

**PUBLIC HEARING**

before

**PASSAIC RIVER RESTORATION SUBCOMMITTEE**

on

**PASSAIC RIVER RESTORATION MASTER PLAN**

Held  
April 2, 1984  
Commission Chambers  
Nutley Town Hall  
Nutley, New Jersey

**MEMBERS OF COMMITTEE PRESENT:**

Assemblyman Stephen Adubato, Jr. (Chairman)  
Assemblyman Robert P. Hollenbeck

**ALSO PRESENT:**

Congressman Robert A. Roe  
New Jersey State Representative

Mark O. Smith, Research Associate  
Office of Legislative Services  
Aide, Passaic River Restoration Subcommittee

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**ASSEMBLYMAN ROBERT P. HOLLENBECK (Chairman):** Ladies and gentlemen, my name is Assemblyman Robert Hollenbeck. I am Chairman of the Agriculture and Environment Committee of the General Assembly.

I would like to introduce those on the dais. On my far right are Congressman Robert Roe and Assemblyman Stephen Adubato, who is the Vice Chairman of the Committee, and whom I have appointed as the Chairman of the Subcommittee dealing with the Passaic River cleanup.

This project was set as a Committee project for our two-year term. We want to clean up the Passaic River.

On my immediate right is Mark Smith, who is the Committee aide to the Assembly Agriculture and Environment Committee. And, on my left is Karen Jezierny from the Assembly Majority staff.

I would now like to turn the meeting over to Assemblyman Stephen Adubato, the Chairman of the Subcommittee.

**ASSEMBLYMAN STEPHEN ADUBATO, JR. (Chairman of Subcommittee):** Thank you very much, Assemblyman. Congressman Roe, honorable Mayors, government officials, members of the Passaic River Coalition, fellow citizens, and members of the press: I want to welcome you here tonight for this special public meeting of the Passaic River Restoration Subcommittee.

This Subcommittee was formed to review the work already underway to clean up and restore the Passaic River. We also want to lend a legislative hand to any future efforts made toward continuing this valuable work.

First of all, I want to thank Assemblyman Robert Hollenbeck, Chairman of the Assembly Agriculture and Environment Committee, for creating this Subcommittee, and for appointing me as the Chairman. This is the first time I have served as Chairman of a Subcommittee, and it is clearly a very important undertaking.

Assemblyman Hollenbeck is one of the leading spokesmen for environmental issues in the New Jersey Legislature. His concern over the cleanup of the Passaic River is genuine and longstanding. Clearly, his was the leading force in creating this Subcommittee.

I also want to give a very special thank you to Congressman Roe. He called on his own, after hearing about the Subcommittee. We

never thought we could get Bob Roe up here. But, as you have been reading, Congressman Roe has been very active in the reauthorization of the Clean Water Act. He called. He wanted to be here. I am honored to have him here tonight. He is the Chairman of the House Subcommittee on Water Resources, and he is truly a major leader on the national level, on water issues. As I said, this Committee is honored by his presence here tonight.

The Passaic River means a great deal to the people in this room -- or you wouldn't be here -- and also to the people of this region. Many of us live in communities that border this River. I represent District 30 of the New Jersey State Legislature, where two of our communities, the community of Nutley, which has been so gracious, through its Mayor and Senate President, Carmen Orechio, to allow us to be here tonight, and the town of Belleville, depend on the Passaic River, and they will benefit greatly through its improvement.

Cleaning up the Passaic River is hardly a new idea. Eighty-six years ago, in 1898, a special commission, appointed by then Governor Foster Voorhees, described "rampant surface pollution: an ever-present stench," as he called it, "from the river, shores, and abutments along the riverk, blackened by sewage." The Governor's Commission reported its "unanimous opinion that steps should be taken at once to abate this nuisance" -- meaning the pollution.

That was 86 years ago. The nuisance has clearly become worse, and the need to clean up the Passaic River becomes more urgent. Fortunately, since 1969, a number of dedicated and energetic citizens have been committed to the restoration of this River. The Passaic River Coalition has shown us that hard work, hard thinking, and a true dedication can really accomplish things. With the active support of many surrounding localities, local and county government officials, and the State and Federal governments, the Passaic River Coalition has made an excellent start along the road to restoration. Tonight, they will report to us on what has been done, the help they feel they can use, and the direction they think the restoration effort should be going in.

Very simply, we are all here tonight because we want to clean up the Passaic River. In our midst, we have a valuable and beautiful resource we have too long neglected. The time has come for action, and hopefully we can leave here tonight with a greater assurance that this action will take place. The people of New Jersey are tired of living in a damaged and polluted environment. As government leaders, it is our responsibility to help set some direction for environmental policy, and to work with concerned citizens -- like those of the Passaic River Coalition -- in carrying out that policy.

This hearing, as I see it, is a friendly gathering of interested and concerned people. We have come here out of a shared commitment to make the Passaic River cleaner and more available to the public. This is not the first hearing convened regarding the cleanup of the Passaic River. Hopefully, it won't be the last. We are not unrealistic regarding this effort, but we are determined to combine our varied resources in order to move forward with this important endeavor.

I want to thank you for allowing me to read that statement. Now, I want to set a couple of ground rules. Because there are many people here who have much to say, it is important for anyone who has written testimony to submit it to the Committee -- if he or she has not done so already. When you come before the Committee to testify, I would ask that you try to summarize your statement and be as brief as possible, in order to allow the members of the Committee, as well as Congressman Roe, to ask whatever questions we feel will help us to better understand the situation.

We will move along as quickly as possible. Before we get into the hearing, I want to recognize a couple of people who have been so kind as to come here tonight. First, I would like to recognize Peter Scarpelli, the new Commissioner and the Director of Public Works for the Town of Nutley. I appreciate the fact that he was concerned enough to take the time to be here tonight. I would also like to recognize someone who has always been there when the people of this community have needed him in the past. He is not the Congressman who represents this area, but he has been the aide to Congressman Joe Minish for many, many years, and he has also been a friend. So, I want to recognize the fact that Joe Puzzo is here tonight.

I would now like to begin the hearing. As I mentioned in my opening remarks, the Passaic River Coalition is clearly the leading force in this effort. I would like to recognize the people from the Coalition who have come tonight to testify. Would you please come forward? I would like to recognize Ella Filippone, the Executive Administrator of the Passaic River Coalition; Robert Meyers, Chairman of the Coalition; and, Daniel Van Abs, the Technical Director of the Coalition. I have just been told that Robert Meyers is not here yet.

**DR. ELLA FILIPPONE:** Thank you very much for the opportunity to present our statement to you this evening. The Passaic River Coalition is a Watershed Association, serving the 935 square mile Passaic River Basin since 1969. We are located at 246 Madisonville Road, Basking Ridge, New Jersey. The mainstem of the Passaic River has traditionally been divided into the Upper and Lower River, since the Lower River is a tidal stream and the Upper is the fresh water portion.

Since the early days of our nation, this River has played an important role in the industrial growth and recreational needs of the region. During the 19th Century, it was recognized as a major resort area for swimming and boating. The social life of the cities centered around the boathouses along the riverbanks. Regatta days, whether statewide events or local, were occasions for stringing banners along the river, for gatherings of families and friends from near and far, and for festive parties. The second Saturday in October was designated as "Grand Gala Regatta Day in Newark" and was warmly received by the cheering crowds and local press. For 40 years, the Passaic River received national attention as a rowing course. Many regattas of varying sizes were held. Often, they were the sports feature of holiday festivals, such as July 4.

Members of the seven rowing clubs which existed along the riverbanks came from all walks of life.

By 1902, increased pollution of the Passaic River, from industrial and municipal discharges, took its toll on the regattas. Rowing activity declined greatly. In 1909, a regatta was cancelled because the river was an "open sewer of waste matter coming from the mills of Paterson," and other towns.



Over the next 16 years, most of the boat clubs were closed. By 1925, however, the Passaic Valley Sewerage Authority Commissioners had completed construction of a truck sewer, eliminating a major source of water pollution. The cleaner water revitalized the boating activity somewhat, but the glory of the past was never seen again.

During the formation of the Passaic River Coalition in 1969/1970, the decision was made to include the Lower River as part of the area in which to seek higher water quality. During that time, the advice of public officials on the State and Federal levels was that the Passaic River was so badly polluted that we were, according to one DEP Commissioner, "chasing windmills." We at the PRC decided that we would pursue a clean water program on every front, and we would seek to obtain support from all levels of government, and the public at large. Where no one else could take on the responsibility, we have always striven to keep the plight of the Passaic before the decision-makers in town halls, county seats, Trenton, and Washington, D.C.

Thus, we were extremely pleased when Assemblyman Robert Hollenbeck established this Subcommittee on the Passaic River Restoration. We hope this Subcommittee, chaired by you, Mr. Adubato, will become our advocate in Trenton.

In 1975, we, with the assistance of New Jersey Bell Telephone Company, the Greater Newark Chamber of Commerce, and the Newark Fire Department, undertook an overview of the Passaic River, and all participated in the hearings before the Army Corps of Engineers concerning our interests in the waterfront cleanup project. We were told that a priority system was being developed and that projects would be undertaken, alternating between New York and New Jersey. At that time, the Passaic River was low on the priority list. Since 1975, we have been trying to move this project up, with little success.

The New York Harbor Collection and Removal of Drift Project was authorized by Section 91 of the Water Resources Development Act of 1974, Public Law 93-251, as amended by Section 116 of the Water Resource Development Act of 1976. The project is based on the premise that harbor drift and debris can best be controlled by removing its source rather than relying, as in the past, only on the collection and

disposal of floating debris by the use of special Corps of Engineers' vessels.

The project has been structured by the U.S. Army Corps of Engineers to be accomplished in "reaches," a sector of waterfront in which cleanup work is viable from an economic and engineering point of view.

In addition to the lessening of drift damage to commercial, recreational, and excursion vessels, plus other smaller craft, the project offers the prospect of waterfront land reuse, with further benefits of aesthetic and environmental enhancement, as well as fire and health hazard reductions. Decaying marine structures and abandoned vessels are a serious hindrance to the utilization of the waterfront for commercial and recreational purposes.

In the fall of 1982, we were urged to attend a meeting of the Waterfront Cleanup Committee at the Port Authority of New York and New Jersey by the City of Newark, the idea being that with the advent of the Passaic River Restoration Project, we might be able to move forward the debris removal project for the Passaic River. Our Passaic River Restoration Project has many facets, all related eventually to an improved Passaic River from a water quality and aesthetic point of view. We have held meetings with the citizens along the riverfront communities, and one criticism is always the floating debris. Thus, we again began to pressure the State to move the Passaic River upward on the priority list. We met with representatives of the New Jersey Department of Environmental Protection and learned that no funds were available in 1983 to undertake a preliminary survey. Thus, we offered to undertake such a study and were given the guidelines by the State.

We had a grant from the Bergen County Community Development office, and, fortunately, the boundary of the stretch of the Passaic River to be surveyed began at Kearny/North Arlington and extended to the Dundee Dam in Garfield, all in Bergen County. We also submitted a proposal to the Board of Chosen Freeholders in Passaic County and were awarded a small grant to include the Passaic County portion. In order to include the portion of Essex County in the survey, we used funds donated from our general membership.

Our primary aim is to have the State of New Jersey move quickly to assure that a cleanup program takes place during the next fiscal year, if possible. The neglect has taken a toll on this River of ours, and yet the high school crew teams in Belleville, Nutley, and Kearny -- our champs -- still use this river for practice and races. The Triton Rowing Club has been reestablished. The Borough of Rutherford has purchased the old Rutherford Yacht Club, with plans to restore it and have it used by the Triton Rowing Club and others, to bring the sport of rowing back to the Passaic.

March 31, 1984 was the deadline for preliminary Green Acres proposals, and six of our towns on the east bank have submitted proposals for either land acquisition or parkland development. Lyndhurst has made a commitment to purchase, outright, a corridor strip of riverbank property. The enthusiasm and dedication of these municipalities, working in cooperation with us, is an outstanding example of what can be done in unison for a common goal: Improving the Passaic River itself, as well as its waterfront.

Mr. Chairman, before we discuss the methodology of our preliminary debris survey, I'd like to inject a personal note. While I have been involved in countless hearings and meetings on environmental issues in New Jersey, none is as important as this meeting tonight, because this is the part of the Passaic which I knew well during my childhood. I urge you to work with us in this "impossible dream," which, with true determination, can become a reality.

Daniel Van Abs, the Passaic River Coalition Technical Director, will now review the project we have submitted to the State of New Jersey, Department of Environmental Protection: The Preliminary Debris Survey: Lower Passaic River.

**DANIEL J. VAN ABS:** I am going to be up and down a little bit during this presentation. This is the Preliminary Debris Survey which was submitted to the State last week. For those who wish to see it later, it will be available.

The Preliminary Debris Survey involved a relatively straightforward process. First, we traveled the entire length of the Lower Passaic River, approximately 8.8 miles, documenting all sources

of debris. Second, a photographic record was prepared. Third, the sites were tabulated and mapped.

We decided to photograph all of the eastern bank, from North Arlington to Wallington. These communities have long been members of the Passaic River Restoration Project. Three -- North Arlington, Lindhurst, and Rutherford -- are included within the Restoration Master Plan completed by the Passaic River Coalition in 1983, under funding from the New Jersey Division of Coastal Resources. They are now the focus of numerous projects, many of which will be able to use the photographs compiled through the debris survey. And, Mr. Hollenbeck, many of the photographs behind you are from your district on the eastern bank of the river.

East Rutherford and Wallington, the two remaining communities, will soon be added to the Restoration Master Plan, again under funding from the Division of Coastal Resources. The debris survey photographs will play a useful role in the planning process for these municipalities.

In Garfield, Belleville, Nutley, Clifton, and Passaic, we limited our photography to natural bank areas and those sites with sources of debris. This was done for several reasons, but primarily because of cost reduction and the long bulkheads of Route 21, which generally harbor little debris. Even so, many photographs were taken along the western bank, especially in Passaic County.

The actual debris survey was accomplished in four stages. The first three covered most of the eastern bank into Garfield, and the western bank into Passaic. We were very fortunate in having the assistance of the West Hudson District Sea Scout Base. Mr. Charles Welty piloted the Sea Scout launch for us, and several Scouts and adult volunteers helped as well.

Low water levels forced us to canoe the uppermost reach to the Dundee Dam itself. Joseph Filippone, Jr., assisted me on that day, canoeing down from the dam.

Over 500 photographs were taken, all told. Of these a full 25 percent showed sources of debris. These photos were enlarged to 8" x 10" size, and comprise the bulk of the report to the New Jersey Department of Environmental Protection.

Meanwhile, we had a series of maps made especially for this project by Mr. Frank S. Kelland of Cartographics-FSK. The maps show both the river and the first lot along the river, to ease the identification of affected landowners. These maps will also see extensive use in later efforts.

I'd like to note that we have an example of the maps up here. This shows Wallington, which is one of the more interesting sections of the river. The river flows south, west, north, and south again. But, this is all Wallington through here. Garfield is up in here. This is all Passaic, along this side. As I mentioned, the lots are shown alongside the river, and these numbers here show sites of debris sources, ranging from bulkheads, and pilings, to barges.

