that this is an issue that they are not going to just recognize, but do everything in their power to come up with new and innovative ideas to cure. That is important.

I want to talk to you about Ciba-Geigy and Dover Township. I understand that Ciba-Geigy employs many people. I understand it is an industry that has been established here. I also understand that people are afraid of the effluence that leaves the Ciba-Geigy plant and goes into our ocean -- our ocean. It would be remiss of any environmental group, or person, or legislator to ignore that. I am willing to let all companies work and operate in this State, as long as they protect the public interest while they are doing it.

Ciba-Geigy has sent out to dentists and physicians plans for a \$90 million coastal plant to be built here in New Jersey. I don't think we can, at this point, allow the future

use of a pipe line into the ocean with chemical wastes, some of which are not known, which can potentially hurt our children and ourselves and our future here. However, I don't wish to close down plants. I wish to make them change. Save Our Shores holds out its hands to all companies, including Ciba-Geigy, to pre-treat their wastes, but not to dump them into the ocean. There has to be another way. (applause)

While doing this, Ciba-Geigy can become an ally with the community, an ally with the State, and an ally with the physicians of the State, and will no longer be a thorn in the side of environmental health, and they can still accomplish a healthy economic situation in this State.

At Save Our Shores, we have asked for incentives for industry for the pre-treatment of waste, whatever companies are out there putting out chemicals -- whether it is high-tech industry in Ocean Township, or places like Ciba-Geigy. Wherever it is necessary, and especially if the company is not monetarily sound enough to implement it themselves, we feel that it might be beneficial for you to introduce legislation that will help to give tax incentives to these companies to enable them to better pre-treat their waste for the benefit of all. It would set a precedent, and the precedent could only be good.

We must have it clearly understood that pollution violators -- that getting fines can no longer be the way of doing business. We must make the fines heavy, and have the threat of a jail sentence. We must also make, as in California, the officials that are party to this -- the company officials that are party to this -- make them actually a public spectacle in the papers, and have them apologize for any pollution they are caught causing. There is precedent in California. Believe me, no chairman of a company, no matter how big or how small, is immune to what his community thinks about him. For sheer self-respect, that person -- male or

female -- will not want to have to go and say, "I did this thing which will endanger the health of your children, or your family."

There is a very important part that I have heard nothing mentioned about. We have heard about swimming in the ocean; we have heard about garbage. We have not heard about the food chain and the fish. The Federal EPA has let it be known that the fish caught here at the Jersey shore -- five species of them in particular -- are proscribed, which means that they should not be eaten by some people, like pregnant women. Pregnant women in New Jersey when they eat these fish, like bluefish and striped bass, are considered a group which is taking their lives into their own hands, and the lives of their unborn children into their own hands.

What I want this Legislature to do, is to get the National Marine Fisheries to give you a list of the species of fish, especially the ones that are most eaten here in New Jersey, the levels of contamination, and the type of contamination. I want that to be printed in the press on the front page where people can read it, and at least know the risks they take. I hope the programs you are going to propose will help to alleviate what is causing the fish to become sick. I think most likely it is the dumping of the dredge spoils off the Gateway National Park, where many of these fish breed. I want that list out, so I can know if I take my children fluke fishing if I can eat the fish, or if I should wait until two years down the line when perhaps it is going to be better.

Is that a danger to the commercial fishing industry? Yes. Is it important? Yes, because before the commercial fishing industry collapses, and before the tourists who come down here to fish for fun collapse, we have to know what we are dealing with. We need to publish those numbers, and we need to know if the levels of contamination are increasing or

decreasing, so that we can eat the fish appropriately. I think that is extremely important.

One of the chief reasons we heard, and the nation heard about the pollution problems in New Jersey, was because of the death of the dolphins. The only different new thing out there in the ocean that may have a bearing on why the dolphins died was the sewage sludge that was brought for the first time to the 106 miles. Save Our Shores physicians have an idea, and we propose it here -- and we have proposed it before -- that what may have been the cause of the death of the dolphins. If any of us take our hands and put them into an open sewer, or into fecal material, and if we have a wound, or if we breathe it into our lungs, we probably will get ill. You can go to your physician, and many times you will be treated with antibiotics. We can swim or not swim in the ocean. Many people do; most don't. Dolphins are forced to live in the ocean. They do not read the papers or hear radios. They do not know the barges they follow may be carrying sludge. They do not know the foam that is on top of the water is not the clean, pure white foam, but may be one of these algae blooms. They do, however, get sick.

When we cultured the water out of the Jersey shore areas -- Sea Bright, Spring Lake -- and we brought them to Clara Maas Hospital, and we brought them to the Jersey Shore Hospital, the cultures read, "Very great massive colonies of vibrio, a normal ocean flora." When they necropsied, or autopsied the dead dolphins, they died from, consequentially, vibrio colonies, pure, growing in their systems. Could there be a connection?

There should be no more dumping of sewage, sludge, chemicals, effluence in the long term in the ocean -- period. The day of the dolphins may or may not be ended. The day of the human beings may have begun here in New Jersey. There must be no more permits issued to dump anything in the ocean. The

permits that have been issued up until now must be curtailed and ended.

I believe that in the long run, whether it comes from the Governor's Coastal Commission, or whether it comes from legislation from you, that New Jersey must have in the future tertiary treatment of all its sewage. Primary is no good; secondard is adequate. Tertiary is what the citizens of the State demand. There are precedents in Florida and in other states. We are no less valuable than them. We demand that long-term tertiary treatment of sewage be undertaken in this State, and that state of the art to treat all of our waste must be implemented here.

I love New Jersey. I think all of us do. It is a State that has everything, including this. We feel that by seeing and recognizing the problem, we can begin to take care of it, and we can continue to use our massive mental power that is concentrated in this State because of so many of the industries that are high-tech, and environmentally minded people who are now in the State-- We believe we can get them together and come up with solutions that are state of the art.

Finally, New York and hospital waste: As a dentist, I use Dr. Sharpe's (phonetic spelling) disposal system, which takes my needles and puts them into a sanitary container which goes to a sanitary landfill after it is sterilized. Save Our Shores, as you may know, brought intent to sue against the City of New York. We were not sure how the State of New Jersey would conduct its suit, or if the State of New Jersey would conduct its suit. The people of New Jersey demand that the problems in our State be taken care of. Because it seems that you are going to do this, and Mr. Bennett and Mr. Villane -- Doc Villane -- have really been in the forefront of helping this situation to be recognized -- because of this, we feel that we are going to accomplish our goal. However, we want to know what we are demanding of New York? I would like the

Attorney General -- who is not here now -- when he is able to, to tell us what we are demanding of New York. Back in the '30s we had a suit, and Judge Stern had a suit in the '80s. Are we demanding too little of them? Are we just saying -- which is what we always said here -- "It is such a big problem we can't do anything about it, so we do nothing"? Or, are we going to pursue, legally, a course which will obtain for New Jersey a cleaner, healthier environment and, at the same time, do the same for New York?

I think we must know that what we are asking is not just for more studies, but is to put an end to the pollution problem. Those who say that we cannot deal with the combined storm sewer overflow have heard from the mouth of Governor Kean that we are going to do it here in New Jersey. I think that by being a neighbor that does something and gets the public attention and national attention here in New Jersey as doing something, it will be harder for Mayor Koch to tell Doc Villane, "So, sue me," because the press then will not be so kind to that type of an administrator.

I would like to introduce to you Christine Reuther, from the firm of Ballard, Spar, Andrews, and Ingersol, who is representing Save Our Shores, which has become an integral member of the legal committee that is helping to shape the way New Jersey will deal with the crisis in New York. Christine?

C H R I S T I N E R E U T H E R, E S Q.: Thank you. David Mandelbaum, who is actually the principal attorney for Save Our Shores, couldn't be here today. He is attending a negotiation session in Newark with the State of New Jersey, the City of New York, and the Township of Woodbridge. Dr. Sternberg asked me to come here to bring you up to date on our approach to this suit.

As you know or may not know, we intervened in the Woodbridge action last week. It was apparent that settlement talks were going on. We had been invited to be a part of them,

and we wanted to actually have a right to be there, and a right to make certain demands in the negotiations. At this point, we are very hopeful that a settlement will be reached. Just like the Attorney General, we are not anxious to get into protracted litigation with the City of New York. We think that some good things could come out of the settlement.

I can't speak to the other parties' positions in those negotiations. Our understanding from the City of New York was that they wanted them kept confidential. I can tell you what Save Our Shores is looking for, and what we are willing to settle for.

Ideally, there would be no marine transport of solid waste. I mean, that would be our final goal. We understand that there are some economic realities that have to be dealt with. So, what we have asked the City of New York to do is to look at all the new technology that is coming out. We have asked them to agree, under a series of consent orders, to operate their landfill, to operate their marine transfer stations, to operate their barges under these consent orders, which will force them to implement any new technology that will keep all waste out of the water. That is our goal. We are not interested in simply containing the waste. That has been a line that has been taken by New York. They have attempted to do that in the past. We want to make sure that more than just containment measures are implemented in the course of operating under these consent orders.

At this point, I don't know what is going to happen in the next few days. As the Attorney General said, they have a deadline of December 7. The real deadline -- the deadline for getting something to Judge Barry in Newark -- is Thursday. So, at that point, I am sure we will all have a much better idea of what is going to happen.

I would be happy to answer any questions you have about the negotiations from SOS's point of view.

ASSEMBLYMAN SMITH: John?

ASSEMBLYMAN BENNETT: Assemblyman Smith.

ASSEMBLYMAN SMITH: Just a quick 30-second comment for Dr. Sternberg in response to some of his comments. The legislation -- some of the legislation -- that Save Our Shores is supportive of, already exists and is in the legislative hopper. Assembly Bill 4572 is a bill which establishes an environmental crimes grand jury and a special environmental crimes prosecutor to focus solely on environmental crimes in New Jersey, and to bring those people to justice, and not to allow buy-outs or plead-outs, but to put people in jail. You are absolutely right when you say it is needed. I did not want to be combative with the Attorney General, but the last published statistics -- '84 and '85 -- show, in those two years, an average of eight convictions by the Environmental Crimes Task Force in the AG's office, and approximately \$30,000 in fines. That, I think, is ludicrous. We need that special focused attention.

There is also legislation in the hopper for Assembly Bill 4593, which provides a bounty to persons assisting in uncovering violations of environmental statutes, which would, in effect, make everyone an environmental policeman.

Lastly, there is a bill -- and I don't have the number, because it is not on our list here today -- which requires that convicted polluters publish their names, the nature of the crime, and the penalty in the local newspapers. So, that legislation is there.

While this session will end very shortly -- this session of the Legislature -- I plan to reintroduce them for the next session. Hopefully, this Panel will be supporting them in the coming legislative term.

ASSEMBLYMAN BENNETT: The Speaker -- when you weren't here before-- In the Speaker's remarks today--

ASSEMBLYMAN SMITH: I heard them.

ASSEMBLYMAN BENNETT: Okay. He supported the bounty system specifically as but one of his points. I just wanted to bring that to your attention.

DR. STEINBERG: Excuse me. Assemblyman, the fines that come out of this-- I don't know whether this is part of the bill or not, but one of the things I understood from speaking to prosecutors who I have spoken to, was that they go into the public fund and they can be used for building street lamps and stop signs. I would like to see a bill that uses this environmentally acquired money from fines go back to helping the environment.

ASSEMBLYMAN VILLANE: Dennis, a couple of other things you ought to know that are in the hopper -- and, of course, you have been very helpful over the years doing different things-- There is a bill to stop the dumping of the dredge spoils, and to encourage the Federal government not to reallocate that as a dump site. In addition to that, the accountability aspect, which was your lead-off point, is what the Coastal Commission can do. It mandates not only that there be local representation on a Coastal Commission, but it mandates that they have to report, not only to the Legislature, but to the public, the status of the environmental fitness of our Jersey shore. That is the accountability aspect.

The health study -- and I know you were very active in the initial request for the health study-- Not only did we fund it last year through the appropriation process, but yesterday a bill was presented to the Legislature that continues the study, not only for next year probably, but for the third year also. So, we put that bill in the hopper yesterday. It is sponsored by Mr. Singer, Mr. Palaia, and Mr. Bennett.

One of the other things you talked about was the hospital waste. You know that that bill is in the Legislature. We have a list of some 40 bills that this

Committee will do. This first session is an input session for the public. To be honest and frank with you, we have had as much input, or more input, than we really need. The next step -- and Mr. Bennett very wisely has specified it -- is to implement those packages of bills that will do the job we all want done. You will notice that in this packet -- and I hope you get one of these -- there are 50 bills. You and me and some of the other people have sponsored 25 of them.

So, we're on the right track, but now to implement those improvements to improve the environment is the step we have to take. The first bill on the list is a bill, Dennis, that I wrote in 1975. That was to stop sludge dumping in the ocean. Finally, we are going to get to the action, and with the help of Mr. Bennett as the Chair, we are going to get it done.

ASSEMBLYMAN HENDRICKSON: John?

ASSEMBLYMAN BENNETT: Assemblyman Hendrickson.

ASSEMBLYMAN HENDRICKSON: There is no question that all of us have been working on this for years, and I go back to Long Beach Township's suit against New York on just what we are talking about here -- that was in the late '70s -- to Dr. Pierce's (phonetic spelling) report in the late '60s, that told us about the New York Bight.

One of the main things that we are going to have to struggle with in the legislation, and where we will need all of your support, will be the NIMBY attitude -- "Not In My Back Yard." Now, when we take the sludge out of the ocean, we are going to need all the help out there possible to put it somewhere. It is not just going to disappear. We are going to need your help either in the incineration process, the distribution process, or whatever it may be. We all know there are heavy metals and other things in that sludge, which have been very difficult, if not impossible to get out from our industrial sections of the State. That was a comment, more than a question.

We want it stopped. This Panel will do it. On the one side of it, as it starts coming down, are the dollars that it takes, which have held it up, and the NIMBY attitude on the other side-- These are the things that have made it almost impossible to locate either a landfill and/or an incinerator, or anything. People feel very strongly about locating sites close to their residences.

DR. STEINBERG: I want to tell you, with reference to what you are speaking about, I have gotten several calls asking, "What about the sewage being burned on land?" People have asked me what I feel about it, because of the position of Save Our Shores. Our position is, there is a better choice than the ocean. We have technology now, and we will have better technology in the future to take care of this. The problem has always been the state of mind of the bureaucracies and, to some extent, the Legislature. When you change your mind, as you have, the people who are pushing for change will support a change that is constructed in the best way, to suit the best population, and harm the least, and do the best job.

So, we feel that the alternatives can be accomplished, and need to be. NIMBY can become a term of the past. If people realize that things can be done safely -- and they can be -- I think it will be accomplished.

ASSEMBLYMAN BENNETT: Thank you very much, Dennis, and thank you, Ms. Reuther, very much.

The next witness from the governing body of the Township of Dover, Roden Lightbody. Mayor, you will be next.

COMMITTEEMAN LIGHTBODY: Thank you, Mr. Chairman. Let me first say that we welcome you to Dover Township. The fact that you brought this hearing to the shore is most important, and we appreciate that. I am sure I speak for many representatives of local governing bodies, as well as Dover Township.

Ladies and gentlemen, my name is Roden Lightbody. I am a member of the Township Committee of the Township of Dover. In past years, our township has taken a strong position in favor of a clean ocean and in opposition to all forms of ocean dumping. This opposition has been to such activities as New York City's dumping of garbage in the Atlantic Ocean, New York City's pumping of raw sewage into the Hudson River, the practice of oil tankers cleaning out their tanks, with the residue being discharged into the ocean, and various other similar practices.

As a logical continuation of this policy, we support Governor Kean's 14-Point Plan for the cleanup of the Atlantic Ocean. Dover Township and the other shore communities of Ocean County have a natural interest in this proposal, since the southwesterly flow of the Atlantic currents in the waters off of New York and New Jersey make our area the natural recipient of the garbage and other materials which have been discharged into the Atlantic Ocean. These materials threaten not only the health and well-being of our residents, but also the resort industry, which is of critical importance to all of the municipalities of Ocean County.

One source of ocean pollution for which Governor Kean has proposed a solution, is to reduce the impurities contained in the rainwater runoff which is discharged directly into our waterways. This solution involved monitoring street sweeping and catch basin cleaning, and also the cleaning of the beach areas, in order to get impurities out of that water before they are discharged into the waterways, and ultimately the ocean.

While the Township of Dover supports this proposal, State financial assistance is necessary if the municipalities are to be in a position to continue to implement this worthwhile program. In addition to the foregoing, we would also propose the following State actions: That the Department of Environmental Protection increase its frequency of ocean

water testing, from once a week to every other day; that the Department focus in on known trouble spots, in order to determine the cause of the problem. Only through the cooperative action of the appropriate State and Federal municipal officials can we hope to solve the problem which threatens the health and well-being of all of the residents of Ocean County and the Jersey shore.

Another of the areas to be determined and, of course, to be attacked, would be the cause of the particular problems, and the enforcement of the existing laws. The new laws are great, and they are to be commended as the sponsors of the legislation have put them forth. The status of those bills should be constantly brought before the public and the municipal governing bodies.

We should also have involvement from EPA and the Federal government, for them to establish what their standards are, what their limits of enforcement would be, and what they intend to do with the future of this particular problem. We need to have the Department of Environmental Protection and the other State agencies define the State regulations, their limits presently, and what is being done to curtail the problem.

I couldn't agree more with what the Doctor previously stated. What are we doing now about New York City? What are we actually going to do to take the actions to stop them, while we are waiting for these other things to be accomplished?

We need to protect our fishing industry, both commercial and from the tourist standpoint. We need to protect our tourists and provide them their rights to clean water and to clean beaches. We also need to involve the Commissioner of Health in the State of New Jersey. I believe Commissioner Coye could now play a very important role to determine just exactly what effects the ocean waters would have upon the human beings using those particular waters, and also to follow along with the thought of the fishing industry, the food we obtain from those waters.

We need to put an end to ocean dumping. We go on record, as the Township of Dover, of stating that. We know there are problems facing the legislative body of the State of New Jersey, the Environmental Protection Agency, and the Federal government, but we also need to have our Federal officials, with congressional help, to provide an action plan, so that it could be implemented from Washington, D.C., that would take the necessary actions that the Attorney General speaks of, that Department of Environmental Protection Commissioner Dewling speaks of, and that many other individuals involved in the government process, as well as the people and the environmentalists in the State of New Jersey speak of.

To find the alternatives will be most difficult. The question posed to me was, "Supposing we were to end all ocean dumping, what is your suggestion about what to do with that?" We need to find those alternatives; they need to be sought out. Only you folks can make that a reality and a possibility from Trenton, because, as mentioned by Assemblyman Hendrickson, "Not In My Back Yard" is absolutely correct. We were faced with a problem many years ago, in this township of Toms River being polluted. There were mayors along the Toms River shore who banded together and stopped the pollution of that from a particular industry, known then as Toms River Chemical, today Ciba-Geigy. The alternative then was to place a pipe line out into the ocean. It seemed, at that time -- 20-some-odd years ago -- to be the direction to go in. That is no longer true. Whether it was studied very hard back then, today we know for a fact that the problems that exist need to be gone over very carefully -- reviewed very carefully.

We need a better solution to the permit process than just answers of, "We don't have levels of standard that we can accept for certain pollutants." That is in that permit process. We know that. We don't need to go on a ballot to have our people tell us that they don't want the ocean to be

polluted by industry or by any other source, be it New York City, or even the shores of the State of New Jersey, where pipe lines extend. I understand there are some 200 pipe lines that extend into our ocean waters. We know what the people want. I don't think there is anyone who would come forth and say, "Yes, I want polluted waters, in particular the ocean waters."

So, I call upon you gentlemen to take the initial step. From this hearing, I hope that many hours of deliberation can be set aside, and a positive action taken in a very expeditious manner, to then put an end to a very serious problem.

Again, thank you for the time spent to come here to sponsor this hearing in Dover Township.

ASSEMBLYMAN BENNETT: Thank you very much, Roden.

The next speaker will be the Mayor of Lavallette, James Boekholt. I pronounced it better that time. You have been in front of me before, so eventually I will get it right. Thank you, Mayor.

M A Y O R J A M E S M. B O E K H O L T, J R.: I am here as the Mayor of the Borough of Lavallette to present to you-- Last November, in the general election, we had two questions placed upon our ballot; specifically, the closure of the pipe line, and a more general question with reference to ocean dumping -- a very general question. The voters in our town overwhelmingly supported both of these to be discontinued by over 90%. I am here to present that to you.

I would also like to talk a little about Commissioner Dewling a little earlier talking about hospital waste and stuff being isolated cases. Just this week, when we received the buoy on our beaches, we also received a large quantity of syringes, vials, used bandages, enema bags, etc. -- hospital waste. It is not the first time. It didn't happen last summer for the first time. It has happened for over 50 years. Our beaches are the recipients of ocean dumping. The ocean is not a dump. We must discontinue dumping in the ocean.

I do not have a crystal ball as to how we can stop this, but what I do know is, we must stop ocean dumping now. Now is the time to do that

What really concerns me are the chemicals that are being dumped into the ocean. We do not know what they are. We can't even see them or smell them, but we know they are there. We do not know what harm is going to come in the future. It is time to stop all ocean dumping, and we must stop it today. I thank the Panel for hearing me today.

ASSEMBLYMAN SINGER: John, just one brief comment. I hear Roden's comments, and certainly the Mayor and I have been talking, concerning the problem with pollution. And, I must share just one thing with you. As I think Roden pointed out in his comments, the technology's here today, they don't have an ocean in the Midwest of this country. They've been handling their sludge problems for years. It's a dollars and cents problem we face, and we continue to see this. It is still cheaper to dump the sludge and the other waste materials in the ocean. It is a (inaudible) take care of that. And that sludge factor of the million pounds a day that's going out in there, hopefully, because you're moving into the -- and this is the EPA's feeling -- since their moving to the 112-mile site, it's going to make it three times more expensive to dump than at the 12-mile site. So therefore, they are hoping to encourage them to go into other forms of taking care of the sludge problem on land. And whether it's building the type of plant we're building here in Ocean County, that's going to make fertilizer out of it, or whether it's putting a (inaudible) facilities, that technology is there. The question is, they're going to have to use it.

We cannot, nor will we accept any excuses why our ocean is going to be continued to be polluted now. And the buck stops here, and it has to stop here. So, I share that with you.

ASSEMBLYMAN BENNETT: Cindy Zipf, who is Coordinator of the Clean Ocean Coalition.

C I N D Y Z I P F: I'd like to call--

ASSEMBLYMAN BENNETT: No bags of trash today?

MS. ZIPF: No, I came empty handed, what can I tell you. Other opportunities for that, though. If I might, I'm going to call up Derry Bennett from the Littoral Society, a representative from the Public Interest Research Group, and Karen Kiss, from the Alliance for a Living Ocean. (witness distributes statement to the Committee)

ASSEMBLYMAN BENNETT: Derry, Karen, and Ms. Kiss--

K A R E N K I S S: I'm Karen.

J E A N N I E J E N K I N S: I'm Jeannie Jenkins.

MS. ZIPF: I'm going to start today with a joint statement on behalf of all of us, which generally categorizes some of the problems and some of those solutions to the problems that obviously have arisen a lot during the past summer, but over the course of many many years has prompted and generated a great deal of public support. I am the Coordinator of Clean Ocean Action, my name is Cindy Zipf. And, it is a coalition of 70 organizations representing boards of Realtors, tourism people, fishermen -- commercial and recreational, women's groups, citizen groups, unions -- a very broad based coalition which has been growing over the past 3 1/2 years.

