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PUBLIC HEARING

before

ASSEMBLY COUNTY GOVERNMENT AND REGIONAL AUTHORITIES COMMITTEE

ASSEMBLY BILL NO. 4105

(Requires the Department of Environmental Protection to conduct a study of the cumulative impact of resource recovery facilities on the environment, and also appropriates \$75,000 to the Department of Environmental Protection to conduct the study)

May 23, 1989
Palmyra Borough Hall
Palmyra, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman John E. Rooney, Chairman
Assemblyman J. Edward Kline
Assemblyman Thomas J. Duch
Assemblyman George Hudak

ALSO PRESENT:

Cindy A. Lombardi
Office of Legislative Services
Aide, Assembly County Government and
Regional Authorities Committee

* * * * *

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

JOHN E. ROONEY
Chairman
JOHN T. HENDRICKSON, JR.
Vice Chairman
J. EDWARD KLINE
THOMAS J. DUCH
GEORGE HUDAK



New Jersey State Legislature
ASSEMBLY COUNTY GOVERNMENT
AND
REGIONAL AUTHORITIES COMMITTEE

STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625
(609) 292-1596

REVISED

NOTICE OF PUBLIC HEARING

CHANGE OF LOCATION

Cindy A. Lombardi, Aide to the Assembly County
Government and Regional Authorities Committee
(609) 292-1596

The Assembly County Government and Regional Authorities Committee will conduct a public hearing on Tuesday, May 23, 1989 from 3:00 p.m. to 9:00 p.m. in the 2nd Floor Meeting Room, Palmyra Borough Hall, 20 West Broad Street, Palmyra, New Jersey.

The subject of the hearing will be Assembly Bill No. 4105, which concerns resource recovery facilities. The bill specifically requires the Department of Environmental Protection to conduct a study of the cumulative impact of resource recovery facilities on the environment, and also appropriates \$75,000 to the Department of Environmental Protection to conduct the study.

Persons wishing to testify should contact Cindy Lombardi, Committee Aide, at (609) 292-1596. Those persons presenting written testimony should provide 10 copies to the committee on the day of the hearing.

DIRECTIONS TO PALMYRA BOROUGH HALL:

From Route 130 South

Take Route 130 South to the exit for Palmyra/Cinnaminson Avenue (the exit is a jughandle). Proceed on Cinnaminson Avenue. Make a left onto West Broad Street (West Broad Street is across from a WAWA convenience store). Proceed to Borough Hall.

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ASSEMBLY, No. 4105

STATE OF NEW JERSEY

INTRODUCED DECEMBER 19, 1988

By Assemblymen ROCCO, PASCRELL, Moran,
Rooney and Spadoro

1 AN ACT concerning the impact of resource recovery facilities on
the environment and making an appropriation therefor.

3

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

1. The Legislature finds and declares that an effective
7 statewide solid waste management strategy will require the
construction of several resource recovery facilities which will
9 impose burdens on ambient air quality, water supply and water
quality, and changes in land use patterns; that the current
11 regulatory process whereby projects are permitted on a
case-by-case basis fails to address the cumulative impacts of
13 these facilities, especially those sited in close proximity to one
another, on the environment; that the ambient air quality in some
15 areas of the State, a few of which may host a resource recovery
facility, already exceeds federal standards for some pollutants;
17 that many areas in which resource recovery facilities are planned
experience water supply shortages and have inadequate
19 wastewater collection and treatment systems; that the operation
of resource recovery facilities may significantly alter land use
21 patterns, particularly with regard to transportation and
residential development; and that it is in the interest of the
23 public health and the environment to determine the extent of this
impending problem, to identify measures required to minimize
25 impacts, and to prohibit the siting and construction of resource
recovery facilities until such time as these issues are addressed in
27 a satisfactory manner.

2. The Department of Environmental Protection shall prepare
29 a methodology for assessing the cumulative impact of the
operation of resource recovery facilities on ambient air quality,
31 water supply and water quality, and changes in land use patterns.
In developing the methodology, the department shall identify the
33 stationary and mobile sources of air pollutants requiring
monitoring, identify alternative monitoring strategies therefor,
35 develop computer models for assessing the impacts of pollutant

1 sources on ambient air quality, identify and assess the impact of
2 any other factors on ambient air quality, inventory water supply
3 and wastewater discharge requirements, analyze existing land use
4 patterns and predicted changes thereto, assess future
5 transportation needs, identify other environmental parameters
6 requiring monitoring and strategies therefor, and review and
7 evaluate other factors pertinent to a study of the cumulative
8 effect of the operation of resource recovery facilities. The
9 department shall submit the methodology, together with any
10 recommendations for legislative or administrative action, to the
11 Governor and the Legislature within 6 months of the effective
12 date of this act.

13 3. Using the methodology developed pursuant to section 2 of
14 this act, the Department of Environmental Protection shall
15 undertake a study of the projected cumulative impact of the
16 development of resource recovery facilities with respect to
17 ambient air quality, water supply and water quality, and land
18 use. The department shall prepare and submit to the Governor
19 and the Legislature within 6 months of completion a written
20 report of the results of the study, together with any
21 recommendations for legislative or administrative action.

22 4. The Department of Environmental Protection may avail
23 itself of any information, data and other expertise of the New
24 Jersey Institute of Technology; Rutgers, the State University;
25 Princeton University; the Department of Transportation; the Port
26 Authority of New York and New Jersey; and any other agency or
27 institute, whether private or public, cooperation with which
28 would further the goals of the department in developing the
29 methodology required pursuant to section 2 of this act and
30 undertaking the study required pursuant to section 3 of this act.

31 5. a. The Department of Environmental Protection may not
32 issue any permits required pursuant to law to any resource
33 recovery facility for a period not to exceed 12 months, pending
34 the results of the study required pursuant to section 3 of this act.

35 b. The provisions of P.L.1970, c.39 (C.13:1E-1 et seq.) to the
36 contrary notwithstanding, the governing body of any county may
37 adopt an ordinance or resolution, as appropriate, to suspend
38 construction of a resource recovery facility pending the
39 completion of the study required pursuant to section 3 of this act.

1 6. Nothing contained herein shall be construed to apply to any
waste facility approved for disposal of hazardous waste or special
3 medical waste.

5 7. There is appropriated from the General Fund to the
Department of Environmental Protection the sum of \$75,000 to
implement this act.

7 8. This act shall take effect immediately.

9 STATEMENT

11 This bill requires the Department of Environmental Protection
to develop a methodology with which to assess the cumulative
13 impacts of the operation of resource recovery facilities, and to
conduct a study of these impacts. The State of Massachusetts
15 has undertaken a similar project in light of the potential negative
effects of the development of these facilities. Approximately 18
17 resource recovery facilities are planned for the State of New
Jersey, many of which may be sited in close proximity to one
19 another. Little information is available regarding the cumulative
effect of the operation of these facilities on air quality, water
21 supply, water quality, and changes in land use patterns.

23 This measure imposes a one year moratorium on the permitting
of resource recovery facilities until the study required by this act
is completed and its results evaluated. It is current regulatory
25 practice to permit these facilities on a case-by-case basis, a
practice which fails to fully account for cumulative impacts.
27 Under this bill, counties may suspend the construction of resource
recovery facilities until the study is completed.

29 The sum of \$75,000 is appropriated to the department to
implement the provisions of this act.

31 This bill would not apply to any waste facility approved for
disposal of hazardous waste or special medical waste.

33

ENVIRONMENT

35 Air and Water Pollution

37 Requires DEP study of cumulative impact of resource recovery
facilities on the environment; appropriates \$75,000.



TABLE OF CONTENTS

	<u>Page</u>
Assemblyman John A. Rocco District 6	3
Assemblyman William J. Pascrell, Jr. District 35	5
Patricia Lee Griffith Allied Citizens Opposing Pollution	13
John Lindemann Holt, Ross & Yulish	19
Scott R. Laidlaw American Ref-Fuel Company	20
Matthew L. Root Ogden Martin Systems	24
Albert A. Fiore Hudson County Improvement Authority	44
Assemblyman Alan J. Karcher District 19	48
Daniel J. Douglas Legislative Representative New Jersey Association of Counties	52
Bernhard Guenther Concerned Citizens of Morris County	63
William R. Healey New Jersey State Chamber of Commerce	74
David Pointon Regional Manager National Solid Wastes Management Association	83
Lorraine Sansone President Stop All Incineration Now	90
Mayor Marion Conover Borough of Brooklawn, New Jersey and Past President of the Camden County Mayors' Association	98



TABLE OF CONTENTS (continued)

	<u>Page</u>
Raymond E. Osowski Township Committeeman Cinnaminson Township, New Jersey	102
George R. Briigliadoro President Safety Energy Source, Inc.	106
Thomas Knoche Camden Awake Committee	107
Walter Sodie Commtran Communications, Inc. Representing the Town of Bridgewater, New Jersey	113
Mayor Robert Leather Palmyra, New Jersey	126
Joseph W. Hafesh President Techscience Industries, Inc. and Biocomp, Inc.	129
James Sahajian President Catrel USA	136
Mark D. Coyle Allied Citizens Opposing Pollution	144
Mark S. Lohbauer Work on Waste, USA	149
Alene Ammond Former New Jersey State Senator Cherry Hill Tax Crisis Committee	162
John Washington	167
Alan Swan Former Member of the Allied Citizens Opposing Pollution Borough of Palmyra New Jersey's Environmental Action Committee	168
Gary Wonderlin Allied Citizens Opposing Pollution	171



TABLE OF CONTENTS (continued)

	<u>Page</u>
Patrice Meloni Allied Citizens Opposing Pollution	178
Nelda Siemion Resident of Riverton, New Jersey	189

* * * * *

mjz: 1-192



ASSEMBLYMAN JOHN E. ROONEY (Chairman): I would like to welcome you all. In fact, is the Mayor here?

MS. LOMBARDI: (Committee Aide) No.

Mayor Leather is the Mayor here. I would like to express the gratitude of the Committee to him for allowing us to use this beautiful Borough Hall, down in this end of the State. It is a pleasure to be here.

Today, we are holding a hearing on A-4105. This bill deals with a moratorium on incinerators in the State of New Jersey. This particular bill deals with the growing concern about the many, many incinerators being sited. I believe at the present count there are about 18 incinerators planned as part of the solid waste plan for the counties in the State of New Jersey. I know in my own area in Bergen County, we have one, and I believe the vendor is here to testify today. We have one, and within a 10-mile radius of that plant there are three others. Bergen, Hudson, Passaic, and Essex are all siting resource recovery plants, otherwise known as mass burn, or incinerators, within this 10-mile area. It is a concentrated area. It is an area that is of concern to all of us, because it has been termed, "Cancer Alley." There are obvious inferences from the refineries that are there.

Also, there are other plans now to put in sludge incinerators. In fact, there is one major plan that is looking at the City of Bayonne, where there will be a 600-ton-per-day facility for, again, the incineration of sludge. What people don't know, is that this will be a minimum of six more incinerators. We are just concerned, as legislators, as citizens of the State of New Jersey -- very concerned -- that this concentration of this single technology may be absolutely wrong for the health and well-being of the State of New Jersey.

We are not saying here and now that this Committee is going to pass a bill that bans all incineration. I firmly believe, and I was part of a process that sited the incinerator

for Bergen County-- I believe it is part of the overall solid waste plan. It should be an integral part of that plan, but I don't think it should be the only part of that plan. As the Committee Chairman, I take the prerogative of making that statement. We are going to hear the testimony today. We looked at an alternate technology, and this Committee will be visiting other technologies. We were over in Philadelphia looking at one technology this morning. We will continue.

The next Committee hearing, by the way, will be, I believe, in Parsippany, after we do a visit at the Warren County incinerator, which is the only incinerator currently working in the State of New Jersey. So, we are going to look at that. We are open-minded. We feel there is room for improvement. This Committee is willing to look at and study that.

We are going to make a transcript available. As you can see, we are taping right now. The last Committee hearing we had, is presently in typing. It will be available within a couple of weeks. As we did at that hearing, there will be an open period of time for people to submit additional material to be added to the transcript. This, by no means, is the last hearing we are going to have. There will probably be at least two more hearings, the next one being in Parsippany. Then we will probably be going to a place in either Bergen or Passaic County, and we will probably finish either there or in Trenton, and we will see what course the bill takes.

With that-- I would have introduced Mayor Leather, had he been here. If he comes in at a later time, I would like to interrupt the hearing to thank him for his hospitality. But we are going to start with the prime sponsors of the bill. I would like to first call Assemblyman John Rocco -- Dr. Rocco -- and then Assemblyman Bill Pascrell. In fact, why don't you both come up and sit at the table, and we will ask you to explain the bill, and to bring us up-to-date on any other events you may feel necessary. Gentlemen?

A S S E M B L Y M A N J O H N A. R O C C O: Thank you, Mr. Chairman. I appreciate your coming down to South Jersey. I know the North Jersey legislators sometimes forget that South Jersey is here, and doing well. But we thank you for coming down for the hearing.

In the testimony I will give today, really, I don't want to be repetitive. In the Trenton hearing, I basically reviewed some of my concerns, and the concerns of others, in terms of the cumulative effect in the State. I would say that at this point, I think basically I have accomplished my major goal, which was to get DEP, legislators, and the public at large, really, to stop and look and get some insight really into where we are in terms of handling our solid waste.

I think that purpose, Mr. Chairman, has been served by your Committee. I really do think that moving headlong into just one form, as you have indicated in your opening remarks, is absolutely not the way to do it. I don't think that is true of anything in life. I think most everything has a variety and a look at more than just one possibility.

So, that goal, basically, has been accomplished. I think DEP has taken a closer look at things; I think the legislators are. I can tell you that in this county, the county Freeholders have a resolution ready, where they are going to stop and get good consultants to look at the total picture in terms of this county. These experts will report back to the Freeholders.

That is really all I wanted. If they come back and say, "Look, this is the only way. It is absolutely the way we have to go," then I will have to abide by that. And I haven't even passed that on to our Freeholders yet. But at least -- at least -- I wanted that to be done, because the public and the taxpayers of this county and this State deserve that much. They deserve to hear and see, and to get information on more than just one way of disposing of solid waste.

So, I think we have accomplished the major goal in this county and in this State. I have no doubt in my mind that a combination is really what we are talking about; a combination consisting of alternatives, and certainly in that total picture, incineration would be a part of it.

I started off, as I mentioned in my previous testimony, and I had nothing against incineration. But the more and more I learned about it, the more and more I thought there had to be other alternatives as well. Maybe in the total picture of the State, you know, it would be a smattering of various approaches that may well include incineration. So the moratorium, in the sense of a moratorium, may not be, you know, in totality, what we are after. What we are really after is to stop, look, investigate, analyze intellectually, do an evaluation of where we are in this State. I ask no more, I ask no less, for the good and the public health, let alone the economic well-being.

I am not going to say too much more than that. I think almost all of my other points were made at the last hearing. I don't want to bore you to death. You have other people out here, on both sides I see, who want to testify in this regard, and that is the appropriate, intellectually correct way to address the problem. The wrong way is just to take one path, and no other path, without analyzing where we are at this time. You know, 10 years ago, that may have been the only way to go. Incineration may have been the only way to deal with the solid waste problem. I don't think that is the case today. I think there are other alternatives. I think incineration plays a role in that, as I mentioned before, but I think that role is changing. As we look throughout the counties, there may be better ways to work within the combinations.

So, once again, I thank you for taking the time out. I know it's a long way to come from Bergen County, and we appreciate it.

ASSEMBLYMAN ROONEY: Thank you, Mr. Rocco. Mr. Pascrell?

A S S E M B L Y M A N W I L L I A M J. P A S C R E L L:
Thank you, Mr. Chairman. I appreciate the fact that the Committee has taken its show on the road. I think that is important, but I wouldn't expect anything less in terms of the people who are on your Committee.

My resolve is stronger now than it was two months ago. I want you to know that, Mr. Chairman. I was certainly buoyed by the fact that 2000 people showed up in Roxbury High School just a few weeks ago. We are not talking about being half pregnant; we're talking about some very serious stuff here. I believe that if one listened that evening, we weren't talking about fanatic, lunatic-fringe people. We were talking about reasonable, middle-class people who had done their homework, and know what they are talking about.

I must say, Mr. Chairman, that I am encouraged by the fact that so many people have come forth. I want to, not correct you, but just set you straight, on something you said at the beginning. This is not a bill to ban incineration. It never was. It doesn't read that way, nor have we concluded that. I may conclude that personally, but the bill does not say that at all. I just wanted to make that clear.

But you know, Mr. Chairman, it is very discouraging. The latest piece of propaganda that comes out of DEP -- May 1989, the New Jersey Department of Environmental Protection -- "Environment 1990: An Agenda for Action--" In fact, it was written up in most of the papers. On page two of that report, it is very specific. The Commissioner states: "Overcoming the opposition to the siting of disposal facilities is a challenge unlike any other we have faced in Environmental Protection. Despite scientific assurances that the disposal facilities will be constructed and operated with the best of technology, the public's fear is a force that has enlisted the support of

elected officials at all levels of government. While it is easy to oppose the siting of disposal facilities, or to suggest that another site is more appropriate, the fact remains that waste continues to be produced and must be disposed of properly."

I thought, listening at our first opening hearing -- at your first opening hearing -- that we could put rhetoric aside and deal with the issues. It seems to me, Mr. Chairman, that is not the case. If this is a battle cry, I want to assure the Commissioner that I am ready and willing to carry on this battle and this fight, because what he is saying in this paragraph is: Those people who oppose incineration are on the lunatic fringe; have not done their homework; and have very little scientific data to back up their position. I suggest quite the contrary. I suggest that rather than throwing down the gauntlet, we try to work together, and come up with a policy and a master plan that we can all live with in the State of New Jersey.

Before I say anything else, I would like to ask a question, Mr. Chairman: Does this Committee have subpoena powers?

ASSEMBLYMAN ROONEY: I don't believe we do. (Chairman consults with members of Committee here)

MS. LOMBARDI: I don't believe so.

ASSEMBLYMAN HUDAK: Not to the best of my knowledge.

ASSEMBLYMAN PASCRELL: Because I would like--

ASSEMBLYMAN ROONEY: We could ask the Speaker. That is the only way.

ASSEMBLYMAN PASCRELL: I think that would be-- The reason I am asking the question is this: I am very interested in getting testimony on this bill from the two gentlemen who had a lot to do with the formulation of the policy that is now suspect in the State of New Jersey; that is, the two former Commissioners of DEP. I doubt whether we will need to subpoena

them. But I think that this Committee should want to know what they felt, or how they sought the policy that we are--

ASSEMBLYMAN HUDAK: What two are you referring to?

ASSEMBLYMAN PASCRELL: I'm talking about Dewling and Hughey. Those are the two I am talking about. I think they should be made to come before this Committee, to discuss basically what they meant in terms of the Solid Waste Master Plan of the State of New Jersey.

I might add, I would like to know, for the record, since there has been a lot of speculation, what their positions are now, in terms of incineration in the State of New Jersey. I think we have a right to know that. We have enough people in government who have involved themselves in self-fulfilling prophecies. I think we have a right to know where these individuals stand.

Secondly, I want to place on the record, Mr. Chairman, and I assure you that this is not an emotional fight, the box score -- and this is not complete -- of incineration in the past eight years. In Massachusetts, the proposed South Bay incinerator poses an unacceptable risk, because the area around it is too congested. We know already about the Philadelphia incinerators, number two. Number three, Pompano Beach will build a recycling facility. Mass incineration is astronomically expensive and environmentally hazardous, according to the Commissioner, Michael Gumps (phonetic spelling).

Four, in San Diego, a 22,250-tons-per-day incinerator has been canceled. Waste to energy is no longer an option for San Diego, according to the head of resource recovery in San Diego. San Diego has chosen to recycle.

I might add, referring back to the opening day testimony at the hearing, we are not only talking about the amount that is recycled being taken out of the solid waste flow. We have bills in now to increase recycling from 25% to

50% by 1992. It is not only a question of amount, but the more we recycle, the more we take out of the flow, certain garbage, certain disposal, then it is necessary to have proper burns at these incinerators. So, it is a lot more complex than DEP would have us believe. Am I making myself clear, Mr. Chairman?

ASSEMBLYMAN ROONEY: Yes, Mr. Pascrell.

ASSEMBLYMAN PASCRELL: Five, an incinerator has been canceled in Collier County, Florida. Six, Los Angeles dropped plans for three large incinerators. The Los Angeles Solid Waste Task Force, headed by Michael Miller, said, "We made a mistake, and we dropped our plans for all incineration." I might add, Mr. Chairman, that in this very week, the Environmental Protection Agency is looking at the northwestern part of the United States -- I believe it is Region 10 -- and I would not be surprised if within the next month or so, the EPA bans all incineration in the northwestern part of the United States.

I might add secondly, that many of the conditions that exist in Washington and Oregon, exist in the State of New Jersey. In fact, in many of the more than 300 releases of emissions into the air, New Jersey fits the model more so than Washington and Oregon.

Seven, Rita Cusma (phonetic spelling), who is Executive Officer in the Metropolitan Service District, has recommended against the 1000-ton-per-day incinerator for Columbia County, Oregon.

Londonderry, New Hampshire, has rejected its proposed incinerator. I might add, our own Sussex County Board of Freeholders has rejected incineration. In Saratoga County, the incinerator has been canceled. Austin, Texas voted against a 600-ton-per-day incinerator, after they expended \$20 million. They calculated they would be saving a lot more money in terms of recycling over the next 10 years. Seattle voted for recycling; Fairfield, Arkansas. We are all very familiar with

the Tuscaloosa turkey, which lost \$20 million in the first 34 months of operation. We are all familiar with Auburn, Maine, where the retrofit for that plant, after five years, cost more than the incinerator, in its first construction. These incinerators are supposed to last 20 years.

That is only part of what I want to read into the record, Mr. Chairman. I believe there is some serious business afoot here. I question the data that is being presented on the other side. I question the data that I believe are only half-truths, which are being presented to the public of this State. When the Assistant Commissioner can say, as he did in Roxbury in Morris County-- He said that-- He conceded that the Warren County plant was oversized, but that was only because its permit was approved prior to the implementation of statewide mandatory recycling. I hope he knows what he is saying. What he is saying is: What we are going to do is not make that mistake in the future. We are going to take that into consideration. But what he is also saying is: Once we commit to incineration, we are not going to be able to increase recycling. You can't have it both ways. Apparently, he thinks we can -- Mr. Zapper (phonetic spelling). All of the rest of the plants have been designed with the expectation that 25% of the waste flow in the county will be recycled.

He also says that incineration is "safe and an effective means of disposal." Well, that is basically why we are having our hearing. I think there are many questions. Public health officials and physicians who we are going to quote later on in these hearings, are very skeptical about the science of incineration and the very technology. I don't think it is good enough. We know there are risks in everything. There is no question about that. The question is: How do we minimize, how do we reduce those risks so that we have a reasonable policy that everybody can live with?

Mass burn incineration is not going to be the future technology. Two large firms that build these things are now looking to other technologies. They know the problems that exist. We are not talking about state of the art. We are talking about state-of-the-art retrofitting. We're talking about changing apparatus to suit whatever the whim of the day is. I don't think that is good enough for the people of this State. And more than an environmental problem, on which we can cite chapter and verse, and the cumulative effect, which this bill attempts to address -- we need an independent study; we still do not have that; we still do not have that -- I think we have the financial problems of funding and financing these things.

In your own county, I venture to say, John -- Mr. Chairman -- that your Bergen County Utilities Authority has not communicated to the people of Bergen County -- to the 72 towns that exist in Bergen County -- how much it is going to cost each of those towns, not only to pay for a \$350 million facility, but how much it is going to cost to finance that facility over a 15- or 20-year period. I daresay that once they find out, with the confiscatory tax problem we have in your county right now, I think you are going to run some people out of town. I don't believe they told the people in your county how much it is going to cost them, have they?

ASSEMBLYMAN ROONEY: I can answer that, if you want.

ASSEMBLYMAN PASCRELL: Yeah.

ASSEMBLYMAN ROONEY: Okay. I was at the Bergen County Utilities Authority meeting last Thursday night, and I have seen the figure in the paper that was generated by -- I don't know what. When I was part of the decision-making process siting the plant, and also giving the contract, we were looking at a service fee, which was the actual service fee for the garbage, of \$30 to \$40 a ton. The projected cost now is \$105 a ton, only by the newspapers. I asked for that information --

on Thursday night -- to be sent to me, hopefully in time for this hearing. I did not receive it. I wanted a complete analysis of the service fee, plus all of the other costs, including the ash disposal and all of the other -- the hidden costs.

Bill, I know where you can hide the dollars. They are not going to hide them from me, I can assure you of that. I have also requested costs on other plants that are going up, or are projected. So, we will have that as part of this Committee hearing. Just to answer your question, that is where it stands.

But, you have to understand, the permits for Bergen County -- the last permit -- was only given about two weeks ago by the Army Corps of Engineers. That is where that plant stands. They also have some other problems right now, in the fact that they have Turnpike access and condemnation procedures to go through, in order to gain access to the site. So, I want a full evaluation of that, and I will make it part of this record.

ASSEMBLYMAN PASCRELL: Mr. Chairman, people far more qualified than myself are here to testify. I just want to leave you with one thought: I would like to come back, if anyone presents the poll that was taken by this ACT organization. I find it to be not only incredible, but superficial, filled with flaws, and I want to respond. If anyone comes up to defend that poll, I want license to do that afterward.

ASSEMBLYMAN ROONEY: I don't know anything about an ACT survey or poll or whatever, so--

ASSEMBLYMAN PASCRELL: Well, it is presented by the Governor of this State in support of solid waste incineration. I have it here, if anyone wants to take a look at it.

ASSEMBLYMAN ROONEY: I think there are some questions of you from Assemblyman Hudak.

ASSEMBLYMAN PASCRELL: Yes?

ASSEMBLYMAN HUDAK: Mr. Pascrell--

ASSEMBLYMAN PASCRELL: Yes, sir?

ASSEMBLYMAN HUDAK: --you mentioned any number of communities throughout the United States, some fairly large cities, that they chose to disregard their plans for mass burn incineration. What alternatives are they discussing, instead of burning?

ASSEMBLYMAN PASCRELL: Most of the communities that I referred to, Assemblyman Hudak, are communities that have now gone on intensive campaigns for recycling, and are investing money in the markets -- not like the 1% or 2% we invest in the State of New Jersey. Recycling in our State is an extracurricular activity. You know it better than I do. They have invested in recycling -- the technology of recycling. Some of those communities have invested, as in Philadelphia. Private companies have invested, and not the communities.

What I find very interesting is that, in most of the other technologies, we have corporations willing to invest, and not dip into the taxpayers' pockets. I think that is something that needs to be explored, in and of itself. But I think also that the State has an obligation and responsibility to precipitate that kind of thinking. I think that is forward-looking. I think that is progressive.

ASSEMBLYMAN HUDAK: Okay, thank you.

ASSEMBLYMAN PASCRELL: Thank you, George.

ASSEMBLYMAN ROONEY: Any other questions from the Committee at this time? (no response) Okay, we will move on.

ASSEMBLYMAN ROCCO: Mr. Chairman?

ASSEMBLYMAN ROONEY: Yes.

ASSEMBLYMAN ROCCO: Just on this survey -- I am just looking at it now -- I would say after teaching graduate school for a few years, and college for many, many years, that these questions are so leading and so inappropriate, that they really can't give true data.

ASSEMBLYMAN PASCRELL: Thank you, Mr. Chairman.

ASSEMBLYMAN ROONEY: Thank you. The next person we will hear from, I believe-- Just let me double-check. We'll start with Patricia Maloney, Chairman of Allied Citizens Opposing Pollution. I believe also that Patricia Griffith is with that group. Patricia Maloney or Patricia Griffith -- the ACOP? Are both of you with the same group?

P A T R I C I A L E E G R I F F I T H: Yes. Pat Maloney will be here tonight.

ASSEMBLYMAN ROONEY: We may not be here that long, just in case.

MS. GRIFFITH: Oh, you're not staying? Oh, okay.

ASSEMBLYMAN ROONEY: If we complete the testimony, we're leaving--

MS. GRIFFITH: Oh, you're going straight through?

ASSEMBLYMAN ROONEY: --because it takes me two-and-a-half hours to get home from here -- or a little over two hours, I believe.

MS. GRIFFITH: Oh, okay.

ASSEMBLYMAN ROONEY: One thing I would like to stress up-front: We are not here to discuss siting of particular resource recovery plants in your back yards. We are not that body. That body is your county or municipal utilities authority -- whatever has been designated for that particular purpose. What we would like to have, is testimony dealing in the general nature -- not specific to a particular plant or siting -- but testimony of a general or specific nature as far as engineering information, or scientific information, or anything like that, that is pertinent to the issue. This should not be a sounding board about a plant in your back yard. That is not the purpose of this Committee.

What we are looking at are alternate means of resource -- I'm sorry, of solid waste disposal, and to find out whether or not there should be a moratorium on incinerators in this State. So, anything you can lend to that is good. But if it

gets into specific siting of certain facilities, I am going to have to cut off the testimony. I just wanted to tell you that up-front. Thank you. Now, please?

MS. GRIFFITH: This isn't loud, right? (referring to microphone)

ASSEMBLYMAN ROONEY: Don't worry about it. You are on the tape with that, so just speak up.

MS. GRIFFITH: Okay. Good afternoon. I have short testimony this afternoon. My name is Patricia Lee Griffith. I am a resident of Camden, Camden County, New Jersey.

I would like to thank this Committee for hearing testimony on A-4105, a bill co-sponsored by Assemblyman John Rocco, Assemblyman Pascrell, and others. This is a great day for the State of New Jersey, and a great day for the people of New Jersey. The people are going to be heard. The people are going to be given a chance to describe to their legislators, through this Committee, their fears of mass burn incinerators; and these are legitimate fears.

New Jersey, I believe, can become an important State in this country, if this bill goes to the floor of our State Assembly to be voted on by our State legislators. This State can tell the country that you are concerned about the cumulative effects of mass burn incineration upon its people and upon its environment. We can send a message to Washington, D.C. that you care. You can only do this if this bill is released from this Committee and allowed to go to the floor of our State Assembly.

Elmo Russell Zumwalt, III, the son of an admiral, died at the age of 42 from cancer. His father, Elmo Russell Zumwalt, Jr., was the admiral who ordered the spraying of Agent Orange in Vietnam. His son, Elmo Russell Zumwalt, was exposed to Agent Orange in Vietnam. His son, Elmo Russell Zumwalt, IV, now suffers from congenital disfunction. Will there be an Elmo Russell Zumwalt, V?

I am telling you this because Agent Orange contains dioxin, the same ingredient that is produced by municipal waste incinerators. Camden has been designated as the community to host the Camden County resource recovery facility, otherwise known as a mass burn incinerator -- for Camden County. This incinerator will burn 24 hours per day, seven days per week, 344 days per year. This facility will produce dioxin 24 hours a day.

The plant will emit tons of substances, such as sulfur dioxide, carbon monoxide, nitrogen oxides, sulfuric acid, lead, mercury, beryllium, arsenic, cadmium, chromium, nickel, dioxin, and others. All of these are harmful to man, and most are considered a priority toxin pollutant by the EPA.

I would like to tell you that this plant is to be situated among 16 schools, all within a one- to three-mile radius. If this is not an unplanned crime, I don't know what is.

If you believe that the City of Camden, of 80,000 people -- men, women, and children -- some already sick with asthma and asbestosis, and the City of Gloucester, with another 10,000 people, will not be affected by a mass-burn incinerator near their border, then it is obvious we do need professionals to tell us that. If you believe that we will be affected by the added pollution from incineration, then release this bill.

I would like to thank you again for hearing this testimony, and for driving down to Camden County. I have copies of material that you may be interested to read concerning fly ash and facility emissions, and I must say, the DEP only regulates 20 out of hundreds, maybe thousands. Thank you again.

I would just like to show you how close the Camden County incinerator will be to schools. Here is the site of the incinerator. I am not talking about, you know, I just want to let you know that they are sited, sometimes, next to where

people live, and where children go to school. There are 16 schools. On this side is the river. (demonstrates)

I have a picture with me of the Warren County incinerator, which shows how close it is to the corn field; how the dioxin and other chemicals will get into our food chain supply. Here is a picture which I found in our local newspaper, The Courier Post. A mother sent it in. Her son died from Agent Orange, at a young age.

That is all I have to say. Thank you.

ASSEMBLYMAN ROONEY: Just from a technical standpoint, if the incinerator is working correctly-- I do want to put this on the record, because I know the people from that industry will be here. If it is working correctly, you will not have dioxins. If you go over a certain temperature, and you have a hot enough burn on it, there will be no dioxins emitted from these plants. I will let the experts testify later, but-- I would like to see the scientific evidence. I appreciate your coming, but I think there is some problem with some of the facts you have.

MS. GRIFFITH: Are you saying that--

ASSEMBLYMAN ROONEY: If it is improperly burning, then you do have a problem with dioxins. If it is properly burning, then you have no problem with it. The temperatures can be regulated, and the emissions can be controlled. They will testify to that later, but I think we want to stick to scientific testimony.

MS. GRIFFITH: Okay. Well, may I just say--

ASSEMBLYMAN ROONEY: If you were a Ph.D. in chemistry or physics, or something like that, I would be happy to accept your testimony on scientific evidence. I am not being-- You know, I am not taking one side or the other, but we do have to consider the facts. There are a lot of rumors about the plants, and that is one of the things we are trying to dispel. We are trying to get testimony from each side. If you have

scientific evidence-- I would love to have somebody from the scientific community come up. We could then accept that, but--

MS. GRIFFITH: Excuse me. Are you telling me that no dioxin comes out of these incinerators if they are operated properly?

ASSEMBLYMAN ROONEY: If it is burning properly, if it is operating properly, there should be none at all. I have been through the siting of this, and also--

MS. GRIFFITH: Is this your belief, or is this the Committee's belief?

ASSEMBLYMAN HUDAK: No, it is not my belief.

ASSEMBLYMAN ROONEY: It is my personal belief.

MS. GRIFFITH: It's your personal belief.

ASSEMBLYMAN ROONEY: It is also scientific evidence so far.

MS. GRIFFITH: May I see that? Can you submit that to the public, if you believe that, if you have it?

ASSEMBLYMAN ROONEY: No, we are looking for the scientific evidence. All I'm saying is that you are not giving us scientific evidence of that fact. I am not going to debate the issue with you. I will leave it to the experts.

MS. GRIFFITH: Okay. Let me just say that I am concerned, okay?

ASSEMBLYMAN ROONEY: I appreciate your concern, and we are concerned; otherwise, we wouldn't be here.

MS. GRIFFITH: The information I will be giving you from DEP has a list of the emissions that will come out of our facility in Camden County. It has dioxin listed -- approximately three pounds a year. I have that, if you want it. That is right from the DEP. Okay?

ASSEMBLYMAN ROONEY: Okay, fine. That, we would accept.

MS. GRIFFITH: So, I really would appreciate it if you didn't disclaim what I am saying, because I got my information from DEP. I would appreciate it if you would take that back.

ASSEMBLYMAN ROONEY: I wish you would give us that.

MS. GRIFFITH: I have it with me right now. I will submit it right now.

ASSEMBLYMAN ROONEY: If you would submit it, I would appreciate it.

Let's see, is Assemblyman Karcher here yet? He asked to be on early in the program because he had another meeting to go to. (no response) Then, Mayor Leather? He is not here. Did anyone check to find out if he is coming? (no response)

MS. GRIFFITH: (walking up to Committee table) I am going to be getting another copy, but this is from our DEP, and dioxin is on it.

ASSEMBLYMAN ROONEY: Okay. Would you please give it to the secretary? She will add it to the testimony.

The next persons I have on my list are Clare Schulski or Jeff McClain (names spelled phonetically), Holt, Ross and Yulish, representing GAF. Are they here? (no response) Speak now, or forever-- Bob Filipczak? (no response) No?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Assemblyman Rooney?

ASSEMBLYMAN ROONEY: Yes?

UNIDENTIFIED SPEAKER FROM AUDIENCE: I believe Holt, Ross and Yulish is here, sir. He may have just stepped out. He should be back.

ASSEMBLYMAN ROONEY: Let me know when they come back into the room. Lee Phister (phonetic spelling), New Jersey ACT? Lee Phister, New Jersey ACT? Anyone here from New Jersey ACT? (no response) We're doing real well. We'll get home earlier than I expected. Owen Murphy, Environmental Response Network? (no response) Moving right along. Is that Holt, Ross and Yulish back there? (affirmative response from audience) You're up.

