

P U B L I C H E A R I N G

before

SPECIAL LEGISLATIVE COMMISSION TO INVESTIGATE
CERTAIN PROBLEMS RELATING TO SOLID WASTE
DISPOSAL, constituted under SCR ~~48~~ of 1969.

24

Held:
February 19, 1969
Senate Chamber
State House
Trenton, New Jersey

Members of Commission present:

Senator Milton A. Waldor [Chairman]

Senator William V. Musto

Senator J. Edward Crabel

Senator Joseph J. Maraziti

Senator Alfred D. Schiaffo

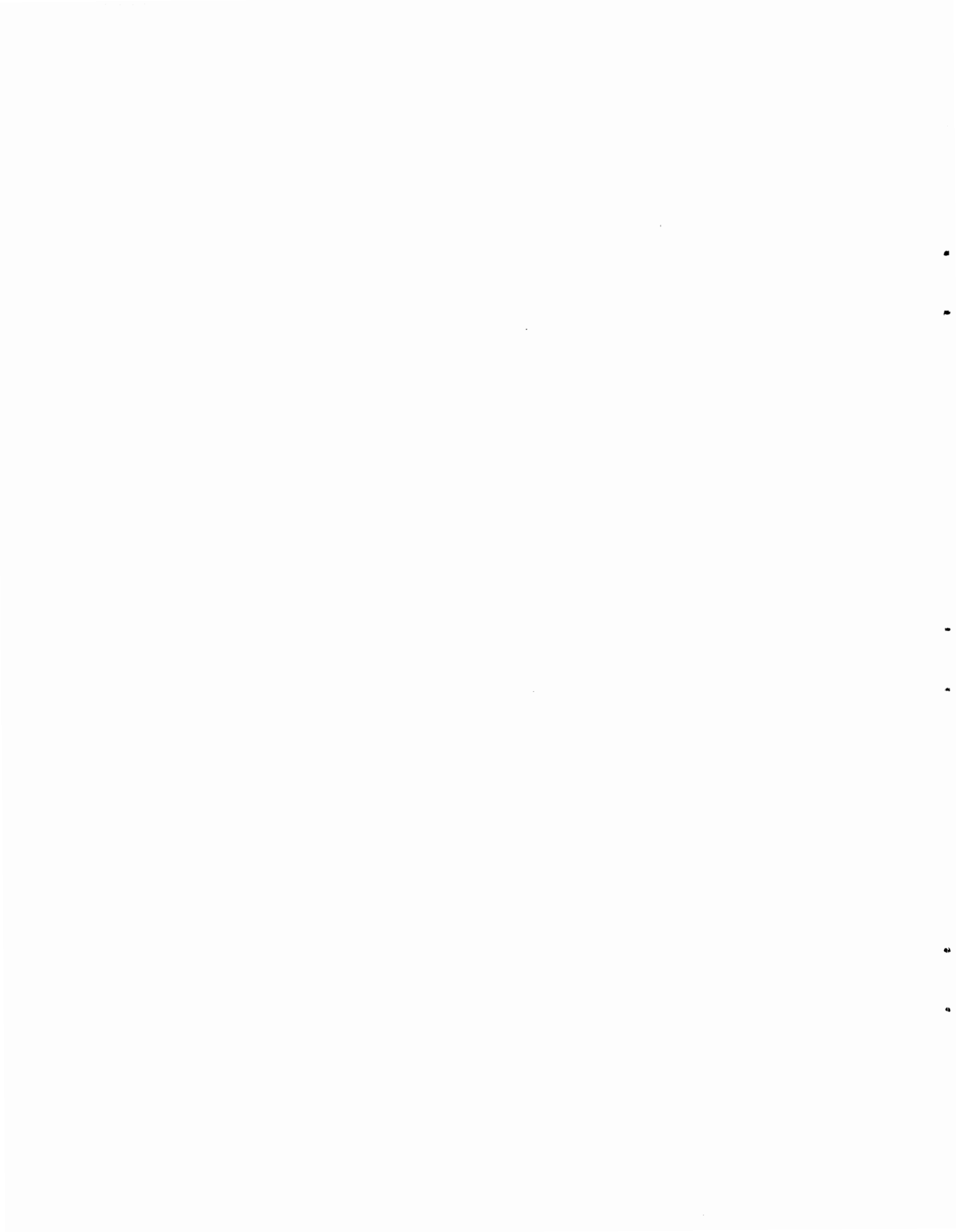
Assemblyman Kenneth T. Wilson

Assemblyman Everett B. Vreeland

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I N D E X

	Page
Richard J. Sullivan Director, Division of Clean Air and Water State Department of Health	2
Theodore A. Schwartz Deputy Attorney General Department of Law and Public Safety	32
James Alloway Director of Local Finance Department of Community Affairs	66
Jack Lamping Executive Vice President New Jersey Association of Chosen Freeholders	76
John F. Monica Mayor, City of Orange	1 A
Thomas Cervasio Superintendent of Sanitation City of East Orange	39 A
Harry Callahan Councilman, South Ward City of East Orange	51 A
Carmine Capone Councilman, North Ward City of East Orange	57 A
Quincy Lucarello Councilman, West Ward City of Orange	63 A
* * *	
Statement submitted by George Zuckerman, Executive Director New Jersey Conference of Mayors	66 A



SENATOR MILTON A. WALDOR (Chairman): Ladies and gentlemen and members of the Legislative Commission created by SCR-24 I hereby call this first hearing to order.

I should like to introduce the members of the Commission who are present, for the purposes of the record. We have Senator Crabiel of Middlesex County, Senator Musto of Hudson County, Senator Schiaffo of Bergen County, Assemblyman Vreeland of Morris County, and Assemblyman Wilson of Essex County.

I want to state at the outset that any subsequent hearings that are called by this Commission will commence at the time the hearing is called for. This hearing, of course, was called at ten o'clock and I think the record should note that it is ten-fifteen now, and we are at the present time prepared to call our first witness.

Each member of the Commission has been furnished an agenda, or at least a provisional agenda, so to speak, for the day, and I should like to call at this time Mr. Richard J. Sullivan who will testify for the Honorable Roscoe P. Kandle, Commissioner of the Department of Health. Mr. Sullivan.

I should also like to point out for the benefit of those present and for those who will testify that I intend to administer the oath and have each one testify under oath. If there is any objection to it, I wish the witness would express such objection prior to taking the oath.

Mr. Sullivan, do you have any objection to testifying under oath?

MR. SULLIVAN: I have no objection.

R I C H A R D J. S U L L I V A N, called as a witness,
is duly sworn.

SENATOR WALDOR: Mr. Sullivan, will you state your
full name and your position, please, for the record.

MR. SULLIVAN: My name is Richard J. Sullivan. I am
Director of the Division of Clean Air and Water, State
Department of Health. The testimony I give today is on behalf
of that Agency in response to an invitation extended by this
Special Commission to the State Commissioner of Health.

Mr. Chairman, I have a prepared statement which I
would like, with your permission, to enter into the record.
I would like to recite portions of it for emphasis here to
allow for whatever questions you would choose to frame at
the conclusion, and also in a few places to interpolate
remarks that do not appear.

SENATOR WALDOR: Fine. Would you proceed, Mr.
Sullivan, in so far as the formal part of your statement is
concerned. My understanding is that you are submitting it
now for entry upon the record of the minutes of this
Commission and you intend to refer to portions of it during
the course of your testimony.

MR. SULLIVAN: That's correct.

SENATOR WALDOR: Do you have copies, Mr. Sullivan,
for the Committee?

MR. SULLIVAN: Yes, I do.

SENATOR WALDOR: The record will show that copies of
the formal statement, which has been reduced to writing, are
being distributed to members of the Commission, and you will

submit a copy of this, or you already have, for entry into the record. Is that right, Mr. Sullivan?

MR. SULLIVAN: Yes, sir.

SENATOR WALDOR: And you now wish to comment upon some of the content of this statement and will elaborate further. Is that the idea?

MR. SULLIVAN: I would like to recite portions of it and to add comments as we proceed as it appears appropriate to me.

SENATOR WALDOR: Please do.

MR. SULLIVAN: The Division of Clean Air and Water, of which I am the Director, was established two years ago this week by administrative order. The Division includes air pollution control, water pollution control and solid waste disposal as its activities. The common denominator of these three programs is pollution. And the reason that these three were brought together in a single administrative agency is our view that the environment is a unity. It's an entity and it ought to be treated as such. Efforts to avoid or correct the physical corruption of the environment have to be closely allied so that we don't create one pollution problem in the process of solving another one.

Both as to the amount of money spent and the amount of staff employed, the Solid Waste Program part of this Division is a very small part. Our total operating budget for the Division of Clean Air and Water is \$3.28 million, excluding the administration of Grant and Loan Funds. And less than \$120,000, or about three percent of this, is spent on solid

waste disposal activities. \$61,000 of our \$118,000 appropriation is State funds. Our requests in the recent past have been for approximately double this amount. This amount of money has allowed us to employ three professional persons, including the Chief of the program; five field investigators and two clerks. Even though this operation is very small, it comprises the only employees in State Government who work full time on the problem of solid waste disposal.

Our Department got into solid waste work through the avenue of two separate enactments of the Legislature. The first of these that was used for solid waste dealt with air pollution control, that was the Air Pollution Control Act that was first adopted in 1954.

Until as recently as ten or eleven years ago, it was the custom in our metropolitan areas of New Jersey, southern and northern, to take the garbage to the edge of town and put the torch to it. It became apparent to some, however, by the mid-fifties that many of our towns didn't have an edge any more, and that's even more true a decade later. It also became apparent that the bonfire incineration of garbage produced an intolerable and entirely unnecessary amount of air pollution. We can all remember, I think, the pall of smoke that hung over the Hackensack Valley with all those dump fires burning below.

On the 4th of May, 1956, Chapter 2 of the Air Pollution Control Code became effective. This was an administrative regulation adopted by the then operating Air Pollution Control Commission under the Control Act of 1954. The regulation was

designed to control and prohibit air pollution from refuse disposal and salvage operations. The Code prohibited the open burning of garbage. This Code, by a circuitous route brought the State Health Department into the regulation of garbage dumps for the first time.

Very shortly thereafter it became obvious that it was not possible to assure the proper disposal of solid waste simply by telling people they're not allowed to set fire to it any more. Consequently, the Public Health Council, which is a rule-making body in the State Department of Health, established by statute, adopted Chapter 8 of the State Sanitary Code in 1958. This was adopted under the authority of the Public Health Council, and I've cited the statute here entitled 26, which among other things allows the Public Health Council to promulgate sanitary regulations to prohibit nuisances hazardous to human health. On the strength of that language, the Sanitary Code Chapter was adopted setting forth standards for solid waste disposal.

Specifically, it requires that the disposal of organic and combustible matter and other forms of solid waste could only be done through use of sanitary landfills operated in accordance with prescribed standards; or by incineration conforming with applicable air pollution regulations, of which at that time there weren't any; or other special methods approved by the Department in individual cases.

The enforcement of these administrative regulations has largely eliminated garbage disposal by open burning. This is the only State in the Nation of which this is true.

When such burning occurs now, it's an exception and it's treated for what it is, which is a violation of the law.

When our Division was formed in February of 1967, I learned that a number of landfills were not then being operated in accordance with the Sanitary Code, and with the assistance, capable and prompt assistance, of Ted Schwartz, who will follow me as a witness here this morning, who is Deputy Attorney General serving our Division as Counsel, court action was instituted by us in the fifteen worst cases. Twelve injunctions were secured, some of which closed landfills until they were brought into conformity. Penalties were imposed in the other three cases. This successful handling of court cases eased the way for our very small field staff to gain compliance after that without the necessity of litigation. However, the statute under which this enforcement program operates, in our judgment, is still inadequate and the administrative regulation itself, this Chapter 8 of the Sanitary Code, is in itself inadequate.

We have prepared a revised, strengthened version of Chapter 8 and will submit it to the Public Health Council for its consideration at its March meeting.

In my opinion, strict enforcement of sanitary landfill regulations is necessary and we will certainly continue it. But such enforcement is almost irrelevant to the real public issue. That issue can be phrased in a question, as I have here, and that is: Where do we put all the garbage?

It appears that this is the year that the garbage hit the fan. In my judgment, it's in the public interest if this

is so. I think it's long overdue that the Legislature give concerted attention to an important public issue before it achieves scandalous proportions.

It is ironical to me that the issue has come before the Legislature because of the anguished cries of local officials over rapidly escalating costs. The costs are not the problem at all, in my judgment, they are only a symptom of the problem. And if we deal only with the regulation of the costs, the problem will remain. The problem is that our terrain is rapidly becoming developed, eliminating convenient and appropriate landfill sites. The population which generates the garbage and refuse is itself rapidly increasing, and the per capita waste is itself rising because of our rising affluence, because of our penchant for throwaways and our generally high and increasing standard of living. So the problem is, where do we put all the garbage? The State has never faced this problem.

I have mentioned statutes above under which we operate. There is no solid waste disposal statute in New Jersey. The two statutes under which we do operate don't even use the words garbage, refuse, solid waste, or anything of the kind.

Our agency is not charged by statute in any way with the regulation of any aspect of the collection of garbage. We have not been charged by statute, not even implicitly, to deal with the management of solid waste which is the real task at hand, to deal with the sheer materials-handling problem and with the need to innovate less primitive disposal

methods than we now employ.

The Legislature has never deliberated on the essential public issue so that it may decide on possible remedies and decide on what legislation is appropriate to deal with them. All of this notwithstanding, however, - and I speak now as the Administrator of this program - it appears to me an absurdity for us to limit our activities to the regulation of sanitary conditions on landfills and pay no attention whatever to the broader aspects of the problem.

So with the very limited funds that have been available, we've become involved in several projects which we hope would give us some idea of the dimensions of the task so that if we, or some other agency, later would be charged with the task of managing solid waste we would at least have some facts with which to deal.

Now most of this work has been done under the aegis of federal planning money, under the Solid Waste Act adopted by Congress. Under this Act the Department of Health, Education and Welfare will match dollar for dollar appropriations by the State for solid waste control, but the Federal Government will limit the use of its appropriations to planning functions. Planning is a much abused word but if the funds are employed intelligently, it will give us some idea of the magnitude and nature of the problem so that we can deal with it thereafter by enforcement and other methods.

With these funds we have conducted several fact-finding inquiries and I would like to comment on them here to give you an illustration, if I may, along with a couple of exhibits

of the kind of information that has been produced, the exhibits for later consideration by your panel.

First, a statewide survey made mostly during 1967. Every one of the municipalities was visited and the chief administrative officer of the municipality interviewed to determine the methods and costs of solid waste disposal employed in his community. All of the information obtained has been card-punched. It is available for detailed analysis.

I have available copies here, for the panel, of a brief summary, which I think is to the point on the inquiry you are making, of some of the information produced by this survey.

In this summary we have presented, by county, information concerning the methods of solid waste disposal employed. If you look down the far left column, for example, it indicates simply the number of communities in the county. The next three columns indicate whether the municipality itself collects the wastes, whether it does it under municipal contract or whether it leaves it up to the householder or businesses to arrange their own private collection, which is the center column.

Then concerning expenditure data, for collection, the amount of money expended by the municipality if it does its own collecting; the amount of money spent if it's done under municipal contract.

Again for disposal, operating costs of public disposal sites. There are no operating costs for private landfill sites since presumably the cost of this operation, with a little markup, if I read the press correctly, is incorporated

in the contract entered into with municipal collectors.

Then we list the self-explanatory information thereafter in the final columns. The last per capita cost is a summation of these costs divided by the population of the county. And it's interesting to us to note that it varies from a low of \$1.39 per year in Cape May to a high of \$7.50 per year, per capita, in Hudson County.

I have reasonable confidence in these numbers. The only ones about which I would express some doubt is the exactness of the assessment of the costs to a municipality of operating its own collection system. I'm not at all sure, although I don't want to practice accounting without a certificate, but I am not at all sure that the present accounting methods employed by municipalities guarantee that all costs which a municipality must bear are actually reflected in these figures. So, if anything, these figures are conservative. And obviously, as we see from the date on the top, this is 1967 through early 1968, where contracts have been re-entered, as a number of celebrated ones have in recent months, the costs here for municipal contract expenses are now obsolete; to the extent to which they have risen, these also would be conservative.

We have additional detailed information produced by this survey that I would be glad, upon request, to make available to the panel at some later time.

Secondly, we have prepared a registry of all known landfills in New Jersey. By landfills, we mean those disposal sites that regularly receive wastes either from a municipality

or from a private collector. We are not talking, certainly, about the untold number of piles of junk of one kind or another usually with a "no dumping" sign stuck right in the middle that are scattered all over New Jersey. We're talking about regularly operated landfills. There are 338 known landfills; 184 of these are owned and operated by municipalities; of the remainder, 110 are privately owned and operated, 30 are privately operated and municipally owned and 14 municipally operated and privately owned.

I have here, and I would like to present it to the Panel as an exhibit, a list of all of these 338 landfills. Unfortunately, I have only one copy at the present time and if the Chairman would permit, I would also like to enter as another exhibit a list that we have prepared in the course of our travels about the State of all known private contractors engaged in the work of garbage collection.

SENATOR WALDOR: We greatly appreciate the admission of these into the minutes of this hearing. We'll have copies made.

MR. SULLIVAN: The latter list of contractors numbers 358. Again, that changes from time to time but I think that's a reasonable assessment of the order of magnitude of the listing.

SENATOR WALDOR: As indicated on the top, these are the contractors who are presently operating as private contractors throughout the State of New Jersey.

MR. SULLIVAN: As a business, contractors who are known to us. There may be some that we've missed but I

think this is essentially the list.

Next, an inventory has been made of the use of incinerators to dispose of solid waste. It is our estimate, and it remains an estimate, that between ten and fifteen percent of the solid waste generated in New Jersey is disposed of by incineration.

SENATOR WALDOR: What was that, ten to fifteen percent?

MR. SULLIVAN: Ten to fifteen percent by incineration.

Now over the years, 38 municipal incinerators were constructed in New Jersey; only 7 of these now operate. The other 31 have fallen into disuse because they were found to be inefficient, too costly, or otherwise defective or unsuitable.

I'll make the incidental remark here that none of the seven incinerators now operating can meet the Air Pollution Code requirements that will become binding upon them and all other incinerators in August of 1970. Some of these may be abandoned rather than pay the cost involved for upgrading to meet those standards.

Now, in addition to these 7 large municipal incinerators, our inventory indicates approximately 6,400 other incinerators, mostly of the small size, less than a ton in capacity, which are located in hospitals, apartment houses, supermarkets, schools, industrial plants, etc. And, again, because of the cost of upgrading these incinerators, which we're led to believe runs between six and twelve thousand dollars each, to meet the 1970 Air Pollution requirements, a number of them may be closed to use which, to that extent, will increase the

amount of waste to be disposed of by other methods. And the same fact of increased cost may discourage the installation of apartment house incinerators and other incinerators in new construction. New incinerators must meet the 1970 requirements now at the time of their construction. And to that extent again, wastes that would otherwise be disposed of by on-sight incineration will have to be carted off and put somewhere.

Now, obviously, we have mixed feelings. We are anxious to find suitable solutions to this solid waste problem but I must state to this Panel that I think it's in the public interest to reduce the 6,400 incinerators now operating because I don't believe we can expect consistent, efficient operation of these so as to avoid air pollution. We get more complaints from neighbors about air pollution because of apartment house incinerators than any other single cause.

It is likely, cost factor notwithstanding, that additional municipal incinerators will be constructed to serve in those portions of the State where there are not and will not be landfill sites with convenient access. As our wall-to-wall development continues, these locations are going to be more numerous. However, the total disposition of our waste by incineration is not likely and we certainly don't hope for this solution. Total incineration itself is a misnomer, and the best techniques available now can incinerate only 70 percent. Even if we think we're incinerating it all, we would still have to dispose of the remaining 30 percent.

Our estimate is that at present to build a large-scale

incinerator with the necessary air pollution controls - and we have the strictest incinerator controls in the country in effect here - is about \$20.00 per capita for the population to be served or, say roughly, \$10 million dollars to dispose of the waste that's generated in the City of Newark.

At present the disposal by incineration is estimated by us to cost four to five times as much as disposal by landfill.

Again, considering the possibility, and I've heard it discussed in a number of locations, of total incineration, even if we have high efficiency air pollution control, it doesn't further the air pollution effort to increase by a factor of six or seven the amount of waste disposed of through incineration.

Now, fourth, this past summer we made a detailed inventory of all wastes being disposed of in that portion of the Hackensack Meadowlands within the boundaries set by the recently enacted Meadowlands Development Act. There are 11 landfills in that area. Our people worked the regular six-day week on the sites of these landfills and tagged every truck disposing of materials in the Meadowlands during this past summer. We obtained information from each truck driver. We secured the cooperation of the landfill operators by telling them that the new Meadowlands Act requires the Commission, under this Act, to provide for the disposal of the amount of waste now entering the Meadowlands. So that it was to their

advantage to allow us to get all the facts lest we report less material being deposited than is actually the case.

We have determined information in considerable detail and again put this on card-punching for analysis.

Now I can provide at a later date but I don't have copies, if the Panel would like, of the data in this tabulated form. It's rather a heavy presentation anyway. I brought them along simply to illustrate the format of the presentation of this information so that the Panel or one of its staff members might wish to review it to see if there is information here that would be of use to you. It's a detailed breakdown, every which way, of all the facts that were collected.

For example, we have learned the following about the Meadowlands study. About 30,000 tons per week are disposed of in these 11 landfills. They are delivered by 9400 trucks. 1200 of the 9400 import garbage from another state, or about 13 percent. As I say in my statement here, this is not reciprocal trade because all we send back are the trucks to be filled up again. The tonnage and vehicle figures have been separated as to each landfill and as to whether the wastes were generated within the State or out of the State. Also presented is a breakdown by each day of the week, the number of tons of refuse dumped, the type and number of vehicles using each landfill. We have also categorized the kind of waste that's being deposited here and have identified the amounts coming from each municipality. 128 municipalities dispose of some or all of their wastes in the Meadowlands.

