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COMMITTEE MEETING

before

ASSEMBLY COUNTY GOVERNMENT AND REGIONAL AUTHORITIES COMMITTEE

ASSEMBLY BILL NO. 4105

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

September 26, 1989
Freeholder Meeting Room
Court Plaza South
Hackensack, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman John E. Rooney, Chairman
Assemblyman Thomas J. Duch

ALSO PRESENT:

Assemblyman Patrick J. Roma
District 39
Assemblywoman Elizabeth Randall
District 39
Assemblyman William Pat Schuber
District 38

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

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

COMMITTEE MEETING

before

ASSEMBLY COUNTY GOVERNMENT AND REGIONAL AUTHORITIES COMMITTEE

ASSEMBLY BILL NO. 4103

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

September 26, 1989
Friedlander Meeting Room
Court Plaza South
Hoboken, New Jersey

MEMBERS OF COMMITTEE PRESENT:
Assemblyman John E. Rooney, Chairman
Assemblyman Thomas J. Duch

ALSO PRESENT:
Assemblyman Patrick J. Roma
District 33
Assemblywoman Elizabeth Randall
District 39
Assemblyman William P. Schuber
District 38

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

Meeting Recorded and Transcribed by
Office of Legislative Services
Public Information Office
Hearing Unit
State House Annex
CN 088
Trenton, New Jersey 08622

JOHN E. ROONEY
Chairman

J. EDWARD KLINE
THOMAS J. DUCH
GEORGE HUDAK



New Jersey State Legislature
ASSEMBLY COUNTY GOVERNMENT
AND
REGIONAL AUTHORITIES COMMITTEE

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

September 11, 1989

NOTICE OF COMMITTEE MEETING WITH PUBLIC DISCUSSION

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

The Assembly County Government and Regional Authorities Committee will conduct a committee meeting on Tuesday, September 26, 1989 from 3:00 p.m. to 10:00 p.m. in the Freeholder Meeting Room, Room 301E, Court Plaza South, 21 Main Street, Hackensack, New Jersey.

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

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

Please note: due to the time constraints, each individual or group of individuals will be restricted to 15 minutes of discussion before the committee.

DIRECTIONS:

From the Garden State Parkway (North)

Exit the Parkway at interchange 160 (Passaic Street). Make a right onto Passaic Street and proceed approximately 4 or 5 miles through Maywood and Rochelle Park, and into Hackensack. Make a right onto Summit Avenue. Make a left at the third light (Essex Street). Essex Street intersects with Main Street (a "T" intersection). You will see the court house straight ahead at this intersection. To the left of the court house is the Court Plaza South office building. Parking should be available under the building.

Issued 9/11/89



[FIRST REPRINT]
ASSEMBLY, No. 4105

STATE OF NEW JERSEY

INTRODUCED DECEMBER 19, 1988

By Assemblymen ROCCO, PASCRELL, Moran,
Rooney and Spadaro

1 AN ACT concerning the ¹[impact] economic and environmental
2 impacts¹ of resource recovery facilities ¹[on the environment]
3 and sewage sludge incinerators, supplementing Title 13 of the
4 Revised Statutes,¹ and making an appropriation therefor.

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

8 1. The Legislature finds and declares that an effective
9 statewide solid waste management strategy will require the
10 construction of several resource recovery facilities ¹and sewage
11 sludge incinerators,¹ which will impose burdens on ambient air
12 quality, water supply ¹[and],¹ water quality, and changes in land
13 use patterns; that the current regulatory process whereby
14 projects are permitted on a case-by-case basis fails to address
15 the cumulative impacts of these facilities, especially those sited
16 in close proximity to one another, on the environment; that the
17 ambient air quality in some areas of the State, a few of which
18 may host a resource recovery facility ¹or sewage sludge
19 incinerator¹, already exceeds federal standards for some
20 pollutants; that many areas in which resource recovery facilities
21 ¹or sewage sludge incinerators¹ are planned experience water
22 supply shortages and have inadequate wastewater collection and
23 treatment systems; that the operation of resource recovery
24 facilities ¹and sewage sludge incinerators¹ may significantly
25 alter land use patterns, particularly with regard to transportation
26 and residential development; and that it is in the interest of the
27 public health and the environment to determine the extent of this
28 impending problem, to identify measures required to minimize
29 impacts, and to prohibit the siting and construction of resource
30 recovery facilities ¹and sewage sludge incinerators¹ until such
31 time as these issues are addressed in a satisfactory manner.

32 ¹2. As used in this act:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
¹ Assembly ACG committee amendments adopted September 28, 1989.

1 a. "Resource recovery facility" means a solid waste facility
2 constructed and operated for the incineration of solid waste for
3 energy production and the recovery of metals and other materials
4 for reuse: excepting a mechanized composting facility, or any
5 other solid waste facility constructed or operated for the
6 collection, separation, recycling, and recovery of metals, glass,
7 paper, and other materials for reuse.

8 b. "Sewage sludge incinerator" means a facility for stabilizing
9 and reducing the volume of sewage sludge through exposure to
10 high temperatures, but does not include a melting furnace used to
11 stabilize and reduce the volume of sewage sludge by melting.

12 For the purposes of this subsection, "sewage sludge" means the
13 solid residue and associated liquid resulting from physical,
14 chemical, or biological treatment of residential, commercial,
15 industrial, or agricultural liquid waste, sewage, storm water
16 runoff, or any combination thereof, or other liquid residue
17 discharged or collected into a sewer system or stormwater
18 system, or any combination thereof.¹

19 ¹[2.] ^{3.1} ¹[The Department of Environmental Protection]
20 Rutgers, the State University¹ shall prepare a methodology for
21 assessing the cumulative impact of the operation of resource
22 recovery facilities ¹and sewage sludge incinerators proposed in
23 sludge management plans developed pursuant to P.L.1988, c.56
24 (C.58:10A-38 et seq.)¹ on ambient air quality, water supply
25 ¹[and],¹ water quality, and changes in land use patterns. In
26 developing the methodology, the ¹[department] university¹ shall
27 identify the stationary and mobile sources of air pollutants
28 requiring monitoring, identify alternative monitoring strategies
29 therefor, develop computer models for assessing the impacts of
30 pollutant sources on ambient air quality, identify and assess the
31 impact of any other factors on ambient air quality, inventory
32 water supply and wastewater discharge requirements, analyze
33 existing land use patterns and predicted changes thereto, assess
34 future transportation needs, identify other environmental
35 parameters requiring monitoring and strategies therefor, and
36 review and evaluate other factors pertinent to a study of the
37 cumulative effect of the operation of resource recovery facilities
38 and sewage sludge incinerators proposed in sludge management
39 plans developed pursuant to P.L.1988, c.56 (C.58:10A-38 et

1 seq.)¹. The ¹[department] university¹ shall submit the
2 methodology, together with any recommendations for legislative
3 or administrative action, to the Governor and the Legislature
4 within ¹[6] three¹ months of the effective date of this act.

5 ¹[3.] 4. a.¹ Using the methodology developed pursuant to
6 section ¹[2] 3¹ of this act, ¹[the Department of Environmental
7 Protection] Rutgers, the State University¹ shall undertake a
8 study of the projected cumulative impact of the development of
9 resource recovery facilities ¹and proposed sewage sludge
10 incinerators¹ with respect to ambient air quality, water supply
11 ¹[and],¹ water quality, and land use. ¹The study shall be
12 completed within 12 months of the date on which the
13 methodology and related recommendations are submitted to the
14 Governor and the Legislature pursuant to section 3 of this act.¹

15 The ¹[department] university¹ shall prepare and submit to the
16 Governor and the Legislature within ¹[6] three¹ months of
17 completion a written report of the results of the study, together
18 with any recommendations for legislative or administrative
19 action.

20 ¹b. The Board of Public Utilities shall undertake an economic
21 impact study of the projected cost of the construction for all
22 proposed resource recovery facilities and proposed sewage sludge
23 incinerators. The Board of Public Utilities' study shall be made a
24 part of the written report prepared by Rutgers, the State
25 University, pursuant to subsection a. of this section.¹

26 ¹[4.] 5. a.¹ ¹[The Department of Environmental Protection]
27 Rutgers, the State University¹ may avail itself of any
28 information, data and other expertise of the New Jersey Institute
29 of Technology; ¹[Rutgers, the State University;]¹ Princeton
30 University; the Department of Transportation; the Port Authority
31 of New York and New Jersey; and any other agency or institute,
32 whether private or public, cooperation with which would further
33 the goals of the department in developing the methodology
34 required pursuant to ¹subsection a. of¹ section ¹[2] 3¹ of this act
35 and undertaking the study required pursuant to ¹subsection a. of¹
36 section ¹[3] 4¹ of this act.

37 ¹b. The Board of Public Utilities may avail itself of any
38 information, data and other expertise of the New Jersey Institute
39 of Technology; Rutgers, the State University; Princeton

1 University; the Department of Transportation; the Port Authority
2 of New York and New Jersey; and any other agency or institute,
3 whether private or public, cooperation with which would further
4 the goals of the department in undertaking the study required
5 pursuant to subsection b. of section 4 of this act.¹

6 ¹[5.] 6.¹ a. The Department of Environmental Protection
7 ¹[may] shall¹ not issue any ¹[permits] temporary or permanent
8 approvals¹ required pursuant to law ¹[to] for¹ any resource
9 recovery facility ¹or sewage sludge incinerator proposed in a
10 sludge management plan developed pursuant to P.L.1988, c.56
11 (C.58:10A-38 et seq.)¹ for a period not to exceed ¹[12] 18¹
12 months ¹from the effective date of this act¹, pending the results
13 of the study required pursuant to section ¹[3] 4¹ of this act.

14 b. The provisions of P.L.1970, c.39 (C.13:1E-1 et seq.) ¹or any
15 other law, rule or regulation¹ to the contrary notwithstanding,
16 the governing body of any county may adopt an ordinance or
17 resolution, as appropriate, to suspend construction of a resource
18 recovery facility ¹or sewage sludge incinerator already under
19 construction as of the effective date of this act. The
20 commencement of construction of any resource recovery facility
21 or proposed sewage sludge incinerator is suspended¹ pending the
22 completion of the study required pursuant to section ¹[3] 4¹ of
23 this act.

24 ¹c. In addition to the requirements of section 17 of P.L.1975,
25 c.326 (C.13:1E-26), no person shall commence construction of a
26 resource recovery facility after the effective date of this act
27 prior to the completion by the Attorney General and the
28 Department of Environmental Protection of the requirements of
29 sections 3 and 8 of P.L.1983, c.392 (C.13:1E-128 and 13:1E-133).
30 The Commissioner of Environmental Protection shall not approve
31 the commencement of construction of a resource recovery
32 facility unless the person proposing to construct the resource
33 recovery facility has received a license approved by the
34 department pursuant to section 8 of P.L.1983, c.392
35 (C.13:1E-133).

36 d. Pending the results of the study required pursuant to section
37 4 of this act, the governing body of any county shall not authorize
38 any expenditures related to the approval or financing of any
39 resource recovery facility or sewage sludge incinerator.¹

1 ¹[6.] 7.¹ Nothing contained herein shall be construed to apply
2 to any waste facility approved for disposal of hazardous waste or
3 special medical waste¹, or a melting furnace used for the
4 disposal of sewage sludge¹.

5 ¹[7.] 8.¹ There is appropriated from the General Fund to ¹[the
6 Department of Environmental Protection] Rutgers, the State
7 University¹ the sum of \$75,000 to implement this act.

8 ¹[8.] 9.¹ This act shall take effect immediately.

9

10

11

ENVIRONMENT

12

Air and Water Pollution

13

14 Requires study by Rutgers and BPU of environmental and
15 economic impacts of resource recovery facilities and sewage
16 sludge incinerators; appropriates \$75,000.



ASSEMBLY COUNTY GOVERNMENT AND
REGIONAL AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4105

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 1989

Assembly Bill No. 4105, as amended by the committee, requires Rutgers, the State University to develop and submit to the Governor and to the Legislature, within three months of the effective date of the bill, a methodology by which to assess the cumulative impacts of the emissions from resource recovery facilities and proposed sewage sludge incinerators on ambient air quality, water supply, water quality, and changes in land use patterns, and to conduct a study of these impacts. The study would be submitted to the Governor and to the Legislature within twelve months of submission of the methodology. The bill further requires Rutgers, the State University to prepare and submit to the Governor and the Legislature, within three months of the completion of its study, a written report of the results of the study together with any recommendations for legislative or administrative action relative to its findings. The amended bill also requires the Board of Public Utilities to undertake an economic impact study of the projected cost of the construction for all proposed resource recovery facilities and all proposed sewage sludge incinerators. The study is to be made a part of the written report that Rutgers is to submit to the Governor and the Legislature.

The amended bill also imposes a moratorium of 18 months from the effective date of the bill on the issuance of any temporary or permanent approvals required by law for any resource recovery facility or proposed sewage sludge incinerator until the study required by this bill is completed and its results evaluated. It is current regulatory practice to issue the necessary approvals for such facilities on a case-by-case basis, a practice which fails to fully account for cumulative impacts. However, the provisions of this bill would not apply to any waste facility approved for disposal of hazardous waste, special medical waste, or sewage sludge in a melting furnace.

Under the provisions of the amended bill, the governing body of any county may adopt an ordinance or resolution, as appropriate, to

suspend the construction of a resource recovery facility or sewage sludge incinerator already under construction as of the effective date of the bill. The amended bill also provides that the commencement of construction of any resource recovery facility or proposed sewage sludge incinerator is suspended pending completion of the DEP study.

The amended bill also prohibits the governing body of any county from authorizing any expenditures related to the permitting or financing of any resource recovery facility or sewage sludge incinerator, pending the results of the study by Rutgers.

The amended bill also requires the issuance of a license commonly known as an "A901" license as a prerequisite for all persons or entities seeking to construct or operate resource recovery facilities in New Jersey. The amended bill provides that no person may commence construction of a resource recovery facility after the effective date of the bill unless that person has received an "A901" license approved by the department pursuant to portions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.). (The term "A901" refers to the bill number of the legislation establishing the standards.)

Effectively, P.L.1983, c.392 provides strict criteria for the licensure of entities and individuals performing, or seeking to perform, most activities in the solid waste or hazardous waste collection and disposal industries. The 1983 act, under the joint administration of the Departments of Environmental Protection and Law and Public Safety, requires each such individual and entity to submit to the Attorney General and the Department of Environmental Protection a disclosure statement from which the Division of State Police in the Department of Law and Public Safety performs a background investigation. The Division of Law and Public Safety evaluates the information revealed by each investigation and prepares a report in which it concludes whether the Department of Environmental Protection is precluded by statutory standards commonly referred to as "A901" standards from granting a license. The licensing standards are designed to preclude persons or entities with criminal backgrounds or with a history of violations of environmental laws in this State or in other jurisdictions from participation in waste management activities in New Jersey. The final decision as to licensure is made by DEP. This amendment would prohibit any person proposing to construct a resource recovery facility from commencing construction prior to obtaining an "A901"

license.

The committee's amendments also define the scientific terminology within the bill, and by definition exclude from the provisions of the bill the process of sludge melting.

The committee also adopted technical amendments to correct internal references within the bill.

As amended, Assembly Bill No. 4105 appropriates the sum of \$75,000 from the General Fund to Rutgers, the State University to implement the provisions of the bill.

As received by the committee, Assembly Bill No. 4105 required that the study be completed by the Department of Environmental Protection. Specifically, the bill in its original form required that the methodology be developed by the Department of Environmental Protection and submitted to the Governor and the Legislature within six months of the effective date of the bill. It also provided that the department prepare and submit the written report of the results of the study within six months of the completion of the study, and imposed a twelve-month moratorium on the issuance of any permits required by law to any resource recovery facility pending the results of the study. The bill, as received by the committee, made no requirement for a time frame for the completion of the study. The appropriation to implement the provisions of the bill was initially provided to the Department of Environmental Protection.

Approximately 18 resource recovery facilities and five sewage sludge incinerators are planned for the State of New Jersey, many of which may be sited in close proximity to one another. Currently, little information is available regarding the cumulative effect of the operation of these facilities on air quality, water supply, water quality, and changes in land use patterns. The study proposed by Assembly Bill No. 4105 would provide information on the effects of resource recovery facilities and sewage sludge incinerators on the environment.



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ASSEMBLYMAN JOHN E. ROONEY (Chairman): I see by the clock in the hall it is now three o'clock and I want to welcome you all here. This is the Assembly County Government Regional Authorities Committee hearing. We are taking testimony today on Bill A-4105. And just to introduce my co-member here today with me, I'm Assemblyman John Rooney. I Chair the Committee. Assemblyman Pat Roma is here today. Assemblyman Schuber was here, He will be back later this afternoon. He will be substituting for-- I'm sorry. Assemblyman Roma is substituting for Assemblyman Kline who could not be here, but he has been approved by the Speaker as a voting member. Assemblywoman Randall who will be here later this evening is substituting for Assemblyman Hendrickson who is no longer in the Legislature. She will be also a voting member. I believe she will be the permanent replacement for Assemblyman Hendrickson on this Committee. They have been approved by the Speaker of the Assembly as the members and voting members. We also are expecting Assemblyman Duch and Assemblyman Hudak who are regular members of this Committee.

A-4105 is an extremely important bill. We've held several hearings across the State, and it deals with incineration -- it deals with a moratorium on incineration. As the bill is presently written, it's a 12-month moratorium. It involves the ones that have not been permitted by the DEP. We have amendments that will be discussed later in the evening after hearing testimony from many, many astute people who know quite a bit more about incineration than either myself or any member of the Committee, although, we have been involved with it with this meeting and in our professional experience over the last few years.

At this time what I'd like to do is ask one of the co-sponsors of the bill to have an introductory comment. I'm sorry that the original co-sponsor, Mr. Rocco, is not here. He

is in Camden County. We have been in constant touch with him and discussion with him as far as any amendments that have occurred.

The prime co-sponsor on the bill is Assemblyman Pascrell from Passaic County. So without further ado I'd like to have Assemblyman Pascrell introduce -- for the purposes of this hearing -- introduce the bill. Assemblyman Pascrell, thank you for coming. Bill, I think you're going to have to get up to that microphone.

Before Bill starts to testify-- We have been, in the last couple of weeks, soliciting people to testify on this bill. We have a two-page list. It's available, I believe, somewhere in the hall today. What we have are many, many experts that have come from across the country. We have someone here from Florida. We have people from different states, and we have some very important testimony that we want to hear. I know many of you are residents that want to be heard, and we do have those slips here. If we can fit you in, we will. But we must hear those people who have signed in previously. We must hear them because they have a right, since they did make a prearranged reservation which anyone could have done.

So, I just lay down those ground rules. There will be other ground rules that we want to abide by; number one being that this room has a limited attendance. I had seen some advertisements that there were going to be mass demonstrations here. We must hear the testimony. This is an Assembly Committee hearing. We must put this testimony-- It's being transcribed and recorded by these two young ladies to my left and we don't want any demonstrations in this room. If there are to be any demonstrations we'd appreciate having them outside of the building. Do whatever you feel like, but this hearing must go on. If I can't continue with this hearing and if I have any demonstrations within the room where it's going to interfere with the transcription I will have to close the

meeting down because we must have all those who wish to testify be heard. So I have to lay down those ground rules right up front.

Thank you very much for your cooperation, and I turn it over to Assemblyman Pascrell.

ASSEMBLYMAN WILLIAM J. PASCARELL, JR.: Good afternoon, Mr. Chairman. I'm anxious to hear the testimony this afternoon and tonight on A-4105. I think we've done the circuit around the State.

ASSEMBLYMAN ROONEY: From top to bottom.

ASSEMBLYMAN PASCARELL: And then beyond. I wanted to start by saying, I'm not aware of any amendments that you're talking about and as the prime sponsor of this bill I'd like to know what those amendments are.

ASSEMBLYMAN ROONEY: All right, we'll discuss that.

ASSEMBLYMAN PASCARELL: It's not on the protocol that's legal. Can I see what those amendments are?

ASSEMBLYMAN ROONEY: The amendments that are discussed are the ones that would extend the moratorium from 12 months to 18 months as--

ASSEMBLYMAN PASCARELL: Is that made up? Is that--

ASSEMBLYMAN ROONEY: I think there are some amendments available.

ASSEMBLYMAN PASCARELL: Okay. I just didn't know what you were talking--

ASSEMBLYMAN ROONEY: Yeah, we'll probably discuss those later in the day. We want to hear testimony that, basically, would bring that out. There are also amendments on the A-901 forms being an integral part of this because that has been--

ASSEMBLYMAN PASCARELL: Right.

ASSEMBLYMAN ROONEY: --one of the issues. And as you know, the Committee has an absolute right to have a Committee Substitute for a bill.

ASSEMBLYMAN PASCRELL: Right. Okay, Mr. Chairman we have seen in the past five or six months a focusing on the very issue, and thanks to you and the Committee, I think it is right and fair to say that if you did not take the lead in this issue that this bill would not have been heard or presented in Solid Waste -- I've heard you say that, let me say that -- Solid Waste Committee. That, in itself, says something about the dilemma and the predicament.

This bill has been labeled by people on both sides or on the many sides of the issue, to be many things. Let me tell you what it is not, before I briefly get into what it is.

This bill does not say, nor was it intended to communicate the idea that where there is enough evidence that we should close down every incinerator in the State of New Jersey and prohibit the building of any more. While that may be the conclusion, or while that may be a fundamental element in the argument of some people, that was not the intent of this bill. I want to make that clear, Mr. Chairman.

Because those-- There are many who have sought to read into this bill whatever they pleased. I want to put on the record, once and for all, that when Assemblyman Rocco and I, over a period of five months that we researched this bill, we came to the conclusion after study of the bill -- after study of the issue rather, that we needed time to look at the cumulative effect of building 21 incinerators of mass burn proportions in the State of New Jersey.

When we mapped it out -- and we've shown you those maps and we've shown you the graphs -- and when we put that in the context of the environment that exists already in the State of New Jersey, we felt that there was reasonable means to question the policy and the road down which we were moving.

And John and I -- Assemblyman Rocco and I -- decided that it wasn't simply time, but we needed a thorough and efficient and effective study, independent of the Department of

Environmental Protection because we both concluded that the Department had not done its job in this area; nor is some ways has the Legislature. But we both agreed that there was a need to have a health risk assessment of building 21 of these incinerators in the State of New Jersey at this time in the history of this great State, and we ask that this independent study be done. The bill speaks to that independent study.

In the midst of this bill being presented to this Committee you have heard testimony, and you will hear testimony, on two major issues that are in front of us -- the environmental and health factors as well as the fiscal impact that these incinerators have had and will have in the State of New Jersey. We can't afford to look at words and listen to words. We need to look at the record outside of the State of New Jersey, and we need to look at Warren County which has the only county facility that's up and going; a facility that is now up for sale. This Madonna, this great-- As it was called by the administration, "The epitome, the state-of-the-art," in Warren County.

You're going to hear evidence today from chemists and environmentalists that play into doubt, by any reasonable person regardless of political persuasion, that maybe we have gone down the wrong trail and the wrong track; that maybe our solid waste management master plan is not a master plan, is not comprehensive, and does not have enough of the components that would make this a better policy.

You're going to hear evidence that is clear and distinct. You're going to hear about the so-called "state-of-the-art" scrubbers which supposedly will prevent the wrong pollutants -- as if there were right ones -- from emitting into the air. You're going to hear some devastating testimony about mercury in the State of New Jersey.

And ladies and gentlemen, and members of the Committee, just a few months ago when the Environmental

Protection Agency released its national air quality emission trends, that report showed that at least 2.4 billion pounds of toxic pollutants were emitted into the nation's air supply in 1987. New Jersey's share totals 16% or 38 million pounds, second only to Rhode Island in the reported emissions per square mile.

Mind you, the report's admission that this is a serious "public health problem" is heightened by the fact that it looks at only six pollutants out of the many that we know of. This was only six pollutants. And you're going to hear testimony today about other pollutants that aren't even mentioned in this report because the report was by no means a comprehensive one.

We do know that the report is leading to, not only a total reassessment by the EPA about minimum emissions, but it will also need to institute new standards which will have to be taken into account, and whether or not companies with the state-of-the-art today, and with the technology today, can meet those standards. These are serious questions.

Only half of the companies reported -- that were required to report by the way -- did so. And small companies are not required to report on their toxic emissions.

Remember, we're talking about an accumulative effect, Mr. Chairman, of all sources of pollutants. Read the bill: That's what it says. The direction of A-4105 can be understood within this context and within this context alone.

When I examine the evidence that has been placed before the Department of Environmental Protection and the letters that were sent to the Environmental Protection -- the Department of Environmental Protection by the Public Advocate's Office of this State, and unanswered yet to this day -- I am not only sure that I'm on the right track and that this bill is moving in the right direction, I am a bit suspect of the people who made the decisions to get us to this point in the first place, because we have not seen anything but a revolving door

in that Department over the last two years. These people have left the Department. They've gone into the very industries, the very industries that they regulated, that they moderated, and that they were supposedly monitoring; people who were commissioners and people who were second level and first level management people who put together the policies that we've debated over the past nine months.

We are talking about the environmental and fiscal impact of solid waste decisions and priorities in the State of New Jersey and how incredible, Mr. Chairman, how incredible has it been, Mr. Chairman, through the threats of the past eight or nine months of those of us who tried to put it on the record.

And those people in Roxbury, and those people in Passaic, and those people in Bergen County, and those people in Newark, in Atlantic County, and Ocean County who tried to put on the record, simply not fanaticism, not radicalism, but Americanism. We want what is fair and just and reasonable. We want to protect our environment and our children as well as our pocketbook. We want the best decision that will be made.

