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COMMITTEE MEETING

before

ASSEMBLY ENVIRONMENTAL QUALITY COMMITTEE

Continued Review of the Status of the Cleanup of
Hazardous Discharge Sites at Military Facilities

June 1, 1987
Room 403
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman John O. Bennett, Chairman
Assemblyman Robert W. Singer, Vice Chairman
Assemblyman Robert C. Shinn Jr.
Assemblyman Robert G. Smith

ALSO PRESENT:

Mark O. Smith
Office of Legislative Services
Aide, Assembly Environmental
Quality Committee

* * * * *

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New Jersey State Legislature

ASSEMBLY ENVIRONMENTAL QUALITY COMMITTEE

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MEMORANDUM

May 27, 1987

TO: ASSEMBLY COMMITTEE ON ENVIRONMENTAL QUALITY
FROM: ASSEMBLYMAN JOHN O. BENNETT
SUBJECT: COMMITTEE MEETING - Monday, June 1, 1987

(Address comments and questions to Mark O. Smith, Aide to the Committee at (609) 292-7676.)

The Assembly Committee on Environmental Quality will meet on Monday, June 1, 1987, beginning at 10:00 AM in Room 403, State House Annex, Fourth Floor, Trenton. The subject of the meeting will be continued review of the status of the cleanup of hazardous discharge sites at military facilities.

The status reports of the following facilities will be reviewed, and representatives therefrom have been invited to brief the committee:

Naval Weapons Station Earle, Colts Neck
Fort Dix
Fort Monmouth
Naval Air Engineering Center, Lakehurst
Naval Air Propulsion Center, Trenton

On June 25, 1987, the Committee will meet at 10:00 in Room 403 to review the status reports of the following facilities, representatives of which have been invited to brief the committee:

Federal Aviation Administration Technical Center, Atlantic City
Military Ocean Terminal, Bayonne
McGuire Air Force Base
Armament Research and Development Center, (Picatinny), Dover

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ASSEMBLYMAN JOHN O. BENNETT (Chairman): I'd like to get started. Today is a continuation of a review of the cleanup of hazardous discharges at Federal facilities. We're fortunate enough today to have with us different representatives from several of the military installations in our State for an update of what has been occurring at their facilities, as well as the opportunity to ask certain questions with respect to the information that has been made available to us.

Of the witnesses that are going to appear today, we have had excellent cooperation with respect to the information being made available to us upon the request of this Committee. We are hopeful that if there are also suggestions that they may have in their interaction as a facility with both the State DEP and the Federal EPA -- that they will also be making recommendations to us. The DEP is also present today as are representatives of the EPA. So, if there are questions that come up, hopefully, we will be able to address them.

The time frame-- We've taken an ambitious witness list today, and the time frame is going to be somewhat tight. What I would like to do, by saying in advance, is that the Committee members will be coming and leaving, that in the eventuality that we are not able to get through all the questions as we go through each facility, we will then submit additional questions in writing.

We've had total cooperation and every question asked so far has been answered. And also there may be situations that a question may come up today that the representatives from the different facilities may not have that answer -- and that's fine. And if they don't have the answer, again, the ability to submit the answer in writing would be perfectly acceptable and fine. We are not here today to do anything but to continue in a spirit of cooperation for the purposes of ensuring that the facilities of this State as well as the private facilities of

this State are moving ahead to deal with the very serious problem of hazardous waste, and that's why we started.

Without further ado, I'd like to get two things right, and I will call upon the representatives of the Naval Air Propulsion Center in Trenton. Michael Oaks, I believe, is the Director of the Public Works. You can bring your panel to the table, if you would like, and introduce them.

L T. C O M M A N D E R M I C H A E L E. O A K S: Good morning, Assemblyman Bennett. I am Lt. Commander Mike Oaks. I'm the Public Works Officer at the Naval Air Propulsion Center. I have with me today the Deputy Public Works Officer. You see him back there in the second row, Pete DiPietro, and our Environmental Engineer, Larry Quinn. Also with us is the Center's Public Affairs Officer, David Polish. We're glad to be with you today and we appreciate your opening comments. We're very happy to continue to cooperate with you in any way we can. Without furture ado, I'd like to turn this over to Larry Quinn. He'll give you some introductory remarks and then we'll answer any questions that we can.

ASSEMBLYMAN BENNETT: Thank you very much.

L A W R E N C E Q U I N N, J R.: Good morning. As you know, our past hazardous waste sites at NAPC are being studied under the Nationwide Naval Assessment and Control of Installation Pollutants Program which is a systematic approach to identify, sample, and clean up naval hazardous waste sites. The handout that I have given you has important milestones in the progress of the massive program at our base.

The first phase of the massive program, the Initial Assessment Study was conducted by Rogers, Golden, and Halpern under the contract of the Naval Energy and Environmental Support Activity. The Initial Assessment Study included thorough record searches, site visits, and personnel interviews, but no field sampling. The report was completed in May of 1986. That's the first date listed on the handout. It

was the 12th of May when the report was issued. And the report found that none of the seven sites studied posed an immediate threat to human health or the environment, although, all warrant further investigation.

If you refer to the second date on the handout, May 22, 1986, Rogers, Golden, and Halpern made a formal presentation to New Jersey DEP and EPA Region II officials at NAPC Trenton at which time copies of the Initial Assessment Study and the scope of work for the upcoming confirmation study were given to New Jersey DEP and EPA representatives. We received comments on the Initial Assessment Study report from New Jersey DEP and EPA, and the comments were incorporated in the confirmation study. We have added two sites to the confirmation study at the request of EPA and New Jersey DEP.

The confirmation study is currently being performed by International Technology Corporation under contract with the Northern Division of the Naval Facilities Engineering Command. The confirmation study will include detailed field sampling and sample analysis, evaluation of remedial action alternatives, and selection of remedial action, if needed, for each site. The sampling analysis portion of the confirmation study is broken into two steps: A verification step and the characterization step. The first part of the confirmation study was awarded to IT Corporation on December 3, 1986 which is the third milestone date on the handout. The first step of the contract includes the preparation of a plan of action for the verification step. That includes three things: a field sampling plan, a health and safety plan, and a quality insurance-quality control plan. IT submitted a draft of the plan of action to NAPC and to Northern Division on May 1, 1987 which is the fourth milestone date on the handout.

We have reviewed this draft plan of action and we have prepared a forwarding letter to New Jersey DEP and EPA Region II. We plan to forward the draft POA to those organizations by

this Friday, June 5th, and that's the fifth date on the handout. Our forwarding letter will encourage EPA and New Jersey DEP to submit comments on the plan of action to us and it will also invite them to a formal presentation of the plan of action at NAPC sometime in July. So that will be coming up in the next couple of months.

Our current schedule calls for the finalization of the verification plan of action by the 10th of October, 1987, which is the seventh date on your handout, and the beginning of the actual field sampling for the verification step is early spring of 1988. That's the final date on the handout.

Projections of the confirmation study schedule beyond that are difficult, because future progress is dependent upon the nature and the degree of contamination that we find in the initial sampling efforts. We at NAPC have emphasized that we have been, and will continue to be, completely open and cooperative with EPA, New Jersey DEP, and the public throughout the course of this confirmation study and any subsequent cleanups.

We'd like you to feel free to contact us at any time for any additional information. At this time, we'll answer any questions that you may have. Thank you.

ASSEMBLYMAN BENNETT: Thank you. A couple of specifics -- With respect to the QA/QC plan, could you tell us what the nature of that plan is in a general sense?

MR. QUINN: Yeah. That's a plan that would spell out what the laboratory is going to do, like field blanks or split samples that they might analyze. It's a plan for verifying the quality of the data that you get as you're going through and doing the sampling throughout the study. It's like a specific plan of what the lab is going to do to ensure quality in the field sampling results.

ASSEMBLYMAN BENNETT: Now, originally, I believe, there were seven sites that had been identified and during this test they've added two?

MR. QUINN: That's correct.

ASSEMBLYMAN BENNETT: So that the QA/QC final plan that is being prepared will deal with nine?

MR. QUINN: That's correct.

ASSEMBLYMAN BENNETT: Okay. Now, the last time that the Legislature had looked into the different activity cleanup, there were some concern about some contamination around the baseball field that was used by the public. Is that one of the nine sites?

LT. COMMANDER OAKS: Yes it is. It is one of the additional two sites.

ASSEMBLYMAN BENNETT: Okay.

MR. QUINN: Yes it is, but when you say, "used by the public," it would only be used by the base personnel, but not--

ASSEMBLYMAN BENNETT: And that would be the draft plan that you're hoping to be sent to the EPA and DEP by the--

MR. QUINN: Yes, yes, and we will have a presentation and we will discuss comments that they have on the draft and it will become a final document, hopefully in October.

ASSEMBLYMAN BENNETT: Okay. I understand that the NAPC is not now a Superfund site, and it's my understanding that it is not projected to be included on the NPL list. Is that correct?

MR. QUINN: Yes.

ASSEMBLYMAN BENNETT: I'm not withstanding that fact, and that therefore the SARA amendments to Superfund are not applicable. The general terms of the SARA outline certain procedures that include State involvement and also set forth a technical review committee with State, local, and community representatives. I understand this is not a Superfund site, but I was wondering if there's been any discussion at this point of establishing a technical review committee similar to that which is involved in the Superfund sites for the purposes

of the involvement of State, local, and community representatives? Has there been a discussion about that at all or any thoughts along that idea?

LT. COMMANDER OAKS: There has been no discussion at all about that.

ASSEMBLYMAN BENNETT: Okay. Do you receive any guidance from the Department of Defense as to how to respond to State environment agencies? Do you get assistance from the DOD on how to respond to the State?

LT. COMMANDER OAKS: There is an environmental network in the Department of Defense. We're at a very low level of that. We're working directly with the Northern Division as we've mentioned before, the Naval Facilities Engineering Command in Philadelphia, and that is the source of all guidance that we receive regarding these matters.

P E T E R J. D I P I E T R O: That is basically very general. There are no specific guidelines other than to have an open relationship between the State and the Center.

ASSEMBLYMAN BENNETT: Would that lead then basically to each facility to draw up their own conclusions as to what the specifics of implementation of those guidelines-- If it's general by the DOD, does it then go to the individual base commanders, if you would, to do the specifics as to how that interreaction would take place?

MR. DiPIETRO: That's correct.

ASSEMBLYMAN BENNETT: What procedures would be followed with respect to conformance with State environmental laws regarding the hazardous waste cleanup -- not disposal, but the hazardous waste cleanup itself? How do you deal with any of the State laws on that? I mean, do you have an interaction with the--

MR. QUINN: Yeah, sure, when we get to that point when we go into cleanups, we'll comply with all State regulations and get any kind of permits that we need prior to undertaking a cleanup.

ASSEMBLYMAN BENNETT: Do you have any suggestions that you have had-- Let's start with doing it this way: Have you had assistance or run into any problems -- we can do it in both respects, positive or negative -- with respect to interaction with either the EPA or DEP? That's the first part of the question. The second part of the question is, do you as a facility within the State have any recommendations as to how it could be improved or would it be your position that there is no necessity for improving guidance or recommendations? That's the questions -- two-prong, if we could.

MR. QUINN: I have only been in my position for a few months, but I know of no problems that we have had relating with New Jersey DEP or EPA during the study. From what I can see, I think we have a good working relationship. I can't really think of any recommendations for improving the situation. We plan to release all reports as they come in and everything has been fine so far, as far as I know.

LT. COMMANDER OAKS: If you'd like us to consider that -- it's something that we haven't considered before -- if you would like for us to consider that and if we come up with any suggestions or recommendations and send something to you in writing, we will do that. We'll just keep that open.

ASSEMBLYMAN BENNETT: That would be fine. Thank you. What I'm trying to do is where some of the facilities haven't had a problem, perhaps there are things that are going on there that might help us with some of the facilities that we have with rather severe problems and obviously far more communication problems than we have with an NAPC. I mean, as I said to you in the preliminary remarks, this is not one of the facilities that hasn't been a cooperative facility. Therefore, whatever you're doing, we'd like to be able to get some of the other ones to be doing, and that's why I asked for your recommendations.

Just so that we have a little bit for the record on my background, could we just have in general, not in specifics, but in general the nine sites that are being studied? Could you just tell us so that the record is clear, a little bit about the overall description of NAPC and what exactly are these studies reviewing? You don't have to get into the nitty-gritty, but the specifics of it if you could.

ASSEMBLYMAN SINGER: Excuse me, are you talking about Lakehurst?

ASSEMBLYMAN BENNETT: No. We're talking about Naval Air Propulsion Center, and this is Vice Chairman Bob Singer, Assemblyman from Ocean County.

ASSEMBLYMAN SINGER: I would like the record to show that this is the first time in the history of the meetings that you started on time.

ASSEMBLYMAN BENNETT: The military -- you see, I'm not messing with them. (laughter)

ASSEMBLYMAN SINGER: Judy said that she was going to call me when you got ready. Thank you Mr. Chairman.

LT. COMMANDER OAKS: Mr. Quinn will review that list for you just now. I did make a mistake earlier. I said that you'd asked a question about a disposal area in a ball field, and I had mentioned that as one of the additional sites. I was incorrect. That was one of the original sites.

ASSEMBLYMAN BENNETT: Okay.

LT. COMMANDER OAKS: And with that clarification, (inaudible) put on the list.

MR. QUINN: Okay. Taking them in numerical order, site 1 is called Brine Handling Area West End Drainage Ditch. It's a site because of long-term spillage over the period from 1954 to 1975. Site 2 is the fire fighting area, and that is a site where from 1956 and 1965 they were conducting fire fighting training exercising two to three times a year and they were burning waste fuel as part of the fire fighting

exercises. Site 3 is the sludge disposal area near the ball fields that we referred to earlier, where some wet and dry industrial cooling water treatment sludge have been disposed of from 1958 to 1970. Site 4 is Building 41 overhead fuel line leakage area. There are suspected to have been approximately 10 leaks of jet fuel between 1965 and 1970 in overhead lines that spilled onto the grounds.

Site 5 is the Building 42 fuel line leakage area, where there was one spill in 1965 of unknown quantity of jet fuel that leaked onto the ground. Site 6 is an oil contamination near Building 34, where we have two underground tanks that used to be used to store aviation gasoline, and we have reason to suspect there was some leakage at some time.

Site 7 is the former motor gas tank leak. It's a 1000 gallon underground gasoline storage tank where a leak was discovered in 1978. We suspect that there may be some migration from the spill area. Site 8 which is one of the sites that's been added since the Initial Assessment Study is the barometric well, which is a well that is used to collect waste cooling water that pumps it up for treatment, and we just thought that we would take a look at it because it's been there for a very long time and it's a very deep well.

Site 9 is the former sludge drying beds where the sludge used to be dried. They're no longer in use and haven't been since 1970. That's also one of the areas that has been added since the completion of the Initial Assessment Study. That's all the sites.

ASSEMBLYMAN BENNETT: Thank you. And the groundwater testing that has been done to date has demonstrated that there is no threat to the groundwater from any of these sites that has been confirmed. Is that correct? I think you said that in the beginning of your remarks. I just wanted to make that clear.

MR. QUINN: No. I said that the Initial Assessment Study concluded there was no threat. The groundwater monitoring was not part of that study.

ASSEMBLYMAN BENNETT: Fair enough. I'm sorry. That would be what the study and confirmation is doing now?

MR. QUINN: That right.

ASSEMBLYMAN BENNETT: You encompass about 67 acres here in Trenton and was basically created in 1949. Is that correct also -- as far as the facility? (Mr. DiPietro nods agreement)

I have no further questions at this time. I don't know if anyone else at the table would like to ask any additional questions. Assemblyman Bob Shinn from Burlington County is here, our esteemed Chairman of the Solid Waste Committee is present now, and we have with us representatives from the Naval Propulsion Center in Trenton, who has given us additional insight into the ongoing study of the nine sites located. They have made available to us all data that has been available to date. They have also said that they are making them available to the DEP. Hopefully by the end of this week, they will be forwarding copies of the draft plan. And we will be awaiting the input from both the EPA and the DEP with respect to that facility. This is not an NPL facility and it is not projected to become a NPL facility. That's where they have been. If there are any questions, I'll be happy to entertain them. If there are not, I certainly appreciate you coming today. If there are any suggestions that you may be able to have with respect to communication in the future, we will be more than happy to have that incorporated into this plan.

Like I said, we may be starting off with someone that is not on one of the areas where we have problems, but in that regard, you people ought to be commended that we have had that spirit of cooperation, and I'm hopeful that we will be able to continue to look to that in the future, and that the plan that

is being proposed, we will be able to work collectively to ensure that whatever is going to be required will, in fact, be able to be implemented and accomplished in a timely fashion. Thank you.

Are the representatives from Fort Dix present? (positive response from audience) Why don't you come up and get set up at the table while we get coordinated here. Okay, I think we're ready. Alan Gibson is the Environmental Engineer at Fort Dix. I'll throw it over to you once again. One of our legislators, Assemblyman Shinn, represents that area where you are located. He has already reported to this Committee on the cooperation and the cooperative effort that has been ongoing between the State and Fort Dix. We have, in fact, received a rather substantial package in response to this Committee's request on the work that has been ongoing since January of 1986. We're very pleased to have you with us today. Perhaps some of the questions that we had proposed on the previous facilities will also be applicable when we deal with the general ones. But I'd like, if we could, to first allow you the opportunity to give us some general picture as to where we are, and then, hopefully, we will be able to engage in some questions and answers to take it from there. So with that, I turn it over to you.

J O S E P H H A U G: My name is Joe Haug. I'm the Chief of the of the Environmental Natural Resource Division. Alan Gibson, as you mentioned, is the Environmental Engineer of the Environmental branch. General Negriz sent his regrets because of previous obligations, he was unable to attend today.

Our understanding was that you had two areas of prime interest: the Fort Dix Landfill, and the installation restoration crew, and I'll address both of those areas. I'll start with the Fort Dix Sanitary Landfill. My comments are simply of that 20 March correspondence that we sent to the Committee.

The Fort Dix Sanitary Landfill -- approximately 113 acres -- is located in the southwestern portion of Fort Dix,

within Pemberton Township, Burlington County, New Jersey. The landfill has been in operation since 1950 and we stopped using it on the 6th of July, 1984. Records that went into the landfill are incomplete, but it is known that after controls were established, certain types of waste were refused burial there.

I'll review the monitoring well system. Several series of monitoring wells have been installed at the Fort Dix Sanitary Landfill. The LF series of 12 wells were installed from February 1979 to August 1982 by the direction of the New Jersey Department of Environmental Protection. Additional wells, MW series, were installed in December of 1983 by the U.S. Army Environmental Hygiene Agency. We refer to that agency as AEHA, in case I use that acronym. Generally, the placement of screens in the NF and NW wells were to intercept the shallow groundwater flow. groundwater samples were analyzed for organic priority pollutants and the result indicated that several wells exceeded the NJDEP limit of 50 parts per billion. The AEHA study also suggested that the contaminant team had migrated past the existing monitoring well field in a southeast direction. The consensus of the New Jersey DEP and the Fort Dix Landfill Task Force, was that there were additional questions that needed to be addressed.