ASSEMBLYMAN PASCRELL: (speaking from audience) Mr. Chairman?

ASSEMBLYMAN ROONEY: Yes.

ASSEMBLYMAN PASCRELL: Some of those people are on their way. They were coming at different times. I guess they didn't know when they were supposed to testify. Some of them will be here, I know that.

ASSEMBLYMAN ROONEY: The only reason we had three to nine, was because we had to give the Borough an approximate time that we might be here. If there is no one here when we are ready, you know-- If we are down to the last person, we are not sitting around until nine o'clock, I can assure you, Mr. Pascrell. I have as long a drive, and more, than you do, so-- I will try to hear everyone who comes.

ASSEMBLYMAN PASCRELL: Mr. Chairman, I am willing to stay here all night, in order to give people the opportunity.

ASSEMBLYMAN ROONEY: I'll give them the opportunity as long as they are here, but I am not waiting for anyone.

ASSEMBLYMAN PASCRELL: I believe in the Mayor Kline philosophy: You better be there when they show up.

ASSEMBLYMAN KLINE: That's right.

J O H N L I N D E M A N N: Mr. Chairman, I'm here. My name is John Lindemann. Phil Beachem was supposed to testify today. I just want to give you his remarks for the record, as well as some additional information for the record, and leave it at that at this time, unless you have any other desire.

ASSEMBLYMAN ROONEY: Okay. Any other remarks? Are you just handing that in? That's even easier.

MR. LINDEMANN: Fine, thank you.

ASSEMBLYMAN ROONEY: We're up to American Ref-Fuel, Scott Laidlaw, Bob Joyce, people familiar to me.

Anyone who would like to testify, please fill out a slip up at the front of the room, and hand it to one of us.

As the contractors for the two largest incinerators in the State of New Jersey, I will turn the floor over to you, gentlemen.

S C O T T R. L A I D L A W: Mr. Chairman, Assemblymen, my name is Scott Laidlaw, with American Ref-Fuel. I am here representing the American Ref-Fuel Company. I am also presenting the views of the Institute of Resource Recovery -- the IRR. I am expressing viewpoints which are similar to those held by the Port Authority of New York and New Jersey.

Concerning the proposed legislation -- A-4105 -- we are in opposition, because we feel that this particular bill would prevent a very necessary part of the integrated Solid Waste Management Plan from proceeding, and would further exacerbate the solid waste disposal crisis in New Jersey.

Our feeling is that one of the basic underlying assumptions of this bill is that resource recovery facilities are bad and pose a threat to the public health and the environment. We disagree. Resource recovery is not new. It has been designed and engineered with proven technologies. It has been in operation in the United States -- also importantly, also in Europe, for 30-plus years; in the United States for 20-plus years. It includes state-of-the-art emissions control equipment and monitoring devices.

Resource recovery in the United States is currently one of the most strictly regulated industries. The plants, when they are in operation, will be continuously monitored by NJDEP officials, and routinely, the plants will be checked by NJDEP officials and independent engineers. That program will ensure compliance of those plants with their operating permits and the State's air quality and solid waste regulations and laws.

The solid waste disposal crisis in New Jersey is basically one of a lack of adequate disposal capacity. Fifty-five percent of New Jersey's waste is currently exported. That is about six million tons per year. Eighty percent of that waste, or about 4.8 million tons, is currently being exported to Pennsylvania and Ohio. Those latter two

states are now seeking to cut off the flow of out-of-state waste. Out-of-state landfills are becoming increasingly risky and unreliable. This one-year moratorium would put even more strain on the other parts of the solution. The solution I am referring to is the Integrated Solid Waste Management Plan, which leads off with source reduction, recycling, resource recovery, and then state-of-the-art lined landfills. Any delay would only serve to increase tensions with neighboring states.

Resource recovery is not counterproductive to recycling. We heard testimony earlier that it would preclude any recycling, or has a chance of precluding recycling, in excess of 25%. I am not sure that that is entirely accurate, because the populations where these plants are located are increasing, for the most part, and the plants are currently engineered with taking recycling of 25% into account. So, as the population grows, there will be additional waste for the recycling to be effective. We are not saying that resource recovery is the entire answer, but we feel it is a very important part of the overall plan.

There was concern presented in earlier testimony on another date about resource recovery facilities putting excessive demand on physical utilities; for example, the watershed and land usage and those types of concerns. The design requirements and regulations of the NJDEP, and the environmental health and impact statement which is done up-front on the plants, precludes that event. These plants can only be sited and located when they are in conformance with all the criteria.

Part of the bill is focused on emissions and a fully developed comparative analysis. The provisions for studying the combined effects of plants' air emissions are already incorporated in both the EPA and DEP regulations and procedures. In fact, listening to testimony from DEP looking at multi-source modeling studies of resource recovery facilities, there are no cumulative effects on air quality.

In New Jersey today, 13,600 facilities such as industrial plants, facility boilers, commercial businesses, and other emission sources, have air permits. I think that is an important number, because it puts in-- If you contrast it with the 10 to 20 resource recovery plants that are currently being looked at for the State, it puts the number in perspective. Our perspective is that the bill unfairly singles out resource recovery, instead of looking at all emission sources.

A recommendation we would have would be to model all emission sources with the State, with the commitment of investing available remedial dollars in controlling the source categories which have the highest health risk. This should be done without the imposition of a moratorium on resource recovery.

New Jersey, having already considered viable solid waste disposal alternatives, has determined its stated Integrated Solid Waste Management Plan, which I talked earlier to. Any delays at this time will undermine all current plans of New Jersey counties, and leave any large-scale, long-term solid waste solutions in limbo. Also, any delays will conflict with the goals established by the Legislature and the administration to make the State self-sufficient in terms of garbage disposal by 1992.

The cost of a one-year delay in current construction of the Essex County resource recovery facility is estimated to be in excess of \$60 million. Those same cost numbers apply to Bergen. That cost, should it occur as a result of the moratorium being imposed, would result in significant additional costs to be borne by the residents of the counties of New Jersey.

In terms of a summary on those points, we support an environmentally sound approach to reducing the discharges from all source categories, not just resource recovery. It is for that reason that we oppose this bill, because it does single

out resource recovery facilities, and does not comprehensively address all the others.

Also, this bill fails to tie its request for a moratorium to demonstrated health problems or, correspondingly, improvement in health benefits. The result will be a more costly disposal for New Jersey, with the potential for greater health risks due to continued landfilling in older, unlined, and inadequately lined landfills, and excessive out-of-state trucking.

Again, as I have said, the cost for this bill will be borne by the residents of New Jersey, and they will continue to suffer under the current and expanding crisis in solid waste disposal capacity. Part of the testimony provided earlier dealt with the Harte-Hanks Marketing Services Custom Study that was done. It was, "An Evaluation of New Jersey Residents' Attitudes Toward Solid Waste Management." This was done on behalf of New Jersey for A Clean Tomorrow -- New Jersey ACT -- dated February of '89.

I am not here to debate the wording of the survey that was done, but in terms of the results from that -- and I am reading from an Executive Summary -- I would just like to point out a couple of numbers and some trends:

"More than two-thirds of the State's residents -- 67% -- do not believe that recycling alone can solve the solid waste disposal problem." I think we all understand that. "The majority of New Jersey residents -- 90% -- agree that it is too risky to rely on out-of-state facilities for disposal, and that the State will face a real crisis if those facilities stop taking our garbage." I think that is also self-evident. You have Ohio and Pennsylvania currently looking at regulations and legislation intending to stop the flow of waste from outside their borders into their states, and a large amount of New Jersey's waste currently goes there.

"Additional, 89% of the residents of New Jersey believe that New Jersey should build and operate garbage disposal facilities within the State, because that would be cheaper than transporting the waste out-of-state." Again, I believe my testimony and what the Committee has heard earlier supports that.

"It is also evidenced through the study that waste-to-energy resource recovery facilities are viewed as a viable and effective solution to New Jersey's solid waste disposal problem. Eighty-two percent of the residents in New Jersey support the building of resource recovery incineration facilities." Again, as I stated earlier, the support for resource recovery is strong and it is statewide. "After hearing an initial description -- again without arguing about how the question was stated -- "82% agreed, 12% opposed, while 6% were not sure. Even after hearing arguments for and against incineration, 81% still supported mass burn."

I appreciate the opportunity to have presented these comments. I would be pleased to take any questions.

M A T T H E W L. R O O T: I think there is one other point. My name is Matt Root. I am with Odgen Martin. We are also a member of the Institute for Resource Recovery.

There is one other additional point which I think is valuable to make here, and that is that the regulatory agencies already have provisions to consider multiple sources, combined facilities in close proximity to each other, or not even in close proximity to each other. Those provisions already exist. Studies have already been done. Waste to energy is, in some respects, a new technology, but it is an evolving technology. The studies have been done, and provisions already exist to continue to study what the bill proposes.

There is no need to impose a moratorium when the provisions are already there.

ASSEMBLYMAN ROONEY: One of the questions I have, right off the bat, is: We are looking at the Bergen example, and again, it is near and dear to me. When Ref-Fuel came in, we were, I guess, at 3700 tons a day of garbage in Bergen County. The estimates were approximately 2400 tons a day. That was what we were going to contract for, with a put or pay at 2000 tons per day. Ref-Fuel decided that the plant should be about a 3000-ton-per-day facility, and we had to put or pay at 2000, and we could go up to 2400 with, whatever, the merchant waste stream being used to take the additional capacity.

As of last week, Bergen County is delivering -- or receiving at the transfer station less than 1400 tons per day of garbage. We have seen the Warren County experience, where Warren was starved for garbage at a 400-ton-per-day plant, running at 150, 200 tons. They are having major problems. They are having environmental problems, because the plant is running at half capacity -- very inefficient -- and they are getting hazardous ash and a few other things that are not conducive to the health and welfare of the citizens of New Jersey.

On the Essex -- which is also Ref-Fuel -- plant, I don't know-- What is the current waste stream going into their transfer station, because they have a 2400-ton plant? Do you know?

MR. LAIDLAW: 2275.

ASSEMBLYMAN ROONEY: 2275. What are they receiving at the transfer station in Essex County today?

MR. LAIDLAW: I'm not sure.

ASSEMBLYMAN ROONEY: All right. If they are experiencing the same thing as Bergen, then we have a major problem with two plants that are going to be running at one-third of capacity. That is not what is conducive to good operations.

MR. LAIDLAW: I think there are some answers, though, Mr. Chairman. The problem at Bergen is not one where the waste has gone away, in terms of it just disappearing. The waste is still being generated. What you have here is leakage. When you can haul waste out-of-state into Pennsylvania and into Ohio for \$15 to \$20 a ton, and your alternative cost is looking at a transfer station, which is charging \$105, \$115 at the gate, forces are at play that will allow the waste to flow out-of-state.

I think what you are addressing there, Mr. Chairman, is an issue of enforcement. You know, the franchise, the right to that waste, is Bergen County's. And through the Solid Waste Management Plan, that waste should be going to that transfer station. I believe-- I am not sure that the number is 1400, or what the absolute number is, but it is our understanding that upon initial problems with the waste, that certainly has been discussed with DEP. Enforcement has been an issue. I understand DEP is going to be increasing its enforcement arm from about seven to ten players. Right now, sometime by the end of June or so, I see numbers up around 50 or 60, with more by the end of the year. The problem is not that the waste is not there. It is just that currently it is not going to that transfer station.

On the other issue of the transfer stations, I think commensurate with that is the overall issue of flow control. You discussed the Warren problem. One of the-- It is our understanding that one of the problems they have had there is the lack of a inter-district flow agreement, which they are currently working on to solve some of their problems, in terms of getting waste into that facility.

As you know, the Solid Waste Management Plan in the State requires that each county designate, through its Solid Waste Management Plan, where the waste is to be disposed of, handled, processed, recycled, whatever. And unless two

counties -- two neighboring counties enter into an inter-district flow agreement, it's virtually impossible for waste from one county to flow to the other, absent that agreement.

What is happening at Warren, is that trucks, fully laden with waste that could be easily incinerated in that plant, are going right by its doors, heading west into Pennsylvania and Ohio, because they are lacking the mechanism to allow the waste to go. I think one of the things you are going to be hearing more of, and certainly it is an issue that has to be addressed, is the issue of flow control. We need to allow waste within the State to, within certain guidelines and structures, so that the counties are fully cognizant-- We need to allow that waste to flow between facilities, so that what is happening at Warren will not be a long-term problem. I think it is a short-term problem. I think the counties and the DEP are acting very aggressively now to solve that problem.

On the issue of the ash and its hazardousness, an excellent point. We are very concerned about that. Speaking for the Institute of Resource Recovery, we are made up of all the industry members within the State, at least a majority of them, and we are very concerned about ash disposal, landfill costs, and issues along those lines. I think recycling is a key answer here. We need to get the lead, the cadmiums, primarily in the batteries, and some of the different types of wastes that are being deposited into -- you know, that we pick up, which are normally slated for the incinerator-- Those materials need to be earmarked up-front. A very aggressive recycling program, an identification program, has to be in place, in order to control that problem. If you can take the leads, the heavy metals, out of the waste stream going into the incinerator, you will not have a problem with the ash coming out of it, or the air emissions.

One of the points that Bob Joyce has asked me to just reemphasize is one of the tables that I have provided to you. I know Assemblyman Duch has already seen this in other testimony at a prior hearing. It deals with the lifetime risks of familiar activities. What this shows -- and this was taken from an article that was provided-- I think it is very informative. Do all of the Assemblymen have copies of it? It was handed out earlier.

ASSEMBLYMAN ROONEY: Yes.

MR. LAIDLAW: It is the one-page sheet, yes. If you like, we can make copies available to the folks out here, if they would like to look at it.

What this is-- This was taken from a -- adapted from a health risk assessment for air emissions of metals. This showed up in a recent article. I can make that available to the Committee, should you wish -- the article in total. But, what it does-- Again, I am not trying to make a point here of whether or not these risks are voluntary or non-voluntary. But what this table does is show, over a lifetime of 70 years, individuals involved in these activities -- what is their risk for per million. What it basically says, just to highlight a couple of numbers, is, if there are a million people out there who smoke cigarettes, a quarter of those people-- If they smoke them for 70 years, by the end of those 70 years, a quarter of those people will have died from that event.

If you look at service and government, manufacturing, pedestrians being hit by motor vehicles-- If you only have one or two drinks a week, or something like that -- called an "alcohol light drinker" -- 1400 people will die as a result of that event over a lifetime exposure of 70 years. Peanut butter, the same type of thing. There are some numbers in here about that. If you look then and compare to lightning, tornado, and electrocution, you stand more of a chance of dying from a lightning strike than you do from living right next to

a waste-to-energy plant. The number here is one, and let me put that number in perspective.

That is a relative number of someone living next to a plant. If you were to take a worst case number of somebody living underneath the point on land where the emissions come to ground, and someone lives under that moving dot around the landscape for 70 years, and all they are breathing is the maximum concentration of air emissions coming out of that plant at that point on the land, and they follow that dot for 70 years, day in, day out, 24 hours a day, only 10 people would die as a result of breathing those air emissions at the end of that 70-year period.

I think in a normal exposure, it is basically insignificant. That is why the number that is represented here is one. This is compared to-- If any of you have ever smoked 1.4 cigarettes -- ever in your lifetime -- your chance of dying from that event is equal to your chance of dying from living next to a waste-to-energy plant.

I think this table is important because it puts into perspective some of these health risk analyses and is truly a comparative analysis of risk.

ASSEMBLYMAN ROONEY: Scott, what if I take -- just an arbitrary case -- four resource recovery plants, six sludge incinerators, and the Bayway Elizabeth Refinery, and put them all in one area, within a 10-mile radius of each other, then what have I got? How many people are going to die as a result of that, because that is what you people are proposing for Bergen, Hudson, Passaic, and Essex? You are personally putting two incinerators -- one in Bergen, one in Essex -- within five miles of each other. You are right in the corridor from the Bayway Elizabeth Refinery -- it sweeps right up that area -- and we are going to have in Bayonne six sludge incinerators.

That is my concern. There is no mathematical or any other model that is going to tell me how much emissions and how

much cancer we are going to create as a result of that particular item. I have a major, major problem with that. That is my little arbitrary example, but it is fact. This is what is being proposed right in the heart of my area.

MR. LAIDLAW: I think your concern is valid, and as members of the industry we are also concerned with those types of issues. That is why an environmental health and impact study is done up-front. The plants are strictly designed and engineered in accordance with DEP air, solid waste, water emissions criteria, regulations, and laws. The increments-- If you were to take a look, Mr. Chairman, at what incrementally a resource recovery plant puts out in terms of its air emissions, and then you look at the background source, it is an additive function. You look at the background levels, plus the increment, and then you look at where you are then. At that point, you look at whether or not you are using best available control technology or you have to use something more rigorous.

But the plants incrementally are very, very small contributors. But your concern that the existing background level is so high is a good concern, and we are likewise concerned with that. That is why the plants have the latest state-of-the-art technologies in terms of air emission control, either being the acid gas scrub or the particulate control devices, because we are trying to minimize, as best we can, the levels of those emissions.

As stated earlier in the testimony, we support an all emission source study. We believe that something like that would be valuable, and then you could use your remedial dollars to go after the primary offenders, that were there first, that are polluting more than the increments that have been added later. In that way, I think you would be getting the best money for the effort -- the most out of the dollars you have.

Did you want to say something, Matt?

MR. ROOT: An additional point, I think, is, those considerations are already done when you model. The current ambient levels and additional levels are already taken into consideration. You just don't consider sticking a plant in the middle of nowhere; you consider putting it in its environment already.

ASSEMBLYMAN ROONEY: That's all well and good when you are considering Bergen and when you are considering Essex individually. And I know the models. I know what was developed for Bergen. Bergen was never developed with a model that said that there was going to be a plant in Essex, there was going to be a plant in Hudson, that there was going to be a plant in Passaic, and there were going to be six incinerators in Bayonne. I know that for a fact, because I sat on that Board. We looked at it from every way, shape, and form. We had to look at the height of the smokestack because of the FAA. It gave us problems because of the Teterboro Airport, and we had to drop the height down because of the considerations of the airport there. Dropping the height down obviously is going to give you emissions closer to ground zero.

I think we have a major problem. I asked the group not to do this, but I am using one example of-- And it's four counties. Unfortunately, they all decided to put it in the corner, exactly next to the other facilities.

ASSEMBLYMAN KLINE: Let me-- Maybe you can answer everything at one time. The ash-- I mean, we are talking about the air emissions and everything else. You know, that many plants producing ash-- What about toxic ash? Where are we with that amount of plants, too?

MR. LAIDLAW: I think the answer to that one, Assemblyman, is that we firmly support that ash should be handled in a responsible manner. Currently, within the State, the requirements would be-- Well, there certainly is an amount of uncertainty. If the ash tests hazardous, as currently has

happened to some of the ash coming out of the Warren plant, that has to be treated as a hazardous material, and it is being disposed of out-of-state in hazardous waste landfills.

What we would like to see develop over time is a recognition of the ash as being a special waste, and we support the provisions -- which are typically referred to as the "Lukin (phonetic spelling) bill" -- which would be a double-lined leachate collection system with a detection system, preferably a monofill, so that the ash could be segregated. We don't believe in co-disposal with MSW. We would prefer to keep the ash segregated and monitored very closely.

MR. ROOT: I don't know the particulars of the Bergen and Essex cases. What I do know, however, is that the provisions do exist to consider all the factors in an air basin. As I said, I cannot address the particulars of your siting.

ASSEMBLYMAN ROONEY: Our problem is that we don't trust the DEP. I think this is what the public is saying.

MR. ROOT: But that is a more distinct issue than trying to make the DEC use what is already there.

ASSEMBLYMAN ROONEY: Wrong state -- DEP. You're back in New York.

MR. ROOT: The DEP -- force them to consider that. That's a more distinct issue than saying, "Hold on, we have to study this." The studies are done. If you want to propose some legislation--

ASSEMBLYMAN ROONEY: I agree with you, but--

MR. ROOT: --that says, "Look, they have to consider the whole area," then that is a different issue than saying, "Don't do anything."

ASSEMBLYMAN ROONEY: My consideration-- Basically, I am probably too knowledgeable for the situation. When I sat -- and we sited this in 1984 -- I agreed that resource recovery and these incinerators were good. They were good for Bergen

County. We were looking at a plant that was going to solve most of our problems at a reasonable fee. But now, I have watched this; I have watched it go through DEP. I watched the permits, and I know they haven't been modified. I know nothing has happened to those permits in the last-- In fact, we were given the DEP permit a year ago this past Thanksgiving. I was still on the Board at that time. The only one we didn't have was the Corps of Engineers, and that was only because they were on wetlands. It had nothing to do with air quality.

In the meanwhile, now we are talking six incinerators, sludge incinerators in Bayonne, and DEP is pushing that concept. This is what bothers me. When I turn around and I find that DEP is telling us, "Get out of the ocean, and put your sludge into incinerators," and they are putting it right next to these four other plants-- Passaic just got their permits -- what, two weeks ago, three weeks ago, Bill? -- (speaking to Assemblyman Pascrell; indiscernible response) they got their permits. There was no consideration in the Bergen permit or the Essex permit for what happens for Passaic or Hudson, which has a plant scheduled.

These are the concerns that the people out there have, and that we have. You are the industry. You better address the concerns, because if we start talking about dioxins-- I know a little bit about dioxins. You better address it right here and now. Give this lady (referring to Ms. Griffith) some information and some assurances that she is not getting those dioxins in the air. I may fight with you on that, but I'll be damned if I am going to sit up here and listen, and say, "You've got everything under control," and, "Is this modeled?" when I know that these permits never considered any models of all of these incinerators in one area. And somebody says, "Oh well, the prevailing wind goes over towards New York. Maybe they can use it for a change. We'll dump on them." That is all nice to say, but I think we are all in this together.

We've got some major problems in this State right now. If we continue down the path of 18 incinerators, four in one area, and six more, and sludge incinerators coming on-line, believe me, guys, you better come up with some solutions or alternatives, because this is not the way to do it. I have gone on-- I shouldn't get on my soapbox, excuse me. (applause)

Please, please, no applause, and no booing. I am going to hold you to that. (laughter) Please. Mr. Hudak?

ASSEMBLYMAN HUDAK: Just a change in thought here a little bit: Are you familiar with the Warren County incinerator?

MR. LAIDLAW: I have some information on it, yes.

ASSEMBLYMAN HUDAK: Oh, I thought maybe you were associated with the firm.

ASSEMBLYMAN ROONEY: No, that's Blunt -- Blunt Engineering (phonetic spelling)

MR. LAIDLAW: That's Blunt; we're American Ref-Fuel.

ASSEMBLYMAN HUDAK: Well, it was just pointed out to me this morning that they pay approximately \$100 a ton tipping fee in that particular incinerator. But it costs them about \$300 to \$350 a ton to dispose of the ash because it is considered hazardous waste. I understand that just about every -- all of it, all of the ash is considered hazardous waste at this point. Are you familiar with that? Is that true?

MR. LAIDLAW: I am not sure of the exact numbers, Assemblyman. My understanding is that something approximating a third to a half of the ash that has come out of the plant has, at some point, been regarded as hazardous. It is my understanding that as a result of recent enforcement and tremendous support from the county and the DEP in targeting some of the -- let's call them "bad actors" -- the leads, the batteries -- small flashlight batteries, your penlight batteries, your watch batteries-- By getting that out of the waste stream, it is my understanding that-- Current data is

that I think out of the last -- I'm using rough numbers-- Out of the last nine or ten loads that have been tested, only one of them failed. The other loads were able to pass and were accepted as nonhazardous.

I think what is also important to note, though, is that with incineration what we are talking about doing is reducing, primarily, the volume of the waste down to a tenth of what it was coming in. I understand the Chairman's concern about modeling. It is a valid concern, if you are looking at concentrations of industry. Again, we support that, with the idea that remedial dollars go to-- Target those dollars against those industries that basically comprise the most health risk. I don't believe that resource recovery should be the target of that effort. On an incremental basis, our emissions are very, very low, compared to some of these other background emission sources that are already there.

It is also important to note that if a material were to test hazardous -- for example, on the ash-- All the ash is, is essentially what came into the plant on the front end. It goes through the process. By a process of combustion, the ash is reduced to 10% of its incoming volume, about a third of its incoming weight, and the process itself does not create additional hazardous materials. It simply concentrates them into the ash. That is why we are completely supportive, and the permits are structured around sound management of those materials.

If you can get-- Again, with recycling up-front, and if you can identify -- and we will see this in both Essex and Bergen Counties; we're hoping to work with the counties, the Utility Authority in Bergen, and also the County of Essex-- If you can work on identifying those materials that create problems for the plant-- It is not only batteries and things like that. It is oversized bulky materials that also create problems. But the plant, in and of itself, as you have

indicated in earlier testimony, if it is operated properly, and DEP has continuous emissions monitoring of these plants hard-wired into Trenton, and the plant will be routinely visited by DEP officials for inspections, and there is an independent engineer who is associated with the monitoring to continue maintenance and operation of these plants, I believe the plants, over the long term, will be operated very safely, and will not represent additional environmental or health risks to the general public.

ASSEMBLYMAN ROONEY: Thanks, Scott.

ASSEMBLYMAN PASCRELL: Mr. Chairman?

ASSEMBLYMAN ROONEY: One thing I just want to-- George and Tom got in a little bit late. We are going to Warren County as our next visit, as this show goes on. We will be going there prior to going back into session mid-June. So hopefully we will make it about the second -- the first week in June. Let's see, I think June 1 is like a Wednesday or Thursday. Probably the week of the twelfth -- somewhere around there-- Maybe that Monday or Tuesday we'll go down before we go back into session. So, we will have an opportunity to find out what is really happening at Warren County. That will be a part of the record. I believe we are going to have the meeting in Parsippany. That is the way it appears at this time.

ASSEMBLYMAN HUDAK: John, out of courtesy to a fellow Assemblyman, Bill would like to speak.

ASSEMBLYMAN ROONEY: Oh, I'm sorry. Mr. Pascrell has a question, I believe.

ASSEMBLYMAN PASCRELL: (speaking from audience) Mr. Chairman, I must commend the industry that is represented by American Ref-Fuel, for their candidness today. I think if you listen carefully you will understand, Mr. Chairman, why we do have really here a convoluted sense of logic to all of this.

Our bill is being criticized honestly-- Our bill is being criticized because it doesn't go after the other

pollutants. You know, I find that very interesting. In other words, "We may be contributing, but you are not saying anything about these other polluters in your bill. If you did, maybe we could reconsider this bill."

No, that is not what they're saying. What they're saying is-- Again, they are only the messengers. I want to talk about the message. Through the Chair, I would like to ask American Ref-Fuel a couple of very brief questions. Not to get into a debate, but I would like to ask these questions for the record: Are you a subsidiary of BFI?

ASSEMBLYMAN ROONEY: Ref-Fuel is. I can answer that.

MR. LAIDLAW: American Ref-Fuel has two parents. We are a wholly-owned venture between Air Products and Chemicals, Inc., out of Allentown, Pennsylvania, and Browning-Ferris Industries, out of Houston, Texas.

ASSEMBLYMAN PASCRELL: So you are, therefore?

MR. LAIDLAW: Yes.

ASSEMBLYMAN PASCRELL: Okay. My second question is this: Why were-- Since all of these things are-- You mentioned exactly 17 if's in your presentation. We are dealing with those if's, because we live near those if's. You don't; I do. Many of the people sitting on this Committee live near these if's. In fact, if I had to depend upon a reconciliation of the if's from the DEP, they sited one of these incinerators next to a hospital and three schools. Maybe it doesn't match the 16 schools in Camden, but we are coming close to it.

Why were the incinerators in Lowell, Massachusetts and Boston, Massachusetts, which you were going to build-- Why were they canceled?

MR. LAIDLAW: I am not sure I can speak to the Lowell facility, but regarding the Boston facility, my understanding is that there were considerations of -- at least at the Mayor's level -- in Boston versus, or at least in discussions with the Governor at the time-- As you recall, he was running for the presidency, and--

ASSEMBLYMAN PASCRELL: Well, we blamed him for everything else. What are we going to blame him for today?

MR. LAIDLAW: No, what I'm saying is, there was-- At the time, because of political considerations, and also because of siting issues, Boston decided to put on hold its considerations for siting of the waste-to-energy plant. That is not to say that they have given up on the concept of the project. It is just that at the time, it was felt expedient to delay and relook at the considerations for the time being.

ASSEMBLYMAN PASCRELL: Why have so many incinerators been canceled in the last six years in this country?

MR. LAIDLAW: Again -- I guess I can speak for American Ref-Fuel -- we believe that for the large part, incineration makes a tremendous amount of sense in the Northeast because of reduced land availability, heavy population congestion, and the economics are right. If one were to move out into other communities where there is available land within 30 or 40 miles of driving from the town, and the landfill costs were substantially lower than what currently New Jersey is experiencing-- The economics today do not favor resource recovery. That is not to say that they won't in the future.

MR. ROOT: If I may address that as well-- You know, there are also an awful lot of resource recovery facilities which have gone forward. You cited Oregon. We have a facility which has been operating in Oregon for about three years now. It operates hand in hand with what has largely been called one of the largest recycling programs in the country. The facility was accorded all of its permits. You said, "Oregon and New Jersey are very similar." It works there; it has been working there.

ASSEMBLYMAN PASCRELL: Well, let me zero in. Instead of talking about five years, let me simply talk about 1986 and 1987 -- those two years. Exactly 40 incinerators were canceled

in the United States. That is pretty recent. I am not talking about old data. I am talking about incinerators that had a whole variety of tonnage per day. So, there have been a lot of incinerators canceled.

Let's go back to your example in Oregon.

ASSEMBLYMAN ROONEY: Mr. Pascrell, I think we are having a debate back and forth.

ASSEMBLYMAN PASCRELL: This is our bill, Mr. Chairman. I just want to ask some questions.

ASSEMBLYMAN ROONEY: I appreciate that, but you said two questions. I think we are up to the fourth or fifth.

ASSEMBLYMAN PASCRELL: I'll be very brief, Mr. Chairman.

ASSEMBLYMAN ROONEY: Please.

ASSEMBLYMAN PASCRELL: Why is EPA considering the banning of incineration in Region 10?

MR. ROOT: It is not considering banning incineration. What it has done, and is considering, is including recycling as the best available controlled technology.

ASSEMBLYMAN PASCRELL: Thank you.

MR. ROOT: That is distinct from considering-- What they are considering--

ASSEMBLYMAN PASCRELL: No, you answered my question. I have one other question, Mr. Chairman.

MR. ROOT: Do I get to finish, please?

ASSEMBLYMAN PASCRELL: Since they are referring to a poll--

ASSEMBLYMAN ROONEY: Hold it. No, no, Mr. Pascrell, let the man finish his question -- or his answer, please.

MR. ROOT: What the EPA does consider, or what Region 10 has proposed, is that recycling be considered in the sizing of all facilities, as a control technology. That is entirely distinct from not considering waste to energy at all. Resource recovery is still out there. It is still viable; it is still

being considered. The only difference is that recycling should now play -- as proposed by Region 10 of EPA -- should now be considered in the sizing of these facilities.

ASSEMBLYMAN PASCRELL: I can accept that answer. I think it speaks for itself. You say the basis of your data--

ASSEMBLYMAN ROONEY: Mr. Pascrell, I have to cut you off, because we have Committee members who haven't been able--

ASSEMBLYMAN PASCRELL: But they referred to a poll, Mr. Chairman, and I think it is very important that we get into the poll.

ASSEMBLYMAN ROONEY: We are going to get into the poll. There are people here--

UNIDENTIFIED MEMBERS OF AUDIENCE: Shut up; shut up.

ASSEMBLYMAN ROONEY: Please, Bill, please. We would like to have the Committee members-- Please, let's have a little--

ASSEMBLYMAN PASCRELL: Wait a minute. They should be thrown the heck out of here, telling me to shut up.

ASSEMBLYMAN ROONEY: Mr. Pascrell, please. We are trying to conduct a public hearing here.

ASSEMBLYMAN PASCRELL: You heard me. (addressed to a member of the audience)

ASSEMBLYMAN ROONEY: Mr. Pascrell, you're out of order. The gentleman in the back is out of order.

ASSEMBLYMAN PASCRELL: No, he's out of order.

ASSEMBLYMAN ROONEY: I will take this back to the Chair. The Chair will recognize the Committee members who have been waiting for you to finish all of your questions, for their questions. Please. Mr. Hudak?

ASSEMBLYMAN HUDAK: No.

ASSEMBLYMAN ROONEY: I'm sorry, Mr. Duch.

ASSEMBLYMAN DUCH: If I may just ask a couple of questions-- First of all, I would like to ask: What would it cost to complete an analysis or environmental study regarding

the potential effects of this many incinerators being located in a particular area? Do you have any idea? Can you give me any estimate?

MR. LAIDLAW: Assemblyman, I can't at this time, but I can certainly take that question under advisement, and we will provide information back to the Committee on that.

ASSEMBLYMAN DUCH: All right. I am very curious about that. I would also like to know -- and probably you won't be able to answer this question either-- I would like to know how long it would take to complete that kind of a study. Okay?

Now, in line with that-- Can you answer that, or no?

MR. LAIDLAW: Again, let me get back to you, Assemblyman, on that. I have a general feeling that we could be talking-- A rough estimate would be at least three to four months, in terms of doing the work.

ASSEMBLYMAN DUCH: Okay. How long did it take, in a typical incinerator development project-- How long does it take to do the environmental analysis that is provided with each one of these facilities?

MR. LAIDLAW: It is done in stages, sir. Initially, you start out with an environmental health and impact study. That, in and of itself, can take anywhere from three to six months. You then get into having to have detailed discussions with DEP as far as, what are the regulations, what are the requirements, which permits have to be applied for? That whole process-- As certainly the Chairman knows, we started that process back in 1984, even before the contract was awarded to American Ref-Fuel on that project. And we just got the Army Corps permit within the last month. So, that's been several years of permitting effort, some of it certainly at the behest of either DEP or at the Federal level.

It is hard to answer your question specifically, because it is so multifaceted.

ASSEMBLYMAN DUCH: Would there be any reason why, other than the fact that it is not currently required by DEP-- Would there be any reason why your company, or any other company, wouldn't take into consideration the development of many other similar facilities within a close range of each other, and the potential detrimental effects on the health of the people, which could ultimately lead to litigation against your firm and others many, many years down the road? Would there be a reason why that would not be studied?

MR. LAIDLAW: There would be no reason at all. In fact, Assemblyman, that is exactly the criteria that is used in the environmental health and impact study. You look at-- For example, to take Mr. Rooney's concern with the Bergen facility, if one were to propose another facility for Bergen County -- I am not doing that; I am just using a for instance -- we would have to model those facilities nearby. The DEP would require that. We would have to submit a protocol for approval by DEP before any air modeling was done. There would certainly be a multi-source modeling. There are different layers you look at, and that would certainly be a factor.

As I believe you are aware, once you have gone through that process, if you find that you have exceeded certain threshold limits, then different severities of technology are used, the difference here being top down BACT. You then have to-- If you turned out to exceed a certain emission parameter, you would then have to use-- What is the next layer?

MR. ROOT: What is the next what? (indiscernible exchange between Mr. Laidlaw and Mr. Root)

MR. LAIDLAW: The lowest available emission rate -- layer-- You would have to use that as an application. Once you have even gone past that, part of the layer concept is offsets. For example, in the Essex facility, and even in Bergen, there were some parameters where the project team is responsible to go out and make sure that the net incremental

addition to the environment is minimized, or taken away, by taking some other polluter -- or purchasing a portion of his increment out, so that on the net sum you haven't degraded the environment at all.

So, in terms of your concern, it is part of the process currently. That is how the plants are engineered and designed at this time.

ASSEMBLYMAN DUCH: Okay. Do you have, in your industry, or are you aware of, a study that exists anyplace that deals with the cumulative effects of three or more of these types of facilities within, say, a 30- or 40-mile radius?

MR. ROOT: I don't know of any.

MR. LAIDLAW: I am not aware of one. I think what may have been done, Assemblyman, is -- I think probably either in New York in the DEC, or perhaps even in DEP, and certainly at the EPA level-- I think some think tanks have probably gotten together and done some what-if's. For example, they have said, "If we were to site a 1000 tonner over here, and then 40 miles away maybe, you know, a 2500 tonner, and then maybe a 400 tonner somewhere else--" Someone has probably gone through that. The reason that the results from that are usually not all that beneficial, is that it is very, very site specific -- the environmental conditions of the ambience, location of hills, buildings, whatever, any of those parameters. It is so site specific, that unless it was done on a case-by-case basis, I don't believe the results would be all that helpful to what I think you are looking for.