We welcome this opportunity to present some solutions to improve the devastating condition of our ocean. The tremendous interest and support the ocean pollution has raised is clearly evident in the quantity of bills that have been introduced at the time. While this interest and support from our legislators is greatly appreciated, it is somewhat overwhelming, which is why I believe you are holding these hearings. To add to that list, and from an environmental group's perspective, to add to this list the State Senate's list of bills, the Governor's plan for a Coastal Commission,

and the 14-Point Plan, federal initiatives for pollution control, and the citizens' agendas, makes all of these efforts a welcome nightmare, in terms of it is a quality problem. We've got a lot of initiative and it's going to take a little bit of time to sort them all out. But we certainly applaud this opportunity in your efforts to consolidate this response into a comprehensive package.

This opportunity is too good, and the issues too complicated and important to rush into any specific long-term legislative action -- a support of that. It is time for quick short-term actions to make significant steps to control pollution, and after further discussion and research into the proposed legislative actions, identify future solutions. We, as a group have discussed already, and scheduled a meeting on December 17, to meet in what we're calling loosely, an "ocean congress" to specifically look at all of the different bills that have been introduced, and to come out with a specific package of recommendations, and package of areas in which we feel there are loopholes. It is critical that the opportunity for input into this Committee remains open, and we certainly look forward to working together with you.

We list now a number of short-term actions. And by short-term, I mean before May of 1988. I'm not talking a year, or necessarily six months. These are actions that need to be taken right away.

Enforcement is a key component -- it is our major point today. It is not worth our time to focus on new laws until we are able to enforce the existing laws you worked so hard to legislate. The current enforcement ability is unacceptable. We are firmly committed to enforceability. In order to move forward, and to be taken seriously, we must increase dramatically our enforcement ability. No new laws will be supported without proven mechanisms to identify violators and with swift and stringent punishment.

These are some of the recommendations that we suggest:

1) Is to establish a Joint Oversight Committee to review the Department of Environmental Protection's current enforcement record, surveillance, and monitoring ability for ocean/water pollution laws. The charge of this Committee would be to find out why the laws are not being enforced, and what needs to be done to dramatically improve enforcement. We consider four months to be more than adequate to accomplish this task, and to be of optimum value for the summer of '88.

Increase penalties and enforcement: Amend existing laws and include in all new laws, penalties which will prove to be a deterrent for environmental crimes. Right now I don't think that there is a clear understanding that environmental crimes are horrendous crimes to the public. Somehow they're considered white-collar, or not necessarily devastating crimes, as it would be if we were caught poisoning an individual. These are very serious crimes, and they need-- The enforcement needs to include some stringent deterrents. In all bills, we feel that citizen suit provisions must apply, and full reparation for all costs.

Citizen penalties: To increase penalties to exceed by \$1 million any economic gain achieved through violations: Right now, if a company is caught, the financial fine is far less than what it would have cost them to implement the proper technology to stop them from violating. There's got to be an economic deterrent. Convicted criminals shall serve one-year mandatory jail sentences, publish public apologies in the largest local paper, and include three major TV networks, serve 100 hours of public service by lecturing to peers concerning violating the environmental laws in New Jersey. We feel that that, for the chairman of the board, or the president of the company, or whoever is held responsible for that environmental damage must be held accountable. And there must be an adequate deterrent. Oftentimes financial deterrents are not enough.

Somebody has got to go to jail for polluting our environment. People have to go to jail for polluting our environment.

Provide a bounty system to provide incentive for citizen involvement by offering awards, whistle-blowers, and agencies by offering rewards and job protection and promotions: Perhaps there needs to be some incentive within our agencies to get them out of their offices and finding the polluters. Perhaps promotions and job protection could be included in that. But I think that the Oversight Committee would be able to make some serious recommendations after they find out why the laws are not being enforced.

Provide funding for public interest citizens' group to review permits for violations and DEP actions to those violations including but not limited to the New Jersey Pollution Discharge Elimination System permits under the Clean Water Act: These findings should be published quarterly, and are to be made available to the public, and to all the media. We feel that the DEP's enforcement record should be made a part of the public record.

Another suggestion we have for short-term -- again, before May of '88 -- efforts: Begin the Governor's 14-Point Plan: Within the Governor's plan, eight statewide actions are identified to begin controlling pollution sources. This package commits over \$250 million and serves as a clear directive to start the cleanup. Without hesitation these actions must begin, with or without the Coastal Commission. But this must move forward.

Education: Public education is an obvious solution. In addition, the public officials and judiciary must also seek and strive to become more educated. Karen Kiss from Alliance for a Living Ocean will describe some educational proposals.

D) Halt the Proposed Agreement with New York City Department of Sanitation: Immediately send word -- and I wish

that they were both still here -- to Commissioner Dewling and Attorney General Cary Edwards calling for their withdrawal from the proposed agreement with New York City's Department of Sanitation. New Jersey should demand nothing less than a totally enclosed on-loading and off-loading system for marine transport of waste. Not one scrap of garbage should enter into our waters via the waste transport operation. If this cannot be negotiated, we must fight this battle in the courts.

I seriously am concerned about Cary Edwards' somewhat loose -- not loose, but -- not strong enough attitude against New York. I think he should be playing as strict and as hard line as he possibly can. One of the recommendations that the negotiation came up with was requiring a boom for the marine transport facility, similar to the one that exists at Woodbridge, which we know doesn't work. It's unacceptable. I mean, it's a small -- it's something more than nothing, but just barely. And I feel that we've got to start holding New York to the line, and I feel that we have a sympathetic judge -- Judge Trump Barry is very supportive and very strong on this, and I feel that we've got to-- We now have an opportunity, we have all this evidence and all this opportunity to really make New York control its horrendous marine transport of waste throughout the harbor. And if they cannot have a totally enclosed, zero incidental discharge of waste, then perhaps we should force New York to not allow them to transport waste throughout the harbor area.

We also have some long-term recommendations, and I'd like to go through them quickly.

We must establish a waste management hierarchy, and we must mandate that for New Jersey, which requires waste minimization through source reduction, recycling, and treatment, in that order. Pretreatment must be required by all industry. This approach will dramatically reduce the problems for today and tomorrow. It will reduce air pollution, water

pollution, sediment contamination, and enhance alternatives for end products, such as sewage sludge.

In addition, a long-term solution has been proposed from the Governor's office: the concept of a Coastal Commission. And it is still viewed with some reservation by the environmental community. While it is true there is a need for a coastal advocate, we are not convinced that the Coastal Commission holds that key, particularly since many of the water quality issues can be controlled through the enforcement of existing laws.

I would now like to list some specific actions that Clean Ocean Action proposed in their 1988 platform -- and it primarily focuses on ocean dumping -- some specific recommendations that the State can take in order to stop ocean dumping.

But first, I think, to reiterate the point that's been made so many times today; we need a watchdog for the Bight. And this should include the establishment of an interagency/citizen monitoring, surveillance, and enforcement task force to protect not only our estuary, but also the New York Bight. New Jersey must demand that all vessels currently ocean dumping must have black boxes installed and operational by 1988. That was brought up earlier as well.

The Gubernatorial Veto: This is a really under-utilized ability that Governor Kean has and that you all can also use, which is under the Coastal Zone Management Act, there is something called the Consistency Provision which gives the Governor the right to veto any Federal activity which he feels is inconsistent with what the Governor considers his coast to be used for. And clearly ocean dumping activities violates our coastal zone, especially in the light of our tourism industry. It affects what we want our coast to be used for.

Governor Kean should be pressed to veto all pending ocean dumping permits, including duPont -- the decision on duPont is due out this week or very shortly -- all the wood-burning permits which are pending, and Allied Chemical's permit, which they will be reapplying for in 1988. Even if the Federal EPA overrules Governor Kean's veto, at least the Governor of this State, and this State, would be on record as being against any ocean dumping/incineration activities off of its coast. wood-burning must be prohibited until EPA completes a final environmental impact statement, promulgates special wood-burning regulations, and requires a totally enclosed burning operation as required on land.

Begin immediate DEP investigation for environmental impacts of dredge disposal. Currently, we all know that there is an effort afoot to close the 6-Mile dump site in an effort to find a new site off-shore -- further off-shore. I think it's critical at this time that we begin investigating our own resources and protect our commercial fishing industry, our recreational fishing industry, our marine resources in general, and decide whether or not the current disposal at the 6-Mile site is better than a new site, or vice versa. I think that the point has already been raised today, and it's important for all of us to begin looking into that dredge material problem.

There is also alternative treatment technologies for contaminated material. It is much more expensive than just ocean dumping, but I think that point's been raised time and time again, and our ocean should no longer be used for cheap disposal. There are alternatives. There are treatment technologies that can be implemented, and those must be looked at and required by New Jersey. Otherwise, we should veto all dredge disposal of material which fails the ocean dumping criteria, and that includes all material with no exception for capping. What the Army Corps of Engineers is now doing is taking the material that fails the criteria for ocean dumping,

dumping it, and within two weeks or so, or a month or so putting some, what they call "clean" material on top of that contaminated material. But then that exposes that material for a great length of time to the ocean, erosion and other kinds of things. So the contaminants are still getting out into the marine environment.

And we must move for EPA to close the Cellar Dirt dump site. Now there's no reason that the Cellar Dirt dump site should remain on the map. We can start closing these dump sites and just crossing them off. It's appalling to look at a map of the Jersey shore and see all of these boxes and circles and triangles. We've got to start X-ing them off. And clearly, one that can be X-ed off tomorrow is the Cellar Dirt dump site, which is very rarely used. It hasn't been used in years because the material that they used to dump there, rubble and construction material, is recycled.

And again, to veto any attempts for ocean incineration. And I think that that's an issue that's going to be coming before us once again, as EPA moves forward with ocean incineration, even though it's been shown in the European countries that ocean incineration is an antiquated technology, and they are all moving away from ocean incineration in light of better technologies that are available, such as source reduction. That's where EPA should be spending its money and spending its time; not in promoting ocean incineration.

Quickly, our War on Floatables Campaign: Assemblyman Bennett, you were out on our beaches this past fall when we went out and cleaned up. What a short time, what a small group of people can produce is just appalling. And already efforts are underfoot, and bills are in the hopper for banning certain plastic products, especially the well-known New Jersey sea shell, the plastic tampon applicator, and many others. And these should be, with all haste, moved quickly forward.

But in general, I think we need to have an overall strategy to ban plastic products where adequate biodegradable alternatives exist. Reduce production and develop wide scale recycling of plastic materials. Governor Kean's 14-point plan calling for fixing of CSOs and storm water drains will also greatly reduce plastic floatables. In addition, demanding enclosed operations for New York City's Department of Sanitation will prove dramatic results, as already talked about.

And, the environmental community is strongly committed to a bottle bill, and not the litter tax, as a strategy in which to reduce materials and litter on our beaches.

The last point, Plugging up the Pipes: It's amazing to sit here and listen to Commissioner Dewling say he just doesn't know where the pipes are. The DEP has been here for years. Why doesn't he know where the pipes are? And I'm glad to see that he's currently actively seeking where those pipes are coming off the Jersey shore. And even into that metropolitan area -- that northern New Jersey area.

By 1990, we want to see an end to all primary discharge anywhere into any waterway. In addition, by 1990, all industrial discharge into the ocean should stop. There should be no permits renewed for ocean disposal, or industrial discharge into the ocean, after 1990. In addition, all other permits for the NJPDES system need stricter controls, and need to be reviewed by 1990.

At a national congress held in Rhode Island, called "Saving Our Bays, Sounds, and Great Lakes," the environmental leaders made the following recommendations: Prove the need for a permit, establish strict pollution control criteria with no mixing zone, and increase costs dependent on environmental impact with incremental fees.

That is what the Saving Our Bays, Sounds and Great Lakes community, which had a national perspective, provided. And, New Jersey PIRG will be presenting even some more specific recommendations.

But again, I want to just say that we're, you know, at this point in time, with so many recommendations from so many different areas, what we are going to be doing -- and as I said, we've already got a date for a meeting, December 17 -- for just sitting down with one another, going through many different alternatives that have been suggested in coming up with a package ourselves -- and we look forward to the opportunity to provide additional input with specific recommendations on the specific bills that you have already introduced, and perhaps some new ones.

But, again, one of the main points is the enforcement of existing laws.

ASSEMBLYMAN BENNETT: Thank you. Assemblyman Villane has a question.

ASSEMBLYMAN VILLANE: I just wanted to point out that the desire of all of us to close New York's landfill is unanimous. But in 19--

MS. ZIPF: And the whole operation.

ASSEMBLYMAN VILLANE: In 1979 and 1980, we made the mistake of passing legislation that would make the ending of sludge dumping happen by 1981. And you weren't here, but Derry and I were here, and because we didn't plan it out properly, and because we didn't provide for alternatives, and because we didn't suggest the other ways that had to handle the sludge, we ended up with the sludge, and we ended up with a court case, and we lost everything.

We don't want that to happen at the landfill. And that's why the Attorney General is not making some kind of a settlement. He's looking for long-term better management of that landfill, until we can get it closed. But I think you ought to look at that. And the boom that they're talking about, is unlike any boom that we've ever seen.

MS. ZIPF: But that's for the Fresh Kills. I understand that, and that's an interesting--

ASSEMBLYMAN VILLANE: It's a very important one.

MS. ZIPF: Right.

ASSEMBLYMAN VILLANE: And the other thing, you know, when you talk about the Commissioner not knowing where the pipes are. You don't know where the pipes are in Sea Bright.

MS. ZIPF: Well, that's true, but I'm not the Commissioner of the Department of Environmental Protection.

ASSEMBLYMAN VILLANE: Let me explain to you. You know, since about 1820, the City of Long Branch has been routing its storm water runoff down the streets and into the lakes and out the rivers, and in the ocean. And what we're providing, as an initiative from the Governor's initiative and my bill that I've written, is to provide the money to map and to track all those antiquated sewer lines, in Asbury Park, and Long Branch -- in every shore municipality -- that over 200 years have grown like topsy. And no Commissioner knows where they are. No mayor knows where they are. Okay? And I don't think any environmentalist knows where they are, either.

So, what we're trying to do is approach this in a scientific manner.

MS. ZIPF: I agree. I just-- It just-- I mean, we have the Clean Water Act, and we have requirements, and I'm grateful now that they're going to do it, I just, you know, feel that--

ASSEMBLYMAN VILLANE: And I don't think-- It's not fair to criticize the Commissioner because he doesn't know where every outfall line is in Sea Bright. Because Sea Bright has outfall lines that go both ways, into the river and into the ocean, and out those outfall lines go every gum wrapper and every cigarette pack and everything that a dog does in the street.

MS. ZIPF: Oh, I agree. I agree. I mean it's been a problem for years.

ASSEMBLYMAN VILLANE: Okay. I just want you to know that we're anxious for you to get into the solution phases, and I think that that's a responsibility of every environmental group; that in addition to identifying the problem, the solution to the problem, as you are doing now, in review of the legislation -- and you have helped me in the past on the tampon applicator bill--

But now is the time for solutions to problems, and not rehashing the problem.

MS. ZIPF: No, I agree, and I didn't want my testimony to present the rehashing of a problem. I think what I wanted to do was to give the general areas for which we are going to direct our ocean congress, and the same way you're saying that Cary Edwards is moving with the negotiations with New York, we don't want to rush into anything without having a plan and a strategy for which we can move forward on. And we just want to make sure that we're all united on that, so that Clean Ocean Action doesn't move forward with a specific agenda, and Alliance for Living Ocean, you know, has a couple of other points. We want to move it all together and come together with you with a package.

ASSEMBLYMAN VILLANE: One other thing that you mentioned is public input, and public scrutiny, and public participation is so important. And that's why you ought to look at the Coastal Commission. Because the Coastal Commission for the first time puts 60 public citizens in the coastal counties, in a public advisory council, which we don't have now. We'll get independent groups that kind of go different directions, even in this room today.

But if 15 people from Monmouth County were in the regional advisory council to the Coastal Commission, environmental initiative people, and 15 people from Cape May

County, and 15 from Atlantic, and 15 from Ocean, that's 60 new people into a government commission that will have a lot to do with the say of how to control pollution.

So, we want to work with you on a Coastal Commission.

MS. ZIPF: We remain open on that.

ASSEMBLYMAN VILLANE: Thank you very much, Chairman.

ASSEMBLYMAN BENNETT: Okay, Assemblyman Smith.

ASSEMBLYMAN SMITH: One quick question for Cindy. I noted Clean Ocean Action's strong comment about enforcement and what it views as a not commendable record in the past in that area. And I'm wondering if by that that indicates on the part of Clean Ocean Action a general concurrence with the need for a special environmental prosecutor, and special environmental grand jury, to focus on environmental crimes and bring these people to justice? Is that correct?

MS. ZIPF: That may be one avenue that we can pursue. As I say, what we are going to be doing on December 17 is sitting down with a legal person -- a legal representative -- from a lawyer's perspective, and see whether or not that can be the best way to go. And I think it's obviously a real good strategy, and--

ASSEMBLYMAN SMITH: Well, let me say, as a member of this Committee, I'd appreciate once that congress has met that the congress get its views to us in writing as quickly as possible. And especially on that point, because that is near and dear to a number of the members.

MS. ZIPF: No, I agree, and as I said, the oversight committee may, if indeed you do conduct an oversight committee as we have recommended, you may find some other areas that need to be done legislatively in order to pursue better enforcement.

The DEP has a whole host of things that they are responsible for, and I guess they can't be in all places at all times, but they should admit to that, and we should find out the deficiencies, and react to them. And that's obviously one very possible solution.

ASSEMBLYMAN HENDRICKSON: Just real quick. I read the testimony here, and I heard on the land-based burning that you said two or three times, I take it that you're totally opposed to out-at-sea burning, no matter what the technique might be, on the burning of hazardous waste, as they are doing in foreign countries, and have been doing?

MS. ZIPF: Well, as I have mentioned, they're moving away from that. And as of 1991, there will be no ocean incineration of hazardous waste at sea in Europe.

However, Clean Ocean Action, as a statement during the ocean incineration hearings was not unalterably opposed to ocean incineration. We were opposed to the present technology, and we were opposed to the company that was requesting the permit at the time.

ASSEMBLYMAN HENDRICKSON: But not to the technology itself? Not to ocean burning itself?

MS. ZIPF: We are not opposed to ocean incineration across-the-board. We are opposed to it as presently proposed.

ASSEMBLYMAN HENDRICKSON: Could you give the information, and mail it here to the Committee, that ocean incineration will stop by 1991 in Europe? I'd like to take a look at it.

MS. ZIPF: Sure. As a matter of fact, I'll put the Committee in touch with Sally Lenz (phonetic spelling) from the Oceana Society, who has been involved in the international ocean incineration program, and I'll put her in direct contact with anybody on the Committee that I should put them in touch with.

ASSEMBLYMAN HENDRICKSON: And then perhaps the alternate way they're going. If they're not going to burn at sea, they have to have an alternate.

MS. ZIPF: Sure. Sure. It is an aggressive source reduction effort. But I'll certainly pass that on.

ASSEMBLYMAN HENDRICKSON: Thank you. Appreciate it.

ASSEMBLYMAN BENNETT: Did you want to go right to Karen? Or whatever way you wanted to do it.

MS. ZIPF: Okay.

ASSEMBLYMAN BENNETT: The one thing I'd like to just comment on, and we're receiving a lot of good information. Unfortunately, if we continue to take each group this long, we're going to be here until midnight. And I tell you, right now, I will not be here at midnight. So, if everyone will, as they speak, try to bear in mind the thought that other people have been sitting here since 10 o'clock this morning, and want to get their thoughts on the record, I think that will be helpful. Anything in writing will be submitted, and will be equally part of the record. And I'll leave the record open for a week from today, so that that will also -- that'll be all right to leave it open for a week. And then, anything can be submitted if you don't have it prepared today.

But please try to have some thought as to the other people here. Because otherwise, I don't see us getting done, and I really want everyone to have a chance to speak. Bingo. And I don't mean to pick on anybody who spoke yet.

MS. KISS: On that note, I'm going to skip around, so if it's a little disjointed, I'm going to try to cut out some of this stuff and make it as succinct as possible.

My name is Karen Kiss. I'm from the Alliance for a Living Ocean, which is a citizens' group from Long Beach Island, which grew out of the 60,000 people that had a demonstration on September 6 of this year.

Along with what Cindy has presented, some of the other things I want to add to that: We'd like to see the chlorine studies done to check into maybe a three-year program on studying the chloride effect on the marine environment. They've studied nitrogen and they've studied phosphorous, and the verdict is still out whether or not it's nitrogen or phosphorous, or a combination of both. We think the chlorine

that's in the effluent that's going out in vast volumes more and more each day as the sewerage treatment is upgraded, should be studied.

In the phosphorous line -- I don't know if you're aware of this -- but you all must remember at least 10 or 15 years ago, phosphates were banned in many places in the United States. If you look on your dishwashing soap, and you look on you soap that you use in your wash machine, phosphates are back in them in the State of New Jersey. And it says right there on the box, except in those States where it is prohibited.

Now, there are studies being done on nitrogen and phosphorous, and a combination of both. Some of the scientific community feel it's nitrogen, some of them feel it's phosphorous, and some of them feel it's a combination of both that contribute to the algae blooms, and that we feel that, you know, why do we have phosphates back in our soaps in New Jersey? They should be out and they should be banned. Why take the risk about contributing to the great blooms that happened in 1976. Okay.

The other thing is the Alliance for a Living Ocean has many many talented people in the group, and primarily we're really proud of our teachers. They did a week-long program in the middle school and the high school on ocean pollution and the alternatives. And the students were very receptive to it. We took that program to the NJEA convention, and what we found is that the teachers that came up to our booth were just so interested and so willing to disseminate this information to the children. And what we feel is that there's a lack of an established curriculum within the State on not only the ocean pollution, but specifically New Jersey's pollution problems. And we'd like to see grant money put up in the educational level so that creative teachers can create a program and implement a program in the schools to really teach the future generations of New Jersey what their dealing with. Okay.

And the other thing I'd just like to say is I highly support Governor Kean's proposal. Please allocate the money as soon as possible because we'd like to get the New Year started off on a positive foot. Thank you.

ASSEMBLYMAN BENNETT: Thank you. When the materials were removed from New Jersey -- and now you say they're back in again -- were they removed legislatively, or by regulation, or just by--

MS. KISS: I come from Pennsylvania initially, and I know they were banned in many many states across the country. And then they slowly -- it might have been "X" number of years or whatever; but for whatever reason -- there are phosphates in the State of New Jersey. And if you read on the back of the boxes, they also say, "except in those states that it is prohibited."

ASSEMBLYMAN BENNETT: Thank you.

MS. KISS: Okay.

ASSEMBLYMAN BENNETT: Thank you.

MS. JENKINS: My name is Jeannie Jenkins. I'm a biologist with the New Jersey Public Interest Research Group. New Jersey PIRG is a statewide research and advocacy group with 75,000 members. We work on both consumer and environmental issues.

We've just completed a year-long investigation into enforcement of the New Jersey Water Pollution Control Act by the DEP. We're writing up the results now, and the results will be made available to this Committee in January.

A number of the recommendations that were noted in the statement that Cindy read are included in proposed amendments to the New Jersey Clean Water Act that NJPIRG is now preparing. But based on the data from major industrial dischargers, and the 24 largest sewerage treatment plants, our preliminary findings indicate that the vast majority of both industrial and municipal dischargers in the State are in

violation of their discharge permits. This strongly suggests that we do not have just a few bad apples in the State, but instead we have a very pervasive problem. It also suggests that many of our water quality problems may be addressed through existing programs -- many more may be addressed through existing programs than we actually suspected.

In addition to direct dischargers, we also looked at industrial facilities that discharge into sewerage treatment plants with designated pretreatment programs. The purpose of pretreatment programs is to ensure that industrial processed wastewater that is discharged into sewerage treatment plants is clean up or pretreated before it goes into the sewerage treatment plant. As you are probably aware, sewerage treatment are not set up to handle toxic materials very efficiently. The way sewerage treatment plants deal with toxic material is either they precipitate the materials out into the sludge, or if the material is volatile, they airate it and it generally goes straight into the air, without any sort of filtering system.