I can't stand here in front of you today and say to you, the material that I've researched and the chemists and the doctors and the engineers and the attorneys and the environmentalists and the pseudo-environmentalists that I've talked to over the past eight or nine months, I cannot -- past four years-- But in reference to this bill the past nine months, I cannot say to you that this policy that we have in the State of New Jersey is a policy built on anything but convoluted logic.

I can't, as a public servant sworn to tell the truth and stand before committees I serve, be it Education, be it the Environment, be it your Committee, which has done an outstanding job, I feel, in this area, particularly when it comes to independent authorities, which is not easy-- There are a lot of good people serving on independent authorities,

and there are a lot of scoundrels -- using your word again, Mr. Rooney -- that make the decisions for you and me. I can't say that I'm absolutely clear in my mind, nor can you, that the policy that has been written by the Department of Environmental Protection is the policy that we should adhere to in the State of New Jersey.

There is overwhelming evidence-- The fact is, there is not overwhelming evidence. The fact is that we are on a track which is curvy at best, and we need to take a very close look. And the time spent debating the issue takes away from the time we need to spend.

We haven't said that the permit process should stop. Have we ever said that, Mr. Chairman? We've said that the construction aspect should not begin until the citizens in the area, wherever these sites -- these facilities are sited, are clear in their mind. The least we can do as public servants is to communicate to these people -- not to tell them what they want to hear, not to play to the backyard syndrome. We know that exists. But I have not heard in Roxbury, nor have I heard in Bergen County, nor have I heard in Passaic and Essex and Atlantic and Ocean and Cape May-- Regardless of what counties I went to in the State of New Jersey, I haven't heard anyone say, "Don't put it in my backyard, put it in their backyard." That has never been the essence of the argument in this debate. It has been, "Let's make sure we're doing the right thing in the first place."

Don't buy us off with amenities that inevitably able us, because we have a dollar figure there, to virtually accept that facility in my backyard. Those places -- and the list, Mr. Chairman, is a long one-- The list in this nation is a long one of failed; failed facilities, failed policies. The largest one in the nation shut down. The workers there caused it to be shut down.

When I talk to my brothers and sisters in the unions who build these facilities, I try to convince them that there will be more permanent jobs created if we move into other areas other than mass burn. If we move into the areas of recycling and composting and distillation, and right down the line the eight or nine techniques which I've presented before this panel many, many times in the past, that there will be more permanent -- that there will be things to build, but we will not be building facilities of death. We will be building facilities of life -- not only for our people, but for our natural resources.

The fact that we spend less than 3% of everything we do in disposal and garbage on recycling is an incredible figure in view of all that we could be doing to provide a true comprehensive master plan, a true comprehensive solid waste plan. Be that regional, be that non burning, be it burning is immaterial; that's secondary. We want what's best for the people of this State.

People are beginning to understand this. They've seen the failed technology, which in every instance, whether we're talking about Auburn, Maine, whether we're talking about Tuscaloosa, whether we're talking about Detroit, or Philadelphia, or the ones that were built in California were made a laughingstock. I don't care where we're talking, these were all going to be the state-of-the-art facilities, and each one of them failed.

I don't condemn the private sector. I support the private sector in every technology -- alternative technology that I've talked about over the past nine months. Only in one of those technologies do we talk about deep, deep public expenditures, and that is in mass burn incineration. Why? Why will we not look at Rutland, Vermont and Pinellas County, Florida? Why don't we insist that those who argue against incineration or those who argue to take a scientific and health

risk look at incineration? Why do we say that these are people frightening the public when the data in front of us glares and stares at us in reality? We didn't make this up. You didn't make this up. These are facts. This is data. Can we build technology that will allow mass burn incinerators to provide a healthy facility? Maybe someday that will happen. It does not exist now.

Mr. Chairman, I defy anyone who builds these facilities to guarantee to the public within a 25-mile range-- I defy them to guarantee good health, no poor effects, no contamination, no water problems. Think of all the resources we will have saved if we spent as much time, as much energy, as much money in recycling and in other technologies to preserve the materials, that we don't have to go into the forest and cut down another million acres of wood. That we do not have to use the water or the energy to produce those products from original points, if we can recycle our garbage.

When public officials, including myself, early felt that we shouldn't have confidence in the public to move to recycling; they won't do it, because we are talking about human behavior, and it takes time. Recycling isn't a new word, cogeneration isn't a new word. Now we're moving into cogeneration when 15, 20 years ago, (clears throat) excuse me, people laughed. Cogeneration exists in submarines and exists in luxury liners. It goes back 50, 60 years.

Now we realize how to preserve and conserve. Now we realize that there are only limited resources out there. Mr. Chairman, when this hearing, this third hearing is over today, and hopefully favorably voted, I ask you to stand with me to try to try convince the Speaker of the Assembly to place this on the agenda of our next meeting so that it could be properly aired and fairly looked at and reasonably approached. I ask you to do that so we do not place false hope in people's

minds. So that we're realistic and we're honest about it. And the public will respect us for that. We cannot just pass it out of this Committee and let it drift.

I want to thank you for your efforts of stick-to-itiveness. I want to commend you as the members of the Committee. This is not a Democrat or Republican bill is it, Mr. Chairman, although you saw how I was accused that this was a Democratic bill? Mr. Chairman, that was one of the minor things I've been accused of in this fight and other people will know by week's end the other things.

Mr. Chairman, this is serious business. I want you to know that there are a lot of people in other states as well as our own wonderful citizens, watching what we do here. You have not been cavalier about this in the two meetings. And you know me, John, if I thought you were, I'd tell you, publicly and privately. So I commend you and I ask you to be fair about this. Hopefully you'll pass it out favorably. Hopefully the material that you'll hear will convince you even further that we need to turn the corner in solid waste recovery in this State. And together-- This is going to be the largest expenditure that we have with our citizens. They don't even know what's coming, do they -- no idea what the financing of these things cost? Please, communicate to the citizens of this State what we're all about.

Thank you, Mr. Chairman, and I'll be back at the end of the hearing today, if you will. Thank you very much.
(applause)

ASSEMBLYMAN ROONEY: I'm going to ask that there be no applause because I'm also going to ask that there be no booing and hissing. As long as we have it understood, then everything is fair. I gave the first speaker more time than anyone else because as a co-sponsor of the bill he has a right to be heard. Assemblyman Pascrell will be heard at the end. He will sum up. I hope he will hold his questions -- any questions

that he has of any of the speakers because we're on a very, very condensed deadline. We are already 15 minutes behind time. And I apologize to Barry Commoner who is our next speaker. He is the well-known and respected -- probably one of the foremost environmentalists in this country of ours today, and I see he's at Queens College, part of the City University system which I started my education in, having been a former New Yorker. I would like to welcome Dr. Barry Commoner at this time for his testimony. Thank you very much, Doctor. We really appreciate you being here today.

D R. B A R R Y C O M M O N E R: I'm glad to be here because this bill is important for only one reason, that it points out that the present plan that the State has for dealing with solid waste is heading for disaster. I think if you call a halt and at least think things over, it's absolutely essential and I'll explain why.

Now let me say in the beginning that I'm not in favor of the bill as it's put before you. To begin with, I disagree with the opening statement which says that, "This Legislature finds that an effective statewide solid waste management strategy will require the construction of several resource recovery facilities." I think that's wrong. I think it's entirely possible and much better for the State economically and environmentally to build no incinerators whatsoever. And I'll demonstrate how you can do that.

Now let me point out also that the bill calls for the Department of Environmental Protection to devise an analysis of the impact of the Waste Management Bill. I, for the last seven years, have been very familiar with the work being done in this State in this area. And I have to say to you, unfortunately, that I don't think the Department of Environmental Protection in the State has the competence to do what you want. And I say that with some regret, because clearly, it's not good for a State to have a lack of competence in this area, so let me back this up.

In the first place, unless there is a moratorium on building more incinerators in the State, it's my opinion that the State will have to repeal the Act that calls for 25% recycling. Why is that? Because 80% of the trash stream can either be burned or recycled. You can't do both. You already know that in Warren County when they began to put in place the 25% recycling, they discovered that the incinerator didn't get enough trash to burn. It didn't produce enough energy. The electricity sales fell off and it began to run uneconomically.

And my understanding is that their brilliant solution, which I think the voters will have something to say about, is to import trash. That gives you the picture. You cannot build incinerators with anywhere near the capacity to burn all the trash and at the same time have 25% recycling. It can't be done. You are heading on a course that simply won't work.

Now let me talk for a moment about the incinerator hazards. It's my understanding that DEP is pushing for some 18 incinerators and a number of sludge burning incinerators. There has just been a study published of the levels of dioxin in the State of Ohio. The average level is clearly unacceptable and the conclusion was that the major source of dioxin in the State were trash burning incinerators and sludge burning incinerators.

So to begin with, if you go ahead, I think you will find a disastrous accumulation of dioxin in your environment. This part of New Jersey is uniquely susceptible to the harmful effects of dioxin. Why do I say this? You have to understand the biochemistry of dioxin. Dioxin is not a carcinogen. That is, it is not a chemical substance that itself triggers cancer. What it does is to affect an enzyme in the body, stimulating it, and that makes the body more vulnerable to carcinogens. What it does is to transform the chemicals into active carcinogens. This is well-known. This is well

established. And what does that mean? It means that if you're in an environment which has a high concentration of carcinogens, the last thing you want to do in the world is to be exposed to dioxin. You already know the high levels of cancer in this part of the State as a result of exposure to carcinogens largely from the petrochemical industry. Precisely because of that, it would be a disastrous mistake to add dioxin to that brew of carcinogenic chemicals. In other words, you will have a worse situation here for the same level of dioxin than almost anywhere else in the country, and that is a major reason why you have to be very, very leery of building any incinerators.

Let me remind you that no matter how good the control devices are, every trash burning incinerator is, in essence, a dioxin factory. To put it very simply, when an incinerator is turned on, the world has more dioxin in it than it had before. Dioxin is synthesized in the incinerator. This is now well established.

If the control device is very good, less of it will come out the stack, but that means that more of it will be deposited in the fly ash in the control device. So that willy nilly, no matter how well the control device works, you will have more dioxin to try to deal with if you build an incinerator than you had before.

You also know that there are toxic levels of lead and cadmium in the fly ash, and that tells you right away that you're going to have a difficult and expensive task of trying to get rid of the ash produced by incinerators. And I predict that if the State is foolish enough to go ahead with the DEP plan, you will find an ongoing almost intractable problem of trying to figure out what to do with the accumulating tons of toxic ash that those incinerators produce and it will enormously increase the cost of incinerators.

What I'm saying then is you have got in your moratorium the first step toward a sensible plan which is to

reexamine the entire trash disposal problem and ask the question -- which incidentally your State DEP has never properly addressed -- what are the alternative ways with dealing with trash? What are their environmental impacts? What is their cost?

We now know that there is a way to dispose of as much trash as an incinerator does. It burns 70% of the trash, leaving 30% as toxic ash. There is a way of doing just that at lower cost and with much lower environmental impact, and that is recycling.

Now let me say something about recycling. I know you have a bill, a law, for 25% recycling, and a lot of people, including environmentalists, pat themselves on the back, "We're doing a good thing." Well, yeah, if you recycle your own trash or 25% of it, that's fine. It makes you feel good. But you know, the laws of arithmetic tell us that if you recycle 25% of the trash, you are not accomplishing trash disposal. What are you going to do with the other 75%?

So the issue is, what amount of the trash is recyclable? And the answer is very simple; it's just about 90%. Ninety percent of the trash consists of components for which there are existing methods of recycling. And I'm not talking about pie in the sky or fancy ways of recycling plastic. I'm talking about current commercial operations that can recycle 90% of the trash.

Now immediately, you see, here's an issue. Why aren't we trying to recycle 90%? Maybe we'll fall short. Maybe we'll only recycle 70%. But if we do that, you're doing as well as the incinerator.

Now some of you may know that our center was asked by New York State and the town of East Hampton, Long Island to look into the possibility of doing just that. And we devised a system and tested it with 100 families for a ten-week period in which we did what we call intensive recycling. Intensive

recycling is recycling that is targeted on all the recyclables, not just newspapers or cans and bottles, all the recyclables. What are they? Yes, newspapers and other forms of paper and cardboard, cans and bottles, and food garbage. Composting is a way of recycling food scraps back to the soil where they came from because what compost is is a form of humus which is an important element in the soil.

So what we did in East Hampton, very simply, was to ask people to put their trash into four containers: food garbage in one, paper in the other, cans and bottles in the third, the fourth one got all the rest, the non-recyclables. We immediately found-- Everything was weighed, examined, and processed. We immediately found that only 12.5% of the trash was in the non-recyclable container, showing that nearly 90% was recyclable.

The food garbage we composted right on the spot producing a very good grade of compost without any difficulty whatsoever. The paper and cans and bottles were processed at a material recovery facility in Groton, Connecticut. We weighed everything; what was brought in from the households, what was rejected in the processing, and we discovered that 84.4% of the original household trash was recycled and marketed. That means that you don't need to build an incinerator.

Now, since then, we have a design of a full-scale system for the town, and the town board in April decided to adopt it as its trash disposal plan. We evaluated that system economically and compared it with what the town would have to pay to have an incinerator deal with trash. The full-scale intensive recycling system was 35% cheaper than incineration. And that comparison has been checked out in a number of other places. We've done a study in Buffalo which shows the same thing. There have now been studies in New York City which show the same thing.

The environmental impact of recycling is very slight. So here's the fact: We now know that incineration involves very serious health effects and is more costly than an alternative way of doing it, which is intensive recycling. Now in any sensible situation, the DEP would look at these facts and realize that it's a mistake to go ahead with the building of all of these incinerators.

Now you've heard a lot of objections to recycling. You've heard, for example, that people won't do it. Well, it's one of your own towns here that's reached 95% recycling. Camden has a big material recovery facility.

Then you've heard that you can't market the stuff. Well, let me say something about marketing. First, it is always cheaper for the user, the steel plant, the glass plant or the paper plant to use recycled material than virgin material. For example, when you recycle glass it takes much less energy to melt the glass than to melt the sand that you usually start with.

They want it. At this time steel, recycled steel, glass and aluminum has a completely open market. But you've heard there's a glut on with newspapers. Now let me explain something, in Long Island now you have to pay \$20 a ton to have newspaper taken away because of the glut on the market. Let me give you the figures for the East Hampton situation. We calculated that the East Hampton intensive recycling program would cost the town -- this is counting everything; capital, financing, labor, maintenance, the whole works -- would cost the town \$127 a ton, full cost. Incineration, \$200 a ton.

Okay, suppose the town sets it up? I will recommend to them, if the market is still the way it is, go ahead and spend \$20 a ton on newspapers to get rid of it. You know what that would do? It would increase the cost of recycling for \$127 a ton to \$129 a ton. Still a big bargain compared to incineration.

What you have to remember is this, if you set up a boy scout or a girl scout newspaper recycling program and they want to make a little money on it and they sell it to a broker, the broker won't touch it if he can't get a good price. And when the bottom drops out of the market he says, "Stop," and the whole program stops.

When you set up a community based intensive recycling program you don't expect to make money. Nobody makes money on trash. Well, some people do. The town never makes money on trash disposal. That's a cost. It's a social cost.

What I'm saying is, even with a \$20 a ton subsidy on newspapers, it makes an infinitesimal dent in the cost of recycling, and it will always be cheaper than incineration.

The other thing is, if the State had its wits about it -- and I say this also in New York State, I want you to be clear about that -- the State would go to the user, the mills and arrange long-term contracts that would take care of the material from the various communities.

So what I'm saying is there is a very clear situation in New Jersey in which your present plans are heading for disaster because you can either build those incinerators or you can have even 25% recycling. My proposal is that you have a moratorium. I would go more than 18 months. I would give yourself three or four years, five years. I might tell you that the next Mayor of New York City, Mr. David Dinkins has already pledged a five-year moratorium on incinerators in New York City. That's a good example, I think, for the State to follow.

Then you could, within a year, build the facilities for material recovery for cans, and bottles, and newspapers. Compost plants are very easy to set up. I would say within two, three years at the most, you could have intensive recycling dealing with nearly all of the trash in the State of New Jersey, and you would have no need for any incinerators.

So I would urge you first-- I don't care if you don't want to change the preamble, that doesn't count. The preamble is wrong, I'll tell you. I would urge you to extend the moratorium to at least several years. I would urge you to have an analysis of the issues that I've talked about and you will hear later on today, done not by the Department of Environmental Protection, but by some outside independent group. And I can guarantee you that at the end of such a study you will find that the State doesn't need incinerators and that by intensive recycling you will have a way of disposing of trash that will be cheaper, and by far, environmentally better. Thank you.

ASSEMBLYMAN ROONEY: Thank you, Dr. Commoner. We really appreciate you coming here today.

UNIDENTIFIED MEMBER OF AUDIENCE: He deserves a hand, Mr. Rooney.

ASSEMBLYMAN ROONEY: Yeah, I think so. (applause) I'll make an exception for Dr. Commoner. Okay, we have next on the scheduled agenda, Susan Mazzocchi from the State Coalition Against Incinerators.

S U S A N M A Z Z O C C H I: My name is Susan Mazzocchi, and I'm a member of ECO-ALERT, a group fighting incineration and promoting alternatives in Essex County. I am also Coordinator of the State Coalition Against Incineration. The Coalition presently includes 17 civic and environmental groups in 14 counties, fighting the siting of incinerators and ash landfills. It enables these groups to work together toward their common goal, giving lie to the allegations that what motivates them is NIMBY-ism, the Coalition is growing.

Incineration presents intolerable additional environmental and economic risks in a State already endangered. It threatens planetary health with emissions which will exacerbate acid rain and global warming. And it produces thousands upon thousands of tons of toxic ash which will poison

the earth and water, now and into the future. Most important, incineration doesn't get rid of waste. It simply transforms it into hazardous effluent.

A moratorium would enable environmentalists and other activists to divert the enormous time and energy now spent fighting incineration toward cooperating on the positive task that should have been undertaken before incineration was ever considered. This would include the development of legislation mandating source reduction; packaging restrictions; and composting; a ban on most, if not all, plastic; the creation of avenues for the return of recyclables to industry; and the creation of much needed new local businesses for this purpose, as well as to produce new products from paper and other recyclables.

In order to achieve this, Bill A-4105 must be amended to allow five years instead of one, and to pertain to all incinerators including the Essex and Warren County facilities and designate independent members of the scientific community to study this issue who have greater credibility than does New Jersey's Department of Environmental Protection. If we have real commitment by government and if our legislators are courageous and do the right thing, we will not need incineration. Even one incinerator, at this point, is too great a risk to environmental and public health. I'm going to leave it to others today to speak to the scientific issues in-depth and I would like, if you will allow me to, to give the rest of my time -- and I think I took up a very small amount of my allotted time -- to Anne Parker who is a member of our group. She's with the Concerned Citizens for the Environment of Rahway.

ASSEMBLYMAN ROONEY: Yes.

MS. MAZZOCCHI: Thank you very much.

A N N E P A R K E R: I am Anne Parker from the Concerned Citizens for the Environment of Rahway. We, the Concerned Citizens, are greatly concerned regarding the subject of the

burning of garbage. We feel that dangerous pollutants added to the already heavily polluted air in New Jersey will affect and harm people everywhere in this State and surrounding states.

New Jersey has been declared to be one of those states with a very serious air condition. Adding dioxins and carcinogens that will be emitted from the smokestacks of incinerators will only increase the dangers to the health of New Jersey's citizens.

Let me just cite you an example of very poor planning. Union County, of which Rahway is a part, already has been found to have some of the worst air in the country and State. Yet, an incinerator is planned for Highway 1 in Rahway, which has very heavy automobile and truck traffic. This traffic, along with existing plants in the area, has created many unhealthy and dangerous conditions. To what extent will our health be further adversely affected if the incinerator is placed there? The site for this burner in Rahway is across the street from a narrow river -- is across a narrow river from a youth center. It's 500 to 600 feet from private homes. It's a quarter of a mile from an elementary school, and it's very close to several churches.

Who will be responsible for the increased medical bills that will result when the air is further polluted? Will the Department of Environmental "Protection," the county's utilities authorities, or the already overburdened private citizens? I think we all know the answer to that question.

I have here some petitions that have been signed by citizens of Rahway and surrounding communities. By signing these petitions they've stated that they are strongly opposed to mass burn in general and to this placement in particular. I wonder if as much time has been spent investigating alternatives as the time has been spent investigating garbage burning?

The Concerned Citizens are requesting that before exorbitant amounts of money are spent constructing these multimillion dollar health hazards, that time be taken to thoroughly investigate the possibility of alternate ways to rid ourselves of our waste products; alternatives such as source separation and increased recycling.

These alternatives would have the benefit of creating many more jobs over a longer period of time. They would be much healthier and they would be much, much less expensive.

The Concerned Citizens of Rahway strongly support Bill A-4105 asking for more time to find some more beneficial way to solve this most important problem.

ASSEMBLYMAN ROONEY: Thank you very much, Anne. At this time I would like to inject one person who is not on the testimony list. That is Randy Corman who is representing Senate Minority Staff, also representing my Senator, Senator Cardinale who has been one of the leading proponents of this bill on the Senate side. And Randy, if you might.

R A N D Y C O R M A N: Thank you, Mr. Chairman. On behalf of Senator Cardinale I'd like to offer his support for this particular piece of legislation. He's a longtime opponent of incineration, and he believes that a moratorium is definitely in order to slow down the rush to burn. I'd also like to speak in my other role as a Sayreville Borough Councilman.

As you may know, Sayreville in Middlesex County has been sited for a garbage incinerator, and our Mayor and the Council have joined together in a bipartisan consensus to try to prevent this from happening, by seeking out viable alternatives to incineration. The current solid waste plan in Middlesex County is in serious trouble. And it's in serious trouble because the advocates of incineration have made some very serious and embarrassing mistakes involving very basic research in formulating these plans; mainly because they're in this great rush to burn.

The current plan calls for an incinerator in Sayreville and disposal of the ash in Edgeboro Landfill in neighboring East Brunswick. Well, when this plan was first proposed, many of us were concerned that Edgeboro Landfill might be leaching into the neighboring Farrington Acquifer from which we draw our water. And the county and their multimillion dollar consultants all assured us, "No, there's no leachate from Edgeboro Landfill. There's no toxic refuse dumped in Edgeboro Landfill. There's nothing to worry about."

Some citizens that work at -- comprised Middlesex County Environmental Coalition -- it's private citizens that are concerned -- did some research on their own. And they found in public documents in the files of the DEP and the EPA that in the past years literally tons of carcinogenic toxic waste had been dumped in Edgeboro Landfill. Now this was a fact that was found by some citizens in their spare time, and it was not found by the county authorities, or the DEP, or by any of these million dollar consultants.

Now, it seems clear that in the rush to burn, serious mistakes are being made by the agencies charged with protecting the public health. One can only speculate as to what other flaws are in their analysis concerning the construction of the incinerator.

Now, rather than just being naysayers or NIMBY-ites, these people in the Coalition have also done research into alternatives, and the Mayor and Council in Sayreville have favorably received them. One of these alternatives involves a combination of recycling and composting, and I believe it's being implemented by several municipalities in Broward County, Florida. And this particular plan was favorably reported on by The Wall Street Journal last year. It would involve only half the capital costs of an incinerator. It would involve only half of the tipping fees. It seemed like a good idea. Well,

the County Freeholders rejected the idea out of hand, and the DEP didn't want to hear about it.

It seems as though the DEP is obsessed with the idea of forcing incinerators on the State as a panacea for all our problems. They want to burn garbage. They want to burn toxic waste. And now they want to burn sewage sludge. It's apparent that their new motto is, "Burn baby, burn."

For the DEP to mandate an expensive, unpopular, and environmentally unsound technology at the exclusion of other proven alternatives constitutes an anti free market policy to suppress legitimate competition. It's as though the DEP has spent so much time pushing incineration that they are determined to throw good money after bad to vindicate their original decision.

The State's plans in the trend toward incineration is nothing more than a billion dollar boondoggle that will foul our air with their emissions, the ash will pollute our groundwater, and they'll bury our taxpayers under a mountain of debt to pay off the bonds necessary to construct them.

I would urge the Committee to release A-4105 because it would be the first step in bringing rationality back to our solid waste policy and begin the search -- actually not a search because there are proven alternatives -- begin the movement toward implementing alternatives that are more environmentally sound and economically cheaper.

Thank you very much, Mr. Chairman.

ASSEMBLYMAN ROONEY: Thank you, Mr. Corman. Let's see, at this time I'd like to call Stephen Krivanek, organic chemist. Is that the correct pronunciation Mr. Krivanek -- Krivanek? Excuse me, was Michael Rose on with Susan Mazzocchi, wasn't he supposed to be on?

ASSEMBLYMAN PASCHELL: Not here, Mr. Chairman.

ASSEMBLYMAN ROONEY: Not here, okay fine, then we have no problem. Could you give us some of your background, Mr. Krivanek?

S T E P H E N K R I V A N E K: I am a resident of Warren County. I live about two miles from the Warren County incinerator. Up until a year ago I was not involved or really didn't think about incineration, and became involved after observing the Warren County facility and following the stories about it. I have most of my master's degree in organic chemistry. I hold a patent in the field of synthetic organic chemistry, and I have appeared in "Who's Who in Technology." And I'll tell you before I begin, that most of the data that I'm going to present today, especially the data on mercury, is relatively new and is not widely circulated. So you might want to keep that in mind as I go through it.

I will need the easel and if you tell me where the best place to set it up is--

ASSEMBLYMAN ROONEY: I think right where it is. Well, unless, we move the TV camera on that side. I think we're going to have to-- I think that's probably the best place. I think it will be tough over there because we won't be able to see it. I think that's going to have to be the best spot. Yeah, use that spot right there.