In February 1984, the U.S. Army Construction, Engineering, and Research Laboratory, which we refer to as CERL -- and the U.S. Army Engineer Waterway Experiment Station -- WES, undertook an investigation. Both of these units are part or activities of the Army Corps of Engineer and they serve as technical support to Army agencies. Eleven additional wells were drilled in clusters of two or three wells to allow samplings at different horizons. groundwater sampling and analysis during 1984 showed that vital organic chloride contamination of the groundwater was present along the seven perimeters of the ground fill. The Fort Dix Landfill Task Force agreed that an administrative consent order was needed to

formalize a plan of action for the eventual cleanup of the Fort Dix Sanitary Landfill.

The Landfill Task Force was established by our previous Commander, General Kelly, and it consists of representatives of the Pinelands Commission, the Burlington County Health Department, NJDEP Division of Water Resources, NJDEP Hazardous Site Mitgration, NJDEP Division of Waste Management, NJDEP Office of Regulatory Service, U.S. EPA Region II, as well as Fort Dix and McGuire Air Force Base.

On the 15th of October 1984, Federal facilities sites were proposed in the "Federal Register" for addition to the National Priority List. Included among those was the Fort Dix Sanitary Landfill. The study, until this time, including the several WES investigations, did not meet the level of effort required for the investigation of an NPL site. In September 1985, the Army retained the services of the nationally recognized NPL site consulting firm Camp, Dresser, and McKee, to perform a remedial investigation/feasibility study which we refer to as the RI/FS of the Fort Dix Sanitary Landfill.

The pre-investigation planning phase was completed in December, 1985. It consisted of a review of existing data, development of a work plan, and development of an investigation procedures plan. These plans were reviewed and approved by the Fort Dix Landfill Task Force. In September, 1986 a draft report of Phase I field activities was submitted by CDM -- Camp, Dresser, and McKee -- for review by the Fort Dix Landfill Task Force. The public health evaluation, based on the information collected in the phase one RI/FS, indicated that the sum of the worst case, and most probable case risk for all that the exposure of the lower aquifer contaminant were below the New Jersey target as one times ten to the minus six cancer risk. If the exposure pathway of contaminants in the lower aquifer was complete, the associated risk would have been

slightly more than the New Jersey target of less than one times ten to the minus six.

Phase II is the remedial investigation that was recommended based on the findings of the Phase I report. In January 1987, a report was submitted presenting the findings of the Phase II activities. The presence of trichloroethane in the lower Vincentown aquifer was confirmed. Also, in January, 1987 an interim report to the feasibility study was submitted to the Fort Dix Landfill Task Force for review. Remedial response objectives and cleanup criteria, as well as a list of candidate remedial action alternatives were presented.

In March, 1987 several additional wells were drilled to determine if the landfill was the source of the trichloroethane detected in the one existing monitoring well screened in the Vincentown aquifer. Sampling and testing of the new wells will begin in June of 1987. CDM is currently preparing a draft feasibility study on the Fort Dix Sanitary Landfill. The feasibility study is the last phase of the RI/FS process. The primary goal of the feasibility study is to generate and evaluate immediate options for considerations by the Corps of Engineers, Fort Dix, and the appropriate regulatory agencies. These actions reflect the integrated considerations of environmental, regulatory, public health, technical, and economic factors. I'll now discuss the Fort Dix Installation Restoration Program.

In 1975, the Department of Defense initiated the Installation Restoration Program, IRP, to identify inactive hazardous waste disposal sites, assess their potential for contaminating the environment, and take appropriate corrective action. In 1980, the Comprehensive Environmental Response Compensation Liability Act -- CERCLA -- was passed. This act, commonly know as Superfund, provides for cleanup of the nation's uncontrolled hazardous waste sites including those on Federal facilities. The IRP is the Department of Defense's

program that complies with these requirements. The IRP consists of four phases.

Phase I is an installation assessment during which all available information on past missions, current operations, waste generation, disposal, and hydrology of the area is collected and evaluated to determine if contaminants are present. The Phase II is the confirmation stage. It is the current area of activity at Fort Dix. In this phase, the comprehensive survey is made to define the problem and to fill identified information gaps revealed during Phase I.

Phase III is referred to as the technology base development. In this phase, control technology is matched with specific contamination problems at a given site to determine the most advantageous solution. If control technology do not exist, they are developed in this phase. Phase V (sic) is the operations phase. This phase includes designs, instruction, and operation of pollutant abatement facilities and the completion of remedial actions.

The U.S. Army Toxic and Hazardous Material Agency conducts the IRP at Fort Dix as well as many other Army sites. A review of their activities was submitted to this Committee by letter on 20 March. I have been informed by Use Attainment that while they apologize from being unable to attend this meeting, they would respond to any written questions concerning the IRP at Fort Dix or at any other facilities that they have worked on within the State of New Jersey.

This ends my presentation. I will be willing to entertain any questions.

ASSEMBLYMAN BENNETT: Thank you. For the record, Assemblyman Bob Smith has joined us. He is the Mayor of Piscataway, and one who has shown quite an interest when it comes to the Federal facilities and the cleanup program -- not only Federal, but around the State. So, he has joined us. Thank you, Bob. Assemblyman Shinn.

ASSEMBLYMAN SHINN: Thank you. I'd like to start off by saying that Burlington County has had a long experience with Fort Dix relative to solid waste. I think it should basically be used for a model for what should occur when environmental problems are realized at a base. The Committee that you talked about -- General Kelly and Col. Richardson really spearheaded it -- met on a monthly basis, and still continues to do that to the best of my knowledge has included the Department, EPA, the County Health Department -- had to agreed to close their landfill in '84 as I recall, and receive funds on a emergent basis to bring up an 80 ton per day research recovery facility -- which I had the opportunity to look at about a month ago and was doing well. The only thing that upset me was that they were closing it down on weekends. I hope that DEP can find its way clear to let that facility operate on a seven-day basis so that we can dispose of our waste at that facility.

One of the questions that I had is that the aquifers that underlay the landfill, you know exactly what they are?

MR. HAUG: Cohansey, Vincentown, Kirkwood, and then the Raritan.

ASSEMBLYMAN SHINN: And you were screened in what--

MR. HAUG: We were in Cohansey. One stream went down into Vincentown, because there was some question as to whether or not the aquifer could really exclude in any contaminants from getting down in there. In that one screen, in that one well, we found trichloroethane. So the additional wells that were put in in March -- and I believe sampling starts tomorrow on those -- hopefully that will answer the question as to whether or not there is trichloroethane down there and hopefully we can determine the source of it. That might be quite a problem.

ASSEMBLYMAN SHINN: You are not screened in anything below Vincentown?

MR. HAUG: No, we're not.

ASSEMBLYMAN SHINN: The parameter wells that are around the landfill, are all the parameter wells showing contamination up-gradient and down-gradient?

MR. HAUG: I can't answer that properly. I know we're getting some backland contamination. I don't know what it is offhand. And I'm not sure if all the down-gradient wells are contaminated. I believe--

ASSEMBLYMAN SHINN: That part of the Camp, Dresser, and McKee effort are to determine precisely the extent of the contamination of that facility. Is that part of their charge?

MR. HAUG: That's right.

ASSEMBLYMAN SHINN: So, you're probably going to do more wells to identify how far the--

MR. HAUG: Fort Dix will disappear-- (laughter; inaudible) But yes, that will happen.

ASSEMBLYMAN SHINN: Yeah, okay. And then you're going to have a cleanup procedure that's going to address whatever their recommendations are.

MR. HAUG: Yes.

ASSEMBLYMAN SHINN: I would like to add that Fort Dix did receive the national award from--

MR. HAUG: It was Department of Defense Environmental Award.

ASSEMBLYMAN SHINN: And also received, and I think it's the first time we ever gave an environmental award for leadership in environment. And we presented it to General Kelly about two years ago, and I think Col. Richardson was there. But it was specifically to acknowledge the leadership role and for disclosing problems, addressing problems, bringing about additional dollars through the Pentagon, I guess it was, to bring that resource recovery facility on-line so that they're not an additional burden on the county waste system. I can tell you that Burlington County is extremely happy with the way the base has proceeded with the environmental problems and

the openness with which they address them and bring in all the players. And I think in the long term, I think it's going to be very beneficial to the base and its relationship to the community for taking that posture. I think they are proceeding well.

ASSEMBLYMAN BENNETT: If we can only get some of their neighbors to learn a lesson from them, it might be helpful -- maybe even some of their tenants.

ASSEMBLYMAN SHINN: Some of their lease (inaudible)--

ASSEMBLYMAN BENNETT: Right. That will be another day. Thank you Assemblyman. In respect to the sampling data, and the report that you had furnished to us, it indicates contamination of groundwater to the south and southwest of the landfill. What remedial action alternatives are being considered? I know that you haven't gotten to the bottom line, but what are some of the alternatives that are being considered?

MR. HAUG: I honestly don't know. There's been a lot of talk about various things. In fact, the constructions in your research lab, at one point had brought in a water processing facility on a trial basis. But I don't think we've come up at this point with any firm consideration as to what to do at this time.

ASSEMBLYMAN BENNETT: I thought that we'd already done the preliminary review of the remedial design and that we were now into the final remedial design being reviewed.

MR. HAUG: No, no. There's been no selection.

ASSEMBLYMAN BENNETT: All right. I must have misunderstood that.

ASSEMBLYMAN SHINN: One of the options that I had heard discussed as a potential is a package treatment plan to be put on site that would treat and either spray, irrigate or -- whatever -- contaminants depending on what exactly was in place. But that was--

MR. HAUG: To my knowledge, we haven't got any firm feedback from CDM on the options.

ASSEMBLYMAN SHINN: Excuse me, has Col. Richardson been replaced yet?

MR. HAUG: The last date that he was physically was on Fort Dix was last Friday. His replacement -- the Colonel knows -- who is at West Point right now, will not be on Fort Dix until the middle or the end of June. I don't know the date when he will be in.

ASSEMBLYMAN BENNETT: John, (addressing DEP representative, Dr. John Trela) the Department status report has indicated to me that there had been remedial design alternatives-- You don't have to answer. I don't want to put anybody on the spot on that. But the State's reports had said that the review of the remedial design alternatives had been completed and that they were now moving towards the final remedial design. Do I have something backwards here? It's possible.

D R. J O H N J. T R E L A: (speaks from audience) They've completed a remedial investigation. There will be a feasibility now, so that the response we gave you relative to the generic question is, what type of remedies would be considered for this problem as opposed to the specific recommendations from the Army.

ASSEMBLYMAN BENNETT: Right.

DR. TRELA: In other words, you might get a spectrum of remedies that would range from minimal action relative to the concentrations are too low -- we can't really effectively engineer a system to pick it out of the ground and treat it; all the way up to putting the wastewater treatment type of alternative in; possibly, also something even more sophisticated would be when you have a clear problem of containment and wastewater treatment as a combination. So, there's a broad spectrum in there. Our response is (inaudible) specific nature.

ASSEMBLYMAN BENNETT: Okay. So that the remedial action alternatives that are being considered-- In fact, it's a wide range. We haven't focused into the specifics, but we're considering a very wide range of possibilities. Fair enough. Thank you.

The report that also had been furnished also had indicated that while the organic contaminant migration was not indicated, monitoring wells, at that time, did not exist in many areas of the possible contaminant migration. Are there plans to locate additional monitoring wells in those areas -- other than the monitoring wells that are presently in place-- Are there plans to locate additional ones?

DR. TRELA: At this point, no. We put wells in in March. And right now we believe we have all the wells that are necessary. Of course, this has, as you see by the report, changed several times.

ASSEMBLYMAN SHINN: As I understand, the wells that were put in in March haven't been sampled yet. They are being sampled this month, right?

MR. HAUG: That's right.

ASSEMBLYMAN BENNETT: Then I wouldn't have had those new wells in the report.

ASSEMBLYMAN SHINN: You don't have those results yet?

ASSEMBLYMAN BENNETT: No.

MR. HAUG: You would not have.

ASSEMBLYMAN BENNETT: Because when we were reviewing the well results that had been furnished -- that's where this question came from -- there appeared to be additional wells that would need to have been established for sampling. But then, is that correct, as far as from the Department, that the wells put in in March may even had been a result of the request for additional data for the additional wells?

MR. HAUG: Yes.

ASSEMBLYMAN BENNETT: Fine. See you're ahead of me on that one. The date of the feasibility study -- when is that anticipated to be completed?

MR. HAUG: Hopefully by late June.

ASSEMBLYMAN SINGER: Which year?

MR. HAUG: This year. Of course the date of that depends on the results.

ASSEMBLYMAN BENNETT: June. The EPA had indicated to this Committee that with respect to the QA/QC plan of May 1986, issues -- and I quote, "issues were settled in December of '86." They were issues that took seven months to have settled. Do you know what is the nature of the outstanding issues from that QA/QC plan?

MR. HAUG: I don't know. I would have to check our records.

ASSEMBLYMAN BENNETT: Do we know from either EPA or DEP?

A L I D A M. K A R A S: (speaks from audience; testimony is inaudible at times) Those issues from the (inaudible) the landfill or the other projects and (inaudible). There are a lot of issues just in usual QA/QC procedures and (inaudible) and out doing things out in the fields, taking extra samples for QA/QC procedures. The reason seven months went by was just because it was review time, we don't (inaudible) in the office, we send it to a QA office. Same thing with (inaudible) and it was letters back and forth that entered at three interchanges. We go all of these settled. There are no outstanding (inaudible). The QA plan has been approved by the EPA.

ASSEMBLYMAN BENNETT: Fine. Thank you very much. See, you get good answers even when you don't anticipate it. The Committee that you spoke of that was made up of representatives from the DEP and the Pinelands personnel, sounds somewhat similar to the technical review committee called for in CERCLA. Will its function be expanded to include

the reviewing activities relating to the installations, restoration program?

MR. HAUG: We hope to continue this program and we're doing that right now. That's a very valuable committee, as far as we're concerned.

ASSEMBLYMAN BENNETT: Well, see-- Congress recognized that type of thing when they drafted CERCLA and that's why they put it in there. But you anticipate that that will be the vehicle upon which to build, to comply with this CERCLA.

MR. HAUG: Yes.

ASSEMBLYMAN BENNETT: Do you anticipate any other areas not part of the landfill at the facility being included on the NPL?

MR. HAUG: That's hard for us to answer. Personally, I don't anticipate it. I don't think we're that far along in our studies, and of course, EPA would be the one to determine that.

ASSEMBLYMAN BENNETT: You may have heard this question before, and people are going to hear it several times, I think, but have you received any guidance from the Department of Defense as to how to respond to the State environmental agencies?

MR. HAUG: The Department of Defense has specific -- or the Department of the Army -- has specific Army environmental regulations and we get guidance letters from Army headquarter in the general sense. I guess they're aimed more at providing with the broad Federal laws in that with the specific State or local laws. Is that really the nature of your question? You know, the type of guidance we get is to be open and interact with all the regulatory agencies.

ASSEMBLYMAN BENNETT: General, as opposed to specific guidelines.

MR. HAUG: Yes. Now as far as technical guidance, there are the various Army agencies that we mentioned in the report.

ASSEMBLYMAN BENNETT: Do you have suggestions as to how cooperation between the environmental agencies, both State and the Federal may be able to work closer with you as a Federal facility, or are you satisfied that the cooperation is satisfactory presently?

MR. HAUG: Generally speaking, I think through this Environmental Task Force, but the Landfill Task Force-- I think we have good communications down there and we're pretty well able to communicate very well with regulatory agencies. We've had problems at times in the past where because of our location, we deal with the Pinelands, DEP, and the county as a customer, so to speak. It becomes difficult, sometimes to answer everybody's questions or desires the way I would like to have them answered. There are times when we would like to go to one lead agency. But we're normally able to straighten those types of problems out as a result of our committee communications.

ASSEMBLYMAN BENNETT: Are there any other questions? Assemblyman Smith.

ASSEMBLYMAN SMITH: Can you give the Committee some estimate of how much money has been spent at this point to clean up the problem at Fort Dix, either on studies or whatever?

MR. HAUG: We've spent approximately \$3 million so far on the landfill, and studies on the landfill.

ASSEMBLYMAN SMITH: Is there any rough estimate, even though the studies are not complete, of what kind of a ballpark that we're talking for cleanup?

MR. HAUG: No, I have no estimate at this time.

ASSEMBLYMAN SMITH: Is there a time frame at this point?

MR. HAUG: Until we get the final report and settle on recommendations for corrective action and we know what the corrective action is, we couldn't establish a time frame. And of course, once we know what the corrective action is and

have an estimate on that, then we have to go to Congress for the money and that's a three-year loss of time right there. So, there's no estimate.

ASSEMBLYMAN SMITH: All right. I gather what from what you are saying, that there's no money in the Federal budget for cleanup at military installations, or there is? I mean, you said that there'd be a three year loss. I assume the implication of that question is your answer--

MR. HAUG: Normally, if we want large projects, we have to request that money and we go in three years ahead of time asking for that money.

ASSEMBLYMAN SMITH: Was a request made three year ago for the current year? I mean, is there any portion in that Federal budget that has funds for this, not just for Fort Dix but for--

MR. HAUG: You're asking me a question I really can't answer. I don't know.

ASSEMBLYMAN SMITH: You can't answer it. Okay. Have the leaders of the base at this point taken a position that there isn't a question that the military is the responsible party for this site?

MR. HAUG: There's been no question.

ASSEMBLYMAN SMITH: Mr. Chairman, can I ask the EPA representative the same budgetary question?

ASSEMBLYMAN BENNETT: Did you hear the question?

ROBERT HARGROVE: No. Can you repeat it?

ASSEMBLYMAN SMITH: Yeah. The funds -- is there any money allocated in the in the Federal budget, either current or the one upcoming, for cleanup at military installations?

MR. HARGROVE: (inaudible; speaks from audience) --of military installations is called the Defense (inaudible). Okay. On an annual basis, currently for the past four years and on into the future it's suppose to (inaudible) budget annually for the cleanup of hazardous waste sites. Now,

obviously, \$500 million is not going to be enough to clean up all the hazardous waste sites--

ASSEMBLYMAN SMITH: You had better take a microphone. I don't think the recorder is able to get this.

ASSEMBLYMAN BENNETT: Just identify yourself for the record.

MR. HARGROVE: Okay. I'm Bob Hargrove. I'm the Federal Facilities Coordinator for Region II. The question was what is the current budget for the cleanup of hazardous waste sites at Federal facilities? The current budget for DOD is approximately \$500 million.

ASSEMBLYMAN SMITH: That's nationally.

MR. HARGROVE: National. They would always request additional money for that thing because \$500 million is not adequate to cover all their bases. And their projecting \$500 million, by the way, into the year 2000 or that's what they are projecting, whether they get that from Congress -- they fully expect that they will -- but whether they get that from Congress, you know, they are always working on it, usually a year or two years behind. In order to prioritize the \$500 million, the Department of Defense has come up with the defense priority list, which I can leave a copy here if you would like, and this prioritizes the sites. And what this does is breaks down the bases into sites. Now in Fort Dix, for example, the landfill is one site, and they're prioritized based on A, B, or C and that's all explained in the document here. Obviously the A priority is the highest priority.

