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**PUBLIC HEARING**

Before

**SENATE SPECIAL COMMITTEE TO STUDY  
COASTAL AND OCEAN POLLUTION**

To Inquire into the Problems, Causes, and Solutions  
Concerning Debris which Wash Up on the New Jersey Shore.

September 24, 1986  
Port Reading Fire House  
Woodbridge, New Jersey

**MEMBERS OF COMMITTEE PRESENT:**

Senator Frank Pallone, Jr., Chairman  
Senator Laurence S. Weiss  
Senator S. Thomas Gagliano

**ALSO PRESENT:**

Raymond E. Cantor  
Office of Legislative Services  
Aide, Senate Special Committee to Study  
Coastal and Ocean Pollution

New Jersey State Library

\* \* \* \* \*

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

10/1/86  
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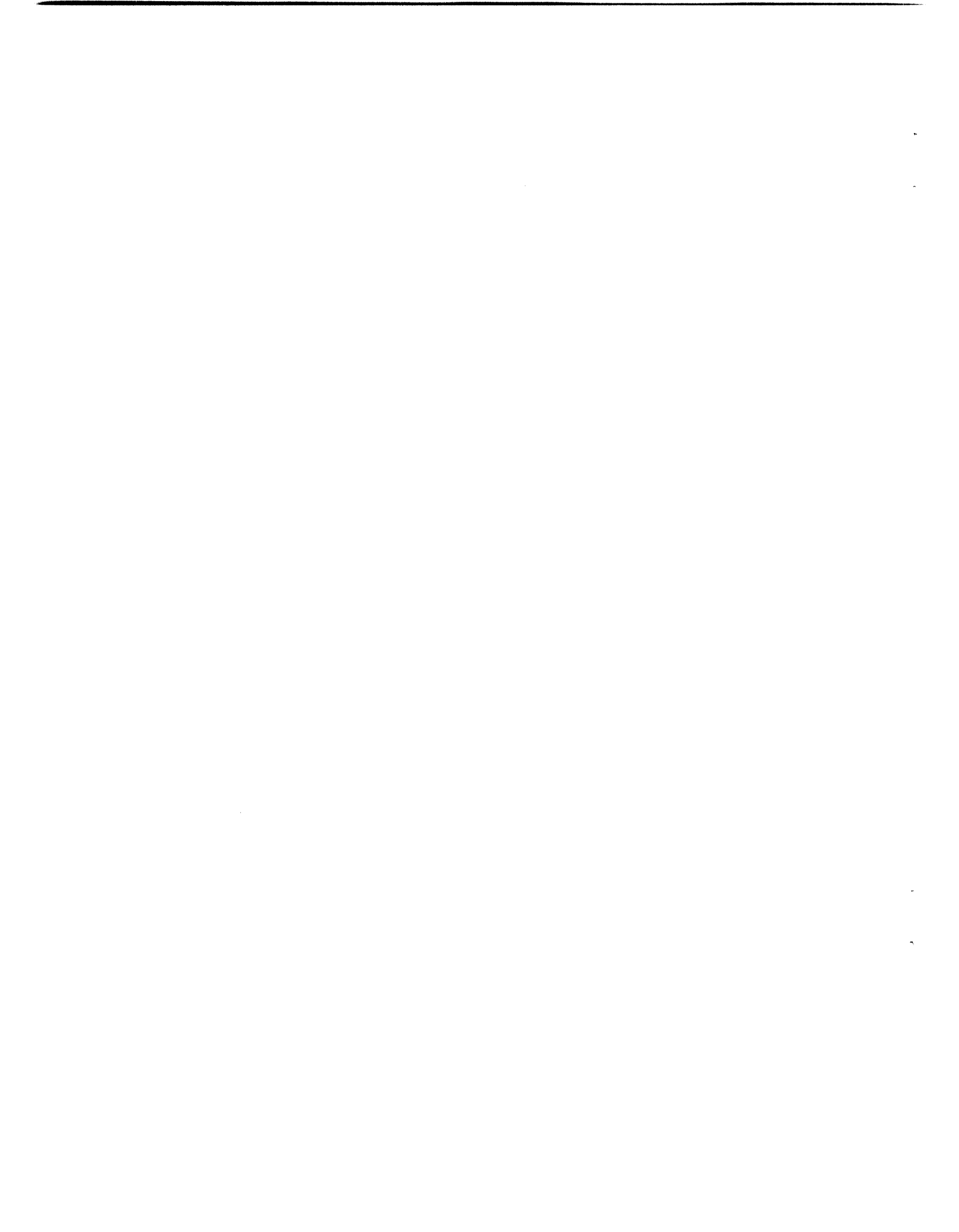
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September 15, 1986

NOTICE OF A PUBLIC HEARING

The Senate Special Committee to Study Coastal and Ocean Pollution will hold a public hearing at 10:00 a.m. on Wednesday, September 24, 1986, at the Port Reading Fire House, Woodbridge, New Jersey.

The purpose of the hearing is to inquire into the problems, causes, and solutions concerning plastics, other floatables, and debris which wash up on the New Jersey shore.

Anyone wishing to testify should contact Raymond Cantor or Regina Englert, committee aides, at (609) 292-7676.

Directions: Turnpike Exit 11 to U.S. 9 North. Make a right at the Main St. exit in Woodbridge. Continue to end at the Municipal Building. Turn left onto Rahway Ave. At the 2nd traffic light turn right onto Port Reading Ave. Go over the turnpike to intersection with West Ave. The fire house is on the right. Darrell Zullo - (201) 636-0894.



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(Hearing Transcribed by J & J Court Transcribers)

SENATOR FRANK PALLONE, JR. (Chairman): I have to warn you right off the bat that there's no microphone for amplification. We do have the recording system on so that everything is being recorded, but in terms of our amplification so you can hear us, there isn't any, so everyone is going to have to speak loudly and the audience will have to be soft so you can hear us.

This is the meeting of the Special Senate Committee to Study Coastal and Ocean Pollution. We have had one hearing prior to this date and this is the second hearing of the Committee to basically look into the problem of coastal pollution at our shores in New Jersey.

I want to introduce the Committee members to you that are here. To my right is Senator Larry Weiss, who all of you know, represents Woodbridge and this area. Next to him is Assemblyman Alan Karcher and next to him is Assemblyman George Otlowski, all of whom represent Woodbridge. And to my left here is Senator Tom Gagliano and those are the basically the three Senators, the members of the Committee. The two Assemblymen are here to assist us today and they represent the area.

I just want to say briefly that this hearing in Woodbridge at Fort Reading and in the Sewaren section is at the behest of Senator Weiss. When we first organized this Committee to deal with the problem of coastal pollution and ocean pollution he specifically brought out the problem with the debris that was washing ashore in the Sewaren section, the concern about the Fresh Kills Landfill, and asked that we have the second hearing here to deal with that total problem. It is a problem that concerns all of us, not only from Middlesex County, but from Monmouth County, and all the way down to Cape May. We have over the years and increasingly seen a tremendous amount of debris, plastic, disposables, bottles, everything you can possibly imagine, floating up on the Jersey shore. And we feel that part of the problem is related to the Fresh Kills Landfill on Staten Island and part of the problem is just the overall problem of

increasing amount of plastics that are being placed into the solid waste stream and also into the sewer system. Just to highlight that problem, last weekend there was out on Sandy Hook -- which is down in my district -- a trash-a-thon. In just a few hours, as some people will point out, a tremendous amount of plastic material and disposable garbage was washed up and was captured by people that were going up and down the beach.

The Committee, obviously, is looking into what can be done about it in terms of legislation, in terms of enforcement action by the different state and interstate agencies, and we do intend to look into all of that. And without further ado, I'd like to introduce Senator Weiss.

SENATOR WEISS: Thank you, Senator Pallone. I'd like to welcome everyone to the 19th Legislative District on behalf of Assemblyman Otlowski and former Speaker Karcher.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Senator Weiss, we can't hear you in the back.

SENATOR WEISS: I know.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can you talk into that microphone?

SENATOR WEISS: It isn't a microphone.

SENATOR PALLONE: We don't have a mike.

SENATOR WEISS: It's a prop. It's a prop, believe me. Okay. I'll try to talk this way.

I'd like to set the tone for today's hearings by indicating that in this district we've suffered the ravages of pollution since the Industrial Revolution of the 1850s, when it went really unnoticed because of ignorance and, I'm sure, because of convenience in disposing of whatever waste they had at the time. If they thought there was, perhaps, some effect to it, I'm sure that that was minimal.

With the restrictions of the last ten years, however, things have changed. The river has cleansed itself somewhat. It looks better than it did, and a lot of us here have been here all our lives, or most of our lives, and we know what it was even ten

or 15 years ago. It's a little bit better. The fish are back. Crustaceans are back. But I wouldn't recommend that we eat them. They are still, as far as I'm concerned and many others, somewhat contaminated. But they are back so there has been some progress made.

Just to digress from that for a moment and get into it. There are many speakers after me. I would like to give them an opportunity because the day is not going to be that long.

When the people in Staten Island needed help with their gas tanks we, at Woodbridge, were in the forefront of leading that fight to prevent that thing from happening over there, those tanks from being used because they, the residents of Staten Island thought in their infinite wisdom that certainly they were dangerous. We all agreed with that. The tanks are now not being used and have never been used. When the residents of Staten Island needed help with a smelter in New Jersey we were right there and we helped them -- although I must say that I indicated to the Attorney General and to the Governor of this State to do nothing until the next step by New York was, in fact, stated. The next step being the hospital wastes we're talking about.

And we've called on the people of Staten Island really to help us with our problems. Now, I know that the New York authorities have some sympathy for the situation, but I don't think they have enough. I think that Mayor Koch is a great mayor for New York. I think he does a wonderful job in New York. I think that the Mayor could care less about what happens to us here in New Jersey. I have written to him and asked him to look into the situation. They have up to a point, but the point, I must indicate to you, is not far enough. There's a whole history of what happens in New York and in that Fresh Kills Landfill and New Jersey-- It's really not being addressed.

In 1980 Woodbridge went to court. In 1982 a judgment was received to order New York City to clean up the Fresh Kills -- to clean up the beaches. The decree also stipulated that the Fresh Kills Dump should be and could be shut down. In 1986

if no further progress was made, and New York City is now in a position where they are paying for a continual cleanup of the shoreline, which is admirable, but the shoreline is not yet clean. New York City has enacted an ordinance restricting the hospital waste, but restricting that-- But that ordinance and those restrictions have not necessarily -- is not necessarily a physical happening. The waste is still there. New York has not built an off-loading barge terminal as promised. New York has, however, installed booms -- and we give them credit for that -- for loading, but they're not very effective as evidenced by the debris on our beaches.

The case up to this point remains in litigation and maybe that's what is going to do it -- straighten out the situation, short of maybe an armed conflict. I don't know. As a Legislator I don't know how further to get to the City of New York to impress on them that our situation here in Woodbridge is detrimental to the health and welfare of our adults, our children, and anyone else that comes down and visits our beaches and happens to pick up some hospital debris that floats over from the New York side. And who knows what diseases come over with that waste? Parts of bodies, certainly, that's been documented. You talk about hazardous and toxic waste, this is sort of a hazardous and toxic waste. It's toxic to all of us. Anyone who lives in Woodbridge and visits that beach can become possibly a carrier of some horrible disease.

Now I paint the picture as badly as I can only because it can happen, and we're not interesting in having it happen, nor do we want it to happen to anyone -- forget about the 19th District in itself -- but to anyone. The care that should be taken on the other side -- I'm talking about the other side of the river -- should certainly be much more than it is. It's not even a matter of reciprocity. It's a matter of real human decency. We have many people in our town and in this area whose lives and health are at stake.

Perhaps we ought to go to the Interstate Commerce

Commission -- I'm sorry -- the Interstate Sanitation Commission. This was a set up compact between New York, Connecticut, and New Jersey to deal with water pollution control between the three states. While it appears to have the necessary authority to intercede in situations such as this, I think it has retreated from its position, although it would claim otherwise. Considering the interference with the court case that they would -- it would indicate would be in their way. That may well be, but if the-- And I think they're ineffective. I think they're as ineffective as they are perhaps, maybe what we should do in the Legislature is withhold their annual appropriations, and that can be done. Believe me, it could be done. It may, in fact, break up a tri-state compact, but nevertheless, it might be the best way for us to go. So we'll just somehow dismantle at least the funds that come from New Jersey and perhaps then someone will pay some attention to us and to our people.

I don't usually go for drastic steps such as that, but I think we're at the end of the line. I have a selfish motive in this, too. I grew up in this area. I live one mile from here as the crow flies, maybe two if you take the roads. I have a lot of friends in the area, people I've known all my life, and that's my vested interest. I want to guard that and I want to guard their health, I want to guard the health of everyone that comes down to look at our beaches. Around the turn of the century they tell me, the beaches were where New York residents used to come to enjoy their summers, place called Boynton Beach and some others along there, the names escape me. However, I defy you to go down to that area of our township and even wade in the water. I don't think you would. Chances are if you went in barefooted no doubt you'll get an injection of something because there are certainly hypodermic needles floating down there and I'm also reasonably sure, although I haven't seen it myself, that some of them do sink into the water and there you have a problem.

I think that maybe along with Assemblymen Karcher and Otlowski we should create more pressure on the ISC, the EPA, the

State DEP. Perhaps it's time for us to ask our new AG, Cary Edwards, to look into it. I've written to Attorney General Kimmelman and somewhere in translation or in transmission the letter got lost. But I think that --

Is this working? (Refers to P. A. microphone) Really? I don't believe it. Is it working?

I think that the new AG may be a little more responsive to our pleas from Woodbridge and from this area, the 19th District specifically. And when I talk about that, I think this also extends to our neighboring town just to the north, Carteret. And I know that Perth Amboy gets some of it but Assemblyman Otlowski will discuss that at some later date.

I think that perhaps a reaction to what I said out of New York would be forthcoming at this time. Mayor Koch did answer my letter. Took two years to get the answer, and I appreciate that. I ran for office once in-between so there was a chance perhaps he would not have answered it at all. But two years is a long time to wait for an answer and I think that for us here in New Jersey it's not really answers we want in letters, it's some action that we'd like to see on the part of those folks over in New York who are creating this awful burden on this area.

I thank you, Mr. Chairman. I appreciate the time.

SENATOR PALLONE: Thank you, Senator Weiss. I was listening to your statement to how we might withhold the appropriations, and since you're the Chairman of the Appropriations Committee, that makes me shudder to think that we might be considering that.

SENATOR WEISS: It's easy to do.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Senator, you just said my whole speech.

SENATOR WEISS: I did? I'm sorry about that. It's not on tape, so you're in great shape.

UNIDENTIFIED SPEAKER FROM AUDIENCE: It's on tape.

SENATOR WEISS: Use it somewhere else.

SENATOR PALLONE: Next we have Senator Tom Gagliano.

SENATOR GAGLIANO: Mr. Chairman, members of the Committee, Assemblymen who represent this District, ladies and gentlemen, I appreciate the opportunity to be here. As a person who was born and brought up in Monmouth County on the seashore in the Long Branch area I recognize the seriousness of what we're dealing with on the day-to-day basis. Many of the wastes that are at Fresh Kills end up in your river and, of course, come right down to Sandy Hook and around Sandy Hook and into the ocean. Just last weekend -- and I'm sure Cindy Zipf will talk about this -- the Clean Ocean Action Group had a day at the beach where they picked up debris. They filled a stake body truck with bags of debris from the Sandy Hook beach and not that many people, not that many beaches were covered. I can imagine how much would have been obtained if we had more time and more people. And there is no reason for this.

We can't continue to poison the environment with garbage. We've got to do a better job and I really appreciate the opportunity to be here because I think this -- specifically the Fresh Kills operation is horrible. It is apparently not going to get any better unless something dramatic and drastic is done and maybe this Committee and the people who represent you in the Legislature will be able to bring this thing to a head and maybe we can see some semblance of a cleanup in that area. I have seen it in operation. I think many of you have. It's a horrible situation which we cannot continue to live with. Thank you.

SENATOR PALLONE: Thank you, Senator. Just a little bit about the format. We are going to try to alternate between having some speakers who are legislators or politicians, some representatives from State agencies, and representatives from environmental or citizen groups, and we're going to try to alternate that as we go on to make it interesting.

The other thing I want to say is there will be a lunch break approximately 12:30 or 1:00 at which time we will be going down to the Sea Warren beach to take a look at it, just so you

know.

In terms of the overall format, we are today talking about the Fresh Kills problem, but we're also talking about the large issue of plastic disposables and there is legislation that has been introduced in both houses to deal with the problem of plastic disposables, particularly with reference to personal hygiene feminine products, such as the tampon applicators, diapers, plastic diapers and that. We do intend to look into that legislation as the focus of the hearing, but at the same time we won't be reporting out bills today. They will be in the context of the overall hearing.

And just in case you wonder whether or not what we do at these hearings leads to any legislation, I want to point out that at the last hearing -- the first one we held -- we did, in fact, have several pieces of legislation introduced by both Senator Gagliano and myself and the other members of the Committee dealing with the problem of outfalls and storm drains. So that we have, already, in fact, instituted possible action or legislative action in terms of where the Committee is going.

Our first speaker this morning is Cindy Zipf, representing Clean Ocean Action. And you're together, Cindy, with Robert Schoelkoff, who is from the Marine Mammal Stranding Center.

C I N D Y Z I P F: Yes. Senator, I'm going to have to sit on the side here.

SENATOR PALLONE: You can use this microphone if you want. Maybe not. I guess not. No mike for you, Cindy.

MS. ZIPF: No mike for me. That's okay. I can speak loud.

SENATOR PALLONE: Speak loudly.

MR. ZIPF: Speak loudly. Senator Pallone, I'd like to thank you and the Committee for holding these hearings. This is the first of the public hearings and I'm looking forward to other hearings. I think it's terribly important and critical that we look at all these issues to identify what the State can do.

We're constantly pointing at our Federal officials and Federal agencies, and now we can begin to look at our own State agencies, and look to our own State legislators to begin to seriously control the amounts of pollutants coming from the Jersey area into the local waters, as well as New York.

Also to begin I'd like to quote from a letter to the editor, which was written by Cathy Girard, an intern with Clean Ocean Action, which appeared in the The Asbury Park Press: "My recent strolling along the sands of Sandy Hook was twofold: not only did I wish to reacquaint myself with the sea air and sand squishing between my toes, but I also decided to collect objects that were atypical of the beach environment. Unfortunately the feel of tar becoming a permanent fixture to my feet prompted me to keep my sneakers on and the overwhelming quantity of garbage on the beach kept me crouched over and eyes fixed on the area directly ahead.

"There was no need to strain my eyes and back for long; my industrial-size bag was bursting within one hour. I collected objects ranging from plastic tampon applicators to household plastic detergent bottles, plastic hair curlers and perming rods, rusted aerosol spray cans, and remains of styrofoam egg containers to pieces of charred wood." And so has become the beaches of New Jersey.

Clean Ocean Action has collected data and samples from similar beachcombing events. At our recent trash attack, which both Senator Pallone and Senator Gagliano attended, we collected -- only 75 citizens in less than one hour in five small areas of beach collected an alarming amount of trash. Keep in mind that only 1/3 of the amount of trash was collected off the beaches. There was just too much and much of it they had to leave behind. A 2 1/2 ton stake body truck was filled to overflowing. A separate truck took cans and bottles to a recycling center. Over 980 cans, 605 bottles were collected. Six hundred and fifty plastic tampon applicators, over 1000 plastic straws, 510 six-pack holders, nine bags of hospital supplies and over 300 bags of

miscellaneous plastic from toy trucks to sheet plastic, large chunks of styrofoam and hair brushes.

This was from another event, an earlier event at the Clean Ocean Action Spring Debris-a-thon where over 125 youngsters collected over 1000 bags of trash in just an hour and a half on just two beach areas. This is only one of the beach areas after only a short time, not even into one hour on the beaches. Over 75% of that material collected was plastics: plastic bags, plastic sheets, other plastic materials.

And I have brought several samples with me here today of specific kinds of trash which we are finding on the Jersey shore. (demonstrates samples) It ranges from hard hats to toys, other plastic toys, the men are not left out. On a more serious note, this jar is filled with hypodermic needles that were collected off the Jersey shore in just about one hour. There also is a small jar of liquid containing in a hypodermic type syringe bottle that was found. The needles range in this jar from this long to a shorter model. We have a plastic toilet bowl seat. We have collected cans of all sorts. This one says emergency drinking water. And we've also collected a huge array of hospital supplies. This one, as you can see, contains a liquid. This was collected right off the beaches. Another jar, and other jars as well. Hypodermic needles similar to this. This one I kept outside just to show you how easy it is, and how easy it would be for a child curious about products on the beach, as they are with our plastic tampon applicators which are often put in the mouths of children. It's very simple to pull off the cap and expose the needle on the end of this hypodermic needle, and I'll pass this around for you all to look at. I'm sure you'll be careful.

This is the kind of debris that we find on the Jersey shore. This is the hospital supplies that were collected by those 125 children that were on the beaches during the Spring Debris-a-thon. We asked them not to collect hospital supplies,

but as you can see, there are -- there's a plasma bag and other hypodermic needles as well.

The main problem with these plastics is that they are persistent. In the marine environment these non-biodegradable products drift and float forever, maiming and killing thousands of marine animals each year through entanglement, entrapment, or ingestion. If, by currents, winds, or chance, they wash ashore they leave beaches unsightly, damaging the aesthetic value of the Jersey shore and threatening the tourism industry. Boaters suffer from props wrapped in plastic and Floatsam also poses a public health threat, as this evidence clearly shows.

The smoking gun for this debris is difficult to pinpoint. The highly urbanized area north of Sandy Hook is a vast arena where over 18 million people work and produce waste. The area is plagued by illegal dumping, street filth, mismanaged sanitary landfills, combined sewer overflow systems, and inadequate or non-existent sewage treatment facilities. Much of the waste washes up on the northern Jersey beaches, but much more is left to drift further out to sea and further south on southern Jersey beaches.

A highly probably source, of course, is the Fresh Kills Landfill on Staten Island in New York. Although I have yet to find one piece of plastic that says, "Lost on route to the Staten Island Landfill" or "I escaped the Staten Island Landfill." Another possible source is the high volume of commercial shipping traffic and luxury cruise liners that go in and out of the harbor each day. It's an interesting question. Is there any required transfer of refuse before these ships head out to the harbor, or do they just dump their waste at sea? Perhaps this is a question that the Port Authority of New York and New Jersey can answer. The boaters of New York and New Jersey may also play a part in the endless parade of trash onto beaches.

Certain solutions are within our grasp today. A tighter crackdown on landfills -- obviously not enough is being done at the Fresh Kills Landfill. Waste is being transported

from New York City by open barges. And I might add that the Fresh Kills Landfill is the only landfill that's open in the New York metropolitan area right now. It's accepting all of New York City's trash at the present time. The landfill also uses the cranes to off-load and on-load garbage, which leaves the dripping and dropping in that water body of Fresh Kills which heads right out to sea. Boaters could be issued fines if found littering in the marine environment. Education could also play a key role in reducing litter from boaters.

However, a real, long-term solution to the plastic crisis is to put the cost of disposal where it belongs, on the users and manufacturers of these non-biodegradable disposable containers. Manufacturers are allowed to create plastic products without disposal or recycling options. Users purchase products without paying for proper disposal.

Clean Ocean Actions suggests the following: 1) reduce or ban the use of plastic where perfectly adequate biodegradable products exist. We have begun that trend with the tampon bill and the other legislation that is pending in the Senate which would ban plastic tampon applicators, plastic diapers, and other plastic disposable products. But all plastic should be reduced where perfectly adequate products exist. For instance, paper bags exist and plastic bags are not necessary. 2) require deposits and recycling of all disposable containers. 3) all non-recycled plastic such as plastic bags, large and small, the sheet plastic, plastic coatings, etc. must be degradable in the marine environment in less than one year.

In conclusion, today the marine environment bears the brunt of inadequate disposal practices. We have overloaded landfills, plastic beaches, and dying marine life. Only with strong actions from you, our elected officials, taking that leadership will turn the plastic tide, and a stroll along the Jersey shore will not mean a trip to the garbage can and our marine environment will be a better place for the animals to live.

SENATOR PALLONE: Thank you, Cindy. Did you want to have Robert Schoelkoff, and then we'll have questions?

MS. ZIPF: Yes, yes.

ROBERT SCHOELKOFF: Senator, Committee members, I'd like to thank you for giving me the opportunity to come here today and express a concern I've had for many years. I'm the Director of the Marine Mammal Stranding Center, which is responsible for the entire coast of New Jersey in the recovering of dead and injured marine mammal. There hasn't been a town, a coastal town in the State that I haven't been on picking up these animals. We've been doing this for about ten years now.

Those causes of death range from anything from prop cuts from small boats to collisions with large freighters, to natural causes of death such as pneumonia, aging, and what have you -- things that we're used to seeing on the beaches. And of course, our job is to remove those animals before health hazards occur. Eight years ago, Stranding Center first came upon a sea turtle that died of something different, something we had never found before. That leather back turtle died of plastic ingestion. This was the first time it was ever found in the marine environment to cause death of a large animal. Since that time in the eight years that we found it it has become a worldwide problem. The Smithsonian Institute, Division of Mammals is now initiating a network where they're recording all the animals that are washing in, that are being found with plastic products either ingested or in entanglement. Entanglement is the second largest in the plastic problem that we have with them getting entangled in commercial nets, monofilament line, and large, large plastic bags that seem to be thrown overboard from freighters.

(showing slides) We start out with some of the largest animals, marine mammals, the sperm whale and this type of animal which normally would just be eating on squid, has to run the gamut of lobster pots and floating debris like this half-inch plastic line that became entangled around the lower jaw of this

female sperm whale. She washed ashore alive, very weakened because she had to drag a lot of this line behind her for a long period of time. The animal finally died on the beach that night, and upon doing the necropsy on the animal looking for the cause of death -- specific cause of death -- we also found that she had given birth within one month. Somewhere out there not only one animal died from the debris, but an infant sperm whale was dying because the mother wasn't around anymore.

I have to apologize for my photography expertise which is not that great. Also the problem is the moving boat. This is a 20 by 20 piece of commercial fishing net. This summer Stranding Center initiated an environmental cruise off the Ocean City, New Jersey coastline bi-weekly for about two months. Initially we started out to take people out there to see the whales and the sea turtles and what have you. It seemed that we weren't see too many whales, although the sea turtles were there, but we were constantly and on a daily basis finding large pieces of plastic, and large fields of plastic. This is one of the problems right here, not only to the marine life that may be entangled in it, but it is a very positive hazard to shipping if that becomes entangled around the rudder or propeller, it would disable any large vessel, let alone to mention some of the smaller marine mammals that may be entangled.

Other types of entertainment, I can't bring toys out because we haven't found anything like that, but one of the more serious problems that we're seeing now is in the release of balloons. Everybody, every community that wants to have a clean air day or whatever it may be, wants to express their concern by letting people see the release of balloons into the air. Right now we're having a problem that these balloons are blowing out to sea, losing the gas within them, or it neutralizes, and then they fall to sea. The non-biodegradable aspect of the plastic causes it to float for an indefinite period of time in the ocean and we found that for some reason the squid, the food that's one of the prime sources of food for some of the large cyataceans (phonetic),

have a tendency to congregate around floating plastic. They hang on it. This to a sperm whale becomes a very appetizing thing, seeing several dozen squid at one time rather than picking out one or two to eat. So it swallows that group of squid and in the center of it you find the plastic. Now the sperm whales' throat, even though the whale may be 28 to 30 feet in length, is not very large, maybe the size of your fist. This piece of plastic came from a two-year old male sperm whale that washed in alive at Seaside Heights last year. It was slowly dying because the gut was blocked by that plastic bag or that Mylar balloon. Here's a picture of it. This is how it blocked the intestinal track. It does not compress like food matter. It does not break down even by the intestinal fluids within. It will not decompose. It blocked the intestinal track. No food could be taken in because no waste could be excreted. The animal slowly but surely became weakened and washed into the shoreline. One thing I have to tell you, sperm whales do not feed along the coast of New Jersey. They feed two, three, four, 500 miles at sea. That animal did not come in along Seaside Heights and pick up a balloon in the surf. That was many, many miles when it was found.

This is a loggerhead sea turtle, another creature also endangered that has to run the gamut of human waste in the ocean. This was a sea turtle picked up in Stone Harbor, New Jersey this year. The line you see on it is monofilament line. There's a big problem now in all the offshore wrecks and the artificial reefs that they're building to increase the commercial fishing industry. The problem being that when the fishermen become entangled in the wreck they just cut the line and it settles to the bottom. Those sea turtles, which are air breathers, and divers have to dive on these wrecks, or do it recreationally. The sea turtles do it to feed. They become entangled in the line which is almost invisible when you're under water, and obviously, cannot reach the surface for air and slowly but surely suffocate. Divers also have been known to tangle in this stuff and if it wasn't for the practice of the buddy system in diving where they

can be cut free you'd have divers suffocating down there as well. It's a very big problem in the southern part of the State, and I'm sure in some of the wrecks up north also.

Another sea turtle. This is called a leather back sea turtle. It's the largest of all animals. The sea turtle is the most endangered of the large critters. This animal came in in Long Branch, New Jersey several years ago. Very fresh specimen. We couldn't understand why this animal, as healthy as it looked, should be dead. No prop cuts, which is the usual cause of death of this species. And we did the necropsy, opened it up and found some plastic. This particular piece of plastic is from another leather back -- I'm sorry, it's not this one, that was picked up, but this is a plastic wrapper, 12 inch by 12 inch plastic wrapper you see right here that blocked the ileosecal (phonetic) valve -- it's a valve that connects the large and small intestine of the turtle. That valve is only the size of a quarter. You can see the type of plastic. No matter how much you ball this plastic up it cannot compress any smaller than that. That blocked the illiosecal value. The animal was unable to pass its body secretions and it slowly poisoned itself to death. Luckily for the turtle it died faster because it was struck by a boat while it was floating and the striking of the propeller killed the animal, but it would have died within a month because of the ingestion of this plastic.

This is the plastic I wanted to show you that I pulled out of the one leatherback in Long Branch.

Now, kind of interesting -- I don't want to move away from the mike -- but if you'll draw your attention to the lower left-hand piece there, that piece of plastic is a Baggie sandwich bag. The center picture, the gray piece, is a segment of 30-gallon trash bag that was ripped apart, the gold piece still had writing on it and said, "If it's Borden's it has got to be good." It was a potato chip bag. It didn't do too much good for the turtle however.

Something I haven't heard a lot about, but there's a

big problem that people aren't aware of -- all the way up at the top center is a feminine napkin liner. Not a tampon applicator, but actually the liner that they put in, stay-dry liner. We see a lot of this floating out there. My ignorance brought me to believe that it was a large bandaid until my wife changed my opinion on that. There is a definite problem with that. Also, I don't have photos, but of diapers that we find, plastic-type diapers floating. The cotton, absorbing cotton material decompose in the ocean, but the plastic does not. It remains. Leatherbacks, unlike the larger whales, aren't feeding on the squid, but actually feeding on the jellyfish. We have numerous jellyfish along the coast of New Jersey in the summer months, and that's a primary feeding source of the leatherback turtle. Because the reptiles are not very intelligent they don't realize that what they're eating is not a jellyfish, it looks the same color and it's transparent, so they swallow it, causing a blockage of that valve and eventual death of the animal.

Sea life is not excluding just the marine mammals and sea turtles, but also the water fowl and the fish. Here's a Canada goose with a six pack holder around the neck. Unfortunately the people who used that didn't have the sense to cut it apart or put it in a proper container before disposing of it. This animal eventually, even though it can fly, will eventually either be entangled on something else, or ensnared on debris while diving and suffocate, or slowly that will constrict around its neck and it will starve to death.

Pieces of plastic are also coming up in fish. This is a sampling of plastic, shredded plastic taken out of several haddock that were picked up, laying type of fish caught off the coast. We've also had reports as far south as Florida where a gentleman was down there fishing along the coast line and he hooked into a large shark. One of the practices for some of these fishermen are when the animal is landed it is gutted to allow any pregnant or fetus within to be released into the wild. Sometimes they are alive and they can be turned loose. The

gentleman cut the stomach and instead of babies falling out a 30-gallon trash bag that was still tied up fell out. And he opened the trash bag up and apparently it was thrown off of a passing boat, pleasure boat. He took some of the debris out, found out the address of the people, and sent them their trash back. I would like to see that done, but unfortunately there's too much trash out there and you'd run out of postage stamps before the day was out.

In our environmental trips that we sponsor off the coast of Ocean City this was one day's collection. I'm sorry, three minutes collection worth. We've been out there virtually every single day for two months bi-weekly that we went out there was trash. We've had days where trash was 50 yards wide and miles long, slicks of plastic floating. In that slick not only was the plastic and other debris, but fish, birds sitting on top of the debris, squid swimming through it, jellyfish, all the food source that these marine mammals utilize. This is where the plastic is being picked up. Where it's coming from we're not sure of, but what I've been showing you are stranded animals that did not just occur in North Jersey, but the entire coastline. This stretches all the way around and up into the Delaware Bay. This is a serious problem along the entire coast, not only for the marine life and the endangered species, but it's killing food supplies as far as human involvement with marine fisheries, and it is also causing health problems with the destruction of these marine mammals and washing them ashore.

I'm not stating that the plastic industry is at fault for manufacturing the plastic. I blame the consumer. As you see you have everything from Budweiser cans, milk containers, plastic shopping bags, styrofoam cups are a very big problem, even an Ocean City Ice Company there. A lot of this debris indicates that it is coming from the pleasure boater, not from commercial dumping or anything along those lines, but actually from the pleasure boater that doesn't have enough sense to know that he's killing his own ocean that he's enjoying his fishing day in. The

industry, I believe, can assist in the problem, the plastic industry by, number one, labeling this potential garbage as such, to make people aware that when they do throw it they're going to kill something, and making something that is less everlasting. A little bit more biodegradable chemicals in there, or whatever, to break down right away would make a big difference.

What we find in these animals that are ingesting this plastic, much of it, as you see here, still has the labeling on it, the names and coloring. That's usually the first to go in the ocean, but we usually see them swallowing the brightly colored things before they will swallow the old pieces of plastic. But we found it in many different stages of deterioration, mainly in the plastic -- I'm sorry, in the lettering. I think what we need to do is, number one, assess the location of a lot of this pollution. As I said, looking at the entire coastline and being in virtually every city along the coast, I see different sources and most of it is coming from the individuals that use the plastic and not from one or two locations, but it's being thrown in all over the coast.