MR. KRIVANEK: (speaking away from mike) Let me tell you before I begin that I discovered, much to my dismay--

ASSEMBLYMAN ROONEY: We're going to have to get the microphones over there somehow, because you're not going to be picked up on the-- Let's see, I don't think there's anywhere to pick it up. Could you work from the microphone and just refer to the map or--

MR. KRIVANEK: I'll try that. I tell you that, much to my dismay I discovered a couple of weeks ago when I first started speaking out about the incinerator, that public speaking makes me a nervous wreck so you'll just have to bear with me.

This is a map of Warren County which is the location of New Jersey's first functioning garbage incinerator. The gold star in the center is the location of the Warren County facility.

You may not be aware that Warren County is the largest milk producing county in New Jersey with some 87 dairy farms producing some 13 million gallons of milk a year, and about 50% of the forage that the cows eat comes from locally grown crops. So the idea of pollutant deposition in the air is an extremely important one even for people who don't live in Warren County. They can end up being exposed through other products. The red stars are the dairies. There are 22 of the 87 dairies illustrated on the map, and they are the closest ones to the incinerator, including the one that's directly next to it. The blue stars are public schools.

The way that I became involved with the incinerator was watching the emissions violations that took place over the past year. I was responsible for reporting four of the 14 violations that were ultimately included in the enforcement action against the incinerator where a fine of \$180,800 was levied against it. As you may know, that fine has since been reduced to about \$120,000 and they've entered -- or are about to enter a consent order which includes some retesting.

In November and December of last year the DEP -- well I should say, the incinerator operator, Blount Incorporated, performed their DEP required stack tests on the unit. Unfortunately, DEP discovered that there were anomalies in the test and as you may know, particulates and the heavy metals portion of the test was thrown out and required to be repeated. That's part of the current consent order.

The next chart I'd like to show you has to do with some of the emissions data from the plant and has to do with mercury. When DEP first released the stack tests on June 7, one of the first things that struck me was the mercury emission level and the permit level were extremely high. And when I questioned DEP about it they kind of shrugged their shoulders and said, "Well, that's what we think is an appropriate level." So that's where I began my research, looking at

the mercury capture capability of modern incinerators and what other mercury emissions levels were from other functioning garbage incinerators, specifically the more modern ones involving dry lime scrubbers which most of, I should think -- all of the proposed units in New Jersey are dry lime scrubber units.

The first thing I found was that contrary to what the line that industry had been touting for years, there was little relationship between the exit temperature of modern incinerators and their ability to capture mercury. And if you look at this graph, the vertical axis is the percent removal of mercury starting at zero, at the bottom, going to 100%, at the top, and the exit temperature of the stack in degrees centigrade.

Now the upper portion of red stars is the area that the industry had previously pointed to saying that modern incinerators were capable of removing about 95%, 90% of mercury. But the newest data that comes from most of the West Coast plants -- and these are Stanislaus County plant, the Commerce facility, Long Beach facility, and the Vancouver facility -- indicate that these plants are miserable failures at capturing mercury. In fact, the Stanislaus plant has achieved zero percent mercury removal efficiency even though it's well down on the temperature scale which was the previous theory on how to capture mercury. This information, by the way, is also what U.S. EPA is looking at now in promulgating proposed regulations coming out this November for various pollutants from garbage incinerators.

ASSEMBLYMAN ROONEY: Steve, do you have data on the actual amounts of mercury that are emitted, and what are the allowables?

MR. KRIVANEK: Yes, I do and this--

ASSEMBLYMAN ROONEY: Could you just enter that in, verbally also?

MR. KRIVANEK: Yes.

ASSEMBLYMAN ROONEY: I hope you're going to give us some copies of this, or I'm going to leave the testimony open for about a week beyond this hearing. Even if we report the bill out, I'm going to ask that anyone that has any of this information like this, of a technical nature, if they don't have it with them today, that they submit it. So it's usually customary for us to leave the testimony open.

MR. KRIVANEK: Okay. After realizing that there was no rhyme or reason to mercury capture from these incinerators and that large amounts were coming out-- For example, the amount that the stack test at the Warren unit showed was coming out was about 500 pounds a year. As you may know, mercury is the most toxic common metal that the incinerators emit. And that's enough mercury to contaminate a body of water equal to about three times the volume of Spruce Run Reservoir every year. So it's an enormous amount of mercury to be concerned with.

The next thing that I looked at was, what were other jurisdictions doing with respect to mercury emissions limits both in the United States and in Europe? And that's where this chart comes into play. Now this graph is-- This chart is actually two graphs split down the center. Unfortunately, Europe measures mercury emissions in a different way than we do in the United States. They look at a concentration standard, a certain amount per certain volume of air adjusted for conditions. In the United States, specifically in New Jersey, they look at a pound per hour emission rate.

Now I've shown two data points on the chart. The Stanislaus, California plant which I know for a fact, is achieving zero percent capture, and the third run at the Warren facility. Now the reason I couldn't use the first two runs at the Warren facility is that DEP says the garbage was undercharged during the first two runs, so the data is

erroneous. So I only have one data point to work with. Now this chart is going to be somewhat hard to explain, without pointing at it.

On the right side is the pound per hour rate emissions. The bar on the extreme right is Warren County's run, and then working over from the right is the Stanislaus, California zero percent capture. The first dotted line across the bottom of the right side chart is where the Department of Environmental Protection in New Jersey set the limit for the Fort Dix incinerator, the first permitted facility to burn garbage in New Jersey. You can see that the result from the Warren run would have easily violated that permit level. And in fact, the test from the Fort Dix incinerator did violate their permit level.

The next line up -- dotted line across -- is the limit in Minnesota. That's of extreme importance because a sister facility to the one that we have in Warren County built by the same manufacturer is just about to go into operation. It's identical in every respect except that it is a larger capacity, and it employs a form of denox control called Ammoni-injection. Neither are of great importance with respect to mercury, but you can see that both the Warren County facility and the Stanislaus facility would violate the Minnesota permit. Since these facilities are identical, there is a better than even chance that when Minnesota tests their facility, it will fail their emissions limit.

The next line up is the California limit for the Stanislaus plant, which you can see that the Stanislaus location is very close to. The next line above that is New Jersey DEP's limit for the Warren facility.

A line which I could not fit on the graph because it's above the chart is the new proposed limit for the Fort Dix incinerator, since it has failed its initial test and they've set the -- obviously set the emission limit way too low.

On the left side of the chart on the same two data points, starting from the left, the Warren County's run number three, and the Stanislaus facility for the same run. And this helps me compare the European facilities. Unfortunately, because I could not get access to the actual stack test data from the Warren facility, I had to estimate the point, which is why there's a square above the left sidebar indicating probable range. The arrow indicates the calculated value.

Staring at the top, the dotted line on the top is what EPA tells me they're going to promulgate as a mercury emission limit this November. Working to the next one down is the West German limit. You can see that the minimum likely results from the Warren facility would violate the West German limit. Then moving down is the Swiss limit and the previous Dutch maximum, which you can see the Warren facility violates handily. Then the Swedish maximum for old plants, which it also violates, and below that is the new Dutch maximum. So you can see that the DEP's limit for mercury is on the extreme outside range of other regulatory agencies, especially those in Western Europe, and that even the direction that DEP is taking with respect to the Fort Dix incinerator is even beyond that.

I think when one looks at the data you kind of get the impression that the emissions limit was chosen to accommodate the actual stack test results and not to protect public health.

One of the interesting things about the Minnesota limit, I'm told from the authorities in Minnesota, is that it takes into account bioaccumulation and bioamplification. As far as I understand, DEP looks only at the inhalation threat for mercury.

The next chart I'd like to show you has to do with dioxin emission levels from the Warren facility. Now this chart, again, is split down the center. And in this case, however, it shares the data point that's in the center as common to both sides. Again, this is a comparison of emissions

levels and regulatory levels in both Europe and the United States for dioxin. On the right side, again, because New Jersey measures dioxin in pounds per hour, that's what the scale reads; and on the left side, again, it's a concentration standard, which is the way Europe measures dioxin.

I have three data points up there, and two are repeated twice. One is the Warren facility which is for run number one, which is the worst of the three runs at the Warren facility, but not by a lot, just by a little, and the other is the normal operating condition at the California Commerce facility and an upset condition at the Commerce, California facility. The Commerce facility is of importance because, to the best of my knowledge, it holds the record for the lowest dioxin production rate of any operating garbage facility in the world. And that was during its first year or operation.

During its second year testing, however, an interesting phenomenon occurred. There was an upset condition, something that's been predicted and talked about for quite some time, which they've never really been able to measure one before. They have been artificially created, but this is one that actually happened all by itself.

The Commerce facility burns primarily commercial waste, paper, and cardboard, but in this case was burning residential waste. And unfortunately the operators could not get the combustion stable during a 45-minute period, even though they went ahead with the dioxin run.

Starting from the left, the red bar is what Commerce produced during stable conditions -- extreme left. The next one over, the next red bar is the Warren facility, and that's what Warren produced in its first run during stable operations. The middle bar, the large red one, is what Commerce produced during its upset condition, and the other two red bars to the right are repeats of the Warren and Commerce facility but in different units -- in pounds per hour, which is the way New Jersey DEP looks at them.

Now dioxin-- When we use the word dioxin we're really talking about a family of compounds. There are some 75 active dioxin isomers, and the most toxic of which is 2378TCDD.

Excuse me for one minute. Do you think I might be able to get a glass of water?

ASSEMBLYMAN ROONEY: Yeah, we'll be right with you.

MR. KRIVANEK: One of the things that New Jersey does not do, is it does not look at all the other isomers of dioxin or for furans, for that example. It looks only at the single most toxic isomer and sets a permit limit for that. And that permit limit occurs on the right graph, the second dotted line down that says, "New Jersey DEP limit," above that. That's the one.

MEMBER OF AUDIENCE HOLDING CHART: I'm not Vanna White. (laughter)

ASSEMBLYMAN ROONEY: We noticed.

MR. KRIVANEK: Now the rest of the world uses what's called the weighting scale to look at all of the isomers of dioxin that are produced and all the isomers of furan which is a somewhat similar compound of dioxin, and put them into a mathematical equation and comes out with a toxic equivalent level, and that toxic equivalent level is expressed--

(Aide gives witness a glass of water) Thank you very much.

That toxic equivalent level is expressed in terms of the most toxic isomer, which is 2378TCDD. If you were to convert the Warren facility's results into toxic isomer equivalents, toxic equivalents, and you look at the left side of the scale where I have the European limits, you would see that the run from the Warren facility, run number one, would violate the Swedish standard for dioxin emissions.

Now I have come to know since I drew this chart, although I don't have the documentation in hand yet, that the

Swedish limit has now been adopted by Austria, Cologne, West Germany, and the Dutch. So this very strict standard is spreading.

One of the bench marks of the way the DEP looks at dioxin is to say that, "We don't need to really test for dioxin that often because by monitoring the carbon monoxide levels out of the plant, we'll be able to tell when there's an upset and whether or not it will violate the permit conditions." And DEP does monitor the carbon monoxide levels out of the plant on a continuous basis.

The interesting thing about the Commerce facility upset -- which is the center bar on the graph -- is that if you look at the toxic equivalent level which is something that DEP does not do but everyone else in the world does, that it was during this upset condition. If we stuck it in the Warren facility, it would have violated New Jersey DEP's dioxin emission limit with a carbon monoxide level of only 79 parts per million. DEP would have never seen anything because the first level they look at is the 100 part per million four-day average. So, as far as DEP was concerned there would have been no upset, nothing of concern, nothing to look at.

In order for that upset to have violated DEP's limit, by looking only at the most toxic isomer, that data point -- the most center one -- would have to be nine feet over the top of that chart in terms of toxic equivalents. But again, New Jersey DEP only looks at that one isomer.

It's interesting that, again, the Minnesota authorities who are permitting the other Blount facility initially permitted the facility at one nanogram per dry standard cubic meter, but told them right in the permit that they were going to tighten it, and in fact have tightened, to something that looks on par with the older European limits, one nanogram per dry standard cubic meter.

I have argued with DEP that the way that they look at dioxin is shortsighted from several points of view: One, they only require dioxin testing at the Warren facility once every five years; Minnesota requires dioxin testing every 15 months.

Second is, they don't look at toxic equivalents, and you can see how important toxic equivalents are. In that upset condition, it would have violated New Jersey permit without -- if you looked at the toxic equivalents. If you didn't, it looked like nothing.

And the third thing is, that we need to do more long-term monitoring for dioxin rather than just doing a one-hour run or a four-hour run. Even though there are technical obstacles to how this test can be done, why not take it for a week, if it's possible, and see what happens? You're bound to get an upset condition in there someplace, and see what the average is.

Now another thing of great importance, as Dr. Commoner alluded to, is the toxicity of the ash. And you may remember reading that in the first 24 batches from the Warren incinerator, 12 of those batches failed for either lead or cadmium, but mostly for cadmium, and that since week 24 the batches have tested clean and we've been told publicly that the reason for this is that the local pollution control authority has been able to keep cadmium and lead containing items out of the waste stream. Unfortunately when you look at the data, that has no basis in reality.

This, again, is two graphs. There's one on the bottom, one on the top. And what they show are test results for lead and cadmium in the leachate through batch 43. The green bars are for cadmium, red bars are for lead, and the space underneath the bars is a test result from the EP Tox Test which is a test that is done to determine whether the ash is toxic or not. You can see -- and I'd have to point -- there's a line that runs across-- Actually there are two lines that run across, red lines. The lower most red line, the one that's

closest to the green bars, is the permit limit, or I should say the EP tox limit for cadmium. And you can see that many of those green bars are above that limit, and many are very close. Even the batches that did not fail for cadmium or for lead were very, very close; within 15% or 20%. You can see, however, as we get down to the bottom, that the results for cadmium get better and the results in some instances for lead get better.

Up until week 24, 50% of the batches had failed, and since week 24, none of the batches had failed. One of the things to look at in the EP Tox Test, which is, again, the test that measures the toxicity of the ash, is how alkaline the ash is and what the resultant pH is. Because what happens is that at low metals become mobile and move out, and at high pHs of about 12, metals -- certain metals, amphoteric metals -- become soluble again and also move out.

If you look at the first 24 weeks, you'll see that the resultant pH -- and I'm just going to step away for a moment -- falls well within the range that EP tox envisions, which is a pH of about 5. But starting at week 24, the pH numbers are all over the place, and they're much higher than what's envisioned. The theory is that, in order to fool the EP Tox Test and not allow it to get down to the acidic level that would allow metals to leach out, more lime has been added into the fly ash and into the bottom ash combination, thereby, fooling the EP Tox Test. Unfortunately what happens is that when you are dealing with a monofill the water then percolates through there is relatively neutral like distilled water. And so when you start doing that, you not only have to look at the EP Tox Test, but you have to look at what happens when you just percolate water through there.

And before I leave that subject and get more into pH, I just wanted to show you that currently, the EP tox level for lead is set for five milligrams, which is the upper red line across the top of the chart, and for cadmium, one milligram per

liter. The EP Tox Test was originally predicated on the drinking water standards, and at the time it was 100 times the maximum allowable concentration of the metals in drinking water. At that point in time, the level for lead was 50 parts per billion. Last July, EPA proposed lowering it to ten parts per billion, and it's going to issue a permanent regulation this May, which is either going to be 10 or 15 parts per billion.

If the EP tox levels were changed to reflect that, as one of the Senate bills currently requires EPA to do, then you will see that -- again, these two closely spaced lines are the lead levels -- that not only do the batches fail for cadmium, but we start to have major problems with lead again.

When you take all this into account -- let's say, only a 15% variance in the cadmium levels, and these new standards for lead -- you'll find that upwards of 75% of the ash batches fail the EP Tox Test. The idea that the batches have tested clean since week 24 is just fantasy.

The upper chart on this chart is the pH of the ash, before you begin the EP Tox Test. The important thing to remember is that when the pH of the ash is above about 11.8, all these amphoteric metals, including lead, start to come out again. But EP tox doesn't look at that. It only looks at the acidified version, which if you don't get down to a pH of five, no metals come out. And you can see that starting at about week 24, the pH of the ash jumps way above 11.8 -- that red danger line -- and is always above 11.8. It means that if we did the test with distilled water, EP tox would run a very good chance of failing.

The bottom chart charts the actual lead and cadmium content of the ash which disproves that PCFA's Authority -- the Pollution Control Finance Authority's -- assertion that the ash is testing better because it contains less lead and cadmium. If you plot out a four-day moving -- a five-point moving average through these data points of the actual content, you'll

find that the lead content looks like a saucer and has actually increased since about batch 28, and the cadmium content has pretty much stayed even all the way through.

The point of this whole exercise is to show that the only reason why Warren County's ash is testing all right since week 24 is that someone's adding a lot more lime and doing only one test, EP tox, and there is big trouble on the horizon if the EP Tox Test is changed to reflect the drinking water standards.

ASSEMBLYMAN ROONEY: Thank you, Steve. Appreciate your testimony. (applause)

ASSEMBLYMAN PASCRELL: Mr. Chairman, briefly.

ASSEMBLYMAN ROONEY: Mr. Pascrell, we had an agreement. We had problems with the last hearing that every witness was cross-examined, you know, by you.

ASSEMBLYMAN PASCRELL: This is a yes or no answer.

ASSEMBLYMAN ROONEY: I can't make any exceptions. If I do that, I'm going to break the rule, and I don't believe in that. We had an agreement that you would come, you would testify at the beginning and at the end. You can save the statement until the end.

ASSEMBLYMAN PASCRELL: It's not a statement. I have a question for clarification, Mr. Chairman.

ASSEMBLYMAN ROONEY: I'm sorry, Mr. Pascrell, that was the agreement. We're a half-an-hour behind our testimony.

ASSEMBLYMAN PASCRELL: Mr. Chairman, this gentlemen is--

ASSEMBLYMAN ROONEY: Mr.--

ASSEMBLYMAN PASCRELL: We haven't heard this testimony before.

ASSEMBLYMAN ROONEY: It is excellent testimony. We are taking testimony for the record. You can make your comment at the end.

ASSEMBLYMAN PASCRELL: Mr. Chairman--

ASSEMBLYMAN ROONEY: We're a half-an-hour behind.

ASSEMBLYMAN PASCRELL: Mr. Chairman, he said some pretty damaging things.

ASSEMBLYMAN PASCRELL: If we do this on every-- I know what he's done. You can do your thing at the end--

ASSEMBLYMAN PASCRELL: Okay, Mr. Chairman.

ASSEMBLYMAN ROONEY: --but we can't have this.

ASSEMBLYMAN PASCRELL: Okay.

ASSEMBLYMAN ROONEY: I agreed with staff that they wouldn't have to go through this again.

ASSEMBLYMAN PASCRELL: I didn't know the rules, Mr. Chairman. Sorry.

ASSEMBLYMAN ROONEY: The next testifier will be Anthony Ross, Passaic County Utility Authority, Executive Director. Mr. Ross.

A N T H O N Y R O S S: Mr. Chairman, members of the Committee, Assemblyman Pascrell. I am pleased to testify this afternoon on behalf of the Passaic County Utilities Authority. While the PCUA supports the section of A-4105 which requires the Department of Environmental Protection to conduct a study of the cumulative impact of resource recovery facilities on the environment, we cannot support legislation which mandates a one-year moratorium on resource recovery. A moratorium only penalizes those counties which have complied with the law while rewarding those which have lagged behind.

In 1975, under the now infamous Chapter 326, the New Jersey Legislature and Governor decided that each county would be a Solid Waste Management District unto itself and would be responsible for managing its own waste flow. Each county was directed to adopt and implement a 10-year plan for the management and disposal of solid waste. We, in Passaic County, have met that challenge. I have with me a summary of the Passaic County resource recovery project which indicates all

key steps in the contractual and planning phase, the regulatory phase, and the financing phase. I will submit a copy of that for the record, Mr. Chairman.

The underlying message in this summary is that we are well on our way to having a resource recovery facility on-line despite lengthy delays in the regulatory and judicial process. We have estimated that the additional delay of a one-year moratorium -- and today I hear you're talking of 18 months -- would cost the taxpayers of Passaic County some \$30 million in additional dumping charges and cost escalation in building our resource recovery plant. Passaic County simply cannot afford to pay that price.

In hindsight, the State policy decision in 1975 to impose solid waste management responsibilities may not have been the best choice. Perhaps solid waste management should have been a State responsibility with State decision-making on the number and location of resource recovery facilities and residual ash landfills. However, now nearly 15 years later, we cannot turn back the clock and erase all the progress that has been made to address our solid waste dilemma.

That 1975 policy decision was reinforced in 1985 when the Solid Waste Management Act was amended under what has come to be known as the McEnroe Act. That legislation has as one of its goals the promotion of "the orderly development of resource recovery facilities" and imposed a series of State taxes and host community benefits designed to facilitate resource recovery.

It is far too late in the game to delay this legislative policy without visiting extreme hardship on those counties, such as Passaic, which have complied with State law in good faith. As the chronology I'm going to submit shows, Passaic County is very far along in the solid waste management process. It would be grossly unfair to the taxpayers of our

county to squander that enormous investment of time and money by stalling Passaic County's resource recovery plant through the enactment of a one-year or an 18-month moratorium.

The law has permitted regionalization of solid waste facilities since 1975. Unfortunately, until very recently, there has been little movement in that direction and little leadership or encouragement from State regulators to pursue regional options.

Passaic County has already expended \$14.5 million on a resource recovery solution for the facility site, relocation costs, and engineering, and we simply cannot afford to lose that investment. In addition, reversing our decision to construct a resource recovery plant has potentially expensive legal ramifications which must be carefully considered.

Passaic County is not opposed to the DEP study requested in A-4105. In fact, Passaic County is not opposed to the concept of regionalization, so long as a regional solution would include our already permitted resource recovery facility in Passaic. Thank you, Mr. Chairman.

ASSEMBLYMAN ROONEY: Thank you, Mr. Ross, just one question that I have. The planned facility you have is 1434 tons per day, is that correct?

MR. ROSS: It's about 1400 tons per day. Yes, sir.

ASSEMBLYMAN ROONEY: All right. Is that the level of garbage you're receiving in your transfer station now?

MR. ROSS: No, sir. We're receiving approximately 1800 tons per day. Part of it would not be burnable, obviously.

ASSEMBLYMAN ROONEY: Prior to the Meadowlands closing to your county, what was the actual tonnage per day?

MR. ROSS: It was somewhat higher than we are receiving. We attribute that to the record keeping at Hackensack Meadowlands Development Commission, but it was higher. My own town, of which I am the Mayor, was considerably higher when we were going to Hackensack Meadowlands, exclusive of recycling.

ASSEMBLYMAN ROONEY: Okay, thank you very much for your testimony.

MR. ROSS: Thank you.

ASSEMBLYMAN ROONEY: I'm going to ask any of you who are scheduled to testify, whether you're on the list or not, we do need these sign in sheets because there may be some questions later and we may want to reach you. We need your full address, phone numbers, whatever. So if you have not filled out one of these and you've already testified, please come up and fill one out. When you are called for testimony, you could come up to the table here after your testimony and fill it out, but I do need these sign in sheets in order to contact anyone at a later date.

At this point I've been asked to have Dr. Paul Connett testify. I believe he has to make a plane, so we're going to change the order slightly. Dr. Paul Connett.

D R. P A U L C O N N E T T: Thank you. My name is Paul Connett. I teach Chemistry at St. Lawrence University. I teach Chemistry, as I said. I got my first degree in Cambridge University, and my Ph.D. in Chemistry at Dartmouth College. I'm currently an Associate Professor of Chemistry, and National Coordinator for Work on Waste, USA, which is a network of citizens groups promoting recycling and opposing incineration in United States. I'm a member of the Advisory Panel to the OTA. That's the Office of Technology Assessment in Washington, D.C. for their study of solid waste management in the United States. I'm also a member of the Solid Waste Advisory Council for the New York State Senate.

I would like to put in the record some of the papers that I've written which I think are pertinent to this bill. There are three papers here which have been presented at the International Symposium on Dioxin in 1986 in Japan; in 1987 in

Las Vegas; in 1988 in Sweden, and I would like to forward, within a few days, a copy of our presentation that we've just given in Toronto at the Ninth International Symposium on Dioxin.

I would also like to give you a copy of a paper which I wrote called, "Waste Management as if the Future Mattered," and another paper I'd like to forward to you on critique of risk assessment as applied to municipal waste incineration. In addition, I'd like to submit 10 copies or 10 issues of the weekly newsletter we put out called "Waste Not." I will be referring to nearly all these things, if I could give those to you.

ASSEMBLYMAN ROONEY: Thank you. I will give those to our Committee Aide.

DR. CONNETT: I would like to address two questions in my time: One is, as far as incineration-- Well, first of all, let me say that I support the thrust of this moratorium bill, although I would like to see it extended to five years, not one year. And I would not like to see any exclusions for existing proposed incinerators. I think it's time to call a halt to all incineration plans, not only in New Jersey but throughout the United States. (applause)

ASSEMBLYMAN ROONEY: Please, please.

DR. CONNETT: With those reservations, I support the bill and certainly support the efforts going on to get it passed. Two questions I would like to address: One, is incineration safe, and the second question which gets less attention, is it sensible?

Now, first of all on the safety issue, we have two issues on the safety it seems to me: One, is the air emissions, and two is, what you do with the ash. As far as the air emissions are concerned, I'd like to address two issues which have, I think, come very much into the attention just recently: One is mercury; even the latest incinerators are not removing mercury. The latest trash incinerator built in

Stanislaus County, California, even though it's fitted with the best available control technology, a dry lime scrubber in the baghouse, and it's being run at the temperature thought where mercury would be removed, it is not removing the mercury.