So in answering the question, there are just four hazardous waste cleanups on the Superfund, that is approximately \$500 million for 1987.

ASSEMBLYMAN SMITH: Is there an estimate of what the national cost would be for the ultimate cleanup of the military facilities?

MR. HARGROVE: I can give you-- There is a GAO report that's out for the worst -- I guess the people have come down to this-- The worst site in the military would Rocky Mountain Arsenal which is out in Colorado. The estimate for the cleanup for that site alone is anywhere from \$950 million to \$4 billion.

ASSEMBLYMAN SMITH: My understanding is that in New Jersey, the BOMARC site alone is a \$250 million cleanup as estimated by the New Jersey Department of Environmental Protection.

MR. HARGROVE: That's one estimate. Yes.

ASSEMBLYMAN SMITH: Bob, is there any total estimate for the country for all military bases? I'd like to have some idea how far that \$500 million is going to go each year. I mean, are we talking about scratching the surface or are we talking about a reasonable allocation?

MR. HARGROVE: Well, I believe the DOD itself believes that the allocation should be a little more than that.

ASSEMBLYMAN SMITH: How much?

MR. HARGROVE: I have no idea. You have to, you know, for whatever you can get out of this-- This, again, is a priority list. This is not a dollar-for-dollar figure, because you really don't know that yet. A lot of the sites are only getting into the RI/FS stage in which case, you know, those things are estimated at anywhere. At Fort Dix, on the landfill, I spent \$3 million already on their RI/FS.

ASSEMBLYMAN SMITH: Where does New Jersey stand on the-- That's a national list, right?

MR. HARGROVE: That's a national list.

ASSEMBLYMAN SMITH: Where do the New Jersey military sites stand on the national list?

MR. HARGROVE: You can't go by that. Like I say, it takes a site on each individual base and breaks it down on an A, B, or C. Okay, it doesn't say that New Jersey gets this amount, New York gets that amount, Colorado gets that amount; it's basically broken down on the priority of the sites.

ASSEMBLYMAN SMITH: All right. As an example, how about the Fort Dix landfill? Where do we fit?

MR. HARGROVE: That's an A priority site because it is on the NPL.

ASSEMBLYMAN SMITH: Is there any estimate of what the A sites would cost to clean up nationally?

MR. HARGROVE: I don't have that estimate. I'm sure the DOD could provide it, but I don't have it.

ASSEMBLYMAN SMITH: Well, how will the Department of Defense-- I understand that you've taken off sites and put them into A, B, C categories. How among the A categories is the Department of Defense going to decide which sites gets the service first or the cleanup first?

MR. HARGROVE: I believe currently, what it will be is it's almost like -- I hate to say it, but first come first served; whoever is further along in this study will be the ones to portion the money for the remedial action. I believe. Again, I'm not a DOD representative. I can't really-- My understanding is that they will do it. Whoever's further along in their study, like Fort Dix is already pretty much completed with their RI/FS, although there is some work that they have to do on that. That would be then a priority site for remedial action.

ASSEMBLYMAN SMITH: Mr. Chairman, do you have any idea where we can get the kind of information that we're seeking, in terms of total cost of cleanup nationally and--

MR. HARGROVE: Well, I can tell you.

ASSEMBLYMAN SMITH: All right. I just asked that question and you couldn't, but go ahead.

MR. HARGROVE: Well, I couldn't give you the figure. I can tell you who you can call. He's the Deputy Assistant Secretary of Defense for the Environment. His name is Carl Schafer.

ASSEMBLYMAN BENNETT: Bob, I think these are excellent questions and it's unfortunate that we were unable to get to them when we had Chris Daggett sitting here because we had other priorities that day of giving long talks. We have a tight schedule on the sites specifics, but they are excellent questions and what we'd like to do is we'll get to them because the overall cost and how much it's going to cost in this State is totally germane and important. Perhaps on each one we can go back to EPA as we get to each site specific and ask if, for instance, on this site it has the priority it has been given, but we should ask on each of the sites that we're doing and then get to the more generic questions on the overall with the EPA because they did agree that they would not only answer them in writing, but they would come back again if we needed them.

MR. HARGROVE: Thank you.

ASSEMBLYMAN BENNETT: Thank you.

MR. HARGROVE: Who wants this? (refers to document)

ASSEMBLYMAN BENNETT: We'll leave it here with the Committee staff person and I thank you. Yes?

ASSEMBLYMAN SHINN: I'd like a couple of more question to Dix. I don't know how many bases in the State have implemented recycling programs -- Fort Dix is one of those. I think that started up a week or so ago, didn't it, for glass, cans, and of course, paper as part of their fuel--

MR. HAUG: We actually started glass and aluminum in the food services over a year ago. But now we're in the housing area.

ASSEMBLYMAN SHINN: Right. The residential curbside program in cooperation with the Occupational Training Center -- the county program -- I think that's another feather in Dix's cap. The one area that I had some, and I guess this question is really-- When we're reviewing the gate slips at our county solid waste facility we found that strips were still

a part of that waste stream. And in talking to Col. Richardson, we found out that he had a five-day burn permit in your air quality permit. It was based on a five-day 60 ton per day, 20,000 tons per year, or something like that. I've sort of jotted these numbers down from memory, but the immediate concern that you have is the refractory in the furnaces aren't going to survive too much of the shutdown and start-up of those because you have to start, I guess, with natural gas. You can start to fire the furnaces with natural gas, you bring them up to 1200 degrees, and then you start injecting refuse. And the Freeholders passed a resolution and sent it to the Department, and I think I put a cover letter to the General Negres to try to describe what the Freeholders were attempting to do.

I guess my question to the Department, and I don't know whether you have any knowledge of this, we would really like to see a fairly rapid look at a seven-day air permit of at least 60 tons per day, because I think what we have now is probably the first reasonable size RDF facility in the State that's functioning as a larger RDF facility would be, and looking at this facility, I think we're burning about 15,600 tons per year based on a five-day burn at 260 days times 60 tons per day which give us about 15,600 tons per year with a permit for about 20,000 tons per year. If we went to a 365-day burn at 60 tons, it would be an annual tonnage of 21,900 tons per year.

But at some point, as we rate these systems and you think of 1000 tons or 2000 tons in Essex or whatever-- Someday we're going to have to get to a point of what we can expect to burn in those 2000 ton units -- and it's not 2000 tons, but I think the concept that's going on at the county levels is that they are providing for tonnage above and beyond the rate of their facility. Now this is an 80 ton per day facility and if you multiply that by 365 days, you're looking at 25,555

tons per year. You're never going to see 25,555 tons per year, therefore, it's not an 80 ton per day physical capacity unit. But I think at some point, and this is an ideal facility to deal with, that we ought to determine is how much we're going to get out of an 80 ton per day unit on an annual basis. Is it 75 tons? Is it 70 tons? Is it 65 tons? Is it 60 tons? So that we can deal with our statewide problem and addressing capacity on research recovery units.

But I think we've got some opportunities in Fort Dix to make a lot of determinations, both on air quality, which I know you've got an extensive modern situation there now-- I think there are some miscellaneous problems, but I think generally, the efforts are going fairly well. But I would really like you to check on that and get back to the Committee, if you would, from the Department to see if there's been some consideration of the county's request. I think Fort Dix has been cooperative, at least Col. Richardson said that they'd like to get the furnaces burning on a seven-day basis. There's a broader picture, but I think the local picture is we're trying to preserve landfill capacity, and that air permit that's based on five days gives us a two-day shutdown and lets us generate a lot less of the steam capacity. And I think, roughly, you're offsetting about a third of your steam capacity in one plant and you have two plants on the base.

So, there's a lot of wins if we can get to the seven-day air permit bases. That's the other area I wanted to touch base with. So, if you could--

MR. HAUG: We can send something to the Committee on that.

ASSEMBLYMAN SHINN: I'm more interested in the Department taking a look at it and getting back to us at some point, unless you're ready to talk about it now.

ASSEMBLYMAN BENNETT: No. He can comment, but I don't want him to talk too long.

DR. TRELA: (speaks from audience) I'll be happy to take your questions back to the Department. And I would like to point out to the agencies that this is the first time in these whole proceedings that I'm happy to be able to say that I'm responsible for hazardous waste in that area. (laughter)

ASSEMBLYMAN BENNETT: Thank you. And I thank you very much for joining with us today. I'm sure if there are other questions, I'm sure you will be as cooperative in providing the answers as you have been today. I appreciate your cooperativeness.

MR. HAUG: Thank you.

ASSEMBLYMAN BENNETT: Fort Monmouth is Colonel Flanigan.

ASSEMBLYMAN SHINN: Just while we're waiting, I hope there is a little communication between hazardous waste and air there. They are inseparable.

ASSEMBLYMAN BENNETT: Okay. You can set up right here at the table, if you like Colonel. First of all, from Fort Monmouth, I'll introduce Lt. Colonel Flanigan, who is the Staff Judge Advocate who has brought representatives from the environmental branch. Dr. Desai, from my understanding, is amongst them. And what we're doing today is we're going to call on you first to be able to give us a general scope. I would again say that, with respect to Fort Monmouth, we have received rather extensive factual information that has been provided to the Committee as a result of seeking information since January of 1986 as to what has occurred.

We have with us today representatives from both the EPA and the DEP and we had asked you to come down here today to place on the record a rather generic scope, if you would, as to the sites specifics as to what you have been dealing with during the last year and then asking some questions on both the generalities and then talking about the overall ability to being able to work with both the EPA, DEP, and the community.

We thought we will get to that as we've done on the other facilities. So with that, I'll turn it right over to you, Colonel.

LT. COLONEL RICHARD C. FLANIGAN: Thank you Mr. Bennett. Mr. Bennett, I'm here on behalf of Major General Billy Thomas who is the new Commander of Fort Monmouth. I know he has talked to you. He has expressed his regrets that he couldn't be here today. With me on my right is Dr. Dinkerai Desai, who is the Environmental Engineer at Fort Monmouth. He has been with the government for the last ten years and is in charge of our environmental engineering office. On my left is Mr. Barry Silber from the post safety office. Mr. Silber is a physicist and for ten years he has been at Fort Monmouth as a health physicist.

Fort Monmouth has been and continues to be proud of its efforts to keep the environment clean. We've had a good cooperative relationship with the DEP and I know we've provided you with all of the records that you've requested earlier this year. Mr. Desai has brought with him the latest quarterly report on the groundwater monitoring, and we're prepared to answer any questions that you ladies and gentlemen may have.

ASSEMBLYMAN BENNETT: Fine, thank you. The status report that we had received from the DEP indicated that there had been a priority pollutant analysis requested in September of '86 at the existing monitoring wells. EPA had indicated that they were expecting to receive that report from you by March of this year as indicating what action the Army would take. Have you been able to respond to date?

D R. D I N K E R A I D E S A I: Yes, sir.

ASSEMBLYMAN BENNETT: And could you tell us when that was received? Because I didn't get that, that's basically--

DR. DESAI: We submitted -- I'm not sure if we're thinking the same -- but we submitted the initial installation assessment which was done on the main post (inaudible) area we submitted about the month of March, late March, and we got

the comment back from EPA and the State which we submitted to our expert in Army Environmental Hygiene Agency Aberdeen Proving Ground and they're presently reviewing EPA and the State's comment they'll get back to the State and EPA report after they review that.

ASSEMBLYMAN BENNETT: The DEP indicated in the information that they provided to this Committee that they had requested samples to be conducted because the report didn't confirm the existence or absence of contamination, and the question is why did you decide not to conduct those samples?

DR. DESAI: Well, we do sample it. I think it's a misconception in the report. We do sample it. And I have the quarterly report with me. If I may be allowed to say something here--

ASSEMBLYMAN BENNETT: Absolutely.

DR. DESAI: We've closed all of our landfills since (sic) 1940 to 1960 and the last one we closed was in August, 1981. And I volunteer myself by the (indiscernible) of the State that. In good faith, I would like to monitor all the groundwater, including the streams. The State finally came and gave us a permit: "Okay, fine. You do it, you know, quarterly and annually." And we submit each quarter the limited amount of monitoring annually the full screen including pesticides, heavy metals, all pollutants which already exist. Based on the report, I received a letter from the State. The bottom line here is that we will reduce your frequency of groundwater sampling because your results are very good. That report came out on May 1, 1987. We received from the State that this sampling frequency will be reduced based on our results. So, I'm proud of that too. Any questions?

ASSEMBLYMAN BENNETT: Okay, thank you doctor. John, the last round that you had gotten-- I don't think the Committee has gotten your input on that. Previously you had furnished us with the information that you needed some additional samples. Was the information that you received contained in those?

DR. TRELA: No, I don't believe so.

ASSEMBLYMAN BENNETT: Well hopefully we can work that discussion through between the facility and the DEP on that one. EPA had indicated to the Committee in response to the questions that of the five sites of radioactive contaminations located on the post, four are completely decontaminated and the last one, which is of the neutron generating facility, had been released by the NRC for unrestricted use and had been transferred to the U.S. Department of Interior for management as part of the Gateway National Park.

The DEP has also indicated that they are satisfied that the facility -- Fort Monmouth -- has no radioactivity contaminated sites. How were the sites cleaned up and where were the waste disposed?

B A R R Y J. S I L B E R: The sites were cleaned up by the individuals at Fort Monmouth. The contaminated soil was packed in 55 gallon drums and was removed by a contractor to an officially approved radioactive waste disposal site. It could have been one of the three sites: One in Haniford, Washington; one in Barnwell, South Carolina; or one in the State of Nevada.

ASSEMBLYMAN BENNETT: Do we know which one?

MR. SILBER: Offhand, I do not know, but I'm assuming it could be in Haniford, Washington.

ASSEMBLYMAN BENNETT: I'd love to know if they'd like to take 15,000 barrels more of soil, maybe it could solve a lot of problems. But that's where you think your soil went?

MR. SILBER: Yes.

ASSEMBLYMAN BENNETT: How long does it take-- When you have occasion to call on either the DEP or the EPA and you submit to them test results, how long do you generally have to wait for their response? Or on anything that you submit to them, how long do you generally have to wait to get a reply back from them?

MR. SILBER: I'm only responsible for radiation protection. I normally don't deal with the EPA or DEP. I deal with the U.S. Nuclear Regulatory Commission. I would have to--

ASSEMBLYMAN BENNETT: Fine. How about Dr. Desai?

DR. DESAI: I could answer that question. I think it would generally take three months from EPA, ranging from two to three months. But the State has taken about a month and a half, you know. Somewhere along there.

ASSEMBLYMAN BENNETT: What we are also doing -- and what I've said to each of the facilities -- is that we're also asking for recommendations from each of the individual military installations as to how we could improve upon either communication or cooperation between our environmental agencies and the Federal facilities. So, that's why I'm asking the questions on the timing -- to see if that's been good, bad, or indifferent, and that's just so you know--

DR. DESAI: It's a very good question. My observation, and nothing personal, I have a very good relationship with the State and EPA officials. So far, I have no problems. But, especially with the State, I observed that there are too many departments in the State, all lacking the responsibility on each side. So a customer can get confused. I'm lucky to have very good relations with the groundwater quality people, you know. He inspects our facility quite often and I get back to him and submit what he wants. We have a good relation-- But in the State, I have seen in the all the environmental matters, they all lack the responsibility in solid waste facility, hazardous waste, groundwater, asbestos, for example -- the Department of Labor is involved, medical people are involved, and a customer can get confused. That's my observation.

ASSEMBLYMAN BENNETT: So can we. So can they, though. I understand. If we could bounce back for one second

to the radioactivity, could you tell me how do you decontaminate a concrete bunker -- the one at Sandy Hook? How did we decontaminate it?

MR. SILBER: We used a chelating agent, it could be foreseen with water and we wash it down until we come below the levels as recognized for unrestricted use.

ASSEMBLYMAN BENNETT: And what do we do with that water?

MR. SILBER: We collect it and we dry it. The remainder of the towels that we use, we place them in a radioactive waste barrel, and we dispose of that as radioactive waste.

ASSEMBLYMAN BENNETT: To one of those three facilities?

MR. SILBER: Yes.

ASSEMBLYMAN BENNETT: Or it goes to McGuire, right? Again, you may have heard this question before, under the CERCLA amendments to Superfund, certain procedures for including State environmental agencies in the assessment, evaluation, and response to hazardous discharge are included. Have any of the procedures been established at Fort Monmouth? For example, has there, to date, been established a technical review committee with the State, local, and community representatives?

DR. DESAI: No, but we do have a committee within the installations, which includes the safety people, medical people, and engineers with the facility engineering department.

ASSEMBLYMAN BENNETT: Do you know if you are planning on moving towards the requirement to have the State, local, and community representatives included on this? Under the law, it's called a Technical Review Committee. Has there been discussions with--

DR. DESAI: Yes, there has been discussion based on the lesson learned at the Aberdeen Proving Ground. They have recommendations that we do. As staffing is limited, but as staffing gets a little better, we will do that too, inviting the community, too -- through our public affairs office.

ASSEMBLYMAN BENNETT: Have you received any guidance from the Department of Defense as to how to respond to State environmental agencies if the facility is not included on the NPL?

DR. DESAI: Yes. We have some letters coming in. That's what I was told. But, I haven't seen it officially yet.

ASSEMBLYMAN BENNETT: You have what coming in?

DR. DESAI: I understand there is some guidance coming from DOD on that.

ASSEMBLYMAN BENNETT: Okay. Are they general or specific, do you know?

DR. DESAI: I think it's general. But, the way I did it is that we do not have any problems with the State DEP, because whatever they ask us, we give them.

ASSEMBLYMAN BENNETT: I'm not saying you do. Don't misunderstand where I'm coming from.

DR. DESAI: Oh, no, no. But we have not officially got-- No. I mean, none of the official document, you know, in that respect.

ASSEMBLYMAN BENNETT: Okay. Members of the Committee?

ASSEMBLYMAN SHINN: Just a little follow-up on John's suggestion of the technical committee, I think if you talk to some of the Fort Dix people, unfortunately there's a transition going on right now, but Colonel Richardson was very involved in actual meetings that took place, and I guess he's leaving very shortly, but I think one of the aspects of that concept that he commented to me is that saves a lot of correspondence between EPA, DEP, local health departments, and etc., because everyone can digest the concept that you are trying to employ for testing and cleanup at the monthly meeting or bimonthly meeting or whenever you have them. And I think it goes a long way to satisfy a lot of the questions that are out there locally to understand what you have in force and what you are committed to. Plus, I think it speeds up responses from Federal and

State agencies because they understand your concepts better. You don't have to write back six times trying to say, "Well, we're doing these wells because groundwater flows in that direction" -- and what about up-gradient and down-gradient, and all the things that come up with testing.

So, I think it's a good communications vehicle and it's a good way to solve a lot of crises before they really get off the ground, because I think more and more we're involved in public concern on the military bases, and when you identify environmental problems, then there's a whole host of questions that come up.

As I see it now, the less communications, the worst things, potentially, become from a public relations standpoint. I know the bases are very concerned about the aspect of their operation. I think we're going to see, in the future, more of an interdependence between counties and the State and Federal installations. If you're going into resource recovery somewhere down the line, you have to dispose of ash, and you're probably going to be looking at county facilities to do that.