But we can certainly ask the question when we get back to our offices. If there is anything like that, we will certainly make it available to you.

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

ASSEMBLYMAN ROONEY: Thank you. Does anyone know what the Hudson total volume is at the present time? What the proposed number is?

A L B E R T A. F I O R E: (speaking from audience) I represent Hudson County.

ASSEMBLYMAN ROONEY: Do you have a number on Hudson County, the total tonnage of trash you are looking at on a per-day basis?

MR. FIORE: Our study shows that we are 2000 tons a day in Hudson County, 250 tons--

ASSEMBLYMAN ROONEY: Why don't you come up to the microphone? Please identify yourself. I didn't mean to move you guys out of here. I just asked-- I am glad we have an expert in the audience.

MR. FIORE: I would appreciate the opportunity.

MR. ROOT: Glad to go it.

MR. LAIDLAW: Thank you very much for the time.

ASSEMBLYMAN ROONEY: We may call you back. The gentleman from Hudson County?

MR. FIORE: I brought a statement in case you wanted to read it, but in this instance I would like to answer your question.

I am Al Fiore. I am with the Hudson County Improvement Authority. We are charged with doing the solid waste system project in Hudson County. Respectfully, I say to you, this is a mandate of the Legislature. That is why we are doing it. We are not volunteering to do this.

Hudson County's waste has been analyzed. Its waste composition, in total and type, has been analyzed. We have a market of 2000 tons of household and commercial waste a day. Another 250 tons a day of demolition material was a regular occurrence. We suspect it is from our neighbors in New York, because it does not have labels.

I would like to use this opportunity to answer a quandary you cited before of Bergen County's waste falling below their put or pay arrangements, as does Essex's. I think it is remarkable, if you will note the fact, that we are in

contest with the HMDC over the use of the landfill. They are the operators of our legal landfill. As you know well, I suppose, they want to get out of the landfill business, which is what they are charged to do by their enabling statute, and get into the baseball business, and a few other businesses.

Since the day we have been in legal contest with them, magically, our waste, reportedly by them, has gone from 2200 tons a day to 3800 tons a day. Now, that is 1600 tons a day more than we are allegedly manufacturing, but I do respectfully suggest, sir, that it is less than a one-mile run down Ridge Road, past Eagans, down the Belleville Turnpike from the Bergen Transfer Station to our LE Landfill, and somehow or other, 1600 tons a day of migrant waste gets in there, because the enforcement that is done finds and assesses foreign waste after the fact -- after it is dumped -- and then it's, "Oh my, you did something wrong. We are going to fine you."

Now, that is filling up the landfill faster, causing us problems, and it is causing Bergen and Essex and I suppose other counties problems, because we still have the lowest rate in the country -- in the State, rather. I think we are justified in this, because we have bit the bullet, and we are planning this entire system, not only resource recovery, but recycling. I am afraid to tell you that we are probably going to design the world's most expensive ash landfill. We are on a presently contaminated site, without much soil structure, and meeting the current rules for the proper disposal of the special waste called "ash." It is going to be a very expensive proposition.

We have done all of this. I have a release here, iterating all the things and commitments we have made. It goes into hundreds of millions of dollars. We are somewhat frightened by the prospect of a moratorium, which will cause us to eat all of these investments. That is an undue obligation you are imposing on our taxpayers, without a solution.

I respectfully say to you, when we came along, we were last in the sweepstakes. Passaic, Bergen, Essex were before us. Union is even now ahead of us in the permitting game. It has been our responsibility; the last man in must justify that he will not add an unsafe impact to the pollution of water, of air. We have paid an enormous amount of money to do this. We have done the testing. We have paid very good consultants to debate and prove our case with DEP.

We are on a crash permitting schedule now where we want to get the permits by the end of this year, for several reasons. One obvious one is, our first funding was done before the '86 tax law change, as Bergen did. It makes quite a difference in cost of project. Now, if you put a moratorium in, our whole original funding bounces, and we will have to defease those bonds, and that is not inexpensive.

We have also come up with taxpayers' money. We have used tax grant money from the State to fund all of the other necessities in the project, and the commitments have been quite huge to date. We have more spending to do, but you are giving us an interruption on a study. If you will let me say this, respectfully, I think this has been reinvented as a new look at the wheel, from every aspect. I have, and will distribute to you, an article just five days old, out of The Miami Herald, where, during the expansion of the Dade County plant, these questions were asked: What will the dioxin impact be? What will the dangers be? Bear in mind, that is an antiquated scrubbing mechanism. In fact, they don't have scrubbers in Dade County.

We are going to have them on our project, as will all Jerseys, and we are going to add thermal De Nox equipment. These are incremental things to take out the nasties, at very huge costs -- \$25 million, another \$25 million. Even in Miami, as this article and study show, there is no dioxin threat even with their lower key standards of burning.

I heard you say that we have several possible impacts in a close area. Well, sir, I didn't mandate the 22 districts to manage solid waste. I didn't mandate 4000 or 200. I have to play with reality. My reality is, my county must find, in a total of 42-1/2 square miles, 45% of which is dominated by the Meadowlands, a place to burn; a place to landfill; a place to do recycling. And the State now wants me to have backup landfills and backup this and backup that. I don't have Wyoming for a county. Some of my neighbors are 10 times my size, and have done some, or none of these things.

I respectfully ask not to be penalized, because we are. If you are going to do the moratorium, and our little house that you have commanded us to build crumbles, will you please consider sending us a check for everything we have gone through? It is an enormous amount of work.

Are there any other questions I might--

ASSEMBLYMAN ROONEY: Mr. Fiore, thank you very much. I appreciate the input. But now we found out where the Bergen waste is going.

MR. FIORE: Yes, mysteriously, just right down the block.

ASSEMBLYMAN ROONEY: It is interesting that your costs in landfilling-- In the southern tip of Bergen County, by the way, in the Township of North Arlington, it just happens that part of your landfill happens to be in our county. It is only, I believe, \$27 a ton that your people are paying.

MR. FIORE: It is up to \$33 now. There are more State taxes.

ASSEMBLYMAN ROONEY: Excuse me, that is last year's number. We're paying \$105. No wonder they go down that-away, if they can.

MR. FIORE: Well, each truckload, the driver has a chance to pick up a thousand or two for his boss. That's a great incentive. I think I might do it myself.

ASSEMBLYMAN ROONEY: Exactly. We appreciate your testimony. Thank you for the facts.

ASSEMBLYMAN HUDAK: How large of a check would you like?

MR. FIORE: Just to cover our costs.

ASSEMBLYMAN HUDAK: What is that? How much?

MR. FIORE: It's a lot of numbers, sir -- several hundred million.

ASSEMBLYMAN HUDAK: Several hundred million?

ASSEMBLYMAN ROONEY: I would like to acknowledge the fact that we have our former Majority Leader and former Minority Leader from the Assembly, also a gubernatorial candidate--

ASSEMBLYMAN KLINE: Former Speaker.

ASSEMBLYMAN ROONEY: Former Speaker, I'm sorry -- Alan Karcher -- who is also a gubernatorial candidate, as I said.

A S S E M B L Y M A N A L A N J. K A R C H E R: All of those things-- People will get the impression that I can't hold a steady job.

ASSEMBLYMAN ROONEY: That's what we are trying to tell you, Alan.

ASSEMBLYMAN KARCHER: Mr. Chairman, I want to thank you, because I am here at your personal invitation. I am grateful for that -- your solicitude and concern -- in inviting me, and all the members of the Committee. I am obviously here in support of this particular bill, which I think moves in the right direction.

Let me -- notwithstanding the introduction, the political background-- Let me adopt, for a moment, a different mode, and talk to you in terms of the formulation of public policy. I don't want to sound professorial about it, but if I do, just, you know me well enough just to say, "Hey, Karcher, cut that out."

The last gentleman who spoke, Mr. Fiore, spoke about the commitment of finances. Well, it is common sense that one doesn't throw, as a matter of public policy, good money after bad. One does not continue upon a course of action, once having seen, and been enlightened to the fact that it is, indeed, throwing good money after bad.

Let's take a moment to discuss the dimensions of the prospective outlay of public capital, the dollars that are under consideration to be spent, and to put them into context. More money is now being proposed to be spent and committed to this particular technology, this particular questionable solution -- more money than has been spent in the history of the State, on every schoolhouse in the State. All the money in the history of New Jersey spent on public school buildings does not amount to what we are now suggesting -- to what is now being suggested as a solution. If that doesn't do it, every building, every capital construction project, at every State college and The State University -- and NJIT and Rutgers, all the campuses-- Add them together, and they are a fraction of what we are now told the public, as a matter of policy, should invest in this technology. All the hospitals and health care facilities in the State of New Jersey added together -- the construction costs of every hospital in this State -- do not amount to what we are now being told we should invest from public capital into these projects.

It is truly a mind-boggling number. When we talk about that number, it is difficult to quite grasp it. That is why I suggested to you the comparisons between what we are being asked to spend, with regard to what we have spent in 200-and-some-odd years on public education, on higher education, on health care facilities. That gives us some understanding of just the magnitude of the decision to be made.

Let me go back for a moment and speak, again, to what Mr. Fiore said about the standard -- his problem with regard to

the last person in, with regard to air quality and the impact to be made. The truth of the matter is, we gave notice three weeks ago to EPA and DEP, that we intend to file suit. It is not a question of the last person in, qualifying. No one in the permitting process has qualified. No one has met that Clean Air Act standard -- not one. They have been waived. Somehow it is going to be taken care of at the end. Obviously, if they don't qualify, we will meet the choice of either shutting them down then, after we have invested \$6 billion, or we will just waive, and say we are going to have to tolerate what is going to be a perpetual violation of the Clean Air Act.

Well, we are not going to tolerate that. When I say "we," I mean myself and a number of groups. We are represented by Gordon and Gordon, who have been kind enough to entertain this litigation on our behalf. We think this is a threshold question that must be resolved.

I want to move from that question back to the money question, and talk about the alternatives and what a moratorium -- what could be resolved and what could be studied during that moratorium. We have seen our efforts to date make substantial progress, with a very small commitment of public resources. But if we are to take the figure that is bandied about -- and I think it is probably a legitimate figure, the \$6 billion-- If we were to take-- Whether you want to take 10%, 9%, 8%, whatever you think it might be -- the interest rate will be on that obligation-- The very minimum would be 8%; in the best of all possible worlds, it would be 8%. For the interest alone on the capital costs of incineration, we would have almost a half a billion dollars. On a half a billion dollars per year, we could design and implement and augment and construct a recycling program that would be a model for the world -- with those kinds of dollars.

Instead, we have found ourselves being rushed to judgment on a technology. They always use that wonderful

phrase, "state-of-the-art technology." My gray hair allows me the liberty of being old enough, and the actuality of being old enough, to remember how many times I have heard that phrase before. It is a phrase we have heard in America. It is a phrase I am sure the Russians heard about Chernobyl -- "It was state-of-the-art technology." We heard it about TMI, that it was state-of-the-art technology. The Exxon Valdez-- That was state-of-the-art technology in its navigation system, and state-of-the-art technology in its hull construction. The truth of the matter is, "state-of-the-art technology" is a wonderful phrase that rolls off the tongue very quickly to try to hoodwink people that somehow they are going to be safe, when they are not safe; when the prospects, in fact, are the very opposite.

Let me conclude by saying -- to bring it full cycle -- it is unwise to squander money. It is unwise to exhaust our resources. It is unwise to invest in things that are of questionable value. It is compounded and made doubly bad when you spend money and waste money to poison yourself. When you spend money and waste money to poison yourself, what you really have done is double harm, a double insult, a double injury to good public policy.

Last, but not least -- when we are in this frame of mind talking about public policy -- the question of the ash, whether it be regular ash, or special ash, or toxic ash-- It always reminds me, when the debate comes up about redefining what the ash will be-- I am always reminded of the story of Abraham Lincoln, who was asked the question: "Mr. Lincoln, if you consider the tail on a horse to be a leg, how many legs would it have?" President Lincoln thought for a few seconds, and he said, "It would have four, because no matter what you call the tail, it is still a tail, and the legs are still legs."

The same thing is true about this ash. No matter what you call it, it will still be poison ash.

I thank you. And once again, I thank you for the invitation.

ASSEMBLYMAN ROONEY: At this time, I have Dan Douglas, New Jersey Association of Counties, who wishes to testify. His is a hard act to follow, Dan, but we know you're capable.

DANIEL J. DOUGLAS: Thank you, Mr. Chairman. Following Alan Karcher is sort of like George Bush following Ronald Reagan -- a very difficult act to follow.

ASSEMBLYMAN ROONEY: Especially considering he is a Democrat. (laughter)

MR. DOUGLAS: Good afternoon, Mr. Chairman and members of the Committee. My name is Daniel J. Douglas. I am the Legislative Representative for the New Jersey Association of Counties. NJAC represents the interests of the 21 county governments of New Jersey.

The New Jersey Association of Counties opposes Assembly Bill No. 4105, which imposes a one-year moratorium on the permitting of resource recovery facilities until the DEP can conduct a study to assess the cumulative impacts of the operation of resource recovery facilities.

NJAC, however, agrees with several of the sponsors' premises. We agree that the resource recovery facilities must operate with strict environmental standards; we agree that each county does not need an incinerator; and, we agree that other solid waste disposal technologies, particularly recycling, need to be explored more fully.

The Association of Counties, however, does not agree with the proposed solution. Resource recovery facilities, properly operated, maintained, and regulated, provide one element of a comprehensive solid waste disposal strategy.

The Department of Environmental Protection, while often criticized, can be an effective regulatory agency. DEP, however, has failed in the policy-making area. DEP has not provided the leadership in developing a rational, comprehensive

approach to waste management. It can be reasonably argued that we do not need 17 or more incinerators. However, agreements to develop a smaller number of regional facilities would require not only cooperation between counties, but would also demand the active leadership of the DEP, which has not been forthcoming. Counties have been left to struggle on their own to meet the mandates of the State -- not an unfamiliar position for local government in New Jersey -- and yet subject to the virtual veto of DEP.

What we need is a more positive approach to the waste management problem. A number of counties have tried to work out arrangements amongst themselves in order to facilitate a more balanced solid waste disposal strategy. The opportunity for cooperation and mutually beneficial plans to dispose of waste would be much more likely if the DEP had a comprehensive, statewide strategy. Right now, that strategy, and the needed leadership, do not exist.

A moratorium may sound attractive as a way of calling attention to the fragmented, uncoordinated approach that we now have in the State. But let's take a few moments to consider the consequences of a one-year moratorium on the permitting of resource recovery facilities:

If a moratorium is mandated, the State of New Jersey will be set up for a public health emergency. Simply put, we need someplace to put the garbage. Recycling and source reduction will help reduce the waste stream. But we are running out of landfill space in this State, and we are faced with the real possibility of being prevented from sending our garbage out-of-state. If a moratorium was imposed, for example, on January 1, 1990, and if the other states refused our garbage, either through their own action or through Federal action, we would be faced with the prospect of disposing of our solid waste through recycling and through the very limited landfill space now available in New Jersey. That is simply not

practical. So I return to the question: Where do we put our garbage?

The answer is: Resource recovery incineration facilities are an important component -- a single component -- of an overall, comprehensive solid waste disposal strategy. The New Jersey Association of Counties agrees with the sponsors of this bill that not nearly enough has been done in the other important elements of a rational, sensible solid waste disposal plan.

Mr. Chairman and members of the Committee, let me point to one other area of great concern to the counties, and that is the financial implications of a moratorium. There have been other witnesses who are experts in this field who have gone into some detail on the subject, but let me point out that by 1990, county governments and authorities which serve those county governments will have authorized bonds amounting to more than \$1.7 billion, and that is not a sum that can be trifled with. A one-year moratorium places those bonds in jeopardy. Some may argue that only the bond counsels and the money people stand not to make as much money. That, frankly, does not concern me. What concerns me is that ultimately, the property taxpayer is responsible for paying off those bonds. And isn't that what this bill and this hearing are all about -- collecting the public's garbage and disposing of it in a safe and cost-effective manner?

In conclusion, Mr. Chairman, the New Jersey Association of Counties agrees with the sponsors of this bill that incinerators are not a panacea, and DEP has not shown the leadership to develop a fully integrated solid waste disposal management strategy that would encompass inter-district agreements on a regional basis. And that sound that we hear in the background (referring to thunder) perhaps is a sign that will let us know that we are in a crisis. (laughter) We do not have much time. That is a warning signal.

ASSEMBLYMAN ROONEY: Great segue, Dan; great segue.

MR. DOUGLAS: Frankly, you know, we really do not feel that a one-year moratorium solves our problems, but only makes them worse.

Mr. Chairman, I appreciate the opportunity to speak today, and I thank you and the members of the Committee for giving me a chance to present the views of the New Jersey Association of Counties.

I must add, it is the counties which are left holding the bag on this. We have heard from many people. We have heard from the vendors. We have heard from, certainly, interested citizens. But it is the counties which are left to make it work, and I appreciate the opportunity to present our point of view.

ASSEMBLYMAN ROONEY: Dan, the question I would pose to the counties is-- I know it's always "Not in my back yard." I know when I was a Commissioner at the BCUA, I didn't want it sited in my back yard. We talked about merchant waste, waste from other counties, and nobody wanted to discuss that. But I think it is time now that the counties started thinking about regionalization, about alternate methods of disposing of our solid waste, and not go along -- not just blithely going along with DEP and having 18 incinerators proposed for the State of New Jersey.

This has got to stop. I think this is the message that we are trying to deliver here. These people are here to deliver it. We are here to deliver it. Eighteen incinerators is madness. Sludge incineration, as I think you heard me say earlier, is another thing that is going to come to the fore very, very shortly, and the counties are the answer. You've got to be part of the solution. You can't just say, "We are opposed to this legislation," and not say you are in favor of something; that we are going to work together; that we are going to regionalize.

For a starter, I think-- Hudson County just told us it's 2000 tons. Passaic is 600 tons. Bergen is 2400 tons -- well, 3000 tons on the size of it -- and 2400 tons for Essex. There has to be some consolidation. There's got to be some way that says, "Don't build an incinerator. Work with this county, or take an alternate approach," so that we have something to judge.

You've got to deliver that message. You delivered the message from the counties. Now we are asking you to deliver the message back. Tell them we are not satisfied with your telling us, no, you are opposed to this legislation. What are you going to do to help us to solve the problem? What are you going to do to get rid of some of these incinerators? Even Dick Dewling-- I can answer the question that Mr. Pascrell posed earlier today. Even Dick Dewling, at public meetings at the Water Pollution Control Association, a year ago last month, got up and said that he never intended to have 18 incinerators in this State. The most he ever foresaw was eight, on a regional basis.

MR. DOUGLAS: Mr. Chairman, I am very delighted that we are agreeing here on this issue.

ASSEMBLYMAN ROONEY: We are.

MR. DOUGLAS: You are correct. I have heard Mr. Dewling say, "We don't need 18 incinerators." But where has DEP been in helping us to create regional agreements amongst counties to facilitate that goal? They haven't been there. It's as simple as that.

ASSEMBLYMAN ROONEY: Absolutely. You heard me earlier today.

MR. DOUGLAS: Ask any county. DEP will tell you what they will permit you. They'll tell you what you can and cannot do, but they won't help you to come up with a strategy. Some counties have talked amongst themselves. They have reached agreement, but they are operating as individual little

entities. They cannot get together unless they have some help. They need some guidance for a statewide strategy. It simply hasn't been there.

ASSEMBLYMAN ROONEY: What can we do, legislatively, to change that; to redirect DEP? You tell us what the counties need, in order for us to tell DEP, "This is what you are going to do." They have to abide by legislation, if there is some sort of legislation we can pass that will take this, and say, "Regionalization is what we want to do." Show us how to do it. Show us the counties.

MR. DOUGLAS: Mr. Chairman, there may be some legislative solutions, but I think the question really boils down to -- and I refer to my statement -- it is a matter of leadership, whether it be Mr. Karcher -- who has left -- or any of the other gubernatorial candidates-- They have to sit down on day one and get everybody in one room. If it takes, you know, the New Jersey Association of Counties sitting there, one chair for DEP, one chair for each of the 21 counties, and another chair for the HMDC -- sitting down until they haggle it all out -- then you will be happy to sponsor that.

ASSEMBLYMAN ROONEY: Dan, I appreciate it. You know that we have always worked together.

MR. DOUGLAS: Yes, absolutely, sir.

ASSEMBLYMAN ROONEY: In fact, this Committee is County Government and Regional Authorities. We are trying to work it out so that there is a partnership, because that is the only way we are going to solve the problem. If you can come up with some ideas, I am willing -- you know I have always been willing -- to listen.

MR. DOUGLAS: Certainly, Mr. Chairman, I will be glad to work with you on any legislation that would redirect what DEP feels is their mandate. Perhaps we could increase the goal for recycling. Perhaps we can absolutely mandate that they sit down with the counties and other interested parties, and work

out regional agreements. The counties are willing and able to do so. We just need some help.

ASSEMBLYMAN ROONEY: All right. Then you just take the message back of what I said; that we want to work with them -- work with regional solutions. That was the opening statement I made at the first hearing we had; that I foresaw that resource recovery was part of the solution. It was not all of the solution. We've got to look at other alternatives. We've got to work together and try to regionalize, and reduce-- If we are not going to eliminate, at least reduce the number of incinerators. That is one of my goals on this Committee. Unfortunately, I am not on the Solid Waste Committee, because you know I spoke from that Committee also, the same way that I speak from this Committee.

Thank you, Dan.

MR. DOUGLAS: Thank you, Mr. Chairman.

ASSEMBLYMAN ROONEY: Does anyone else have any questions for Dan?

ASSEMBLYMAN PASCRELL: Mr. Chairman?

ASSEMBLYMAN ROONEY: Yes, Mr. Pascrell?

ASSEMBLYMAN PASCRELL: (speaking from audience)
Through the Chair--

ASSEMBLYMAN ROONEY: Yes, always.

ASSEMBLYMAN PASCRELL: Dan, I want to commend you for your forthrightness on the bill. When you say we have taken a fragmented approach--

ASSEMBLYMAN ROONEY: You are not being recorded, Mr. Pascrell. Why don't you come up and use the microphone?

ASSEMBLYMAN PASCRELL: (complying with Chairman's request) When you said we have a fragmented approach, that didn't stop the New Jersey Association of Counties from joining with New Jersey for A Clean Tomorrow in issuing the following statement: "New Jersey ACT" hopes to educate the citizens and elected officials of the State about the solid waste problem

and its solution -- the four-pronged approach devised by the State Department of Environmental Protection."

See, what has happened, Mr. Chairman, is that a lot of groups -- that's your group -- signed into this organization, without knowing why and how and for what reason they were signing in. Now, I happen to believe that his public testimony is right on the nose about fragmentation, and yet you have signed on to a policy that says quite to the contrary. It is not fair to the counties, and it is not fair, and does not do justice to what you're saying.

Second of all, not only did you sign on to this policy -- this fragmented policy -- but you signed on to the Harte-Hanks Marketing Services Report, which says, in question nine: "Trash-to-energy resource recovery incineration facilities--"

ASSEMBLYMAN ROONEY: Mr. Pascrell--

ASSEMBLYMAN PASCRELL: Mr. Chairman, this has to go into a time capsule, this one. This is too good to be true here.

ASSEMBLYMAN ROONEY: There is only one problem: You're reading from something that has not been introduced into testimony in this Committee. None of us have it. If this is-- You know, I don't know what they call it in law; I am not a lawyer, and I don't profess to be. But it sounds like we have a hostile witness, or something. I think that is the term for it.

ASSEMBLYMAN PASCRELL: I want to read the question into the record, and I will give you all copies of what the questionnaire is. Is that fair enough? I don't have copies right now, or else I would give them to you.

ASSEMBLYMAN ROONEY: Is this New Jersey ACT?

ASSEMBLYMAN PASCRELL: Yes, that's the group.

ASSEMBLYMAN ROONEY: I don't know if we should-- New Jersey ACT has prepared testimony. They have nothing about this survey. There is nothing here.

ASSEMBLYMAN PASCRELL: No, they want this survey to go away, Mr. Chairman.

ASSEMBLYMAN ROONEY: All I'm saying is, I called the names of the people from New Jersey ACT who were on my list, and nobody has appeared. So, if there is no testimony--

MR. LINDEMANN: (speaking from audience) Mr. Chairman, I appeared briefly just to introduce that statement into the record today. Phil Beacham--

ASSEMBLYMAN ROONEY: Yeah, Mr. Beacham.

MR. LINDEMANN: --who is the Secretary of New Jersey ACT, was unable to appear.

ASSEMBLYMAN PASCRELL: Then, may I direct the question to the member of the ACT?

MR. LINDEMANN: I would be glad to respond in writing to his question.

ASSEMBLYMAN ROONEY: In writing?

ASSEMBLYMAN KLINE: Good answer.

ASSEMBLYMAN ROONEY: I don't see any reference-- I don't think Mr.--

MR. DOUGLAS: Mr. Chairman, I would be happy to respond to at least some of Mr. Pascrell's questions right here.

ASSEMBLYMAN PASCRELL: Excuse me. Have you seen this?

MR. DOUGLAS: I saw it briefly.

ASSEMBLYMAN ROONEY: But I don't know if we really--

ASSEMBLYMAN PASCRELL: You signed on to the darned thing. I can't understand what is going on here.

MR. DOUGLAS: If I may respond, Mr. Chairman, I would be happy to.

ASSEMBLYMAN ROONEY: Bill, you know, I appreciate what you're saying, but this is--

ASSEMBLYMAN PASCRELL: Mr. Chairman, you told somebody before that you wouldn't accept the testimony because they weren't scientists--

ASSEMBLYMAN ROONEY: No, no.

ASSEMBLYMAN PASCRELL: --and yet you accepted a non-scientist presenting scientific information about "Hudson County," no less.

ASSEMBLYMAN ROONEY: Now, wait a minute.

ASSEMBLYMAN PASCRELL: We've got to be even-handed here. That's all I'm saying.

ASSEMBLYMAN ROONEY: It was not scientific information. It was a tonnage-per-day figure that Mr. Fiore--

ASSEMBLYMAN PASCRELL: We were talking about dioxins and we were talking about emissions, Mr. Chairman.

I'm sorry, go ahead.

ASSEMBLYMAN ROONEY: I don't want to have an adversarial proceeding with somebody who is a co-sponsor of the bill. I am still a co-sponsor of the bill, Mr. Pascrell. I think I have been wide in my latitude on the Committee in allowing this, but I don't think-- What we should do is hear the testimony. You know, we've got a long night ahead of us. We are going to have two more hearings. If somebody brings up this particular survey, I will be happy to have you cross-examine them.

ASSEMBLYMAN PASCRELL: Mr. Chairman, that is what I tried to do before, when a member of the industry brought up the proposal. I was simply asking a question; that's all. I didn't bring it up, they did.

ASSEMBLYMAN ROONEY: I think Mr. Guenther, in the first row, may bring it up, or somebody may bring it up. I think Mr. Douglas-- I don't even know what his function is with this New Jersey ACT.

ASSEMBLYMAN PASCRELL: Well, maybe we ought to look. It tells you what his function is here.

ASSEMBLYMAN ROONEY: If you have a question on his specific testimony, that's fair. But if it is on something that is a survey that no one knows about, that I haven't seen, that hasn't been introduced into evidence-- It hasn't even been discussed. It is unfair to ask him the question.

ASSEMBLYMAN PASCRELL: Mr. Chairman, the gentleman from Ref-Fuel before said that this was a poll taken. He quoted from the poll, and I want to show you what the poll really does say. Then I would like to quote from what his own industry says, by the numbers. There is a dichotomy. So nobody knows what they are talking about here in polls.

ASSEMBLYMAN ROONEY: Bill, how about if I give you an opportunity at the very end of the testimony, to come up and rebut whatever has been discussed within the testimony? I think that would be fair, rather than, you know, there being the possibility of badgering people while they are here.

MR. DOUGLAS: Mr. Chairman, if I may, I would like to respond to--

ASSEMBLYMAN ROONEY: I don't think I want the response.

MR. DOUGLAS: No, Mr. Chairman, he--

ASSEMBLYMAN ROONEY: Since I don't want the question, I don't want the response at this particular time.

MR. DOUGLAS: Mr. Chairman, with all due respect, I must insist--

ASSEMBLYMAN ROONEY: I do want to get home tonight. I have to tell you--

MR. DOUGLAS: I would love to get home, too, Mr. Chairman. I must insist, since he questioned why the New Jersey Association of Counties was involved with New Jersey ACT-- I won't get into the substance of the question about the survey, but the New Jersey Association of Counties was invited to participate in New Jersey ACT, and we did, as a forum to bring the counties' views to this group. Participation in the group, much like participation in the Assembly, does not constitute a full endorsement of what goes on by that body.

The New Jersey Association of Counties is an independent group. We happen to sit on the board. We are an independent group, and we have an independent voice, and that voice is of New Jersey's 21 counties.

Mr. Pascrell pointed out what he thought was a contradiction between my testimony and New Jersey ACT's endorsement of DEP's four-pronged policy. I am not saying that DEP's four-pronged strategy is wrong. I am saying that not all four of the prongs have been fully implemented with as much energy, if you will, as one of them has. I think that is the point I made to you; that the legislation may, in fact, may not be wrong, but the implementation and the leadership of that Department has been woefully inadequate.

That is in response to Mr. Pascrell. He has legitimate concerns, and he is representing his district in the best way he knows possible. I respect that, but I would hope that he would respect that the Association of Counties is representing, you know, 21 counties, and they have a legitimate point of view here also.

ASSEMBLYMAN ROONEY: Thank you.

MR. DOUGLAS: Thank you, Mr. Chairman.

ASSEMBLYMAN ROONEY: Any questions from the Committee members? (no response)

Mr. Bernhard Guenther, Concerned Citizens of Morris County?

B E R N H A R D G U E N T H E R: Thank you, Mr. Chairman. Bernhard Guenther, from Concerned Citizens of Morris County. We are that lunatic fringe group that put together 2000 people who oppose incineration. I also have with me 1200 petitions we have gotten together in one week, opposing incineration. That is just in the towns of Roxbury and Mount Olive -- the two towns that are directly involved with the project. We have not had a chance to do a countywide thing.

Just to get to this right off the bat, I think the survey by the New Jersey ACT group is bogus. It is leading. The questions are completely-- If I ran this by anybody in the State who knew nothing about the subject, they would have no choice but to answer it as it was answered.

I will enter for the record-- There is only one question -- it is a five-page questionnaire -- relating to incineration, and I will read that: "Trash-to-energy resource recovery incineration facilities" -- now, that is a mouthful, and I guarantee you that the majority of people do not understand that -- "are often used as a garbage disposal method. These facilities destroy waste--" False. They do not destroy waste. If anybody remembers their high school chemistry, they will know that certain basic elements cannot be destroyed. They stay left over. They either go into the air, or stay in the ash that is left over. "These facilities destroy waste by incinerating it at very high temperatures. This reduces the waste to about 10% of its original volume in the form of dry ash residue." A half truth. It is not 10% by volume of the total waste flow. As you know, the waste flow that is measured, that goes into incinerators, will only be approximately 75% of the total. So the total waste flow that is left over-- There is still a remnant that is left over to be landfilled.

"The heat produced by the incinerator also creates steam, which is used to generate electricity that is sold to a power company to offset some of the disposal cost." Now, anybody who reads this, and hears this-- It sounds very benign. It mentions nothing about toxic ash. It mentions nothing about the emissions that go into the air. I think most people would answer the way they answered.

Now, the main thrust of what I was going to talk about today, and the question seems to come through just about constantly, is alternate technologies. One of the common arguments I get when I address our Freeholders and I address our MUA, is, "What are you going to do to solve the problem?" I only have two examples here of a couple of solutions, and there are many more. My Freeholders have admitted to me that on a daily basis, they receive at least one brochure on an

alternate solution. They don't have the time to get into investigating those solutions.

We had a presentation from this firm that is completely non-burn, last Friday in front of our Freeholders, and it is going to be investigated in more detail. Here is a study put together by a citizens' group in Hempstead Harbor -- the Coalition to Save Hempstead Harbor. They spent their own money -- \$125,000 -- to travel the world to investigate all kinds of technologies. And the conclusion they came up with is that you can reduce -- I believe it is 85%; there is a summary here, but I can't pick that figure out; it is somewhere around 85% -- 85% of the garbage through non-burn methods. And we are talking about Hempstead Harbor, which has a rather sizable population.

These are just two examples. I am not selling any particular technology. One of the things that bothers me when I -- in my--

ASSEMBLYMAN ROONEY: Mr. Guenther, are you going to leave these for our Committee?

MR. GUENTHER: Well, unfortunately, I can't. These are my only copies. I will leave this. (holding up material) I have extra copies of this particular one.

ASSEMBLYMAN ROONEY: Can we get copies of the conclusion?

MR. GUENTHER: I will be glad to give you the address. Unfortunately, they cost \$25 apiece, from this Coalition, which spent considerable amounts of money to put it together. But what it does-- The good thing about this particular study is, it doesn't espouse any particular technology. It doesn't espouse any particular method or company. It has picked and chosen from around the world many different ways of doing it, and has conglomerated it -- put it together -- in what is a very sensible solution.

Now, the thing that bothers me, in these conversations I have with our leaders, is the fact that they try to cast aspersions on these alternate technologies. The favorite phrase that I hear used is, "They are unproven." Okay. Let me give you some facts about the unprovenness of mass burn incineration. In fact, I was heartened to hear the representative of Ogden Martin admitting so, and I believe it is on the public record, that waste to energy is relatively unproven.

Well, the fact of the matter is that Ogden Martin only has three plants presently operating in the United States. There are some they have under construction, but they only operate three plants. Foster Wheeler, which is the bidder on a facility in Morris County, has zero operating. They have never built a complete plant. They manage some, and they built the boilers and burners, but have never built a complete plant.

American Ref-Fuel -- great experience. Their first facility is the one that is going up in Essex County. So, let's throw that argument on proven technologies out the window.

The thing that bothered me a little bit, Chairman Rooney, was your statement about dioxins. I am not an engineer; I am not a scientist. But, I have enough data available where I can produce -- much data to refute what you say about dioxins, and you said there would be none in the air. That is just not a fact. There is not enough empirical data to prove, one way or the other, what the long-term effects of dioxins are.

In Sweden, where they have been burning for about 10 years, some very disturbing evidence is coming in about the effect of dioxin on the food chain. For some reason, and nobody knows why, there is a tendency for dioxin to be more readily absorbed in milk; meaning either cow's milk or mothers' breast milk. This is very disturbing. Every year, there is a

conference on dioxins in Sweden -- I believe it is in August -- and every year the data coming in on that is getting scarier and scarier.

There is a study that was done -- and I don't have the source with me; unfortunately, I left it at home, but I would be willing to mail it to you -- where a municipality in Switzerland has some very disturbing data on the higher incidence of dioxin in proximity to an incinerator.

That brings me to another point. I am tired of hearing the euphuism of "resource recovery. It is not resource recovery; it is resource destruction. We are destroying resources that are very valuable to this planet, which cannot be reproduced. A professor at Penn State University -- and I will be glad to share this with you; again, I left it at home -- has recently published a paper that says it costs you 3.2 times as much to incinerate, as it does to recycle. I'll repeat that: 3.2 times as much to incinerate as to recycle. Why? The cost of landfilling -- the cost of what it takes to landfill -- and what it costs to burn, you save. The cost to extract, produce, and distribute the materials that you are producing-- For example, plastics. That is where that cost factor comes in.

So, that is all the more reason to say, "Let's look at intensive recycling." When we talk about intensive recycling, people also like to point up the fact that people only recycle up to a certain extent, and I refer back-- You know, statistics can be used to prove any point of view you want. And part of the New Jersey ACT group's survey indicates that more than 50% of the people are willing to participate in more intensive recycling efforts beyond the 25% mandated by the states.

Why wasn't that publicized? These types of facilities are intensive material separation facilities. They are a complement to recycling. There is a limit to what curbside

recycling can do. There are technologies, mechanical-- This one happens to be purely mechanical. There are other methods that are a combination of manual and mechanical to separate out the waste. This particular one, if every part of this technology is bought, only needs four-and-a-half acres of space for an 800-ton-per-day facility, which includes a complete composting facility that turns it into a high-grade humus within a period of 28 days; no smell, no odor, no chemicals to create that humus.