One of our campaigns when we travel throughout the State is through the school system to educate those students to the fact that when they're on the beach for that day, pick up trash when they find it. When they go out fishing with their parents in the boat, stow the trash and don't throw it overboard, that you are killing animals. We're working with the diving industry now. They're actually working on projects when they go on these offshore wrecks of cleaning it up after a day of diving, picking up those monofilament lines and bringing them into shore. All this is helpful, but without a statewide effort it doesn't mean much with one or two groups doing the work. We need a statewide educational campaign, poster campaign, school type of campaign. We're working with the NJEA right now in a marine education program for those student of all ages, let them know that this plastic is out there and plastic does kill. Thank you.

SENATOR PALLONE: Thank you, Bob. I know the two of

you are probably the main people today that we could talk to in regard to the plastics problems. So I just want to ask a few questions about that and I don't know, maybe you could stay a little later, too, because we might want to ask you, you know, additional things as we go on.

As far as the plastic problems are concerned, now I know that Clean Ocean Action is making a priority of the legislation that deals with what I guess we would call personal care feminine hygiene products, specifically the tampon applicators and I mentioned in my bill it would also cover the plastic diapers that were brought up, plastic Q-tip swabs, that type of thing. I'm often asked why are we zeroing in on those products, the personal feminine hygiene products, because after all from the presentation that you and Bob gave today the nature of the plastics disposable problem is wide spread. We're talking about toys, toilet seats, the whole gamut, commercial fishing gear, the works. What's the reason why -- and I know I'm putting you on the spot but it's important -- what is the reason why we're focusing in on the particular things, the tampon applicators and some of the other personal products?

MS. ZIFF: Well, first of all, the legislation was introduced and it was a beginning. It was the first piece of legislation ever to specifically target a plastic product that we see on the Jersey shore. I mean women are calling these things "New Jersey seashells" because they're found so often on the beaches. Children are putting them in their mouths. They're an obvious target, and they are Clean Ocean Action's symbol for the plastic crisis. In no way are we saying that this is the problem.

SENATOR PALLONE: Well, Cindy, it is part of it though, because the way the legislation is written, it says that the reason for this in part is because there are biodegradable alternatives.

MS. ZIFF: That's correct.

SENATOR PALLONE: Maybe you can comment on that. I

mean a lot of the things that are mentioned here, specifically as personal hygiene products do have biodegradable alternatives.

MS. ZIPF: Right. One of the things that we suggested in the testimony is where perfectly adequate biodegradable products exist, their plastic counterparts should be banned. There's no reason that we can't now begin a trend to using less plastics. We've got everything made out of plastic. You can't buy oil in a container any more that isn't made out of plastic. Plastic bags are certainly a problem to the marine life and those should be made -- that plastic should be degradable.

But the reason that we're supporting the temporary legislation is that it begins to make a national statement about plastics. There is similar legislation pending in New York State and there's similar legislation pending in Massachusetts. So it is not New Jersey alone. There is an overwhelming concern nationwide about plastics and this is an obvious first. There's a perfectly adequate biodegradable product on the market and this is by no means the end. As soon as that one gets passed we'll go on to another one. We've encouraged deposits on all plastic containers. We'll continue to attack this problem because, as you see, it's an obvious problem to marine life in general and a public health threat.

SENATOR PALLONE: Now what about-- You mentioned two things. We talk about biodegradable alternatives, are we talking about nonplastic materials or are we also talking about plastics that biodegrade? I noticed you mentioned the plastic bags and during your trash-a-thon you had plastic bags that supposedly were biodegradable.

MS. ZIPF: Degradable, um-hum.

SENATOR PALLONE: What's the difference?

MS. ZIPF: What we strongly urge, Clean Ocean Action people, and people that we talk to, is to use biodegradable products such as paper bags. If you are going to use a plastic bag, use one that degrades in the environment. It is sort of a second tier to the use of one kind of product. All bags should

be made -- all plastic bags should be made to be degradable. Some plastic bags take about 100 years to degrade. These good and tough bags take approximately one to two to three years depending on how much light it gets. But we're not saying that the final alternative is to make it all degradable. We're saying that, as I said, to use less plastics where perfectly adequate biodegradable, meaning paper and natural products--

SENATOR PALLONE: When you talk about these plastics that break down, though, do they actually -- are they still harmful when they're broken down or are we--

MS. ZIPF: Not to my knowledge. To my knowledge the carbon chains on the polymers break down into small pieces of carbon chains, which are then absorbed by the environment. Although the question does remain, are those carbon chains possibly hazardous? The question has not directly been answered.

SENATOR PALLONE: Just one more question and then we'll move on. In terms of Fresh Kills, do you have any determination of what we're talking about with your presentation by yourself and Bob to what extent that's a problem from Fresh Kills as opposed to just a general problem with, you know, with sewage treatment plants and people throwing debris out of boats or whatever? I mean, to what extent is that problem coming from Fresh Kills if you can?

MS. ZIPF: I think that the Fresh Kills Landfill, although as I said, no product says, "I am from the Staten Island Landfill" I feel that the Staten Island Landfill is a main source of the plastic and the debris coming out of the Hudson River plumb and into the marine environment.

SENATOR PALLONE: Okay. Thank you. Senator Weiss, any questions?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Cindy, the landfill and the barges leading to it.

MS. ZIPF: Right, and the barges-- The barges that transport that waste, that whole operation.

SENATOR WEISS: What area did you cover in your

presentation?

MS. ZIPF: We focused just at Sandy Hook.

SENATOR WEISS: Just at Sandy Hook. So you really didn't come up to the Fresh Kills area, did you?

MS. ZIPF: No. Sandy Hook sort of sticks out like a sore thumb.

SENATOR GAGLIANO: We didn't have large enough trucks.

SENATOR WEISS: What did you say?

SENATOR GAGLIANO: We didn't have large enough trucks.

SENATOR WEISS: I guess you're right, Tom, but as someone who is interested in boating I was very much concerned about that area, and still am. As a matter of fact, even to those who have boats, plastic is a danger, only because it sucks up into the intake and you have somebody out there with a small boat and that will--

MS. ZIPF: And wraps up the props.

SENATOR WEISS: --and that will endanger their lives. So it's more than just one part of this thing.

MS. ZIPF: Oh, sure.

SENATOR WEISS: But getting back to the Gray Kills Landfill -- I'm sorry, Fresh Kills, I both a little confused with the name only. I know what's in both places. But in that Fresh Kills Landfill, have you any feeling about how much--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can't hear you.

SENATOR WEISS: Can't hear me? Do you have-- The mike works? I thought it was a prop before.

The Fresh Kills Landfill, have you any idea in your demographics somewhere of the magnitude of the garbage, hospital waste, etc. that's been released from there? Do you have any figures on that?

MS. ZIPF: The only figures that we have is that which washes up on the beach. We don't-- We can't even estimate what escapes out the harbor. All we can have an account of is that waste which washes up on the beaches and our--

SENATOR WEISS: And you attribute that which washes up

on the beaches at Sandy Hook as coming from Fresh Kills all the way down the Kill across Raritan Bay about 14 miles and then out there?

MS. ZIPF: The currents--

SENATOR WEISS: Or does it come down-- Fresh Kills wouldn't go the other way.

MS. ZIPF: Right. The currents the way they circulate in the inner harbor area along with the winds certainly push a lot of that waste up onto that Sandy Hook which juts out into that harbor area. Much of it does get out and escape into the marine environment and moves -- drifts forever -- moving further south and further out to sea.

SENATOR WEISS: Would your research indicate anything coming down from the Hudson under the Verrazano bridge?

MS. ZIPF: As I said, the trash is not tagged from where it comes from.

SENATOR WEISS: I understand that.

MS. ZIPF: So where it's directly--

SENATOR WEISS: You don't go upstream to find out where the source is?

MS. ZIPF: Not as of yet. But there are people here from Staten Island that could, perhaps--

MR. SCHDELKOFF: We do know, though, that the southerly flow of currents do carry things from the Hudson down along our coastline. As I can testify from this summer in Bayhead, New Jersey, when a 43 foot fin whale inadvertently was towed out to sea from the Hudson River and washed straight down the coast and came up in Bayhead, New Jersey. This is an ongoing thing. One of the reasons why New York has been asked never to tow their dead animals out, because they inevitably end up on New Jersey coastline again in worse condition than they had been before.

SENATOR WEISS: The thing I'm really trying to do is separate the types of debris that's in the river and in the Kill out here, as opposed to the hospital waste at Fresh Kills, and the other waste that may be, in fact, coming down the Hudson.

Is there any delineation there? Is there a difference? Is there a number on it?

MS. ZIPF: No, not that I have. The only thing that I can say is that the trash is taken from the Hudson River in the New York metropolitan city on the west side and transferred by barge.

SENATOR WEISS: But outside of this one particular source, you're not sure where it comes from?

MS. ZIPF: Outside of this--

SENATOR WEISS: And careless boaters, and ships, that includes freighters and passengers.

SENATOR GAGLIANO: Certainly hospital medical supplies are not thrown off of boats. So--

SENATOR WEISS: I'm wouldn't argue that with you. But they do their damage, too, regardless of what they throw over. But I was just trying to find out what the difference was. In this area and out in the area that you're talking about, Cindy, where the larger ships do travel you find a lot of waste out there. I agree with that. But there's a lot of other waste, too, that comes down the Hudson that's called human waste. Other names for it perhaps not as nicely--

MS. ZIPF: Yes.

SENATOR WEISS: You have no demographics on that at all?

MS. ZIPF: The nutrient loading coming from the inadequate sewage treatment plants we can only calculate that by the number of plastic tampon applicators that wash up on the beaches, and that we call the tampon index.

SENATOR WEISS: Thank you, Mr. Chairman. I have no further questions at the moment. I'd just like the multiplier and the demographics.

SENATOR PALLONE: Thank you, Senator Weiss. Senator Gagliano?

SENATOR GAGLIANO: No questions.

SENATOR PALLONE: Okay. I just wanted to ask you one

more thing, Cindy. With regard to the personal hygiene products, again, the tampon applicators, disposable diapers, the Q-tips, possibly the hospital waste-- We didn't mention at all about that relationship with some of those products to the waste water treatment system. In other words, a lot of the material is not necessarily coming from landfills, but coming from, you know, being flushed down toilets and, you know, coming down the shore because of inadequate sewage treatment. I just wanted you to comment on that briefly, with regard to particularly the tampon applicators, although maybe some of the other things are also flushed down toilets.

MS. ZIPF: Right. One of the main indicators that we have of waste that is directly discharged by waste water treatment -- not waste water treatment facilities, but raw discharge or inadequate sewage treatment facilities is the plastic tampon inserter. The main way that product, the number one way I would say that that product gets into the marine environment is by women flushing them down the toilets and having no sewage treatments so those applicators go right into the marine environment and are left to drift by currents.

SENATOR PALLONE: So that's raw sewage? In other words, it's not being treated at all because it doesn't go through the plant or it just goes through, because of an overabundance of sewage or whatever, it doesn't get treated?

MS. ZIPF: That's correct, that's correct.

SENATOR PALLONE: Now is it also-- Is there any indication that the tampon applicators and some of these other plastic products are going through even when there is treatment, be it secondary or primary treatment?

MS. ZIPF: There is some evidence that even in a secondary treatment plant that these tampon applicators will settle out towards the bottom of the tank and become a part of the sewage sludge. Sewage sludge is then taken 12 miles off the coast of New Jersey at present and is dumped. So there are some applicators that find their way into the marine environment that

way.

SENATOR PALLONE: So, in other words, they don't go through the system but they end up in the sewage sludge and then they come back ashore because it's dumped at the 12 mile site or whatever?

MS. ZIPF: That's correct.

SENATOR PALLONE: Now, are we only talking about tampon applicators or are some of the other products also going into the sewer system, such as the Q-tips or the -- I guess not the diapers, obviously. What about some of the hospital wastes or anything? Are we just talking about tampon applicators?

MS. ZIPF: No, there are other products that find their way. The rings to condoms are also found. You can watch, if you are out on a boat, you can see the tide line and see small pieces of soap floating. You do see plastic Q-tips, you know, the little tubes, not as frequently as the tampon applicators. You do find anything that you can imagine being able to flush down your toilet is found on the beaches. But clearly the tampon applicators are a direct indicators of that.

SENATOR PALLONE: Okay. Thank you. I don't know if you're able to stay. If you would, we'd like you to.

MS. ZIPF: Sure. I can stay.

SENATOR PALLONE: We'd appreciate it and thank you for your presentation. We're going to move on to our two assemblymen and start off with Assemblyman Alan Karcher.

A S S E M B L Y M A N A L A N J. K A R C H E R: Senator, first of all, let me thank you for the opportunity, and secondly, let me assure that I'll be as concise and brief as I possibly can.

Let me start by explaining to you a little bit of the Assembly's history of participation in this entire matter with regard to the Township of Woodbridge and the problem with the landfill. First of all, let me put this in perspective. You're well aware of, and everyone here in Middlesex County is well aware that we have our own difficulties with what we consider to

be our indigenous problem of Edgeboro Dump, which is here in Middlesex County. Fresh Kills as far as size dwarfs anything that has been known to man before. The dimensions of the Fresh Kills Landfill literally would subsume what had previously been the largest solid waste disposal facilities anywhere in the country, perhaps anywhere in the world. We-- And I have been to the location, Sewaren, on a number of occasions. As far as being able to pinpoint responsibility, I don't know whether any phenomenon will occur today and whether you will be able to view it if you are there, but on the occasions I've been, you can literally see it coming. It's nothing that is a secret as to the source of the problem on the Woodbridge -- on the Sewaren beach. All you have to do is visually observe and you can literally see it as it drifts across the Kill.

We back-- And now let me vent a little bit of frustration and express the hope that the Senate might be more effective or maybe the Assembly and the Senate working together might be more effective. I have left on the back table there copies of -- and I've provided a number of copies not only for your Committee, Senator, but there are copies for the public. I think there are 50 or 75 copies of each document. Let me go through and tell you what they are.

Approximately a year ago, in November of 1986, the General Assembly took up the matter of trying to bring to bear the assistance of the State of New Jersey in remedying this problem for Woodbridge and we passed a resolution. It was passed unanimously and the thrust of this resolution was to direct that the State Attorney General intervene on behalf of the Township of Woodbridge in pending litigation in the Federal court.

The second document that you will have is a copy of a letter that I had addressed in January of 1986 at which time I was still Speaker of the House to the then Attorney General Irwin Kimmelman advising him of the position the Assembly had taken on a bipartisan, unanimous basis, asking that his office intervene in the litigation. I also provided the present Attorney General

Cary Edwards with a copy of that Assembly resolution. By the way, and I won't go into it in detail, the Assembly resolution sets forth in detail the legal basis upon which our Attorney General's office, Division of Law and Public Safety would participate and what standing they had to intervene. I'm going to touch upon that in a moment.

The last of the documents which we have is a copy of the testimony that was entered into the record at the hearing at the World Trade Center April 8, 1986. I'm sure you-- I know you were there, so you know what I'm talking about and that details, once again, the history of the Assembly.

Why I've brought all these, and why the Assembly during the time that I was Speaker took this action, and perhaps this is the centerpiece of what really we are here to discuss today, is why should one township -- having at its disposal limited resources as any municipal government has in the State of New Jersey-- Why should it have to fight this battle alone? And through the credit -- and give credit where credit is due -- on a very bipartisan basis, I know Mayor Cerria and the mayors before him have all fought this battle. The point I want to emphasize as strongly as possible is there is no reason under our system of government, under what we consider to be good intergovernmental relations why one single township who is victimized by this problem should have to fight this problem alone. It is absolutely inexplicable to me and unjustifiable why the Attorney General-- And last but not least, I have to tell you, that not withstanding the unanimous passage of this resolution in the Assembly, not withstanding the fact that it was done on a totally bipartisan -- the Attorney General of this State has just ignored this, has not responded. Attorney General Kimmelman has taken no action to intervene on behalf of Woodbridge, and the present Attorney General has ignored the problem, and refuses to intervene on behalf of the Township of Woodbridge.

I cannot for the life of me understand why this is not perceived as a problem that affects the entire State of New

Jersey, as well it does, but more specifically this region of Middlesex County. To put it in some perspective, and I think what bothers -- I know bothers Senator Weiss and George Otlowski and myself is we see other, particularly what might be perceived as local environmental problems, and we see that they are responded to differently. And I'm not saying they're unjustified and unwarranted, I'm just want to use it for perspective. We had, for instance, a problem with radon contamination in 15 or 16 dwellings in Montclair, albeit that is a severe danger and a severe problem. The State of New Jersey responded to that very, very localized problem, very narrow problem by the Governor of the State exercising his war powers act powers, the executive orders under the war powers act intervened. We have spent now \$6 million cleaning up that very small neighborhood of Montclair and are prepared to spend another \$8 million and perhaps as much as \$20 million to cure what was a problem that infected only one neighborhood in one place.

Here we have a problem of much greater dimension, much greater impact. Something that affects not only the health and safety and security of the people of Woodbridge, but of Middlesex County, but also deals with our interstate relations with New York. Why are we being victimized? The radon contamination that I just spoke of where the State of New Jersey is ready to devote at least \$6 to \$14 million dollars to curing one neighborhood. Here we have a situation where there is no real victim there. We're not being-- Those people are not being victimized as such. We here are truly being victimized by the action that takes place in New York.

Let me conclude by making a number of recommendations. The first recommendation would be that the Senate take the same action as the Assembly had taken last year. Then maybe again the Assembly would go on record so that it was a joint directive of the legislative branch of government ordering the Attorney General to intervene in this litigation, to bear part of the expenses, to bring to bear in this litigation the entire might,

if you will, the entire power of the State of New Jersey so that the Township of Woodbridge, who truly has fought the good fight, who truly deserve a lot of credit, more than credit and more than kind words. What they deserve now is to have the full resources, the full assets of the State of New Jersey fighting this battle alongside of them. So that's number one of the recommendations.

The second one -- to follow up on Senator Weiss -- we in the Assembly two or three weeks ago considered the matter of legislation that came before us to change the name of the Interstate Sanitation Commission. We, Assembly Otlowski and I, voted against that measure. We could not find it in our hearts or in our heads to pay to change the name of a commission and then spend more money to change their letterhead if they weren't going to do anything for the State of New Jersey. And what we have is the rather anomalous situation where they -- and if you read the statute and the statute is relatively clear -- we have a copy of it -- they are given power by our State statute to bring actions for injunctions, etc. in Superior Court of New Jersey. Why they have decided to absolutely abandon the field, if you will, is just, once again, inexplicable to me and unjustifiable to me -- unjustified to me. If they are not going to participate in litigation of this kind, then I have no understanding of what the justification is for their very existence. And the Senator's comments about, perhaps, reviewing-- This was said on the Assembly floor during the debate by Assemblyman Otlowski and Assemblyman Deverin and myself, that if this is not what they're going to participate in, why should the State of New Jersey fund them, and why should we participate if they're not going to come to our aid and assistance, indeed, when we need them?

Those are two immediate suggestions. The third one -- and I want to comment because you and I, Senator Pallone, share an interest mutually in this subject of packaging reform. And let me try to be very brief about it, but you and I've been through this battle together. Three years ago no one spoke about packaging reform. No one even knew what packaging reform was.

Packaging reform, and the Senator has a very excellent bill with regard -- that starts -- but the overall concept is that we are going to cure our environmental crisis with regard to disposal now that we are a disposable society, is not to talk about-- The short-term solution may be unpleasant, might necessitate the building of incinerators, might necessitate the building of some cogeneration facilities, might not be that bad.

The long-term solution is to stop allowing American industry and American marketing to package their goods in materials that are nonbiodegradable, or nonrecyclable. We are a victim and I'm a culprit today because I'm having a cup of coffee out of-- We all can remember coffee tastes just as good, or better, out of a cardboard cup as we used to drink it. Eggs taste just as good out of cardboard as they do out of styrofoam. It's a very simple message, you know, that if we just think back 20 years ago we all somehow survived. We all did pretty well for ourselves before we decided that we could not live without nonbiodegradable products, which are really a curse, a plague upon us. The difficulty is that it's not only a plague upon our generation but will be a plague upon our children and our grandchildren's generation. So it's got to be cured and it's got to be stopped now.

And I commend you because I think you're really starting in the right direction. It might be symbolic, but what's needed is that message, that we have focused in and it sends a message to the public that we have identified the problem. We know how to cure it and we're ultimately going to cure that.

And finally the final step in that chain, of course, is to have legislation that requires everything. Of course I want to emphasize, not only in New Jersey, but what's needed on a whole regional and national basis, that nothing can be sold unless it can be recycled or it is biodegradable. Last but not least, part of this problem in New Jersey and, of course, in New York as well-- If New York would follow and emulate our example

as aggressively as we've been in our recycling programs, we wouldn't have that barage, that bevy of trash washing over on a regular basis. But, of course, New Jersey should set an example and set a standard to be emulated and followed by others with regard to mandatory recycling.

Last but not least, I want to go back and talk about what is the central issue, I think, for we who represent this district is, we cannot understand why one township has had to fight this battle alone. I wish I could get an answer. Maybe the Senate, as I said, will be more successful finding out from the Attorney General why he has not chosen to participate in this litigation, why the Interstate Sanitation Commission -- and why ultimately -- and I don't see anyone from them -- why the Federal EPA has refused to become involved in this litigation? There are things that can be done. There is remedial action that can be taken and I personally -- not only as a representative -- personally want to thank you for having this hearing and conducting it here. Thank you.

SENATOR PALLONE: Thank you. Thank you very much. Go ahead.

SENATOR WEISS: Alan, I just want to say I agree with you. I don't know why, getting back to the Attorney General, I don't know why the first one we contacted didn't pay attention to it, but I think that the second one will be more acquiescent, as it were. I think that he'll do better than the first one did. I think that it's only a matter of letting him do it, question. I think it's all a matter of are they going to get the dollars or not. So the only controlling feature we have, really, are those dollars. And I think that after having my past experience of five years as Chairman of that committee I think that I found the secret, and you and I understand what that secret is.

As for why Woodbridge carries it alone, I have a feeling about that, and I've had this feeling for a long time. It's David trying to fight Goliath. Unfortunately Goliath is sitting over there with seven or eight million people or 15, I'm

not really sure. But we're looking at Woodbridge with 100,000. There aren't too many people paying attention to us, and maybe the way to get them to pay attention to us here in Middlesex County generally, specifically here in Woodbridge, is by reducing the amount of dollars that go to these agencies that oversee the problem we have and are not doing that great a job at. I thank you. Your presentation was great.

SENATOR PALLONE: Thank you, Senator. Senator Gagliano?

SENATOR GAGLIANO: Yes. Assemblyman Karcher, what is the status, because I'm not familiar with it, what is the status of the legal action now pending? I've read some memos on it but I really don't know where we stand.

ASSEMBLYMAN KARCHER: I've spoken to the Director of Law here on a number of occasions. As far as I know we have presently-- And this, by the way, has gone back-- I think the initial action was taken maybe before the beginning of this decade. It might have been as early as '79, but it was certainly 1980 when it was commenced and it has been pursued. There have been a number of orders issued by the Federal District Court in which, as far as I know factually, the Township of Woodbridge -- and the Mayor would know better than I, the Director of Law if he's going to come -- they've had to go in and ask the Federal Court to hold New York in contempt because they never abide by any of these orders. The last order, I think, is not being abided by now. There was made a capital commitment to construct some retention booms or transfer which hasn't been done. So it's been this terrible frustration with regard--

I just want to follow up to put it in, once again, perspective. Woodbridge is a town of 100,000. New York is a town of 8 million. The odds aren't fair. Once again to put that in perspective, we in New Jersey, the whole State have a budget of \$9 billion, a little bit more than \$9 billion. New York City has a budget of \$30 some odd billion. It truly is a David and Goliath kind of proposition. I think, Senator, that if we had

the entire force and might and prestige and power of the State of New Jersey fighting this battle alongside of Woodbridge, I just think that we would get their attention a lot more. I think that the court might be even a little bit more susceptible to understanding how serious the problem is.

SENATOR GAGLIANO: I, for one, would be pleased to cosponsor a resolution in the Senate calling upon the Attorney General to proceed to intervene in the action. I certainly agree that Woodbridge should not have to stand alone. This is a statewide issue. It's a bistate issue and, in effect, it really becomes a regional issue among the states and is not something that-- I agree with you. It's not something that Woodbridge or any municipality should have to stand alone.

The second question is -- and I've read some memoranda on this -- there's a statement here that Gray Kills is not necessary. Do you know anything about that or shall I call upon, ask somebody else that? There was a question here or a statement that the Gray -- excuse me, Fresh Kills, the Fresh Kills process in and of itself is not necessary. If you can't respond to that, maybe someone can.

ASSEMBLYMAN KARCHER: I can only say that New York has moved ahead. For instance, out on the old Brooklyn Navy Piers they are building an incinerator. They're building one or two more. At the moment I don't know that New York has a viable--

SENATOR GAGLIANO: Viable alternative.

ASSEMBLYMAN KARCHER: Viable alternative. But that's not-- The perhaps even more critical question is my staff tells me that Fresh Kills does not have the existing permits from the Federal government to continue in operation because they have not met certain guidelines and that New York might be more responsive if the Federal court told them you're enjoined, you can no longer operate because you don't have the proper EPA permits to operate Fresh Kills. I don't think anything would get their attention faster than that, if people in New York realized that they have only one facility and that facility is illegal.

And the garbage started to-- You know, garbage on the streets in one day in New York and the people start--

SENATOR GAGLIANO: That's right. The interesting thing is according to the memorandum, which I guess staff prepared, approximately 22,000 tons a day are processed through Gray Kills (sic). Trucks take the trash to marine transfer stations in four of the five boroughs of New York. The waste is then transferred to 100 barges, each of which accommodates 600 tons. I mean, you're right about the size of this problem. The barges are then moved to Fresh Kills where there are several unloading plants equipped with cranes bearing huge buckets. The buckets scoop the garbage from the barges and drop it onto track vehicles that move the materials to stops in the landfill. So all of that garbage having to be moved, and much of the movement taking place over water, just the few tons that drop overboard are going to be a tremendous problem in the area.

ASSEMBLYMAN KARCHER: And at the four transfer stations in the boroughs, the four -- obviously there's no transfer station at Staten Island itself. So all the other four boroughs, Queens, Brooklyn, Bronx and Manhattan, each one of them is an unloading process where it goes in the water where you have a potential for drift down to us and then it is offloaded at Staten Island where you again have the problem of exposure. New York -- it would even help solve the problem if New York would compress and compact their garbage before they onload it onto the barge, but they onload with scoops and they offload with scoops. At no time does it get compressed or bailed and tightened up so that, you know, you don't run the risk of having the floats and the jetsam just flow lose and become Floatsem.

SENATOR GAGLIANO: Thank you very much.

SENATOR PALLONE: Thank you. Thank you, Assemblyman, or Mr. Speaker. I have to call you that, I'm used to it.

ASSEMBLYMAN KARCHER: Thank you.

SENATOR PALLONE: Next we have Assemblyman Otlowski.

A S S E M B L Y M A N G E O R G E J. O T L O W S K I: Mr.

Chairman and members of the Committee, first of all, I want to commend you for holding this hearing here in Sewaren, in Woodbridge Township because, frankly, as the former Speaker pointed out, this is a tremendous problem for Woodbridge. And Woodbridge, of course, has been carrying it alone. So for that reason I'm ready to commend you and, as a matter of fact, to congratulate you and this Committee for holding this hearing in Woodbridge because it undoubtedly will focus attention on the problem that Woodbridge has. But frankly, it's not only a problem of Woodbridge, but it's a problem for New Jersey and most of the coast of New Jersey.

I would want to point out two things to the Committee. And as a matter of fact, it's something, of course, that the Committee is aware of just as much as I am. The Legislature, of course, has very limited powers in enforcing the law. The enforcement of the law belongs to the Executive branch. One of the purposes, of course, of this hearing will be to dramatize the situation, to bring this to the attention of the Executive government and all of their agencies. The great power that all of these agencies have, and not one of these agencies, or for that matter, as the Executive branch of the government applied themselves with the might and the resources that they have in combating the kind of a problem that plagues Woodbridge and the Jersey shore.

First of all, there are two branches of government that have great powers. One, of course, is the Interstate Sanitation Commission, that have been given very, very broad powers. And, as a matter of fact, that Commission with the powers that it has even by statute from the statutes from New Jersey is the broad power of injunctive relief to prevent any violations or threatened violations. The fact that \$400,000 is made available to them from New Jersey on an annual basis, aside from what is made available to them from New York and Connecticut-- This is an executive agency that has tremendous muscle and legal powers to apply itself to this very situation that plagues Woodbridge

and most of the coast of New Jersey.

The other, of course, the other source is the second most powerful executive in the State, and that's the Attorney General -- that's the Attorney General: The Attorney General, with all of the great powers that he has, with all of the State agencies that he can command for support and assistance in prosecuting this situation that exists here in New York and affects New Jersey. Just as a reminder, when that little industry here in New Jersey that employed 3000 people and paid good wages for many, many years, U. S. Metals, when U. S. Metals, you know, allegedly was polluting the air and carried by the westerlies to New York City the Attorney General of New York loud and clear brought all kinds of actions. And as a matter of fact this industry in New Jersey spent millions of dollars in defending themselves and then was finally fined huge sums of money. And of course, enjoined from polluting the air. But our Attorney Generals, on the other hand, sat on their haunches while we've been plagued with this whole situation here in Woodbridge.

I have to say this, too, for the mayors of Woodbridge. Ever single mayor in Woodbridge has applied himself to this with the limited and the meager and the insignificant resources that they have to fight this tremendous problem that is foisted upon them by the great City of New York with all of its resources and its great corporate, legal structure. And Woodbridge, on the other hand, with a very meager and limited legal department with their 100,000 people. So that what I'm saying, and excuse me for taking advantage of this Committee by pointing out that here's a problem that really belongs to the Executive branch of the State government to bring all of its power, to bring all of its resources, all of its might, all of the money that the State has in its \$7 million (sic) dollar budget and not under the meager budget of Woodbridge to fight a problem such as this.

I just want to point this out to you, too, you know. I like turtles. I'm a great fish eater. I hope I don't offend anybody by the fact that I eat fish. But in any event, the truth

of the matter is that, you know, there's no question that turtles are important to the environment, and important to, you know, our whole being, turtle soup. But in any event, the truth of the matter is it seems to me that people are more important. It seems to me that people are more important and here is a dump, as the Speaker pointed out, the largest in the world right across the street from Woodbridge. Excuse me, not across the street. Across from a very, very narrow body of water, right across from a very narrow body of water. All of that stuff is floating into Woodbridge, but that's not enough, that's not enough: Floats into Perth Amboy; floats into South Amboy; floats into Sayreville; floats into Old Bridge; into Sandy Hook along supposedly the finest beaches in the world -- our shore beaches, the finest beaches in the world. This summer, as a matter of fact, nobody had to go swimming in the Atlantic Ocean. With all of the sewage, all of the debris that flooded the shore, you could walk on the water and, as a matter of fact, in this instance you didn't even have to be a Christian to walk on the water.

But the fact of the matter is that there was something, here was something that affected the health of the people. The reports of the State Health Department, the reports of doctors down the shore that there were vital signs showing that people got sick from the Atlantic Ocean and here New York City goes on its merry way dumping this stuff into the Kills and it finds itself -- into the ocean. And the only people that are really fighting it is this little township, you know, called Woodbridge in the 19th District with their meager resources fighting this great big City of New York and getting nowhere -- and getting nowhere. The mild relief that they got from the courts, and I say mild relief, is something, of course, that's unforgiveable. The Attorney General should have been there. The Attorney General should have been there. The Sanitation Commission should have been there fighting in the courts. And, as a matter of fact, even coming before the Legislature, coming before the

Legislature if they needed additional tools, if they needed additional money to fight this thing. So long as this is going to go on and Woodbridge is the only agency that is going to be fighting it, it's going to go on, and on, and on.

I'm just here to buttress the argument that the former Speaker made. I just hope that this Committee and the members of this Committee will take the lead in the Senate and not give the Attorney General any peace until he gets into this act and not give the Interstate Sanitation Committee any peace. And as a matter of fact, one of the things that Alan and I are going to talk to Larry Weiss, so long as he's on that Appropriations Committee, I think we ought to start talking about denying the \$400,000 that we give to that Interstate Sanitation Commission because they're not doing anything. They're not doing the thing that they should be doing. The most important thing that should be done now is fighting this big dump in New York.

I'm sorry, you know, if I feel so angry about this and if I have to take my anger out before this Committee. But you're one of the most important bodies that appeared in Woodbridge and you're the best source to vent my anger. Thank you very much.

SENATOR PALLONE: Thank you. We don't mind you venting your anger. Comments?

SENATOR GAGLIANO: No questions.

SENATOR PALLONE: Thank you very much.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

SENATOR PALLONE: Thank you, Assemblyman. We're going-- Just to tell you, we're going to have Mayor Cerria. I should talk about Italian names, my own, right. And then after that we're going to have Mr. Figurelli from garbage, from Staten Island.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Don't say Figurelli from garbage.

SENATOR PALLONE: I'm sorry. It says groups against garbage, Louis.

Mayor, would you please come up? Just should indicate

that Senator Weiss had to go to a funeral and he'll be back in about an hour.

M A Y O R P H I L I P C. C E R R I A: Thank you, Mr. Chairman, members of the Committee. First I would like to extend a warm welcome to you as Mayor of Woodbridge Township and if I may, I'd like to give each of you a button that says, "I love Woodbridge Township." That will exemplify the feelings that we have here in this town, that will be for Larry, for the Senator, for the Speaker, and Mr.--

Before I begin my testimony I would like to ask if the purpose of the hearing is to address our problem of this medical waste as well as your bill on-- Unless I'm erroneous on this, but -- because I didn't get a copy of the bill -- your bill, the way I understand it is to prohibit the sale of plastic personal care products such as tampons and such. Is that correct?

SENATOR PALLONE: Yes, and I should add that basically that we're trying to focus in on the whole problem. In other words, the bill is being mentioned in the context of the whole question of plastic disposables and the problem of Fresh Kills. So feel free, you know, to go into Fresh Kills, the plastics, whatever, but we do intend to look into the problem of Woodbridge and to deal with what has been mentioned about what the Attorney General should do, and what the ISC should do, and what type of enforcement action should be taken.

MAYOR CERRIA: Thank you. What I'd like to include -- like to have you consider in addressing the problem of medical waste that is coming on shores from New York City not only here in Woodbridge, but as the Assemblyman eloquently stated, all the other coastal municipalities along the coast of New Jersey. Work together in stopping the City from dumping on us such materials. Bloody operating tablecloths, evacuation tubes with blood and other body discharges still in them, syringes with needles attached to them, different types of vials from which fluid has been extracted, samples of human waste such as fecal samples, sputum samples in containers, interavenous bottles with needles

attached, surgical gowns with blood on them, caps, masks, gloves-- The whole spectrum of hospital waste has come into Woodbridge Township on these shores and that's the area where this bill has to address that major problem. In addressing the problem, I don't know, again, without looking at the bill, if you've incorporated any kind of penalty clause into the bill as far as this type of material coming on the beaches.

