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PUBLIC HEARING

before

ASSEMBLY ENERGY AND NATURAL RESOURCES COMMITTEE

on

ASSEMBLY BILLS 2693 AND 2694

(Financing public water supply service surrounding GEMS Landfill)

July 24, 1985
Gloucester Twp. Municipal Building
Gloucester Township,
Camden County, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Anthony S. Marsella, Chairman
Assemblyman Thomas A. Pankok

ALSO PRESENT:

Assemblyman Dennis L. Riley
District 4, Camden County

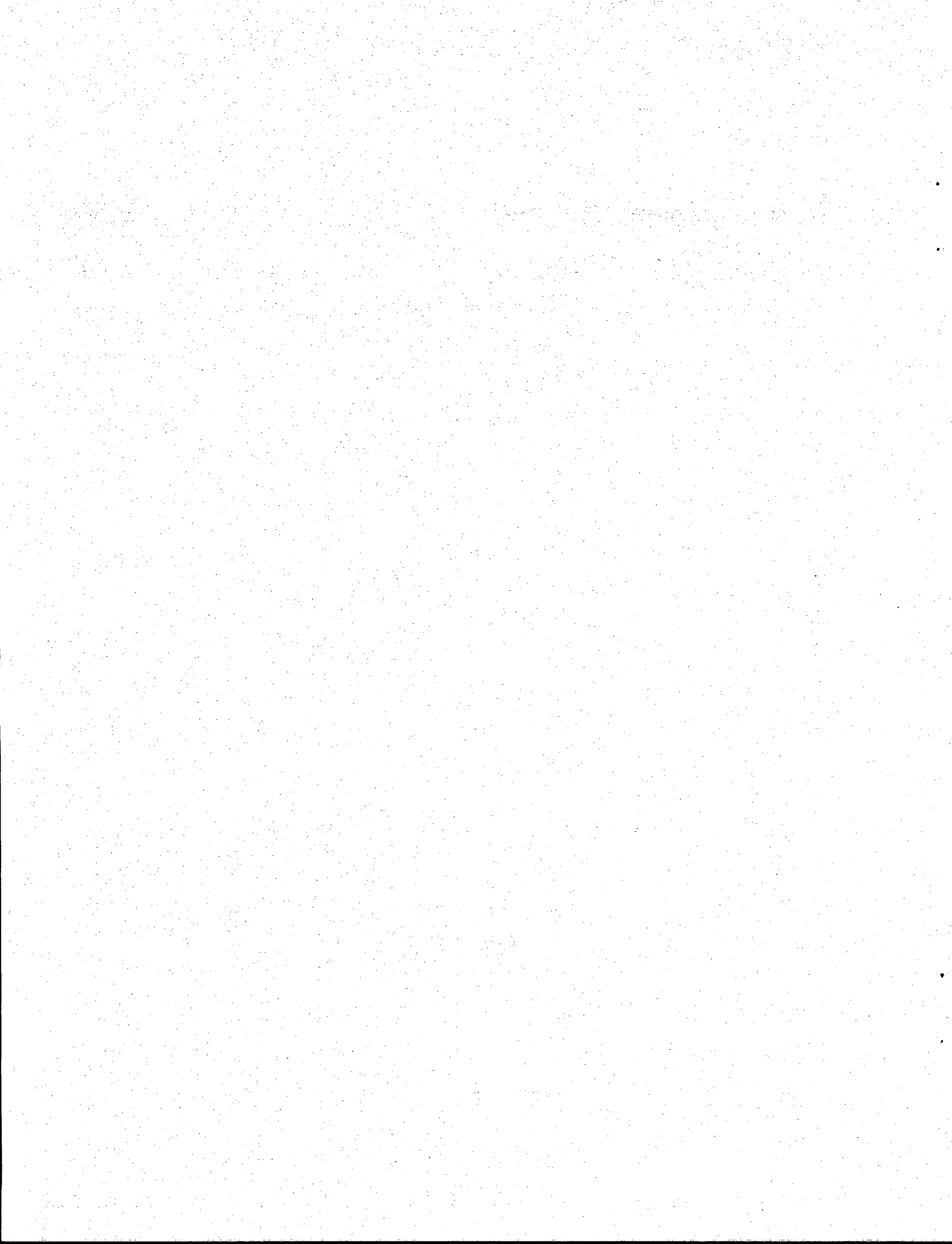
Algis Matisoska
Aide, Assembly Energy and Natural
Resources Committee

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ASSEMBLYMAN ANTHONY S. MARSELLA: I now call this public hearing to order. Before we get started on testimony from the sponsor, I'd like to call Mayor Mullen for some brief remarks.

MAYOR ANN MULLEN: Thank you Assemblyman Marsella. Ladies and gentlemen, we certainly welcome you here today, and we're gratified that you would come to our community, and address our needs. We welcome the public and we're glad to have your input as, I'm sure, is the committee. Thank you very very much for coming here today.

ASSEMBLYMAN MARSELLA: Thank you Mayor. The reason we chose Gloucester Township to have this public hearing is that both of the bills that we're going to be discussing here this afternoon deal with the area of Gloucester Township. The funding bill that Assemblyman Riley has put in to the General Assembly deals with the GEMS Landfill, and the second bill that we're going to be dealing with today deals with testing of the ground waters in the area.

As you and the people here from Gloucester Township know, GEMS Landfill has been designated on the Superfund list. At the present time it is third, fourth, or fifth on that list. What has occurred over the course of five or six years is that there has been established a red line area, which is a concern area that should be watched and checked for ground water pollution. Assemblyman Riley's first bill, A-2693, appropriates around a million dollars to run water mains in that red line district. This will provide clean drinking water for the citizens of Gloucester Township and will also permit the fire department of Gloucester Township to use that city water to protect the area.

Assemblyman Riley, will you please give us a synopsis of your bills.

ASSEMBLYMAN DENNIS L. RILEY: Thank you, Mr. Chairman. Initially we submitted these bills, as outlined by Mr. Marsella, with the basic idea of redressing what I think is a serious, serious problem here in Gloucester Township. The problem emanates from the fact that GEMS Landfill, which, I believe is number three on the National Superfund List of sites, is in the heart of the town. The DEP has been working to try to correct the problem. I believe two towers will be erected to

try to help the effluent situation. However, the problem is a lot more serious than that, and is one that needs to be addressed legislatively. As for the bills themselves, I have no great pride as to wording. In fact, I urge the committee to draw up a committee substitute, or to even amend the committee substitute. I am more concerned with the legislative intent, which is to solve the problems of Gloucester Township.

Gloucester Township is a town beset with problems from a situation not of its own doing. This situation which was created by all of South Jersey, and, in fact, even Philadelphia, in the erection of "Mount Erial," as it is so often called, in Gloucester Township.

The problem is water in the red lined area, as the chart the water company has provided pretty well shows. We need pipelines within this red lined area. Members of the committee, let me turn this chart toward you. (During this time, speaker is frequently using chart) We have a very serious problem in several areas.

First, in fire protection. The fire chief will be here this afternoon at approximately three o'clock, to describe the actual fire protection problem. The firemen, by order of the commissioners, will not go on the site to fight fires. There is no water to the site, therefore, we have an extremely dangerous situation regarding fires. I believe Mayor Mullen will be talking about this and previous situations, when she testifies. The bill's purpose is twofold.

- 1) To bring water lines onto the site itself, for fire protection.

- 2) To take the money from the Spill Compensation Fund, thus enabling the residents and landowners within this area to not drink water that is presumably dangerous and has waste in it. If, in fact, waste is not in the water, it is presumed to be and people are still fearful of it.

The other thing that I'd like addressed in this legislation is the shrinking of the red lined area itself. Basically, the reason I would like this red line shrunk is twofold. And within that, I would ask that the Township be held harmless. Presently, Gloucester Township is facing a real "Catch 22" situation. Gloucester

Township is being placed on notice that the State intends to come against it for money being paid from the Spill Compensation Fund, for places where additional payments have been made in compensation for the lower prices received for the sales of properties, due to decreased real estate value. I don't think that's fair. So I would ask that this bill, should it be amended, include hold harmless for the municipality. Second, I would ask that immediately—

ASSEMBLYMAN PANKOK: Dennis, say that once more, please.

ASSEMBLYMAN RILEY: Okay. I would ask that in any payments made as a result of this bill, Gloucester Township be held harmless because, what's happening is, under the present situation, Tom-- and I think the Mayor will describe this in more detail, that the State, through DEP, is telling the Township that any payments it's making as a result of the clean up of GEMS, and of payments as a result of GEMS, are intended to go against the Township. Well, that is about as asinine as anything I can possibly imagine. The Township is the one confronted with the problems and the State is not only adding to the problems, they're perpetuating them. Tom, a second amendment I would like to the bill -- actually I think it's the second bill, I'm not sure which bill is which -- but the second bill would require that the DEP would come in and check all the ground water here, and the red lined area. My understanding is this -- and I think this will surprise probably everybody here -- as you can see, (the speaker points to chart) the red lined area is not exactly a uniformed situation. The red lined area is actually in the northern boundary of the municipality, which is not necessarily the boundary of anything that can be connected to the flow of effluent from GEMS. So, this could, very possibly, be an irrational line, drawn by the municipality. My understanding is the State of New Jersey has just paid \$18,000 to someone up here in the Sturbridge Oaks development for lost value of their property, and the people in the development who received the money, have city water. It seems to me that that's not only contradictory but it's also a waste of money, because my understanding is the Spill Compensation money is to be used to correct water situations. If they have city water, why would the State and the DEP pay the money, and then put the Township on

notice that they're not going to hold the Township harmless for that. It seems a violation of due process, at best. And I think the situation should be corrected.

The third area, which is the general area, and the basic premise of the legislation, is that we need city water around GEMS. The assurances from DEP are one thing, but I don't think that anyone in that area believes that their water is safe to drink. Therefore, we need to have city water brought into the area. I believe Mr. Bob Rasmussen, whose property is directly across from an industrial plant, will be testifying.

ASSEMBLYMAN PANKOK: Can I interrupt a minute?

ASSEMBLYMAN RILEY: Sure.

ASSEMBLYMAN PANKOK: Have there been any tests of the water in this area, and what are the results of those tests?

ASSEMBLYMAN RILEY: I think Ann will probably know. The DEP will--

ASSEMBLYMAN PANKOK: I'll wait if someone else has it.

ASSEMBLYMAN RILEY: They would have the full results. Every time I ask the question I get--

ASSEMBLYMAN PANKOK: Well it's a matter of public record. If tests have been made, they have to be released to us.

ASSEMBLYMAN MARSELLA: There have been, and I know that Assemblyman Riley and also Senator Dalton are aware of tests that have been made over the course of the four years that I've been in the Legislature. At one point in time, about two and a half years ago, the DEP put everybody on notice, including our Legislative offices, that the water had some toxins in it, and people were instructed not to drink their water. Then further tests then showed that the water was okay. So apparently, Tom, from what we've heard through testimony and also through studying pollution of underground water, the toxins move in pockets.