I think there's a lot of potential at military installations that will really be a good component of the State overhall in solving some of the difficult problems that the State-- (inaudible; noise from audience) And I think the technical committee is a good way to really set up a good communications network, for all it's worth.

ASSEMBLYMAN SINGER: Mr. Chairman, just one quick question.

ASSEMBLYMAN BENNETT: Yes sir.

ASSEMBLYMAN SINGER: Do you have any projection as to how long will you be continuing testing there and what it looks like into the near future -- in the next two years -- do you expect to come through with anything?

LT. COLONEL FLANIGAN: You're talking about groundwater monitoring, sir?

ASSEMBLYMAN SINGER: Yes. Just in general. How much longer do you feel that you are going to be doing this. Is this going to be a continuing project for another two years or a little longer?

DR. DESAI: When we started, we were doing quarterly and annually. So we submitted our results of the State. The State and myself both feel that we should do it at least twice a year, annually, the full thing, everything, every pollutant and the limited amount, and the quarterly. And I'll be watching the results, at least for a year or two, on how it goes. If fine, then we'll discuss it again with the State to see how it looks. I would like to monitor it. That's my philosophy.

ASSEMBLYMAN BENNETT: With respect to the landfills located on -- I believe there's seven on the main post and two on the Charleswood area and Evans area. I'm not--

DR. DESAI: Yeah. I think it's to the best of my knowledge, it's five on the main post and one in Charleswood. To my knowledge, there's none in Evans, you know, but we might have to investigate more.

ASSEMBLYMAN BENNETT: My data was from the EPA, so perhaps the numbers of-- I don't want to get hung up on it today, but their report tells me those numbers that I just said.

DR. DESAI: Yeah. I know what that report says. Let me briefly say something here. There was a report which was prepared in 1980. The agency called the U.S. Army Toxic and Hazardous Waste Agency looked at the Aberdeen Proving Ground. That report was prepared in 1980. I came in in 1981. I thought that that information was totally outdated. So I requested that they review the whole thing in 1986, I don't know if you got the '86 report or not? But we have taken-- It's a very precise report and we have taken corrective actions

that 1984 does not reflect, but the '86 report reflects. So, I think that maybe you should look at the 1986 rather than 1980.

ASSEMBLYMAN BENNETT: You sent me, or General Morgan, over his signature, sent me a great deal of information, but I'm not certain if that was included or not, to be perfectly frank.

DR. DESAI: At that time, they were draft copies too. It came after the fact, so, that's why we did not submit it.

ASSEMBLYMAN BENNETT: I don't want to get hung up on the numbers, but what I-- If I could get a copy of that, I would appreciate it.

DR. DESAI: Sure.

ASSEMBLYMAN BENNETT: EPA's information was that there had been-- They gave us a rather extensive list of certain types of toxics and hazardous waste that had been disposed of at several of the landfills. And the last time that the Legislature looked at those landfills, it appeared that of those locations -- of those landfills -- they had not been secured at that point. Now I wasn't here, so I'm only saying that it appears. Do you know if those facilities are presently secured from being able to have access?

DR. DESAI: Yes. The last landfill which we closed, we did secure in 1981. Okay. The rest of the landfills which the 1980 report is quoting, which right now, you know, it's grass there, and it doesn't-- I mean, you don't feel it when you go down there. It's a landfill down there. However, I do monitor the surface next to those landfills. So, if there is a leakage coming out, we know what's coming out there. So, we're constantly monitoring those landfills if there is anything coming out.

ASSEMBLYMAN BENNETT: Okay. On the monitoring wells, the test that had been furnished appears that around all of those landfills -- the test results appear that the waters are quite clean.

DR. DESAI: Yeah, it's reasonably good.

ASSEMBLYMAN BENNETT: What happened to the toxics that was put in there that EPA said was in there? Was it never put in there? Has it all disappeared? I mean, that's my-- They told us such things as pesticides, batteries, sludge, medicine, abestos, photography chemical, demolition debris, and other materials had all been replaced in those landfills. Now, how could the water now be showing up as continuously clean? I can understand how it could, but then what happened to what was in there? Did it just-- I don't know. That's my question.

DR. DESAI: No, go ahead. That's a good question. I'm not sure what EPA -- at this moment -- what the facts they are producing. I was not at the post. I came in 1981. But, there was a pesticide in a couple of buildings which I removed. I disposed, myself, off-post through the consulting firm. That's the only case I know that we did not dump in the landfill. We disposed off-post.

Now, you're asking me a question of what happened to the dump in the past, okay? I don't believe the amount of stuff that went into this landfill was hazardous that way, in the activity or flammability of that material was not of that magnitude, is what I'm trying to make a point of. That's why it doesn't seem that way.

ASSEMBLYMAN SHINN: Can I follow that up with a question?

ASSEMBLYMAN BENNETT: Certainly.

ASSEMBLYMAN SHINN: Are your landfills-- What kind of capping do you have on your landfills currently?

DR. DESAI: Excuse me. Could you repeat that again, sir?

ASSEMBLYMAN SHINN: The capping or the covering of the landfills.

DR. DESAI: Yeah, it's a monitoring well with the cap.

ASSEMBLYMAN SHINN: What type of cap do you have on the landfill?

DR. DESAI: It's a heavy metal cap on the monitoring wells.

ASSEMBLYMAN SHINN: Now the landfill-- What I'm getting at is trying to discourage leachate generation in the landfill. You say you closed in '81. I'm just asking about what your cap provision is? Do you have an impervious plate cap? Do you have a vinyl cap? What sort of a cap?

DR. DESAI: That's not vinyl. It's impervious clay right now. It's clay.

ASSEMBLYMAN SHINN: A couple feet of clay?

DR. DESAI: It's about three inches right now. We have a project. We want to do it at six inches if possible.

ASSEMBLYMAN SHINN: Okay. Is there a vegetative cover over the cap or is it just clay?

DR. DESAI: Just clay.

ASSEMBLYMAN SHINN: Just clay. And the run-off that you-- You collect run-off in an impoundment basin or something from the cap?

DR. DESAI: Yes.

ASSEMBLYMAN SHINN: And how about leachate recovery from the treatment? Do you recover any leachate from the site?

DR. DESAI: Well, it doesn't look bad. That's why we don't have it. The result indicates that it's pretty good.

ASSEMBLYMAN SHINN: But are you extracting leachate?

DR. DESAI: No we're not.

ASSEMBLYMAN SHINN: You're not collecting any leachate.

DR. DESAI: No. It's only a one point source which is going into the stream. That's the key point we're monitoring. But, we do have a monitoring well for-- Right in that land--

ASSEMBLYMAN SHINN: But, the part that's going into the stream is the run-off from the surface run-off.

DR. DESAI: Right.

ASSEMBLYMAN SHINN: But, I'm talking about the leachate that the facility generates itself -- the closed landfill. You're not collecting any leachate?

DR. DESAI: No, not itself. But, we are monitoring at the leachate point what's coming out there.

ASSEMBLYMAN SHINN: Okay. But, you're not either collecting leachate and hauling it off-site and you're not treating it on-site?

DR. DESAI: No.

ASSEMBLYMAN SHINN: Okay.

ASSEMBLYMAN BENNETT: EPA, are you satisfied with-- I mean, I got that information on what was there, based on the report that you had given me, and the explanation was that the quantities that were disposed in those landfills were probably such that that's why the test results are not coming in clean. Because I asked, "Well, if this stuff was put in there, and the water tester is now clean, what's happening to it?" And I believe, in an non-engineering interpretation on my part, was that the quantities were not such that it would now, at this late date, be showing up. Would that assessment be one that you would agree with or-- Okay.

MR. HARGROVE: (speaks from audience) Like Dr. Desai said, we submitted comments to them on that draft -- the installation assessment updated (inaudible).

ASSEMBLYMAN BENNETT: Yes.

MR. HARGROVE: By the way, you asked that a copy of it would be included in the DEP's response to the questions. It's a document. It's the very last thing in the package that the DEP submitted to you a week and a half ago.

ASSEMBLYMAN BENNETT: Oh, then okay.

MR. HARGROVE: We submitted copies of them (inaudible) final update of installation assessment statement. The questions of the DEP's priority analysis to the wells will be worked out in future meetings.

ASSEMBLYMAN BENNETT: Fine, thank you. Bob?

ASSEMBLYMAN SMITH: Is there any idea of the quantities that were originally placed at this location?

DR. DESAI: Sir, I don't know. It's a historical thing, so there's no records.

ASSEMBLYMAN SMITH: But why did the report that we read actually separate them into those categories? Somebody had to know something to say that they were photographic chemicals, demolition debris, and all the other things. If there were no record, then why was that placed in the report?

DR. DESAI: It's an EPA report, sir. It's probably an old EPA report.

ASSEMBLYMAN SMITH: All right, EPA, why was that placed in the report?

MR. HARGROVE: (speaks from audience) It was based on a record search. The first phase of the study is what our initial package is based on. That was based on the 1980 report which now is updated. In that report, you (indiscernible) back into data of 1950s, 1960s, and 1970s.

ASSEMBLYMAN SMITH: You know, I think you're not on record again. You want to get to a microphone.

MR. HARGROVE: (inaudible) over here?

ASSEMBLYMAN BENNETT: Don't misunderstand. We can hear you, but this is a public hearing for the purposes of being recorded.

MR. HARGROVE: Okay now, in the report that they had done which we based our report to the Committee-- Okay now, in the report that they had done, we based our report to the Committee on the 1980 installation assessment statement--

ASSEMBLYMAN BENNETT: Which was done by who?

MR. HARGROVE: Which was done by the Army.

ASSEMBLYMAN SMITH: So, the Army originally put in the information that that kind of material is down at that location?

MR. HARGROVE: Right, and it was based on record search interviews with current employees and former employees, and review of records. And it was probably based on-- It was based on data, as far as what was put into these landfills. A lot of these landfills were closed before the passage of any of the major environmental legislation. So, there was no specific records on quantities. That's why the next phase is for the confirmation study and then ultimately a quantification study. What they do is, it's just like what we would do on a preliminary assessment. Someone says, "Well, we think there may have been a drum buried over there or several drums buried over there." And then the next phase is the site investigation or it would be counterpart to their Phase II RIP study -- they would actually go out and confirm it by doing additional testing.

ASSEMBLYMAN SMITH: All right. In EPA's experience, is that a plausible explanation, the one that we just heard, namely that the quantities were so small that there's no longer any leachate?

MR. HARGROVE: It's plausible. That's why we want additional studies to go ahead and confirm it. A lot of it is based on hearsay. We have some data on some parameters and we need additional data on other parameters. Just a--

ASSEMBLYMAN SMITH: Has the EPA reviewed the updated report?

MR. HARGROVE: Yes we have.

ASSEMBLYMAN SMITH: And what was your opinion of it? What was EPA's opinion of it?

MR. HARGROVE: That additional work is required. I believe our comment letter is also included in the DEP's package.

ASSEMBLYMAN SMITH: Is it equally possible that whatever was in the landfill has leached out -- whatever was in this site leached out and that's why there is no longer any contamination?

MR. HARGROVE: That's also plausible.

ASSEMBLYMAN SMITH: Does DEP have a position on this?

DR. TRELA: Yes sir.

ASSEMBLYMAN SMITH: You have to hit a microphone again.

DR. TRELA: It's only two points--

ASSEMBLYMAN BENNETT: You've got to make sure that you get on the mike.

DR. TRELA: Yes sir. There's two points relative-- Earlier, the discussion relative to priority pollutants, and as Mr. Hargrove stated, there's a distinction between the NJDPES contaminants that the base engineer was referring to relative to what's required under the State permit. Those requirements of priority pollutants that are required for the IRP type of program relative to what's equivalent to surplus. What we're conceptually comparing is something that's equivalent to, in one case, the Clean Water Act requirements; and the second case, the requirements under CERCLA, which are not technically identical. So, that's why there's a little disagreement on that point. That can be straightened out on that point. I don't think that's a major issue.

Relative to your question, Mr. Assemblyman, well certainly, the volume of contaminants could be an explanation for not detecting contaminants in the landfill or in the waters emanating from the landfills. Secondly, the issue of dilution over a long time. For example, things that were deposited in the landfill in the early '50s or the early '60s through rain action, especially soluble contaminants, such things as battery acids-- These types of things that are extremely soluble in water, would have moved out of the landfill many years ago, and you would not be detecting those things today. So, that both factors are pertinent to the determination of the concentrations coming out of the landfill.

ASSEMBLYMAN SMITH: At this point, each explanation is equally plausible?

DR. TRELA: I think, I would say it's slightly, alternatively-- If you allow me to do so, I would say that both are probably factors that contribute to what we observe today -- not only the age, but also the quantities. And they are both simultaneously factors.

ASSEMBLYMAN SMITH: There isn't any question here though that this was not closed according to the sanitary requirements that we have today on landfills?

DR. TRELA: Well, if it has only a three inch cap, as was testified today, that doesn't meet the requirement.

ASSEMBLYMAN SMITH: Are there any studies on the existing groundwater quality in this area?

DR. TRELA: You mean, outside the base?

ASSEMBLYMAN SMITH: Yeah.

DR. TRELA: I believe there are, sir, but I don't have that information with me today. I could supply the Committee with the information if they would like.

ASSEMBLYMAN SMITH: When you do supply that information, will you indicate whether there is any-- Groundwater moves very slowly. Is there any indication that whatever might have been in that site, has moved off the base?

DR. TRELA: Well, I can answer in part. The monitoring that we have on the base now under the NJDPES -- under the State Water Pollution Control Act -- indicates a shallow groundwater flow system from the main landfill of concern here. That discharge from that groundwater area is into the stream that is also sampled. So, we have no evidence to indicate that there's any problems of going into deeper zones. And we have, in fact, direct evidence that indicates the water that's underneath the landfill is, in fact, moving into the stream immediate adjacent to the landfill.

ASSEMBLYMAN SMITH: So, this is relatively rapid moving groundwater?

DR. TRELA: Well, not relatively rapid, but what I'm saying is that there is a direct hydrologic connection between the groundwater under the landfill and the stream, so that anything under the landfill would be moving to the stream. That is why several years ago when the State Water Pollution Control Permit was drafted, that the basis now monitoring under -- and that was referred to in testimony earlier -- that is why stream sampling is included as part of that regime.

ASSEMBLYMAN SMITH: Where does the stream-- What water body does the stream discharge into?

DR. TRELA: I'm sorry, sir. I don't know that off the top of my head.

ASSEMBLYMAN SMITH: Thank you.

ASSEMBLYMAN BENNETT: Thank you. Assemblyman Shinn?

ASSEMBLYMAN SHINN: One of the things that strikes me is -- my microphone doesn't work.

ASSEMBLYMAN BENNETT: No. I turned it off because the angels were singing up there.

ASSEMBLYMAN SHINN: Okay. The cap on the landfill vault, we're trying to limit leachate generation. It seems like that cap is a little inadequate. It appears to me that one of the first things that ought to be done is to do a better capping job to limit leachate generation of that facility. Is that something that's in process somewhere?

LT. COLONEL FLANIGAN: (speaks from audience) Mr. Desai? It's not currently, I think. Anything contemplated?

DR. DESAI: (speaks from audience) We have a project to do that. We're waiting for the funding from our headquarters. See, what we do is, we have limited funding right now, so we get the priorities, but it is one of the projects on our list. So, we can do the proper drainage work, okay?

ASSEMBLYMAN SHINN: It always appeared to me that one of the cheapest things you can do to a landfill to eliminate

groundwater problems is get a good cap on it. If it's closed, get a good drainage system. Try to limit erosion because when you start dealing with groundwater pollution and trying to remedy that, you're probably spending a hundred dollars for every dollar you spend limiting the leachate generation at the top of the landfill. So, to me it would be one of the early priorities -- at least as a suggestion, to try to get a better cap on that facility, something in concert with the current regs on the solid waste closure, which I guess, you meet the permeability standards on capping with the clay that's on there, the one times ten to the minus seven. Your clay cover that you have now meets the permeability standards under the Solid Waste Management Act, or not necessarily?

DR. DESAI: Not necessarily. The reason is we have not received the whole project quickly, because our results are pretty good right now. That's why. We are planning to do that anyway, just to have a good practice--

ASSEMBLYMAN SHINN: Yeah. I think that would go a long way to reserve those good results with a good cap on that facility. The other thing is methane gas. Do you have methane gas generation or do you have no methane generation at all?

DR. DESAI: No.

ASSEMBLYMAN SHINN: You don't have any problems dealing with that? Okay. Thank you.

ASSEMBLYMAN BENNETT: If there are no other questions at this point, I'd like to thank you very much, Colonel, for appearing today and having representatives from Fort Monmouth present. I think that, in fact, we have had affirmed today much of the information that you had previously given with the point of both the EPA and the DEP. I certainly am most appreciative. I would like to know at some point and time, if you could just get the information back to me, which one of the three low level radioactive waste disposal facilities did take the contaminated soil. I would assume that that was all low level.

MR. SILBER: Yes, it was.

ASSEMBLYMAN BENNETT: Okay. So, who received it and what were the volumes that were received?

MR. SILBER: We're talking about, like 200 barrels multiplied by 55 gallons.

ASSEMBLYMAN BENNETT: Okay.

MR. SILBER: And this occurred in 1976. The laws were different and the philosophy of the disposal sites were different. I believe they may have closed Nevada and may have reopened it at one time or another. But, they're looking very, very carefully at what they take.

ASSEMBLYMAN BENNETT: You just disposed of it. I mean, I thought that this was a more recent disposal?

MR. SILBER: Which one are you referring to? Oh, yes, I know which one you are referring to.

LT. COLONEL FLANIGAN: We'll have to check our records.

ASSEMBLYMAN BENNETT: Fine. That will be perfectly all right. Thank you very much.

The next witnesses will be from the Naval Air Engineering Center in Lakehurst. Lt. Colonel MacDonald.

C A P T A I N J A M E S R. M a c D O N A L D: Captain James MacDonald.

ASSEMBLYMAN BENNETT: I'm reading what it says.

CAPTAIN MacDONALD: Well, hopefully, we didn't start out confusing you.

ASSEMBLYMAN BENNETT: I'm sorry.

CAPTAIN MacDONALD: No problem.

ASSEMBLYMAN BENNETT: Why don't you introduce yourself and who you have with you today.

CAPTAIN MacDONALD: Great. Good morning. I'm Captain Jim MacDonald, the Commanding Officer of the Naval Air Engineering Center. On my left is Captain John Franz, who's the Public Works Officer.

ASSEMBLYMAN BENNETT: Thank you. Captain, you've been here for some time and have seen us go through, I think, two of the witnesses.

CAPTAIN JOHN FRANZ: Sure.

ASSEMBLYMAN BENNETT: So, we're running a little bit behind, so we will start off by letting you start with the general terms first and then we'll go to the questions from there.

CAPTAIN MacDONALD: Okay. I know you are a little bit behind, but I beg for a minute or so of your time to give you just a little history of Lakehurst, only because I found that a lot of people know a lot about Dix and McGuire, but when you get to Lakehurst, some people don't.

So anyway, I'm Captain Jim MacDonald, Commanding Officer, Naval Air Engineering Center, where we are commonly referred to as Navy Lakehurst or NAEC. I've been in command now for approximately two and a half months.