Now I have made mention here - I won't go into it in detail but I will include it in the record - of other studies, a few of which are funded out of General Health Funds because the solid waste program itself is poverty struck; and a few that have been funded out of Federal Planning funds, dealing with some of the issues that, in my judgment, we have to face. They concern the use of experimental facilities, disposal of hazardous industrial wastes, etc.

Now some of these efforts, in my judgment, will be helpful. Obviously, we wouldn't undertake them at the expense of public funds unless we thought they would be a useful product. But the whole approach, in my judgment, and I would really like to emphasize this point, is much too flimsy and much too fragmentary to deal with the real task. There are many other possibilities for waste disposal that deserve inquiry and they aren't going to get it with our three professional guys and five field investigators.

For example, the composting of household wastes has been done but it hasn't been done well enough, in our opinion, in other places in the country. If it's properly operated it can be a nuisance-free process which produces a valuable soil nutrient in large quantities. For the most part it is not extensively used now because the product is not competitive with commercial fertilizers. And under our capitalistic system nobody has the incentive to enter into such a venture. If, however, it's determined that as a matter of public policy we would wish to use this material to provide nutriment for nutritionally marginal crop-growing

lands, a publicly subsidized composting operation would be possible. Again, if, and to the extent that we do move into large scale incineration - and some of this I think is inevitable - we should at least gain the byproduct of causing the waste to be used as fuel for the generation of steam and power. Again the economics now govern and work against such a proposal because it's cheaper to buy electricity at the location than it is to generate it by the use of free fuel. But at some point, putting a price on the tonnage of solid waste, there's an economic break-even point. It may be a matter of, for the sake of disposal, paying two or three dollars a ton to the entity which would burn it, rather than have him pay to buy his own expensive but more suitable fuel.

The point is, somebody should be looking at the economics of this as one possible method of disposal of wastes.

There are other possible methods which deserve careful attention that are not getting careful attention. I would like to conclude my statement with several recommendations.

First, in my opinion, disposal sites should be licensed and required to post bond. Proposed new sites, as a condition of licensure, should be required to meet detailed specifications set forth by administrative regulation to assure that the site is not inappropriately close to residences or other incompatible uses; that there is reasonable access to it; that use of it will not contaminate ground water, marshes or streams; and that the terrain is

such that the finished fill will be available for other uses. I note here that with certain technical amendments, that I won't go into here, Assembly 394, which is now before the Legislature, would adequately serve this limited purpose. It would not deal with the issue of solid waste disposal.

As an addendum to this number 1 recommendation, I would like to point out that it's not necessary for anyone who would like to commence the operation of a landfill to achieve state approval at the present time. He starts his landfill and if he causes it to be operated so as to cause water pollution or air pollution, it becomes an actionable case after the fact. And this is not the way to manage this industry.

Two. The statute providing - whatever statute derives from all of this and I surely hope there is one -- that provides for the regulation of disposal sites should explicitly afford the remedy of injunctive relief. And I will leave further comments on that to be made, as he sees fit, by our Counsel who will testify shortly on behalf of the Attorney General.

In my opinion, the Legislature should consider the legality and the usefulness of prohibiting the importation of garbage from other states.

I gave you facts concerning New York's export into New Jersey. The case is the same. We simply don't have the numbers for Philadelphia into New Jersey.

Again, Number four. While in our opinion a state is a sufficiently large entity to be able to provide for the

disposition of the wastes that are generated within its borders, a municipality, obviously, is not. The Legislature, in my opinion, should outlaw the adoption by municipalities of ordinances prohibiting the disposal of wastes generated in other communities. As I note in my statement, ordinances of this kind are becoming quite fashionable.

SENATOR WALDOR: Excuse me for interrupting, Mr. Sullivan. Are you going to read each of these recommendations, because we do have copies of them, and I don't want to interrupt you but I am sure some of the members have some questions.

MR. SULLIVAN: Let me skim through them.

I make note here of a case which supports these ordinances.

The theory behind such ordinances is that every municipality can dispose of its own wastes and this is obviously not the case.

Recommendation No. 5 recommends the establishment of an advisory council, similar to the Clear Air and Water Council.

Recommendation No. 6, to summarize it, is to the effect that the State should provide to a state agency, the one that deals with solid waste disposal, the authority to acquire land by eminent domain, to operate its own landfill itself or by contract, for the purposes that I have set forth in the balance of this recommendation.

No. 7. Proper disposal of solid waste, in my judgment, is an environmental protection problem. I think it's quite

appropriate for it to be dealt with by an agency such as the State Health Department in the way that we're dealing, I hope effectively, more effectively than here, with the environmental protection problems caused by air pollution and water pollution. But it does seem to me, as I note here, that whatever is done by the Public Utilities Commission through legislation by you gentlemen, inappropriate for the State Health Department to be in a rate setting or enforcement business.

Number 8 indicates that the municipality, as is the case with so many other public problems, cannot all by itself deal with the problem of solid waste disposal. I would urge this Panel to examine as to whether or not existing statutes would allow, to the extent necessary, the county to supersede municipal operations in this area.

Now, finally, and I think this recommendation is at least as important as any other, whatever legislation proceeds, if it does proceed from this inquiry, should attempt to deal with the solid waste management problem and it should direct the responsible agency to inquire into all the factors that I have considered here. And in my judgment, Mr. Chairman, if we deal only with the costs or deal only with the enforcement problems and we don't deal with the essential management problem, as I say here, we'll shortly be knee-deep in our own throwaways.

SENATOR WALDOR: Thank you very much, Mr. Sullivan.

I would like the record to note the presence of Senator Maraziti, another member of this Committee, from

Morris County.

Now, rather than question you myself at this time, I'm going to ask members of the Commission whether or not they have any questions and I will ask them to be brief and to the point because we do have the statement of Mr. Sullivan before us.

Is there anyone who is desirous of asking Mr. Sullivan a question at this time?

Senator Crabiel.

SENATOR CRABIEL: Mr. Sullivan, are all the landfills that are now in operation complying in general with the rules and regulations of your Department?

MR. SULLIVAN: In general, they are. But as I point out in my testimony, in my judgment the rules and regulations themselves are inadequate. So there are some landfills that are causing problems but are in conformity with present requirements.

SENATOR CRABIEL: That was going to be my next question.

Is there any intention, as of now, for the rules and regulations to be changed?

MR. SULLIVAN: Yes. We will present a proposed revision to Regulation No. 8 of the State Sanitary Code to the Public Health Council, whose approval is required, at its March meeting, and this new version will contain our recommendations.

SENATOR CRABIEL: Was any study made or has any research been done which would indicate what portion of the

additional cost of operating landfills was due to the regulations that the State has imposed?

MR. SULLIVAN: Not to my knowledge.

SENATOR CRABIEL: In your study of the total number of trucks going into the Hackensack area, for instance, - that, as I understand it, is for refuse only and doesn't include the necessary trucks required to bring in the dirt to mix, to make the landfill meet the standards.

MR. SULLIVAN: That's correct.

SENATOR CRABIEL: You also made reference to composting. Is there a study or have you any figures here as to what percentage of waste disposal could be composted and how much of it is not compostable and, therefore, would probably require duplicate collection?

MR. SULLIVAN: I don't have the figures, to answer your specific question, but it surely would require duplicate collection; otherwise inorganic materials that could not be composted would be thrown into the process and probably greatly increase the cost. However it is done, obviously the only material that can be composted is the organic material and all the rest, whether separated at the curb or separated at the composting site, would still have to be disposed of by another method.

SENATOR CRABIEL: Do I also understand that in your reference to incineration - you said that there are no incinerators that presently probably can meet the new standards that will be required -- are there incinerators

that are on the market or in design which could meet the standards that the State is talking about?

MR. SULLIVAN: We made the judgment, so far as the large municipal incinerators are concerned, that air pollution control equipment that currently is available for purchase can cause a large municipal incinerator to meet our standards. But the question will be the one of expense, especially on the older units.

ASSEMBLYMAN VREELAND: You say there is that type of equipment available?

MR. SULLIVAN: Yes. It is our judgment that it is possible now to construct a municipal incinerator with equipment that will cause it to meet our standards. As a matter of fact, we have approved several medium size installations, after reviewing the plans, since our regulation went into effect last August.

SENATOR WALDOR: Are you saying, Mr. Sullivan, - do I understand you correctly - that you do as a matter of procedure approve or give your approval to plans for the construction of incinerators in municipalities prior to their construction? I was under the impression from several municipalities with whom I have been in communication that they are considering the construction of incinerators and that they could not obtain approval from your Division by reason of the fact that they were told until the actual construction took place you would withhold any formal approval of the construction itself, irrespective of what the cost might be. That is fallacious?

MR. SULLIVAN: That's fallacious.

SENATOR WALDOR: And one other question. Have the municipalities that have made application to your Department to construct incinerators been advised of the experience that the State has had or your Department has had with respect to existing incinerators? For example, that there were 38 municipal incinerators that have been constructed and only 7 in use obviously for the reasons that you state and others. Do they know of this experience prior to the time that they actually commence construction of an incinerator?

MR. SULLIVAN: Well, to my knowledge, and my recollection may be imperfect here, I don't think any municipality has applied to us for a permit to construct an incinerator since the incinerator code went into effect last August. We've had a number of applications for commercial, industrial, school, apartment houses.

SENATOR WALDOR: Do you recall whether you received any from West Orange?

MR. SULLIVAN: I don't believe we have, but if it's of interest to you, I can ascertain the fact.

SENATOR WALDOR: Well I have been advised -- I don't know whether a formal application has been made but I have been advised that either they had submitted an application for your Department's approval or they were in the process of doing it. I may be misinformed. It's possible that they are in the process of doing it.

MR. SULLIVAN: I would like to point out also that

the whole technique of review and approval for incinerators is designed for air pollution control - -

SENATOR WALDOR: Yes, sir.

MR. SULLIVAN: -- and it's wholly unrelated as to whether the incinerator is an appropriate method of --

SENATOR WALDOR: I understand that, of course.

Senator Musto.

SENATOR MUSTO: Is there any problem in obtaining the necessary landfill in order to conform with the standards that you set?

MR. SULLIVAN: The operators of landfills assure us that there is. To give an honest answer to your question, I don't know whether it's true or not.

SENATOR MUSTO: Well isn't that a very important factor here?

MR. SULLIVAN: Yes, it is. Except that despite the fact that they've objected to their covering, sir, they have obtained the fill. Now what it costs them and how difficult it is to obtain, I have no idea.

SENATOR MUSTO: The reason I asked, it always leads me up to the problem of these reports which I've seen time and time again, they're meritorious, they're sensible, the recommendations are good, but I wonder where you draw the line between the air pollution that we're worried about or the disposal of solid waste that we're worried about. Just where do you draw that line? Do you have a line that you draw in your Department on that as to which becomes the most important?

MR. SULLIVAN: No. As a matter of fact, I think landfills can be operated without causing any air pollution. We have a lot of them operating now without causing any air pollution. I don't think it's one or the other kind of thing. And I think in that sense we've dealt with the air pollution problem caused by waste disposal on landfills.

The essential point I would like to make in my whole testimony is that we have not even begun to deal with the management of the materials part of the problem.

SENATOR MUSTO: Well in your testimony, and that's why I want to accent this - I certainly concur with most everything you say here. The problem I see locally, and I speak now as a local Mayor, - I just get worried. We have all these programs, we have all this talk, and yet the Mayor sits there and the Commissioners in the municipality and garbage is put out on the street and there are certain things the Health Departments want, certain things the Attorney General's Office wants - now we're worried about air pollution and we're worried about disposal and all that those people want is to have the garbage picked up, they just want it picked up and taken away. And I just worry about the decisions we make as to whether it's more important to pick up the garbage and take it away, whether you put it in your back yard and burn it or you leave it on the street. And none of these things that we've proposed seem to make any decision here because in the testimony that I hear, we have no solution coming, it's twenty years away.

MR. SULLIVAN: I don't think it need be twenty years away. The point I would like to make is, as you point out, the Health Department has a concern to avoid air pollution, to avoid water pollution and so on. In my judgment, a part of the reason that we're in the predicament that we're in is that nobody is worrying about the larger issue, nobody has been directed to worry about it, nobody has any money to worry about the larger issue. Whatever we have done, in fact gathering, for example, or in a study of animal waste disposal, is completely gratuitous. There is no instruction whatever in the statute. We would meet our statutory obligations if we would keep landfills from burning and keep them from making the water dirty and forget about the problem of the mayor, except I think that's absurd, I think it has to be dealt with as an entity and it never has been before.

SENATOR WALDOR: That's one of the purposes of this Commission, Mr. Sullivan. I am hopeful that there will be some remedial legislation or at least some legislation of some kind that can give you better guidance.

SENATOR MUSTO: Are we doing anything on a national level, the states together, all the health departments, in meeting this important problem of what to do with solid wastes?

MR. SULLIVAN: Not really, no.

SENATOR MUSTO: Nothing on the national level is being done?

MR. SULLIVAN: The only thing that's being done on

the national level, there have been a couple of bills introduced with enormous appropriations that didn't go anywhere, sponsored by Senator Muskie. Again it's an outgrowth of his interest in air and water pollution control. The only thing that's being done nationally now is to provide funds for the so-called Plan which is trying to assess the dimensions of the problem to find out where we go from here. And even there the funds have been in the amount of fifty or sixty thousand dollars.

SENATOR WALDOR: Mr. Wilson.

ASSEMBLYMAN WILSON: Mr. Sullivan, concerning these municipal incinerators that don't meet the air pollution code that was established by your Department, what is your Department's philosophy when it comes to the municipal incinerators? Would you encourage these municipalities to try to update the incinerators to try to meet the code or would you be thinking along the lines of regionalization with larger areas represented, say by county incinerators, along the same lines as your regionalization with your sewerage?

MR. SULLIVAN: I would strongly urge that everything be done that's lawful and proper to cause regional treatment here. It's true both for landfills and for incinerators. It would be nonsensical for each municipality to start constructing its own incinerator, absolutely nonsensical.

As to the original portion of your question, obviously the decision would be that of the municipality, whether to upgrade or to abandon the incinerator for a landfill or to

abandon it for another incinerator someplace else. I am sure they would be influenced by the age of the incinerator as opposed to the cost of upgrading and as opposed to these alternative methods. We would be glad to express our opinion to them but we try to make clear to the operator of any air pollution source the means of conformity are for him to decide. We're anxious only that he be brought into conformity with the standards.

ASSEMBLYMAN WILSON: Has your Division created any type of master plan along these lines or thinking along these lines, creating some type of plan so far as incineration for the State?

MR. SULLIVAN: No. The survey that I mentioned before, in which we went to every one of the towns, for which the federal government paid the cost, is step one in trying to come up with some plan for regionalization. There are a few others going on. We're doing one now in Essex County under contract, again with federal funds, in order to assess the possibilities of regionalization for Essex.

I would like again to emphasize that what's been done here beyond enforcement is so fragmentary, it's just scratching the surface. We really aren't dealing with the essential issue. We haven't and I hope that out of this will come legislation that will cause us to begin doing so.

SENATOR WALDOR: Anything further?

We have a number of witnesses scheduled for today.

Senator Crabiel.

SENATOR CRABIEL: You never let me finish.

SENATOR WALDOR: I beg your pardon. I thought you had

finished.

SENATOR CRABIEL: I understood from your testimony that you say it appears that incineration is a very expensive method of doing this and that even when you regionalize it's possible that this will be an expensive method, and certainly you have stated to us that you believe there are incinerators that can be built that will meet the code but it would get down to a question of economics as far as whether there were landfills close enough that could meet your regulations as against incineration, as to what a municipality did.

The thing that has impressed me and almost shocked me is to realize, in looking at these figures of the per capita cost of garbage, that the per capita cost is lower - the average is a very low figure, and I think what has caused the problem here and the tremendous uproar from various municipal officials is that costs have been increasing, and increasing perhaps more than normal. But I was trying to develop as to whether in our effort to get better environmental health which the Legislature has directed and has directed you to do, whether the additional cost of building these landfills like we want them hasn't caused some of this burden and that we should understand that as a Committee that that is a portion of the cost of disposal which is good for the people and which we have mandated to you but it isn't something that has just come out of the blue. And Senator Musto asked concerning the availability of dirt for the landfill and that is also, in my opinion, a major

reason why the costs are increasing because it is true there is landfill available but it is miles away and must be brought in.

My last question to you would be, in your opinion does the State have now adequate places for the disposal under the landfill method, forgetting the economics of the environmental problem.

MR. SULLIVAN: The people we have in the field, the few professionals we have in this program, assure me that there are adequate spaces appropriate for landfilling in New Jersey now to receive all of our waste. The problem gets to be their remoteness, number 1, which increases the cost; and on the point of cost, I agree with your assessment. We're talking about ten cents per capita per week to get rid of garbage which is not very expensive. Of course, cost is not the issue, but on the cost a much greater portion of the cost is in the collection than in the operation of the landfill. So the remoteness adds to the cost, plus, number 2, there are so many restrictions by municipalities and by others, by zoning ordinances and so on, as to the possible use of landfill sights, to say nothing of the hundreds of neighbors that always show up, that the fact that they are physically available doesn't automatically get translated into, on a practical sense, that they are there to be used if you want to. And unless there's some change in one of my recommendations concerning the State's exercise of its own right of eminent domain, I think it's necessary for these landfill sights that our people have discovered, which

are physically suitable, may not be available.

SENATOR CRABIEL: This information that you have provided us, this was developed by your Department or did you get it from Tri-State or some --

MR. SULLIVAN: All the information in there was developed by our people going out and talking to our customers.

SENATOR CRABIEL: I might say it's very good information and I am glad to see it and glad to see it at such a reasonable cost.

SENATOR WALDOR: Thank you, Mr. Sullivan. It is possible that we may request of you further testimony. I assume you will be available if the time and place, of course, are consistent with --

MR. SULLIVAN: I'm available on short notice.

SENATOR WALDOR: Thank you very much.

Mr. Schwartz.

Mr. Schwartz, you have no objection to being sworn, have you?

MR. SCHWARTZ: No, I do not.

T H E O D O R E A. S C H W A R T Z, called as a witness, is duly sworn.

SENATOR WALDOR: Will you state your name and position for the record, please, sir.

MR. SCHWARTZ: My name is Theodore A. Schwartz. I am a Deputy Attorney General in the Department of Law and Public Safety. I am appearing today on behalf of Attorney General Arthur J. Sills.

SENATOR WALDOR: Do you have a prepared statement, Mr. Schwartz?

MR. SCHWARTZ: I have made some notes on short notice, being advised of my requested appearance here today, and I would like to first read briefly to give you an outline of what my functions are so that you will understand the nature of my testimony.

SENATOR WALDOR: Please proceed.

MR. SCHWARTZ: Thank you.

In 1966 I was assigned to be Counsel to the Department of Health. Prior to that time I was Counsel to the Division of Purchase and Property in the Department of the Treasury for a year.

The jurisdiction of the Department of Health involves air pollution, water pollution, solid waste disposal, water supply, food and drugs, radiation protection, blood banking, and other related health fields.

As Counsel to the Department of Health, my assignment is concerned with rendering legal advice to the State Department of Health and with the prosecution of civil actions against individuals found to be violating the various statutes regarding public health.

In this capacity I have become familiar with the operation of sanitary landfills and other methods utilized for the disposal of waste, solid and liquid.

In the course of my enforcement activities, I have observed and become acquainted with the many problems associated with the disposal of refuse. I have discussed

these problems with Attorney General Sills and their possible solution.

During the course of my testimony I shall review the matters that have been discussed with the Attorney General and the possible solution.

In order for the Commission to obtain a full and clear background of the subject of solid waste, it is important that it be acquainted with the various statutes on this subject.

As I indicated previously, the Department of Health has the prime jurisdiction in this area.

As mentioned by Mr. Sullivan, we have very, very limited authority in the State Department of Health and in the entire State government with regard to the disposition of solid waste and the collection of solid waste.

The statutory authorization rests in Title 26 wherein the Public Health Council, which is an advisory body to the Department of Health, is empowered to promulgate rules and regulations regarding the public health - regulations to preserve and improve the public health in the State by the promulgation of a State Sanitary Code.

The State Sanitary Code has many chapters covering all aspects of health running from the establishment of ice cream manufacturing plants to bathing beaches and things like that. The particular chapter that is of interest to the Commission and which controls the disposition of solid waste is known as Chapter 8. This Chapter 8 was adopted by the Public Health Council in July of 1958, and it sets forth a

scheme for the operation of sanitary landfills in the State by regulations 1 through 6. The important regulations are 4, 5 and 6. These control the actual procedures that have to be employed by the person operating the landfill in order that the landfill will not create a public nuisance.

I think of extreme importance to the Commission is the fact that regulation 4 is concerned with the operation of landfills on firm ground, and the regulation sets forth some rather stringent requirements on operating on firm ground. I don't know the reasons for the stringency but I leave it up to the expertise of the Public Health Council. Whereas regulation 5 concerns itself with the operation of landfills on soft ground and there is quite a difference between the practices that have to be utilized on soft ground landfills.

The major portion of your landfills, at least in the Meadowlands area, and I would assume through many parts of the State, is on soft ground and, therefore, it is easier for one in the landfill business to operate a dump on soft ground as opposed to firm ground, the big difference being the requirement that on a firm fill you must cover the refuse every single day, whereas on a soft fill there is no requirement that it be covered every day but it be covered at some point. Usually it may go a few days, maybe four or five days, depending how the landfill operator desires to operate the landfill.

Now, back in 1968, after having a rather successful year in 1967 of prosecuting landfill operators, we recommended to Director Sullivan and Commissioner Kandle that the entire

Chapter 8 be completely revised because we felt, in our experience, that the difference between a soft fill and a firm fill, as far as requirements are concerned, should be the same. I really don't know why the difference was made back in 1958. I just have no knowledge of that.

Now one operating a landfill without complying with regulations 4, 5 and 6, is concerned with rat harborage and the rat problem on landfills. If one fails to operate in conformity with these regulations, they are subjected to a statutory penalty of not less than \$25.00, not more than \$100.00, which in our opinion is ridiculous because of the fact that the operation of these landfills, I assume, generate enough income whereby a fine of \$25.00 to \$100.00 is absolutely meaningless and I don't think it's punitive in any way.