ASSEMBLYMAN PANKOK: Well, there have been some precedents set in Southern New Jersey, and one is Bridgeport, because they run municipal water out to those homes in the area of the Bridgeport oil well. Because of test results of the water in that area, the people were just told, "you can't drink that water."

ASSEMBLYMAN RILEY: Assemblyman Pankok, if I could explain the problem the residents and the fire people have, and the Mayor has described it to us— The DEP seems now to be saying that the problem is not that severe, you can drink your water. Yet, as an amateur, it sounds silly to me in the case of a site that is number three on the Superfund list. For instance, the fire companies are told to go fight the fires on the landfill. And yet as they go out there in their little plastic hats and little plastic jackets that the DEP says are safe to wear. Yet the DEP's people go out in moonsuits, saying it's okay for you to be here in your plastic, even though we have our moonsuits on. So if nothing else, it seems contrary to reality, if not factually, conceptually. And secondarily, the GEMS landfill has shrunk at least 30 feet in the last three or four years. Obviously that is going someplace, and I think that the obvious conclusion is that there is a very serious, serious situation, and a very serious chance of carcinogens going into the water system here, particularly since the water flow is in the direction of Briar Lake and the streams that go toward the southwestern portion of the municipality and the adjoining municipalities. Therefore, it seems logical to believe that there could be a problem, and since the DEP is constructing two 32 foot high towers on the base of this landfill, it would again seem that they know there is a problem. So, they can say on one hand the water is okay, but since they are erecting two 32 foot towers and walking around in moonsuits, it is not encouraging to the people of the Township and others in the area. So we think it's imperative to have first the water brought in, second, the red line area be specifically defined and shrunk, if the DEP finds it to be accurate that this line up here does not have a problem. And third, the town should absolutely be held harmless, because it seems, again, to be putting the municipality in a "Catch 22" situation, particularly if payments are being made, whether on the Spill Compensation or any other fund. The payments are being made to city people who have city water, while so many others do not. Again, it seems contrary to logic, if nothing else.

We would hope this is an overview of what we are trying to do. Again, I think, the Mayor, the fire department, Mr. Rasmussen, and

some of the residents will be able to describe the situation in terms of the actual, factual situation. What I'm trying to outline is what my legislative intent is.

ASSEMBLYMAN PANKOK: Let me again get back to the question I asked. Do we have, or is there available, the results of the water test?

ASSEMBLYMAN MARSELLA: I think we will see them when DEP testifies a little later on, unless you want them right now Assemblyman.

ASSEMBLYMAN PANKOK: I would like to see them right now.

ANTHONY FARRO: We have in the past submitted all data and all samples taken, by both the Department and the EPA, especially in the potable wells, to the Township and Health Department. There has been a recent set of samples taken by EPA, in conjunction with the study being performed at GEMS, and that data should be available some time next week. The reason why data isn't released immediately after being received is that data has to go through quality assurance to make sure that what you have is correct. If, in any case where we do find contaminants in a potable well, we do not wait to "QA" that data, we notify the people immediately.

ASSEMBLYMAN PANKOK: Have you notified any of the people in the area that the water is not--

MR. FARRO: We notify the people that we have found contaminants in their wells, and at the same time, work with the Health Department to notify them. We then check out whether or not, indeed, that well is contaminated.

ASSEMBLYMAN PANKOK: How recently was that done? When was the last time you notified someone that their well was contaminated?

MR. FARRO: I wouldn't be able to tell you that right off the top of my head, as far as the last time--

ASSEMBLYMAN PANKOK: Could you get that information to my office for me?

MR. FARRO: Sure.

ASSEMBLYMAN PANKOK: And whatever were the last results of the tests as far as contaminants in the area are concerned?

MR. FARRO: Sure.

DR. MARY MORRIS: My name is Dr. Mary Morris, and I am the Chief of the Bureau of Environmental Evaluation and Risk Assessment working for Mr. Farro. Over the past several years, potable wells have been sampled on a number of occasions. In the public information session here a few months ago, we presented a summary table, which we can get copies for you, that indicated the number of wells sampled in '80, '81, and '82. During that time, a number of wells indicated contamination above fifty parts per billion, which was our action level at the time, and a number of wells that showed non-detects. We can provide that to you in the future. In general the number of wells showing levels of contamination above detection levels has dropped to almost zero. At this point there may be one well that shows contamination which may not be associated with GEMS Landfill. This is part of a separate investigation. It is not a residence, it's an industrial establishment.

ASSEMBLYMAN PANKOK: And these tests were done by DEP?

DR. MORRIS: These tests were done by DEP, by EPA, and by Camden County.

ASSEMBLYMAN PANKOK: Do you know what laboratory did the analysis?

DR. MORRIS: Not offhand, but we can get that information for you.

ASSEMBLYMAN PANKOK: I'd like to have that information also. Thank you Doctor.

ASSEMBLYMAN MARSELLA: Thank you very much.

ASSEMBLYMAN RILEY: Finally, members of the Committee, we'd also like to add for your consideration a possible amendment. We understand there's a possibility that HUD would pay for the connections from the houses to the streets in the residential communities. However, as far as paying for the physical area where we hook up, we would ask that money be included in the bill as well. I understand that the water companies--

ASSEMBLYMAN MARSELLA: Can I stop you for a second? Would you also like that money included from the Spill Fund?

ASSEMBLYMAN RILEY: Yes sir.

ASSEMBLYMAN MARSELLA: Let me explain to the members who are here, Assemblyman Riley is going to take a million dollars from the Water Supply Act, which we all voted on in 1981. That program is a loan program where the municipality applies for funds through the Water Supply Bond Act, and if it's granted, then gets the approval to put the water lines in. What Assemblyman Riley, along with our Committee here is attempting to do now is come up with a new committee substitute which would take over a million dollars out of the Spill Fund, and place it before the Legislature for its consideration. And the Spill Fund would not cost the municipality any dollars, nor would it cost the taxpayers of Gloucester Township any dollars. This is a grant program for a contaminated area. That's what the Spill Fund is for, and that's also the reason why Assemblyman Riley would like a hold harmless clause in this bill for Gloucester Township.

ASSEMBLYMAN RILEY: Thank you Mr. Chairman for the explanation. If I could say one more thing regarding the hookups, I would ask that there also be mandatory hookups, and that the Township be compelled to have mandatory hookups. We would not have a situation of the possibility for bringing the water in. If we're going to bring the water into the area, we should mandate the people hookup to the area, because we're trying to safeguard their health. And therefore, there should be mandatory hookups. I think that should be required within the legislation itself, to make sure that everybody complies, so we don't have a problem ten years down the road. I think that therefore we--

ASSEMBLYMAN MARSELLA: That's a good point. Good point.

ASSEMBLYMAN RILEY: Thank you, members of the Committee. I'll obviously be around for other questions.

ASSEMBLYMAN MARSELLA: Does anybody have any other questions of some impact?

ASSEMBLYMAN PANKOK: No. Not right now. Thank you.

ASSEMBLYMAN MARSELLA: Okay, thank you Assemblyman Riley.

ASSEMBLYMAN RILEY: Thank you Mr. Chairman.

ASSEMBLYMAN MARSELLA: Our next witness will be the Honorable Mayor of Gloucester Township, Mayor Mullen.

MAYOR MULLEN: Thank you. Committee members, we are very interested in your support of this bill for many reasons. My main concern is, of course, that our residents have a continuous, safe source of drinking water. I'm certainly not a chemist and I don't know too much about how pollution happens, but I do know, from being associated with this problem and living in the area myself, that contamination moves in plugs. And though I'm relieved to know that right now we don't seem to have a serious problem with our deeper wells, that could just be today; tomorrow it could be something else. You just do not know with an unknown like GEMS Landfill. I understand that one of our wells was tested one day, and had a very bad reading. It was tested the following day and was clear again. That makes me very uneasy. The only way I'll ever feel relieved on behalf of our residents is to know that we have a good water source which is tested by law -- and I understand that the State Assembly and Senate passed a law that requires that testing -- and then I think we'll all be relieved.

ASSEMBLYMAN PANKOK: Well Mayor, it occurs to me that if there is a good reading today and a bad reading tomorrow, it is probably based a lot on the weather, on whether or not we've had a lot of rainfall. I suspect that you're probably getting decent readings right now because we're in a drought period.

MAYOR MULLEN: Yes, I understand that part of the buildup of leachate, which contains the contaminants, is usually caused by rain water seeping through the landfill, mixing with whatever is there, and being forced out the bottom, which, of course, we have right now. I do understand that the DEP is working to remedy that, for which I am very relieved. To expand on that a little, I'm sure the folks who live there would love to have city water. Our water source in that area is high in iron content, and doesn't taste very good. I certainly would be relieved to know something couldn't move along and plug into my water source while my family is drinking it one day.

Another problem is the economic one. We are an average community of mostly blue and pink collar workers. If you tell me or tell some of our residents, "yes ma'am, you can have city water, but

it's going to cost you \$15,000 to extend that line to your home," then you might as well say, "go out and buy a Rolls Royce tomorrow." It's just not within our reach. This is a very very expensive proposition. We have large expanses of undeveloped areas out there because the landfill is making it an undesirable area. It is impacting people even further than that because of this red line, which my documents show was only placed around that area so anyone coming in for a private well would apply to the State to make sure that their wells were properly deep. And I can understand that. But the very term "red line" is frightening, and has a psychological impact on anybody that wants to live in that area. It sounds like "Love Canal" to me, and what it's done to our residents is unbelievable.

Most of the young folks today are mobile, and when their husbands are transferred, they find themselves with a home that they either cannot sell, or are forced to give away at a terrible loss, because our realtors, in order to protect themselves, make people sign a disclaimer before they sell any home within that so-called red line. Now these are folks with city water supply with no source of contamination, and here they are with this impact. In order to protect themselves, they, of course, apply for Spill Fund, and the Spill Fund awards have been tremendous. I know for a fact that the source of pollution, the ground water, is going up and in the opposite direction, does not affect the corner of the Township or the lower end, and yet these awards are still being made.

I can sympathize with those folks that are after those awards. but I know that it is going to come back upon the Township, and all of our residents are going to have to subsidize the fund. I understand that when folks get a Spill Fund award, they sign away their right to sue the State, but of course the Township does not have that protection. So, we are very interested in seeing the water lines extended, because we know most folks just would have no other means of protection.