The final steps involved tabulating all of the data, locating and delineating the sites on the map series, and preparing a narrative, explaining our results. The full report was delivered to the New Jersey Department of Environmental Protection on March 30, 1984. Reports will be presented to Bergen and Passaic Counties, and to each municipality included within the debris survey. We are pleased to provide this Committee with a copy of the report, including the tables, and a complete copy of the map series.

With all this effort, what did we find?

First, there are many sources of debris in the river. Old barges, dilapidated docks and piers, decaying bulkheads, pilings, and a great deal of loose debris clutter the river and its shores. Many dead and downed trees are in the river or on its banks, and they could easily be moved downstream during flood periods.

The Lower Passaic River also had many areas which were completely, or mostly, debris-free. Several park areas have only the loose debris left on the banks from earlier high flows. Route 21, of course, leaves little room for debris with its large bulkheads along much of the Essex County and lower Clifton banks.

We have enlarged six photographs from the debris survey to a size of 16" x 20". These clearly show the nature of the debris sources along the river.

Pilings -- shown in this photograph along Route 8 -- can work loose from a variety of structures, or break off at or below the water line due to decay. Over 400 pilings were identified, most of which were removed. Some of them were along the bridges, as you see in the photograph. Others were simply the remains of old piers, or docks, along the river, as in this photograph.

Bulkheads along the river suffer damage from other debris, commercial and recreational vessels, and age. Over 2300 linear feet of bulkheading should be removed, repaired or replaced. In cases where the bulkheading will be removed entirely, sections of riverbank will require stabilization. I should note that a great deal more bulkheading exists along the river. Some of it, such as for Route 21, and many residential properties, is of concrete and metal. The remainder is of wood which is still in good condition. For river safety and aesthetic purposes, these must be maintained in the future.

Over the years, a number of barges have been abandoned and sunk along the Lower Passaic. Some are so old as to have large diameter trees growing amidships. We have identified five whole or partial barges which must be removed. Over time, barges can contribute major amounts of debris. In addition, they constrict the channel flow and can be hazardous to boats passing over their sunken portions. Most of the barges -- four or five -- are along the western bank of the river.

Eight docks and decks were identified during the survey as possible debris sources. Several are residential, and should be repaired and secured to the banks. Others are commercial, while a third set apparently were commercial but have been abandoned. Docks and decks are somewhat different from other debris sources, in that entire sections may be torn loose by floods and propelled downstream. We must move to eliminate this potential hazard.

Finally, there are tons of miscellaneous debris in and near the river, ranging from large drums to sections of trees. These shift position with each high flow and spring tide, but are no less dangerous to river traffic. Where the other sites harbor debris sources, the actual debris in the river is staggering. This debris should be

cleaned out during the Army Corps' cleanup project. However, we should not wait for that day to reduce debris in our river.

One major site of debris is just below the Dundee Dam. The dam acts as a strainer, capturing a great deal of debris from upstream. During the floods, this debris is swept over the dam and downstream. One means of reducing the debris along the lower river is to regularly "sweep" the dam and the river at the foot of the dam. Taking this step will, in time, reduce downstream damage from debris.

Before I go on, there are a couple of other areas where we have debris that is not floatable. This photograph here shows a site which has a great deal of concrete and metal-fill in the river. This has been a common practice in the past. DEP is being more stringent in the regulation of this sort of thing, but we must stop to think of what this does to the river, as well as the debris that floats downstream.

This is a picture of a junkyard in which a Volkswagon sits halfway into the river. It gets nearly covered with water, and then uncovered, by each passing tide. This is another aesthetic problem we must deal with along the river.

With the submittal of the Preliminary Debris Survey to the New Jersey Department of Environmental Protection, the Passaic River Coalition has concluded its study of debris in the Lower Passaic River. The next steps are up to the State of New Jersey and the Army Corps of Engineers. Ideally, the DEP would take our report, and the information from the Hackensack Meadowlands Development Commission, and request that the Corps immediately take the necessary steps to implement the debris cleanup.

This involves a more in-depth survey, cost analysis, and engineering work; gaining access to the debris sites by water or land; entering into agreements with local governments for local ordinances that require landowners to maintain their bulkheads, docks, and such, in good condition; and, allocating funds for the cleanup. The State supplies one-third of the cost, and the Federal government funds the remaining two-thirds.

The Passaic River Coalition is a member of the Coordinating Committee for the Waterfront Cleanup Project. This Committee meets

regularly, in the Port Authority offices in New York, to watch over the implementation of the project. As a member, the Passaic River Coalition will continue to promote quick action on the cleanup of the Lower Passaic River.

The Coalition will also continue its efforts to improve public access to and enjoyment of the river, through the Passaic River Restoration Project. The Restoration Project is like none other. Its importance lies not only in the improvement of the river, but, even more, in the broad public, municipal, and State support it enjoys.

The debris survey and cleanup is only one of many activities which benefit the entire population of the Lower Passaic River. From improving the view for those driving along Route 21, to improving the safety of the river for the Kearny, Nutley, and Belleville High School crew teams, the Restoration Project seeks to change the entire perception of the Passaic River. We can have a clean river, if the citizens care enough. When the day comes that the river is clean, we must have more parks, more public facilities, and improved landscaping and park maintenance so that the people may enjoy their resource, the Passaic River.

The Lower Passaic River is downstream from every other portion of the basin. Every action to clean the river upstream, or destroy it, will have an impact on each and every municipality on the Lower Passaic River. The renaissance of the lower river serves as a bellwether for the restoration of the entire river system. The Passaic River Coalition, through the Restoration Project and other efforts, continues to strive for a healthy Passaic River.

We welcome this hearing by your Subcommittee, Mr. Chairman, and we see it as a sign of the growing interest in restoring the Passaic River to its former prominence as a recreational river, and an asset to the people of the surrounding municipalities. We look forward to your continued interest, and to working with you, and your colleagues in the State Assembly, for a cleaner, better Passaic River tomorrow and every day thereafter.

ASSEMBLYMAN ADUBATO: Thank you for your testimony. I have just a couple of questions, and then I will turn the questioning over



to my colleagues. Much has been said about what could happen if the Passaic River was cleaned up, and what it could look like. You have been involved, as private citizens formed into a Coalition, in the cleanup of the river. Can you give us a picture of what you think future recreational use would be and what it would look like on the Passaic River? What is realistic and what is not?

DR. FILIPPONE: I think almost anything the public wants to do, it can do. We have started -- as I mentioned in my testimony -- acquisition of property requests, through preliminary surveys for the Green Acres Program. We are going to need support from the Legislature to make sure that the funds go to the towns, so that these acquisitions can become a reality.

We also have to make sure that the master plan that was developed for the program is implemented; that it is not just a book on a shelf. That is what we are working on.

We have discussed an amendment to his Public Works Bill with Congressman Roe. We are looking for funds to come from Washington for bank stabilization.

I think all of this can become a reality. The improvement of the riverbank, once we begin, will attract public interest, and the municipalities and the private interests will also join us.

I think that whatever we want to do, we can do. If we want to bring the rowing back, or if we want to have better boating, we can. Rutherford will have their yacht club. One of the applications going into Green Acres is for East Rutherford to develop a marina. Wallington is looking forward to buying a large strip of land. I think there can be a good, healthy relationship again between the Passaic River and the people in this lower valley.

Another step we have to take is, we have to work with the Department of Transportation to see that we get access for the people in Nutley, Belleville, and Clifton under or over the highway, so that they too can have access. All of this is a reality if we continue this very serious, strong, intense effort that has started during the last two years.

I personally never anticipated the support from the West Bank to come as quickly as it did. We have very strong and determined concern from the people of the West Bank. So, this Committee hasn't been established too soon.

ASSEMBLYMAN ADUBATO: Okay. The other point I want to raise is, many people are cynical, I am sure, about the creation of another Committee. In fact, one of the major newspapers that reported on this story had a headline which read: "Another Committee Formed to Study the Passaic River." I am sure people are, in some way, cynical about what can be done. So, you can let the members of the press, the public, and this Committee know what it is you think the Legislature can do specifically, through this Subcommittee and through the chairmanship of Assemblyman Hollenbeck and the Agriculture and Environment Committee.

The direction Congressman Roe is taking is clear, but on the State level, through the Legislature, could you give us some guidance?

DR. FILIPPONE: I think we can easily work together. There have always been cynics with regard to the Passaic River. We have dealt with that cynicism, especially in this lower valley, as I said in my statement, for the last 14 years.

What we are looking to this Committee for is assistance in urging the Department of Environmental Protection not to delay one minute on this drift removal project. We would like to see it moved expeditiously and immediately -- no more delays. This river system deserves it perhaps more than any other section of the New Jersey/New York metropolitan area. The people want it. There has been no controversy on this project.

So, we are looking for this Subcommittee, and the Committee in general, to request Commissioner Robert Hughey to move this project immediately -- no delays. We would also like to see this Committee support our application for Green Acres funds, so that the municipalities do not have to go through a long, drawn-out, bureaucratic mess in order to get the monies and the grants to do what is appropriate.

We would like to see the cooperation we have been getting from the Coastal Zone Management people continue, and to have the Legislature recognize that they have been working with us on this project. They have given us tremendous support.

Most of all, we would like to have this Committee make itself available to us as we come to the Legislature for help in moving issues, sending messages to Washington, and supporting our Congressional Delegation when they have legislation pending that will benefit the Lower Passaic Project.

ASSEMBLYMAN ADUBATO: Thank you.

Assemblyman Hollenbeck, do you have any comments or questions?

ASSEMBLYMAN HOLLENBECK: I have some technical questions. Have you prepared any type of map, showing the bulkhead line on the Passaic River?

MR. VAN ABS: We have not. It is indicated where bulkhead lines exist on the local tax maps, but they are different from the shoreline.

On these maps, (indicating maps facing Committee) we have mapped where the bulkhead line is -- the legal length to which the property can go -- and that accounts for a rather odd shoreline at times.

ASSEMBLYMAN HOLLENBECK: The bulkhead line is not the same as the shoreline; it is the line of "up to development."

MR. VAN ABS: In many cases.

ASSEMBLYMAN HOLLENBECK: Have you drawn any line, insofar as it deals with the mean high tide line on the Passaic River?

MR. VAN ABS: That has been the outline used for the Passaic River. The project only affects structures, etc., that are "riverward" of the mean high tide line. So, that was the boundary for our project in all cases.

ASSEMBLYMAN HOLLENBECK: Have you developed any information or reports dealing with the issuance of permits by the DEP for encroachments on the river?

MR. VAN ABS: We have not.

ASSEMBLYMAN HOLLENBECK: Encroachment permits?

MR. VAN ABS: No, sir, we have not. It is a major problem. We have had a number of instances cited regarding illegal fill, but mostly this was not floatable fill. So, for the purpose of this project, we have not dealt with that.

However, this is something we are trying to deal with through the planning process in the Restoration Master Plan, funded by the State.

DR. FILIPPONE: I would like to add one comment to that. This is some of the debris (indicating debris in photograph). This is a location on the East Bank. We received a telephone call from a citizen in the area asking how this could be removed or corrected. We submitted a letter of complaint to the New Jersey Department of Environmental Protection, and there is no recognizable responsibility to deal with this particular problem. So, it remains.

Neither the State, nor the Federal government, nor the local municipality can get this cleaned up. So, we have to decide whose responsibility it is. This is the one with the Volkswagon in it.

ASSEMBLYMAN HOLLENBECK: Do you want to bet?

DR. FILIPPONE: I will put that in your lap, Bob.

ASSEMBLYMAN HOLLENBECK: Have you done any studies insofar as dealing with the discharges into the river -- permitted discharges into the river?

MR. VAN ABS: Every draft permit that comes from the State for the Passaic River Basin -- not only in the Lower Passaic, but throughout the Basin -- we get a copy of. We review every single one of them, and we comment on many of them.

ASSEMBLYMAN HOLLENBECK: Do you have any reason to believe anyone is in violation of his permit?

DR. FILIPPONE: First of all, Assemblyman Hollenbeck, to date, the Department of Environmental Protection is a little bit behind in sending out all of their permits.

ASSEMBLYMAN HOLLENBECK: You don't have to defend them.

DR. FILIPPONE: No, I am not. I am not defending them. But, it is hard for us to say whether anyone is in violation. Of the permits we have reviewed, we cannot determine if someone is in

violation. But, we have a lot of permits we haven't seen yet. So, it is hard to answer your question.

MR. VAN ABS: There are other environmental organizations that believe they have found violations.

ASSEMBLYMAN HOLLENBECK: In my mind the basic information I am asking for gets down to the crux of another major area: enforcing compliance as our ultimate goal. That is why I am looking for this information.

DR. FILIPPONE: Well, I think some of the greatest polluters in the Passaic River Basin are the sewage treatment plants. I would like to bring to your attention that there is not one nickel being spent on the Constructions Grants Program for the Passaic River during 1984 or 1985. So, none of our facilities that are ready to go on line are going to get any funds during the next two years.

ASSEMBLYMAN HOLLENBECK: I can assure you that one of our responsibilities is to keep the Passaic River clean -- keep its water clean -- and we will have to take some type of action to assure this goal.

DR. FILIPPONE: Well, I would appreciate it if you would.

ASSEMBLYMAN ADUBATO: Thank you very much, Assemblyman.

Congressman Roe, do you have any comments or questions?

CONGRESSMAN ROBERT A. ROE: Well, I didn't expect to deal with asking questions, but I think I will. First of all, I want to compliment our Chairman, Bob Hollenbeck, for the work he has been doing throughout the State. I think he has been making quite a record for himself throughout the State of New Jersey. He has been a real leader in the environmental improvement of our State. And, with Steve Adubato now, and setting up this Subcommittee, I think he is addressing a terribly important issue, one which relates to an entire river basin and its impact upon the whole northern part of the State of New Jersey.

I think the Passaic River Coalition -- and I have known Ella Filippone and her colleagues for many years -- has been doing extraordinary work. They have really been crying in the wilderness and nobody would listen. Now, finally, as the program is beginning to emerge, people are beginning to hear what the Coalition is saying.

I think it is important to note that in all the polls that have been taken throughout this country -- not only in our State, but throughout the nation -- something like 89 percent, 94 percent, or 93 percent of the people who respond, respond that their first priority, and their deepest concern, is the use of our water resources and what happens to the air we breathe.

So, it seems to me to be a bit sad when everybody gets hung up on everything else in life and they don't take enough time with the very essence of life, which is that water supply we see over there.

My first view of the Passaic River is as a major water supply, and that is what it is. As you know, the water supply for the cities of Paterson, Clifton, and one-half dozen other communities down here, and part of Essex County, comes from the Passaic River, just above Beattys Dam. I think when I look back on it, it was 25 years ago that I started to work on this program, since I was Commissioner in the State. I find that until you have a catastrophe -- or, once the flood is over and 50 people lose their lives, or 10 people lose their lives -- people tend to forget about it and it goes on the same way it did before.

I think what Steve has pointed out is correct: The Passaic River has an opportunity to become a great asset to this area as it pertains to culture, water supply, water quality, and the quality of life along the River.

Now, we have been doing some things. As you know, the Corps has been working on this, after we prompted them to do so. That's a nice way to put it: We got a blowtorch and got things moving there. They have now come up with their preliminary report and their in-between report on the area from Mahwah down to Oakland, as you know.

Some towns have been doing very good things. Pompton Lakes and Oakland have a dredging program going on in that part of the Ramapo River, as you know. They are doing some work there, and I see a great opportunity for that area. Some points have been made with respect to, what will we do with the residual fill that will be taken out of the upper reaches of those two rivers? Well, with the completion of I-287 from Montville over into Bergen County, there is going to be a need for that material.