Based on-- We examined pretreatment files, the pretreatment annual reports that are sent to DEP, and we also went to many of the sewerage pretreatment plants, and examined pretreatment files there. And based on what we saw, we would like to make three points:

One is that pretreatment staff are very concerned about pretreatment standards. They would like to see all of their companies at the sewerage treatment plant in compliance with permits. The second finding is that huge numbers of companies at the sewerage treatment plants are in violation of their permits. And third, the pretreatment staff are not able to enforce permits, in large part because of political pressures put on them by the sewerage treatment plants or by the boards governing the sewerage treatment plants.

In many cases, sewerage treatment plant pretreatment staff have not been able to close down or disconnect violating companies because there were other interests such as wanting to keep jobs in the town, or concern over loss of money by losing that industry to either another sewerage treatment plant, or that industry or company becoming a direct discharger. In many cases where citizen suits have been filed, pretreatment staff have been extremely supportive of the citizen suits because they found the citizen suits to be more successful and actually a better way to get companies into compliance than going the enforcement route through the POTW and DEP.

The pretreatment programs are run by the sewerage treatment plants with oversight by the DEP. I think the oversight by the DEP has been very good in the pretreatment area. But there are big problems. The permits for indirect dischargers -- industrial dischargers -- are largely written by the POTW staff themselves. In a few cases where the EPA has designated an industry a categorical discharger, meaning that their effluent is highly toxic, the EPA has written nationwide across-the-board standards for that particular industry. But that's happened in only a couple of cases; maybe 8 or 10. In most cases the permits for companies are written by the pretreatment staff, and in most cases those permits do not include any toxics limits, even though toxics may be discharged into the sewerage treatment plant.

So, there are clearly two problems. One is that the permits for companies in pretreatment programs are not good. In general the permits are very bad. They only cover the bare minimum of parameters of pollutants that may be entering the sewerage treatment plant. Secondly, when the permit limits are good, when categorical standards are in place, enforcement is very lax. So, basically, you've got a license to pollute.

The level of pollutants, both conventional and toxic pollutants that we're seeing being discharged into sewerage

treatment plants, as well as discharged from direct dischargers into waterways, is tremendous. It is very usual to see violations that are hundreds of percent over permitted limits. It is not uncommon to see exceedances of 1000% over.

This indicates that any sort of approach of looking at coastal marine problems, you cannot just look at outfalls, or plants that are located in the coastal or near coastal area. You must look at inland waters also.

So, one very strong suggestion we would like to make is that any legislation that does come out of this Committee, not have a strictly coastal regional approach, but definitely any sort of legislation must address the statewide problem.

We have two fairly straightforward recommendations that we'd like to present to you. One is that New Jersey not wait for EPA to finally set limits for the categorical dischargers that it has not set them for yet -- that New Jersey go ahead and set stringent limits for toxics dischargers, and set those limits so that they're easily enforceable. Of the 8 to 10 industrial categories for which the standards have been set, only two of the industries are really enforced against, or even monitored. Those being electroplaters and metal finishers.

I strongly suspect the reason that those two are the ones that are examined has to do with the fact that their limits are concentration based, which means that it's just one number that's in your permit; it doesn't matter so much what your flow is or what your production is. It's a number that if you exceed that number, then you are in violation.

The other limits are production based limits, which means that companies can always argue that on a particular day that they are thought to be in violation, their production was actually much lower, or much higher, and therefore the numbers are inaccurate. And you end up spending a lot of time arguing whether the self-monitoring data is accurate or not. And it's very hard to enforce against them.

The second recommendation that we'd want to make is that for all sewerage treatment plants that have industries or companies discharging into them, that the permits for the sewerage treatment plants accurately reflect those toxics that are being discharged into them. At present, of the 24 sewerage treatment plants that have pretreatment programs, one, and possibly two of the sewerage treatment plants have any sort of limits on toxics in their own permits. And in only a few cases do the sewerage treatment plants have to even monitor toxics going through their sewerage treatment plants.

This is obviously a ridiculous situation. A classic example is the Passaic Valley Sewerage Authority. Unless their permit has been changed very recently, they have no toxics limits in their permit, even though they are one of the largest sewerage treatment plants in the country. They have, I think, 62 electroplaters and metal finishers, they have a lot of categorical dischargers, a tremendous number of noncategorical dischargers, and they have a lot of companies in violation. They are one of the most fertile grounds for finding citizen suits. And that is because they have no incentive to enforce their pretreatment program. There is nothing in their permit that reflects any of the toxics that are discharged from their facility. So, we strongly support that.

Related to the statewide approach, and I think that we think, must be taken to accomplish improving the quality of the water in New Jersey, I'd like to make just a quick point on the \$2 million for litter control, and the Governor's 14-Point Plan. There is a statewide approach to getting bottles and cans off the beaches, which is one of the major forms of pollution, and that is the bottle bill. A statewide bottle bill gives that \$2 million back to the citizens in New Jersey, and makes industry pay for disposing of those bottles and cans. Now, also the statewide bottle bill has a tiered deposit system which puts the highest deposit on plastics, which means

that plastics will not be used as much, which takes plastics out of the waste stream, which also gets them off the beach.

And I think that a municipality-by-municipality approach to cleaning up, at least the bottle and can problem on the beaches, is ridiculous.

So, I'd just like to say that NJPIRG definitely supports the idea of having this Committee look at coastal problems. And we understand that there needs to be a focus on coastal problems. But we strongly hope that the recommendation and legislation that comes out of this will take a broader scope than just that. Thank you.

ASSEMBLYMAN BENNETT: Thank you. Derry?

D E R R Y D. W. B E N N E T T: My name is Derry Bennett, I'm Executive Director of the American Littoral Society. Our offices are at Sandy Hook.

One comment that I make at all public hearing is my continual suggestion that when you schedule speakers that you alternate between official and public. It seemed funny to us that all of you come down from Trenton, and all of the people come down from Trenton and talk to the people from Trenton for three hours. And then they go back to Trenton. And then we talk, and they're all gone. I know a number of us would love to speak and intersperse our comments into some of theirs. And that's my only comment. No. (laughter)

ASSEMBLYMAN VILLANE: Derry, we had a good format for one of the meetings we held, and we made the proviso that whoever wanted to speak had to stay to listen. The speeches were very very short.

ASSEMBLYMAN BENNETT: Some of the business people here are wondering if I'm ever going to let anybody other than environmental people speak too. So, I mean, there's two sides to the coin.

MR. BENNETT: On that one, of course, your priorities are precisely placed. (laughter) We emphasize, I think, five

things we want worked on: enforcement, pretreatment, CSOs and storm drains, ocean dumping, and floatables. We are concerned about really, three things going into the ocean environment: toxics, nutrients, and floatables.

I don't think-- It's not easy to establish priorities. I think what we say is that all of those have got to be attacked at the same time. And we think the major attempt to your effects should be placed on enforcement, which includes surveillance and monitoring. And that would be such things as looking at the NJPDES permits -- the record of their failures are high. To establish a bounty system; and we're not talking about just surveillance in the New York Bight. We're talking about surveillance in inland waters, in the New York Harbor, in any discharge. We think that the enforcement emphasis will pay off.

I think it's important for the legislation to attack all fronts, so that no one organization or individual can feel picked on. That I think you can go after everybody at the same time. And one example of that is something missing in the legislation, is, how do we go after the 150,000 boats that use the New York/New Jersey water? Now, when you go to them, they say, why come to us when everybody else is doing things even worse? And the fact is that in some cases in some of our tidal rivers, the impact from boat discharge and marina discharges are considerable. They go up along with raw. And should be addressed, I think.

We have a special interest in estuaries -- the Littoral Society. We would encourage your study of the national estuaring program, and I can get you a copy of some recent Hudson River Estuary Commission legislation. And also, encourage you to remember that New Jersey does have a southern coast and a southern estuary, Delaware Bay, and that anything that you are designing also covers that big estuary. And also that you work with New York and also Pennsylvania and Delaware in that estuary, so that we all are in this together.

The Coastal Commission is an idea that's of interest to us. In some respects, the Coastal Commission as presently presented does not attack any of the major issues that we are discussing today. The Coastal Commission, by definition, will have no authority outside of the CAPRA zone. And yet, much of the impact on water quality in northern New Jersey, and in southern Cape May on the bay side is caused by pollution and by impacts that are outside of the CAPRA zone. So, we don't see the Coastal Commission as addressing these issues. We don't see the Coastal Commission as something that we right now could support or attack; we have reservations about it. But it does not do the job that the Governor's 14-Point Plan, and these discussions would do.

And lastly, two things: Karen mentioned educational, and there's a spot in the Ocean Commission bill for an ocean advocate. Maybe we ought--

ASSEMBLYMAN BENNETT: We're getting applicants already.

MR. BENNETT: Yeah. Maybe we ought to think of something like -- something that's kind of off-beat. And I'm not thinking of an advocate that simply defends the ocean environment and bays, but somebody who also pushes its pluses; talks about its values and is talking to people about the fish that are there, and the sailing. And provides information on wind for the windsurfers. I'm thinking of somebody or some organization that actually is a little off the wall, and maybe like a Smokey the Bear type, or something whose interest is in the coast.

ASSEMBLYMAN SINGER: It should be the Department of Tourism. But they don't come to these meetings. It should be the Department of Tourism; that's what this is really all about.

MR. BENNETT: I think-- My problem is that when you dump it into Tourism, or you dump it into some of these, you come up with a \$300,000 PR approach that I think is a little flat. I think it ought to have some jazz to it. What was the

slogan for last summer? "The beaches were more perfect than ever." Or what was that?

MS. KISS: "The Jersey Shore; Keep it Perfect."

MR. BENNETT: Keep it perfect. Well, I don't know. That didn't stir me up. (laughter)

Lastly, I know there are short-term things we can work on, and long-term. And I think that Mr. Hardwick's addressing some of the short-term things this morning made good sense. I think we want to leave you with a feeling that I don't think that the environmental organizations are going to jump on the Legislature if you all don't solve the problems in the next 30 days or two months. It took us 100 years to get where we are, and we don't expect you to have the whole thing signed up in a couple of months. I think the important thing is to come up with some significant short-term things that people can see happening for next summer, and then get to work over the longer-term on some of these other issues.

ASSEMBLYMAN VILLANE: Derry, I really want you to keep open on the Coastal Commission, because I think the Coastal Commission is the vehicle that can do the things that you really want. I mean, you point to the ocean advocate. The ocean advocate can be anything the Coastal Commission wants. The Coastal Commission will have all the input. We want to work with you, and Cindy, and the other environmental groups, along with the Governor's office and the DEP to fine tune that Coastal Commission.

Right now, environmental problems and environmental solutions are engulfed in a great big DEP that's responsible from radon to asbestos. The Coastal Commission will address those issues for the shore that have to do with the environment and water quality, advocacy, tourism, and land use. So, it's really going to be an exciting bill.

MR. BENNETT: We're open to talk about it, for sure.

ASSEMBLYMAN VILLANE: I want to work with you. It's interesting that you talked about our concern of the 150,000 boats that are all over New Jersey and New York, and about their pollution-to nonsource type of things. Here's the draft of the bill that addressed -- and we've been working on it, this legislative person and myself -- we've been working on a bill that will require not only that all boats that have marine heads have holding tanks, and that every marina be required to have pump out stations, that rents for profit slips for boats that have marine heads.

So, we're working on that, because it really is a serious problem. Not only do we have recreational boats like Derry has and I have, we have people that live on boats in large marinas all summer long, and use those facilities without the opportunity to pump their sewerage or sludge overboard except to do it overboard.

So, we're going to be working on a New Jersey bill in compliance with the Federal laws that require that our boats that have marine heads have to pump out facilities to handle it. Right now there's large marinas that you and I know that have 40-foot yachts that have marine heads in them that have no place to put their sludge.

So, that's something that will be in the Legislature probably at the next visit. It will become part of the things that Mr. Bennett is going to consider before his Committee.

ASSEMBLYMAN BENNETT: Thank you all very much. The next three speakers will be Roger Bernstein, John Simas, and Robert Furlong. I'd like to also find out who exactly else is here. (Chairman takes a roll of audience) Nancy McGreevy? Pearl Schwartz? Stan Raymond? Okay. Joe -- (audience member indicates the proper name) Jay. Okay. Sorry. We'll put that down. Evelyn Epstein? Harry Stag? Ralph Gorga. Sorry. A.K. Fischer? Is she still here? All right. Roger, don't take this personal if I take five minutes and my Vice Chairman

chairs the meeting right now. Don't take that seriously. I would like to again remind everyone of the time factor. There are still-- Is Nancy Menke still here? And New Jersey Builders? Yes. And Ken Smith? Yes. And Jim Sinclair? Right. So there's still 14 people to testify. (responds to inaudible question from audience) I said it, but I didn't say it very well. It's on the-- He answered to it over here. Somebody else answered to your name. So, with 14 people, I would appreciate if everyone would please watch the time. I am going to basically have to throw a hook out after five or six minutes. That's the only way we're going to be able to do it. Thank you. Mr. Singer will be the Chairman for a few minutes.

ASSEMBLYMAN SINGER: You want to start? Are your other compadres coming up too? One at a time? Roger, ready?

R O G E R B E R N S T E I N: Yeah. I'm Roger Bernstein, with the Society of the Plastics Industry, a trade association that represents makers of plastic products and raw materials for plastic products in the United States.

Although plastic packaging is about 3.8% of total municipal solid waste, according to EPA, we are certainly a very real problem in the marine environment, and a very visible problem in the marine environment. And when our products are improperly disposed of, we literally wreak havoc for fish, wildlife, and create a problem on the shores of New Jersey and elsewhere. I applaud this State for having a committee structure such as this where issues of what to do about this issue are examined and the sources of the problem are addressed, and where kind of ad hoc, emotional reactions are minimized and real solutions are sought.

What I put before you a moment ago is a series of full page ads that we have developed in cooperation with the Center for Environmental Education, and the National Oceanic and Atmospheric Administration; full page public service ads which will be seeded all around the United States for different

target audiences, including recreational boaters, commercial fishing, maritime shipping and the plastics industry. And we will be expanding on this, which point out in a dramatic fashion the hazards imposed by the improper discarding of our products in the marine environment.

And for the benefit of the audience behind me, I'll just read the headlines of some of the full page ads: "This discarded net is done fishing. But it's not done killing." And then a photo of a plastic trash bag: "When it's done holding your ship's garbage, it could hold death for some marine animals." And then an ad featuring the problems of resin pellets.

We're going to expand this ad campaign to include the misuse of our products targeted for recreational boaters and the general public, and we have had commitments from a wide variety of magazines, newspapers and trade journals to run these full page ads to augment whatever public education campaign the State of New Jersey is going to be embarked upon.

Clearly, our feeling is that education has got to be enhanced, or else we're going to be continually under the gun, even though we have viable products that are obviously used. Because of their light weight, they're ideal for the fishing and boating industry. It's their misuse which is the problem.

We are also trying to support the MARPOL Convention prohibiting the dumping of our products in sea. And we are funding cleanup campaigns in various states for various beach cleanup campaigns, and certainly should be called upon in the State of New Jersey if a campaign is under way here as a possible resource.

We have sponsored symposiums on degradable plastics to see what's feasible, what's appropriate, and we're encouraging that technology where it is appropriate. I would just like to add at this point, almost as a concluding point, that degradability has become a kind of a misunderstood buzzword, that somehow we can solve a part of the marine debris problem

if we just insist upon certain plastic products becoming degradable. I would just indicate that there probably-- The technology is probably applicable only in a few products, perhaps. And even if some products were made degradable, as many legislative initiatives we've seen in Trenton have suggested, if you look at them, most of the products that would be required to be degradable aren't going to wind up in the marine environment at all. Beverage containers, for example, which I would beg to differ with the previous speaker, are not-- Soft drink 2-liter bottles are not a big part of the beach litter problem in New Jersey. They're mostly a package consumed at home. They're not like the small can, or glass bottle. And to make it degradable may in fact make it less recycleable.

So, whether degradability and recycleability are compatible should be something this Committee examines. Too, will it degrade as a littered object? Many of the bills that are before you are saying products should be made biodegradable. That means that they're really only going to degrade if they're buried. Now, as a littered item, is it going to bury? That can be a very open-ended question, and very problematic. Also, for some of the products that have been suggested be degradable, the alternative products would be plastic lined paper, or corrugated with plastic lining, and its degradability is a kind of a big question mark -- then if it does degrade, what benefit does it offer the State of New Jersey? If it's going to be buried in a landfill, what are the by-products of that degradation? What leachates are produced?

It's a very complicated problem. And, for example, for food packaging, we don't want our plastics to be subject to microbial attack, because of FDA restrictions. So, it's an area that I would just beg the Committee to solicit some of our input, and some of what we know about the issue, and where that technology resides, before leaping to any quick conclusions there.

But we support your efforts, and we're doing what we can to enhance public education of the problems of misuse of our products. And I'll end there in the interest of time.

ASSEMBLYMAN SINGER: Jack, do you have any questions? (negative response) Thank you very much. I appreciate it. I appreciate your coming.

John Simas?

J O H N S I M A S: Mr. Chairman, good afternoon. My name is John Simas, and I'm the Plant Manager for the Ciba-Geigy Toms River plant. I particularly appreciate this opportunity to appear before you, because I think that this Committee has an opportunity to make a significant contribution to the way where we manage these issues in a comprehensive manner.

This past summer presented us all with an ironic twist. Ocean water quality was reported to be better than it has been in recent years, yet beaches were closed due to tides of garbage and hospital waste which washed ashore, as well as elevated levels of bacteria associated with non-point sources during storm events.

I think speaking of ironies, many in this room may think it rather odd that a representative of a major industrial concern is sitting here this afternoon, and talking about clean oceans.

At the outset, let me state we don't have conflicts in objectives. And let me also state, we as a company, and as an industry, have been applying good science to developing and implementing solutions. I understand that to be the focus to this hearing. I'd like to relate a good story about the Toms River plant's significant technical achievement to wastewater treatment that we believe could be used as a model for wastewater treatment across the State.

Let me try to put the issue in perspective. According to the U.S. Office of Technology Assessment, there are 177 municipal and industrial wastewater treatment

facilities discharging directly into the New Jersey marine waters: 48 municipal and 129 industrial. Thirteen facilities, twelve municipal and one industrial, discharge directly into the ocean. However, with the exception of a handful of coastal treatment facilities, the wastewaters from all other treatment facilities flow through near coastal rivers, and our most sensitive ecosystem, our estuaries. All eventually flow into the ocean.

Ciba-Geigy's Toms River plant has the only industrial discharge directly into that ocean. In May of 1985, the New Jersey Department of Environmental Protection issued Ciba-Geigy's Toms River plant a New Jersey Pollution Discharge Elimination System Ocean Discharge permit. The permit became effective July 1, '85. This new set of discharge conditions introduced 16 new parameters, while also significantly strengthening the parameters of our previous discharge permit.

One of the most important and rigorous features of our NJPDES permit was the requirement to conduct a toxicity reduction program. The focal point of this program was the ability of a tiny marine creature, called the Mysid shrimp, to survive in mixtures of the plant's treated wastewater and sea water.

At the time the new permit was issued, the Mysid shrimp was the only one of four species used by the DEP for toxicity testing that was unable -- was not able to survive in the plant's treated wastewater. In August of 1985, 50% of the Mysid shrimp were unable to survive in a solution containing more than 5% effluent. Because of the Mysid shrimps' sensitivity to the effluent, DEP required that it be used as the test species in all toxicity testing of the plant's ocean discharge. To pass the toxicity test, 50% of the shrimp must survive in a mixture of sea water, and increasing concentrations of the treated effluent. The toxicity reduction program was undertaken to allow the plant's treated effluent to meet this survival requirement.

The permit established a three-year compliance schedule to complete the toxicity reduction program. The final phase of our discharge permit, effective July 1, '88 requires a 50% Mysid shrimp survival rate in 50% sea water and 50% effluent. Toxicity tests in 1987 consistently show 85% Mysid shrimp in 100% samples of the plants treated effluent.

This achievement was the result of a comprehensive, two-track effort: Reduction of the influent toxicity, and improvements to the wastewater treatment plant facility. One way to reduce the toxicity of treated effluent is to reduce the toxicity of the waste being introduced into the treatment process. That is what we call the influent. The first step in reducing influent toxicity was to identify which of the hundreds of waste streams resulting from the plants manufacture of 500 different products were toxic to the Mysid shrimp. Once these were identified, we then searched for suitable, nontoxic alternatives to the raw materials for those products, without compromising the quality of the final product. If a raw material could not be eliminated from production, and could not be suitably replaced, the use of that material was reduced through improvements in the production process, such as recycling and regeneration, or by simply discontinuing the product.

This not only reduced the toxicity of the waste, but also reduced the volume of the waste. The volume of the waste is further decreased through improved product separation. This process removes most of the liquid and solid, thereby leaving less waste.

After concluding the toxicity reduction program in the process, Ciba-Geigy then focused on improving the plant's biological wastewater treatment process itself. Laboratory and pilot-scale testing demonstrated that carbon adsorption was the most efficient means of further reducing the non-water constituents of our waste. These findings led to a series of

improvements in the design of the Toms River wastewater treatment facility, which were completed this past May.

The addition of carbon is only one facet of a \$25 million program of improvements to the plant's wastewater treatment facility. Other notable improvements are the construction of enclosed equalization tanks to replace open-air basins, and the capping of various other process units where emissions could occur.

The enclosed systems are all vented through an emissions collection system, and the gases (air, and low levels of organic vapors) are used as the oxygen source to the sludge digester. The result is the elimination of odors in air emissions from these sources. The total annual emissions from these sources are now less than two tons a year. And they used to be more than that a day.

The combined effect of the toxicity reduction program, and the improvements in the wastewater treatment plant have produced a record achievement which far surpasses the requirements of the 1988 phase of our discharge permit. Eighty-five percent of the Mysid shrimp survive in 100% effluent. The beach and ocean testing program conducted by the DEP in the summer of 1986, and prior research done by the Department, concluded that the treated discharge and the ocean outfall did not pose a health risk to bathers.

In addition, this state-of-the-art tertiary wastewater treatment facility, not only addresses the needs to treat process wastewater, but also control and treat air emissions. I believe that's a unique situation in the State of New Jersey.

Ciba-Geigy has produced a good story about significant technical achievements in wastewater treatment. The challenge of treating wastewater stands before all of us. There are no magical solutions. Solutions to problems are only achieved through solid, scientific approaches. We believe that if society is going to succeed in protecting the marine environment, it must apply equally standards to all dischargers.

We invested the time and money into our toxicity reduction program and our wastewater treatment plant, and are now realizing these benefits. We also recognize that our challenge doesn't stop here. We believe that as technology advances, it's incumbent upon all of us to continue to improve. Included with copies of my testimony is a document describing in detail the improvements we made at our wastewater treatment facility.

The reason I discussed our case in particular is to highlight the analytical processes that can be undertaken to improve and wastewater discharge. Our choice in 1985 was simple: either we find new ways to treat our wastewater, or we close down operations. Making these improvements wasn't easy. It required that we develop new technologies to examine the wastes we create, the best methods to treat those wastes, and how to remove those wastes from the production processes that were not readily treatable.

The spin-off benefits from the scientific methodologies we developed have great application for other industries and publicly owned treatment plants as well. It is this point that I want to emphasize.

The Governor's 14-Point Plan to preserve New Jersey's ocean and beaches is indeed an excellent plan, and one which should be implemented as soon as possible.