SENATOR PALLONE: Well, if I could just mention. The bill basically is limited to personal and feminine hygiene products, the things such as the tampon applicators, the plastic Q-tips. We mentioned the disposable diapers. There is a penalty clause. The question of hospital wastes -- whether or not they would be included -- of course, would depend in part upon whether or not there are biodegradable alternatives, because it would only prohibit the sale and distribution of those personal products if there is a biodegradable alternative.

MAYOR CERRIA: Okay, then what I'm recommending-- I'm sorry.

SENATOR GAGLIANO: Excuse me, Mayor. Wasn't New York directed to take care of those items by incineration charged against each hospital or clinic?

MAYOR CERRIA: Well, in answer to that let me say this, Senator: There's disposal methods, as far as I know, of medical waste and there's two methods. One for incineration and one for crypt burial. There's a certain location for this incineration throughout the country, on the East Coast as well as across the country, and it's obvious that what's happened on our shores that these hospitals are not complying with either one of those methods or any method of disposing of the waste.

And, in fact, if this bill does not address that, what I was recommending and asking this Committee to go before the Senate as far as proposing a bill and adopting a bill regulating the disposal of these products, these medical and hospital waste products that are, in fact, not disposed of properly, are, in fact, coming onto the shores of Woodbridge and other coastal

areas and are, in fact, a potential killer on the shores of Woodbridge Township.

Now I have with me, I have a box and if you'd like I have my Assistant Director of Public Works and one of the employees that's been working Woodbridge Sewaren Beach-- I've brought some of the materials with us for you to see. I'm not going to handle them as that young lady handled these materials, but here they are; IV, hypodermic needles, and those plastic products that you're talking about, and there are many, many hypodermic needles. Can you imagine, he's one of the workers down on the beach in Sewaren-- Pat Gould by the way, and this is Randy Mark, an Assistant Director. This man has literally walked, worked the beaches in Sewaren for the past number of years and in answer to a question that was asked of the Assembly Speaker, in the past 11 and a half months, past 11 months we have accumulated 71 and 1/2 tons of medical waste on the beach in Sewaren which has to be stopped. And that's why I'm here and that's why I'm sure most of the individuals from Woodbridge are here to institute this move.

The disposal procedures that I'd like to see in this bill must be tough and strong penalties for the violators, such as prison terms and fines starting at a minimum \$10,000 per violation. And it has to be incorporated into that legislation or it will be worthless.

SENATOR PALLONE: Can I ask one thing, Mayor? In terms of the hospital waste, do we have any indication that we're getting this kind of material from the New Jersey site or is it strictly New York, would you say?

MAYOR CERRIA: Let me say this, it's all coming from the New York side as far as our documented evidence is concerned. And I will address that also. We have documented evidence that three hospitals in New York have had their waste found on our beaches in Sewaren; Fleming Presbyterian (phonetic spelling), Jewish Memorial, and Kings County. Now, those three were documented.

I will get off this text that I have for you just to expound on that. The Senator alluded to the fact that Woodbridge has been in court in 1980, 1982. Woodbridge's problem started back in 1977 under Mayor Cassidy. Mayor DeMarino continued to fight with New York, as have since I have been in the office. We've been in court in front of Judge Stern from 1979. In 1983, June 1, 1983 Judge Stern under Mayor DeMarino's administration, Judge Stern ordered New York City to have their facility, which is a loading and unloading contained facility, constructed by the end of December, 1985. And he stated, "New York City stop flowing garbage, medical waste on the shores of Woodbridge. Implement some kind of a program to stop it and in the meantime have your facility constructed by December, '85 or I will close the landfill down." My friends -- and I call you my friends especially after we're here together fighting this thing -- December 24, 1985 New York City filed a request with the court to Judge Stern, which is Christmas Eve, to extend that date because at that time nothing was built, nothing was started. I don't even believe they were having it planned. They might have had plans, but nothing was done at all.

Judge Stern did not enforce the order he stated back in 1983. He did not shut down the landfill. As a matter of fact, it was soon after that New York City closed down one of their landfills on Fountain Avenue and increased the volume of garbage in the Staten Island Landfill, meaning now the volume has increased in Woodbridge as well as all the other communities along the shore.

So if that's not defiance, first-hand, nothing is. And here's a Federal judge not doing anything about it as far as I'm concerned.

Also, the inundation, as I mentioned earlier, of medical wastes had began in 1977 and gone each of the terms of the mayors and everyone has fought hard battles with New York City. February 15th, February 28th, 1984 the flow became greater: hypodermic needles, IV bottles, vials of sputum was

strewn all over our beaches. Evidence is what we just submitted. In April of 1984 Dr. Ritrager (phonetic spelling), our Director of Health, along with our Law Director appeared before Judge Stern, April of '84. We had been in June of '83 with Law Director Russo and Mayor DeMarino. We had been in '79 in front of Judge Stern. '84, before the court again requesting that they close the landfill to no avail.

June 14, '85, the last year I personally went over to see Mayor Koch and Carol Bellamy delivered personally with the Health Director, with the Law Director, with Councilman Nodyelo (phonetic spelling) and Mayor Russ personally delivered plastic bags full of hospital waste. Mayor Koch didn't even have the decency to see me. He came out, went back in his office, left them on the desk. Carol Bellamy spent an hour with me, telling me or asking me, "How do you know this is from New York?" Well, if you watch the slides that were taken back in 1980, '82 we have it floating down right from that landfill right onto Woodbridge beaches, into the Public Service generator stations, everything else.

Christmas Eve I mentioned to you what we had done. The point is this, gentlemen -- and it was stressed, state eloquently by the two Assemblymen -- we need help here in Woodbridge Township. Hopefully that is what this hearing is for, to give us the help we need to stop New York City, as far as I'm concerned, from committing a crime of exposing our residents to a potential epidemic of major problem, major health problem.

We need the State Attorney General to get involved. The resolution that was adopted by the Assembly-- and a copy was sent to my office. I personally sent letters, made phone calls, and what happened has been nothing. If this Committee, Senate Committee, with the Assembly-- And, of course, I don't look at it as a partisan problem. This is a problem that's affected all of us here in Woodbridge, and all of us along the Jersey coast. Forget politics. We're here to fight it together, to finally come to grips with it together. The EPA, Mr. Daggert, has

refused to come in to help Woodbridge. He said although EPA has the powers under the Clean Water Act to take New York into litigation and to impose the penalties, and I firmly believe, to have them stop that flow, for some reason he doesn't want to move. And it's time we took him to task through the Attorney General's office, through the Governor's office, through every agency we have with the assistance of you gentlemen in the Legislature to move so Woodbridge can finally get rid of this major epidemic problem we might look at and we're experiencing every day.

As far as walking on the water, as Assemblyman Otlowski said, I wouldn't want to walk on any of those hypodermic needles that are coming in. Believe me, it's not anything to laugh at. We're all concerned and we need your help. We want it now.

SENATOR PALLONE: I just wanted to ask you, in terms of the amount of material, do you feel that it's increasing? In other words, over the last few years?

MAYOR CERRIA: Well, I just said the past 11 months we had 71 and 1/2 tons. New York, they built their -- or they purchased a few boats recently, a few boats that will go along the Arthur Kill being used as a vacuum, I believe, just suck up the debris on the surface of the waters. I don't believe it gets to the, you know, the deep part of the river and yes, we have been seeing an increase.

SENATOR PALLONE: So that whatever measure they're taking are clearly not enough or even working in any way?

MAYOR CERRIA: Exactly.

SENATOR PALLONE: What about the-- Now, the status of the law suit, you said that Woodbridge had been in before Judge Stern within the last year -- or, I'm sorry, that New York City had been in.

MAYOR CERRIA: We were there. We were in last July. We were in again Christmas Eve.

SENATOR PALLONE: Of '85?

MAYOR CERRIA: Of '85.

SENATOR PALLONE: And as far as the order--

MAYOR CERRIA: What the Judge Stern did-- Excuse me, Senator. What Judge Stern said-- And we had documented proof, as I mentioned on the three hospitals. We had 26 bags of that medical waste in Judge Stern's court. Judge Stern asked the question, "If we open those bags will that expose this court to any problem?" And we said honestly, "Yes, it could. We don't know." He said, "Well, don't open the bags. I don't want to expose this court to any problems." But in the meantime that stuff came off our beaches exposing this township, the residents.

We've had to close the beach, by the way. Since 1984 we've had it closed. No children, no adults, no one on the beach except its cleaning crew. We had a senior citizens group of people that we've renovated a section of the marina for this group of ladies and gentlemen, with benches and did a fantastic job of it, and these people themselves maintain that. They help us in the other areas. But it just keeps coming and coming.

Getting back to your question, we went before the court with the bags and what Judge Stern said, "Well, okay, now, Woodbridge, you document the hospitals and then I'll go after New York City." He's putting the burden back on Woodbridge to document hospitals. And we had three hospitals documented. Nothing was done. So what we've done since then, we are documenting all the materials. New York City officials come down twice a week to examine the materials, to confirm the fact that we have been getting the waste on our beaches, and in fact, possibly, I believe, they come down more or less to-- because this is all being billed to New York City. And that's nothing. I'm not looking for the money. I want to it stopped. Basically that's the answer and we will be going into court soon, and hopefully if we can get the intervention of the Attorney General's office, the EPA, DEF. And I know you gentlemen, both sides of the Legislature, Assembly and Senate, can put the pressure on the Executive office.

SENATOR PALLONE: Senator Gagliano?

SENATOR GAGLIANO: Yes, I just wanted to ask, I want to just follow up on one or two points, Mayor. We have from staff here a statement that New York City passed an ordinance or law requiring the incineration of hospital waste and imposing sanctions for improper disposal. That's your understanding of the law in New York?

MAYOR CERRIA: Exactly.

SENATOR GAGLIANO: What you're saying is despite the fact that that law is in existence that there are at least three hospitals that you've been able to designate because of identification of wastes where they are not doing that and these wastes are ending up on your beach, so to speak?

MAYOR CERRIA: Absolutely. Matter of fact, when they adopted that ordinance in New York I believe if you check the record it was October of '85. A couple of councilmen from Staten Island were the sponsors of the ordinance. Myself and Council President Richard Kusniak sent a letter to New York City, requesting that they waiver the waiting period from the time an ordinance is adopted until the time it becomes effective because we feel it is an emergency and asked them to waiver that so they can institute enforcement powers immediately.

SENATOR GAGLIANO: Did they do that?

MAYOR CERRIA: They did not. They did not comply with our request.

SENATOR GAGLIANO: Is the ordinance in effect now?

MAYOR CERRIA: As far as I know it is.

SENATOR GAGLIANO: Do you know whether or not that ordinance has a, for example, like a manifest provision? In other words, if the hospital has a ton of waste or whatever it is that that ton of waste is identified in a particular container and then taken to a location where it is either incinerated or buried or whatever in a certified manner. Do you know whether or not it's in the law?

MAYOR CERRIA: I believe it is. In the meantime in--

SENATOR GAGLIANO: What you're saying is they still

haven't done that.

MAYOR CERRIA: Right. Still not being--

SENATOR GAGLIANO: Similar to toxic wastes. Toxic wastes have to be handled in such a way that everybody who handles them has a record of it and that record is something that they must prove.

MAYOR CERRIA: Dates, locations, everything.

SENATOR GAGLIANO: Yes.

MAYOR CERRIA: I would suspect it's in the ordinance.

SENATOR GAGLIANO: But you would suspect it's not being followed?

MAYOR CERRIA: Obviously it's not because we're still getting it. In the meantime--

SENATOR GAGLIANO: I would suggest, too, Mayor, that it might be appropriate for the Township to be in contact with the Middlesex County Board of Freeholders. I think that we will cosponsor whatever resolution it may take for us to ask the Attorney General to become involved because I agree that Woodbridge should not be involved alone. But I think also that we should think about the possibility of asking the U. S. Attorney to become involved also. The U. S. Attorney, Tom Greelish and again we're dealing with a bistate matter. It's an imaginary line out there in the middle, but it separates the two states, and as soon as we get into that and you're in the U. S. District Court jurisdiction, then that court system-- I just wonder if maybe the U. S. Attorney for New Jersey ought to be asked to come in also because of the EPA involvement and, as I say, the bistate atmosphere in which we find ourselves with this stuff.

MAYOR CERRIA: Senator, from day one, 1977, as I've stated, three mayors involved have included everyone.

SENATOR GAGLIANO: You've requested of everyone.

MAYOR CERRIA: Everyone's, you know, help on this. At all level of agencies, Federal, State, and local. As far as the county, the County Board of Freeholders, we have Freeholder

Martino just walking back there with us from Middlesex County. Matter of fact, I believe Freeholder Martino, who by the way was a councilman here in Woodbridge, in this location, Ft. Reading, Third Ward Councilman, and he was involved in the fight from day one with us. And he also sponsored a resolution, I believe -- Vinny, is that right? -- whereby the Freeholders have unanimously adopted a resolution to give us assistance and support us on this venture.

SENATOR GAGLIANO: I think--

MAYOR CERRIA: On this fight.

SENATOR GAGLIANO: Mayor, my last comment. I think you're all to be commended. I personally did not know before today of the size of the situation. The landfill is 3300 acres, which is, I guess, Frank, seven or eight times, maybe ten times the size of the landfill overall that Monmouth County has, the amount of land we have, and only a small part of that is landfill. And the 22,000 tons a day, so we can get a prospective on that, while back a few of us visited the plant up in Peekskill, New York where they incinerate garbage, which is an excellent plant built by the Signal Resco Company (phonetic spelling). That plant handles 1800 tons a day and I believe they had applied to whoever the New York agency is to increase the amount of tonnage they could dispose of through incineration. That's in Peekskill, New York. Just compare, that's 1800 tons a day that they are able to take care of, I think it's a good part of Westchester County. And here you're dealing with 22,000 tons a day and, as was discussed when former Speaker was speaking, you have all of these transfers over water and into barges and it's got to, just the stuff that falls off--

MAYOR CERRIA: That's what's causing--

SENATOR GAGLIANO: Just the stuff that falls off, even if everything else was right, the stuff that falls off has to be in the hundreds of tons every day.

MAYOR CERRIA: You see that facility that they were -- New York City said they would have constructed by December of '85

a facility that would enclose, the way I understand it, the loading and unloading of these medical waste and garbage from the barge onto the landfill. Whereby if any of it spilled, then it would be contained within that area. I mean, they put booms down, booms down. They put, you know, they've tried-- That's not going to contain it because the people working, when they're making the transfer, they don't implement the proper procedures, and it goes on down into the Arthur Kill. If this facility was built then this problem, hopefully, would be resolved. And that's the whole ballgame.

What I have here, I'm going to leave with you a picture chronologically along with the evidence we've submitted, the needles, hypodermic needles. Here we're talking February '84, February '85, March 5th. Look at all those hypodermic needles. Right up to April, up to the present time. September 4, 1986, two plastic intravenous bags, eight syringe bottles, one syringe bottle with medication in it, two intravenous hoses, one prescription bottle with medication, one blood test tube, 34 syringes with no needles, 22 syringes with needles attached, 7 syringe caps with needles in one day.

SENATOR PALLONE: Thank you very much, and thank you for all this documentation, too. This is exactly what we need.

MAYOR CERRIA: I'll leave some of that with you.

SENATOR PALLONE: If you need, we'll give it back. Thank you, Mayor.

MAYOR CERRIA: Thank you again.

SENATOR PALLONE: Next we have Lou Figurelli who is not garbage, but Groups Against Garbage. Long time friend of mine.

L O U I S D. F I G U R E L L I: Frank, because of my nature, and you know what my nature is, number one, I'm loud. I may be crude at times. Sometimes I'm offensive. But what I'm going to say today I don't want to be taken personally. When I say you, I mean an agency. I'm directing it towards a group. I'm not taking it personally to an individual. And because of the way I am, and the way I get excited, I'd like to stay to what I have

prepared so that I don't ramble, which is what I normally do.

First of all, that the people in New York and the people-- I'm a Staten Islander which makes me a New Yorker. And don't believe we're not fighting. We're fighting just as hard as you are and I'm going to prove that. Next, evidently you people haven't been reading the newspapers about Koch and his band of thieves. So that might give you something to think about.

Right now, I don't know whether it was a diversionary measure or what, but there's a hearing going on that I have to be in Staten Island and Fresh Kill Landfill right now. Almost-- I don't know why it was done, and I have to be at that meeting and that's why I asked you to try to put me on. I spoke to the young lady in Trenton, Regina, I believe, whatever, and I explained the situation and I got to know this Friday. So what I prepared, you're going to be surprised at what I do have, and with the limited amount of knowledge of what I have exactly how far we have gone. So let me stay to the text, and if I get carried away, Norman, step on me.

SENATOR PALLONE: Lou, could you tell us -- maybe you were going to -- Groups Against Garbage, give us a rundown of what that is.

MR. FIGURELLI: I'll stay right to the whole thing.

SENATOR PALLONE: Okay.

MR. FIGURELLI: Let me do it this way, it's a lot easier. First of all, let me put it right on the record, don't try to stop me unless you have to.

The following testimony prepared by Louis D. Figurelli, President of the Natural Resource Protective Association of Staten Island. These documents and comments are prepared for our submission to this public hearing held by the New Jersey Office of Legislative Service at the Port Reading Fire House, Woodbridge, New Jersey, September 24th, 1986. The hearing subject is to inquire into the problems, causes and solutions covering plastic and other floatables and debris which wash up on New Jersey and Staten Island shores. Put me in your project

because I'm there. Then again, my name is Lou Figurelli, President of the Natural Resources to Protect Association of Staten Island, Inc. and director and past chairman of Groups Against Garbage, which is GAG. I would like to thank the State of New Jersey for requesting the NRPA to participate in this hearing. As we were notified on Friday the 19th of September to attend this meeting I could not possibly compile a comprehensive report on this very important subject. It is therefore, at the present time I will submit a condensed report for this hearing and a comprehensive report to be submitted before the comment period is closed for this hearing.

Today -- now I have to say this before I go into this -- I'm going to blast out at both sides, so take it with a grain of salt and just listen, bear with me. Today I am appearing in the State of New Jersey to testify on a problem that we find we must find the solution, which is water pollution and plastics. Next week I will be asked to testify for the State of New York on air pollution. At all of these hearings a pattern has emerged which has become intolerable. New York blames New Jersey for air pollution, and New Jersey blames New York for water pollution, and while the finger-pointing battle goes on the residents of Staten Island and the residents of the northern shore of New Jersey bordering on Raritan Bay are being killed by water pollution and air pollution. This has got to stop. What we need is cooperation between both states to solve our problem and that we don't have. We're fighting each other and we shouldn't. And I think in many of the previous meetings that I was with you, Frank, I completely stressed that, even at the ISC meetings.

As to the purpose of this hearing concerning plastics, floatables, and debris, which is washing up on the New Jersey shores -- and I must add to your notice the shores of Staten Island -- I will try to address as briefly as possible the three points of this hearing: problems, causes and solutions.

Problems: In a previously prepared announcement by the NRPA prepared for Groups Against Garbage, of which I am a

director and a past chairman, which was done May 5, 1985 at the present time I will read to put it into the minutes of this hearing and then you'll understand because a lot of the information that you're looking for was presented quite a while ago. This is what we presented in May, 1985 and I believe, Cindy, I sent you copies of this material. "An important announcement to all NRPA members, fishing and boating enthusiasts, citizens of Staten Island and everyone who lives and plays on the waters of Raritan and Sandy Hook Bay. This message is directed to both New York and New Jersey. Why is our water quality, air quality and a sensible use of our land resources being destroyed? Why hasn't someone done something about it? Doesn't anybody give a damn? If our elected officials and our appointed responsible agencies are not performing their duties in alleviating these problems what are we, the citizens, going to do about it? On the many critical issues concerning the residents of Staten Island and the residents of New Jersey who live, work, and play in and near the waters of Raritan and Sandy Hook Bay the Fresh Kill Landfill problems have become intolerable. This grossly mismanaged, improperly planned, and illegally operated landfill has never complied with the State and Federal laws and has steadily increased hardship not only to the environment but also to the citizens of the area. Our elected officials and our appointed agencies have turned a deaf ear to our plea and have closed their eyes to the problems the landfill has created. We do give a damn and we're fed up with the promises and the stalling tactics used by these responsible agents. And we're tired of being dumped on and we're going to do something about it.

"Early this April many concerned individuals, civic organizations, environmental organizations and sport fishing and boating and recreation groups have joined together and have legally and officially incorporated under the New York State law an organization called Groups Against Garbage. This group is a not-for-profit organization open for membership and authorized to

accept donations for its operation. The group needs your support financially and vocally. The organization shall be henceforth be referred to as Groups Against Garbage, Incorporated. The following comments and statements will allow you to understand why we need your support" -- like the Mayor said -- "and what the organization is trying to accomplish." And I know you people didn't even know this thing existed. We didn't know what you had existed. At least I didn't know because the two states are fighting each other, and we should know.

"Number one, our beaches and waterfront areas are being destroyed and encumbered with tons of garbage, plastic, and solid waste which falls from the barges transporting their waste from Staten Island, from outside Staten Island and New Jersey to the Fresh Kill Landfill. The landfill itself is operated in such a manner that the continual floating of trash and waste on the incoming and outgoing tides goes uncontrolled." And we'll get into that a little deeper a little later on. "Our sport fishing, boating, and water related--" I don't need a microphone, do I? What am I hollering for? "Our sport fishing, boating, and water related recreational activities in Raritan and Sandy Hook Bay both in New York and New Jersey has steadily increased because of garbage and plastic waste contained in the waters.

"Number three, our fish and wildlife are being strangled and killed by the tons of plastic and floatable waste which constantly foul the propellers and intake pipes of the sport fishing and recreational boats and the commercial boats operating in the waterways. This must be stopped. And if the agencies do not stop it, we will take it to the courts to have it stopped as Woodbridge is trying to do.

"Four" -- I might as well read the whole piece so you'll understand. It's not that much more, but this applies to other reasons why we want it stopped. "Four, newer homes and established older homes located and built adjacent to the landfill were never told that eventually the garbage would be dumped in their backyards and they would have to contend with

rats, vermin, roaches, disease, odors," -- and my friend, the seagulls, which they called me "Seagull" for many years. "Promises were made by the Department of Sanitation to alleviate these problems by providing reasonable buffer zones and these promises were never kept." And I believe the Sanitation Department, I was told, is here tonight and when I get through with them, you better get out of here. "A reasonable buffer zone, pest control, and visual enhancement of the buffer zone should be provided for. If the responsible agencies do not provide this protection, then again, we will resort to the courts for relief. The landscaping and maintenance of the buffer zone should be done by professional landscapers and the Parks Department. To add insult to injury the Department of Sanitation proposal to construct a 500 foot garbage mountain on the tidal wetlands without proper permitting procedures and the required public input and public hearings have been the final act that justifies the actions taken by Groups Against Garbage." Do you realize how long this dump is going to be used if they are going to build a mountain 500 feet, half the size of the Empire State Building? What a memorial you could see from 13 miles offshore. The first thing you're going to see is a garbage mountain, not the United States. All right, I'll-- It riles me up.

"Our pleas to responsible individuals and agencies to abort this disastrous proposal proved to be futile," like the mayor said, "and was ignored. If our elected officials and responsible agencies choose to ignore the public input and the public concern our only recourse again, is to appeal to the courts. The previously stated incidents are only a small part of the many blips and blunders of our present agencies. We intend to pursue court action to correct the intolerable conditions created by the mismanagement of the Fresh Kills Landfill operation. We intend to pursue the changes necessary to provide a sound, comprehensive, environmentally safe, and yes, use plan that would not result in the degradation of the area now and in the future. A 500 foot mountain of garbage would not be a

beautiful memorial. We intend to prove in the courts that procedures used by the Department of Sanitation and the State and City agencies to acquire permission and permits to operate this landfill without the required public participation and compliance with the Federal, State, and local laws has been deceptive, improper, and illegal.

"If you are really a concerned citizen, group, or organization we would like you to do something because we're asking you to join us. We will keep you informed of our action. We will provide you with speakers" -- big mouth will come -- "to attend your organizational meetings. We will coordinate our action and yours on these issues to inform united effort to resolve these issues. We need any and all assistance. We need people, money, and cooperation. We need your voice and membership in GAG to support. So thank you. Lou Figurelli. We invite all concerned individuals and organizations to attend. All right. Be concerned. Give a damn. We need your help."

Now that was presented which covers a lot of what you people are talking about. But -- and that was sent to the den of thieves, Mayor Koch and his whole band. And it was sent to New Jersey, too. We sent it-- Frank, I'm sure that you received a copy and a lot of these faces are familiar. I don't remember you by name, but I'm sure you remember me. It's like having a big red feather in your hat. But Senator Contillo, Raymond Zane, Joann Smith, Assemblyman Tony Villane, I've sent copies of these materials to all of them. All right.

Now, let's get into the second thing. Number one, I must add to my comments we of the NRPA and GAG realize that Fresh Kills Landfill is not the only source of plastic and debris in our waters, but we believe it is a major contributor to this problem. All right?

Number two, we at the NRPA and GAG and many individuals and organizations present here today know what the problem is. We also know the cause. What we don't know is what is the solution. To find the solution many questions must be answered.

The following questions and comments may be of assistance in resolving this problem. Question one, how did the tremendous amounts of garbage, plastic, and debris get into the waters? All right, how did it get into the waters? I've got pictures here, a set of pictures -- and I'm not as good as Cindy with a camera and slides -- but this will knock your socks off. Here. These are barges, would you believe, loaded. These things are towed past the Statute of Liberty, past the Verrazano Bridge. The garbage is stacked up over the stacks of the tugboat. How in the world would the ISC, the EPA, the Department of Conservation-- We made complaints that if we get a five mile an hour wind that this shit is not going to come off the barges. All right. Would you believe that? We complained. Let me go further. There's the boat, the barges. Here's a picture. Of course, I've worked with the public involvement coordination with the Army, the group of which I am the Chairman of the dredge disposal, PICG. Here's the barges being loaded with the Twin Towers in the back. So we've got the Twin Towers, we've got Raritan Bay. We've got the Verrazano Bridge. We've got the dump. No place these places go. How can New York say that any one of these places is not going to have garbage in it when we get a little bit of a breeze? There isn't one spot we miss. All right, that's number one. That's the pictures of that.

In that vein-- I'm screaming, I'm sorry.

SENATOR PALLONE: No, go ahead.

SENATOR GAGLIANO: That's okay.

MR. FIGURELLI: Riled up. If I don't (sic) start cursing, stop me. All right. Now, I heard the Mayor here mention about a wonderful invention that they've got up there, these skimmer boats. This is a crock. If they ever sent this thing out of the harbor it would sink. It wouldn't pass Coast Guard regulation. \$330,000 for a piece of junk. I'm a boatman, I know. If this thing ever left the Fresh Kill-- If you look at it, this was a glorified -- just to fool the people in New Jersey. This boat, first of all, it's a skimmer. It only works

on the tops of the water. Nine tenths of the garbage is under the water coming in and out with the tide. And they have booms. The booms are a load of crap too. All it is is a piece of plastic and a little curtain about a foot down on the water. No nets on the bottom and it's open all the time. We made a video tape. We went in there in the middle of the night. The booms are wide open and the crap is coming out and in on the tide. All right.

SENATOR PALLONE: That's a fence in other words.

MR. FIGURELLI: You know what it is, Frank? It's an oil retaining boom. Oil floats to the surface and a lot of these agencies that collect oil, you know, when there is oil spills, they put these booms out. This boom is a useless piece of equipment in the Fresh Kill. The only way you can possibly work is if it had a net on it all the way to the bottom. Don't tell me-- I mean, Sanitation is here. I don't know where he is. His name is Mr. Zarillo, but he's in here. All right. Again, I'm not going against Mr. Zarillo, I'm going against his agency.

So it's worthless. Unless the Fresh Kill has the nets on it. Then you can say it's a boom. Unless it is operated so that each time a barge comes in or goes out that it is opened and closed. At least we'd have some control.

Then we get the winds come along and it blows across. We get one hurricane or one wind 35 miles an hour and it picks up all the garbage in the dump and sends it all over Staten Island. Then it goes across Staten Island into Raritan Bay and out. And good-bye, hi New Jersey, you're loaded with crap again. So the point is mismanagement. Believe me, we're never going to stop the landfill. But the management has to be controlled, and let me get into that a little bit later. All right? All right. So now you've got an idea.

And it says here, Mr. Woodbridge -- Mr. Mayor, the Department has paid the town about \$700,000 over the last five years. Personally I think it's been a little bit more, but that's the point. At least you're getting some money to clean up

your beaches. You're using my taxes to clean your beaches. I don't get anything and it's my taxes. We've got to pay -- the Sanitation Department has got to pay you people for making a mistake that the crap should have never got there in the first place. So you're lucky. At least you're getting some-- Not really lucky. I feel sorry for you, but at least you're getting something. We get nothing and nothing and our beaches are loaded down with the same crap that's loading yours down.

So now let's get on to it. So the skimmer is a worthless operation. And the band of thieves, we've got six more of them. A million dollars for somebody that has had his hands in the till. All right. They're not seaworthy, could not be used outside in rough water. I explained about that booms, so that's that.

Now, another one, medical wastes. Mr. Mayor and people in New Jersey, we've got the same problem. It's not only you. And we've been fighting it all along. And the funny part of it, the bags-- I interviewed a couple of guys from the dump -- which their names I would not even divulge because it's stupid -- the bags of garbage with the medical waste are still coming into the dump and the guys on the barges are ordered that if they see the supposedly red bags that they're not supposed to dump them, not supposed to unload that barge. So they pull a shrewdy. They put the red bags in a white bag and then put a black one over the top. All right? And so it goes into the dump. The arms, the legs, the syringes, that's not counting what fell off in route that goes into the water that winds up here. So it is supposed to be taken out. It is supposed to be incinerated, supposed to go to Philadelphia to be burnt at 1800 degrees, and I'm not too familiar with the procedure and I'm not going to get into it. But you better believe it's still going in there. All right? So that answers your question from before. And I hope they do something about it. Forget it.

What is being done? Now we'll go to the second thing, law enforcement. I hold in my hand a package that I put together

that we submitted to the lawyer on the Groups Against Garbage, research material gathered and presented to an attorney to prepare a case for Groups Against Garbage on the Fresh Kills operation. The amount of violations is astounding. It would take a long time to put it into this hearing, but the violations were found are not being enforced by the following agencies: the River and Harbor Act, that's the Federal. Let me go to the second page. Now, there's a reason why I must read this one particular law. I'm not going to read all the other laws because they're in violation of so many laws it's pathetic. And I think one of your Senators or Congressmen or Assembly people said, "Well, what laws are they breaking?" I'll gladly supply you with the laws. Forget it. You could start a case tomorrow and three days from now you'd beat them. All right.

I have to read this one because it pertains to the one particular aspect which I am concerned, more than concerned about which is the waters and the pollution of the waters and the fish and the wild-- I'm a fisherman, I'm a boater so this is where I have my expertise on. I can't speak on other-- I could, but I'm going to refrain from it. All right.

"Under the River Harbor Act of 1899 Article -- Section 407, deposit of refuse in navigable waters generally. Shall not be lawful to throw discharge or deposit or cause, suffer or procure to be thrown discharge or deposit either from or out of any ship, barge, or any floating craft of any kind or from the shore, wharf, manufacturer--" The point that I'm trying to bring out, here is the Federal government, EPA, Interstate Sanitation Commission -- well, I can't see, Interstate is by the State -- Coast Guard, all the Federal agencies that -- it's illegal. Why does Woodbridge have to fight? Get somebody on these guys back.

The other things is, and I don't have to read the other thing, but the part that I want to read is penalties that are allied for this type of operation. "Penalty for wrongful deposit of refuse. Every person or every corporation that shall violate or that shall knowingly aid, abet, authorize, or instigate a

violation of the provisions of section 4748 or 9 shall be guilty of a misdemeanor and a conviction shall be punished by a fine not exceeding \$2500 or not less than \$500 or imprisonment in case of a natural person for not less than 30 days more more than one year." I heard one of your representatives say, "We should have a jail term." We've got it. They're not enforcing it.

Now this is the part that I could become a millionaire overnight, not overnight, in a short while. Listen to this. "In one year or both such fine and imprisonment. In the discretion of the court one half of said fine to be paid to the person or persons giving information which shall lead to this conviction." I said many times I'll use my boat and follow the barge if every piece of paper comes off I have a lawyer alongside of me documenting it. If I collect only half of the \$500 for each paper that comes off in a windstorm I should go home with \$10,000 at the end of the night. Why isn't the DEC doing it? They say they need money, they want to punish violators. Why isn't the DEP doing it? Why isn't the EPA doing it? Why aren't all the powers of the ISC doing it? What powers? Ridiculous. Let me get off that. I'm on a band box now and I didn't mean to do that.

That's the reason why I had to read that particular law. And we have other laws. We have ISC laws. We have compacts. We have New Jersey laws. I can give you a ton of them. Here, if you're interested I'll give you violations that we presented to the court in preparing our case that will knock your shoes off. We don't need scientific evidence any more. It's out and out violation of law. Our South Richmond plan says that you can't build higher than a foot and a half over grade. They're going to go 500 feet. All right?

Into reading the laws cannot be done at this time, but to press on. The Clean Waters Act is in violation. The Coast Zone Management Act is in violation. The South Richmond plan is in violation of this package of additional city and Federal laws. Punishment for these violations of all these enforcement agencies

is nonexistent. The role the Interstate Sanitation Commission plays in this problem reminds me -- now don't take this personally -- reminds of when I was a kid about the three monkeys. Tri-state, see no evil, hear no evil, and speak no evil. That's tri-state, and I'm sorry. I didn't mean that as a personal comment.

SENATOR PALLONE: Lou, I want you to continue, but I don't-- How much longer are we talking about here?

MR. FIGURELLI: I'm almost finished.

SENATOR PALLONE: Okay.

MR. FIGURELLI: All right. I have an excerpt from -- about the ISC and also about Woodbridge and its old law and because of the lawsuit legal. Mr. Wendall, the attorney, said it was impractical for the Commission to bring action. I think that's a crock. I think they should support them. And I think if the ISC did go in and fight for them-- I don't know what the legal end is. I'm not a lawyer. But I know that if these people would support these people I'm sure that you would win the case because this, the people reaching out for the support, all of these violations, it's impossible. All right. I recommend, if the ISC can't do its job we don't need it. I said that once before at other hearings.