In our Water Resources Development Bill, As Ella has pointed out, we have written in a provision for the de-snagging; the dredging, in part; and, the cleaning up of that river from Beattys Dam north to the feeder dam in Pompton Plains. We have also included funds to clean up the Mollyann Brook, the Singac Brook, and the tributaries coming into that area.

Number two is the amendment that the Passaic River Coalition has projected to us. We are working on now. That could provide a great service for the lower reaches of the river, along with Congressman Rodino's amendment. It requires a review of the sedimentation, insofar as PCB contamination of the river is concerned, together with funding for the cleanup of the Newark Bay section.

So, I look toward that amendment as being a very great opportunity, and we are attempting to move ahead on it, as you know. Just to bring you up to date, that legislation is at a point now where the subcommittee has to report by April 12, and I hope that as soon as Easter week is over, Mr. Chairman, we will be in a position to move that particular piece of legislation through the House, including the amendment that you and your colleagues have drafted as an integral part of that particular legislation.

So, at the outset, in the first go-around of our questioning, I think you have come a million miles. And, if we really want to move this program faster and further, we can do it in this State, if the State will make the commitment that it wants to do it. I am sure that we can get our legislation through. It will take a little while to implement it, as you know, but there is no reason why we can't move faster if we get the cooperation of the State.

I want to thank you for inviting me and letting me ask some questions, but, more important, for allowing me to participate in this dialogue today so I can take back with me some of the information we are going to need in order to continue on our legislative track down in Washington.

Thank you, Mr. Chairman.

ASSEMBLYMAN ADUBATO: Thank you, Congressman. I want to thank the Committee for taking the time to prepare excellent testimony,

not only the words you have spoken, but clearly in the visual displays that we can see around this chamber. I doubt that Nutley Town Hall has seen so many telling and important photographs at any one time before. I want to thank you for raising the consciousness of all of us. We will go on from here. Thank you.

I would now like to call, as was stated before, the New Jersey Department of Environmental Protection, which clearly has a role to play in the cleanup of the river. We have two officials here tonight from the Department of Environmental Protection. I would like to ask them to come forward and make their statement. We have Carl Nordstrom, Director of Special Projects, and Barbara Kaufman, an Urban Waterfront Planner with the Department of Environmental Protection. Welcome.

Do you have a written statement?

**CARL NORDSTROM:** Yes, we do.

**BARBARA KAUFMAN:** Yes, we both do.

**MR. NORDSTROM:** Would you like copies?

**ASSEMBLYMAN ADUBATO:** Yes.

**MR. NORDSTROM:** Good evening. I am Carl Nordstrom from the Department of Environmental Protection, Office of Special Projects. The Department of Environmental Protection has reviewed the preliminary Harbor Cleanup Drift Survey and Report, as prepared by the Passaic River Coalition. First of all, we would like to express our sincere gratitude to the Passaic River Coalition for their efforts in the preparation of this highly informative, detailed survey of the Lower Passaic.

The New York Harbor Collection and Removal of Drift Program is a Federal project involving the collection and removal of drift and potential sources of drift from the New York Harbor and its tributaries. The project funding formula for cost-sharing is two-thirds Federal and one-third State. The State level funding is provided through two bond issues, the 1977 Beaches and Harbors Bond Act -- \$10 thousand -- and the Natural Resources Bond Act -- \$12 million -- of which, \$2 million will be utilized in the Delaware River and Bay area. The project involves only the removal and disposal of potential sources of drift and not the repair of any shore structures or vessels.



The geographical limits of the project are the Hudson River, Newark Bay, the Hackensack and Passaic Rivers, the Arthur Kill, and the Raritan River and Bay area. As you can see, the extent of the project is great; therefore, priorities were set and the project area was divided into "reaches." The Hackensack and Passaic River Reach, through the efforts of the Passaic River Coalition and the Hackensack Meadowlands Development Commission, will be the next project to be initiated. The cost of the cleanup was originally estimated to be \$3 million, which will be revised subsequent to a detailed cost estimate by the DEP and the U.S. Army Corps of Engineers. The entire design segment of this project will take approximately two years to complete, with construction immediately following.

A detailed "Guidance Fact Sheet for Municipalities and Waterfront Landowners" is available from the Department of Environmental Protection. You have that document in front of you right now. This package contains the project description, current status of all reaches, and a model waterfront maintenance ordinance.

As the next step, the DEP will begin the initiation of this reach project by contacting each municipality along these river corridor to gain support and participation in this program.

I would like to stress one thing most of all, because it is the one, important, key feature of the Harbor Cleanup Program, and that is the adoption of a Waterfront Maintenance Ordinance by each municipality, which requirement is in our Federal and State regulations on the program. This should ensure, after this one-time cleanup of the Passaic River and the Hackensack River, that these rivers will stay clean. Thank you.

ASSEMBLYMAN ADUBATO: Thank you. Do you also have a statement, Ms. Kaufman?

MS. KAUFMAN: Yes, I have a statement also.

My name is Barbara Kaufman. I am with the Division of Coastal Resources in the Department of Environmental Protection. I am pleased to have this opportunity tonight to speak in support of the Passaic River Restoration Project.

I first became familiar with this in 1981, when the Division of Coastal Resources awarded a \$35 thousand grant to the borough of North Arlington as the lead municipality to coordinate a study to plan for public access along the Passaic River in North Arlington, Lindhurst, Rutherford, and Kearny.

The Passaic River Coalition coordinated the entire project, with a great deal of help and support from the municipalities and citizens.

Since then, the Passaic River Coalition has made considerable progress towards the goals of bringing back vitality to these waterfront communities, and of proposing new and innovative uses for the riverfront.

The Passaic River Restoration Project is unique because of the grass roots support for the project. Of the 40 communities awarded the Division of Coastal Resources grants through the Division of Coastal Resources Local Grants Program in the State, the grants to the Passaic River communities have received the most citizen and local government support. Citizens have volunteered their time to participate in river cleanups. In light of the ever-decreasing availability of funds to implement projects of this nature, this support is essential.

In recognition of the work the Passaic River Coalition has done on this project, the Division of Coastal Resources has awarded another grant to the Passaic River Coalition to extend the Passaic River Restoration Project to Wallington and East Rutherford. The work will begin shortly, and will result in a plan for public access to the river in these communities. The Debris Survey which this Subcommittee is reviewing will most certainly prove useful in formulating this plan.

The Division of Coastal Resources will continue to support the Passaic River Restoration Project's efforts to revitalize the Passaic River. We are convinced the river can be as attractive a resource as it was in the past. Thank you.

ASSEMBLYMAN ADUBATO: I have a couple of questions about your testimony. You mentioned the Debris Survey. When will that be started?

MR. NORDSTROM: In conjunction with the Corps of Engineers?

ASSEMBLYMAN ADUBATO: Yes.

MR. NORDSTROM: Okay. We have a preliminary survey before us now, which the Passaic River Coalition has developed. What we have to do now is to combine that with the Hackensack Meadowlands Commission's report on the Hackensack River. Then we develop a letter of intent, and we submit that letter to the Corps.

One thing that is very important, and which we do need considerable help with, is contacting each municipality, because their participation is of utmost importance for the adoption of the local ordinance and for the enforcement of that local ordinance.

So, within a month's time, the letter could be submitted.

ASSEMBLYMAN ADUBATO: In terms of the State's role in this effort, will the State be financing the repair to bulkheads as well as debris removal?

MR. NORDSTROM: No. All of our moneys are earmarked, totally, for the removal and disposal of the potential sources of drift.

ASSEMBLYMAN ADUBATO: Along those lines, I mentioned the pictures around the room which indicate that garbage, car parts, and tires from junkyards either fall, or are being dumped into the river. What can the Department of Environmental Protection do about that issue?

MR. NORDSTROM: That can be cleaned up under the Harbor Cleanup Program. That can fall under the umbrella of shore debris and/or hazards to navigation.

Basically, what we look for in the Harbor Cleanup Program is any floatable potential hazard to navigation. That includes derelict vessels, derelict shore structures, and natural hazards to navigation: tree trunks, and any shore debris which has the potential to float or move within the navigable waterway.

ASSEMBLYMAN ADUBATO: You sound optimistic about the cleanup of the river.

MR. NORDSTROM: Oh, yes. Out of the 11 reaches which New Jersey has under its jurisdiction, we have eight either in design or in construction right now.

ASSEMBLYMAN ADUBATO: And, in terms of the Department's view of the river, is it seen as a high priority?

MR. NORDSTROM: It is seen as the next priority in the program.

ASSEMBLYMAN ADUBATO: The next meaning--?

MR. NORDSTROM: The next one to come on board under the design -- the next letter of intent to be submitted to the Corps of Engineers. Originally, when the priorities were set, they were based on concentrations of drift. Also, as you well know, the Hudson River has been a high priority for this Administration and for previous administrations. The harbor cleanup has been seen as a catalyst for the redevelopment of this area.

ASSEMBLYMAN ADUBATO: I asked this question of the people from the Coalition before, and I am going to ask the same question of you. You have a different point of view on this, since you are the people from the Department who have jurisdiction over these matters and other environmental matters. Can you think of any other sources of funding in the State today that would relate to the project? And, as a follow-up to that -- in terms of this Subcommittee and the Legislature, as the other branch of government to deal with this question -- do you have any advice for us on this issue?

MS. KAUFMAN: Unfortunately, the sources of funding that have been available in the past are becoming fewer and fewer. Even the Planning Program, which is awarding a grant this year to Wallington and East Rutherford, is coming to an end after that grant is awarded. So, I don't really know of any programs that are available now, other than those that have existed in the past.

MR. NORDSTROM: One program that was previously mentioned by the Passaic River Coalition is the Green Acres Program.

MS. KAUFMAN: That's true, yes.

MR. NORDSTROM: As you well know, the land has to be in public ownership in order to qualify for that grant, which is development funding for repair of bulkheads and/or acquisition, if you can encourage the municipalities to acquire the property along the river-front.

MS. KAUFMAN: Or obtain a 25-year lease.

MR. NORDSTROM: Or a lease.

MS. KAUFMAN: Of at least 25 years.

ASSEMBLYMAN ADUBATO: A follow-up to that question, in terms--

MR. NORDSTROM: (interrupting) I think what is needed is -- and Barbara could speak to this also -- moneys for shore protection and the stabilization of the Passaic River, so you can work in public access to the river-front, and through design it would become a more aesthetic and useable water resource.

CONGRESSMAN ROE: Well, the State does provide funding for use along the coast. Perhaps what you are suggesting is that we should incorporate the Passaic River as part of the coastal waterways of the State of New Jersey.

MR. NORDSTROM: Expand funding legislation, yes.

ASSEMBLYMAN ADUBATO: You are saying that the 1983 Shore Protection Bond Act should be included--

MR. NORDSTROM: I am saying "future."

ASSEMBLYMAN ADUBATO: Okay. Bob?

ASSEMBLYMAN HOLLENBECK: Does the Department of Environmental Protection have an enforcement division?

MS. KAUFMAN: It does have enforcement. The Waterfront Development Law applies to a boundary of, minimum, 100 feet from the mean high water line, and, maximum, 500 feet, depending upon where the first road or property line falls.

ASSEMBLYMAN HOLLENBECK: So, if somebody is encroaching on State-owned property, or riparian property, the DEP has enforcement people who can stop that type of thing?

MS. KAUFMAN: The enforcement people are mostly responsible for enforcing the Waterfront Development Law, which is separate from riparian land -- State-owned riparian land.

ASSEMBLYMAN HOLLENBECK: That is not the question. They have the responsibility also, don't they? Whether they are doing it or not, that is another question.

MS. KAUFMAN: They do, yes. The Bureau of Coastal Enforcement within the Division of Coastal Resources.

ASSEMBLYMAN HOLLENBECK: So, when we look at a Volkswagen car halfway into the river, that is probably on our State land in the first place. The DEP has the authority, through their Enforcement Division, to have that cleaned up already, don't they?

MS. KAUFMAN: Well, it depends. It is most likely that the property owner would be responsible for removing whatever is causing the pollution. If it is a violation-- If they are encroaching upon State land, it would be the responsibility of the property owner.

ASSEMBLYMAN HOLLENBECK: I am just trying to develop the fact that there is authority over in the DEP, and that it is just a lack of desire sometimes; so, we have to put a little desire into them to take care of some of the problems we see.

MS. KAUFMAN: Yes, there is authority within DEP to regulate that.

CONGRESSMAN ROE: One thing might be helpful to point out -- well, a couple of things. We are very rapidly and strongly developing in the Clean Water Bill -- which is being written right now; we had conferences all weekend on that -- the section on non-point-source of pollution. That is going to be a major drive in this new piece of legislation which will be coming out very shortly. One of the issues in that legislation is going to have to do with non-point-source, which means you do not have an effluent coming from sewerage disposal plant or a particular industrial plant; it would come from urban run-off, such as drainage from parking lots, municipal streets, and that sort of thing. There is going to be some funding made available for that, insofar as its impact on navigable waters is concerned.

We will, by all means, send you copies of that legislation, Mr. Chairman, as soon as they are available.

The second thing that occurs to me deals with water resources. Has anybody looked into what the State is going to do with its Water Resources Development Improvement Bond Issue? What do we have, \$345 million dollars committed there? The quality of the water supply in the receiving waters of the Passaic River is vital as a water supply source for the State. I wonder if any thought has been given to that, or if any decision has been made regarding funding in that direction?

MS. KAUFMAN: Not that I know of.

MR. NORDSTROM: I have no idea.

ASSEMBLYMAN ADUBATO: Assemblyman Hollenbeck, would you like to add to that?

ASSEMBLYMAN HOLLENBECK: I know the answer.

ASSEMBLYMAN ADUBATO: I knew you would.

ASSEMBLYMAN HOLLENBECK: Fifty million dollars has been appropriated for that particular act. The other \$300 million has not been appropriated for the various construction projects. The authorization has been sitting fallow for a couple of years.

CONGRESSMAN ROE: Maybe we could borrow the interest on that.

ASSEMBLYMAN ADUBATO: Thank you very much, Congressman. I want to thank the representatives from the Department of Environmental Protection. You can expect us, as a Subcommittee, to continually encourage you to move on, and at any point in time please feel to give us advice regarding the direction we are going in. Thank you for appearing and testifying tonight.

MR. NORDSTROM: Thank you.

MS. KAUFMAN: Thank you.

ASSEMBLYMAN ADUBATO: As I mentioned, there are many governmental and quasi-governmental entities involved with the Passaic River, and our next two witnesses represent the Passaic Valley Sewerage Commission. I just want to make sure they are here. (affirmative response) Okay. I would like to call to the witness stand Eugene DeStefano and Ed Tydeman from the Passaic Valley Sewerage Commission.

If you have a written statement, gentlemen, please give copies of it to the Committee. Do you have one?

**ED TIDEMAN:** Yes.

ASSEMBLYMAN ADUBATO: Since your statement is pretty short, I won't ask you to summarize it; you can read the whole thing.

MR. TIDEMAN: Okay. My name is Ed Tydeman. I am an Engineer for the Passaic Valley Sewerage Commission. The Commission has asked me to read a brief statement.

The Commissioners are in favor of any cleanup program. However, the Commissioners do not have the funds nor the jurisdiction

for any cleanup. But, we are definitely in favor of any program to clean up the river, and any legal aid we can supply.