I think that's important because two studies have also been conducted, one in the Great Lakes which shows that of the 22 mercury hot spots in the Great Lakes, 18 have either trash incinerators or sewage sludge incinerators in the area. And Florida, where they found high levels of mercury in fish throughout Florida. Two of the sources are thought to be: One, power stations burning coal, and the other, trash incinerators of which they have 14. So I think the mercury issue is particularly problematic inasmuch as the technology which was thought to remove it, in fact, appears not to do so.

Mercury cannot be destroyed, of course, being an element. And if you don't capture it, then it goes into the environment and it is an element which bioaccumulates. It is an element that we are going to bequeath to future generations.

As far as the dioxin issue is concerned, my major concern here has been over the last five years to get people to consider the risks posed by dioxin through the food chain. When I first got involved in this issue five years ago, consultants that were called in to do risk assessments, usually after the decision had been made, only looked at the risks from inhalation. Yet we found from studies from Europe, that the risk through the food chain would be far greater. In fact, our own estimates indicate -- and this is one of the first papers I handed you-- Our own estimates indicate that one quart of cows' milk is equivalent to breathing the air where the cow is for eight months. I think that's particularly important in the context of Warren County which is the biggest milk producing county in New Jersey. And that incinerator was built without a risk assessment being done for exactly that, the food chain

pathway which you would have thought would have been obvious to anybody that thought about it, since the incinerator is built adjacent to a dairy farm and is actually surrounded by another 87 dairies. And I understand that 50% of the forage for those cows comes from the area.

I would like to tell you, if you haven't heard from other people, that two incinerators from Holland, in fact, including one of the biggest in the world, have been closed down recently because the cows' milk in the area of those incinerators has three times the dioxin level than cows' milk from elsewhere. In fact, that cows' milk is being treated -- would you believe? -- as hazardous waste. The farmers are not allowed to sell that milk. It's being treated as hazardous waste. You can imagine the economic ramifications of that -- what's happening in Holland.

In Holland, in Austria, in Germany, they're talking about fitting activated charcoal filters on incinerators to remove both the mercury and the dioxins because other measures have obviously failed. If that goes through, then we can say that no incinerator operating in the United States or proposed in the United States -- operating in New Jersey or proposed for New Jersey -- is planned to have the best available control technology. In other words, we are dealing with an experiment, and the experiment is changing all the time.

In the early '80s they only fitted them with electrostatic precipitators. Now they fit them with dry lime scrubbers and baghouses, and now we're talking about a new generation of air pollution control. It's clearly the experiment. It's the experiment on the American people. It's the experiment on the people of New Jersey, and I don't think this is the time to experiment with people. (applause)

Now, as far as the risks are concerned, I think the risk analysis that we often see, as I said, is often made after the political decision has been made, and I think we're looking at pseudo science. Many of the risk assessments which have

been done for New Jersey incinerators and other ones have not included many things. While claiming to be very conservative, they're often not conservative. Many of our papers deal with those nonconservative assumptions, and we've presented those in international forums, had them defended, had them peer reviewed, and had them published. I'll leave it to you to read that.

But let me mention two things which concern me: Usually what they do when they do a risk analysis is to consider the risks to what they call the "maximally exposed individual." That misses the point. It misses the point of the cumulative impacts. If you look at the cumulative impacts of a maximally exposed individual, two or three plants will not have a major impact on that one individual. But if you look at the impact of several plants on the same piece of agriculture, it could have an enormously increased effect.

That's one of the things which we would hope would be done. If you have a moratorium and you could do this study, it's better to do the study before the event rather than after the event. If you do the study before building the incinerator, one of the things you should be calculating is the total impact on agriculture in the region, not just Warren County, because the pollutants from these stacks can go at least 100 miles.

And one of the papers we've submitted there -- which we submitted in Sweden last year -- showed that no less than 11 incinerators -- some of them in New Jersey, some of them in southeastern Pennsylvania -- will impact on the biggest milk producing county in the whole of United States; namely Lancaster County. Ninety-seven percent of that milk produced in Lancaster County is exported, only 3% is consumed by the people in Lancaster County.

When they did the risk assessment for the incinerator proposed for Lancaster County, they only considered the risks

of the local population. Ninety-seven percent of the dioxin, 97% of the risk is exported.

When you do the calculation for population risk -- that's the total risk, regardless of how many individuals you expose, which assumes that all the dioxin is captured by farmland -- essentially, you find that the population risk from the that contaminated milk in Lancaster County and adjacent Chester County in Pennsylvania will equal the total risk from inhalation for the whole of the United States from all the proposed incinerators. That's what we're looking at. The risk from that food is equivalent to the risk from all the risks that you could calculate from inhalation based upon the EPA's studies. So I don't think we can take the exportive risk and the cumulative risk too lightly. This is a very serious issue indeed.

The other risk that we've got to address is the risk of the ash. This ash is deadly. You have converted pollutants in the trash which you wouldn't normally breathe. We don't breathe batteries, we don't breathe magazines with pigments in them, but by the time you burned all these materials in a furnace, you've put those pollutants on the tiny particles, you've vastly increased the surface area, and you've got them on particles of the size that people are going to breathe.

I'm particularly concerned about the workers in these plants. I've seen people be exposed to raw ash in these incinerators. They're not protected well enough. Donald Lisk (phonetic spelling) of Cornell has done studies on this ash. And the workers in the plants have higher levels of mutagens in their blood than control workers and so on.

As I say, the catch-22 is, the better they get with air pollution control equipment, the more the toxics are in the ash. Then the question becomes: Where do you put the ash? And really, where we're putting the ash is into the future. This is the punishment that we are going to deal to future

generations because the things that we're talking about are either highly persistent or permanent; the metals are permanent. So this will be-- We are leaving -- bequeathing to future generations permanent sores, permanent places containing tons and tons and tons of toxic material which we're going to tell them, "You've got to monitor these, not for 100 years but thousands of years, forever. You can't use this land again. You've got to be very careful what happens to it."

I think, just with a modicum of common sense, you've got to recognize it's only a matter of time before Mother Nature finds a way, with the second law of thermodynamics, of shifting those toxics from that hole in the ground out into the environment. It's a sloppy present passing the problem onto the future.

Now, I'd like to -- with the ash issue-- Oh, by the way, I heard cost mentioned by the previous speaker. Costs. Incineration is the most expensive way of handling trash that you could possibly conceive of-- (applause)

ASSEMBLYMAN ROONEY: Please, please, please. Just one minute, Doctor.

DR. CONNETT: Yes.

ASSEMBLYMAN ROONEY: Please, no more applauding. No more hissing and booing. We have that agreement. We're taping this. If you're applauding and someone's speaking, it's going to just ruin our transcript, so please hold it down.

DR. CONNETT: I would have thought that the lesson that we should have learned, particularly from the Superfund sites, the shortsighted dumping of hazardous waste all over the country: It may cost a lot of money to do it right, but it costs far more money to do it wrong. And if you do it wrong by building trash incinerators in this State, in the long run it's going to cost you far more money to redress the problems down the future, not least the of which is the handling of that ash and those holes, down the road.

That's if we're lucky; if we can handle the problem. But if we've just further dissipated the mercury and the dioxin in the ecosystems, and we are the top of the ecosystem, we are the top of the food chains-- Right now a breast-feed feeding-- A mother that breast-feeds her child, delivers through that child 10 to 100 times the tolerable daily intake of dioxins as prescribed by Canada, Sweden, and Germany.

Right now, that's where we are right now. Instead of looking for new sources of making dioxins -- which is what you do when you burn trash, it's a new way of making dioxin -- instead of finding new ways to make dioxin, what we should be doing is to find ways of stopping the old ways of making dioxin. In that respect we're making some progress, getting the lead out of gasoline and banning things like pentachlorophenol, but the incineration is going to make that situation worse.

Now as far as is it sensible, it seems to me that incineration is a massive attention to the wrong question; a sophisticated engineering solution to the wrong question. And you can understand this problem. You can understand why municipal officials go around banging their heads and saying, "Where do we put the trash? Where can we put the trash? We can't put the trash in holes in the ground anymore because nobody in New Jersey wants to live near that hole in the ground." And you can understand the attention then to a new way of somewhere to put the trash. We can't put it in holes in the ground anymore, so we put it into a hole in the furnace, and get rid of it once and for all. Except we don't quite get rid of it once and for all, for every three tons of trash we make one ton of ash that nobody wants.

The real question that we should be addressing is, how do we unmake trash? The trash that we produce is a symptom. We're treating the symptom; we're not treating the cause.

Nature-- This planet without us makes no waste at all, otherwise we'd be knee deep in giraffe manure by now. Nature doesn't make waste. It's mankind that makes waste.

We make waste at our manufacturing level by misusing and overusing materials which you're far too familiar with with the ridiculous packaging sold to us with half naked women on Mercedes cars and so on. And we may waste, every single one of us, by the simple act of mixing everything together, and when you mix the smelly with the non smelly, the toxic with the nontoxic, the useless with the useful, you shouldn't be surprised if the product is smelly, toxic, and useless. And we don't like it, and we don't like the politicians that don't get rid of it quickly enough.

How do we unmake it? How do we stop making trash? Obviously some very important things have got to happen at the manufacturing level; very important and very quickly. But we as citizens can make a big difference here with source separation. I know it's frustrating to be in a State where you've made considerable advances in that area. New Jersey has been good at starting source separation, at starting recycling, and it's such a frustrating thing to have you shoot yourselves in the foot and build incinerators which are completely going to frustrate the good steps that you've taken already.

If you continue to pursue the source separation with recycling and with the missing ingredient of composting and with the extra and vital important step of getting the toxics out, not leaving them to the end and burying them in an ash landfill, but getting them out up-front and treating them as an up-front problem, then I think you'll be moving in the right direction.

In a nutshell, I summarize it this way: When you build a trash incinerator, you convert three tons of trash into one ton of ash that nobody wants. You talk about marketing

your recyclables, try marketing ash. That's the least marketable item right now in the trash stream. But when you do this -- what we're talking about -- and what you've started in New Jersey with source separation, recycling of materials, reuse of objects, composting of organics, getting the toxics out. What you do then is to convert three tons of trash into one ton of recyclables, one ton of compostables, and one ton of education. And probably that's the most important thing, that education. Every single one of us is involved with this problem. Every single one of us could be involved with the solution. Every single one of us has got to face up to the fact that we're living on this planet as if we had another planet to go to. We are literally robbing the future.

We have consumed more of the world's finite resources in my lifetime than the whole of human history up to the time I was born, and I didn't do it by myself. It's an incredible selfish attitude, although it's not selfish inasmuch as more sleepwalking-- And we've got to turn that around. On the one level, we can see the effects of this tremendous consumption, this tremendous worship of technological progress, is the greenhouse effect -- is the damage to the ozone layer. But the other visible face is in every trash can, in every room here. We all have the visible evidence of the obscenity. We take materials, finite materials, use them for a few seconds or a few minutes, and then throw them away. That's our grandchildren's heritage that we're throwing away in those trash cans.

So on the one hand it's frustrating. On the other hand, it's extremely exciting because if a State like New Jersey could bite the bullet, resist the nuclear power industry, because that's what the trash industry is-- Nine companies that built nuclear power stations are currently building trash incinerators. If New Jersey could resist the highly paid lobbyists, the trash industry -- which is, as I

say, the stepchild of the nuclear industry -- and have put its faith back in the people of New Jersey to do it right, the trash -- solutions to the trash crisis could begin, not only to solve the trash problem, but I believe could turn our planet around and put us on right course for tackling the other global environmental issues.

And let's be pragmatic about it. The global impacts that we see are coming to us with the efforts of 20% of the world's population. It's 20% of the world's population that are consuming 80% of the world's resources, and a lot of it is consumed right here in this country. But the other 80% look at our TV programs and they rather like this high consumption lifestyle, and they want to do the same. The Brazilians want to do the same, and that's why they're cutting down their rain forest. The Chinese want to do the same. That's why they want a refrigerator in every home stocked with CFCs.

We don't have a chance in hell of stopping the further vast degradation of this planet until we begin to set a good example. And the good example is for every individual to take responsibility for their own -- every community to take responsibility for their own waste.

Let me just say something about regionalization; that's the catchword. This is the cop-out for some politicians who want to both, on the one hand oppose incineration and look good to the voters and yet hold onto the lobbyists -- the incinerator industry by talking about regional solutions.

Let me tell you what a regional solution really is: It's the politically powerful dumping on the politically weak. One community would be sorted out and they will get, not just their own trash, but they're going to get trash from everywhere. And you can bet your bottom dollar that those communities that are sorted out are not going to be the wealthy ones. They're not going to be the ones with lawyers to give their services for free, or have a lot of scientists and

experts available. They're going to be the rather sparsely populated, like Warren County, with more cows than people. Or they're going to be those in the downtrodden areas, and we're going to be a repetition of what we've had with hazardous waste incinerators; namely that most of them get sited in poor areas. In black and Puerto Rican areas in this country is where most of the hazardous waste incinerators--

So that's what regionalism really means; the rich dumping on the poor, the powerful dumping on the weak. And if it's bad for one community it's certainly bad for another. (applause)

And lastly I see in-- Oh, by the way, the difference between theory and practice, I'd like to hand this around but I would like it back. This is a telephone directory that's made its way through a modern trash incinerator. There's a world of difference between theory and practice in this industry. I have seen the ash from modern incinerators in Germany, in Sweden, in Canada, and the United States, and every time I've looked at the bottom ash I've been able to take out newspapers, milk cartons, plastics, knives, forks, spoons, Frisbees, you name it; things that you would think would burn easily-- And I've got a lot of that on videotape. Let me pass it around. You can still read the name and addresses on there.

The last thing that I want to talk about -- being in New Jersey, I've been here a few times before -- and my wife said to me, before I set out, "The trouble with experts is they're taking our common sense away," and that's very much the case. I see this magnified by the Department of Environmental Protection here. I think they're the biggest threat to the environment that we have, these regulatory agencies, not only in New Jersey, but in New York and throughout the United States. These bureaucracies that are allowing experts to decide every question.

And when they've decided the answers behind closed doors, they see their task of taking these decisions to the ignorant public and forcing it down their throats. And if that ignorant public decide that they don't think this is such a great idea, rather than listening to them -- and I applaud you for listening to me and listening to them -- but more often what happens is rather than listening to them, the DEP officials start calling them names -- NIMBYs, environmental terrorists, that was what we were called the last time-- Well, if you want to know what bureaucracy can do to the environment, go behind the iron curtain. Look at the environmental pollution in Russia, in Poland, in Czechslovakia, and see what happens when bureaucracy is left in charge of the environment.

If you look at the history of environmental protection in the United States, you'll find that it's come in the teeth of opposition from the regulatory agencies, and it's come because citizens who have been impacted, particularly toxic waste victims, are not prepared to take it anymore. And it's their fight. It's the citizens rallying and fighting which is protecting our country at the moment. If it wasn't for that, the lobbyists from the chemical industry, the lobbyists from the incinerator industry would run through this country like a knife through butter. It's the citizens that you've got to thank for the protection of this environment. And I urge you to listen to them again.

I think, one of the hardest problems that a technological society has to do is to distinguish between being clever and being wise. I've seen these clever people-- I've seen clever people like Donald Deieso play with language and play with reports. I've seen these consultants do their risk analysis, and I've seen them play with their numbers. Fortunately we've mobilized the expertise to show how bogus some of those things are. And you can read about it in our papers.

But I think a little bit more respect to the citizens and their common sense, or call it wisdom, would do us all a lot of good, and I think in the process it will protect our democracy.

I think people should-- I'd like to see it turned around. Instead of the expert deciding what's good for us technologically behind closed doors, and then taking on the task of a PR exercise to sell it to us, to force it down our throats, what I'd like to see them do in the future is to go to the people and find what they would live with and can live with, and then see if they can make it possible with their experts -- what we can live with. I think if you went to the people and asked them what they could live with, they could tell you that they could live with source separation and the effort that that implies, reuse of objects, recycling of materials, composting of organics, a special responsibility for getting the toxics out. And I think if you give that responsibility to the people, you're going to hear one almighty cry, and it will be to the manufacturers of this country: "If you can't recycle it, don't make it. Don't make it."

We can do what we can do. We can handle the recyclables, we can handle the reusables. But if you make materials and use toxics we can't reuse and recycle, then we're going to tax them out of existence or we're going to ban them, or we're going to stop it in any way we can.

So I thank you for listening to me. As I say, many of the things that I referred to on a scientific level are in those papers. I will forward to you the two papers that I mentioned: the paper on risk assessment and the most recent paper that we presented in Toronto. I just-- I'm sorry, there's just a couple of other things that I wanted to say.

While I was in Toronto -- this is the Ninth International Symposium on Dioxin, 600 experts from all over the world-- There were a few things that were mentioned there

which I think are pertinent here. In Japan they took ash from an incinerator -- fly ash from the incinerator with lime scrubbers and the baghouses, and they washed it with 200 liters of water. They found that they could wash out, with just water alone, 2% of the dioxins and 1% of the furans on that ash just with water.

I hadn't heard about that before. I thought that dioxin was so insoluble that water would not shift it. It can shift it, so that means the ash, with all that dioxin in the landfills can get into the environment, number one.

Number two, in Austria-- When you hear what the DEP is planning to do with ash from incinerators and what New York is allowing to happen with incinerators, ash from incinerators, and what Michigan is allowing to happen with ash and incinerators--

Listen to what the Austrians are planning. The Austrians are planning or proposing to take the fly ash, wash the toxic metals out, first of all with acid, wash out the cadmium and lead. Then take out the washed ash, put it into a hazardous waste incinerator, a rotary furnace, and burn out the dioxins and then capture the mercury in a charcoal filter, and having done all that, then they are going to put that ash into a regular landfill. The questions are, what do you do with the mercury in the activated charcoal filter? What do you do with the metals that you've washed out? But that's the kind of lens that they're talking about in Austria on this.

The other thing I wanted to mention with dioxin is that, as the evidence comes through louder and louder that this is a problem with things like incinerators, one response of the bureaucracy is in the industry, what Barry Commoner -- I know who was here earlier on this afternoon -- refers to as "linguistic detoxification." Their effort is to make dioxin harmless, safe enough to spread on your cornflakes. And if you listen, you'll hear people from industry saying, "Well, dioxin is very, very toxic for animals, but it doesn't seem to hurt human beings."

Well, number one, from a scientific point of view, when you've got a substance which is toxic for rats, mice, guinea pigs, dogs, horses, chicken, birds, fish, and monkeys -- especially monkeys -- you can be pretty darn certain that either a miracle has taken place, or it's going to damage human beings. Before I believe in the miracle, I want to know the mechanism for its action in animals and how human beings have somehow escaped that mechanism.

I've been to the last five International Symposia on Dioxin, and no one has come up with a magic mechanism. So, I for one, believe that dioxin is going to be a real problem for human beings once we get the truth on these studies.

And with that respect-- And this is where I will end. There was a study presented, or a report presented, that clearly showed that the BASF report which purported to show that the workers exposed to dioxin in an accident in a BASF plant back in the '50s and showed no adverse health effects, no increase in cancer or anything, was fraudulent -- was fudged; that the company had deliberately mixed up the controls with the actual exposed people, and when they unmixed the cohort from the people that were impacted, they indeed found that there was an increase in death over background, over control, and an increase in cancer over control.

If you add that to the other health studies which are being conveniently ignored, from Taiwan, from Japan, in the poisoning of the oil, to the Vietnam Veterans study, and so on-- If you add it, there it is very clear that dioxin is a problem for human beings, and most of all, I believe, it's a problem for the most vulnerable in our society, namely our breast-fed children.

I thank you for listening to me, and I hope that you will continue to get this bill through. Thank you.

ASSEMBLYMAN ROONEY: Thank you very much, Doctor. You can applaud now. I would allow that for the Doctor's

testimony. (applause) I admit the testimony here today has been extremely good. We've been running late. As you all know, we're about at least a half-an-hour behind time. Any of you who have written statements that you plan to read into the record, perhaps you could synopsise, and give us a copy of the written testimony. It will appear in full in the completed report of this hearing, so don't think that just because you haven't said it, it won't appear on the record. If you have a written testimony, please just give it to us and synopsise what you have. We're trying to catch up. What you will be getting into is our dinner hour. I plan to stay here as long as necessary to have this hearing, but we would like to have a break somewhere around 6:30, I believe. I believe Mr.-- We skipped over Dr. Lavietes. And Dr. Lavietes, do I have the name right? I have it spelled two different ways, Lavietes and Lavietes. (pronounces name differently)

D R. M A R C H. L A V I E T E S, M D.: Levidese.

ASSEMBLYMAN ROONEY: Levidese.

DR. LAVIETES: Yes. Thank you Assemblyman Rooney and staff for having me speak to you here today. I am currently the President of the Northern New Jersey Chapter of Physicians for Social Responsibility. And I'm a Professor of Pulmonary Medicine at the University, and I want to make clear that neither of these organizations endorse nor have any position on this issue. I am past President of the New Jersey Thoracic Society, which I will make clear has a very strong position on this issue. I--

ASSEMBLYMAN ROONEY: Perhaps, Doctor, you could wait until some of the people have cleared the room, this way we'll get-- We don't want interference with your testimony. It's important. Anyone wishing to leave, please do so quietly. Please proceed, Doctor.

DR. LAVIETES: For the purposes of this presentation I support your resolution which will postpone and commit to

further study the questions of incineration. I'd like to say though, that rather than being for or against incineration, I am a pulmonary physician, and my career is spent studying and delivering patient care to urban people who have respiratory problems. I am deeply concerned with the already toxic amount of material in our air and its effect on health, and I am very much concerned about anything which will further the air pollution that we know.

I understand and I will expect other people that are experts to speak later on this issue that there are many alternatives, including resource recovery, recycling, and separation techniques that I would really urge you to try.

It's clear from the data, Camden, Warren County, other incinerators, that all the incinerators that are currently in use produce tons of airborne particulate matter, some dioxins and gases yearly, and they produce pounds of airborne heavy metals as well. And there's really no reason to believe that any new incinerator that we would build be any less likely to pollute our air than do the incinerators that are currently in use and are known to pollute our air.

I want to say that as a pulmonary physician, evidence in our medical literature already proves beyond any doubt that many of the gases that are emitted in large quantities from all incinerators -- these include ozone, sulfur dioxide, nitrogen dioxide -- are very toxic in that they cause asthma in people who may never have had asthma. And they cause increased morbidity and mortality in people that already suffer from asthma, bronchitis, and emphysema. These points are well-known, at least 40 years since British hospitals and physicians saw after an air inversion of a number of days, an increased number of hospital admissions and deaths with people with chronic respiratory ailments extensively caused by the air inversion.

In our medical literature we have environmental researchers who have, with human volunteers, studied the dose

effect response of inhaled ozone or, as they say, sulfur dioxide, etc., and shown that in very low concentrations -- concentrations in particular for ozone which are already available to us to breathe -- these concentrations can induce airway obstruction in laboratory volunteers. These compounds or gases are already used by researchers to study the mechanisms in animal models. Animals are given slightly inhaled concentrations, and it permits the researcher to get a better understanding at the cellular level, which you obviously wouldn't want to ask a human volunteer to do.

But I say this because there's just no question that the particulate matter, the gaseous matter that's out there, will increase the burden that's already there of what we call airway diseases: asthma and bronchitis.

It's also sometimes stated, as you know, the State will give what they will call "acceptable levels." And I say this really as a studious pulmonary physician: I hope this does not come across as an emotional statement. There really are not acceptable levels.

The acceptable levels are compromises that are somehow made. But the fact is that you can say, "Well, we'll tolerate for one hour a day .12 parts per million of ozone in the air, or .08 parts per million for three hours" or whatever the exact standards happen to be. These standards are often changed. The fact is that it's not just the concentration. It's the amount you breathe. So maybe .12 parts per million may not make you have an asthma attack if you're sitting quietly, but if you exercise and triple the amount you breathe, you essentially triple the concentration. So that if you actually go through our literature, you can convince yourself, and I believe in a very honest way, that there really is no safe concentration. There's no concentration of these particular matters that will not cause air wave obstruction in our people.

In regard to dioxin, which is a very emotional event, this will be admittedly in smaller quantities from garbage -- the resource recovery plants. As far as the medical literature is concerned, officially dioxin causes a very ugly and uncomfortable skin eruption called chloracne. There's good data in the literature, and we agree with that. Nobody is in great agreement as to what the ultimate cancer consequence of dioxin will be.

Now I hope that doesn't sound like I'm encouraging them to put dioxin in the air and water. I'd like to point out to you that it's a pretty well-known fact that many of our Vietnam Veterans are now beginning to develop, at a younger age than I, and too young an age to get a lot of cancers, a tremendous amount of soft tissue sarcomas and non-Hodgkins lymphomas. Those are medical terms for certain kinds of blood and lymphatic cancers.

It's of interest that the veterans have sued the Veterans Administration, and the Veterans Administration have lost their case and not contested it. They have essentially acknowledged the fact that just because there's such a large number of these previously unusual tumors in these veterans that were exposed to dioxin in Agent Orange that they are becoming agreeable towards paying claims. I think when the government will put money on this claim, I think that's pretty good evidence that the feeling is that over time, as more information emerges and more retrospective data can be obtained that the cancer risk that we think dioxin has will very likely prove to have-- And I think for the sake of time, I don't want to go on and on about the cadmium and the lead and the fly ash and the carbon and all that.