I'd like to give you just a little bit of background about a fire, which Assemblyman Riley mentioned to you, that we had not too long ago at the landfill. It started out as a small grass fire in an

area maybe as big as this table. Our volunteer firemen were very willing to go up there, but they had their orders because our commissioners feel there is too much unknown about the landfill to expose their men and their equipment to it. So they were ordered not to go up there. In the midst of that, the fire expanded and covered fifteen acres. The people who lived around it were frightened, and didn't know what to do; we were frustrated, our firemen were frustrated, we turned to the State for help. The State sent men from the Forestry Service, and what was a small grass fire, for a lack of a water supply, turned into almost a major fire, covering the top of that landfill. Eventually it was put out by calling in a task force of fire companies, and God bless them all, they came in and hooked up together for the entire length of the street until they reached a water source, and they were able to lay a large hose along the wall of the landfill and move it a few feet while they soaked the top. This enabled us to send men up and turn the earth over. That was a costly operation, it took four or five days to extinguish what was, to begin with, a small grass fire. Ironically, we got a report on the fifth day, of a small area that started to blaze up again -- a little smoke. The way we put that out was, gentlemen, our public works director and myself jumped in a pickup truck, went up the top of the landfill with a hand extinguisher, and stood there and put that fire out. Because, enough was enough.

I know if that red line could be shrunk to the area that has the known problem, the rest of the folks in that area that would like to move or relocate or sell their homes-- We have senior citizens that are stuck in their homes out there in houses that are too big and expensive for them to care for, and unless they want to give them away, they are stuck because of that red line.

ASSEMBLYMAN MARSELLA: Well, in just looking at the red line on the map, and in just our preliminary analysis from the Garden State Water Company, who would be responsible for running those lines, it will cost over \$1.5 million dollars to service that area with water. So the effects of shrinking that water line could also benefit the State of New Jersey in regard to running those water lines. Assemblyman, do you have any questions for the Mayor?

ASSEMBLYMAN PANKOK: No, just a statement, Mayor. Having been a City Councilman, a Mayor, a Freeholder, and Freeholder Director, I know what you're talking about when you have to do it yourself, and my hat's off to you. It happens. First, I want you to know that you have my complete support as far as these bills are concerned, and I'd be honored to be the mover or at least second the motion to get them out of committee and get them going. Coupled with that, you have to realize that, when you think of the zillions of dollars that we are pouring into a couple places in North Jersey, I vote like this in committee and on the floor of the Assembly; because to shrink this line and get water to these people so they can feel safe in their homes, is peanuts. You know, I used to live in the city of Salem and was raised with city water, and then moved to Pennsville in later years. The water tasted different in Pennsville than it does in Salem, and I haven't drunk water in Pennsville since I've lived there. The water's good, it's great, but it just tastes different. I don't know why, but I don't like it. My point is, in most places in Southern New Jersey we're very fortunate as far as our water supply is concerned. It is a precious commodity. It certainly behooves us as legislators to help you and we certainly will do everything we can. I pledge you my support on this legislation.

MAYOR MULLEN: On behalf of the residents of Gloucester Township, I certainly extend our sincere thanks. I often wonder, and maybe most of our residents here were too young to think about this, but when I was a kid the big thing was the Marshall Plan to save Europe.

ASSEMBLYMAN PANKOK: Right.

MAYOR MULLEN: We did a darn good job over there, and I often wonder why this country can't find a way to protect our residents against this type of pollution right here in our own back yard. Our residents didn't pollute that landfill. They didn't bring those chemicals in there, and I don't think they should bear this burden, this worriment, this exposure, and the final expense on their backs. They're paying enough right now.

ASSEMBLYMAN PANKOK: Mayor, you're right on target.

MAYOR MULLEN: May I just share one thing as a clarification for everyone here?

ASSEMBLYMAN MARSELLA: Sure, Mayor.

MAYOR MULLEN: I have a letter here from Dr. Sadat and Lance Miller of the DEP. Dr. Sadat says, "the red line zone that was identified by the Department was for the sole purpose of restricting new wells within the vicinity of the GEMS Landfill." This is repeated in all of the material, and it goes on to say that well permits can be granted, as long as they're reviewed by the State. It sounds nice and simple, but the State must realize that when they say "red line zone", they're saying "Love Canal". I even had a gentleman, a senior citizen, who wanted to have his front porch fixed, because he and his elderly wife were afraid they would fall through it. It was a small job, but when he went to our local bank and asked for a \$1200 loan, he then brought the slip into me that stated, "loan denied - within red zone". You know—

ASSEMBLYMAN PANKOK: If that doesn't answer it, nothing does.

MAYOR MULLEN: That should tell it all. So I thank you for your support, I'm sure my residents here today can be much more eloquent than I could ever be.

ASSEMBLYMAN MARSELLA: Thank you very much Mayor.

ASSEMBLYMAN PANKOK: Thank you Mayor.

MAYOR MULLEN: Because, of course, I live on the other side of the street from the red line, and I guess that makes me safe at 30 feet away. (laughter)

ASSEMBLYMAN MARSELLA: Our next witness will be Bob Rasmussen.

ROBERT RASMUSSEN: Thank you Mr. Chairman.

ASSEMBLYMAN MARSELLA: Good afternoon.

MR. RASMUSSEN: Good afternoon. I'm President of the Aggregate Division of Western Capital. We have a manufacturing facility located directly across the street from the GEMS Landfill. In fact, our driveway and the old GEMS driveway are directly across from each other. We're impacted by this situation every day. We have now approximately 40 employees at our facility there, and we have several concerns.

We are applying for a sub-division and site plan approval for a new building of approximately 55,000 square feet, that would employ an additional 50 to 60 people. This is something that would be good for the Township and good for the area. It is a non-residential type of use; we do not use processed water, but we have several concerns.

Number one is the health of our employees. We have a very deep well on the property now that has been tested. We test it every year at our own expense with a private testing laboratory. Our employees will not drink the water. We have had several complaints from them - whenever they are sick, they say it's the water. They honestly feel that way, although I don't know whether or not it's correct, and I don't know whether these pollutants can be accurately tested and measured. We have to use bottled water for our employees. That is an expense. The wash up water for cleaning and washing is the well water. Hopefully that is safe for that purpose. But right now it is an expense for us to test and to provide bottled water for our employees.

Number two, we need water for fire protection for our existing building. The hydrants are very far away, and as Mayor Mullen described, it would take quite a trip to get water up to the plant for fire fighting purposes.

Number three, our new building will also require drinking water for additional employees, and, according to the State Building Code and our consulting engineers, we will have to install a sprinkler system in this building. We can do that in three ways: By creating a man-made pond for fire fighting, by building a water tower that would have to be fed by a well, for fire fighting, and I just found out that any well that we would drill would have to be approved by the State. I don't know if that's a problem or not.

ASSEMBLYMAN MARSELLA: That's correct.

MR. RASMUSSEN: All these things just create obstacles for an industrial concern such as ours to expand in this community. Third, we could have a city water system, which would be very advantageous for us for drinking and for a sprinkler system. The cost of the man-made well and water tank would probably be in excess of \$100,000, according

to our consultants. This might make the whole project prohibitive for us. We have been a very cooperative member of this community, and would like to continue to be so and to put our expansion here, that's why we're asking this board for help.

ASSEMBLYMAN MARSELLA: Okay. Assemblyman Pankok, do you have any questions?

ASSEMBLYMAN PANKOK: No.

ASSEMBLYMAN MARSELLA: Bob, I'd like to applaud you for at least considering an addition to your existing structure which would employ 50 additional people here in Gloucester Township. As you know, Assemblyman Riley has been working very diligently and very hard trying to run this water in the red line area where your company is now planning an expansion. I know that would be very helpful to you in regard to the requirements of the State of New Jersey that you must have sprinkler systems, and those types of things. Additionally, your processing company can only charge so much for your product to be competitive with other industries across the nation. We understand your concerns, and we'd like to see you stay in business, so we're going to do everything we can to have this piece of legislation passed, and hopefully get those water lines in your area so you can be assured of clean drinking water and also proper safety and fire protection for your employees and your business. Thank you very much.

MR. RASMUSSEN: Thank you very much.

ASSEMBLYMAN MARSELLA: Paul Schuman, Garden State Water.

PAUL SCHUMAN: Mr. Chairman and members of the Committee, my name is Paul Schuman and I'm President of Garden State Water Company. What I'd like to explain to you a little bit about the water project that this bill would cover. We've already talked about what portion of Gloucester Township is serviced by Garden State Water Company, and the first map outlines the red zone, with GEMS partially in the center of that (refers to map). We can see the size of area that is involved as far as Gloucester Township is concerned. The second map is a blow-up of the red zone, and indicates by color code the water mains that would be involved. Again, just to orient you, in the center is the GEMS Landfill. The yellow markings indicate water mains already in place

and already serving customers. The green lines outline water mains that would be installed under this bill. Essentially, one of the major lines would be on Hickstown Road Crossing in front of the landfill, and would include water mains on Peter Cheeseman Road, and various pieces throughout different and older sub-divisions that do not currently have a water main.

ASSEMBLYMAN PANKOK: Those in the cluster where there's a lot of remaining lines, they're just added on to what already exists?

MR. SCHUMAN: That would be added to the existing water lines in here. This is an old, old sub-division where originally some homes were built and the water was not even in the general area. Later on in the mid to late '70s a developer came in and developed that and he, along with the water company, brought the water lines into the areas that he built on, leaving gaps, some filled and some unfilled, over the last ten years.

ASSEMBLYMAN PANKOK: Okay, but the one down in front of GEMS would be a completely new line with new feed?

MR. SCHUMAN: It would come off of the existing feed which comes from the--

ASSEMBLYMAN PANKOK: That is what I'm trying to ascertain, where the existing feed is.

MR. SCHUMAN: The existing feed would be in this direction, and we do have supply-- Our system is cut in two, and it cuts right through here. We have supply on this side of the system, and we also have supply on this side of the system (indicating points on chart), so we can feed from one end to the other and vice versa. These would really be transmission and distribution lines in areas where there are existing residences that do not now have access to water lines.

ASSEMBLYMAN PANKOK: And then the line you are talking about, the green line in front of GEMS, those marks indicate homes? Oh, those are streets--

MR. SCHUMAN: Those are paper streets.

ASSEMBLYMAN PANKOK: Oh those are paper streets. Okay.

MR. SCHUMAN: So that's why we have not put the green lines on here, because they probably won't be built on, but a lot of--

ASSEMBLYMAN PANKOK: What's the purpose of the line in front of GEMS? What will it do?

MR. SCHUMAN: That will bring fire protection service up to the top of the hill in front of GEMS, it will also provide transmission line capability down to this end of the Township, and there are—

ASSEMBLYMAN PANKOK: That's what I was trying to get you to say, the fire protection in front of GEMS.

MR. RASMUSSEN: Okay. And there would be residences down in this area. We tried to show where we believe most of the residents that don't have access to water would be.

ASSEMBLYMAN PANKOK: Thank you. I apologize for interrupting.