In conclusion, before I make my conclusion, I would like to alert New Jersey to another problem which you may have. Of course, I will supply a lot more information if you need. I made this as brief as I can and I think the point is made. Before I make my conclusion I would like to alert New Jersey to another problem. Late 1984, and we didn't know about it because we started to get -- I'm a member of Community Board Three, which is an organization put together by the people, you know, by the government -- that a moratorium on dumping sewage into the waters of New York has been removed allowing the builders and the developers on Staten Island, Long Island, and New York to build and dump raw sewage without treatment plants. We just took ten years backwards of all the fighting at the NRPA and Clean Ocean

Action has been doing. And I spoke to Alan before and Alan said he was opposed to it. My way -- I didn't believe it when I found out. The Pandora's box that this thing would open is unbelievable. Could you imagine 400 or 4000 condominiums flushing their toilets at once on Staten Island?

SENATOR PALLONE: Well, Lou, I'm not sure I understand. In other words, recently the State lifted a moratorium?

MR. FIGURELLI: That's right.

SENATOR PALLONE: On construction?

MR. FIGURELLI: No. They lifted the moratorium on that you needed -- that raw sewage could not be dumped into Raritan Bay without a treatment plant. They're going to dump with primary, without secondary. All the battles that we fought.

SENATOR PALLONE: In other words, the moratorium was on construction, though, of these condominiums whatever?

MR. FIGURELLI: The moratorium was to stop anybody had to comply with the law that they had to build packaged treatment plan.

SENATOR PALLONE: They had to get a permit in order--

MR. FIGURELLI: No raw sewage. They had to get a permit through the Department of Health and through the DEC. No raw sewage could be dumped into the bay. In other words, especially like on Staten Island -- I'm familiar with Staten Island -- that we had to use septic tanks. The reasoning why they did this is they said we now have a commitment made by the Federal government to put the interceptor lines going in and that we are causing a hardship on the development of Staten Island so as long as we got a commitment from the Federal government to subsidize our sewer system that they figure that the sewer system is going to be built in five years. So for the amount of sewage that's going to dump in it's not going to cause any harm because Raritan Bay is a cesspool anyway.

SENATOR PALLONE: Yeah, but let me--

MR. FIGURELLI: Would you believe that?

SENATOR PALLONE: Let me understand one thing because I

just want to get this clear. There must have been some kind of moratorium on the construction and putting in the sewer lines.

MR. FIGURELLI: They had to have septic tanks and treatment plants.

SENATOR PALLONE: And because of a commitment by the Feds to upgrade treatment plants or whatever--

MR. FIGURELLI: Right, we agreed with the Federal government at the time that they upgraded the Oakwood Treatment Plant that we would stop development on the wetland, we would protect the wetlands. That we would not -- to abide by the laws not to pollute the waters of New York.

SENATOR PALLONE: And now because this Oakland Plant you said?

MR. FIGURELLI: Oakwood Treatment Plant. One of the best in the world.

SENATOR PALLONE: Oakwood is being upgraded they've lifted the moratorium and so more construction can take place?

MR. FIGURELLI: No. Right. They upgraded it. We abided by the law up until last year, whatever the case may be. I'm sure Alan can tell you more about it. I hope you can, Alan. But what they did is they lifted the moratorium.

SENATOR PALLONE: So now they can go ahead and put a lot more construction.

MR. FIGURELLI: Any development can come, put up 4000 condominiums and dump it right out into the bay. Who is going to stop them? In fact, they've issued permits for the developers to do it already, which I'm going to get down to your office.

SENATOR PALLONE: And there actually aren't even the hookups to take it to the plant yet, is that what you're saying?

MR. FIGURELLI: There are no sewer lines.

SENATOR GAGLIANO: There's no plant.

MR. FIGURELLI: No, the plant is there, but the interceptor lines, which is phase three, which connects -- which is being built now, which we finally got the authorization, but it's not there.

SENATOR PALLONE: So in the interim the houses or condominiums that are being constructed.

MR. FIGURELLI: Right.

SENATOR PALLONE: And they don't even have the pipe lines to take it to the plant.

MR. FIGURELLI: Correct.

SENATOR PALLONE: And where are they going? Directly into the river?

MR. FIGURELLI: All over Staten Island. Staten Island is gone. We don't even have beach access any more.

SENATOR PALLONE: We'll get into that another day. (laughter) Lou, what you're telling me is that--

SENATOR GAGLIANO: Would you like a copy of a bill?

SENATOR PALLONE: We've got plenty of those. That actually--

MR. FIGURELLI: I should move to New Jersey. I think I've got a better chance. I'd think they'd welcome me, too.

SENATOR PALLONE: As far as-- You're saying that I put in a highrise condominium, for example, I don't have to hookup to the treatment plant?

MR. FIGURELLI: No.

SENATOR PALLONE: I hook up directly into the bay?

MR. FIGURELLI: You can throw it in one of the old storm sewers and send it out in the storm sewers and save you a lot of money so you don't have to dig up the street.

SENATOR PALLONE: And that's authorized? The State will let you do that?

MR. FIGURELLI: I'm telling you what I've got. Check it out.

SENATOR PALLONE: When was this moratorium--

SENATOR GAGLIANO: Did Mayor Koch agree to this?

MR. FIGURELLI: Don't talk about that guy.

SENATOR GAGLIANO: I'm asking you a question.

SENATOR PALLONE: When was the--

MR. FIGURELLI: Please.

SENATOR GAGLIANO: Did he agree to this?

MR. FIGURELLI: Evidently. They lifted the moratorium. I don't know -- Koch doesn't take everything personally, you know.

SENATOR PALLONE: When was it lifted, Lou? When was it lifted?

MR. FIGURELLI: But I'm sure the Sanitation Department and I-- He should know about it. It was lifted in 1984.

SENATOR PALLONE: So you mean for the last two years?

MR. FIGURELLI: Now the only way we knew, Frank -- I'm getting carried -- the only way that we found out, we didn't even know it at the community board, but what happened now was that people were starting to put homes in and the people who were living in Tottenboll (phonetic) were saying -- because these people had to live all their lives with septic tanks, they know there's not any sewers. Now they see 400 units going up and they say, "Where is the guy going to put the sewage?" And we found out by their complaints, they went in and they said, "You going to build a treatment plant?" Guy says, "No, we're going to put it in the sewer in the street." You can't, it's illegal. Into the old WPA storm sewers.

Now the DEC by the rules and the laws, if I were a citizen and I go under the Clean Waters Act, under the 208, if I go down to the beach and I see a pipe or a storm sewer or it is discharging feces -- that's the fancy word -- feces and toilet paper. If I make a complaint to the Department of Conservation they're supposed to find out who the violator is. It's bad enough that it's illegal. Now they're going to make it legal. We won't have any control at all.

SENATOR GAGLIANO: Are there any places now under construction?

MR. FIGURELLI: Yes. We got the permits and we questioned the permits and the DEP, the Department of Health and the Building Department in Staten Island, which is the City -- you remember, now, New York den of thieves controls Staten

Island.

SENATOR GAGLIANO: That's why I asked if Mayor Koch knew about it.

MR. FIGURELLI: I don't know. I can't answer that, what is it, Congressman?

SENATOR GAGLIANO: No, Senator. Just a senator.

MR. FIGURELLI: Just a senator.

SENATOR PALLONE: But in other words, but in other words, Lou--

MR. FIGURELLI: I think you understand what I'm saying.

SENATOR PALLONE: You--

MR. FIGURELLI: I can't answer that.

SENATOR PALLONE: You're saying that they actually have approved construction knowing that these units are not connected?

MR. FIGURELLI: It is going to go into the storm sewers. In complete violation of the Federal -- of the Clean Waters Act, in violation of Coastal Zone, in violation of everything there is.

SENATOR PALLONE: Violation of everything, sure. All right. Well, thanks for bringing that to our attention.

MR. FIGURELLI: All right. Now I can finish and it will just take a second.

The City of New York has and is paying hundreds of thousands of dollars each year to the Town of Woodbridge of my taxes -- and I explained that before -- to keep Woodbridge's beaches clean while the beaches on the Jersey shore and Staten Island and Raritan Bay go unattended. The destruction by plastics and debris to our health and environment and wildlife continues to grow at an alarming rate. Why? Mismanagement of the Fresh Kills Landfill, lack of law enforcement, the direct disregard of the Federal, State, and City health laws. We can find the answer, but we must have cooperation from both states.

And I'm sorry if I busted your eardrums. All right?

SENATOR PALLONE: No, I appreciate your coming because not only are you very eloquent, but you're--

MR. FIGURELLI: Smart aleck.

SENATOR PALLONE: Well, you know what I mean, articulate. But also it's nice to see somebody from New York who is, you know, bringing this to our attention.

MR. FIGURELLI: Let me just add one more thing before I leave. Would you believe this? There's a meeting going on which will be going on that is scheduled the same day as today by the New York Assembly over in Staten Island which I've got to get over to now to bust their shoes over there. I don't know whether it was used as a diversionary measure, but they knew about this meeting. All right. So you're playing with a real band over there.

SENATOR PALLONE: Thanks for coming. I know your long involvement.

We were going to take a break now and we were also going to take a visit down to the Sewaren beach, but I just want to know -- I want to make sure that the representatives that I have from the City, from New York City-- Who is here from New York City?

UNIDENTIFIED SPEAKER FROM AUDIENCE: We would like to do our thing.

SENATOR PALLONE: You wouldn't be able to come back after lunch?

UNIDENTIFIED SPEAKER FROM AUDIENCE: I'd rather not.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Excuse me. They have a hearing to be in Staten Island. They were told they would be the first speaker.

MR. FIGURELLI: How do you do, Mr. Zarillo? Mr. Chairman, if I may, just for your own information. I've been told by the Woodbridge (indiscernible) that the Sanitation Department has been cleaning the beach all morning so when you go there you're going to see a clean beach. They've been working there all morning. I just wanted to bring that to your attention.

SENATOR PALLONE: Okay.

*New Jersey State Library*

UNIDENTIFIED SPEAKER FROM AUDIENCE: We'll be very brief.

SENATOR PALLONE: All right. We'd like to have you speak then because we want to have some input obviously. Dr. Mytelka from the ISC, you can wait until after lunch with us?

D R. A L A N I. M Y T E L K A: Yes.

SENATOR PALLONE: You can stay with us until after lunch.

A N T H O N Y Z A R I L L O: Thank you very much for having us today, Senator.

SENATOR PALLONE: Thank you for coming.

MR. ZARILLO: Yes. We realize that there's a problem across the border.

SENATOR PALLONE: Could you identify yourself?

MR. ZARILLO: I'm Assistant Commissioner Anthony Zarillo, the Department of Sanitation.

SENATOR PALLONE: Thank you.

MR. ZARILLO: We have with us Chief Ryan, who is the Deputy Director of Operations, Bureau of Waste Disposal.

Dealing with solid waste across the border presents difficult environmental problems. My agency and my city is well aware of the problems in dealing with environmental matters. And, in fact, the little presentation I have today is not a special presentation. It's just some things--

SENATOR PALLONE: You're going to have to get closer.

MR. ZARILLO: I can speak up.

SENATOR PALLONE: No, I think we have to put that over there because we want to make sure your testimony is recorded. (Indicating microphone)

MR. ZARILLO: Okay. Therefore, the documents that we have today--

SENATOR PALLONE: Set up and make sure you are all settled before you start because we want it to be recorded.

MR. ZARILLO: The documents that we have today are more or less documents that are working documents within the

Department. I was able to, on very short notice, pull them together.

I would just like to say that the Department and the City has a comprehensive program to deal with solid waste and solid waste problems. The City is pursuing the development and construction of resource recovery plants, that's major incineration facilities. The City has also embarked on major programs of recycling of material, which has to go hand-in-hand with any other types of programs. When you deal with solid waste you like to get as much out of the stream as possible.

So the first chart that I have here today is just a map of the area to familiarize the Committee, in fact -- I hope you can see it -- with the fact that material comes into Fresh Kills, down the Kill, and into our unloading areas, using the Gray Kill. We have also conducted many surveys, many analyses, many studies of where, in fact, material flows. About three years ago in cooperation with the Littoral Society we went out and actually threw some floating balls into the water at various places in an effort to track where they would wind up -- you know, were they winding up in Atlantic City? Would they wind up in Raritan Bay? That project, very honestly, didn't prove very successful because the balls were not returned, although they had my name and address and telephone number on on them. That was an effort, however, to try to study the winds and tides.

Okay. As stated before by other witnesses and other people, the material does arrive from various places in New York City by barge to Fresh Kills. We take 13,500 tons a day by marine. The balance is truck fed into Fresh Kills. Fresh Kills is not the only disposal source that we have. We have one other landfill in the Borough of Queens and we have three operating incinerators at this point. So that's the entire infrastructure.

SENATOR GAGLIANO: Is the total 22,000 dollars a day, sir -- 22,000 tons?

MR. ZARILLO: Twenty-two thousand tons a day, 13,500 by marine, the balance by truck.

SENATOR GAGLIANO: Okay.

MR. ZARILLO: Okay. Now the way the material comes in, it comes in in barges. The barges hold 6 to 800 tons per barge and it's unloaded by cranes using 10 cubic yard buckets -- very heavy, very massive, very major operation. And, yes, while -- when the bucket goes into the barge some debris falls into the water. Wind-borne litter off barges, we have done very many studies with New York State's DEC and have not found that to be a problem because most of the garbage is bagged. Okay? But when you're digging the material, some material does fall in the water. And you can observe it and I don't deny it. You can see it. Obviously when you have this massive bucket-- We could stand, all of us could stand in the bucket. That's how big it is. This bucket comes down off a crane, comes into the barge, picks up the material. The barge is moored along the string piece, along the water. Some material will blow in. Okay.

A couple of things that you try to do and that we've done. When you're handling the garbage you try to unload it into the vehicles that bring it up to the landfill as far away from the water as you can because you don't want to build a pile, you don't want it bridging into the water. We've made those efforts. Okay? The Department has made those efforts. Chief Ryan is one of the chief enforcers of those efforts as Deputy Director of Operations.

Now, another thing that's ongoing right at this moment on the street, being bid, in the vernacular, is a \$10 million project for a system of transportation of the material from the time it leaves the barge and is transported to the landfill. This new piece of equipment, which is basically a new type of wagon, will allow us to, in fact, unload the material further from the water. It's still going to come out of the barge. But right now if you look at my arm as the crane, I'm swinging into the barge and I'm unloading right here. This new equipment will allow me to swing into the barge and unload 180 degrees back.

SENATOR PALLONE: Is this what Judge Stern-- when

Judge Stern talked about a wholly-enclosed barge unloading system--

MR. ZARILLO: This is the transportation system. The wholly-enclosed unloading system is something that we're still considering and analyzing and reevaluating whether, in fact, it can be built.

SENATOR PALLONE: Whether it can be built?

MR. ZARILLO: Whether, in fact, it can be built. Whether, in fact, the engineering profession can, in fact, build it. Everything is possible to do. We're looking at--

SENATOR PALLONE: Aren't you under a court order to have it constructed according to the order?

MR. ZARILLO: We're under the court to have it constructed, yeah. We were.

SENATOR PALLONE: And at this point you're still studying it.

MR. ZARILLO: At this point we're studying it. We're doing some further studies on it. However, we've adopted the transportation system. Okay. The transportation, I can deliver the transportation system in a year from now. To build this facility is probably a three to four year construction project.

SENATOR PALLONE: The whole -- this enclosed system.

MR. ZARILLO: This entire facility would take three to four years to construct and probably a year or two to design, to do final engineering.

SENATOR GAGLIANO: Sir, another point while we're off the point somewhat.

MR. ZARILLO: Yeah.

SENATOR GAGLIANO: Does New York State have any of the incinerators under construction at this time?

MR. ZARILLO: New York State, no.

SENATOR GAGLIANO: New York City.

MR. ZARILLO: New York City has a proposed Brooklyn Navy Yard facility which hopefully will be going to construction soon. And there is also in the permitting process for four

additional plants. In fact, there is further study being done which would build somewhere from eight to ten plants, which would take most of our solid waste.

SENATOR GAGLIANO: What's the time schedule for the first plant at Brooklyn Navy Yard to begin construction? What would be the construction period?

MR. ZARILLO: It would be probably be, hopefully, within the next year and the construction period is anywhere from three to four years. Similar to your Peekskill.

SENATOR GAGLIANO: What's the rated capacity?

MR. ZARILLO: That plant we're talking in terms of 3000 tons a day there.

SENATOR GAGLIANO: Three thousand tons a day.

MR. ZARILLO: Yeah, that's about double what you saw at Peekskill. In fact, it's the same firm, Signal Resco.

SENATOR GAGLIANO: Signal Resco?

MR. ZARILLO: Yeah. So there is a long-term comprehensive plan. It's going to take time to implement that plan.

SENATOR GAGLIANO: Is anybody suing you to stop you from doing that? I mean neighbors or any problems that you know of.

MR. ZARILLO: Probably. I'm not an attorney so, probably.

SENATOR GAGLIANO: You don't know.

MR. ZARILLO: People are, you know -- probably. Who knows?

SENATOR GAGLIANO: So that your timetable could be thrown off by the length of time that it's in court.

MR. ZARILLO: All timetables can be thrown off. Absolutely. There is no assurance in the government that anyone can meet any timetable.

SENATOR GAGLIANO: All right. So we're talking at least five years before you have any facility that will take even 3000 tons a day, away from what we're doing here.

MR. ZARILLO: That's approximately correct.

SENATOR GAGLIANO: Five years at the minimum.

MR. ZARILLO: That's approximately correct.

SENATOR PALLONE: And in terms of this--

MR. ZARILLO: Well, look at New Jersey's own record. I'm a New Jersey resident.

SENATOR PALLONE: We're not going to defend New Jersey here. Let me ask you this, this wholly-enclosed barge unloading system, what you're saying is that that probably-- You're just studying that now. You're not really even implementing anything.

MR. ZARILLO: We have done preliminary plans for that facility and the permits, the operating permits for Fresh Kills are before the State of New York. The State of New York has to give us a permit before we can build anything at Fresh Kills.

SENATOR PALLONE: And how long would that take if you finally got the permit? Another three to five years before that could go on line?

MR. ZARILLO: In the five year range.

SENATOR PALLONE: What is the life of the landfill?

MR. ZARILLO: The life of the landfill is 10 to 12 years, somewhere in that area.

SENATOR GAGLIANO: Is that if you go 500 feet up?

MR. ZARILLO: That is following the currently adopted grading plan.

SENATOR GAGLIANO: And is that the 500 foot mound?

MR. ZARILLO: That's a 500 foot area in one location and lower areas in other locations. That's the plan that's before the State of New York right now as we sit here. It has been submitted about a year ago and the permitting process is ongoing.

ASSEMBLYMAN OTLOWSKI: Mr. Chairman?

SENATOR PALLONE: Yes.

ASSEMBLYMAN OTLOWSKI: May I just ask a question at this point?

SENATOR PALLONE: Sure.

ASSEMBLYMAN OTLOWSKI: You're dumping in New Jersey, too. You're dumping at Edgeboro.

MR. ZARILLO: Yeah.

ASSEMBLYMAN OTLOWSKI: How many tons are you dumping in Edgeboro here?

MR. ZARILLO: We're not dumping anything in Edgeboro as the City of New York. However, there are ICC regulations -- and again, this is not to be taken as expert testimony -- but I understand material still goes to Edgeboro and East Brunswick legally because there are some old--

ASSEMBLYMAN OTLOWSKI: From New York City?

MR. ZARILLO: Yes.

ASSEMBLYMAN OTLOWSKI: From New York City.

MR. ZARILLO: For private carters, not from City vehicles. In other words, there is private carters who, apparently, had the right to dump at Edgeboro and they are still -- they still have that legal right to dump at Edgeboro. But I claim no expertise. You probably know more than I do about that.

ASSEMBLYMAN OTLOWSKI: Mr. Chairman, through you and with your permission. This long-range plan that you're talking about, obviously from what you just developed here, it looks like six, seven, eight years and then you say you cannot even set any date because no government can do that effectively. Does New York-- Why isn't New York making plans to dump all of this stuff in Utica, where there is a big landfill? Why aren't those plans--

MR. ZARILLO: There's not a-- You know of one in Utica? I'm not sure. You'd have the same siting problems. Now look, the answer to that-- I'm not going to get into a debate with you today.

SENATOR PALLONE: No, you can continue.

MR. ZARILLO: What I'd like to show you are some of the short-range and medium-range plans we have to, in fact, mitigate this problem of material coming to Woodbridge. I mean, we could sit here all day and speculate about plans. I'm not

going to argue.

SENATOR PALLONE: No, go ahead. Continue with your--

MR. ZARILLO: I mean many of the points that you raise as legislators, we wrestle with the same problem that you wrestle with in trying to dispose of solid waste.

SENATOR PALLONE: Continue with your presentation and then we'll come back to the questions.

MR. ZARILLO: Okay. So some of the things that we've implemented: We have built some fences, we've built some barriers in cooperation with Judge Stern. Under Judge Stern's order we built a barrier for \$800,000 which precludes at high tide material from flowing over from Fresh Kills into the Kill. That was a particularly low area where there is a Federal wildlife sanctuary. I got Federal permission, etc, to build a barrier there.

Secondly, we have moved back from the water, a key thing. If you ask me as an engineer what the key thing of keeping garbage out of the water is, it's moving back from the water. All the other engineering magic will help.

Now, I'm telling you some garbage does get into the water. Okay. How do I deal with this problem of keeping the garbage contained? How do I pick it up? That's what we're addressing right at this point. The project that I'm going to show you is funded in the budget. I've selected the consulting engineer and I'm about to go to the Board of Estimate with his contract to, in fact, design the system.

Now, obviously, the barges come in, 27 barges a day come in. They have to be unloaded. They have to be turned around and go back to the City. All garbage coming into the City, if you look at this chart, comes in to Fresh Kills. And here's just a little illustration. I think I can speak loud enough.

SENATOR PALLONE: Why don't you turn it so everybody can see it? (referring to chart)

MR. ZARILLO: Here's the little chart. Let me put it

over here. It shows the barges and it shows what I call "superboom." The concept here is that if I never open this boom when the tide is going out theoretically no material should ever get out of Fresh Kills.

But then you ask me, how do I do this? How do I, in fact, get these barges in and out and unload, and do all the things that I have to do. The way I do that is by building staging areas. If you assume just for a moment -- and I'll show you a little more about this -- if you assume that this is a barrier that is about as impenetrable as man can make it, you know, spending \$7 million on the project. If you assume that I'm going to bring my barges in from outside and I'm going to moor barges here. I'm going to park them here and I've got an enough staging capacity -- incidentally, I'm building this facility right now. I built the first stage for \$3 million and as we sit here I'm completing the other \$3 million phase. What I'll be able to do is park my barges here and not open this boom unless the tide is going in. So I will never open the boom when the tide is flowing out. Theoretically if that's all true I shouldn't be adding any Floatsen that would be coming out.

I just want to add a point. If I were to create that today -- shazzam, it's there -- you might still see some material flowing because there is material that's been deposited over the years that will flow out. Incidentally, just a couple of other points I'll address along those lines concerning dredging and how we dredge and some of the other things that we do.

But with this system I'll be able to bring my barges from the City, park them here. Okay. I have staging on this side so I will not open this boom unless the tide is going in.

The boat that we talked about, my interceptor boat is a boat that we designed personally. The boat is certified by the Coast Guard. It's an absolutely seaworthy craft. I have personally taken it down Raritan Bay out into the Hook area. The boat is absolutely seaworthy, but that's another subject.

The way we intend to deploy these boats-- The boats

that the City has now don't work. The old boats that we have have a little basket about as big as this chart and the guy goes out, he picks up the material and he has to -- you know, he picks up a little bit of material, about as much as you have on the table, takes it to the barge and dumps. You can picture him going back and forth from the far reaches of this channel. The boat, the new boat -- and I'll show you a picture of it in a second -- has the capacity to carry five tons of garbage. It has a dash speed capability of 12 knots, which means I can keep this boat out in the water and I don't have to -- and I unload this boat by just backing it up against the barge and there's a conveyer system that ejects the garbage. The first boat has gone through its testing. The prototype is now operational. Four additional boats are on order and I expect delivery of them February or March of this year.

SENATOR FALLONE: You agreed with Lou, then, about the present boats?

MR. ZARILLO: The present boats that the City has before the new class of boats, is a relatively ineffective piece of equipment, absolutely. I mean I've spent \$2 million engineering and developing and buying the new boats, so clearly the old boats didn't work.

Now how we would deploy the new boats is that there would always be one outside the boom, always. There would always be a boat deployed out here for anything that got out of here in any way, shape, or form. There would be a boat inside the boom and there would be boat at the unloading areas. I bought five boats so I could have three in the water, one ready to go, and one available for maintenance. Incidentally, I'm also building the maintenance facility so that we'll be assured of having the capability of having the interceptor boats.

Now how is this boom going to work? The boom is not a Star Wars project. The boom is something that relatively exists and has been used in other applications in other technologies. First, this is a picture of the skimmer boat.

SENATOR PALLONE: That's the present boat?

MR. ZARILLO: This is the new boat. This is the first of the Whitfield class. It is in operation supplying the waterways as we speak here today. Four more are on order. This is a very effective piece of equipment. I welcome any marine expert to look at it. This boat has received probably the most-- This boat has probably received as much scrutiny and as much engineering input as the Navy puts into the building of a destroyer.

SENATOR PALLONE: How much does one like that cost?

MR. ZARILLO: About \$300,000 for the prototype. The four serials will be a little less. I think it's down to around 270 because they have a production level. The boat has two engines. It's built for super-reliability. It has a wet deck. You could take it outside. It's a very fine boat. It's one of our proudest achievements.

Now, what you're seeing here is a system of one of these type of booms that I'm talking about. This boom happens to be the type that is used in the North Sea. In the North Sea there are many places where the supertankers can't get into the shoal areas, where there are major deposits. So what they do is that they actually come into a boom area where you have pipeline and power going out so they can do their loading and off-loading. At some points they use these tankers as intermediate pumping stations when they have long runs. Anyway, this technology exists. The thing you see here is the floating device that would keep the boom into the water. This is a system whereby you would drive piles deep into the bedrock and the boom would float up and down. This is a thruster. We would be using this kind of a system to open and close the boom. You're probably going to ask me, "What happens if this boom gets stuck out here?" You know, you're going to have this \$7 million boom -- as the Mayor will ask me. He'll tell me, "You've got a \$7 million boom and it doesn't work. Goodbye." No way. The way this boom is going to work is that it will have the two thrusters, like the two red --

look like outboard motors. They'll be electrically powered. This will also have a diesel system, a diesel generator backup system and it will also have the capability of being opened and closed by a cable, okay, with a hand wrench. And it's also designed such that one of my five interceptors will be able to open and close it.

Now this project-- I have the funding for this project. I have the design money this fiscal year. I've got the construction money next year.

SENATOR PALLONE: When would that come on-line again?

MR. ZARILLO: This would come on-line best we could hope for is probably two and a half to three years. Design it. I've got to bid it. I've got to build it.

This is just some further detail on it, to show that we're really, we're serious about it. We've gotten into some of the preliminary engineering. One of the nice features is that it may have a little trolley system to run alongside of it such that if there was an debris up against the boom, the trolley would run along here, pick up the material and deposit into a vehicle.

Now this boom will go down 12 to 16 feet into the water. I haven't made the final decision on that because I have to make some determinations on the level that I can dredge to legally. And dredging is just one other thing, then I'll close.

In the past the South Jersey shore people probably were very interested in what happened to dredge spoils when various people dredge. One of the great sources of material on the South Jersey beaches is from dredging operations. Okay? In listening to that long argument when I came to the Department, one of the projects that is built and next month -- being October -- I'm going to do the first operational testing. It's fully permitted by the State and by the Corps of Engineers. Whereby I'm going to dredge my facilities and try to make landfill cover out of my dredge. In other words, I'll dredge my facilities; take this dredge into a series of pits that we have; cull out the garbage and send it to the landfill; dry out the dredge and use it for

landfill cover. Okay? So we will not be ocean dumping, hopefully, once this system is approved by Corps of Engineers, who is the lead agency in this area. I think that's one of the areas when people talk about the South Jersey beaches being littered, the dredge spoil operation is probably the major contributor.

Just as an aside -- and this is not to be taken as testimony -- when I did my study with the balls it was very interesting in trying to assess if you drop 20 of these plastic balls off the Outerbridge or you drop 20 off the George Washington Bridge where they would wind up. It was a very mixed picture. You know, there were a lot of tidal choices, a lot of supposed expertise that exists as to where the tides and winds go. I wasn't able to confirm very much and I didn't get a heck of a good response, but from what I got, you know, the results were mixed. You couldn't make a determination. I was trying to determine if I dropped 100 of these off from Fresh Kills at the dock would they wind up at Woodbridge or wherever. And, in fact, in that experiment I did not get one back from Woodbridge. I got a couple back from Staten Island. I got a couple back from other locations in New York City.

So that is just an aside to show the Department and the City has made a major effort, in fact, to study this matter. Personally I've spent \$10 million of the City's precious dollars, capital dollars so far. I mean this is my capital budget which indicates, you know, it's here. I've got the money to do all the rest of these things. That's not to speak of the operational dollars that we've spent operationally to try to move the wagons back. We lose a certain amount of productivity by moving the wagons back. By going from the two old rickety boats to the five modern new boats means that I now have to have five operating engineers available to operate the boats, and have to have a maintenance facility.

We haven't spared dollars. Some of these things are difficult to implement. In fact, to build the maxiboom I'm going to have to have Coast Guard approval, Coastal Zone approval --

all the approvals that the gentleman that testified before me are going to have to approve it and not least being the court.

So that's our program. We think it's comprehensive. We don't minimize the problem. We think from time to time people may exaggerate it, but we're not here to argue. We're here to say, "Hey, we know there's a problem out there." I think you can watch our engineering efforts. We're not going to spare any dollars from an engineering point of view. And we're going to be here. We're not running away.

SENATOR PALLONE: Well, I'm glad. I want to commend you for coming to the hearing to begin with because I'm sure, you know, it's not easy, particularly in light of the testimony and some of the questions we ask. But let me just get one thing clear. As far as this compliance with the order to erect an enclosed barge unloading system, the order's outstanding--

MR. ZARILLO: Yes.

SENATOR PALLONE: --but you can't-- At this point there's no real attempt being made to comply with it.

MR. ZARILLO: At this point, preliminary plans for the facility exist and there's further engineering work being done on it. To build this plant requires a huge amount of dredging, a very, very difficult Federal permitting process. It's a very, very expensive plan. I mean, look at it realistically from our point of view. Obviously, from my point of view, I'd like to build Star Wars type projects. They're fun.

SENATOR PALLONE: That's how you perceive them.

MR. ZARILLO: I'd like to build the plant. You know, it's a great system, it's a great concept. But can you build it? Can you justify its cost over a period of time of the life of the landfill?

SENATOR PALLONE: What about-- Lou stated before, Mr. Figurelli stated before that the landfill itself was in violation of Federal law, State law and that there were no permits and that there were -- to begin with, to operate it the way it's being operated. Can you comment on that?

MR. ZARILLO: Let me address that. The landfill is being operated under jurisdiction of the State of New York Department of Conservation. We feel that we're meeting all the regulations and we're currently in the permitting process. We have a permit for the final grading and for the systems that I'm talking of installing; roadways, gas control systems, everything you need for a landfill before the State of New York. The State of New York has jurisdiction, I guess, to do anything they want. They can come and, you know, they can arrest me. They can arrest Mike. We're not-- The City of New York is not a government unto itself. There is a State DEC.

SENATOR PALLONE: So you do have--

MR. ZARILLO: So we're in compliance as far as--

SENATOR PALLONE: What about as far as the Federal government is concerned?

MR. ZARILLO: You're beyond my area of expertise. I don't know of any Federal regulations that we're breaking because everything that we do there as far as dredging, as far as building various systems have Federal permits. We have Coast Guard, we have Corps of Engineer permits.

SENATOR PALLONE: Well, see, why don't you-- Lou mentioned a very basic thing. He cited the Rivers and Harbors Act. He said that--

MR. ZARILLO: Yeah, of 1899.

SENATOR PALLONE: --pursuant to that you're not allowed to be discharging any material, any of this garbage into the coastal waters.

MR. ZARILLO: Well, I think that if you were to look at that -- you gentlemen are all attorneys and very learned men-- If you would look at that Act and its national compliance with that Act I daresay we would close the door on the United States. I mean there has been very selective -- again, this is not expert testimony. I'm not an attorney, but that law has been used in very uneven way in various jurisdictions. I'm familiar with that law. That's really the Water Pollution Control.

I think there's probably a major difference in the way solid waste is perceived and in the way sludge is perceived. Particularly, I've had dealings with the South Jersey Federal people already in the perception of what washes up on the beaches.

SENATOR PALLONE: Let me ask you one other thing. What about the other comment that Lou made? He mentioned that the type of guards or barriers that you put up don't really prevent the garbage from coming out of the landfill.

MR. ZARILLO: Well, that's why-- What we've got now are the conventional plastic booms. What a plastic boom is, it's a device about this high into the water and it has a little net below it and it's very effective in keeping floating material from floating out.

SENATOR PALLONE: Okay, but things go underneath.

MR. ZARILLO: Things can go underneath it. The new boom is going to go much deeper.

SENATOR PALLONE: But then, in other words, it's not--

MR. ZARILLO: Wait, wait. Let me just go on with that.

SENATOR PALLONE: Go ahead, sure.

MR. ZARILLO: The way the system operates now there are times when a tugboat is bringing in four barges full of garbage. Okay? And the tide is going out and the old boat may not be working very well. So you open the boom and the material flows out. That's why we're looking at redesigning this whole system.

SENATOR PALLONE: Yeah, but in other words, the point is that in terms of the flow of garbage out from the landfill, the barriers, in terms of the ships, the skimmers that are being used now, they're really not very effective.

MR. ZARILLO: Well, there is effective--

SENATOR PALLONE: I mean you're talking about what you want to do and you're going to spend the money but right now it's--

MR. ZARILLO: We've done it. We've built the mooring -- the staging area. We've bought the boats. We're designing the

boom.

SENATOR PALLONE: I understand. I'm just trying to characterize--

MR. ZARILLO: Right now there's material--

SENATOR PALLONE: He made a lot--

MR. ZARILLO: Well, I'm not going to get into--

SENATOR PALLONE: He made a statement about--

MR. ZARILLO: He made a lot of statements.

SENATOR PALLONE: --the current situation with the ineffective barriers to prevent the stuff from coming out of the landfill and the ineffective skimmers.

MR. ZARILLO: The barriers can be improved. Yeah, they can be improved. Absolutely they can be improved. You know, I'm not going to stand here and tell you that everything is beautiful and that even after I've developed this system, okay, which I think, you know, is going to work and the best engineering dollars and brains say it's going to work, there may not be some difficulties. But at this point we do everything we can to mitigate the situation.

SENATOR PALLONE: What about-- Lou mentioned that there was a proposal to extend the landfill. Is that something that -- or to expand the capacity or something.

MR. ZARILLO: No. What happened-- No, I didn't understand that part of the testimony.