There are two major points I would like to comment on. The first point concerns the lengthening of POTW pipe lines in Monmouth County. This proposal carries an estimated price tag of \$40 million. While the extension of these pipe lines would certainly provide a greater distance from the beach areas, as the Commissioner said, and provide the improvements as he indicated, simply put, however, the toxics and other waste products present may not be eliminated, but rather discharged further out into the ocean. A more effective use perhaps of the money, would be to provide -- and I think

this was mentioned by one of the members of the Committee -- an upgrading of all POTW's to tertiary levels, which would represent a significant improvement over primary and secondary waste treatment systems presently in use. This is especially true for those treatment facilities discharging into our rivers and environmentally sensitive estuaries.

To our knowledge there are only two tertiary treatment plants in operation along the New Jersey coast: the Southern Monmouth Sewerage Authority and Ciba-Geigy's.

Secondly--

ASSEMBLYMAN SINGER: John, I don't mean to cut you short, but again, we still have a lot more people to get to. Can you kind of-- Are you almost finished with your statement?

MR. SIMAS: I'm almost finished. I think that I wanted to emphasize -- let me just make two points -- I wanted to emphasize pretreatment. We're a supporter of that. I think that we've demonstrated at our plant the model for pretreatment. The other thing that I would like to point out is that I'd invite the members of this Committee to visit our plant. I think that you should view firsthand what we've been able to do, and I think that it would provide you an opportunity to see, I think, what technical achievements can be accomplished when good science is applied.

ASSEMBLYMAN SINGER: Can we have a copy of the full statement for us?

MR. SIMAS: I believe that we provided copies--

ASSEMBLYMAN SINGER: It is in there? Okay. We will make sure that the entire statement is part of the record.

MR. SIMAS: Thank you very much, Assemblyman Singer.

ASSEMBLYMAN SINGER: We appreciate your coming. Thank you.

MR. SIMAS: Are there any questions?

ASSEMBLYMAN SINGER: Jack, do you have any questions?

ASSEMBLYMAN HENDRICKSON: Just more or less one comment. I think it was excellent what you were saying as how you are trying to protect the environment. But you're perceived out there as perhaps not as good as we'd like to see, to say the least. Either your PR or something has to get better in order to help us, and any technology you can send to our Committee we'll appreciate.

MR. SIMAS: We'll be delighted to do that. Appreciate the comment. Thank you very much.

ASSEMBLYMAN BENNETT: Bob Furlong, President of Friends of the Jersey Shore?

R O B E R T F U R L O N G: And former councilman of Sea Bright.

ASSEMBLYMAN HENDRICKSON: Mr. Chairman, would you excuse me, I'm going to have to leave, everybody.

MR. FURLONG: No, you're the guy I want to speak to. No, please, please.

ASSEMBLYMAN HENDRICKSON: All right. Go ahead, Bob, I'll wait for you.

MR. FURLONG: First I want to thank the 29 people who had the fortitude and conscience to remain. I want to thank you folks for listening, and also for inviting me.

And basically, the more I heard today, the more I was convinced of the necessity for having a Coastal Commission. A lot of the propositions offered today were sort of cutting off the branches of the problem, when the root causes, really, are what we must attack. Now things like non-point source of pollution, and storm sewer programs, they are major enterprises. Years ago, when they first came up with the sanitary sewer problem, when the Federal government put out billions of dollars, deep within the conversation was the fact that 50% of the problem was due to storm sewers. That \$20 million he spoke of was a minuscule amount compared to the overall problem.

I hate to see the scatter-shot approach and down the line it's forgotten. This is only the beginning, and you'll need a vehicle to do all the things that you're talking about today.

Now, government is intertwined. It's not the kind of thing that happens over here and over there. There are two things you fellows have to do before we can go forward on all these programs concerning the shore. Firstly, the government's commission on taxes has got to come up with a form or whatever, diffusing the problem with property taxes. All these local towns fight so desperately for home rule because they're concerned about the ratable rates, which we're all involved with. And as a result they don't want to give up any planning prerogatives. Now, they haven't done an outstanding job up to this point. It's quite obvious. Now, I come from the small town of Sea Bright. You must all be aware it's a very high profile town. Presently they're considering a proposition for 16 units on one acre adjacent to the river and 200 yards from the most vulnerable point along the Jersey shore. They're seriously considering this. That's the type of thing that's going on in these municipalities, and it's not going to stop until you take the burden of the property tax off the people's shoulders.

The second thing is -- I haven't heard a word today -- a stable source of funding: one of the many bills that have been put in the hopper, and nothing seems to be happening. You've got to get that out of the political arena and into reality, because all the things you are talking about are not going to happen if they depend upon the vagueries of year to year funding. That \$10 million that the coastal resources people got this year, it was an election year. It was a nice way to smooth over the problem. They're going to have trouble spending that \$10 million within the budget year, because they didn't have plans in place to spend it. That's not the way you

fund programs. You fund them long-range. And that's what the Coastal Commission is all about.

The other concern I have dealing with the Coastal Commission as it's presented -- unfortunately two of the authors aren't here -- the counties have been overlooked. They're a viable source of help. They have engineering staffs, they have planning staffs, they have all the expertise to go into helping create and to develop all these problems that we're talking about today. Now to give them just an overview position is the wrong thing to do. They must have a voting representation in the Coastal Commission. They must be the place where the permitting process is done, not the municipalities, because most of the permitting process impinges one town upon the other. And therefore, when you have this race for ratables, and one town looking for something in the way of getting more revenue, it hurts the other town. Whereby the county has a total overview and handles it on a regional basis.

Basically, I believe one of the first changes that should be done to this Coastal Commission idea is to put the counties at a much higher location as to relative importance. The other thing is they should not pair counties. That's not sensible. The four major counties along the coast should be given voting representation on this particular commission, and the three ancillary counties, Cumberland, Salem, and Middlesex, should have non-voting representation, but they should be involved. They don't have quite the problem that we do along the ocean.

The one thing that also concerns me a great deal is the political ideas that seem to be involved in this legislation. It says, 50% must be from one party, and 50% must be from the other party. One must be a land developer, one must be an environmentalist, one must be a-- I mean, it's just crazy, because each one of these people have parochial

interests in their particular problem, and this is the seeds of the eventual destruction of commissions of this type. I think what you really need is a group of people who are totally delegated, unpaid, not bureaucratic, who will handle this problem and serve their neighbors and their fellow citizens. What we need, really, are decision makers, not regulators. And that's what has been the problem. Regulators cannot deal with 1/5, I believe, of the State's physical land concerns of counties versus counties, and major part of the ratables. A major part of the growth area in the entire State is in the shore area. It is the greatest enterprise zone in New Jersey without a dollar of government money being involved.

Many thousands of people are given the opportunity to live and work in four wonderful counties as a result of what's going on along the shore. And we want to maintain that situation. I think that basically, the concept is tremendous. I can't see how anybody can turn their back on it, whether they look upon it down the road or immediately. Personally, I think it should go hand in hand with what you're talking about today, because it's the only only vehicle that can do these things. No other vehicle is in sight, Assemblyman. It really-- I've been in the trenches with a lot of people here today for many years, and it's great satisfaction for me to see this coalition of all these, creating a constituency that did not exist five years ago, three years ago. But because of the environmental problems, these people have all come together with one thought in mind, really; to help the Jersey shore. And there's no question that the Coastal Commission will accomplish that objective for all of us. Thank you very much.

ASSEMBLYMAN BENNETT: Thank you, Mr. Furlong.

ASSEMBLYMAN HENDRICKSON: Thank you, Bob. Very good. Mr. Chairman, I have to go.

ASSEMBLYMAN BENNETT: I guess it's now appropriate to say that it's lonely at the top. The next three speakers will

be -- and I apologize Committeeman, you didn't have it written here, and it's my fault -- Jay Delaney, Committeeman Seaside Park, Jim Sinclair, New Jersey Business and Industry, and Stan Raymond, Ocean County Clean Water. And I apologize, because I didn't -- I only had Seaside Park down.

J A Y D E L A N E Y: That's quite all right. Again, my name is Jay Delaney, and I'm a member of the Seaside Park Borough Council. But more importantly, I'm a resident of New Jersey, who's deeply concerned about our ocean and our coastal environment.

During the summer, I had an opportunity to address the Assembly Select Committee on Tourism when they convened in Seaside Heights to discuss beach access. But due to the timing of that hearing, it quickly turned into a hearing on ocean pollution. Again, I thank this Committee for coming back to Ocean County. One of the concerns that we had in September was that when it came time to specifically address the bills for the environment and ocean pollution, they would come back to hear the residents of Ocean County.

We all know what the problems are, especially after sitting through several hours this morning. And I think we also realize what the consequences are if we choose to continue to ignore what we realize has to be done. We know the solutions. You have several bills before you that address those.

Specifically, I wanted to talk about a couple of issues today. The Coastal Commission: I think, as Bob Furlong pointed out, the Coastal Commission, I feel is essential. It perhaps may not address specifically some of the major problems that we're discussing today, but it really gets to the root of the problem. What the Jersey shore needs; and what the Atlantic Ocean needs, is an advocate. And I feel that the establishment of the Commission, and its broad-based cooperation and membership would provide that kind of advocate for the Jersey shore and the Atlantic Ocean.

Additionally, the problems of the Jersey shore are many. Certainly pollution is in the forefront today, because of the situation that we experienced this past summer. But at the same time, there are many communities that have to face the problem of shore protection, as well as development and the other issues that confront us. I believe that the establishment of the Coastal Commission will help ensure a stable source of funding for vital shore protection measures. I don't think there's any doubt that anyone who's familiar with the legislative process understands that short-term goals are no way to deal with long-term problems such as shore protection, and the financing of those projects necessary to undertake those projects.

Also, there's little doubt that the establishment of an environmental prosecutor as well as the grand jury would be a benefit. It would help us in the enforcement and the prosecution of all the pollution matters which have recently become obvious.

Enforcement is probably the key. You also have several bills before you which will provide the funds to enhance the enforcement and surveillance capabilities of the New Jersey State Police Division.

Also, one other question that we have to address today is we cannot view the pollution problem of our beaches in a vacuum -- and that is, the establishment of the bottle bill. It's been mentioned previously today by Cindy Zipf and others, that a bottle bill would also help us in eliminating much of the trash that is generated which unfortunately has recently ended up on our beaches. Those are the only other four items I wanted to bring up. Thank you.

ASSEMBLYMAN SINGER: John, could I just make one statement while I have Jay here? I didn't want, while Jay spoke -- that I would leave--

MR. DELANEY: Thanks, Bob, I appreciate that.

ASSEMBLYMAN SINGER: I appreciate you Jay, and your concern for the environment, and certainly the ocean. You know, we heard statements about the Clean Ocean Authority, and the development of that. And I must tell you that when I -- and I hate to sound political-- But when I was running for reelection, I had my debates up at The Asbury Park Press. They took me apart for endorsing that. They felt another layer of bureaucracy-- There is a necessity within this State to have to so-called "ombudsman" or the person that is bullish on our ocean. I very honestly, and I've said it before, and I've taken some flack, but I really have felt that the Select Committee on Tourism -- although I've only been recently the Chairman because Guy Muziani has been ill -- the Tourism Department does not take an active role in that. I wanted to have an ombudsman for tourism that would come here and fight for such things such as the ocean, because certainly we must relate our clean ocean to our tourism industry, which is not, as the Commissioner said a \$2 billion, but an \$11 billion industry in this State. And certain people come from all over the world to see our beautiful beaches.

We need someone who is selfish, who does not accept many things we hear today as having to have to be, and will fight for our clean environment and the ocean. I believe -- and I spoke to the Governor directly about it, and I stated this when I was at The Asbury Park Press -- I believe that this authority would be able to pull a lot of things together that are still out there at different ends. We've heard a lot of testimony today -- a lot of good testimony -- and a lot of good concerns. No one panel or group is going to be able to take these things and put it all together overnight. It is a long, long project. We do need a commission of sorts that is permanently there, and that is going to be there long after I'm not in the Assembly and John Bennett is not in the Assembly. It's there every day of the week, saying, "This is what has to

be done; you can't build here, you can't develop there, you can't have a pipe line, you can't allow this to happen, you've got to protect our environment."

I believe that commission can be that. Whether it's formulated right now or not, whether it's going to do everything we hope it's going to do, I don't know. But it's been the best solution to the problem I've seen yet to at least start to tackle this on a permanent basis. And I think we have to be willing to accept the fact that we are part of the bureaucracy, and maybe another layer won't be so terrible if it's done in the right way. So, I share that.

MR. DELANEY: Just one further comment regarding that. I agree. And it seems to me a shame that for some reason the establishment of the Coastal Commission is somehow becoming intricately linked with the idea that it's going to solve all of our pollution problems. I don't think that was its intention, but I don't think there's also any doubt that the Governor is using this opportunity to make it publicized that this will have some impact. And if nothing else than to stand up and be able to be a force -- a recognized force, and an established force in State government -- to say, "these are the steps that need to be taken." I think that it will help. Thank you.

ASSEMBLYMAN BENNETT: Councilman, thank you. Jim Sinclair, New Jersey Business and Industry Association.

J A M E S A. S I N C L A I R: Thank you.

ASSEMBLYMAN BENNETT: Do you have copies you want to distribute?

MR. SINCLAIR: Nope. But you're going to leave it open a week?

ASSEMBLYMAN BENNETT: Absolutely. A week.

MR. SINCLAIR: Good. Then I'll make this into a condensed statement.

ASSEMBLYMAN BENNETT: Thank you.

MR. SINCLAIR: I'm here from the New Jersey Business and Industry Association. My name is Jim Sinclair. And I'm here basically to support the Governor's 14-Point Program. I think that the fact that the Commission here today got to see the Commissioner, and somebody from the Governor's Counsel's office, and somebody from Policy and Planning sitting there at a table together, putting forth a legislative package from the Governor's office on any issue was really a step forward.

ASSEMBLYMAN BENNETT: Unique.

MR. SINCLAIR: Absolutely. In my experience with this Administration it's unique. And I think it's an important step, and I think it's something that shouldn't be taken lightly by the members of this Commission. I think that what we see is, for the last year and a half, the Administration taking a look at the problem and figuring out how and what it can do, and coming forward with a proposal to the Legislature. And I think that that 14-Point Program should be given a priority consideration in your package of things to do. And I'd suggest that that's probably the thing that we should bite off first, is those 14 points.

Now whether or not we have a Coastal Commission and how it's structured and what it does is another issue. I'm not here to support that or criticize it one way or another. We really have to give some more thought about what we are going to do, in terms of supporting or opposing it. I would say right now we probably support it because the Administration supports it and the Department supports it.

There are a lot of legislative proposals here which I will comment on in my remarks that are written remarks. But just the one thing that I'd like to talk about is the A-170, because it was more than a year ago now when you had the hearings on that bill, and there were a number of issues raised at that hearing that you had which I think the Administration has addressed in its 14-Point Package. And I think that's

something that speaks well to the Administration listening to what are the concerns, and looking at the good engineering and good scientific way to go forward with public policy. I just would like to make that point.

The other two points that I'd like to make is I was pleased to hear Roger Bernstein's comments about the public education things that the plastic industry is doing. I think that's really important, and I think that's a good step forward. And I also thought that the testimony by the plant manager from Ciba-Geigy had -- he gave me a copy on the way out -- has a lot of very good points in it. And probably the point that it brings up the most for me is that this whole package that the Governor has -- this 14-Point Program -- is really a very daring program, because it's confronting the issue that we've been dodging for the last 20 years. And that's really sort of, what are we going to do, in terms of municipal improvements to the pollution problem?

It's easy to pick on a specific industry. It's easy when you find a polluter to make a scapegoat out of that person. It's easy to go forward and rightfully to prosecute those who have violated -- the private industry or individuals -- who have violated our pollution laws. But it's very very difficult to take on a municipality. It's very difficult to throw Mayor Koch in jail. And we tend to look externally. And the people who came up here and testified today all -- not all-- But this morning we heard of the problems, which are basically municipal problems of non-point source pollution, of upgrading sewerage treatment plants, of getting rid of combined sewer storm systems, of dumping the sludge someplace else, of you know, what we're going to do with it, and the whole question that Assemblyman Hendrickson raised about NIMBY. I think that's not a little issue. And I think if there is some thing, you know, if there is one strong point to having some sort of regional look at the problems, it's really saying,

"Okay, we have this problem down here. We don't like sludge being dumped in the ocean. Something has to be done with it."

Well, the something that has to be done with it is it has to be dealt with in a different manner. And that means that we need incinerators, or land applications, and we don't need those incinerators and land applications in New York State, we need them in Ocean County, or Monmouth County, or Cape May County. And we need them in the communities. We need them in Toms River, or in Pemberton Township, or wherever. And that's something where if there can be a game plan, where everybody says, "Well, gee this is really the sensible game plan. This makes sense as a strategy for using local funds and State funds and this is doing the right thing for the long term," then maybe we can get behind it to prevent some of this opposition to anything getting done.

So that's sort of my last point that I will leave with today, and I will send you our comments on the specific pieces of legislation. Thank you, John.

ASSEMBLYMAN BENNETT: Thank you, Jim. Appreciate it. Stan Raymond, Ocean County Clean Water?

S T A N R A Y M O N D: I want to thank you for giving me the opportunity to speak. I've brought with me Evelyn Epstein who is another member of our board.

Briefly, another member who had to go back to work, would like a statement read. It's just brief, but I think it echoes what's been said. Nancy McGreevy, who's also a board member, and she says, a mother and a teacher:

"I'm here to express the--"

ASSEMBLYMAN BENNETT: They can't hear. I'm sorry, Stan.

MR. RAYMOND: Can you hear me now?

"I'm here to express my concern that the citizens of New Jersey not be lulled into a false sense of security with an enactment of any new legislation. As one who was paying

attention in the '70s knows, excellent legislation was enacted but was not strictly enforced.

"And so, here we are again fighting a fight I thought was won. Remember enforcement and what happens after a bill is passed is what counts."

That's from a statement from one of our members, Nancy McGreevy.

I've just got a very short couple of thoughts. And I'm asking the Committee to do a couple of things if they think they can. We believe that you have tremendous influence. And that I would like to echo what our other member said, that the laws that are already on the books should be strictly enforced. We also are here in total support of Assembly Bill 4517, and urge its swift passage into law.

But as I said, we have a couple request from the Committee. Before I make those, I'd like to state that the Ocean County Citizens for Clean Water is a citizen's group that has taken upon itself the representation of the citizens regarding the EPA process surrounding the cleanup strategies for the Ciba-Geigy Superfund site.

Initial estimates are that it can take from 30 to 50 years to clean up the groundwater pollution that Ciba-Geigy has dumped in our aquifers. I think this is very significant and leads to a request that I would like this Committee to make in writing if they deem it part of their responsibility, that they recommend in writing to the US EPA Region II that the Ciba-Geigy pipe line not be used as part of the cleanup process at the Superfund site. As I mentioned before, if that pipe line is used as part of the Superfund cleanup it could be in existence for 30 to 50 years.

Secondly, in a related matter, Ciba has requested a CAFRA permit to build a new pharmaceutical plant. Last weekend at our executive board meeting, we voted that we do not believe that that permit should be granted until Ciba has cleaned up

its Superfund site. We will be making that request at the CAFRA hearing to be held in a couple of months.

In addition to that, Ciba will be required to submit what they call a DAC, which is a discharge allocation certificate. And that's an amendment to their existing NJPDES permit, which they need in order to go ahead with their plans for the pharmaceutical plant. We would ask this Committee and those members that sit on the Committee to join us in opposing that DAC, because that too would guarantee the existence of a pipe line as long as the pharmaceutical plant is in existence.

That's about all I have to say. I'd like to turn this over to Evelyn. She has a few comments about the pipe line.

**E V E L Y N E P S T E I N:** I would like you to use your influence to see that that DEP finishes-- Two years ago, they started this study and Mr. Simas came up with the idea that everything was great and everything was fine in the DEP's report. This does not happen to be true. They only gave them half a report. They still have the other half to give us. They were supposed to have done a mussel study, and they assured us that they were going to give us that report. As of today we still do not have the report.

**ASSEMBLYMAN BENNETT:** Could you just back up for a second. I need to know who's doing the report on what? Let's start by identifying that.

**MS. EPSTEIN:** Okay. The DEP is--

**MR. RAYMOND:** Department of Science and Research.

**ASSEMBLYMAN BENNETT:** No, that part I know. You don't have to get that basic. The Department is doing a study, but who is Mr. Sum--

**MR. RAYMOND:** On the pipe line.

**MS. EPSTEIN:** On the pipe line. They did several testings. They also put in dyes.

**ASSEMBLYMAN BENNETT:** Okay. No, I just--

MS. EPSTEIN: At the same time, they were using mussels to make a scientific study. They never finished giving us the report, and they keep assuring us they will, and they still haven't. And Commissioner Dewling is absolutely no help.

ASSEMBLYMAN BENNETT: We'll find out the status of that report.

MS. EPSTEIN: Pardon?

ASSEMBLYMAN BENNETT: We'll attempt to find out the status of that report.

MS. EPSTEIN: You'll find out the status? Thank you very much. We'd appreciate it.

Also, there are a few extra things. Of course we would like the pipe line to be closed. But where Mr. Simas said they are now using carbon in order to purify their effluent, actually, what happens, little tiny pieces of carbon get off and go into the ocean. And these are called "carbon fines" (phonetic spelling). And on these carbon fines will adhere -- because they're very tiny and have lots of little surfaces -- and chemicals adhere to this. And as this drops off into the ocean, the fish could be -- this could be getting into the fishes' system and then this would get into the food chain. So, this should be studied too. This is something new. And Mr. Simas did say -- but he didn't add about the carbon fines -- but this is something recent that could be checked.

Also, although Ciba-Geigy has put in how such small amounts of things are being put into the ocean. But they give them-- They dump 4 1/2 million gallons a day into the ocean, and all ocean dumping increasing permanently the following things: All organic non-biodegradable-- Because if the bacteria couldn't destroy it at their plant, certainly they cannot destroy it in the ocean. So, you have the organics that are still left from there that's dumped into the ocean. Metals such as chromium, zinc, mercury, lead, and perhaps a little per hour, as they put it, but 24 times as much per day -- 8760

times per year, so that in 2 1/2 decades of operation and ocean dumping, a plant like Ciba-Geigy has accumulated over 200,000 tons, very little at a time, but it piles up. For example, in a year, they could put out 120 tons of chromium, 209 tons of lead, 182 tons of zinc, 511 tons of nickel, 375 tons of copper can be dumped into the ocean. That's about it.

But what we'd like to end is that the Ciba-Geigy pipe line really should be shut, and they should not be able to use it for their Superfund cleanup. Thank you very much.

ASSEMBLYMAN BENNETT: Thank you very much. The next three speakers would be Joe Galanti -- I tortured it again, I suppose -- New Jersey Builders Association, and Ken Smith from New Jersey Shore and Beach Preservation Association. And then are Nancy Menke and Ralph Gorga from the same organization? (positive response) Okay, I'll call you two up and Harry Stagg, also. And that should be the six names of the people that I have left. Are there others that I still have? (responses from audience) That's another name, okay. Joe Galanti, we'll have him first. Is he here? Is there such a person as that? Well then let's change him into Ray Kalainikas? How's that? Then the Builders Association, then Ken Smith.

R A Y K A L A I N I K A S: One of the comments that I'd like to make, having spoken at public hearings before, is a comment that Mr. Derry D. W. Bennett made, and that is with regard to government officials coming up and speaking to government officials, taking four hours of time to do so, and then allowing the citizens to speak with regard to this public hearing. My request would be if there is any kind of legislation, and if that's what it would take to see to it that anyone in government speaking at a public hearing speaks last, and those of the public -- truly of the public -- be allowed to speak first. Having Mr. Hardwick, having Mr. Cary Edwards, Dewling, and Izo come up here while the television cameras

roll, while the reporters are here, simply to make press comments, and then having the citizens come up when the press can no longer stick around seems a bit unfair. And I think I speak for many people out in the audience whoever is left. I think it's true, gentlemen, that something should be done with regard to public hearings with regard to government talking to government with regard to the first part of the hearing. You can do that without having a public hearing. If citizens-- This is supposed to be for citizens; let the citizens speak first. I feel very strong about that, particularly as a result of how long it took even to be heard today.