So, the technologies exist. Now, my question is: Why hasn't DEP done its job? What is the agenda there? Personally, I would like to ask this Committee -- and maybe this is not the Committee to do it-- I would like to institute an investigation of DEP, as to what their agenda is. Why have they been trying to push incineration down our throats all these years? Why do they refuse to investigate other techniques? Why do they take a vindictive approach to the opponents of incineration?

Donald Deieso, two years ago, declared war on the people of New Jersey -- on the grass-roots environmental organizations. That is his phrase: He declared war. Now, isn't that the height of arrogance? What right does he have to declare war on the very people who pay his salary? What is his agenda? Why is he so bent on incineration? I think there should be an investigation, at the State level, on that. There is something more behind all this, I think.

The other thing is, he has also used his office to threaten people who oppose him. A lawyer that we have been working with has been threatened, as a result of his actions. I feel that these kinds of actions are unbecoming to an official of the State, whom we, as taxpayers, pay.

ASSEMBLYMAN HUDAK: May I ask you what kind of threats? How has he been threatened?

MR. GUENTHER: Lawsuits. But it is only because of the information provided by Mr. Donald Deieso to the particular party who is threatening the action that this is taking place. Otherwise, the other party would not have known the information. Plus, there are really no grounds for the suit. But just the threat of the suit, I feel, is very unbecoming of a State official.

ASSEMBLYMAN HUDAK: Could you elaborate just a little bit? Give me an example of what you are talking about. How was he threatening? In what manner?

MR. GUENTHER: Specifically, it was a person who had once worked with an incineration company, who-- This gets me to another point about some of the things that were said about Warren County, and there are facts throughout the country of how the standards are constantly changed to make the hazardous ash and other materials meet whatever standards there are.

Here was a case where certain information was hidden from the public. This is information the attorney has. I have this on videotape. This is a forum that my group held in the Township of Mount Olive on February 8, 1989. He took umbrage at the remarks. He then tried to work behind the scenes to try to get that particular company that this person had worked for to threaten legal action against this individual. I will be glad to provide you details. I don't think that should be a matter of public record.

MR. ROOT: Mr. Chairman?

ASSEMBLYMAN ROONEY: From the Committee first. Does anyone else on the Committee have a question? (no response) Are you finished with your testimony, Mr. Guenther?

MR. GUENTHER: No, I am not.

ASSEMBLYMAN ROONEY: Oh, okay, I'm sorry. Go right ahead.

MR. GUENTHER: The other issue is one of oversizing of facilities. I think you, Chairman Rooney, alluded to that fact

before. For example-- I am using only Morris County as an example. It is a 1300-ton-a-day facility, yet start-up calls for a burning of 925 tons, to build up to a level of 1300 tons over a period of 20 years, the life of the incinerator. The Solid Waste Management Plan of Morris County also calls for a steady rate of recycling of 20% for 20 years. Now, we all know, even gubernatorial candidates this year, and just about everybody -- I even heard Christopher Daggett say -- that the goal should be 50%. That is just incompatible. If you do more recycling than the 25% mandated by State law, you are going to have an even more over-capacitated facility and, I maintain, a waste of the taxpayers' money.

Getting back to the point of how standards have changed to conform-- In the case of Warren County, by the way, the gentleman -- and I would like to challenge his credentials-- I think Assemblyman Pascrell's point was well-taken; that there was certain testimony he gave that was taken as basis of fact, where I don't see that he had the credentials to give that information. For example, in the case of Bergen County, where he was assuming that the trash was going out-of-state. He doesn't know that, and he has no figures to support that.

ASSEMBLYMAN ROONEY: On Warren County-- As I said, we are going to Warren County.

MR. GUENTHER: Right, okay.

ASSEMBLYMAN ROONEY: We are going to find out the facts. On Bergen, I can tell you where the trash is going.

MR. GUENTHER: I would just like to throw a little fact at you on what they have done in Warren County. After the problems came out, they changed the firm that tests the ash. Also, when you talk about state-of-the-art, environmentally safe landfills, the EPA has determined -- that is the Federal FPA -- that all landfills will eventually leak with today's technology.

In the case of Warren County, the reason they have hazardous materials left over, is because they are burning newspapers. The lead in the inks comes out at the bottom, and there is no way to destroy it. I said you can't destroy basic elements; lead is one of those. They stay left over. When you have an over-capacity and you have to burn certain materials that have toxins in them, you will have those toxins left over at the end.

Also, the gentleman from Hudson County-- I would just like to make a remark about -- and it is a valid concern -- whatever bonding has been done. I know in the case of Morris County, again, no decision on bonding has been made. So there are no commitments to funds. Some of these solutions -- these ultimate solutions -- are much cheaper than mass burn incineration. I think that is something the Committee has to consider. Assemblyman Karcher mentioned the tremendous economic impact on the citizens of the State of New Jersey, and that is a major factor here as well. There has been no economic analysis done by anybody. In addition to the ambient impact study of your particular area -- which I think is probably the worst in the State -- what about the economic impact? What effect will this have on the taxpayers of the State? How many more taxes will we have to pay as a result, to pay this half a billion dollars a year in bonding?

The gentleman from the New Jersey Association of Counties-- I would like to make it very clear that I don't believe all counties agree with him. I think you have the cases of both Cumberland and Hunterdon Counties, which have Solid Waste Management Plans that do not include incineration, and Sussex is forthrightly stepping forward to insist on its plan. Even though it was originally rejected, they are coming back again with an alternate plan, that also does not call for incineration. So, there is a precedent for that.

I would just like to close with one-- Getting back to our Assistant Commissioner of DEP, Donald Deieso-- Just to show the kinds of what I feel are the vindictive actions he takes, in the case of Ocean County, there have been two non-binding voter referendums that overwhelmingly reject incineration. I believe as a result of that, the Freeholders decided to implement a moratorium on the construction of garbage incinerators in the county.

As a result of that, he took a special trip to the county, to the Freeholders, and cajoled them into reversing that decision. What puts him above the people?

Thank you very much.

ASSEMBLYMAN ROONEY: Just, I guess, a matter of response--

MR. ROOT: Just a matter of clarification-- Matt Root, from Ogden Martin. A matter of clarification for the record: Ogden Martin has eight operating facilities in the United States. A Martin facility has been operating in the United States. It was constructed in 1969; it is still operating, and is still being used.

MR. GUENTHER: I am talking about the current technologies.

MR. ROOT: It is the same great system we use.

MR. GUENTHER: No, I'm talking about, in the State of New Jersey, I believe we are mandated to put both scrubbers and baghouse filters in, correct?

ASSEMBLYMAN ROONEY: No, I don't believe that is true at the present time. That's not true.

MR. ROOT: Air pollution control technology is changing. It has changed.

ASSEMBLYMAN ROONEY: I think the comment--

MR. GUENTHER: Well, okay, maybe I have old data. That could be, but there is one--

ASSEMBLYMAN ROONEY: The comment is valid. You said there were three plants they had in this country, and Mr. Root--

MR. GUENTHER: That was as of last fall. It was data published by Moody's Financial Services. Eight months have gone by, and maybe some others have come on-stream.

ASSEMBLYMAN ROONEY: It is just a matter of correcting the record. He represents the company you mentioned.

MR. GUENTHER: I'm not as up-to-date as you are.

MR. ROOT: That plant has been operating since--

MR. GUENTHER: But not with the current technology. You are always talking about state of the art, remember -- current technology?

MR. ROOT: That is the nature of the--

ASSEMBLYMAN ROONEY: Mr. Guenther, let me just qualify that. You said they only had three plants operating. He is saying they have eight plants operating. I think that's--

MR. GUENTHER: All right, let me give you another fact: There are only three incinerators working in the whole country with more than a 1000-ton-per-day capacity, with both baghouse filters and scrubbers. Only 22% of all incinerators in the country are working with scrubbers. They are just too expensive to put in, in some cases. You have the case of Detroit, which installed a 3000-ton-per-day facility without scrubbers. The workers complained, and walked off the job. They complained about irritation of their eyes and the health problem. So there is a large precedent throughout the country of building without scrubbers, which is not the technology we are talking about here.

ASSEMBLYMAN ROONEY: Just for information purposes, the State of New Jersey requires scrubbers. The baghouses, I believe, are going to be required, dependent upon the emission levels that are predicted. I know that, because I went through the permit process. I know the scrubbers are included on the Bergen and Essex facilities. I know that the baghouses will probably be added at a later date.

MR. ROOT: Ogden Martin would certainly advocate the use of scrubber baghouses. That is not an issue.

ASSEMBLYMAN ROONEY: Absolutely.

MR. GUENTHER: At what cost?

ASSEMBLYMAN ROONEY: I think the State has required those. I know the cost to Bergen. It is on the record. Right now, it is \$105 a ton. That is the projected tipping fee for resource recovery incinerators in Bergen County. I am getting additional data. I requested -- and I don't know if you were here when I said it earlier in the meeting-- I was at their meeting Thursday night, and I asked that I be brought up-to-date, because in '84, we had the service fee, which was \$30 to \$40 per ton. That doesn't include all the other costs. I asked for that. I had hoped to have it for this meeting. I will include it as part of the testimony. I'm sure the other people can provide additional information. We want that as part of the record.

MR. GUENTHER: Let me give you an example of what happened in Warren County, as far as cost overruns are concerned. The actual cost of construction was 65% of what the original consulting study said. The tipping fee is 150% above what the original estimate was. So, just extrapolate that.

ASSEMBLYMAN ROONEY: I know. Thank you, Mr. Guenther. I appreciate your testimony, and I'm sorry I missed you last night. I was in Mount Arlington.

Next we will hear from the New Jersey State Chamber of Commerce, Mr. William R. Healey.

W I L L I A M R. H E A L E Y: Mr. Chairman, members of the Committee, and the two sponsors of the legislation: It is our pleasure and, we feel, our responsibility to speak this afternoon in opposition to A-4105. I have listened to some of the testimony on the solid waste problem in this State for the past two hours but, unfortunately, I have not heard any new credible solutions to the problem. Just keep going with the

status quo. Well, the status quo isn't going to serve us very well for too much longer.

We do not feel that A-4105 is a helpful response to the very real solid waste problem in the State. In fact, if it were ever enacted into law, it would only make the problem that much worse.

We all know about the one-year moratorium the bill calls for. Unfortunately, I think the bill would have the unintended effect -- and I'm sure the sponsors' premise was very good, and very responsible-- However, I think it would deal a fatal blow to Governor Kean's very laudable goal of in-state solid waste self-sufficiency by the year 1992.

I think being able to take care of our garbage within our own borders is a very credible goal, one that is fully supported by the New Jersey State Chamber of Commerce, and our affiliate members and local regional chambers, and we represent over 45,000 employers in the State of New Jersey. Unfortunately, it is those employers who are going to have to pay the larger bills, if we are not allowed to go ahead with what we feel is a responsible solution to the solid waste problem.

I think we understand the tremendous pressures that have been brought to bear on freeholders and other decision-makers at the county level. I think Mr. Dan Douglas from the Association of Counties articulated that very well. However, I think at the same time, it is equally incumbent upon the Legislature to resist attempts to impede on that environmental regulatory process through a NIMBY type of legislation -- "Not In My Back Yard." Unfortunately, I think A-4105 could be construed as just a new twist in an appeal to the NIMBY syndrome.

Right now, we are sending over 50% of our solid waste outside of our borders. It is going right across the river to Pennsylvania, to Ohio, West Virginia, and Maryland. I ask

everybody in this room: How much longer can we expect our neighbors to take our solid waste? To people here -- we are in Burlington County this afternoon -- and in Camden County-- Just a few years ago, how much did the people in these counties resent the importing of trash from the City of Philadelphia to landfills in the State of New Jersey? Those landfills are just a few miles from where we are meeting today.

Resource recovery is not the total solution to the solid waste problem, nor was it ever intended to be. A total solid waste solution includes increased recycling efforts. We agree with the sponsors fully on that.

Let me toss my comments aside, and I'll go on my own personal family situation. I have two children under the age of three. They wear cloth diapers. We recycle everything we possibly can. I've got a compost pile. My food waste goes out into my garden. We send our papers to the Public Works garage, which is right next-door to my home. We recycle everything possible. I am very proud, and I think I can achieve 50%. I don't think I can achieve 80%, or some of the other figures that have been bandied around.

I think New Jerseyans have responded very admirably on various fronts in the war on solid waste, most notably in recycling. I believe several of our counties are well ahead of the goals outlined by the mandatory recycling legislation that Governor Kean signed about two years ago. The legislation was enthusiastically supported by the New Jersey State Chamber of Commerce. Yet, recycling is not the total solution either, and attempts to present it as such, we feel, are misleading at best, and, frankly, less than responsible.

Recycling is a very important part -- let me capitalize the word "part" -- of an overall resolution of solid waste disposal. The State Chamber of Commerce supports the need for reassessment of the sizing and number of resource recovery facilities now proposed. I think we are in agreement

on that with the Association of Counties, and with the sponsors of this bill, and as a further alternative, the regionalizing of these facilities. We feel, however, that A-4105 will not help these goals, although it may have been intended to. Indeed, it will probably only harm them.

A one-year moratorium on planning, development, and construction of resource recovery facilities could also have the uniformly harmful impact of hurting a number of counties which are at crucial junctures in the bonding and financing process. I won't go into those details. I think they have been very amply demonstrated by previous testimony. Delays are only going to translate into increased costs being borne by the taxpayers.

I must ask this question: Why, 13 years after the State Legislature handed off the responsibility of solid waste planning to the counties, should it once again reenter the process and impede it? I don't think this legislation is a helping hand at all. I think the Garden State's most realistic strategy for solving its solid waste problem, would be a multi-tiered approach of source reduction, recycling, resource recovery, residuals landfilling.

They gave A-4105, we think-- Let me put that correctly: The State Chamber thinks that A-4105 takes away the largest part of that solution. The bill limits the moratorium to 12 months. However, I think the impacts -- environmental, financial, what have you -- will go on much, much longer than that. I think the New Jersey State Chamber of Commerce, along with more than a score of other organizations, is very proud to be a part of the New Jersey ACT Coalition.

Let's move forward on real and permanent solid waste solutions by rejecting this bill, so that we may realize long-term goals that will benefit all New Jerseyans. I think that although we may be in substantial disagreement with some of the members of this Committee and the sponsors, let me adu

that the State Chamber, on many occasions, has supported many bills by the sponsors of A-4105. However, we are in disagreement with them on this one.

I think debate is healthy, and I thank you for the opportunity to present our views.

ASSEMBLYMAN ROONEY: Thank you, Bill. I do take exception with the Chamber. The basic problem we have in the State of New Jersey is that right now-- Where you say that we turned over the responsibility to the counties 11-odd years ago -- or whenever it was -- we didn't. What we did was mandate certain things to the counties that actually made them come up with these 18 proposed incinerators. It was the only way they could go. We took that solution and we put it out there, and said, "That is where you are going." We never gave them the opportunity to regionalize. We never gave them the opportunity to seek alternate sources.

Now what we are saying is: "There is something wrong here. You can't build 18 incinerators. It just makes absolutely no sense whatsoever. You can't rely on one technology as your total solution for all of the solid waste in New Jersey. You have to look at other alternatives."

This Committee is looking at that. We may not come out with a total moratorium on incinerators. That may not be the final version of this bill. But I will assure you that 18 incinerators are not going to be the final version of the Solid Waste Plan, if I have anything to do with it in the State of New Jersey.

MR. HEALEY: No, I think we agree with you on the regionalization point.

ASSEMBLYMAN ROONEY: That is where we have to get the message across. This Committee is the only vehicle that is going to get that message across, because this bill would not be heard in any other committee. Assemblyman Pocco and Assemblyman Pascrell know that. This bill, for all intents and

purposes, does not belong in this Committee. I will be the first to admit it, as the Chairman. But it wasn't being heard. The issue was not being addressed.

I believe we have to address the hard issues in the State of New Jersey. Solid waste is one of the hardest ones we have to face. If we don't address it, if we bury it in committees that we know aren't going to hear it, then we have to face up to that as legislators, and we should be thrown out of office for that.

What I am saying to you is, we are going to hear it. We are going to put this right on the floor.

ASSEMBLYMAN HUDAK: Speak for yourself, John.

ASSEMBLYMAN ROONEY: Speak for myself, as far as being thrown out of office? (laughter) I appreciate the levity.

It is probably the most important issue that we have to deal with. We have to listen to the testimony. We have to listen to the experts. And somewhere in-between, we are going to have to compromise. We are all going to have to come up and say, "There have to be other ways of doing it." We can't just go down the road of incineration, and then when we have all of these smokestacks up there, and we are choking on the air we breathe-- Then we are going to say, "Well gee, that was the wrong idea, guys."

We all supported that kind of a-- We are not supporting it. What we are saying is, "There have to be other alternatives." This Committee is going to listen to those alternatives. Yes, we will listen to you saying that you adamantly oppose this bill, and we will take that into consideration, but I think you should go back to your membership and say, "Hey, guys, let's start pushing to have regionalization. Let's start pushing our counties to start thinking of alternatives." The more alternatives we can come up with, the better off we are going to be in the long run. And that, I feel, is the purpose of this Committee.

ASSEMBLYMAN PASCRELL: I want to--

ASSEMBLYMAN ROONEY: Bill, please don't do it. You are going to have the whole last part of the meeting. I really don't want to go into individual questioning of the speakers.

ASSEMBLYMAN PASCRELL: I want to correct the perception of the bill -- what the bill says. The bill does not ask for a ban on incineration.

ASSEMBLYMAN ROONEY: No, it doesn't.

ASSEMBLYMAN PASCRELL: Nor does the bill say that recycling is the absolute answer. I want to clear that up. And number three, if we did have the moratorium that the bill asks for-- You say it will hurt the counties financially. They aren't your exact words, but basically the moratorium -- the delay -- would hurt the counties financially. Is that correct?

MR. HEALEY: I believe that is--

ASSEMBLYMAN PASCRELL: Could you give me one example in one county of what it is going to cost for any proposed facility in any county in this State -- what it is going to cost the property taxpayers -- the property owners in that county? Give me one county.

MR. HEALEY: I am neither a county Freeholder nor a bonding counsel, so I would not be qualified to answer those questions.

ASSEMBLYMAN ROONEY: Your point is well taken, Bill. There is language in the bill to allow whatever has already gone before to proceed. There will be, really, no financial harm, that I have seen in the bill. I think that is addressed by the sponsors. They are not looking to interfere with a process that has already been started. But there are certain processes that haven't been started, that can be changed, and can be looked at.

As I said, when we first contracted with Ref-Fuel-- It was December 15, 1984. I remember it distinctly, because I

sat at a meeting-- That was a Saturday, and I sat at a meeting on Friday night that started at five o'clock, and I didn't leave there until two in the morning. Then we had to come back at nine in the morning. I believe we finally finished the deal at five in the afternoon. And we had 43 meetings that year, in order to get that in on time for the bonding, etc. That was December 15, 1984. They just got their permits a couple of weeks ago.

Now, anything that happens right now isn't going to affect a plant that has only been contracted within the last couple of months. It is not going to happen. It is going to take a long time for the permits to come through. I think we have a little bit of a cushion in here. There can be changes made, but your association has to be part of the solution. As I said to previous speakers, you can't just come over and oppose a bill. Start pushing DEP and your people in the State to say: "Hey, this is wrong. We shouldn't have 18 incinerators here. We shouldn't be looking at sludge incineration as the only alternative."

Help us; don't hurt us. I mean, if you want to really sound good, come up with alternate solutions.

MR. HEALEY: I think we want to do more than just sound good, Mr. Chairman. We want to be part of the solution. We represent 45,000 employers who want to be part of the solution.

ASSEMBLYMAN ROONEY: Let's do it. I'm sure Ogden Martin, as a company that manufactures, or that is located in the State of New Jersey, is among your members, and they may come up with some alternate solutions for us, too.

Mr. Rocco, the other sponsor of the bill.

ASSEMBLYMAN ROCCO: I will be very brief. I promised myself I wouldn't say anything, but I think it is important, especially for the Chamber, a big employer in the State, to

understand, that the costs-- Take the capital costs, forgetting the environmental damage. If you just talk about money now, the costs to the businesses in this State-- We heard Alan Karcher say \$6 billion just in capital construction, which is going to have to be borne by the people of the State, as well as the businesses in the State, not to mention the fact that right now, you know, whether you are paying \$40, \$50, \$60, \$70, \$80 a ton, the commercial businesses and establishments in the State are going to be paying \$100, \$125, \$135, \$145 a ton.

The costs to proceed on a business-- This is why I don't understand the Chamber's position. The costs to proceed are so exorbitant, the costs are going to be so great, that the municipalities are going to be hit with these costs, and the local taxpayers, because they have to pay off the bonds, but so are the businesses. I think the bill has accomplished the goal that I, personally, set out, which is to stop and take a look. You know, we passed a bill 10, 12 years ago, when incineration was the only technology. Now we are saying, intellectually we have advanced. You know, the old Alvin Toffler stuff. We are a super-technological society. We know a little bit more than we knew 10 or 12 years ago. Let's put some of that into play. Let's put some of that into practice, and see whether or not incineration, in combination with other technologies, can resolve the problem.

But the costs to businesses to proceed with 18, 19 incinerators, to me-- The State Chamber, if they ever did a true analyzation of it, I think they would really agree that that is not the way to go with it.

MR. HEALEY: I think I made that point in my testimony. We think there needs to be regionalization. I think we differ in our approach, but certainly not in our concerns. As I mentioned before, we have worked with the two sponsors on many other pieces of legislation and supported them fully. We were in disagreement on this one, and quite

frankly, I think that is healthy. But I think we are willing to be part of the solution.

In that regard, thanks for the opportunity to present our views.

ASSEMBLYMAN ROONEY: If you will take that message back that we--

ASSEMBLYMAN PASCRELL: Mr. Chairman?

ASSEMBLYMAN ROONEY: Yes?

ASSEMBLYMAN PASCRELL: Just a quick point, to go back to something Mr. Kline said -- Mayor Kline said at the first hearing -- and you brought it up again. I think it is a very salient point. Because of your courage in bringing this bill to the front -- and I call it that with no blush whatsoever -- we now have -- three weeks ago -- DEP announcing in the newspaper that they have formed an alternative task force. Now the horse is out of the barn. I mean, if this isn't convoluted logic, what is?

ASSEMBLYMAN ROONEY: If that is the only thing we accomplish, Mr. Pascrell, I can live with that; that we do have an alternative task force within DEP, where before the only solution was the incinerator. So, let's be grateful for what we get. Perhaps if we continue these, they will learn even more from our hearings.

ASSEMBLYMAN PASCRELL: That's very possible, Mr. Chairman.

ASSEMBLYMAN ROONEY: Thank you, Mr. Healey.

MR. HEALEY: Chairman Rooney, thank you again.

ASSEMBLYMAN ROONEY: I just want to check. Is Freeholder Michael LaRose here, from Sussex County? (negative response from audience) Not here, all right. Then we are going to go to Mr. David Pointon, National Solid Wastes Management Association. David?

DAVID POINTON: Thank you, Mr. Chairman and members of the Committee. My name is David Pointon. I am the Regional Manager for the National Solid Wastes Management Association.

NSWMA is a national trade Association representing the private sector solid and hazardous waste industry. We consist of over 2500 firms involved in all forms of waste collection, transportation, recycling, recovery, and disposal. NSWMA's New Jersey Chapter is one of the largest and most active in the country, and is involved in legislative, regulatory, and local matters affecting our industry.

I am here today representing what has always been the core of our Association and, indeed, our industry -- the hauler/collector. These are the businesses that are on the "front line" of this State's solid waste disposal crisis. Throughout New Jersey and, indeed, many parts of the country, this sector of the industry is experiencing substantial upheaval caused by a disposal crisis. Although all citizens and businesses in the community feel the effects of inadequate disposal capacity, it is the businesses in the collection industry that are most immediately affected. The disposal crisis in New Jersey has had the very real effect of eliminating many smaller collection companies that simply cannot cope with the new financial and operational demands caused by fewer and fewer disposal sites and higher and higher tipping fees.

As the State and its 21 counties and the HMDC have grappled with the very difficult process of siting facilities, our industry has suffered tremendously. We are encouraged, however, to see that many of these counties are in the process of either building or permitting landfills and resource recovery facilities. It is for this reason that NSWMA strongly opposes Assembly Bill No. 4105 by Assemblymen Rocco and Pascrell. In our opinion, this legislation, through its moratorium on the construction of resource recovery facilities, the vital element of New Jersey's plan for self-sufficiency in its solid waste disposal needs, would have a devastating and perhaps an irreversible effect on the future of New Jersey's economic and environmental stability.

Resource recovery facilities are a proven, safe, and effective way of disposing of our society's solid wastes. Based on Federal EPA information, State environmental agency reports, and other studies, NSWMA counts 127 operating waste-to-energy facilities in 38 states, with the capacity of burning more than 68,000 tons of garbage a day. This certainly refutes the allegation made by the gentleman from Morris County, and as he seems to be lacking a lot of current information, I would be happy to give him this survey which we undertook. This, of course, accounts for a full 13% of the solid waste generated in our country today. If the proposed facilities can meet the very strict and comprehensive environmental and operational standards set forth by the New Jersey Department of Environmental Protection, which are among the toughest in the nation, the arguments based on air pollution, noise, odor, and ash residue problems, although real, are, in our opinion, unfounded.

It is also important for us all to realize that we can no longer take comfort in sending our garbage out-of-state. We only need to look at three of the states where New Jersey sends much of its garbage. In West Virginia, Ohio, and Pennsylvania, legislators have passed laws that will indirectly attempt to prohibit and restrict the flow of out-of-state wastes. As someone who is familiar with the political climate of these states, I can tell you that their efforts have only begun.

Just to add, New Jersey certainly did not win any favors in the congressional hearing last week, where the EPA calculated that New Jersey will now be sending over 129,000 tons of sludge into Pennsylvania, a year, because we can no longer dump it in the ocean.

Assembly Bill No. 4105 would have the very real effect of delaying and damaging an integral part of New Jersey's comprehensive solid waste management program of recycling, reduction, resource recovery, and landfilling. NSWMA believes

that communities must develop environmentally sound, but responsible alternatives to dispose of its waste and protect the environment. We also believe, however, that the environment includes not only the trees, the streams, and the animals, but the people and the problems they produce as well. These are the same people who generate 10 million tons of garbage a year in New Jersey, and 150 million tons a year nationally.

New Jersey simply does not have the luxury of waiting to study the issue of resource recovery any further. The facilities must be built; they must begin operation; and New Jersey must begin to handle its own problems. The New Jersey Chapter of NSWMA strongly encourages you to oppose A-4105.

Let me just add this: The comment was made that we simply don't want to come here and complain about it; we need to do something about it. Mr. Chairman and members of the Committee, our Association, since 1980, has tried to work with the Legislature to encourage a regionalization program. We have worked on such things as encouraging the passage of the Shinn bill, which would give DEP more power and more bite to help develop facilities.

So, we feel that we have done a lot. We are simply saying that while the concerns -- some of the concerns may be valid, we've got to go ahead and move, because we are in a very severe crisis, which is only going to get worse.

ASSEMBLYMAN ROONEY: Thank you. Any questions?

MR. GUENTHER: Mr. Chairman?

ASSEMBLYMAN ROONEY: Yes?

MR. GUENTHER: (speaking from audience) Will I have an opportunity to refute something he said, because he specifically made a false statement about something I--

ASSEMBLYMAN ROONEY: We are on the record right now.

MR. GUENTHER: Right now? I don't have a lot of my facts wrong. I happen to have only one fact that was not

updated. So I would like to straighten that record out.

ASSEMBLYMAN ROONEY: Are you getting this on tape?
(affirmative response from hearing reporter)

MR. GUENTHER: Also, I would like to go back to what Assemblyman Pascrell said. He does not take into consideration the number of incinerators that have been canceled in the last two years. I have more up-to-date figures than Assemblyman Pascrell, and I will be glad--

I just want to say one thing: I am a volunteer. I do this in my spare time. Did you see the gentlemen who were here from the corporations? I guess they only get paid to five o'clock, because they left.

I'm sorry I did not bring copies of all my data; I forgot. I will be glad to send it to you, if you will please give me your address. I will photocopy the data at home and send them to you -- all the data I have to back me up. I only had one fact wrong. All the other facts I stated, I believe were right. There was nobody to refute any other fact. I don't have a lot of facts wrong, sir.

ASSEMBLYMAN PASCRELL: Mr. Chairman?

ASSEMBLYMAN ROONEY: Bill?

ASSEMBLYMAN PASCRELL: One of the problems with what one says, is that one's organization writes other things, too, that are for the public record. The Waste Management Association wrote the following, Mr. Chairman, and I think it is very important that you listen to this, in view of what the testimony is.

They wrote: "To compound the problem, the State should have realized and accepted the indisputable fact that the recyclable materials being redirected are the heaviest of the waste items disposed. Newspaper, corrugated wood, office and computer paper, and plastics are all very heavy; glass, ferrous and nonferrous metals, individually or commingled. Add to all of those, energy BTUs generated from the incineration

of paper products, plastics, and wood. Voila!" That's what it says.

MR. POINTON: Where's that from? (no response)

ASSEMBLYMAN PASCRELL: "You've lost 25% of the garbage by volume, most of it being the hottest burnable energy-producing BTU items in town. Unfortunately, in some of our solid waste districts, the public has bonded and borrowed hundreds of millions of dollars for facilities, trucks, tires, and recycling centers. They have employed personnel to enforce the mandated recycling law. All of this mishmash cuts deeply into the private contractor's profit margins, preventing growth through private investment and financing."

MR. POINTON: That sounds very good, but that, sir, is not our Association.

ASSEMBLYMAN PASCRELL: I didn't say it was. This is the Waste Management Association, which is part of the National Solid Wastes Management Association.

MR. POINTON: No.

ASSEMBLYMAN PASCRELL: Do you want me to quote from your own records?

MR. POINTON: Yes.

ASSEMBLYMAN PASCRELL: I'll quote-- That's yours, isn't it?

MR. POINTON: This is ours; that is not.

ASSEMBLYMAN PASCRELL: Don't pull that out of my hand; don't ever pull anything out of my hand, sir.

MR. POINTON: I would suggest that before they make allegations--

ASSEMBLYMAN PASCRELL: You see, sir, that is not very wise.

MR. POINTON: --they have the facts correct. I think it is unfair to do that.

ASSEMBLYMAN ROONEY: Through the Chair, please, please. Let's not have an adversarial proceeding here. If we do, we are going to have to restrict--

ASSEMBLYMAN PASCRELL: The point I am trying to make, Mr. Chairman, is that when one talks about recycling, and then what they print in these magazines -- in these journals I read that you send to me-- There are two different stories. They don't believe in recycling. They think it is an extracurricular activity.

ASSEMBLYMAN ROONEY: Mr. Pascrell, let's not have a scene here. We have testimony. If you want to comment on the testimony, comment directly on the testimony. If you have a problem with something, then go out in the hall and straighten it out.

ASSEMBLYMAN PASCRELL: Well, the poll taken-- The National Solid Wastes--

ASSEMBLYMAN ROONEY: Anything that is not on the record--

ASSEMBLYMAN PASCRELL: --Management Association-- Sir, I think that is your organization, correct?

MR. POINTON: Yes, it is.

ASSEMBLYMAN PASCRELL: You say, on page -- in the middle of--

ASSEMBLYMAN ROONEY: Mr. Pascrell, please. I think we better--

ASSEMBLYMAN PASCRELL: It goes to the heart of what this gentleman is talking about, John -- Mr. Chairman.

ASSEMBLYMAN ROONEY: I don't believe it was entered-- I don't think this was part of the testimony that he brought up. If you want to question him on that testimony, fine. If you want to introduce that, do it at the end of the session, please. Badgering each witness that comes up--

ASSEMBLYMAN PASCRELL: I tried to introduce this three times, Mr. Chairman.

ASSEMBLYMAN ROONEY: At the end of the hearing, we will have you on, and you can introduce everything you want, put it into the record, but please-- This is going to go on forever, this back and forth.

We are going to be breaking for dinner in a couple of minutes. Mr. Pointon, are you finished with your testimony?

MR. POINTON: Yes, thank you.

ASSEMBLYMAN ROONEY: What I would like to do is-- Lorraine Sansone, Stop All Incineration Now. Is she present? (affirmative response from audience) Lorraine, would you like to come up? We will take you as the last speaker. Then, the first three-- Wait a minute, is the League of Women Voters still here? League of Women Voters -- Ann Auerbach? (consults with Committee Aide) Oh, they have already submitted testimony. I have Mayor Marion Conover. Why don't we have you two, and then after that we will have the rest of the list. I'll announce that. In fact, there are only a few after that.

Ms. Sansone?

L O R R A I N E S A N S O N E: Yes. My name is Lorraine Sansone. I live in Lacey Township, Ocean County. I am President of Stop All Incineration Now.

Gentlemen: We commend Assemblymen Rocco and Pascrell for their efforts in uncovering the very real deficiencies and potential environmental and health problems New Jersey faces by enforcing mass burn incineration as the preferred technology to deal with solid waste disposal.

Despite the denial by the DEP that this matter is left up to the county governing bodies, it is patently obvious that unless mass burn incineration is part of a county's solid waste management plan, the DEP will deny them approval to explore non-burning alternatives -- all of which I might add, are forms of resource recovery -- in fact, more valid forms, for mass burn constitutes resource destruction and uses up more energy than it produces.

I would like to note right now that I will be giving the Committee enclosures. (Chairman in consultation here)

ASSEMBLYMAN HUDAK: Please continue, you are being recorded.

ASSEMBLYMAN ROONEY: This is a taped proceeding.

MS. SANSONE: Well, now you know how it feels to sit back there.

I will be submitting enclosures as I go along, so I will refer to them.

At the first hearing on this bill, Mr. Deieso, in direct response to a specific question, asserted that the Warren County facility was operating within its permit levels. As we were soon to discover, it has never been within these levels from the very beginning. Nor was the oft-touted "citizen protection" of a continuous monitoring system, wired directly to DEP headquarters, ever in operation. In fact, concern about air quality was never a factor in approving the construction and operation of this plant, because the air quality in Warren County exceeded Federal levels, via the Clean Air Act, and loopholes, which involved blaming the existing levels of pollution on a Pennsylvania coal-burning generator. These loopholes were utilized, in order to commence construction.

The need to investigate the combined effects of all proposed facilities should include an investigation into current health risk assessment practices being utilized by the highly paid consultants to these projects, as well as considering the emissions of their newest push, that of sewer sludge burners. In light of Mr. Deieso's less than open answer to this Committee, I would also request that other open research be done on his facile assurances. In particular, I submit to you a letter written to Assemblyman Hendrickson regarding health risks pertaining to the Ocean County facility. That is enclosure number two.

The consultants, GBB-Killam Associates, admit to 19 to 26 deaths per million, and an independent critique of this risk assessment performed for Lacey Township by Berndt Franke points out that by ignoring bio-concentration of only one contaminant -- dioxin -- the consultants are avoiding a risk factor of over 3000 deaths per million. That is enclosure number three.

Risk assessments also do not factor effects on "sensitive receptor" or all who do not fit the role of a 154-pound, 35-year-old adult. They do not consider the effects of noxious gasses on the asthmatic child or the elderly, during long hot periods of inversions and ozone pollution. Clearly, risk assessments can be debated and utilized by either opponents of the technology or proponents, but the latter should bear the burden of proof in this matter. Enclosure number four.

Mr. Deieso also negates the emissions of these plants by public statements such as you heard during the last hearing: "The 20 proposed plants" -- this is a direct quote from Mr. Deieso -- "compared to 13,000 existing sources of permitted pollutants, will add only one-half of 1% of all particulates, 5% of NO_x, etc." Well, that might sound minimal to you, but what it tells me is that an average mass burn incinerator emits three times more particulates than an average source of industrial pollution, and 34 times more NO_x than those same facilities. You can do anything you want with numbers. I might point out that NO_x is of grave concern to scientists concerned about the greenhouse effect, and is one of the pollutants which cannot be handled by permit levels of existing plants in the United States. Indeed, permit levels are continuously raised by officials after operation commences, therefore rendering the whole permit process meaningless.