SENATOR PALLONE: He talked about the building of a 500 foot--

SENATOR GAGLIANO: What's in their plans?

MR. ZARILLO: Right now the plan to keep the landfill operational, okay, and the life could be 10 years, it could be 11, it could be 12, it could be 13. It depends. You know, whole series of factors. In fact, can you build a 500 foot mountain, you know, engineering-wise? Can you get the new transportation system up there?

SENATOR PALLONE: But that's in your plans?

MR. ZARILLO: But the plan now is to go to a 500 foot

area and several areas of 350 to 400 feet, and other areas that are much lower.

SENATOR PALLONE: Have those been approved by the State and the Feds?

MR. ZARILLO: That is part of the permit that's before the State DEC as we sit here.

SENATOR PALLONE: And when-- that's been applied for but hasn't been granted yet?

MR. ZARILLO: That's been applied for and it's there, and we're awaiting their determination.

SENATOR PALLONE: From the State and the Feds?

MR. ZARILLO: From the State.

SENATOR PALLONE: Just from the State.

MR. ZARILLO: You know, you're under the jurisdiction-- Let me ask you a question. Maybe you can help me. You're under the jurisdiction of Part 360, aren't you, of the Federal regulation? I think in the State of New York the Federal government has deferred, as probably in New Jersey, that regulation to the State. So the State becomes a much harder monitor than the Feds are, in fact.

SENATOR PALLONE: But this expansion is definitely something you've applied for?

MR. ZARILLO: It's not an expansion. It's what's there.

SENATOR PALLONE: Different technique.

MR. ZARILLO: Yeah. It's what we're going-- It's what gives us the 10- or 11-year life.

SENATOR PALLONE: Well, I have a lot more question, but I've got to let each of you-- Go ahead.

SENATOR GAGLIANO: Well, I want to just ask a couple questions. You talked about dredge materials. Are you dredging now at all?

MR. ZARILLO: I'm doing a dredge project as we sit here at 135th Street, the marine transfer station on the North River. To do that project, to get a permit for that project we

developed an very innovative way of dealing with the dredge material with the Corps. That is a cap and cover type operation where the material-- The dredge material there is just silt. There's nothing wrong with it. It's passed EP Tox, New York State DEC, Corps of Engineer guidelines and Federal EPA permits, which I have in possession before I can do it. There you have to cap the dredge material with a heavier material. Somewhere where they're doing a cellar construction job heavy stone, etc.

SENATOR GAGLIANO: And you put that on top.

MR. ZARILLO: That goes on top. That's a technique the Corps has used and that's a good technique.

Another technique that the Corps should address in this district -- they've used in other districts -- is to dig a big hole and put your more deleterious material into the deep hole and then do an underwater cover job. So you don't rile up, you know, you don't get the stuff up on the beach. None of us wants the stuff up on the beach.

Just let me point out one other thing about dredge projects. They're very-- They're extremely expensive projects. In fact, in this Corps area -- again, this is not expert testimony but I'll tell you -- in this Corps area the siltation problem in the waterways is so great that all of the waterways here are in great danger of not being economically useful.

SENATOR GAGLIANO: Yes, we understand that.

MR. ZARILLO: You know that that whole--

SENATOR PALLONE: We hear that all the time.

SENATOR GAGLIANO: When you take--

MR. ZARILLO: It's true.

SENATOR GAGLIANO: When you take the dredge material, you take the dredge material, where would you-- Well, you use that for cover or you want to use it for cover?

MR. ZARILLO: Well, no. I'm developing that program now. I've gotten--

SENATOR GAGLIANO: What do you use for cover now?

MR. ZARILLO: I use dirt. I buy dirt that, again,

passes EP Tox, etc.

SENATOR GAGLIANO: You're buying dirt?

MR. ZARILLO: Absolutely. I'm buying dirt just like the guy at Edgeboro is buying dirt. It's a major expense. It's \$8.88 a yard, latest fee. So I've a double whammy going. See, I've gotten permission to build this facility. The facility is just about finished. And I've also gotten permission from the Corps and the Coast Guard to do the first experimentation. In other words, I'm going to dredge a little part of Fresh Kills and I'm going to put the material into the basins and dry it out.

Now, to get a permit to do that you have to prove that not only have we tested the area where we're dredging, but any effluent from the basins has to be tested and be benign. All of that process lies before me. All of that testing process lies before me and at some point-- It's going to work or I wouldn't be doing it. I mean, we've studied it to the Nth degree. I will get a permit, then, to expand the system.

Other Corps areas, the South Jersey Corps area, allows this all the time. They do all of their dredging and upland it. I guess you've visited some of those facilities down along the Delaware.

SENATOR PALLONE: On the Delaware side.

MR. ZARILLO: In Texas it's-- They do it on the Jersey side also.

SENATOR PALLONE: No, I mean on the Delaware Bay.

MR. ZARILLO: Yeah. The New York Corps area has been very reluctant to allow that. We really don't understand why. We've been in a long-term debate over those subjects.

SENATOR PALLONE: Assemblyman, did you have some questions?

ASSEMBLYMAN OTLOWSKI: Yeah. It's my understand, Mr. Chairman -- and with your permission -- that you testified before Judge Stern. You were one of the experts from New York City that testified.

MR. ZARILLO: I don't think it was me, but go ahead,

sir. It was some other person in the same capacity.

ASSEMBLYMAN OTLOWSKI: Well, let's get it straight. You did not testify?

MR. ZARILLO: I have never testified before Judge Stern. I have been in Judge Stern's court when he directed us to -- when I came up with the concept of building the barrier across the Kill. But, I have never given -- as far as I know I have never given testimony to Judge Stern, but some other officials have, clearly.

ASSEMBLYMAN OTLOWSKI: Did any of your counterparts, to your knowledge, testify before Judge Stern that this whole operation would be cleared up and meet the court's requirements by 1986? Was that testimony rendered? Because what you're saying here today you're leaving yourself 10 years, 13 years, 12 years in the future. So are we saying to Woodbridge that they've been wasting their time in the court, that there is no relief for them here?

MR. ZARILLO: No, no.

ASSEMBLYMAN OTLOWSKI: When could they--

MR. ZARILLO: I think we're telling Woodbridge we're going to spend all the money and apply ourselves in all reasonable fashion to try to mitigate the problem. I mean I think that's what all these dollars and charts are about. I mean, we're going to try to mitigate the problem.

ASSEMBLYMAN OTLOWSKI: In that event, what kind of timetable are you setting up for the mitigation of the problem for Woodbridge? When can Woodbridge, in your opinion, on the basis of your testimony here, expect relief?

MR. ZARILLO: Well, I think that's a very hard question to answer as you pose it. I would say I think they're probably getting some relief now from the operational methods that are being employed. I'm quite sure. This Department also has a series of pictures and photographs of the beach taken on a very regular basis by a certified uniformed officer of our Department. We have a body of evidence also.

I would say, again, we're not here to argue. We're here to try to improve the situation. I would say that the situation has been improved. The situation is going to improve further as we get the boats on-line and it's going to improve-- It's going to take a quantum leap in improvement when I get the boom up. Over the next three to five years.

ASSEMBLYMAN OTLOWSKI: Excuse me. I just would want to make this clear. This is, you know, a Senate Committee hearing and, as a matter of fact, is by the courtesy of the Chair that I'm asking you these questions. And as a matter of fact, I'm not here to argue with you. As a matter of fact, I want to be helpful to the Senate Committee so that they can make some judgments eventually.

We're talking about a dump. We're talking about a very, very large dump that poses an admittedly -- you admit that, it poses many, many problems. And then you go on to say that you have a long-range program to clear this up. In the meantime, of course, Woodbridge, of course, has a problem that they're looking for immediate solutions.

Obviously the way that dump is operated from the testimony that was submitted here today, it's probably in violation of every Federal regulation.

MR. ZARILLO: No. Let me just say I would contest that.

ASSEMBLYMAN OTLOWSKI: Am I correct about that?

MR. ZARILLO: No, you're not correct about that, sir. Respectfully, you're not.

ASSEMBLYMAN OTLOWSKI: Why am I not correct?

MR. ZARILLO: I would invite you to come out there and look. I invite the Committee to come out there and look. Let me take you there any time you want. You just call me up and tell me, "Today is the day I want to come out there." You can make it a Sunday. You can make it a day when it's pouring rain and muddy. I mean, come out there and look. It's very easy to sit here and say it's a dump. The dump has no fans. I'm not even a

fan of the dump. Everyone is going to say it's dirty, it smells, it's dusty, it's filthy and I'm going to say, "Yeah, you're right." Okay. I'm not going to argue with you about that. But on the other hand, it's very easy to say there are 3000 violations out there. Where are they? What are we violating? What we're doing out there, we're taking garbage and we're burying it. Albeit we drop a little into the water. I admit that. It smells. We're doing all kinds of things about smells, about birds, but there are no magic major violations out there. I mean there is no guy out there with a mask on that's doing these terrible things. We have a whole surveillance system so we don't take toxic materials. I don't know where these magic violations are.

SENATOR GAGLIANO: Mr. Zarillo?

MR. ZARILLO: We have a-- Just let me go on a little further. We're doing a leachate control system right now. If you drive on the highway, on 440, you'll see a major, major \$5.5 million leachate control system. I'm also designing right now RFPing the design for a total leachate control system, okay, to deal with the entire area of leachate. I've spent millions of dollars testing the leachate. Our leachate, in fact, we've done the testing by the most reputable firms in the United States. They show that the leachate emanating from our landfill is of the same quality of what's already in the Arthur Kill. In other words, we're not deleterious to the Kill.

We've left almost no stone unturned, so these violations-- I mean, the next person can come here and say, "You're violating." I don't understand the nature of the violations. We're not doing anything magic out there except burying garbage. I don't know how to answer that question.

ASSEMBLYMAN OTLOWSKI: No, just for the record, and as a matter of fact, as you said, we're not here to argue. We're here to try to get a record for the Senate Committee. And with the permission of the Chair, I just want to be somewhat helpful.

Here is a large dump, one of the largest on the East

Coast. And with all kinds of problems, with all kinds of complaints, and the complaints are real because you're in court about the complaints. If the complaints weren't real the court would have never sustained or heard. The court would have dismissed this out-of-hand.

Now, it seems to me that this kind of a dump where you're dealing with the kind of volume that you're dealing with -- and I think we ought to clear the record up. I don't think that this Committee can let you leave this room by saying that if all of the Federal laws were enforced there wouldn't be any dump in the country. The fact of the matter is the Federal government made most of the dumps live up to their requirements. That's why they're in operation.

MR. ZARILLO: That's not what I'm saying. I said that if all Federal laws and all regulations were involved, none of this would be here. We'd all be in our houses because we wouldn't be able to operate or do anything. There are many, many laws and regulations on the books that I'm not prepared to address. I'm just saying that the law of 1899 that everyone point out I think is probably a red herring. I think it is probably an unenforceable law.

ASSEMBLYMAN UTLOWSKI Yeah, but I, again, I don't want to be argumentative. One of the things it seems to me that has come up in this hearing today is the fact that, you know, with this dump, with its location, with the problems that it is causing, shouldn't this garbage start to be diverted now, now, to other places rather than compounding the problem that we're already talking about? For example -- and I call this to the Committee's attention just for the record -- I can't see how you're complying with the Interstate Sanitation Compact. I can't see how you're complying with the Coastal Zone Management Act. I can't see how you're complying with the Rivers and Harbors Act. I just can't see that. As a matter of fact, there must be some substance to what I just asked because it was on that basis that you were hailed into the Federal courts, and the Federal court,

of course, has set timetables with guidelines, but that's another matter.

I will bring it to the attention of this Committee-- And as a matter of fact, I hope that this Committee, too, when we're talking to the Attorney General of the State of New Jersey, that we're going to insist that the Federal regulations are being complied with, aside from New York. There should be plans immediately to start diverting this garbage into other areas.

MR. ZARILLO: You know, we all wish-- Just let me say, you're perceptive. We all wish there were. This is the landfill that serves the City of New York, the biggest city in the United States. It's the one place that we have. I mean I think that's the monumental fact that none of us can get over that hurdle. At this point that Fresh Kills is our landfill. Will I spend dollars--

ASSEMBLYMAN OTLOWSKI: Mr. Commissioner, I am not belittling the problem that you have or all of us have with garbage today. That is one of the big problems that confronts the country, but we're talking about this particular dump and its location and the problems that it brings about. And yet there aren't any plans to divert garbage from this area.

MR. ZARILLO: Let me answer that. The way you mitigate the problem at Fresh Kills is by building resource recovery. As you build resource recovery, okay, you're reducing the volume and you're not transporting a very benign material which is incinerator ash. So the answer, believe it or not, it's a paradox. The solution to Fresh Kills is to extend its life forever by building resource recovery plants. The paradox is if we were able to bring 10 resource recovery plants on-line within the next 10 years, the life of Fresh Kills would probably be 30 or 40 years because of the volume reduction. So I mean, that's the route. That's where we're probably going to see our relief. That's where our relief will come from, from the burning process.

Yes, Senator?

SENATOR FALLONE: Thank you, Assemblyman. Senator

Gagliano?

SENATOR GAGLIANO: Mr. Zarillo, I just have one question. In all of the discussion it seems to me that what you're doing -- and I know there's a certain amount of stuff -- I presume there's a certain amount of the garbage that falls off the barges as it comes along because these are loaded high.

MR. ZARILLO: Not really, sir, because of the bagging. We've spent a lot of dollars.

SENATOR GAGLIANO: On bagging?

MR. ZARILLO: We've had people, engineers, and various environmental people ride the barges.

SENATOR GAGLIANO: Okay. Is there any denial -- and maybe you shouldn't be the person I ask the question of; maybe it should be the mayor -- but is there any denial but that the-- For example, so much of this medical stuff that comes down, comes down all the way to Monmouth County, the syringes and the hospital disposable items -- and, of course, we all know hospitals just dispose of everything today. They just put it in plastic and throw it away. Is there any denial that these things came from some part of the system here?

MR. ZARILLO: I would say that I'm not going to answer-- I'm going to answer that question this way. I think that material can come from various and many sources. The questions that were going on about the North River. Remember the North River also borders Hudson and Bergen County. Okay? There's material coming from various sources. I would say as far as where material comes from, I think that there is an agreement with Woodbridge that when material is found and it is identified the City be called. I think there's a protocol set up.

I will tell you this, Senator, that in any case where hospital waste can be identified to a source you will receive the most vigorous prosecution on our part that we can possibly bring to the issue. That's a commitment from me, from Commissioner Sexton (phonetic spelling). That's a commitment from Chief Ryan. That's a commitment from the entire Department.

SENATOR GAGLIANO: We appreciate that.

MR. ZARILLO: If you were to identify to us a source of hospital waste coming from anywhere in New York City that is reaching any place and anywhere it's found, it would be found in a legal manner, I will take it upon myself to bring to bring that evidence to our Inspector General.

SENATOR GAGLIANO: I appreciate that.

MR. ZARILLO: We would like-- We have the same objective that you have in this hearing.

SENATOR GAGLIANO: I appreciate that. Therefore, you know, it almost seems to me -- because I am really upset about this hospital waste. I think that's the most terrible thing that anybody could ever throw out into the waters. It just seems to me that there ought to be a system in New York City, maybe even in our cities, whereby the various hospitals will have -- when they buy plastic materials have their name stamped on it, or a number.

MR. ZARILLO: That's an excellent idea. Mike, is-- This is Chief Ryan. Maybe he'll be able to give us some more information.

SENATOR GAGLIANO: Okay, I just want to put that on the record, too. I think there ought to be identification with respect to whatever receptacles hospitals use so that if these show up in a place other than where it should be there can be direct prosecution.

MR. ZARILLO: Vigorous prosecution, absolutely.

SENATOR GAGLIANO: A second thing--

M I C H A E L R Y A N: Just to put it on the record for hospital waste. Hospital waste is not accepted in city landfills. Local law 57, which was passed in November of '85 doesn't allow or permit us to have that material come into the--

SENATOR GAGLIANO: Yes, I understand that. That's why-- I understand that, but we still have allegations of hospital waste. This may be things that are left over and they do float. They're floatables because they're light plastic and

let's face it--

MR. ZARILLO: It's possible that there's a deposit of them.

SENATOR GAGLIANO: They may be already there.

The other thing that I'd like to suggest, Mr. Zarillo, it seems to me that you're going from a rather lightweight, almost skimpy boom operation, which is acknowledge to be not the best, to a Star Wars -- as you depicted it, a Star Wars operation with the boom. It seems to me that with the use of tugs and with the use of some engineering ingenuity that you could have a middle-ground boom that could be in operation within a year, and that that boom would do -- or series of booms -- would do a great job until you actually get this Star Wars thing built.

MR. ZARILLO: We've got three of the little ones already. You know, your ideas are good. We're thinking along the same lines.

SENATOR GAGLIANO: Oh, okay, but--

MR. ZARILLO: We've got three of the little ones out there already but they all have the same deficiency.

SENATOR GAGLIANO: What I'm saying is that it seems to me that you -- and you sound like you're a very resourceful person -- could, within six months to a year, design and construct a boom which would not be a permanent thing, and it might have to be tied to a tug, which would deal in essentially the same way you're discussing dealing it with the Star Wars boom -- and using the tides to your advantage and take care of a very substantial amount of the floatables that come out of that area. I think you could do it. I think you've got to put your mind to it because what you're talking about is by the time you get all the permits for the big boom, the Star Wars boom, and build it you're talking three or four years. I think you could do something in months.

MR. ZARILLO: Yeah, your thinking is pretty good because, you see, as soon as I get the rest of this mooring rack

completed -- okay -- I theoretically will have the storage capacity to only open the conventional booms with the incoming tide. Now I'm not making-- But you see, I will have the infrastructure. I'll have all the infrastructure other than the new boom itself. So theoretically I might be able to do something along those lines. I'd have to look at it.

SENATOR GAGLIANO: Just talk to any old Navy chief petty officer who dealt with minesweepers and they can probably give you enough ideas so you could pick up most of that stuff at very minimal cost with the use of tugs.

SENATOR PALLONE: I'm afraid that Star Wars won't be implemented until the landfill has utilized its life.

MR. ZARILLO: No, no. That project is funded for design. The engineer has been selected. And it is funded for construction next fiscal year.

SENATOR PALLONE: Let me just ask a couple of questions, and I know we've got to get on. Senator Gagliano mentioned about the overloading. As far as you're concerned-- We saw pictures of barges that clearly seemed to be overloaded so that it would be very easy for the material to, you know, come out in a slight wind or whatever. That's not true as far as you're concerned?

MR. ZARILLO: It's very heavy material. Those bags or garbage are very heavy.

SENATOR PALLONE: A lot of it didn't even seem to be bags.

MR. ZARILLO: There is very little loose litter.

SENATOR PALLONE: But in terms of the amount of material that was some of those barges--

MR. ZARILLO: No, but those barges-- Well, I don't have the picture with me, but those barges have gunnels on the side of them. And they way they're loaded--

SENATOR PALLONE: The bags are way above that.

MR. ZARILLO: Yeah, the bags are above it, but the wind is not going to pick up a 50-pound bag. That is not a-- You

know, that is not where the problem is. The problem is at the unloading area.

SENATOR PALLONE: Okay. Let me ask you--

MR. ZARILLO: The weight of those bags precludes the wind picking them up.

SENATOR PALLONE: All right. As far as the hospital waste is concerned, I mean, just this past weekend down at Sandy Hook we had a trash-a-thon and I personally saw the hospital wastes that were coming up on shore. So it is clearly still a problem. What you're telling me is right now in New York City nothing can be dumped at the landfill, right? None of that?

MR. RYAN: That is correct, no hospital waste.

SENATOR PALLONE: None of that material can be dumped there.

MR. ZARILLO: Plus our men will not deal with it.

SENATOR PALLONE: But the Mayor of Woodbridge says that he's documenting the different hospitals that are sending the material. If he can show you that material, you would take action?

MR. ZARILLO: I'd welcome anything he can give us.

SENATOR PALLONE: Okay.

MR. ZARILLO: I mean, you know, chief--

SENATOR PALLONE: The other thing I wanted to ask you too is some of the material, some of the hypodermic needles that I've seen even still have the needles on them. Isn't there anything that restricts that?

MR. RYAN: Yes. You're not allowed to put sharps in the system at all. They have to go to an infectious waste.

SENATOR PALLONE: So even that's supposed to be taken off and disposed of separately?

MR. RYAN: Right.

MR. ZARILLO: See, the regulation that was passed was a very comprehensive and tough regulation. Now, where is the stuff coming from?

SENATOR PALLONE: I mean the bottom line is that it

even has the needles on it, let alone the material themselves.

ASSEMBLYMAN OTLOWSKI: Senator, excuse me, if I may.

SENATOR FALLONE: Sure.

ASSEMBLYMAN OTLOWSKI: When you're talking about needles, needles are not only used in hospitals. They are almost used in every house.

MR. RYAN: That's right.

ASSEMBLYMAN OTLOWSKI: Some of them are used legally, some of them are used illegally. Diabetics, of course, use the injection method. There are many other things that-- So that the needles find their way into ordinary garbage and when they find their way into ordinary garbage I think that they also find their way on the beaches, too. Even if your hospital act is absolutely clean, you would still have the needles.

MR. RYAN: There is a possibility, yes.

SENATOR FALLONE: Well, the whole question-- I think that one of the things I can see from just the testimony today that the Committee is going to have to look into is the whole question of regulation of the hospital waste and see what New York is doing and what New Jersey is doing.

ASSEMBLYMAN OTLOWSKI: Just in passing, you know, you wouldn't AIDS from a hospital needle. You would get it from a needle that would come in from a household in the ordinary process of dumping. So that this is what also concerns Woodbridge.

MR. ZARILLO: Yeah. Well, you know, we have the same concerns. As I say, we could start a whole new protocol today. Anytime they find anything that can be identified to anyplace on the New York side, we'll prosecute them. You have-- I mean this is not a pleasant subject. I don't like being here getting harassed with this stuff--

SENATOR FALLONE: All right. I appreciate what you're saying.

MR. ZARILLO: Let's go get them. We're willing to join with you in any way that we can.

MR. RYAN: To date we've prosecuted 45 hospitals that--

SENATOR PALLONE: That were violating.

MR. RYAN: That we proved were in violation of the rules and regulations. And of those 45, 42 we won the cases and they were fined.

SENATOR PALLONE: Okay.

SENATOR GAGLIANO: Is there any way, seriously, where that has happened -- is there any way that an order can be entered by the court at that point saying, "Since you've violated the law once or twice and you've been caught, then all of your disposables must be marked with the name of the hospital or a code number, which if picked up can be identified?" It's kind of silly for us to say that we're going to try to get these. We heard one person say, "You take a red bag and you put it in a black bag and then you can't identify it because it goes with all the black bags." So what I'm saying is--

MR. RYAN: It's a legal issue which we discussed when we first implemented this Local Law 57. We feel it's a good method of identifying hospitals.

SENATOR GAGLIANO: It's about the only method I could think of.

MR. ZARILLO: I like your idea, though, that wherever it is purchased it's serialized, you know, nationally. If you get a national regulation then we could--

SENATOR GAGLIANO: Well, I don't if we can do that today.

SENATOR PALLONE: I don't know about that.

MR. ZARILLO: No, not today, but I mean you would have to-- There's probably a black market. As the Assemblyman pointed out, there's probably a major black market that goes on with all this paraphernalia that we probably, as governments, are unable to deal with.

SENATOR PALLONE: All right. Just one other thing about Fresh Kills that I wanted to bring up. My concern is -- and I don't know if this has been addressed -- my concern is that

this landfill, the Fresh Kills is literally expanding into the Arthur Kill. In other words, that your operation is basically making it so that the landfill is extending further out into the waterways. There's no basis for that whatsoever?

MR. ZARILLO: There is no way-- That is under the jurisdiction of the Corps of Engineers and the United States Coast Guard. I cannot get a construction permit without having plans and specifications approved by the Coast Guard and by the Corps. There is no way that I can make Fresh Kills bigger by going out and driving sheet piles, you know, and making it bigger. That's a--

MR. RYAN: Actually, it has been made smaller for upland.

MR. ZARILLO: There's just no way that that can be. I mean, a) it's illegal to do it under Federal statute; b) it's so expensive to carry such an operation out that it's prohibitive. It is just not feasible.

SENATOR PALLONE: One other thing. With regard to-- I have some information says several years ago there was a part of the Fresh Kills that was closed because of pollution of the groundwater, and I understand that the aquifer that we're -- you know, the same one that goes from New Jersey to New York. Is there any evidence of that or what's been done about that?

MR. ZARILLO: The aquifer-- I'm familiar with the aquifer that you talk about. There have been major, major, and extensive studies that we have conducted under State DEC auspices looking at the migration of leachate from the Fresh Kills area. We have found that-- The study was done a couple of years ago. It is inconsequential. I can supply you with some of that data.

SENATOR PALLONE: I'd like that. Whatever information you have, I'd appreciate that.

MR. ZARILLO: We spent so much money on it. It's good stuff. It's good analysis.

SENATOR PALLONE: Whatever information you have on that I'd appreciate.

MR. ZARILLO: Yeah. It's not a problem at this point. See, New York is even stricter than Jersey because of the Drinking Water Act that the State of New York has.

SENATOR PALLONE: If you can give us that documentation.

ASSEMBLYMAN KARCHER: We have a more stringent drinking water--

MR. ZARILLO: No, we're worse. We're tougher.

SENATOR PALLONE: One more question. I'm not going to argue New York versus New Jersey.

One more thing. Mr. Figurelli mentioned the problem with the -- and I don't know if you can answer this, but if you can enlighten us, please do -- he mentioned the problem with the raw sewage. That fact that there was a moratorium that was lifted.

MR. ZARILLO: That is not my area. I can't. I'm not DEP. See, New York City there's a Department of Sanitation, there's the solid waste.

SENATOR PALLONE: You can't answer that at all.

MR. ZARILLO: No expertise.

SENATOR PALLONE: You're not aware of the moratorium being lifted or anything?

MR. ZARILLO: No, that's new to me. There is a major construction program going on there with interceptors I know. But I can't answer that.

SENATOR PALLONE: Okay. Any other questions? (no response) Thank you very much for coming. We appreciate it. You didn't have to be here.

MR. ZARILLO: I'll send you that data on the migration.

SENATOR PALLONE: Yes.

MR. ZARILLO: It's interesting stuff. There is one aquifer--

SENATOR PALLONE: Perhaps you could give us some information about-- You know, you mentioned all these proposals today. I'd like to have, maybe, the documentation on that as

well.

MR. ZARILLO: Okay. I send it to you at the--

SENATOR PALLONE: We'll give you--

MR. ZARILLO: Yeah, give me an address.

SENATOR PALLONE: We'll give you an address. Okay. I know we're supposed to take a lunch break and I assume-- Everybody here can come back except for the Freeholder? Do you want to just go very quickly and give us your presentation?

FREEHOLDER VINCENT MARTINO: Before the Commissioner leaves for New York I'd like to just say a few things.

SENATOR PALLONE: Sure, please. And then we're going to have the break for lunch. We have no choice.

FREEHOLDER MARTINO: Incidentally, I left some pictures up there that were taken in 1979. That's still the method that they're using, I believe, for unloading barges.

MR. ZARILLO: Much more modernized, though, sir. It's cleaned up and modernized.

FREEHOLDER MARTINO: But it's basically the same thing.

MR. ZARILLO: Twenty million dollars hence though.

SENATOR PALLONE: Okay. You're Freeholder Vincent Martino?

FREEHOLDER MARTINO: Yes. I live right here in Fort Reading. I used to have a boat.

SENATOR PALLONE: Turn that around. (referring to microphone)

FREEHOLDER MARTINO: I don't know if I need the microphone.

SENATOR PALLONE: Well, the only thing is we want it recorded. We want it recorded so either hold it or sit down, one or the other.

FREEHOLDER MARTINO: Just we commend you for holding these hearings so close to the source of the problem. Most important, I think, there's three agencies that don't have any credibility; the DEP, the EPA, Sanitation Department from the

City of New York. Why do I say it? In 1977 I was a Councilman in Woodbridge, had a boat in Sewaren; belonged to the Sewaren Outboard Club. We filed in the United States Attorney's office in Newark a charge against the City of New York. Extensive litigation. It was under Judge Stern. Threatened to jail Commissioner Vacarello (phonetic spelling).

We received all kinds of promises at that time and some of it I have here and I'll give you copies. The Department of Sanitation -- just like to read one. "The installation of a permanent boom system would be implemented in accord with schedule or sooner if feasible" and this date is 1977. We've been through this already.

We saw the picture similar today. George Wyatt (phonetic spelling) who is presently working in the Engineering Department in Woodbridge said exactly what the Senator said, "Anyone with a little bit of minesweeper experience could probably correct this." He said with the little mechanical engineering that he had in college he could devise a boom system that would open and close and restrict the barges to incoming tides, which would give them approximately 12 hours a day. And it fell on deaf ears. Well, again, they sent the letter through the United States Attorney's office that they would come up with a permanent boom system.

The problem that's there is serious. Why in the world you Senators don't cut the DEP budget and keep them as an advisory board because that's all they're capable of. I mean, I've got letters from Beatrice Tylutki when she was there, what she was going to do. It takes you four months to get an answer. The EPA falls in the same category.

What they did threaten -- which incidentally doesn't involve you people in New York -- they did threaten Woodbridge at that time to fine them \$3000 a day for composting leaves back in the 1970s.

The problem is serious. I don't agree with the Commissioner of the Sanitation Department -- Deputy Commissioner

or Commissioner. Perhaps you'll be the Commissioner. They've changed so many, you know, since I've been involved.

MR. ZARILLO: They're better each time.

FREEHOLDER MARTINO: I don't agree -- and I've been in government quite a bit of time, too -- I don't agree with the fact that he said that government knows no time restraints. Yes, they do know time restraints. They have penalty clauses, they have fines, and in some cases they have imprisonment. But most important, if you put that out to bid -- which we're not even sure because you said it is going to be presented to the Department of Finance--

MR. ZARILLO: Board of Estimate.

FREEHOLDER MARTINO: Board of Estimate was it? I stand corrected, sorry. You said next you would present these plans to the Board of Estimates.

MR. ZARILLO: It's in the process now.

FREEHOLDER MARTINO: Pardon me?

MR. ZARILLO: It's in the process now.

FREEHOLDER MARTINO: Okay. So we have no approval yet.

MR. ZARILLO: Yes. I have it in the budget. It is in the City budget.

FREEHOLDER MARTINO: Has the budget been approved?

MR. ZARILLO: Yes, Absolutely. It's standing as of now.

FREEHOLDER MARTINO: Then it's just a procedural matter right now?

MR. ZARILLO: I've got the-- Right.

FREEHOLDER MARTINO: But we can't give a time date of approximately when it could be done. Five years?

MR. ZARILLO: One year for design; two years for construction.

FREEHOLDER MARTINO: So we're talking three years from now?

MR. ZARILLO: The final target.

FREEHOLDER MARTINO: we had a court order, I believe,

that they agreed to-- I say you people agreed to a court injunction that said that they would have it done in 1985.

Gentlemen, what's got to be done is the DEP and EPA if they did their job we wouldn't be having this problem that we're having right now. It's just as simple as that. The United States Attorney's office has a record of it. They've started prosecution. Judge Stern threatened to jail Vacarello. I was right there when he said it. Vacarello is gone. New Commissioner comes in and new theories come in. The problem is serious and I think prosecution, fines, and complying. When they put that out to bid, no extensions. Meet the time frame or pay the penalty cost. Just like we do when we put out bids in government. Mary, you're familiar with that. We put a time frame and that's the way it has to be.

Thank you, gentlemen, for having this hearing here and certainly bringing it right forward. I will make any copy of any letter from 1977 to '79 from the EPA and the DEP available to you at any time.

SENATOR PALLONE: Thank you.

ASSEMBLYMAN OTLOWSKI: Mr. Chairman, may I suggest that he make that available to the Senate Committee?

SENATOR PALLONE: Of course.

ASSEMBLYMAN OTLOWSKI: Would you make copies of that and make it available to the Chairman?

SENATOR PALLONE: Could we have it for the record?

FREEHOLDER MARTINO: Only if you reduce their budget because they're wasting too much money.

SENATOR PALLONE: Thank you, Freeholder. I'm sorry for the delay.

What we're going to do, we have to take a break. We're going to come back at 2:30 sharp and we're going to skip the tour of the beach because we just don't have the time for it. But, everyone will have an opportunity to speak.

(RECESS)

(AFTER RECESS)

SENATOR PALLONE: We're going to open up the hearing again. I apologize for being late. We were trying to get out and we just couldn't make it in time.

Is Mr. Robert Stewart here from the Society of the Plastics Industry? Did he leave? I guess so. Then we'd like to have Dr. Mytelka from the Interstate Sanitation Commission.

DR. MYTELKA: Why don't we sit sideways so the audience can hear us also.

SENATOR PALLONE: Whatever you'd like as long as they can hear the recording.

DR. MYTELKA: Mr. Chairman, I'm Dr. Alan I. Mytelka, Director and Chief Engineer of the Interstate Sanitation Commission. I'm assisted today by Dr. Mitchell Wendell (phonetic spelling), Counsel for the Commission.

I'm pleased to be able to speak to you about the serious problem that you have taken up in this hearing. Coast pollution threatens the environment and health of the people who use the State's recreational resources and certainly impairs their use. I would like to tell you what the Commission is doing in its district to alleviate the pollution and what we think still needs to be done.

First, for those of you who may not be familiar with the Commission, it is an interstate environmental agency created 50 years ago by the Tri-State Compact among the states of New Jersey, New York, and Connecticut. Its purpose was and still is to address the largely interstate pollution in the tri-state area. The Commission has both a water program and an air program. The Commission is a regulatory agency in the field of water pollution, with the authority to make and enforce water quality regulations within the interstate sanitation district. The Commission's district includes the waters of the greater New Jersey, New York, Connecticut metropolitan area. The lower Hudson River, Upper Bay, Lower Bay, Raritan-Sandy Hook Bays and

the Arthur Kill-Newark Bay are all part of the district.

It holds its regulatory responsibility concurrently with the environmental departments of its three member states. The Commission's effluent values appear in the pollution discharge permits issued by New Jersey, New York, and Connecticut to discharges to the Commission's district within those states.

One of the basic segments of our program is treatment facility sampling and receiving water monitoring. These activities allow the Commission to determine compliance with its effluent values and to analyze and evaluate water quality in the district. Commission personnel regularly enter over 130 private, industrial, and public sewage treatment plants per year, some of the larger ones several times.

In addition to facility sampling, the Commission samples receiving waters by boat and helicopter a number of times each year. The information gathered on those runs provides valuable data about the water bodies in the district and their quality.

What has this information been telling us? First, most of the treatment plants meet the Commission's water quality regulations. Second, the water quality in the district in general has measurably improved during the past five to ten years. I say that in general, and underlining in general, the water quality of the district has improved. Clearly as you recognize, sections of the district continue to be degraded.