Now the next problem we run into is in the area of injunctive relief. We feel, that is the Attorney General feels that the proper method of enforcing a health statute is to abate the act that is causing the problem.

Now, as Mr. Sullivan indicated, there are no specific authorizations for the Department of Health to institute an injunctive action to abate a particular problem which is a violation of the State Sanitary Code. What we have done, and in a number of cases we have been challenged but we were successful before courts, by stating that if your sanitary landfill is not in conformity with the regulations in Chapter 8 then automatically this landfill is not a sanitary landfill but is a dump and dumps are declared to be a public nuisance.

So we take this public nuisance theory and put it under a general statute that the Commissioner has available to him to abate public nuisances.

As for the Lawyers who are on the Commission, this requires us to start a plenary action; it cannot be disposed of summarily because we do not have any powers of summary disposition or, I should say, the Court isn't authorized to move the case in a summary manner. And I have copies of the regulations here that I will make available to the Commission. We have found that it is a rather tedious task to prove some of these violations of the State Sanitary Code in order for us to support our theory that the refuse disposal area is a public nuisance.

And along these lines, I specifically request this Commission, in their consideration of proposed legislation, that we have a more effective penalty section, that we have a more effective injunctive section, in order for us to cope with the problems regarding solid waste, that is the enforcement of improper operations.

There are no laws, no State statutes that I know of that give us any control whatsoever over the collection of refuse and over the operation of the landfill except from a public health point of view. I think, as Mr. Sullivan has indicated, that we are beyond the public health problem in the solid waste area; we have to look to other problems that are associated with solid waste disposal. And, accordingly, I think that the State should have authorization or control over the collection of solid waste and also more adequate

control over the operations of a landfill aside from a public health point of view.

I will get to the point in more detail later on.

The next authority that we have, I should say not from an enforcement point of view but as to the disposition of solid waste, is the incinerator authorities law which is contained in Title 40, and this provides for the creation of incinerator authorities and collection of refuse by one or more municipalities. And as recently as last year, a bill was passed by the Legislature and signed by the Governor entitled Solid Waste Management Authority's Act which was very, very similar to the other incinerator authorities law which I mentioned. There were some changes for organizational purposes as regard to the municipalities, some wanted to organize in a different fashion than is provided in the present law, which prompted the Solid Waste Management Authority's Law.

I might point out that Senator Musto, who is on the Commission, has been very active in the solid waste problem and he has introduced over the years some legislation calling for regional disposal facilities. And I notice again, I think this year, that bills have been introduced by the Senator in this regard. And along those lines, I think the answer that was given to you by Director Sullivan, regarding his opinion of regionalization, is important and I think that the Commission would be wise to study Senator Musto's bills along the lines of regionalization.

The other area regarding solid waste disposal for which we have legislation is in the Joint Meetings Act in

Title 40 which permits municipalities to get together, to enter into joint contracts for solid waste disposal.

SENATOR WALDOR: Excuse me. May I interrupt you just at this point?

I note that you have a class of students there. So that they will know what's going on here, this is a Legislative Commission that is investigating solid waste disposal or the garbage industry, etc., throughout the State of New Jersey. We welcome your students here and Deputy Attorney General Schwartz is presently testifying, and we have members of the Senate and Assembly seated up here. Just so you will know what's going on.

Proceed, Mr. Schwartz.

MR. SCHWARTZ: As you can see, the various laws that I have alluded to do not provide adequate authority in the area of solid waste disposal, again on collection and from the operation of a landfill, aside from a public health point of view.

Now what is the role of the Attorney General's Office regarding solid waste disposal? As Counsel to the Department of Health, we are empowered to institute legal action upon request from the Department of Health. We do not have any power to institute our own actions regarding solid waste disposal in the area of public health; it must be a request from the Department of Health.

Now in 1967 we had a very productive year, as indicated by Mr. Sullivan, in the area of solid waste disposal. We received approximately 15 cases from the Department of Health

regarding sanitary landfills operated in the State which were not in compliance with the State Sanitary Code. We prosecuted each and every one of these cases to a successful conclusion, although the activities were tedious.

The important things that I have learned in prosecuting these cases, private landfills, public landfills, is the total lack of incentive on the part of the persons operating the landfills to find better ways to dispose of solid waste. They dispose of these wastes in the cheapest and least expensive manner possible. And some of the experiences that we have had in court cases demonstrate the problems that result from this lack of incentive for better ways to dispose of waste.

You may recall that back in 1967 the Federal Government had pollution abatement hearings concerning air pollution in the metropolitan area. One of the prime offenders at that particular time contributing to an air pollution problem, which was set forth very clearly in many of the newspapers, was that of a refuse disposal area operated by the City of Jersey City known as Point Breeze. If you go down to Point Breeze, which is located off the New Jersey Turnpike extension, - and in those days this place was just burning like a bonfire sending up billows and billows of smoke and you couldn't even see the Statue of Liberty.

Now when I examined this landfill, I make it a practice in prosecuting cases, whether they be in landfills or pollution, to go up and see what is happening, what does the situation look like, and much to my surprise all I saw was

just years and years of garbage just piled up and piled up and piled up and piled up. The Incinerator Authority of the City of Jersey City disposed of ash at this place and also sludge waste from the sewage treatment plant, and these were in a separate area. And you couldn't walk on this sludge waste. You would just sink in right up to your hips. It was a very dangerous condition. The method of disposal, the actual operation, a truck would go here, a truck would go there. There was absolutely no coordination. This place was not run properly and, as a result, a tremendous fire was created which it took months to put out. Once these fires start, they get deep in the landfill and it is terrifically expensive to put them out. It requires the excavation of thousands and thousands of pounds of garbage to try to isolate the particular fire.

This same problem existed in Atlantic City, in a dump operated by the City of Atlantic City, which was, in my opinion, a total bomb. All they did was pile up garbage and the garbage was on fire and this case came over to our office and we prosecuted and we instructed the City officials as to the proper way to operate this place, and today they don't have a problem. They're trying new methods for disposal. I think there have been some plans down there to try to improve the back bay channels for boating purposes and so on, because if they continue to dispose of this garbage in that particular area you are going to wind up finding it in the water.

Now, speaking of the water, we had a case in the City of Bayonne where they operated a landfill right close to the waters of Upper New York Bay and we found that refuse was

sliding into the waters causing pollution and we prosecuted them and they had to put in various bulkheads and dykes to control this. But the waste was in the water and they couldn't get it out unless they went ahead and dredged the channel which would be quite expensive.

These are just some of the problems that I have run across in the prosecution of landfill cases.

SENATOR WALDOR: Do you have any recommendations, Mr. Schwartz, with respect to what you, by virtue of your experience, would recommend from the legislative standpoint or otherwise?

MR. SCHWARTZ: I'm going to get to that. I think the Committee will be very enlightened, and I hope it is, when I get through with my testimony because I am very deeply concerned about this subject and so is the Attorney General. And we have a lot of information here that we would like to have the Commission consider in order to prepare proper legislation.

SENATOR WALDOR: Thank you.

SENATOR CRABIEL: Mr. Chairman, would you clear one point for me. All of these cases you are citing are all illegal, have already been settled, and rules have been adopted to overcome this.

MR. SCHWARTZ: Well, no. The rules that were in existence at the time these cases were prosecuted in 1967 and 1968, and the rules that exist today are the same rules that were in existence since 1958. So we've been prosecuting these cases under these rules and regulations which we feel

are inadequate. And I am demonstrating instances to you as to where and why we feel these regulations are inadequate.

Now, as a result of our activities in 1967, - I think the word got out in the industry that the refuse areas had better be cleaned up or else they were going to be closed down. We have closed a number of landfills throughout the State and it's amazing what can happen when a landfill is closed for 30 days or 20 days and the trucks have to go someplace else to dispose of refuse, and the amount of money that is lost by the operator of the landfill because the same has been closed. And we find that we have gotten the landfill operator to comply with the regulations rather promptly.

SENATOR WALDOR: Excuse me. Let me interrupt you once more for the benefit of these students. We welcome you here so that the students will know what's going on. This is a Legislative Commission, which was established by the Assembly and the Senate, conducting hearings on the disposal of garbage and solid waste disposal. The men up here are members of the Senate and Assembly and the gentleman testifying is Deputy Attorney General Schwartz. We welcome you here and hope your students are interested in what is going on.

MR. SCHWARTZ: I have so far mentioned the suggested changes that I have, namely, Chapter 8, the improvement in the prosecution process, better penalty sections, better injunctive sections and the lack of incentive to establish new ways to dispose of refuse, and the problem that Mr. Sullivan alluded to and that was the lack of approval from the State before an operation would begin. And some problems

which I have run across to me are frightening, such as the disposition of industrial wastes on landfills. They have dangerous chemicals and explosive materials that are not disposed of properly. I am not a sanitarian or an engineer in this field, and I do not profess to know how to dispose of these materials but they are a very serious problem and have caused many of our landfills to explode, catch on fire, etc.

Another problem that I've observed, which is becoming an ever-increasing problem, and with our water pollution drive it's going to become absolutely enormous and possibly unmanageable, and that is the disposition of liquid wastes.

The present water pollution control statute and the regulations that have been issued by the Division of Clean Air and Water to clean up the streams require higher degrees of treatment for sewage that is received in sewage plants. In order to achieve this high degree of achievement, we must remove more of the solid materials out of the sewage that's being received at the plant. Where does this waste material go?

We had a problem in West New York when we prosecuted them for water pollution, they had an incinerator there to burn the sludge and it didn't work well at all. We had a case that Senator Maraziti is familiar with, up in Morris County, where we had to --

SENATOR MARAZITI: Thanks for the advertising.

SENATOR WALDOR: Go ahead.

MR. SCHWARTZ: Where we had to require the City of Jersey City to pump out sludge waste --

SENATOR MARAZITI: Mr. Chairman, it's all right with me, I enjoyed it, but I think this is not relevant. It has to do with the disposal of sanitary waste. If we are concerned with it, it's perfectly all right with me.

MR. SCHWARTZ: I think the Senator probably misunderstood my reference to you because I had met you a number of times when we discussed the problem up there and I used your name because I know you are familiar with it and what we've done. Your son has been handling the case and doing an excellent job.

SENATOR MARAZITI: It's perfectly all right with me but --

MR. SCHWARTZ: I thought you might have been disturbed by - what I'm trying to point out is that at this treatment facility we had to remove approximately two to three million gallons of sludge material, and where did this go? Well, we understand that it was taken out by a reliable contractor and disposed of at sea by barging. The Army Corps and the Coast Guard have various pumping grounds out in the ocean where you can dispose of the sludge material. Many industrial plants take chemicals out, like the American Cyanamid, maybe 120 miles out in the ocean to dispose of them.

Now the increase in the sewage treatment facilities, at least their operations, - we're going to run into a greater problem with the disposition of the sludge and liquid wastes from these present operations and we do not have any laws which regulate or control the people that remove these liquid wastes, the bulk carriers, the tank trucks, the, as they're called, honey dippers who clean out septic tanks - there is

absolutely no control over them except if we catch them putting the waste into a stream, which we have at times and prosecuted them, but in this area --

SENATOR WALDOR: Mr. Schwartz, let me interrupt you here, sir. All of this is extremely interesting. You know that we have a tight schedule of witnesses. I am not trying to rush you but at the same time we would greatly appreciate it if you could confine, at least at this time, your testimony to the problem you've encountered in the solid waste disposal field. And I know I for one would be interested in having you back at a subsequent date to go into further detail about that which you are testifying now.

MR. SCHWARTZ: I'll speed it up.

SENATOR WALDOR: Well I am not asking you to speed it up and I don't want you to eliminate anything that's germane to our investigation but at the moment we are concerned with solid waste disposal and any suggestions for remedial legislation or legislation of any kind that you might have to recommend.

MR. SCHWARTZ: All right. Now, along these lines, the Attorney General has suggested that the landfills themselves be licensed. Back in 1967 legislation was introduced to license landfills and again in 1968 and again, I believe, in this session of the Legislature with a slight change in the legislation but basically the same.

The licensing act that would give us tighter control over the operations of the landfills, it would provide for

bonding requirements so that in municipalities where - it may not be in many parts of Northern New Jersey but it could be in Central and Southern Jersey where we have the municipal landfill privately operated and all of a sudden the operator decides, well, I've had it with this business, and out he goes and the municipality is stuck with this bomb on the edge of town. They have no way to clean it up, they don't have the funds, and bonding would enable the --

ASSEMBLYMAN VREELAND: Wouldn't it be wiser to license the operator?

MR. SCHWARTZ: Well, I think --

SENATOR WALDOR: Yes, he mentioned that before.

MR. SCHWARTZ: -- I mentioned that. But what I am getting at is to protect the municipality where we could have a performance bond where if the contractor should leave the site or doesn't operate it properly the municipality could have the power to go in and clean it up and have the bonding company pay for the cost.

Now, along with this package, we suggest that an advisory council be created in the Department of Health to further study the problem of solid waste and make recommendations to the Commissioner. These bills that I have alluded to provide for injunctive provisions and they provide for the power in the Department of Health to revoke and suspend licenses where landfills are not operated properly. This is important.

The whole theme in solid waste has to be the same as in air and water pollution. It's a total environmental

problem. In air and water pollution we have preventive statutes and this is what we need in the solid waste program. We need a statute that is preventive and that type of a statute would encompass licensing.

Now, I indicated before, there has been a lack of incentive upon persons operating landfills to look for better ways to dispose of these wastes. And the State is very limited in its power to explore this area because they do not have any statutory authorization.

The Attorney General has suggested that the State be permitted to own, operate and maintain their own landfills throughout the State on a nonprofit basis, and this would enable us to find out what it costs to operate one of these landfills. We could experiment on these landfills. We could try different methods of refuse disposal and have some type of a program which we don't have now.

There are many uses for properly filled landfills and that is in the area of building parks, golf courses, and other recreational facilities. If we had the proper planning and we gave the Department of Health the power to approve engineering plans before one could operate a landfill, we could have better control, experiment and provide better ways - there is, I understand, an area in Bergen County which is along Route 80 which is an old refuse disposal area which has been converted into a golf course. You find these along the Belt Parkway in Brooklyn. They've taken dumps and have made golf courses out of them. This is the way we can have some productive use out of the land. And if we have private

people operating them, they're just going to fill and fill and fill, where if we had engineering plans and we were able to get into the planning of the landfill, we could make sure that maybe this landfill would be designed for some useful purpose at a later date.

SENATOR WALDOR: How, Mr. Schwartz, would you propose to acquire the lands that you are now recommending the State operate --

MR. SCHWARTZ: Eminent domain and condemnation.

SENATOR WALDOR: And this would be a recommendation of the Attorney General that the State operate landfills which would be acquired by the State through eminent domain and condemnation.

MR. SCHWARTZ: That's correct.

SENATOR WALDOR: Am I correct in that?

MR. SCHWARTZ: We are in favor of recommending State-owned and operated landfills. Now --

SENATOR WALDOR: Which would be available to --

MR. SCHWARTZ: Anybody.

SENATOR WALDOR: -- anybody whether it be a municipality or a private contractor or anyone who might be --

MR. SCHWARTZ: Right. Absolutely. Strictly non-profit basis. Just to meet the expenses of operating a landfill and provide a place for anybody, any municipality if they want to go to their own collection and they want to take it down to a State landfill, to have a place to take it and they would have no concern about the cost.

SENATOR WALDOR: Well, since you make this recommendation, has there been any survey made by the Attorney General's Office or the Department of Health or anyone else as to specific areas or specific land that might interest either the Attorney General or --

MR. SCHWARTZ: There was some talk in the Department of Health about experimenting with the use of certain lands - I don't think I'm off base here - near McGuire Air Force Base. There's quite a bit of property down there. But what we're driving at is, you go to the City of Philadelphia and I think they provide rail transportation, they take the garbage out by rail to mines and fill in old mine shafts. Now we have plenty of mines in this State but most of them are located up in the --

SENATOR WALDOR: Well, let me ask you this. Was the State aware of the fact that there were certain lands available for this purpose that were let out for bid by Kearny?

MR. SCHWARTZ: I don't know.

SENATOR WALDOR: You don't know that. And do you know whether or not -- in other words, you don't know whether it was advertised or you at least have no recollection of receiving any notice of these lands in Kearny being available for bid purposes for landfills?

MR. SCHWARTZ: Only what I read in the newspaper.

SENATOR WALDOR: But I'm saying prior to the time that the bid was made by the --

MR. SCHWARTZ: Personally, no.

SENATOR WALDOR: Thank you.

SENATOR SCHIAFFO: Mr. Chairman, through you. Is this the first time that the General is making this recommendation that the State take over the sites for sanitary landfill?

MR. SCHWARTZ: We have discussed this, as a result of our work in 1967, and the associated problems that we found in the refuse disposal area. We have at times discussed this problem and we have considered making recommendations that the State operate its own landfills.

SENATOR SCHIAFFO: But this is the first official recommendation.

MR. SCHWARTZ: No, I think you probably read it in a newspaper a number of weeks ago.

SENATOR SCHIAFFO: If I read it, I wouldn't have asked the question. I didn't read it. Did he make this statement in the newspaper recently?

MR. SCHWARTZ: Well, there was an article in the Evening News, formerly the Newark News, regarding the problem of solid waste disposal and the ideas that the Attorney General's Office had regarding certain problems in the area. One was the bringing in of waste materials from places other than the State of New Jersey and the other was --

SENATOR MUSTO: Does it really matter when the Attorney General --

SENATOR SCHIAFFO: I just wanted to know --

SENATOR WALDOR: The Senator wants to know when these recommendations were made or whether this is the first time this recommendation was made.

SENATOR SCHIAFFO: If an official recommendation has

been made that the State take over landfill areas --

MR. SCHWARTZ: Officially? You mean by a letter to the Governor?

SENATOR SCHIAFFO: Before a constituted commission or a message to the Governor or --

MR. SCHWARTZ: There has been no message to the Governor.

SENATOR WALDOR: Fine. I think that answers your question, Senator. Actually this is the first public utterance than an article which appeared in the Evening News some two or three weeks ago.

MR. SCHWARTZ: Or whenever the time was. We discussed this with the Health Department throughout 1968. Mr. Sullivan and I spent quite a bit of time together and I mentioned this to him and we've discussed it and he indicated to me that we don't have the power to do it and that maybe we should have so we could find better ways for waste disposal.

SENATOR SCHIAFFO: Through you, Mr. Chairman. I think one of the considerations Mr. Sullivan indicated - we understand this State takeover and as he indicates the objections will transcend zoning requirements of individual municipalities and this seems to be the area where we hit flack in establishing these landfill areas. Has there been any consideration given to incineration solely regardless of cost?

SENATOR WALDOR: Well, Senator, let me say this, that Mr. Sullivan who testified prior to Mr. Schwartz has given us a written report which is on file, and I don't know whether you received a copy of not, included in which are recommendations along these lines and along the lines that Mr. Schwartz has

just mentioned, although Mr. Schwartz has gone somewhat further, I think, than Mr. Sullivan did. Nonetheless, basically, the idea of the testimony as set forth in Mr. Sullivan's statement coincides with that of Mr. Schwartz.

SENATOR SCHIAFFO: Fine.

MR. SCHWARTZ: Now some of the serious problems that I've observed, and I don't want to panic the Commission, --

SENATOR WALDOR: That would be pretty hard to do. But we're not trying to panic anybody else, so --

MR. SCHWARTZ: You might not want to take off from Newark Airport after I tell you about this. Anyway, back in 1967 - I think it's the latter part of '67 - I had a conference with Colonel Vincent Carson who is the manager of the Newark Airport - he and I are friendly to other relations and he knows I'm active in the pollution field, and he asked me to help him out with a problem they were having on their runways, and that is the accumulation of birds on runway 4, I believe it is, that parallels the New Jersey Turnpike. There's a refuse disposal area that's operated in the City of Elizabeth on the other side of the Turnpike, on the easterly side, and then there's a refuse disposal area operated by the City of Newark on the northern approach to the runway, and the Port Authority had to go to considerable expense to have persons stationed out on the runway, having scaring devices put up to keep these birds off the runways because they were definitely afraid of a bird getting into some of the jet engines or the electras, and I'm sure you gentlemen are aware there have been accidents in various parts of the

country as a result of birds getting into an aircraft engine.

Now this bird problem related back to the inadequacy of the regulations because the landfill was on soft ground, not required to be covered every single day, and therefore the garbage would be exposed for a couple of days on end on which these birds would then feed and then come over and sunbathe on the runway. And the Department of Health immediately went down to try to rectify this situation and contacted experts in the area to try to put chemicals in the landfills that would keep the birds away.

SENATOR WALDOR: This goes to your recommendation that there be no distinction between firm and soft.

MR. SCHWARTZ: Absolutely.

SENATOR WALDOR: Is that the purpose of illustrating it in this way?

MR. SCHWARTZ: That's a very vivid illustration. I don't want to scare anybody from taking off at Newark Airport but --

SENATOR CRABIEL: Could I ask the Attorney General right now, though, are you proposing that the Legislature pass legislation like this rather than have these rules come from the department where they rightfully belong, I believe?

MR. SCHWARTZ: What I am trying to point out is that the regulation, the authorization of the Public Health Council to promulgate these regulations is limited strictly to public health and nothing else. And I think the operation of

landfills goes beyond public health. I think proper planning - maybe there shouldn't be a landfill located at Newark Airport or nearby. These are the problems. We have no control over where these landfills go and this, I think, goes beyond public health, and which we do not have the power to adopt regulations concerning.

SENATOR WALDOR: Then, in effect, you're suggesting on a very general basis that legislation be enacted where there is an absence of rules and regulations in your particular division to correct these situations.

MR. SCHWARTZ: Right.

SENATOR MARAZITI: You're talking about regulation number 5, aren't you?

MR. SCHWARTZ: No. The State Sanitary Code is regulations adopted by the Public Health Council but the authorization to adopt these regulations is strictly concerned with public health and nothing else.

SENATOR MARAZITI: Did you have occasion to inquire as to why the difference in the regulation, as you pointed out with interstate, on landfill - soft ground landfill, hard ground landfill. Have you inquired in your travels as to why there is a distinction? There may be some reason for it that is logical and we don't know. Maybe there isn't any.