We're located in the New Jersey Pinelands and Nave Lakehurst has been many things since 1915. It started out as an ammunition proving grounds for the Russian Imperial government. During World War I, it became Camp Kendrick, a U.S. Army post. Sixty-six year ago, it became a naval air station, and in 1977 it became one of the Navy's foremost aeronautical engineering research, development, test, and evaluation centers. It's the Navy's third oldest aviation facility, America's first trans-Atlantic international airport, and its 7400 acres makes it the largest naval aviation facility east of the Mississippi.

I just want to touch briefly on our mission, and that, of course, pertains to our national defense and that of the free world. Our mission is to develop, maintain, and support America's sea-based air power. To illustrate: NAEC designs the aircraft carrier equipment that allows us to launch a jet fighter into the air within 300 feet in two seconds, then to

catch and stop that same plane in a mere 343 feet after it lands on the flight deck at 130 miles per hour. We also design and procure for the fleet world-wide, the ground support equipment necessary to maintain, repair, and service the complex aircraft and their highly sophisticated systems while at sea. We also develop the equipment methods which enable Navy antisubmarine warfare helicopters to safely operate from destroyers and cruisers. For the past three decades, whenever America's interest have been threatened throughout the world, eight out of ten times the President has dispatched aircraft carriers to the scene. That's NAEC's "know how" at work. That's what we stand for and that's what we do.

We also have the Naval Air Technical Training Center, a tenant command, that trains the personnel who operate and maintain the carrier catapults and arresting gear that NAEC designs. We train the parachute riggers and security guards, and they are the only schools of their kind in the Navy. So, whenever aircraft carriers are in the news, think of New Jersey's Navy Lakehurst and NAEC. Okay. An equally important mission is to conduct an environmental protection program, something we have been doing for more than 20 years. We now have eight full-time environmental engineers and technicians, devoted to making our environment the best in the Navy and New Jersey.

First, a brief description of some environmental actions we've initiated as part of this mission. Since '84, we have committed about \$3 million to improve our environmental program. These actions to date include:

Eliminating all wastewater discharge by tying into the Ocean County Regional Sewage Collection and Treatment System. We shut down our fire fighting school, because of indications that our oil-water separators might not perform to New Jersey discharge standards. We constructed secondary containment facilities wherever hazardous waste is generated. We've upgraded our temporary hazardous waste storage

facilities. We're purchasing distillation equipment for recycling industrial solvents thereby eliminating 80% of solvent waste each year. We're making \$250,000 worth of improvements to our main fuel farm, such as lining our underground tanks with a Navy developed fiber and latex liner to further ensure their integrity. Also, all related pipes, valves, and pumps which were formerly buried are now aboveground. And a spill containment area was constructed at the tank truck loading and unloading area. And in order to comply with a recent amendment to the Clean Water Act, we've prepared a Discharge Prevention, Containment, and Countermeasure Plan, and a Discharge, Cleanup, and Removal Plan. Both plans are currently awaiting New Jersey DEP approval. In the meantime, we're asking for the monies necessary to implement both plans.

Now I will discuss the environmental issues in which you expressed specific interest: They're our present hazardous waste management practices, our underground storage tank program, SARA -- the Superfund Amendments and Reauthorization Act -- and the status of our remedial investigation study.

I will now give you thumbnail sketch of our hazardous waste management practices. All of our hazardous substances are carefully controlled under a cradle-to-grave monitoring system. Upon arrival, hazardous substances are marked with labels which identify the material and note any special precautions to be exercised in handling or storage procedures. All personnel working with hazardous substances, including supervisors and managers, receive extensive training in handling, storage and disposal procedures when first hired and annually thereafter.

Hazardous waste is collected at all points of generation and temporarily stored in secondary spill containments conforming with the Resource Conservation and Recovery Act. These containments are inspected daily by trained personnel and inspection logs are kept. The hazardous

waste is collected routinely by specially trained crews under the direction of a chemical engineer, and moved to a fully conforming, temporary storage compound. Storage records are maintained in a computer and ensure compliance with the 90-day storage limit allowed by our EPA Part A permit.

Likewise, all hazardous substances used are listed in our computers as part of our hazardous waste minimization program. This list is reviewed periodically. Whenever possible, non or less hazardous materials are substituted. We've reduced the number of hazardous substances we use by 20% since 1982. We've created a specially trained and equipped spill response team in the event of a spill. Team members are all graduates of the Corpus Christi, Texas, National Spill Control School, or the EPA Spill Response Training Center right here in Edison, New Jersey.

Assemblymen, we don't like to publicize -- not publicize, but like to have a lot of spills -- but I would like to tell you that since I've been Commanding Officer, there was a call on the radio that said that we had a slight spill at our jet test site. So I hustled out there to see if we did what we said, and I'm glad to say that we do. The spill was contained in a concrete containment facility. A hazardous waste disposal truck came out, the fluid was taken out and put in the truck, and the last little drops were picked up by paper towels that were used to sponge up the spill, put in containers and trucked away. It looked like almost an overkill, in some respects. It's what's required, and I think it's more than what we'd expect the average person to clean up. I was very pleased to see that.

Now, I'll discuss the second environmental issue: Our underground storage tank program. In 1985, less than a year after a 1984 RCRA amendment was enacted, the Navy initiated a program dealing with underground storage tanks. As a result, NAEC has: Inspected and inventoried all of its tanks for age,

type, location, and use; repaired or replaced suspect tanks and related pipes; developed plans for installing monitoring systems and periodic tank inspections and record keeping; and by May 1986, all of our underground storage tanks were registered with the EPA and New Jersey DEP. I am happy to report that we have 48 less tanks than we had five years ago. When we determine that the tank is no longer needed and we can get rid of it, we do.

Our initiatives should enable us to be in line with New Jersey's proposed regulations covering underground tanks when they're published later this year. Now, I will discuss the third environmental issue on my agenda -- SARA, the Superfund Amendments and Reauthorization Act. It is so far-reaching that the statutory interpretation will be formulated after negotiations between the DOD and the EPA. Therefore, until I receive such guidance from my superiors, I am unable to discuss any aspect of the SARA and the DOD/EPA relationship.

I'll make a comment at this time. I've heard the question about, have you received guidance? I think what you should know, is that the general guidance that I've seen is that the Navy expects all of its commanding officers and commands be fully responsive and cooperative with the agencies involved. That's the direction that I heard from the people down in Washington. There may be some details that need to be worked out here at higher levels, but I think at the local level, right now, we have full cooperation, and it's going smoothly.

The last issue on the agenda is what I suspect some of you are might be most interested in anyway, and that's the status update of our remedial investigation. In 1978, the Navy implemented the Navy Assessment and Control of Installation Pollutant -- the NACIP program -- to identify, assess, and control environmental pollution resulting from past methods of storage, handling, and disposal of hazardous substances at

Naval shore facilities. This program provides the basis for the Navy's response to the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act -- CERCLA -- of 1980.

In the first phase of the NACIP study, a team of scientists and engineers conducted an initial assessment of NAEC. The purpose of the initial study was to identify and assess sites posing a potential treat to human health or the environment due to contamination from past hazardous materials operations. This study was based on information from historical records, aerial photographs, field inspections, and interviews with personnel. The study, designed to provide a worst case scenario and identify areas which would require further investigation, was not intended to be the basis for remedial action. The initial assessment was conducted in the fall of 1981 and identified 44 potentially contaminated sites.

I might add from the people who testified earlier, it seems to me that that falls in that category of how did you determine how much stuff had been dumped or whatever? And I think this was it-- We felt very at home with that question because, in our report, where a lot of people said, "we think that something happened here," -- or "to my best recollection something happened over there." So, that's in fact, how a lot of these things get started. It's probably the best way, because it is designed to provide a worst case analysis.

The initial assessment concluded that while none of the sites posed an immediate threat to human health or the environment, 16 warranted further investigation to assess potential long-range impacts. A confirmation study was recommended to confirm or deny the existence of the suspected contamination and to quantify the extent of any problems that might exist. An environmental consultant, Dames and Moore, was contracted to perform the first phase of the confirmation study, recently renamed, the remedial investigation.

In the fall of '85, before the work began, NAEC and Dames and Moore consulted with the NJDEP, EPA, the Pinelands Commission, and the Ocean County Health Department on project objectives and to solicit their comments. Through a cooperative effort, an investigation strategy was developed for a two-phased effort. The scope of the work for the first phase was increased to investigate 42 sites. It was then submitted to the above mentioned agencies for review and approval. During this review process, the scope of work, including geographic coverage and methodology, was expanded. NJDEP and EPA periodically observed field operations and attended monthly project coordination meetings hosted by NAEC through the field investigation.

Again, the question was asked about a technical committee. This is the committee that we've used, or the people that we've used, to ensure that everybody is walking down the same path. It's been very successful, and it's continued as of the cover of the--(inaudible)

The objectives of the first phase of the remedial investigation were to confirm or refute the existence of contamination at potentially contaminated sites identified during prior studies and to develop recommendations for the second phase of the remedial investigation. The scope of the work included field investigation, laboratory analysis of groundwater, surface water, soil and sediment samples, evaluation of the data, and preparation of the report.

The study report which included recommendations for the second phase of the investigation was presented to the EPA, New Jersey DEP, the Pinelands Commission, and the Ocean County Health Department in April 1987. Quality assurance and quality control of the study data is now being performed by NJDEP.

I believe it is premature to release the results of the first phase of the study prior to completion of the quality

assurance and control process by the NJDEP. We are working closely with them and the EPA, and consider it important to ensure we are in full agreement prior to release of the data. I would be less than candid, however, if I did not inform the Committee that we have identified some areas that will probably appear to be far less severe than indicated in the IAS. For example, it was reported that large amounts of fuel were dumped at a site known as our parachute jump circle. Analysis of the groundwater sample collected in that area have not identified any contamination.

Additionally, we continue to find no evidence of contamination in the Center's potable water wells, nor do we have evidence of contamination migrating beyond the Center's boundaries. Similarly, independent studies by the NJDEP and EPA of surface and groundwater adjacent to the Center have also found no contamination. Upon completion of the QA/QC process, I intend to coordinate the release of the report with NJDEP.

We are proceeding with contractual action necessary to implement the second phase of the remedial investigation concurrent with the review by the various agencies. This work will achieve the following objectives: Confirm the results of Phase I, specifically -- the presence or absence of contamination; where present, characterize the vertical and lateral extent of contamination migration and define the source; finalize a risk assessment, and we will perform a preliminary feasibility study to identify and evaluate remedial technologies that might be available to remediate any area that needs such remediations.

Phase II is scheduled to begin in September, 1987 with the installation of additional monitoring wells. Groundwater, surface water, soil and sediment sampling will be accomplished in the fall of 1987. An interim report is scheduled for preparation upon completion of data analysis in

April, 1988. We anticipate that at this time many sites will be eliminated due to confirmed absence of contamination.

A follow-up second round of sampling and analysis will be required at sites where contamination has been confirmed. This additional sampling is necessary to complete site characterization. Our estimate for completion of the entire remedial investigation is early 1989. A preliminary feasibility study that will identify and evaluate remedial technologies will also be completed at that time. So, the scope of the site will also have a report that will recommend different methods to attack the problem. This will be followed by the final feasibility study including public participation in review of the recommended remedial strategies.

This schedule has been presented to the NJDEP and EPA, and I understand that it is considered responsive. If our investigation identifies areas requiring immediate attention, we will act to initiate remedial action prior to the completion of the full study effort. We will maintain a close relationship and communication with State and Federal agencies throughout this process.

In conclusion, I want to leave you these thoughts. Nave Lakehurst is vital to our national defense. We are fully committed to maintain an aggressive environmental protection program. We are fully committed to maintain an aggressive environmental protection program. We are proud of our environmental efforts and the progress we have made over the past two decades. They have earned us the Department of Defense wide recognition as the Navy's environmental pioneers and awards, such as the Secretary of Defense's Environmental Quality Award, and two Secretary of the Navy Environmental Protection Awards. We are committed to continue executing our environmental programs through group participation with all environmental agencies, particularly the NJDEP, EPA, Pinelands Commission, and the Ocean County Health Department.

I welcome this opportunity to explain our program because I am as concerned about the environment as you are. This is the reason for my personal appearance here today. I want you to know I am personally involved and committed to leading Navy Lakehurst's environmental program. The action and decisions made over the next few years will ensure that our children and their children will be able to live in and enjoy a healthy environment. Thank you.

ASSEMBLYMAN BENNETT: Thank you very much, Captain. Why don't we go into a few questions.

CAPTAIN MacDONALD: Sure.

ASSEMBLYMAN BENNETT: Assemblyman Singer.

ASSEMBLYMAN SINGER: Now, we've straightened out the captain and the colonel part. As a Secretary/Treasurer of the Ocean County Board Health, I'm quite familiar with the situation at Lakehurst. I've been out there many times. And even though it's not my district, I border on it. A few questions, Captain. First of all, from the information that we have, the initial study of the 44 sites, there is a problem with the sampling. What was the problem with the first round of sampling?

CAPTAIN MacDONALD: I guess I can't-- What do you mean by a problem of the first round sampling?

ASSEMBLYMAN SINGER: We were told through our information that the samples were going to be conducted. They were not satisfied at the first round of sampling.

CAPTAIN MacDONALD: Okay. The first-- I believe maybe this will answer the question, so try let me try this one first. I believe what is being said there was as the first round of samples, we didn't have enough samples just to throw out at one site. But, we took a sample on the site, and based upon what that sample was, it laid the groundwork for either putting in two more wells to check and throw out the site, or if they found something, you might want 10 or 15 more wells.

So, it couldn't throw something out, but it could lay the groundwork for the level testing and that's what we're deciding here for our next round. I think that's what you are getting at.

ASSEMBLYMAN SINGER: Okay, yes. And to follow it up, when do you expect the results of the second round of sampling?

CAPTAIN MacDONALD: Again, I believe that it's around April '88 before we can take two rounds. And our next phase -- "Phase II" they were calling it -- has two rounds of sampling. And both rounds will be completed-- Well, the first rounds will be completed April '88, and the final round, or the final feasibility study -- we're saying early '89.

ASSEMBLYMAN SINGER: And the last question that I have, through the Chairman, is that from everything that we have seen, really, there has been no identification of major problems yet. It's listed as a Superfund site. Can you explain that to us?

CAPTAIN MacDONALD: Well, I think that resulted from when I wasn't a commanding officer at NAEC two years ago, but I was here. And I think that you are well aware of, there was a tremendous hubbub, and really the initial report is a result of people going around saying that a lot of things were dumped, led people to believe that there was probably a significant problem. I think for that, people felt that if they could get us on the Superfund, we'd have a better chance of getting it cleaned up. So, whether our pollution -- how it ranks with other people's problems -- I'd say it's probably small, but I can't answer the exact rationality of why it was put--

ASSEMBLYMAN SINGER: Can I follow-up that question with EPA on that? Sorry to make you move. But, what I'm confused about is, it's not easy to get in a Superfund site. The fact is I would think there would have to be more of a process of identification of a problem, before someone is put on a Superfund site. Why was this site put on there so

fast? Was it strictly because the pressures that were going around -- people were concerned about it? I mean, there had to be some reason this site was made a Superfund site so fast.

MR. HARGROVE: (speaks from audience) Well, I don't have the ranking package in front of me, but--

ASSEMBLYMAN SINGER: Number 28 on the Superfund site.

MR. HARGROVE: Yeah, well, we rank the thing and we rank the facility on information contained in the initial installation assessment statement. The ranking was done using what is called a Mirte model and to give it an HR answer, it has its ranking score or has its ranking system score. If it scores higher than 28.5 on this Mirte model, it is eligible for the National Priority's List. So, the information that was used on it for the ranking was the Installation Assessment Statement. Okay, that is based on potential for causing environmental contamination; and based on the fact that there were 44 sites -- the fact that the extent of contaminants that was alleged in that report, and the type of contaminants that was alleged, plus given the fact that it's in an area that the groundwater is used, rather extensively, as a drinking source. All these factors that are evaluated in the Mirte model, came out in the ranking units, and it has been (inaudible) with the NPL.

ASSEMBLYMAN SINGER: Is it possible, though, after the second round of testing comes back and less sites are identified, you might pull it off the Superfund list?

MR. HARGROVE: Well, there is a process where we will go through it for that, yeah. But, we will have to be assured that this place is free from causing environmental harm.

ASSEMBLYMAN SINGER: That's all the questions that I have.

ASSEMBLYMAN BENNETT: Thank you. Go ahead Assemblyman Smith.

ASSEMBLYMAN SMITH: Don't go away, all right?

MR. HARGROVE: Me again?

ASSEMBLYMAN SMITH: Yeah, please.

MR. HARGROVE: I thought this was for these guys.
(laughter)

ASSEMBLYMAN SMITH: Well, both. I'm having a little difficulty in what appears to be a difference of opinion. What is EPA's current position on this site? There is or there is not a groundwater contamination problem?

MR. HARGROVE: It's being evaluated in the report. I mean, it's still a potential. Once we pull it off the NPL, there would still be a potential. That's what is being evaluated in their study.

ASSEMBLYMAN SMITH: The original report, which was in '81, had what I thought was a horrible statement, that the level of pollutant concentrations for some pollutants was as high as five orders of magnitude above the standards. That's 100,000 times what's considered to be safe level concentration. This is seven years later. How come we don't have an answer on it? And in '83, the EPA's conclusion was there appears to be contamination throughout the aquifer. That's the conclusion of the '83 report. How come it's '87 and we don't know whether there is a problem?

MR. HARGROVE: I don't know that what you are reading there is an EPA report or an EPA contract report. What is that?

MR. SMITH (Committee Aide): It's the '83 EPA report.

MR. HARGROVE: Is it an EPA report or is it a contract report?

ASSEMBLYMAN SMITH: It says, "EPA Comments to NACIP Initial Assessment Study Report."

MR. HARGROVE: Yeah, those comments were commented based on that report. They were developed by our contractor. That's why we had them on the NPL. I mean, you know--

ASSEMBLYMAN SMITH: Are you disavowing your contract or comments?

MR. HARGROVE: Not totally. Not until the results are in.

CAPTAIN MacDONALD: Could I make a statement? I don't want to leave anybody with the impression that we're saying that there aren't some problems that need to be solved. The only thing that I want to say to you is that we're working closely with the agencies to figure out exactly what we're going to do with a step-by-step plan.

ASSEMBLYMAN SMITH: No question, but you're missing the point of what I'm saying. Why has it taken seven years to figure out whether you have a problem? If in '81 you had a report that the contaminations were horrendous, what I seem to be hearing is that every time you've taken samples, there's been a sample contamination or quality control problem. It doesn't take seven years to get an accurate sample and to get accurate results. Not in this country it doesn't.

ASSEMBLYMAN SINGER: Could I just ask one question? Just to piggyback on what Bob is saying which, and DEP should be a part of this-- You know, we've heard today a little bit from several conversations that -- and correct me if I'm wrong, either DEP or EPA -- that to assess something, a lot of it is, "I thought we dumped something over there. I remember we might have been dumping something over there." And that was the initial assessment of some of the sites. We heard about Fort Monmouth with all kinds of concerns of what's in the landfill there, yet, all testing comes up perfectly clear, and according to what the initial assessment had to have been to Fort Monmouth, with all kind of chemicals and the rest of it, there had to be some traces of something. Was the initial site -- when your contract had done it again, the same way where they interview people and people think that something is done -- is that the first assessment of the site?