But there's no question that I sincerely understand this to be a problem to our lungs. And I'd like to say, as I said before, my Thoracic Society certainly takes a strong position on this issue. I would like to say, and I'll briefen

the quote, that our the National Thoracic Society says that, "Solid waste recycling and the use of more environmentally benign disposal technology such as composting, be given priority over incineration as a solution to our national solid waste disposal program." I'd like to make clear that the American Thoracic Society and the American Lung Association, which are volunteer organizations, hold very strongly to the position that all other avenues of disposal of waste be explored before we embark on a program of mass incineration on a large scale.

And the American Thoracic Society, as I, have no personal interest in this, but we have great personal interest in peoples' lung function. And with that, I thank you for hearing me.

ASSEMBLYMAN ROONEY: Thank you, Doctor. Appreciate your testimony. (applause) I believe the next group, well we have two speakers who were supposed to be at 4:45 so we're running exactly a half-an-hour late. We have Matthew Root and Scott Laidlaw, the Institute of Resource Recovery. Mr. Root and Mr. Laidlaw.

S C O T T L A I D L A W: Hello, Mr. Chairman and members of the Committee. My name is Scott Laidlaw, and I'm here as a representative of the New Jersey Institute of Resource Recovery to provide testimony concerning A-4105.

The Institute of Resource Recovery is an affiliate of the NSWMA and is comprised of waste service firms specializing in resource recovery while reducing volume through combustion. Member companies include American Energy Corporation, American Ref-Fuel Company, Blount Energy Services Corporation, Combustions Engineering Resource Recovery Services, Ogden Martin Systems, Inc., and Westinghouse.

I'd like to say the we oppose the subject bill because it will unnecessarily halt the development of environmentally safe and cost-effective solid waste disposal capacity for the citizens of New Jersey.

One of the basic underlying assumptions in the bill is that resource recovery facilities are bad and pose a threat to public health and the environment. In fact, resource recovery is not new. It's designed and engineered with proven technology. It includes modern emissions control equipment and monitoring devices. Resource recovery facilities have been operating in the United States for 20 years and in Europe for more than 30 years. Already today, resource recovery is one of the most strictly regulated industries in the United States. Plants in New Jersey that are constructed will be continuously monitored by DEP officials.

Additionally, those plants will be checked regularly by DEP officials and independent engineers. The purpose of that oversight program is to insure compliance with all operating permits, and State air quality and solid waste regulations and laws.

I think-- And you know, I appreciate listening to the testimony that's been given already today. And I think one of the facts that really has not been emphasized that there is a solid waste disposal crisis today in New Jersey. There's a lack of adequate disposal capacity. Fifty-five percent or approximately 6 million tons a year of New Jersey's waste is exported, 80% of that is exported to Pennsylvania and Ohio, and those states are now seeking to cut off the flow of out-of-state waste into their state.

Out-of-state landfills are becoming increasingly risky and unreliable. A one-year moratorium, if it were to be put into effect would put even more strain on the other parts of the solution of the State's integrated solid waste management plan.

We completely support all four aspects of the plan. It starts with off-source reduction, recycling, resource recovery, and then ultimately, utilization of modern landfills. We completely support, also, removing batteries and

other sources of lead, cadmium and some of the other materials or minerals, whatever, that create problems in the ash. We believe that that type of source separation at the curbside should be done in order to insure that the plants are able to operate more efficiently and certainly within all the parameters of the permits.

Resource recovery is not counterproductive to recycling. In fact, the two assist each other by taking materials that are not easily processed out of the waste stream. The plants are able to run more efficiently and their on-stream operability is improved.

One of the concerns in the proposed legislation deals with resource recovery facilities putting an excessive demand on physical utilities. That concern, although there is certain validity in having the concern displayed -- the resultant concern though is not valid. The design requirements, current regulations of the DEP, and the environmental health and impact statements that are required to be done, preclude those types of impacts. In fact, construction on these plants cannot proceed until all of those issues have been adequately dealt with and all of the public's concerns have been also addressed.

The proposed legislation concerns the cumulative impact of currently operating and planned resource recovery facilities. Provisions for studying the combined effects of plants' air emissions are already incorporated in the EPA and DEP regulations and procedures. In fact, based on the multi-source modeling that's been done not only in New Jersey but in other states, those studies of resource recovery facilities have shown that there are essentially no cumulative effects on the air quality as a result of these facilities.

I think it also should be brought out and understood that within New Jersey today, there are 13,600 facilities that have air permits. These are industrial plants. These are facility boilers in a lot of the buildings. These are

commercial businesses. All of these facilities including other sources of pollutants -- for example, automobile -- but these other facilities have air permits. This is contrasted with the potential for somewhere between 10 to 20 resource recovery plants.

And if they were to be built, when the total emissions of all the State's 13,600 facilities that have air permits are summed up, and then compared against the emissions from 20 resource recovery plants, those plants represent a very small fraction of the overall emissions.

Previously, the DEP has provided testimony along those lines. And we're talking tenths of a percent, and in some cases perhaps 4% or 5% when you're dealing with either NOX or SO₂. But the point is that the annual loading from all the facilities within the State that have air permits far exceeds the impacts from these resource recovery plants.

It also should be noted that New Jersey already has gone through a very lengthy process of considering other viable solid waste disposal alternatives. And they have determined that the-- It's their State's intent, which is the four part program in their solid waste management plan. Any delays at that time will undermine all current plans, not only for several municipalities but also for several counties, and leave any large scale long-term solid waste solution in limbo. Also, any delays will conflict with the goals established by the Legislature and the administration to make the State self-sufficient in terms of garbage disposal by 1992.

I think, also, it's important to address costs. The cost of a one-year delay in the current construction of the Essex County Resource Recovery Facility would be estimated in excess of \$60 million. The same cost numbers or more, apply to the Bergen facility. And those types of financial impacts would result in a significant additional cost to be borne by the residents of the counties of New Jersey.

In summary, we support an environmentally sound approach to reducing discharges from all source categories. However, we oppose this bill because it singles out resource recovery facilities and does not comprehensively address all emissions sources. Also this bill fails to tie its call for a moratorium to demonstrable health benefits. I think a better approach would be to conduct a cumulative study of all emissions sources -- not just resource recovery -- with the commitment investing available remedial dollars in controlling the source categories which have the highest health risk.

Again, you're talking somewhere between 10 to 20 plants compared to 13,600 other facilities that have air permits. The costs resulting from this bill will be borne by the residents of New Jersey, and they will continue to suffer under the current and expanding crisis in solid waste disposal capacity. Thank you very much for the opportunity to provide this testimony.

ASSEMBLYMAN ROONEY: Thank you, Scott. Just a comment from me. I was very much involved with the Bergen facility, as you well know, and I'm looking at a plant that now is planned at 3000 tons per day. We had to put or pay, I believe, of 2000 tons per day with an option to go up to 2400. The original dump in the landfill was somewhere in the neighborhood of 3700 tons a day when I was Commissioner and the landfill was still open. I understand that Bergen is getting about 1500 tons a day. That's been their average. They've been down as low as 1100 tons per day. Now that's just one, and that's because we in the State cannot control the flow of garbage. The garbage is flowing to the lowest cost.

You found garbage in Arkansas that one of your scavengers was bringing down there, approximately \$50 \$60 a ton, saving the difference between Bergen's cost of \$105 and what he was paying, 50 or 60. There's still garbage missing in the State, floating around from place to place.

My problem right now is not only environmental, but an economic problem. What's going to happen? And I have numbers in here. First of all, you're looking at an overcapacity of incinerators at the present time. I've heard this bonding cost, and what happens if we don't go, the bonds are going to fall. I would rather have them fail right now, and have a minimal cost, rather than have built a plant that is operating and can't get enough garbage to fill it because it's too darned expensive.

I'm looking at numbers in here-- (applause) No, no, I said -- I won't accept that even if it's for me. I'm looking at numbers in here that are saying that garbage-- Just economically, again, we've heard the environmentalists. And believe me, I'm impressed by the environmental testimony we've had today. But the economic facts of the matter are, you're still going to have resource recovery plants, incinerators, that are going to cost anywhere from \$140 a ton at the top end down to \$70 a ton at the bottom end. What's going to happen is the plant that's at \$140 a ton isn't going to be able to get enough garbage to fill it.

We found that in Warren. Warren had to turn around and had to go out of its own county in order to get enough garbage. They started at 400 tons a day. They couldn't meet 200 tons a day. Now they're bringing it in from Somerset. One-hundred-and-twenty-five dollars a ton is not an attractive price, especially when Bergen County is shipping it out-of-state for 105, which is still high. And Hudson County is putting it in the Bergen County landfill, which bothers me even more, at \$33 a ton.

The thing that also bothers me, in the last hearing that we had in Palmyra, the Hudson County -- one of their Freeholders came up -- not one of the Freeholders, one of the Utility Commissioners came up and he said that they were against the bill because they had their incinerator planned. I

asked him what the capacity of that incinerator was, he said, "Twenty-two-hundred tons a day." I said, "How many tons are you getting a day?" He said, "Twenty-two-hundred tons a day." And then I asked him what he was getting prior to the ban and the closing of the landfill in our county here, in Bergen, and he said he was getting 1200 tons a day. he's got 1000 tons that he's found that Bergen has lost and that other counties have lost.

This whole plan that you talk about, from the DEP, this whole solid waste plan, as far as I'm concerned, is total insanity. (applause) No, please, please, please, please, please. I've asked you, no booing, no cheering. That's going to go through the meeting.

What I'm looking at is-- It makes no sense. We are trying, with this bill, to give us some breathing room, some time, for DEP to take a reassessment. I don't believe that 18 incinerators should be built. I don't believe that 21 counties should have separate plans. I believe that somebody has got to come in and take charge and say, "This is the way to go. This is what we should be doing."

When most of these plants were planned, particularly Bergen-- And I'm very parochial. I'm going to have to say that a lot of my concern is Bergen County. But when Bergen was planned at the 2000 put or pay, we didn't have mandatory recycling, and nothing has happened since the mandatory recycling to reduce the Bergen plant at all. So I know that there's problems right here.

There's a lot of things that are just wrong with the total approach. What we're trying to do, I think, with this bill is to be the farmer with the mule. The bill might be the two-by-four that we need to get the mule's attention. That's what I believe this bill is. We've got to get his attention first, smack right in the middle of the forehead with the two-by-four. We've got to stop right now and say, "Enough."

Because I'm looking at our measles map, and it's right up there. That's the measles map, I believe, that my aide brought in.

If you look at Bergen, Hudson, Passaic, and Essex, you have four plants, and those dots, where they're located, if you drew a five-mile radius around those plants, you've got all of them touching each other. Then if you take Bayonne, six sludge incinerators, draw a ten-mile radius on that, that touches all of those plants also. You have ten incinerators planned within a 10-mile radius. Now we're talking about dioxins, and we're talking about heavy metals. What happens with the cumulative effect of 10 more incinerators?

You know what really amazed me is when we were down in South Jersey, they said that they were doing an environmental impact study in the Atlantic County incinerator because there was a bird sanctuary 60 miles away from their plant. Sixty miles and they're doing an environmental impact study. What about a people sanctuary? Yeah, we've got to get some people to breathe around here. I was quoted as saying that we should have our air that's breathable and not chewable. That's what I foresee is going to happen with ten incinerators. This is insanity.

You could have convinced me, and you did convince me four years ago, five years ago, to go along with the Bergen facility. But there's no way in the world that I could ever go along with what is proposed for this area, especially in this region which is the most polluted region probably in the country; cancer alley. We've got the chemical -- petrochemical pollution, and then we're going to put in ten incinerators. I don't know anybody in this room with a straight face and a clear conscience that could agree with that kind of planning. That's not planning, that's insanity. (applause)

And that's where I'm coming from on this legislation. So I think we're going to hear a lot more testimony. We appreciate you speaking from the industry, and we know from

whence you come. So I can't fault you. You have to make your living. I have to make my living. But again, please, no booing either.

So I thank you for your testimony. If you want to answer that I--

MR. LAIDLAW: Well, you've certainly touched on a lot of issues. In terms of-- The first part of your thrust was basically addressing the regionalization concept. And, you know, speaking for the industry as a whole, you know, we certainly support that.

Speaking specifically to Bergen, when that plant was originally sized and, you know, the waste shed numbers are essentially-- They should be the same today as they were, you know, four years ago. The plant or at least the county or the BCUA at the time opted to take a certain put or pay commitment, and it was felt to be at a number less than actually what the county had. There was a capacity there that was anticipated by the Authority and by its consultant that the plant, you know, would be able to grow into the remaining capacity that was available at the plant.

Additionally, when that plant was sized you looked at a-- You know, the seasonal flow, as I'm certain you're aware, Mr. Chairman, is-- There is a seasonal variation in the flow of waste generated within a county. And typically, when you size a plant you look at the ability of being able to take all of that county's waste at any one time. Now during the valleys, there is a need for additional waste and that's why you work within the State's program of getting some type of an inner district agreement so that you would be able to get on an as needed basis, spot or short-term waste in to fill up those valleys. But you size up the plant to take care of the needs of the county, and that was essentially the approach that Bergen used.

Regarding the issue of your lying there on the graph and the concerns about the number of incinerators: As my testimony represented, the reason for the air quality in New Jersey is predominantly due to those 13,600 facilities that already have air permits. And what we proposed in our testimony is that if you look at what the impact would be of somewhere between 10 to 20 facilities, resource recovery facilities as compared with all these other air permitted sources; that the resource recovery industry represents tenths of a percent of contribution on an annual basis to that overall amount. What we're saying is that we believe that money would be better spent in dealing with those other sources of pollutants or emissions that in a more cost-effective manner-- And you address those emission sources that by reducing them, you would have the most -- incrementally the best improvement in terms of a health benefit.

That's really the thrust of our testimony. But our concern is that there is a solid waste disposal crisis and the states that you are currently shipping your waste to are in the process of closing their borders. So in this interim period, Mr. Chairman, you need the ability to process that waste. We believe that, you know, recycling has to be looked at, source reduction, and all the other aspects of the plan, but resource recovery has a definite role to play.

ASSEMBLYMAN ROONEY: Yeah, I still have some problems with your numbers. I've looked at the figures that you've given us before, and I'm in total disagreement as far as where the pollution is coming from; that you're only contributing to 10%. The other thing is the between 10 and 20. Even in its worst day, Dick Dewling never suggested that there would be more than eight incinerators. Yet we have 18 of them planned right now, and only one of them has been canceled, out of the entire group. So, you know, when we're talking about incinerators, eight, with even Dick Dewling pushing the industry to its maximum.

The other situations that I see is the type of pollution that we're talking about. We're talking about dioxins, furans, heavy metals. That's not the kind of pollution that we're getting out of the other industries. The other industries are already there.

I've never seen -- and I was at the BCUA until January 1988-- I'd never seen anything that showed me that DEP -- and I've been talking to DEP ever since-- I've never seen anything that indicates that they've done cumulative work on these plants. It seems that a request goes in and a permit goes out. It make take a few years. The Corps of Engineers has been your biggest obstacle as far as Bergen and Bergen's facility.

MR. LAIDLAW: Well all I can offer to you, Mr. Chairman, is that the current program, and it takes several years to get through the permitting process, but all other facilities in the regional area that were even remotely affected by a proposed resource recovery facility are analyzed to ensure that both environmental and health standards are not compromised. There is a very comprehensive multilayered approach that the DEP utilizes when it goes through its air permitting process.

ASSEMBLYMAN ROONEY: It's just like the size of the stack over here in the facility. When I was there, the size of the stack was not determined by how high up you needed to get in order to have the emissions dissipate properly, but it was determined by the FAA saying that, "Well, you had Teterboro Airport over here. You can't go up more than so many feet, period." That was the determining factor, not DEP, not EPA. I was there when it happened.

MR. LAIDLAW: And you may recall at the time, Mr. Chairman, that what you do is you vary your downstream temperature of the flu gas so that those extra couple of degrees give you the additional rise if you end up with a shorter stack. It's all a variable, and it's a very clear engineering decision.

ASSEMBLYMAN ROONEY: And I'm sure Mother Nature is going to cooperate with the weather so that you have absolutely perfect conditions to have that dissipation with the highest stack temperature. I mean, it's ridiculous to believe. I have lost total faith with DEP and their ability to have anything that is even the slightest resemblance of sanity as far as this, when I see the kind of plan that they've projected for the State.

The other thing I want to get into is the out-of-state trash, as far as a crisis is concerned. As far as I'm concerned, let Pennsylvania, let Ohio go the way that New Jersey went when we tried to shut out New York from our landfill when New York's garbage had clogged up every landfill in the State of New Jersey and the Supreme Court said, "Sorry guys, you're interfering with interstate commerce if you restrict the trash coming into your state." Let Pennsylvania, Connecticut, wherever we want to go with our trash, Ohio-- Let them go the same route, pay the same lawyers' fee, and hopefully get the same results from the Supreme Court. You can't stop the garbage, it's interstate commerce. That's what we were told, that's what they should be told.

So I'm not panicked by a situation that Pennsylvania or Ohio are going to shut us out. They'll do everything they can to try and stop us. But there are other states, there are other alternatives. We've heard in the testimony, and right now, I believe, these people have transcribed testimony that is that thick. (gestures) We've heard many alternatives to resource recovery and for trash disposal, a lot better than incineration, and we'll hear some of that again today. So I don't believe that there's the crisis that we're made out to believe. I don't believe the bonds are going to be that much of a disaster if we say, "Get rid of some of these plants." Get rid of all of them as far as I'm concerned, but get rid of some of them.

If those bonds go down-- I'm glad to see some of them go down because I'd rather see that happen than have a WPPSS scandal in this State like they had out in Washington -- the Washington public power system that was an absolute disaster because they just couldn't generate the power out there.

The problem that we've got is that you may not be able to generate the garbage to run your plant. If you can't do that, you're going to default on bonds that now are billions and billions of dollars running for 10-, 20-, 25-year term. That's more dangerous than having a few million dollar loss up-front. And in fact, I don't even believe there's going to be a loss. With the arbitrage system that we've had, most of the plants are under, or most of the bonding is under. There shouldn't be that much of a loss, but it will be a greater loss if we lose a plant. And I've got some numbers down here.

You're talking half a billion dollars per plant when the outlay, right up to this point, is probably a few million dollars. Relatively speaking, that's what I'm worried about, is what happens when those plants go under because they can't attract the garbage that they're going to need to run them?

MR. LAIDLAW: Just as one quick response to you, with respect to the DEP, I don't believe that today they're espousing, you know, 18 plants. I think that there has clearly been testimony that's been provided that gives a range of between 12 to 18. I don't think that they're firmly committed to that one aspect.

ASSEMBLYMAN ROONEY: Does the name Joe Devaney ring a bell?

MR. LAIDLAW: Yes.

ASSEMBLYMAN ROONEY: He caught me this morning. I was in Trenton to testify on one of my bills, I had to go down to a hearing for the Transportation Committee. I've been running back and forth all day. I was approached down in the coffee shop at Trenton, and I asked him that very thing. He asked me

why I've changed my position on the bill? And I said, "I haven't really changed my position. I supported it. I wanted to see regionalization. I've changed slightly in that area." I said, "The problem that I've got is you haven't done anything to change my mind." What we were trying to do was promote regionalization when we first looked at this bill. Today, as far as I'm concerned, I want it stopped. I want everything stopped because DEP hasn't done a thing.

He says, "Well we tried regionalization with a couple of counties, and we failed." That was his answer this morning from DEP. So can you tell me if it's going to be any different? Eighteen plants have applied. They'll give permits to 18 plants and that scares the hell out of me, and especially up in this area when we're talking about 10 incinerators in a 10-mile radius. This is frightening. These people out here, they actually should be frightened about what we're talking about and what we're going to do to this State.

So I don't want to belabor the point. I know I have other Committee members who might want to also enter their feelings. Pat, would you--

ASSEMBLYMAN ROMA: Yes, I would. Thank you, Mr. Chairman. Thank you for the opportunity to not only be at this Committee, but certainly to hear all of this testimony. It's amazing that we live in this State, many different situations come up. We talk about our oceans, we talk about the environment, and here we have an opportunity to stop a problem.

I heard the testimony of Dr. Commoner. I've heard the testimony of various people. It seems to me that-- You know, what we're talking about-- It's an opportunity to stop a problem that we're going to have in the future. We don't often have that opportunity.

Here we have a bill, there will be amendments a little later, but it's certainly a way of listening to the testimony.

It's sad that it took this long to get to this point. And I quite agree, it's sad that we placed a lot of faith in the DEP. It's sad that we're at a situation, or at a stage where all this testimony is now becoming so informative.

I could not believe some of the testimony dealing with furan and dioxin -- the dangers that will exist; for years, thousands of years, permanent danger. And then we're told that it's a matter of cost. What's the cost of a life? What's the cost of all the lives that we're talking about? Quite frankly, I'm a little disgusted from the standpoint of what I've heard in the past and some of the things that perhaps we'll face in the future.

But we have a bill here-- It's not the final answer. I'm sure there will be amendments, but certainly it deserves a proper airing. And I commend our Chairman and I commend the sponsors of the bill for doing it in a bipartisan manner. We have an opportunity to improve our State. And I think it's a darned good bill. Thank you, Mr. Chairman. (applause)

ASSEMBLYMAN ROONEY: I'm trying to lower the temperature around here. I think they turned the heat up on us. All right, Doc-- I'm sorry. Just, I want to also introduce-- I made note that he would be coming at a later time. I want to also introduce one of our Committee members who has been right with us from the beginning on this and has been very diligent in his work on the authorities reform package, also from Bergen County, Assemblyman Tom Duch.

ASSEMBLYMAN DUCH: Thank you, Mr. Chairman, I'll be very brief. I would like to take this opportunity to commend you for being the only Chairman in any committee in the State that was willing to take on this challenge and to run the hearings throughout the State so that this issue could be aired properly and appropriately.

We've heard testimony in different areas of the State. We've heard testimony from all kinds of experts, both

pro and con. The hearing has gone very, very well today. I have numerous comments that I wish to make. I will save those comments for later on this evening.

I would like to proceed at this time, and I noticed that we have a great many other experts who are here to testify before us and I would like to hear.

ASSEMBLYMAN ROONEY: Thank you, Tom. We have-- I want to inject Dr. Frank Livelli from Save Our Ocean Committee. Doctor, who has been one of the people who have been very active on behalf of this bill. He's also come a long way, over 100 miles, I understand, to drive up, so we don't want to keep him too long.

D R. F R A N K L I V E L L I, S R.: Thank you, Mr. Chairman. Good afternoon. My name is Frank Livelli, Sr. I'm a retired chemist and the Technical Chairman of Save Our Ocean Committee. I am also a Senate appointed member of our State of New Jersey's Drinking Water Quality Institute.

Some of you may remember my recent activities with respect to that despicable company called Ciba-Geigy and may wonder why Save Our Ocean has an interest in incineration? Save Our Ocean opposes all incineration, whether it be wood at sea or municipal solid waste on land. We now consider incineration a more pressing and environmentally threatening problem than ocean pollution. You can elect not to go into the ocean, but you must breathe the air and drink the water. Interestingly, there has been no study to determine the impact of all these proposed incinerators on our drinking water.

Assembly Bill 4105 is extremely important because it puts a hold on incineration activities in our State, allowing time for the truth to come out and for a subsequent more definitive bill to be introduced.

The DEP has an unethical revolving door between DEP top management and the incineration industry. In hindsight, it appears that over the last several years the DEP has been

feathering their nests by making decisions which were forcing our State in the economically and environmentally disastrous direction of incineration. And when you good people enacted a law to protect the public from questionable contractors for incinerators, our slimy DEP decided to unilaterally circumvent your wishes by rewriting the law to suit their purposes. A hearing on the self-serving changes to your bill A-901 was held a few weeks ago to do just that.

The big question on incineration information is: Who do you believe? On the one side we have the following: We have our DEP who have lied and misrepresented the Ciba-Geigy pollution information, are now trying to sidestep A-901, and now taking high paying jobs in the incineration industry. Or maybe our EPA where the Inspector General -- that's the highest officer in the EPA -- said, and I quote, "Region III has suppressed studies of the ash showing its true toxicity." The ash was from a Philadelphia incinerator destined for a foreign country. The ash was indeed toxic and the Inspector General's report revealed that the ash contained more dioxin than the soil at Times Beach, Missouri where the whole town was evacuated in 1983. In addition, the Inspector General said, and mark this carefully gentlemen, and I quote, "Although the ash may not meet the legal definition of hazardous waste at times, it can nevertheless damage the environment."

Or maybe we should believe the incinerator companies whose only driving force is profit and to hell with the taxpayers and the environment. Or maybe you would believe the companies' consultants. They are no more than intellectual prostitutes. They give their clients what they want for a price. Have you ever heard of a company hiring a consultant whose report showed that the company was a despicable, greedy company who would poison for profit? Remember, Ciba-Geigy had all kinds of consultants saying how wonderful everything was.

In my own personal business experience -- and this is the truth, gentlemen -- when a consultant was hired, the first question to top management was, "How do you want this to turn out?"

On the other side, you have the common citizen who will pay the bill and be poisoned besides. These are the same people who were intelligent enough to put every one of you in office and are surely intelligent enough to see through the glitzy PR when they are told the truth. You also have renown scientists, you heard some today; doctors, nurses, chemists, attorneys, school teachers, secretaries, etc. -- you know, the people each of you turn to for their services and their knowledge. All these people have one thing in common. They have nothing to gain except a clean environment for themselves and their future generations.

Municipal solid waste incineration is not a NIMBY issue. It doesn't belong in anyone's back yard. It doesn't belong in our State or our nation. There are cheaper and environmentally safe ways of solving our municipal solid waste problem. Incineration doesn't solve our solid waste problem. It only delays the real solutions at tremendous costs in taxpayers' money and public health.