MR. SCHWARTZ: Well, I've asked around. Some of the answers that I got were not convincing to me. One would be, well, most of the soft ground landfills to be located in swampy areas that are not adjacent to populated areas, like the meadows, it's all soft swamp, you don't have many people

living down there.

SENATOR CRABIEL: Mr. Schwartz, Mr. Sullivan testified that a study is being funded out of General Health Funds. Now if it's being funded out of General Health Funds, why did you approve that study if you can't do it under the regulation? I just don't understand what you're trying to tell us.

MR. SCHWARTZ: Well, the study that I think Mr. Sullivan --

SENATOR CRABIEL: He says, "interference with commercial aircraft caused by sea gulls." Now that certainly is not health, if you're telling us it's not health.

MR. SCHWARTZ: The study you're talking about I think -- Is that a Federal Grant study?

SENATOR CRABIEL: "A study funded out of General Health Funds of the steps that need to be taken to eliminate interference with commercial aircraft caused by sea gulls which make a home in the landfills adjoining Newark Airport." This is just the problem you're talking about. Now you are saying to us that you don't have the authority to do this in your testimony --

MR. SCHWARTZ: Right.

SENATOR CRABIEL: -- and you're representing Mr. Sullivan who is doing this.

MR. SCHWARTZ: Right. What good are the funds without the power to carry out the --

SENATOR WALDOR: Then why allocate them? As Senator Crabiel in effect is saying, why allocate the funds if you can't do anything as a result of what the funds are

supposed to do?

MR. SCHWARTZ: Well, what we're trying to do is to operate, as Mr. Sullivan pointed out to you, the best we can with what we have to study these problems. Now, what I'm trying to say to you, and what Mr. Sullivan I think has tried to say to you, is that we need more authorization and more power in this area to go into this problem more deeply.

SENATOR CRABIEL: He didn't say that.

SENATOR WALDOR: All right. Do you have much more of a formal statement, Mr. Schwartz?

MR. SCHWARTZ: No. I am almost finished.

SENATOR WALDOR: All right.

MR. SCHWARTZ: Knowing that I was going to testify before the Commission, I looked through some prior legislative files in this particular area, looking for possible legislation that had been introduced on prior dates that may be helpful to the Commission in formulating some type of legislation in this area.

I found that back in 1959 there was a bill introduced to regulate and license the business of collecting refuse for profit and creating a division of refuse collection control in the State Department of Health.

This particular bill, in my opinion, along with a similar measure that was proposed in 1961, will give the Commission an excellent base from which to work. The '59 bill concerns itself with apparently alleged practices in the collection of refuse and provides for the licensing of --

SENATOR WALDOR: What number is that bill?

MR. SCHWARTZ: This is A680, 1959.

SENATOR WALDOR: 1959?

MR. SCHWARTZ: Yes. This bill is only concerned with collection and it sets up an excellent scheme for regulating the collection of refuse and the problems that I think this Commission is vitally interested in, according to the Resolution, the material in the Resolution creating the Commission. It sets up the qualifications of persons that can obtain licenses to collect refuse and goes into minute detail.

SENATOR WALDOR: And you would favor similar type legislation.

MR. SCHWARTZ: And to me this initial legislation in 1959 was an excellent start.

SENATOR WALDOR: Do you have any other bills by number?

MR. SCHWARTZ: This other bill is A-310.

SENATOR WALDOR: Also 1959?

MR. SCHWARTZ: 1961. This expanded the '59 bill and went into the operation of landfills and it is a beautiful set-up, as far as I'm concerned, to regulate this entire industry from top to bottom.

SENATOR WALDOR: It would encompass all of the recommendations that you make.

MR. SCHWARTZ: Everything.

SENATOR WALDOR: Any other bills, Mr. Schwartz, by number or year?

MR. SCHWARTZ: Well, I think most of you are familiar with the licensing of sanitary landfills. Let's see,

the '68 bill was A-469. That bill could be merged --

SENATOR WALDOR: 1968?

MR. SCHWARTZ: Right.

SENATOR WALDOR: Who sponsored that?

MR. SCHWARTZ: Assemblymen Gavin and Higgins. I believe the same bill is in again in '69, I think by Assemblyman Gavin also. I think there's a different version of it put in by Assemblyman Gimson. I'm not too sure.

But, anyway, if you take these bills, the licensing bill, A-469, and put it together with A-310, you will find that you have a perfect set-up to control the entire refuse collection industry and the landfill operations also. This goes into the background of people that collect refuse, that dispose of refuse, stockholders, --

SENATOR WALDOR: Well we can go into that, Mr. Schwartz, thank you.

SENATOR MARAZITI: May I check those bills, just for a moment, 310 and 680?

SENATOR WALDOR: A-680, 1959; A-310, 1961; and A-469, 1968.

SENATOR SCHIAFFO: Mr. Chairman, will you get us copies of these?

SENATOR WALDOR: Yes, Mr. Applebaum will.

MR. SCHWARTZ: I think you will find them very, very helpful.

SENATOR WALDOR: We appreciate that.

Have you any further recommendations, Mr. Schwartz?

MR. SCHWARTZ: No. I think that's about it.

SENATOR WALDOR: All right.

Assemblyman Vreeland, do you have any questions?

ASSEMBLYMAN VREELAND: Not now, thanks.

SENATOR WALDOR: Senator Maraziti?

SENATOR MARAZITI: No, except on one point that Senator Crabiel tried to develop. Couldn't the Public Health Council, by regulation, require that the landfill be the same for hard ground and soft ground?

MR. SCHWARTZ: Yes. Yes, there's no question about that but what I was trying to get across is that their power is limited to public health per se and nothing else.

SENATOR WALDOR: Yes, but the result would be the same.

MR. SCHWARTZ: No, it wouldn't because as far as the engineering of the landfill, the laying it out, the soil characteristics, - there are so many, the esthetic problems, we can't get into that.

SENATOR WALDOR: At the present time.

MR. SCHWARTZ: At the present time.

SENATOR WALDOR: Senator Crabiel, any questions?

SENATOR CRABIEL: Just one question. Is the Attorney General recommending that there are abuses and therefore there must be regulation of both collection and disposal areas?

MR. SCHWARTZ: Will you define what you mean by abuses?

SENATOR CRABIEL: You're talking about a whole bunch of serious --

MR. SCHWARTZ: I was talking about problems.

SENATOR CRABIEL: You didn't mention any problems in your testimony other than talking about some dumps that were

in supposedly bad shape, but suddenly you're coming out with a sweeping recommendation here that collection should be recommended and you base it on nothing in facts.

MR. SCHWARTZ: What I'm saying to you is that the Senate Resolution sets forth, paragraph 3, it shall be the duty of --

SENATOR MUSTO: May I interrupt? I think the Senator's question, if I might repeat it --

MR. SCHWARTZ: Well, yes, I want to answer it properly.

SENATOR MUSTO: Well he wants to know if the Attorney General is recommending this legislation that you have presented to us today.

SENATOR WALDOR: Well, obviously. He's testifying for the Attorney General.

MR. SCHWARTZ: What I'm doing is offering the legislation to you for review. I of my own personal knowledge do not know of abuses and my definition of abuses might be different from the Senator's. I do not know of abuses as far as criminality or crimes are concerned, or sharp practices or collusive bidding. I personally do not have any knowledge. My assignment is not in that particular area. But I was asked to be as helpful as I could to the Commission and I have read in newspaper accounts what the Commission is looking for; there have been allegations by various municipalities of increased costs and a possible collusion in bidding. I do not have any knowledge of these things but, being that you are looking into them, I am giving you some legislation that had been proposed to control those particular problems if they

exist. I do not know personally if they exist.

SENATOR CRABIEL: It just amazes me that you would talk about passing laws when you don't know whether a problem exists. What's the sense of passing a law if there's no problem. I'm trying to find out whether there is a problem.

MR. SCHWARTZ: I have limited my testimony to the problems that I have seen from the civil aspect, that is, the improper operation of landfills, the lack of engineering to have a landfill designed properly, the idea of having state landfills, --

SENATOR CRABIEL: Then for what reason would you say that you should regulate a collector?

MR. SCHWARTZ: I think the reason I gave before is ample.

SENATOR WALDOR: He gave an answer to that.

MR. SCHWARTZ: And this is what you're looking into, apparently, as one of your other subjects and I am offering this to be helpful, that's all.

SENATOR SCHIAFFO: Mr. Chairman, I'm inclined to agree with Senator Crabiel. I think what we're constituted for is to find out if certain facts exist so that we can recommend a certain kind of legislation, and there's a commendation to us by the Deputy Attorney General of an act without it being proved that --

SENATOR WALDOR: Well there haven't been any allegations made. This doesn't allege that there are any abuses or any criminality or anything of that nature.

SENATOR CRABIEL: Well I can't understand, Mr. Chairman,

why he's talking about passing legislation when he hasn't even told us there's a problem.

SENATOR WALDOR: Well I think we can consider his recommendation in view of whether there may be or may not be any testimony, subsequent to his. He's one of the first witnesses and perhaps we ought to weigh it in that light, as to whether anything further will develop.

Senator Musto?

SENATOR MUSTO: Well, the only thing, Mr. Chairman, through you, is I have no quarrel with your presentation or your recommendation at the moment at all. I just think we ought to clear the air on one point there and that is these recommendations, particularly on this legislation, are your recommendations. I mean the Attorney General hasn't recommended --

MR. SCHWARTZ: I'm giving you these bills --

SENATOR MUSTO: For our consideration.

MR. SCHWARTZ: For your consideration. I have been instructed to help you in any way possible and I've gone through some of the records and found these bills, knowing what your inquiry was concerned with, and they are there. As the Chairman indicated, if later on something develops that shows abuses by criminality or sharp practices, etc. there's something for you --

SENATOR WALDOR: Senator Schiaffo?

SENATOR SCHIAFFO: Well, just in this area would you care to comment or does the Attorney General's Office care to comment? There have been allegations or talk about

the possibility of this being regulated by the Public Utilities Commission, do you want to say anything about that?

MR. SCHWARTZ: Yes. Presently there is an inter-departmental committee made up of the Governor's staff, the Department of Health, Public Utilities Commission and the Attorney General's Office, whereby we are considering the regulation of certain aspects of the problem through the Public Utilities Commission. Anything that we have or anything that we plan to do would be fully exposed to the Commission for their consideration because I think the Commission and the administration are looking to make sure that we do the right thing in this area and that we have the proper legislation adopted.

SENATOR WALDOR: Assemblyman Wilson?

ASSEMBLYMAN WILSON: No, thank you.

SENATOR WALDOR: One question and that's all. Just so this is clear for the purposes of the record, you in your function as a Deputy Attorney General have dealt with the civil phase of enforcement of the existing rules and regulations and the law, is that correct?

MR. SCHWARTZ: Correct.

SENATOR WALDOR: There are areas or divisions, whatever you call them, in the Attorney General's Office, of which you say you have no knowledge, that are constituted to deal, if there are any allegations of unsavory influences or criminality or anything of that nature, with that subject and of which you have no knowledge or connection.

MR. SCHWARTZ: Any --

SENATOR WALDOR: If there are any. I'm not saying that there are.

MR. SCHWARTZ: No. You know, I'm under oath, and just to be - there's only one matter I can think of and, of course, my job is to relay any information I get to the Criminal Section. And, as such, any information that I have obtained - people calling me or anything that came to my --

SENATOR WALDOR: You forwarded to that Section.

MR. SCHWARTZ: I forwarded and I have only had one instance where I referred any particular complaint to the Criminal Section.

SENATOR WALDOR: Thank you, Mr. Schwartz.

SENATOR MARAZITI: Mr. Schwartz, we know that being a Deputy Attorney General it may be a rather sensitive area but if you have any information, don't hesitate to tell us, we won't ask you for names.

MR. SCHWARTZ: Oh, no, I don't have any information.

SENATOR WALDOR: Thank you very much, Mr. Schwartz.

MR. SCHWARTZ: By the way, I think Director Sullivan alluded to some IBM studies that were performed regarding the --

SENATOR WALDOR: Will you make those available to us?

MR. SCHWARTZ: Yes. You may have my set, if you can understand them. They're unbelievable.

SENATOR WALDOR: Well we'll have Mr. Applebaum make an analysis of it.

MR. SCHWARTZ: They break down what refuse disposal areas are in the meadowlands, what towns are putting refuse

in there. It's a very, very comprehensive study and very interesting.

SENATOR WALDOR: Thank you for your help, Mr. Schwartz.
Mr. Alloway.

Mr. Alloway, do you have any objection to taking an oath before testifying?

MR. ALLOWAY: Certainly not, Senator.

J A M E S A L L O W A Y, called as a witness, is duly sworn.

SENATOR WALDOR: Mr. Alloway, will you state your full name and your position for the record, please.

MR. ALLOWAY: Yes. My name is James Alloway. I am the Director of Local Finance in the Department of Community Affairs.

SENATOR WALDOR: And do you have a formal statement that you wish to present to the Commission, Mr. Alloway, or are you going to testify from notes or something of that nature?

MR. ALLOWAY: I am going to read the statement as prepared for the Commissioner.

SENATOR WALDOR: Thank you. Proceed, please.

Do you have copies of that for the members of the Commission?

MR. ALLOWAY: Unfortunately I do not, Senator. It was just finished last night.

SENATOR WALDOR: All right. It will be available to us after you finish.

MR. ALLOWAY: We will make it available.

SENATOR WALDOR: All right. Thank you.

MR. ALLOWAY: Thank you for the opportunity to come here and speak to you today. I am appearing in behalf of Commissioner Ylvisaker who was unable to attend himself because of urgent business, although I know he did want to make the presentation and is very much interested in the work of the Commission.

The Department of Community Affairs' concern about the problems of solid waste disposal are severalfold. The Hackensack Meadows which, as you know, we hope to be instrumental in developing, has become the largest dumping ground for solid waste in the State. This is a factor of paramount importance in considering any plans for its future reclamation and development.

Secondly, we know that many municipalities throughout the State, both large and small, have become increasingly concerned about the skyrocketing costs of solid waste collection and disposal. These services constitute a large cost figure in the total municipal budget and this figure is increasing steadily.

I would like to depart just briefly from here. The Division of Local Finance is responsible for approving and receiving all municipal budgets and we made an effort to review cost removal figures for the various towns. We find the information is just not available in our local municipal budgets and I feel, personally, that this is one of our biggest problems, the lack of information as to just what it does cost with respect to municipal refuse collection.

SENATOR WALDOR: When was this survey made, Mr. Alloway?

MR. ALLOWAY: Well, when I heard I was going to appear today I went through the various budgets received for the 1969 year and the municipal budgets do not break it down so that it can be analyzed with any type of accuracy.

SENATOR WALDOR: Did you make any effort - and I'm asking this not to put you on the spot but I'm just curious to know, - did you make any effort to have it broken down by direct communication with the municipality?

MR. ALLOWAY: Well I have worked in five municipalities in New Jersey, sir. I've been responsible for the daily operation of several landfill operations and garbage and trash removal systems, so I am personally knowledgeable as to how these systems do operate.

SENATOR WALDOR: Fine. I didn't mean to interrupt you.

MR. ALLOWAY: What I'm saying is, from the State level we do not have the fiscal information to make an honest analysis and appraisal as to what the cost should be and what it is in various towns.

Our Department is also interested in this problem from the standpoint of providing municipalities with technical assistance aimed at improving the delivery of municipal services through greater economies and increased efficiency.

Finally, we have a natural concern for the total living environment as it affects our cities. In communities adjacent to dumping grounds, land values have declined, development has stagnated as both industry and homeowners have chosen to locate elsewhere; once attractive areas have become blighted and the air and water have become filled with pollutants which

menace our health.

The problem of solid waste disposal therefore touches our lives in many ways and makes urgent the need to consider better approaches for dealing with it before it achieves critical proportions.

In areas such as Bergen and Essex Counties we have already approached the crisis point. The facts speak for themselves. More than 100 municipalities in the New York-Northern New Jersey metropolitan area, comprising nearly 15 million people, use the Hackensack Meadowlands as their primary dumping grounds. The volume of solid waste poured into this area each year is 9 million cubic yards or, in more graphic terms, roughly the volume of 300 Washington Monuments. The Hackensack River which runs through this region no longer supports any marine life, and the organic waste emptying into it each day is equivalent to the amount of raw sewage discharged daily by a population of a half million people. Even if all the dumping of organic and solid waste in the Meadowlands stopped today, the leaching of the fill already there would continue to pollute the waters of the Hackensack for two more generations ahead.

Disposal operations in the Meadowlands and elsewhere have made ideal breeding grounds for all varieties of disease-bearing vermin and flies. Rats have posed a particularly dangerous problem.

In addition to these hazards and the general conditions of ugliness which characterize dumping areas, such practices detract from the best use of the Meadowlands far into the

future and threaten the timetable for orderly development and growth of this valuable piece of real estate. Adding to the reclamation costs is the fact that some of the garbage being dumped today in the Meadowlands may have to be unearthed and disposed of elsewhere at even greater costs before construction can proceed. We learned this lesson when the New Jersey Turnpike was built through the Meadows.

Yet solid waste disposal in the Meadowlands constitutes an essential service for the millions of residents in this area, and thus long range plans for continued disposal must be a part of any design for the reclamation of this area.

The growing significance of the Meadows as a regional disposal facility is pointed up by various statistics. In 1950, the majority of Bergen County's 29 municipalities south of New Jersey State Route 4 had disposal facilities within their limits while north of the highway there were 9 other disposal areas. By 1956 more than half of these disposal facilities were gone. Eight years later, in 1964, only 5 usable landfills remained in the County. Today virtually all of Bergen County's solid waste ends up in the Meadows.

A U. S. Public Health Service Study published in 1966 revealed that the per capita production of refuse in cities throughout the nation indicated output of from 2.2 to 4.6 pounds daily. The average daily output per person per day in New Jersey is 3.0 pounds. However, among the approximately 2.25 million residents of the area around the Meadowlands the figure rises to 4.5 pounds per person per day or a total of 5100 tons of solid waste being released into

the Meadowlands daily. New York City contributes an additional 1000 tons of refuse daily. On a yearly basis this amounts to a staggering 2.25 million tons.

According to the findings contained within the Governor's Commission to Evaluate the Capital Needs of New Jersey, with increasing urbanization and population growth, solid waste generation could soon approximate 5 pounds per person daily. By 1978 it is projected that over 21,000 tons of solid waste per day will be generated throughout the State.

A major contributor to the disposal problems in the Meadows is industrial waste, which is likely to have increasing significance if development of the region is oriented to the processing industries. Furthermore, explosive or flammable chemicals are common by-products of industry, posing the constant danger of flash fires. This hazard is increased because of the lack of good cover material.

Certain materials, such as large timbers which are difficult to break up and which resist compaction, are excluded from fill sites by operators and often end up being dumped illegally along nearby roadsides.

When we get away from the physical problems surrounding solid waste disposal, we still must confront the administrative questions of how municipalities can best go about the business of disposing of their solid waste - and here we are speaking of communities of all sizes throughout the State.

The growing shortage of landfill sites is a critical problem. Municipalities are often prevented from conducting waste disposal operations as a public function because they

cannot obtain a disposal site. At the same time they are prevented from getting the benefit of real competitive bidding from private contractors since sites are available only to a relative few.

There is furthermore no public regulation of garbage disposal and collection rates, and costs of such services vary widely from one municipality to another. Nor are there any uniform accounting and auditing procedures in the solid waste disposal industry so that reliable information with respect to the costs of these operations is almost non-existent.

The dangers inherent in these policies could be reduced or averted if the State were to establish appropriate procedures for guaranteeing access to waste disposal facilities on an equal cost basis, putting all bidders for garbage disposal and collection contracts on an equal footing. Regulation of the garbage contract business and a uniform cost reporting system would go a long way toward solving some of the problems.

We have already taken one step in the right direction with the passage of the Hackensack Meadowland Reclamation and Development Act, which safeguards against the indiscriminate use of the Meadowlands for garbage disposal and directs that the Meadowlands Commission provide disposal facilities for the solid waste now being dumped there.

If we are going to preserve other valuable tracts of land in our State from the encroachments of the bulldozer and the dumptruck, realistic garbage disposal policies must be put into effect now. It may be that more effective incinerator

methods are our best hope for the future, particularly in the northern, more densely populated regions of the State. If so, the costs of building such incinerators would be prohibitive for municipalities and other sources of supplementary funding may need to be considered.

The Hackensack Meadowlands presents an immediate and urgent need for phase-over to incineration which will have to be thought out at the outset so that the costs and burdens of constructing and maintaining such plants will fit in with the over-all designs for development of this area. Furthermore, it will encourage developers to proceed with confidence in the knowledge that their investments will be protected by increasingly valuable surroundings.

In recent weeks, sharply rising costs of solid waste disposal have prompted your Commission and several departments, including my own, to take a searching look into this problem. We are even at this moment having discussions with city officials of Long Branch on carrying out a study to determine the best approach which this municipality should take in handling its solid waste disposal. We hope the findings may be useful and instructive for other similar municipalities. Eventually procedures might be developed with the help of the State to devise even better disposal methods on a statewide basis.

I hope that these thoughts have been somewhat helpful and I again thank you on behalf of the Commissioner for the opportunity to appear.

SENATOR WALDOR: Thank you, Mr. Alloway.

Senator Schiaffo, do you have any questions?

SENATOR SCHIAFFO: No.

SENATOR WALDOR: Assemblyman Wilson?

ASSEMBLYMAN WILSON: No.

SENATOR WALDOR: Assemblyman Vreeland?

ASSEMBLYMAN VREELAND: No.

SENATOR WALDOR: Senator Maraziti?

SENATOR MARAZITI: No.

SENATOR WALDOR: Senator Crabiel?

SENATOR CRABIEL: Mr. Alloway, at the outset of your remarks you indicated that you have difficulty in finding any proper statistics as to actual cost. Were you here when Director Sullivan testified?

MR. ALLOWAY: Not in total.