MR. HARGROVE: No. The contract report was based on the data that was in the Installation Assessment Statement. A

lot of what was in that data as a result of that report, was evaluated in that report and subsequently led to the conclusion in that report was an appendix which showed very high levels of certain contaminants but, just looking at those high levels of contaminants through the way the data came out, all of the data across all the wells had exactly the same number. So, automatically that data should have been suspect. Unfortunately, it wasn't. Now, whether I'm disavowing everything that was in that report, I'm not -- okay?-- Whether I'm disavowing the conclusions potentially until we get the data from the Navy--

Now as far as why is it taking so long? Well, you're dealing with the Federal budget process. You know, I'm not here to say that that is the greatest process on the face of the earth. Obviously, it isn't. But the thing wasn't listed or wasn't proposed for listing on the NPL until October or November of '85. Now, since then, I believe the Navy and the EPA-- I mean, whether it's as fast as I personally would like it, probably not. Whether it's as fast as I realize the system can work, I believe they're doing a fine job at Lakehurst.

ASSEMBLYMAN BENNETT: Okay, Bob, if I could, for just one second-- And I'll go right back to you. Captain, the question -- and this goes on this time problem -- there was one battery of tests done and that additional test results are going to have to be done. Why the first test results weren't sufficient, is almost irrelevant to me. But, the answer to that question was when are the new samples going to be done? I believe I heard April of '88 that the results will be in.

CAPTAIN MacDONALD: No. Those samples should start in September -- this fall. The analysis and the report of that phase will be completed in April '88.

ASSEMBLYMAN BENNETT: Okay. Because we're talking almost a year from now. That's really what I'm trying to get to. We had one set of tests that we can't use for whatever

reason, and now we're talking another year before we get back to get those test results. And I'm not a technical person.

DR. TRELA: I'm not surprised that you said, "Well, I'm not sure that you can use the test results," because that was my first impression, too. Why do we do these test? And now, we've got to do more tests. But, what it did do is with 44 sites-- That's a lot of sites, and it meant, theoretically, if you went to look at some sampling plans that I think have been used in the past, we would have had more wells than they have in Texas. So, the idea was, let's go and take a sample over here at that site. If it says that it's clear, okay then we'll only take three more. But, if it says that it's contaminated, we're going to take a lot more. It enabled us to hone in to where our problems were, and not so much to be able to get rid of other sites. It was more aimed at let's figure out where we have to concentrate. That's what they review in that data now.

ASSEMBLYMAN SMITH: Mr. Chairman, I understand that New Jersey DEP has also done sampling at Lakehurst. Maybe we could ask the DEP representative to indicate when they sampled and what they discovered?

DR. TRELA: Mr. Smith, your question is fairly broad. I mean, do you want me to discuss all of the sampling that was ever done at Lakehurst?

ASSEMBLYMAN SMITH: No. Just a summary. Give us a 50-word summary.

DR. TRELA: Over the years, I would say that the Navy has been responsive to the DEP, especially at Lakehurst, relative to responding to spills and other things of that nature. We have assisted them in several cases in identifying spills and decontaminating areas that have been contaminated by those spills. And those are introductory comments. In the broad sense, the specific data that you are referring to was data that was collected in late '85 or early '86. I don't have the exact date in my head, but--

ASSEMBLYMAN SMITH: Collected by whom?

DR. TRELA: I believe it was a contractor for the Navy, or the Navy's civilian technical staff. I'm not exactly sure.

ASSEMBLYMAN SMITH: But not DEP?

DR. TRELA: You're referring to the data that had a problem with it that was discussed earlier in testimony?

ASSEMBLYMAN SMITH: No. I'm asking has NJDEP had separate and independent testing of the groundwater?

DR. TRELA: Well, the separate and independent testing that we have conducted has been around the perimeter of the base of monitoring wells that are on private property and not on--

ASSEMBLYMAN SMITH: And what have you discovered?

DR. TRELA: We found no contamination that was attributable to the base. We did find one case of contamination with benzine, but that was later traced back to a gasoline station on private property off the military installation.

ASSEMBLYMAN SMITH: Are you saying that as far as NJDEP is concerned at this point, there's no evidence that would indicate they should be on the Superfund list?

DR. TRELA: No. What I'm saying, sir, is that at this point in time we have no evidence that indicates that there's the movement of contamination off the Federal property onto civilian property. I would say that based on the original survey -- the technical survey that was done as part of the installation restoration program -- there are some areas of concern that remain areas of concern within the base itself. I have no reason to refute the Captain's comments that there are some areas, based on the new information that we've recently gotten, that are of less concern than they were originally thought to be.

ASSEMBLYMAN SMITH: Okay. The one status report said that we had said -- at least as of the date of that status report, that Lakehurst and DEP and EPA have not yet entered into an ACA -- an Administrative Consent Agreement. Is that still true?

DR. TRELA: That's correct, to my knowledge.

ASSEMBLYMAN SMITH: What are the outstanding issues? Why is there not an agreement executed at this point?

MR. HARGROVE: Well, technically under SARA, we don't have to enter into an interagency with them until they get through the RIFS stage and they are entering the remedial action phase. We have guidelines out of our headquarters that suggest and recommends that we should enter into a preliminary interagency agreement for the RIFS stage so that all parties know what--

ASSEMBLYMAN SMITH: Their responsibilities are.

MR. HARGROVE: Yeah, exactly. And we had negotiations ongoing with the prior commanding officer, and for various reasons, those negotiations fell apart. But, everything was going along, whether it was going along as swiftly as EPA and DEP would have liked, as I said before, it wasn't. But things were going on and we had no real mechanism, no real compliance issue to actually force them to come into an agreement.

ASSEMBLYMAN SMITH: What's the status of current compliance agreement negotiations?

MR. HARGROVE: We're going to start negotiations again.

ASSEMBLYMAN SMITH: Oh, they haven't started?

MR. HARGROVE: Well, we had a meeting back in November with various base people.

ASSEMBLYMAN SMITH: What was the result of that meeting?

MR. HARGROVE: The result of that was that they were favorable at that point. Now as far as-- I don't even know your name. Captain--

CAPTAIN MacDONALD: MacDonald.

MR. HARGROVE: MacDonald. Okay. As he indicated, what gears him is that he has certain responsibilities to the Navy just as I've got certain to my EPA headquarters, and ultimately he has responsibilities to DOD, and he's waiting for guidance to come out of his headquarters on his responsibilities and rights to sign an interagency agreement with EPA. I mean, anytime you have a new piece of legislation, there's all sorts of things that go around on this thing. I mean there a lot of guide work. Everyone is waiting for guidance to come out of headquarters. And it actually starts. But they're having preliminary discussions, and we're going to be basing it on the previous agreement that we have. We actually had a draft agreement, but those negotiations fell down, but I'm not--

ASSEMBLYMAN SMITH: What was the reason why that agreement was not--

MR. HARGROVE: It was guidance out of Navy headquarters as far as I can tell.

ASSEMBLYMAN SMITH: Does the Commander of the base know what the problem was?

CAPTAIN MacDONALD: I don't have any particular details other than the fact that we were unclear as to whether we should enter into that type of formal agreement. I honestly feel that you got all the people here though, and I'll look them straight in the eye if they feel that they've got any problems with how we've acted -- certainly they can bring it out. But I don't think any lack of an agreement has caused any lack of progress in what we've been doing. Sometimes you work better when you work together at lower levels. You get the high/low requirements, and sometimes it causes more problems than they solve.

ASSEMBLYMAN SMITH: We see it in the Legislature all the time, too. But the bottom line here is that because there

is some concern of the initial '81 data, that neither EPA or DEP say at this point that they can say with any certainty that this should or should not be a Superfund site?

CAPTAIN MacDONALD: Can I answer that? Even though, maybe I shouldn't, but it appears to me that there's a process in place to do that. There's a process where we're going to evaluate this data. They're going to look at it, they can look at it again, they can go through their formula, and if it turns out that we should get off it, I'm sure that you guys would do that. But if that check list doesn't come out and say that we should come off it, we'll stay on it. There's a formal process to do that, and that is a report that needs to be completed and bought by the EPA and the DEP.

DR. TRELA: Assemblyman Smith, in response to your question, I think it's only fair that I bring out the total picture of what was required to get on a NPL site and how that's changed over the past several years. The whole point of me raising this discussion is to emphasize to you and to the Committee that the procedures used by the Federal government to list a site on the NPL has significantly changed over the last five or six years.

In the past it was based on very preliminary information -- on suspicion, on potential, on a lot of the discussion that was used earlier in terms of saying, "Well, we thought we might have dumped there. I saw someone." A longtime employee or someone said that there might have been a history of an activity in this particular area. And that was weighted into the model that Mr. Hargrove referred to earlier, getting the total number of points necessary to throw you over the magic threshold and get you into the NPL club. I guess you might call it that.

Currently, however, EPA has changed their administrative process, whereby they determine these numbers and they are much more rigid and much more strict and

scientific in actually having documentation in hand of actual contamination. So, that we can't, as was done four or five years ago, just use a suggestion or potential for contamination. We actually have to go out and pursue into CERCLA under the procedural process, we have to PA and a SI, and the SI actually means a site investigation where you actually go to these alleged contamination sites, collect samples, get those analyzed, get confirmed laboratory results, and then make your decision based on fact and scientific information as opposed to suspicion and potential.

So, part of the confusion over having the multiple sites and how many of these sites are in fact contributory, etc., relate to the change in a qualitative sense -- I guess you might say, of the way it's determined whether or not a site should or should not go on the NPL.

ASSEMBLYMAN SMITH: I see representatives of the EPA.

C A R O L E P E T E R S E N: (inaudible - speaks from audience)

ASSEMBLYMAN SMITH: You'd better get to a microphone and identify yourself.

ASSEMBLYMAN BENNETT: See, we can hear you, but the tape can't.

MS. PETERSEN: I'm Carol Petersen. I'm with EPA. The first comment that I have is that I find it a little bizarre that you are very concerned that it's on the NPL. I would think that you would want it to be on the NPL, so therefore it's in the process. And one thing that John is saying which I disagree with, is that there was enough information at the time which is the same amount of information we use nowadays. We have interviews with former employees that say there's something dumped there. You're not going to disavow it until you investigate it. And it's just about the same information that we use nowadays to rank the site. There was data collected. Whether or not it's considered valid is something that's still up in the air, but there were sampling results

that show that there was contamination there and there was enough information that it scored high enough to evaluate the potential, just as much as there is on any other site that's on the NPL, which you can say one way or the other. You know, people have their own personal opinion about whether a site should be on the NPL or not.

But there's a quite a few years process to determine whether or not that's accurate which requires extensive sampling, especially in a case like this where there are 44 sites, each of which could potentially be a NPL sort of site in and of itself, which is going to require umpteen samplings to determine whether or not there are hazardous substances. So, I tend to disagree a little bit with DEP saying, "Well, hey, you know, we made a mistake, sort of," or, "It got through the process and it shouldn't have--"

ASSEMBLYMAN SMITH: You're saying there is enough information and that it should be on the Superfund list?

MS. PETERSEN: Yes. There was enough information at the time, sure, just as any other site. Now, you know, the whole point to get on the NPL is for potentialities. I mean, on some site you have more information than on others, but you're suppose to be screening what you think might be the hazardous sites around.

Now, the reason Lakehurst, perhaps, got on -- maybe some of the others weren't evaluated -- it is just a matter of -- well, we had the information at hand, we were able to review it, I mean, if we had more resources, we would be reviewing every single site within the State of New Jersey -- which we intend to do eventually, but we just can't get to all of them.

ASSEMBLYMAN SMITH: But in light of the '81 report, with the level of contamination indicated to you in a magnitude of five-- Or is the magnitude level of five over the permissible concentrations? Why didn't EPA use its own resources to do sampling? I mean, why do you have to wait for--

MS. PETERSEN: We're not allowed to. We're excluded by the law.

MR. HARGROVE: We're not allow to sample on the base.

CAPTAIN FRANZ: We're not sure we agree with that data. And that's just what I don't really want to get into, but I don't think we agree with that number five. I guess that's the stuff that I get very leery about, because somebody writes it and all of a sudden we're going to spend a lot of time with that number five. I think we're working in the process very well to solve our problems, that we're on the Superfund-- Well, I'm not really sure why we're there. I mean, we're hearing we passed the test, and I believe that it's true. From my point of view, I'd just stay on it. It gives us a little better priority in getting funding and who can complain about that?

ASSEMBLYMAN SMITH: Is there anything beyond the '81 information or any subsequent conclusions by EPA concerning this site and its appropriateness for Superfund listing?

MS. PETERSEN: You can't say that unless you go through the entire process. You can't just say that, "Well we changed our minds." You have to go through a remedial investigation. It has to be backed up by something.

MR. HARGROVE: (continues to speak from audience) Yeah, I think the only conclusion we would say is that, you know, we are like the DEP as of now, based on existing data; that we've also collected off-site data with the DEP. I think the DEP did two or three samplings; we were out there with them and we did one. We have no evidence that there is off-site migration of contaminants in Lakehurst. Other than that, that's our own data. We're still reviewing the data that the thing has provided.

ASSEMBLYMAN BENNETT: Lakehurst is a NPL site right now based on the data that was available at the time when you applied for the rankings in order to get on it, as Upper

Freehold -- a Friedman property in Upper Freehold was put on it. A process to get delisted took longer than it did to get listed, because once they-- But we weren't even able to start the process of delisting Friedman property until after the feasibility study was concluded and those results were reviewed. I think that whether or not it's suppose to be on the NPL list, it is. And it will remain on the NPL list as a potential threat to groundwater contamination until such time as adequate data is available to demonstrate that it should not be. That same data that would demonstrate potentially that it should not, would be -- what should be done in order to clean it up, if it is, in order to go into remedial. Is that the kind of a summary that's accurate, and--

MS. PETERSEN: Right.

CAPTAIN FRANZ: That's right.

DR. TRELA: I would like to make one brief comment, Mr. Chairman, not to extract this any longer than necessary.

ASSEMBLYMAN BENNETT: Certainly.

DR. TRELA: One, is that it is not the DEP's position that Lakehurst should not be on the NPL. Two, I would invite the Committee, the regional representatives, the Navy, or anybody else, who would like to come and look at the PAs and the SIs and the HRSS that was done in 1981, and on a qualitative and quantitative basis compare those to those done in '86 and '87. I would submit to the Committee again, that the basis for listing a site today is very different than it was five years ago.

MS. PETERSEN: Well, this was in 1981, John, and I don't think it's the forum to discuss this. Could we go on?

ASSEMBLYMAN BENNETT: Well, all I'm trying to get to is--

DR. TRELA: Well, Mr. Chairman--

ASSEMBLYMAN BENNETT: You two can fight, but don't fight in front of me, okay?

ASSEMBLYMAN SINGER: (indiscernible) --over ecstatic through the one year, so I would suggest that fighting amongst yourselves only proves our point.

ASSEMBLYMAN BENNETT: Captain, you had said that the test results were going to be conducted at some time in September. Hopefully, you'll have the results available in April of '88. Would you anticipate how much of a time lag it will be before they're turned over to the DEP and the EPA -- those test results that you will be receiving on your second round of sample? Anticipate much of a time lag?

CAPTAIN MacDONALD: Oh, from the time that we get it to the time we turn it over?

ASSEMBLYMAN BENNETT: Correct.

CAPTAIN MacDONALD: No.

ASSEMBLYMAN BENNETT: How long would you anticipate it would take before you were able to turn over those results?

CAPTAIN FRANZ: I think our schedule is anticipating turning over the results in April '88. That's when we're going to have our report ready and prepared to be turned over.

MR. HARGROVE: Just as a point, we received the data on this last set of samplings at the same time that the base received it.

ASSEMBLYMAN BENNETT: Okay. Well, that's very good, because that's not been our pattern on some others. So then, you make them available to DEP shortly there after or--

CAPTAIN MacDONALD: Everybody got it at the same time.

ASSEMBLYMAN BENNETT: Simultaneously. Okay. Captain, you mentioned, with respect to the technical committee-- I didn't get it all, but you did mentioned that in fact it included certain civilian members.

CAPTAIN MacDONALD: Well, I don't think we have a formal technical committee. It's been our policy that at any time we've done anything, we done it with EPA, NJDEP, the Pinelands Committee, and Ocean County, because those are the

people that we feel need to have the information. But we don't have an quote, "instruction" as such, that says, "This is our technical committee."

ASSEMBLYMAN BENNETT: All right. And when you'd written back to me in April, you were, in fact, meeting again with them in late April, or you were scheduled to meet with them again in late April.

CAPTAIN MacDONALD: We had a meeting. That's where the results are-- A study was passed out at that meeting and everybody had a chance to say, "Okay, great." You know, they are still looking at it, but that's when they were given the stuff.

ASSEMBLYMAN BENNETT: All right. Is that basically-- I won't call it technical. Is that basically a forum in which available information is exchanged as opposed to getting into discussions or reviews? I mean, at this point, you basically have your data and you dissimulate it and say, "Can we have them put back?" I mean, I'm not being critical, I'm trying to figure out--

CAPTAIN MacDONALD: Well, it provides a way of dissimulation. The previous meetings that we had during the sampling phase were more of a technical thing where if somebody had a problem with the data collection or how the tests were being performed, I wasn't at the meetings myself, but I presumed that that type of forum was available. You know, like how you drill the well, that type of information. We did have those meetings when the test was being conducted.

CAPTAIN FRANZ: The more important meeting is the next meeting coming up when we receive the comments from both EPA and NJDEP, where we discuss the comments and a plan of action for the next phase. That's when it become critical that we do have that interchange.

CAPTAIN MacDONALD: And we do have interchange on the phone. People talk. We talk to them. They talk on the phone.

ASSEMBLYMAN BENNETT: Let me just finish the final one. With respect to the -- and I understand that the SARA amendments have to be controlled almost nationally, and that you're waiting for that guidance -- do you have any indication as to when you, as a base commander, will be receiving specific guidance from the Department of Defense or from your superiors with respect to what role you should be playing as a result to the SARA amendments? Has any indication been given to as to when you may expect to--

CAPTAIN MacDONALD: Well, no formal timetable, but again, I would like to reiterate that the policy is that we will cooperate to the fullest extent. Now, you can see where it's going to get hard when there's something that impacts with, say, national defense, and the alternative is that it has an environmental impact. You know, where that level is, I think that's the hard part and that's what's being decided upon in Washington. We have to do something for a real national defense emergency, and that has impact with environmental laws. You know, what do we do? I can't answer that question very easily.

ASSEMBLYMAN BENNETT: No, of course not. I was primarily looking to see if they have given you any indications as to when the-- In order for the State and community to be a participant in the process of the cleanup as the Congress has directed, obviously there has to be the opportunity to participate. In your facility, I agree too. The best of what you're able to do at this point, which is quite well -- and I don't mean it at all to be negative -- you're doing it. In fact, you're making everything available simultaneously until you get it yourself. With respect to that involvement, however, as to getting a little more formal with the technical review committee and what have you, I just didn't know if you were going to be getting any further guidance. And you don't know that yet.