MR. SCHUMAN: That's fine. The project would include 17,350 feet of twelve inch water main, 7170 feet of eight inch water main, and 4960 feet of six inch water main, and approximately 30 fire hydrants.

ASSEMBLYMAN MARSELLA: And the estimated cost of that?

MR. SCHUMAN: The estimated cost of those extensions is \$1,250,000.

ASSEMBLYMAN MARSELLA: And that is just to extend the water lines in that red line area, that's not for hookups.

MR. SCHUMAN: That's correct, that's just the extension of the water lines. The hookups and any sealing of existing wells would have to be an additional cost.

ASSEMBLYMAN PANKOK: Go ahead.

MR. SCHUMAN: All right. As I was saying, individual home owner hookups from the house to the street line and the sealing of the private wells that would have to be done, would be in addition to the \$1,250,000 required for the water mains. The hookup from the street line to the actual water main would be provided at no cost to the resident by the water company. That completes our description of the project as we see it now within the red zone and with the way the red zone is laid out. If there are any questions I'd be happy to answer them.

ASSEMBLYMAN MARSELLA: Thank you very much.

ASSEMBLYMAN PANKOK: DEP, please.

MR. FARRO: Good afternoon.

ASSEMBLYMAN PANKOK: Good afternoon.

MR. FARRO: My name is Anthony Farro, Deputy Administrator of the Hazardous Site Mitigation Administration, with the Division of Waste Management of the New Jersey Department of Environmental Protection. The Department appreciates the opportunity to address proposed Assembly Bills 2693 and 2694.

This legislation reflects the concerns of the New Jersey Legislature and community residents of Gloucester Township resulting from potential ground water and residential well water contamination near GEMS Landfill in particular, and potable well water contamination in general, in communities proximate to hazardous waste sites on the EPA National Priorities List. Clearly, these concerns need to be adequately addressed.

The Assembly Committee Substitute Bills 2693 and 2694, which would amend and supplement the New Jersey Spill Act, must be considered within the context of existing programs within the New Jersey Department of Environmental Protection (DEP) and at the Federal level established to remediate residential potable well water contamination. We shall outline those programs briefly in this testimony. These existing programs are addressing the problem in a rational, planned approach.

First, this proposed legislation would require the DEP within 120 days to "determine the extent of ground water contamination in the area surrounding each hazardous discharge site" in New Jersey on the National Priority List developed by EPA, and prepare a list of those areas in which the reliance on wells for potable water should be eliminated and which should be serviced by a public water supply system.

A valid geohydrological study requires between 1 and 1 1/2 years per site. In the face of partially completed studies or dealing with preliminary data, a cloud of doubt would be cast over the validity of any ensuing actions at each of these sites. This might create a de facto or informal red line. This would create immeasurable and unnecessary residential, real estate, and economic impacts. To some degree, this generic problem occurs around all designated National

Priorities List sites, but in the course of a well planned and conducted site investigation study such as those currently being conducted by the Department, these concerns can be addressed more carefully and thoroughly. We urge the Committee to very carefully evaluate the potential repercussions of this requirement.

In addition, to meet the requirement within the designated time frame, the Department would be forced to divert resources from other urgent contamination problems confronting communities near non-Superfund sites which are not on the Federal NPL and, hence, are not eligible for Superfund monies. For example, the Division of Water Resources has a large number of cleanups and studies currently underway, which are not on the NPL list, and this would have to be considered. These sites-- (see Appendix 1X - 5X for full statement)

ASSEMBLYMAN PANKOK: Let me interrupt you right there.

MR. FARRO: Sure.

ASSEMBLYMAN PANKOK: I also sit on the Agriculture and Environment Committee, and we are constantly asking DEP about the results of cleanups as far as Superfund money is concerned. In fact when Ray Lesniack was still an Assemblyman we would ask and get a lot of talk, and not a lot of action, and that seems to be what we're getting now when it comes to these very hazardous areas in New Jersey. We just don't seem to be getting cleaned up. You know, when I was Freeholder-Director I used to tell my planning board they used to study transportation, then they'd study housing, and then they'd study soil; we literally studied Salem County to death over the years, and I think that's what we're doing right now, studying and not getting really to the point of cleaning up these very hazardous sites. GEMS is rated third in the nation. And yet, here GEMS still sits, here all this money still sits, we're not getting the job done, and I see red when you start telling me you're going to study this and study that. It's time to stop studying and let's jump in there and start getting this place cleaned up. Pardon me for interrupting.

MR. FARRO: That's okay. Assemblyman, what I'll be able to give you and the Committee within a day or two is a report we're putting together which will give you a status on all 95 NPL sites.

Just to give you numbers, and they are approximate, out of the 95 NPL sites, we have completed 12 studies. We currently have 44 studies ongoing. We have completed 6 design phases, we have six designs ongoing, we have completed 18 initial remedial measures, we have 16 initial measures ongoing at this time, and we have 2 additional scheduled within the next two to three months. As far as the construction phase, we have completed 3 projects where we've had construction, and we currently have 7 ongoing.

ASSEMBLYMAN PANKOK: What are the 3 that are completed?

MR. FARRO: I don't know if I have all the back-up with me—

ASSEMBLYMAN PANKOK: Remedial construction, I'm familiar with the Bridgeport Oil—

MR. FARRO: For example, one would be Lipari Landfill—

ASSEMBLYMAN MARSELLA: Lipari Landfill, right.

MR. FARRO: One phase at Lipari was to install a wall in the cap. That's been done. At Bridgeport we, I think, pumped anywhere from 500,000 to 800,000 gallons, lowering the lagoon. As far as initial remedial measures, we removed 15,000 drums out of SYNCON. PJP, which is a large landfill fire, will have the Department spending \$22 million within the next two months to put that out. And there are bid documents out on the street right now to get that done. I can--

ASSEMBLYMAN PANKOK: Well, you know, it seems to me that what we have to do is make headlines in order to get moving. When the warehouse had some drums in it in Newark, everybody ran into Newark to get the drums out of there. I submit that GEMS Landfill is probably ten times worse than what was in that warehouse in Newark. And that was cleaned up within days.

MR. FARRO: Well the Newark warehouse, to be honest with you, is not completed. There are several other jobs that are—

ASSEMBLYMAN PANKOK: Well everybody in the world was up there in their monkey suits getting their picture taken in Newark.

MR. FARRO: There is still material to date that has to be disposed of at that warehouse. Regarding GEMS, just to get off my testimony a little bit, I know that people feel uncomfortable that we've been doing studies and studies and that there seems to be no end

to that. Just yesterday, I spoke with the Federal Government and I'm sure the Township if they're not aware of it will be notified shortly, about the feasibility study to recommend alternatives to take care of all the problems at this site, which will be released within the next week to two weeks, that will be open for public comment.

ASSEMBLYMAN PANKOK: I'm just making a note. I'm going to hold you to that. (laughter)

MR. FARRO: I've been told the document will be completed within the next week to two weeks, the public, the Township, and those in the surrounding communities, will then have the opportunity to review it. It will be set up in the public library, the Mayor's Office, and so forth. We've been discussing the red line here, and water lines and so forth, and I would recommend to the Committee that they review the report to make sure that the community's concerns are taken care of. I don't think the Department or the Federal Government want to go in and partially remedy this site. I think we want to go in and attack the problem, and rid it for everybody. It's something that we've been living with, you've been living with, and as you mentioned before - study, study, study, but you have to understand, and I'm sure you've heard this before, that you just can't go out in a matter of a year and say, "here's the resolution."

ASSEMBLYMAN PANKOK: Well maybe I'm just an impatient person.

MR. FARRO: No, I understand, but you have to look at it from my point of view, we've come to hearings and so forth and we've testified, and, believe me, we feel the same way you, the citizens, and the surrounding communities do. It's a new science, and I think people have to understand that we cannot just go out and spend \$15 to \$20 million hoping that what we do is going to resolve the problem. So, I think you are going to see for this site particularly, that within the next two weeks there will be a study that will come out, which will address a number of alternatives. To be honest with you, I personally don't know what those alternatives are. I've been told that part of the alternative may be to run a water line for several homes along certain locations within the surrounding area of the landfill, and I

think those homes or facilities may be impacted by the effluent before they are impacted.

I want to make it clear that in the past the Department has gone in without having contamination hit a well and has relocated those people. It's been done at Price's Landfill, where we relocated the entire well field. And it wasn't because it was contaminated, but we felt that, after doing a feasibility study, in a matter of two to five years, that well field would be in serious danger. Both the Federal Government and the Department made the decision, even before it was contaminated, to move. So we acted, and that well field is 95% completed. At Kryswaty Farm, which is another Superfund site, we are now in the process of completing a water line. At Bridgeport, which you've mentioned, the Federal Government will be completing a design for a water line within the next three or four weeks, and we will be out there, hopefully, by early September, installing that water line. We have been moving on water lines, and we feel—

ASSEMBLYMAN MARSELLA: So, we're not really off target in regards to Assemblyman Riley's legislation. It's kind of like getting it started by appropriating, and by coming up with some type of legislation in which there is a mechanism where Gloucester Township and Garden State Water Company are working in conjunction to solve the water problem of the GEMS Landfill.

The thing I'd like to comment on, Tony, is you've seen the Assemblyman's bills, and you've also heard talk here today regarding a Committee substitute along the vein that we're going after the Spill Fund for the dollars. What we would like to see happen is a partnership, between this Committee and Assemblyman Riley, and also the DEP, in formulating the proper Committee substitute that should be introduced into the Assembly, and also passed through this Committee, so that we don't have any problems down the road regarding this legislation. I know Commissioner Hughey has been very helpful to myself and also this Committee and other Assemblypeople in trying to solve these problems. So we're hoping that we can work in conjunction with DEP, this Committee and Assemblyman Riley, in formulating the Committee substitute that will be acceptable to the DEP, because, you

know you guys are the right hand of the Governor. If Commissioner Hughey recommends to Governor Kean that this bill should be vetoed because of certain things, then that's what's going to happen. We'd like to head that off at the pass, and we'd like the DEP and Commissioner Hughey to work closely with our Committee, and work closely with Assemblyman Riley, so that we can formulate the right piece of legislation, to avoid any trouble down the road.

MR. FARRO: Thank you and I appreciate that. I'd like to bring up at this point that the Department would recommend to the Committee that you look into the Spill Act Section E, where it states the Spill Compensation Fund cannot spend more than \$500,000 in a calendar year for any potable water source. It's not \$500,000 per site, it's \$500,000 in a given calendar year. We feel that it's been a burden on the Department; we have installed, if you look at the Krysowaty Farm site, the water line will cost anywhere from \$700,000 to \$1 million. At Bridgeport we're talking in the area of \$750,000, and those are only two sites. If we did not have Superfund money available, the Department would not even be able to act on one of the sites for at least two years, and that would be the only site within that two year period.