ASSEMBLYMAN BENNETT: I've been here the whole time, and I'm still here.

MR. KALAINIKAS: That's correct. But--

ASSEMBLYMAN BENNETT: I didn't think the purpose of a public hearing was to give statements for the press, one way or the other. I thought it was to inform the legislators as to what the ongoing thing. And we're today, supposed to talk about solutions to be presented, and input on the-- I told you in the beginning that in fact, all the statements were going to be put on the record, and I also told you that I would stay here as long as it took to have everybody heard, and that every word that's being recorded is going to be put into the transcripts so that it will be available for the members to use as a working document. Because that's the purpose to come out of this Committee, and this public hearing, not with just rhetoric, but to come out with a game plan to be able to make a better tomorrow.

MR. KALAINIKAS: That's true. This is very true. But also I take note of the fact that of the entire panel, you are the only one left. And generally, speaking public hearing are also for all of the public to hear through the press, oftentimes, and much of the press is gone. Let's face that fact.

And I'd like to keep it very brief -- my comment -- and I'm not going to use anything written. But as a result of working on the Ciba-Geigy issue for quite some time, I attempted to get a countywide referendum at one time placed on the ballot, by which the people of the county, even though it was non-binding, would be able to say whether they wanted the pipe line open or closed. It seems that I was able to achieve a point where I was in a position to have 10 communities request the freeholders to put the question on the ballot. The freeholders refused to put the question on the ballot. Dover Township, which is the host community for the pipe line, refused to put it on its own municipal ballot. But it seems that within the last election, six communities were willing to deal with the Ciba-Geigy pipe line issue. And the people, when given a chance to vote on it, 81% of the people voting on the issue voted to have the pipe line closed.

What I am saying here is the importance of referendum, is the importance of people on the local level having the regulatory power dealing with environmental decisions. I do not want the regulatory power of the environment solely in the hands of DEP. When it is, it effectively becomes the commissar of the environment, and we do not need another commissar of the environment called a Coastal Commission. That is two commissars of the environment. One is sufficient.

I would very much like to see a situation where any municipality, by way of referendum can overturn any decision of the DEP with regard to any environmental problem dealing with that municipality. And if the people of the county are not happy with the decision the municipality makes in terms of referendum, then allow the county to go into referendum to restore the decision of the DEP or whatever other decision they would want to make.

And speaking to Commissioner Dewling out in the lobby, he indicated to me, because I asked him, "Can the New Jersey

Legislature move in that direction?" He said no, because the Federal government is ultimately in control of the State DEP, particularly with regard to a permit with respect to the pipe line -- the Ciba-Geigy pipe line. A municipality-- He was in effect saying to me, that legislation would have to occur on a Federal level to allow a municipality to have the right of binding referendum to overturn a DEP decision. Is this correct in your estimation?

ASSEMBLYMAN BENNETT: I think it would depend on the permit that was issued, as to what-- I supported initiative and referendum on a statewide basis that would permit citizens to place issues on a ballot if it had sufficient signatures from a cross section throughout the State. Unfortunately we have been unable to get the Senate to agree to a version as the same version that the Assembly agrees to. Both pass them, but they don't seem to -- they're like ships passing through the night. Unless both houses pass identical legislation, it does not get to go to the Governor to then go on the ballot.

Whether or not specifically a municipality-- I would say a municipality probably could not preempt issuance of a permit by a State by any local regulation or local ordinance, which initiative by the voters would be-- It's another method of enacting a law or an ordinance on a local municipality. So, I would say they probably would not have the right to supersede the State.

I don't know where the impact comes in of the Federal, quite frankly, but I don't--

MR. KALAINIKAS: Well, I asked Dewling if the State Legislature could put it into law that with respect to the environment that a municipality could actually, by going into referendum supersede a decision of the DEP or overturn a decision with respect to making its own decision on an environmental concern close to itself. And he said that's not the case. He said you're going to have to go to Washington,

and basically Congress is going to have to pass a law allowing that to happen. It will not happen by way of the New Jersey Legislature. All the New Jersey Legislature can do is to indicate its desire to have that happen with respect to Bradley and Lautenburg and all the congresspeople, so that they do instigate some kind of legislation to that effect.

But, if you can see what I'm saying, what I'm really trying to say is people on a local level should have the regulatory power to control and deal with the environment. I would rather see that specifically with a municipality. And if the action of the municipality is not satisfactory to the county, then have the county, in terms of referendum -- the people, not the governing body, of either municipality or the county, but the people determine referendum.

ASSEMBLYMAN BENNETT: I see your point.

MR. KALAINIKAS: And that's really my request to you. As a result of what occurred with Ciba-Geigy, and I'm told -- and I don't know if you can verify this or even make a comment with regard to this -- with respect to Ciba-Geigy, word -- and I do not know exactly where it came from, but -- word is that Ciba-Geigy is not to be touched. And the word is not from State government, but from higher or beyond State government, that Ciba-Geigy is to be left alone. How true this is, I do not know. But this is what I hear.

ASSEMBLYMAN BENNETT: I'm one legislator that's never heard that. And I know there's nine members of this panel that sit on both sides of the aisle, and many of them -- in fact, Assemblyman Singer and myself -- are the author of what's called "bad actor" bills, that would enable the State to revoke permits from flagrant violators that are -- and this is not designed for Ciba-Geigy, because I do not believe in doing specific legislation to catch only one person that may or may not be at fault, but it should be applicable to all violators, that are flagrant violators against environmental laws; that if

they're violating one permit, all their permits could be revoked, which would put them in a situation of having to close down. That's Assemblyman Singer's bill. There's bills that are designed to give tools to put corporate officers in jail if the corporation violates it.

So, I don't think that there's any member in this Panel, and I've never heard of that relating to that company or any company, quite frankly. So I don't know where that would come from, but I don't think that's the case in the New Jersey Legislature.

MR. KALAINIKAS: The only reason I would mention that is because it seems to me -- and this is what I've been told publicly -- that Ciba-Geigy does aerospace work, and does work for the military. In a sense, are they protected by the Federal government from any State action because of what they're doing with regard to as far as the government may be concerned, in the name of national security? As my own father mentioned to me during World War II, he was constantly told he was expendable in the name of national security.

ASSEMBLYMAN BENNETT: I don't believe that's the case.

MR. KALAINIKAS: Are the people on the barrier islands expendable as far as the Federal government is concerned with respect to what Ciba-Geigy may be producing for them? That's an issue that should be brought up. Thank you. That's all I have.

ASSEMBLYMAN BENNETT: New Jersey Builders Association? And then Ken Smith.

M I C H A E L M c G U I N N E S S: Good afternoon, Mr. Chairman. My name is Michael McGuinness and I am Director of Environmental Affairs for the New Jersey Builders Association. On behalf of our 3000 members, I want to congratulate you for holding this hearing on an issue of critical importance. We appreciate this opportunity to present testimony on the problem of ocean pollution as well as offer suggestions for solutions.

No one will question the fact that recent episodes of beach closings due to debris and high bacteria levels raise serious questions of public health and may threaten the economy of the State. For this reason, it is essential that we develop policies that will protect the resources of the State, the shore areas for current and future generations. Governor Kean's recent 14-Point Ocean Pollution Cleanup Program, discussed earlier by Commissioner Dewling, contains some of the key elements of a program to protect the ocean and the shore areas. At this time, I'd like to make about eight recommendations that I'd like the Legislature to consider. They are:

1) To require long-term authorization for a continuous source of funding through existing Federal and State programs and to require municipalities to issue bonds for critically needed planning, construction, and upgrading of sewage treatment facilities, so as to stop violations of water quality permits and to meet the needs of growth.

2) To require the DEP to enforce penalties on those treatment facilities that are in violation of their water quality permits, and to take over and upgrade these facilities when penalties do not result in corrective action.

3) To coordinate, streamline, and enforce existing regulatory programs dealing with storm water management, treatment works approvals, septics, ECRA, underground storage tanks, hazardous waste, and sanitary landfills.

4) To mandate protective measures for agricultural operations to minimize the introduction of nitrates and other chemicals into waterways, through the elimination of excessive use of chemicals and by restricting uncontrolled runoff of contaminants.

5) To fund programs to educate the public to the importance of voluntary and mandatory practices that reduce the threat of pollutants entering the State's waterways. Included

here would be septic tank maintenance, lawn fertilization, erosion control and pet waste control.

6) To provide adequate financing to municipalities and counties to develop uniform storm water management plans consistent with the State regulations.

7) To provide additional funding to programs designed to encourage interstate cooperation and law enforcement to diminish hazards from ocean pollution. And,

8) To fund research at State universities, in cooperation with the private sector to develop and enhance alternate mainly land-based technologies for treating and disposing of our liquid and solid waste streams.

We have already made several of these recommendations to the New Jersey Clean Water Council at hearings over the last two years. And along those lines, I would recommend that the Panel consult with the Clean Water Council, since they have all this data.

Also, I'd like to say as the Panel proceeds to develop a strategy, we believe that there are several lessons to be learned from past initiatives. It is apparent that we need to act in the near future; it is also apparent that we need to establish realistic goals and to define clearly the authority and responsibilities of all those involved.

We believe that you've embarked on a process that can yield such legislation and you ought to be congratulated for that. In drafting your response to these issues, we would urge that you follow several principles, namely:

1) To clearly set forward the authority and expectations of the administrative agencies charged with responsibility for implementing the various programs.

2) To the maximum extent possible, define the roles of the various levels of government -- State, county, and municipal -- and of the different administrative entities.

3) Wherever possible, consolidate the programs that affect the private sector so as to minimize confusion and unnecessary delays.

4) Also, increase the efficiency of the existing regulatory programs by streamlining application and review procedures.

5) And lastly, to ensure that the costs and impacts of our efforts in protecting the shore areas are spread as broadly and equitably as possible, with no one sector having to take on the burden of the costs.

Thank you for the opportunity to present our comments, and I'd be happy to answer any questions.

ASSEMBLYMAN BENNETT: Does that mean that you don't think we should have it all paid for by a realty transfer fee?

MR. McGUINNESS: That is correct.

ASSEMBLYMAN BENNETT: No. I appreciate your comments, and also I appreciate all of you that are still here. We're making certain that we're getting it in the record, but I do appreciate it. Ken Smith?

K E N N E T H S M I T H: I have just 10 or 20 bills I'd like to comment on briefly on each. (laughter) Seriously, I really appreciate the opportunity to speak before you, John. I call you John, because I consider you a friend, if not personally to me, at least to the people at the coast. You've been in our corner for many years.

And, there are only two things that I really want to go over with the group, which are short-term needs that I think need to be in place by next summer. I want to discuss something that really hasn't been brought up today, and that is the public perception of what's going on at the shore and what's being done to address the problems. I'm a Realtor, and fellow Realtors in my area, Long Beach Island, have told me that there are cancellations for next year. That they're starting to mount, and everybody is -- we're all sitting around praying for a good season.

It's my feeling that if we cannot show the public that we are turning this thing around, that we are going to have a serious kink in tourism. And, my office is on Route 72 in Manahawkin, which is the direct artery to Long Beach Island. On Saturdays in the summer, especially in the afternoon, Route 72 is like a parking lot. But after the main garbage wash up this summer, on Saturdays for the next three weeks you could drive right over. And that was telling me something.

I strongly support Speaker Hardwick's recommendations of this morning. I strongly support Governor Kean's 14-Point Plan, with just a few recommendations on that.

Number one, that we need short-term, is a good crack investigative unit and surveillance. And I am a Vice President of Alliance for A Living Ocean, too. I echo what their remarks were, that we really need to have that set up by next summer. The Governor's proposed \$5 million for the marine police. That I think may be a little bit light, but if they can be given the money -- I don't want to see it going to look for illegal clambers; I want some direction to it.

One thing I've been looking at, about two weeks after the garbage washed up last year, I took my daughter up onto the beach, and it was filthy. This is in Brant Beach. And you would have thought that if there was a concern among the local municipalities to keep a beach clean, that if ever there was a time to do it, that would be it. And just the worst things imaginable were on the beach. And my feeling was that if the local municipalities cannot do the job properly of cleaning the beach, and I'm a member of the chamber of commerce locally, and the main arguments and problems that were given to them by tourists concerned dirty beaches. I think that, since the Governor has called for \$2 million dollars for beach equipment, I'd like to see that raised a little bit. And I also, very quickly, will show you what I am talking about. (witness presents pictures of equipment) I have to show these to the

local municipal officials, so, if you look at them quickly and give them back to me.

ASSEMBLYMAN BENNETT: Fair enough.

MR. SMITH: These are beach cleaning machines. They work very well; they cost a lot of money, but with an \$11 billion tourist industry, I think that this is where we need to spend some money. They cost \$60,000 each, fuel and maintenance each year are about \$20,000. After about five years, they start breaking down, and they start needing major maintenance, because they're dealing with sand, and with things that can erode their parts. But they work very well. And, it takes four months from the time you order one to get one. The advantages of these machines are that they can, number one, do an initial beach cleaning -- a deep cleaning -- each year, say in late spring. They go down six inches. It takes them a while to do it. Then over the summer, they can be used for periodic beach cleaning of a shallower nature. They can move a lot faster that way. They're a combination harvester and loader.

You know if people have a white beach -- a clean beach to go to -- they're not that disposed to throw their stuff out and to litter. You know. If you go into somebody's house and you notice they live like a slob, you may want to put your feet up on their coffee table. But if you go into someone's house that's nice and immaculate, then you try to do the right thing. And I think most people would be like that.

We're looking at other things; an adopt a beach program where a street of homeowners or a few businesses can get behind a campaign to police their beach. But if they can see that either the State, or the local governments, or a combination, ideally, of both, are working to clean the beaches, I think that's a real positive step for people, and they can see that we're turning things around.

I also just want to talk about the Coastal Commission. I think that it is absolutely essential. And it

is something that many of us have called for for many years. You know, I belong to a coastal advisory group to the DEP; we've met once in the last two years, for a two hour dog and pony show that meant absolutely nothing, you know. And to leave the purview for shore protection and shore management in that Department-- Their idea of good shore management was to do in a Shorefront Protection Act a few years ago, which was a disaster. And I really think that we need an authority that has local input and local knowledge to deal with some of these problems.

Personally I think it is going to have more to do with shore protection than clean water. I think clean water is probably going to be solved more legislatively. But I think that it is a very important step, and I'd like to see that done long-term.

You know, some of these proposals are going to be very tough. And I think that when we start to look at North Jersey and the process of turning around these utilities authorities, and the chemical companies to do the environmentally correct thing, we ought to use some type of a carrot and stick approach. There ought to be laws that say you definitely are not going to dump in the ocean. For instance, Senator Russo's bill -- Russo and Connors -- which is basically a one page bill that says, "everybody out of the pool" within I think it's three years. But on the other hand, to make it palatable, and to actually make it work, I think you need some kind of either funding incentives and tax incentives to make it palatable for the utility authorities and the chemical companies to change their act around.

I'm on the planning board in Stafford Township, and we just passed the toughest storm water management ordinance in the State. In fact, we got an award for it from an environmental congress. And it was hard, and I wasn't completely happy with it, because being a developer myself, it

was a hard thing to live with, and cost more money. But, living in the coastal zone, there is nowhere else in New Jersey where you have such a dynamic and strong cause and effect relationship. When you do something updrift in the coastal zone, it can have effects far downfield.

So, I think that we just have to bite the bullet on this. I also want to say that the public momentum is there in North Jersey. Many people that are down on the coast on vacation go back to their PTA meetings in North Jersey and they forget about the coastal issues. But not this time. We've been contacted by citizens groups, by clubs, teachers -- everybody wants information about pollution. They all want to know -- and this is in North Jersey -- and they want to know what they can do.

Get the legislation ready. We're going to be working in our groups to review the legislation. We just sent out 15,000 letters -- Alliance for A Living Ocean -- and let me tell you, if you've ever stuffed 15,000 envelopes, it's a drag. But we're ready to do it again. And we hope to come back to the public in late January or February to support specific legislative proposals. And we're there to help you.

ASSEMBLYMAN BENNETT: Thank you very much Ken. and I know very well that you are. Nancy Menke and Ralph Gorga, from Save Our Ocean.

R A L P H G O R G A: You saved the best for the last.

ASSEMBLYMAN BENNETT: Is Harry Stagg still here? (negative response) Last but not least. You're the two we've waited for all day.

MR. Gorga: You were right. You couldn't leave without hearing us.

N A N C Y M E N K E: We'd just really like to thank you first of all for giving us the opportunity to speak about an issue that's so important here in New Jersey, especially because it was here in New Jersey where we learned firsthand

this summer that you can't keep abusing and neglecting our natural resources without something happening. And I think we all realize now that that abuse and neglect has to stop, and it has to be stopped now.

What we need is to take the first difficult steps to actually getting the ball rolling on cleaning up the ocean and ensuring the safety of our health and our economy.

Save Our Ocean Committee would like to go on record publicly today in urging the State Assembly to post, pass and present to Governor Kean before the end of this session, Bills A-4517 and A-4345.

The bills we urge you to support are concise and precisely what the people of New Jersey are talking about when it comes to stopping ocean pollution. In this past election, many towns in Ocean County had local questions on their ballots that dealt with ocean pollution. Of all the voters who had the opportunity to voice their opinion, almost 91% of the voters said they wanted to see a halt to using the ocean as a dumping ground. These two bills that we are urging you to support today are concrete solutions for actually stopping some of the pollution, anyway, that adds to the daily degradation of our ocean.

Assembly Bill A-4345 calls for a phase-out of "pollution for the public good." By that we mean the sewage treatment plants that take care of our own waste, dumping the sludges into the ocean. Also work has to be done on their discharging into the ocean. But I think if we go into that phase-out plan for the sludge, that's going to help us with the discharges. We realize it's a monumental task, and it's going to take a lot of time and effort on all of our parts; your part, everyone living in New Jersey. But with the concern, the ingenuity and the technology that is available in New Jersey, it's certainly a goal that can be met. The phase-out of sludge dumping was supported by Governor Kean in his 14-Point Plan for

cleaning up the ocean. So, A-4345 is a bill that we feel deserves your immediate action.

A-4517 calls for a phase-out of "pollution for profit." By that we mean that this bill would stop the ocean from being used as the private garbage yard of any commercial concern that may be trying to conserve on waste disposal costs. The ocean has, admittedly, been the cheapest means of disposal of wastes for this State, if not this nation for too long. The beauty of this bill is that it gives industry 2 years to phase-in whatever technology they will need in order to change their waste disposal methods if they have to. Yet it's also very easy, and it would cost the State next to nothing to enact and also enforce. As I said with the sewage sludge bill, that's something that we're all going to have to work on, because those are public concerns. With private industry, that's something that's not going to cost the State a cent to enforce or enact.

We feel there are two very well conceived and well presented pieces of legislation, and they both received endorsements from many State, county, and local environmental organizations. Many organizations, such as Save Our Ocean Committee, Ocean County Citizens for Clean Water, the Ocean County Coastal Zone Coalition, and the Alliance for A Living Ocean are supporting efforts to gain passage of Assembly Bill 4517.

4517 has also been endorsed by the Ocean County Mayors Association, the Federation of Sportsmen, the Warren-Point Parent-Teacher Organization of Fair Lawn, NJ, the New Jersey Association of Learning Consultants, and the United Boatmen of New Jersey, which represents party and charter boatmen.

It's also our understanding, though you might want to check with their representatives for final confirmation, but it's our understanding that the New Jersey Recreation and Park

Association and the New Jersey Builders Association are also calling for passage of A-4517.

Ralph had gone around to different towns in Ocean County asking for support, and he'll get into that for you for a minute. But the last message that I want to leave you with is that I don't think anybody's got to be convinced any more that ocean pollution is a problem. I think we all realize it, and I think we should realize also that never before have we held the future in our hands like we are so clearly doing right now. And the one thing that we would like to emphasize as far as A-4517 and 4345 are concerned is they are good bills; they can work. They are not as difficult to implement as some of the 14 Points that the Governor gave us, or some of the solutions that we heard today. And I think that that's what the Legislature has to show the people of New Jersey, that throughout this whole summer that we went through where our recreation was ruined, some of our businesses were ruined, our livelihoods were hurt, our vacations were ruined-- I think that it's got to be shown to the people that besides that fact that everyone jumped on the bandwagon to start putting bills forth, I think it's time to start enacting them and putting them into law.

We think that these are two very good bills that will definitely be an active step in stopping the polluters, because that essentially is the only way to stop the pollution. Thank you.

MR. GORGA: Mr. Chairman, thank you for sticking it out with us. We had to have somebody to support us. Again, this Assembly Bill 4517 along with 4345, I'm happy to say that it's a nonpartisan bill in Ocean County. Every one of our representatives in the Assembly and the Senate have endorsed that. And I think that it may be a precedent; I really don't know if that's a precedent or not. So I think it's very important to note that. Along with that, I've visited many

municipalities in Ocean County, included among them are Seaside Park, Lavallette, Bay Head, Beachwood, Audubon Township, Lacey Township, Barnegat, Berkeley Township, Brick Town, Surf City, Mantoloking, Ocean Township, Lakewood, Tuckerton, South Toms River, Point Pleasant Beach and Ship Bottom. These people have endorsed this 100% -- these two bills. And I think that's a message that should be taken back to your Committee. And I have commitments from the City of Paterson, Jersey City, and Newark. I have not received their resolutions yet.

Now we're talking about a representation of thousands and thousands of people. So we have to listen to these people. They know what they want. And I think that as your representative, you should know what they want, and act accordingly.

I agree with the 14-Point Governor's recommendations, but I didn't see anything with regard to industrial pollution -- not one word mentioned. And that sort of makes me wonder. I think that should be put on the list, because that's a very easy one to take care of. There would not be any cost involved with the \$250 million that you mentioned.

The other thing is that I'm surprised that the tourism industry is not here today. The second biggest industry in the State: Where are they today? They thought last year was bad as far as the rentals. This year is going to be a disaster if no legislation is passed. Believe me, don't look for the people on the shore this year, because they are not going to be there.

I believe that the Coastal Committee should be enacted. I think that's something that DEP cannot handle. They have deceived us. The DEP has deceived us in many cases; they misrepresented reports that we've been given by the EPA and the DEP. They have downright out and lied to us. We know that to be a fact, and we have the proof to show it.

So, they have lost their credibility as far as I'm concerned, and as far as our committee is concerned. So, I think that this Committee -- the Coastal Committee -- would be a great help to them. And I think this is something that this Committee is going to have to look at very closely. Let's get these bills passed. The people have had it up to here with pollution. All over the State.

I was here before now when Mr. Simas, who represented an industrial -- I call them an industrial polluter. He comes on that they're so good, they've been working with the community; come and visit their plant, and how nice they are. But just to end it with a point of comedy. Just look at the rows where they were sitting. They polluted even this room. They left their litter and garbage right here, as they do throughout the whole county; in the ocean, in the air, and in the water that we drink.

So, let's look at these bills, and let's pass these bills. They're going to be something that the people are going to be looking forward to for next year's business, and the tourism. Otherwise we are going to be dead in the water.

That's all I have to say. Thank you very much.

ASSEMBLYMAN BENNETT: Thank you very much, Ralph. Just for the hard core that are still here, a couple of comments, and then we'll close it.

The Asbury Park Press did an editorial in the last couple of weeks that I thought was very apropos. The headline of the editorial was "Something's Wrong Here." And then they were talking about how in 14 years there had only been one illegal ocean dumper nabbed.