If you analyze the performance of even the latest so-called "state-of-the-art" plant, it rarely, if ever, meets the predictions placed on paper by industry consultants. I submit to you a typical optimistic piece produced by the Camden Pollution Control Authority, touting the Foster Wheeler plants, and a news article of one of their "model" facilities in Commerce, California. Ocean County consultants, by the way, utilized "ideal" data from this Commerce facility as part of their projections for their health risk assessment. Enclosure number five.

Last, but not least, at no time is fiscal liability addressed in the permits for these plants. It has been estimated that the total cost of all the burners in New Jersey will amount to \$6 billion. A recent Newark Star-Ledger points out that this could cost a taxpayer up to \$1000 a year for the burning or disposal of garbage. In Ocean County, the amount of \$160 million is highly publicized by our county planner. But, a close look at other costs, as presented by their financial experts, brings the true cost to over \$290 million, which does not include the cost of the landfill required to handle the ash, which is, and should be, toxic, for if proper pollution controls are working, the heavy metals should end up in the ash.

If total costs end up to be \$400 million or \$500 million, this figure would exceed the construction costs of all the schools in Ocean County, a burden which would affect the buying power of homeowners, and therefore affect all businesses in Ocean County, a bald fact which our chamber of commerces are overlooking when they pledge their political fidelity to the cause.

Are there alternatives? Yes, and I submit them to you. These are not ours, but the sum total of three years of researching scientific and responsible governing bodies' endeavors to really "act now for a clean environment." Enclosure number six.

Finally, I leave you with a copy of SAIN's latest mailing, and I ask you to take a long, hard look at what is happening around the United States, before you make your decision to vote on this bill. Enclosure number seven.

Now, by sitting in this room, I heard a lot of things, some of which I agree with, and some of which I do not agree with. I remember at the last hearing, Mr. Daggett and Mr. Deieso came in bearing three great big black boxes, which they said contained the permits for some of the incinerators. Well, gentlemen, I can match that, and top it with what is sitting on

my dining room table right now. And I am just a citizen. I receive no money. I started out on the road at one o'clock this afternoon. We attended the last hearing. It involved six hours of travel and sitting at the hearing.

How do you stack up people who are paid to be here against active citizen involvement, usually at great personal cost to our own lives?

Warren County-- I know you gentlemen are going on a trip. I have already toured the Warren County plant. Most enlightening. We were there on a day when it was down, which I found a little disappointing, but they were starting back up again, so they had the diesel fuel going. And they admit that this is what they use to prime it. Well, when you go on your little tour, you are going to see a very small room, maybe 12 by 12, and in the center of it-- It is devoid of furniture, but in the center of it is this computer console, you know, with the soft lighting. We were told, as we were going on the tour, that this was where the DEP representative sat when he came. And we were very impressed, a lot of flashing lights. What we found out later was: One, DEP doesn't stay there; it doesn't come. And the numbers fed into that computer are not the same ones that are monitoring the stacks. Isn't that a heck of a way to run a railroad?

When we talk directly about this bill -- and I am a simplistic person: I am not a consultant to anyone. I just work on common sense. This bill is extremely important, because no one anywhere, at anytime, has taken into account the effects of synergism. Synergism, to my layperson's understanding is, two and two can sometimes be five. It isn't always four.

One more comment, if I may: I was sitting here listening, and an analogy started running through my mind, when we talked about the Clean Air Act, and you spoke specifically about counties in northern New Jersey, a very, I think,

polluted area. I pity those poor souls. I am blessed to live in Ocean County. However, this analogy is running through my mind. The analogy is that of gang rape. "It wasn't my pollutant that did it. I just had a little part of it." "My pollutant only did a little part of it." But the point was, there was an insult, and God forbid there is a pregnancy, meaning a death resulting from this. But, "It wasn't mine."

The point is, everyone is equally to blame. You can't say, "That cancer death was mine. That lead poisoning was mine. That slightly stupid child, sitting in classroom 2A came from my industry." It just doesn't make sense.

I also learned something about you gentlemen. You are not untouchable. You are not unreachable. You're here. You're not experts, but what you are, you are our elected officials, and you apply common sense. You can't know all there is to know on both sides of the issue. It wouldn't be possible. You have the very difficult job of distilling, refining, trying to cut the BS out of certain parts of it, and then coming out with what I would hope would be a clear and logical common-sense decision. Common sense would tell you, if you are not sure of something, don't go ahead with it.

But, I do have a question for you, that I would like to bring back to Ocean County: In terms of counties which are not that far along in the spending and permitting process-- How do you think they should react to what is going on right now, in terms of regional centers, and not losing a great deal financially by this? Ocean County isn't that far along. If you were Ocean County, how would you spend your money right now?

ASSEMBLYMAN ROONEY: One of the things we did this morning was look at an alternate technology. I think one of the gentlemen who was with us was the Executive Director of the Atlantic County MUA. They are going to look at that. And I believe there is a move within DEP to consider alternate technologies to incineration. I would urge your county to look

at alternate technologies. I am totally in favor of it. I am not going to put a plug in for any particular technology. I think you can talk to Mr. Guenther over here. He has a couple that he has looked at. There are solutions in his book that I am sure all of us would be enlightened by, when we get a copy of it.

I formally request that you give the Committee Aide the book just to copy the names down, and we will order them, even at the \$25 cost. I think we can each afford it in our budgets, and individually and personally pay for them.

MS. SANSONE: Well, Mr. Chairman, SAIN is very well aware of the alternatives. That is what keeps us going on after three years. My question basically was to the Ocean County Freeholders. Would you go ahead with \$250 million in bonding, when the State might just be saying, "No, fellows, you don't really have to do that any more."

Okay. I would like to submit these materials as part of the record.

ASSEMBLYMAN ROONEY: Thank you very much.

ASSEMBLYMAN HUDAK: John, I have one fast question for Ms. Sansone.

MS. SANSONE: Sure.

ASSEMBLYMAN HUDAK: You said you toured the Warren County facility.

MS. SANSONE: Yes.

ASSEMBLYMAN HUDAK: And you also said that you had gone into a little room that houses the computer. You made a statement, and I just want to know where you got this -- who made the statement to you that DEP gets information that is radically different, or is different, from what is really happening at that facility? What did you mean by that?

MS. SANSONE: Okay. While we were on the tour--

ASSEMBLYMAN HUDAK: Yes?

MS. SANSONE: --we were assured that DEP visits regularly, and everything that shows on that computer is the same thing that is running from the stack to the large monitoring room, which you will see upstairs.

ASSEMBLYMAN HUDAK: Right.

MS. SANSONE: Later on in newspaper reports, it came out that that is why Warren County was being investigated by DEP, and was subsequently fined for violating air pollution control permits. That computer was not hooked up.

ASSEMBLYMAN HUDAK: In other words, they were giving false information to DEP?

MS. SANSONE: It looked very nice when you went past it. One other thing about the tour that I noticed: When they take the ash samples, they come out in big chunks, and in this one room, as God is my witness, they take a tow motor, and they run over it, perhaps so they can get a good composite sample. I can understand that, because you really wouldn't want a bad sample either way. However, there was this man sitting on the floor with a round screen over a two-and-a-half gallon bucket, picking out anything that was too big to fit through the screen.

Now, what kind of sampling is that? They were making sure that there were no--

ASSEMBLYMAN ROONEY: I think it is up to us to witness what you're saying. We'll be specifically guided by your--

MS. SANSONE: Okay. On a personal level, we were not given them -- we were given hard hats for falling debris -- but if I were you, I would bring one of those cotton hospital masks. The dust levels are incredible.

ASSEMBLYMAN ROONEY: We intend to, because we went through that this morning when we were at the Philadelphia facility. I still feel kind of grungy as a result of that tour.

MS. SANSONE: Okay, thank you.

ASSEMBLYMAN ROONEY: We'll learn. I'll bring my wife's mask from her first aid experience.

Mayor Conover, I'm sorry we didn't get to you sooner.
MAYOR MARION CONOVER: That's all right.

ASSEMBLYMAN ROONEY: I appreciate your coming. It is always good to have our elected officials.

MAYOR CONOVER: I wanted to take a trip up to Trenton to talk to you, but I didn't make it.

ASSEMBLYMAN ROONEY: Oh, I'm sorry.

MAYOR CONOVER: So, I was just hoping that today I could talk to you.

ASSEMBLYMAN ROONEY: We are going to hear Ray Osowski next, who represents the Township Committee of Cinnaminson. We are going to break for dinner, but before that, what I want to do is go over the list of people I have, to find out if everyone is still here, and stills wants to testify. So, we'll do that right after the two elected officials.

Mayor, thank you for coming.

MAYOR CONOVER: I am going to give you a little geography today. I think when I am finished, you will probably understand why I am doing this.

I am Mayor Conover from the Borough of Brooklawn. I am also the Past President of the Camden County Mayors' Association, 1988 to February of '89.

The Borough of Brooklawn is on the borderline of Gloucester County and Camden County. Big Timber Creek is south of the Brooklawn border; Little Timber Creek is north of the Brooklawn border. They bump into the Delaware River, on the west side of Brooklawn, and then Gloucester City is to the north of us.

Brooklawn is a very small borough. We have 2100 people. We have a lot of highways through there, though, adjacent to Brooklawn. We have 130, which runs into two traffic circles. Our traffic is very heavy there. We have Routes 676, 295, and the 42 Freeway. The Walt Whitman Bridge is in Gloucester; the Benjamin Franklin Bridge is in Camden

City. The Philadelphia Airport is directly across the Delaware River, with flights in and out every two minutes of the day, and their flight pattern is directly over Brooklawn.

The Borough of Brooklawn will be sandwiched in with three incinerators in an eight-mile area. Now you can see my concerns. One is in Westville, Gloucester County, and is only a half a mile from the Brooklawn border; one in Camden County, three miles; one in Pennsauken, which is eight miles. Right next to the one in Gloucester County is an oil refinery.

Brooklawn residents have been crying out. We have been fighting for over five years, just to get our elected officials to listen to us and try to find an alternative to burning, because we do fear for our health, the pollution, the environment in general, and especially our water. We understand the one in Camden City is going to use 1.25 million gallons a day. We will have three in an eight-mile area, and we are concerned.

Last year, as the President of the Camden County Mayors' Association, the mayors passed a resolution because we-- I had gone over to ORFA. I believe that is where you probably went this morning. While they were building it, I was very impressed. I came back and reported to the mayors, and they went over, and also were very impressed that it was an alternative to burning. We passed a resolution, asking our regulatory agencies, government bodies, such as the New Jersey Department of Environmental Protection, State legislators, the Camden County Board of Freeholders, to delay a final commitment to incineration until ORFA was on-line, to see what their capability was.

ORFA does not require landfilling. It will be fully automated, non-burning, recycling technology that would accept 100% of municipal solid waste, and then turn it into a reusable product that has a value on the open market. It is built by private money by the corporation.

But even without ORFA there are other alternatives out there. One of the things we can do is help ourselves. I think we have all been recycling. I know in the little Borough of Brooklawn, we have started our own recycling, instead of with a contractor. We are starting with our own trash pickup. That way we can see what the people are doing, and we have really increased our recycling.

I think we also have to enforce recycling on apartments, condos, businesses, and industrial plants. I think we also have to mandate manufacturers to use recycled materials to package their products; mandate fast food places to use recycled materials.

I am asking you to study the alternatives. In Camden County, we finally have them -- after five years -- right now going to do a study to look at the alternatives, so they can come back to the State, if there are other alternatives they want to go to, and be able to present that to amend the solid waste pact they have.

Our biggest concern -- the mayors throughout the county -- is that we are going to go bankrupt from the costs of trash disposal; the cost of building the incinerators; the tipping fees, which we are told right now would be \$98, but by the time the plant is built, will be \$120 a ton; and the hazardous waste, which will be \$250 a ton. Our municipalities are not going to be able to stand this burden on our taxpayers.

Many states have dropped their plans for incineration, or have stopped the building because of the costs, and because they have found them environmentally hazardous; states such as: Florida, Virginia, and California. We all know the problems Warren County is having because of the lack of garbage; pollution fines from DEP; and also disposing of their ash, which is 65% hazardous ash.

I have a couple of articles here which I would just like to briefly-- This is from The Wall Street Journal about

incineration. In Florida, they decided they are not going to take part in incineration. They are going to recycling and composting procedures instead. They said that in San Diego, incinerators are the most expensive investment a lot of these companies will ever make. A New York environmental group opposing mass incineration, said that a lot of them are just coming to realize the costs of the mistake -- the mistake being very high in cost.

I thought this was very interesting. In Florida, engineers were startled when the boiler on their new incinerator, which was supposed to last 20 years, disintegrated in less than a year. It cost them \$5 million to replace it.

I heard you talking about dioxin. I would just like to read this article to you. It says, "Perhaps the most critical concern is the dioxin and the lead and so forth, but for incinerator operators, there is a catch: The better their air pollution control equipment is, the more toxic ash they must get rid of on the ground." So, it's six of one, and half a dozen of the other.

What I am asking you is to please support this bill, not just to stop incineration. I am not asking you for that, but just to look at other alternatives, to see if we can't go another way. Thank you.

ASSEMBLYMAN ROONEY: Thank you very much, Mayor. We really appreciate it. I think you see the direction of the Committee.

MAYOR CONOVER: I feel that way, and I am very happy about it. I am just happy that our Freeholders are finally looking at it that way, because the mayors just feel it is going to be a terrible, terrible burden on the taxpayers.

Thank you.

ASSEMBLYMAN ROONEY: Thank you very much. Mr. Osowski, from the Cinnaminson Township Committee.

Mr. Osowski will be the last speaker. We are going to break for dinner until about seven p.m. Before you leave, though, I have a list, and I want to make sure your names are on here. I want to find out who is still here, just to give us kind of an idea of what we still have before us.

C O M M I T T E E M A N R A Y M O N D E . O S O W S K I :
Thank you for allowing me to speak. I hope I will be very brief, and let you get to your dinner. I have already had mine, so it would be unfair of me to hold you up.

I am not going to inundate you with a lot of numbers. I would only be parroting someone else's work. I am not a chemist or a physicist. I am not going to give you a bunch of papers to look over, because I am sure with SAIN and ACOP and all of the other people who are here, you've got a lot of stuff to look at.

What I would like to do, is give you a little bit of what I think is a common-sense approach to this. But let me make it perfectly clear at first that I fully support a moratorium on this. I wish the moratorium was forever.

We in the three boroughs here -- the three townships here -- are in a lawsuit to try to stop the Pennsauken incinerator, because we feel it is a life-threatening condition for our citizens. We fear what will happen. What is going to happen to the ash? What is going to come out of the stack? There are a lot of unknowns to us, and we just don't think that everybody knows what is going in there. If you don't know what is going in, and trash-- I'll tell you what, you can drive down through my town, and if you can predict what is in the trash, you're a better man than anyone else around here.

We don't know what is in there. One of the big things that is a problem, are the flashlight batteries, or the dry cell batteries. Come Christmas time, I would hesitate to estimate the tonnage that is going to go through there, and the chemicals that are generated from that.

One of the big reasons I oppose incineration is the fact that, if you don't know what is going in, how can you measure what is coming out? What can you look for? The second biggest reason is, incineration is destructive. We take resources, and rather than recycle them, we destroy them. They are not recoverable from the ash. And in the process, you create something that is a problem -- the hazardous ash. There is no way-- Even if all of these toxicity studies are overrated and everything else, it is not good for you. You've got a lot of dust in the air transporting it even, handling it. That alone, if it weren't toxic, would be an unnecessary risk.

New Jersey -- and Dr. Lane from Moorestown often talks about it-- We have all these particulate things in the air. This is the allergy capital of the world, according to him, and he is a very renowned allergist, I guess it is -- or whatever it is. It is far better, I believe, to recover these resources. I feel that Burlington County, where we live, is an oasis. We are, I think, the only county in the State that isn't scheduled, somewhere down the line, for an incinerator.

Now, I am not totally opposed to incineration, under the proper circumstances. There are times when incineration is the only alternative possibly. I am not totally convinced, but I am open-minded to that. There are certain waste products that there is no alternative to probably. But siting in metropolitan areas, or suburban areas, is ludicrous. Possibly there may be a need someday to take hazardous waste and dispose of it through incineration in a safe manner, with proper controls and proper siting. But to burn unknowns in an incinerator is totally crazy, because you don't know what to look for.

Recycling can work. We in Cinnaminson, along with Palmyra and Riverton, have started plastic recycling, in addition to the aluminum, glass, and newspaper. Our Mayor, Bob

Bayard, went out, took his own time, and went to a plastics company, which furnished us a trailer. All we do is fill it up, and they come and take it. It doesn't cost us anything. We don't get much out of it. All it costs us is the labor to put it in the trailer. People drop it off at selected points. We are getting more and more points where they can drop it off, and that is working. Everybody said you couldn't do recycling of plastics; it would cost you too much money; it would drive you broke. It doesn't. You can come and analyze our figures and everything. We are doing it on a small scale. We are just building it up. It has really only been in operation for about a month. We expect it to grow, as soon as we get the information out, and that people will participate in it, because we are faced with tremendous alternatives.

Again, I am not speaking from a technical aspect on this, but the first I got involved in it -- and this is a little personal note -- my wife saw a notice in the newspaper that they were having a hearing well over a year ago, here in Palmyra at the school, and she said, "Go." I am in another technical business, electronics, and I figured, "We've got to be smart enough to do this. We are a high-tech society. But, I'll go to please my wife."

It took that one meeting to make a convert of me, because they showed facts. Well, anybody can come up with facts, but the thing that got me was a videotape. I was so intrigued by it, that I got several copies made of it. It is available in our library in Cinnaminson. Storer Cable taped it as a public service thing. They showed the operation of incinerators in Germany, I believe it was, and they showed coming out of the incinerators, fresh banana peels and pieces of green pepper. And the final touch was newspapers coming out that you could still read, if you could read German.

Now, how can I believe it when someone says, "When you burn something at 2100 degrees, you destroy all the dioxins" --

I know I promised not to do that technical stuff -- when the newspaper goes through and you can still read it? I have a personal copy of that tape at home. If you would like it, I can get it to you.

ASSEMBLYMAN ROONEY: Those Germans are very clever.
(laughter)

COMMITTEEMAN OSOWSKI: Well, I don't know, they built it at Dachau, and I wouldn't have sited it there under any circumstances. I'm sure I could get the tape to you, if you would like to look at it. It is really interesting. How can you tout a technology that won't burn up banana peels or green peppers? Green peppers are pretty touchy; so are newspapers.

ASSEMBLYMAN ROONEY: They're great with onions.

COMMITTEEMAN OSOWSKI: Yeah. Okay. That's all. I hope I didn't take up too much of your time. Have a nice dinner.

ASSEMBLYMAN ROONEY: Thank you very much.

ASSEMBLYMAN PASCRELL: Mr. Chairman, may I ask the Committeeman a question?

ASSEMBLYMAN ROONEY: Yes.

ASSEMBLYMAN PASCRELL: Doesn't it seem logical -- and tell me what I am missing-- Doesn't it seem logical that if people understood, and if we communicated with, informed, and educated people, which is the primary job of the Department of Environmental Protection -- I don't want to refer to them as the DEP -- the Department of Environmental Protection-- If we communicated to the public how much the public would save in dollars if they recycled their garbage and reduced the waste burden, or load-- Doesn't it seem logical that perhaps we could begin to recycle on a much more reasonable level than we are doing right now?

COMMITTEEMAN OSOWSKI: Absolutely.

ASSEMBLYMAN PASCRELL: I mean, what am I missing? You tell me. You're a Committeeman; you hear the problems

firsthand, before we hear them. Why aren't we doing that, though? Is it possible that we don't want people to recycle? Is that possible? That can't be possible, can it?

COMMITTEEMAN OSOWSKI: Well, it depends on which side you're on. If you think about it, incineration and recycling are incompatible to the extent that if you recycle-- The things you recycle, like plastics and paper, are what provide the BTUs to keep the incineration going so they don't have to use the gas to fire it.

ASSEMBLYMAN PASCRELL: So, recycle, but don't do too good a job of it.

COMMITTEEMAN OSOWSKI: That is what they're telling us, I think.

ASSEMBLYMAN PASCRELL: I am beginning to understand this thing now. (laughter)

ASSEMBLYMAN ROONEY: Bill, please, you'll have your turn later. Thank your very much, Committeeman.

I want to go over this original list of people who notified our Aide, Cindy Lombardi. I have: George Briggs. Is Mr. Briggs here? George Brigliadoro? Oh, you're down twice, George.

G E O R G E R. B R I G L I A D O R O: Oh, really.

ASSEMBLYMAN ROONEY: The WASP name and the Italian name. (laughter) We're not going to call you twice. What group do you represent, George?

MR. BRIGLIADORO: Safety Energy Source, Inc.

ASSEMBLYMAN ROONEY: Okay, I have that. We have Walt Sodie, Township of Bridgewater. Walt's here. Pamela Moll, President of CRISIS?

UNIDENTIFIED SPEAKER FROM AUDIENCE: She could not make it.

ASSEMBLYMAN ROONEY: Okay, scratch Pamela. John Jacobs?

UNIDENTIFIED SPEAKER FROM AUDIENCE: His clock ran out.

ASSEMBLYMAN ROONEY: His clock ran out, okay. Mine is about running out, too. Joseph Hafesh, Biocomp, Inc.

UNIDENTIFIED SPEAKER FROM AUDIENCE: He's not here yet, Mr. Chairman. He got lost on the Turnpike.

ASSEMBLYMAN ROONEY: Okay, I'll put a question mark. Alene Ammond?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Not here.

ASSEMBLYMAN ROONEY: Not here, okay. Mark Lohbauer? (affirmative response from audience) Work on Waste, U.S.A., all right. Tom Knoche?

T H O M A S K N O C H E: (speaking from audience) If you will give me a minute, I will do it now and be very brief. Or I'll-- (remainder indiscernible; no microphone)

ASSEMBLYMAN ROONEY: Why don't you submit it in writing. I just want to go through this.

John Washington?

UNIDENTIFIED SPEAKER FROM AUDIENCE: He left.

ASSEMBLYMAN ROONEY: He left, okay. Mark Coyle? (affirmative response) Mark, okay, you'll be on. Dorothy Klatz?

UNIDENTIFIED SPEAKER FROM AUDIENCE: I believe she will be back.

ASSEMBLYMAN ROONEY: She'll be back, okay. Gary Wonderlin? (affirmative response) Okay. That will be pretty much the order when we come back.

UNIDENTIFIED SPEAKER FROM AUDIENCE: May anyone else sign up?

ASSEMBLYMAN ROONEY: Yes. Just sign one of those slips. We will be back at seven.

ASSEMBLYMAN PASCRELL: Seven o'clock, Mr. Chairman?

ASSEMBLYMAN ROONEY: Yes.

ASSEMBLYMAN PASCRELL: All right.

(RECESS)

AFTER RECESS:

ASSEMBLYMAN ROONEY: I just want to announce that we have lost a couple of our Committee members due to previous commitments. Assemblyman Hudak had to attend a wake. This was the last night of the wake, so-- Also, Assemblyman Duch had to go back up to Hudson County, where I guess Assemblyman Brown, the Minority Leader, was having a function, and he was committed to that. Ed Kline had to go back to Atlantic County. He has been with us since nine o'clock this morning, or ten o'clock this morning.

So, what you see, is what you've got. I am here, and we will continue the hearing. The hearing is being recorded on tape. It will be transcribed. The members of the Committee will be able to catch up on the testimony, so don't feel that you have been slighted in any way. This will be available as a full public record. It will be available not only to the Committee members, but also to any of the public who are interested, and to the members of the Assembly, and even the Senate.

So, we will continue. I believe George Brigliadoro was the next name I had. Is that the correct pronunciation?

MR. BRIGLIADORO: Yes, it is.

ASSEMBLYMAN ROONEY: Since I am half Italian, I can appreciate it.

MR. BRIGLIADORO: Thank you, Chairman Rooney, and dwindling Committee members.

ASSEMBLYMAN ROONEY: Right.

MR. BRIGLIADORO: My name is George Brigliadoro. I represent Safety Energy Source. There is an alternative method that was tested by the DOE under contract in 1985 in Bergen County. Since 1985, it seems that between Passaic and Bergen Counties, the only counties we have pursued so far-- It is just that they are blind, and all they can see is incineration.

Now, there are alternative methods. I see everyone quoting that there are only five ways: landfill, recycle, compost, ocean dumping, and mass burn. This technology, waste distillation -- which is dry distillation -- was used by the Egyptians 6000 years ago. They generated energy without burning waste, and they got a by-product, or a residue of not ash, but carbon char, which is charcoal. They used it to filter water with, like we should do now. Capture sludge, and produce methane gas safely.

For the record, I would just like to give you copies -- this is not a brochure -- of an executive summary of a book that is about that thick (demonstrates), which you can get from the Office of Scientific and Technical Information. For the record, I would like this Committee to review this process. I am going to be very brief. I am not going to go into the technology. It is very simple.

As far as an alternative, there are more than five, if we can say this is six. One thing I would like to say about this bill, as a taxpayer in Bergen County, is, I think this bill should be for five years, instead of one, but it does say to search for alternative methods. Now, there are ways of marrying some of these alternative methods, such as composting, recycling, distillation, without burning trash and polluting air, ground, and water.

Thank you.

ASSEMBLYMAN ROONEY: Just some questions from the Committee -- what is left of the Committee, me.

I notice this was done at Marcal Paper in Elmwood Park.

MR. BRIGLIADORO: Yes.

ASSEMBLYMAN ROONEY: This is a result of the 50-ton-per-day program?

MR. BRIGLIADORO: Yes, sir.

ASSEMBLYMAN ROONEY: Basically, what is the process? Could you give us a little more of an idea?

MR. BRIGLIADORO: Sure. Distillation is the natural destruction of MSW -- municipal solid waste -- by molecular action, just the way a landfill produces methane gas. It takes approximately three years to produce a quantity of methane gas. What happens is, from the rain and the earth being put on top of it, it creates more downward pressure. This is how we pollute our groundwater. The methane continues to make a greater pressure, pushing it down into our groundwater, which we can see maybe 25, 30, 100 miles from the actual landfill, downstream, if you will.

This is a system that does it in 50-ton modules, 50 ton a day, which can be brought to a site on six tractor-trailers, assembled in 30 days, not three years like an incinerator, and it can be added to, just like electronic components in a stereo system. You can add other modules, so it can go up to 3000 tons a day.

I don't think anyone should put any facility up to handle that type -- that amount of waste. A system looking at transfer stations that were put up all over the State of New Jersey-- What is going to happen when incinerators come, if they do, and landfilling is stopped, and we can't go out-of-state? These transfer stations already have garbage trucks going there. They went through all of those approvals. These systems can be put in -- transfer stations -- in 250-ton-a-day modules, so that you don't have to eat up 30 acres of land at one site, and have garbage trucks going to that point. They are already going to a place.

One of my alternative methods is to get together with everyone and say, "Well, why don't we use what we already have, instead of spending all of this money, and marry some of the other methods, like "not putting all of your eggs in one basket," if you will.

ASSEMBLYMAN PASCRELL: Mr. Chairman, may I ask a question of Mr. Brigliadoro?

ASSEMBLYMAN ROONEY: Yes, Mr. Pascrell.

ASSEMBLYMAN PASCRELL: Mr. Chairman, I think through you, I would request the records from the Department of Environmental Protection as to what happened to the water distillation--

MR. BRIGLIADORO: Waste.

ASSEMBLYMAN PASCRELL: --waste distillation method that was used in Elmwood Park? Ironically, it is in my district. I would like to know what the results of that experimentation -- those experimentations were. And I would like to know, if successful, why weren't they pursued? And I would like, through the Chair, for DEP to produce records -- all records, or a synopsis of records as to all the alternative methods that were examined or studied over the last 10 to 15 years, and how much money was invested in each of these methodologies?

Mr. Chairman, if we listen to Mr. Briigliodoro, it becomes quite obvious that the more we go down the path of incineration, it not only places constraints on recycling, but also removes the incentive to invest in other alternatives. It is incredible that the Department of Environmental Protection-- It is incredible that that Department spends between 1% and 2% of its resources on investments into recycling and recycling markets. If that isn't proof positive that extracurricular activity is the only nomenclature I can give to recycling in the State of New Jersey under this Department of Environmental Protection--

Why isn't the Department pursuing-- By the way, do I have any financial investment in your company? (laughter)

MR. BRIGLIADORO: No way.

ASSEMBLYMAN PASCRELL: That's how solid waste people think.

ASSEMBLYMAN ROONEY: Mr. Pascrell, let me ask Mr. Briigliodoro the magic question: Was the Department of

Environmental Protection ever apprised of the study? Was it ever done with their--

MR. BRIGLIADORO: The EPA was involved on the Federal level. The NBS -- the National Bureau of Standards -- reviewed all the data. DOE -- the Department of Energy -- was the Department that conducted and paid for the test. And all of their points in the executive summary came out positive. They have statements in there, such as: "It will meet and exceed Federal EPA requirements on ground, air, and water pollution. The residue that is produced from this is carbon char, which is an element -- carbon -- that is a natural element." So, we're taking this and bringing it back to a natural state. The ash-- It is not an ash. It is charcoal. It is sterilized. It can be used to filter sewage; capture the sludge in the charcoal, put it back into the distillation system, and it is a self-sufficient, self-sustaining operation.

They have stated this in there. Also, it handles hazardous waste -- medical waste, pharmaceuticals, plastics, rubber, oil, grease, printers' ink -- with no pollutants to air, water, or ground.

ASSEMBLYMAN PASCRELL: Mr. Chairman -- through the Chair -- is there any toxic ash involved in this methodology?

MR. BRIGLIADORO: No. Ash is a result of combustion. When you burn something, you break it down, you change its state, and you have ash. And in the ash are the residues. Unless you super heat it, which in these incinerators, where you have to use more fuel, and pay for the fuel to clean it up, and the hydrosconic scrubbers and the air bags -- all of this--

ASSEMBLYMAN PASCRELL: Thank you, Mr. Chairman.

ASSEMBLYMAN ROONEY: Thank you.

MR. BRIGLIADORO: Incidentally, the tipping fee-- It will generate a profit to the taxpayers at \$50 a ton -- a profit.

ASSEMBLYMAN PASCRELL: By the way, this is an investment that the company makes, not the taxpayer.

MR. BRIGLIADORO: The company will make the investment. It wouldn't cost the county any money.

ASSEMBLYMAN ROONEY: I would like to review the information, and get in touch with you. Perhaps we can have you back at the next hearing, after we have digested some of this. I probably will have some questions, being unfamiliar with the process, and not knowing anything about it up until the very moment you presented it. I am interested in it. I would like to recommend it, again, as an alternate source.

As I said, this morning we had an opportunity to look at one of the other alternatives. This will be on the record, and your presentation will be part of the record.

MR. BRIGLIADORO: Assemblyman Rooney, I'm glad a task force has evolved out of this. I would like to meet them someday.

ASSEMBLYMAN ROONEY: Well, it's so coincidental. You know, I just find it very difficult to believe. We probably didn't have anything to do with it, but it's very coincidental that it happened right after we started our hearings. So, thank you, Mr. Brigliadoro.

MR. BRIGLIADORO: Thank you very much.

ASSEMBLYMAN ROONEY: Mr. Walter Sodie, Township of Bridgewater, is next on the list. Mr. Sodie, welcome.

W A L T E R S O D I E: Mr. Chairman-- I almost said, "Members of the Committee," but I guess we don't have quite as much of an audience now to target.

ASSEMBLYMAN ROONEY: Right.

MR. SODIE: I am Walt Sodie of Commtran Communications. I represent the town of Bridgewater in Somerset County, which has been designated for the site of the county's solid waste incinerator. I am making this statement on behalf of Mayor James Dowden and the Township Council in

support of the bill, and I am also submitted written statements from three citizens' groups. We will not be specific on the Bridgewater site, Mr. Chairman, in this statement.

If I may take just a moment to background my qualifications in presenting this testimony. In my former career as a broadcast journalist, I covered the development of DEP's policy on mass burn incineration from its inception. Much of what I am about to say had its genesis in news broadcasts that I compiled throughout the 1970s, and even much of the '80s. It is also consistent with positions I took as a candidate for the State Assembly in 1987. Most significant, the reference material for my statement is part of the yield of an almost year-long study and research effort that we have undertaken in Bridgewater with a team of environmental and legal specialists.

Now, we wanted to come here and make this statement in South Jersey, even though it is a little bit out of our area, because we have some new information that we want to get on the record at this point. We would be happy, if you find this information of interest, to come back with our environmental consultant, to one of the later hearings that may be held in the central or northern part of the State.

From earlier testimony, you have already heard a number of comments about the one county-sponsored garbage incinerator operating in the State. The opponents of mass burn believe that what is happening in Warren County is the best argument available against the process, and they may be right. I am certain you are going to be hearing more on that, so I won't dwell on the subject, except to say that in the month since I testified before the Solid Waste Management Committee on another incinerator-related bill, the situation has only gotten worse in Warren County.

I testified at that time -- and we have figures to document it -- that the amount of incinerator ash testing toxic

was about 30% in last November. At one point since then, it had risen to as high as 60%, and I think it is back down to probably below 50% right now. We all know about the fines that DEP imposed against the Warren incinerator for air emissions. You may not know, though, that DEP has refused to release its so-called continuous monitoring data of the emissions from that facility. We were forced, in Bridgewater, when we requested that information, to submit a formal statement of request for that information under the State's Freedom of Information Act. I think it is actually the Right to Know Act. I believe that is what--

Our environmental consultant submitted that request over two months ago, and we are still being hard-lined by DEP. They have given us every excuse in the book. The basic bottom line is, they have not come across with that information, despite a request under statute.

Now, it doesn't take too much deductive reasoning to assume why this may be the case. If there was nothing wrong with those emissions, that information would be readily available to the public, and you can believe that DEP would be trumpeting it with a huge PR effort at this point.

The public was assured, by both DEP and Warren County officials, back in the fall, that things would get better with the Warren incinerator. They have not documented yet that that is the case. Now, this early track record up in Warren comes as no surprise to anyone who has followed the developments on the mass burn front outside of New Jersey. DEP's position is -- if I understand it correctly -- that the Warren County problems are not representative of what we can expect from incinerators that are going to come on-line in the future. Unfortunately for DEP, we have a growing body of evidence that leads us to believe otherwise.

Now, I have compiled the highlights of just a small amount of that evidence for this testimony. The Federal EPA

Science Advisory Board -- the SAB -- has issued a series of reports since 1985, that should have prompted DEP to take a much closer look at this policy on widespread incineration than it has, and it has been pushing it since the 1970s. The most recent major reports from the SAB to the agency were presented about a year ago -- April of 1988. I have included their reference numbers and other pertinent information in the written copy of my testimony.

Before running through some of the excerpts from just one of these reports, I should note that incineration opponents have been accused of either misquoting, or quoting out of context whenever they refer to technical or scientific documents of this nature. Now, there is no need to do either with regard to these reports. The questions they raise concerning mass burn incinerators are clear, and they will stand up to critical scrutiny.

At the same time, though, Mr. Chairman, I should note that there are statements in these reports that to some extent could also be used to support incineration. But you will find, in going through them, that every such statement is followed very closely with a caveat that indicates insufficient information exists on which to base a conclusion as to the precise degree of risk to human health or to the environment.

The point of putting these documents on the record, even though they have information that supports, to some extent, both sides, is to show that one of the most prestigious scientific bodies in the country, after making a two-year study -- that is what was behind these reports, a two-year study -- that body was unable to give us any assurances about the safety of mass burn incineration.

The first report is called, "Evaluation of Scientific Issues Related to Municipal Waste Combustion." It is technical only insofar as the tables are concerned. The narrative can be read by the layman and can be understood quite readily. One of

the recurring themes in this report is the lack of scientific knowledge concerning municipal waste combustion and the need for better analyses to enable scientists to estimate the health and environmental risks caused by incineration. I have summarized again some of the most pertinent sections in my written testimony.

As a background for the first two quotes, it should be noted again that DEP is constantly telling us that there is no need to worry about harmful air emissions from these incinerators. They say the combination of extremely high temperatures at which the burn is conducted and the so-called state-of-the-art emission control, ensure that any chemical emissions that do escape the stack will be inconsequential -- too inconsequential to cause any harm.

Now, the Science Advisory Board is not so sure about that. Here is a quote from page 6: "There appear to be trade-offs between the influence of combustor design and operation and the technology of emissions control. For example, higher incinerator temperatures more thoroughly destroy organic compounds, but at those higher temperatures certain metals volatilize more readily, creating the potential for emissions with greater metal concentration. Increased nitrogen oxide production also can result at higher temperatures.