As described in the resolution setting up your Committee, the area of your direct concern centers on the Jersey coastline and the adjacent ocean waters. As mentioned earlier, the area from Sandy Hook southward is not within the Interstate Sanitation District. Consequently the Interstate Sanitation Commission has no jurisdiction to regulate discharges into those Jersey coastal waters, nor to make use classifications of them.

Except for relatively small areas at the southwestern end of the Interstate Sanitation District that may be directly involved, the importance of the Commission's work to this hearing

is the migration along the Jersey coast of pollution emanating from points in the New York City metropolitan area. This includes discharges and environmental conditions from both New Jersey and New York locations. Discharges and runoffs into Raritan Bay, into the Lower Hudson, and into the Old Row New York-New Jersey harbor complex do affect the Jersey coast. The exact extent of its influence on actual water quality conditions along the Jersey coast is subject to considerable controversy and has not been quantified. But it is surely true that the addition of pollution from outside the immediate shore area makes the local problems worse.

The particular pollution that you address in this hearing is caused by a variety of conditions. High coliform concentrations at beaches is one serious threat as is deposition of solid waste along the shoreline. Beach closings due to high coliform levels may have an interstate component, but because coliforms die off fairly quickly most of this form of pollution is local in origin.

New York still has areas in which raw and inadequately treated sewage is entering the adjacent water bodies. The places responsible for the bulk of these discharges are under consent orders to provide secondary treatment. Many areas of New Jersey outside the Commission's district that provide inadequate treatment, probably have the greatest impact on New Jersey beach closings.

During the past several years the Commission has taken several actions that reduced the coliforms entering the waters of the district. First, a few years ago pursuant to Federal law over 20 sewage treatment plants discharging into the district in New York and New Jersey applied to the U. S. EPA for permission to reduce the treatment given to the sewage discharges. The Commission examined each of these applications individually with respect to its effect on existing effluent discharge requirements and the combined effects of the changes likely to come from the entire permit modification process. The Commission denied

concurrence in all of the cases. This action prevented additional pollutants from being discharged into the district. I would stress that it was the Commission that took this action, not the U. S. EPA who favored it, not the New York DEC who opposed some of our actions, nor even the State of Jersey's DEP. It was the Commission who took these actions in the face of extreme pressure to allow variances of one kind and all over the place.

Second, effective July 1, 1986 the Commission has required year-round disinfection within its district, rather than the seasonal disinfection previously practiced. To accomplish this, the Commission held hearings and adopted this regulation. This action reduces the amount of coliforms present in the period from September 15th through May 15th and will, we believe, make it possible to open additional shoal fishing areas. It also favorably affects conditions during the early and late parts of the boating season previously not covered. I would point out that agencies in the State of New York, including New York City, as well as some of New Jersey, vigorously opposed that action by the Commission. They wanted to have seasonal disinfection. We thought that was not the way to go and our Commission took strong, effective action.

Third, the Commission beginning in the late 1940s and continuing down to the present day has taken actions which materially improve the quality of the district waters and so the waters flowing into the area of direct concern of this hearing. Consent orders which the Commission obtained against New York City resulted in the construction and/or upgrading of most of the treatment plants now in the New York City system. At present the Commission is a plaintiff in suits against the Hudson County communities to secure the upgrading of their treatment facilities. As our actions have been on a bistate basis and affect what we thought were orders of priority, those needs that had to be met. So we've taken action on the New York side and action on the New Jersey as well as actions in Connecticut.

Another pollutant source combined through overflows is perhaps the largest source of wet weather water degradation in the district. In fact, these overflows also add something to pollution conditions during dry weather because the retention time before pollutants are dissipated or carried out to sea from some parts of the metropolitan area is considerable, up to two weeks or longer. The Commission is currently working on a combined sewer overflow report which will catalog the overflow points in the district and target areas for priority attention. These discharges occur throughout the district and overflow control will be a large step forward in improving water quality.

In connection with this work an unforeseen difficulty has arisen. The Commission received from state and local jurisdictions what was expected to be fairly complete and accurate information on combined sewer locations and discharge points. However, when the Commission field personnel undertook to check some of the information it became apparent that records were in disarray and incomplete. In order that our report may be made known to operating agencies, other regulatory agencies, and interested public actual conditions concerning combined sewers it has been necessary for the Commission field personnel to physically traverse shorelines and to verify or discover the correct positions and situations of combined sewers. Thus the Commission's report will, in significant part, constitute original exploration and identification of combined sewers rather than just merely an analysis of the region's combined sewer systems. Adding this largely unexpected task to our regular monitoring program has been a necessary, but unforeseen, strain.

Regarding the current problem of solids washing up on the New Jersey shore, the Commission has been investigating the potential sources of this pollution. We have had meetings with both the State of New York and New York City on the contributions from Fresh Kills Landfill. In the past, the Commission has been instrumental in assuring proper cover for landfill areas and adequate retrieval of any floating debris to prevent solids from

polluting district waters. The Commission is in the process of gathering data and determining whether further action should be taken. And as soon as I finish my statement -- which will be shortly -- Dr. Wendell has some things he wants to say specifically about the Woodbridge lawsuit against New York City.

Much remains to be done in the region. Existing problem discharges must be eliminated. Many will be in the next few years, but pressure on the offending polluters must continue. As I mentioned before, combined sewer overflows must be recognized as the serious problem that they are, and reduced or eliminated. More can also be done in controlling solids in the water. The Commission has been acting on all of these fronts and will continue to do so.

One of the Commission's priorities is working to improve the waters of the district so that the beaches and water bodies will be available for people to enjoy for all their intended uses. We've worked towards this goal in the past and we'll continue to pursue this in the future. I have tried today to highlight several of the Commission's activities of recent and present date which most bear on the subject of this hearing. Before closing I should like to address myself briefly to a frequently overlooked or understated aspect of the New Jersey coastal pollution problem: This is the multiplicity of pollutant sources and what we believe the approach to them should be. It is far too easy to point a finger in righteous indignation at one or two villains and convey the impression that if only they were set to rights everything would be fine. It is also easy to err in an opposite direction and to contend that because the situation is complicated nothing really helpful can be done, or at least in any kind of real time.

Waste on the beaches and polluted waters offshore result from a multitude of contributions. In addition to sewage, runoff and debris from the shore areas themselves and from the New York metropolitan area there are human waste and refuse from thousand of fishing and other recreational boats. Many of these

come from the communities of the metropolitan area and many others are craft berthed along the Jersey shore and used by local residents and customers of day charters. These many sources are a collection of public and private persons and agencies, some of them local, others of them outside the immediate shore area but natives of New Jersey and others from New York. The Interstate Sanitation's position is that to the greatest extent possible all of these sources should be identified and abated. Any source which discharges unlawfully or negligently into the waters of New York or New Jersey should be proceeded against. However, the task is great. Its total accomplishment will take the cooperation of all the relevant state and local governments and the tens of thousands of individual citizens. The Commission attempts to do its part and, to the extent of its resources, will intensify its efforts.

Dr. Wendell has some things he would like to say regarding the Woodbridge situation. Then we would be glad to answer any questions you may have.

D R. M I T C H E L L W E N D E L L: Mr. Chairman, we do not know to whom the Mayor was referring this morning when he said that Woodbridge has asked everyone for help. Whatever that may mean, if it is interpreted to mean that Woodbridge has asked the Interstate Sanitation Commission for help, we must respectfully set the record straight on that point. Before Woodbridge brought its suit seven years ago it did not consult the Interstate Sanitation Commission, nor did it bring to the attention of the Commission its complaint against New York City discharges. We learned of the Woodbridge suit only after it had been instituted and was underway.

Furthermore, over the ensuing years Woodbridge has been successful in getting from the United States District Court in Newark a dozen or more orders directing specific abatement actions to be taken at the New York City Fresh Kills Landfill. From this course of action the Commission believed that Woodbridge was having a considerable measure of success in what

it was attempting to do. The Commission has a district which stretches all the way from New Haven, Connecticut and north of Bear Mountain Bridge on down to Sandy Hook. Woodbridge and the waters immediately offshore from this community are as important as any other part of the district. Nonetheless, in the absence of any complaint from Woodbridge we were proceeding and the Commission has proceeded over the years with activities which, in view of the nature and limitations on the Commission's resources, we have though were providing good value throughout the district, including this portion of it, for the expenditures that we have been able to make.

The course of the present Woodbridge action -- and I have had our staff attorney in the Commission's office review the record of the file of the court in Newark on this case -- the course of that action does not appear faulty so far as the ordering of remedies from the New York City Landfill. And if it is faulty, perhaps Woodbridge would know that better than we at this point. Where the rub comes is that Judge Stern has asked that before he proceeds further, Woodbridge bring to him sufficient evidence that the particular pieces of debris and other waste washing up on the Woodbridge beach come from the New York City Landfill. Whatever the reason may be up to this present time the Township has not, at least in Judge Stern's view, provided him with the evidence he seeks before he will proceed to impose contempt citations or whatever other relief that District Court may be able to fashion.

Now there is a difference between the Woodbridge action and what the Commission might do if this were a Commission proceeding. The town of Woodbridge faces the problem of proving as Judge Stern has asked that what washes up on the beach here comes specifically from the New York City Landfill. And in view of the large multiplicity of sources that everybody recognizes that is a very difficult thing to do in specific terms. I am not sure that the Commission or anybody else could do better than the Township of Woodbridge at establishing and making that kind of

proof.

However, if the Commission were to undertake a proceeding, the Commission would not be faced with that kind of burden of proof. All under our compact that the Commission would have to have established to it in its record and find is that pollution from the New York City garbage operations are being deposited into the waters of our district in significant quantities. Now that is a far different thing. We would not be required to trace, as Woodbridge is, specific pieces of waste from their source to the beaches in this vicinity.

However, the Woodbridge action having been commenced and Judge Stern having made his orders, the Commission is faced with a great obstacle, perhaps amounting to an absolute bar, to its action so long -- to its own action so long as the Woodbridge suit remains alive. And the reason for that is that it is a fundamental principle of law that once a court has ordered remedies and has taken jurisdiction of their enforcement, as the United States District Court has, actions by others in the same subject matter and attempting to judge the same situation would be a subversion of and an interference with that enforcement action of which the United States District Court is now seized. If the town of Woodbridge should think well of abandoning its own suit or discontinuing its own suit, this bar would then be removed.

The Commission has, over the course of a number of years past, been aware of problems with the New York City Landfill. For that matter, representations of a conference in an informal nature over the course of many years past have at least contributed to some of the measures that in past years New York City has taken at the landfill. If Woodbridge and others claim that that is insufficient, as it may be, then the problem is what further may be done. The Commission has informed the town of Woodbridge that if the town feels that it's in its interest to discontinue its suit, the Commission would commence a proceeding of its own. We have informed-- We have communicated this to the

town of Woodbridge by letter to Arthur Burgess, the township attorney. We did so after a telephone conversation which I had with Mr. Burgess in which he requested that this be done in writing. We have honored his request and that letter should now be with the town of Woodbridge. He informed me that he proposed to take the matter up with the Town Council and that's why he wanted the matter put in writing.

Now the Commission's proceeding, if we should commence one, would involve a formal investigation and gathering of evidence, its submission at a hearing to the Commission itself and at that hearing we would hear any other witnesses who wish to present evidence and to be heard on the matter. Then on the record of that hearing, the Commission would find what the pollution situation emanating from the landfill is. Now, I must emphasize that the Commission, like any other body which enforces the law, if it is to issue an abatement order must have in its record sufficient evidence to sustain that administrative finding and sufficient evidence if the administrative order of the Commission is not obeyed to support its finding in a judicial proceeding, which if our order, assuming that there were justification for issuing it, were disobeyed, the Commission would bring a court enforcement proceeding under those circumstances.

SENATOR FALLONE: I know. I hate to interrupt you, but please try to wrap it up because we have a long list here.

DR. WENDELL: I know. I'm just about finished. I am just about finished.

Now, that is the situation in which the Commission presently finds itself and in this-- These are the reasons why the Commission has not proceeded any further than it has. However, I must emphasize again, the Commission is willing to proceed but provided only that its legal path is clear so that it can proceed. Thank you, Mr. Chairman.

SENATOR FALLONE: Well, gentlemen, you know, it's hard for me to believe what I'm hearing here. I mean first of all

statements were made about the evidence not being there to show that materials coming to Woodbridge or to the Jersey shore from the Fresh Kills Landfill. I mean unless I misunderstood what I was hearing the representative from New York Sanitation Department admitted that, you know, that there was material dropping off from the barges, falling from the landfill. He may have said to us that it wasn't as serious as some of us think it is, or that a lot more could be done to take care of it. But there didn't seem to be any doubt that he was talking about material that was falling off and that was coming to Woodbridge and to the Jersey shore. In fact, they're paying people to clean up the material because they are responsible for it. So I don't understand how -- you're suggestion that there isn't any evidence that this material is coming from the landfill?

DR. WENDELL: No, Mr. Chairman, I am not suggesting that. What I am saying is that from what I have heard here today and from what we have heard previously it may well be that the evidence exists bountifully if it is and that the town of Woodbridge and others could present it-- For that matter, at least some of it has to have been presented to Judge Stern.

SENATOR PALLONE: Certainly.

DR. WENDELL: But he wants more. He thinks that legally he needs more in order to proceed.

SENATOR PALLONE: The way I understood Judge Stern's order he specifically said that the landfill was causing the problem, that New York had responsibility to clean up the beach, they had to pay for it. There's absolutely no doubt that New York's responsible and that evidence was presented to the court to show that they're responsible.

The only thing that I can see that you're telling me is that because Woodbridge brought a suit you think you have no jurisdiction. Everything else is not-- Everything else that you've said about not taking on the responsibility, it doesn't follow from the testimony.

DR. WENDELL: Well, we have jurisdiction, Mr. Chairman,

but the U. S. District Court at the behest of the town of Woodbridge, and proceeding within its own complaint and its own parameters with the court, has proceeded and the United States District Court, which is also an enforcement agency, now has a series of some dozen or more orders.

SENATOR FALLONE: I understand that, but let me ask you this. First of all, granted that there's a suit between Woodbridge and the City of New York. I don't deny that, we know that. What is to stop the Interstate Sanitation Commission from entering the suit as a party to the suit or as a friend to the court or a contributing in some way? I mean clearly Woodbridge has a problem in that they don't have the manpower. They haven't the ability as a small town to deal with all this. Can't you help them? Can't you join the suit?

DR. WENDELL: We might now be able to join the suit, although after seven years I'm not very sure of that.

SENATOR FALLONE: Well, the problem isn't going away. It's getting worse.

DR. WENDELL: Yeah. However, the Commission seven years ago and now would not want to assume the burden of proof that Woodbridge has. If Woodbridge could prove to Judge Stern as well as he apparently needs it to be proved to him where that waste comes from and who is responsible for it, then Woodbridge presumably would be completely successful.

SENATOR FALLONE: But the point is that Woodbridge has tried and they have had the court declare that there's sufficient evidence that the material's coming from the Arthur Kill, that the City has to pay for the clean up of it. But they feel that a lot more needs to be done. The Mayor stated specifically today that the problem is getting worse, that a lot of the commitments under the court order aren't being satisfied. Then isn't it incumbent, wouldn't it be wise, certainly, for the ISC, at this stage of the game, given that the town has a limited capability, I would assume, to join this suit and help them out given the problems that are there?

DR. WENDELL: If you look at the 13 orders which Judge Stern has issued, they comprehend all of the remedies that the City of New York probably could be asked to institute to carry through in order to abate the pollution which Judge Stern has found from--

SENATOR PALLONE: So you're--

DR. WENDELL: What I'm saying is -- pardon me, Mr. Chairman -- what I'm saying is that if that were the only size of the problem then Woodbridge would succeed and neither the Commission nor New Jersey DEP nor U. S. EPA is likely to be in a better position. If the Commission is to undertake the proceeding we would need to do it on our own terms of proof where we are not faced with what Judge Stern calls insufficient evidence.

SENATOR PALLONE: Well, that's fine. I mean, okay, let me take another -- let me go at it another route. Let's assume that you don't want to join the Woodbridge suit. I don't know why. It seems to me it would be helpful to Woodbridge. But we know that there's a larger problem. We know that the floatables, the plastics, the debris are not just coming up on the Sewaren Beach, but they're coming up along other parts of the Raritan Bay and that material is coming around the Atlantic Ocean. Wouldn't it be the responsibility of the ISC to take up the whole problem of the Fresh Kills Landfill if it's causing that type of pollution, and deal with it administratively and forget Woodbridge?

DR. WENDELL: Apparently, apparently--

SENATOR PALLONE: Not to forget Woodbridge, but I mean, you know, that's one case, but we have a larger problem. You deal with it on a larger level and administratively enforce it through your own administrative process.

DR. WENDELL: Our own administrative process is the issuance of orders which if disobeyed we can judicially enforce.

SENATOR PALLONE: Well--

DR. WENDELL: That is our remedy.

SENATOR PALLONE: Fine.

DR. WENDELL: If Woodbridge is unable to succeed at that, and if the Commission with the Woodbridge suit still alive, undertakes its own proceeding, its result can be one of several things. The Commission could find the same thing that the United States District Court has found. Under those circumstances--

SENATOR PALLONE: Relative to a larger area.

DR. WENDELL: Now wait a minute. Under those circumstances we would then be faced with no easier problem than Woodbridge has. If we found -- if the Commission found something other than what Judge Stern has found, or orders other remedies, then the court, the District Court in Newark, could find that that was an interference with Judge Stern's findings.

SENATOR PALLONE: You see, I don't understand. The situation with Woodbridge is just with Woodbridge. They're suing because of a problem that they're facing from the Arthur Kill, okay? And it is a serious problem. But at the same time we have a much larger problem which is also linked to the Arthur Kill and it seems to me that your responsibility, I mean under the law, is to look at that larger problem and issue administrative orders to deal with it. And if it just happens that Woodbridge is one of the towns that ends up benefiting from that, fine. But I mean we can't-- I mean the whole point of the testimony here today, it seems to me, was that this town of Woodbridge -- I mean I guess by my standards is a very large town, but it's only one of over 500 municipalities in the State -- is taking on this burden with respect to itself.

At the same time we find that the other State agencies and the ISC as an interstate agency aren't doing anything about it. In fact, even though I know for a fact that some of the members of the ISC think that we should be doing something about it -- and I don't want to get into names -- but I know that that's a fact. As a matter of, you know, the council or yourself, whatever, has decided that they shouldn't deal with it because of this pending lawsuit. I mean everything that we've

said today indicates that it's a much larger problem than what Woodbridge is facing as well as indicating that Woodbridge really can't spend the time and the resources to deal with the problem. So it seems to me that you're the agency that should be dealing with it. I just don't understand. I mean at least, maybe, if you don't want to bring the lawsuit or join the lawsuit, then enter your own administrative action. Take some type of study. Hold the hearings. Look into the problem and make some recommendations. I mean, how can you say to me, the way I understand it, that you just said we're not going to deal with it at all now because Woodbridge has brought suit? It seems to me that, you know, if you carried that policy the ISC would end up not doing anything because there always might be a little town that's dealing with something.

DR. WENDELL: No, Mr. Chairman. Furthermore, Mr. Chairman, we have examined the situation. However, we appreciate your concern, and it is a very genuine one. The Commission would be willing, and I personally as its counsel, would be willing to undertake a further review of the situation to see whether there is any other way that we can frame a proceeding which does not simply duplicate what Judge Stern and the District Court are presently doing. If we are able to find such an alternative way of phrasing a proceeding of the Commission's own, the Commission will do it.

SENATOR PALLONE: Let me ask you one thing. Dr. Mytelka, I know that as the September 3rd meeting, or at least leading up to that point, you were concerned and you felt that -- and I guess you brought it up to the Commission that day -- that the Commission should hold a series of hearings and should do something about the problem of Fresh Kills.

DR. MYTELKA: That is correct.

SENATOR PALLONE: When you got to the Commission hearing that day I take it you were simply told as a matter of legal -- as a matter of law that it would be wrong for the ISC to do that?

DR. MYTELKA: No. The Commission-- Back in June at the Commission meeting the issue of the Woodbridge suit came up. No, the issue of the landfill situation came up. Having nothing to do with the Woodbridge suit, nothing at all. It was on our agenda.

SENATOR PALLONE: I, frankly, when I had talked to you about it wasn't even aware of the Woodbridge suit.

DR. MYTELKA: That is correct. We were not in terms of its status. In fact I--

DR. WENDELL: We were aware of it, but we were not aware of--

DR. MYTELKA: I really thought it was done. Wait a minute. I really thought that that suit was done and over with.

SENATOR PALLONE: Right. So did I.

DR. MYTELKA: You know, it just didn't exist any longer. I had my staff make investigations and based upon their reports to me I felt that there was on that basis sufficient evidence or information available to present before the Commission at its September meeting a recommendation for a hearing.

SENATOR PALLONE: Right.

DR. MYTELKA: In doing-- And this came up maybe a week or so before the Commission meeting, I did speak to counsel and I did ask my staff attorney to look into and just check out to make sure that that lawsuit was over with. She went into the court under the direction of our counsel here in Newark and I was, quite frankly, very surprised to find out what she came back with in terms of what the legal status was.

SENATOR PALLONE: But the bottom line is any suit like this is going to drag on. I mean we can't assume that it's ever going to be completely closed unless everything was cured.

DR. MYTELKA: Mr. Chairman, I think as Dr. Wendell--

SENATOR PALLONE: All right. I don't mean to interrupt you. Go ahead.

DR. MYTELKA: On that basis -- and long discussions

took place about it and what the consequences of us not doing it are and we're seeing some of those consequences. So it wasn't a position taken very lightly by the Commission.

SENATOR PALLONE: No, I know that because I know that you are interested in having the Commission in it.

DR. MYTELKA: And because some of the chastisement or worse or more severe that the Commission has endured since then, we recognized was going to be. I mean that was our -- we understood. And yet to do something in the face that counsel advice that would not lead to anything fruitful I did not see doing. However, we have sat today and listened to all that was said, including your questions. And I've just spoken to Dr. Wendell, he has just spoken to you, I've asked Dr. Wendell to go back and look further at the law and see if there is a way based upon what is presently going on in the Woodbridge versus City of New York lawsuit, there is something the Commission can fashion in a way that will be helpful to remedying the situation.

SENATOR PALLONE: I appreciate that because--

DR. MYTELKA: And we will undertake this.

SENATOR PALLONE: --because, I mean, it just seems there are so many options. I mean there's the option of joining this suit. There's the option of doing some kind of study to, at least, document what's going on. There's the option of, you know, dealing with it on a larger basis without just relationship to Woodbridge. And I don't see why you can't proceed on some of those options?

DR. MYTELKA: I hear what you're saying, Mr. Chairman, and I assure you we will do all that we can to see that we get this situation remedied.

SENATOR PALLONE: All right. I appreciate because I'll be frank with you that--

DR. MYTELKA: I, speaking for the Commission and both individually, I am in a very, very uncomfortable position.

SENATOR PALLONE: I know. I realize that, and I don't even want to question you this way, but I--

DR. MYTELKA: No, no. It's necessary that you do.

SENATOR PALLONE: The problem-- And I'll be honest with you. You heard the statements that were made by Senator Weiss, who is the Chairman of the Appropriations Committee.

DR. MYTELKA: I heard him very loud and clear.

SENATOR PALLONE: And I mean, you know, we can't accept-- I mean, if the conclusion that the attorney made today was the final conclusion, I couldn't justify spending any more money on the ISC. I'll be honest with you.

DR. MYTELKA: Well, one of the reasons we tried to explain what some of the things we have been doing is because contrary to the impression given by some who were here, it's not that the Commission hasn't been doing everything--

SENATOR PALLONE: No, I know there are other things.

DR. MYTELKA: --or anything. In this particular instance, of course, from the perspective of the Legislature in New Jersey, from the perspective of the Township of Woodbridge officials and as well as the citizens, they have difficulty in understanding why we have done what we have done. And contrary to things that were said here, and I've heard elsewhere, we are not in the business of protecting either the City or the State of New York or taking the side of one state versus the other.

SENATOR PALLONE: No, I understand.

DR. MYTELKA: We have tried, in terms of our resources, try to pick out those major issues that are region-wide significance. And certainly the situation now in terms of what is going on, in terms of the debris affecting the State of New Jersey, its citizens, its tourism industry, is an absolute major issue in our view. So it's not that we're saying it's just something minor that we don't--

SENATOR PALLONE: All right. So then you'll get back to this Committee and to myself about what type of action you'll take.

DR. MYTELKA: I assure you that we will go further into this and see what can be done.

SENATOR PALLONE: When is the next meeting of the Commission?

DR. MYTELKA: Commission meeting next is the first Wednesday in December, which I believe is the 4th or the 5th.

SENATOR PALLONE: December?

DR. MYTELKA: I'll tell you when, 3rd.

SENATOR PALLONE: Will this be brought up at that time?

DR. MYTELKA: I assure you that not only will -- what has transpired both here as well as what has appeared in the newspapers and other media will be brought to the full attention of all of my commissioners and this issue will be on the agenda for the December 3rd meeting of the Commission.

SENATOR PALLONE: Okay. Thank you. Let me ask you a few other things, other than the Fresh Kills. Other things were mentioned today about ocean vessels, possibility that some of the material coming from sewage treatment plants, the tampon applicators, some of the other things that are washed down the toilets. Is the Commission in any way dealing with the question of plastic disposables and floatables polluting the beaches?

DR. MYTELKA: Let me tell you what's happened about that. First of all, the sources of many, besides the potential source from a given landfill.

SENATOR PALLONE: Right.

DR. MYTELKA: Combined sewers are certainly one route. Not only for the personal hygiene effects of men or women, or diapers or whatever are getting out through the combined sewers. The specific issues of tampons, I'm aware of the bill that you've introduced, and, in fact, we've had a meeting at our Commission among others who were manufacturers, members of the academic community, and consultants who were interest in it, in terms of, one, trying to find out where some of these combined sewer outflows are in terms of any kinds of looking that they'd want to do. So the work that we've done so far, even this combined sewer study has proved of value, just knowing where these things are.

Furthermore, I had expressed my concern and that of the

Commission that if one is going to use these kinds of devices, just weighting them or making them heavier so they sink, is not really a solution because if they wind up settling out in the sewers during dry weather flow then instead of many or them or maybe even most of them reaching the treatment plant towards a good part of removal during normal conditions. In dry weather they'll settle out in the sewers and during rain storm they'll all going to go out into the receiving water. Also in some cases, and I've spoken to sewage treatment operators, they may be getting more-- If you weigh them down it may create more operational problems, so that may not be a solution, although it's being looked at.

SENATOR PALLONE: What I was-- Specifically getting back to what I asked before to Cindy Zipf, I mean, mention was made of the fact that a lot of the tampon applicators and some of the other materials are coming out because of raw sewage.

DR. MYTELKA: That's correct.

SENATOR PALLONE: In other words, overcapacity, the stuff doesn't go through the plant or in some cases, you know, it's not going to the plant at all. What is the Commission doing about that? I mean we keep hearing that there is no more raw sewage coming from New York and yet at the same time I hear there is.

DR. MYTELKA: Well, that's not true. As a matter of fact, there still is raw sewage coming from New York.

SENATOR PALLONE: And what's the source of that? I mean what areas? Why is there raw sewage?

DR. MYTELKA: Part of the raw sewage, it's from several areas of the City. At the present time the Red Hook treatment plant is not yet providing primary treatment, which if it turns out to be on schedule sometime next year there will be primary treatment as well as disinfection.

SENATOR PALLONE: What is it providing then?

DR. MYTELKA: At the moment there is still 50 or 60 million gallon a day of raw sewage coming out from that area of

Brooklyn.

SENATOR PALLONE: In other words it just goes through the plant and it's not treated at all?

DR. MYTELKA: There's not a plant.

DR. WENDELL: No plant.

SENATOR PALLONE: It just goes right into the ocean.

DR. MYTELKA: It's going into the sewers and right in. Now that plant construction is underway and nearing completion is the way I think I would term it.

SENATOR PALLONE: But not until next year.

DR. MYTELKA: Not until next year to get relief from this raw stuff.

SENATOR PALLONE: So directly into the stream.

DR. MYTELKA: That's correct. There also is raw sewage from parts of Staten Island which are presently going out into the Arthur Kill and into Raritan Bay.

SENATOR PALLONE: Is that what Mr. Figurelli made mention of?

DR. MYTELKA: Yes.

SENATOR PALLONE: That Oakwood or Oakland?

DR. MYTELKA: No, Oakwood is complete as well as the Port Richmond plant and they are operating properly. The problem in parts of Staten Island is the treatment plant is there, but there is no connection from the house to the treatment plant.

SENATOR PALLONE: Where are they connected, into the storm drain?

DR. MYTELKA: Some of the residences, commercial establishments, etc. are going into septic tanks from which there is an overflow problem that they failed. Some of them are going into what were storm drains or what may be classified as sewers but they are going directly into receiving waters, whether it be the Arthur Kill or the Raritan Bay--

SENATOR PALLONE: Then how are those--

DR. MYTELKA: --and they're not being picked up going to the treatment plants that have been completed.

SENATOR PALLONE: Let me understand. Lou said they have lifted a moratorium.

DR. MYTELKA: No. It was brought to the Commission -- the attention of the Commission a month or two ago by Mr. Figurelli and others that this situation is going on, that the moratorium has been lifted. The State of New York DEC, also City of New York as I understand, did have a moratorium in effect prohibiting the addition of more sewage or pollutants. As I understand it so far -- and I have a meeting set up with New York DEC to explore this, I've been in touch with the regional director on this -- they lifted the moratorium on the basis that there was now a plan in effect that would allow the connection to be made.

SENATOR PALLONE: In other words, as Lou said, they had a commitment of the money -- of the Federal money to build the plant.

DR. MYTELKA: Well, there's a commitment of funds.

SENATOR PALLONE: But it hasn't been built.

DR. MYTELKA: Well, they are, as I understand, partly in design of things. These, as was represented to me a month or so ago, we were talking about at that time roughly 1991, '92 for completion of this. I've since found out just a little while ago that the date has been moved back to 1993.

SENATOR PALLONE: So in other words, it's going to continue.

DR. MYTELKA: well, that which is there now needs to be addressed. Furthermore, of equal importance, if not maybe greater importance, is what is going to be going on in terms of new connections. We view this very seriously. While there was a moratorium in effect in New York, as there is a moratorium on in New Jersey, and it was taken by other agencies. That's fine. It's not a matter of which agency is taking the action as long as it's taken. And we did testify at several hearings in New York years ago on the desirability on a moratorium both there and, in fact, in Manhattan.

SENATOR PALLONE: Then, in other words, with the situation at Red Hook, that's Brooklyn, right?

DR. MYTELKA: That's correct.

SENATOR PALLONE: Red Hook -- is still going out but another year or so you're saying there will be a plant and that should take care of it.

DR. MYTELKA: The plant will be completed and it should take care of the raw and there will be disinfection.

SENATOR PALLONE: But in the meantime there is still that raw sewage.

DR. MYTELKA: That is still raw.

SENATOR PALLONE: But on the Staten Island problem, there's a part of Staten Island that is--

DR. MYTELKA: That is not--

SENATOR PALLONE: --will be taken up-- You made two distinctions there on Staten Island. I'm not sure. There's a problem right now and there's going to be a greater problem later.

DR. MYTELKA: No. There is a problem right now in that there are houses that are occupied which are going out raw. And that has gone on for many, many years, by the way.

SENATOR PALLONE: And since they've lifted the moratorium you expect that problem to be compounded.

DR. MYTELKA: That is correct. Now that which is going on now, I'm not sure what can be fashioned for those. I mean people are living in those houses already and have been maybe for 30, 40 years some of them. That's one aspect of the situation.

Another aspect, though, is the very real possibility -- because building is going on -- of compounding that problem and it's the compounding of that problem that is occupying our attention now. In fact, meetings have been -- communications have been established on that and we need to see how best to fashion a solution to at least stop the compounding of the problem.

SENATOR PALLONE: Now, is that, the lifting of the

moratorium, was that something that had to be approved by the Federal EPA or that was strictly within New York State's jurisdiction?

DR. MYTELKA: My understanding, that was strictly within the jurisdiction of the State of New York. Correct me if I'm wrong on that.

DR. WENDELL: Yes, entirely within New York.

SENATOR PALLONE: And they actually then-- In other words, once this moratorium is lifted, if I want to build, say, a subdivision I can go to New York State and they will give me a permit to connect lines?

DR. MYTELKA: The City -- the City will.

DR. WENDELL: New York City.

SENATOR PALLONE: City will give me permission to connect lines to a storm drain or directly into the river?

DR. MYTELKA: I believe that is the-- That is what we want to firmly establish and then find out how to stop that.

SENATOR PALLONE: I mean that's incredible. They actually would give permission for that?

DR. WENDELL: They'll give permission for the house or whatever it is to be constructed and then assuming that it's constructed, to be occupied. Now since there is no connection from that area to a sewage treatment plant, the inevitable effect of this is either that a septic tank or cesspool would be built to take up the sewage. The problem there is that many of these on Staten Island fail. Or it'll have to go wherever it goes.

DR. MYTELKA: There is another alternative to that, though. There is a solution, there are potential solutions to this that would not stop the additional building and that would also do treatment. And that's what we want to explore with the State.

SENATOR PALLONE: Now you have the power to take correction in this regard or not?

DR. MYTELKA: We have looked into it and there are statutes that we feel that exist for which we could take

corrective action and so--

SENATOR PALLONE: Now what would you do? What are you planning on doing?

DR. MYTELKA: The first thing we have started already to see what we can do vis-a-vis working with New York State DEC to see whether they are going to reimpose their moratorium or whether the Commission will take the action. In order for the Commission to take action -- I think it's warranted -- I would then seek authority from the Commissioners to hold a hearing and to go into our process.

SENATOR PALLONE: Gee, if I can make a request that you do that. I mean, when is the hearing going to be?

DR. MYTELKA: We are aware of the situation, sir.

SENATOR PALLONE: Is that going to be on the agenda for December 3rd, too?

DR. WENDELL: Well, it will be in some fashion. You must remember, Mr. Chairman, that we had thought since notification of the DEC's action was provided to the Commission up until a month or so ago, we had thought that that moratorium was still in effect. Now that we have found out otherwise we do need to proceed to see whether, a) it will be reimposed or, b) failing that what type of action the Commission will most effectively take.

SENATOR PALLONE: Now, are we just talking about Staten Island or is this the whole City?

DR. WENDELL: It's a meaningful question really on Staten Island because--

DR. MYTELKA: There may be some-- One of the things we need to discuss with the State is, are there other areas of the City? Essentially I believe it is mostly a problem that exists on Staten Island, but that may not be true and that's one of the things we need to establish.