SENATOR CRABIEL: He presented to the Committee a list of per capita cost, both on municipal, private collections and under municipal contract. He testified that he got this by sending his representatives, I think, into each municipality. I would be interested to find out from you and your Department as to whether you could analyze these figures and see whether from your experience and from your knowledge you would think these figures are representative.

MR. ALLOWAY: Certainly. As I said, Senator, I have personally operated garbage departments in various cities, including landfill operation and having it done by contract. I feel very sincerely that if we use sort of a systems approach with respect to dissecting costs of garbage services that we could, via a modern technological means such as a computer, monitor the costs of garbage in all its various

facets of operation, on an annual basis, which would give the State an acute awareness as to garbage costs. I just reviewed the 1968-69 budget of Woodbridge prior to coming here. They had a 10 percent increase in garbage collection costs and they operate their own. They, incidentally, average about \$14 to \$15 per family per year for garbage collection cost.

In talking to the Director of the Division, he stated that the reason for the cost was basically salary increases which is a major factor at the local level at the present time.

SENATOR CRABIEL: Well I think we all realize that salaries are rising and that those costs would be going up but in your position as Director of Local Government, if you are not satisfied with the figures that you are getting, would it be possible for you either by - I presume by regulation, you wouldn't need legislation -- to insist that municipalities report so that we would have what you think are the proper figures?

MR. ALLOWAY: I think it would be beneficial to the State as a whole if we did set up a special reporting system. We could then, through systems analysis, dissect the entire garbage operation cost.

SENATOR CRABIEL: Could you do that under your own power or do you need support from the Legislature?

MR. ALLOWAY: Quite honestly, sir, I would have to review it with our Deputy Attorney General.

SENATOR CRABIEL: Would you also review Director Sullivan's figures and perhaps in a letter to the Committee

comment as to whether you think they are a reasonable approximation?

MR. ALLOWAY: Yes, we will be very glad to do this.

SENATOR WALDOR: Thank you very much, Mr. Alloway.

We will have one more before our luncheon recess.

Mr. Lamping.

Mr. Lamping, will you state your name and your association for the record, please.

MR. LAMPING: Jack Lamping, Executive Vice President, New Jersey Association of Chosen Freeholders.

SENATOR WALDOR: And you appear here in the capacity of testifying on behalf of that Association. Is that correct?

MR. LAMPING: Yes, correct.

SENATOR WALDOR: Do you have a prepared statement, sir?

MR. LAMPING: Yes, I do. I will be happy to be sworn.

SENATOR WALDOR: You have no objection to being sworn.

MR. LAMPING: No, sir.

J A C K L A M P I N G, called as a witness, is duly sworn.

SENATOR WALDOR: Your prepared statement has been distributed to the members of the Commission, has it not?

MR. LAMPING: Yes, sir.

SENATOR WALDOR: I notice that the statement is reasonably brief, would you like to read it before this body?

MR. LAMPING: I'll be happy to summarize it.

SENATOR WALDOR: Will you, please.

MR. LAMPING: At the outset, let me say that County

Planning Boards are in the forefront of providing municipalities with sound guidelines and assistance in shaping solid waste management plans. In many instances the disposal problem is a major consideration in the County master plan. Also, let me at this point congratulate the Legislature on providing a sound County Planning Act, a new law last year, which makes the Boards of Freeholders partners in this endeavor.

The Association of Freeholders is proud to announce that its cooperation with your Commission will be given concrete substance by the convening of a statewide conference of County and municipal officials on solid waste management on April 11, 1969 at the Brunswick Inn in Middlesex County. And your distinguished Chairman, Senator Waldor, will serve as the keynoter and will moderate a panel discussion.

This solid waste management meeting which we propose to stage in New Brunswick will capture the high resolve of the Commission and the Animal Waste Task Force of the Departments of Health and Agriculture, which has had an important segment of this problem under study for several months. It is sponsored by Rutgers-The State University in cooperation with our Association, the League of Municipalities, the New Jersey Conference of Mayors and the New Jersey Travel and Resort Association, all of which are vitally concerned with this problem and the success of your mission.

Specifically, gentlemen, may I present six brief recommendations which have the support of our National Association of Counties as well as the Association of Freeholders I represent.

1. We recommend that the State Legislature enact a model New Jersey Solid Waste Management Act.

2. Each New Jersey County adopt its model provisions permitting them to undertake comprehensive County-wide Solid Waste Management Systems. Presently, gentlemen, seven counties have county-wide sewerage waste disposal systems under construction or under planning and they are following the natural drainage basins and river valleys of these particular counties. And the urgency here of the solid waste problem demands that these plans encompass more than just fluid and semi-solid waste products.

3. That each county should develop an all-inclusive plan for solid waste management, which will include a set of community goals for cooperation with member municipalities.

4. Wherever possible, cities and counties should enter into cooperative agreements or compacts under the present New Jersey statutes for the provision of adequate solid wastes management services and systems.

5. In all cases the provision of solid wastes management systems should rest with the elected county and municipal officials and that no special service districts should be created in this field.

Finally, 6. Each county should develop in cooperation with the State and Federal governments sufficient financing or funding programs for these solid wastes management systems for all the county residents.

And I conclude, Mr. Chairman, by inviting you and the members of your Commission to take a personal part in

the April 11th conference at New Brunswick.

SENATOR WALDOR: Well you have already invited me and I've accepted. Thank you.

Assemblyman Vreeland, do you have any questions of Mr. Lamping?

ASSEMBLYMAN VREELAND: No.

SENATOR WALDOR: Senator Maraziti?

SENATOR MARAZITI: No.

SENATOR WALDOR: Senator Crabiel?

SENATOR CRABIEL: One question. Mr. Lamping, are you proposing, in your motion to adopt county management systems, to eliminate all private facilities or are you proposing for the county to negotiate with --

MR. LAMPING: No, we are not. We would certainly accept negotiating privileges as a practical matter for taking care of this problem.

SENATOR WALDOR: Assemblyman Wilson?

ASSEMBLYMAN WILSON: Mr. Lamping, you mention that there are seven counties that have undertaken a county-wide waste disposal system. Would you happen to know offhand the 7 counties?

MR. LAMPING: Yes. They include counties such as Gloucester, Cape May, Somerset, Monmouth, Warren County has a study underway, Camden County and Burlington. Those are the 7 as I recall.

ASSEMBLYMAN WILSON: Thank you.

SENATOR WALDOR: Senator Musto?

SENATOR MUSTO: No.

SENATOR WALDOR: Senator Schiaffo?

SENATOR SCHIAFFO: No.

SENATOR WALDOR: I have just one question, Mr. Lamping, about number 5 in your recommendations. And just so there is no misunderstanding on anyone's part, you are not suggesting by the language in there that there be no -- or your Association has not taken a position, I take it, on whether there be state regulation of the entire industry, and this in no way reflects --

MR. LAMPING: No, it doesn't.

SENATOR WALDOR: -- upon any opinion one way or the other on that.

MR. LAMPING: That's right. That's covered, I think, in number 1.

SENATOR WALDOR: Thank you very much, Mr. Lamping, for your testimony, your assistance, your invitation.

I now declare this Commission in recess until 1:30 at which time I think we will lead off with the testimony of Mayor Monica of Orange.

(Recess for lunch)

After recess.

SENATOR WALDOR: I will call the afternoon session of this Commission to order, and I would like to call as our next witness Mayor John F. Monica of Orange.

Mayor, will you step up here, please. Mr. Mayor, may I say this: All of the witnesses who have testified so far have testified under oath. Do you have any objection to taking the oath?

MAYOR MONICA: I have no objection.

SENATOR WALDOR: Will you raise your right hand, please.

J O H N F. M O N I C A, called as a witness, duly sworn.

SENATOR WALDOR: Will you be seated, Mr. Mayor, and give your name and your official position to the stenographer.

MAYOR MONICA: I am John F. Monica, Mayor, City of Orange.

SENATOR WALDOR: Mr. Mayor, I understand that with you or accompanying you are three of the Councilmen of the City of Orange. I would like to acknowledge their presence on the record: Councilman Capone, Councilman Lucarelli, and Councilman Callahan.

If you find there is any need, I want to point out at the beginning, to consult with any of these gentlemen for any reason, please feel free to do so. You can advise us if you want a few moments to talk with them, and you are more than welcome to do so. If they have anything to add, through you, they are welcome to do so.

Now, Mr. Mayor, before going into the formal questioning,

do you have a prepared statement for the Committee?

MAYOR MONICA: No, Senator, I will testify from the facts that I have assembled over the past three or four months.

SENATOR WALDOR: Would you like to start in narrative fashion, or would you prefer to be questioned? Which way, Mr. Mayor?

MAYOR MONICA: It makes no difference. If you want, I can start off with a narrative and perhaps if you people feel that I am deviating in some fashion or form, you can call that to my attention.

SENATOR WALDOR: Right. Fine. Well, suppose you tell us how long you have been Mayor of the City of Orange?

MAYOR MONICA: Since July 1967.

SENATOR WALDOR: Now will you tell us relative to the solid waste disposal or garbage problem. just what the situation is as you found it recently, and, incidentally, I might point out for the record that it was as the result of a meeting that you called in the City of Orange, which I attended, which prompted me to introduce Senate Concurrent Resolution No. 24 in the Senate which was subsequently passed by the Senate and the General Assembly of the State of New Jersey.

With that, the floor is yours, sir, and I would like you to tell us what your problems are, were, or will be in connection with garbage in the City of Orange.

MAYOR MONICA: Senator, I want to acknowledge your kindness that you have shown to the people of the City of Orange, along with Ken Wilson, our Assemblyman, who responded

to my call very promptly when we were faced with this dilemma and this catastrophe that befell our city. I am very happy to see that Assemblyman Wilson is here and you are here, but I don't see our other representative.

SENATOR WALDOR: Do you mean Assemblyman Dodd?

MAYOR MONICA: Yes.

SENATOR WALDOR: I might point out that Assemblyman Dodd is a part of this Commission but I received a message from him that he was called out of town on business and cannot attend.

MAYOR MONICA: As you know, Senator, this is a very grave problem for a community such as ours. We have under thirty-five thousand people; we have roughly a community a mile wide by two miles long; we have lost residences as a result of an urban renewal project; we have lost residences as a result of the East-West Freeway coming through our community.

We have a five-year contract with the present holder of our garbage contract, and that contract came to \$189,990 per year.

SENATOR WALDOR: Who is the holder of that contract, Mr. Mayor?

MAYOR MONICA: Petricello. Presently or then?

SENATOR WALDOR: Then.

MAYOR MONICA: It was a joint venture by Petricello Disposal Company and the Maplewood Disposal Company, and as a result of bidding by the City Council - of course, you know in our community we are under the Faulkner Type C - the responsibility for garbage contracts is with the Council.

But when we had our garbage bids opened, to our amazement they were exorbitant and unconscionable in my opinion. We were paying, as I told you before, \$189,990 for our garbage. Our present low bidder came in for \$288,888, almost \$100,000 over and above. Again, we didn't enlarge our community and we didn't enlarge our residences or the population. In fact, it has decreased since this last five-year contract. The garbage dump site has not been a garbage dump site which is further than the prior dump site. It's the same dump site. So, with this in mind, the Councilmen started to come to me as to direction. That is when I called our meeting.

Our Councilmen here spoke with the low bidder and asked him whether or not perhaps the bid was too high. Well, they will testify as to what that conversation was. I wasn't there. But I will tell you the facts that I have come upon.

We in the present contract reduced our specifications. Under the last five-year contract, they made it so that only a person with a certain amount of experience could bid. Well, picking up garbage is not a specialized business any longer. Anyone can take a garbage can and throw it on a truck. But it does take a disposal site. So this is one thing that we did demand - that the person who bid did have a place to dispose of our garbage.

So we took out of the last specifications that a bidder to qualify must have (a) been awarded and actually engaged at some time within the past 10 years in at least five years of scavenger service under contract with a municipality having a population of thirty thousand or more; (b) said bidder to qualify must have been awarded and actually engaged at sometime within the past ten

years in at least a total of five years scavenger service under concurrent contracts with two or more municipalities having an aggregate population of 30,000 or more, according to the terms of which contract or contracts the bidder was required to collect trash, paper, dead animals, garbage and refuse in said municipality or municipalities and remove and dispose of same outside the limits thereof.

We took this out because we felt that we could get more bidders into our community, but, lo and behold, we only had three bidders come in. We had them bid two ways: one, with their own disposal site and, two, with their eyes to the future, with a city disposal site - one that we would furnish - to find out exactly what they were allowing for a garbage site - then in addition, perhaps in the future, with talk of different means of disposing of solid waste that we might in the future be able to dispose of waste without a dump site. Well, we had actually four bids come in but there was one fellow who bid on one phase of the contract and that's all.

SENATOR WALDOR: Who were there, Mr. Mayor?

MAYOR MONICA: We had one from E. Egan & Sons, one from C. F. Malenka & Sons -

SENATOR WALDOR: Malenka?

MAYOR MONICA: Malenka, from Union City; one from East Orange, and one from Central Salvage, James Petrozello-Maplewood Disposal, our present contractors; and also a bid which was only partial from Thomas Viola & Son from Lyndhurst. Egan came in with a yearly contract for \$315,000 per year; Malenka came in with \$327,500 a year; Thomas Viola came in with \$313,000 a year; and the lowest one was Egan, our present

contractor, for \$288,888 -

SENATOR WALDOR: When you said Egan, you mean Petrozello, don't you?

MAYOR MONICA: I'm sorry. Did I say Egan? I mean Central Salvage, James Petrozello, \$288,888. With our dump site, in the same order respectively, \$287,000; \$293,000, and Viola didn't bid at all on that phase of it. Now this is approximately a 50 per cent increase over our last five-year contract. Now with a three-year contract the figure rose again to 68 per cent per year, and the bids are as follows, in the same respective order: \$345,000; \$343,000; \$318,000; and \$333,000 per annum. With our own dump site, it was \$312,000; \$325,000; \$286,000. Amazingly still, under a five-year contract, their bids went up 85 per cent per annum - an increase of 85 per cent as follows: \$360,000; \$358,000; \$350,000, and Viola didn't bid. With our own dump site, \$345,000; \$329,000 and \$325,000.

We have checked and double-checked our areas. I have followed garbage trucks in our community. They only have two men on a garbage truck - the driver and the fellow who loads it. When there's a lot of garbage, the driver gets out of his seat and helps load the garbage truck. There is an average of only four trucks in our community. These trucks are not the 30-ton units; they are under the 30-ton unit. Most of these trucks are on the average more than five years old.

I guess as you fellows go on you will know more about garbage than I do, and you will find out by mathematical computation what the cost of a garbage truck is and what the men are receiving in salary.

It is also indicated to us that our garbage contractor who accepted our bid has a ten-year contract in Kearny for the disposal of garbage. So now let's make a combination of figures. We have no cost increase factor for ten years for garbage disposal. We have the same mileage between our community and the dump site. There is no great factor there. They are using garbage trucks of vintage years, and still they come up with about 46 or 48 per cent increase on a one-year contract, 68 per cent on a three-year contract, and an 85 per cent on a five-year contract. As I told you before, this is unconscionable.

Now, gentlemen, a community such as ours which is in the throes of a tax rate increase constantly, we are an old community, we are not being aided and assisted as we should be by the Legislature or the Executive Branch of this government - to the extent we should be in order to get us out of the doldrums - we are faced with this particular increase which amounts to approximately 8 points this year in our tax rate. We are not an affluent community. We are a community of working people. Now where are we to go if this is allowed to continue? I propose that this Legislature and the Executive Branch of our government should regulate dump sites, regulate and control the cost of increase per contract and, more important, undertake a thorough study and examination of solid waste disposal.

Legislatures for the past 25 years have been toying with the solid waste disposal, but what have they accomplished? Not one thing. They have brought us to our present dilemma. The Executive Branch of the government hasn't done anything. I have

yet to hear in the State-of-the State Message any portion of it devoted to solid waste disposal. And still you can talk with any legislator and you can talk with the Executive Branch of the government, and they say that this is one of the major and monstrous problems of our times. But what are we doing with it? We in the City of Orange can't do anything about it. We are confined. We have no dump sites. We have no vacant land. But still it's a mathematical computation that in a figure each person produces approximately four to five pounds of garbage, the same as we produce sewerage; whether you're a rich man or poor man, whether you're a genius or laborer, this is the amount that is produced. It's a common denominator amongst all of us, and yet and still there hasn't been any projected push by the Legislature or the Executive Branch as to how we as a community must cope with this problem. We have to cope with it. We are now at the point when our garbage contracts go up to this extent, something is wrong somewhere that we as elected officials should have corrected because, as elected officials, I think we take on responsibility. A citizen has nowhere to go unless he goes to his elected official for salvation of some kind. The present Legislature I know is doing all it can to aid our cities perhaps, taxwise, by grants. I still say you ought to do a little bit more, but still in the area of garbage nothing has been done.

Now to bring up the last point, what can the Legislature do? What can the Executive Branch of this government do? It can undertake a comprehensive and immediate study of the entire

garbage disposal problem throughout our State. I have spoken to people from Sussex County and down below, Monmouth County, and they all have the same problem. It's not a problem peculiar to our community.

Now you've put a cap on this whole problem. You tell us that you can't dump in certain areas and you can't pollute the air. Well, these are the two ways that we can get rid of garbage. But you have put a cap on this, so we are at the point where we are now. If you go to incineration, you have to worry about polluting the air. Now you have covered that amply by our anti-pollution statute. You have covered the dump site areas to the point now where they are minimal. There are no more dump sites available and, if there are, they are in the hands of private entrepreneurs. I wrote to the Governor and I requested that he reserve in the meadowlands dump sites adjacent to the present dump sites of these contractors - dump sites for communities such as ours - because I am positive that we can get fair and competitive bidding if we have an area where we can dump our garbage, because anybody will pick up our garbage. But the next step is, "Mayor, where will we put it after we collect it?" Garbage is no problem to pick up. Anybody can pick it up. But disposing of garbage is another thing.

We have been told by people around - and this is only a matter of hearsay, or whatever you wish to call it, "Mayor, you're barking up a dead tree." This might be so. But I feel it is incumbent upon me and my duty to bring this matter to your attention and the attention of the Executive Branch of

our government, because we are at wits' end. We have now accepted a one-year contract. Two months of this year are about to expire. Where do we go now? What assistance are we going to have at the end of this year? Are they going to "sock it to us" again? We have no other area to go. Our adjacent communities have gone up 62 per cent. Some communities are coming up this year, but unless we get some sort of legislation through, reserving dump sites to us, or putting legislation through where we can have a governmental body peruse the factors in contracts which we have to undertake so that we can ascertain what the costs are to contractors, what the costs are of the dump site areas, and what their margin of profit is, and regulate that profit as we do in telephone and public utilities, we are going to find many, many communities coming out the short end of the stick.

I say that this is in the nature of a public utility, This whole industry is endowed with a public interest, not only public interest in the area of health, but in the welfare of the community, and, again, in the pocketbooks of the taxpayers of the State of New Jersey.

SENATOR WALDOR: Would you like us to ask you some questions now, Mr. Mayor?

MAYOR MONICA: Please.

SENATOR WALDOR: Senator Schiaffo, are there any questions you have at this time?

SENATOR SCHIAFFO: May I pass at this time?

SENATOR WALDOR: Surely. Assembly Wilson, have you any questions?

ASSEMBLYMAN WILSON: Yes. Mayor, what were the reasons given by the contractor for such a high increase in their bid?

MAYOR MONICA: I have not had the opportunity to speak with the garbage contractors. That was done by three of our Councilmen here. What I would tell you would be hearsay which was imparted to me, and I think you would get a more direct answer if you directed your questions to them. I was not invited to that meeting where this was done or discussed. Although I am the Mayor of the community, I was not invited.

ASSEMBLYMAN WILSON: There might have been a good reason why not.

MAYOR MONICA: Maybe. I don't know. But the fact still remains, I think that as the Mayor of the community I should have been there, because I was the Chief Executive of the community and I should have this concern at my fingertips.

ASSEMBLYMAN WILSON: Absolutely.

Mr. Chairman, I suggest we might be able to -

SENATOR WALDOR: Well, let's wait until later on.

ASSEMBLYMAN WILSON: O.K. Mayor, also I understand that you proposed a plan where, if possible, the community or the City of Orange would like to collect their own garbage. What were the problems involved in that?

MAYOR MONICA: Assemblyman Wilson, the problem again is not the collection of garbage. It is the disposal of the solid waste. Where do we dispose of it? The present Kearny dump sites where our contractors dispose of garbage, I understand through a series in the Evening News, a newspaper published in Newark, New Jersey, that there are four contractors who have

a contract for a dollar a year. As of April 1969, they go up to \$51,000 a year, the four, as a joint venture. This is the area where I told you that their garbage disposal costs are fixed for 10 years.

SENATOR WALDOR: Mr. Mayor - oh, I'm sorry. May I just interrupt? Do you have any further questions?

ASSEMBLYMAN WILSON: I have one point I want to make.

SENATOR WALDOR: Go right ahead.

ASSEMBLYMAN WILSON: Looking at the figures that were given to us today by Mr. Sullivan, Director of the Division of Clean Air and Water, they show that the average per capita cost for the collection of garbage in Essex County is \$2.39, and yet when I analyzed that in the City of Orange with a population of 35,000, this amounts to a per capita cost in the City of Orange of almost \$8.00.

MAYOR MONICA: That's right. This is the exorbitancy and unconscionableness that I am talking about.

SENATOR WALDO: Senator Musto?

SENATOR MUSTO: I have no questions.

SENATOR WALDO: Senator Crabiel?

SENATOR CRABIEL" Mr. Mayor, what type of government does Orange have?

MAYOR MONICA: Faulkner, Type C, Mayor and Council.

SENATOR CRABIEL: Well then, any contract for garbage would be signed by the Mayor, wouldn't it?

MAYOR MONICA: Signed by the Mayor, but the terms and the bidding are accepted by the Council.

SENATOR CRABIEL: I missed the point as to why you said you can't talk to the garbage contractor to get a -

MAYOR MONICA: I'm not saying that I can't talk to them, Senator. I said I wasn't invited to that meeting.

SENATOR CRABIEL: And you sign a contract for garbage when you are upset about it without talking to them?