ASSEMBLYMAN PANKOK: What would you recommend? I don't see any reason this can't be incorporated right into this bill to relieve you of that problem.

MR. FARRO: I think the Department would recommend that there be no limit on how much you can spend within a calendar year.

ASSEMBLYMAN PANKOK: I would tend to agree.

MR. FARRO: It's been a hardship on us. For example, when we started the Krysowaty project, there was question as to whether or not the Federal Government could give grant money out to a third party contract with the State, to a private entity. While Washington made a decision whether or not to change that rule, the State fronted the money and started this project moving.

ASSEMBLYMAN PANKOK: So you guys did what I used to do when I was Freeholder-Director. The State would send me a letter saying Pankok you can't do that and I'd send it back saying "I don't

understand what you're saying", and by the time the letters got back and forth I had the project done. (laughter)

MR. FARRO: Exactly so. Fortunately in both Krysovaty and Borough's, the Superfund will be used, hopefully, because it's my understanding that that decision has been resolved in Washington. But given a non-NPL site, if we were to spend Spill Fund money for a given project, we would be locked into no more than a half a million dollars. And it affects a lot of programs. There are a lot of claims that come into the Spill Fund. Those claims are drawn off that \$500,000. So the Department would recommend there be no cap, and we would appreciate you considering that.

ASSEMBLYMAN MARSELLA: We may address that in this bill.

ASSEMBLYMAN RILEY: I would have no objection. Are there any other suggestions the Department would have regarding the whole thing, its language and everything else, because, I think the Department probably sees what we're trying to do with it. I'm sure the Department is sick of coming down to Gloucester Township and appearing in front of people from Gloucester Township who have claims and concerns. What we're trying to do is, hopefully, solve the water problem in Gloucester Township, whether or not it is factual. I don't want to get into a dispute about whether it's factual or psychological, because either way, it is a problem and should be resolved. If there are any things like that that you have to offer, whether to eliminate the \$500,000 limit, or whatever it may be, I would welcome it and I would ask that the Committee incorporate that within the Committee substitute.

Mr. Chairman, I know I'm not part of the Committee, but could I ask a question about a procedure? We've heard a lot regarding, for instance, the person who was paid \$26,000 up in Sturbridge Oaks which is-- If you look at the map which I describe all the time as looking like the State of Ohio, and if you take where Cleveland would be, that's Sturbridge Oaks. The water flow is towards what would be Cincinnati, down here in this corner, but the water flow is up that way, so why would somebody up in the right hand upper corner, Ann, maybe you can point out--

MAYOR MULLEN: This might be confusing people, because when we look at our Township, we look at it this way (refers to chart in different perspective). You're up here, right now, the Landfill is in this area, and the area you are referring to is down at this point. The flow, I understand, actually goes this way.

ASSEMBLYMAN RILEY: Let me give you some kind of explanation. We understand that right down here people have received up to \$26,000 in compensation for loss of real estate value. Now, there is no "hold harmless" for the town, which, again, seems like you're solving a singular personal problem, and creating a long-term disaster for Gloucester Township. But with the flow going this way, and since they have city water, why would they be paid money if the purpose of the Spill Compensation is to provide pure water? It just doesn't make any sense. And then not hold the Township harmless— It just seems it's an absolute "Catch 22" and I'd like to figure out why.

MR. FARRO: I don't know much about what you're talking about. I'd like to touch a little bit, and I'm not an expert on the Spill Fund or a lawyer—

ASSEMBLYMAN MARSELLA: That's a plus for you.

MR. FARRO: I know. People can make claims for the Spill Fund, but under the Spill Act you have to go back after a responsible party. Just because these people in the right hand corner received money for whatever reasons — as I say, I'm not familiar with it and maybe Dr. Morris can touch on that a little bit; I'm also not a lawyer but I want to make this clear -- in order for the Department or the Spill Administrator to go after the Township, in this case, to recoup those dollars, they have to tie the landfill in with that home. I mean, it has been the State's and Federal Government's decision that for whatever the municipality was involved with the landfill, which may or may not make them a responsible party, whenever there is an action taken, or whenever the Spill Fund gives money to a third party, you have to tie that site in to what caused that problem.

Now, if you're trying to say "How does he get money when flow from GEMS isn't anywhere near the home, and they're not drinking

potable water, they're on the water line?" If I were an attorney, my reaction to that would be that before the Township, if it is a responsible party, is going to reimburse anybody, you're going to prove to me that GEMS is causing the problem.

ASSEMBLYMAN RILEY: As a Township resident, that's my question. As a State Assemblyman my question is, "What in God's name is the State doing paying those people \$26,000?" Much less going against the Township for reimbursement. Why would the State pay someone who is not on the flow line and who has city water, \$26,000 for loss of the use of a home, when the State won't even put pipelines in the imminently affected sites, i.e. those around GEMS. To me, it's totally "Catch 22". It's contradictory, and it seems to be an absolute waste of money. That's why I want the hold harmless, and I would like to have a redefinition of the red line. The red line as it is presently situated is the boundaries of the municipality and two streets.

As you are not a lawyer, I am not a chemist, I am not a physicist, I am not a mathematician, but if there is an effluent flow, I've got a pretty damn good sneaking suspicion, that neither the streets nor the boundaries of the Township are going to stop the flow of effluent. The last time I looked, there was no wall at any of these things, so why these boundaries? If the effluent is this one, then shouldn't it be over here? If these are rightfully within the red lined area, so be it. But I think there should be some rational nexus, and it doesn't seem to me that Ann Mullen, whose house is here, but who still has red clothes when she does her wash, should have a problem here but not be in the red lined area and not be compensated, while here they have city water and do get compensated thousands and thousands of dollars? It just doesn't make any sense to me.

MR. FARRO: Dr. Morris will be able to address some of these questions. (laughter) Just a couple of things. First of all I think it will be prudent of the Department and the Federal Government to reconsider the red zone. Dr. Morris has brought with her the reasons for putting in the red zone, and how the Department went about defining the red zone. I think the Mayor brought out a good point about it

being called the "red zone", and I don't think you'll see any more red zones. You may see it, but not in the sense that it will be called that. It's the words that are scaring people. The Department has realized this, and there have been so called red zones set on one or two other sites within the State of New Jersey after we established the one at GEMS, and we're not calling them red zones anymore. The words have become a problem.

ASSEMBLYMAN RILEY: To take the problem even further, I don't know if the Department knows this, but as of two weeks ago, there were actually lawsuits by people within the area, not only against the ones that have previously been filed and not only for compensation, but against things like the little teeny borough of Chiselhurst which is 20 miles away from us in the Pinelands, because ten years ago they dumped something in GEMS as they were required to.

So this has become a disaster for the people in Gloucester Township, and the people in Camden County, and now even another little town. And all I'm saying, and I think the Chairman and Assemblyman Pankok and Mayor Mullen in Gloucester Township are saying is "please help"; somebody try to find an answer for this. If it's a strict definition of the red line to show that something shouldn't be in there, so be it. If it should show that it should be extended, so be it, but let's try to do it in some kind of rational nexus. I think it's really desperately needed. Thank you, Mr. Chairman, for giving me this opportunity.

MR. FARRO: I guess I'll go through this quickly. Just a few points I'd like to bring up. As I started to say, trying to do a study on 95 sites in 120 days--

ASSEMBLYMAN MARSELLA: What if we just said the GEMS site, instead of all the sites? I mean I think that would be easier.

MR. FARRO: I don't think I have a problem because, like I said, the study should be out, hopefully, before we even re-draft what we're looking at here. I made sure of that.

ASSEMBLYMAN MARSELLA: All right. That makes that a moot point.

MR. FARRO: As far as the issue dealing with ECRA is concerned, the State would support that. ECRA is a new program, and although we've established a fee, we really don't have a feel for how much or how well the fee will take up, so having that money as security will be very helpful. We do support that. I would like to have Dr. Mary Morris just give you a little briefing on a number of plans that we have concerning how to handle potable water problems. We have procedures which we will also make available to the Committee for certain situations that may arise or have arisen already at GEMS and other sites throughout the State.

ASSEMBLYMAN MARSELLA: Okay Dr. If you could be brief we'd appreciate it, since we have other witnesses.

DR. MORRIS: Okay. What we have to do is bring to the Committee's attention, if it is not aware already, two programs that are existing within the Department. One is the emergency contamination procedures, in which a resident complains to the Department that there is contamination of the resident's water supply. What we have done, because of the size and complexity of the Department, is develop procedures outlining what we, in the Department, do when these problems occur. And these occur not only in regard to NPL sites, but also sites totally divorced from them. So this is our fallback mechanism. If an NPL process is working slowly we have options. We have copies of these procedures if you are interested.

Another interesting aspect of the Department's programs is the contaminated well fill program. These people help communities in the situation where they require alternate water. The funding source can come thru existing Spill Fund mechanisms, through Federal programs and through additional State funds. So there is a mechanism already set up to deal with these issues. And we feel very comfortable that we can deal with them once they are brought to our attention.

I might add, when you're dealing with a potable water contamination situation, a thorough study is essential. If we just go to residences and take a sample and find clean water, we are not protecting those people because effluent may be 10 feet from their homes. A study is an essential part of the program.

ASSEMBLYMAN MARSELLA: Is there anything else that you would like to add? Thank you very much for coming to South Jersey--

MR. FARRO: Thank you.

ASSEMBLYMAN MARSELLA: The land of the "Jersey Tomato". We have another witness, and I don't know if she's here. Betty Delaney, is she here? Okay, come on up here Betty.

BETTY DELANEY: Good afternoon gentlemen. My name is Betty Delaney, and I live half a mile from the landfill, on Bellevue Ave. in Erial. Recently, within the last eight or nine months, my water has become unfit to drink. I carry my water by jugs full from my daughter's house in Blackwood. It isn't a comfortable way to live. I feel that I wouldn't have had that problem, since my well is over one hundred feet deep, if it weren't for the GEMS Landfill. My home is situated in sort of a gap on Bellevue Ave. The water line comes up on Williamstown Rd. and comes all the way up on Bellevue Ave. to the house right next door to me. I have tried to get it extended, but they have told me it will cost me "X" amount of dollars.

ASSEMBLYMAN MARSELLA: Who is "they"?

MS. DELANEY: Garden State Water Company. I talked to Mr. Gleason who has been very nice to me and has tried but couldn't help me. I have an idea he sent a letter to me, otherwise I wouldn't even have had an idea about this meeting. I don't know why they just stopped at the door next to mine. There are about six houses in the old section of Bellevue Ave. that do not have city water. I've lived there since 1945, and if I could just get drinkable water I'd like to continue living there the rest of my life. It is very difficult to live without being able to just go to the faucet and get a nice cool drink of water the way I used to years back.