But the part that I think kind of sets a tone for this Committee, and is appropriate to have it said right now, is that there have been, and I'm quoting from this editorial, "There have been enough public hearings; there have been enough public outcries; there have been enough politicians sponsoring

legislation that hasn't gone anywhere. What is needed now is for people who are not looking for personal glory or political credit to get involved. The chances for getting caught violating our ocean must be increased, and penalties against those convicted should be a more persuasive deterrent. Remember, the ocean cannot be expected to live forever against all odds. If it doesn't, the consequences are too bleak to comprehend."

I think that the editor of The Press said it very well when he gave that charge. And from this point, this Committee is not having more public hearings, but is now going into a workshop forum which will be open for the public to observe, but we will be meeting to go through the bills that are in question, streamlining where we feel it's appropriate, coming up with Committee Substitutes, and making recommendations. I think though that it's important for the public to understand that it's not sufficient to simply say, we're going to stop dumping. This Committee is going to have to make the hard choices and make some rough decisions. I'm, as one member, prepared to make those decisions. But if we're not going to put certain wastes in the ocean, or in the bay or in the waters -- and that's been ongoing for a long period of time -- we must, I think, come out affirmatively where we feel it should be put.

And that's a very difficult decision for certain people to make. Many of the towns that you go to will say right now, fine, we go along and we say it shouldn't be dumped in the ocean. If you turn around and say, well would you like to have a sludge burning plant located in your municipality, I'm not so sure they'll say the same thing. But those decisions have to be made. We can't afford the alternatives any longer, either environmentally, politically, or in any way, shape or form.

So, I think that it's important that the public perception is not only that we end the dumping somewhere; there will be a down side when we come back, but with our technology that we can put people on the moon, we ought to be able to dispose of our garbage and our sludge safely. And I think that we have to commit ourselves to that, so that we do stay within the confines of what's environmentally sound.

With that, I thank the hard core that remained. The record will remain open for a week. If you have any other people that wish to place any information or writings on the record, please feel free to contact them. And I thank you for those of you who spent the entire day here. Thank you. And the Department, by the way, and George McCann, did stay for the entire meeting so that the comments of everyone made were also going to be taken back to the Department.

Thank you very much.

(HEARING CONCLUDED)

**APPENDIX**



*official  
copy -  
submitted  
to hearing  
reporter*

Testimony of Richard T. Dewling  
Commissioner

New Jersey Department of Environmental Protection  
at the  
New Jersey General Assembly Coordinating Panel  
on Ocean Pollution  
at the Dover Township Municipal Building  
Toms River, New Jersey  
December 1, 1987

Good Morning Chairman Bennett, and members of the Committee.

During the summer of 1987 we saw an invasion on our shoreline and in our near coastal waters of trash, grease and oil balls, plastic floatables and hospital-type wastes. This was an insult to our natural environment and to those who live at or visit our beautiful beaches. The damage to the collective pride of this State has been immeasurable. It must not be repeated; our ocean should not be subjected to it and our residents will not stand for it.

Since this summer's events, many legislators have put in many long hours in crafting bills that would address the problems that we experienced. There has been a considerable effort on the part of the Assembly and much fine work has resulted.

Governor Kean drew on many of these fine ideas as he shaped a comprehensive 14 point plan that he presented on November 17, 1987. We feel that this plan , along with the creation of a Coastal Commission, forms the template by which legislative and administrative actions should be taken over the next five years to address ocean and shore problems. As you are aware, several months ago, the Governor expressed his view that long-term, stable consideration to ocean issues can best be accomplished through an organization such as the proposed Coastal Commission. While in many ways independent of the Coastal Commission, it must be emphasized that the full long-term benefit of many of these fourteen points will be realized with the structure and shape that a Coastal Commission would provide. It can give us the necessary focus, regional management, State coordination, local input, clout and dollars to turn around recent trends.

Today I would like to provide you with an overview of the Governor's 14 point plan and recommend to you a legislative agenda that would put this plan into effect - to preserve and protect the New Jersey Shore. The 14 points are broken by local, county, state and federal government.

## I. Local Actions

### Point #1--Control of Beach Litter

Beach litter is composed not only of debris which washes ashore from illegal dumping and maritime traffic, including recreational boaters, but it also consists of debris left behind by beach goers. The continuing problem of beach litter inspired to develop the "New Jersey Shore--Keep it Perfect" Campaign earlier this year. While we have effectively raised awareness of this issue, we must now take more aggressive action.

Potential health affects are associated with beach litter as well as the obvious aesthetic impacts. The washing ashore of illegally disposed municipal and hospital wastes is an example of this problem. An estimated 26,000 cubic yards of litter is cleaned from New Jersey's 127 miles of ocean front annually. New Jersey's 40 shore communities spend approximately \$2 million on beach cleanups per year. DEP Provides an additional \$1 million annually through the

Clean Communities Act for this purpose, but those funds can not be used for equipment. Under the Governor's plan, the Department of Environmental Protection (Department) would provide grants to the four coastal counties to purchase equipment for increased control of beach litter. The Department would develop a priority system for distribution of the monies. Funding will be in needed in the amount of \$2 million, above what is spent under the Clean Communities Act.

Point #2 - Sweep Streets and Clean Sewers.

Litter which washes off streets during a rainfall, can flow through storm sewers and finally, enters our lakes, bays and ocean. The coastal area of New Jersey has approximately 5000 stormwater discharge pipes which can carry such garbage from streets to state waters. In order to effectively reduce Stormwater transported litter, a number of Best Management Practices (BMP) should be implemented by local communities. These would include anti-litter and pooper-scooper ordinances; stormwater retention requirements; establish, schedule and maintain regular street sweeping; and perform catch basin and storm sewer cleaning and maintenance. Coastal Counties will be eligible for grants to assist them in carrying out some of these actions such as street sweeping, and maintaining and cleaning of storm drains. Again, the Department would

provide grants to the four counties to plan for and carry out appropriate maintenance of catch basins and for street cleaning. A grant priority system would be developed. \$2 million of state money will be needed for this effort.

## II. State Actions

### Point #3 --Increased Funding for Marine Police

The events of this past summer have clearly demonstrated that the police presence in our coastal waters and in the ocean is inadequate to deter illegal or inadvertent waste disposal activities. The New Jersey Marine Police has jurisdiction along the coast and up to three miles seaward. However, they lack the resources and the priority directive to perform adequate surveillance and enforcement of permitted and illegal dumping.

Illegal Dumping could take place on shore (e.g. a garbage truck dumping its load from the end of the pier), from a barge (so-called "short" dumping) or from a ship or boat. There are tens of thousands of vessels in our coastal waters, each having the capability to conduct illegal or inadvertent disposal of wastes. In addition, there are over 1,000 miles of coastline in the New York Harbor area and along the New Jersey Coast.

The enforcement capabilities of the Marine Police must be increased in order to control litter from boaters within New Jersey's territorial waters and to ensure compliance with ocean dumping regulations. This cost will be \$5 million a year.

Point #4 -- Control Stormwater Pollution

Non-point sources of pollution represent a significant environmental problem in our shore areas and must be properly managed if clean water goals are to be achieved. Non-point source pollution is pollution that comes from many miscellaneous or diffuse sources rather than from a specific point such as an outfall pipe from an industrial or municipal wastewater treatment plant. Eighty to ninety percent of all beach closings in our coastal areas are due to elevated levels of bacteria associated with non-point source inputs during storm events. Pollutants which end up in our coastal waters include petroleum hydrocarbons, certain heavy metals, greases, oils, pesticides, bacteria, excessive nutrients and sediments. As part of the Governor's action plan, a multistep program will be executed to stop the damage being done. First, funds will be available to locate, map and inventory stormwater outfalls that discharge to back bays and the ocean. Second, cross-connected sanitary and storm sewers will be corrected. Third, existing stormwater management

regulations will be strictly enforced. This will remove most of the small particles of pollution, to which 70% of all contaminants are bound, from stormwater runoff and eventually our coastal waters. The <sup>Administration</sup> ~~Department~~ would provide 75% grants to municipalities in the coastal zone for these functions. Municipalities would be required to provide the 25% match. \$60 million of state money will be needed for this purpose.

Point #5 -- Improve Monitoring and Surveillance of Sewage

Treatment Plants

New Jersey's coastal sewage treatment plants discharge over 130 million gallons of effluent per day into the ocean. At present, DEP monitors all primary treatment plants weekly. Secondary treatment plants are inspected less frequently. The Governor's action plan provides funding for improved monitoring and enforcement within the New Jersey Pollutant Discharge Elimination System (NJPDDES) in order to assure proper operation of coastal sewage treatment plants and a variety of other monitoring and response activities related to Ocean Pollution incidents. \$500, 000 is needed to accomplish this effort.

Point #6-- Extend Monmouth County Sewage Outfalls

In 1970, the coast of New Jersey had 39 Wastewater discharges most of which provided only primary treatment and in a number of cases pumped sludge through the outfall during off seasons, after, expending nearly a billion dollars in public monies much has been corrected.

At present, only nineteen wastewater treatment plants remain which continue to discharge effluent in to New Jersey's coastal water. Six of these facilities are wither primary plants or inadequate secondary plants that will be eliminated when new regional facilities become available with extended outfalls. One additional primary facility is being upgraded to secondary treatment and will have an 1,800 foot outfall. Of the remaining twelve facilities, all but three have outfalls in excess of 4,000 feet.

However, concern has been raised over these four facilities (3 existing and 1 under construction) that continue to discharge in coastal waters less than 2,400 feet from the beach and the possibility of elevated levels of bacteria and viruses coming back to shore after passing through the

wastewater treatment plant. The Department will develop a program to allocate monies to the four sewage authorities (Long Branch S.A.; Monmouth Township S.A.; Ocean S.A. and Asbury Park S.A.) to extend their outfalls. The cost for this program to the State will be \$30 million.

Point #7-- Fix Combined Sewer Overflows

Combined sewer overflows are also a major source of pollution. Constructed in older cities, these overflows were originally designed to relieve stress on sewage plants during rainy periods. However, additional studies of the effects of combined sewer overflows have shown that an average of 113 million gallons per day, of essentially diluted raw sewage, flows into the Raritan-Hudson Estuary through 150 outfalls, by comparison, New York City discharges 185 million gallons per day. Screening and disinfection at overflow points is needed to reduce the transport of bulk pollutants. Again, the Department will develop a program to allocate these funds to projects which require combined sewer overflow corrections. \$75 million of State money will be available to begin to address this issue.

Point #8-- Accelerate the Industrial Pretreatment

Industrial plants are among the many sources of wastewater discharged into municipal sewers. Often industrial effluent is contaminated by heavy metals and other toxic substances which are by-products of industrial processes. Examples are cyanide from electroplating shops and lead from the manufacture of batteries. Since sewage collection and treatment systems have not been designed to treat many of these toxics, industrial wastes can damage sewers, interfere with treatment plant operation, and essentially pass through systems untreated. Pretreatment actions by local industry, monitored and enforced by State government, will reduce the level of toxics and thereby facilitate incineration of sewage sludge or other land-based disposal options of the six POTW's disposing of their sludge by Ocean Dumping, only one received a rating of "Unacceptable" on their most recent audit of their program implementation. All six have demonstrated reductions in most of the heavy metals. Reductions reported in annual reports ranged from 32 to 91 percent. These reductions can be attributed to implementation of the Federal Categorical Standards as well to Local Limitations. The Department will utilize the money provided for this program to accelerate the establishment of pretreatment requirements and increase monitoring and enforcement. The cost to the State will be \$2 million.

// X

### III. CONGRESSIONAL ACTIONS

It is imperative that Congress take the following steps to end the abuse of New Jersey's coastal water.

#### Point 9 - End Ocean Dumping of Sludge in Five Years

Sewage sludge is the solid portion of human waste. The solids settle to the bottom of tanks during the wastewater treatment process. New Jersey's sewage sludge is either ocean dumped, composted and land applied, incinerated, or taken to out-of state landfills. As the State's sewerage agencies upgrade wastewater treatment plants, more sludge will be produced. Over 150 New Jersey communities have terminated ocean disposal since 1976. The remaining six authorities are being directed by EPA to phase-out a near shore disposal area (12-mile Site) in favor of a much larger deep water site off of the Continental Shelf (106-mile Site). All New Jersey sludge will be disposed at the 106-mile site by the end of this month. This will compliment the actions taken by New York as their final

load of sludge was dumped at the 12-mile site on November 17. These New Jersey sewage agencies produce approximately 2.8 million wet tons of sludge per year (this equates to 926,000 lbs/day). The sludge that is barged to the ocean is approximately 5% solids and 95% water. It is expected that the volume of sludge produced by those authorities who presently dispose in the ocean will increase by at least 25% in the next five years. We must set a goal for New Jersey municipalities to end sludge dumping within five years. Toward this end, I have directed our staff to amend the NJDEPS permits of each of those authorities disposing in the ocean to require that a Land-based alternative be selected and sited within one year. I expect this requirement to be issued within the next month. While New Jersey aggressively pursues stepped-up pretreatment and sets a goal of ending sludge dumping in five years, federal legislation is needed to ensure that no other jurisdictions continue this practice - in particular, New York City.

Point #10 -- Ocean Disposal of Dredge Spoils

Dredged material is sand, silt, and mud which must be periodically removed from navigational channels and berthing areas throughout the Port of New York and New Jersey. The dredged material is likely to contain heavy metals, petroleum hydrocarbons and PCB's at levels which, in some instances, could result in contamination of marine life. It is the general practice for dredged material from the harbor area to be disposed of at the so-called Mud Dump Site, approximately six miles east of Sea Bright, New Jersey. The Army Corps of Engineers is responsible for managing the site and acting on disposal permits under the Federal Ocean Dumping Act. The Corps has stated that the Mud Dump has a useful life of 6-8 years (70 million cubic yards) before the mound of material becomes a hazard to navigation. Meanwhile, EPA has been mandated by Congress to stop dredge spoil dumping at the six-mile site within three years and to designate a new site within twenty miles. And while New Jersey reserves judgement in the use of the twenty mile site, we need EPA to address, this issue immediately. EPA must develop methods for treating the most contaminated material which comprises 10% of all dredge spoils. Clean material should be utilized for beach

replenishment. Only when these alternatives are fully presented, can New Jersey decide on a long term strategy for Ocean Disposal of the Spoils. The U.S. Congress should provide budgetary support and mandate that the EPA prepare the necessary environmental and oceanographic studies as specified in the Water Resources Development Act of 1986.

Point #11 -- Deny Designation of a Permanent Woodburning

EPA regulates the incineration of wooden waste materials from the NY/NJ harbor area at the site approximately 20 miles east of Point Pleasant, New Jersey. The wooden debris comes from the Corps' harbor drift removal program (the removal of floating hazards to navigation) and the NY/NJ "Harbor Clean-Up Program" (removing potential sources of drift from blighted shoreline areas). The burn barges of private contractors have had a record of sloppy operations. Timbers have fallen overboard in transit to the site or during the burn. The result has been timbers washing into bathing beaches or floating timbers causing hazards to fishing boats and recreational craft.

The EPA has recently imposed strict conditions on the operation of the burn barges and DEP staff monitors all burn operations involving NJ originated material. Current or pending permits will allow up to 120,000 tons of material to be burned on an annual basis. This translates to approximately one burn every 4 weeks.

EPA is considering the permanent establishment of a woodburning site at sea. If EPA moves forward with this plan, woodburning off the NJ Coast would continue indefinitely. Instead, of establishing a permanent site woodburning should be allowed only on a permit-by-permit basis with the requirement that applicants must demonstrate the absence of suitable land alternatives.

Point #12 -- Increase Coast Guard Funding

The New York Bight is the only United States body of water with ocean dumping of sludge by barge. As use of the 106-mile site increases, so does the possibility of short-dumping. A greater Coast Guard presence is needed to minimize this illegal dumping. Congress must appropriate additional funds to allow the Coast Guard to perform its duties properly.

Point #13 -- Implement MARPOL

The problem of plastics and marine debris has been addressed internationally under the International Convention for the Prevention of Pollution from Ships (MARPOL). Annex V of MARPOL specifically addresses solid waste generated on board ships. When it comes into force internationally, it will prohibit the overboard disposal of plastics and strictly regulate other disposal practices to minimize ocean pollution and beach wash-up. The United States Senate recently ratified Annex V of the Convention, making us a party to this treaty. The Annex will come into force within one year.

The number of passages of commercial vessels along the New Jersey coast each year and the exposure time for overboard discharge of garbage is roughly equivalent to a town of 3,250 people dumping the solid waste it generates into the ocean.

Even though the treaty has been ratified, the Governor's action plan calls upon Congress to enact legislation which allows the appropriate U.S. agencies to implement MARPOL.

Point #14 -- Require Manifest System for Hospital Waste

A significant and particularly serious part of the problem with garbage floating to our shores has been that of hospital-type waste. There are no federal requirements for states or cities to track medical waste and ensure its proper disposal. In fact, EPA has publicly stated it does not consider this to be a federal responsibility.

Congress must require EPA to establish a system for the tracking of hospital and medical facility wastes so as to assure proper disposal.

*The Administration will be*  
~~contacting~~ *contacting* members of New Jersey's Congressional delegation, as long their support for and sponsorship of the Federal Legislation necessary to implement these components of the 14 point plan. I urge your support of these measures in any way possible, including passage of a resolution in the NJ Legislature which asks Congress to support these measures.

## CONCLUSION

There is an immediate need for all of these items. But there is also a long - term need for proper planning, regional land use, water quality improvement, shore protection and continued financing. The effectiveness of these fourteen measures will be significantly compromised without comprehensive coastal management. The New Jersey Coastal Commission is essential to provide a framework for the long-term protection of our beaches and water. The Commission will serve to ensure this protection by continuously lobbying Congress for the changes listed here and by working with municipalities and state agencies to implement their programs. The Commission will be the focus for proper management, coordination and input at the local, regional and State levels to maintain the New Jersey Shore as the National Treasure it represents.

Thank you for the opportunity to testify. I would be glad to answer any questions you might have.

**OCEAN/SHORE POLLUTION CONTROL PLAN**

<u>Speakers Plan</u>		<u>Governor's 14 pt. plan - 5 years</u>	
<u>Program</u>	<u>Cost/Action</u>	<u>Program</u>	<u>Cost/Action</u>
Beach Litter Cleanup, Public Education Program	\$4 million	Beach Litter Cleanup	\$2 million
Sweep streets and Clean Sewers	\$2 million	Sweep Streets & Clean Sewers	\$2 million
New Marine Police Facility and staff and Equipment	\$10.9 million	100 new Marine Police	\$5 million
Control Stormwater Pollution	\$60 million (\$20 million local)	Control Stormwater Pollution	\$60 million (\$20 million local)
Improve O&M at STP's	\$0.5 million	Improve O&M at STP'S	\$0.5 million
Extend Monmouth County Sewage Outfalls	\$30 million (\$10 million sewage authorities)	Extend Monmouth County Sewage Outfalls	\$30 million (\$10 million sewage authorities)
Fix Combined Sewer Overflows (CSO's)	\$75 million (\$25 million local)	Fix CSO's	\$75 million (\$25 million local)
Accelerate Industrial Pretreatment		Accelerate Industrial Pretreatment	
End Sludge Dumping in 5 years	Congressional Action Needed	End Sludge Dumping in 5 years	Congressional Action Needed
Close 6 mile Dredge spoil site immediately	Congressional Action Needed	Close 6 mile Dredge spoil site immediately	Congressional Action Needed
Deny approval of Commercial Woodburning site	Congressional Action Needed	Deny approval of Commercial Woodburning site	Congressional Action Needed
Increase Coast Guard Funding	Congressional Action Needed	Increase Coast Guard Funding	Congressional Action Needed
Implement MARPOL	Congressional Action Needed	Implement MARPOL	Congressional Action Needed
Require Manifest System for hospital waste	Congressional Action Needed	Require Manifest System for hospital waste	Congressional Action Needed
Stricter standards for garbage barging	Congressional Action Needed		
Citizen bounty for uncovering violations	Pass A-4593-R. Smith/Schwartz		
Eye in the sky	\$1.5 million		
Hi-Tech Research and Development	\$10 million		
Tax Incentives (e.g. small business income tax deduction for transition to biodegradable products).	\$30 million		
<b>Total.</b>	<b>\$223.9 million (\$45 million local)</b>	<b>Total</b>	<b>\$174.5 million (\$45 million local)</b>

202



1275 K Street, N.W., #400  
Washington, D.C. 20005  
(202) 371-5200

## **The Plastics Industry and Marine Debris**

Plastics' durability and light weight have made it ideal for many fishing, boating, shipping and packaging applications used in and around water. The use of plastic products has yielded many benefits to commercial fishermen, the maritime industry, boaters, and others. However, improper disposal of those plastic products in the marine environment is causing problems ranging from those that are aesthetic to impacts on marine life.

Responding to this growing concern about plastic marine debris, the plastics industry -- through The Society of the Plastics Industry, Inc. (SPI) -- has taken a number of steps to help solve the problem. SPI has:

- Testified before Congress in support of Annex V of the MARPOL Convention which would prohibit the dumping of plastics waste into the ocean.
- Conducted a briefing for major resin producers on the presence of raw resin pellets in the marine environment. It has underway a survey of resin producing companies to determine how many currently have systems in place to prevent the escape of pellets into the marine environment. An information kit for processor companies is under development.
- It has provided support for publicity surrounding a trend-setting effort by round-the-world solo yacht racers who stowed their plastic trash for disposal only on shore.
- Financially supported a major beach cleanup in Texas (as have several member companies individually).
- Developed a public information campaign -- in cooperation with the Center for Environmental Education (CEE) and the National Oceanic and Atmospheric Administration (NOAA) -- to inform target audiences (Phase I: commercial fishing, maritime shipping and plastics) on the proper disposal of plastics. The centerpiece of the campaign is a series of full-page public service print

- Over -

advertisements (see attached), related brochures, and media briefings. Personal visits with editors/publishers of the major trade publications in each industry have resulted in promises of editorial/advertising support from:

**Advanced Composites  
Modern Plastics  
Plastics Compounding  
Plastics Design Forum  
Plastics Engineering  
Plastics Machinery & Equipment  
Plastics Packaging  
Plastics Technology  
Plastics World**

**Maritime Reporter  
Maritime Log  
Seascope  
Alaska Fisherman's Journal  
Pacific Fishing  
Fisherman's News  
Seafood Leader  
National Fisherman  
Fairplay**

Phase II of the educational campaign is getting underway with development of two additional public service print ads targeting recreational boaters and recreational fishermen. Brochures also will be developed. In addition, the Society will help financially support the printing and distribution of a "Citizen's Guide to Marine Debris" which has been written by CEE under a grant from NOAA. Financial support also has been committed to a major "cleanup" in Florida.

The level of concern within the plastics industry is embodied in a policy statement approved by the SPI Board of Directors in September, 1987, which pledges the Society to:

- Work with its member companies in eliminating circumstances that result in resin pellets being lost in manufacturing or transportation.
- Support U.S. ratification of Annex V of the MARPOL Convention.
- Endorse continued research and development on degradable plastics while acknowledging that there are limitations on what products are suitable to be made degradable.
- Conduct a public education campaign encouraging the proper disposal of plastics and other materials in the most effective way to reduce harm to the marine environment.



## This discarded net is done fishing. But it's not done killing.

When worn fishing nets or other plastic gear is dumped or lost in the water, something else happens: animals die.

Seabirds get caught in nets when diving for food, and drown. Other marine animals become entangled in them and slowly strangle.

Discarded nets and traps even compete with you, by needlessly catching and killing millions of pounds of potentially valuable fish and shellfish.

In addition, plastic wastes can foul propellers and block cooling intakes, causing costly vessel disablement.

Over 100,000 tons of plastic fishing gear are dumped into our oceans every year. This critical issue is destined to attract increasing public and government scrutiny if we fail to take action to solve it.

So please, alert your dock operators that you'll need trash facilities, because you're saving your plastic trash and worn out gear for proper disposal on land. That's not all you'll be saving.