Now, even with the more thorough destruction of organic compounds at the higher incinerator temperatures, this report expressed significant concerns about the most toxic of all the organic compounds. You have heard a lot about it today, and I know you are concerned about it, and that is dioxin. The following is from page 68: "Approximately half of all incinerator emissions are gaseous, and dioxins may be emitted along with these gases. However, most relevant research has been conducted with PCDD, a solid form of dioxin. Therefore, the fate of gas-phase dioxin emissions is largely unknown."

Once more on dioxin, page 4: "The subcommittee concludes that EPA should investigate the hypothesis that polychlorinated dibenzodioxins -- PCDD -- and polychlorinated dibenzofurans -- PCDF -- can result from free radical reactions that take place in fuel-rich zones of incinerator flames."

There is one more, page 38: "There is a need for better understanding of the relationship of inorganic and organic emissions, and PCDD and PCDF dioxins in particular, to solid waste composition, as well as to furnace design and operating conditions." And page 67, which deals with the potentially legal question of: What happens to dioxin emissions that settle on soil and in plants? I'm quoting again: "Despite a limited understanding of the terrestrial fate of dioxins and furans that have the potential to be deposited on ground and vegetation surfaces as a result of municipal waste combustion, there is some evidence that incinerators are the source of dioxins found in nearby surface soils. Given this evidence, major questions arise concerning the fate and mobility of dioxins in the terrestrial environment."

Now, I would like to digress from the Science Advisory Board Report for just one moment to show that we have other credible sources for our concerns about dioxin emissions. I think you will find it interesting, Mr. Chairman, that questions about incinerator safety are raised in a book written by a prominent advocate of incineration. The manual is called, "How to Implement Waste-to-Energy Projects." It was written by Mark Rogoff (phonetic spelling), Ph.D. Now, this work-- Again, it is not too technical to read. It is filled with advice on how to overcome local opposition, how to go through the permitting process, and just about every other step necessary to get a garbage incinerator built. But even this author has to acknowledge some of the problems. In a section on dioxin, page 140, here is the following passage:

"There currently is a lack of scientific consensus on a wide range of issues concerning the dioxin genesis, control, and health risk. The formation of TCDDs and PCDD" -- dioxins -- "in the combustion of municipal solid waste are not yet thoroughly understood."

Now, if I am not mistaken, DEP has told us that we don't have to worry about dioxin in incinerators; that if any is produced, it is, again, of such inconsequential quantities that it can't possibly cause any harm. But here we have the EPA's Science Advisory Board, in this report, and one of the gurus of mass burn incineration, in this one, telling us that scientifically the Department of Environmental Protection's position cannot be supported. We just don't know enough about it yet.

Now, gentlemen, there is a credibility gap here somewhere, and I think this Committee, along with others, including DEP itself, have an obligation to help the people of New Jersey find out exactly where that credibility gap lies.

Back to the SAB Report: With the exception of the first quote I read you, Mr. Chairman, which included concerns about nitrogen oxide emissions, everything else has dealt with dioxins and furans. The SAB also covered a wide range of other concerns dealing with the entire spectrum of emissions, and also with potential incinerator emissions that haven't even been fully identified yet.

Page 83: "Although a data base exists for many compounds, the effects caused by a significant number of substances are relatively unknown. There may also be chemical constituents in municipal waste combustion emissions or residues that have not been identified."

Page 85: "Exposure data for some selected compounds that are potentially emitted by incinerators are available for evaluating human health effects; however, data on specific isomers and other compounds identified as by-products of

municipal waste combustion have not been collected. In addition, mixtures of compounds and associated interactions under environmental conditions have not been investigated or evaluated."

These are critical questions about what happens to all of these substances, including incinerator ash. What happens to them once they are emitted from, or otherwise leave the incinerator plant? Page 60 speaks to that: "Pollutants emitted to the atmosphere, entering soils or waters, or deposited in landfills are subject to a variety of dispersal processes and fate mechanisms, including transformation. Transformations can result in the destruction of the parent compounds--" This is what some of the incinerator advocates will tell you. The chemicals are destroyed, but in doing so, the destruction can result in the "simultaneous formation of one or more different chemical products." So, how do we gain?

The same passage also says: "Little information is available on the fate of chemicals from municipal waste combustion because of the paucity of information on the parent compounds released in either stack emissions or ash."

Now, all of these excerpts demonstrate a disconcerting lack of knowledge. I raise the question to you, and to the Committee, Mr. Chairman, "What does this mean in potential terms of danger to our food and water supply, as well as to the air we breathe?" Page 61 gives us an assessment: "Current understanding of complex terrestrial food webs, biotransformation, and bioaccumulation processes, and the influence of these environmental processes on the quantitative transport and fate of chemicals, is rudimentary at best."

Now, I don't know about you, Mr. Chairman, but that quote scares me. It is one of the few that I find truly scary, because it says the understanding is rudimentary at best. Yet, our DEP wants to scatter these facilities across the State of New Jersey. Now, are we being hysterical in asking this

Committee, and in asking the full Legislature, to at least slow down this campaign to site incinerators? Or, does the scientific evidence justify it?

Perhaps page 18 of the SAB Report will give us an answer to this question. I'm quoting again: "No matter which methods society uses to reduce and dispose of municipal wastes, it will encounter some degree of public health or environmental risk. In this respect, waste disposal is no different than most other technologies. It is important for EPA to develop the means for and to undertake comparative risk assessments for each waste management option. Such comparative analyses would provide a basis for selecting among the different options and would help to identify the option presenting the least adverse risk."

Now, this is excellent and very basic advice. It says that we should use options that present the "least adverse risk," after extensive study. Now, has our DEP done this? Or for that matter, has the EPA even done it? The second report clearly says, "No," on the EPA, and I think we can all answer, "No," because I think it is general knowledge that our DEP has not done this.

In the interest of time, I am not going to quote from the second report. Its name and reference number are in the written statement, for anyone who is interested.

Before closing, Mr. Chairman, there is one other scientific forum I want to make reference to, to help corroborate what I have put on the record up until now. About one month ago -- April 17 -- the New Jersey Clean Air Council held its annual public hearing. The Council functions in an official advisory capacity to DEP on issues involving air quality. Five outside environmental experts were invited to their conference to give their views on risk assessment. Now, one of them, Curtis Travis, of the Oak Ridge National Laboratory in Tennessee -- that is not about operation -- said

that 70% of presently regulated chemicals carry risk factors greater than the standard that is considered acceptable by the environmental community. He further noted that the EPA has not developed sufficient information on which to base risk assessment for many of these same chemicals. While he did not specifically address garbage incineration in his remarks, there is no question that many of the chemicals on his list are part of the mass burn equation.

Now, we heard some testimony earlier from the industry representatives -- Ogden Martin and others -- on these same types of comparative risk factors, where they compared smoking 1.4 cigarettes in your lifetime and drinking 2.3 beers, and a whole series of things, that most risk assessment experts will tell you are not germane to the real incineration equation. I think you aptly picked up on that yourself, with some of the questions that you came back with, Mr. Chairman.

If need be, we certainly would like to have the opportunity in the future to refute some of the figures in this report that was submitted by Ogden Martin and others.

Now, some of the other scientists at the same conference made a broad charge against environmental regulatory agencies, that should be of particular interest to this Committee. They accused regulatory agencies of ignoring data that calls their policies into question.

Now, I would like to pose a rhetorical question to this Committee: Do you think it's possible -- just possible -- that our DEP might fall into that category? (laughter)

ASSEMBLYMAN ROONEY: No comment, Mr. Sodie. (applause) Please, please. Again, no applause and no booing. We agreed to that earlier today.

MR. SODIE: The thing that has amazed me through this entire history -- and this goes back to my news broadcast journalism days, when I sat on a radio station's editorial board and we had the DEP in, we had incinerator vendors, we had

environmental groups-- What documentation have we seen from DEP on any of these issues? My guess is that you haven't seen very much, Mr. Chairman, if any at all.

Now, it was very impressive when our DEP Commissioner showed up at your hearing on March 2 -- this same Committee's hearing. When you can get a Cabinet officer out to testify before a legislative Committee hearing, you know you are either doing something very right or very wrong. No question about that. But, what did our Commissioner, and one of his top aides -- he has been referred to today, Dr. Deieso -- do to document the case for incineration? One of the other persons who testified just before our break told you what they did. They pointed to three boxes they had sitting over at the side of the room, and said, "This is what you have to do just to site one incinerator. This tells you it is a proven technology." Proven to do what, that it will burn? Sure. Give it enough recyclables, and it may even burn efficiently. But those boxes did nothing to prove the case; to document arguments such as those which have been raised by the scientists who were commissioned by the EPA to study this issue.

What we really have in this campaign, when you boil it down -- to site incinerators throughout New Jersey, Mr. Chairman -- is an unprecedented transfer of responsibility. DEP has said, "We" -- the DEP -- "don't have to document the case. We don't have to prove that incineration is safe. But you, the opponents, have to prove that it is unsafe." Now, never in my 22 years of covering and observing public decision-making, have I seen a decision and an attitude that was this arrogant and this unscientific on an issue of this great a magnitude.

What is really lamentable about it, to me, is that the Legislature, up to now, has permitted DEP to get away with it. They have permitted our Department of Environmental Protection to go ahead and pursue a policy based on inconclusive

scientific evidence, and to force that policy on the counties. This Committee has the first real chance of the 1980s to reverse that policy.

One final point: Taking a stand in favor of this bill -- and I would like the other Committee members to hear this as well, even though it is near the end of my remarks-- Taking a stand in favor of this bill is not anti-business, as some of the detractors tried to convince you of previously. The businesses that have taken an intelligent approach by offering more than one disposal alternative, actually would benefit from this bill, but it is not the responsibility of your Committee to worry about who will benefit and who will lose in terms of businesses under this bill.

Some of the witnesses at the March 2 hearing said further, that this Committee would be sending a bad signal to the bond markets and to Wall Street by moving this legislation. I would like to address one question in response: . If New Jersey goes ahead with this massive incinerator program, and some of the incinerators turn out to be as economically disastrous as the Warren incinerator has shown the potential for, how will this impact the taxpayers in the affected counties? Isn't that really more important than what signal we are sending to Wall Street?

Now, when a company or a plant eliminates-- When a company shuts down a plant or eliminates a division or a branch, nobody calls that "anti-business," but it does take away business. This bill doesn't even ask DEP to do that much. All we are asking for is that we slow down a headlong rush to commit to an incinerator-building program, until we learn more about its environmental effects. We are not looking to take any business away from anybody.

Mr. Chairman, this is not NIMBY. We are not talking about one back yard here. We are talking about everybody's back yard. We are talking about the entire State of New

Jersey. We urge the members of this Committee to put this argument into the scientific context it merits, by please giving us the benefit of voting to release this bill with an affirmative recommendation.

Thank you very much for giving me this much time.

ASSEMBLYMAN ROONEY: Thank you, Mr. Sodie. I appreciate your testimony. What are the dates on your reports from the EPA?

MR. SODIE: The EPA reports-- I believe they both carry the same date -- April 1988. I can make these reports themselves available for photo-- These are the only reports I have. I would be glad to leave them with you, and pick them up at the staff office in Trenton, if I may.

ASSEMBLYMAN ROONEY: We can even have them mailed to you. It won't be any problem at all.

MR. SODIE: Fine, okay.

ASSEMBLYMAN ROONEY: We appreciate it. I want to state for the record that I appreciate Mr. Sodie referring to technical documents, to the facts that-- As we stated earlier, it is easy to pull things out of the air and not have the scientific background. But, Mr. Sodie, your facts are irrefutable, as far as I am concerned. I haven't seen this much documentation in all the time that I have dealt with this, and I go back a long ways in solid waste. As I said earlier, I was a Commissioner in Bergen County when we sited it. Had I heard some of this evidence at that time, I don't know what my vote would have been. I'm pretty sure it would have been the other way.

So, thank you again.

MR. SODIE: Thank you.

ASSEMBLYMAN ROONEY: This is the kind of testimony that the Committee is looking for, and we will look forward to hearing additional testimony.

MR. SODIE: We will have the opportunity to develop more on this at your later hearings then?

ASSEMBLYMAN ROONEY: Absolutely. We will probably have two more hearings on it.

I want to hear as many people as possible here tonight. I will stay. The one thing I want to do right now, is to thank the Borough of Palmyra, and particularly the Mayor. Mayor Bob Leather is here now. Bob, will you please come up, if you would like to say a few things on the record? I said at the very beginning of our hearing that we appreciate being invited here to have our hearing. The hospitality and the accommodations have been excellent, and we want to thank you officially again in your presence. Anything you would like to say to the Committee, we will relay it back. There will be a written transcript.

M A Y O R R O B E R T L E A T H E R: Thank you, Mr. Chairman. I also thank you for coming.

The entire Borough Council, and the Mayor of this town, support this bill. Unfortunately, we don't feel it goes far enough. While we are all in favor of a one-year moratorium, the fact is, it is our position, that all incinerators -- all mass burn incinerators -- should be banned, no if's, and's, or but's, no matter whether it be the Pennsauken incinerator, which we are personally fighting, or whether it be the other 17 or 18 incinerators proposed for the State.

But going on to the bill specifically, there are a couple of things that we do regret. One is on page 3, at the top, number 6. We believe this bill should pertain to all incinerators, and should not exempt any particular type. Number two, as I said before, we believe the ban -- or the moratorium should be permanent. It should not just be for 12 months.

Number three, we, from our understanding, do not believe that this bill should allow any proposed incinerator to be grandfathered. It is our understanding that if this bill passes your Committee, and eventually becomes law, that the Pennsauken incinerator may be grandfathered. We do not feel that any incinerator should be grandfathered.

The last regret I have about the bill, is that it still refers to incinerators as "resource recovery facilities." I don't think there is a more convoluted way of writing or speaking or calling something that burns our resources than resource recovery. The fact is, this is an incinerator, pure and simple. And the fact is that a mass burn incinerator, where you just burn everything-- How can you really know what the effects will be, unless you really know what you are burning? I am not a scientist, but I do know one thing: Unless I know exactly what I am burning, how am I going to determine exactly what the by-products are? How am I going to know what will be polluting the atmosphere? How am I going to really know what will be polluting the groundwater, after the ash is disposed of? The fact is, I won't.

Unfortunately, there have been no studies -- at least no studies we know of -- pertaining to the cumulative effects of all these proposed incinerators. New Jersey is proposing 17, 18, 19 incinerators. In Pennsylvania, there are quite a few being proposed -- in southeastern Pennsylvania, like in Bristol and Warminster, and maybe Chester. In New York City and Long Island, there are quite a few being proposed. What are all the effects of these incinerators? I, personally, have not seen any studies, and I don't believe anyone on our Council has seen any studies pertaining to this.

Also, we wish to point out that with incinerators, just to quench the ash, it takes quite a bit of water. Year after year, our small Borough is being told that we may have to cut back on water consumption. I, as the Mayor, don't want to

be put in the position where either I, or one of our police officers, may have to give some poor guy a ticket for washing his car, when we have an incinerator in operation taking 30 million gallons of water a year. That is not right.

But more importantly, there are better ways. Just burning resources is the worst way. I don't believe it should be up to us to come up with the alternatives, when the main proposal is horrible. The truth is, there are much better ways, whether it be recycling, whether it be composting, whether it be mechanical recycling, or whether it be a combination of things. There are better ways to dispose of our trash; ways that are not as harmful; ways that are much less expensive. While I don't really want to dwell on the expense, the fact is, incineration is damned expensive.

I recall when the Pennsauken incinerator was first proposed back in December 1984. The Pennsauken Solid Waste Management Authority used to put out flyers known as, "Power From Waste." They were mailed to every homeowner in Pennsauken. They said, "Once this incinerator is constructed, the tipping fees for other towns will be no more than \$58 per ton." They also said originally that the incinerator would be about \$30 million. Then within a year or two, it was \$68 million. God knows what it is now. The tipping fees for many of these incinerators across the country are well over \$100 per ton. The fact is, they are very, very expensive. The fact is, they do lose money. The fact is, they create a huge problem with the ash. And the main fact is, we don't need it, can do something about it, and there is no excuse for us not doing something about it.

So in sum, I do support this bill. I just wish it went a bit further, but the Mayor and the Council do support this bill. I thank you for your time.

ASSEMBLYMAN ROONEY: Thank you, Mayor. We really appreciate your time.

Let's see-- Mr. Jacobs left, I believe -- John Jacobs. (no response) I just wanted to give him one last chance, just in case. I also have Joseph Hafesh, Biocomp, Inc. Mr. Hafesh?

J O S E P H W. H A F E S H: Thank you, Mr. Chairman. I am Joseph Hafesh, President of Techscience Industries, Inc., and our wholly owned subsidiary, Biocomp, Inc., which is in the resource recovery business, mainly composting and recycling. We have been in business since 1980.

Accordingly, I appear here today as a witness and proponent of proposed Assembly Bill No. 4105, which would impose a one-year moratorium on the construction of incineration plants throughout the State of New Jersey. Based upon a review of scientific information our staff has done, which includes, but is not limited to, Dr. Killam, a professional engineer with over 20 years' background in the resource recovery field, and Frank Govan, also a professional engineer with over 25 years' background in the resource recovery field, I am here today to testify to some of our findings.

The review was a scientific review. It was also based on documentation that had been submitted to us by the Institute for Local Self-Reliance, and environmental groups, such as the Environmental Response Network. It is our opinion that large-scale incineration projects -- as an example, in New Jersey, incineration is proposed to be constructed, approximately 15 incinerators -- may be loaded with operational problems and, in fact, could produce, and will produce, pollutants in the form of air emissions and toxic ash that can result in long-term impacts on the environment -- land, sea, and air -- on human well-being, wildlife, and the like.

The aforementioned conclusions are based upon, but not limited to, the following. We also have some documentation we can provide the Committee, that was provided to us by the

Institute for Local Self-Reliance, which includes the pitfalls and promises of resource recovery in Union County, New Jersey. You may have it already, but we will provide it, if necessary. We also have some additional information brought out by the Biocycle Guide to Composting Municipal Solid Waste, and we will be happy to furnish you with a copy, if you don't have that specific booklet, which supports composting and recycling and other alternate technologies.

I am going to try to give you some of the sum and substance of our review on the incineration matter. We have found that the specifics dealing with the by-products and air emissions are as follows:

One, by-products of the burning process, as has been testified, and as we concur, contain dioxin. It is a known carcinogen; it is cancer-producing; it is hazardous to your health. Cigarettes have it. To start these incineration programs on a mass basis would certainly put dioxin in the air. I think there is controversy on it, but I believe once the studies are all in and further analysis is done, and more detailed valuations of the scientific information become available, certainly it will be proven that dioxin is a major influencing component of cancer, both respiratory and physiological.

Two, the proposed incineration facilities in New Jersey, which include 15 sites from Warren, Morris, Essex, Hudson, Bergen, Union, et al., would represent a total processing capability of over 18,000 tons per day of municipal solid waste, if this nightmare -- as I would call it -- was ever put into being. Published findings to date indicate that for every 100 tons burned from an incinerator, one can expect 60 tons of ash. Each year, the resulting ash will contain over 22,000 pounds of chlorine, 28,000 pounds of cadmium, and 44,000 pounds of arsenic. If you reduce that to 18,000 tons per day of municipal waste to be incinerated, one could expect in the

millions of pounds of chromium, over five million pounds of cadmium, and eight million pounds of arsenic. These elements are toxic in microgram quantities.

Four, according to the design and specifications we have been aware of from an engineering perspective -- that have been put into place for the proposed incinerators -- it is estimated that from the 18,000-tons-per-day process, one could expect approximately 17,000 tons per year nitrogen oxide emitted into our air, which heavily contributes to ozone depletion and acid rain, and again, there is a significant environmental impact.

Certain advocates of incineration in the State -- or, for proposed burning -- will state that they can control nitrogen oxide. Certainly, any control system that may be in existence, in part can control part of the problem, but not the full problem of nitrogen oxide emissions. This is a very expensive proposition -- to modify facilities, to bring them up to what they call state-of-the-art standards. Normally, state of the art is defined as something that is commercial technology; that is not proven; and that would need significant testing and monitoring along the way, to be considered valid.

I think that part of the moratorium for a one-year period should include, certainly, a study of the evidence on the technical operations of existing facilities throughout the United States, to see how it conforms to the new DEP standards and guidelines, which I believe will be made available tomorrow, dealing with nitrogen oxide. I believe also, plants that have not started construction, will have to meet and move through modifications to accommodate those new specifications from the DEP.

Five, although mass burning incineration technology has been operating for several decades throughout the world, it has not been without its technical failings. In fact, many mass burn plants have experienced technical failures.

Supportive of these claims are many newspaper articles that I am sure, Mr. Chairman, you may have seen, or been given by the environmental network. It is called, "The Folly of Incineration." Have you seen such disclosures?

ASSEMBLYMAN ROONEY: Yes.

MR. HAFESH: If you have, without belaboring the point, the sum and substance of the critiques deal with articles appearing in various news releases throughout the country dealing with health problems with incineration, escalating costs, and tipping fees running from \$38 initially per ton to over \$100 per ton, based upon dysfunctional operation of certain facilities, and combining a fairly constructive picture of where incineration has been throughout the United States. It is plagued with problems. The testing and the operational time that most of these plants have been in operation have been encumbered with environmental impact. Certainly, the longer term will evidence health care problems that, in our belief, will be respiratory in nature, and also physiological. The longer term effects on land, sea, and air, certainly without more detailed study is indeterminate, but it appears that they will be hazardous.

It is imperative that further study and analysis should be mandated during this moratorium, requiring an evaluation based upon part, or all, of the 15 incineration projects functioning simultaneously. In other words, it is not to my knowledge that anyone has viewed two, three, or five of these incinerators operating simultaneously, or all 15.

The areas of study that certainly are required, we believe, should be: Emissions on air quality; health risk assessments, again dealing with those pulmonary and physiological in nature; water/land quality; ash handling and disposal; wildlife and wetlands; and economics.

It appears that the costs involved with the tipping fee, just in the one incineration program we have in the State,

has escalated, and this is not an isolated situation. It has, in many states, for many incineration programs, and certainly I believe the economics should be last considered, because health does come first.

A one-year moratorium, in our belief, is required to further evaluate the short-, intermediate-, and long-term impact associated with incineration on environment, health care, well-being, and the economics of operation.

The State's proposed, or planned incinerators-- Excuse me. Based upon present design specifications, our State's 15 planned incinerators will output heavy metal pollutants such as I mentioned before: chromium, cadmium, arsenic; gases such as hydrocarbons, sulfides, carbon monoxides, and dioxin, as a by-product -- all significantly affecting environment and health.

Economically, incineration tipping fees, as I stated, have accelerated, both in our State and in many states. We cannot continue to afford to manage our municipal solid waste program, or manage it through crises or special interests, or inadequate technology fixes. Somehow I have to question the motives, and certainly the word "greed" comes up. Accordingly, our State Legislature should not hesitate to implement the proposed legislation for a moratorium on all incineration programs to be constructed in the State of New Jersey.

Specifically, there are several viable alternative technologies, which include: increased recycling, composting, fiber and fuel pelletizing, and waste distillation, as this other gentleman went into. All of these processes are more economical, provide little, if any, environmental impact, and are proven, accepted technologies.

I do have our corporate brochure dealing with windrow composting, which is a proven technological process. A plant is being built right now in Dade County, Florida, for a 1000-ton-per-day facility that is based on the same technology,

with the exceptions that we have modified it and updated it and re-engineered it as a more reliable system.

A consideration with corporate entities in our State, or other states, in regard to the ability to move forward and finance these programs-- They are expensive, but they are much less than incineration. As an example, incineration today could run somewhere about \$100,000 per ton per capital cost and higher, up to \$150,000, meaning that a 1000-ton-per-day facility could run approximately \$150 million.

The Biocomp Process, Inc. windrow composting is about \$35,000 per ton per capital cost, representing about a \$35 million program for 1000 tons. This is expensive. Biocomp has retained the investment bankers of Daiwa Securities, the second largest brokerage firm in the world. They have reviewed our process over a two-year period, technically, and from a financial feasibility perspective, and have committed to the company to finance the company's technology, based upon a contractor inducement from a regional authority, an appropriate municipality, up to \$70 million, and we would operate our systems on a privatized basis. The only parameters we look for from a municipality would include: suitable land, a tipping fee, which we estimate to be about \$40 to \$45 per ton, and a commitment, of course, of a solid waste stream -- MSW -- over a period of 20 years.

I don't want to promote any further, or discuss the technology. I am going to leave with the Chair a copy of our brochure -- I believe you did receive a copy in advance, but I am going to leave you an extra copy -- and a copy of the Daiwa Annual Report, which includes background on their financial capabilities. Also, we can supply any supportive documentation you may require.

In conclusion, I would like to make a statement: Our company, since 1980, has done many proposals for many municipalities throughout the United States, including New

Jersey -- including, but not limited to, Mercer County, Somerset, Ocean, both on a solicited and unsolicited basis. We have also provided a significant amount of documentation to DEP.

Addressing DEP first, outside of them reviewing it and saying, "Yes, it is what we consider a viable technology," trying to get them to move forward and do the type of review necessary to support alternatives to incineration, was not forthcoming. I have to question, like others, the motives of the DEP. I also feel that DEP should not take the full arm of the responsibility. But if you look at the particular municipalities in the area, since 1980, we have gone and submitted proposals, as I said, to Mercer and to the Hackensack Meadowlands Development Commission. It seems that certain of our legislators, certain of the local political infrastructures, maybe at the Commission level, did not take this crisis as serious as it was eight or nine years ago, and suddenly the multinationals walk in, like the Browning-Ferrises, Waste Management types, Wheelabrator Fryes combustion engineering, and because of their deep pocket capability, as we would see it, and the political power, somehow they have influenced our State Legislature, our Governor, Daggett, at the DEP level, to support this madness. Again, it has to come down, in our evaluation, to special interests, both at the State level, and possibly at the local level.

We are convinced, and we hope, that these hearings will provide the basis for a moratorium and a study on incineration. It is my conviction and belief that after the study is completed, the facts will be known and the madness on incineration will be stopped. But in the meantime, there are alternate technologies. The DEP, the State, the local regional authorities should review and look at these technologies as viable and, where applicable, implement these technologies into working systems.

I thank you very much for your time this evening, Mr. Chairman.

ASSEMBLYMAN ROONEY: Thank you very much. Mr. Sahajian -- has he shown up? (affirmative response) Jim Sahajian, from Research Control.

J A M E S S A H A J I A N: Not quite.

ASSEMBLYMAN ROONEY: That's what it says on my agenda here.

MR. SAHAJIAN: No.

ASSEMBLYMAN ROONEY: Oh, I'm sorry. Please identify yourself for the record then.

MR. SAHAJIAN: I'm Jim Sahajian, and I am President of Catrel USA. We're, I guess, a company you would call one of those alternative technology companies -- alternative to mass burn incineration. My background is: I am a double degreed chemical engineer. I have been practicing in the combustion and environmental engineering for--

ASSEMBLYMAN ROONEY: Please speak up. That is not a microphone. That is for the tape.

MR. SAHAJIAN: Oh.

ASSEMBLYMAN ROONEY: You are being recorded, but you'll have to speak up for the benefit of the audience.

MR. SAHAJIAN: Okay. I am a double degreed chemical engineer, and I have been practicing in the field for over 15 years. The company I represent is a licensee of a Swiss corporation that, over the past five years, has piloted and commercially developed a technology that produces a wide variety of end products from refuse -- recycles and produces useable end products ranging from aggregates that can be used in the construction industry, to a fuel product which, when co-fired with coal or oil, actually reduces acid rain emissions.

They have spent over \$20 million developing the technology, and I just want to talk a little bit about how it could be applied in the State of New Jersey, and how it

compares to mass burn incineration -- where the weaknesses and differences are.

Mass burn incineration is fatally flawed in two areas, in my opinion. Number one, the capital costs associated with it, as a means of disposing of garbage, are excessively high. That is borne out by the Warren County system, because of the fact that the capital costs and tipping fees are so high, the county is unable to draw any trash into its facility, even though there is an abundance of trash in the State currently. That is a fatal flaw that I think will repeat itself if more installations are sited in the State of New Jersey. The dynamics -- the economic dynamics -- of mass burn are incorrect. It is too expensive for the applications it is being applied to.

Secondly, the technology utilizes wet, unsegregated trash, and makes no attempt to recycle anything out of the trash stream, and because of the fact that there is a lot of tramp and recyclable materials that will volatilize at high temperature, and also because of the inconsistency of the waste that is being put into the unit, you get a combination of volatilization of metals -- cadmium, lead, beryllium -- and also the incomplete combustion of plastics, which forms chlorinated hydrocarbons, PCBs, benzofurans, dioxins, everything that everyone is concerned about.

These are the two flaws associated with mass burn. One alternative to mass burn incineration-- There are a number of them. Recycling is the most sound alternative, but at the household level, that is the easiest way to eliminate the volume of trash. The second alternative would be composting. Certainly, that is a viable alternative. Communities have a limited amount of compost that they can absorb. If we composted all of our garbage in the United States, we would have too much compost.

Other alternatives that should be considered are manufacturing viable end products in relatively inexpensive plants that can be utilized and absorbed into our infrastructure in the United States and in the State of New Jersey. The technology that our company manufactures, and that has been piloted in Switzerland, which is probably one of the most pristine countries in the world, is one whereby garbage is converted, through a combination of recycling in a plant and through -- followed by the addition of aggregate materials and thermal compression-- We manufacture hard end products. These end products are pellets, and they range anywhere-- There are really four types, and I would like to submit some graphic information to you, and to the record. They range from mortar material that can be used in the manufacture of drywall, spherical aggregates that are used for low density construction, pellets that are used in roadbed construction and for fill, and the glomerates which are a synthetic coal material, which have been fired by Argonne National Laboratory. In the United States, they fired 700 tons of pellets that were manufactured using the same technique that we use. They fired them in an existing coal-fired facility that they run. They found that the emissions of sulfur dioxide and nitrous oxide from that boiler were significantly reduced as a result of co-firing these materials with their existing coal.

They saved coal, eliminated garbage, reduced acid rain emissions, and the capital cost of the facility that it would take to manufacture -- recycle the materials, the recyclables out of garbage and manufacture the pellets, is approximately 20 to 25% of what a mass burn incinerator would cost. To put it in perspective, if the coal-burning power plants in the six central Atlantic states were to utilize, or satisfy only 10% of their current coal consumption needs using a, what I would call a high-tech consistent fuel manufactured from refuse, something dry, brittle, and easy to transport, like coal, they could

consume approximately 170,000 tons per day of garbage. This infrastructure is existing and operating every single day, while the State of New Jersey considers spending billions of dollars recreating plants that are going to burn garbage, in what I consider to be an environmentally unsound fashion, and will spend a fortune in taxpayers' dollars. And it is going to be further intensified by the fact that these plants, because they are so inherently uneconomical, will be unable to correctly herald the trash that is being generated in this State, in my opinion, into those plants, because the haulers are not-- You are literally going to have to have an enforcement troupe that is as big as your collection troupe, to try to get the trash into the plants that you are proposing to build.

I really feel that if the State were being sensitive to alternative technologies such as this one-- We are prepared to build, own, and operate a plant -- a demonstration plant -- in this State, with no money from the State of New Jersey, completely on our own balance sheet, without any financial support. If the State were really looking for alternatives -- more economic alternatives to mass burn incineration, I think they would welcome companies such as my own coming forward and building plants -- demonstration plants, environmentally sound demonstration plants -- that provide an alternative to trash incineration and mass burn units.

So far, the reception that we have received has not been particularly good, primarily because the direction on the part of the State DEP to the Freeholder boards has been, "The technology of choice is mass burn incineration. This is the only proven technology, and this is the way the State of New Jersey is moving forward." I, myself, am completely convinced that this is the correct approach to take with the elimination of garbage, combined with intensive curbside and household level recycling and composting. I think they are the three

sound alternatives that the State should be looking at. Mass burn incineration, in my opinion, is going to be an economic and environmental disaster, if the State continues to implement this program.

I think you should really study very heavily what has taken place in Warren County, and before you repeat that--

ASSEMBLYMAN ROONEY: We are going to. We have already said that.

MR. SAHAJIAN: I wasn't here earlier.

I have some introductory information which describes the testing that has been done by Argonne National Laboratory. It provides statistics in terms of what the infrastructural capability is in just this general area to absorb the fuel without building any more incineration plants. We're sitting on a huge infrastructure in the United States that can use by-products from trash -- the building industry, the agricultural industry, and the power industry. Why we go out and insist on constructing multi-billion-dollar facilities is beyond me. Someone really hasn't studied the problem adequately and looked at everything that is being developed out in the marketplace with a fair and unbiased view, in my opinion.

ASSEMBLYMAN ROONEY: Basically, your product is a RDF refuse--

MR. SAHAJIAN: That is one of the products.

ASSEMBLYMAN ROONEY: Okay.

MR. SAHAJIAN: We can simultaneously, in one plant-- We have one plant operating in Switzerland that is producing four products simultaneously, which range from building materials to dried, pelletized fuel.

ASSEMBLYMAN ROONEY: What tonnage is that per day?

MR. SAHAJIAN: Two hundred and fifty tons per day. That is correct.

ASSEMBLYMAN ROONEY: Do you have any other plants -- any larger plants?

MR. SAHAJIAN: No, that is the first one, but the concepts that are used-- The equipment that goes into plants that are not mass burn plants are very straightforward. They are primarily just mechanical grinders, rotary drums. The technology is very well demonstrated in much larger scale in other RDF plants right here in the United States. There are a number of very successful refuse derived fuel production plants in the United States. I don't think that technology has been really looked at adequately in the State of New Jersey.

ASSEMBLYMAN ROONEY: I recall a process -- 15, 20 years ago -- a company called Combustion Equipment Associates, in the city.

MR. SAHAJIAN: That's correct.

ASSEMBLYMAN ROONEY: They were one of the first I had seen in the RDF business.

MR. SAHAJIAN: Yes.

ASSEMBLYMAN ROONEY: I don't know the exact name of the--

MR. SAHAJIAN: Echo Fuel.

ASSEMBLYMAN ROONEY: Echo Fuel, that was it.

MR. SAHAJIAN: That's right.

ASSEMBLYMAN ROONEY: Are you connected with that company, by any chance?

MR. SAHAJIAN: No, not at all; not at all.

ASSEMBLYMAN ROONEY: Do you recall what their problem was? I know they had a major problem, because they tried to come to New Jersey.

MR. SAHAJIAN: They used the sulfuric acid embrittlement process to produce a pulverized -- a fine powder, which could be burned in electric utility boilers, and they were burning it at the United Aluminating unit up in Bridgewater (sic).

ASSEMBLYMAN ROONEY: In Connecticut.

MR. SAHAJIAN: The problem was that their technology was flawed. They were using a very high temperature pulverization step, and an explosion occurred. The technology we employ uses an additive which you use in your garden every day, and simply dries the end product, releasing nothing but water vapor. All of the metals, glass, and, to the maximum extent practical, plastics are removed.

The other thing that is interesting is, when this dried material is actually combusted with coal or residual oil-- You know, PCBs form from the incomplete combustion of plastics. Most people don't realize that, but when you take grass clippings and wet garbage and food wastes, along with your Chlorox bottles and your plastic containers, and you put them into an incinerator, the plastic smolders and releases chlorine and PCBs. Those materials get up into the stack house and go up the stack. When you dry a fuel, you can combust plastic very efficiently in the utility scale boiler, and completely destroy it all the way down to CO₂ and water vapor, and very, very low levels of chlorine. That is something that most people don't realize.

ASSEMBLYMAN ROONEY: You are not connected with Research Control in any way?

MR. SAHAJIAN: No, not at all.

ASSEMBLYMAN ROONEY: Just a similarity of names?

MR. SAHAJIAN: No. Catrel is a French name.

MS. LOMBARDI: How do you spell that?

MR. SAHAJIAN: C-A-T-R-E-L.

ASSEMBLYMAN ROONEY: Okay.

MR. SAHAJIAN: I might also mention that on the aggregate side, the 250-ton-per-day plant that we have operating was actually constructed out of building materials that were produced using garbage from a pilot facility. So, you know, there is technology -- advanced technology -- being demonstrated in Europe today and, like so many things, the

Europeans, because of the fact that they have limited space and limited natural resources, started to look at better and less expensive ways to do things. I really urge-- Mr. Chairman, I urge your Committee to evaluate these technologies and allow them to come in. Open the free enterprise door up in the State.