CAPTAIN MacDONALD: I don't know of any at this time.

ASSEMBLYMAN BENNETT: That's fair. Bob has some questions.

ASSEMBLYMAN SINGER: My question was just answered.

ASSEMBLYMAN BENNETT: Okay.

ASSEMBLYMAN SHINN: Just a couple of things. The fire fighting center that you had and you closed down, who's doing that now -- the fire training?

CAPTAIN MacDONALD: We're sending sailors down to Norfolk and Philly.

ASSEMBLYMAN SHINN: Are you planning to reinstitute that training?

CAPTAIN MacDONALD: Not at this time.

ASSEMBLYMAN SHINN: Not at this time. Your monitoring wells that you placed in to get an indication of the severity of the problem and to set up your priority list, were they mainly in the Cohansey Aquifer? Is that your primary aquifer that you were monitoring?

CAPTAIN FRANZ: Yeah, after work--

ASSEMBLYMAN SHINN: And did you do anything below Cohansey?

CAPTAIN FRANZ: I don't think so.

ASSEMBLYMAN SHINN: Were you screening in the bottom, top, and middle of the Cohansey in these wells?

CAPTAIN FRANZ: I can't answer that question.

ASSEMBLYMAN SHINN: Did you measure groundwater flow in the wells once they were drilled?

CAPTAIN FRANZ: Groundwater flow is measured extensively throughout the center.

ASSEMBLYMAN SHINN: So, you know the wells were down gradient in most cases and so on. Okay.

ASSEMBLYMAN SINGER: John, just one quick question. John, just share one thought with me. On your new screening

process you had used to get onto the NPL list, would Lakehurst qualify?

DR. TRELA: I believe so.

ASSEMBLYMAN SHINN: Just one more quick one. You talked about a fuel spill parachute jump center and you indicated that pollution has not migrated beyond the center. How large is this center?

CAPTAIN MacDONALD: Seventy-four hundred acres.

ASSEMBLYMAN SHINN: That's the whole site?

CAPTAIN MacDONALD: I'm sorry. You mean what--

ASSEMBLYMAN SHINN: You testified earlier in your statement that there was--

CAPTAIN MacDONALD: There's an allegation that a lot of fuel was spilled in this jump center.

ASSEMBLYMAN SHINN: At the parachute jump site. And you said that your test indicated that any part of that spill hadn't migrated beyond the center.

CAPTAIN MacDONALD: No. Actually, what we said was that we tested out of that jump site and for the wells that we drilled, we didn't find any pollution. It was just really to show that there had been some allegation of tremendous amount of gallons of fuel dumped, in fact, it was the most there has ever been in Lakehurst, probably. And it appears that that wasn't true. The idea was to show that that initial assessment is just that. It's a worst case. This may be the worst that it's going to be. But it turns out that it's not that bad.

ASSEMBLYMAN SHINN: Just as a comment, one of the things I always felt was that if you can get on the Superfund or any list that had some financial momentum behind it, you had a hell of a lot better chance both from that area and from your other budgetary aspects to get money and say, "Hey, we're down here on the Superfund list. We need to be prioritized at the Federal budget level to help get cleanup money." And I always thought that you can get to the bottom line quicker if you were on a list of some sort to--

CAPTAIN MacDONALD: It's a two-edge sword. The one edge says, "Hey, you've got a big problem," but the other says, "You've got to get help to clean it up."

ASSEMBLYMAN BENNETT: Captain, it's my understanding that the 44 sites are contained within four acres. Is that accurate, and not dispersed all over the--

CAPTAIN MacDONALD: No. Well, I guess--

CAPTAIN FRANZ: They are pretty much dispersed. Of course there is a concentration in the industrial area. But they are all across the whole center.

CAPTAIN MacDONALD: How many total acres of sites are--

CAPTAIN FRANZ: Maybe half the sites are in one concentrated area.

ASSEMBLYMAN BENNETT: Okay. I'd like to thank you very much. I don't believe we have any further questions, and we've sort of gone over our time a little bit. But, Captain I thank you very much for taking time from your extremely busy duties to join us today and to bring members of your staff. Hopefully, what we can continue to do is to have a cooperative effort so that the bottom line will be-- And I think all of us, DEP, EPA, this Committee, and yourselves think that our hazardous waste will be cleaned up and that we will not have a threat to groundwater. We may not have any potential exsisting groundwater contamination, but we want to make sure that the future is not-- And I know that you are a hard worker, you as an individual person. It also most appreciated that you take the time to focus as much of your efforts as you do on the environment, and we'd like to thank you for that. Thank you for being here today.

Navy Weapons Station Earle Commander Tubello, will you come up with your staff people? I'm sorry that we're running a little bit behind, but 45 minutes isn't too bad. Just give us two minutes and then--

I know that you came in while we were doing the questioning of Lakehurst. What we're trying to accomplish today are several different purposes. One, we are attempting to review the overall picture so that as we deal with the Federal facilities in our State, we are making a record similar in nature to what we have with our private facilities. The DEP comes forward twice a year, reports on a status of cleanup operations on every private site in the State, specifically gets a report on the Superfund sites, and then makes it available to the data as to what has occurred in the past six months at the other private sites. We've felt that after the period of a year, it was time to update the hazardous waste cleanup operations at the military installations in this State. We have received from most of the military installations very thorough reports and data as to what has occurred. Earle is included in that. They have responded to my letter. Captain Nicholson has sent the data that was available that he had at the base and had been previously given to the DEP and the EPA.

We're also asking in the eventuality that there are recommendations that the military facility can give to be able to improve on communication if they feel that that is necessary. We're asking for that as we go through this process. So, that's what brings us to this point today. I just want to ask you a question. I know EPA is here. I know DEP is here. Is there anyone here from the Attorney General's office? (negative response) So, with that, I'd like to turn to you. Captain Nicholson did call me. It's certainly understandable why he is not here today, and I was very pleased that he was able to send down members of his staff. He's leaving tomorrow. So, he has things to get done today.

LT. COMMANDER JEFFREY TUBELLO: Well, to get started, my name is Lt. Commander Jeff Tubello. I'm the public works officer for the station. To my extreme right is

Mr. John Mahoney. He's my planning officer, also heavily involved in environmental management for the station. And to my immediate right is Mr. William Mathey, who is the station's Environmental Engineer and who directs the hazardous waste management effort as well as many other environmental programs we have on the station.

As you mentioned, Captain Nicholson is on travel, or will be on travel this evening and for the rest of the week, so he asked me to attend. We have no prepared statement. However, we will answer your questions. But, before we get started, I'd like to tell you a little bit about Earle. I'll keep it very short.

Very similar to Lakehurst, we're part of the Northern Division of the Naval Facility Engineering Command. They are technically responsible for the NACIP study along with the station. We're approximately in the same stage as Lakehurst, so I don't need to go into any more detail on that just now. The station itself is divided into two bases: a waterfront station which is located in Middletown in the Borough of Leonardo; and the main station which approximately 11,000 acres is located in three townships: Colts Neck, Howell, and Wall Township in Monmouth County.

Our mission at Earle is bifold. We are responsible for the shipment, storage, renovation, and issue of ordnance. And our second mission is to take care of the ships that are assigned to Earle, of which we have three right now -- three ammunition ships. So, we take the ordnance that's in our magazines, load it onto the ships, and off they go to whatever mission that they are supporting.

At the main station we have several operations involved in the storage and renovations of ordnance which includes a demilitarization of unserviceable ordnance. We have an EOD team -- Explosive Ordnance Disposal -- who takes care of destroying and demolishing unserviceable ordnance, and also

doing emergency operations, removing ordnance outside the community or on stations and disposing it on base. We also have a mine assembly group. They take care of the storage, assembly, and renovation of mines. And we also have a precious metals recovery operation on the station that's part of the State's logistic agency. They recover silver, platinum, and other precious metals from ordnance, batteries, and any other similar type of equipment item world-wide. In short, that's a summary of the station. We'd like to give you a brief rundown on what we've done in the NACIP area. I'd like to introduce Mr. Mahoney to you. He's been around a lot longer than I have and he will be able to give you some details on that.

J O H N M A H O N E Y: Well, as Lt. Commander Tubello said, our circumstances parallel Lakehurst very closely, and I won't go through the whole Navy program, because you just heard it previously. But basically, as a result of CERCLA, the Navy developed the NACIP, which is the Navy Assessment and Control of Installation Pollutants. It was developed in the late '70s/early '80s. At our station, the Initial Assessment Study was done by a consulting engineering firm, roughly about 1982. What they did was strictly a paper type of investigation and interviews; no sampling. That was not part of the Navy's initial program. What they did was to talk to many past employees and present employees. It was done in confidentiality, so that they would be free from any pressures to describe what had happened at the station in the past. As a result of that study, in February of 1983 we published the IAS which outlined 29 sites that were investigated. The study was then given to the NJDEP and the EPA, and as a result of that and of meetings and negotiations with those agencies, we agreed to do further study on 11 sites. And that was roughly at the end of '85, beginning of '86 time frame.

We then, again, hired another engineering firm to do the studies. We did wells, soil sampling, water sampling,

standard methodology to try and come up with an understanding of what was going on at the 11 sites that were selected. The results of the first round of sampling, as we sent to your Committee last month, was in May of 1987. A draft report was prepared. We sent it to the EPA for their review and comments. And we anticipate that in August of this year we will meet with them and with the DEP to come up with a program for future sampling and for looking at those sites in much more detail to see what kinds of problems we anticipate. And that's basically where we stand today.

ASSEMBLYMAN BENNETT: What you sent me were the test results of July '86. These are the only test results that I have -- the July '86 results.

MR. MAHONEY: I don't have the dates. I'm just trying the--

LT. COMMANDER TUBELLO: Is that letter we just sent you in April?

ASSEMBLYMAN BENNETT: Yes.

LT. COMMANDER TUBELLO: I thought we had attached the most recent test results of--

ASSEMBLYMAN BENNETT: According to the letter, they were the most recent test results of-- July of '86.

MR. MAHONEY: You say according to the letter?

ASSEMBLYMAN BENNETT: It says, "Soil samples were taken from the sites; results of the first group of samples is enclosed." You plan to meet in April of '87 to discuss the results and decide at the time if further action is required. And if you read the test results, the test results have on them July '86 dates for each of the sites. I think there's 11 -- all July of '86.

MR. MAHONEY: That was a copy of the plan that was developed to show where the sampling was going to take place. As a result of that plan, the test were actually run, and we had just received the result of the first round of sampling.

ASSEMBLYMAN BENNETT: Well then, you have something that I don't. Mine says right on it, "Results for groundwater samples collected in July of '86." And that's on each site. Each one says, "Collected in July of '86; Collected in July of '86; Collected in July of '86." Every one says that. Here. I mean, you're welcome to it. It's attached onto the letter.

MR. MAHONEY: Yeah. That's probably when they took the sampling. But, I'm saying that we have the results now, and that's what we sent to you. This is the most (sic) and the only test results from any other sites.

ASSEMBLYMAN BENNETT: Don't you view that as a problem?

MR. MAHONEY: You mean the time lag?

ASSEMBLYMAN BENNETT: Yeah.

MR. MAHONEY: It is a problem, but it's a problem that we all face; EPA faces it -- everybody. It's a contractual obligation.

ASSEMBLYMAN BENNETT: Well, Fort Monmouth, earlier today, testified that they test their samples biannually, twice a year -- four times a year. Okay, they do it four times a year. This is Fort Monmouth. I mean, when we--

MR. MAHONEY: Well, I don't know their history exactly in what regard you're talking to, but we are in a sequence where we have to work with the DEP and EPA, and that's what we are trying to do. So, we try to get the results and share it with them, and come to some conclusion on what we're finding before we go ahead with the next round of sampling.

ASSEMBLYMAN BENNETT: Oh, I agree with you on procedure, but do you think that when you end up getting test results nearly a year old, that they are helpful in order to determine what the next step is?

MR. MAHONEY: Yes.

ASSEMBLYMAN BENNETT: You do?

LT. COMMANDER TUBELLO: Well, they still are results and they are still valid results, but we agree with you that the time lag is a problem that does need to be improved upon.

ASSEMBLYMAN BENNETT: Well, who gets them to you so late? I mean, you're contracting out to someone to gather these samples and they don't return them to you until April?

LT. COMMANDER TUBELLO: It seems strange, but I have no answer for you. I'll have to find out.

ASSEMBLYMAN BENNETT: Well, I don't think I'd do business with them any more, quite frankly -- that would be my problem. Okay.

ASSEMBLYMAN SINGER: Obviously, there's something that they are going to have to come back to us with, at least a written explanation as to what happened from July of '86 to -- we're looking at June of 1987 -- where in April when they got it, why it took so long to get the copies of the test results. That's not certainly their normal way of doing things. Something happened in the interim and we should know about it.

ASSEMBLYMAN BENNETT: Well, that's what I'm trying to find out.

LT. COMMANDER TUBELLO: We'll check into that and give you a written response.

ASSEMBLYMAN BENNETT: Do you anticipate when you will have another round of tests done?

MR. MAHONEY: We'll, like I said, we're going to have a meeting. We'll send the first results to the EPA and when we meet with them, hopeful in August of this year, we will then come to a conclusion as to exactly what is going to be required for the second round of sampling. As soon as that is done, we will then order our contractor to do the sampling.

ASSEMBLYMAN BENNETT: I hope you get another one.

ASSEMBLYMAN SINGER: Through the Chair, I want to share with them the same frustration that the public has with us, and not just with you -- we saw it in Lakehurst. They identified the problem in 1981. We're now in 1987 and nothing has really happened. Now, you can listen to EPA, you can listen to DEP and in their minds a lot has happened. In our

minds, not a lot has happened. Business doesn't do things this way. We're continuing to feel like we're spinning our wheels in the lag between a problem site that's identified, when the testing starts, and we hear every excuse in the world. And as legitimate that it may be, we can't accept it. We can't accept the budgetary process; we can't accept EPA fighting DEP. The end result is the public, who is the one that we're trying to protect from potential harm, is in jeopardy all these years.

And I work for the county. I'm Secretary/Treasurer of the County Board of Health; and tests can change from one year to the next or from six months from the next. I think we've got to do something to see-- And we've got to come up with recommendation that are going to have to be passed on to maybe our legislators in Washington, John. Maybe our Senators and Congressmen can change what's happening. This time lag things that should have-- (inaudible; fades out).

ASSEMBLYMAN BENNETT: Has the Phase II confirmation study been submitted to the DEP?

MS. PETERSEN: (Inaudible; speaks from audience)

ASSEMBLYMAN SMITH: Microphone.

ASSEMBLYMAN BENNETT: Phase II study, when I got my report from DEP, had said that it was nearing completion and will be submitted to the Department in the future; and I'm asking was the Phase II Confirmation Study-- I believe it was completed according to EPA, I'll save a little trouble, in December of '86. It was allegedly completed. I'm asking if it has been made available to the DEP yet? I know the answer. I mean, I'm asking the base if they-- Because my next question is, why hasn't it been? Okay? Do you know why? And the answer is that because there's an internal review that's going to be performed on it. Now, the question that I don't know the answer to is what is the nature of an internal review conducted upon such a report as is Phase II confirmation? I don't know the answer to that.

MR. MAHONEY: The latest results from our Phase II Confirmation Study were sent to the EPA. I don't have the letter in front of me. We sent it to the EPA recently within-- It was sent by Northern Division, our engineering field division, who is responsible for this type of work for us. They sent it directly to the EPA for their review and their comments. We have not received their comments yet.

MS. PETERSEN: (speaks from audience) We just received that report. That's correct, we-- (inaudible)

ASSEMBLYMAN SMITH: It's not going on the record, John.

ASSEMBLYMAN BENNETT: I'll put it on, I'll put it on.

MS. PETERSEN: (speaks from audience; majority of this is inaudible) As we said in our summary, we received that last week of course that first-- (inaudible) We understood that what you see in December, as we wrote in our report as well -- and in December I talked to Northern Division and they were undergoing that review process and it depends on the base. Sometimes we do get them directly as the same time as the base, sometimes the divisional office will review it just like an internal QA/QC channel. So we were told that was going on and that it would be sent to us in April. We just received it last week.

ASSEMBLYMAN BENNETT: The EPA said that they believed that the Phase II Confirmation Study was concluded in December of 1986, that they had been notified that they were to receive it in April of '87, and in fact, that they received it in May of '87 -- that the reason for the delay was told that there was going to be an internal review performed by the Navy, and my question still remains: What is the nature of that internal review? Lakehurst, for instance, just told us a few moments ago, that when they receive the results of a study, they simultaneously make it available to the Ocean County Board of Health, the New Jersey DEP, and the EPA. So, I'm not sure what an internal review is, and that's what my question is.

MR. MAHONEY: Well, the Northern Division is our agent for this study. They received the results from Weston. They were reviewing it in-house to make sure that it is complete, and that's just the way they chose to handle the results, instead of having-- As Lakehurst said, send it directly to the EPA. They received it in-house, and they forwarded by letter to the other agencies.

ASSEMBLYMAN BENNETT: Perhaps you can help me a little more. When you talk about Northern, is that a Navy policy or is that a Department of Defense policy? I don't know what that means.

MR. MAHONEY: Okay. Northern Division is part of the Naval Facilities Engineering Command. They provide engineering and technical assistance to Naval facilities in a regional area of the country. They act for Lakehurst, they act for us. And how it is handled is left to the discretion of the individual person handling it and our requirements.

ASSEMBLYMAN BENNETT: Okay. Is it fair to say then that this is a policy that is promulgated out of Philadelphia and not a policy that is based upon the individual facility?

MR. MAHONEY: It is the way they chose to handle this particular study. There's nothing more to it than that. They just received it from their A & E. It was Weston Incorporated, as you can see on all of the results of the study. They just received it from them -- so many copies -- and they distributed it. Conversely, they can just do the opposite and say, "send it to these addresses." I don't think there's anything more to it than that.

ASSEMBLYMAN BENNETT: The EPA has recently indicated that there will be two more rounds of sampling conducted. How long would you anticipate it would be before the DEP would be able to analyze that data from the new sampling?

MR. MAHONEY: I don't have a timetable in front of me. I would say a minimum of six months.

ASSEMBLYMAN BENNETT: Would that be six months upon your receipt of the data or six months from--

MR. MAHONEY: No. I would say, we now intend to have a meeting with the regulatory agencies as a result of the first round of samples. From that, we hope to have an agreement as to what our next set of samples will consist of -- whether we will have to drive additional wells, whether they want more sampling or less sampling. It's going to be the subject of discussion and negotiation. Then we will order our consulting engineer to do the testing as agreed upon, so there's the cooperation of a few agencies involved in this, and that's why it's hard to set a timetable. Once those negotiations are completed and we know when we are going to -- or specifically what we're going to test at each site -- then we can write to you and give you a milestone chart of what we feel will be the time required to complete the testing.

ASSEMBLYMAN BENNETT: Okay. The Department says that sampling for levels of chlorobenzene would be redone; not new data-- Those specific test are going to be redone. Do you know if those test have been scheduled?