Let's examine how the industry and their high paid consultants have lied about the costs of incineration. We will use the Warren County incinerator which was PR'd as the "Mona Lisa," state-of-the-art facility: projected tipping fees \$37 a ton, actual \$98 a ton, increase 165%; projected cost \$32 million, actual \$58 million, increase 81%; projected deficits 0, actual \$1.8 million over the first seven months of operation.

These figures are not unusual. We checked the projected and actual figures for at least six incinerators around the country and found the following average increases over projections: tipping fees up 205%, cost overruns up 129%, deficits \$6.5 million per year and average repairs ran \$32

million per incinerator. These incinerator companies are reminiscent of the defense contractors with their hand in the taxpayers' pockets.

What is gained if for every three pounds burned you get one pound of ash to dispose of and 45% of the time the ash is hazardous, which is the case of Warren County where the cost to landfill that ash will be \$250 per ton? Also, not to be forgotten are the other two pounds which have not disappeared -- they have gone into the air as pollution for us to breathe and as gases that will contribute to the greenhouse effect. And no one ever mentions that for every pound of garbage burned, four pounds, one-half gallon of our precious clean drinking water is consumed.

If you are ever told that dioxins will not be produced in every incinerator, you are being lied to. Dioxin production is a scientific fact. The only question is how much will be produced?

In Hempstead, New York, after dioxin testing revealed consistently high contamination, Hempstead elected to destroy their incinerator at a loss of \$135 million rather than threaten the health of the entire area.

Dioxin is so toxic that even minute quantities are devastating. For example, it has been estimated that there is a cup full of dioxin in all of Lake Ontario right now. And it has already had a serious impact on the lake and is being amplified in the food chain. It has also been estimated that a single shovel full of dioxin in Lake Ontario would render the entire lake unusable for food products or normal recreational purposes.

In New York State, Dr. Arnold Schecter, Professor, Preventive Medicine at the University of N.Y., reported mothers' milk was found to contain levels of dioxin which would give cancer to 50% of the rats injecting that quantity.

New Jersey is already number one in cancer. Cancer is currently the leading killer of children aged one to 10 and women aged 30 to 40. To run incinerators which will dump biologically large quantities of dioxin and many other carcinogens and hazardous chemicals into our air is insane. Experts have concluded that 80% of all human cancers are likely to have been environmentally induced. Also, scientists have identified almost 300 different chemicals as by-products of incineration.

The quantities of pollution emitted by these incinerators is staggering. Huge quantities of hydrochloric acid, sulfur dioxide, nitrogen oxides, carbon monoxide, lead, cadmium, mercury, arsenic and dioxin to name few; also, ultra fine particles, particles so small that over a million of them will fit on a period at the end of a sentence -- particles so fine that their emission can not be prevented and the human body has no defenses against them. They are laden with lead, cadmium and miscellaneous chemicals, and are breathed into the deepest recesses of our lungs, and can travel for hundreds of miles from an incinerator site.

On top of all these immediate health risks you have the extraordinary amounts of carbon dioxide produced. Actually, 40% of every pound put into an incinerator is emitted as carbon dioxide, one of the most prominent greenhouse gases. The President of the National Academy of Sciences, the National Academy of Engineers, and the Institute of Medicine have concluded, and I quote, "We believe that the global environmental change may well be the most pressing international issue of the next century."

What can we do instead of incineration? Since incineration still requires landfilling of approximately 30% of the waste stream as ash, that leaves 70% to be addressed in order to match incineration.

Based on national averages -- these are national averages -- as to the composting of municipal solid waste, we find that it is 9% metal, 8% glass, 7% plastics and at least 6% newspapers that can all be readily recycled. That is a total of 30%. There is an additional 35% of paper products which can be recycled or composted. There is also 18% yard wastes and 8% food products which can produce a high grade compost. These all add up to 91% of the municipal solid waste stream. And the savings in energy and pollution to produce these products from recycling instead of from scratch is tremendous. For example, besides the energy consumed and the pollution produced, the recycling of the print run of just one Sunday edition of The New York Times would save 75,000 trees, trees which reduce the carbon dioxide in our atmosphere.

Gentlemen, Bill A-4105 is absolutely necessary in order to stop this rush to burn. It will give the opportunity for the truth to be given to the public so that during the moratorium a new more definitive bill outlawing all municipal solid waste incineration in our State can be put into place to protect our economy, our health, our future generations, and our planet. Thank you. (applause)

ASSEMBLYMAN ROONEY: We are now roughly an hour behind. We have Lori Gold, Solid Waste Advisory of Warren County and, I believe, Jim Fiola with-- Dr. Livelli could you please give the copy of your testimony to the--

MS. LOMBARDI (Committee Aide): Yeah, he just did.

ASSEMBLYMAN ROONEY: Oh okay. I'm sorry looking at this. Thank you very much.

L O R I G O L D: Good evening. My name is Lori Gold and I am from Warren County where, as you know, we have the first solid waste mass burn energy from refuse incinerator operating in New Jersey. I'm not an expert, but I am the recycling coordinator of my town, and I've been a member of the Solid Waste Advisory Council of Warren County.

In June of 1988 we asked to be informed of the testing schedule and the results of the monitoring being done at the plant. And we've been told so often that the plant was being carefully monitored that it came as a great disappointment to find out that the State is doing no ambient air monitoring in Warren County.

At SWAC's request, the financing authority, the Freeholders, and Senator Dumont requested that air monitoring -- that ambient air monitoring be restored in Warren County. We got our answer in March of this year and the answer was, "No."

In a letter rejecting our request for ambient monitoring we were informed by the DEP of a pilot program. This \$200,000 project will, "Assess the impact of an incinerator's operations and determine what, if any, routine monitoring should be required at all facilities." The letter went on to say the site for the study had not been selected. As of now, it seems that Warren County will be the site.

But understand, they're telling us up-front, that this monitoring is not for us. It's to determine what should be required in future permits. Meanwhile, this continuous stack monitoring that we've heard so much about turns out to be for only five pollutants -- four pollutants: carbon monoxide, oxygen is being tested, nitrogen dioxide opacity, and sulfur dioxide. Four potential pollutants out of the wide spectrum that we've been warned about. The others, including dioxins and furans are tested only once every five years.

Once every five years, Blount -- that's the company that owns Warren County's incinerator, that built it -- is required to test for the hydrogen flouride, nitrogen oxide, sulfuric acid, lead, mercury, trace metals, non-methane hydrocarbons, 2378 tetrachlorodibenzo-p-dioxins, polycyclocarbonic hydrocarbons, total polycholorinated dibenzo dioxins, and total polycholoronated di-benzo furans, and benzopyrene. And once a year they must test for particulates and hydrogen chloride emissions.

The SWAC was told that the first five-year testing was done at the end of November, beginning of December 1988. And that the preliminary results indicate that the plant is within the permitted levels of pollution of all substances. When asked how we could be assured that the testing was done under representative conditions, since during that time period Blount was fined for, among other violations, not keeping good records including boiler temperature, Mr. O'Sullivan of the DEP said that that was a good question and they were looking into it and maybe more testing would be required.

Since that time the DEP, due to irregularities in Blount's original testing method, is requiring the retesting of eight pollutants. So Blount will be required to test for these eight pollutants one more time before the five-year testing schedule timetable begins.

While I appreciate the DEP's efforts to get reliable test results, the amount of testing is still unacceptably lax. I would hope that the permits for proposed facilities require better monitoring than we're told we have to live with.

Also, in trying to understand what the permitted levels mean, a local scientist told me that the mercury revealed in that once every five year test would release 375 pounds of mercury into the environment. He said that using the Federal standard of two parts per billion, 23 billion gallons of water would be polluted -- twice the volume of our Spruce Run recreation area.

My point in telling you all this is that I believe the cart has been put in front of the horse. We have a 400 ton a day facility operating 24 hours a day, and the DEP will soon begin a pilot program that they describe as a modest sampling network to test the soil, the air, and vegetation in order to find out what pollutants need to be monitored. A DEP scientist discussing the present monitoring schedule called it a massive oversight.

While the DEP is backing incineration as the only proven technology to solve the solid waste crisis, I want to suggest to you that before any more incinerators are built, we need this information. We need to know whether the promises of safe and practical garbage burning can be met. The data is not in, and I believe necessary information is not being adequately collected.

As a citizen of Warren County, I'm paying for our facility, and I greatly hope for its success. Those who live in other counties should be carefully watching our plant for two to five years assessing its true costs, its performance record, checking the air quality results, limited as they are, testing the birds and the fish for dioxin levels, and help us make sure that the monitoring is done often and well and that the regulations are enforced.

Warren County's incinerator should be examined, not with an ostrich mentality, but a hawk's eye vision. The DEP says the Warren County ambient air monitoring system which was in place until 1987 when it finally was removed-- They removed it in parts, and it was finally removed in '87. It was removed for budgetary reasons. It does not make sense to me to have our society invest so heavily in this technology without spending whatever money it takes to evaluate the test case we have in Warren County.

Meanwhile we must invest in recycling. Let's make the packaging industry part of the solution. Let's encourage private industry in every way possible to put its brains into solving the problem. Let's get the garbage haulers into the recycling process. There's money to be made. Let's encourage government to subsidize industries that use and make recycled materials, the way it is now subsidizing and providing loans for incineration. Each of us must be responsible about what we purchase and how we dispose of what we don't want.

Although recycling gets lip service as coming before incineration, I can tell you by Warren County's experience that recycling gets shortchanged, while incineration eats up the big bucks.

Now just a word about the ash. In Warren County we're producing about 100 tons a day of ash. The ash has failed many times for lead and for cadmium. It has not been tested for dioxin.

The State of New Jersey is planning on spending \$800,000 of State recycling research money from the DEP budget for a project to use ash in asphalt. The total one-half mile project is estimated to cost \$1.8 million. No one yet knows of the bio-availability over time of the toxins in ash, although in the Netherlands they are in the midst of a two-year road project, and according to an EPA official they may have to remove all the roads because of the pollutants that have leached out.

Among other problems, mercury produces neurological damage, and lead causes mental and physical retardation. Both are especially damaging to children, as is dioxin. Cadmium causes emphysema and other respiratory problems as well as contributing to kidney disease and lung cancer.

I keep asking myself, why are we putting all our eggs into this one basket? I've been thinking recently about how this generation is facing new challenges that we must come to terms with. We can no longer make reckless technological choices. We cannot afford to pay for the failures. Our economy no longer has the kind of capital to cushion our mistakes. Local, State, and national government budgets are stressed, and we cannot afford to further poison our life support systems of air, water, and soil because the environment is showing signs that it cannot absorb more toxins without poisoning us. We need to be very prudent. We need to develop an environmental ethic which means making sure that we do not

selfishly use up and poison this beautiful planet, Earth; but instead love it and heal it and nurture it and leave its beauty and sustenance for generations to come.

A moratorium on garbage burning will give us an opportunity to evaluate the Warren County plant and explore and invest in recycling technology. I thank you for this opportunity to share my thoughts with you. With me is Jim Fiola, a local resident, who wants to discuss the effects of our incineration on the residents.

ASSEMBLYMAN ROONEY: Okay, thank you, Lori. By the way, I did make it a point to go out to look at the Warren incinerator. I was impressed by their operations. They have a very good crew there, and they're doing basically what DEP has asked them to do. So I can't blame them. I find more fault with what you said today as far as regards to DEP.

MS. GOLD: Yes.

ASSEMBLYMAN ROONEY: DEP seems to be the problem, and they're not part of the solution here. I've taken a lot of notes on what you've recommended and I also had some notes. I saw some of the glaring examples of -- not enough information, not enough monitoring. And they do have that great telemetering system that goes right into DEP, but my feeling is that there's probably nobody at the other end watching it. There's nobody listening, and I think that's what we're facing here. We've got to bring up better and stricter standards as regards the DEP and how they operate.

MS. GOLD: That's right. And one of the things that's happening is that SWAC has requested to get monthly reports of the monitoring. And the DEP say, "Yes, we will send them to you," and we don't get them, which makes us really wonder who is monitoring the monitor?

ASSEMBLYMAN ROONEY: I think we can make a request from the Committee that you be informed and be given the

information that you've requested. It's supposed to be public domain--

MS. GOLD: That's right.

ASSEMBLYMAN ROONEY: --so there's no reason why you shouldn't get it, so--

MS. GOLD: I just also want to mention that in Warren County there has been a change within the last month or two and there's been much more -- within the Freeholder Board and on the Pollution Control Finance Authority, to put the effort and the energy into recycling. So you're going to see some differences in Warren County.

ASSEMBLYMAN ROONEY: Thank you, Lori. Thank you very much.

ASSEMBLYMAN PASCRELL: Mr. Chairman.

ASSEMBLYMAN ROONEY: Mr. Fiola is here to testify.

ASSEMBLYMAN PASCRELL: Mr. Chairman, I just want you to know -- I should do it now -- but I'm going to enter into evidence later on tonight pictures of the Warren County plant in operation. But the pictures will indicate that they are in violation now.

ASSEMBLYMAN ROONEY: Thank you. Please, proceed.

J I M F I O L A: Good evening, Mr. Chairman, Committee. I'm Jim Fiola. I'm a resident of Warren County. I'm an executive committee member of the Safe Earth Alliance, the environmental group in Warren and Sussex County.

Today you will hear testimony concerning the pros and cons of mass burn incinerators in the State of New Jersey. What I offer you is a brief story of the Warren County experience with the incinerator and the impact on the town of Oxford, host of the incinerator.

When the site selection began, the DEP knew that because Oxford was such a poor town -- second poorest in the county -- and had a history of mining and quarry work, opposition to the incinerator would be limited. Also at that

time, little was known about the hazards of incineration or the alternative waste management such as recycling. The DEP with their experts and high priced consultants said the site was good because all the water needed was located right on the site. Local residents who had lived there all their lives said they knew for a fact that a plant like this would never support -- the water would never support a plant like this. Guess who was right? Water had to be pumped in 4000 feet from the Pequest River at a much greater expense just so the facility could operate.

Then the experts said, "We'll build a 400 ton day unit for 250 tons for Warren County and 150 tons for outside of the county." The expert didn't take into consideration the impact of recycling, and today Warren produces only 200 tons a day. Fortunately, difference in tonnage now comes from Somerset County. But again, the experts were wrong with their tonnage projections.

When Oxford was picked as a host community, it was told that it would receive \$250,000 and reduced rates on tipping fees. Over a year later neither condition has come to pass. The reason given is that the plant is still in the testing period. Testing, still after a year? Or don't they have the money to pay Oxford?

One reason that Oxford is so anxious to get the \$250,000 is to help offset the burden of the 500,000 gallon a day sewage plant that was put in. This plant services a community of 2800 homes. Oxford has 400 homes. The incinerator uses about 70,000 gallons a day or one-seventh of the capacity, but still the margin of difference is -- what's available is still not being used, and the taxpayers of Oxford have to pay for that difference for the oversized plant.

When you add up the high levels of lead and cadmium, the air monitoring, truck traffic, the smell, especially when you're downwind, ash discharge making film on cars and windows

on a daily basis, still the people of Oxford have taken this all in stride as if it were a burden that they were born to bear.

It's really sad that government and industry sold the people something they didn't need or really even want. They were misled and gave their trust to those who should have been looking out for their interests.

In terms of human misery, a local resident, Mrs. Papimko (phonetic spelling) who lives in the shadow of the incinerator is truly a victim. For three weeks in November of 1988 she was admitted to Lehigh Valley Hospital with a severe cough. Up to that point she had had no history of respiratory problems. Her doctors were unable to pinpoint the cause of her problem, and she was released when she became stable. At home she has to rely on a respirator to breathe, and she is homebound and constantly short of breath and suffers from watering eyes. Because she is downwind, her car's and windows of her house are always covered with ash, as are her neighbors'. Also, because of her health problems she was forced to sell her dairy herd. The farm is up for sale, and she desperately wants to leave it, but who would want to buy the farm right next to the incinerator?

The fact of the matter is there are thousands of Mrs. Pipimkos all over the State. They suffer all types of ailments and are victims of our industrial society. As a society that has produced more waste since World War II since the beginning of humankind, the question must be asked, "Who is protecting the public's health and well-being in terms of the environment?" It's surely not the DEP who is in bed with the incinerator industry. How can the Department in charge of the environment promote an industry that pollutes and destroys valuable resources?

Just a week ago Federal Judge Nicholas H. Politan issued a precedent setting ruling, ordering a New Jersey

company Paul Dufferin Terminals (phonetic spelling) to pay 3.2 million for pollution of coastal waters and establishing a fund that that money would be used to clean up the New Jersey environment. The judge said the company, combined with the lethargic enforcement of the statutes and regulations of the New Jersey DEP, has caused a continuing, if not constant, 11-year contribution to the pollution. It is indeed sad that none of the participants cared sufficiently about the public trust and environment to take meaningful steps to avert the tragedy. This case is a tragedy in many respects and demonstrates that government agencies, empowered with protecting the environment, are far from diligent in that regard. And he added, "The DEP is partially to blame for the continued pollution."

I'm sure that there are some caring and sincere people in the DEP, but the policy of the administration is to work with the industries that are creating the environmental havoc. The former head of the DEP and the number two man now work for companies that sell pollution control devices. First they sell you the machine to make pollution, then they sell you the machine that they say will clean the pollution from the machine they sold you in the first place. This makes no sense to me at all. Can the DEP really be trusted to protect the public interest when it comes to the incineration? I doubt it.

Try to remember where they're coming from and whose interest they try to serve. The goal of the DEP seems to be to manage industrial pollution, when it should be preventing it.

Without question there should be a one-year moratorium, even longer, to untangle this incineration issue and reorganize the priorities of the DEP to make this Department one that can serve the needs of the people, and not the needs of the polluters. Thank you. (applause)

ASSEMBLYMAN ROONEY: Thank you. The next people to testify will be from the Port Authority New York and New Jersey, Mr. Robert Rezzotti and Pat Maynard.

R O B E R T R E Z Z O T T I: Thank you, Mr. Chairman. Members of the Committee, Assemblyman Pascrell, I'm Bob Rezzotti, Senior Representative, Government Relations for the Port Authority of New York and New Jersey. I have a prepared text, but at the outset let me just see if I can't make it as simple as I possibly can. The Port Authority's concern is that our resource recovery facility in Essex County not be affected by any bill or amendments, and they not have any impact on that facility. That's really the bottom line.

There is no doubt that New Jersey, as well as the region, is in the midst of a costly and environmentally profound solid waste crisis. The Port Authority of New York and New Jersey recognize this fact, and in 1978 industrial development legislation adopted by New Jersey and New York, we were authorized to construct resource recovery facilities in urban areas within the Port district. Subsequently, the County of Essex approached the Port Authority to become a partner in the development of that county's mandated resource recovery facility to help solve its solid waste problem.

The Essex County resource recovery facility will be one of New Jersey's first state-of-the-art facilities. As a result of the New Jersey Department of Environmental Protection's rigid permit review process as well as the public processes mandated by the solid waste laws, the public is assured that the facility will be built to the highest of standards and will be operated in an environmentally sound manner at comparatively low cost to the county's taxpayers. It seems now, having successfully completed the lengthy and complex public process, and with the construction of the facility over 40% completed and scheduled for operation in December of 1990, that the possibility of delay in construction allowed under this bill would be catastrophic for the facility and the residents of Essex County.

Not only would the major participants of the Essex County Resource Recovery Facility be subject to this new uncertainty with the passage of the bill, but an additional burden would be placed on Essex County taxpayers who would be subject to current disposal costs for an extended period of time, estimated at over \$100,000 per day. This even assumes that such expensive out-of-state landfills would continue to be available. In addition, county residents would have to assume those costs associated with financing the project, demobilization-mobilization of construction already underway and 40% losses to the vendor, and escalated construction costs. The bill could have similar repercussions in other counties throughout the State whose resource recovery facilities have been completed or are under construction.

In summary, ladies and gentlemen, the Port Authority believes that the best interests of Essex County residents will not be served if the Essex County Resource Recovery Facility is subject to the provisions of A-4105 and the facility, we urge, be excluded from such provisions. Thank you very much.

ASSEMBLYMAN ROONEY: Thank you, Bob. I know that you're here to just-- You're not here as a technical expert, but I know one of the things that I'm concerned with and I intend to ask the question of the industry themselves, is what happens when you build an incinerator and you have a certain price of garbage and you don't get the garbage? I still believe this economic situation where garbage is going to float to the lowest cost. I believe the Essex facility is projected at-- And I want to compliment our staff at OLS-- The Office of Legislative Services did a super job in getting all of this information for us, but the Essex-- They say \$68 a ton. I find that hard to believe, extremely hard to believe. But I think Essex County did have the benefit of having the Port Authority subsidize a lot of the cost. So it's possible.

I don't think that this is a true total cost figure, the \$68 a ton is probably more like \$100 to \$120 a ton when it comes to that ash disposal. What happens when you have a situation where-- You know, and I'm looking at economic--

MR. REZZOTTI: Yeah.

ASSEMBLYMAN ROONEY: I know you're not a technical expert on the process.

MR. REZZOTTI: Thank you. I appreciate that.

ASSEMBLYMAN ROONEY: But the-- I'm concerned that maybe the bonds are going to be defaulted, and that plant is going to be a plant that just sits there and can't produce. That's a major concern of mine. It's also a concern that when we build these plants that what we do is we preclude the possibility of other technologies coming in and-- Because, as you said it, mandated the DEP, and I take that word right out of your own testimony-- DEP mandated that you do resource recovery. You're absolutely right, and that's part of the situation here. The only answer-- I mean, it was like somebody else said here today, what do you want the answer to be? And the answer the DEP wanted this to be was resource recovery incineration, and there was no alternative for any other type of technology except for resource recovery.

I've looked at a lot of the processes. I've been down to the OFRA process, I've looked at the Cottrel process, I've looked at the-- There's some testimony here that we're going to hear from Bioconversion, I believe. There's several other technologies that we're going to hear about. What happens when you say, "Well, you can't put your garbage anywhere else," and it has to go and it has to be \$125 a ton; when somebody can come along and say, "I can do it for \$80 a ton and it's going to be mostly recycling"? These are the things that I'm concerned with.

Maybe it's a rhetorical question, but--

MR. REZZOTTI: I will take it as rhetorical, Mr. Chairman. We are for good planning, and conceptually, we have no objections. We just are very, very concerned that our facility not be affected. The Committee has to do what it has to do, and the Legislature has to do what it has to do.

ASSEMBLYMAN ROONEY: But the-- When we lock ourselves into this resource recovery-- And I know what the solid waste orders are. The orders are, within each district you must deliver that garbage to that facility, and that was part of the plan originally. But as we found, it's not enforceable. We haven't been able to enforce it here in Bergen. We can't get people to bring the trash to the transfer station; not when they can go out-of-state on their own or go to some other facility or sneak into our landfill in Bergen County that Hudson County is using.

These are the things that we've seen, you know, just in the last two years. We can't control it. And if we can't control it at this level what's going to happen when it starts going up to these other levels of-- You know, right now, we've been pretty lucky with getting it out-of-state at \$105 a ton or thereabouts. What happens when it goes up to the \$120, \$140 a ton that we're talking about for resource recovery?

I see some major, major problems. And again, you know, I'm not an environmental expert by any way, shape, or form. Economically I think we've got a totally different issue here that we haven't even addressed but we'll try to address, and I believe Assemblyman Roma is going to have some amendments that will deal with that particular question.

So just for your own--

MR. REZZOTTI: Thank you, Mr. Chairman. I appreciate the time and the opportunity to speak on behalf of the agency. And I hope you appreciate our position.

ASSEMBLYMAN ROONEY: I do.

MR. REZZOTTI: Thank you very much.

ASSEMBLYMAN ROONEY: Assemblyman Gill has recently joined us and he is a co-sponsor of the bill. So what I would like to do is allow him the opportunity to come up and address us at the present time. Lou, we're probably about an hour and five minutes behind on our testimony, so anything you can do--

A S S E M B L Y M A N L O U I S J. G I L L: Rest assured, I will keep my comments as brief as possible, Mr. Chairman. And thank you for the--

ASSEMBLYMAN ROONEY: I can say that to a fellow legislator. It's difficult to say that to the other people here.

ASSEMBLYMAN GILL: Thank you for allowing me the opportunity to address you. Members of the Committee, Mr. Chairman, I am proud to be a co-sponsor of A-4105 because I think it's the right way to go. Mass burn incinerators as mandated by the State are being planned in New Jersey's counties -- 17 of the 21 counties. Passaic happens to be one such county, Bergen is another. In fact, two of the incinerators are planned in Assemblyman Duch's and my district, and one is in the City of Ridgefield and one is in the Borough of Passaic or the City of Passaic.

In Passaic County, the pressure to meet State imposed deadlines has resulted in our Freeholders siting the incinerator, which is expected to cost the taxpayers a minimum of \$150 million, in the middle of a densely populated neighborhood. The site is in Passaic adjacent to School No. 10 and also adjacent to the Beth Israel Hospital and one of our greatest industrial complexes, the Botany Mills, which is a growing, also, commercial area.

I believe these pressures that have been put on by the State may have contributed to the present siting of the mass burn incinerators. But we now have, through bipartisan legislation, an opportunity for a statewide moratorium on mass

burn incineration. And I'm very happy that Assemblyman Bill Pascrell together with Assemblyman John Rocco have sponsored A-4105 as the prime sponsors, and I'm proud to join them as a co-sponsor. I'm proud, because I think that the cumulative effect of mass burn incinerators must still be studied. It's not a sure thing at this point. In fact, in my opinion, it's a very hazardous way for the State to go and also a very expensive way for the State to go.

The moratorium on mass burn incinerators would enable the State Department of Environmental Protection to consider non-burning alternatives. Both nationally and worldwide, the trend has been to look toward safer and more cost-effective alternatives to mass burn.