ASSEMBLYMAN ROONEY: Are you inviting us to Switzerland to take a look at your facility?

MR. SAHAJIAN: Absolutely.

ASSEMBLYMAN ROONEY: Any volunteers?

MR. SAHAJIAN: We're a company here that has a process that doesn't emit-- You know, I like to use this example: If you were to take a central station, say the Mercer or Hudson station of PSE&G existing now, burning coal, and put one of these plants next to it, and put the bubble over it, the emissions from that bubble would go down, and trash would go in. And you would get about 5% to 7% rejects coming out that basically look like dirt, but are primarily grit, and broken glass and sand and dirt, which we can't do much with yet. We're looking at possible uses of the residue. The emissions of sulfur dioxide and nitrous oxide from that existing power plant would be reduced. So, the net impact to the environment is negative of this technique.

Somebody should evaluate it. I mean, you know, you are going to reduce-- By using your trash, you have an opportunity to reduce the air emissions in the State of New Jersey, not increase them by adding more smokestacks and more incineration plants.

ASSEMBLYMAN ROONEY: Thank you very much.

MR. SAHAJIAN: Thank you.

ASSEMBLYMAN ROONEY: If any of the people who presented technical literature or brochures on whatever alternate technologies-- If you could get us about seven copies for the Committee members -- five Committee members, and we would like to have two additional copies for staff -- we

would appreciate it. It is easier than having someone copy them, especially when they are bound like this. So, if you would make a little note.

ASSEMBLYMAN PASCRELL: DEP just left.

ASSEMBLYMAN ROONEY: Excuse me?

ASSEMBLYMAN PASCRELL: DEP just left.

ASSEMBLYMAN ROONEY: I didn't even know they were here.

ASSEMBLYMAN PASCRELL: Put it on the record.

ASSEMBLYMAN ROONEY: Let's see, where are we? I think we have completed one list, and we are going on to the next list. Mr. Mark Lohbauer?

UNIDENTIFIED SPEAKER FROM AUDIENCE: He'll be back.

ASSEMBLYMAN ROONEY: Oh, he'll be back?

UNIDENTIFIED SPEAKER FROM AUDIENCE: He's making copies to submit.

ASSEMBLYMAN ROONEY: Okay, no problem. Mark Coyle?

M A R K D. C O Y L E: Before I begin my remarks about the proposed bill, I would like to point out that--

ASSEMBLYMAN ROONEY: Please speak up, so the audience can hear you.

MR. COYLE: Okay. Before the dinner break, I told you that John Washington was no longer here. He has returned.

ASSEMBLYMAN ROONEY: John Washington is here, okay.

MR. COYLE: I would like to first point out a few places where I think the text of the bill itself could be amended.

ASSEMBLYMAN ROONEY: Are you representing a particular group, or just yourself?

MR. COYLE: Well, I am a member of ACOP -- Allied Citizens Opposing Pollution. I did not discuss these remarks with the rest of the group, so this is representing--

ASSEMBLYMAN ROONEY: For the record, I have one, two, three, four, five, and I think we have already had one or two other people testifying right in the beginning from ACOP. We

would like you to get together and not duplicate the testimony. I had to leave Bergen County at 5:30 this morning to get down to the facility we looked at, and I have another two-and-a-half hours to get home. So, I would appreciate some sympathy for the Chairman of this Committee, and allow me to leave at a decent hour. I know that Mr. Pascrell, who has only spent a half a day with us, has to go to Passaic County, which is almost as far, and he wants his last licks. I promised him that he would be last to speak, so please consolidate your testimony. We were scheduled until nine o'clock, but I am willing to go beyond that, if you are willing to cooperate and keep the testimony succinct.

MR. COYLE: Okay. In general, I support the purpose of the bill. However, in paragraph 1, the first five lines of it, the statement: "An effective statewide solid waste management strategy will require the construction of several resource recovery facilities--" I would like to see that taken out of the bill. I think you have heard enough reasons already this evening. There are a lot of reasons to doubt that any of these facilities should be operated, because they are too dangerous, and they are too costly.

My other suggestion is: Do not use the term "resource recovery facilities." Perhaps solid waste incinerators, or some more neutral term--

ASSEMBLYMAN ROONEY: "Resource destruction," as someone said earlier.

MR. COYLE: The third thing, in paragraph 1, I notice that you did not mention anything about the question of what to do with the ash. That is just another reason why you would want this moratorium. I think it would be a good idea to include that in the first paragraph of the bill.

ASSEMBLYMAN ROONEY: I know the sponsors do have amendments to the bill. I am not one of the prime sponsors; I think I am about fourth or fifth on the list. Assemblyman

Rocco and Assemblyman Pascrell are the two prime sponsors, and there are other sponsors. I would direct your questions to them, and your comments to them, for their changes or amendments, as necessary -- as they deem necessary.

That will be part of the record. Please continue.

MR. COYLE: The other thing I would like to see amended is in paragraph 5a. of the bill, the period of the moratorium. Well, of course, I would prefer it to be like 50 billion years, but I don't think you are going to do that.

What I would seriously suggest you might consider doing is, instead of having the moratorium expire in 12 months, perhaps you could have the moratorium continue until there is an affirmative vote of the Legislature to resume the permitting process. What I fear is that if DEP can take six months, or however long they may take, to do this investigation, especially given that they seem to be biased in favor of having lots of incinerators, it might be hard to figure out exactly what they are saying in their report. I mean, I have a lot of difficulty reading the reports and understanding them.

I think it would be better if, instead of sort of having the moratorium expire when the 12 months are up, it should expire when the Legislature is convinced that incineration is not the right way to go. I think it would be better to have that established by a vote of both houses, rather than simply by having somebody able to delay a vote to stamp them out again.

One problem that I don't think was addressed very clearly so far tonight-- We have been fighting the Pennsauken incinerator around here mostly. Last January, we had a hearing about proposals for controls on nitrous oxide emissions from that plant. That hearing was held because the Federal EPA had ordered the hearing to be held, after DEP had previously approved the plant without any such requirement for thermal denox scrubbers.

After EPA sent that back to the State, ordering them to consider that issue further, Pennsauken so-called voluntarily came up with a plan to include thermal denox. But, as far as I know, that is the only one in the State that is supposed to have these. I think that is an example of the type of technological question that has not been answered adequately statewide. I think that is a good reason to go ahead with your moratorium, to study that and lots of other issues which have been brought up.

My final comment is in regard to-- There was a study that the American Ref-Fuel representative talked about earlier, where he had something like 82% of the people favoring resource recovery. I doubt that they were really well-informed about what exactly that means -- resource recovery. It sounds nice. But, if it is so popular that 80-some percent of the people favor it, I don't understand his comment that the incinerator in Boston was stopped because it would have been bad for Governor Dukakis' campaign for President. Why do you try to hide the popular things you are doing if you are running for office? That doesn't make sense. I think it is becoming more and more clear that the voters that know about the issue are turning more and more against incinerators.

ASSEMBLYMAN ROONEY: I think they were planning to put the ash in Boston Harbor. That's what it was. (laughter)

MR. COYLE: The other comment kind of on the same issue is, in the debates in the race for Governor this year, which have been on TV recently, the only candidates who are talking about incineration voluntarily are the ones who are against it -- Assemblyman Karcher and Senator Cardinale. It seems to me that if the people in favor of incinerators thought it was a popular proposal, they would be saying they were the ones in favor of it, and that they should be the ones selected Governor for that reason. The fact that they are not, shows that they do not believe the public wants it.

I hope you and the Assembly, and the Senate, too, will consider that as an indication of what the public really thinks about this.

I am not here as a scientist, or a chemist, or anything like that. You did talk about people talking about their areas of expertise. I do have a master's degree in political science. One thing I do know about politicians is, they don't hide ideas of theirs that they think are popular.

Thank you.

ASSEMBLYMAN ROONEY: Thank you very much, Mr. Coyle. I appreciate your testimony. I'm glad you mentioned my Senator, Senator Cardinale, who I represented last night at Mount Arlington. A question came up on incinerators, and I spoke on his behalf. I told everyone that he is absolutely opposed to incinerators. We have talked about this issue for a long, long time, because he knew of my background at the Bergen County Utilities Authority. I have been to the plants. I was at the one in Florida, the one in Pinellas County, the one in Baltimore, the one up in Boston that they had a while back. I have been in and around the industry for quite a while. I have no conflict of interest, by the way. I don't do any business with any of these people. I don't own any stock in any of these alternatives, or anything like that.

But, I am concerned. I told you earlier why I am concerned, in my area particularly. One incinerator might be something we would be able to live with, but I don't think we can live with what has been proposed, and what is being proposed in the State, when we are looking at -- I've said it so many times -- four incinerators, six sludge incinerators, the petroleum plants, the refineries, and the paint plants, that are right in that corridor. It makes no sense at all.

If we get nothing else out of this, but deliver a message to DEP-- I think the message is already there, because the results are starting to happen. This task force on

alternate-- I intend to take the testimony we have here now and deliver it personally to Mr. Deieso, as far as these alternative technologies are concerned. I intend to do that. (applause) Again, no applause, because we are not going to have any hissing or booing either. That was the agreement.

We want to hear the testimony. We want to continue with this. I think it is good to open it up to the public. This is what the process is all about. We are politicians. We realize what has to be done. I have to live with this. I mean, my children have to live with it. My kids were born in this State; in fact, right down in the middle of that area where all these incinerators are going, is where they were born. I am not too happy with that. I would like to have them stay in the State, because it has been very good to us. I don't think that is going to be possible if we continue along the path we are following..

So, let's continue the hearing. I am getting a little maudlin here, and a little slaphappy, too.

Is Mr. Lohbauer back? (affirmative response) We will give you another opportunity. We called your name earlier, but--

M A R K S. L O H B A U E R: I heard. Thank you, Mr. Chairman. I appreciate that very much.

My name is Mark Lohbauer. I am actually a Camden County resident. In fact, when the panel leaves tonight, you will no doubt be taking Route 73, and you will be passing by--

ASSEMBLYMAN ROONEY: If I can find it.

MR. LOHBAUER: If you can find it; if it is not underwater. You will be passing by the Pennsauken Landfill and, just so you know, as you pass by that nice mountain of trash, I live just on the other side of it -- right around the corner from this hearing spot.

I am not here to testify before you as an individual or as a resident, nor am I here testifying to acknowledge my

former capacity as an elected official. I was once a Township Committeeman in the town of Pennsauken, and I may have been one of the first political victims of the mass burn industry. I originally won my seat in 1985 by campaigning hard against the mass burn project proposed in Pennsauken. I lost it last year, when Ogden Martin kicked in some money, and their lawyers, their engineers, their accountants, and various other consultants, put together about \$50,000 and helped to amplify the treasury of my opponents.

In any event, that is part of the reality of incineration in this State today, but again, as I say, I am not really here speaking to you in that capacity, as you have it on my card. I am here talking to you as a representative of a national, nonprofit organization called Work on Waste, USA. Work on Waste is a service organization that supports grass-roots groups around the country that are battling mass burn incinerators, and trying their best to replace it with an alternative technology. In principle, we favor intensive recycling, composting, reduction, reuse of waste. We acknowledge that there will likely be an element of landfilling with all of that, but the element of landfilling need only be a small portion of what is currently being done commonly around the country. It need not be the hazardous type of landfilling that we are now doing. Even common household everyday trash that we now deal with in landfills like Pennsauken's here, winds up leaching a hazardous element into the ground. Typically, just like here in Pennsauken, these landfills are sited directly over our drinking water supplies, in this case, the Potomac/Raritan/McCaffey (phonetic spelling) aquifer, which is about 20 feet below the bottom of the landfill, and is now filling up with volatile, organic compounds, metals, and other things that are leaching out of that landfill.

We are proposing a change from the traditional answer of mass burn landfilling, but we disagree with the State DEP,

which says that we need the four-prong approach, which includes, as really its main prong, what they call "resource recovery." I want to tell you, obviously as a result of that position, we certainly strong heartedly endorse Assembly Bill No. 4105. I wanted to suggest to you that there are a few reasons why this bill is now before the public and before the Assembly, despite the history there has been in the State over the past 10 years that has strongly pushed the mass burn incineration approach technology on all of us here in the State.

First off, we have had, prior to this proposed legislation, a couple of pieces of legislation that very strongly pushed mass burn technology; they were the Solid Waste Management Act and the Resource Recovery Act. I won't go into them. I am sure we are all familiar with them. But I wanted to point out to you that we are here today discussing A-4105 because those two bills are very old. To give you a few examples: One of the premises was that the mass burn incineration technology was a safe, state-of-the-art process. If Warren County, and all of the other incinerators that are operating in other parts of the country have shown us nothing else, they have shown us that this is no proven technology; that, in fact, this is a very faulty technology; a technology that is sold to us in devious terms. It doesn't deliver on its promises, and there is a great likelihood that it is, in fact, unsafe.

We have learned that health risk assessments are largely phony analyses; that the results that you derive from your health risk assessments are usually coined before the research is done, and then the research is done to match up with the results. We have also learned that despite the proposition of the industry that dioxin is wholly destroyed, that, in fact, mass burn incinerators are factories for dioxin. Dioxin doesn't come into these plants; it is synthesized in there, in the burning of mixed waste, and it

does, in fact, come out. It comes out of the stack; it comes out on the ash. That no longer is something that is subject to question, as a result of the research of Dr. Barry Commoner in the Center for Biology of Natural Systems.

We have also been told, and learned, that this was false; that the costs of mass burn incineration will stabilize -- the ever-spiraling costs of getting rid of our trash. In fact, the reverse is true, and I don't think we need to go into detail to confirm that. Again, I would have us look at Warren County, to see just how far off they are from their tipping fee estimates that they projected just a few years ago. Now they are at \$98 a ton, seeking \$135 a ton, and probably actually aiming for points north of that.

We also know that the waste reduction claims that have been made by the industry are false. For a long time, the State was sold on the concept that mass burn incineration would reduce our waste stream by 90%. As such, it seemed a real panacea, an opportunity for the State to become self-sufficient within that time frame that we have been looking for. When, in fact, we look at these incinerators, we realize that the industry was not telling us the awful truth about by-pass waste, and waste that could not be processed during the downtime of the incinerators. Add that to the ash that is now being treated, so they say, with lime -- the quantity of lime that is also being landfilled with the ash -- and you are fortunate if you are reducing your waste volume by 65%, in practical application. That is not a very great change.

We have also been given the notion -- which we have since learned is not true -- that there is no alternative to mass burn incineration; that if we really want to break away from landfilling -- mass landfilling -- the only we can do is mass burn incineration. Well, that simply isn't true. Already your testimony today, and at your previous hearing, has

established for you that there are programs that have been outlined in North Hempstead and Seattle, Washington. The City of Philadelphia itself is working on its own 50% reduction plan through recycling. There are a number of alternatives out there that involve no burning at all.

We learned some other facts, too, things the industry wasn't telling us from the outset. We learned that we have only touched the tip of the iceberg in terms of identifying pollutants that come out of these incinerators, both from the stack and on the ash. For example, just three years ago, we thought there were only 75 different dioxin compounds that had been identified anywhere in the world and that were accepted as coming out of incinerators. We now know that that figure is more than 2000. That has been documented at dioxin symposia -- the International Dioxin Symposia that were alluded to earlier by Mr. Guenther's testimony.

We have learned that nitrogen oxides and carbon monoxides are precursors of the atmospheric ozone. We have also learned that this is a major, major health problem in America today; something we did not know five years ago; something that the industry did not tell us, and something that they did not acknowledge they would be adding to.

We have learned that the water waste from the use of incineration will be unprecedented. There never has been water waste associated with the processing of trash, but now for the first time we are talking about multi-millions of gallons of water in a year being used by any given facility. Even the Pennsauken facility, which has now been designed to be an air-cooled plant, will be using upwards of 21 million gallons of water a year, just for the purposes of getting rid of trash.

These are things that we were not aware of. I have brought along some documents that I want to turn over to the Committee, which will also shed some light on things. These are things that have been put together by Work on Waste, USA.

Number one, some examples of our "Waste Not Newsletter." This is a weekly newsletter. It is published by Paul and Ellen Connett. If the Committee is interested in subscribing, all that information is in there; the point being that this is a weekly that has chronicled now for more than a year the problems with incinerators around the world, largely in this country, though, and also successes of recycling. There are also occasional stories about connections between people supporting incineration, and yet at the same time having their conflict of interest, having a job with it.

Interestingly, some of the people in the audience earlier today were called NIMBYs by one of the pro-industry speakers, and frankly, some of the biggest NIMBYs that we have ever seen have come from the other side. The story of one is chronicled in here for you, a fellow named Jeffrey Hahn, who was a Vice President of Ogden Martin, who, naturally as his way of life, earns his living helping to construct incinerators in communities out in the West -- on the West Coast, in California. And yet, when there was an incinerator proposed by another company in his hometown, he joined a local group to fight it. So, that, to me, is a real NIMBY.

I think you will find that the people who are testifying before you today in support of A-4105, are here to tell you not that we just don't want it in Pennsauken, or don't want it in Camden, or don't want it in Morris County; but rather that, "We don't want them anywhere in New Jersey." We are convinced that this is not acceptable solid waste management technology. If anything, it is not really a management technology at all. It's solid waste trickery, or chicanery. It is a way of converting one problem into another problem, in the hope that no one is watching. And yet, all the public has been watching for the past five years, and we are very grateful that you are giving us this opportunity to tell you what we have seen.

I have included in here three issues of "Waste Not." They talk, in large part, about problems with Ogden Martin. Since there was so much lively debate earlier about whether or not Ogden Martin is a responsible company, and how many good, functioning plants they have around the country, you may find some of this interesting reading. Those collectively are Exhibit A. I am also submitting, as Exhibit B, a study that was done by two of our principals in Work on Waste, USA, Dr. Paul Connett and Tom Webster. I want to emphasize for you, too, that all of this material is work that they have done, well, short of the newsletters, for which we get remuneration which covers the costs. All of the other work was done at no charge to anyone. It was done on their own. Their feeling is that it is their responsibility as responsible scientists to a community in need. I should add that none of us who do work for Work on Waste do it for any kind of fee. It is all volunteer work.

In any event, this study -- the first one, which is Exhibit B -- is entitled, "An Estimation of the Relative Human Exposure to 2378TCDD Emissions Via Inhalation and Ingestion of Cows' Milk." Now I realize that that title is a little bit difficult to ingest, but it boils down to this: It is trying to tell us that the industry has not given us the full story on health risk assessment. Here is a very narrow, specific look at one subject that has never been talked about by any of the industry's health risk studies; a study that said, "Gee, what happens when dioxin that is coated to dust particles coming out of smokestacks of incinerators settles down in areas where dairy cattle graze?" This calculation was done. The study results show -- to give you one quick, interesting highlight of it in summary -- that because a cow grazes on this grass that would wind up being coated with this dust, the dioxin in the dust bioaccumulates in the fatty tissues of the cow; in this case, the udder the dairy product-producing part. We extract

all of that dioxin in that fatty tissue dairy product material, and then we wind up processing it as milk, butter, ice cream, what have you.

As a result of their calculations, they have determined that one liter of milk from a cow that would be grazing in an area near an incinerator would be the equivalent -- would give a human being the equivalent dosage of breathing in dioxin from standing near an incinerator for eight months. That is quite a difference, and certainly you will recognize that there are dairy cattle in the State of New Jersey, and dairy cattle in the nearby State of Pennsylvania that would be affected by New Jersey incinerators, or in the State of New York, and whose dairy products we consume.

The second study of theirs -- also Dr. Connett and Mr. Webster -- is my Exhibit C. It is called, "Critical Factors in the Assessment of Food Chain Contamination by PCDD and PCDF from Incinerators," once again an attempt to look at, how is dioxin and furans -- or rather how are they affecting us through the food chain, in ways other than through milk?

I will just make one interesting point for you here: They really attack the health risk assessment process that has been relied upon by the industry. Even today, you had representatives of industry come in here and tell you that exposure to the emissions from an incinerator plant are no worse than eating a few peanut butter sandwiches or drinking a few dozen diet colas. Okay, you've heard that, and that is based on hard research that they have done, but the numbers have been massaged to give you the explanation of how this study is excellent. It points out in here, for example, that one very critical element that was used in those health risk assessment studies was reliance on something called the "ISC model" -- for Industrial Source Complex. What the ISC model said was, tiny particles dropping out of smokestack plumes have a tendency to accumulate on the earth at a certain rate.

Unfortunately, the rate that they are relying on in this ISC model says, that most of the particles bounce. In fact, over 96% of the particles, they claim, bounce. In other words, if you try to determine what the risk to a person living near an incinerator is going to be from exposure to elements in the plume, well, you'll find that it is virtually nothing, because 96% of the material has bounced on out of his area, and gone somewhere else. They don't have to worry about the health risk assessment for the somewhere else. They are only worried about that famous man you have heard about, who stands for 70 years at the point of maximum impact, and does deep breathing exercises. (laughter) Okay?

Now, the fact is, the ISC model is all wrong in its application here, because-- I have attached for you, as my Exhibit D, the original study that developed the ISC model, and this was not done by Dr. Connett or Tom Webster. This was a dispersion deposition from aerial spray releases by R. K. Dumbold, J. E. Rafferty, and H. E. Kramer (names phonetically spelled). This study, which came up with this interesting analysis which says that 96% of the particles bounce, was based on a study of dropping oil particles from a DC-7 onto index cards that were laid out on a runway. Okay? Not even dry particles that come out of incinerator stacks; this were liquid particles of fuel oil that were dropped at an altitude of 100 feet over these index cards, and they measured just how far the oil droplets would go. I will note for you, too, that Messrs. Dumbold, et al. put in the end of this study: "Specific values for the partial reflection coefficients used in this study may not apply to other spray material or other sites where the properties of the ground are different." In other words, if you are not going to be dropping oil on index cards, don't use this information. (laughter) But, they used it anyway, exactly. If you will check with that gentleman from Ogden Martin again, he may know what Roy Weston used or what Malcolm

Pirnie used, but even if he doesn't, you'll find it referred to in Dr. Connett and Mr. Webster's studies; that it was erroneous information. You can imagine the magnitude of error that that means. If you are going to say 96% of the dioxin is bouncing right on out of the picture, let's not worry about it, what do you think that does to your calculation of cancer cases at the bottom line? Obviously, it is a major change.

I have included one other study for you. I'm sorry, two others that Dr. Connett and Tom Webster have done. One, "A Cumulative Impact of Incineration on Agriculture: A Screening Procedure for Calculating Population Risks." If you want to get at the true figures for what kind of cancers we are looking at, refer to this study. We don't have to go and expend major dollars. This will certainly help, I think, in the aim of what this bill is doing, trying to get at a cumulative health impact. You can start with reviewing Dr. Connett and Mr. Webster's work on that Exhibit E.

Finally, Exhibit F, which I am including for you, is a paper that the same pair has done, called "Municipal Waste Incineration and Risk Analyses: The Need to Ask Larger Questions." They are pointing out that the questions that are being asked by the industry, and by industry consultants, are very narrowly framed in order to help us sidestep the critical issues. Just to highlight some of their points: They indicate here that: "Risk analyses are misused. They are deliberately created for the purpose of reassuring the decision-makers, who have already made their decision, 'We want an incinerator; it is perfectly all right; people won't be killed.'" That is when the risk analysis is prepared.

There are tremendous omissions in these risk analyses. They point out here that not all pollutants are considered by them; that there are synergistic effects that have never been considered. And once again, I commend

Assemblymen Rocco and Pascrell for having the courage to put into a bill -- and the co-sponsors, including you, Mr. Rooney -- the courage to put into the bill a demand that we take a look at the cumulative effects. It may not be possible to determine, to a final degree, exactly what all of the cumulative health effects are, but certainly we owe it to the New Jersey public to take a look, to try to find out what we can, because we know no one, at this point, is looking. No one is bothering to question, what does it mean to have an incinerator in Pennsauken -- a few hundred feet from here -- another incinerator, twice the size, in Camden -- three miles further down -- and yet another incinerator in Gloucester County -- five miles from this spot? What does that mean, to have those three incinerators lined up like that, right here along the Delaware River?

No one is looking at the food chain exposure either, other than my colleagues at Work on Waste. No one is looking at the problems of ash handling and disposal, and what health effects those will have; what health risks that will add?

We also point out in here -- rather Dr. Connett and Mr. Webster point out -- that there are non-conservative assumptions that are being used in these health risk assessments. As you know, if you are going to do a true risk assessment, you've got to assume the worst possible scenario in all cases. Unfortunately, the exact opposite is being done, routinely, in these health risk studies. They assume the best possible situation, and you don't get an accurate result.

They don't use proper particle deposition modeling. As I pointed out to you before, the industry is still saying the particles bounce. I might add, this is not speculation on our part. The studies I pointed out to you have been peer-reviewed, and have been published in respected scientific journals. It is not as though these are two scientists crying in the wilderness without any recognition from the scientific community.

There are non-conservative assumptions in the dioxin concentration in the food chain, and this can't be underestimated because, as an earlier speaker pointed out to you, we simply don't know what the effects of dioxin are. It is too new a compound. It is totally synthetic, despite reports you have heard to the contrary that this is something that can occur naturally, even in forest fires. The fact is, this is a man-made synthetic compound that we know has health effects on living organisms. We just don't know exactly the extent of those effects. What we are talking about is having an open, ongoing experiment by having so many dioxin factories, if you will, in and amongst us, and getting into our food.

I don't want to take more time. I am going to leave this with you to review. I hope you will not only review the documents, but that you will also consider inviting to testify Dr. Connett and Mr. Webster, so they can answer whatever particular questions you might have about these documents, since they are the authors. In fact, these are, obviously, scientific documents, and not for a layperson like me to try to analyze for you. It would help, though, obviously, if the Committee could arrange for them to come down, because, again, they are not like some of the other three-piece suiter scientists who were here today. They are not being paid for this.

I have one other point I wanted to make for you: In congratulating the Assemblymen on presenting this bill, and really the prime reason why Work on Waste, USA supports this moratorium bill, is because right now, the whole function of recycling, or reduction, or composting, or reuse of waste as an alternative approach to New Jersey's waste stream, is being totally clouded over; totally obscured by this monster of mass burn incineration. We have created an engine that must be fueled. We have seen that example in Warren County. The first victim in the Warren County fiasco was the recycling effort in

that county. That would only tend to be repeated in the other counties around New Jersey. Not only is that true when you've got an actual operating incinerator; that is true before the first brick is ever laid on any of these buildings. If you look in any of these communities, any of the counties where incinerators are planned, you will find largely window dressing, when it comes to reduction, recycling, reuse, composting, because everyone knows that downstream we are getting the big machine that needs to be fueled. And it is going to be easy. We are not going to have to go through separation; we can just set our waste out the way we have always done.

Furthermore, the other industries, the recyclers out there, the composters out there, are not being encouraged to come into New Jersey to develop the work they do, to invest their dollars speculatively in recycling and composting here, because they cannot be guaranteed that their business is not going to be done in by incinerators in the future. In order for us to have a healthy atmosphere in which we can, in a sane and rational way, really ask ourselves, isn't it true that we can handle our waste stream through recycling, reduction, reuse, composting, we must put mass burn incineration on the shelf. We've got to do that. Before that is done -- and I see it happening with this bill -- we will never have a meaningful opportunity to prove that what was done in East Hampton, Long Island by Dr. Commoner, reducing the waste stream by 84%, could be a way of life in New Jersey. We know it could. We know what is in the waste stream. We know what we could do with it. We only need the chance.

We support A-4105 because it is going to give us that fighting chance. Thank you very much, Mr. Chairman.

ASSEMBLYMAN ROONEY: Thank you. (applause) No applause, please.

I am now going to call Alene Ammond, a former State Senator, I understand. Senator, welcome. I'm sorry. We called you earlier, but I guess you were on the original list, and you weren't in the room, so--

S E N A T O R A L E N E S. A M M O N D: Yes. No one told me exactly when I was supposed to be on. I thought it was just a free-for-all.

ASSEMBLYMAN ROONEY: Believe me, we wouldn't have been able to tell you with any certainty at all. It has been--

SENATOR AMMOND: I know. I also want you to know that, having chaired many, many energy hearings in Trenton, I have sympathy for you. I want to commend you for your patience and your openness, because it is not often that we in South Jersey have Senate or Assembly Committees come down here to have any hearings. So, we want to commend you.

I will do this as quickly as possible. In order for any society to handle -- to have a lateral breakthrough, a dramatic illumination, three preconceived ideas must be had. To do this, we must learn to suspend our current belief systems, which often wed us to outgrown criteria.

We, the people, are the source of the value and the choice -- the source of the ideas for the planning of our environment, the environment in which we live. And from the embodiment of a new vision, we will rise. H. L. Mencken said: "For every problem, there is a solution which is simple, neat, and wrong." Incineration falls into that category.

Therefore, we want to thank Assemblyman Rocco, his colleague, Assemblyman Pascrell, yourself, Assemblyman Moran, and Assemblyman Spadaro, for holding this hearing on the bill, which is very, very important, for a moratorium of construction of incinerators. The State incineration policy will inflict heavy economic and environmental damage on the public. The incinerators planned for construction throughout the State are going to wreak economic havoc on county and municipal and city

governments, and will endanger the safety and lives of all of the citizens, by exposing us to potentially toxic ash and air and water pollution. The so-called "state-of-the-art" landfills, which were proposed by Congressman Florio and Congressman Tom Luken of Ohio, cannot, and will not, safely contain ash laden with toxic metals. There is no known technology available to society at this time which can really provide protection from toxic ash, which contains lead, arsenic, cadmium, chromium, zinc, and also creates dioxin. You have heard plenty about that tonight.

Dr. Peter Montague, of Princeton University, Director of the Environmental Research Foundation in Princeton, says: "Great dangers lurk in current proposals to house toxic ash in special landfills. Today's ash landfills are tomorrow's Superfund sites," which is very expensive, as you well know.

In Warren County-- In some ways we are blessed with the Warren County incinerator, because if the Warren County incinerator hadn't proven what all the environmentalists were saying, there would be no body of evidence, at least in New Jersey, to say, "Hey, all of these people are right."

At issue here are several things: The growing evidence building up throughout the whole country that incinerator ash is toxic; that the costs are prohibitive; and also the real reason for it is public policy. The Wall Street Journal reports that all over the United States, communities have spent millions of dollars to cover the debt caused by incinerators. Florida engineers were shocked when their boiler needed replacement after only 18 months. The retrofit cost was \$5 million. In Collier County, Florida, officials dropped their plans for an incinerator, after already issuing \$88 million in bonds, when they looked at the risks, and risks there will be. In Vermont, where all of the ash is determined toxic, the ash must be shipped out-of-state. As a result, the Vicon incinerator went bankrupt, and the taxpayers will bear the \$39 million loss.

But, it is not too late to turn back the clock in this State. We can follow the example set by San Jose, California, which recycles 60% of its waste stream; or the State of Massachusetts, which just placed a moratorium on incinerators; or Wellesley, Massachusetts, which has an incredible 84% recycling plan, and an internationally recognized recycling park; or Pompano Beach, Florida, which will now build a recycling and composting plant, after rejecting incineration as too risky; or Seattle, Washington, which has also rejected incineration, and has reached an ambitious recycling level.

Or, the State of Michigan, whose Toxic Substance Control Commission has this to say: "Unless the state takes an aggressive leadership role pressing for recycling and source reduction, incineration will become the choice for waste reduction. Considering the significant undesirable and unknown factors associated with incineration, many communities may, in fact, be trading one set of problems for others of greater magnitude."

A recent study in East Hampton, Long Island, sponsored by the State Department of Energy of New York, and directed by Dr. Barry Commoner, found that that community, after only a short time in a pilot project, reached an 84% recycling goal; that is entire community participation.

Unfortunately, we, as residents, taxpayers, and consumers, are the unfortunate beneficiaries of the *foulé est deux* -- in French, shared hallucinations -- of a group in State government who have chosen this path. The State then will be directly responsible for the tax increases and other problems which will overwhelm all of the counties, cities, and municipalities, and we will be forced to depend on this technology.

San Diego officials say that public officials all over the United States are repeating the utilities' nuclear mistakes. Incinerators are the costliest investments we will

ever make. As a result, more than \$3 billion in projects are being scrapped all over the U.S. Newsday, Long Island's prestigious newspaper, in their fabulous "Rush to Burn" series, says that their investigation shows that officials all over the U.S. are being pressured into a solution to the solid waste problem that may be a massive environmental and economic gamble. They also say that the new incinerators are expensive, unreliable, contribute to air pollution, and create huge quantities of toxic ash, without eliminating the need for landfills.

Wilbur Garrett, who is the famous editor-in-chief of "National Geographic," notes that the tall stacks of the incinerators give the impression to the local communities that the pollution is going to float elsewhere. It is called, "airmailing the pollutants." But the tiniest pollutants which are not caught in the air pollution control equipment still rise into the atmosphere, still become part of the atmosphere, and ultimately part of the air we breathe. Thus, incinerators will further aggravate the serious problem of ozone depletion that this planet is undergoing.

As a result, we are asking that this Committee do everything it can -- and I know you will -- to report this bill out of Committee, and get it on the floor for a vote. If you need people up there in Trenton, we will come up again. We will do anything we can to help you.

In conclusion, because I know there are some very important people here who have important testimony-- In Camden County, on November 15, a number of people who are in this room, whom you have already heard, myself and 16 environmental groups held a very, very eventful, important press conference about incinerators, asking that they not do this in the State of New Jersey. It was also about the so-called special landfills for toxic ash. As a result of that press conference, which tied local politicians and companies and people they knew

to incinerator interests, where millions of dollars were being made-- A month later, we had a response from our county. Now the County of Camden promises -- they publicly stated -- that they are going to take a new look at their incineration policy.

This is an enormous breakthrough for us, competing with them, and we feel that some help for your bill might ultimately come if all of us can get all of the counties together which are unhappy about the proposed solution in the State of New Jersey.

So, once again, we thank you very much for all of your efforts, and Assemblyman Rocco, and everyone else. Thank you.

ASSEMBLYMAN ROONEY: Thank you, Senator. One comment, Senator.

SENATOR AMMOND: Sure.

ASSEMBLYMAN ROONEY: The Association of Counties was here opposing the bill. I expressed to Mr. Douglas that he go back and talk to them about alternatives, also regionalization, and other ways of being part of the solution, and not part of the problem. It is easy to come here and say you are against the bill. It's easier to come and say you are in favor of the bill, too, with this crowd tonight. But, we want to work together. The counties are very important, and Dan Douglas was on earlier. If you can have your county get in touch--

SENATOR AMMOND: We have had some people talk to them. We knew they were going to testify. It doesn't seem as though anyone had any input into their mind-set.

ASSEMBLYMAN ROONEY: Right.

SENATOR AMMOND: We will be talking to them. But the other important thing is: The members of the press also have an incinerator mind-set, because they bought into the idea four years ago that Philadelphia-- See, we are close to Philadelphia. The Inquirer and The Courier, everybody, said, "Oh, this must be the right solution," because no one ever presented anything else. The biggest obstacle we have to

overcome, here at least, are the members of the press who said to the citizens, in the beginning, "Oh, come on. You guys are crazy. You will never overcome this problem." Now, at least in Camden County, they are seeing that we have made enormous progress.

So, this is a serious problem, and all of the evidence has to be presented to the members of the press, because they, in turn, are the ones who influence the public, and so on and so forth.

Thank you. I don't want to keep you any longer.

ASSEMBLYMAN ROONEY: My county has not awakened to that fact yet.

SENATOR AMMOND: Well, I'll come and visit them.

ASSEMBLYMAN ROONEY: Bergen County needs somebody. In fact, we need a new newspaper up there -- (laughter) -- because--

SENATOR AMMOND: I have no comment.

ASSEMBLYMAN ROONEY: Absolutely, especially after the editorial they put out today on my other bills.

SENATOR AMMOND: Thank you very much.

ASSEMBLYMAN ROONEY: Madeline Hoffman, Grassroots Environmental Organization?

UNIDENTIFIED SPEAKER FROM AUDIENCE: She had to leave.

ASSEMBLYMAN ROONEY: She had to leave? Okay. John Washington. We called him before. He was gone, but I heard he was back. John, would you like to--

J O H N W A S H I N G T O N: I don't care to testify. Thanks anyway.