MAYOR MONICA: Senator, what do you do when you have a community of 35,000 people and the garbage contract expires on the 16th of January and you are faced on the 14th of January with either signing a contract or having the contractor who told our Councilmen either you take my contract or you worry about your garbage? If he told them something else, I wasn't there, they'll tell you about that. Now, as the Mayor, what do you do? Do you allow pestilence and disease and rodents to run rampant through your community when I have been in communication with the Governor of the State of New Jersey and have had four or five calls into his office and wrote him a letter which I will read if you want me to, requesting aid and assistance? What do you do, Senator? Is this the attitude that a Mayor should take, to allow garbage to pile up, when it was approved by his Council? All my signature is, affixing it to the contract in order to make it binding.

SENATOR CRABIEL: Well, sir, I wasn't questioning what you should do. I was trying to get in my own head as to why a Mayor could not talk to the person he was signing the contract with, and I haven't quite understood that yet.

MAYOR MONICA: Oh, I talked to him at the signing of the contract, but my hands were bound at that point because

of the time limit and the fact that the Council had already approved the contract. You see, it's not for me to veto that contract. It is for me as chief executive to execute the contract under our form.

SENATOR CRABIEL: When you took the bids for this garbage, you said you took alternate bids for the possibility of dumping in the town site. Did the town have a site?

MAYOR MONICA: No. I explained that, Senator, in the following way: Number 1, it gives you an insight as to what they allow for disposal, for a disposal site. Number 2, it also allows perhaps, in your next contract, if something in some technical way is devolved or devised for disposal of garbage without a dump site, such as incineration or whatever else might come up, because we live in an age of technology as you well know, then we know what the allowance is for the collection of the garbage.

SENATOR CRABIEL: Did the specification state, sir, where the town site would be?

MAYOR MONICA: No, it didn't. The only thing it said was "with city disposal site."

SENATOR CRABIEL: Well, sir, how could a contractor bidding give and close a bid if he didn't know where the city was going to ask him to take the garbage?

MAYOR MONICA: Because this was at the site of our boundary line. From then on in you get mileage, sir. It's a very easy way to compute your contract.

SENATOR WALDOR: In any event, they did bid on that basis?

MAYOR MONICA: Oh, yes, they did. They understood it. It was in the terms of our contract.

Also again I failed to tell you that we joined a solid waste disposal grouping, one of seven in the County of Essex. We are Solid Disposal Group No. 1 - joint meeting No. 1. Now we joined this back in 1959. Our community put approximately \$20,000 into this grouping. The purpose of this grouping was to find out ways of disposing of solid waste. Now any time they could have come up with some solution, we had to know where we were going; we were fact-finding, too.

Now I guess the councilman who was on that solid waste grouping will tell you more. He wrote me a letter and I suppose he wants to testify as to that. He will tell you some more enlightening things about this Kearny dump site situation he has developed. But they were negotiating in that area, so we had to devise certain means of breaking our contract prices down to know where we were going.

SENATOR CRABIEL: I was just trying to get in my head, and I would hope that you will put in the record here the specifications. I would like to see the specifications as to how this was originally bid and as to how you were going to be able to determine what you say you were trying to determine, and I would like to see how you figured this mileage situation out to understand exactly how you figure that you know what the contractor figured for the cost of the dump site.

MAYOR MONICA: I can't answer that question because that was never told to me. We didn't have that opportunity to question him.

SENATOR CRABIEL: I thought you testified here that you took bids two ways -

MAYOR MONICA: Right.

SENATOR CRABIEL: - and you are testifying that the second bid was excessive -

MAYOR MONICA: The second bid?

SENATOR CRABIEL: The alternate bid was excessive.

MAYOR MONICA: What alternate bid now are you talking about? With our dump site or without a dump site?

SENATOR CRABIEL: With your dump site.

MAYOR MONICA: I didn't say anything about that, sir. I am talking about the original contract disposing of garbage - one, three and five years. I never mentioned excessiveness without a dump site. I gave you those figures in fact-finding form so you would have them to make a determination of what they allowed for a disposal site.

SENATOR CRABIEL: Well, that's what I'm trying to get at. I guess I missed the point, because I can't find out now from what you took that you could find that out because of the fact that there was no dump site specified.

MAYOR MONICA: I am very happy that that point is being cleared up, because I wouldn't like you to have that misinterpretation.

SENATOR CRABIEL: Now is there something different in Orange than the other municipalities in Essex County?

MAYOR MONICA: Well, what do you mean by that, Senator?

SENATOR CRABIEL: Mr. Wilson touched on the point that

I wanted to touch on, that it has been testified that the average cost, except that among these were 1967 figures not being expanded in place of figures of today - was \$2.39, and I think you said your population was -

MAYOR MONICA: It's 35,000; it's slightly under 35,000 but for all intents and purposes -

SENATOR CRABIEL: If it's 35,000 you are going to have a cost of close to \$7.00, which is probably three times the average in Essex County. Now I'm trying to find out is there something specifically different about the problems of Orange that would make that cost be up, or why is Orange having that problem?

SENATOR WALDOR: Just a minute, Mr. Mayor. Before you answer that, I would like to say for the record, Senator Crabiel and members of the Commission, that this sheet which has been presented to us containing this information has been received by us from Mr. Sullivan, and I would like, legally at least, to qualify the information contained within this report to the extent that we have not had the opportunity of checking out these figures and determining the basis for them or the origin of them. I'm not saying they are wrong; I'm not saying they are right, but at the same time we don't know what they are based upon; we have not had the opportunity of checking them out, and as a matter of fact, Senator, I think you suggested that the witness representing Commissioner Ylvisaker's department go over these figure for an analysis to us, and I think, for the benefit of the entire Commission, we recognize that there is a qualified value to the figures that were given us, inasmuch

as we haven't had the opportunity.

I didn't mean to interrupt you, but for all of our benefit so that we will know.

SENATOR CRABIEL: I agree with you, and I am not using these -

SENATOR WALDOR: I wasn't going to your question, but I wanted to put that on the record that we are not accepting these figures as the gospel or anything of that nature until we have had the opportunity of determining where they arose and what the basis for them is and as to their authenticity.

SENATOR CRABIEL: I have one other question, Mr. Mayor. You made the statement that they are dumping at the same dump site; therefore, there is no additional cost at that dump site.

MAYOR MONICA: In mileage.

SENATOR CRABIEL: In mileage, yes.

MAYOR MONICA: I think perhaps, Senator, the fact is that in any contract, and perhaps you know it as well as I do, you have dump site, mileage, and what you are picking up, the days you are picking up. Now if the factor of dump site remains the same, the factor of mileage remains the same, the factor of days of pick-up remains the same, the curb-side remains the same, you have some way of comparative analysis; otherwise you don't. This is what I was trying to put across and that's why I mentioned these things, for that purpose alone, because it would be very ridiculous for me to try to make a comparative analysis if the dump site were 15 miles further. See? Now I did mention to you that there was a cost increase

for the dump site, but it's fixed for ten years. It is now between four individuals to be divided up.

SENATOR CRABIEL: Let me ask you this: Has there been any, to your knowledge and your study of this thing, and I'm aware that you have studied this at great length,- have there been any other state regulations that would have increased the cost to the dump operator at the dump site?

MAYOR MONICA: Since the last contract? I would not think so, except that I understand that they are talking about landfill, but landfill has now been a rule of law with our State Health Department for a few years. It just didn't start this year or last year.

SENATOR WALDOR: Are you through?

SENATOR CRABIEL: Yes.

SENATOR WALDOR: Senator Maraziti?

SENATOR MARAZITI: First, I would like to make an observation, Mayor. You expressed concern to some extent, and I can understand it, that the Legislature has not acted and the Governor has not acted. Let me say, in fairness to the Governor and to the Legislature, that your pleas have not gone unheard. We have acted; we have this bi-partisan commission, and the Governor also has interested himself in this area. I merely mention that to let the record show that the Legislature and the Governor are alert to your problems, and that's why we are here today.

MAYOR MONICA: Senator, to qualify that, going back to what I said: I appreciate the fact that the present Legislature is now doing something regarding this. I thank

Senator Waldor and Assemblyman Wilson for this opportunity of being heard. I also thank the Governor for this interest now, but I'm saying in the past years. To bring us to this present dilemma, it didn't start today or yesterday. This goes back 20 years; I can remember them talking about solid waste disposal.

SENATOR MARAZITI: Well, here we are today and there is action. That's the point I am making.

MAYOR MONICA: Well, the point I'd like to make is that I hope we get something resolved out of these meetings and that this thing doesn't sort of get cast aside in some dark corner and forgotten about, because we have only ten months to go before we are going to get "socked" again, and the people of our community can't take it any longer.

SENATOR MARAZITI: Let me ask you this: You expressed concern over the tremendous increase of the bid over the previous year. I think you said about a hundred thousand dollars.

MAYOR MONICA: Right.

SENATOR MARAZITI: When was the previous bid given? Was it a five-year contract?

MAYOR MONICA: Five-year contract.

SENATOR MARAZITI: In other words, a lapse of five years intervened there, did it not?

MAYOR MONICA: Correct.

SENATOR MARAZITI: Now, let's assume that the bid is high - I don't know too much about this particular area. Can

you tell us, or can you account for the increase? What is your thinking in that regard? That is important to this Commission.

MAYOR MONICA: I don't account for the increase. That's why I'm here. Now why don't we take the Federal Government. They have an index which they use constantly over the last five years - cost of living increase. How much has that gone up in the last five years, sir? This is very easy to determine. We are all bound by it. The Federal Government issues this figure every year and I'm quite sure it has not exceeded, except this part year, four per cent.

SENATOR MARAZITI: Did you consider readvertising for bids?

MAYOR MONICA: It was too late.

SENATOR MARAZITI: In other words, that might have given an indication. Now you said something about dump site being an important factor, and certainly it is. I agree with that thinking. It is essential and has a great deal to do with the cost, and I think you indicated that limitations were placed, incineration limitations, as to air pollution and limitations on the dump sites. Now I think you are referring, perhaps, to State law, but as to the dump site, isn't that more or less within the local control, within the local zoning ordinances? Don't you feel your municipality may have - or not your municipality but some municipalities may share responsibility in limiting dump sites? Now I'm not criticizing this. I know nobody wants a dump, but I am trying to find out where

perhaps the responsibility would lie. In other words, you can see on the locale of the dump site and making dump sites available, this is something that could be in the area of municipal scope, so to speak.

MAYOR MONICA: Senator, you are perfectly right. If you have an area that can be used as a dump site within the scope of your jurisdiction - but have you ever traveled Orange? We don't have any vacant land, sir. We have been a built-up community for the last 35 or 40 years. Now if you go to West Orange, they are blest; they have about a 26-acre site that they might use for a disposal area or incinerator, but they withdrew it. East Orange has no area. I'm sure Newark hasn't any area because they dump out in Kearny, and Montclair dumps out in Kearny. We don't have any areas, so you might be right if we lived in South Jersey or if we lived in Sussex County -

SENATOR WALDOR: Or Morris County.

MAYOR MONICA: Morris County is also in the area now of hurting. There is one community up there went up one hundred per cent because one of the dump sites was closed.

SENATOR MARAZITI: We have a tremendous dump site now in Parsippany-Troy Hills Township available.

SENATOR MUSTO: Is that official?

SENATOR WALDOR: I think you better continue, Mr. Mayor.

SENATOR MUSTO: The Mayor of Orange and the Mayor of Union City almost had a dump site. He better be careful.

MAYOR MONICO: I'll tell you one thing more, Senator. I inquired of a couple of communities. We know of areas that

can be used as dump sites. This person told me that never will they allow you from Essex to dump your garbage in Morris County.

SENATOR MARAZITI: Was that individual speaking for the entire county?

MAYOR MONICA: For the community. I don't wish to say -

SENATOR MARAZITI: That's a big county.

MAYOR MONICA: That's right. But also, sir, I would like to know why all of a sudden the Board of Chosen Freeholders in Morris County are having a problem with their garbage dump site.

SENATOR WALDOR: Well, we are going to have them in here too, Mr. Mayor.

MAYOR MONICA: If your site is such an availability, I'm with the Mayor of Union.

SENATOR MARAZITI: I don't know that the Board of Freeholders have a problem with their dump site, because they don't carry on a garbage collection operation.

I don't think they have a problem. But we have a member here who can take care of that.

Now one more question: What do you suggest might be the solution to making available some site? In other words, Orange can't have a dump site. Do you think they should be made available? Do you think to a large extent, the way the law is now, under the scope of local control - do you have a suggestion for the Commission?

MAYOR MONICA: Yes, I have. If you don't mind, I would like to read a portion of my letter to the Governor, dated January 8th: [Reading] "It is to be further noted that the garbage dump site is the same dump site as presently used. Therefore, there is no change in distance to transport our garbage. Under these circumstances, it appears that the percentage of increase is exorbitant and unconscionable.

"We have had many private persons indicate that they would collect our garbage but after they collect it they could not dump it. No dumps were available to them. The failure of contractors to obtain a dump site has limited the number of bidders and, therefore, the citizens of our city have not had the opportunity of fair and competent bidding.

"The garbage problem has been a serious one for municipalities all over the State of New Jersey. It is my feeling that the Governor's Office should immediately, in conjunction with the Legislative Branch of government, launch a full-scale investigation and study in order to find a solution to this problem.

"My off-hand suggestion and an immediate solution would be to reserve to municipalities a garbage dump site at the meadowlands adjacent to the existing dump sites which are presently being used by private concerns. By providing dump sites to municipalities, you would circumvent the present monopolistic practices now existing in garbage dump sites."

Now the fact that we are now going to the meadowlands dispute - we have thousands of acres that can be used for dump sites, and they are within the hands of the legislative branch of the government and the executive branch of the government.

It only takes for you people to reserve to us dump sites - even if you provided the personnel to properly cover over the garbage and charge us. You see, we have the immediate solution. This is the immediate solution.

The second immediate solution, as I told you, is perhaps controlled by some commission over the costs of the garbage contract itself, looking into the cost factors and limiting the amount of profit. Now this is the thing - perhaps even control over the present dump site so far as profit is concerned, what their costs are. This is immediate. Again, as I informed you before, the long-scale one would be perhaps studies, scientific studies - spending a few dollars and allowing groups to study our solid waste disposal problems, the best way.

Now, if your Committee comes up and says that after a study we come up with A, B and C as the only best ways to dispose of solid waste, and the cost for A is such, the cost for B is such, and the cost for C is such, and also indicating the amount of residue, etc. and all the disposal problems which would come up, then I could justifiably go before the citizens and say, "I want a referendum indicating how you want to dispose of your garbage. These are the studies that have come out of the legislative branch of our government as the best possible ways. It is going to cost you so much for each program, and let's have a referendum to decide how we are going to do it," because I think our citizens are big enough and they know the size of this problem and the seriousness of the problem to undertake this program.

SENATOR WALDOR: Thank you very much, Mayor.

SENATOR MARAZITI: I have one observation to make. The mayors of those communities that border on the meadowlands may be a little concerned about this.

SENATOR SCHIAFFO: Through you, Mr. Chairman. That is where I want to come in.

MAYOR MONICA: But, Senator, let's put it this way. They are presently dumping there now, and this is the way to fill those areas so that they can become useful areas, plus the fact that it becomes a service to the entire State and something not just peculiar to the one locality. As you and I know, we are citizens of the State of New Jersey, not of one locality only. What's good for Orange has got to be good for the State of New Jersey, otherwise it's not right.

SENATOR WALDOR: We've been trying to tell that for a year now.

Assemblyman Vreeland?

ASSEMBLYMAN VREELAND: I would just like to clarify one or two points. First of all, the thing that provoked the Board of Freeholders of Morris County was the closing of a dump, as you are probably aware, in that area, and that is also the cause of doubling, 100 per cent, the charge of solid waste disposal in that area in one specific community. This landfill area that Senator Maraziti referred to now does receive solid waste from several Essex County municipalities. So let's understand that.

I would like to get a comment from you with regard to this bidding question. Are you suggesting a method of control of bidding or are you suggesting that there may very well be

collusion that we are facing now?

MAYOR MONICA: Neither one, Senator, can my appearance here today be attributed to. But I did say this, that there ought to be a government regulatory body such as the PUC, regulating the cost - not the cost but the amount of profit one can derive from these types of services to the citizens of our State. That's what I'm saying.

SENATOR WALDOR: Senator Schiaffo?

SENATOR SCHIAFFO: Through you, Mr. Chairman. Mr. Mayor, I would like to point out to you in the first place that I appreciate your problem, but I am quite sure you appreciate that the communities in the southern part of Bergen County don't intend to become the dumping grounds for every municipality that has a problem with garbage, whether they are going to fill the Hackensack Meadowlands or not. I assume that you weren't here when Mr. Alloway of the Department of Community Affairs was here and indicated that right now it is very possible that the garbage that is in there now may have to be unearthed and disposed of elsewhere and at even greater cost before construction and development of the meadowlands can proceed. I can tell you now that there will be some resistance to the Meadowlands and the south Bergen communities becoming the dumping areas for the State.

May I ask you this - if I have a clear understanding of your testimony this afternoon before this Commission which indicates to me that you say that you have shown to us, as the result of bidding for a garbage contract in your community on the basis of one, three and five years, the tremendous increase in cost, making no comment on the reason for the

increase, is that a fair statement?

MAYOR MONICA: Yes, that's fair, and I think that is the purpose of your Committee, to look into those things.

SENATOR SCHIAFFO: Secondly, there has been testimony before you were here by a member of the State Department of Health and of the Attorney General's Department regarding a recommendation to the effect that provision should be made by the State, through its eminent domain powers, to provide sanitary dumping areas. How do you feel about that?

MAYOR MONICA: Senator, let's put it this way: Any scheme, any legislation, any area devised to bring this problem to a solution, I am in favor of. Now, if this is one of them, fine. If condemnation is the basis, fine.

Just to go back to what your initial statement was, I think then we have a champion for some kind of a Committee - and I think you will champion that cause - to study the ways of disposing of solid waste without landfill.

SENATOR SCHIAFFO: There are your champions right here, Mr. Mayor, all of us.

MAYOR MONICA: I thank you, but you won't allow us to dump there. You must champion that cause quite strenuously.

SENATOR WALDOR: Mr. Mayor, I would like to ask you a couple of questions if I may: Again, recognizing the fact that you are at least partially responsible for the introduction of my resolution creating this Commission - or the resolution sponsored by me, I should say - I have since read in the local newspapers a good deal about the existing controversy, as I am sure you have; that is, the Newark Star Ledger - and I don't

know why everybody says The Evening News, formerly the Newark Evening News - but in any event, I assume that's the way it is, or I know that's the way it is. But there have been many allegations made by a group known as the Municipal Contractors Association and others concerning the conduct not only of yourself as Mayor and the members of your Council, but as Mayors and members of Council throughout the State of New Jersey and in Essex County in particular, wherein the "blame," and I use that word in quotation marks, for the so-called lack of competitive bidding rests upon the shoulders of the municipal officials, inasmuch as they don't prepare sufficiently in advance, knowing full well when the renewal of their contract comes up. Do you have any comment on that, sir?

MAYOR MONICA: I do, sir. I understand that New Jersey State and Municipal Contractors Association issued a release for the afternoon papers of January 23, 1969. Well, my name was mentioned quite frequently in that release, but I do want to say for the purposes of the record that I never did receive from them a copy of the release.

SENATOR WALDOR: Well, you read a report, I assume, which -

MAYOR MONICA: Yes, I read the release. Now, let me for the record indicate this: It is my understanding that the fellow who bid our contract, the lowest bidder, is not a member of this Association, firstly. Secondly, they indicate also that our municipality was lax, and attributing it to me. As I prefaced my remarks, this is not my jurisdiction. As the Mayor of the Community, all I do is hand up through the Department of Public Works specifications which we feel should

be the basis of the contract, we give it to the Council, and the Council proceeds from there. From that point on, I have no more control until it comes down to the signing of a contract.

SENATOR WALDOR: You don't feel that there was any laxity on the part of the municipal officials of Orange, do you?

MAYOR MONICA: I do not. Further, it is my understanding that they asked this fellow whether or not he would take a per diem rate until we had a chance to renegotiate - or not renegotiate, but to rebid the contracts.

SENATOR WALDOR: Re-advertise.

MAYOR MONICA: Yes, readvertise. He refused. He would not take it. Even on the high rate that he bid, we were willing to pay that, and the Councilmen will tell you this when they come before you.

SENATOR WALDOR: There has also been an allegation, Mr. Mayor, which I again read in the local press, and I think this is a fair sounding board for you and that is the reason I am giving you the opportunity to comment on this, speaking of the dumping grounds in Kearny - that these dumping grounds were available to bid upon by Orange and other municipalities.

MAYOR MONICA: Solid Waste Disposal Unit No. 1.

SENATOR WALDOR: I want you to have the opportunity of presenting your side of it.

MAYOR MONICA: We have a Councilman on that Unit, Mr. Callahan, and this is the purpose of his being here today. He wrote me a letter but I think, since he is here personally,

I think we should get it from him. Now the Council appoints him to that Unit, and he is our eyes and ears in that particular Unit. So he is here personally, and I think the responsibility is not mine again. They charge me - of course, as you know, the Mayor of a community takes the blame for everything. What they can't attribute to anyone else, they'll charge to the Mayor.

SENATOR WALDOR: But in any event, Orange was not notified directly as a municipality about the availability of these dumping grounds.

MAYOR MONICA: I could answer that from Councilman Callahan's letter but I think it would be better to get it from him direct. Now again, in this release, they said that no one ever came to them and asked for a dump site. Well, at the Public Utilities Commission hearing last week, their counsel made expressly the same statement. On February 18, I directed a communication to him and I will read it for the record:

(Reading) "Last week you indicated that the Contractors Association of New Jersey, whom you represent, is willing to offer the City of Orange a dump site in Kearny. I would appreciate hearing from you as to the dates on which we can discuss this offer and its terms. Our garbage contract will expire in January of next year, and it is incumbent upon us to make arrangements for future disposal of our solid waste. Therefore, I am requesting that very little time be lost in setting up this meeting. I earnestly feel that your interest in our city stems from your association with your many friends who live in our city and that you will do everything possible to assist us in

our grave problem."