ASSEMBLYMAN PANKOK: Has your water been tested?

MS. DELANEY: It has been tested by the Garden State Water Company, and--

ASSEMBLYMAN PANKOK: And what's the results?

MS. DELANEY: They tell me there are no bacteria. If you can get it past your nose you can drink it.

ASSEMBLYMAN PANKOK: Oh, I see.

MS. DELANEY: It smells--

ASSEMBLYMAN PANKOK: Like Limburger cheese, right?

MS. DELANEY: Yes, it's terrible. And it has an oily feel to it.

ASSEMBLYMAN PANKOK: It does?

MS. DELANEY: Yes.

ASSEMBLYMAN PANKOK: On Bellevue Ave., is that proposed for a new line?

MR. SCHUMAN: Yes.

ASSEMBLYMAN PANKOK: Okay.

MS. DELANEY: Then I'll be okay?

ASSEMBLYMAN PANKOK: I would think so.

ASSEMBLYMAN MARSELLA: Yes. What we're doing— and I know you sat here very diligently through the whole Committee hearing and we appreciate that— is this bill and legislation is going to provide water lines for everybody in that red line area. So Bellevue Ave., as Assemblyman Pankok just pointed out to me, is definitely in that district, and that is one of the areas proposed for a new water line.

MS. DELANEY: Okay. Thank you very much.

ASSEMBLYMAN PANKOK: Thank you for coming, we appreciate you taking time to be here.

ASSEMBLYMAN MARSELLA: Is there anybody else here that would like to testify? Okay, yes sir.

MR. BARKEL: Yes, my name is Mr. Barkel, and I live on Plymouth Rd., which is just about 750 feet outside the red line. I would like to know if there is a possibility that areas just outside of that red line will also be eligible to receive water?

ASSEMBLYMAN MARSELLA: Right now we're proposing to run the water lines in the red line district. Under the laws that we have before us today, the qualifications for the money we're going after are that the area has to be polluted. And the red line area is the polluted area, as determined by DEP. That's why we're going into that area. There are other avenues that can be taken further down the road in connection with State money being available to the Township and the water company in order to run additional lines. I think that phase will take place somewhere down the road once we get this legislation in place so that we can get this off the ground and get moving.

MR. BARKEL: The reason I ask that is because my well is 65 feet deep, and at times my water smells like dirt and is also oily. But that comes and goes. When I complain to the Board of Health or whomever, they come and test my water, but it'll be a day or two later, and the water will have cleared up by then. I have even taken a bath in the water and gotten out of the bathtub with a rash all over my body.

ASSEMBLYMAN PANKOK: Two things. Channel 3 has very good weather forecasting so I would suggest when you know it is going to rain, that's when you call the Board of Health and tell them you want your water tested the next day. Number two is, the red line, as Assemblyman Riley has indicated, is not a barrier, not a wall, not something that is going to keep the pollutant from moving, so until the test results for the entire area are complete, we can't say that you will or you won't get a water line, because the pollutant might be moving your way, and might have to be part of the red line area. Instead of shrinking it, it might move your way. So for us to say definitely no, that you won't be included, would be a lie. There is also always a possibility. There is also the possibility that it could be moving away from you and it'll be less damaging over the years.

ASSEMBLYMAN MARSELLA: If you'll leave your name and address, we can correspond with you and give you the results of the test that's supposed to be done in two weeks, as to whether your area may be extended into the red district area, and whether your's would be a qualifying street also to run water lines. We need your name and address so we can keep in contact with you and let you know exactly what the report from the EPA and the DEP is telling this Committee and Assemblyman Riley in regard to that. So, I think you have to wait two weeks now until we get the results back. Maybe it is going to shift. Maybe DEP will take into consideration that we're asking for this red line to be relooked at and reshifted around to the areas that are being polluted, and they will take care of that problem.

MR. BARKEL: You see, I'm concerned, but I would also like to see the red line shrunk for the same reason, because I would like to sell my house some day.

ASSEMBLYMAN PANKOK: Right on.

MR. BARKEL: But, then I still have bad water.

ASSEMBLYMAN RILEY: Under the bill, it would mandate they check everything, and either shrink it, or expand it to where it is really affected. Hopefully, if you need water, it will be brought to you.

ASSEMBLYMAN MARSELLA: Okay, thank you very much.

MS. DELANEY: Excuse me, can you tell me how near in the future the line will be run out to Bellevue Avenue?

ASSEMBLYMAN MARSELLA: In the future? I can't comment on that. I don't know.

MS. DELANEY: A year, or two years, three years?

ASSEMBLYMAN MARSELLA: It depends on the legislation, on how fast DEP works when the money is allocated, on Garden State Water Company, and putting everything together. It could be done within a year, two years, or three years. Right now we're in the process of trying to get the legislation passed to make the money available. The money's the biggest obstacle we have. Once that is passed I'm sure the mechanics will be working very quickly. Paul, just a quick comment, if everything goes on target and the Governor signs the legislation, and the money is available, how soon could this project get off the ground, and how soon could we get water to Bellevue?

MR. SCHUMAN: The project would move very fast. If you have it on the governor's desk and he signs it this season, then as soon as the construction season opens next year we'd be ready to start.

ASSEMBLYMAN MARSELLA: I know you've had your hand up in the back, and you've been here quite some time, and I extend my courtesy to you ma'am. Do you want to testify or have something to say? Come on up. We need your name and address for the record.

DEBBIE VILLESHERE: Okay, it's Debbie Villeshere, 5 Kimberley Court. I live in the Fox Chase developments which are directly across the street from the landfill.

The first question has to do with the compensation. You know it is public record that people in Briar Lake have been compensated anywhere from \$70,000 to \$90,000 for their homes, because you can see the stagnant orange water sitting there.

ASSEMBLYMAN MARSELLA: Come on up and testify.

MS. VILLESIRE: And in our particular development, we've been told by several realtors that we would take a 30% to 40% property value loss living in Fox Chase if we try to sell our house. If I were to move my house anywhere else without the landfill, I would get the amount of money I should get. I can't even get what I put into the house now. Our development is getting compensations of less than \$20,000, and we live the exact same distance from GEMS. We have the exact same problems; we can't sell the houses and if we can, we're giving them away for approximately what we originally paid for them. Is anything going to be done as far as this Fund— You know, we hear of people getting \$26,000 a mile and a half away, and we're getting a little ticked-off when the people of our development aren't even getting \$20,000 and can't leave. \$20,000 is not going to get us to another house if we can't sell this one. Is there going to be any investigation as far as that is concerned?

ASSEMBLYMAN RILEY: Well, it wouldn't be under this bill. This bill deals strictly with the water and trying to solve the problem so we can get rid of the red line, which will allow you to sell your home down the road.

MS. VILLESIRE: I don't think anything is going to help us sell until this thing is cleaned up.

ASSEMBLYMAN RILEY: I'm just saying that the bill itself does not deal with that issue. As far as that goes, the DEP could probably tell you more about it. I have no idea what the—

MS. VILLESIRE: They don't tell us anything.

ASSEMBLYMAN RILEY: You mean as far as the difference in compensation?

MS. VILLESIRE: We have the same problem. They're out there testing our soil constantly, and it's all these surveys and tests that you were talking about.

ASSEMBLYMAN MARSELLA: Well, one thing that was brought out today at this hearing is the DEP has said that the EPA, Federal Government, is coming out with a study to tell us basically what is

going to have to be done at GEMS to start the cleanup process that is desperately needed. That should be something that will help you down the road. Maybe not next year and maybe not in the next two or three years, but once they establish the cleanup method that's going to take place and solve the pollution problems of the GEMS Landfill, then it's going to benefit Gloucester Township and the surrounding Camden County area, as a whole. They did say that today, and I have confidence in our New Jersey DEP. They stay on top of the problem. We're working in conjunction with the Federal Government, and the real problem when you get involved with the Superfund sites, is the Federal Government.

Our Congressman was the author of the Superfund legislation, and he's been fighting in Washington year after year to have our President fund the Superfund bill so that we can get New Jersey cleaned up. New Jersey is the pollutant capital of the nation. Just this year Dennis and I were with Congressman Florio, and he was saying that it is obvious that the President is going to veto the portion of the money necessary to fund the Superfund bill so that we can work in conjunction with the State of New Jersey with regard to cleanup.

So, we're ready; we have surpluses. We just voted on a bill to appropriate \$150 million dollars out of raw cash of our surpluses to start the cleanups across New Jersey. The problem that we're having now, is that we need the Federal Government to tell us that it is okay to spend the money so that we can get reimbursed. The Federal Government is now telling us if we want to, go ahead and clean up GEMS. It costs \$150 million dollars, and if we don't do what they say has to be done, then we're going to lose \$150 million, and they're going to make us do it all over again because it's not done the way they want it. So that's the real problem in a nutshell regarding the cleanups. The announcement was made here today that within two weeks we should have some type of response back from the Federal Government with regard to that cleanup. Assemblyman Riley has said that his bill deals with providing the clean water to the area through pipelines and through the public water system, and that is what we're doing. As far as the awards that you were talking about--

MS. VILLESIRE: The red zone is supposed to deal only with wells. Is something going to be done about the fact that the real estate companies have jumped all over it, and that you can't get home improvement loans or anything like that. Is there anything that can be done to make it strictly water? I mean I have city water, but nobody there is going to give me a loan.

ASSEMBLYMAN RILEY: This would be a first start. I'm afraid to say it, but apparently some people are trying to profiteer by the misery of others in this situation. I've heard stories, and the Mayor has told me stories, of people going in to some of the developments and saying to the people in the developments, for instance, "look we'll sell your house, and here's the name of an attorney that will get you more money from a fund to make up for the difference." Well, if that's the case, that's an outrage. The purpose of this stuff is not to try to allow profiteering, but to try to solve a problem. We're hopeful that if we solve the problem by getting water, and solve the problem of the red line and put it into a rational area, then maybe the psychological impact will go away, and maybe we can then take the step--

If what I've heard today from some of you and from the Mayor and some of the people back there is accurate, I'd like to make it a criminal offense to have someone try to profiteer from the misery of others regarding things like the Spill Compensation Fund and GEMS. I think that's an outrage, and if that is going on, if you or your neighbors have somebody come over and try to do this, I would ask you to contact Assemblyman Marsella's office or my office, because I would love to be there and hear that spiel. I think legislation may be needed very quickly to deal with that. We're trying to do first things first as much as we can, to try to at least get the basic problem, water -- and obviously we all need potable water in order to live -- resolved. If you do hear of anybody like that I would appreciate it if you would let us know. My office is in Blackwood, and Tony's is in Turnersville, so we're very easy to get a hold of.

MS. VILLESIRE: When the lines are run to put fire hydrants in for GEMS, are they going to dig up Erial Road again? Are we going to lose Erial Road again?