ASSEMBLYMAN ROONEY: Thank you. Now we will get to the Allied Citizens Opposing Pollution. I have a number of people -- Alan Swan, James Nedler, Patrice Meloni, Gary Wonderlin, Dorothy Klotz. (some names spelled phonetically) Those are the people I have scheduled. Is there a spokesman or spokeswoman for the group, or do you all wish to testify? We

have already heard from one or two of your members earlier in the day. So, I will take you all, or--

A L A N S W A N: (speaking from audience) I would like to. I am Alan Swan.

ASSEMBLYMAN ROONEY: Come on up, Alan.

MR. SWAN: I temporarily dropped my membership in ACOP-- (remainder of comment indiscernible; witness not at microphone as yet)

ASSEMBLYMAN ROONEY: Okay, we will accept that.

MR. SWAN: So, that's it for you guys. (laughter)

ASSEMBLYMAN ROONEY: It's after nine, and we said we were going to stay until everyone was heard.

MR. SWAN: I think that's kind, and we appreciate it. Thank you -- all kidding aside.

ASSEMBLYMAN ROONEY: Go right ahead.

MR. SWAN: Alan Swan, of Palmyra, formerly a member of ACOP.

ASSEMBLYMAN ROONEY: Until about two minutes ago.

MR. SWAN: And a proud member of the Borough of Palmyra, New Jersey's Environmental Action Committee.

On page 3 of the handout here of 4105, I would just bring something to your attention. I don't see Mr. Florio here, who loves to call himself, "Mr. Environment." He is the same guy who wanted to change hazardous waste into special waste, so it could be moved around and put in schoolyards until we could find a place to put it, or give it to old people to take to their rest homes.

On line 2 and on line 32 of page 3, the line reads as follows: "waste facility approved for disposal of hazardous waste or special medical waste." I would like to ask you to insert "medical (only)" between "medical" and "waste" on those two lines, so that some loony-tune can't change it and put in things other than the intended special medical waste.

ASSEMBLYMAN ROONEY: I believe the intent of that is that certain medical wastes can only be disposed of by incineration, because of the bacterial content, or whatever it may be.

MR. SWAN: My concern is not about the medical; my concern is about somebody trying to slip tires in under the name, "special."

ASSEMBLYMAN ROONEY: Right. The sponsors of the bill will duly note your concerns.

MR. SWAN: Okay. As I will say in a moment here -- and this is much briefer than it appears, Mr. Chairman -- I have dealt with DEP, and they just simply love to read between the lines, rather than read the line itself. Again, we don't have Jim Florio here, do we? I'd hate to say something like that--

First, I heartily support the proposed one-year moratorium on the trash-to-ash burners. I use "trash-to-ash" as a more accurate depiction of what is being marketed by the industry. It is not going to make as much steam as it will ash, and the ash is the problem.

Second, I would like to inform the Committee of just one of my personal adventures sustained with the New Jersey DEP, and I submit the information to verify my contention that the DEP is incapable of reaching a meaningful decision in just one year. I strongly suggest that your bill specifically require further public hearings, etc., at the end of the initial year. I would like to see a five-year moratorium, so that technology would have sufficient time to approach legitimately safe levels of emissions and toxic residues.

But, back to my adventure. In November of '88, I attended a DEP toxic emissions hearing at the Burlington County Vocational-Technical School. It was chaired by Richard Sullivan. At the time of my testimony, I prefaced my statements by publicly telling Mr. Sullivan of my previous

testimonies at DEP hearings -- made by me and other citizens -- which had been altered and edited to convolute my philosophies and to make me appear pro-burner. I informed Sullivan that I was, am now, and, under existing technological limitations, will remain anti-burner.

I further stated, supposedly on the official record, although none of my statements -- none of my statements -- made that evening at the hearing appeared in the official record: If citizens' comments from that night's hearing were summarily edited, allegedly for time/space considerations, I would consider Sullivan, as ranking official and therefore culpable DEP employee, to be acting immorally and unethically, and I further charged that such record tampering under his supervision illustrated to me that he was in personal and professional collusion with Ogden Martin, SWMA, which is the Pennsauken Solid Waste Management Authority, the Pennsauken Landfill, nee dump, and the Township of Pennsauken, New Jersey. I felt it had -- and told him he had -- the intent to subvert the integrity of the applicable laws of the State, county, and local governments.

On December 1, I sent a reiteration of my charges, in writing, inviting a response to both of those charges and to certain technical and procedural questions. So, it wasn't a personal attack letter. To date -- six months later -- a personally addressed, one-on-one, professional letter to a DEP employee, a person who works by me, is paid by me, remains unaddressed. I find it difficult to believe that DEP will respond to highly technical and life-threatening conditions contained in two-, three-, four-, or six-inch thick documents subsequent-- No, not citizen questioning of applications, sir, but the documents submitted by those applying for the applications.

I don't think DEP will read them, or be able to act on them to build trash-to-ash plants in one year. A year's

moratorium is supported and welcome. A five-year moratorium seems more healthy. On behalf of the citizens of New Jersey, thank you.

ASSEMBLYMAN ROONEY: Thank you, Mr. Swan. We appreciate your testimony. Is there any particular order in which the people from ACOP would like to be taken? (no response) Gary Wonderlin?

G A R Y W O N D E R L I N: Thank you. My name is Gary Wonderlin. I am from the Allied Citizens Opposing Pollution. As you probably noticed, there aren't as many people here as there could be. We just had an exhaustive weekend with the NIMBY convention. I heard that name tossed about in this room quite a bit earlier this afternoon -- NIMBY -- in a derogatory sense. It is not derogatory; it stands for "New Jersey Is My Back Yard. The other people who were here saying that word all day-- They didn't know that that is what it really means. That other meaning was tossed out long ago.

I found it very interesting about that group here -- ACT. We heard about them recently from Morris County and Ocean County. We couldn't believe that they would actually come into our back yards, but they were here. We saw that they were going to hold a press conference at 2:30 today, at the Woodbine Inn. So, several citizens and myself went there. Just as it was about to begin, I walked in, and they threw me out. They said I was not a member of the press, and yet the League of Women Voters' woman, who was going in right-- I said, "She is not from the press," and they stuttered and said, "Well, she was invited."

They went into their smoke-filled little conference room, along with John Jacobs and another member of the Pennsauken "sanitary landfill," and had their little powwow -- public relations, they call it. But they did not want to relate to the public what they were doing. Afterwards, they said we could get it from the press, but of course, the press

is not going to release everything that went on there. We are really interested to know what happened. We tried to get it, and they refused admission to us, for some strange reason. So that is proof that these people are based upon deceit. Just the very fact that they had John Jacobs in there. I mean, it is not like they were, you know--

I don't have to go on too much further about that, but we were rather disgusted seeing the League of Women Voters going in with us. When I questioned her about what she was doing there, going into a room with those kinds of people, she said, "I don't know what their position is," and yet afterwards, I see here League of Women Voters stationery saying exactly what their position is with this group. So, lying, not to mention-- You know, out and out lies from the people of this group called ACT, who were here this afternoon, like a plague; who are scouring this State, along with the incinerators.

I also found it interesting, when I looked in the window at them, four members up there-- One of them was Ann Auerbach, who is also from the League of Women Voters, the New Jersey Hazardous Siting Commission, the Pinebluffs Commission. She was up there with them, and she looked at me through the window with very guilty looks, to say the least. This kind of thing-- It was proof that what they were doing in there was evil and subversive.

Enough of that. Now, to get to the DEP. Like Mr. Swan said, a year's time for DEP to do something is rather ludicrous. We realize that is the only agency you have to give this job to. We are not faulting you for that. There is no other agency to whom you can say: "Well, you have to study it." That is the only group. However, we have been waiting for a year for word to our simple questions about what he said, the toxic leachate from the sanitary landfill in Pennsauken. They have not given us answers for one year on one permit.

Other permits for the Camden incinerator-- They have not given us answers at all. They have lied to us repeatedly. They don't cooperate with us in the least. They don't give us simple answers to questions. We cannot trust them to do a study, but like I said, I realize that is the only group you have to turn to.

I also notice that they would be able to avail themselves of any information from the New Jersey Institute of Technology, Rutgers, and similar bodies of people who seem to rely on industry's contributions to do their work. For instance, speaking of timely fashions here, the New Jersey Institute of Technology was given permission to do an air test on the roof of the Pennsauken High School, which is maybe a mile from here, on November 14, 1987. Those results have not been released by them yet. They are still not telling the public what they found from studying the air on top of the Pennsauken High School, which is a couple of hundred feet from the proposed facility of the incinerator. So, we do not trust these groups. But unfortunately, that is all that might be available to do the tests.

Speaking about the NIMBY convention we attended, we passed, again, the resolution for a five-year incinerator moratorium, but we also mentioned this year that we would be very satisfied with the passage of 4105. We feel that would be a big step, and we demand, ask, plead, our State legislators to pass this bill. We would like this bill to go to a full vote as soon as possible, and we would support it, although, of course, as you can probably tell, we would rather have the incinerators in a mortuary, rather than a moratorium.

You have heard all about Warren County, but I don't know if you have heard about all the other plants. Perhaps you may have from the information that Lorraine Sansone has submitted to you. I don't know if they told you about Saucus (phonetic spelling). The Baltimore facility is not that

well-publicized; how they found they have been burning illegally -- radioactive waste, seized marijuana -- how their plans to expand are going to mean more ash and trash trucks for the poor neighborhood that it is located in. The list goes on and on about the Baltimore facility.

The Commerce plant-- You heard a little mention here of it; the fact that these officials in Camden County were touting that, when it is not even the same type of incinerator proposed for our area. It is a commercial waste incinerator; so how could it even be compared? Westchester, New York-- I think they have the information about that, about the leaking ash dump. Then, of course, on my list of "bad boys" for tonight is Smith Barney, investment bankers, not owning up to their involvement in selling the bonds for the Pennsauken incinerator; Ogden Foods, Transtech, you know, the former operators of the Kinsley dump, who had a 49% share in the Camden incinerator, who mysteriously got kicked out when some of the members of our fact-finding team exposed them for being New Jersey's polluter kingpin.

These examples after examples solidify, in our minds, that these incinerators are no good, but like many people have said here tonight, we are all volunteers. We don't get paid. We have taken time off from our jobs and families tonight and today, as we did this past weekend, plus countless other hours, to say the least. We hope that our efforts are not in vain. We do feel that the incineration industry is on its last leg, and we feel that quick, swift action on your part would be most beneficial.

With DEP, like I see, we see the revolving door. We have not been able to cooperate too well with them in our past dealings. We see them leaving office. We try to communicate with the ones who have left. And I would like to mention-- I did mention about John Jacobs. I just can't figure out why he would attend these hearings. He is no expert. He does not

have any degrees in this field. I find it very ludicrous that he goes running after these public hearings. He is no expert at all. He is simply a former mayor who runs the Pennsauken landfill.

I would like to thank you for your time. I am really glad that you could hear us tonight.

ASSEMBLYMAN ROONEY: I appreciate your testimony. I think I heard that the Baltimore facility, with the burning of the marijuana, there were some very happy residents around the area.

MR. WONDERLIN: Right. They are elated now.

ASSEMBLYMAN ROONEY: Also, one other thing: You mentioned about the New Jersey ACT, about their going in the back room.

MR. WONDERLIN: Right.

ASSEMBLYMAN ROONEY: We just completed-- This Committee just completed a whole series of bills -- there were 22 original bills, and we condensed them down to about seven -- that dealt with authorities and how they should be more public. Basically, it was stressing credibility, accountability, and visibility; the fact that they should do things out in the open. If you saw the Trenton report from last week-- The last item there was a quote by my old Italian grandmother, who used to say: "If you can't do it in public, you shouldn't do it." (laughter) That is one of the things I think we have to bring out.

Part of the process that I went through with the siting and with the other things-- There were a lot of things done in the back room that shouldn't have been done in the back room. This Committee worked for a year to develop this reform legislation. It is good government; it really is good government. It really puts a lot of these autonomous, anonymous authorities out in the public eye.

I have heard a thread of some things here that we felt, as a Committee, were missing and lacking in these authorities. If these bills are passed, a lot of that will change. A lot of these authorities will become more accountable. Your groups here tonight could help in the passage of them. Write to your legislators supporting the authorities reform package sponsored by this Committee. Each member of the Committee has a part of that. I was very proud to be the Chairman of the Committee while it happened, but we all had a lot of input.

It is really what's happening. These authorities are not responsible. These are the people who are making these decisions I am hearing about here tonight, with the Camden Authority, Bergen County's Authority, Passaic County, with Mr. Pascrell-- He has had major problems with that Authority. In fact, we are co-sponsors on bills that would change some of that. I think we have to change that part of the government. We have to change some of the things that are evidently wrong with DEP and with their mind-set on incineration.

These are things that you can help us with. It is not only this particular bill. There is a lot of other legislation that has to occur to change what we are doing in this State, whether it is at the county level, the municipal level, or the State level. By us coming together like this, and having this kind of testimony, you are pointing out a lot of the things we see. I think we can help each other.

ASSEMBLYMAN PASCRELL: Mr. Chairman?

ASSEMBLYMAN ROONEY: Yes, Mr. Pascrell?

ASSEMBLYMAN PASCRELL: Did I hear the testimony-- Does the testimony indicate--

ASSEMBLYMAN ROONEY: We are not there yet. We still have a couple more people before you get your last licks.

ASSEMBLYMAN PASCRELL: No. The testimony indicates that the organization that I referred to several times today,

if you remember-- In fact, we got into a heated discussion about it.

ASSEMBLYMAN ROONEY: Yes. If you want to bring that up, you may bring it up in your portion of the meeting.

ASSEMBLYMAN PASCRELL: I would like to know, through the Chair, if this organization had this press conference because you called this Committee hearing today on this bill? If so, I think this is an insult to the Committee. These clowns -- strike that. These jerks don't know what they are getting into.

ASSEMBLYMAN ROONEY: Mr. Pascrell, I would like you to take a portion of this--

ASSEMBLYMAN PASCRELL: I am very angry about that.

ASSEMBLYMAN ROONEY: --meeting to put that on the record, and then we can debate it. But let's hear the rest of the testimony.

MR. WONDERLIN: Well, did you see the press package?

ASSEMBLYMAN ROONEY: No, I have not.

MR. WONDERLIN: Oh, I have one.

ASSEMBLYMAN ROONEY: I would appreciate it.

MR. WONDERLIN: Okay, I'll give it to you. It's not worth the paper it is written on, but--

ASSEMBLYMAN ROONEY: I can get very indignant, Mr. Pascrell. Absolutely, I can get indignant at these people. Just tell me, and we will discuss that, but--

ASSEMBLYMAN PASCRELL: Yeah, but do you know who they are?

ASSEMBLYMAN ROONEY: I heard about some of the people who are involved in it.

ASSEMBLYMAN PASCRELL: I have a list of everybody who is on it. You heard three groups today say they never saw the questionnaire, and yet they are signed on as sponsors.

ASSEMBLYMAN ROONEY: I also listened, this morning, to a radio program coming from New York, which discussed the fact

that only 31% of the people in New York State approved of the death penalty, and that's totally wrong. But then I heard the question that was asked. It turned out: Would you prefer a humane treatment of these people, to give them life sentences without parole, and have restitution made to the families? The thing was so loaded, that absolutely, sure, you were going to say, "Yes." Sixty-two percent of the people said they were in favor of a life sentence, rather than the mandatory death penalty. That is how you get away with it. It is how you phrase the question.

We all know that statistics don't lie, but, you know, liars play with statistics. That is what it comes down to.

ASSEMBLYMAN PASCRELL: Yeah, but understand that the people who testified today, who are volunteers, and who are working in counties like many other people working in other counties, do not have the luxury and the dollars behind them that every organization that belongs to ACT and has sponsored that questionnaire poll that they sent out have. You know, again, we are not just dealing in forensic debate, Mr. Chairman. We are dealing here with some heavy duty stuff. I just wanted to reemphasize that. I think I have been very mild today, Mr. Chairman.

ASSEMBLYMAN ROONEY: Some other people don't. But, Bill, let me take the rest of the people who have signed up. We have James Nedler, Dorothy Klotz, and Patrice Meloni. Patrice?

MS. LOMBARDI: We only have five minutes of tape left.

ASSEMBLYMAN ROONEY: We only have five minutes of tape left. We have just been told five minutes of tape. Oh, that's the video, not for the transcript. Yes?

P A T R I C E M E L O N I: Just make sure that video is working.

First of all, I do want to thank you for coming to Palmyra this evening. I am a member of the Allied Citizens

Opposing Pollution, which is a group that was founded here in Palmyra to fight the Pennsauken incinerator. And yet, members of my group were here tonight to express their support for the concept of a bill that would ban incinerators statewide, even though they realize that in the bill there is no clause that would include Pennsauken's plant in with the intent of the bill. I feel that is far from NIMBYism. That is coming from people who are concerned about what goes on, on the statewide level.

I think my timing might be a little bit right here. I would like to go over a couple of things really quickly. First of all, in Tuesday's Courier Post, of course, there is a little caption here that says, "Hearing in Palmyra on Incinerator Ban. A controversial State bill to place a one-year moratorium on incinerator construction is the subject of a public hearing scheduled for today at the Borough Hall from three to nine p.m. In his bill, Assemblyman John A. Rocco says the moratorium is needed to seek alternatives to incineration. New Jersey for A Cleaner Tomorrow, an opponent of the bill, will hold a press conference at 2:30 p.m. at the new Woodbine Inn on Route 73 in Pennsauken." I just wanted you guys to get that.

Okay. Now, I am going to digress a little bit here because, you know, I have found a big public problem with groups like New Jersey ACT, and with groups like ACOP, because groups like ACOP are comprised of the working class citizens in this State. I think a little bit earlier -- although some of them had to go home -- if you were to look around the room, you would have seen our main financial support. It consists of people who are trying to hold down jobs, spend their extra time trying to figure out this environmental mess we are in, and still make these public hearings.

New Jersey ACT, on the other hand, could give you a list in the left-hand column of their supporters, and they

include everybody from the construction industry to the chemical industry. I would like, for the sake of saving time, to draw particular note to the National Solid Wastes Management Association, New Jersey Chapter. Now, it has been ACOP's experience with the Solid Wastes Management Association that, in fact, they have an institute called "The Institute of Resource Recovery." Okay? And the Institute of Resource Recovery, which incidentally was very supportive of Tom Luken's H.R. 4357 -- another "environmental" bill that went under the thin veneer, I think, of being a bill that would protect the environment, when instead all it basically was, was ash deregulation, just as H.R. 4902 was--

At any rate, this Institute sent me a letter saying, "Dear Resource Recovery Supporter" -- I don't know; I am on their mailing list, what can I tell you? -- "Please help us endorse this bill." Now, since I am on their mailing list, I am also privy, I guess, to the insiders' mail, as it were, and that has a picture of none other than David L. Sokul (phonetic spelling) from Ogden Martin, as being this Institute's chairman.

So, when anyone says that ACT is coming out as people who are really pro-environment, who want to see this environmental mess get straightened away, I think, speaking from a housewife's point of view, everybody should know that they are not pulling the wool over the residents' eyes in the State of New Jersey. I real quickly want to go over with you some of the things that they no doubt will be lobbying to this Assembly with, because I have their little information package right here.

First of all, their statement of purpose. They have said what they really want is source reduction of waste, recycling of waste for reuse, resource recovery incineration, and the use of modern-lined landfills. I would like to say that, really, this is very backwards -- okay? -- because the industry, and the DEP at this point-- They have this

four-pronged plan, but it is not in this order. Okay? They have incineration for the bulk of the waste, not number three down on the list. It is top priority right now. The residents of this State know that, and they highly object to that. So, that's wrong.

The point that they made to the Assembly today-- You know, they said we don't have the luxury in this State, with the solid waste crisis, of putting everything on hold for a year. I think that the testimony was presented to you this evening that, in fact, if you go ahead with these incinerators, not only are you going to need landfills, but you are going to need landfills that can handle hazardous waste. How many of them can we build or site in a hurry? Not very many, which is back to why bills like H.R. 4357 and H.R. 4902 were proposed in the first place, because you have to take it out of that hazardous waste category if you are going to landfill it in this State.

So, you know, for the Assembly's benefit, the environmental groups made up of the citizens of this State would like to say that, you better put these incinerators on hold, because, you know, not only are you going to run out of landfill space, you definitely are not going to have hazardous landfill space.

The other point that New Jersey ACT is making in its plea to the Assembly, is that they took this public opinion poll. I thank you for seeing that public opinion poll for what it is. Frankly, I want to know who they took the poll with. They have 82% of New Jersey residents supporting the building of resource recovery incineration facilities. I don't think 82% of New Jersey's residents -- and I am going to say this very sadly -- but at this point I don't think 82% of New Jersey's residents even know what resource recovery, as the industry means it, as the DEP means it-- I don't think they know what that is. I think when you try to tell the average

resident still, at this point, that incineration is resource recovery, or vice versa, or so they say, the general public doesn't comprehend that. Okay? They are not putting two and two together. I think a lot of it is because of poor promotion from the State level of gearing people to think that, "Okay, they are calling it resource recovery." It's not, it's incinerators. I think that is the mistake we made in our State when we voted all that money to go into the Resource Recovery Solid Waste Disposal Facility Investment Fund, back in 1985. It is the mistake that if New Jerseyans don't learn how the words "resource recovery" are being bastardized-- It is a mistake New Jersey residents may make again in this election year, unless they are really attuned to what is actually going on here.

To that end, ACOP will do its best to make sure that residents do know that, in fact, those funds are being earmarked for incineration facilities. Okay, that's it on that piece, and I'm sure you guys all have a copy of that.

They did submit to you-- Back in '85, the voters of New Jersey were asked to vote for a bond issue that would provide loans to local governments for the construction of resource recovery incinerators and modern landfills. The bond issue was passed overwhelmingly. That is because, like I said, these people didn't know how the words "resource recovery" were being meant. Okay? If they had known, I doubt they would have voted for it. I would like to see an all-out campaign, with politicians, both Democrat and Republican, working hand in hand to, in fact, tell these people what resource recovery is being construed to mean here.

Of course, they have submitted to the Assembly that resource recovery facilities are proven safe and effective, and we all know they are not. I am the average citizen, and I know they are not. Other people in the room here are average citizens, and they know they're not. If we know they're not,

and we are hard-working people who aren't geared into the industry-- If we can figure out that something is incredibly wrong here, then, you see, the entire State can figure out that there is something incredibly wrong here. It is just a matter of time and, frankly, it is a matter of very little time, because with Warren County being built and under way, we have a living example of it -- of actually how dastardly this whole concept is.

Anyhow, back to the Assembly bill for which we are here this evening. On page 1, you have that DEP is supposed to: "Identify measures required to minimize impacts, and to prohibit the siting and construction of resource recovery facilities until such time as these issues are addressed in a satisfactory manner." I think that really has to be clarified -- satisfactory to whom? I would hope that that means satisfactory to the Assembly -- okay? -- because I have seen the way DEP addresses problems. I have dealt with them for the past two-and-a-half years now. I have seen how they do the public hearing process for incinerators. I have seen how they change the public hearing process for incinerators. It used to be that when they held a public hearing for an incinerator, they would have their little specialists lined up, and if you had questions in your testimony they tried to answer them.

Well, they found that that took too long. Excuse me, I don't know how they get away with that. This is a plant that is going to be hanging around, if it goes as they say it will go, for 25 years, okay? So I don't know how they figure a day is just too much time to spend listening to people's questions and trying to talk things over, but they do. They don't do that any more. They don't have their experts available to answer your questions while you are there, because, you see, they don't want to get into these discussions back and forth.

Now what they do, is issue the response document the day that they issue the approval of the incinerator project,

whatever project it is. The bottom line is-- You know, it's not even that they have the consideration to issue that document two weeks before their approval. They issue it the day of. Okay? That, to me, just emphasizes the fact that DEP wants to avoid any kind of question and answer period where the public is concerned, at all. Otherwise, these things would not be set up this way. Surely, they could find another way to set up this public hearing process.

So, the fact that DEP does business this way-- You know, I have seen how they address the issues, and I really hope that this Assembly will hold them to a higher degree of ethics than what they feel is necessary with the general public in this State.

The Department of Environmental Protection in this bill, I really feel, is being given a little bit too much responsibility -- a little bit too much responsibility. Just as when Florio had his H.R. 4902 bill-- He gave the EPA a great degree of responsibility for judging whether the ash was hazardous, whether it was not hazardous, and so forth. The EPA, by this man, had been touted in many instances as being irresponsible in this category. Likewise, I think we can all see now that the DEP, when it comes to incinerators, is irresponsible in this category. In fact, they have really placed themselves in a position of selling incinerators to these communities, which is something that is totally unheard of.

So, the fact is, I am a little bit drawn back from this bill because I feel-- Even though I really endorse the concept of the bill, I feel the DEP is given a little too much responsibility here. They are being given the responsibility to prepare a methodology for assessing the cumulative impact. I would suggest that that is not a responsibility they should have all by themselves. Okay?

Now, of course, the other responsibility they are being given is also to: "Identify the stationary and mobile sources of air pollutants requiring monitoring." Okay? Here again, you know, are we going to just leave it up to DEP's opinion? "Well, this source requires monitoring. This source requires monitoring. We know this guy; he doesn't require monitoring." You know, is it going to go that way? I don't know. You have to have some kind of set rules, I would think.

Okay. Also, DEP is supposed to get back to the Assembly with any recommendations for legislative -- as I understand it -- back to the Assembly or back to the Governor, whoever, back to somebody -- "the Governor and the Legislature, with recommendations for legislative or administrative action." I would really hope, again, that you would be tempering the DEP; that it wouldn't just be what their recommendations for legislative action were, because I have seen them streamline so many things out of their administrative procedure, that I really think, environmentally, it is not a good idea to give them that kind of responsibility all by themselves.

Now, here is another thing, and I was curious about this: "The Department of Environmental Protection may avail itself of any information, data and other expertise of the New Jersey Institute of Technology." Well, you'll have to excuse me, and let me backtrack here. But, when I get back to the New Jersey ACT pamphlet, the New Jersey Institute of Technology is on here. In fact, I was at a Mount Olive public hearing, and the New Jersey Institute of Technology was there almost hand in hand, and just buttering up to whatever DEP had to say. I'm sorry, but I don't think that's a real good source of information. I am told, as a result of looking into this air monitoring work to be done in Pennsauken, that DEP actually gives the Institute of Technology funds to do some of these studies. So I don't think that is, to me, an acceptable objective opinion, to have input of information.

Another thing is: The Department of Transportation-- DEP is supposed to rely on -- or be able to get input from the Department of Transportation. In what capacity? I don't know. Maybe it is just access roads, okay? And maybe I am just going way off base here, but I am going to just for a second, because I am really worried that the Department of Transportation sees fit to hire Winzinger to do a lot of its construction work, when Winzinger has been investigated by the SCI for all kinds of dealings with Scarfo. I don't understand that. So, I am just saying that until things can be straightened away, maybe we better get a more objective view of who would be good input for DEP on this monumental task they are going to have, to carry out the intentions of this bill.

Now, the other thing is, the bill is not to exceed 12 months -- this period is not to exceed 12 months. Frankly, I have made no secret of stating to anybody who has asked me, that I feel the residents of this State can only cry for a moratorium once. If it doesn't work out, people will say, "Well, you asked for a moratorium once, you know. We gave you your chance." If this is our chance, I want it to be a real good chance. I want a moratorium for more than 12 months. I want a moratorium for a year-and-a-half, two years, three years maybe, but definitely not 12 months. That is just not long enough.

The last thing-- Well, maybe not the last thing, but close to the last thing, is that the bill-- It says would not "apply to any waste facility approved for disposal of hazardous waste or special medical waste." Now, this part confuses me, and I'll tell you why. Because a lot of the incinerators are being allowed to accept special medical waste. Okay? It would seem to me that it would be possible, because I have seen it happen, that municipalities could very well say, "Look, this new special medical waste can go to this municipal

incinerator." It's happened. It happened in Warren County; it is happening with Fort Dix. Okay? It is just a matter of revising this and that, to send that special medical waste to a municipal incinerator, and I wonder if this won't be used as some kind of a clause for some of these plants, you know, to say, "Well, hey, we were going to accept special medical waste with our stuff. Therefore, we might be exempt from this bill." I don't know.

ASSEMBLYMAN ROONEY: That doesn't apply, because there are three different wastes you have. You have the municipal waste, the commercial waste, and the medical waste. It is being differentiated drastically. There are different landfills for it all at the present time. The experience we had at the Jersey shore with medical waste washing up on the shore put us wise to that particular industry. There is going to be tracking of that. It is going to be a specially handled item right from scratch. There is going to be identification of vials as to source -- from cradle to grave.

MS. MELONI: Well, you know, I really hope that those intentions are carried out, because I definitely think that bears really staunch legislation. I will tell you that it has been my experience with the mass burn industry that, in fact, they want to make up the money they are losing on these plants, by accepting medical waste and tagging it as different things just so they can accept it, and that's fine by them. You know, it happens.

ASSEMBLYMAN ROONEY: You can be pretty sure it is not going to happen -- that one. Go right ahead.

MS. MELONI: Well, I hope we can all be sure, but the fact is, we can't really ever be too sure, so you try to cover it yourself wherever you can.

The other thing is, I object to the grandfather clause. In a situation such as Pennsauken, and such as Camden, and wherever else these incinerators have been approved but are

not built-- I don't think they should be grandfathered out. I think that moratorium should apply to them, too. I guess to that end I will agree with the Mayor of this town and his Council, and I am sure that the members of ACOP all agree, that, no, grandfathering a facility that is not built yet, should not be allowed.

Basically, I guess I have pretty much made the points that I wanted to make. I hope the Assembly understands that when you are hearing myself and the other members from ACOP speak, that, in fact, you are really listening to the people who don't make a living by going around trying to endorse this bill or knock that bill down. I mean, we really do represent the people -- the residents of New Jersey, the average residents of New Jersey. We are doing our best to take back all the information we can, even reports on things that our tax dollars pay for, and we are putting that information into layman's terms for other residents. You know, we are not real thrilled with the New Jersey Alliance for Action, New Jersey ACT, and that whole brood of people.

I think what we really want the Assembly to know is, we know who they are, you know, and we are watching them. So, if for some reason bills to protect the environment don't go through, and it is through the lobbying efforts of groups like this, we are going to yell about it -- real loudly.

ASSEMBLYMAN ROONEY: I thank you very much, all the people who were here tonight. As you said, you represent the people of New Jersey, and we hope we -- up on this side of the table and the sponsors of the bill -- also represent the people of New Jersey, because that is what we are here for. I hope our Committee can come to a conclusion on this. We are going to hear all the testimony. We are going to investigate every option. As I said, I have stayed as long as possible -- as long as humanly possible, at least -- to hear the testimony. I appreciate all of you coming out. It has been very

enlightening to me. I have heard things tonight that I wasn't aware of. I have to say, there are some things I have changed my mind on, in this particular bill. It will be interesting to see the final evolution of this particular product. But, I appreciate everyone coming.

Now, I just want to double check to make sure that everyone who was scheduled to be heard, was heard. (indiscernible response from audience) You haven't been heard? I don't have your name. Come on up. We might as well--
N E L D A S I E M I O N: I don't want to take a lot of time. Mostly, I-- I don't know whether you call it testimony, so much as a question. My name is Nelda Siemion. I am a resident of Riverton, and I am not officially associated with anybody. I am an expert on trash, because I throw out a lot. (laughter) And I think that qualifies me as much as just about anybody else.

My question to you is this: In terms of the grandfather clause you mentioned, my understanding is that this legislation has been under consideration for some time. It is not clear to me that the cusp or cutoff date is, because it is also my understanding that the Pennsauken Landfill has not really officially gotten all of its permits. Perhaps there is actually an overlap of time.

ASSEMBLYMAN PASCRELL: Mr. Chairman, if you don't have your final permit, then you are included in the bill.

MS. SIEMION: Okay. My understanding is that as of--

ASSEMBLYMAN PASCRELL: The questions that were asked by the previous person-- We are going to change the people who did the study. John and I believe that the study should be done independently. We suggested Rutgers University. They are paid by the State. They ought to be helping in assisting us. So, there are some parts of the bill that we will be changing, according to the testimony. But you need a bill that can pass.

MS. SIEMION: Right.

ASSEMBLYMAN PASCRELL: No bill is an ideal bill, or else Chairman Rooney wouldn't even be holding this hearing. We've got to deal with what we can get through, in the first place. You may say that is not good enough, and I may agree with you, but I think we need to do something now to stop the process. Every day we waste, it gets closer to permitting another incinerator. In a couple of counties, we have intervention through the courts. It's tough to keep track of everything that is going on at the same time, because they all have different processes, and every county is at a different point.

MS. SIEMION: Right.

ASSEMBLYMAN PASCRELL: So we are trying to put together a bill that is not the most perfect bill -- because there isn't such a thing, by the way -- but we want a bill that can eventually be voted upon, or else we are only talking to ourselves, and I think you want more than that.

ASSEMBLYMAN ROONEY: Is there anything else?

MS. SIEMION: No.

ASSEMBLYMAN ROONEY: You mentioned a favorite expression, when you said you were an expert in trash because you put it out in the street. I have a famous quote that has been floating around the State for quite a while, that we selected-- This is part of the problem. Please understand, when we did this authorities reform package, we were looking at part of the problem. You've got to understand that when the concept of solid waste comes up before a Board of Commissioners on these authorities, many times these people don't even know what you are talking about, when you are talking about solid waste. They haven't been through their own facilities. A lot of them have never been to landfills. A lot of them are so and so's brother-in-law or uncle or nephew, or whatever, or some political person, and they haven't got the experience that is required to deal in these areas. Some of these bills deal with putting people on these boards who have experience.

In Bergen County, they were hiring a new Executive Director for the Bergen County Utilities Authority. We're talking about an agency that has a budget of over \$200 million a year. They went out and got 600 resumes. It cost them \$40,000 for the search process. And guess who was hired? The former Prosecutor in Bergen County. The quote was: "I believe that someone who is hired in this capacity should have more knowledge of garbage than putting it out to the street, and more knowledge of sewage than flushing his toilet." That was my opinion of what they had done to the process.

Don't make any mistakes about it. The biggest problem you have today are the appointments that are made to these authorities. The people who are put on them don't know what they are doing; haven't got the foggiest idea. All they're doing is following the dictates of political direction. That is what is happening in these areas. (applause)

No applause. I have been involved in that process, and what we have done in my Committee -- in this Committee -- is try to resolve that situation. You can help by getting up there, when appointments are made to these big authorities, and making sure they are qualified people; make sure they are people who have some background, and don't have to depend on the bonding firms or the lawyers to tell them, "This is the way you should go on resource recovery," or whatever, "because it brings dollars into the political system." That is the trouble we have today. I am on record, and I know I am on record, but I am personally affected by this, because I have been involved in the process. A lot of it has been done only to generate political contributions. It is a shame that we have to deal in those terms.

There are methods out there that are alternatives. We are still investigating them. We appreciate the input of all of you citizens. Keep up the good work.

UNIDENTIFIED SPEAKER FROM AUDIENCE: You keep up the good work.

ASSEMBLYMAN ROONEY: I know you are not being paid for it. I think we are down to about 11 cents an hour, at this point. So, we are being paid, but not a lot.

Thank you again for coming. Is there anyone else who hasn't been heard? Yes, Mr. Guenther?

MR. GUENTHER: I just want to make one remark: You called Madeline Hoffman before. This is a piece of information she gave me, just to put a point and counterpoint to the remarks that have been made about ACT. She is going on a television program tomorrow, on Channel 9 in New York. They were trying to get a representative of ACT to debate her. They refused to debate her. So, that shows you how open they are about their position. So, they are not very well informed. I think their performance here today-- Some of their individuals have shown that they are not real well-informed. They have a lot of money; a lot of support behind them, but they don't have the kind of support we have here -- we committed individuals.

Thank you.

ASSEMBLYMAN ROONEY: Thank you. One other thing I would like to add: Assemblyman Tom Foy tried to get here tonight, but could not. He sent four or five pages of testimony, which will be added to the record. Anyone wishing to submit additional testimony, we will leave the record open for one week. We will close the record one week from today. Anyone wishing to add some testimony from tonight may do so either through the Committee Chairman or the Committee Aide, Cindy Lombardi, at the State House in Trenton.

With that, I will close this hearing. We will recess it until the next-- We are going to the Warren County Plant. I believe Parsippany-- We may skip Parsippany. We received so much testimony tonight, we may just go to Bergen, and Passaic from Bergen.

(HEARING CONCLUDED)