There is much evidence that alternatives have been working in other states and in other countries, and I think if the State of New Jersey does not explore every alternative before plunging so many of our tax dollars and putting at risk and jeopardy the health of our citizens, we would be totally remiss.

Reports show that mass burn incineration may pose environmental as well as health hazards. According to one report, the incinerator in Passaic, the 1300 ton per day incinerator, would generate up to 350 tons of ash per day. This ash would contain 2000 pounds of lead, 32 pounds of chromium, 40 pounds of cadmium, 64 pounds of arsenic, all poisonous and possibly carcinogenic. Dioxin, sulfur dioxide, and ozone would also be products of mass incineration.

Why should we allow ourselves to be subjected to these hazards when certainly we can find safer most cost-effective and cost-efficient alternatives? I'm not opposed to the concept of incineration if we were to have one or two in the State which would be a supplement to composting and recycling. However to site 17 incinerators in the State of New Jersey in my mind, is just nuts. Thank you very much. (applause)

ASSEMBLYMAN ROONEY: I appreciate your brevity and I will continue with the regular list that we have. According to the list we're only at 5:30 so we're a full one hour behind. I have the Union County Board of Freeholders' representative. Is he here? Union County Board of Freeholders' representative? I don't know if we have a sign in slip for you but after your testimony, if you could fill in one of these so we know who you are and please state it for the record.

J O S E P H K A Z A R: Thank you. I'd be happy to. My name is Joseph Kazar. I am the Executive Director of the Union County Utilities Authority. We're the agency delegated by the Freeholder Board to implement the Union County Solid Waste Management Plan.

The Authority is vigorously opposed to A-4105 and we believe the vast majority of our citizens and their elected officials also share these concerns.

A-4105 would indiscriminately halt the progress being made in a number of counties to solve the extreme solid waste disposal problems faced today. We suggest that the projects be judged on a case by case basis to determine the need for the project, its associated benefits, versus any impacts.

Currently the garbage from Union County is disposed at various out-of-state locations at rates to the consumer generally in the range of 132.65 per ton, up to 136.35 per ton. These costs are a significant burden to the taxpayers and are a contributor to this year's dramatic tax increases.

While the high cost of waste disposal is a serious problem, the unreliability of out-of-state disposal is perhaps an even greater threat. Receiving states are adopting legislation with the purpose of stopping this practice. Within the past several weeks the State of Pennsylvania has instituted a program of harassment of New Jersey long-haul garbage trucks at the border. For the past year-and-a-half we have seen

harassment of the receiving landfills. These landfills are not a secure means of disposal and the Authority is hopeful, but not certain, that necessary replacement capacity, in the form of local resource recovery and landfill capacity will be available before these sites are closed to us. A moratorium of any length will expose the citizens of Union County to the prospect of chaos in the waste disposal system, with possible health impacts and risk of even higher disposal rates. This threat comes from not only receiving states, but also from the Federal EPA and Congress, according to recent statements of representatives from these bodies.

Union County's solution to this situation is threefold: recycling, resource recovery, and landfilling. We have had mandatory curbside collection of recyclables for two years and are reaching maximum participatory levels. Like other programs throughout the State, we are experiencing problems with the markets that take our recyclables and question how much more material can be accommodated by them.

Our resource recovery project was first placed into the Union County Solid Waste Plan in 1984. It then progressed through the procurement phase leading to a vendor contract, signed between the Utilities Authority and Ogden Martin in October 1987. The Authority has purchased the site, received the draft permits, and the required public hearings have been held just this past August. The Authority has spent millions of dollars to date to bring this project to its current state and plans to finance and start construction within the next several months.

We would not be moving so aggressively to construct this facility if we weren't convinced that it is cost-effective and environmentally safe. We estimate countywide waste disposal savings of at least \$25 million per year when this facility start operation. Residents will have efficient waste disposal ensured for decades to come, rather than the uncertain future now controlled by hostile neighboring states. The

environmental impact of this plants operation has been thoroughly evaluated over the past two-and-a-half years. Our project will have combustion controls, particulate, gas scrubbing, and nitrous oxide pollution control systems that represent the cutting edge of environmental protection. Emission data has gone into a health impact assessment, and it has been demonstrated that this plant is safe and will not cause serious health impacts.

Perhaps the most important fact, which we would like to bring to your attention today, is the overwhelming support this project has throughout Union County. Citizens and their elected officials from throughout our 21 municipalities and at the county level are constantly asking when construction of this necessary project will begin? They clearly believe it is a necessary and appropriate solution to the waste disposal needs in Union County. The host community, which is the City of Rahway, stands solidly behind this project. The citizens of that community endorsed a site specific referendum in November of 1985 after the issues was widely debated. A host community agreement exists between the Authority and Rahway which, in addition to financial concerns, assures the host community of significant input in the project through a voice on the Utilities Authority which will own the facility. As recently as June of this year, Mayor Martin of Rahway expressed his opposition, in writing, to the concept of a moratorium.

We would hope that the Committee, as well as other elected officials, will consider the will of the people in this matter. In Union County the citizens have voted to support his project. The elected officials have acted to support it. The project is cost-effective, meets all laws and regulations by demonstrating its environmental integrity, and should be allowed to proceed.

The Authority adopted a resolution opposed to the moratorium legislation on May 10, 1989, which I would like to present to the Committee. Thank you.

ASSEMBLYMAN ROONEY: Just one question I have. I've got a list of most of the counties and what their estimated fees will be. Do you have an estimate of what Union County's would be?

MR. KAZAR: The most recent tipping fee estimates are \$86 a ton. Clearly, those estimates could go up or could go down based on interest rates and energy revenue and so forth, but right now that's our best guess, and it's also a very conservative estimate.

ASSEMBLYMAN ROONEY: That doesn't take into consideration any of the ash disposal?

MR. KAZAR: Yes, it absolutely does.

ASSEMBLYMAN ROONEY: It does.

MR. KAZAR: It includes significant cost for ash disposal.

ASSEMBLYMAN ROONEY: Okay, that's interesting. All right, thank you very much. Let's see-- Yeah, please fill one of those out. We now have Lee Pereira and Marwan Sadat, let's see, from the Mercer County Improvement Authority. Is Dr. Sadat here?

L I N O F. P E R E I R A: Apparently not. I think he's been detained, Mr. Chairman. But I received a fax from the Improvement Authority of prepared testimony, and I'd like to take the liberty to offer it into--

ASSEMBLYMAN ROONEY: I'd like say that Dr. Sadat was a former DEP Deputy Commissioner. I think Dr. Dieso replace him, if I'm not mistaken.

MR. PEREIRA: Dr. Sadat was Director of a former agency in the Department called the Division of Waste Management which was in charge of both solid waste and hazardous waste. And so he was not an assistant commissioner but in charge of a division, one level below that.

ASSEMBLYMAN ROONEY: Okay, I guess it was Debonis, then. Was that--

MR. PEREIRA: Debonis, then afterwards--

ASSEMBLYMAN ROONEY: --replaced Sadat.

MR. PEREIRA: It would take me a half-an-hour to explain all the organizational changes.

ASSEMBLYMAN ROONEY: I have a hard time keeping up with the revolving door of the DEP.

MR. PEREIRA: It's a little difficult. (laughter) I'm a part of that revolving door, Mr. Chairman, and I appreciate the opportunity to be here. I had asked last week to be listed among the scheduled speakers and just yesterday was given the opportunity by the Mercer County Improvement Authority to speak for them. I wear the hat of speaking on their behalf as well as a number of other hats.

I worked for DEP for 16 years, from 1970 until 1986, so I'm kind of burdened with the terrible perspective of having been around when the Solid Waste Management Act was first enacted 19 years ago. It was amended 14 years ago to put the counties in charge of solid waste and has been amended lots of time since then. I would suspect that there is not another statute that's gotten so many amendments during the 1980s anyway, as the Solid Waste Management Act. And one of the problems with waste flow enforcement is probably if you read the enforcement provisions of the Solid Waste Management Act, it seems like every year they were beefed up, but they were not necessarily beefed up by removing the old section. So it's hard to figure out even what a penalty is, because penalties range from \$1000 up to \$25,000, and it's hard to tell which applies to which violation. That's just an example.

I've deviated from my text. I have given you Dr. Sadat's testimony. I expected to speak after him. Like him, as I say, I've served at DEP. For the last three-and-a-half years, however, I've been employed as an investment banker with a securities firm headquartered here in New Jersey. I had the opportunity in the last three-and-a-half years to finance

projects like hospitals, homes for senior citizens, roads, sewage treatment plants, and some solid waste facilities. So I am familiar with the area, in addition to my 16 years with the DEP.

Almost a year ago -- almost exactly a year, it was a year ago this week -- Governor Kean appointed me to the New Jersey Advisory Council on Solid Waste Management which is the State-level equivalent of all the county SWACs that we know exist -- the Advisory Councils in each district -- and I've served as Chairman of that Advisory Council since last year. We've done some good work. We looked very closely last year, held a public hearing on the subject of source reduction, and made some affirmative recommendations for beefing up the State's role in reducing the amount of waste that's produced, reducing packaging, and looking at things like the insurance standards and so forth for transportation, and doing something about cutting back on the amount of waste we produce.

This year, in fact, we're looking at waste flow enforcement. And you're quite right, Mr. Chairman, that's a very difficult problem because almost every county has been told that the law works a different way from what the next county has been told. Every county counsel seems to be giving a different kind of advice to each county. County prosecutors, county health agencies are all pursuing this in a different way, and it really is something of a mess and needs to be put together. So I'm pleased that the Advisory Council chose that subject this year, and we hope that when we finish our public hearing on that subject, we'll make some strong recommendations to DEP and hopefully to the Legislature on that subject.

Now with that lengthy introduction out of the way, let me get to the point of my testimony. I tell you this: I believe that this bill, and it's only about two pages long if

you don't count the statement that goes with it, is actually wasteful of energy, is actually harmful to the environment, and will cost an enormous amount of money.

This bill has been described -- and indeed the notice for this hearing I noticed, basically describes this as a bill to appropriate \$75,000 to do an environmental study. Yet, everywhere I go, they call this the moratorium bill. I think even the people who have gotten up here and spoken in favor of it, think of it as the moratorium bill. They've asked for it to be a longer moratorium, maybe a permanent moratorium on resource recovery. And so it really is-- The real crux of this bill is to stop for awhile, at least a year, maybe two, maybe longer, and not go forward with resource recovery facilities.

Since most of the contracts for resource recovery facilities have an initial period of about two years in most cases during which time the parties have to go out and try and get the permits and meet a lot of other, what we call, "conditions precedent" in the contract-- You may remember that, Mr. Chairman, from Bergen County. Most of those contracts can just go away if they are delayed by more than two years from when they're signed. A few in New Jersey already went out to two years and been renegotiated, and the price has gone up -- not surprising -- for building those facilities. If there is a moratorium, virtually every contract that's been signed so far will run out, and they will be renegotiated or reprocured, and the price will go up. So there will be a cost associated with delaying the construction of these facilities. Every one of these facilities is on a track where the cost of construction is tied to some escalator. The escalator in recent months for construction of these facilities has been going faster than the inflation rate. So the cost is going up.

Now, 14 years ago when the Legislature -- not the DEP, the Legislature -- said to the county freeholders, you develop

a plan and implement it that includes "the maximum practicable use of resource recovery..." Now when they said that 14 years ago, there were over 300 operating landfills in this State. And for every two tons of New Jersey waste we put in there, we had to suffer a ton from New York City or Philadelphia, mostly New York City. Those landfills cost us total, for disposal of our municipal solid waste, (indiscernible) hazardous waste, \$75,000 a day, about a penny per person per day is what it cost to get rid of the waste 14 years ago when the Legislature said, "Let's go to resource recovery."

Today more than half of the waste is shipped-- First of all, it goes to transfer stations, which are wonderful things, where a couple of trucks go in and the waste is dumped and then it's packed into a bigger truck which then drives away. Now if there isn't a traffic impact associated with that, I'm not sure that we should be spending any money studying the traffic impact with having on-site facilities, yet more trucks driving back and forth.

Those trucks travel to places as far away as upstate New York, western Pennsylvania, Ohio, Michigan, West Virginia, and I've heard even Kentucky. It goes to those places at a cost that is something like \$2 million a day. Now we used to take care of all of the waste in the State for \$75,000 a day, and now the little bit more than half that goes out-of-state costs us about \$2 million a day to get rid of. And that waste is going to resource recovery plants or recycling facilities or ORFA or any of the other alternatives, it's going in the ground. It's being landfilled, and the stuff that's in that waste is exactly the same stuff that would go to the incinerator. It's exactly all the metals that you've heard about, which are still being shipped around, moved around from one truck to another, shipped 100 miles, 1000 miles, and being dumped in the ground. That part hasn't changed, just the location has changed. I suppose if we were dumping it all

back in New York City now, it might be fair, but I'm not sure that it's fair to send it to Michigan or Kentucky or some of those other places. And I don't think that we should be so parochial as to say, "I don't care if we pollute those other states," because I care if we pollute those other states. I don't think we should pollute anyplace.

The other half of our waste, or a little bit less than half, costs us about \$600,000 a year to get rid of. It costs about half as much to get rid of it in an in-state landfill as it does to go out-of-state, and that's part of the problem with the waste flow enforcement; you're right. It's cheaper to go to in-state facilities, so haulers try to find a way to get it out of the system and send it to the cheapest facility, and I don't think they pass those savings along to their customers. I'm sure they line their pockets with it. So we're being ripped off to the tune of tens of millions, maybe hundreds of millions of dollars a year because of those waste flow violations.

I guess, I tried to figure it out, that we probably spend-- We use between 20 and 30 million gallons of diesel fuel a year shipping our waste to places that some of us have never even had the opportunity to visit. They're pretty far away. If we just sent half of our waste to waste energy plants, we'd be producing about 2.6 billion kilowatt hours of electricity a year, and we'd have a system that conserves fossil fuels instead of waste them. That's what the Legislature had in mind, I think, in 1975 when they adopted the amendments to the Solid Waste Management Act, and that's one of the reasons that many of us have supported resource recovery for many years.

A moratorium, I think, will mean shipping more waste to out-of-state landfills, most probably further away, because while the Supreme Court has ruled on the states' inability to discriminate against a source of the waste, we in New Jersey have succeeded in kicking out the out-of-state waste. We

developed a county planning system and we said we're going to put a finite life on all the existing facilities, and counties are going to develop their own facilities and don't have to take anybody else's because the Supreme Court clearly said, if you have a government owned facility, it doesn't have to take somebody else's waste. And Pennsylvania passed a law a year ago -- over a year ago, a year-and-a-half ago -- that says almost exactly that. It says, all the existing landfills in Pennsylvania are capped as to the amount of waste per day that can go in there, and their permits are capped and every county is in charge of figuring out where the waste is going to come from. So they have imposed a regulatory system like ours that's designed to keep us from putting waste in there. Ohio is trying to do that. Michigan has moved in that direction. Virtually every state that's been receiving New Jersey's trash has reacted by trying to protect itself. You can't blame them. You can't blame them at all.

So we're going to see, having to ship the waste further away-- We're going to see that a small remaining space in those other states become more and more expensive. This is not a popular time to call yourself an investment banker, you know, but I can tell you right now where the big money is for investment bankers: brokering landfill space. I have never seen so much money as when we have to buy space -- air, you have to buy air in landfills in other states. I have seen figures for what it costs to buy landfill space in another state. If you're a venture capitalist and you go ahead and you market that someplace like New Jersey, you can make 1000%, 3000% return on your investment. And investment bankers get 5% or 10% for being the brokers. I'm in the wrong end of the business. I represent the towns and the counties who, unfortunately, are being held up and have to pay that price to send their waste those long distances to get it dumped into the ground.

So I think the cost is going to go up. I think it's clear it's going to go up. If we delay by a year or two, we're going to keep paying more than \$100 a ton to ship it out-of-state, and we're going to pay even more than that. One of the things about resource recovery is that it makes energy revenues, and the energy revenues balance the increased operating cost from year to year. And the old saw used to be that, "It's very politically difficult to build a resource recovery facility because it's so much more expensive than the alternative." However, it's like buying a house. It's expensive at first, but the mortgage gets easier to pay every year because of inflation and because the cost remains relatively stable over the life of the facility. Even so, right now the average cost of developing a resource recovery facility is about the same as the cost of going out-of-state, even less.

So, the alternative of putting it in the resource recovery facility is more attractive economically in many cases than putting it in that transfer station and driving it round-trip 100 or 1000 miles.

So I would guess-- Again, these are only guesses because I have no idea. If I set up my calculator and tried to figure it out, that the cost of a one-year moratorium, and increased out-of-state disposal, and the escalated cost of constructing the resource recovery facilities, and the lost energy revenues amounts to between \$400 million and \$500 million for a one-year moratorium. A two-year delay could easily cost more than a billion dollars in increased costs.

Those are the figures, the way I see them. I don't see that we're going to miraculously find a way to recycle all this stuff during this two-year moratorium. I've looked at all of those plants. I've looked at a lot of them, anyway. They don't have a track record. They usually don't have the financial stability to go forward.

Resource recovery plants are an industrial process, a boiler that makes electricity and burns the waste. There are lots of those in the State. These will add some air pollution. These have heavy metals. You've heard about the heavy metals. They're in the waste. They're going into the ground now. You know, what happens to it when it goes into the landfill? Does it come out after 40 years as leachate? And then what happens to the leachate?

Well, we make landfills very expensive now. They have two liners. You collect the leachate with all these pipes and you put it in a treatment plant and you make a sludge with all the heavy metals, except for the ones that get out into the effluent and get into the water. And you take the sludge, and you either incinerate it or you put it into another landfill so that you can keep washing it through. And there's a lot that's been said about the people here who are concerned about those heavy metals. That is correct. But I don't think a ban on resource recovery is the answer to that heavy metal problem.

We need to go forward with resource recovery as a solid technology and address the problem of those pollutants that are persistent in our waste stream, and get them out of the waste stream before they ever get buried or burned. That's the problem.

Resource recovery didn't invent heavy metals. You can't change a heavy metal into something else. If you could, alchemists would long ago have changed lead into gold. You can't do that. These are elemental materials and they are persistent, and we should stop using them in the stuff that ends up in our waste stream. We should stop using them because we don't want them in the landfills, as well as we don't want them in the resource recovery plants.

Now, let me change gears for just a minute because until now, I've been describing what I think are the negative aspects of this bill if it should become law. And I confess

that I really didn't come here to ask that this bill not become law, as most people have either said we should either enact this or not enact this. I'll tell you the truth, I'm sure that you've had the unhappy experience of voting against a bill that somehow was subsequently enacted into law. And I think that the Legislature sometimes makes a mistake. I don't think it very often makes a mistake that costs a billion dollars, that wastes a lot of energy, and that causes increased pollution to the environment, so I don't seriously believe that in final analysis, this bill would become law.

But I do believe that it is already having its effect, because it's has taken 14 years to get here. Fourteen years ago the Legislature said there was a solid waste crisis. Well, a lot of counties in this State right now are in worse shape than they were 14 years ago. So we haven't made a lot of progress in some counties. Not everybody has been as progressive as Mercer and a few other counties have been, so we're in worse shape than we were 14 years ago.

Part of that is because the planning process is cumbersome, and part of it is because that sometimes it takes years to get a permit out of the DEP, but mostly it's because there isn't such a thing as a popular solid waste siting decision. I've seen Freeholders be very severely criticized for siting recycling facilities. The vast majority of Freeholders that I've spoken to would gladly give this job to somebody else. Usually they say the DEP: "Let's give it to the DEP. They caused the problem." I'm not sure that DEP did cause the problem, but they can always make a problem seem worse.

The truth is that Freeholders are looking for any excuse to not act. And I've heard Freeholders around the State saying, "We shouldn't move because the moratorium bill is still being considered by the Legislature." And in effect, Mr. Chairman, members of the Committee, this bill has already imposed a moratorium in many places. This has been this year's

reason to wait until after the election as there have been lots of reasons to wait until after the election of the year, which is why we're spending over \$2 million a year just to ship the waste out-of-state.

So I think, I'm going to ask you, not to just not enact this bill into law, but I'm going to ask you to not report it out of Committee. I'm going to ask you to not report it out decisively because as long as you keep considering it, or you shift the burden to the full Assembly -- and you keep shifting the burden -- it's going to be an excuse for not doing the right thing. Thank you.

ASSEMBLYMAN ROONEY: Lee, I just have to answer some of your comments, and I know you were with DEP, the problems that we have is that when you look at the facilities that are planned, anyone with any background can see that there are too many facilities. And I've said it to previous speakers, when, you know, you're saying that Mercer -- and I've got Mercer down -- your facility is 1500 tons a day. No, I'm sorry.

MR. PEREIRA: No,

ASSEMBLYMAN ROONEY: Nine-seventy--

MR. PEREIRA: Nine-seventy-five.

ASSEMBLYMAN ROONEY: Nine-seventy-five, operation 1993, roughly, Mercer County-- I'm looking at the cost of these facilities. What happens when you don't get your 975 tons a day?

MR. PEREIRA: Mercer has, you know, a full range of options. We helped finance a recycling facility. We helped finance a transfer station. We helped them spend \$30 million buying landfill space in another state.

ASSEMBLYMAN ROONEY: But what are you getting today? What's your actual garbage--

MR. PEREIRA: The tipping fee in Mercer is about eight--

ASSEMBLYMAN ROONEY: No, no, no. What's your actual garbage to your transfer station?

MR. PEREIRA: It's almost-- Well, actually, it's a lot more than 975. The 975 accounts for the 25% recycling and the unprocessables in the waste stream. And that is now all going through the Mercer County Improvement Transfer Station. In fact, they're getting a little more tonnage than what they had. The fee is about \$80 a ton. Projected tipping fee in 1992 or '93 whenever this plant-- The plant has already slipped the schedule somewhat because of the permitting process. I think it's late '92 or early '93. The projected tipping fee is just under \$100 a ton, the last time I looked at it anyway. There's a model that projects the tipping fee.

ASSEMBLYMAN ROONEY: Well, you know just-- I hadn't gotten that information until you mentioned it, but looking at the fees, we're looking at Bergen, at \$65 a ton projected, Burlington \$45.99, Camden \$63.15-- Let's see the other Camden plant which I believe has been scrapped, \$85 a ton, Essex \$68 a ton, Gloucester \$84.60, Hudson \$57.17, yours is \$100 a ton, Middlesex is \$48.22, we have a blank on Monmouth, Morris is \$122, so they're the highest. What's going to happen when the carters find out that they can go to Burlington, for example, \$45 a ton -- which is a small plant so let's not go there -- \$65 a ton for Bergen or Middlesex which is a major plant 2250, \$48.22? Do you think they're going to want to pay \$100 a ton to go to your facility.

MR. PEREIRA: I don't think they are. They don't want to do it now.

ASSEMBLYMAN ROONEY: You cannot, right now, control where the garbage is going.

MR. PEREIRA: Well, that doesn't mean you can't control it next year or five years from now. I think you're talking about a problem of waste flow enforcement that has not

been handled well and that can be handled well. Sure, you have that problem now, paying \$105 in Bergen County, the stuff is slipping down to Middlesex or someplace else.

ASSEMBLYMAN ROONEY: But Lee, you've got to admit, and the basic intent of this bill, when I first looked at it, was to reduce the number of incinerators. Now I have no problem with stopping them all because there are alternatives, and I've seen that there are alternatives. But the point here is that even with your philosophy, you should be looking to reduce the number. Eighteen incinerators is insanity. Anybody in their right mind, especially a banker who says, "Well, all right, I'm going to build this incinerator, this is the price of it. I'm going to pay for my bonds and do what I have to do--"

Then you watch all these others go up-- You're going to see just a preponderance of resource recovery plants. You're going to see costs that are up and down the line. You're going to see situations where recycling-- We're going to mandate it. We're going to mandate minimum 50% recycling. I see that coming, without any hesitation whatsoever. Once we start doing that, we're pulling more and more fuel away from your resource recovery plant. Once that's mandated, you guys are going to have less and less and less.

I don't see any plan whatsoever to actually phase down the amount of garbage that we're going to burn or the number of facilities. And this is-- You know, you could have convinced me a couple of months ago to go for regionalization, to go for phasedown of the number of incinerators. You could have convinced me of a lot of things a few months ago. But what I've seen in the last few months both from the environmental standpoint and from the standpoint of what DEP hasn't done-- With all the messages that you say that we're putting out from this Committee, and boy, am I glad that you said that because I'm glad that this Committee has had that much of an impact-- If we've stopped one plant, I consider that a major goal and a major accomplishment of this Committee.

I know we've stopped one. That one is in Camden County. I know we're stopping another one. As many plants as we can stop, I feel that this Committee has done a super, super job. And I have no problem saying that; I'll say it on the record. And the longer we consider this bill, the more plants we stop, the better I feel.

So, Lee, I have a basic disagreement with you on just your premise that we shouldn't be considering it.

MR. PEREIRA: Well, it's clear that we have a basic disagreement, and I guess time will tell. I don't think it takes much to stop a facility.

ASSEMBLYMAN ROONEY: But if you and the industry and the DEP had come to us earlier and said, "Okay guys, wait a minute. We realize that this is wrong; that there's too many." It's just, you know, overwhelming what you've done to us. And to stand there bald-faced and say to us, "We're going to go with 18 incinerators, and we don't like what you're doing, that you're trying to stop us." That to me just flies in the face of common sense.