ASSEMBLYMAN MARSELLA: No. Only at the intersection possibly of Erial Road and Cookstown Road where we have to tie into a line.

ASSEMBLYMAN RILEY: Only where they'd have to cross to tie. Thank you ma'am.

ASSEMBLYMAN MARSELLA: Thank you very much. We have the fire chief here. As they tell us, water makes you work, right? We just need your name for the record.

FIRE CHIEF THOMAS CONKI: Okay. My name is Thomas Conki, and I'm the Chief of the Erial Fire Company. I know that the water is important, and I'm representing the Fire Company today. Right now, anytime that we have a fire up at GEMS, water supply for us is very hard. The closest hydrant is approximately 2500 to 3000 feet away, and our trucks don't have the capacity to handle that much hose, so I have to call incoming fire companies, and this really ties up a lot. It ties up other municipalities, and it ties up a lot of equipment. I can't give you an actual figure, but I would imagine it runs into quite a bit of money, just for fire apparatus alone.

The hydrants and water supply are greatly needed for any kind of strategic move to fight a fire at the landfill.

ASSEMBLYMAN RILEY: Chief, we've heard the situation regarding the previous fire there. Can you describe that situation? Also we understand the DEP has told your people that it was okay for your people to be up there with plastic helmets, yet they're up there with moonsuits. Can you describe that situation, since it seems a little counterproductive?

CHIEF CONKI: When GEMS was first closed, there was not too much about it. Afterwards, they started doing testing. So one day out of curiosity, I walked up to someone, I'm sorry I never got the man's name, and I asked what do we do there? He said, "well, the best thing to do is wear breathing apparatus and your full protective clothing. Then when you come down off the site, get rid of it". Well, to outfit a man with the apparatus alone, costs \$400. With the helmet, coat, boots, and breathing apparatus it runs from about \$800 to \$1200. So, it's impossible for us to go up there and fight a fire, and then come down and throw all this equipment away. There's just no way we can feasibly do that, because of the expense.

ASSEMBLYMAN RILEY: In fact, haven't the commissioners instructed your men not to fight fires in GEMS Landfill?

CHIEF CONKI: That's right.

ASSEMBLYMAN RILEY: So if there were a fire today at GEMS Landfill, the local fire department would not fight that fire?

CHIEF CONKI: We would protect the surrounding exposures, and we would try to control it if there were an evacuation instructed by the DEP or EPA. But right now no, our commissioners' orders are not to go up to the top.

ASSEMBLYMAN RILEY: The last fire at the GEMS Landfill took, I believe, three days before it was finally put out. Is that correct?

CHIEF CONKI: Yes.

ASSEMBLYMAN RILEY: And the reason was it took that long for the Federal and State people to actually get on the scene. Is that correct?

CHIEF CONKI: I'll say about two days to get there. But then to make the decision about how to put the fire out took about three days total. I feel the State was very slow in handling the situation.

ASSEMBLYMAN RILEY: If there were fire hydrants, and fire equipment, at the scene, so your men could actually shoot from the perimeter--

CHIEF CONKI: If the hydrants were strategically placed, yes, we could probably get enough pressure that we could get the majority of the fire. If it were at the very top, it might be tough, but we could set monitors up and do some kind of actual fire fighting on it without going to the very top.

ASSEMBLYMAN RILEY: But if it were a grass fire on the side, like the last one was, you would probably be able to do it with the pumpers right there, just from the fire hydrant, I understand. Is that correct?

CHIEF CONKI: Well, we'd have to shuttle water back and forth. It all depends on the size fire.

ASSEMBLYMAN MARSELLA: Would it be a definite benefit for the protection of that landfill, if hydrants were properly placed around it?

CHIEF CONKI: Yes, it would be a definite— I've been fighting—

ASSEMBLYMAN MARSELLA: The pressure would be a lot better.

CHIEF CONKI: Yeah. But as I say, the loss of pressure that we have— We run three inch hose line, and at a 3000 footer you're just not going to get very much pressure out of it.

ASSEMBLYMAN RILEY: You won't fight much more fire with that.

CHIEF CONKI: Well, yeah, it's really tough to have any kind of volume or any kind of pressure with that distance.

ASSEMBLYMAN MARSELLA: Thank you very much, Chief.

CHIEF CONKI: You're welcome.

ASSEMBLYMAN MARSELLA: Is there anybody else who would like to testify, before we close? Hi, we need your name and address for the record.

GAIL DOLE: My name is Gail Dole, 37 Fox Chase Drive, Blackwood. I just want to make a couple of comments to the fireman that was just up here. The time that we did have the fire, Fox Chase was completely filled with thick black smoke, our homes were covered inside and out. No one told us the landfill was on fire. We called the Police Department and anybody else we could think of in the Township, and they didn't even know, and yet we sat there and inhaled all this. My neighbor across the street had to have someone come and take her out because she didn't have air conditioning. I closed my house up and turned the air on because it was in August. I could stay in. She couldn't come in my house because her children were allergic to my dog, so she had to leave her home for three days because of this. We weren't told.

He also spoke about an evacuation plan. There is no evacuation plan for us. We have one way in to Fox Chase, and one way out. To use the back way we would have to go down through the woods, and how could we take our children through the woods. It's impossible, and every time we ask someone, "Who is in charge of evacuation plans?", they shuck it off onto someone else. So what happens if there is a fire there during all this heat and lack of water? If there is a fire there we are stuck to ourselves to get in and out of that place. It's

just another problem on top of the problems that we're already living with.

ASSEMBLYMAN MARSELLA: You were there during the fire?

MS. DOLE: Yes. I live there.

ASSEMBLYMAN RILEY: Is it true though, what we heard before that the DEP was befuddled half the time, and they had moonsuits on and were telling the firemen in their plastic helmets to go fight the fire?

MS. DOLE: I saw them dressed that way, I don't know what they were saying. I did see them all--

ASSEMBLYMAN RILEY: But they were there in their moonsuits saying everything was safe?

MS. DOLE: No, everyone basically stood at the end of the landfill and just kind of looked confused. They tried to tell us that, although it's a toxic landfill, this smoke wasn't anything, and wasn't going to harm us. Yet they did have their suits on.

ASSEMBLYMAN RILEY: So there were people walking around in moonsuits telling you not to worry about it.

MS. DOLE: Don't worry about-- Well no, they didn't even tell us until after. Nobody told us what was on fire. We had to find out for ourselves that that landfill was on fire. I feel they should have come in and given us the option of leaving. Come in with even a bullhorn and say, "the landfill is on fire. If you choose to leave, leave."

How about if it got out of control? There we would be stuck, because we would have to go out past the landfill to get out to begin with. The landfill is right at the foot of my street. So it's just another problem on top of a problem.

ASSEMBLYMAN RILEY: Hopefully we'll have it taken care of with the water plan.

MS. DOLE: Okay.

ASSEMBLYMAN RILEY: Thank you.

ASSEMBLYMAN MARSELLA: Thank you very much.

MS. DOLE: Thank you.

ASSEMBLYMAN MARSELLA: How about anybody else who would like to testify? Okay, seeing no hands, we are going to close the hearing.

today on Assemblyman Riley's bills, and hopefully, at the next Committee meeting we have, which will be in September, we will be prepared to move out a Committee substitute from the testimony that was given here today, and also from myself working along with Assemblyman Riley, Mayor Mullen, and Assemblyman Pankok, and come up with an adequate substitute that will deal with all the problems that we've heard today— Also the problems of the fire company and the citizens that were here and testified today. This way we can come up with a better bill, and a bill that will do the job, and that's what was Assemblyman Riley's intention when he introduced this legislation, to solve the water problem in that red line area of the GEMS Landfill. So thank you very much for coming out here today.

ASSEMBLYMAN RILEY: Tony, if I can? If at all possible as Chairman, maybe you could have a sub-committee meeting or something to try to get the bill drafted, and have it released as soon as possible, because I think, as Paul was indicating, if we can have the bill released early, and get it on the Governor's desk this year, then we have a chance to have the water put in next Spring, and that, I think, should be our goal.

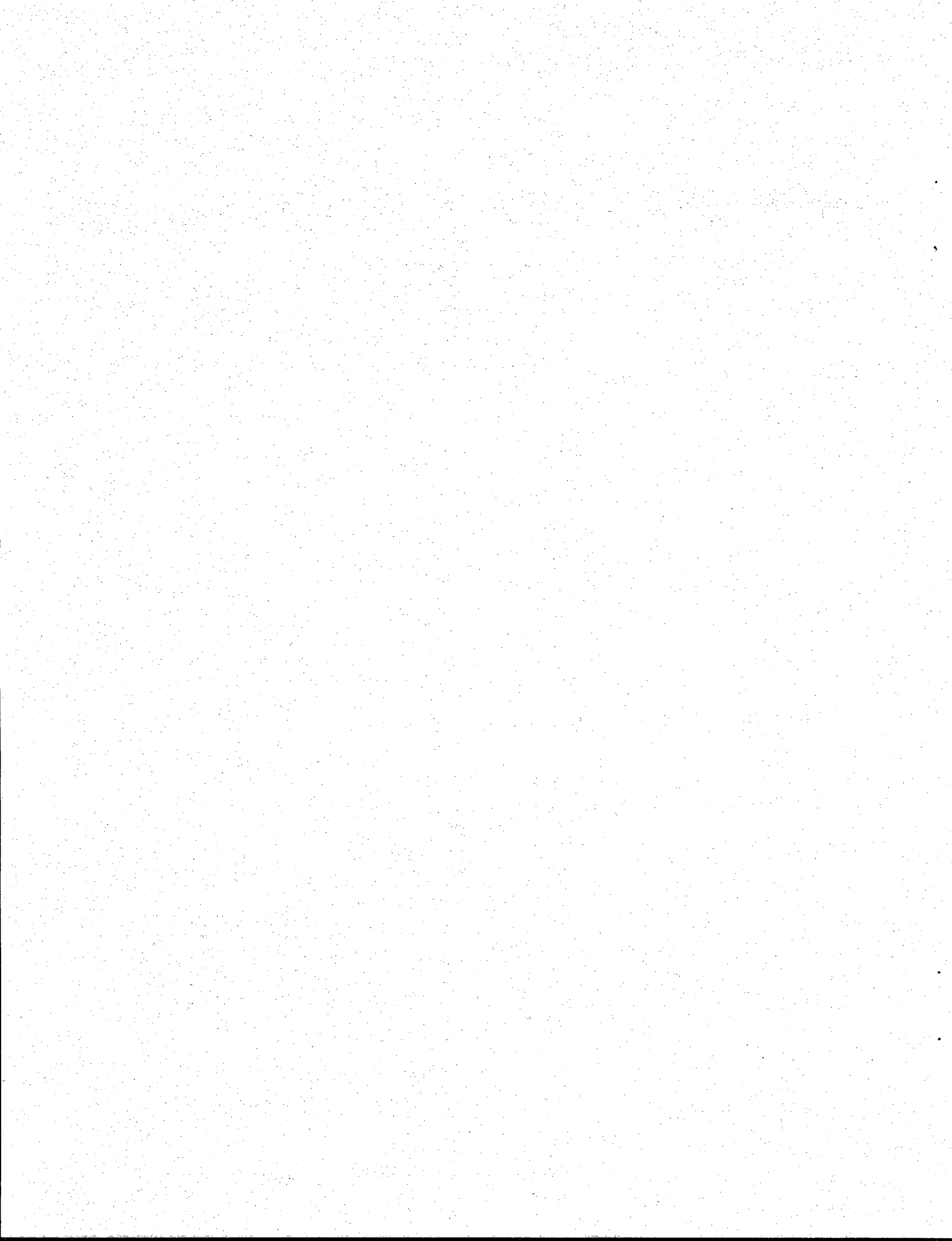
ASSEMBLYMAN MARSELLA: Assemblyman, we will take that into consideration and do the best we can.