*To learn how you can help, write: Center for Environmental Education, 1725 DeSales Street, N.W., Suite 500, Washington, D.C. 20036.*

A public service message from:  
The Center for Environmental Education  
The National Oceanic and Atmospheric Administration  
The Society of the Plastics Industry

23x

New Jersey State Library



## When it's done holding your ship's garbage, it could hold death for some marine animals.

This plastic trash bag may not look like a jellyfish to you. But to a hungry sea turtle, it might. And when the turtle swallows an empty bag, the mistake becomes fatal.

The problem is more than bags. Plastic six-pack holders sometimes become lodged around the necks and bills of pelicans and other seabirds, ultimately strangling or starving them. Other plastic refuse, either through ingestion or entanglement, causes the deaths of thousands of seals, whales, dolphins and other marine mammals every year.

Plastic debris also causes

costly and potentially hazardous delays to shipping when it fouls propellers or clogs intake ports.

It's a critical issue, destined to attract public and government scrutiny if we fail to take action to solve it.

So please, stow your trash, and alert your shipping terminals that you will need proper disposal on land. A sea turtle may not know any better. But now, you do!

*To learn how you can help, write: Center for Environmental Education, 1725 DeSales Street, N.W., Suite 500, Washington, D.C. 20036.*

A public service message from:  
The Center for Environmental Education  
The National Oceanic and Atmospheric Administration  
The Society of the Plastics Industry

24x



## A seabird could mistake this resin pellet for a fish egg. And die.

One little pellet may be insignificant to your plastics processing operation. But to thousands of seabirds, it could lead to a fatal error.

These pellets, in many shapes and sizes, can be washed down drains as waste or reject material, or spilled in the course of normal handling. But ultimately, they may find their way to bodies of water, where the real trouble begins.

When eaten in sufficient quantity by a seabird, they can block digestion or sometimes fool the bird into thinking it is not hungry, causing eventual starvation. Fish and sea turtles

can suffer the same fate.

The growing problem of plastic trash in our oceans threatens more than wildlife. This critical issue is destined to invite increasing public and government scrutiny unless we take action to solve it.

So please: see that resin pellets are reclaimed or disposed of properly. If we ignore the problem, we—like the unfortunate seabird—will be making a serious mistake.

*To learn how you can help, write: The Society of the Plastics Industry, 1275 K Street, N.W., Suite 400, Washington, D.C. 20005.*

A public service message from:  
The Center for Environmental Education  
The National Oceanic and Atmospheric Administration  
The Society of the Plastics Industry

25x

**TESTIMONY OF JOHN SIMAS  
PLANT MANAGER, TOMS RIVER PLANT  
CIBA-GEIGY CORPORATION**

**BEFORE THE**

**ASSEMBLY ENVIRONMENTAL QUALITY COMMITTEE**

**ON**

**DECEMBER 1, 1987**

**DOVER TOWNSHIP MUNICIPAL BUILDING**

26x

TESTIMONY OF JOHN SIMAS BEFORE THE ASSEMBLY ENVIRONMENTAL  
QUALITY COMMITTEE  
DECEMBER 1, 1987  
DOVER TOWNSHIP MUNICIPAL BUILDING

CLEANING OUR OCEANS IN 1988

GOOD MORNING, MY NAME IS JOHN SIMAS, AND I AM THE PLANT MANAGER FOR CIBA-GEIGY'S TOMS RIVER PLANT. I APPRECIATE THIS OPPORTUNITY TO APPEAR BEFORE THIS DISTINGUISHED COMMITTEE THIS MORNING TO DISCUSS A SUBJECT THAT IS OF THE UTMOST IMPORTANCE - CLEANING OUR OCEANS. THIS PAST SUMMER PRESENTED US ALL WITH AN IRONIC TWIST- OCEAN WATER QUALITY WAS REPORTED TO BE BETTER THAN IT HAS BEEN IN RECENT YEARS, YET BEACHES WERE CLOSED DUE TO TIDES OF GARBAGE AND HOSPITAL WASTE WHICH WASHED ASHORE AS WELL AS ELEVATED LEVELS OF BACTERIA ASSOCIATED WITH NON-POINT SOURCES DURING STORM EVENTS.

SPEAKING OF IRONIES, MANY IN THIS ROOM MAY THINK IT RATHER ODD THAT A REPRESENTATIVE OF A MAJOR INDUSTRIAL CONCERN IS SITTING HERE THIS MORNING TALKING ABOUT CLEAN OCEANS.

AT THE OUTSET, LET ME STATE, WE DON'T HAVE CONFLICTS IN OBJECTIVES AND LET ME ALSO STATE WE AS A COMPANY AND AS AN INDUSTRY HAVE BEEN APPLYING GOOD SCIENCE TO DEVELOPING AND IMPLEMENTING SOLUTIONS AS I UNDERSTAND TO BE THE FOCUS OF THIS HEARING. I'D LIKE TO RELATE A GOOD STORY ABOUT THE TOMS RIVER PLANT'S SIGNIFICANT TECHNICAL ACHIEVEMENT TO WASTEWATER TREATMENT THAT WE BELIEVE COULD BE USED AS A MODEL FOR WASTEWATER TREATMENT ACROSS THE STATE. LET ME TRY TO PUT THE ISSUE IN PERSPECTIVE.

ACCORDING TO THE U. S. OFFICE OF TECHNOLOGY ASSESSMENT, THERE ARE 177 MUNICIPAL AND INDUSTRIAL WASTEWATER TREATMENT FACILITIES DISCHARGING DIRECTLY INTO THE NEW JERSEY MARINE WATERS - 48 MUNICIPAL AND 129 INDUSTRIAL. THIRTEEN FACILITIES, 12 MUNICIPAL AND ONE INDUSTRIAL, DISCHARGE DIRECTLY INTO THE OCEAN. HOWEVER, WITH THE EXCEPTION OF THE HANDFUL OF COASTAL TREATMENT FACILITIES, THE WASTEWATERS FROM ALL OTHER TREATMENT FACILITIES FLOW THROUGH NEAR COASTAL RIVERS AND OUR MOST SENSITIVE ECOSYSTEM, OUR ESTUARIES EVENTUALLY INTO THE OCEAN. CIBA-GEIGY'S TOMS RIVER PLANT HAS THE ONLY INDUSTRIAL DISCHARGE DIRECTLY INTO THE OCEAN.

IN MAY OF 1985, THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) ISSUED CIBA-GEIGY'S TOMS RIVER PLANT A NEW JERSEY POLLUTANT DISCHARGE ELIMINATION SYSTEM (NJPDES) OCEAN DISCHARGE PERMIT. THE PERMIT BECAME EFFECTIVE ON JULY 1, 1985. THIS NEW SET OF DISCHARGE CONDITIONS INTRODUCED 16 NEW PARAMETERS WHILE ALSO SIGNIFICANTLY STRENGTHENING THE PARAMETERS OF OUR PREVIOUS DISCHARGE PERMIT.

ONE OF THE MOST IMPORTANT AND RIGOROUS FEATURES OF OUR NJPDES PERMIT WAS THE REQUIREMENT TO CONDUCT A TOXICITY REDUCTION PROGRAM. THE FOCAL POINT OF THIS PROGRAM WAS THE ABILITY OF A TINY MARINE CREATURE, CALLED THE MYSID SHRIMP, TO SURVIVE IN MIXTURES OF THE PLANT'S TREATED WASTEWATER AND SEAWATER.

28x

AT THE TIME THE NEW PERMIT WAS ISSUED, THE MYSID SHRIMP WAS THE ONLY ONE OF FOUR SPECIES USED BY THE DEP FOR TOXICITY TESTING THAT WAS UNABLE TO SURVIVE IN THE PLANT'S TREATED WASTEWATER. IN AUGUST OF 1985, 50% OF THE MYSID SHRIMP WERE UNABLE TO SURVIVE IN A SOLUTION CONTAINING MORE THAN 5% EFFLUENT. BECAUSE OF THE MYSID SHRIMP'S SENSITIVITY TO THE EFFLUENT, DEP REQUIRED THAT IT BE USED AS THE TEST SPECIES IN ALL TOXICITY TESTING OF THE PLANT'S OCEAN DISCHARGE.

TO "PASS" THE TOXICITY TEST, 50% OF THE SHRIMP MUST SURVIVE IN A MIXTURE OF SEAWATER AND INCREASING CONCENTRATIONS OF TREATED EFFLUENT. THE TOXICITY REDUCTION PROGRAM WAS UNDERTAKEN TO ALLOW THE PLANT'S TREATED EFFLUENT TO MEET THIS SURVIVAL REQUIREMENT.

THE PERMIT ESTABLISHED A THREE-YEAR COMPLIANCE SCHEDULE FOR COMPLETING THE TOXICITY REDUCTION PROGRAM. THE FINAL PHASE OF OUR DISCHARGE PERMIT, EFFECTIVE JULY 1, 1988, REQUIRES A 50% MYSID SHRIMP SURVIVAL RATE IN 50% SEAWATER AND 50% EFFLUENT MIXTURE. TOXICITY TEST RESULTS IN 1987 CONSISTENTLY SHOW 85% OF THE MYSID SHRIMP SURVIVING IN 100% SAMPLES OF THE PLANT'S TREATED EFFLUENT.

THIS ACHIEVEMENT WAS THE RESULT OF A COMPREHENSIVE TWO-TRACK EFFORT:

- REDUCTION OF THE INFLUENT TOXICITY
- IMPROVEMENTS TO THE WASTEWATER TREATMENT FACILITY

29x

ONE WAY TO REDUCE THE TOXICITY OF THE TREATED EFFLUENT IS TO REDUCE THE TOXICITY OF THE WASTE BEING INTRODUCED INTO THE TREATMENT PROCESS, THE "INFLUENT."

THE FIRST STEP IN REDUCING INFLUENT TOXICITY WAS TO IDENTIFY WHICH OF THE HUNDREDS OF WASTE STREAMS RESULTING FROM THE PLANT'S MANUFACTURE OF 500 DIFFERENT PRODUCTS WERE TOXIC TO THE MYSID SHRIMP. ONCE THESE WERE IDENTIFIED, WE THEN SEARCHED FOR SUITABLE NON-TOXIC ALTERNATIVES TO THE RAW MATERIALS FOR THOSE PRODUCTS, WITHOUT COMPROMISING THE QUALITY OF THE FINAL PRODUCT.

IF A RAW MATERIAL COULD NOT BE ELIMINATED FROM PRODUCTION AND COULD NOT BE SUITABLY REPLACED, THE USE OF THAT INGREDIENT WAS REDUCED THROUGH IMPROVEMENTS TO THE PRODUCTION PROCESS, SUCH AS RECYCLING AND REGENERATION OR WE SIMPLY DISCONTINUED THE PRODUCT. THIS NOT ONLY REDUCED THE TOXICITY OF THE WASTE BUT ALSO REDUCED THE VOLUME OF WASTE. THE VOLUME OF WASTE IS FURTHER DECREASED THROUGH IMPROVED PRODUCT SEPARATION. THIS PROCESS REMOVES MOST OF THE LIQUID AND SOLID, THEREBY LEAVING LESS WASTE.

CIBA-GEIGY THEN FOCUSED ON IMPROVING THE PLANT'S BIOLOGICAL WASTEWATER TREATMENT PROCESS ITSELF. LABORATORY AND PILOT-SCALE TESTING DEMONSTRATED THAT CARBON ADSORPTION WAS THE MOST EFFICIENT MEANS OF FURTHER REDUCING THE NON-WATER CONSTITUENTS OF OUR WASTE. THESE FINDINGS LED TO A SERIES OF IMPROVEMENTS IN THE DESIGN OF THE TOMS RIVER PLANT'S WASTEWATER TREATMENT FACILITY, WHICH WERE COMPLETED IN MAY OF 1987.

30x

THE ADDITION OF CARBON IS ONLY ONE FACET OF A \$25 MILLION PROGRAM OF IMPROVEMENTS TO THE PLANT'S WASTEWATER TREATMENT FACILITY. OTHER NOTABLE IMPROVEMENTS ARE THE CONSTRUCTION OF ENCLOSED EQUALIZATION TANKS TO REPLACE OPEN-AIR BASINS AND THE CAPPING OF VARIOUS OTHER PROCESS UNITS.

THE ENCLOSED SYSTEMS ARE ALL VENTED THROUGH AN EMISSIONS COLLECTION SYSTEM AND THE GASES (AIR AND LOW LEVELS OF ORGANIC VAPORS) ARE USED AS THE OXYGEN SOURCE TO THE SLUDGE DIGESTER. THE RESULT IS THE ELIMINATION OF ODORS AND AIR EMISSIONS FROM THESE SOURCES.

THE COMBINED EFFECT OF THE TOXICITY REDUCTION PROGRAM AND THE IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT HAS PRODUCED A RECORD ACHIEVEMENT WHICH FAR SURPASSES THE REQUIREMENTS OF THE 1988 PHASE OF OUR DISCHARGE PERMIT: 85% OF THE MYSID SHRIMP NOW SURVIVE IN 100% EFFLUENT.

THE BEACH AND OCEAN TESTING CONDUCTED BY THE DEP IN THE SUMMER OF 1986 AND PRIOR RESEARCH DONE BY THE DEPARTMENT CONCLUDED THAT THE TREATED DISCHARGE AND THE OCEAN OUTFALL DO NOT POSE A HEALTH RISK TO BATHERS.

IN ADDITION, THIS STATE-OF-THE-ART TERTIARY WASTEWATER TREATMENT FACILITY NOT ONLY ADDRESSES THE NEED TO TREAT PROCESS WASTEWATER BUT TO ALSO CONTROL AND TREAT AIR EMISSIONS.

CIBA-GEIGY HAS PRODUCED A GOOD STORY ABOUT SIGNIFICANT TECHNICAL ACHIEVEMENTS IN WASTEWATER TREATMENT. THE CHALLENGE OF TREATING WASTEWATER STANDS BEFORE ALL OF US. THERE ARE NO MAGICAL SOLUTIONS. SOLUTIONS TO PROBLEMS ARE ONLY ACHIEVED THROUGH SOLID SCIENTIFIC APPROACHES. WE BELIEVE THAT IF SOCIETY IS GOING TO SUCCEED IN PROTECTING THE MARINE ENVIRONMENT, IT MUST APPLY EQUALLY STANDARDS TO ALL DISCHARGERS. WE INVESTED THE TIME AND MONEY INTO OUR TOXICITY REDUCTION PROGRAM AND WWTP AND ARE NOW REALIZING THE BENEFITS. WE ALSO RECOGNIZE THAT OUR CHALLENGE DOESN'T STOP HERE. WE BELIEVE THAT AS TECHNOLOGY ADVANCES IT IS INCUMBENT UPON ALL OF US TO CONTINUE TO IMPROVE. INCLUDED WITH COPIES OF MY TESTIMONY IS A DOCUMENT DESCRIBING IN DETAIL THE IMPROVEMENTS WE HAVE MADE AT OUR WASTEWATER TREATMENT FACILITY.

THE REASON I DISCUSSED OUR CASE IN PARTICULAR IS TO HIGHLIGHT THE ANALYTICAL PROCESSES THAT CAN BE UNDERTAKEN TO IMPROVE ANY WASTEWATER DISCHARGE. OUR CHOICE IN 1985 WAS SIMPLE - EITHER WE FIND NEW WAYS TO TREAT OUR WASTEWATER, OR WE CLOSE DOWN OPERATIONS. MAKING THESE IMPROVEMENTS WASN'T EASY, IT REQUIRED THAT WE DEVELOP NEW TECHNOLOGIES TO EXAMINE THE WASTES WE CREATE, THE BEST METHODS TO TREAT THOSE WASTES AND HOW TO REMOVE THOSE WASTES FROM THE PRODUCTION PROCESSES THAT WERE NOT READILY TREATABLE.

THE SPIN-OFF BENEFITS FROM THE SCIENTIFIC METHODOLOGIES WE DEVELOPED HAVE GREAT APPLICATION FOR OTHER INDUSTRIES AND POTW'S AS WELL. IT IS THIS POINT THAT I WANT TO EMPHASIZE.

32x

THE GOVERNOR'S 14-POINT PLAN TO PRESERVE NEW JERSEY'S OCEAN AND BEACHES IS INDEED AN EXCELLENT PLAN, AND ONE WHICH SHOULD BE IMPLEMENTED AS SOON AS POSSIBLE.

THERE ARE TWO MAJOR POINTS I WOULD LIKE TO COMMENT ON. THE FIRST POINT CONCERNS THE LENGTHENING OF POTW PIPELINE'S IN MONMOUTH COUNTY. THIS PROPOSAL CARRIES AN ESTIMATED PRICE TAG OF \$40 MILLION. WHILE THE EXTENSION OF THESE PIPELINES WOULD CERTAINLY PROVIDE A GRATER DISTANCE FROM BEACH AREAS IT DOES NOT REPRESENT ANY IMPROVED MEANS OF TREATMENT. SIMPLY PUT, THE TOXICS AND OTHER WASTE PRODUCTS PRESENT ARE NOT ELIMINATED, BUT RATHER DISCHARGED FURTHER OUT INTO THE OCEAN. A MORE EFFECTIVE USE OF THESE \$40 MILLION WOULD BE TO PROVIDE UPGRADING TO ALL POTW'S TO A TERTIARY LEVEL, WHICH WOULD REPRESENT A SIGNIFICANT IMPROVEMENT OVER PRIMARY AND SECONDARY WASTE TREATMENT SYSTEMS PRESENTLY IN USE. THIS IS ESPECIALLY TRUE FOR THOSE TREATMENT FACILITIES DISCHARGING INTO OUR RIVERS AND ENVIRONMENTALLY SENSITIVE ESTUARIES.

TO OUR KNOWLEDGE THERE ARE ONLY TWO TERTIARY TREATMENT PLANTS IN OPERATION ALONG THE NEW JERSEY COAST - THE SOUTHERN MONMOUTH SEWERAGE AUTHORITY'S AND CIBA-GEIGY'S.

SECONDLY, THE ACCELERATED PROGRAM THE GOVERNOR RECOMMENDS FOR INDUSTRIAL PRETREATMENT IS CRITICAL TO THE IMPROVED PERFORMANCE OF POTW'S. AS STATED EARLIER, PRIOR TO CIBA-GEIGY'S INSTITUTING THE MAJOR IMPROVEMENTS AT OUR WASTEWATER TREATMENT FACILITY, WE HAD TO EXAMINE INDIVIDUALLY THE WASTESTREAMS THAT FLOWED TO OUR WASTEWATER TREATMENT PLANT. THIS WASTE MINIMIZATION AND TOXICITY REDUCTION IS AN EXAMPLE OF SUCCESSFUL APPLICATION OF PRETREATMENT.

IN OTHER WORDS, OUR WASTEWATER TREATMENT FACILITY IS TAILORED SPECIFICALLY TO OUR PRODUCTION PROCESSES.

POTW'S DO NOT HAVE THIS LUXURY. POTW'S RECEIVE WASTES FROM A NUMBER OF DIFFERENT USERS. THE MOST COMMON WASTE POTW'S RECEIVE FROM ALL USERS IS HUMAN WASTE. IN ADDITION, THEY RECEIVE WASTESTREAMS FROM HOUSEHOLDS WHICH INCLUDE A NUMBER OF TOXIC CHEMICALS FROM SUCH COMMON PRODUCTS AS DRAIN OPENERS, OVEN CLEANERS, PAINT REMOVERS AND THINNERS, SINK CLEANSERS, BLEACH, AND AMMONIA.

THE POTW TREATMENT PROBLEM IS MORE SERIOUSLY COMPOUNDED WHEN INDUSTRIAL AND COMMERCIAL USERS ARE TIED INTO THE SYSTEM. INDUSTRIAL USERS ARE ALWAYS EASY TO IDENTIFY; HOWEVER, COMMERCIAL USERS ARE NOT. TIED INTO POTW'S ARE WASTESTREAMS FROM SUCH COMMERCIAL USERS AS: HOSPITALS, GAS STATIONS, DRY CLEANERS, BAKERIES, PRINTERS, JEWELERS, METAL SHOPS, AND PHOTOGRAPHIC DEVELOPERS.

34X

OUR OLDER POTW'S IN GENERAL WERE DESIGNED PRIMARILY BY CIVIL ENGINEERS TO TREAT HUMAN WASTE, WITH LITTLE ATTENTION OR CONCERN BEING GIVEN TO OTHER WASTESTREAMS. WITHOUT ADEQUATE ATTENTION BEING GIVEN TO NON-HUMAN WASTE, THE ENTIRE EFFICIENCY AND EFFECTIVENESS OF THE POTW IS COMPROMISED. OVER 130 MILLION GALLONS OF WASTEWATER FROM NEW JERSEY COASTAL SEWAGE TREATMENT PLANTS IS DISCHARGED INTO THE ATLANTIC OCEAN ON A DAILY BASIS. WITH ONE OR TWO EXCEPTIONS THESE DISCHARGES COME FROM PRIMARY OR SECONDARY PLANTS.

ADEQUATE PRETREATMENT OF WASTES PRIOR TO THEIR ARRIVAL AT A POTW, COUPLED WITH TERTIARY TREATMENT PRIOR TO DISCHARGE, WILL GREATLY CONTRIBUTE TO THE QUALITY OF OCEAN WATERS. THIS IS A GOAL ALL OF US SHOULD BE WORKING TOWARD IN NEW JERSEY.

WE ARE IN AN ERA WHERE TREATMENT PLANTS MUST BE DESIGNED BY BIOCHEMICAL ENGINEERS TO TREAT THE MULTITUDE OF WASTE STREAMS GENERATED BY SOCIETY. IT IS WITH THIS THOUGHT IN MIND THAT I RETURN TO A STATEMENT I MADE EARLIER. WE HAVE DEVELOPED USEFUL AND PRACTICAL SCIENCE AT OUR TOMS RIVER PLANT. WHILE MANY OF THE IMPROVEMENTS WE HAVE MADE AT OUR PLANT MAY NOT BE DIRECTLY APPLICABLE TO POTW'S, THE SCIENTIFIC METHODOLOGIES WE UTILIZED TO ANALYZE EACH WASTESTREAM SO THAT OUR WASTEWATER TREATMENT SYSTEM COULD DO A MORE EFFECTIVE JOB WOULD BE OF GREAT VALUE TO POTW'S AND OTHER INDUSTRIAL DISCHARGERS.

35X

I INVITE MEMBERS OF THIS COMMITTEE TO VISIT OUR OPERATION IN TOMS RIVER TO VIEW FIRST-HAND HOW WE ARE SUCCESSFULLY TREATING OUR WASTE. IT IS MY HOPE THAT AFTER VISITING OUR PLANT YOU MAY GAIN SOME USEFUL INSIGHTS INTO CRAFTING A COMPREHENSIVE OCEAN PROTECTION PACKAGE TO PRESERVE OUR MARINE WATERS AND COAST LINE.

I URGE YOU TO MAKE YOUR ARRANGEMENTS TO VISIT AS SOON AS POSSIBLE. AS I MENTIONED BEFORE, WE ARE THE ONLY INDUSTRIAL DISCHARGER INTO THE ATLANTIC OCEAN. THIS DISTINCTION BRINGS WITH IT A CERTAIN DEGREE OF NOTORIETY. DESPITE THE FACT THAT WE HAVE ONE OF THE BEST WASTEWATER TREATMENT OPERATIONS IN THE STATE OF NEW JERSEY, WE HAVE BEEN SINGLED OUT FOR CLOSURE OF OUR WASTEWATER PIPELINE BY SEVERAL PIECES OF LEGISLATION. IN PARTICULAR, A. 4517, A. 4564, AND S. 3674. IN FACT, S. 3674 IS SCHEDULED FOR A COMMITTEE HEARING ON DECEMBER 7, 1987.