SENATOR PALLONE: Now what's the story on Manhattan? They are at primary treatment? There's no raw sewage from Manhattan?

DR. MYTELKA: All right. In Borough of Manhattan the North River Treatment Plant has gone into operation on a primary basis, subject to shaking down. All new treatment plants have problems in the first several months of operation. They are treating the sewage. They are disinfecting it. They are treating it to primary treatment levels. They are disinfecting it. What that means is they are getting a reasonable kill of the bacteria. They are not removing all of the oxygen consuming pollutants that they ought to be, which will help in terms of dissolved oxygen of the Hudson River. That aspect of the treatment plant is a year or two away.

SENATOR PALLONE: But there's definitely-- But there's no raw sewage on-line?

DR. MYTELKA: There's no raw sewage to our knowledge going out of Manhattan.

SENATOR PALLONE: The Convention Center and Battery Park, they're all covered?

DR. MYTELKA: That is correct. Battery Park, that area always went to the Newtown Creek Treatment Plant which is in Queens.

SENATOR PALLONE: Well, what about the ban on certain plastic devices that, you know, we've discussed, the tampon applicators, some of the other personal--

DR. MYTELKA: Let me give you what our--

SENATOR PALLONE: Do you have an opinion on that?

DR. MYTELKA: Let me give you my opinion on this, and I label it as an opinion. Certainly these kinds of products have a real need and that's why they exist. It would seem to me that 1) providers, namely the manufacturers of these products, ought to understand at this point in time they've got to do some very serious consideration of looking for alternatives for the way they make some of these products, or at least package some of these products. Because we have combined sewers, and they will continue to exist -- that's a fact of life in this area -- and we can do a lot to mitigate the effects of combined sewers, but

there is always going to be discharge from these combined sewers when you have large rainstorms. That's going to be a fact, at least in the foreseeable future.

If, in fact, these plastic items, to the extent that they enter the sewer system they are going to continue to be deposited into the waters, etc. And it may be necessary to legislate in terms of the kinds of packaging products that can be used. It's a very difficult thing to say. It has tremendous ramifications and yet, that may be the only way of keeping plastics out of the receiving waters.

SENATOR PALLONE: In other words, even if you built all the treatment plants and were covering the raw sewage, you still think there would be a problem with the material that's going down the toilet.

DR. MYTELKA: People flush things down the toilets. We all do. In dry weather a good portion of it gets to the treatment plants, which sometimes causes problems even for the treatment plants, but certainly during rainfalls and where we don't have separate sewer systems this stuff is going to get out into the receiving waters.

DR. WENDELL: Mr. Chairman, I think you had very interesting testimony here this morning that emphasizes the need for your bill. Even if, or even when all of the sewage is picked up and all of the trash is contained as well as may be, as long as these products or some of them are not degradable the treatment plants are not really able to handle those, or at least not fully. Your testimony this morning was that some of it winds up in the sewage sludge, which is a natural place for it to go if it goes through a treatment plant. But then there's the problem of disposing of the sewage sludge. And so the manufacturer and sale end of this process and what reasonably can be done there is a very necessary and important part of the problem.

SENATOR PALLONE: Okay. Thank you. I appreciate your coming today. I hope that some of these things are followed up on because it's-- You know, I don't need to emphasize now

important it is. And I know that you, Doctor, in particular were very interested in bringing the Fresh Kills problem to the attention of the ISC and having them do something, so I hope that you can follow up on it.

DR. MYTELKA: I certainly will.

SENATOR PALLONE: Thanks again.

DR. WENDELL: Thank you.

SENATOR PALLONE: The person from DEP, Mr. Librizzi, could you just wait another half hour or so because I wanted to get some of the other people who have been waiting? Would that be a problem?

W I L L I A M L I B R I Z Z I: Fine.

SENATOR PALLONE: Okay. Mr. Mondano, is he here?

V I N C E N T M O N D A N O: Yes.

SENATOR PALLONE: Okay. And then Betty. I know you want to speak. We'll take you too.

MR. MONDANO: Mr. Chairman, first of all, I'd like to let you know why my name appears on a witness list. The councilman from the area, Mr. Mulinar (phonetic spelling) unfortunately sends his regrets. He couldn't be here personally. He's on the west Coast and he asked me as a former councilman to stand in and read this prepared statement from him.

He says as follows: "I want to thank Senator Pallone for bringing his Senate Committee to Woodbridge Township. I want to specifically thank Senator Weiss, who is a member of the Committee, for urging the Committee stop in Woodbridge to see first-hand the results of New York City's wanton disregard of Federal law and the Federal courts.

"First a piece of history. For years the residents of our community, most specifically those who live in the Sewaren and Port Reading sections of the Township and who keep their boats in Sewaren have been plagued by a continuous flow of New York City garbage from the Fresh Kills Landfill on Staten Island. Finally at my urging and those of other public officials the Township under the administration of former Mayor Joseph

DeMarino, himself a resident of Port Reading, filed suit in Federal court in an effort to force the City to cease its pollution of the shoreline. The suit has been totally financed by the taxpayers of Woodbridge Township. Despite our pleas and forceful requests of Senator Weiss, Assemblymen Karcher and Otlowski for State and Federal intervention and assistance, thus far no help has been forthcoming. But despite these obstacles the Township persisted. In late 1982 Federal Judge Herbert Stern agreed with the Township's claim and directed New York City to pay Woodbridge Township for the cost incurred by the community in cleaning up New York's trash. He also warned if the City does not curtail its pollution he would consider closing the landfill in 1986.

"It is now late 1986. The City continues to pay Woodbridge for the clean-ups. The pollution continues and the landfill remains open.

"In all fairness I do want to point out there has been some minor reduction in hospital waste matter in the garbage flow since New York City's recent adoption of legislation prohibiting hospitals to dispose of their waste through normal municipal channels. But the fact remains that New York also reneged on its promise to build a barge off-loading facility to control the loss of garbage while it was being unloaded.

"To add insult to injury the Interstate Sanitation Commission, an agency created by compact among the States of New Jersey, New York, and Connecticut to regulate pollution in water shared by those states and which has the power to order changes at the landfill, has just killed its plans to hold hearings on this matter because of the Woodbridge litigation. I believe that this position on the part of the ISC is outrageous and indefensible. And the New Jersey Legislature should seriously be considering reducing its share to the funding.

"In closing I want to emphasize that our community has already spent in excess of \$40,000 in fighting a battle that not only affects our interest, but also the interest of neighboring

communities here in Middlesex County and Monmouth County. Although our governing body is still committed to continue this fight, we need help. We hope that this Committee can use its influence to force the State and Federal governments to take a more active role in this case. We also hope that as a result of these other hearings legislation will be developed which will give the State additional clout to stop the kind of disregard of the law which is not being exemplified by the City of New York."

That concludes Mr. Mulinar's statement. While I here, unfortunately Mr. Mulinar is not here, but he talked to me on the phone Saturday from Arizona and he told me that if-- He gave me actually, he said that I should answer to some of the testimony that was handed here today. I kind of agree with you, Senator, when the ISC came up and they were explaining why they did not get involved. And I as a prior councilman, being on the council for eight years, I know when the suit was instituted against New York in 1982 and according to their own testimony, that they knew of this really prior to 1982 and they should have been involved. Not only that Woodbridge has the suit, I think their responsibility lies with other towns along the Arthur Kill like Perth Amboy, Carteret, Morgan and all the way down up to Sandy Hook. I think they should have been involved in this earlier. Maybe this problem with more agencies being involved maybe could have solved this problem. I also like to--

SENATOR PALLONE: I agree with you. You know, I was really surprised on September 3rd because I thought that they were moving in the direction of definitely doing something. And this rigid, you know, statement that's being made about their not being able to take any action because of the suit doesn't make any sense at all.

MR. MONDANO: Because of litigation in Woodbridge, that's asinine. It really is. Now, I can think of -- and Bobby would probably say the same thing, Mr. Mulinar and probably every elected official here in Woodbridge Township -- there's been no other community in the State who fights for a cleaner

environment, for cleaner waterways than the residents of Woodbridge and the prior officials that were elected and officials that are elected now. I know the eight years I was on the council we attacked this problem trying to correct it. It's cost the Woodbridge taxpayers in excess of \$40,000 in legal fees, and when you have to keep adding these legal fees on top of legal fees it gets pretty expensive for one town to take it all on.

I just hope, through your Commission here, we do need the help from State and Federal government. We need to get them involved. I hope wholeheartedly that we can get something done.

Now I'm pretty sure if the shoe was on the other foot and the flow was bringing garbage, it was going the other way from Woodbridge into New York and possibly polluting Battery Park, Wall Street, and South Street Seaport, New York City would be here screaming at the top of their lungs. I think it's no more than right that they should consider neighboring communities and try to stop this flow. I've heard the New York Sanitation people make a presentation and I can remember eight years on the council and probably seven before that, that's 15 years that this flow has been coming in. And then to hear them well, it's possible we could run into another several years, we're talking about a quarter of a century of garbage floating the Arthur Kill and polluting the shores of New Jersey. I think it's wrong. I think they should have taken on this problem a lot sooner. Maybe the Federal government should have come in and Judge Stern should have taken a firmer stand and ordered them either to shut down or comply with the order that was given for 1986.

I want to thank the Committee personally and like I say, Bobby Mulinar sends his regrets that he couldn't be here personally. I thank you for coming down here and holding these hearings.

SENATOR PALLONE: Thank you very much.

MR. MONDANO: Thank you.

SENATOR PALLONE: All right. Mr. Salzer, Jerry Salzer? I'm told you're going to be very brief.

J E R R Y S A L Z E R: I promise you that I shall be so brief that perhaps I won't even sit down, if you don't mind. I'm here with three hats on. None of them are official. They're all as an individual. I'm not here to squabble about which authority should have taken action 20 years ago. I'm appalled at some of the things I've been hearing today. In order to keep myself brief I made some fast notes. My three hats are as a boat owner, as a marina owner, and, of course, as a private citizen. I'm going to, in order to be very brief, give you one very brief anecdote from each of those areas and then thank you again for the opportunity to address you.

As a boat owner I must tell you I had a 42 foot diesel powered boat that was the result of a life's dream, I guess. Beautiful thing. I sold it because it had become obvious that you had to travel almost 100 miles to get to a situation of water where you could go off the side of the boat in some safety. I also in the boating area have to tell you the one anecdote to try to humanize it, perhaps, more than some of the reports that we've been getting. You have to picture yourself standing on the back deck of your 42 footer with guests aboard for cocktails, dressed for cocktails. And you have to also picture what you feel like when you have to shed the clothes, go over the side of the boat, remove a huge plastic bag from your water intake and then come back up out of the greasy water to the midst of the cocktail party that is taking place on the back deck. I think that speaks for itself for the boat aspect of it. I did finally sell the boat because it just was impossible to continue boating in this area.

As a marina owner the piece of property where I kept the boat I converted into a small marina and it's on Smith Creek opening off of Arthur Kill and I can tell the gentlemen who are indistinct -- I guess they're gone -- who are indistinct about the arrival of the materials that come from New York City that any time he wants to come to my property he's welcome to do so and there are labels on the milk cartons that float in and they

are New York City dairy companies. There are often labels on the medicinal things that come in, too. Horrible things, half cremated intravenous bottles with huge coils of plastic ending in a needle, hypodermic needles in profusion. All of these things I think you've heard so I'll put a dot after that sentence, too, because I think I've seen pictures that folks here in the room have that are testimony to just what comes from those hospitals. They're deadly, awful, awful looking things and we are required to have the plastic brigade. I go down to my little marina. It's not my main enterprise. I take the men from my other business and I go down couple of times a month just to pick it up and get it in the garbage and get rid of it. But it's all over the property. I've had to resort, actually, to what they won't seem to resort to, of putting a boom, which I scrounged, to try to keep this from coming up on the property. It still comes up on the property nonetheless and the plastic bags and hospital refuse and whatever.

The third and final and quickest point that I'd like very much to make and that is as a private citizen. I have, I'm sure as you have, as all of us do, have traveled some. And I as a private citizen am very jealous. I am jealous of the man who lives in the city on the waterfront who comes down to the beach in front of his apartment building. Here we live in the east with thousands of miles, one of the most unheard of, most wonderful waterways. I don't know what the measure is, but it must be thousands of miles of waterfront and my physician tells me that I best not swim off of Sandy Hook. It's just not a good idea. I know they take bacteria count and they watch it and the beaches are monitored and all this sort of thing, but in truth you don't go swimming around here. And it's criminal to see beautiful cities by the sea or by the lake or by the river where the citizenry enjoy that privilege of going down to God's water and we don't enjoy those privileges here in this wonderful place. You stand on the shore of my property and you look out and it can be just beautiful. People of my acquaintance have vivid

recollection of going down to Sewaren, where my property is, and bathing and touring and steamboats used to come with tourists from New York City and it was a really lovely spot. You know, if you stand on the cliff on Cliff Road in Sewaren and you look out despite the oil tanks and the lately items you can still see how lovely, how really lovely it must have been. I am really angry as a private citizen wearing my private citizen's hat that I am denied those privileges, that I've got to travel and that I've got it on my doorstep and I can't use it.

Thank you very much for having the opportunity to say these things to you.

SENATOR PALLONE: Thank you very much. You know, it's interesting just in addition to what you said. I happen to live in Long Branch, which is in Monmouth County at the shore. And of course, you know, five or ten years ago no one would ever imagine that the day would come when they would say well, I can't go swimming in Long Branch any more. And a lot of people say that. A lot of people in Monmouth County just will not go into the ocean anymore and the sad thing about it is that I notice in the last few years that it's become acceptable. In other words, it doesn't even bother them any more that they can't swim off their own coast.

The thing that bothers me is that I fear that, you know, if we don't do something soon, five years from now no one will even care because they'll just take it for granted that you can't swim in the ocean. And I think that's what you're saying.

MR. SALZER: I'm going to add one more thing prompted by what you said. When I owned the boat -- I bought the boat in 1973 and I owned it for almost ten years -- and when I bought the boat the Coast Guard had just promulgated regulations that required pleasure vessels to have sewage treatment plants aboard. That could be an afternoon's discussion, but what I'm trying to say is that we complied and I spent something over \$2000 to put a sewage treatment plant aboard that boat, proper one, a good one. It took a lot of doing in addition to the money to get the thing

to work properly and so forth. And you can imagine how I and so many other small boat owners felt when we would go over the New York City and anchor or pause off of that 18 foot large outflow pipe that comes out from the World Trade Center that at that time was spewing raw sewage, black odoriferous, terrible, terrible sewage. And here on a personal level, as a personal citizen having spent that kind of effort and that kind of money on a sewage plant for my boat I was forced, you know, to do by trying to comply with regulations and laws and then to go over to New York City and see what came into New York Harbor.

SENATOR PALLONE: Thanks a lot.

MR. SALZER: Thank you, gentlemen, very much.

SENATOR PALLONE: Betty Kleban, is it, President of the Sewaren Civic Association? Thank you for being so hospitable when I walked in this morning.

B E T T Y K L E B A N: Well, I was asked because I'm the Environmental Chairman of Woodbridge Township to act as your hostess. That's probably why I'm last.

SENATOR PALLONE: Thank you. I apologize.

MS. KLEBAN: I have a prepared statement, but before I read it, I take offense to some of the things that was said here today as Ecology Chairman for the Sewaren Civic Association that was established in 1911 and is still active and still fighting because this was once the playground of presidents and it just went to pot.

I want to set the record straight. This is a newspaper clipping that our secretary dug out of the files about people cleaning up the beach in 1965. I personally moved from New York City to Carteret when I was in high school. You can tell by looking at me, that's been a long time.

SENATOR PALLONE: I don't think so.

MS. KLEBAN: But I played in a band in Sewaren on weekends and Sewaren was a very popular, popular beach because you must remember not everybody could purchase a \$100,000 boat or \$10,000 car and they can't go for a vacation to Wilwood or to

Long Branch. So they took advantage of the quarter mile beach that Sewaren gave them. And that was taken away from them by sheer carelessness, deliberate pollution. If you were to come -- I invite you to come on any weekend -- to Sewaren and you will see hundreds of people trying to congregate in a little spot about as big as this room for the pleasure of -- because they're looking at water they feel relaxed. It takes away the tension and the pressures of the poor guy who is trying to support a family, meet his mortgage payments, and he's giving his family a big thrill by taking them out on a Sunday or a Saturday outing, especially in the summer. And it is very heartbreaking to take the callousness that New York City has about this terrible problem that they've created.

I made myself a little note here saying that if the Interstate Sanitation Commission, the EPA, and the DEP did their job of enforcement, this damn thing would have never happened. And also, when laws are made by our legislators the laws are terrific, but they don't make provision for enforcement. They don't supply the necessary money. So the people -- this is what they tell that they were lulled to sleep because they said, "My Senator, my Assemblyman, my Congressman made sure the law was passed and I am safe. I don't have to worry about that particular problem any more." Well, you do that for about 30 years and the public says I don't trust anybody. They're just going to hold the meeting -- I'm serious about this, this is exactly what they say: "this is going to be another meeting, another group of people that are going to listen and I'll bet you dollars to doughnuts, Betty, nothing happens." I don't feel that way.

I would like to make a few recommendations on my own and I think that a lot of this trouble is because nobody in this State has the guts to pass a recycling law. I think if the recycling law was passed -- and I don't know how right the people are that are pushing this but they say that our garbage would be decreased by let's say 40% or 33%, but it would definitely be

reduced. The packaging bill that was thrown around here today is another out. If there was strength and unity and everybody in the Senate and in the Assembly saying, "Yes, come on. Let's give the people a break. Let's do this thing." We would be very happy, our environmental commission would be very happy if the State passed a recycling law because I don't think a county will do it on its own, or a town.

The Sanitation Department, Mr. Zarillo, said that in about three, to three and a half years there would be all these wonderful, innovative--

SENATOR PALLONE: You didn't believe it either.

MS. KLEBAN: Of course not. And he said that, well, the life of the dump, what was it, three and a half to five years?

SENATOR PALLONE: I think he said 10 to 12, but I doubt that, too.

MS. KLEBAN: I doubt it. I've been there and I doubt it. And so this is a ploy that's just going to say, you know, let's feed them peanuts. We don't have to do anything because the damn dump will be closed. And so it looks good on paper and that's enough to be on record that they're going to do something.

The DEP and its counterpart, the DEC in New York City, entered into a pact called the Atlantic Compact. Because of the Hazardous Waste Siting Commission meetings that we attend, that seemed like a very intriguing title, the Atlantic Compact. So I did some research on that and it did exist. It was a member from the DEP and a member from the DEC and they met once a year. They were supposed to resolve the problems of the Arthur Kill. But these two men or these two women or one of each met and they probably had coffee and put in their annual report that the Atlantic Compact had its so-and-so meetings and covered blah, blah, blah. Well, this year when I really checked, they didn't meet for the past two years and it is not defunct. So it's nothing good that's going to come from the Atlantic Compact.

I would like to inform this Committee that Woodbridge

has a 39 acre tract which we call a marina that the Sewaren Civic Association fought to have dedicated and any other term that was necessary to have put into the law that would make it permanently a marina. And we were going-- We spend a lot of money on-- The town did spend a lot of money on drawing up plans. They were going to have bike paths, Boy Scout and Girl Scout interest things, resting places, a restaurant and berths for boats. Nobody has put any money into it because it would be sacrilegious to build--

SENATOR PALLONE: Because of the problem.

MS. KLEBAN: Right. So we would like to have our 39 acres back so that we can put them to good use and give the hardworking taxpayers of Woodbridge Township something to say "Well, let's have a picnic down at the marina."

Now I'll get to my speech. This top sheet is from the Sewaren Civic Association and the message is that the following statements are to be used as testimony in the hearing held today. Since the writer is also the Chairperson of the Woodbridge Environmental Commission and this is for the sake of expediency.

"Dear Committee, your presence here today gives the local citizens great hope that you will really listen"--

SENATOR PALLONE: Ms. Kleban, do you think that you could maybe submit that for us, or do you want to read it?

MS. KLEBAN: Well, no, I could--

SENATOR PALLONE: Because we could submit it as part of the record and it will be part of the testimony just as if you had read it.

MS. KLEBAN: Well, I could just summarize. What it says is that--

SENATOR PALLONE: And then we'll take it.

MS. KLEBAN: We're asking the State to sue the EPA for not doing its job, to sue the Interstate Sanitation Commission for not doing their job, and to get doing whatever you have to do to get the Health Department of New Jersey involved and, especially, the Attorney General.

SENATOR PALLONE: Okay.

MS. KLEBAN: He must be involved.

SENATOR PALLONE: I think we all agree with you and that's what we're hoping that we can get involved.

MS. KLEBAN: But part of my testimony is Mr. Herman York, who is the self-appointed caretaker and whistle blower for the Sewaren basin. Herman, would you come up please?

SENATOR PALLONE: And I can take those, if you'll give them to me.

MS. KLEBAN: Yes.

SENATOR PALLONE: We'll make them part of the record.

MS. KLEBAN: I think I gave--

SENATOR PALLONE: She has. Okay. Thank you.

H E R M A N Y O R K: Mr. Chairman and Committee, you know, I just happen to be one of the senior citizens of Sewaren and I'm concerned--

SENATOR PALLONE: Your name again is?

MR. YORK: Herman York.

SENATOR PALLONE: Okay. Go ahead.

MR. YORK: I'm what you call a concerned senior citizen of that little particular area we have down there, including the pollution and the beach area. And we have a couple other senior citizens which are concerned and we go down there like 5 o'clock in the morning until 11 at night. We paint all of these benches trying to improve the appearance of the park and of the beach. Yet, this debris that comes in from New York, which I just heard a statement before that no proof has been submitted that it was--

SENATOR PALLONE: I think we've had plenty of proof.

MR. YORK: Well, we picked up different kind of things at the beach that were labeled with the name of the hospital that issued it--

SENATOR PALLONE: I don't think there's any doubt--

MR. YORK: --the doctor--

SENATOR PALLONE: I'm not trying to interrupt you, but I don't think there's any doubt, based on what we heard today,

that the material is coming from New York. If the ISC is going to continue-- I think they even withdrew that comment, so I wouldn't worry that we're not convinced that it's coming from the Fresh Kills.

MR. YORR: Good. And being one of the boat owners in Sewaren. We have what we call Smith Creek and we have what they call the Woodbridge marina. I don't have a boat worth as much money as lot of them do. Now these boats, when they pull them out of the water down there, I know of two or three. We're talking \$2500 just to clean the boat. No damage. To have it taken out of the water and the boat cleaned. When they talked about the landfill, especially in a heavy rainstorm, and the overflow from that landfill goes into the bay. It does turn the water brown and it does stain the boat. And that's all the way from that landfill as far as Keyport, New Jersey and we've had those problems.

Now, what a lot of the senior citizens talk about down there at the beach, everyday you read the paper -- I do -- and you have as many as 2000, 3000 people in New York City that have this virus AIDS that go to the hospital to find out or to verify if they have it, or if they don't. And they extract blood from them. They take the sample. They test it to find out if he does or does not have it. After that they dispose of it and then it floats up on Sewaren Beach. Now we picked up bottles down there supposedly to be a human organ with the tubes and needles all still attached, and that was turned over to the Health Department in Woodbridge. Now when seagulls die in flight -- now seagulls can eat bones, whole fish, anything it can get its mouth on it eats and it somehow survives. But this particular day on the beach they didn't. They ate whatever washed up on the beach and they died on that spot. They took off. They landed in trees and they remained in trees.

Now, in the course of a year I've made somewhat 800 -- I mean 400 pictures of that. I've given to everybody in the township. Now you speak of other things other than the dump or

where the garbage comes from. They just had it on TV. They had something like 3500 dogs to give away. The ones that are not given away are put to sleep and they wash ashore on Sewaren Beach.

SENATOR PALLONE: Is this what it's like in the morning before they start cleaning up?

MR. YORK: Yes, sir.

SENATOR PALLONE: Every day?

MR. YORK: Yes, sir. West wind, no, sir. Any time we have a wind that deals with the east, northeast or whatever it is, that debris is very day. And you'll see one picture there as you go through that's one of the better days. It's not messed up so much. I was taking pictures which I gave to the Mayor, gave to Dr. Barone (phonetic spelling), Ray DeMarko (phonetic spelling), the whole bunch. I was giving them pictures in sequence, what it was and what it is now; what it was then and after the clean-up detail. I was trying to make these pictures. But this here is an everyday occurrence.

Now when somebody complains, say, you've got workers here with nothing to do. If the wind is in our favor, it's true, we don't have as much to do as we would a day that the wind is blowing to us and we get all of this debris. Now I heard the man say something before about that the garbage that flows over here from the landfill is usually caused by dredging. Well, I've been going down to that beach everyday, seven days a week. I've never seen a dredger out there. Now wherever they're dredging makes no difference. I don't think that that's causing the total complaints on the beach.

SENATOR PALLONE: I think it's pretty clear from both the New York Sanitation Department and from the ISC that, you know, they recognize that there's material flowing directly from the landfill and that it's continuing. The only question is what are we going to do about it? They acknowledged, all of them, that the problem exists.

MR. YORK: All the senior citizens and all the

residents of Woodbridge, we only have you to turn to.

SENATOR PALLONE: We appreciate-- You know, we're going to try to do our best. That's why we're here today and thank you for testifying. I appreciate it.

MR. YORK: Well, like I said before we went to New York see Judge Stern and he says that until we have sufficient evidence to prove that it's coming from there. But the man wouldn't allow you to open a bag.

SENATOR PALLONE: Well, apparently--

MR. YORK: He would get the contempt of court.

SENATOR PALLONE: Apparently the Mayor and your local officials are presenting documentation with regard to the hospital supplies and they're going to go back into court from what was stated today.

MR. YORK: Yeah, but they won't look at it in court.

SENATOR PALLONE: Well, they're going to have to look at it this time if they've got documentation to show that it is coming from particular hospitals and that type of thing.

MR. YORK: They do have all this information.

SENATOR PALLONE: Right.

MR. YORK: The patient-- When you get a bottle full of teeth, human teeth they extracted in the hospital--

SENATOR PALLONE: You've got the whole thing, sure. All right. Listen, I don't want to cut you short, but we still have to hear from DEP and then we have other people, so thanks again.

MR. YORK: Thank you, sir.

SENATOR PALLONE: And thank you. We have Mr. William Librizzi. I know it has been a long day. Have you been here since this morning?

MR. LIBRIZZI: Yes, sir.

SENATOR PALLONE: I apologize.

MR. LIBRIZZI: It's been a long day for you as well.

SENATOR PALLONE: And who is with you?

MR. LIBRIZZI: Eric Evenson.

E R I C E V E N S O N: I'm Eric Evenson. I'm with the Division of Water Resources.

SENATOR PALLONE: Do you want to spell your last name so we have it?

MR. EVENSON: Yeah, it's E-V-E-N-S-O-N.

SENATOR PALLONE: Okay.

MR. LIBRIZZI: I'm going to try to keep my comments down to a minimum to allow you an opportunity to ask the questions that I'm sure you have on your mind.

SENATOR PALLONE: Don't keep them too far down. I want to know what you're doing.

MR. LIBRIZZI: We'll cover that. The Department is concerned about our ocean resources, including the floatable problem that has the attention of this Committee. We have intensified our efforts in looking the ocean resources. For example in July you had a hearing and Dr. Deieso met with you and discussed with you our compliance with Coastal Cooperative Monitoring Program that we initiated this year. We instituted that over the 120 miles of New Jersey coastline. It involved municipal, county, and State government, basically, as you recall, covering water quality monitoring over the summer season and monitoring of the operation and maintenance of sewage treatment plants on the Jersey coast. It's a very successful cooperative effort. We are gathering all the data not only collected by ourselves during the study and by EPA, who supported us in this effort, but also at the local level, information that they collected by their records. I bring this up to suggest to you that this kind of cooperation is an important aspect of us dealing with the ocean environment. We would like to pursue that even greater in some of the other things we hopefully will do in the ocean initiative.

One area in particular, for example, might be the best who can observe, as you're hearing today, the conditions of the beaches are the people at the local level. That information has to be made available to those in the regulatory field to help us

better assess the kind of problems that we see out there. The better relationship we have, as we had this summer, can help us get the information that the locals can every effectively provide to us. So we're looking forward to expanding our work with the local folks in that regard.

SENATOR PALLONE: Mr. Librizzi, let me just interrupt you. Maybe I shouldn't, but--

MR. LIBRIZZI: No, go right ahead.

SENATOR PALLONE: We keep hearing about this ocean monitoring survey, and I know it's a very good one and I'm not saying it isn't, but you know, the bottom line is the local health departments, be they county or municipal, are the ones that have to do the work. I mean DEP basically just gathers the information that they provide and, I guess, certifies it in some way. But I mean isn't it basically a local effort? I get a lot of complaints from different municipalities that basically they're just being asked to do more work, and I'm sure they should be doing it, but you know, to some extent DEP touts it as some major initiative on their part. Really, all they've done is to mandate the local health officers do testing and that they're going to gather the evidence and say everything is okay. I'm not trying to downplay it because I know it's important but sometimes I think people think that the DEP is doing the work, and it really isn't.

MR. LIBRIZZI: Well, I think, I suggest to you it's a cooperative effort. I think DEP along with the Federal government also provide some capability in that area. For example, we had people down at the treatment plants watching the plants operate effectively. Yes, the locals did, in fact, collect samples as part of the program.

SENATOR PALLONE: Well, what--

MR. LIBRIZZI: I think the key is the cooperativeness of the effort.

SENATOR PALLONE: All right. Well, that's fine, but one of the things that came up at our last hearing -- and I'm just

digressing a minute because we're not just hearing things as some of the people said; we do want to accomplish something as well -- was three bills, I believe, or different variations that have been introduced by members of this Committee that would provide for basically a mapping and surveying of outfalls, storm drains, okay, non-point sources. I don't know if you're familiar with the legislation but Senator Gagliano and myself and the other members of the Committee basically submitted bills. And as part of that I think there's an appropriation of \$2 million that would basically authorize funds to go to county health departments so that they could conduct these surveys of outfalls, illegal sewage connections and sources of pollution, non-point sources. At the same time there's other legislation that came out of our last hearing that would upgrade the penalty sections and give the county and local health officers more power, more enforcement power and ability to impose higher penalties. Are you familiar with that legislation? Maybe not in its specifics but generally the legislation I'm talking about?

MR. LIBRIZZI: Not in the specifics but one of the areas we deal with floatable problems in the ocean environment. Obviously one of the sources would be storm runoff.

SENATOR PALLONE: Well, we're not really thinking of it so much in terms of storm runoff, but sewage.

MR. LIBRIZZI: I know it goes beyond that. I understand.

SENATOR PALLONE: Sewage.

MR. LIBRIZZI: I understand as well. I think--

SENATOR PALLONE: I'm just mentioning it in terms of your comments because I think this would be a program that rather than just mandating that the locals do more work, would actually provide them with the funds and the enforcement power, maybe, to do a little better job. And I'm wondering whether the Department supports this legislation or you're not familiar with that?

MR. LIBRIZZI: I'm not familiar with that legislation. I do think the effort is a needed effort though.

SENATOR PALLONE: Maybe could you take a look at that when you go back and perhaps send us letter indicating how you feel about it?

MR. LIBRIZZI: Certainly can follow up on that.

SENATOR PALLONE: Okay. I didn't mean to interrupt.

MR. LIBRIZZI: Unless, Eric, are you familiar with that effort?

MR. EVENSON: The bill dealing with the mapping of local infrastructure I am familiar with. Much the same as that bill calls for a 50/50 match by the local communities.

SENATOR PALLONE: Or the county.

MR. EVENSON: Counties.

SENATOR PALLONE: Right.

MR. EVENSON: Much the same as that the effort for the Coastal Operative Monitoring Program the efforts for that were supported under the County Environmental Health Act.

SENATOR PALLONE: Yeah, but the amount of money that's been provided for that-- Well, I guess, you know, we tried to make a pitch to get more money this year for it.

MR. EVENSON: Correct, and there was some increase in the funds that were provided. The \$2 million appropriation -- proposed appropriation would make a start, a good start, but a start. The amount of effort, and I think in the July 30th testimony you heard the efforts of the Monmouth County Health Department in one very small area dealing with Deal Lake.

SENATOR PALLONE: Right.

MR. EVENSON: The efforts that were required in order to locate and eliminate cross connections to sewers, which is just one aspect of the problem. Two million dollars will begin the effort and it is an effort that needs to be done, but it is an effort that will take a long period of time to correct and a great deal of money. I believe also at that hearing Dr. Deieso commented on storm water runoff at non-point sources, and it really is going to be a billion dollar remediation program. The Department has started a couple of demonstration projects. You

may be familiar with them, the Navasink project that we're doing and we're also funding several storm sewer -- storm water studies and storm water remediation investigations. Atlantic County is serving as a model community conducting the study. But to put the remediation in place, eliminate the cross connections, and build the devices into the infrastructure to correct the problem is going to be a very expensive proposition.

SENATOR PALLONE: Okay. Thank you. I'm sorry to interrupt but it just seemed appropriate.

MR. LIBRIZZI: As you heard today as we focused in on the floatable problem, we're basically dealing with the improper handling of floatable materials and natural mechanisms like the wind in particular, tides and river runoff. You can't control the weather conditions but we can do something about the sources of those materials. And you've heard from a number of people what those sources are.

I wanted to run through those sources again somewhat in summary and indicate to you what is being done relative to those sources.

SENATOR PALLONE: Fine.

MR. LIBRIZZI: We all certainly recognize that the individuals who improperly handle the materials shouldn't be doing that and we ought to be diligent about disposing of litter and floatable materials such as plastic the proper way. Flushing tampon inserters down the toilet is not the way we're supposed to dispose of these things, but they're done and they enter into the system and they eventually end up in our environment.

One of the-- And in regard to that we can always continue to focus on education as a way of dealing with that issue. But it's more effective if we start dealing with reducing and eliminating the source from the system itself.

Street litter and storm runoff; we talked about that already. Certainly areas where plastics and other debris can be flushed during storms into our environment-- Good, timely storm sewer catch basin clean up programs, the improper connections to

the storm sewers, that we just talked a little bit about, are certainly things that should be done on a fairly regular basis. We had some very good experiences this year in Wildwood where, in fact, the community made an effort to clean its storm system on a timely basis and looked very carefully at operating its treatment plant and we think that--

SENATOR PALLONE: Was that the storm system or just the treatment plant?

MR. LIBRIZZI: It was both.

SENATOR PALLONE: Both.

MR. LIBRIZZI: It was both and we think that, based upon what we had observed, that it was very effective this summer in making the situation down there somewhat better. Certainly have done other similar type work with other communities on the coastline, but Wildwood certainly points out that this kind of activity is one effective way of reducing plastics and other debris that enter into our waters.