ASSEMBLYMAN RILEY: Thank you.

ASSEMBLYMAN MARSELLA: Thank you very much everybody.

HEARING CONCLUDED

APPENDIX





State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
HAZARDOUS SITE MITIGATION ADMINISTRATION
CN 028, Trenton, N.J. 08625

MARWAN M. SADAT, P.E.
DIRECTOR

JORGE H. BERKOWITZ, PH.D.
ADMINISTRATOR

My name is Anthony Farro, Deputy Administrator of the Hazardous Site Mitigation Administration within the Division of Waste Management of the New Jersey Department of Environmental Protection. The department appreciates the opportunity to address proposed ACS Bill 2693 and 2694.

This legislation reflects the concerns of the New Jersey Legislature and community residents of Gloucester Township resulting from potential groundwater and residential well water contamination near GEMS Landfill in particular and potable well water contamination in general in communities proximate to hazardous waste discharge sites on the EPA National Priorities List. Clearly, these concerns need to be adequately addressed.

The Assembly Committee substitute bill 2693 and 2694 which would amend and supplement the New Jersey Spill Act must be considered within the context of existing programs within the New Jersey Department of Environmental Protection (DEP) and at the Federal level established to remediate residential potable well water contamination. We shall outline those programs briefly in this testimony. These existing programs are addressing the problem in a rational, planned approach.

First, this proposed legislation would require the DEP within 120 days to "...determine the extent of groundwater contamination in the area surrounding each hazardous discharge site "in New Jersey on the National Priority List developed by the USEPA and prepare a list of those areas in which the reliance on wells for potable water should be eliminated and which should be serviced by a public water supply system.

A valid geohydrological study requires between 1 and 1½ years per site. In the face of partially completed studies or dealing with preliminary data, a cloud of doubt would be cast over the validity of any ensuing actions at each of these sites. This might create a de facto or informal "red line". This would create immeasurable and unnecessary resident as well as real estate and economic impacts. To some degree, this generic problem occurs around all designated National Priorities List sites, but in the course of a well planned and conducted site investigation study such as those currently being conducted by the Department these concerns can be addressed more carefully and thoroughly. We urge the committee to very carefully evaluate the potential repercussions of this requirement.

In addition, to meet the requirement within the designated time frame, the department would be forced to divert resources from other urgent contamination problems confronting communities near non-Superfund sites which are not on the federal NPL and, hence, are not eligible for Superfund monies. These sites are

as deserving of departmental attention and, indeed, may be more difficult to study properly because of the lack of this funding source.

The proposed legislation would establish a new section to the new Spill Act (P.L. 1976 c. 141) which would require the Commissioner of the Department of Environmental Protection to expend those monies from the Spill Fund to provide alternate potable water supplies to residents where well water has been found to be contaminated in Gloucester Township and the area surrounding the GEMS landfill.

Rather than supplementing the Spill Act to include language allowing an unspecified amount of money to be allocated from the Spill Fund to a particular site, e.g. Gloucester Township and GEMS landfill, the Spill Act (58:10-23.11e) should be amended. Section e refers to the restoration or replacement of or connection to an alternate water supply for private residential wells. This places a \$500,000 cap on expenditures for such purpose for each calendar year. Clearly, this spending limitation should be removed to provide funds to communities who are in need of alternate potable water supplies. We urge this committee's attention to this matter. This is a highly prudent change which allows for more expeditious remediation of the water supply problem once contamination findings have been determined.

Let us take a brief look at the existing departmental programs covering the NPL sites and other instances of potable water contamination. For approximately 56 sites on the National Priorities List, Remedial Investigation/Feasibility Studies (RI/FS) are currently complete or underway. The need for a ground water evaluation is determined in each of these RI/FS and, if necessary, conducted as part of that study. Therefore, for the purposes of this bill, the majority of the requested work has been initiated. Where contamination of groundwater is found during the early stages of the RI/FS, and potential for potable water exists, immediate measures can be taken through the federal Superfund removal programs to provide alternate water. Where the USEPA cannot act, the state can act through the Spill Fund program, other state funds and the Contaminated Wellfield Loan program, to provide alternate water sources. This is discussed in more detail later.

It should be noted that water supplies are being provided in a number of Superfund cases including Krysowaty Farms, Bridgeport Rental and Oil Services, Pomona Oaks, and Price's Landfill.

For NPL sites not yet addressed through the Superfund program, this bill would require a separate groundwater evaluation. Implicit in the A2693/2694 requirement to "determine the extent of groundwater contamination in the area surrounding each discharge site in this state included on the National Priorities List" is the requirement to perform an indepth scientifically valid study. As mentioned earlier, studies of this sort (RI/FS) take 1 to 1½ years to complete. It is tempting to believe that a potability determination can be made on the basis of sampling a few residences. However, the potability determination cannot be made on the basis of sampling only a few residences, though sampling of residences would certainly be part of the overall study design. The groundwater investigation would necessarily include:

- a. An evaluation of the potential for groundwater migration
- b. A geological evaluation of the site
- c. Determination of monitoring well locations and installation of wells
- d. Sampling of monitoring wells and selected residences
- e. Quality assurance reviews on the data
- f. Technical evaluation of the data as to degree and type of contamination
- g. Confirmation sampling to verify questionable or marginal results.
- h. Final evaluation
- i. Design of alternatives for provision of water supply

This work is detailed, costly, and time consuming but essential in order to make these critical potability and water line replacement decisions.

From the point of view of analytical (laboratory) demands, the program in the proposed legislation would be difficult to implement. Nationally, laboratories qualified to perform these highly sophisticated analyses are overburdened with samples. NJDEP and USEPA have been urging additional laboratories to become involved in the cleanup program because of existing capacity problems. We are informed by USEPA that they could only obtain coverage for 50% of their projected sample demand by qualified laboratories when their contract was bid a few months ago. The laboratory shortage problem is critical in New Jersey as well. Such demands as created by this bill would likely absorb all free laboratory capacity around the state, seriously endangering our ability to continue our current investigations and, indeed, to deal with emergency situations. Because of the complexity of these analyses and the necessary quality assurance documentation, laboratory outputs are low and slow in coming. A large analytical laboratory with five GC/MS (gas chromatographs/mass spectrometers) can only process approximately 20 samples during a 24 hour shift. The time for receipt of results on a national level is considered to be 42 days from the day the samples are given to the laboratory. On the basis of analytical demands alone, the 120 days to perform these geohydrological studies/potability evaluations is unfeasible.

The logistics would be a nightmare. There are not enough resources available to us to perform studies, site wells, sample wells and analyze data during this time frame. To attempt to do so would cripple our ongoing programs.

Within the context of existing state programs, the committee should be aware that as a result of the increased concern regarding instances of private well contamination, a procedure has been developed within the department to handle investigation and remediation of these problems.

Upon notification of a concern by a private citizen regarding the quality of their well water, an investigation will be performed to determine the potential for contamination. Spill Fund monies can be used to sample and analyze private well waters. If results indicate contamination, resampling and additional area well sampling may be required. In the event that contamination is confirmed, alternate water supplies will be recommended. A group has been organized within the department (Contaminated Wellfield Program) specifically for these situations. Appropriate immediate actions may include provision of temporary bottled water supplies until permanent long-term solutions can be implemented. Long-term actions may include installation of home treatment systems, drilling deeper wells, and connection to public water supplies, where available.

The potential sources of contamination are investigated and, where appropriate, private responsible parties will be ordered to pay for the alternate water

supply. If a responsible party cannot be immediately found or is not financially viable, the N.J. Spill Fund, other state funds, and EPA Removal or Remedial programs can pay

for the costs of the alternate water supply. Where the Spill Fund cannot cover costs, the loan program from the 81 Bond Fund provides 5% loans.

Potable Well Contamination in the Area of GEMS Landfill

A number of studies have been performed on potable wells in the area of the GEMS landfill.

Analyses have been performed by NJDEP, Camden County and USEPA since 1980, including sampling of 22 private wells in December 1983.

Several wells have in the past been found to be contaminated. In one instance, no water line was available to the homeowner and negotiations with the water company resulted in the water line being extended to service the affected home. In the other cases, water lines were available to affected well owners and it was recommended they connect to these lines and abandon their wells.

A recent round of sampling has indicated contamination in a monitoring well located near an industrial establishment. However, these contaminants were discovered in a different aquifer than the one that serves the facility. The contaminant types are indicative of gasoline contamination and therefore, it is questionable whether the GEMS Landfill is the source these materials. Additional studies will be performed by the DEP to determine the source of this contamination.

ECRA

The department strongly supports the provision for an authorization of up to \$400,000 per year to cover the costs associated with the administration of the "Environmental Cleanup Responsibility Act". The Act requires DEP to develop and implement a fee schedule to cover such costs; that schedule has been proposed and a public hearing held, with implementation planned for October 1 of this year. However, with less than 18 months experience, we are not certain that the fees will cover the entire costs involved and have based our fees, in part, on the availability of the funds proposed in section 16 (6). Lack of these funds could severely limit the ECRA program which, in its 16 month history has coordinated 157 remedial actions at sites ranging from minor housekeeping corrections to several multi-million dollar cleanups.

Summary

In summary, the Department applauds the desire to address the potable water concerns expressed by this bill. However, we feel that these concerns are being legitimately and rationally addressed through existing state programs. The program outlined by the proposed legislation would not adequately serve the needs of the people of New Jersey living near to these hazardous sites. Indeed, it may create a more detrimental impact by creating an informal real estate "red lining" of the area. We urge, instead, the committee's continued support of ongoing state programs which are addressing the same need. We urge, in addition, strong

consideration and support for removing the \$500,000 limitation for the construction of water lines from the Spill Fund.

We thank the committee for its consideration of these matters.