ASSEMBLYMAN ADUBATO: Okay. Do you also want to make a statement, Mr. DeStefano?

EUGENE DeSTEFANO: Yes.

ASSEMBLYMAN ADUBATO: We will then ask questions

MR. DeSTEFANO: My name is Eugene DeStefano. I am Vice President with Elson T. Killam, Associates. We are consulting engineers, working for the Passaic Valley Commissioners relative to the water quality in the river.

I will give you a brief overview. Back in the mid-'70's it was determined that the combined sewer overflows which exist in Paterson and Newark were a detriment to the river. Studies were performed by Killam Associates for the Commissioners at that time. It was determined that there was a considerable amount of sewage overflow entering the river, along the lower 25 mile stretch of the river, and it was difficult to determine a solution to this problem.

At that time, the only solution that was brought forward would have taken billions of dollars: Separate the storm sewer from the sanitary effluent entering the Passaic Valley trunk.

We were commissioned by the DEP and the EPA, on behalf of the Commissioners, to study, in detail, the water quality of the river. So, for the last four years, we have been sampling and developing a water quality model, which would give us a working tool to determine what influence all pollution entering the river had on the total river quality. That project was completed very recently.

As a result of the project -- and I am going to be very quick -- we determined that, in reality, the combined sewer overflows that enter the river are not the major cause of water pollution problems within the Passaic River; in fact, the Upper Passaic River is the largest contributor to water pollution. This is coming from the sewage treatment plants, and the urban non-point runoff that occurs from above the Paterson Falls.

The second largest source of pollution within the river is the storm sewers, which direct discharges from the municipalities below the falls' drop into the river.



So, therefore, the recommendations of our study were that the sewerage treatment plants and the storm water problems from the Upper River and the Lower River be addressed as one of the first and major causes of the problem.

Beyond that, the CSO's -- which are the combined sewer overflows -- which occur in Paterson, discharge through regulators from back in the original days of the Passaic Valley construction. These structures are not working. They are completely out of operation. We have, therefore, recommended that they at least be rehabilitated.

At the present time, applications for grants are being accepted by the EPA. There is \$60 million available nationwide for CSO discharges to marine waters. The Passaic Valley Commissioners have requested Elson I. Killam Associates to prepare an application, which we are doing at the present time. So, at least that primary cause of sewage pollution to the river can be addressed, and we will be applying for that.

Some of the other recommendations of the study were that the municipalities sweep their streets, and clean their sewers. This is not being done. These sewers are major contributors to floating debris.

The pictures around the room show the major large pieces of debris, but you have to get down and look at the water to see the kind of debris I am talking about. There are heavy loads of floatable debris discharged to the storm sewers, through the sanitary sewers, and into the system.

The water quality model that was developed during our study is a working tool that will enable engineers in the future to determine what proposed improvements to the river will, in actuality, do with relation to the water quality of the river. The problem is, we have the tool, but there is no additional funding available at the EPA or DEP level for us to exercise that model. It is up. It is in the computer. It is ready to go, but there is no way we can continue the study in order to determine what other measures should be taken to clean up the river.

The Commissioners wanted me to make this statement, relative to this fact, and offer you any assistance we can. We have reams of data available for use. Thank you.

ASSEMBLYMAN ADUBATO: I would like to make a couple of comments in order to get a couple of things straight. Mr. DeStefano, you are not a staff person to the Passaic Valley Sewerage Commission; you are a consultant, correct?

MR. DeSTEFANO: I am a consulting engineer, sir.

ASSEMBLYMAN ADUBATO: Mr. Tideman, you are a staff person?

MR. TIDEMAN: Yes.

ASSEMBLYMAN ADUBATO: In what capacity?

MR. TIDEMAN: I am an engineer in the Line Engineering Department, within the Commission.

ASSEMBLYMAN ADUBATO: And, the two of you have worked together on--?

MR. DeSTEFANO: Basically on this study, this CSO study.

ASSEMBLYMAN ADUBATO: I know Assemblyman Hollenbeck has a couple of questions.

ASSEMBLYMAN HOLLENBECK: The couple of questions I have include an exception to your statement, Mr. Tideman. You say you do not have the jurisdiction over the funds for the restoration of the river, but we are referring to the pollution of the Passaic River. It is not just flotsam and jetsam we are discussing; it is the water quality itself. Do you have jurisdiction over that, or do you have a mandate by the State to oversee it? Isn't that what you were created for? You are mandated by the State to take care of the serious problems, and to stop the pollution of the Passaic River. That is a mandate. So, we don't even have to worry about jurisdiction; that's what your job is.

Let's deal with that. That has been your job since its inception. What have you done with reference to cleaning up the streets and seeing that the municipalities clean up the wood and the debris on the streets? What has the Passaic Valley Sewerage Commission done?

MR. TIDEMAN: I am not prepared to answer that at this time. We have an Industrial and a River Inspection Department which helps to take anyone who is polluting the river to court.

What I was referring to before as "jurisdiction" involved floating debris -- the bulkheads, the pilings, and so forth.

ASSEMBLYMAN HOLLENBECK: We know that is just the aesthetic portion of it. But, we also know that the cleanup of the river involves the quality of the water itself. I mean, flotsam and jetsam just doesn't look nice on the riverbanks, and that is the visual part people see. But, when we talk about the basic quality of the water, that is the responsibility of the Sewerage Commission, isn't it?

MR. TIDEMAN: Yes, between the Great Falls and Newark Bay on the Passaic River.

ASSEMBLYMAN HOLLENBECK: The area that we are referring to, and the Subcommittee is looking into?

MR. TIDEMAN: Yes.

ASSEMBLYMAN HOLLENBECK: I was asking then, what has the Passaic Valley Sewerage Commission done with reference to cleaning up the catch places, etc, which empty go into the river? That is a source of pollution to the water quality.

MR. TIDEMAN: Well, we hired Elson Killam Associates.

ASSEMBLYMAN HOLLENBECK: But, it was just recently they hired Elson Killam to do it. What have they done in the past? Didn't they have funds? Wasn't that part of their mandate, and what they were supposed to be doing? (no response)

The point is, the river didn't get this way by accident; it got this way by neglect, neglect on the part of the communities, and neglect on the part of the responsible agencies. They have to realize that fact, and the fact that we are trying to correct the situation. They are not to say they do not have the jurisdiction; they damn well better have a mandate to do it. That is the whole point, and that is how we got ourselves into this position in the first place.

The Sewerage Commission should be deeply involved with the cleanup of this river -- deeply involved. The Sewerage Commission should be deeply involved with the encroachments on this river. The

Sewerage Commission should have been deeply involved with the discharges into this river, and with the people who were discharging past their permit level, and I dare say they haven't been. So, the Sewerage Commission had better get on the stick with this one, because we are going to watch them.

ASSEMBLYMAN ADUBATO: Thank you, Assemblyman. Congressman Roe?

CONGRESSMAN ROE: I know it is late, but this is almost like a Congressional hearing. I will tell you one thing, I would sure like to see the document Killam put together that said there is really no substantive pollution coming from the combined sewer system in Paterson and Newark. I would like to see what the pre-treatment program there is. We are rewriting that law, and I have no quarrel with the Passaic Valley Water Commission. They are beseeching us to change that law right now.

Have you visited the combined sewer situation in Paterson? Did you see it yourself? Are you familiar with it?

MR. DeSTEFANO: Yes, sir.

CONGRESSMAN ROE: How can you make such a statement then? I haven't done the detail work, but I will tell you something: The big battle is with pre-treatment. And, every time there is a storm in the City of Paterson, it causes those combined sewers to flow right back into the river. I know that, sir, because I am technically trained too. I know that is true in Newark.

To come here and say -- and no affront is meant to you, but you have just excited my interest in this hearing tonight -- that isn't one of the major points of pollution, that it is above Beattys Dam, when I know what money has been expended above Beattys Dam, all the way up to Wayne and Pompton, shocks me. We have spent hundreds of millions of dollars to clean that up. I also know what has gone into Wanaque and the combination sewer program, so I am just shocked that you would say the elimination of the combined sewers would have no real major impact upon that river.

We are having an ongoing battle right now with the City of New York on just that issue. They will dump all of their raw sewage

into the river from their convention center, when they finish it, and from the lower section, down in Battery Park. We are saying to the EPA that they are out of their minds, that they will never clear up pollution in this country, as far as the water supply is concerned, unless they do two succinct things: One is to deal with the non-point source of pollution, which has now been elevated to at least 50 percent of the pollution in the first place; and the second thing is to deal with the combined sewer situation.

Boston, for instance, can never clean up their pollution problem unless they do something about that issue.

Maybe we will have a hearing in Washington regarding this matter. I would like to see that Report. Since 1972 -- that is almost ten years -- we have been trying to get that Report completed -- and I am not directing this to you; I know you just started it -- so the City of Paterson can complete some of its line and correct some of the problems. So, we sure would like to see that Report. If we are saying that eliminating the combined sewers in Paterson and Newark would not lend a substantial improvement to this river system, I would like to see that. I would like to see where that conclusion came from, because that flies in the face of all the testimony we have heard for years.

MR. DeSTEFANO: You are absolutely right. Based on all the historical data known generally, you are absolutely right. I didn't want to get into a lot of detail about what we did.

CONGRESSMAN ROE: But, you are making an awfully broad statement that goes beyond this testimony tonight.

MR. DeSTEFANO: But, it is an accurate statement. Over the last four years, we took 10,000 samples of the river during high river flow, and during rainfall events for periods of 10 days. We sampled that river for 10-day periods, four and five times. We developed a model with an accuracy beyond any river model that has ever been done in the world. This is the first time that anyone has put together, with actual sampling data, a real time model that takes into account the operation of the river -- the fact that you have tides sloshing back and forth. I didn't want to get into a big explanation of this.

CONGRESSMAN ROE: Is that a funded EPA study?

MR. DeSTEFANO: Yes, it is, sir.

CONGRESSMAN ROE: It is a funded EPA study?

MR. DeSTEFANO: And, I would be happy to make this information available to you.

CONGRESSMAN ROE: I would like to see it.

MR. DeSTEFANO: It did prove -- and it does prove -- that the major contributors are not the CSO's, but the Upriver, including the Saddle River and the storm sewers within the cities. There is absolute proof, and we have the data to prove it.

CONGRESSMAN ROE: Well, we will sure look at it.

ASSEMBLYMAN ADUBATO: It is clear there is a level of interest on the part of this Committee, and on the part of Congressman Roe, for the Commissioners to respond to these questions.

I knew there was going to be a strong reaction on the part of the people who have been dealing with this situation longer than I have, because they have represented these communities along the river much longer than I have. So, I am going to ask you, Mr. Tideman, as a staff person, to go back to the Commissioners and tell them that this Subcommittee, formed by Chairman Hollenbeck to specifically address these issues, would like the Commissioners to respond to these questions. We would also like a copy of the survey that has been talked about. And, we would like you to outline for us the key areas you outlined in your testimony. We would like to see the documented evidence that makes that case. Because, clearly, the people who have been involved -- not as consultants, but community members and elected officials -- may not agree with your data. We would like them to respond to this.

I don't want to be overly critical, but I was a little disappointed that this was the statement brought by the Passaic Valley Sewerage Commission. We would like a more substantive response, in writing, as quickly as possible. Thank you very much.

MR. TIDEMAN: By the way, that report has recently been submitted and it is in the hands of the DEP and the USEPA in New York.

ASSEMBLYMAN ADUBATO: Okay. Well, the New Jersey Legislature is very interested also--

MR. TIDEMAN: (interrupting) You shall have a copy.

ASSEMBLYMAN ADUBATO: (continuing) --as well as the United States Congress. Thank you very much.

We have some people here who are not government officials. They are people who use this River, and people who, on a day-to-day basis, feel the effects of the pictures they see around the room, and the questions they have heard asked by the Subcommittee.

I want to make sure we have this right. We have some people who are interested in rowing here tonight. We have people from the Triton Rowing Club. Hopefully, we also have some people from the local schools in the area. Is anyone here from Nutley? Mr. Chapman?

MR. CHAPMAN: Yes.

ASSEMBLYMAN ADUBATO: Okay. Is anyone here from Belleville?  
(affirmative reply)

ASSEMBLYMAN ADUBATO: Is there anyone here from Kearny?  
(affirmative reply)

Clearly, we are well represented in the area of rowing. That is the primary recreational activity being talked about here tonight. I know it is going to be difficult, but I would like to ask the crew coaches to come up as a group, but that only one speak for the group. If the other coaches would like to make a brief statement also, after your spokesman has finished, we will allow them to do that. We will then hear from the people representing the Triton Club.

Will the coach's group please come forward? Mr. Chapman, will you be delivering the testimony?

**RAY CHAPMAN:** Yes. I have been affiliated with the Nutley High School Crew program for 17 years. Mr. Gefrida has been affiliated with the Belleville Crew program for 20 years. And, Mr. Selma has been affiliated with the Kearny High School program for seven years.

I was raised in Belleville, where I participated in rowing in the early 1960's. My brother, before me, rowed in the Passaic River in the early 1950's. Rowing, as a scholastic and recreational activity, has existed on the Passaic River since 1942 for the three local schools of Kearny, Nutley, and Belleville; and now defunct club rowing dates back to the 1880's, when several boat clubs flourished on the banks of the Passaic, in the City of Newark.

Between the three sister schools in our boathouse, we provide a healthy and competitive activity for anywhere from 300 to 350 youngsters, both boys and girls, each spring rowing season, and heretofore on an intramural basis in the autumn as well.

All three schools in our boathouse compete with far-ranging teams from Poughkeepsie, New York; Philadelphia, Pennsylvania; Middletown, Delaware; as well as other teams from all over the eastern seaboard in the National Scholastic Regatta.

Our largest shells -- that is what a crew boat is called -- are 62 feet long. They are rowed by eight athletes, with a ninth person, called the coxswan, who steers and commands the crew.

The hulls, or skins, of our older shells were all constructed of wood at one time. We have found, however, that it is increasingly safer, more efficient, and cheaper to have the skins of our newer craft fabricated from kevlar, a derivative of fiberglass, or plasticized polyester.

This is due to the fact that while nothing man-made can rival the beauty of natural cedar wood, which is what our older shells were made of, the synthetic compound boats withstand the debris we frequently encounter in the river.

The variety of that debris has included telephone poles; shopping carts; bottles; furniture; tires; pieces of broken barges; and anything floatable that the rising tide will pick up from the banks of the river.

Liquid effluents are numerous and I would require a chemist to help me analyze them. I will just add to what I prepared in my written testimony on that point. Over the past week, we have noticed a particularly unusual slime, which adheres to the shells and the oars in the river.

The impact of any restoration of water quality, or of the general environs of the river, would certainly enhance the Passaic as a recreational facility for our teams, and for the general public as well.

I promised Assemblyman Adubato that I would be brief, and I plan to live up to that. Thank you for the opportunity you have given



me, Mr. Gefrida, and Mr. Selma to appear here tonight before this Subcommittee.

ASSEMBLYMAN ADUBATO: Let me say, coach, that it was a pleasure for us to have you. As a representative of the towns of Belleville and Nutley, I noticed with great interest that in Ella's speech she talked about Kearny as being the champs of the crew competition. Could you tell us if the debris had anything to do with why Belleville and Nutley were not able to win the championship? (laughter) I am curious, because I am partial to our side of the river.