Now, I'm waiting for an answer.

SENATOR CRABIEL: What is the date of that letter?

MAYOR MONICA: February 18th.

SENATOR CRABIEL: That was last Monday.

MAYOR MONICA: We only came out of the Public Utilities Commission meeting last Friday, I think it was.

SENATOR WALDOR: Mr. Mayor, let me crystalize this, if I may. So you are ready, willing and able at any time to sit down and discuss available dumping grounds for the City of Orange, looking now toward the expiration of the present contract and looking toward the possibility of having bidders without dumping sites available to them, or even the possibility of municipal collection, as long as you have a dumping site available.

MAYOR MONICA: As long as we have a dump site available to us, we have a starting point and we have the crux of the problem solved.

SENATOR CRABIEL: Mr. Mayor, this morning Director Sullivan testified and gave the Committee a list of dump sites that are available or that are used, which from a rough count here, indicates there are 40 dump sites in Essex, Bergen and Hudson. Could you tell us whether you or any other town officials have made an effort to get permission to dump in any of these sites?

MAYOR MONICA: Forty dump sites in Essex?

SENATOR CRABIEL: No, I said Essex, Bergen and Hudson.

MAYOR MONICA: Well, Essex, Bergen and Hudson cover quite a lot of territory in our State. I think perhaps it would

have been more beneficial had he defined what dump sites were in Essex, where they were in Bergen, and where they were in Union County.

SENATOR CRABIEL: Well, he submitted to this Committee. I just asked you a question. I'll specifically tell you that there were 23 in Bergen, 10 in Essex County, and 7 in Hudson County, and I'm asking you, sir, whether you, in your capacity as Mayor, or any other official of Orange, realizing you were in a controversy and realizing that you were attempting to get a new contract, and also that you have testified that you had an alternative bid in for possibly handling it yourself - whether you have made a formal request for the use of any of these sites?

SENATOR WALDOR: Would you like to know where they are, Mr. Mayor? Would it help you any?

ASSEMBLYMAN WILSON: Senator, I could answer some of your questions; for example, all these sites aren't open; for example, West Orange. The West Orange dump is not open at this particular time.

MAYOR MONICA: Sir, is Mr. Sullivan a member of our State government in any way?

SENATOR WALDOR: Yes, he is.

MAYOR MONICA: Well, don't you think it would have been incumbent upon Mr. Sullivan, at the time we entered into this controversy with Senator Waldor, to make this available to us? I asked the Governor in my letter, sir, to go back again and to complete that letter: (Reading) "I am further requesting an immediate conference with you and the members

of your Council to see what immediate relief can be obtained from the City of Orange in its present plight. Since a few days remain before the expiration of our present contract, some of our elected officials and some of our citizens feel that no relief is in sight for our citizens. This might be so, but I believe we should have the opportunity to have the assistance of the experienced personnel of the Governor's Office to at least peruse our problem with us and to see whether or not this is a fact."

Now, sir, if Mr. Sullivan gives you the information today, why wasn't that information handed down to us.

SENATOR CRABIEL: I don't want to appear argumentative with the Mayor, and I didn't in my question before, but I have had experience in being Mayor of my own community, and I think the Mayor has the responsibility of looking into things and I think the Mayor and the governing body, under our system of Home Rule in New Jersey, have the first responsibility of trying to resolve their problem.

Now, what I am trying to find out from you is that, if the town has exhausted all possibilities, that's something I want to know as a Senator, because we've got to have possibilities for garbage disposal, but if the town just waits until a week before the bidding and then takes bids and then says the price is too high and throws up its hands and comes down here and says the Senate should do something about it, I have some doubts as to whether that should be done. So I'm trying to find out for my information, and this is not to be critical of you or your town council or anyone else - my question is, and I have to know this because if the State has specified to us that there

are 40 dump sites available in the general area, and you originally led off with your testimony to me that you took alternative bids telling the contractor that you might put it somewhere else, it would appear to me that somehow or another somebody in Orange would have tried to find out whether they could dump in some place, and if you unequivocally would say we can't dump in any of these sites, that would give us a position to come back and talk to Mr. Sullivan and say, "What do you mean?"

MAYOR MONICA: Now this would be in Solid Waste Area No. 1, of which we are a member, and we must take their experience and their knowledge in this area as gospel, and they came back to us and told us on many occasions - and Councilman Callahan is here now and he will testify, and he will answer that question better than I can because this was his responsibility in that solid waste grouping.

SENATOR WALDOR: Mr. Mayor, let me point out to you that there are 10 places listed as dumping sites in Essex County and I think I can save you the trouble and Mr. Callahan the trouble by saying that I know that none of these are available to the City of Orange for the dumping of their refuse.

Now, Senator Crabel was merely asking you a question that I think is a perfectly valid and logical question, but he is unfamiliar with all of these. You did mention West Orange in your testimony as being closed, and I know, living in West Orange, that it is and that it isn't available as are the rest of these unavailable, or at least were unavailable up until the present time.

SENATOR CRABIEL: Mr. Chairman, with all due respect to your statement, I happen to be in the contracting business and I happen to use dumps from time to time in my business, and I know that my company can go to certain dumps and we can dump there, and I say to you that some of these dumps are open.

SENATOR WALDOR: To the City of Orange or to any other municipality?

SENATOR CRABIEL: I didn't say that.

SENATOR WALDOR: Well, that's what you asked him.

MAYOR MONICA: That's what I am trying to tell you, Senator.

SENATOR CRABIEL: I don't want you to unequivocally say -

MAYOR MONICA: Let's go back to what the Senator just said. You're a contractor. Do you dump?

SENATOR CRABIEL: No, sir.

MAYOR MONICA: I say you take the opportunity of dumping. You have just said so, Senator. Are you comparing that kind of dumping with the kind of dumping we're talking about of garbage? You're talking about building material; you are talking about landfill of a solid nature, which is not animate. You're talking about inanimate dumping. Now you might be perfectly right. I don't want to be argumentative either but the facts I am presenting to you, I want to make sure they are not misunderstood. You're not doing it on a daily basis, Number 1. Number 2, you are not vying with contractors who are in the business of dumping garbage. You are

not doing this at all. You go there and you pay so much a dump - period. And that's the end of it. You may never go back there again for another two weeks. But we can't conduct a garbage disposal system that way. We have to do it daily.

SENATOR CRABIEL: Mr. Mayor, I only asked a question as to whether the Town of Orange had investigated whether the Town of Orange could dump in these dump sites. All I wanted was a yes or no answer.

MAYOR MONICA: Well, sir, maybe I can tell you this: I believe they have, taking into consideration, our member on the Solid Waste Unit Number 1. He is here and you can ask him questions.

SENATOR WALDOR: Assembly Wilson?

ASSEMBLYMAN WILSON: Yes, I have something.

SENATOR WALDOR: And then I think we have a witness here from East Orange who has been waiting, and then we will get back to Orange.

ASSEMBLYMAN WILSON: Senator Crabiel, I would like to comment on the availability of the dump site. When I was called in by the City of Orange as far as the problem with the garbage contract was concerned, they proposed the idea that the municipality would collect its own garbage or they would actually hire a contractor that would be able to collect the garbage at a lower rate, but the problem was a dump site. Now I called Assemblyman Vander Plaat in Bergen County to see if one was available in Bergen County. Assemblyman Vander Plaat has been the Mayor of Fairlawn for eight years and has been an Assemblyman for quite a long period of time, so I thought he would know all these dump sites in Bergen County. He said there was a public dump

site in Bergen County and that he was going to try to obtain special permission for the City of Orange to go to Bergen County and be able to dump their garbage. This is, I guess, the only thing that Orange really held out for right up to the last minute, but we were unable to get the dump site in Bergen County. So the City of Orange did try to obtain a dump site but were unable to do so.

MAYOR MONICA: Mr. Chairman, to Senator Crabiel: Also, Assemblyman Wilson was kind enough to contact the State Department of Health and ask certain direct questions about garbage disposal, and so on. Now may I ask what department Mr. Sullivan works for?

SENATOR WALDOR: Department of Health.

MAYOR MONICA: Now the Assemblyman will indicate to you that he was in direct communication with him. I think he is on that committee if I am not mistaken.

SENATOR WALDOR: Mr. Mayor, we don't want to engage in a colloquy about the Department of Health or anything -

MAYOR MONICA: No, but I just wanted. Mr. Chairman, to indicate an answer that is possible to Senator Crabiel's question, that we did do something about it. And we have our Assemblyman right with us who made direct calls right from my office to the Health Department.

I am glad that we've got a few Mayors on this Committee. When you try to strike a tax rate for the citizens of your community and do a job, these things really hurt you.

SENATOR WALDOR: Well, thank you very much, Mr. Mayor, and thank you for bringing this to our attention and your

testimony.

MAYOR MONICA: May I take the opportunity to thank you. Perhaps I am a little direct in my answers.

SENATOR WALDOR: I'm glad that you are. That's what we're here for.

I would like, if the Councilmen from Orange will just wait, to call this gentlemen, Mr. Cervasio, who has been waiting for quite some time. I would like to call him now. He said his testimony would be about fifteen minutes. Right, sir?

MR. CERVASIO: Right.

SENATOR WALDOR: At this time, I would like to point out that I received a telegram this morning from Mayor Kelly of East Orange who indicated his inability to be present, but he has sent in his stead a man who he acknowledges is an expert in the field, the Superintendent of Sanitation of East Orange, Mr. Thomas R. Cervasio. Mr. Cervasio?

SENATOR WALDOR: Mr. Cervasio, will you state your name, please, and your title, for the purposes of the record?

MR. CERVASIO: Thomas Cervasio, Superintendent of Sanitation, City of East Orange.

SENATOR WALDOR: Mr. Cervasio, do you have any objection to being sworn?

MR. CERVASIO: No, sir, I do not.

T H O M A S C E R V A S I O was duly sworn.

SENATOR WALDOR: Do you have a written report, sir?

MR. CERVASIO: Yes, I have some facts and figures here about the East Orange garbage contract that you people can look over at your leisure and analyze if you will, and I would

like to tell you of the experience the City of East Orange has had in garbage collection contracts.

SENATOR WALDOR: Please proceed, Mr. Cervasio.

MR. CERVASIO: I would say about six months before our contract runs out, eight to six months, we send an invitation to every responsible private scavenger in the State, those who are listed as such, and we send them a registered certified mail invitation to bid. We send them a copy of our newspaper advertisement and our city directory in case they want to contact any city official and ask additional questions, and a map of the community with pertinent information on it, and also it says, "Don't be a litterbug, keep East Orange clean." We did receive about 10 potential bidders, they picked up specifications, and four actually bid the contract - the contract which is now in effect.

I have here a breakdown of costs of those bids and there is a copy for you gentlemen here and perhaps we can go over it together, and I can give you the benefit of my experience and try to analyze these for you. I will say this - I have given it to you for the past ten years, 1960 and 1965. If we go to 1965, the two main bidders here - and the bidders were Peter Roselli & Sons, C. Egan & Sons, William A. Carey Co., and R. Merangi & Co. - the two contractors who had experience in the City of East Orange are Peter Roselli & Sons and C. Egan & Sons. I broke down the 5-year bid into a 1-year cost so that you could analyze this cost. The increase in cost over the 1960 contract, which was a duration of 5 years, and the 1965 contract, was a 16 per cent increase. It amounted to

\$68,200 increase in cost.

The yearly cost was \$493,200. Figured on the official 1960 census of 77,259, it came to \$6.38 per capita. Being more realistic and figuring it on 85,000 population which we evaluate our community to have, it is \$5.80. The cost per dwelling unit is \$23.33 on the 1960 census, and \$20.30 on the 85,000 census. The difference in cost was \$6.38 per capita - \$5.50 per capita and \$5.80 per capita - \$5.00 per capita. Dwelling unit cost \$23 per dwelling unit, \$19.25 per dwelling unit; \$20.30 per dwelling unit, \$17.50 per dwelling unit.

The City of East Orange has refuse collection three times a week. We have set out and set back service 100 feet to and from the curb line. Store refuse is collected in limited amounts, 235 gallons three times per week. Refuse is collected on all holidays, including ice and snow storms and hurricanes. During the ice storm the other week, we collected refuse. During and after the snow storm we collected refuse. In my experience of 22 years as Superintendent of Sanitation of the City of East Orange, we have not missed one day of refuse collection.

Refuse is collected from all dwelling units. Containers must be placed at the curb line. Two hundred city litter containers are emptied three times a week located at the curb line. Refuse is collected from all office buildings. Containers must be placed at the curb line. All city departments have the right to use the contractor's disposal site for street sweeping, road construction, debris, shade tree residue, etc. We also reserve the right to use the contractor's dump by

outside contractors if they are working for the community in some sort of emergency.

I think this is all very, very important with the way dump cost is today. We have two clean-up-week periods per year and all material such as furniture, lawn and garden refuse, etc. is picked up three times a week throughout the entire year, so actually every refuse collection day is clean-up week.

Now as we come to the disposal cost, the contractor gave us a bid of twenty thousand dollars per year for five years, which works out to 36¢ per ton, based on a population of 77,259, and that actually comes up to \$20,000.

Prevailing average cost for sanitary landfill, and I just corrected these costs yesterday, gentlemen - these are the prevailing costs and they are on your sheet here. At one dollar per ton, it equals \$55,271 actual cost of sanitary landfill. Cost of incineration, which I think will be of interest to you, as compared to \$55,000 - we are trying out these figures - to \$48,000 at \$4.50 per ton, and \$4.50 is usually the highest or the national norm; \$3.50 is approximately the lowest, so it would take \$248,000 and \$193,000 to incinerate East Orange's garbage and refuse.

The cost of disposal at \$1.00 a ton, sanitary landfill, is \$8.50 for a 25-cubic yard truck load; for incineration at \$4.50 a ton is \$38.25 per truck load; incineration at \$3.50 per ton would be \$29.75.

These are established figures, gentlemen.

The new setup in the Kearny sanitary landfill disposal area is now usually a basic ten dollars per truck load, which

would amount to a cost of \$80,000 for the City of East Orange yearly refuse disposal cost. Sharkey's Farm, which is another dump which is in operation, operates on an IBM machine, comes to \$110,542 yearly cost, based on East Orange refuse disposal cost. Bergen County Landfill, which has increased their price - a 20 cubic yard truck load costs \$7.00 per load, and a 25 cubic yard truck load compacted costs \$8.75 per load. So that would cost the City of East Orange \$56,000, rounding off these figures.

I called the New York Department of Sanitation and received these figures yesterday on the phone. They gave me a very basic cost of \$5.53 per ton to burn garbage and refuse in the New York incinerators. If we burned our refuse in the New York incinerators, it would cost us \$305,000. Sanitary Landfill for the City of New York is \$1.12 per ton, which comes to approximately \$9.52 for a 25 cubic yard truck, and for a 20 cubic yard truck \$7.62.

Now you people have these figures here in front of you and you can look over them at your leisure.

SENATOR WALDOR: I would like to ask you a question, Mr. Cervasio about one of the figures. I may have misunderstood you. At the beginning of your testimony did you indicate - or let me ask you directly: What is the per capita cost as you have broken it down in East Orange. I think you said something about five point -

MR. CERVASIO: It fluctuates, sir. We have \$6.38 for 77,259 population. A more realistic population figure is 85,000, which comes to \$5.80.

The only way we can base this type of municipal service is to base it on communities who have their own city service, and I hold a survey of 1964 which I would like to give to you, Senator. You might find it interesting.

SENATOR WALDOR: You mean a comparison?

MR. CERVASIO: Yes, sir. That is 1964. Some of those figures came from municipalities and we had to take their figures and evaluate it accordingly. Now those are the 1964 figures. I have the 1958 figures if you would like to have those also.

SENATOR WALDOR: No, I don't think so, sir. You have the 1958 and 1964 compared here.

MR. CERVASIO: Yes, I do.

SENATOR WALDOR: May I keep this for the benefit of the Commission?

MR. CERVASIO: Yes, sir, you may.

ASSEMBLYMAN WILSON: Mr. Chairman, may I ask Mr. Cervasio some questions about these figures?

SENATOR WALDOR: Yes, go right ahead.

ASSEMBLYMAN WILSON: Mr. Cervasio, from your 1960-1965 contract, five-year contract, there is only an increase of \$61,000?

MR. CERVASIO: \$61,000, this is correct. That represented an increase of 16 per cent.

ASSEMBLYMAN WILSON: This amazes me because of the fact with the contract in Orange we had a \$100,000 increase, which is almost an increase of 50 per cent. I just wonder, as a person who has been involved in the sanitation business

of the City of East Orange for a long time, how would you account for these differences? Would you be able to offer any explanation?

MR. CERVASIO: Actually, no. I wish I could, Mr. Assemblyman, but what we have here is different contractors bidding on different municipalities. That's just about the size of it. I couldn't voice any opinion on that at all.

ASSEMBLYMAN WILSON: Another question I have: It seems that Peter Roselli - Roselli & Sons - were the ones that were the low bidders in 1960 and also they were the low bidders in 1965. And as I look at these comparative bids, it seems to me that these other people, both in 1960 and 1965, were so far out of line as compared to the other bidders; for example, in 1960 Roselli was 429; Egan & Sons \$475; Malenka, Union City, \$525, and Jersey Sanitation Company \$630,000. To me, they are so far out of line. Then we take 1965 - Roselli \$495,000; Egan, this time, is \$558,000.

MR. CERVASIO: This is five years later.

ASSEMBLYMAN WILSON: Yes. Carey is \$542,000; and Merangi & Company of Allendale is \$595,000. To me, these bids aren't even close. Let's see, one case here, it's fifty thousand -

MR. CERVASIO: What figures were you reading on that last one there, Mr. Wilson?

ASSEMBLYMAN WILSON: The price with the disposal site furnished by the bidder.

MR. CERVASIO: So it was \$55,000 for Carey and \$60,000 for Merangi. Is that what you said?

ASSEMBLYMAN WILSON: Yes.

MR. CERVASIO: As I said, the two contractors who do have experience with the City of East Orange are Roselli and Egan in this particular bidding.

ASSEMBLYMAN WILSON: Well, what would account for - let's see, in 1965 the difference is \$68,000. To me that's a tremendous amount of difference between the two.

MR. CERVASIO: I can't account for the contractor's bidding.

ASSEMBLYMAN WILSON: Well, in 1960 there's about \$50,000 difference between the two. They are both familiar with the city. Both are in East Orange. To me, it would seem that with competitive bidding the bids would be a great deal closer.

MR. CERVASIO: Well, I do know the situation rather well, and Egan dumps at a different place than Roselli does and I'm quite sure his travel time accounts for his difference in the bid.

ASSEMBLYMAN WILSON: Do you know where the two dump sites are for each one?

MR. CERVASIO: Just a minute. Let me see if I can find that for you. Dumps are rather important. Here we are. From the City Hall to the dump that Roselli was using, and, of course, this is not important -

SENATOR WALDOR: Where is this dump?

MR. CERVASIO: In Kearny.

SENATOR WALDOR: It's the same dump as Egan's, isn't it?

MR. CERVASIO: No, sir. This is the route. It's right off of Harrison Avenue.

SENATOR WALDOR: We're not interested in that,
Mr. Cervasio.

MR. CERVASIO: Well, if I may, I could tell you just how we evaluate traveling time, etc. We say here that from the City Hall to the Kearny disposal site located on Harrison Avenue, the round trip time is 38 minutes; the round trip distance is 9.4 miles; the maximum speed used was 25 miles per hour, and then we have observations in regard to the terrain - "flat terrain; police and traffic control; use of Stickel Bridge and its approaches; future use of East-West Freeway; low accident rate experienced on this route in the past seven years; Harrison Avenue is a major east-west truck route of 60-foot width; this permits two moving lanes of traffic in an eastern direction except through Harrison business district" which is important if you are moving garbage, gentlemen. "Major route which is kept passable during inclement weather; vehicle breakdowns would not obstruct traffic. Meadowland in this area is mostly dry and could be used for cover material for sanitary landfill operation."

Then we go to the North Arlington disposal site.

ASSEMBLYMAN WILSON: Is that the one used by Roselli?

MR. CERVASIO: This is the one used by Egan.

ASSEMBLYMAN WILSON: Egan uses North Arlington and Roselli uses Kearny.

MR. CERVASIO: Yes.

ASSEMBLYMAN WILSON: What is the difference in miles?

MR. CERVASIO: Let me read you this survey that I did

on this a long time ago in regard to travel time to the dumps. Now East Orange City Hall to North Arlington disposal site by way of Harrison, using Schuyler Avenue. We felt that this would perhaps be the best approach to this dumping site, trying to miss the Belleville Turnpike, which during inclement weather and during the holiday season is tied up, including the early morning rush hours, as well as the evening rush hours, where you hold up your first truck loads and you hold up your last truck loads coming back. So starting at Schuyler and Harrison Avenue, the road width varies 30 to 45 feet, allowing one line of traffic in each direction. Most of this roadway is without curbing, which encourages jump curb type parking.

Now these are all obstructions. These cost money. In some sections parking is prohibited but not enforced. A vehicle breakdown in most areas would block traffic. The use of roadway would be limited in case of ice and snow. Snow removal would be a problem. There's no place to push it. Width of roadway, hills, curves, parking, etc. make this road hazardous for large equipment. But all of these things taken into consideration could make a difference.

ASSEMBLYMAN WILSON: What is the difference in distance between the two.

SENATOR SCHIAFFO: Before he answers that question, may I ask one question. Do I understand correctly that the difference between 1960 and 1965 would be 16 per cent?

MR. CERVASIO: Yes, sir.

SENATOR SCHIAFFO: Well, now, in the interest of objectivity, shouldn't we know what the consumer price

index and the increase in cost has been for five years? Shouldn't we know what the Borough of East Orange has done in the way of increase in salaries in the departments. If it equals 16 per cent, must we inquire into the cost of dumping sites if this contract is in line?

ASSEMBLYMAN WILSON: No. My line of questioning is in fact - I would like to know why there is such a difference between Egan & Sons and Roselli & Sons as far as the bidding is concerned. And he says one dumps in North Arlington and one dumps in Kearny. I would just like to know the difference in mileage. I thought maybe this would account for such a tremendous difference, the \$50,000.