Obviously you heard and you talked about upgrading sewage treatment plants. Raw discharges certainly add floatables to the environment. Inadequately treated treatment plants certainly also do so. Well operated secondary treatment plants and primary plants should remove, by the way, floatables. If they're not operated effectively they will pass floatables through the system.

SENATOR PALLONE: Then does that mean that-- Let's use the example of some of the smaller items like the tampon applicators or -- well, I guess, mainly that. It's your opinion that if you're at capacity and you have proper secondary treatment that that would be removed?

MR. LIBRIZZI: If you're within design capacity you should remove those floatables.

SENATOR PALLONE: But the problem is that there are many that are not at design capacity, are over capacity.

MR. LIBRIZZI: If they are hydraulically overloaded--

SENATOR PALLONE: Okay.

MR. LIBRIZZI: --there could be a possibility that floatables will pass through.

SENATOR PALLONE: Because I had heard some statements made -- I don't remember where -- that even with the best state-of-the-art secondary treatment at capacity you could still have the tampon applicators and the Q-tips and some of that material pass through.

MR. LIBRIZZI: I can't see how they would pass.

SENATOR PALLONE: You don't, okay.

MR. LIBRIZZI: And there is a program, as you talked earlier about, for upgrading sewage discharges, in particular dealing with the raw discharges. The combined sewer overflow problem is another source of floatable materials, including tampon inserters, that you also heard of. We should be continuing to focus on that and eliminate the overflow. This is a much more difficult task than one might think. We do, at the Department, have a program geared specifically towards dealing with the combined sewer overflow problem. We do have combined sewer overflows on the New Jersey side of the river and we have, obviously, combined sewer overflows on the New York side. On our side we have as part of our water quality master plan a strategy for dealing with combined sewer overflows. That strategy basically is geared towards eliminating where we can dry weather flows that may be passing and not reaching the sewage treatment plant. Regulators need to be repaired, for example. If that's the case, they should be done. During dry weather conditions we ought to be able to maintain flows within the system so they get to the treatment plant and are properly handled.

We're also as part of the strategy wanting to look at the potential available storage, in-line storage, for example, where during storm surges and combined sewer overflow basically is a combination of storm runoff into the same system that handles your sanitary sewer system. You have surges where the capacity of the pipes in the treatment plant are exceeded and they're built in and specially designed overflow points in which

the stress on the system is relieved. One way of dealing with that is through in-line storage capacity and possibly some capacity at the plant. One of the parts of our strategy is to look at that aspect where we have combined sewer overflow systems.

Our priority system for the construction grants program includes credit for combined sewer overflow activities. We have, in fact, funded four projects in northern New Jersey to deal with the combined sewer overflow problem. These fundings have been very recent and construction has not been started nor completed. Once we get those completed we would look to see some improvement from our side. About \$13 million make up those four projects, Elizabeth, Carteret, the Hudson County Utilities Authority at Perth Amboy are the three communities and/or counties who have received the funding for these combined sewer overflow projects.

Solid waste handling: Obviously we spent a lot of time today talking about the Fresh Kills situation. Fresh Kills is the largest landfill in the world. We've heard a great deal of testimony about the problems associated with it. And I won't dwell any further on discussing the Fresh Kills situation, but it being the largest in the world--

SENATOR PALLONE: Can I ask you one thing?

MR. LIBRIZZI: Sure.

SENATOR PALLONE: I'm a little confused about this credits for improvements. How does that work again?

MR. LIBRIZZI: I'm sorry?

SENATOR PALLONE: The credits for improvements you mentioned, how does that work again?

MR. LIBRIZZI: Credits for improvements?

SENATOR PALLONE: Certain towns get credits you were talking previously.

MR. LIBRIZZI: When you look at the priority ranking system, it's a point system.

SENATOR PALLONE: Right.

MR. LIBRIZZI: If you are solving a combined sewer

overflow problem you get additional points to the system.

SENATOR PALLONE: Meaning you're in a better position to get a grant?

MR. LIBRIZZI: Yes. The total score would add up and you could have more points. I think one point is added for combined sewer overflows.

SENATOR PALLONE: Okay. Not only for Federal grants but also for the New Jersey Trust Fund?

MR. LIBRIZZI: For the Trust as well.

MR. EVENSON: Even for the New Jersey Trust Fund. In the Federal program it's only eligible in marine areas, areas that are defined marine combined sewer overflow.

SENATOR PALLONE: And you get a credit for both the Federal and the State.

MR. LIBRIZZI: And the Trust accepts the priority system developed under the construction grants program that falls right into place.

SENATOR PALLONE: Okay.

MR. LIBRIZZI: Fresh Kills, obviously the largest landfill in the world. We've heard of the problems associated with the landfill. The Department has kept aware of the situation at Fresh Kills. We did inspect the area last June or July. The day it was inspected it appeared as if conditions improved somewhat but the procedures that have been applied need to be looked at in context of-- I view them as their housekeeping procedures: Operating booms and skimmers are only as effective as you maintain them.

SENATOR PALLONE: How does it happen that you go to Fresh Kills? They just-- You ask to go and they invite you to come and look at it? I mean DEP. It's not under State mandate.

MR. LIBRIZZI: I think one of the reasons why -- obviously because of the court action.

SENATOR PALLONE: You ask the DEC to go and look at it or--

MR. LIBRIZZI: No, DEP, we did.

SENATOR PALLONE: No, I understand that.

MR. LIBRIZZI: I'm sorry.

SENATOR PALLONE: But I'm saying you just can't go there. Don't you have to be invited? Under what auspices? You're the State of New Jersey. How do you go over there and do the inspection?

MR. LIBRIZZI: I don't know whether, in fact, we inspected the Fresh Kills facility itself. We certainly walked along the New Jersey side.

SENATOR PALLONE: Oh, you were on the New Jersey side.

MR. LIBRIZZI: We certainly are in contact with our New York counterparts.

SENATOR PALLONE: In other words, you surveyed the beaches on the Jersey side to see what the effects were.

MR. LIBRIZZI: And we could certainly tour the facility after coordinating with our state counterparts.

SENATOR PALLONE: You don't actually have any-- You don't actually go over there and look at Fresh Kills then?

MR. LIBRIZZI: We can go look at Fresh Kills.

SENATOR PALLONE: Fine.

MR. LIBRIZZI: So we have to look at those procedures as housekeeping and they're only as effective as you maintain them. And I believe that when you look at the problem itself, the loading of the barges -- you saw pictures of those -- if they're overloaded, if they're mounded there's a tendency for materials to be released into the environment while they're in transit. The unloading facility at the landfill, use their clam shell is certainly a source of release of contaminants into the environment. If you operate the boom effectively and if it is properly designed you can certainly catch floatables, but that's based upon the assumption that the boom is always maintained and operated as designed.

SENATOR PALLONE: I guess what I'd like to know is, I mean, you were here all day, unfortunately or fortunately for you.

MR. LIBRIZZI: No, it was very interesting today, very interesting.

SENATOR PALLONE: You saw the arguments that were being made to indicate the problems that exist at Fresh Kill and that apparently, at least in the opinion of many, isn't getting any better. I mean what can the DEP do? Can you join the Woodbridge suit? Do you have any enforcement power? Can you-- I mean, I ask the questions of the ISC which, in my opinion, clearly has interstate jurisdiction. What about the DEP? What can they do?

MR. LIBRIZZI: I don't believe we have any jurisdiction on the New York side of the--

SENATOR PALLONE: Would you be able to join with the Woodbridge lawsuit?

MR. LIBRIZZI: I don't think DEP can, but I think the Attorney General is the one who makes that judgment on a legal basis.

SENATOR PALLONE: And do you know why the Attorney General hasn't done anything? Obviously he's been asked.

MR. LIBRIZZI: No, I don't. I know we provide technical information to the Attorney General in that regard, but I don't know why.

SENATOR PALLONE: Is there anything you can do to put some pressure on the AG to have him take some action based on what you heard today?

MR. LIBRIZZI: I will certainly go back and make sure that we visit with the Attorney General on this based on what I've heard.

SENATOR PALLONE: You know, if you could give us a response as a Committee--

MR. LIBRIZZI: Certainly.

SENATOR PALLONE: If you have a meeting with the AG ask that, you know, that they look into the matter of joining the suit and give us a copy of that and the response.

MR. LIBRIZZI: Certainly.

SENATOR PALLONE: Because, you know, otherwise it's

like-- I mean, that's basically what we're trying to do here today and I think there's more than enough evidence even based on what we've heard to indicate that should be done.

MR. LIBRIZZI: We can certainly do that.

SENATOR PALLONE: Okay.

MR. LIBRIZZI: The point I did want to make, though, is that the construction of a more controlled off-loading facility would appear to be the more permanent solution to the problem of debris leaving the facility.

The other area, of course, is ships discharging into the marine environment, large vessels coming into the harbor. And there are many of those. It appears to be the common practice to dump over the side. I know we don't have jurisdiction at the State level beyond the three mile limit. I'm somewhat familiar with some of the activities on the international level. The London Dumping Convention has addressed the issue of prohibiting the disposal of solid waste over the side. There's some final ratification that has to be done in that regard, so that's not really fully in effect. It seems to me also that enforcement in international waters would be extremely difficult.

We have our marine patrols who go out and attempt to assure that boaters are not discharging within the three miles limits and that's as effective as the inspectors are available to observe the actual situation.

Finally, these are all mitigating actions to eliminate sources from the system. I know you're concerned about the idea of eliminating non-biodegradables from the marketplace itself. We are looking at the legislation that's being proposed. I don't have the Department's position right now in regard to that. There will be some testimony later on, I'm sure, to deal with it. I would say, though, in concept we would support efforts to promote recycling and reduction of non-biodegradables in our environment.

SENATOR PALLONE: Okay. Let me just get a few things out of the way here because I want to know. Start off with the

New York problem and then see if we can talk about the New Jersey problem. With regard to the New York situation, to what extent are you working with the City -- with DEC or with New York City -- to try to prevent the problem of Fresh Kills, the things that we brought up today? You know, the material coming across to Woodbridge down at the shore, the upgrading of activities there in terms of guarding the barriers that hold the material in place, the skimmers, this whole program that was brought up by the Sanitation Department official. Are you involved with them at all?

MR. LIBRIZZI: I'm sure our solid waste people are. As I pointed out earlier, they maintain an understanding of what's going on and I'm sure are in discussions with the City and State people with regard to the resolution.

SENATOR PALLONE: We get the impression that Woodbridge is on its own. I mean the ISC isn't dealing with it. Is the DEP doing anything? I mean the gentleman from the Sanitation Department comes up with this elaborate Star Wars plan. To me it seemed, you know, pie in the sky. Has DEP made any decisions about whether or not that's workable or made any suggestions in terms of where they should be going?

MR. LIBRIZZI: I'm not sure whether we have seen that Star Wars plan within the Department's solid waste people. I'd have to go back and ask them if they, in fact, have seen that. We certainly are available to provide our expertise.

SENATOR PALLONE: Well, I guess the only thing I can ask is that, you know, you do that. In other words, you find out what exactly the DEP is doing with regard to the Arthur Kill situation. In the same way that you offered to asked the AG to get involved in this suit, I'd like to see the DEP involved in the action. And I'd like the DEP to, you know, make some statements to the New York DEC about how we're not satisfied with the efforts that are being made at Arthur Kill. I mean that's what we have the Department for. Can you make that kind of a commitment to us?

MR. LIBRIZZI: Certainly go back and see what our folks are doing and make sure that they're taking to a hard look at it.

SENATOR PALLONE: All right. Now what about with regard to the same types of things that we've been talking about, which have kind of been criticizing New York. I'm wondering if there's a New Jersey counterpart? Obviously when I see the plastics, the tampon applicators, a lot of the garbage that's coming through the sewer treatment plant, I'm mainly talking about the personal hygiene products. I'm under the impression that most of that's from New York sources. Do you feel that some of that material is coming from New Jersey sources, being flushed down New Jersey toilets?

MR. LIBRIZZI: Certainly can be, yeah. Combined sewer overflow is already a source of floatables. As I pointed out earlier we have combined sewer overflows on the New Jersey side.

SENATOR PALLONE: So you think a large part of the tampon and the other materials may very well be from New Jersey sources?

MR. LIBRIZZI: I can't quantify to any great extent. The difficult part of dealing with the floatable issue is very specifically trying to identify.

SENATOR PALLONE: No, I mean just talking about the materials that would be coming from sewage. You think a good percentage of it could be New Jersey?

MR. LIBRIZZI: A percentage of it. I can't say whether it's the majority or not. I think we have to recognize that we have combined sewer overflows. We do have storm sewers as well as New York and we've got to deal with that problem as well.

SENATOR PALLONE: What about the hospital waste? What do we have in place in New Jersey with regard to hospital waste? Do we have protections? Do you think that any of that material is from New Jersey sources too?

MR. LIBRIZZI: That I don't think so. I don't think hospital wastes we're finding here are from New Jersey.

SENATOR PALLONE: Do we have any protections with regard

to disposal of the hospital waste? We talked about possible legislation dealing with that, dealing with the manifest system or-- What is the law in New Jersey on this? I don't know off-hand. Do you?

MR. EVENSON: I'm sure that certain hospital wastes are classified under the solid waste regulations. There's an identification program under solid waste regulations. As far as the segregation of that material for particular type of disposal we've had to check on that and particularly check with the Department of Health as far as any of their requirement about segregation of that material.

SENATOR PALLONE: Is there any kind of monitoring? You mentioned the plastics, the disposables, the floatables. I think you kind of touched on it, but I mean is there a real monitoring program in place now or what is the situation?

MR. LIBRIZZI: On floatables?

SENATOR PALLONE: Yeah.

MR. LIBRIZZI: I think we need to do a better job of monitoring floatables. One of the things that we're looking at as part of the expanded effort towards the ocean environment is the data that's available relative to the movement of floatables in the harbor system and along the coast. And whether, in fact, we ought to do our floatable study to get some first-hand information as to where the sources might be and how they end up in the ocean. And I mean do a real good scientific study to give us some better information on where they might be coming from and how they're getting on our coastline. So we're looking at that.

SENATOR PALLONE: Is that something that would have to be internally or something that you would want us to legislate? I mean one of the things--

MR. LIBRIZZI: I think we can do that.

SENATOR PALLONE: One of the few things we can do is legislate.

MR. LIBRIZZI: I'm not quite sure whether, in fact, we do need legislation.

SENATOR PALLONE: Certainly you might need some money.

MR. LIBRIZZI: I was just going to comment that we might need some money. That's right, yeah.

SENATOR PALLONE: So that's something that maybe we should look into, appropriating funds to do a study of the plastics and their origin.

MR. LIBRIZZI: Yeah, that's something that we'd appreciate.

SENATOR PALLONE: And the floatables.

MR. LIBRIZZI: Right.

SENATOR PALLONE: Okay. In terms of a monitoring program, I guess the two would go hand-in-hand.

I'm just wondering if this, you know, I'm just wondering what else the Department can do with regard to some of the problems that were brought up today other than the monitoring program and, obviously, the need for the upgrading of sewage treatment, which is going on.

MR. LIBRIZZI: Well, obviously maintaining our program on combined sewer overflows, looking at the storm sewer systems, are all things we should be doing, and we are, in fact, doing.

SENATOR PALLONE: Just in terms of the Fresh Kills problem again, I mean obviously, you know, you feel that you don't have jurisdiction over Fresh Kills, but what about-- It just seems to me that the DEP could do more in terms of Fresh Kills or even in terms of the ISC. What kind of input do you have in terms of influencing the ISC to take the types of actions that we suggested today? We would like them to-- Clearly they have the power to issue administrative orders to deal with Fresh Kills. They have the power to investigate it. They have the power to, you know, bring suit. Doesn't the DEP have any authority of have any way of influencing them in that regard?

MR. LIBRIZZI: Well, through the ISC system I suppose we could express ourselves. I think working with our counterparts we could certainly express our satisfaction or dissatisfaction.

SENATOR PALLONE: I got the impression from Dr. Mytelka that, you know, if he was given a little bit of a push that-- I mean he, personally, is very concerned about Fresh Kills. And I think if they were given a little push to say -- by our DEP, our Department that we expect them to take some action on this problem because otherwise they're not going to be funded, that that would help. You know, and I don't get the impression that's being done in any way. I mean can you-- Do you have any oversight or any authority to pressure the ISC in that regard?

MR. LIBRIZZI: I think we can just keep working with the ISC and encourage them to do what you're suggesting. And as I pointed out I would like to go back and make sure our folks are looking at the Fresh Kills and talking with the Attorney General again.

SENATOR PALLONE: See if you can even -- even if you just have a monitoring program. If we knew that there was something in place within DEP in the same way you say you might put something in place to monitor floatables and plastics coming from New Jersey sources, if you could have something in place or some individual responsible for monitoring what the ISC and what New York is going about the Fresh Kills problem. It doesn't seem to me that that's the case right now, that there really isn't any one person or one group that's doing that kind of assessment of the situation.

MR. LIBRIZZI: That's not totally true. If you recall I pointed out that we did, in fact, look the situation over in July so we are--

SENATOR PALLONE: But you felt at that time that there was no problem.

MR. LIBRIZZI: Well, I commented that at the time there had seemed to be some improvement over some of past observations. I pointed out also that in any given day you may not see that improvement because -- what depends upon whether or not is the effectiveness of how they maintaining their housekeeping activities like maintaining the boom and the screens and proper

loading levels on the transport vehicles.

SENATOR PALLONE: Okay. Well, you made certain commitments to me today which is to try to get the Attorney General involved in the suit and to report back to us about what's being done with regard to the landfill. If we could get that kind of monitoring program in place with regard to the plastics then I would -- then that, certainly, would be something that would be somewhat effective.

I don't have any further questions.

MR. LIBRIZZI: Fine.

SENATOR PALLONE: Thank you for coming.

MR. LIBRIZZI Thank you.

SENATOR PALLONE: We have a few people left. Who would still like to testify. Okay. That makes it easy. Come on up. You were the first person that I met this morning and you're last, too.

BENNY HUNTER: well, what can I tell you, that's the way it happens sometimes.

I'm Benny Hunter, former Director of Health and Health Officer for Woodbridge Township during the DeMarino administration. I thank the Committee for this opportunity to speak on this issue that continues to concern me as a resident of Woodbridge Township. I live in the Colonia section of woodbridge Township. I don't live in Sewaren which is all the way across town, but it's, like I said, a concern because I am a resident of the Township.

SENATOR PALLONE: You talk to the people in Sewaren though.

MR. HUNTER: And I do get to talk to them, of course. My statements will be especially directed toward the problem in Woodbridge because we have been demanding attention and resolution to the situation for so long. Today I wish to offer my comments regarding this outrageous pollution problem to which we in Woodbridge Township are being exposed. The situation of used medical instruments, i.e. syringes, plasma bottles,

prescription bottles with pills, and garbage has been a problem since the early '70s when David Miller, former Township business administrator, and I walked these very beaches and collected the same kind of disposed medical instruments as later done in 1982, '83 and now 1986.

It seems apparent that New York City while writing checks to compensate for Township employees' time, have seemingly thought Woodbridge Township would then just go away. Fortunately there are many people who will not accept this checkbook diplomacy. It is time to take strong definitive action against New York City so that the officials may know just how outraged we are.

As one discusses this situation with various officials, different reasons are offered as to why the problem continues to exist. For example, Leonard Viso (phonetic spelling) in 1982, Deputy Director of New York City's Bureau of Waste Disposal agreed that the garbage on the beaches was "not a nice sight" but said he thought "unusually high tides were responsible for depositing the vast amount of debris on the beaches." Again in 1982 Michael DeBonis, an official for New Jersey DEP Solid Waste Management Division, described the garbage problem as the result of "poor housekeeping." Mr. DeBonis expressed concern over human contact and what would happen if a person is stuck with a syringe. I know this problem is more than just unsightly or poor housekeeping. The problem is that they are needlessly exposing residents to a major health hazard on a continual year after year basis. The problem is the present system continues to function inadequately. Again in 1982 Mr. Viso stated that, "Any time you have an unloading system like ours there will be a certain amount of spillage. It's the nature of the operation."

It appears that the problem must be handled at its source without simply accepting this illegal dumping as an adverse side effect of minimal consequences. The residents have already been denied access in use of the beach area for recreation. I closed the beaches in 1982 and again in 1983

because of this situation existing. When I was a youngster my father would bring the family to watch and enjoy the boats and observe the scenery which people cannot do presently.

While I'm sure you have some idea regarding how outrageous this matter continues to be, the real question is what can be done to conclusively correct this matter? I recommend drastic action to bring this matter to the attention of those who can implement real corrective measures. I suggest that on a visit to the Mayor of New York City that he be the recipient of a couple of bags of garbage filled with these items found on the beach. Since the Mayor of New York City is not one to shy away from publicity, let's use the news media for coverage at the same time. Second, a good old-fashioned demonstration in front of Gracie Mansion would give added attention. Of course the necessary legal action had been started years ago and appears to be taking years for the courts to render a final favorable decision for Woodbridge Township that will force New York City to end their blatant disregard for our beaches.

We must sound the rallying call to all of our elected and appointed officials to demand immediate, serious, corrective action on this problem. It is necessary for our U. S. Senators, Bradley and Lautenberg, our Congressman, Bernie Dwyer, the Governor of New Jersey Tom Kean, members of our Middlesex County delegation, State Senator Larry Weiss, Assemblymen Karcher and Otlowski, as well as local officials to strongly and vehemently speak together as one loud voice emphatically stating that this issue must be a top priority on our agenda of causes. So that when the Mayor of New York City Ed Koch stands with his arms raised and asks his infamous question, "How am I doing?" we can all answer in a loud resounding voice, "Lousy." Thank you.

SENATOR PALLONE: Thank you. Thanks a lot. Anyone else who would like to testify? Yes. Thank you for bearing with us all day.

L O U I S A. L U K A S I U K: I am one of the senior citizens down in Sewaren.

SENATOR PALLONE: We ask you to come up to the mike because we have to record.

MR. LUKASIUK: Well, I've got a voice that you can hear me.

SENATOR PALLONE: Yeah, but I don't know if it will record. Give us your name.

MR. LUKASIUK: Louis A. Lukasiuk from Avonal. Born and raised in Carteret.

SENATOR PALLONE: How do you spell that?

MR. LUKASIUK: L-U-K-A-S-I-U-K, Louis A. I'm one of the senior citizens down there in Sewaren and I remember Sewaren when Sewaren was Sewaren. It was a millionaires' paradise. We used to go swimming down there and me sitting over there and listening all day today with all the float of garbage and all, and bags and all, there's so much float of bag and garbage that the boat couldn't even go by now. That's what I heard here today.

But what are they doing about it? I figure there's only one thing to do about it is get them off their fanny and clean off the shorelines on both sides and then see how many garbage -- how much garbage you get on the beach. But you've got to clean up the shorelines first. Whenever you get garbage, whenever you get lumber, whenever you get dry grass, where does it come from? Off the land, right? Comes right off the land. No place else. The only time you get that garbage is when the water is high and the wind is from the east to the west or from the south to the west to the north. That's the only time you will ever get that garbage on high water. Otherwise you don't get it. And that's all I have to say. Thank you.

SENATOR PALLONE: Thank you.

MS. KLEBAN: Public Service League statement (indiscernible).

SENATOR PALLONE: We had some additional statements that we're going to put in as part of the record. We didn't get one.

MS. KLEBAN: Because they really wanted to testify.

SENATOR PALLONE: We didn't get one from Public Service. You mean Electric and Gas?

MS. KLEBAN: Yeah.

SENATOR PALLONE: No, we didn't.

MS. KLEBAN: Because there's a generating plant here in Sewaren.

SENATOR PALLONE: Anybody who wants to add a statement can. I mean, if they want to submit a statement tomorrow or the next day we can add it to the record.

MS. KLEBAN: They keep telling me they were getting a book ready.

SENATOR PALLONE: You can tell them that we'll be glad to take it, you know, additional written comments.

MS. KLEBAN: Send it to you?

SENATOR PALLONE: Yeah, or to the Committee, to Ray. We'll give you an address.

I just want to thank everyone who came today. I know most of the people are gone. You in particular, Betty. Also add that if there are any additional statements, written statements, we will take them and that we, as I said before, are not just having a hearing. We are looking into specifically what kinds of enforcement actions can be made and what kinds of legislation are necessary. I mentioned as a result of the last hearing that there was specific legislation introduced with regard to non-point New Jersey sources of sewage. And we expect as a result of this hearing to also take some action in terms of influencing our Executive Branch and the ISC, hopefully, to do something about the problem of Fresh Kills in particular, and with the problem of plastic disposables and floatables in general. And, of course, we do have the legislation dealing with the personal hygiene products with regard to plastics and we will be dealing with that also through the regular legislative process. So in case anyone out there thinks that we're just having a hearing and that's going to be the end of it, let me tell you that that isn't the

case. We do intend to follow-up and we also with this Committee will be looking into other pollution problems and having further public hearings dealing with other pollution problems as well.

I just want to thank all of you that came. Thank the two reporters who took all of this down so diligently.

MS. KLEBAN: Don't close yet.

SENATOR PALLONE: No.

MS. KLEBAN: There's a question in my testimony, on April 8, 1986 there was a bistate meeting at the World Trade Center.

SENATOR PALLONE: Yes, right.

MS. KLEBAN: You were there.

SENATOR PALLONE: Right.

MS. KLEBAN: They said there would be a reciprocal meeting in New Jersey. Is this the meeting?

SENATOR PALLONE: No. It isn't. We, if I'm not mistaken, it was decided at that point that we would have something this fall. And, in fact, I discussed with Tom and with Ray the possibility of looking into that. New York has not, of course, indicated any terrible interest in it, which I guess wouldn't surprise you if you were at the last hearing.

MS. KLEBAN: Well, they (indiscernible).

SENATOR PALLONE: But we will definitely look into that and take them up on it so that we do have another bistate hearing. We're going to be looking into that as well.

MS. KLEBAN: Please do.

SENATOR PALLONE: Okay. Thank you again.

(HEARING CONCLUDED)

**APPENDIX**



# *Sewaren Civic Association*

SEWAREN, NEW JERSEY 07077

DEDICATED TO COMMUNITY IMPROVEMENT

September 24, 1986

TO: New Jersey Senate Committee on Ocean Pollution

Re: Garbage from largest dump in the World located in Staten Island, New York fouling the Arthur Kill River and piling trash and used medical supplies on our beach and waterfront. Millions of gallons of raw sewage dumped into New York Bay by New York City that floats through the Arthur Kill and points South.

The following statements are to be used as testimony in the hearing held today, since the writer is also the Chairperson of the Woodbridge Environmental Commission, for the sake of expediency.

Respectfully submitted,

Elizabeth Kleban . Ecology Chr. SEC



Woodbridge, New Jersey

PHILLIP M. CERRIA  
Mayor

ENVIRONMENTAL COMMISSION

1 Main Street  
Zip Code 07095  
201-634-4500

Date: September 24, 1986  
Place: Port Reading, N.J. Fire House  
TO: New Jersey State Senate Committee On Coastal Pollution  
From: Woodbridge Environmental Comm. Chairwoman  
Re: Garbage from largest dump in the World in Staten Island, N.Y.  
fouling the river and piling trash and used medical supplies  
on our beach and waterfront.  
Millions of gallons of raw sewage dumped into N.Y. Bay and  
floats thru the Arthur Kill and points South.

Dear Committee,

Your presence here today gives the local citizens great hope that you will really listen and then act. We have been overstudied since the 1950,s---situations have gone from bad to worst.

1; Why is New York City Permitted to use the waterways for a toilet bowl and garbage dump?

When Congress passed the "Clean Water Act" in 1970 it charged the Federal Environmental Protection Agency to clean-up and protect our rivers and streams. Why has the New Jersey government not pressed for the EPA to do its job in this Bi-State water area? How dare the EPA not help Woodbridge all these years to bring this dangerous unsightly condition under control?

THIS IS A FEDERAL PROBLEM!!!!!!!!!!

2x

IT IS HEREIN REQUESTED THAT THE STATE OF NEW JERSEY SUE THE EPA FOR LACK OF ENFORCEMENT AND ALLOWANCE FOR THIS CONDITION TO EXIST FOR ALL THESE YEARS AND FOR THE EPA TO RESOLVE THIS HORRENDOUS SITUATION. ANOTHER MONTH MUST NOT PASS WITHOUT SERIOUS ACTION.

OUR STATE MUST ALSO PRESS HARD FOR OUR CONGRESSMEN AND SENATORS TO make THIS A FULL BLOWN ISSUE.

THIS IS A FEDERAL PROBLEM !!!

THE STATE OF NEW JERSEY WAS INVOLVED IN CLEANING UP THE DELAWARE RIVER AND AS TAX+PAYING CITIZENS OF THE SAME STATE WE EXPECT AND DEMAND THE SAME TREATMENT.

NO MORE STUDIES!!

IMMEDIATE ACTION IS VERY MUCH PAST DUE.

MAYOR KOCH MUST BE HELD ACCOUNTABLE.

THE PAST AND PRESENT MAYORS OF WOODBRIDGE TOWNSHIP/CASSIDY, DeMARINO,

CERRIA HAVE SPENT MUCH TIME AND TAX DOLLARS TO PUSH FOR AN END TO THIS MESS CAUSED BY THE LACK OF ENFORCEMENT, FINES AND FULL INVOLVEMENT OF THE REGION II EPA LOCATED IN NEW YORK CITY.

2. WHAT ARE THE RESPONSIBILITIES OF THE U.S. ARMY CORPS OF ENGINEERS?

THIS GROUP MUST ALSO BE FORCED TO BE INVOLVED IN CLEANING UP THE MESS.

BOTH THE EPA AND CORPS HAVE LARGE BUDGETS AND LARGE RESPONSIBILITIES

ABOUT THESE WATERS PLEASE DON,T GO FISHING FOR A SMALL FRY TO CARRY THE BURDEN. LESSER AGENCIES CAN HELP!!!

THE AGENCIES WITH FULL RESPONSIBILITIES HAVE BY PASSED THIS ISSUE AND YOU MUST FORCE THEM TO DO THEIR JOB. WE NEED ANSWERS AND ACTION.

3. There are hundreds of boatmen that use the Sewaren marinas and slip for their lovely pleasure boats. There was not time to question them about the plastics and other debri that floats on the water, or is submerged away from sight that may be endangering their lives and property. We will try to gather the information and forward to you.

4. THE ATTORNEY GENERAL OF THE STATE OF NEW JERSEY AND THE PUBLIC DEFENDER MUST COME TO OUR CAUSE, THE ATTORNEY GENERAL ABRAMS OF NEW YORK IS FULLY INVOLVED IN FIGHTING POLLUTION COMING FROM NEW JERSEY TO NEW YORK. HE TESTIFIED AT LENGTH AT THE BI STATE MEETING CONDUCTED BY SENATORS AND ASSEMBLYMEN AND WOMEN, HELD AT THE WORLD TRADE CENTER THIS SPRING. AN EARLY SEPTEMBER RECIPROCAL MEETING WAS TO BE HELD IN NEW JERSEY WHERE MANY COULD TESTIFY. IS THIS THAT PROMISED MEETING?

IT IS REQUESTED THAT THIS COMMITTEE GET THE TRANSCRIPT OF THE ABOVE SO YOU CAN GET A FULL EVALUATION OF THE WHOLE SITUATION IN THIS AREA TO UNDERSTAND WHY THE REQUEST IS EARNESTLY PURSUED TO FORCE THE EPA TO ASSUME ITS DUTIES AND RESPONSIBILITIES.

SUE THE EPA AND ARMY CORPS OF ENGINEERS.

THIS PROBLEM IS TOO BIG FOR ONE COMMUNITY, THIS IS A REGIONAL PROBLEM AND REQUIRES REGIONAL ACTION, WHICH MEANS THE STATE.

I WILL INTRODUCE MR. HERMAN YORK, A SELF APPOINTED CARE TAKER AND WHISTLE BLOWER FOR THE SEWAREN BEACH AND THE RESIDENTS BACK HIM.

PLEASE LISTEN CAREFULLY TO WHAT HE HAS TO SAY.

NOW THAT MR. YORK HAS TRANSFERRED HIS OBSERVATIONS, I WILL SUM UP.

1. FORCE EPA INVOLVEMENT
2. THOROUGHLY INVOLVE THE ARMY CORPS:
3. GET THE ATTORNEY GENERAL TO REPRESENT THIS AREA.
4. GET THE PUBLIC DEFENDER TO JOIN THE FIGHT.
5. HAVE OUR FEDERAL ELECTED OFFICIALS TO START THE FIGHT FEDERALLY
6. REGIONAL PROBLEMS REQUIRE REGIONAL INVOLVEMENT
7. HOW DO YOU JUSTIFY ALL THIS DISCRIMINATION AGAINST THOUSANDS OF PEOPLE IN THIS AREA?

RESPECTFULLY SUBMITTED,

Elizabeth Kleban, CHAIRWOMAN WEC  
HX



Woodbridge, New Jersey

ENVIRONMENTAL COMMISSION

PHILIP M. CERRIA

Mayor

1 Main Street  
Zip Code 07095  
201-634-4500

DEAR MAYOR AND COUNCIL,

The following pages were presented at the BI STATE PUBLIC HEARING AT THE WORLD TRADE CENTER ON APRIL 8, 1986. IT WAS CALLED FOR BY LEGISLATORS FROM NEW YORK AND NEW JERSEY.

PURPOSE: TO DEVELOP A JOINT, UNIFIED COURSE OF ACTION BETWEEN THE LEGISLATORS OF BOTH STATES AS A SOLUTION TO OUR MAJOR ENVIRONMENTAL PROBLEMS.

IT WAS VERY DISAPPOINTING THAT NO OFFICIAL OF WOODBRIDGE ATTENDED. THERE WILL BE A RECIPROCAL MEETING IN NEW JERSEY SOMETIME IN SEPTEMBER, 1986.

ATTORNEY ABRAMS, (N.Y.), ATTENDED WITH ABOUT 6 OR 6 AIDES AND REALLY LET ALL KNOW THAT NEW JERSEY WAS CAUSING STATEN ISLAND SERIOUS ENVIRONMENTAL PROBLEMS.

THE TRI STATE COMMISSION, S EXISTANCE WAS VERY MUCH THE ISSUE ALSO.

THIS CHAIRMAN OF THE WOODGRIDGE ENVIRONMENTAL COMMISSION STRONGLY URGES THE GOVERNING BODIES TO START PREPARING EARLY SO THAT THEY CAN MAKE A VERY STRONG CASE FOR WOODBRIDGE. THE ENVIRONMENTAL COMMISSION WILL DEFINATELY DO THEIR PART.

KINDLY READ THE FOLLOWING PAGES TO UNDERSTAND WHAT THE SEWAREN CIVIC ASSOCIATION IS ASKING THE LEGISLATORS TO BRING TO REALITY.

RESPECTFULLY,

Elizabeth Kleban ECOLOGY CHAIRMAN SCA JUNE 30, 1986

5X