MR. CHAPMAN: Yes. Al Selma had one of those telephone poles planted in the lanes where Mr. Gefrida and I were rowing. So, as a consequence, we were not able to win.

CONGRESSMAN ROE: Do they know the river better?

ASSEMBLYMAN HOLLENBECK: That's what I was thinking.

ASSEMBLYMAN ADUBATO: I don't think that we have any piercing questions, but I do want to say that it is important for you to come before us. It is one thing for us to hear from governmental officials and people involved on the staff level with the Coalition, but we also appreciate hearing from you, the people who deal with this on a day-to-day basis. I was born and raised in this area and I know how important the crew activities are, particularly to Belleville and Nutley. I know how spirited our athletes are. I have also been amazed at the number of people who go down to the river as spectators. It is a terrific sight, and I have often thought how nice it would be if the river was cleaner after one of our teams win a competition and they jump into the water.

MR. CHAPMAN: We don't do that anymore. (laughter)

ASSEMBLYMAN ADUBATO: Yes. That is what I have heard. As I said, I do want to thank you. You can rest assured that this Committee will live up to its commitment. Anything that is done, in terms of written documents or responses we get dealing directly with the issue of rowing in Belleville, Nutley, and Kearny, you can expect us to be responsive to. I want to thank you again on behalf of the Subcommittee.

MR. CHAPMAN: You are welcome.

ASSEMBLYMAN ADUBATO: We have a member of the Triton Rowing Club with us and I would like to call her for what I am assured will be a brief statement. Cathie Comerford, from the Triton Rowing Club that we hear so much about.

**CATHIE COMERFORD:** My name is Cathie Comerford. I am the current President of the Triton Rowing Club.

ASSEMBLYMAN ADUBATO: Cathie, can you just speak into the microphone?

MS. COMERFORD: We are a member organization of the Passaic River Coalition. I would like to thank Chairman Hollenbeck and the Passaic River Restoration Subcommittee for inviting the Triton Rowing Club to comment.

We, the members of the Triton Rowing Club, are very concerned with the present condition of the Passaic River. Our organization is in the process of returning the sport of rowing to the river in an attempt to regain the Passaic's identity as a place of sport and recreation.

One of the major drawbacks is the floating debris in the river, which causes a very hazardous condition for rowers and our equipment. A rowing shell is a delicate vehicle, built sleek and of lightweight material. Therefore, striking a floating or submerged object is very dangerous to both rowers and equipment. Repairs to the wooden hull, depending on the seriousness of the damage, could cost from hundreds to thousands of dollars. A damaged shell, in turn, could overturn or sink, causing the occupants to be thrown out into the river.

Our main concern at the present time is the high school crews of Belleville, Nutley, and Kearny, who are rowing daily in the spring and the fall. The safety of these kids is at stake. Prior to races or practices, the coaches must venture out, before any shells do, and pick up any floating debris that could harm their crews.

Rowing itself is a safe sport, and this safety can be assured with proper cleanup and prevention of further dumping into the Passaic River.

Another problem caused by the debris is its accumulation along the shoreline. The high school boathouse dock is located in Kearny. At times, so much dirt and debris deposits itself around the dock area that shells can't be put into the water.

All of this causes a serious detriment to the sport of rowing, a sport which has a long and glorious tradition on the Passaic River, dating back to the 1860's. In order for rowing to survive and grow to the status it once enjoyed on the Passaic River, it is of utmost importance that the river be cleaned and kept as free of debris as possible. One of the Passaic River Coalition's goals is to keep a watchful eye on the environmental conditions of the river in order to keep rowing a safe and healthy recreational activity. Thank you.

ASSEMBLYMAN ADUBATO: I want to thank you very much, Ms. Comerford, on behalf of the Subcommittee. We will take your statement into consideration.

MS. COMERFORD: Thank you.

ASSEMBLYMAN ADUBATO: The hour is late, but I know we have more interest in this subject. I would like to call as our next witness, Commissioner Evelyn Pezzola, who would like to make a statement on behalf of her community. Commissioner Pezzola is from Lindhurst -- a town along the River -- and she has assured me that her statement will be a short one. Welcome, Commissioner.

**COMMISSIONER EVELYN PEZZOLA:** My name is Commissioner Evelyn Pezzola. I am with the Department of Public Works, Township of Lyndhurst. I also represent the Community Development Committee for the Southwest Region, under the direction of the Bergen County Freeholders. I have just come from a meeting of this Committee regarding the Passaic River Coalition's rehabilitation of the Passaic River, and the restoration of its banks has been considered for continued funding by the Freeholders on the Subcommittee.

I would like to express the sincere support of the Southwest Region Community Development Committee, and of the Township of Lyndhurst, for the debris cleanup. Presently, we are experiencing much debris in the particular area of Lyndhurst which borders the Bergen County Park. Debris removal for the Township, or for anyone, would be

quite extensive and quite expensive. We would appreciate any support this Subcommittee could give us.

You were talking about canoeing. At present, if there were to be any canoeing in that particular area, the canoeists would have a very difficult time getting past the debris which was pushed into the river recently from our Yacht Club area. It is obstructing the passage of vessels right now. So, we would hope we could begin work on debris removal as soon as possible, because it does create, and is creating, a very dangerous situation for vessels. At present, there is no way the community can come up with any money to remove this particular debris. Therefore, we're asking for your help.

Thank you for allowing me to comment.

ASSEMBLYMAN ADUBATO: Thank you very much, Commissioner. I would like to recognize Dr. John McNulty, who is here representing the Mayor of the Town of Nutley, Carmen Orechio. Dr. McNulty has a short statement.

**DR. JOHN McNULTY:** Members of the Committee, and Congressman Roe: I would like to make a short statement personally, and then read a statement from Carmen Orechio, Mayor of Nutley, who has appointed me to the Steering Committee. He cannot be here tonight, as you know, because he is in Israel.

There are a number of things which have struck me. This evening, as I walked into this building and mentioned that I was coming up here for this public hearing, one of our devout cynics assured me that this sort of thing goes on year after year after year, and that nothing is going to be done about it anyway. I don't happen to believe that is the case. I have seen things that have happened through committees such as the Passaic River Coalition, and I think the political arms of this county and this State could do us all a big favor by continuing that work.

I am a consultant, and I travel a great deal. I hear a good deal about New Jersey, and some of the things I hear about New Jersey are not always very flattering. I think by fixing the Passaic River, this would indeed project a better picture of New Jersey.

One other thing, I am a psychologist, and I believe the quality of life has to be enhanced by the changing of that river. This may seem far-fetched, but it isn't. The surroundings here indicate a certain decorum. I think that if we cleaned the river up a good bit, it would certainly increase the psychological well-being of a lot of our folks, particularly people like myself who travel to and from the airport.

Just one final thing. I am the father of six. We polluted that river long before your time, Assemblyman Adubato, and many others. It is a nasty thing, and I think we certainly owe it to our children, and our children's children to have it cleaned up.

Very briefly, Carmen asked me to read this. "To the Members and Supporters of the Passaic River Coalition: I am happy to welcome all of you here this evening. It is my hope that the discussion tonight will lead to profitable suggestions and approaches to the improvement of the water quality throughout the Passaic River Basin.

"We all recognize that the task before you is enormously complicated by the endless diversity of the people and the uses throughout the area.

"However, the enormity of the challenge should not deter you from this undertaking, because the goal is such a vital one.

"Reasonable people of good will and open minds, working together, can accomplish the warranted results. Very truly yours, Carmen A. Orechio, Mayor, Township of Nutley."

You know, Nutley does not border right on the Passaic River, but I think the fact that he appointed someone from Nutley to the Commission is an indication of Carmen's real concern about this. Thank you very much.

ASSEMBLYMAN ADUBATO: Thank you very much, Doctor.

ASSEMBLYMAN HOLLENBECK: Listen, the next time one of those cynics says something to you, just tell him you're trying to build a fire under some people so they will do the jobs they are supposed to be doing.

DR. McNULTY: Very good.

ASSEMBLYMAN ADUBATO: Now, I would like to call Mr. Robert Hakim. He is the Chairman of the Kearny Industrial Commission, and is representing the Mayor of Kearny.

E. ROBERT HAKIM: I like to see people when I speak to them, so I will sit over here. Okay?

ASSEMBLYMAN ADUBATO: Fine.

MR. HAKIM: My name is E. Robert Hakim; I am the Chairman of the Kearny Industrial Commission. I am also the Finance Chairman for the Passaic Restoration River Project and the Chairman of the Combined Sewer Overflow Committee.

I have no official remarks to make. I just want to address some of the things that Congressman Roe mentioned. Before that though, when I was a lad, I used to swim in the Passaic River. I was born back in 1921. I enjoyed swimming in the Passaic River many times. We used to catch crabs, and all sorts of things. As time went by, the river became polluted, and I used to get impetigo, a skin disease, from swimming in it. I would not advocate anyone swimming in there right now, but I did for many, many happy years in my youth, and I hope to see the river come back the way it was.

One of the main gripes I have, Congressman, is that I think New York City is the greatest polluter of the Passaic River. The sewage floating upstream and downstream is not very healthy.

Also, I would like to make one comment in defense of the fellows from Killam. I am a rookie at engineering. I know nothing about the scientific analysis of pollution or what have you. However, I was asked to be the Chairman of the Combined Sewer Overflow Study that Gene mentioned before. I often wonder what caused the pollution. We met for two years as a Citizens' Advisory Group, and during those two years there was a presentation by Killam Associates. I was astounded when I saw the graphs and models they made, and I had a whole learning experience about pollution. When the final report came out, it said what Gene said, that the pollutants are not exclusively from the combined sewers. Most of the pollutants come from upstream -- from the sewers upstream being discharged, and what have you.

Now, I am a pure rookie, so you have to accept my testimony as a rookie. I was startled when the final reports came out. I saw the reports, and I attended every single meeting. I just want to sort of defend the presentation that Gene made, because he and his associates did a fine job. If they could make a guy like me understand those sort of things, and comprehend them, I just want to defend the record.

Now, as far as the Town of Kearny is concerned, we would like a clean, safe river. We want to see it the way it was. We have our crew teams there; we have a marina there; and, we have a huge park along the front. We try to keep the east bank of the Passaic River in shape, as far as Kearny is concerned. We have Green Acres money, and we have done a lot of development. We have hiking paths there. Our portion of the river is not that bad, but I would like to see the entire river cleaned up so we could accomplish some of the objectives that Ella and some of the others mentioned. I am for a clean Passaic River, just as you are and, God bless you, I hope you can carry it off for us. That is my testimony.

ASSEMBLYMAN ADUBATO: Thank you, Mr. Hakim. I think the last person I want to introduce is Mr. Robert Meyers, who is representing the Mayor and Council of North Arlington, and who is also, I am happy to say, the Chairman of the Passaic River Coalition, which started off this hearing, and which in many ways is the impetus of why we are here.

**ROBERT J. MEYERS:** I arrived here a few minutes late, Assemblyman, so I am not sure if I caught all of Dr. Filappone's remarks. However, I do remember a question asked during her testimony. I think it was, "What do you envision for the Passaic River?" I think what we envision for the Passaic River, is what is natural to any river. I think it is natural to fish in a river, and I would like to see that happening again. I think boating is natural to a river, and I would like to see that happening again. We had the Triton Rowing Club testify here this evening, and the rowing coaches. The Passaic River, in the late 1880's, was one of the centers for amateur rowing. There were more than 20 amateur rowing clubs on the Passaic River. I see no reason why that can't be again.

One of the problems with the river as it exists now, is that we do not have proper access. If there were more access to the river, I think there would be more of a public drive, more public involvement than what we have. We have insufficient public involvement right now, but it is growing all the time. We heard from Dr. McNulty from this good town of Nutley this evening. We heard from Bob Hakim from Kearny. We heard from the Triton rowers. Frank Sudol was here from Newark, and Evelyn Pezzola was here from Lyndhurst. All of these people have been active with us, serving on our various committees. I am really enheartened to see a hearing like this tonight. The public and the little people can do so much. There comes a time when the Legislature and the elected officials really have to carry the ball, but they need commitment and energy to make this a reality. It is going to take a long time; no one has any illusions about that. But, the time is rapidly approaching when we are going to need tangible improvement on the river. We have a number of committees, and we have a lot of public involvement. However, if you do not show people tangible improvement, like the debris cleanup, and like target areas we try to identify in the various communities, you are not going to foster the kind of commitment and involvement necessary to continue this project through the years.

I want to compliment Assemblyman Hollenbeck. I think if anyone has his finger on the pulse of his district and knows what's happening in the hearts and minds of the people in the district, he certainly does. Assemblyman Adubato, this is my first meeting with you, but I have heard good things about you. I compliment you on your questions this evening; I think they were probing and very much to the point. And, of course, Congressman Roe. He has been very supportive of this project. His commitment to water resources and the problems relative to that issue is well-known. He attended our meeting at Wallington, and was there to give the awards for our logo contest. His willingness to amend his forthcoming bill in an attempt to gain funds for the Passaic River, will be a major -- a major -- milestone, if it is able to become a reality.



I think what we should take out of this hearing when we leave here tonight -- I don't know if I am the last speaker or not -- is a renewed sense of what we can accomplish, and a renewed sense of commitment to this project. I think if we are able to do that, it will continue, it will grow, and it will become real. I think a large measure of that will be due to the fact that you are here this evening, and the credit will certainly go to the Legislature and our elected officials.

I thank you very much for having this hearing here tonight.

ASSEMBLYMAN ADUBATO: Thank you very much, Mr. Meyers. Assemblyman Hollenbeck, do you have anything?

ASSEMBLYMAN HOLLENBECK: I know, of course, that Bob has been working on this for many years. You're right, I am fully aware of the deep work the Coalition has done for many years. I am fully aware, also, that something tangible has to shown to people, because that is one of the problems. That is why I have asked Stephen to chair this Subcommittee. What we have to do is not only prod the people responsible, but we have to prod the general public to an awareness of the problem. We have to prod the young people throughout the State to get them involved in environmental issues such as this.

Now, a true cleaning up of the Passaic River is not going to occur in a year, or two years, to change the water quality. But, we can take the visual portions of that river -- the flotsam and the jetsam, the dirty riverbanks, the encroachments, and the eyesores -- and with these things, we can have improvement. That would be enough to make the general public aware that if they see someone discharging into their river, or doing something to spoil their river, they should report it, and we will have it stopped. Once we have accomplished that, we are a long way down the line toward getting our river cleaned up and back the way we want it. That is the whole goal. So, with all of us working together, let's renew the effort, the spark, light the fire, get after our elected officials, and prod them to get after the right agencies to convince them to do their jobs. Then we will get it accomplished. It just takes a little work.

ASSEMBLYMAN ADUBATO: Thank you very much, Assemblyman, and thank you, Mr. Meyers.

DR. FILAPPONE: Mr. Chairman, I would just like to recognize the Kearny Sea Scouts, who have helped us so much in this Debris Survey. They are here tonight, and some of the young people were also on a large boat when we were out in the hot sun taking these pictures. Will the Sea Scouts please stand up so people can see them? (applause)

ASSEMBLYMAN ADUBATO: Well, this is the end of the hearing. Does anyone else want to be recognized? (affirmative response) Yes, sir, you are?

ERNEST PIRO: My name is Ernest Piro; I am the former Commissioner of Public Works. I spent 42 years in the Public Works Department.