MR. CERVASIO: The round trip time to the Kearny dump is 38 minutes. The round trip time to the North Arlington disposal site is 54 minutes. The round trip distance is 9.4 miles to the Kearny dump, and 15.2 miles to the North Arlington dump. The maximum speed is 25 miles an hour.

SENATOR WALDOR: Are there any further questions of Mr. Cervasio?

Senator Maraziti?

SENATOR MARAZITI: Looking at this chart, it says Annual Cost per Capita 1960, 6.38.

MR. CERVASIO: Sir, I've lost that chart. I may find it.

SENATOR MARAZITI: At the top it says "Refuse Collection and Disposal Cost Survey."

MR. CERVASIO: Now what we have done here, sir, is - we had an alternative bid - disposal provided by bidder and disposal provided by community, the same way as Orange had. I would like to think they -

SENATOR MARAZITI: Am I right in assuming that the disposal provided by the bidder - in 1960 the cost was \$6.38.

MR. CERVASIO: No, in 1960 the cost was \$5.50 based on 77,259 population. Based on 85,000 population, which is more realistic, it was \$5.00. Now from 1960 it went up to, in 1965, \$5.80.

SENATOR MARAZITI: See if I'm correct here: This \$6.38 figure is changed to what?

MR. CERVASIO: \$5.50.

SENATOR MARAZITI: And then \$5.80 is changed to what?

MR. CERVASIO: To \$5.00.

SENATOR MARAZITI: What I'm getting at and the point I'm trying to make is, it went down.

MR. CERVASIO: No, sir, it did not. You see what we're doing here is, to be perfectly fair about this, we take the population, the 1960 official population, and say it's 77,259, and then we take what we feel is the estimated population which is closer to 90,000, and we say 85,000. Do you follow me, sir? Now we give it to you both ways. And then, by the same token, we also break down private disposal cost as compared to municipal or county disposal cost so you can get a fair evaluation of that.

SENATOR WALDOR: All right, Mr. Cervasio, you have been very helpful and very informative. We appreciate

your being here and your patience in waiting.

MR. CERVASIO: Thank you very much.

SENATOR WALDOR: Now I understand there are Councilmen or a Councilman who wishes to testify from Orange. Councilman Callahan.

Councilman, do you have any objection to being sworn?

MR. CALLAHAN: No, sir.

H A R R Y C A L L A H A N was duly sworn.

SENATOR WALDOR: Will you state your name, please, and your affiliation.

MR. CALLAHAN: I am Harry Callahan, South Ward Councilman, City of Orange. I am also the representative of the Solid Waste Disposal Joint Meeting Number 1.

SENATOR WALDOR: I just respectfully suggest this to you and I am not going to limit your testimony, but Mayor Monica has testified and we would appreciate it if you would add to his testimony rather than repeat it.

MR. CALLAHAN: Some questions were raised during Mayor Monica's testimony as to the manner of bidding and why the City did not bid on the Kearny Meadowland project.

In order to clarify that, I would like to just quote a brief extract from the minutes of the meeting of May 23rd, 1968, of the joint meeting. Mr. Craig who is the representative from East Orange, Councilman Frank Craig, stated that the Town of Kearny is advertising for bids to lease approximately 1500 acres of land for sanitary landfill.

Mr. Henry, who is Glen Ridge's representative on the Joint Meeting, stated that he had read the advertisement and that there were four individual parcels of land

involved. However, bids are going to be received on the entire 1500 acre tract.

He further stated that there were two restrictions, one being that the bidder would have to have at least five years of experience in sanitary landfill and that such experience would to have been within the past fifteen years.

So that somewhat limited those who could participate in the bidding.

SENATOR WALDOR: In other words, the City of Orange as such, according to your testimony, could not have bid on those lands.

MR. CALLAHAN: That's right, under the restrictions that were imposed in the invitations to bid. I would like to leave this with you for corroboration.

SENATOR WALDRO: Fine. I'd like to have it. Do you have a copy of it or is this the only one you have.

MR. CALLAHAN: I have one at home.

MAYOR MONICA: Maybe you can tell them what the purpose of your Committee was when it was organized, so that they could have a clearer view as to why we couldn't do any more, in answer to Senator Crabiel's question.

MR. CALLAHAN: Senator Crabiel raised the point before as to why the City hadn't sought a site for landfill. So far as our activities in the Joint Meeting are concerned, we are not concerned with landfill. We think landfill is a thing of the past and what we are looking for is a 20-acre tract on which to erect an incinerator that will more

adequately dispose of the needs of the seven communities involved.

SENATOR CRABIEL: Well, Mr. Councilman, let me stop you right there. Have you made an economic evaluation of incineration?

MR. CALLAHAN: Yes, sir.

SENATOR CRABIEL: And what does it show?

MR. CALLAHAN: It shows it to be the most feasible way of disposing of solid waste.

SENATOR CRABIEL: But not the most economical,

MR. CALLAHAN: The most feasible.

SENATOR CRABIEL: Mr. Sullivan testified this morning that incineration presently costs seven times landfill operation. Now with that in mind -

MR. CALLAHAN: Yes, there's no question about that. I thought perhaps you were referring to the other method of disposal, the composting method. It is infinitely cheaper than composting to incinerate. Landfill is the cheapest there is; there's no question about that. The question is, communities and regions such as the region in which we are located are fast running out of land. There's no more land. It's the most uneconomic use of one of our most precious assets - land; and to use it for garbage disposal is something that is unconscionable in my estimation.

SENATOR CRABIEL: Well, if that is correct, sir, then why doesn't the City of Orange start with the incinerator?

MR. CALLAHAN: Well, let me continue. Have I made

that particular point?

SENATOR CRABIEL: No, you haven't convinced me but I'll listen to your answer.

MR. CALLAHAN: I don't expect to convince you, sir. I just want you to hear the facts.

We have sought sites on several occasions. I have only been on this thing for about twenty months now, myself, but in the brief time I have been on there we've encountered three possible sites. In one instance, it was in the path of the Greenacres Program, and the site was ruled out. In the second instance, it was in the path of the Flood Control Program and naturally that didn't pan out. In the third instance, the community in which the land was located objected to our putting the facility in there, and it was ruled out also on that basis.

So it's been quite frustrating to the men on this Joint Meeting Number 1 for Solid Waste Disposal to constantly come up with sites and have them dissolve because of one reason or another.

SENATOR WALDOR: How many members are there of Joint Meeting Number 1, Councilman?

MR. CALLAHAN: Seven members.

SENATOR WALDOR: And any consideration of a proposal for incineration would involve a mutual combination of joining in the cost of the construction, etc.

MR. CALLAHAN: Yes, based on the proportion of population.

SENATOR CRABIEL: Isn't the community of Orange big enough to build an incinerator on its own?

MR. CALLAHAN: No, sir, it isn't.

SENATOR CRABIEL: Why not?

MR. CALLAHAN: There is no place for it. We are entirely built up.

SENATOR CRABIEL: Well, you could condemn a block. How much land do you need for an incinerator?

SENATOR MUSTO: If I may, I don't want to disagree with the Senator, but we are talking about something that's a specialty now. I notice that many of the witnesses coming here today are all becoming specialists in incineration and disposal of garbage, and if we put all our knowledge together I don't think we know too much. Apart from incineration, I have looked into it and I don't consider myself an expert at all. You need more than an incinerator. There isn't an incinerator that can be built that will dispose of all the garbage, the wood, the refrigerators, the automobiles, and all the things you want to get rid of. We are talking about a big problem here, and we are all becoming experts.

SENATOR SCHIAFFO: Mr. Chairman, the approach should be more of a regional approach rather than an individual municipality. If every municipality builds its own incinerator, that would be an interesting sight.

SENATOR WALDOR: I think Mr. Sullivan indicated that this morning when he said there were 38 incinerators and 7 in use, and that regionalization, if you favored incineration,

was the more practical approach. And that's what the purpose of this Solid Waste Disposal Joint Meeting Number 1 was.

MR. CALLAHAN: We have two tracts under consideration right at this moment.

SENATOR MUSTO: The point I want to make again strongly is that I think Senator Crabiel has a tremendous background in this. I think he is in the business, etc., and I respect his judgment particularly and his knowledge in this field, but I don't want to see the Commission get lost and getting involved with any witnesses that come before us as being an expert in solid waste disposal, because we're not. This is no reflection on anyone. I think the Mayor and I have a common problem. I, in Union City, have the same problem that you have in Orange. You have no room to build an incinerator. I can tell you that now. You have no way of disposing of your garbage, and you've got a great bid problem here, that is Problem Number 1. That doesn't mean we can come down here and become experts on disposal of solid waste.

SENATOR WALDOR: Is that your question, sir?

SENATOR MUSTO: No. I haven't said too much here today. We've been wandering all the place.

MR. CALLAHAN: I would just like to make the further observation, one more observation, and that is that we are not sitting by idly waiting for the State to come along and provide the facility for us. We are actively looking for it and we hope we can find it.

SENATOR WALDOR: Is there anything further?

SENATOR MUSTO: I might just suggest that you work very closely with your county and you continue to work very closely with the State. You'll have to do that in the long run.

SENATOR WALDOR: Councilman Capone?

I might point out before Councilman Capone testifies that the next meeting of this Commission will be Thursday, February 27th, at ten o'clock in these chambers.

Councilman Capone, do you have any objection to being sworn?

MR. CAPONE: No, sir.

SENATOR WALDOR: Will you raise your right hand.

C A R M I N E C A P O N E was duly sworn.

SENATOR WALDOR: Councilman, will you please state your name and your affiliation?

MR. CAPONE: Carmine Capone, North Ward Councilman, Orange.

SENATOR WALDRO: Councilman, you have heard the testimony of both Mayor Monica and Councilman Callahan. I know that you have been extremely active in this problem in Orange. and we would to hear from you if you have something to add to what has already been said.

MR. CAPONE: I know, Senator, you would like to ask some questions, but I have something on my mind that has just come up in the testimony of Mr. Cervasio, and I think it would be quite enlightening to you people to have some of the facts and figures of the bidding that was proposed

in Orange.

Now, whether you know it or not, the most important thing with garbage is the service which you get for the amount of money that you pay for it.

In the City of Orange we have only two collections whereas East Orange has three collections. East Orange has a setback and set-in service; in other words, they go in the back of your yard, bring the garbage out to the curb and then, when the garbage is picked up, they have men going around and bringing the garbage cans back, which we don't have.

Now the interesting thing about our bidding proposals was that we asked the garbage contractors to bid along these lines. We had two openers and this was one of them. I have a copy of that which I wish to show you people. We asked for the set-out and set-back service, as we call it. We awarded the contract at \$288,888 without this service. Now we asked them to give us a proposal, a bid proposal with the service, and this is the figure they gave us, low bid - \$525,000, a difference of \$237,000 - \$237,000, gentlemen, just for two or three men to walk around, follow the garbage trucks, and bring the garbage cans out to the curb and bring them back into the yards again.

SENATOR SCHIAFFO: Maybe they didn't want to do it. Could that possibly be it?

MR. CAPONE: It might have been that they never should have bid it in the first place. And this is our argument that we don't get a good competent bid.

Now I will answer any questions if you wish.

ASSEMBLYMAN WILSON: I asked the Mayor a question and he said that Councilman Capone could answer it.

Now what were the reasons given to you by the contractors when they came in with this high increase in the bids - for a 1-year contract 50 per cent, a 3-year contract 65 per cent, and I believe for a 5-year contract it was 85 per cent. What were the reasons given?

MR. CAPONE: When we called the contractor in after our - but first I would like to preface my remarks by saying I heard many statements as to why Orange was so late. We were no later than we ever were. We checked this out with our Director of Public Works. We bid at the normal time that we usually bid, and I believe it was the general opinion of the Council that there would be no more than the normal increase in the collection of garbage. We didn't feel that the contractors would come in with this exorbitant increase, especially in light of the fact that the services of the contractor would be a lot less for these reasons: first, our entire business district - 90 per cent of our merchants have private contractors. Secondly, we had a completely new urban renewal area developed in the North Ward, the area that I represent, that went entirely private which before was picked up by the garbage contractor.

The third point was that we lost, with the erection of the East-West Freeway, over 400 units.

So with these three criteria, we felt, or at least

the general opinion of the Council was, that there would be no increased cost in the collection of garbage, and this is why we went through the normal procedure of bidding.

Now when the garbage contractor came in and he was asked why the hundred thousand dollar increase, the only answer he could give us was that in the very near future he would have to negotiate new labor contracts, and he felt that this would be one of the main criteria as to why this enormous increase.

Secondly, we asked if he had a breakdown for this \$288,000, and he did. He listed many items, and the item which struck us the most was the item where he claimed that he would use eight trucks in the collection of our garbage. Now, as the Mayor testified before, he uses only four trucks. He gave us a figure of \$96,000 for the maintenance operation and the purchasing of this equipment.

Now, as the Mayor testified, they are only using four trucks, and we feel that half of that figure, half of the \$96,000 is in excess of what he actually deserves.

Now you people have mentioned why we were so late again. During the course of this meeting, we asked him, in the event Orange thought that they could not accept these contracts by the 16th, if we were to throw them out, would he give us service at the per diem rate set at the \$288,000, his low figure. And he refused us flatly.

We asked him, in the event that the City of Orange could use their own dump site, if we could rent trucks

and pick up our own garbage, if he would lease us his dump site at the figure that he quoted in his breakdown of \$40,000. He refused us flatly.

These are some of the things that concerned us during these negotiations. It was this "take it or leave it" attitude.

SENATOR WALDOR: Any questions of Councilman Capone?
Senator Schiaffo?

SENATOR SCHIAFFO: One thing, Councilman. Let me get this straight. Did you say the prior garbage contract was a 5-year contract?

MR. CAPONE: Yes.

SENATOR SCHIAFFO: And then you just awarded it for a year? Is that correct?

MR. CAPONE: Yes, sir.

SENATOR SCHIAFFO: Was there a per-unit increase in cost in the original 5-year contract? In other words, when you awarded the contract to the scavenger the last time, he bid on a fixed price. Usually in the specifications, if there are open areas, he is going to say, well, now, there are 2600 dwelling units in the city, and if I pick up 500 more dwellings I want X amount of dollars for each dwelling unit. Was that in the basic contract?

MR. CAPONE: No. I wasn't on the Council when the last contract was awarded in 1963. However, I was very active in it and I made several appearances before the Council and asked them to throw out the bids at that time in 1963 but I believe, when we refused the original contract,

when the Director of the Department submitted a contract to us back in July to study - and it goes back that far that we were studying it - there was no change in the contract other than what we made and there was no basic cost, just a general flat contract for the performance in the city in general.

SENATOR SCHIAFFO: Pick up in the city so many times a day at the curb -

MR. CAPONE: Yes.

SENATOR SCHIAFFO: Now you say the North Ward, or one of the wards, went private.

MR. CAPONE: Not the ward, the urban renewal area in that ward.

SENATOR SCHIAFFO: Were those units there under the old contracts?

MR. CAPONE: They were private homes under the old contract. After they were demolished, they were all garden apartments, which went completely private.

SENATOR SCHIAFFO: Is that the 400 dwelling units you talk about that were lost, or is this in addition?

MR. CAPONE: No, they are in addition. I am talking about the East-West Freeway.

SENATOR SCHIAFFO: Well, would you have a figure as to how many dwelling units were being serviced by this scavenger prior to the award of the new contract, and how many dwelling units and commercial units are in the new contract?

MR. CAPONE: We have that figure available at the

City Hall. I don't have it with me. I think I can get that to you.

SENATOR SCHIAFFO: I would like to know how those prices were arrived at.

MR. CAPONE: We have that. We can get that to you.

SENATOR WALDOR: Are there any further questions of Councilman Capone?

Thank you very much for coming down and thank you for your interest in this whole problem, Councilman.

Councilman Luccarello.

Councilman, do you have any objection to being sworn?

MR. LUCCARELLO: No, sir.

SENATOR WALDOR: Will you raise your right hand, please.

Q U I N C Y L U C C A R E L L O was duly sworn.

SENATOR WALDOR: Will you please state your name and your affiliation, sir.

MR. LUCCARELLO: Quincy Luccarello, Councilman, West Ward, City of Orange.

Gentlemen, first I would like to state at the outset that I am neither an expert in incineration or garbage collection. I don't know exactly what the scope of your investigation is going to include but I think we have gotten off the beaten path a little bit, and I think that one of the areas that concerns me very much is the fact that in all the surrounding communities, in a survey that was made by the Director of our Public Works Department and our own subsequent investigation, we find that the same

contractors hold those contracts for the past 20 or 25 years. I know in my particular business, I may hold a contract with a concern for 5 or 6 years, but somewhere along the line - and I can imagine the good Senator runs into this in his contracting business - you are underbid by another competitor. But we don't find this to be so in the refuse industry.

Many of these contracts are in the hands of one particular contractor for a length of time, and then suddenly a new contractor looms on the horizon and then shortly thereafter they become a joint venture with the old contractor. I just wonder if this area needs investigation.

Concerning the dump sites in Kearny, the City of Orange pays to the tune of \$40,000 a year; the Town of Montclair pays \$38,500, or roughly thereabouts; and the City of Newark pays somewhere in the area of \$85,000. These dump sites were leased to the contractors for the sum of a dollar a year, and I understand now there is a new contract that has been negotiated to the tune of fifty-one or fifty-two thousand dollars a year for the next ten years. And again this is a joint venture.

I don't know but it's been rumored and it may be just hearsay, but I understand that one of the contractors involved in the leasing of the Kearny dumps is involved in a family way somehow with the Mayor of Kearny. The people from Kearny, a taxpayers group, appeared before our Council and told us that the income from these dumps is to such an

extent that the people of Kearny could live tax free.

Not to be repetitious, I don't think there is anything further that I can add to what has already been said.

SENATOR WALDOR: Thank you. Are there any questions of Councilman Luccarella? (No questions).

Incidentally, do you know how long - just as a matter of curiosity - your present contractor has held the contract in Orange?

MR. CALLAHAN: He had a 3-year contract and a five-year contract.

MR. LUCCARELLO: And the previous contractor had died, is that correct?

MAYOR MONICA: Yes, Tom Maloney died.

SENATOR WALDOR: He died and this fellow took over and has been there since.

Thank you very much and thank you, Councilman Luccarello, for your interest and for your appearing here today. It was a delight to have you.

The next session of this Commission - the location has been changed. It will be in the Senate Chamber, at ten o'clock, Thursday, February 27th. I guess that's about it.

The hearing is adjourned and the Commission thanks those who are present and have testified and given us some enlightenment on this problem.

[A D J O U R N E D]

STATEMENT BY

George Zuckerman
Executive Director, New Jersey Conference of Mayors

Made before Special Legislative Commission to investigate problems
relating to Solid Waste Disposal

Senator Milton A. Waldor, Chairman
Assembly Chambers
State House
Trenton, New Jersey

February 19, 1969

My name is George Zuckerman, I am Executive Director of the New Jersey Conference of Mayors, which maintains its State Headquarters at Convention Hall, Asbury Park. The New Jersey Conference of Mayors includes a majority of the 567 Mayors in New Jersey.

I am happy to appear here today in response to an invitation from Senator Waldor and members of the Commission.

The problem of solid waste disposal, is one that has affected many municipalities in New Jersey, especially during recent years. This is caused, as you know, by a diminishing number of available sites for the disposal of solid waste, and a sharp drop in the number of incinerators used in the State because of the air pollution problem. The result is a spiraling cost picture forced upon municipalities already hard pressed.

Various members of the New Jersey Conference of Mayors have met periodically through the years in efforts to find solutions to this problem. It continues, however, to bring increased frustration to the various municipalities. What is the solution to this problem? Whatever the solution, it cannot involve any

further burdens upon the tax payers of our municipalities. They have about reached the saturation point.

The Mayors of New Jersey are on the front lines of this battle. The people of our communities look to the Mayors to solve this problem.

I would like to quote briefly from the Annual Statement of the New Jersey Conference of Mayors.

"It is clear to every elected official, that if the burden of real estate taxes in our municipalities is not lifted - and if Federal and State help in greatly increasing amounts is not quickly forthcoming, our cities and towns are in real serious trouble."

"Caught up in the continuous financial squeeze of rising costs on one hand and the never ending demands for more municipal services on the other, the problems of New Jersey communities are aggravated further by spiraling interest rates on municipal borrowing, now the highest in history."

"The Mayors upon whom falls the duty of leadership in their individual towns must seek new methods of lightening tax burdens."

"But one of the greatest opportunities for cutting local costs lies in the regionalization of some essential services, including the disposal of solid waste, and other government services which cross

municipal boundries. While a start has already been made in New Jersey, the surface has hardly been scratched in the field of regionalization."

There is a sense of agreement at every level of government, that taxes cannot be raised much further without extremely serious consequences to the economy of the state, and to our orderly system of government.

This Commission will doubtless hear statements from individual Mayors as to costs of refuse disposal.

I would like to report that the New Jersey Conference of Mayors, along with the New Jersey State League of Municipalities and the State Association of Chosen Freeholders and State and Federal Officials, at the suggestion of the National Association of Counties, have set up a statewide Solid Waste Seminar dealing with this subject, to be held April 11th at the Holiday Inn, New Brunswick.

Taking part also in this will be officials of the Community Relations Department of Rutgers University, the State Board of Health, the Solid Waste Task Force Commission set up by the State and others. We plan also to invite representatives of contracting firms now engaged in collection of solid waste.

It is our sincere hope that members of this Commission may look on this with favor and join with us to give us the benefit of their experience.

I would like to join with the officers of the various organizations sponsoring the siminar on April 11th, to point out that it will not be dealing so much with the frustrations of this problem, as it will be with methods of finding solutions within the means of the municipalities to pay.

Part of our program will include ways of funding regionalization among the communities and for solving solid waste disposal and determining available and new methods of financing installation and systems to meet the problems.

We know that the members of this Commission and other interested groups, will aid in developing methods for relieving the municipalities of the pressing burden they now face.

I appreciate this opportunity to appear before this Commission and please be assured of the utmost cooperation from the New Jersey Conference of Mayors, its officers and members.