UNDERSTANDABLY, PUBLIC OUTRAGE OVER OCEAN POLLUTION PROBLEMS HAS EXERTED GREAT PRESSURE ON OUR LEGISLATORS TO TAKE ACTION TO ADDRESS THE PUBLIC'S CONCERN. UNFORTUNATELY, MISINFORMATION IN THE PUBLIC SECTOR CONCERNING OUR OPERATIONS AND DISCHARGE FOCUSES A GOOD DEAL OF INACCURATE MEDIA COVERAGE ON THE PLANT. I AM SURE THAT MANY OF YOU HAVE BEEN EXPOSED TO THIS IN ONE FORM OR ANOTHER.

36x

CIBA-GEIGY VIEWS THE GOVERNOR'S PROGRAM AS ESSENTIAL TO CLEANING UP THE WATERS OF NEW JERSEY. THE PROGRAM IDENTIFIES THOSE AREAS OF CONCERN WHICH REQUIRE IMMEDIATE ATTENTION FROM THE FEDERAL, STATE, AND LOCAL LEVELS OF GOVERNMENT. WE AT CIBA-GEIGY WOULD LIKE TO WORK COOPERATIVELY WITH THE GOVERNOR AND THIS COMMITTEE IN ATTAINING THIS GOAL. WE HAVE INFORMATION AND SCIENCE WHICH I AM CONFIDENT CAN HELP OTHER DISCHARGERS. WE HOPE THAT WE HAVE THE OPPORTUNITY TO SHARE THIS INFORMATION SO THAT CONSTRUCTIVE ACTION CAN BE TAKEN TO IMPROVE THE QUALITY OF THE WATERS WHICH WE ALL SHARE AND ENJOY.

AS THE ONLY INDUSTRIAL FACILITY THAT DISCHARGES ITS TREATED WASTEWATER DIRECTLY INTO THE ATLANTIC OCEAN, WE HAVE NO OBJECTION TO BEING SINGLED OUT FOR ATTENTION. THE QUALITY OF OUR DISCHARGE AND THE HIGH PERFORMANCE OF OUR TERTIARY TREATMENT FACILITY SET A HIGH STANDARD THAT WE CHALLENGE OTHER DISCHARGERS TO MATCH.

IF RESOURCES ARE MADE AVAILABLE TO ALLOW THAT TO HAPPEN, THEN THE CONDITION OF NEW JERSEY'S COASTAL WATERS WILL IMPROVE DRAMATICALLY. IF, ON THE OTHER HAND, THE ONLY LEGISLATIVE REMEDIES WERE TO MANDATE A CLOSURE OF CIBA-GEIGY'S OUTFALL AND REQUIRE OTHERS TO SIMPLY DISCHARGE FURTHER OUT INTO THE OCEAN, THEN WE WOULD SEE PRECIOUS LITTLE CHANGE IN WATER QUALITY ALONG OUR SHORE. AND WE WOULD DO LITTLE TO IMPROVE OUR SENSITIVE AND NECESSARY RIVERS AND ESTUARIES.

37x

TESTIMONY

OF THE NEW JERSEY BUILDERS ASSOCIATION

ON OCEAN POLLUTION

SUBMITTED TO THE ASSEMBLY COORDINATING PANEL

ON OCEAN POLLUTION

AT THE DOVER TOWNSHIP MUNICIPAL BUILDING

TOMS RIVER, NEW JERSEY

DECEMBER 1, 1987

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GOOD MORNING MR. CHAIRMAN AND MEMBERS OF THE PANEL. MY NAME IS MICHAEL MCGUINNESS AND I AM DIRECTOR OF ENVIRONMENTAL AFFAIRS FOR THE NEW JERSEY BUILDERS ASSOCIATION. ON BEHALF OF OUR 3,000 MEMBERS, I WANT TO CONGRATULATE YOU FOR HOLDING THIS HEARING ON AN ISSUE OF CRITICAL IMPORTANCE. WE APPRECIATE THIS OPPORTUNITY TO PRESENT TESTIMONY ON THE SUBJECT OF OCEAN POLLUTION AS WELL AS OTHER SUGGESTIONS FOR YOUR CONSIDERATION ON SOLUTIONS TO THIS PROBLEM.

NO ONE WILL QUESTION THE FACT THAT RECENT EPISODES OF BEACH CLOSINGS DUE TO DEBRIS AND HIGH BACTERIA LEVELS RAISE SERIOUS QUESTIONS OF PUBLIC HEALTH AND MAY THREATEN THE ECONOMY OF OUR STATE. FOR THIS REASON, IT IS ESSENTIAL THAT WE DEVELOP POLICIES THAT WILL PROTECT THE RESOURCES OF OUR SHORE AREAS FOR CURRENT AND FUTURE GENERATIONS. GOVERNOR KEAN'S RECENT 14 POINT OCEAN POLLUTION CLEAN-UP PROGRAM, ESPECIALLY THE PROPOSED FUNDING FOR THE UPGRADING OF ANTIQUATED SEWAGE TREATMENT FACILITIES, CONTAINS SOME OF THE KEY ELEMENTS OF A PROGRAM TO PROTECT THE OCEAN AND OUR SHORE AREAS.

THE NEW JERSEY BUILDERS ASSOCIATION RECOMMENDS THAT THE LEGISLATURE SUPPORTS PROPOSALS THAT WOULD:

- (1) REQUIRE LONG TERM AUTHORIZATION FOR A CONTINUOUS SOURCE OF FUNDING THROUGH EXISTING FEDERAL AND STATE PROGRAMS AND THAT WHICH WOULD REQUIRE MUNICIPALITIES TO ISSUE BONDS FOR CRITICALLY NEEDED PLANNING, CONSTRUCTION AND UPGRADING OF CENTRALIZED SEWAGE TREATMENT FACILITIES TO STOP VIOLATIONS OF WATER QUALITY PERMITS AND TO MEET THE NEEDS OF GROWTH;
- (2) REQUIRE DEP TO ENFORCE PENALTIES ON THOSE TREATMENT

- FACILITIES THAT ARE IN VIOLATION OF THEIR WATER QUALITY NJPDES (PERMITS) AND TO TAKE OVER AND UPGRADE THESE FACILITIES WHEN PENALTIES DO NOT RESULT IN CORRECTIVE ACTION;
- (3) COORDINATE, STREAMLINE AND ENFORCE EXISTING REGULATORY PROGRAMS DEALING WITH STORMWATER MANAGEMENT, TREATMENT WORKS APPROVALS, SEPTICS, NJPDES, ECRA, UNDERGROUND STORAGE TANKS, HAZARDOUS WASTE SITES, AND THE DESIGN, EXPANSION AND CLOSURE OF SANITARY LANDFILLS;
  - (4) MANDATE PROTECTIVE MEASURES FOR AGRICULTURAL OPERATIONS TO MINIMIZE THE INTRODUCTION OF NITRATES AND OTHER CHEMICALS INTO WATERWAYS (THIS CAN BE ACCOMPLISHED THROUGH THE ELIMINATION OF EXCESSIVE USE OF CHEMICALS AND BY RESTRICTING UNCONTROLLED RUNOFF OF CONTAMINANTS);
  - (5) FUND PROGRAMS TO EDUCATE THE PUBLIC TO THE IMPORTANCE OF VOLUNTARY AND MANDATORY PRACTICES THAT REDUCE THE THREAT OF POLLUTANTS ENTERING THE STATE'S WATERWAYS AND ULTIMATELY THE OCEAN, INCLUDING PROGRAMS ON: SEPTIC TANK MAINTENANCE, LAWN FERTILIZATION, EROSION CONTROL AND PET WASTE CONTROL;
  - (6) PROVIDE ADEQUATE FINANCING TO MUNICIPALITIES AND COUNTIES TO DEVELOP UNIFORM STORMWATER MANAGEMENT PLANS AND ORDINANCES THAT ARE CONSISTENT WITH THE STATE'S STORMWATER MANAGEMENT REGULATIONS;
  - (7) PROVIDE ADDITIONAL FUNDING TO PROGRAMS DESIGNED TO ENCOURAGE INTERSTATE COOPERATION AND LAW ENFORCEMENT TO DIMINISH THE HAZARDS FROM OCEAN POLLUTION; AND
  - (8) FUND RESEARCH AT STATE UNIVERSITIES, IN COOPERATION WITH THE

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PRIVATE SECTOR, TO DEVELOP AND ENHANCE ALTERNATE TECHNOLOGIES FOR TREATING AND DISPOSING OF OUR LIQUID AND SOLID WASTE STREAMS.

WE HAVE ALREADY MADE SOME OF THESE RECOMMENDATIONS TO THE NEW JERSEY CLEAN WATER COUNCIL AT THEIR NOVEMBER 12, 1987 PUBLIC HEARING ON PROTECTING GROUNDWATER QUALITY IN NEW JERSEY. ADDITIONALLY, THE CLEAN WATER COUNCIL HAS ALSO SPONSORED TWO PUBLIC HEARINGS ON OCEAN WATER QUALITY AND NON-POINT SOURCES OF POLLUTION DURING THE LAST TWO YEARS. FOR THESE REASONS, THE NJBA RECOMMENDS THAT THE ASSEMBLY PANEL CONSULT WITH THE CLEAN WATER COUNCIL SINCE THEY SHOULD PROVE TO BE VERY HELPFUL IN PRIORITIZING THOSE PROGRAMS THAT SHOULD, IF IMPLEMENTED, RESULT IN A CLEANER OCEAN.

AS THE PANEL PROCEEDS TO DEVELOP A STRATEGY TO PROTECT THE OCEAN, ENHANCE THE ENVIRONMENT AND PROMOTE ECONOMIC EXPANSION, WE BELIEVE THAT THERE ARE SEVERAL LESSONS TO BE LEARNED FROM PAST INITIATIVES. IT IS APPARENT THAT WE NEED TO ACT IN THE VERY NEAR FUTURE; IT IS ALSO APPARENT THAT WE NEED TO ESTABLISH REALISTIC GOALS AND TO DEFINE CLEARLY THE AUTHORITY AND RESPONSIBILITIES OF ALL THOSE INVOLVED.

WE BELIEVE THAT YOU HAVE EMBARKED ON A PROCESS THAT CAN YIELD SUCH LEGISLATION. THE NJBA CONGRATULATES YOU AND IS PREPARED TO WORK WITH YOU. THESE PRINCIPLES CAN BE ACHIEVED IN WELL-CONCEIVED LEGISLATION.

IN DRAFTING YOUR RESPONSE TO THE ISSUES BEFORE YOU, WE URGE YOU TO FOLLOW SEVERAL PRINCIPLES, INCLUDING:

- (1) CLEARLY SET FORWARD THE AUTHORITY AND EXPECTATIONS OF THE ADMINISTRATIVE AGENCIES CHARGED WITH RESPONSIBILITY FOR IMPLEMENTING THE PROGRAM;
- (2) TO THE MAXIMUM EXTENT POSSIBLE, DEFINE THE ROLES OF THE

41x

SEVERAL LEVELS OF GOVERNMENT (STATE, COUNTY, MUNICIPAL) AND OF THE DIFFERENT ADMINISTRATIVE ENTITIES;

- (3) WHEREVER POSSIBLE, CONSOLIDATE THE FUNCTIONS THAT AFFECT PRIVATE CITIZENS AND THE PRIVATE SECTOR, SO AS TO MINIMIZE CONFUSION AND UNNECESSARY DELAYS;
- (4) EVEN AS WE ENHANCE THE PROTECTION OF OUR ENVIRONMENT, WE NEED TO INCREASE THE EFFICIENCY OF THE PROGRAMS INTENDED TO ACHIEVE THAT AND, THEREFORE STREAMLINING APPLICATION AND REVIEW PROCEDURES IS HIGHLY DESIRABLE;
- (5) FINALLY, THE COSTS AND IMPACTS OF OUR EFFORTS TO PROTECT THE OCEAN AND SHORE AREAS MUST BE SPREAD AS BROADLY AND EQUITABLY AS POSSIBLE, WITH NO ONE SECTOR OF THE ECONOMY, NOR SEGMENT OF THE POPULATION ASKED TO BEAR A DISPROPORTIONATE SHARE OF THE BURDEN.

ONCE AGAIN, WE THANK YOU FOR THIS OPPORTUNITY TO PRESENT OUR POSITION AND I WOULD BE HAPPY TO ANSWER ANY QUESTIONS.

MGM:af

TESTIM 3

42x



# SAVE OUR OCEAN COMMITTEE

160 Pershing Boulevard • Lavallette, New Jersey 08735

Chairman  
**Ralph Gerga**  
 Technical Committee Chairman  
**Frank Livelli**  
 Public Relations Chairperson  
**Nancy Menke**

SUBMITTED BY: Nancy Menke

DECEMBER 1, 1987

SPECIAL STATE ASSEMBLY MEETING  
 on  
 Ocean Pollution Bills Pending

Save Our Ocean Committee would like to thank this Assembly Special Committee for giving us the opportunity to speak out on an issue that is so vital to all of us here in New Jersey. For it was here in New Jersey where we learned first-hand that our neglect and our abuse of our natural resources must be stopped and it must be stopped now.

The people of New Jersey are sending a clear message and that message is that they want a clean ocean and they want it now. What we need to do in New Jersey is to take the first difficult steps that will get the ball rolling on the important task of cleaning up our ocean waters and ensuring the safety of our health and our economy.

Save Our Ocean Committee would like to go on record publicly today in urging the State Assembly to post, pass and present to Governor Kean before the end of this session, Bills A-4517 and A-4345.

The bills we urge you to support are concise and precisely what the people of New Jersey are talking about when it comes to stopping ocean pollution. In this past election, many towns in Ocean County had local questions on their ballots that dealt with stopping ocean pollution. Of all the voters who had the opportunity to voice their opinion, almost 91% of the voters said they wanted an end to using our ocean as a dumping ground for our wastes and our garbage. These two bills are concrete solutions for actually stopping some of the pollution that adds to the daily degradation of our ocean.

Assembly Bill A-4345 calls for a phase-out of "pollution for the public good". By that we mean the ending of municipal sewage plants dumping sludge from our wastes into the ocean. We realize that this is a monumental task and that it will take time and much effort on all our parts to accomplish. But with the concern, the ingenuity and the technology that is available in New Jersey, it is certainly a goal that can be met. The phase-out of sludge dumping was supported by Gov. Kean in his 14-point plan for cleaning up the ocean. A-4345 is a bill that we feel deserves your immediate action.

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(cont'd.)

Assembly Bill A-4517 calls for a phase-out of "pollution for profit". By that we mean that this bill would stop the ocean from being used as the private garbage yard of any commercial concern that may be trying to conserve on waste disposal costs. The ocean has, admittedly, been the cheapest means of disposal of wastes for this state, if not this nation for too long. The beauty of this bill is that it gives industry a 2-year period to make any necessary changes in their present or anticipated waste disposal operations and the bill is also very easy and will cost the state next to nothing to enact and enforce. The message and intent is clear and to the point -- no private business, no matter how large or small, will ever be able to use the ocean for waste disposal after January 1, 1990. It's an easy step, but more importantly, if you take immediate action it will be the first step in actually stopping pollution.

A-4517 and A-4345 are two well-conceived and well-presented pieces of legislation. They have both received endorsements from many state, county and local environmental organizations and a large realtor has recently sent a mailing to thousands of property owners in the coastal communities of NJ urging them to support and endorse these two bills.

Many environmental organizations, such as Save Our Ocean Committee, Ocean County Citizens for Clean Water, the Ocean County Coastal Zone Coalition and Alliance for a Living Ocean, are supporting efforts to gain passage of Assembly Bill A-4517.

A-4517 has also been endorsed by the Ocean County Mayors' Association, the Federation of Sportsmen, the Warren-Point Parent-Teacher Org. of Fair Lawn, NJ, the New Jersey Assoc. of Learning Consultants and the United Boatmen of N.J. (representing party and charter boatmen).

It is also our understanding, though you may want to check with their representatives for final confirmation, that the New Jersey Recreation and Park Association and the New Jersey Builders Association are also calling for passage of A-4517.

Save Our Ocean Committee has been contacting the governing bodies of towns throughout the state and all of the towns we have approached, whether they are coastal towns or not, have all called for passage of A 4517 . Included among them are Seaside Park, Lavallette, Bay Head, Beachwood, Audubon Township, Lacey Township, Barnegat, Berkeley Township, Brick Town, Surf City, Mantoloking, Ocean Township, Lakewood, Tuckerton, South Toms River Point Pleasant Beach and Ship Bottom.

The problem of ocean pollution is real and demands action. It is threatening our health, our economy, our recreation and our environment. We have never held the future in our hands as clearly as we do right now. The final authority and power rests with you, our lawmakers. The people of this state are begging you to strengthen the laws we have and enact the ones we need. We urge you to pass A-4517 & A-4345 immediately. Thank You.




December 1, 1987

To: Assemblyman Charles L. Hardwick  
Assemblyman John O. Bennett  
Assemblyman John Paul Doyle  
Assemblyman John T. Hendrickson, Jr.  
Assemblywoman Maureen B. Ogden  
Assemblyman George J. Otlowski  
Assemblyman Robert C. Shinn, Jr.  
Assemblyman Robert W. Singer  
Assemblyman Robert G. Smith  
Assemblyman Anthony M. Villane, Jr.

Attached for your information are the several issues that are currently of vital interest to the recreational marine industry in New Jersey. The Marine Trades Association of N.J. has attempted to encapsulate the way we see the solutions to these various issues. For your reference, the issues are as follows:

1. Mandatory Boater Education
2. Recreational Motorboat Licensing
3. Preserve Marinas for Public Access
4. Pump-out Stations
5. Public Launch Ramps
6. Dredging
7. Funding for Marine Law Enforcement

There are other issues of interest to our industry; but the above have either pending legislation which should be cleared from the legislative agenda, or have a material effect on the viability of the recreational marine industry in New Jersey.

  
Edward Swikart, Jr.  
Executive Secretary

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**Issue #1: Mandatory Boater Education**

**Position: Support**

**Comment:** The Marine Trades Association of New Jersey endorsed, and supported in the Assembly, Delores Cooper's bill A-2250 to require all boaters 16 years of age and under take a safe boating course - said course to be provided by the U.S. Coast Guard Auxiliary, U.S. Power Squadron or the N.J. Marine Police.

The trend in the U.S. is presently toward mandatory boater education. The National Marine Manufacturers Association and the National Association of State Boating Law Administrators are drafting a proposed act patterned after a law recently enacted in Maryland.

MTANJ hopes to have A-2250 amended to be similar to the Maryland law, and in addition to require anyone convicted of a boating safety violation attend and pass one of the aforementioned safe boating courses.

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**Issue # 2: Recreational Motorboat Licensing**

**Position: Oppose**

**Comment:** New Jersey is the only state in the U.S. with a motorboat operators license. It is restricted to non-tidal waters and bears a cost of \$3.00. It is in reality, a tax to go boating on New Jersey's lakes, since there is no test required to obtain the license.

Licensing is not the answer to safety on Lake Hopatcong, Greenwood Lake, Lake Mohawk, etc. Education and enforcement are the answers.

Licensing for automobiles is fairly standard, as there are definite similarities in operating automobiles as well as the roads on which they are operated. The testing and administration for automobile drivers licensing is logistically fine-tuned. Not so for boats. Who will administer the tests? On what bodies of water? In what weather? In what type of craft? Sailboat? Inboard/Outboard? High Performance Inboard? What horsepower? What size? 15 feet? 50 feet?

After the above logistical nightmare is resolved, there will still be no more safety than before. We already have a drunk boating law, a proposal to treat juveniles as adults and a proposal for increased penalties for causing death by boat.

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**Issue #3: Preserve Marinas for Public Access**

**Position: Support**

**Comment:** The Department of Environmental Protection has definite concerns that the public is losing access to New Jersey's waterways because marina owners are selling out to condominium developers. The Marine Trades Association of New Jersey shares those concerns.

There are several things the state government could do to preserve the viability of the private sector marina establishments, which are vital to New Jersey's tourism industry. They could: (1) provide the incentive for marinas to remain marinas similar to the incentives set up for farmers; (2) prevent condominium development along the shoreline; (3) prevail upon local municipalities to not unduly reassess marina property to the extent that to pass on the additional costs will destroy recreational boating in New Jersey.

Specifically, the Borough of Point Pleasant has arbitrarily increased the assessed valuation of slips at Johnson Bros. Boat Works by about 1,400%.

This apparent anti-marina mentality in the municipalities can do nothing but hurt the goals and image The Department of Travel and Tourism is trying to promote. It is our suggestion that a meeting among DEP, the local Property Tax Bureau and marina owners be set up to work out more equitable solutions.

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**Issue #4: Pump-out Stations**

**Position: Support properly drafted legislation**

**Comment:** Presently there are no pump-out facilities in New Jersey's state owned marinas. Before this burden is placed on the private sector, the state should take the lead by providing these facilities in their own marinas.

All marinas should not indiscriminately be required to provide pump-out facilities. Small boat marinas will never have customers who would use a pump-out station, and the cost there of would be a prohibitive burden. In an area where there are a lot of larger boat marinas, not every one should be required to have a pump-out station. Innovative ways of establishing pump-out stations by area should be planned by DEP commensurate with boating needs. The possibility of a fund containing low interest loans for designated areas should also be considered. The leasing of privately owned marina property to accommodate state owned and maintained pump-out stations is a viable alternative.

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**Issue #5: Public Launch Ramps**

**Position: Support**

**Comment:** Public launch ramps are part of the overall issue of public access to New Jersey's waterways by the citizen's of the state.

The Marine Trades Association of New Jersey had suggested that DEP request their share of federal Wallop-Breaux funding for the construction of launch ramps. The request was made by DEP but never followed up with specific plans for construction. Therefore, thousands of dollars have been denied to New Jersey for public access.

Launch ramps would free up some present slips and make room for larger boats while at the same time reduce the cost of boating for the small boat owner.

Municipalities could perhaps charge a reasonable fee for ramp use and thereby fund the cost of maintenance. Launch ramps will attract more business to shore-side communities and help the local tourism industry.

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**Issue #6: Dredging**

**Position: Support**

**Comment:** For the past two years, there appears to have been adequate funds in the DEP budget to dredge the most badly shoaled rivers and back-bays in New Jersey, and a continuing program is under way. At the present level of dredging, the entire state will be dredged in about 15 years and a maintenance program will keep an adequate depth for boating. This does not include federal channels which are normally cleaned out by the Corps of Engineers.

The legislature must attack the problem of dredging spoil sites, as there are very few natural depositories for dredged material left within a reasonable distance from the waterways. Scientific research needs to address the uses for dredge spoil materials and scientific consideration must be given to siting. There are presently two bills in the Assembly that address dredge spoils - A-2334 and A-2794.

Funding for dredging has been proposed by charging additional fees to boaters. The Marine Trades Association of New Jersey opposes that proposal, because presently boaters are paying a motorboat fuel tax that goes to highway repair. The waterways are the boaters' highway, and it appears unconcionable that the motorboat fuel tax is not dedicated to dredging, while some legislators are proposing additional fees for dredging purposes.

It is our recommendation that the legislature move on existing legislation rather than introduce new bills that appear redundant.

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**- Issue #7: Funding for Marine Law Enforcement**

**Position: Support**

**Comment:** The Department of Marine Law Enforcement has been under-funded and under-manned since it came under the aegis of Law and Public Safety. Facilities are rundown, inadequate and in many areas non-existent.

The Bureau of Marine Law Enforcement will concur that it is relatively few boaters who are responsible for the majority of accidents and safety violations. A greater presence of law enforcement officers will reduce the accident rate and provide safer boating.

Recommendations for strengthening the Marine Law Enforcement Bureau have been forwarded by Colonel Pagano to Attorney General Edwards in the form of a report entitled "Report '87 a Plan to Enhance New Jersey's Marine Police Services." This plan addresses the requirements necessitated by the dramatic increase in boating activity on New Jersey's waterways.

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