I think we are missing the boat. Every time we have a storm in Nutley, our storm water goes into the sanitation sewers, which is par for the course. Our manhole covers keep floating on top, so we are getting a mixture of storm water and sanitary water, which empties into the Passaic River.

I think that is the top priority. You have to get to these towns, and check into them to find out what they are doing about it. It all empties into the Passaic River. Are you following what I am trying to tell you? Every time we have a big storm in Nutley, as is typical all over, our sanitary sewers can't take it, so we get a mixture of sanitary and storm water, which floats down the streets into the Passaic River.

ASSEMBLYMAN ADUBATO: Mr. Piro, I don't if you were here for the entire hearing, but those points were raised.

MR. PIRO: I wasn't here; we came in late.

ASSEMBLYMAN ADUBATO: Okay. Those points were raised by the members of the Committee in response to testimony given by the Passaic Valley Sewerage Commission, and we are in full agreement with your statement. I don't think we're missing the boat.

MR. PIRO: I also think we spent millions of dollars in the Passaic Valley Sewerage Commission, and I am wondering why we're having this problem today. I thought that was supposed to eliminate all our problems.

ASSEMBLYMAN ADUBATO: Mr. Piro, I want to assure you that Congressman Roe, Assemblyman Hollenbeck, and myself were very diligent

in our questioning, and in our probing of the Passaic Valley Sewerage people when they testified here tonight. We are in full agreement with your statement. We want some answers too.

MR. PIRO: Thank you.

ASSEMBLYMAN ADUBATO: Thank you very much. I would like to ask Congressman Roe if he has any closing remarks.

CONGRESSMAN ROE: Well, just briefly, Mr. Chairman, I want to thank you for inviting me. I think the hearing is very appropriate, particularly at this time, because, as I mentioned to you, we're writing two very key pieces of legislation which have a material bearing on the hearing.

I learned something tonight; there are a couple of points. I am certainly going to check out that report. I am going to check with EPA tomorrow morning. I want to find out how much they're spending on that, and why it took eight years -- no affront to you. I want to find out whether or not the consensus in the whole country is that overflowing sewers are contributing to our pollution.

I think we can speed up the program. Number one, the State has the authority, and I sat in that position for seven years before I went to Congress. As far as Green Acres is concerned, if they want to approve those grants along the river, they can do that. That could be done within a matter of three or four days, if they really wanted to do it. I think that is number one. As a citizen, I want to say that.

Number two, I made a number of profuse notes to myself tonight on the 208 Regional Review Program, which I am going to check first thing tomorrow morning to find out why the Passaic Valley Coalition is not an integral part of that, and what we are doing about it.

Number three, as far as I am concerned, we will get that amendment. If that bill passes at all, it will pass with that amendment. I already wrote two additional amendments, because there were a couple of points we missed. But, after tonight, we won't miss them.

I would say we ought to recommend to the towns and cities -- and I think the State DEP testified to this -- that they adopt local

ordinances. You know, I don't know how it is in other towns. I am going to be representing Nutley soon, I believe, and Belleville. We have our people clean up our riverbanks in Wayne. We work on them. We don't do the best job we can, but I think we have to build, and you're doing that. The Coalition is doing that. It is building a recognition that the communities have an obligation, too, along the line, to clean up the riverbanks, to see that they are kept together, and so forth.

So, Assemblymen Hollenbeck and Adubato, I think you have started out a very good-- You know, I was thinking about this myself. Let's have a little humor. Ordinarily, at all the hearings I attend throughout the nation, it is usually Congress which calls the hearing. Then the members of the Senate and the members of the Assembly from the State come to participate. This is the first time members of the Assembly have called a hearing in the State and invited me to testify. So, it is unique; maybe it's a first. It's a beginning, and I am excited about it. I was tired when I first got here, but I'm not tired now. I think what you're doing is great. I compliment you, Ella, for the work you're doing with all your folks.

Now, let's get out and get it done. Let's shorten the time; there is no reason for it to take a hundred years. Let's get it done now. I would like to see that water clean in my lifetime, and I expect to live a few years yet.

ASSEMBLYMAN ADUBATO: I would like to say that Congressman Roe is correct. As I mentioned at the beginning of the hearing tonight, I never expected that Congressman Roe would come. At first, I felt that if he would just say a few words, it would be tremendously beneficial to us. But, in fact, he stayed here for the entire two hours -- and I apologize for the length of the hearing -- and listened. He clearly responded to several points which were raised, both from a Washington perspective, and at the same time from a hometown perspective. Congressman Roe will be taking on two communities which are new to him. The fact that he is here tonight before he even takes on that position is a testimony to his commitment.

I want to thank you again, Congressman Roe. I also want to thank the Chairman of the Assembly Agriculture and Environment

Committee, Assemblyman Hollenbeck, for giving me this opportunity. Let me say if there was ever an opportunity for a subcommittee to work on a very interesting, vital, and pressing issue, something that clearly has a very strong public response, it is the opportunity which has been given to this Subcommittee.

So, Assemblyman Hollenbeck, I thank you for this opportunity. I also want to thank our staff, Mark and Karen, and the members of my staff who are here. I also thank you, the public, because if you did not come here to testify, and respond to our questions, we would have been very disappointed. So, thank you very much for your patience. I assure you that this Subcommittee will not end tonight. We will respond, in writing, and we will continue to deal with you in the future on an issue we are all concerned about, as it has to do with the Passaic River. Thank you very much.

**(HEARING CONCLUDED)**





CARMEN A. ORECHIO  
MAYOR

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April 2, 1984

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the Passaic River Coalition:

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Very truly yours,

Carmen A. Orechio

CAO/dq



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NEW YORK HARBOR  
COLLECTION AND REMOVAL OF DRIFT PROJECT

GUIDANCE FACT SHEET  
FOR MUNICIPALITIES  
AND WATERFRONT LANDOWNERS

°AUTHORIZATION AND FUNDING HISTORY:

This Federal project involving the collection and removal of drift from New York Harbor was initially authorized by the River and Harbor Acts of 1915, 1917 and 1930. It provided for the collection and removal of drift from New York Harbor and its tributary waters, and authorized the Secretary of the Army to allot such amounts as may be necessary for the work from appropriations for maintenance and improvement of existing river and harbor works and other available appropriations, and that this work shall be carried on as a separate and distinct project. The original work authorized was restricted solely to maintenance, but new authorization, Resolutions of the Committee of Public Works of the U.S. Senate and U.S. House of Representatives embodied in Public Law 93-251, 93rd Congress, H.R. 10203, adopted March 7, 1974, provided for the following in Section 91:

The New York Harbor collection and removal of drift project is hereby modified in accordance with the recommendations contained in "Survey Report on Review of Project, New York Harbor Collection and Removal of Drift," dated June 1968, revised March 1969, and April 1971, on file in the Office, Chief of Engineers. There is authorized to be appropriated not to exceed \$14,000,000 to carry out the modification authorized by this Section.

On November 8, 1977, the voters of the State of New Jersey approved a \$10 million bond issue to finance New Jersey's share of the U.S. Army Corps of Engineers water resources development project officially known as New York Harbor Collection and Removal of Drift Project, authorized by Section 91 of the Water Resources Development Act of 1974 (P.L. 93-251), as amended by Section 116 of the Water Resources Development Act of 1976.

A second bond issue, for \$12 million, was approved by the voters on November 4, 1980. Of this money \$10 million will be used to further implement the New York Harbor Collection and Removal of Drift Project, while



the remaining \$2 million will be utilized in the Delaware River and Bay Area.

Full funding has been appropriated by the Legislature in the following State Statutes:

a.	1977 Beaches & Harbors Bond Fund	P.L. 1977, Ch. 208
	\$5,000,000 Appropriation	P.L. 1979, Ch. 80
	\$5,000,000 Appropriation	P.L. 1981, Ch. 157
b.	1980 Natural Resources Bond Fund	P.L. 1980, Ch. 20
	\$10,000,000 Appropriation	P.L. 1981, Ch. 566

°CONDITIONS FOR PARTICIPATION:

As this proposed undertaking is considered an urban renewal project, the Federal formula for cost sharing will be applied; i.e., two thirds of the cost of the work to be assumed by the Federal government to be borne federally and one third assigned to local interest (State of New Jersey through Beach and Harbor Bond Act of 1977 and Natural Resources Bond Act of 1980). The Federal/State cost sharing applies only to the REMOVAL and DISPOSAL of derelict vessels, deteriorated shore structures and loose drift along shores. The REPAIR of shore structures is a local cost item. The above cost formula is subject to the condition that:

- a. The waterfront landowner provide without cost to the United States all easements, license to enter and rights-of-way corridors on lands (uplands and riparian) required for implementation of the considered improvement upon the request of the Chief of Engineers, U.S. Army Corps of Engineers.
- b. The State hold and save the United States free from damage that may result from the considered improvement and from any subsequent maintenance work or activities in connection with the improvement.
- c. The local municipalities enact legislation prior to and enforce same during and after completion of work in political or physical subdivisions of the improvement area to prevent creation of future sources of drift and debris.
- d. The State contributes in cash one third of the first cost of the Federal work to be paid in a lump sum prior to commencement of the entire project or in installments prior to start of pertinent work items.
- e. The State comply with the requirements of non-Federal cooperation as specified in the Uniform

Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646.

- f. The Waterfront Landowners make necessary repairs to deteriorated shore structures in use that would be satisfactory to the Chief of Engineers so as to eliminate them as a source of drift. The repairs will be performed concurrently or within a reasonable time subsequent to the work to be performed by the Federal Government for the considered improvements.

Where repairs to deteriorated structures are necessary, property owners of said structures may be required to obtain one or more of the following permits:

- 1) U.S. Army Corps of Engineers permit - obtained from Corps of Engineers, Construction Permits Section.
- 2) Water Quality Certificate - obtained from NJDEP, Division of Water Resources.
- 3) Waterfront Development Permit - obtained from NJDEP, Bureau of Coastal Project Review.

E

°Tasks to be performed by  
Local Municipalities

1. Notify waterfront landowners of public meetings concerning the Harbor Cleanup Project.
2. Provide maps to NJDEP giving names, Lot and Block identity of each waterfront landowner.
3. Work with NJDEP in identifying all potential sources of drift so a letter of intent can be sent to the U.S. Corps of Engineers.
4. Enact a local waterfront maintenance ordinance based on the model provided herein.
5. Provide assistance to NJDEP in obtaining the "Agreements to Participate" and the "License and Right-of-Entry".
6. Assist in providing any needed mitigation measures for loss of marine habitat and recreational opportunities.

°Tasks to be performed by  
N.J. Dept. of Environmental  
Protection

1. Make a reconnaissance survey of waterfront and make initial identification of sources of drift.
2. Meet the municipal officials and waterfront landowners to explain program.
3. Provide letter of intent to Corps of Engineers for the Reach in question.
4. Review preliminary report and generate "Agreements to Participate" and the Licenses and Rights-of-Entry".
5. Review the Phase II General Design Memorandum for compliance to Agreements.
6. Provide to the COE a "Master Agreement of Local Cooperation" and "Master License & Right-of-Entry" with necessary backup documentation.
7. Provide the one-third State share of funds for the project.

STATUS OF HARBOR CLEANUP REACHES  
APRIL 1984

<u>Reach #</u>	<u>Description</u>	<u>Status</u>
1N	Jersey City North	Hold
1S	Jersey City South	Construction Summer 84
2	Weehawken to Edgewater	Construction 10/84
2A	Elizabeth	Completed
2B	Hoboken	Under Construction
		Completion 12/84
2C	Shooters Island	Construction 2/85
4	Bayonne	Construction 2/85
4A	Upper Newark Bay	Not Initiated
5	Hackensack & Passaic Rivers	Not Initiated
6	Arthur Kill	Construction 1/86
7	Raritan River & Bay	Not initiated

## SUGGESTED ORDINANCE FOR LOCAL LEGISLATION

In order to maintain the cleaned-up condition which would prevail upon completion of the considered project, it is essential to prevent the recurrence and re-formation of the sources of drift through strengthening and enforcing the present state and municipal laws where these exist and enacting new legislation where necessary. This is made a condition of local cooperation for the improvement. A model law in the form of a local waterfront ordinance, which is considered appropriate for this purpose, and which by appropriate substitution such as "Supervisor" for "Commissioner"; "Town Council" for "Mayor"; and "Town" for "City", is as follows:

AN ORDINANCE TO ESTABLISH THE ELIMINATION OF SOURCES OF DRIFT AND DEBRIS AND OTHER POSSIBLE OBSTACLES OR HAZARDS EXISTING ON NAVIGABLE WATERS IN THE CITY AND TO PROVIDE FOR THE REMOVAL AND DISPOSAL OF DEBRIS AND DETERIORATED STRUCTURES ON THE SHORES OF SUCH WATERS BY PROVIDING FOR SAME IN CHAPTER XX OF THE CODE OF THE CITY.

BE IT ORDAINED BY CITY COUNCIL OF THE CITY:

### Article 1. CLEANUP PROGRAM

#### Section 1. Short Title

This chapter shall be known as the "Waterfront Ordinance."

#### Section 2. Definitions.

Unless otherwise expressly stated, the following words and phrases shall have the meaning respectively ascribed to them in this section. When not inconsistent with the context, words used in the present tense include the future and words used in the singular shall include the plural number. The word "shall" is always mandatory and not merely directory.

City means the City

Debris means any loose material not attached to the land or to any structure and which is capable of becoming drift.

Director means the Director of the Department of Public Works as appointed by the Mayor, and who may appoint, with the approval of the Mayor, an authorized agent to act in his behalf.

Drift means any floatable material which may cause damage to vessels or craft.

Final Order means either the Order of the Director after the time to request a review thereof has lapsed, or the Order of the Director issued as a result of the review requested in xxx.

Navigable Waters means the waterways which are capable of carrying interstate commerce, and the tributaries thereto, within the geographical limits of the City.

Person means any individual, firm, partnership, association, corporation, company or organization of any kind.

Premises means the land, building, wharf, pier, dolphin, boom, weir, breakdown, bulkhead, jetty, or other structure and shall include all or any as may be necessary.

Waterfront, Shore or Bank means that portion of the land which borders navigable waters and which lies shoreward of the established harbor lines or low water mark within the corporate limits of the City.

### Section 3. Purpose.

The general purpose of this chapter is the elimination of sources of drift and debris which constitute possible obstacles or hazards to existing navigation on the navigable waters of this City by the removal and disposal of debris and deteriorated structures on the shores of such waters, and liable to be washed into such waters.

### Section 4. Sources of drift; prevention.

Whenever the Director has reasonable grounds to believe that:

- (a) Debris placed or deposited on the banks of any navigable water is liable to be washed into such navigable water by any cause whatsoever and thereby be or become a source of drift likely to hinder, impede or otherwise obstruct navigation; or
- (b) The condition of any wharf, pier, dolphin, boom, weir, breakdown, bulkhead, jetty, or other structure on or bordering on the shores of any navigable water is so dilapidated and deteriorated as to be or become a source of drift or debris liable to be washed into such navigable waters by any cause whatsoever and thereby likely to hinder, impede, or otherwise obstruct navigation the Director may declare the same to be a public nuisance and thereupon order that the same be removed, abated, altered or repaired as such Order may specify.