MR. MAHONEY: Yes.

ASSEMBLYMAN BENNETT: When are they going to be scheduled?

MR. MAHONEY: In July. I think the date is the 14th.

ASSEMBLYMAN BENNETT: In July of this year?

MR. MAHONEY: In July of this year. We have agreed to split sampling and testing with the New Jersey DEP.

ASSEMBLYMAN BENNETT: And the results of those test will be made available when?

LT. COMMANDER TUBELLO: Split sample.

MR. MAHONEY: We're going to split sample. In other words, they will do their testing we will do our testing with our labs.

ASSEMBLYMAN BENNETT: Are there specific questions before I go into the comprehensive jurisdiction ones? Okay, Bob.

ASSEMBLYMAN SMITH: What was Earle's NPL Mirte rank? How did it get on the list?

MR. MAHONEY: Well, there was one specific site that -- as a result of the numbers being put into the Mirte formula put us over the key number, whatever it was.

ASSEMBLYMAN SMITH: Do you remember what your Mirte ranking was?

MR. MAHONEY: No.

ASSEMBLYMAN SMITH: No?

MR. MAHONEY: Not the number, no.

ASSEMBLYMAN SMITH: Does DEP know what the Mirte ranking was?

MS. PETERSEN: (speaks from audience) No. (inaudible)-- the number. Just that it's over 28.5.

ASSEMBLYMAN SMITH: Was it over 50?

MR. MAHONEY: No.

ASSEMBLYMAN SMITH: Okay. The question for the DEP, we have a memo in our files from a Jane Snichner (phonetic spelling) to Beth Muhler, dated August 20, 1985, concerning this area and the proposed Manasquan reservoir. The memo says that the sediment samples turned out okay, while six of the seven contaminants in the surface water turned out okay, the seventh contaminant, chlorobenzene at the Route 34 intersection, was substantially above the expected levels. Its concentration is about 86 micrograms per liter. There was some concern about how at first it might be coming from Earle, and secondly that it might affect the proposed Manasquan reservoir. Have there been any new developments on that situation?

MS. PETERSEN: That's the resampling that's scheduled for July. (inaudible)

ASSEMBLYMAN SMITH: Okay. So, at this point this is the most currently known information.

MS. PETERSEN: Yeah.

ASSEMBLYMAN SMITH: Where is the reservoir project at this point?

MS. PETERSEN: I believe several miles downstream.

ASSEMBLYMAN SMITH: I mean, how far along is it?

MS. PETERSEN: I think it's still in the planning stages.

ASSEMBLYMAN SMITH: What would be the impact of the reservoir planning if it turned out that the contaminant was coming from Earle in these concentrations?

MS. PETERSEN: I would have to address it as part of the overall remediation

ASSEMBLYMAN SMITH: I hope that got on the record. With regard to New Jersey, I guess this is a general jurisdiction question. I don't know if you want me to hold it or not?

ASSEMBLYMAN BENNETT: All right. Go ahead.

ASSEMBLYMAN SMITH: My understanding of the testing situation that the EPA is of the opinion that it does not have the jurisdiction to go in and take testing on its initiative on these bases. But under the '86 SARA amendments, isn't there a monitoring enforcement authority available to either EPA or DEP? Can you do this independent of the base commander saying that it's okay to test? I'll take an answer from both.

MR. HARGROVE: (speaks from audience) Not only the specifics-- (inaudible) Do you want me to come up?

ASSEMBLYMAN SMITH: Yeah, please, so it gets on the record.

ASSEMBLYMAN BENNETT: Well, just repeat it. For that kind of answer, just say that EPA said it.

MR. HARGROVE: All right. I think we can-- (inaudible) I don't know all the specifics. I've got to look into it, but I believe we can. I believe SARA-- (inaudible)

ASSEMBLYMAN BENNETT: Okay.

MR. HARGROVE: You have to have permission. I mean, you just can't-- (inaudible) from getting on a military base, you know, and they bar you from getting on and you're not going to get on. But, you know, we would generally do this with the understanding of the base commander.

ASSEMBLYMAN SMITH: Okay. Well, for the record, EPA says that-- Its representative here today says that it feels it does have the authority. On some of the bases where we've received testimony today, especially the last one, we're at seven years and we're still not sure of the extent of contamination. Suppose the samples come in again -- suspect? Does EPA have a plan? Are you going to take that authority that you believe you have under SARA and perhaps, even given an adversarial role -- where you go in and do the testing? It would seem like these projects are dragging. I heard you said earlier that the problem was the budgetary process that's taken seven years -- because of the budgetary process. Right now you have the authority to go in and do it yourself.

MR. HARGROVE: Yeah, but we don't have the resources. I can't give you an answer on that. If we had the resources to do it, obviously we would be doing as much as we possibly can. We have a-- (inaudible)

ASSEMBLYMAN SMITH: All right. So, the EPA's answer is that that's a policy that hasn't been made yet, basically.

MR. HARGROVE: Pretty much.

ASSEMBLYMAN SMITH: How about DEP? Does DEP have that authority under SARA?

MR. HARGROVE: I do not understand that SARA is developing programs for the State. So, any action that you would take calls for the authorities (inaudible) in conjunction with the EPA-- (inaudible)

ASSEMBLYMAN SMITH: All right. I think our staff has just given you a legal opinion on this matter. Would you just read that last paragraph into the record.

DR. TRELA: (speaks from audience) This last paragraph?

ASSEMBLYMAN SMITH: Yeah.

DR. TRELA: I'm reading from the document to Mr. Alan Karcher, dated May 14, 1987, and I'm reading from the last page. It's a letter from Jeffrey T. Climpson--

ASSEMBLYMAN BENNETT: (referring to the hearing reporter) Are you getting this? (negative response)

ASSEMBLYMAN SMITH: You probably should stand next to a mike.

DR. TRELA: Do you want me to identify the document again?

ASSEMBLYMAN SMITH: Yeah, please. I think what you are going to find is that we do have the authority. The State government may have the authority, and if we do, we should be doing something with it. But go ahead, please.

ASSEMBLYMAN BENNETT: Hopefully, that's going to be the end result.

DR. TRELA: This is from a document of a letter dated May 14, 1987, to Mr. Alan Karcher of the New Jersey Assembly from Jeffrey T. Climpson, Deputy Legislative Counsel. The last paragraph refers to page 20. The State's conclusion, "It is our opinion that the extent of civilian jurisdiction and authority over Federal facilities in regard to hazardous waste and disposal activities occurring thereon appears to be considerable; that, with respect to Federal hazardous waste disposal law, it appears to be for the most part, equivalent to the jurisdiction and authority over other persons; and that we see no reason to significantly modify the conclusions reached in the Ford Opinion with respect to the relationship of the legislative subpoena power of the Federal officials, despite the recent changes in Federal hazardous waste disposal law." That's the conclusion of this statement.

ASSEMBLYMAN SMITH: All right. As I analyze that conclusion, it sounds to me as though State government has significant authority to take action with respect to military

bases. And Mr. Chairman, one of the things that I think this Committee can do is as I listen to the testimonies today, it seem that some military facilities were much further along than others, and while I don't want to say that the ones that were behind -- that there was any intentional foot dragging -- in some cases, it seemed that the process has taken much longer than it really should have. I'm wondering if it would be worthwhile if this Committee were to contact Commissioner Dewling and ask him if he has a plan B -- if he has a plan wherein if this process drags out any longer, whether the New Jersey Department of Environmental Protection will take action under the authority that we understand that it has under these amendments? Will they go and do the testing that is necessary so that we can make some of these conclusions? All these projects are being held up because we don't have accurate information.

ASSEMBLYMAN BENNETT: One of the directions that the Committee may take is after all of-- And today is really the better facilities as far as cooperation-- On the 25th, we have some rather significant problem facilities, I mean, much more significant problem facilities with also an inability to provide information. Remember the Department itself can't go into court to get the authority to do it. It would take the Attorney General to take that action. They've been invited to be participants of that process, and that's why I had asked if they are here today.

ASSEMBLYMAN SMITH: Are they coming on the 25th?

ASSEMBLYMAN BENNETT: Well, they were invited for today.

ASSEMBLYMAN SMITH: Did they attend today?

ASSEMBLYMAN BENNETT: They're not here today. But they were invited, and they will be invited on the 25th. What?

DR. TRELA: I'm sorry to interrupt you at this point, Mr. Chairman, but I have with me copies of two letters sent to

Mr. Michael McCannon (phonetic spelling). These have been discussed at previous hearings, and they provide the Attorney General's opinion relative to Federal facilities in New Jersey. I'd like to submit these two letters to the Committee if possible for the record.

ASSEMBLYMAN BENNETT: So you can, but they are-- The Legislative Counsel, which I might point out, disagrees with the decision of the Attorney General, and that may be the result of this legislative body -- that we will follow the advise of our Counsel as opposed to what opinions are given on the Attorney General. There has been a schedule set for a meeting with the Attorney General and the Legislative Counsel so that we are able to deal with those issues. I mean, unfortunately, right now we've fouled up in something. We have Earle here and I want to get done with Earle today. But the points you are raising are good and that the direction that-- I don't want to draw a conclusion until we've heard from all of our facilities.

ASSEMBLYMAN SMITH: Right. This was the best and I understand where you are coming from.

ASSEMBLYMAN BENNETT: Right. And the DEP and the EPA, and then we have to sit down with public input and determine the bottom line direction.

ASSEMBLYMAN SMITH: Just one other question and that's the end of the ball game for me today. Could we ask the EPA coordinator to give us a list of the Federal DOE facilities in New Jersey that have problems? I know that we are doing the military in these two hearings, but I understand that the Department of Energy facilities may even have more severe problems. And I'd like to know how many there are, the extent of their problems, and what's known about them at this point in the EPA?

ASSEMBLYMAN BENNETT: Mark, (referring to Committee Aide) could you confirm that with a letter? Okay, we'll send them down. I'm sorry, we'll go back in just a second. But,

there's so much of the subject matter to be able to deal with that that's why we've viewed all sides. It's not to be reflected necessarily on your facility, it's just that that triggered the question that arose from this point. Our timing on the test results is obviously a problem. When one facility gets four test results a year and distributes them, another facility is doing them less than once a year before they are able to discuss them -- that's an issue that we need to find out if we can do better in. I mean, that's just off the top.

With respect to -- since you are on the NPL list and underneath the SARA amendments Superfund, certain procedurals are required to include the State environmental agencies in the assessment and evaluation and response to the hazardous discharges; and specifically, we have the mechanisms under the law for the establishment of a technical review committee with State, local, and community representatives. Has there been any discussion with the possibility of establishing the technical review committee required for all Federal facilities under the NPL list, at NWS Earle?

LT. COMMANDER TUBELLO: We have not done so as yet. We have not received any guidance on the SARA amendment from higher headquarters. However, that's something we definitely will do. Earle has been establishing several meetings with outside communities in the past year and we will do so in this area also.

ASSEMBLYMAN BENNETT: SARA also requires that Federal facilities enter interagency agreements for sites such as this on the NPL. Do you anticipate that you will be entering into the interagency agreement in the near future or have you already done so?

LT. COMMANDER TUBELLO: We have not done so yet, but as required by law, we will follow regulations.

ASSEMBLYMAN BENNETT: Do you know the status of the-- I believe in 1985, there was an interagency agreement that was

in fact drafted but not executed? And do you know what the status of the negotiations are presently, or are there negotiations ongoing on drafting a comprehensive interagency agreement?

LT. COMMANDER TUBELLO: Let's see. The 1985 one was between the EPA and Earle, I believe?

ASSEMBLYMAN BENNETT: I believe you're correct.

LT. COMMANDER TUBELLO: And it has to do with the hazardous waste sites.

ASSEMBLYMAN BENNETT: I believe that's correct.

LT. COMMANDER TUBELLO: Okay. I know that has not been executed. Recently, EPA has tried to work with us in signing a second compliance agreement on our RCRA. We brought it to the attention of the Office of the General Counsel in Washington. They are working with EPA headquarters. They have said that we would not be able to sign a compliance agreement, per se, with a sister Federal agency. However, there were other methods that could be used to come up with an interagency agreement. I understand that's working now in Washinton levels and will be-- The last discussion I had is that it will be resolved shortly. So, "shortly" would be in the next month or two, in my opinion.

ASSEMBLYMAN BENNETT: It's my understanding in fairness that there was not a question with the base that wanted to enter into the agreement, even in 1985. That in fact, there was above the base decision an order not to. I think in fairness to those of you who are sitting here should make that clear, that that was not a decision made by base commander or below -- that that decision was made from up above. Have you received any specific guidance with respect to the Department of Defense to date on how you are to respond to the State environmental agencies?

LT. COMMANDER TUBELLO: No official guidance other than we also, as Lakehurst, want to cooperate to the fullest

extent possible and do everything as correct as possible. So, we do info them on almost every piece of correspondence we have with the EPA or other similar regulatory agencies -- so, a cooperative spirit.

ASSEMBLYMAN BENNETT: From DOT?

LT. COMMANDER TUBELLO: We have not received anything as of yet.

UNIDENTIFIED MEMBER OF AUDIENCE: Excuse me. May I say something?

ASSEMBLYMAN BENNETT: Okay. You're going to have to come up, because I can't-- I'm sorry, but if it's more than a yes or a no I might lose something in repeating it.

LT. COMMANDER TUBELLO: We have to, by law, cooperate with the State, but more than that, I don't know what I should be really looking for.

UNIDENTIFIED MEMBER OF AUDIENCE: Because this questions has come up a number of times, I thought I'd mention that at the headquarters level, EPA is working very closely with DOD on putting together the guidance on how to carry out SARA, which includes the input from the State; how each facility will work with EPA and the State. There's many DOD work groups on one of them and we're very active in putting together a compliance document which will go to all of the Federal facilities. The Federal agencies, not just DOD, but all Federal agencies have had equal input with EPA on putting together this document. We're about halfway through it. Hopefully, it will be out within six months, and then, I think a lot of these detailed answers will be in there.

ASSEMBLYMAN BENNETT: Okay, thank you. Any other questions specifically to Earle at this point?

ASSEMBLYMAN SHINN: Just one that sort of isn't specific to Earle, but I guess it's a general one that I really should have pointed out to the last speaker -- my feeling on it. One problem, I think, we see in the delay on getting test

results is somebody makes a determination on if this is a national defense priority, and I guess that decision goes to whether we disclose the information to carry on this mission which goes to national defense, or not. I think that comes in to play. Several of the people have come in to testify. Does it not?

LT. COMMANDER TUBELLO: Could you restate that national defense priority in terms of getting funding?

ASSEMBLYMAN SHINN: Really this resulting pollution potential is part of the national defense mission and therefore must continue to go on to provide this national defense. We heard that more times than I would have liked to have heard over the past eight years, and I think that's one of the decisions that occurs up the line, militarily, before documentations on test results are released generally. I mean, I think it's one decision to make sure that your tests are an accurate sampling of the wells that you drilled for testing. And I think there's another decision that says, do we release this information or is this related to a national defense priority that goes beyond the environmental considerations?

MR. MAHONEY: Well, most of our sites are associated with processes that no longer take place. This is a past practice. Most of them are just old landfills. So, in our case -- I can only speak for ourselves -- that does not really enter into our thinking. I would say, very minimal.

ASSEMBLYMAN SHINN: So, your facility does not have to go through that process. That's not one of the reasons for delay?

MR. MAHONEY: No.

ASSEMBLYMAN SHINN: I just think generally, I would hope if we're not beyond that type of thought process today, I would hope that at least by next year at this time we'd be beyond it, because I think there are several things that happened that are very critical in that posture. Number one:

You create a public concept that the bases aren't being forthright with their information, which is troubling. I've gone through this in my history and you create a distrust of what information is out there and it gets magnified in the public's mind. Number one (sic): Particularly the residents that live on a base -- get absolutely paranoid about their drinking water if they are on wells. They are on a public water purveyor and then they get tested every six months and that paranoia isn't there.

The other issue, I guess, is the funding of-- The public knows it's funding national defense, and I think in the most part are very willing to. When it's funding pollution, it's funding two things: It's funding the incidents of pollution, then it comes around and funds the cleanup and the numbers we've heard here today are very significant. It's a major bill that I think all of those efforts-- And I think we're getting closer to it. I think the SARA amendments and whatnot could go to that very issue. I think the more open we can be when we get results in and the quicker they can be released, the more confidence that both the citizenry and the governmental agencies are going to have with bases. There's a lot of focus on environmental problems -- of course in this State with the cancer incidents and so on.

So I think the more open we can be with test results and the faster they are forthcoming and if everyone tries to work to that goal, I think we're going to proceed a lot better -- a lot better coordination with cleanups and coordination between EPA and DEP. I think the whole process will be perceived better from the public standard.

LT. COMMANDER TUBELLO: We agree with you and we will work with you to that end, and with DEP and EPA.

ASSEMBLYMAN SHINN: Thank you.

ASSEMBLYMAN BENNETT: Thank you very much Commander. My regards to Captain Nicholson and thank him for having all of

you come today to be present and participants in this discussion. I'd like to ask staff if they would write to Philadelphia, the Northern Division and ask specifics of what is involved in the internal review that results in the delay of these results being made available from the time of their receipt until they are able to be distributed to the EPA and the DEP. I'd also like a follow-up letter sent to the Attorney General's office advising them that the issue has been raised at the Committee level with respect to the jurisdiction of the State, and once again invite them to participate in these hearings -- this isn't on you guys; I'm just doing my homework -- and to participate in these hearings and be available so that if this Committee results in making any recommendations that would result in their actions, we would not have to have a review from day one on the transcripts.

Are there any other general comments that need to be added at this point? We will be meeting again on the 25th. We have invited Picatinny to be present. We have invited McGuire to be present. And we have FAA Tech and Bayonne. It is a short two-hours. I am hopeful that these facilities will avail themselves of the opportunity to be present.

ASSEMBLYMAN SMITH: John, is the testimony limited only to the military representatives?

ASSEMBLYMAN BENNETT: At this point, what I'm trying to do is, because I'm doing scheduling, I'm doing these people who were scheduled today and on the--

ASSEMBLYMAN SMITH: You could submit information for the officials.

ASSEMBLYMAN BENNETT: Oh, absolutely.

ASSEMBLYMAN SMITH: Anybody can do that.

ASSEMBLYMAN BENNETT: Anybody can submit a written document.

ASSEMBLYMAN SINGER: And campaign speeches.

ASSEMBLYMAN BENNETT: No, no. What I envision on the direction that I want to take this, is that after all of the

facilities have been afforded the opportunity to give their input and we've had the DEP and EPA, I would ask DEP and EPA if they have any recommendations having participated in this process that they feel would be appropriate. I would also feel at that point it would be appropriate that we hold a public hearing with respect to asking the public if they wish to give input. And then we as a Committee, basically, will have to go into a workshop mode to determine what direction we want to go and what direction we want to take.

ASSEMBLYMAN SMITH: Good.

ASSEMBLYMAN BENNETT: So, that's the game plan as we envision it. Seeing there's no further comments from the Committee members, I appreciate your cooperation and presence today, and we'll declare this portion of the public hearing closed.

(HEARING CONCLUDED)