### Section 5. Order of Director.

The Order of the Director issued pursuant to Section x of this Ordinance xx shall be in writing, directed to the occupant, and last known owner of record, if not such occupant, of the premises which are the subject of the complaint, and shall specify whether the condition complained of shall be removed, abated, altered or repaired.

### Section 6. Service of Order.

The Order of the Director issued pursuant to xx shall be served upon the occupant, and the last known owner of record, if not such occupant, of the premises which are the subject of the complaint either by personally delivering a copy of such Order to such occupant and last known owner of record or by registered mail addressed to such persons at their last known address.

#### Section 7. Review of Order.

Within fifteen (15) days after service of the Order of the Director issued pursuant to xx, or, under emergency, within such shorter time as the Director may prescribe, the person to whom such Order is directed, or any person aggrieved thereby, may appeal to the Director to review the same. The Director, or his agent after such review, at which all interested parties shall be afforded the opportunity to be heard, may affirm, modify or reverse the Order of the Director as the facts may warrant. Unless the same is declared by a court of competent jurisdiction to be arbitrary, capricious or not supported by substantial evidence, the Order of the Director after review thereof, shall be final and conclusive.

#### Section 8. Compliance with Order.

In the event that the persons to whom the Order of the Director is directed fail or refuse to comply with the terms of such Order within thirty (30) days after such Order has become final, the Director shall without further notice to any person, take or cause to be taken the necessary action to remove, abate, alter, or repair the nuisance as specified in the Order of the Director. The costs and expenses incident thereto shall be a personal charge against the occupant, and last owner of record, if not such occupant, of the premises affected and all appurtenances thereto.

#### Section 9. Abandonment prohibited.

That no person shall abandon any flat-bottomed boat, barge, scow, raft or vessel upon any public land or waterway to to or upon any private property within the City without the prior written permission of the Director of Public Works, who is hereby designated by the City Council to perform this function.

#### Section 10. Bond required for anchorage over 10 days.

The owner of any occupied or unoccupied barge, which is to be docked in or on the banks of any river or navigable waterway within the City for more than 10 consecutive days, shall post a Surety Bond in the amount of \$25,000.00 with the City Clerk and in favor of the City, said bond being issued by an insurance company authorized to do business in the State of New Jersey.

#### Section 11. Forfeiture of bond; reimbursement.

In the event that a barge bonded in accordance with the preceding section sinks or otherwise becomes unable to navigate under its own power, the Bond so posted shall be forfeited to the City to aid in the removal of such barge from any river, riverbank or navigable waterway within the City.

#### Section 12. Bond cancellation upon removal of vessel.

The surety on a bond issued pursuant to the above shall have the right to immediately cancel such Bond upon the removal of the barge from the rivers and riverbanks of the City.

Section 13. Vessels not affected.

This chapter shall not apply to barges, ships or boats owned or operated by common carriers engaged in interstate or foreign commerce, nor shall it apply to pleasure craft used on a seasonal basis.

Section 14. Violation subject to penalties.

Any person who violates this article by abandoning any flat-bottomed boat, barge, scow or raft without permission shall be subject to the penalties prescribed by Chapter 264 of Public Laws 1969 ( R.S. 12:7C-1 et seq.), as amended and supplemented.

Section 15. Inconsistent Ordinances repealed.

All ordinances or parts of ordinances inconsistent with this Chapter be and the same are hereby repealed.

Section 16. Severability.

If any section or provision or part thereof in this Ordinance (chapter) shall be adjudged invalid or unconstitutional such invalidity or unconstitutionality shall not affect the validity of this chapter as a whole or any other section or provision thereof.

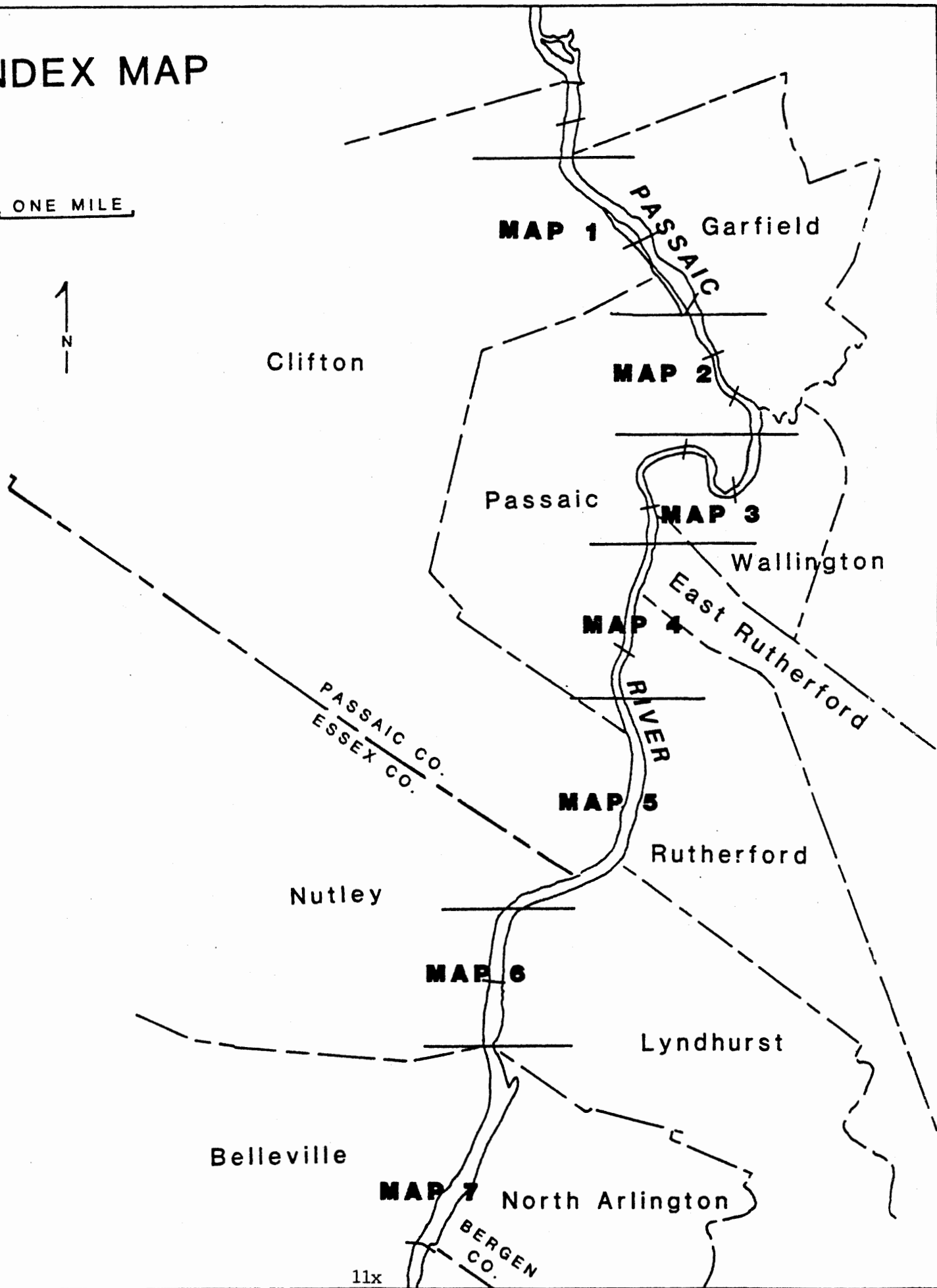
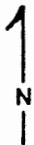
Section 17. Effective Date.

This ordinance shall be effective immediately.



# INDEX MAP

ONE MILE



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### The Lower Passaic River

The Lower Passaic River served as one of New Jersey's first and best recreational rivers. Development of municipalities along both banks of the Passaic, from the 1840's on, was matched by the growth of recreation along and in the Passaic. Fishing and swimming were common pastimes. Rowing, especially crew racing, became a major sport in the late 1800's and early 1900's. No less than nine boathouses were constructed along the lower river. Crew, long a "gentleman's" sport linked primarily with prestigious universities in Europe and the United States, metamorphosed into a popular sport, with contestants and viewers from all walks of life.

The advent of the 20th Century signalled the decline of recreation in and along the Lower Passaic River. Industrial and municipal effluent in ever-increasing amounts rendered the river useless for contact and non-contact sports alike. Most of the boathouses disappeared, along with the clubs that owned them. Through most of the intervening years, the Passaic was ignored as a recreational resource.

Major efforts by industry and all levels of government have resulted in a somewhat cleaner river, and further improvements are anticipated. Three local high schools -- Kearny, Belleville and Nutley -- have active crew teams, and the formation of the Triton Rowing Club signals the growing interest in boating along the Passaic. The Passaic River Restoration Project, coordinated by the Passaic River Coalition for municipalities along the lower river, is playing a major role in the acquisition of new public lands along the river, and their improvement and beautification.

However, use of the Passaic for boating is limited by safety hazards posed by debris floating in the river; debris which can damage or capsize small boats. Larger recreational and commercial vessels also suffer damage from the logs, trees, pilings, and bulkheading which regularly move down the river. Finally, debris also degrades the river aesthetically for users and viewers.

The Passaic River Coalition, in cooperation with the Boards of Chosen Freeholders of Bergen and Passaic Counties, the New Jersey Department of Environmental Protection, the Port Authority of New York and New Jersey, and the Army Corps of Engineers-New York District, is seeking to improve the safety and aesthetic quality of the Passaic River through participation in the Waterfront Clean-up Project, a joint state/federal effort. The Hackensack Meadowlands Development Commission is also a cooperating participant.

### The Waterfront Clean-up Project

The New York Harbor Collection and Removal of Drift Project (Waterfront Clean-up Project) was authorized by Section 91 of the Water Resources Development Act of 1974, Public Law 93-251, as amended by Section 116 of the Water Resource Development Act of 1976. The project is based on the premise that harbor drift and debris can best be controlled by removing its source rather than relying, as in the past, only on the collection and disposal of floating debris by the use of special Corps of Engineers vessels.

The project encompasses the entire 1,500 square mile area of the New York-New Jersey Port District. It envisions the removal of some 2,230 sunken or deteriorating vessels, 100 run-down piers and shore structures, plus the repair of another 160 viable and productive waterfront structures by 1990. Under the project, the Federal government pays two-thirds of the cost of the removal work, with local interests (the NJ DEP) sharing the remaining one-third. Local interests assume the full costs for repair work. At 1981 price levels, the total task of removing, disposing, or repairing the various waterfront structures is estimated at \$120,400,000 of which the Federal share is \$58,800,000. The non-Federal share of these costs in New Jersey are estimated at \$33,464,900 and \$28,135,100 in New York. Thus, total non-Federal projects costs are \$61,600,000.

The project has been structured by the U.S. Army Corps of Engineers to be accomplished in "reaches," a sector of the waterfront in which cleanup work is viable from an economic and engineering point of view. Any waterfront community within the project limits is eligible to participate with the Corps in the Waterfront Clean-up Project provided it agrees through the State of New York or New Jersey to:

- (1) provide property access rights to the Corps to do the removal work,
- (2) contribute one-third of the cost of vessel and structural removals,
- (3) assume responsibility for structural repairs sufficient to prevent drift as required by the Corps,
- (4) enact, as needed, and enforce laws or regulations to prevent the return of debris-generating conditions, and
- (5) assumes project work liability other than that of the Corps and its agents.

In addition to the lessening of drift damage to commercial, recreational, harbor excursion vessels, and other smaller craft, the project offers the prospect of waterfront land reuse, with further benefits of aesthetic and environmental enhancement, as well as fire and health hazard reductions. Decaying marine structures and abandoned vessels are a serious hindrance to the utilization of the waterfront for commercial and recreational purposes. The project is well suited to an era of waterfront renewal and revitalization. It stands as perhaps the major, if not the only, hope for ending blight on the bi-State Port waterfront and for restoring an unmarred spectacle of the harbor to the people of the Port of New York and New Jersey.

The Lower Passaic River is contained with two reaches. One includes the Passaic River south of North Arlington, Newark Bay, and a portion of the Hackensack River along Kearny. The other reach, which is the focus of this project, includes the remaining tidal portions of the Passaic River (to Dundee Dam) and the Hackensack River (to Bogota).

### The Lower Passaic Preliminary Debris Survey Project

The Passaic River Coalition, in the spring of 1983, developed an agreement with the New Jersey Department of Environmental Protection, wherein the PRC would undertake a preliminary survey of debris-producing structures along the Lower Passaic River, from the Dundee Dam downstream to the Kearny-North Arlington border. This is approximately 8.8 river miles. The preliminary survey includes a photographic survey of the river banks on both sides, an inventory and tabulation of all debris and debris-producing structures in the river up to the high-tide line on the banks, and a set of maps at a scale of 1 inch = 200 feet showing the sites identified in the inventory.

Primary support for the Preliminary Debris Survey came from the Community Development Program of Bergen County, the Board of Chosen Freeholders of Passaic County, and the Passaic River Coalition General Fund. The West Hudson District Sea Scout Base in Kearny, through Skipper Charlie Welty, provided transportation for three trips along the river in the Sea Scout's launch. The fourth trip was by canoe, where the project director was assisted by Joseph J. Filippone, Jr. The base maps were prepared by Frank S. Kelland of Cartographics-FSK. Daniel J. Van Abs, Technical Director of the Passaic River Coalition, served as project director, assisted by Ella F. Filippone, Ph.D., Betty A. Little, and Margaret M. Lanzilla of the PRC.

The New Jersey Department of Environmental Protection will use the Preliminary Debris Survey, along with similar information from the Hackensack River, to estimate the cost of the total project for both river reaches. N.J. DEP will then submit a letter of intent to the Army Corps of Engineers, establishing a priority for the

project and requesting that the Corps proceed with more detailed plans, engineering designs, contracts, etc., to complete the project.

The Lower Passaic River is the only reach in the two-state venture with an organized restoration project, supported by local municipalities and focused on providing public access to and enjoyment of the river.



### Results of the Preliminary Debris Survey

Over 500 photographs were taken during four trips along the river. Every foot of the Bergen County bank from North Arlington to the Saddle River is included. On the west bank and in Garfield, photographs were taken only of debris and debris-producing structures.

Photographs showing major structures were enlarged for use by New Jersey Department of Environmental Protection in evaluating the sites. Almost 140 enlargements were made, showing 100 sites. These sites are shown on the maps prepared by Cartographics-FSK and the PRC, and listed in the enclosed inventory tables.

Over 400 pilings are identified, most of which must be removed. Some will require replacement. Over 2,300 linear feet of bulkheading must be removed, repaired or replaced. Some of the bulkheading removal will require that the banks be stabilized in some manner. Perhaps five times as much bulkheading actually exists along the river, but most is either wood in good repair, metal and stone, or Route 21.

Five barges, or barge sections, lie in the river. Several are badly deteriorated, with sizeable trees growing in the silt deposited in the mid-section of the barges. The five barges must all be removed, which will open up several constricted channel sections.

Eight docks and decks must be repaired and secured or removed entirely. Several of these are associated with residential structures, some abut commercial properties, and some have no apparent purpose.

Many sections of the river bank are natural or nearly so. The Lower Passaic was never as industrialized as the Harrison-Newark-Port Newark area. In these natural areas, dead trees are major debris producers. Over thirty trees have been identified for removal. Several have already floated well downstream of their source. Tree removal will be somewhat difficult an aspect of maintaining a debris free Lower Passaic.

The entire length of the river contains logs, beams, planks, boxes, doors, etc., which have been floated down and stranded by floods. Approximately thirty of the largest have been inventoried, including some which could damage large recreational vessels. With the next flood, their positions will probably shift; some will drift on and others will take their places. One major site exists which has a concentration of logs, limbs, planks and such. This is at the foot of the Dundee Dam. A method must be established for periodically removing debris both above and below the dam, to prevent its travel downstream during floods.

### Historic Sites Along the Study Site

According to reports on file in the Office of New Jersey Heritage, NJ DEP, there are two Historic Register sites adjacent to the Passaic River in the study area. These are:

- 1) Dundee Canal & Dam - between and within Garfield and Clifton, with the Canal extending through the City of Passaic;
- 2) Washington Park - on River Drive in Passaic.

No apparent impact on these areas will be caused by the Waterfront Clean-up Project.

Many other historic sites exist along the Passaic River which are not listed in the Historic Register. Some will be affected by the debris removal project. The historic sites adjacent to the river are listed by municipality.

#### Garfield

Outwater Lane Bridge - Built in 1900. Possible eligibility, fair condition. Early for a major concrete bridge.

Hammerschlag Manufacturing Company Factory - 1980's. On Saddle River, River Drive, and Midland. Brick building.

#### Wallington

Anderson's Lumber Company complex - Late 1800's, early 1900's. 11 Paterson Avenue; now Kriso's Plating. Just south of the Main Avenue Bridge. A major industrial concern, had sizable dock facilities along the Passaic River.

Tavern, 12 Wallington Avenue - c. 1900-1920. On the Passaic River at the Market Street (Wallington Avenue) Bridge.

Eighth Street (Locust Avenue) Bridge - 1915-1916. Strauss Bascule Counterweight Bridge.

Main Avenue Bridge - 1906. Owego Bridge Company swing span. Closed, well preserved.

Wallington Avenue Bridge - 1930. Draw bridge.

#### East Rutherford

No sites along the Passaic River.

#### Rutherford

Rutherford Boat (Yacht) Club - 1890's. Assumed to be the same location as the Rutherford Canoe Club. Last remaining boat club along the Lower Passaic.

Union Avenue Bridge - 1896, rebuilt 1978. Swing span.

#### Lyndhurst

Avondale Bridge - 1904. Swing bridge.

Delaware, Lackawanna & Western Railroad Viaduct - Prior to 1913.

#### North Arlington

Belleville Turnpike Bridge - 1910. Lift bridge.

#### City of Passaic

No sites along the Passaic River, other than Washington Park.

#### City of Clifton, Belleville and Nutley

No sites along the Passaic River.

### Next Steps

The Preliminary Debris Survey will be completed upon submission of this report to the New Jersey Department of Environmental Protection and Bergen and Passaic Counties. As a member of the Waterfront Clean-up Coordinating Committee, formed under this project and coordinated by the Port Authority, the Passaic River Coalition will monitor the progress of this project as it moves through the N. J. DEP and the Army Corps of Engineers. The PRC will continue to cooperate with all agencies in support of this effort, through the Passaic River Restoration Project.

The Restoration Project, meanwhile, will continue to pursue improved river quality, public access and public recreational opportunities along the Passaic River. The Passaic River Coalition, through the Master Plan completed under a grant from the New Jersey Division of Coastal Resources, recommended that the many projects of the Restoration Project combine with the debris clean-up effort to make the Passaic River, once again, a magnificent recreational resource for its people.

RICHARD M. GIACOMARRO, SR.  
CHAIRMAN

ISAAC THOMAS, JR.  
VICE CHAIRMAN

THOMAS J. CIFELLI  
VINCENT CORRADO, SR.  
ROBERT J. DAVENPORT  
JOSEPH M. KEEGAN  
CHARLES A. LAGOS  
COMMISSIONERS

**Passaic Valley  
Sewerage Commissioners**

600 WILSON AVENUE  
NEWARK, N. J. 07105  
(201) 344-1800

CARMINE T. PERRAPATO  
EXECUTIVE DIRECTOR

JAMES M. PIRO  
CHIEF COUNSEL

NORMAN E. DARMSTATTER  
CLERK

January 10, 1984

Ella F. Filippone, Ph.D.  
Executive Director  
PASSAIC RIVER COALITION  
246 Madisonville Road  
Basking Ridge, N.J. 07920

Dear Dr. Filippone:

The Chairman asked me to respond to your letter of December 20, 1983. Passaic Valley would definitely be interested in seeing the river cleaned of all debris, drift, etc. It would have (as far as Passaic Valley is concerned) two effects:

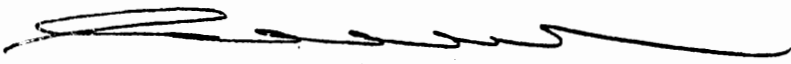
First, it would eliminate areas that can contain possible pollutant materials that normally would flow down the river and be dispersed. We do not wish to see any pollutant materials in the river but unfortunately, particularly from runoffs, we are unable to control this.

Secondly, if all the debris, etc. is removed, the river then will look clean and would be an inducement for the general public to assist in keeping it clean.

We will do everything we possibly can within our legal limits to assist you and your committee.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS

  
Carmine T. Perrapato  
Executive Director

CTP:jph

cc: Richard Giacomarro, Chairman-PVSC  
Frank Cupo, Supt. of River Inspection

Table 1

Inventory of Debris and Debris-Producing Structures: Lower Passaic River

<u>Location Code</u>	<u>Photo #</u>	<u>Category</u>	<u>Fate</u>	<u>Materials</u>	<u>Dimensions</u>	<u>Description and Comments</u>
1		Dead Trees	Remove	Wood	2	
2		Debris	Remove	Barrels Beams	4 5-7	Raft of barrels, planks, other debris
3		Debris	Remove	Barrel Logs	1 6	
4		Log	Remove	Wood	2' x 10'	
5		Beams & Planks	Remove	Wood	Beam-2'x 20'	
6		Dead Tree	Remove	Wood	25'	
7		Debris	Remove	Wood	Logs & Planks	
8		Debris	Remove	Wood Metal	Planks Drums	
9		Beam	Remove	Wood	1' x 1' x 6'	
10	#1	Pilings	Remove or Replace	Wood	1-3	Bulkhead satisfactory
11	#2,3	Bulkhead Pilings	Remove	Wood	30' - 40' 2 Nests of Pilings	Bulkhead overgrown. Stabiliza- tion may be necessary.
12	#4	Piling Drum	Remove	Wood Metal	1 1	

Table 1 (Cont'd.)

Inventory of Debris and Debris-Producing Structures: Lower Passaic River

<u>Location Code</u>	<u>Photo #</u>	<u>Category</u>	<u>Fate</u>	<u>Materials</u>	<u>Dimensions</u>	<u>Description and Comments</u>
13	#5	Pilings	Remove	Wood	5	
14	#6-11	Pilings	Remove	Wood	31	Bulkhead good condition, metal
15	#12	Pilings	Remove	Wood	5	
-	#13-16	Bulkhead	Repair	Flagstone ? Some Pilings	140'	Just north of Avondale (Kingsland Ave.) Bridge. Pilings & posts support bulkhead.
16		Dead Tree	Remove	Wood	25'	
17	#17	Bulkhead	Repair	Wood	40'	DeLoy Park, Lyndhurst
18	#18-21	Barge	Remove	Wood Hull	60'	Formerly Lyndhurst Yacht Club
19	#22	Bulkhead	Remove	Wood	30'	Stabilization needed
20	#23	Bulkhead	Repair	Wood	40' - 50'	Bridge bumper
21	#24,25	Bulkhead	Repair or Remove	Wood	30'	Stabilization required if bulkhead removed.
22	#26	Dock	Remove	Wood	8'	
23	#27	Piling	Remove	Wood	1	
24	#28	Bulkhead	Repair	Wood	2 Bridge Bumpers	
25	#29-32	Bulkhead Pilings	Remove	Wood	60', Intermittant 20 - 25	Stabilization may be needed.



Table 1 (Cont'd.)

Inventory of Debris and Debris-Producing Structures: Lower Passaic River

<u>Location Code</u>	<u>Photo #</u>	<u>Category</u>	<u>Fate</u>	<u>Materials</u>	<u>Dimensions</u>	<u>Description and Comments</u>
26	#33	Dock	Repair & Secure	Wood & Metal	25'	
27		Dead Tree	Remove	Wood	20'	
28	#34,35	Ramp Dock	Repair & Secure	Wood	20' 25'	
29	#36,37	Pilings	Remove	Wood	5	
30	#38	Dock	Repair or Remove	Wood	10' x 20'	Low dock next to deck in photo
31		Dead Tree	Remove	Wood	30'	
32	#39-43	Bulkhead	Repair	Wood	200'	Owned by Rutherford Borough
33	#44-48	Bulkhead	Repair	Wood	200'	Residential. Variety of construction methods
34	#49-51	Bulkhead	Repair or Remove	Wood	175'	Low bank. Removal would require some stabilization.
35	#52	Pilings Drift	Remove	Wood Metal	2 Drums	
36	#53	Bulkhead	Remove	Wood	5 Pilings & Planks	
37		Fill	Remove	Vegetation & Wood	30' Linear	
38	#54,55	Bulkhead	Repair	Wood	2 Bridge Bumpers	

Table 1 (Cont'd.)

Inventory of Debris and Debris-Producing Structures: Lower Passaic River

<u>Location Code</u>	<u>Photo #</u>	<u>Category</u>	<u>Fate</u>	<u>Materials</u>	<u>Dimensions</u>	<u>Description and Comments</u>
39	#56	Pilings Dock	OK or Remove	Wood	2 Nests of 6 Pilings 2 Small Docks	
40	#57	Piling	Remove	Wood	1	
41	#58	Pilings Dock	Remove	Wood	1 Nest of 7 Pilings 10' x 10'	In fair repair, ap- parently no longer used.
42	#59-65	Bulkhead	Repair or Remove	Wood	150'	Steep bank: removal will require stabilization.
43	#66,67	Bulkhead	Repair	Wood	2 Bridge Bumpers	
44	#68	Bulkhead	Remove	Wood	15'	
45		Dead Tree Poles	Remove	Wood	30' 4-6	
46	#69	Pilings	Remove & Rebuild	Wood	19	East bumper of bridge, bulkhead nearly gone
47		Dead Tree	Remove	Wood	30'	
48		Pole & Drift	Remove	Wood	8-10	
49	#70	Poles	Remove	Wood	2	Standing
50	#71	Tree Stump	Remove	Wood	4' Circumference	
51		Bulkhead	Remove or Repair	Wood	30'	

Table 1 (Cont'd.)

Inventory of Debris and Debris-Producing Structures: Lower Passaic River

<u>Location Code</u>	<u>Photo #</u>	<u>Category</u>	<u>Fate</u>	<u>Materials</u>	<u>Dimensions</u>	<u>Description and Comments</u>
52	#72,73	Pilings	Remove	Wood	40+	Some submerged
53		Dead Trees	Remove	Wood	6, Variable Size	
54		Logs	Remove	Wood	Variable	
55	#74,75	Debris & Trees	Remove	Wood	Variable	Considerable. Bank stabilization will be necessary.
56		Dead Tree	Remove	Wood	40'	
57		Dead Tree	Remove	Wood	35'	
58		Dead Tree	Remove	Wood	40' - 50'	
59	#76	Pilings	Remove	Wood	5	
60	#77	Pilings	Remove	Wood	10	
		Logs			2	
61	#78	Pilings	Remove	Wood	5	
62		Dead Trees	Remove	Wood	4	
63	#79	Bulkhead	Remove	Wood	35'	At foot of Rt. 21 bulkhead
64		Dead Tree	Remove	Wood	30'	
65		Dead Tree	Remove	Wood	20'	
66	#80	Pilings	Remove	Wood	1	
		Barge Section			30', Partly Submerged	

Table 1 (Cont'd.)

Inventory of Debris and Debris-Producing Structures: Lower Passaic River

<u>Location Code</u>	<u>Photo #</u>	<u>Category</u>	<u>Fate</u>	<u>Materials</u>	<u>Dimensions</u>	<u>Description and Comments</u>
67		Pilings	Remove	Wood	2	
68	#81-83	Bulkhead	OK or Remove	Wood	100'	Stabilize if removed.
69	#84-86	Barge	Remove	Wood	150'	Stabilize. Has sloped prow and stern, numerous trees established
70	#87	Bulkhead Pilings	Remove	Wood	20' 9	Pilings not shown in photo, on same site.
71	#88,89	Pilings	Remove	Wood	8 Sets of 3	
72	#90	Pilings	Remove	Wood	4	
73	#91	Piling	Remove	Wood	1	
74	#92,93	Bulkhead	Repair	Wood	Bridge Bumper	
75	#94	Bulkhead	Remove	Wood	25'	Low to water
76	#95	Pilings	Remove	Wood	2	
77		Dead Tree	Remove	Wood	35'	
78	#96-100	Bulkhead	Remove	Wood	150'-200', intermittent	
79	#101	Pilings	Remove	Wood	18	
80	#102	Barge	Remove	Wood	50'L x 25'W	Abandoned
81	#103,104	Pilings Bulkhead	Remove	Wood	29 60'	Stabilize bank

Table 1 (Cont'd.)

Inventory of Debris and Debris-Producing Structures: Lower Passaic River

<u>Location Code</u>	<u>Photo #</u>	<u>Category</u>	<u>Fate</u>	<u>Materials</u>	<u>Dimensions</u>	<u>Description and Comments</u>
82	#105	Pilings Dock	Remove	Wood	3 15'	
83	#106	Barge	Remove	Wood	25'L x 20'W	Partly submerged; section of barge
84	#107	Pilings	Remove	Wood	2	
85	#108	Pilings	Remove	Wood	2	
86	#109,110	Pilings	Remove	Wood	23	
87	#111-115	Pilings	Remove or Repair	Wood	26	Props for metal bulkhead along Rt. 21
88	#116,117	Bulkhead	Repair	Wood	2 Bridge Bumpers	
89		Dead Tree	Remove	Wood	20'	
90	#118-121	Bulkhead	Repair	Wood	200' - 250'	Fence and mobile homes too close to bulkhead for removal and stabilization.
91	#122	Bulkhead	Remove	Wood	15'	Low to water, just south of River Oil Terminal
92	#123	Bulkhead Bridge Bulk- head	Remove Repair	Wood	30' Bridge Bumper	South of bridge Bridge
		Pilings	Remove		7	Just north of bridge
		Bulkhead	Remove		40'	North of bridge

Table 1 (Cont'd.)

Inventory of Debris and Debris-Producing Structures: Lower Passaic River

<u>Location Code</u>	<u>Photo #</u>	<u>Category</u>	<u>Fate</u>	<u>Materials</u>	<u>Dimensions</u>	<u>Description and Comments</u>
93	#127,128	Bulkhead	Remove	Wood	80', Two Sections	Stabilize bank
94	#129	Bulkhead	Remove	Wood	30' and 40' Sections	At foot of metal bulkhead along Tuck Tape factory
95	#130,131	Bulkhead	Repair	Wood	Bridge Bumper	
96	#132	Bulkhead	Remove	Wood	60'	
97	#133	Pilings	Remove	Wood	9	
98	#134	Pilings	Remove	Wood	27-35	
99	#135,136	Pilings	Remove	Wood	16	
100	#137	Piling	Remove	Wood	1	Mostly submerged