MR. PEREIRA: Let me stop for a moment because I understand what you're saying, And I want to first say that I keep hearing DEP mentioned with the industry. I worked there for 16 years and I never dealt with the industry in anything but an adversarial role. Okay, so we're not the same people. We act-- In fact, if anything, the industry thinks we're a pain, when I was with DEP. I haven't been there in three-and-a-half years. But we take-- We're very difficult on permitting. We have the toughest laws in the country on permitting, and we've always made it difficult.

Now you have said that even Dick Dewling has said there would never be more than eight. Before him, Commissioner Hughey said that he didn't expect to see 21 facilities. You know, and I think that even that is true, that what we expected to see--

ASSEMBLYMAN ROONEY: But they forced us into 21, or into at least 18. That's what they've done.

MR. PEREIRA: That's not the case. What the legislation says is that every county has to have a plan with the maximum practicable use of resource recovery. Every county did that.

ASSEMBLYMAN ROONEY: Maximum practicable use of resource recovery. Right.

MR. PEREIRA: Every county did that. Some of them said, "We're too rural. We're going to have just landfills." And what we've seen is some have said, as in the case of Warren, "We'll take waste from some place else."

I think what Commissioner Hughey thought and what Commissioner Dewling thought is that these facilities, some would happen, some would not. They would begin to share the space and that this would develop. Not every facility in the State goes on-line on the same day. We're not building 18 facilities on one day. They're all spread out on a schedule.

ASSEMBLYMAN ROONEY: They're all spread out from 1990 to 1993 with one in '94--

MR. PEREIRA: There's a--

ASSEMBLYMAN ROONEY: --or two in '94.

MR. PEREIRA: You know why, because the DEP has a policy that says self-sufficiency.

ASSEMBLYMAN ROONEY: By nineteen--

MR. PEREIRA: So all the plans say--

ASSEMBLYMAN ROONEY: Absolutely.

MR. PEREIRA: --we're going to be self-sufficient by that date, okay? But you know, the statute said, implement this plan by 1977. That's what it said: Develop a plan by 1977 and implement it. So here we are 12 years after that and only one resource recovery plant, almost no landfills, most of it going out-of-state. So you know, when DEP says, "Have them all on-line, 18 facilities," well that's self-sufficiency by

1992 or '93 or '94, whatever it is. You don't seriously believe that we're going to have 18-- You can't build them that fast. You know, they're going to happen little by little.

ASSEMBLYMAN ROONEY: But what is the buying market--

MR. PEREIRA: I think they're sound facilities.

ASSEMBLYMAN ROONEY: But what's the buying market doing approving these bonds? They're being sold. And they're out there-- There's all indications that they're going to go full steam ahead, that's my problem. Lee, I don't want to cut you off.

MR. PEREIRA: Well I'm not-- All right.

ASSEMBLYMAN ROONEY: But we have some food that--

MR. PEREIRA: Thank you.

ASSEMBLYMAN ROONEY: --was brought in for us. We are over a half-an-hour late on our dinner break.

MR. PEREIRA: I'm sorry.

ASSEMBLYMAN ROONEY: We will take a few minutes out. I'll try to get back as soon as we have a break for dinner and some restroom calls, whatever have you.

MR. PEREIRA: Thank you.

ASSEMBLYMAN ROONEY: We have Mr. Gordon and Mr. Hoyle. Mr. Gordon.

M I C H A E L G O R D O N, E S Q.: Yes, sir?

ASSEMBLYMAN ROONEY: Can we ask you to stay maybe--

MR. GORDON: Sure.

ASSEMBLYMAN ROONEY: Give us a little break.

(RECESS)

AFTER RECESS:

ASSEMBLYMAN ROONEY: Thanks for being patient with us. We are back. We're at the 7:30-- Well, not even, we are at the 6:15 time slot so I'll ask Mr. Gordon from Gordon and Gordon, representing, I guess, SWAC--

MR. GORDON: Borough of Ridgefield.

ASSEMBLYMAN ROONEY: Oh, Borough of Ridgefield, okay. So, please.

MR. GORDON: First let me commend the Chairman and the Committee for taking this step of holding the hearings, and hopefully for this evening voting out of Committee what I think is going to be one of the most significant steps of restoring the public's confidence in the environmental protection issue in the State of New Jersey. I think the Chairman has alluded to it that over the last few months there has been a growing movement and an evolution of thought in the State of New Jersey when it comes to the solid waste disposal issue and environmental protection in general. And this Committee sits in the position where they can fulfill their mandate as elected officials and be the leaders.

The problem with solid waste disposal in this State -- and I think I'm an appropriate speaker to follow Mr. Lee Pereira -- is the lack of leadership at DEP. There is no question in my mind where the problem lies. DEP has failed the Legislature, and DEP has failed the citizens of the State of New Jersey. DEP has gone about-- My firm-- I worked at DEP so I can take shots at DEP. And that's one of the reasons I worked there, so I can feel free to take shots at them.

We've been involved in the solid waste issue in the counties of Bergen, Essex, Morris, Gloucester, Warren, Middlesex, Sussex, Ocean, and Atlantic counties. I have witnessed, if not overt corruption, corruption of the system that has turned my stomach, as a lifelong resident of the State of New Jersey. We need leadership. We are in desperate need of leadership. I appeared at Senator Dalton's Committee where Commissioner Daggett was asked by Senator Dalton, "We have a solid waste disposal crisis, Commissioner Daggett. Tell

me what tools you need to solve this crisis." And the Commissioner meekly said, "Oh Senator, I don't want any tools, because that's a job no one would want."

Well if he doesn't want to solve the solid waste disposal crisis why doesn't he get the hell out of the office? What the hell is he doing as Commissioner of the DEP? What kind of an admission is that to make to a Senate Committee: "I don't want the tools to solve the problem." And unfortunately, if I had to choose between the last three commissioners, Commissioner Daggett would be my choice because Commissioner Dewling was a disgrace to the public. (applause)

ASSEMBLYMAN ROONEY: Please, please.

MR. GORDON: He insulted the public, time and time again. He declared war on the public. Commissioner Hughey was totally ineffective.

This Committee, is a bipartisan effort, to restore our confidence in the environmental agency. This is the step, the first step. You, I think, recognize that you are the leaders of a ground swell that requires a restoration of public integrity in this State. And why? Because the dollars we are struggling over are massive and all of us involved with the public system of government know that that type of money leads to tremendous opportunities for mismanagement, improper decisions, and at certain times, even corruption.

Your decision tonight to vote this bill out, is the start for the citizens of the State of New Jersey to take back the right to survive in a clean and healthy environment from the whores -- excuse my expression -- the whores of the incinerator industry. (applause)

ASSEMBLYMAN ROONEY: Please, just let me interrupt for a minute, Mike. I've laid some ground rules earlier in the day. We are transcribing this. It's difficult when we have any noise in the audience, but it's even more difficult when we have applause or any noise background. What I'll ask you to do

is please, no applause, no hissing and booing, so just to make it even. This is not a show. This is not something that we're here to, you know, express our opinions and our applause and our booing and hissing. What it is is to take testimony on an extremely important bill in the State of New Jersey. We want to vote this bill out tonight. We will not be able to vote the bill out if we have interruptions or any demonstrations.

The other problem I may have is if the room gets too crowded, I'm going to have to do some things that we talked about earlier. I don't know if there's going to be any demonstrations going on, but we must have some decorum in this room because it's difficult enough for the people to take the transcription. This is extremely important. It's important to all of you, and it's important to us. This is the culmination of many months of work on this particular legislation. We've gone throughout the State having hearings, and we don't want to come to a wrong finish to this by having to stop the meeting to go elsewhere or to continue it. We want to get this issue on the desk of the Speaker of the Assembly as quickly as possible. So please, don't interrupt. Please, bear with us, and I'm going to take reports from the police as they occur because I know there were some demonstrations that were planned. But they should occur outside the building, preferably, not in this room. We've got to hear the testimony.

We're on someone who is testifying from 6:15. So please, and we cut our dinner hour short. In fact, it was supposed to be an hour-and-a-half. We came back within a half-hour. I hope you appreciate that. We will have other members of the Committee coming in and out. They've had other meetings to attend. But there will be a full Committee vote here tonight. I assure you of that.

Please continue, Mike.

MR. GORDON: Mr. Chairman, the reason perhaps I hit a note of emotion in my presentation is I sat through the earlier

portion of the meeting where I thought the Committee was being intimidated, or there was an attempt to intimidate the Committee by the stooges of incineration. I was shocked that I have to include a member of the Port Authority in that, because I litigated that Essex County issue. And I worked on behalf of the Ironbound Committee Against Toxic Waste. And for a member of the Port Authority who doesn't have the technical expertise to come before this Committee and say that that facility has the best emission control in the country, I challenge him anywhere, anyplace, anytime to show me that's true. That's a lie and DEP copped out on that issue, and that's why we need this bill.

ASSEMBLYMAN ROONEY: Mike, I think you know my position on it. And just for the record on the particular company in question, I've-- When I was a member of the BCUA when we selected that particular company, I had my reservations because they had never built a plant in this country, and I had said, where is our protection? We had parental responsibility clauses that were built in, and if this complete company went belly up, the two parent companies would be responsible. Then in 1987 when the renegotiation took place, and fortunately I was there, they were trying to get out of their parental responsibility clause, and I was the one that turned that whole thing around so that they would still be responsible. But within the five years that it took from the time that we contracted until now, they still don't have a plant on-line. So I don't know how anybody could say that their emissions is the highest technology.

We know-- I'm taking testimony. I don't want to debate with every person who comes up and speaks.

MR. GORDON: No, no, I understand. I'm just saying that-- We're talking about American Ref-Fuel and 50% ownership of BFI, and I'm talking about DEP leadership. And I want to know why they can't tell us whether they meet the State

standard of fitness to conduct business in this State after a complete application has been in from that company for almost five years?

Why hasn't that happened? I think that's a disgrace, and I think this Committee can use just that fact, just that fact alone. We heard a threat from Mr. Pereira, a billion dollars you were going to waste. Well, we're giving a billion dollars to a company that hasn't been approved to do business in the State of New Jersey. And I won't belabor the point that they've been convicted of antitrust violations, the parent company and their subsidiaries throughout the country.

But DEP has failed to act on a legislative mandate that they make the determination whether they're fit. I wouldn't allow another incinerator to move until they get their asses in front of the Legislature and explain why they're not doing their job, and if Commissioner Daggett doesn't want to do it, then let him leave. (applause)

Now I have looked at the bill and I would like to address two or three issues. One, I'd like to answer any questions you might have that I might be able to answer, any questions that you have concerning the process in any of the counties that I've been involved in.

But I'd also like to ask that the bill be amended to include the economic aspect of incineration. The BPU which is required--

ASSEMBLYMAN ROMA: Mike, I might be able to help you on that. I'll be submitting an amendment towards the end of the meeting, and it will cover both the economic and the environmental impact.

MR. GORDON: Great. Thank you, Assemblyman. And I don't have to belabor the point for the need for that. I don't think anybody in this room has all the figures on what's been spent to investigate, consult, bond on every incinerator that's proposed. I don't think anybody in the State has that

information right now. I'd be willing to bet that. I think we need that because I think that's part of a discussion of what's going on in this State. I want to know, for example, how much are those investment bankers making, and I think you should want to know that, and I think we have a right to know that. And I think we should know that for every county.

I also think that there is a very key issue as to interpretation of the bill when it says, "final permit." And I'm going to introduce into the record a letter from the DEP addressed to myself trying to explain the current status of the Bergen County Utility Authority permit.

Now the Bergen County Utility Authority permit to construct the incinerator was issued November 23, 1987. By its own terms it would expire on May 23, 1989. However, on May 18, 1989 the company, American Ref-Fuel, applied for an extension of that permit. DEP is now going to require, as they have to by law, a renewed evaluation of the air pollution control equipment which is going to lower the emission levels to what the Borough of Ridgefield said was achievable in their litigation two years ago. It's finally going to happen.

It's going to delay the possible reissuance of that permit to approximately August 1990. Now under the bill, here is a classic example of, is this covered or not? I think I would ask the Committee to take the letter into the record and specifically reference that not only may DEP not issue new permits for the period of the moratorium, but they may not act on extensions of existing permits such as the Bergen Utility Authority permit because if they don't do that, the loophole is so large that \$400 million falls through. This facility can be interpreted to have its final permit, even though it doesn't. And why can that happen? Because DEP and American Ref-Fuel want it to happen that way.

So it's the Committee's obligation to make sure that doesn't happen, and I'll submit the letter into the record.

ASSEMBLYMAN ROONEY: Mike, that's also one of the amendments we have; that we are not going to allow even the permitted ones, that have existing permits, to continue. The moratorium will cover all.

MR. GORDON: All incinerators.

ASSEMBLYMAN ROONEY: Yeah.

MR. GORDON: Great.

ASSEMBLYMAN ROONEY: This is one of the amendments that we made later, (applause) and I caution all of you, it's something we did with a lot of trepidation. The reason that we did that was because the fear that we would be interfering with a lot of these plants-- (Chairman confers with aide) Well, we could get into it later, but it will allow the counties to adopt an ordinance, a resolution to suspend construction even of a resource recovery facility or a proposed sewage sludge incinerator which is now included, or will be included by my amendment to the bill. So there's a combination of factors here.

But again, I started to caution you that when we do these things and make the bill even more stringent, what we're doing is-- And we have to realize it. We have to admit it, we're making it very difficult for the Speaker of the Assembly to post the bill, because it becomes more and more objectionable and more and more controversial with those facilities that are already sited and already under construction. I know there's a network out there of people who were anti incinerator. I understand it may as large as 55,000 people at this time in the State. And I would say, right now, all of them, after tonight, should write to the Speaker of the Assembly and also the Senate President because I understand there will be companion legislation introduced there very shortly, and have them both put these on a fast track to have the bill be heard for the full Assembly and Senate, and put everyone on record as to where they stand on incineration.

MR. GORDON: I think, Mr. Chairman, I want to recognize that on behalf of the communities I worked for, that we recognize that tonight is the first step and that if you have the courage to vote it out of Committee in a stronger form which we support, we are committing to you our efforts to focus the public's eye on this issue and get to the bottom of what's going on in this State. And we won't rest until we find out where the money's gone, why it's gone there, and why we have to suffer the environmental consequences of this kind of action or in action, or total lack of leadership from our DEP. So we commit that to you if you have the courage as a Committee.

ASSEMBLYMAN ROONEY: I'll take you up on it.

MR. GORDON: I just want to talk also for a minute, and I know you've heard a lot so I'm just going to try and focus on a few things that haven't been brought up. Do I dare try my one last amendment, and if you've covered that one, I think I can go home.

I've heard this-- I'm working for Sayreville now -- Borough of Sayreville in Middlesex County. Does the bill contemplate restricting further expenditures to move projects early in the pipeline where-- For example, Middlesex County is just in the site selection phase. They are about to select a vendor down the road, say three to six months. Does the bill in any form or any proposed amendment contemplate stopping expenditures on those facilities during the moratorium period?

ASSEMBLYMAN ROONEY: I'm going to defer to my Committee Aide. The other ones were easy; this one's a little more difficult.

MR. GORDON: If it doesn't, I would ask that that be considered, because I think there are a lot of counties--

(Chairman confers with Committee Aide)

ASSEMBLYMAN ROONEY: I believe Assemblyman Roma has some language for that that we'll consider later in the evening.

MR. GORDON: Thank you. I'm just doing some--

ASSEMBLYMAN ROONEY: You see that we all have been contributing to the various amendments, and I wasn't aware what

other Committee members had pending. So everyone on the Committee is eligible to submit recommendations, and the same-- We've taken some from the public, and I know Assemblyman Roma has been working with the group in his district.

MR. GORDON: Mr. Chairman, I'd like to just-- I think Mr. Pereira gave us a bit of information. And I know Lee, and I recognize his commitment to the State while he was at DEP. And I think he gave us some figures that are truly important, astounding, and shocking. If we were paying \$75,000 a day for our waste disposal in 1975, and we're paying approximately two-and-a-half million dollars today, then I think there should be some massive resignations, and those people shouldn't be allowed to work for the waste disposal industry. They should be going to jail, because I'm talking about-- You're talking about mismanaging this State into bankruptcy.

Now math has never been my strong suit, but it looks like something like \$1 billion versus \$30 million, unless I'm missing a few zeros somewhere. And I think everybody in this room should know it and should tell everyone else they know that the DEP has mismanaged their way into just about bankrupting this State, because that's before the incinerators come on-line. And I thought you were right on target with the witnesses when you said, "Oh, does that include the landfilling component?" "Oh yes. Oh yes."

Baloney, that's what I say because Essex County-- We looked at Essex County, they paid finally only because we told them we had no landfill. They're not looking to site a landfill in this State. They had no landfill so they bought space. It's space at a facility whose permit runs out before the incinerator is finished. They bought the space. They're not going to even be there, the landfill. And it won't take hazardous waste. So if the ash is characterized as hazardous, they have no place to go. And unfortunately, I think that's the case in every county; no landfills.

And that leads me to my point: DEP recognized they were closing landfills. They didn't have the guts to site a landfill for this State. That's not an easy job. They shouldn't put that burden on any county. They should have stepped forward and said, "In the interest of \$1 billion a day and environmental protection, we're going to site a landfill." A billion dollars a year for waste disposal right now -- unnecessary.

No one wants a landfill, but you have heard from everybody in the incinerator industry. You still need a landfill as a component part of their strategy. I agree with the Chairman again, when he says, "We are moving toward more aggressive recycling." Well, the citizens of the State of New Jersey have made that their number one priority, and I think the Legislature has responded.

Now, I agree with you. We are just going to move toward more recycling. I had a conversation with the President of American Ref-Fuel, Cliff Jesper (phonetic spelling). He said, "Yes, it's true. Recycling and incineration are incompatible. You take my number one fuel when you start with the papers." And yet, we are on a course where one strategy must survive. I think this bill should be called, "The Recycling Versus the Incineration Bill," and we should square them off in a ring. And we should arm them with the facts and figures. For every dollar we put into recycling, what do we get out as far as environmental protection and waste disposal? For every dollar we put into incineration, what do we get out as far as pollution, death, and destruction? I have no doubt where the winner stands. It's recycling.

I'm telling you, this bill is the first step toward that. I ask you to vote tonight. I will now get out of your way. Thanks.

ASSEMBLYMAN ROONEY: Thank you, Mike. We appreciate your testimony.

To conclude with the speakers who are supposed to be on before dinner, Mr. Paul Hoyle, Bedminster Bio Conversion. Mr. Hogle?

Mike, did you fill out one of these slips? (affirmative response from audience) You did? Okay, thank you.

Is Mr. Hoyle here? (affirmative response from audience) Okay, good. I believe Mr. Hoyle is coming up with Mr. Louis D'Angelo, also from Bedminster Bio Conversion.

L O U I S D ' A N G E L O: Mr. Chairman, members of the Committee, thank you very much for allowing Mr. Hoyle and myself to be here tonight. My name, for the record, is Lou D'Angelo. I am the President of Bedminster Bio Conversion, located in Cherry Hill, New Jersey.

I would like to say that Bedminster Bio Conversion shares the concerns of citizens and public officials with respect to the environmental effects of solid waste and liquid waste incineration.

Bedminster's bio conversion process provides an economically attractive, environmentally sensitive, non-burn, solid waste and liquid waste disposal alternative. We heard some of the representatives of the incinerator industry talking about, "You've got to make a decision now; you've got to go along with the solid waste management plans of the various counties which are calling for those incinerators, because we can't lose anymore time."

I would like to say that the alternative we speak of is not tomorrow; it is here, and it is now. The core of our technology is the Avison digester. It was developed by Mr. Eric Avison, a fermentation specialist who resided in Bedminster, New Jersey. This particular technology consists of a rotating compartmentalized kiln. The input solid waste and sewage sludge is at about a two to one ratio; that is, for every two tons of solid waste, we take one ton of sewage sludge. We treat both waste streams. It is a dual solution for the State of New Jersey.

Our process, microbiologically, converts the waste material into compost by the microbes themselves. No chemicals, no external source of heat are required. As a matter of fact, this process, which is aerobic, develops its own heat. Temperatures of about 135 to 155 degrees are sustained within the vessel. The input waste is bioconverted into an organic and inorganic fractions. The organic fraction has been rendered into compost, a beneficial product, which, because of its high quality, serves as a soil amendment product. The inorganic fraction, which represents 15% to 20% of the input solid waste volume, has been rendered nonpathogenic.

Mr. Hoyle will give you some detail on the compost and the process itself. But before I leave, I would like to add that our technology is proven and demonstrated, with plants running in Texas and Minnesota, and with current contracts to build two more plants in the State of Florida. As a matter of fact, we are working closely with the Department of Environmental Regulation in Florida, the Department of Environmental Conservation in New York, and the Department of Environmental Quality in Louisiana, to solve their solid waste problems in their states.

I have been told by DEQ officials in Louisiana that Governor Roemer, last year, put a moratorium on incineration in the State of Louisiana. I have been further told that the DEP of the State of Massachusetts is also enforcing a moratorium that Governor Dukakis had put on incineration in that state. As a matter of fact, Florida has gone so far as to equate our compost that we produce as recycling, when used beneficially; that is, as a reuse into the soil. We have letters from the Division of Forestry, Department of Agriculture of the State of Florida, that indicate that for state forestland remediation, the State of Florida could take up to twelve-and-a-half million tons of compost per year.

I think that if you took all of the companies that currently have technology available -- and there are a few of them, and they're good-- If they could take their technology and convert solid waste and/or sludge into compost, we couldn't even begin, at this point, to just satisfy the State of Florida's requirements. So my answer to the incineration industry is, there is an alternative. It's here, and it's now. And we need your help, Mr. Chairman.

Thank you. (applause)

ASSEMBLYMAN ROONEY: Thank you. Mr. Hoyle? And let's dispense with the applause, please. We want to continue with the hearing.

P A U L H O Y L E: Mr. Chairman, thank you. What I am going to do is give you an overview of how our system works.

Essentially, if you can see this from there (witness holds up picture of a facility) -- and I realize no one else can; I'm sorry -- this is an artist's conception of the facility that we will be constructing in Florida. One has already been fully permitted; the other should be finished-- Permitting should be finished up sometime in October.

As you can see, everything will be under roof. Just to give you a run of how the trash will go -- the waste -- it will come in here, into this area. This is your tipping area, all under roof; all controlled. From that point on, it will go into what is known as a "digester," the Avison digester. At that point, we are introducing both the solid waste and the liquid sewage sludge, or we can take also the sludge in a dried fashion as well. But the fact that we can take liquid is a very important point as well. We can take it down to as low as 5% solids, which means to any wastewater treatment plant area, we can take that-- I know you mentioned earlier here that you were with the MUA, so you are probably aware that after that first treatment in your sewage plant, we can actually take that sludge product into our facility, which eliminates the need for

a lot of steps after that, and which means also that your facility now doesn't necessarily have to grow as your needs grow, because our facility can come in and pick up that slack you may experience in the future. So we are attacking both waste areas, both the solid and the sewage sludge areas.

From that point on, after the initial tipping, in here, and the sewage sludge being metered in-- What's happening in here is, we have developed-- Really, what this digester is-- The best way to define it is to say that it is the perfect environment for microbial activity, with the amount of oxygen, heat, and moisture, the heat being generated by the microbes themselves. I guess the best way to equate that would be if you have ever -- and I am sure you have -- cut your grass, put it into a plastic bag, and left it for a day or two and went over and felt it, that bag would be starting to heat up; it's warm. Well, that's the decomposition of the organic waste within that bag. The same thing happens here, except that it is on a much more explosive scale. It is very intense, literally billions and billions of microbes.

The idea here is that this will be turned. The digester is turning slowly but surely, and we are taking the food stuffs -- the organic waste -- to the microbes, and enhancing their ability to break down, or decompose the waste. This is compartmentalized, by the way -- each of these digesters. I'm sure this is difficult to see with the overhead lighting.

ASSEMBLYMAN ROONEY: I can see it fine.

MR. HOYLE: Okay. It is called "compartmentalized," because what will happen is that for one day, or possibly a bit longer, the waste will remain in that first compartment, the other two compartments having been filled prior to that time with waste. We will reach degrees of up to about 155 in that first compartment. The next day we will go down into the second compartment, and that decomposition is continuing. You

are still hitting degrees of about 150. From that point, we go into the third compartment, and the decomposition continues yet further, and we are beginning to cool it down a bit to about 140 degrees.

I am mentioning these degrees because it is important in the scheme of how this system works. The EPA requests -- or demands rather -- that you have about a 55 degree temperature range; 55 degrees for 72 hours. Obviously, we not only meet that, but exceed it over that 72-hour period. The reason is, what they are looking for is what they call "PFRP" -- process for the further reduction of pathogens. Basically what is coming out of our system is a pathogen-free product. What we are producing is not an ash residue, or something else in search of yet another solution, but rather, as Louis mentioned earlier, a soil additive, humus or compost, if you will. Basically this is what is coming out of our system.

What comes out of there would be screened. The inorganics would be screened off initially. It is about 15% to 20% on the average. That is what we are doing at our other two facilities right now. The rough compost product would go into a curing area, where it remains for approximately two weeks. At the end of that two weeks' time, it is then taken and screened down to a quarter of an inch. From that point on, it would be either sold to wholesalers or bagged and used in horticultural or agricultural markets.

Right now, the Texas facility is selling its entire generation of compost to professional growers in the Texas area. We are also anticipating our two facilities opening up in Florida. In an attempt to create a market down there for our compost, we have contracted with an individual who is currently selling this right now to the orange groves. It is being used on the orange groves in Florida. It is a completely beneficial product. The facility in Minnesota is selling the input of its entire generation of compost to both professional growers and others in the Minnesota area.

What I am saying basically is that this is truly recycling, because we have taken what was a waste -- both waste streams, sludge and solid waste -- and created a product that is very marketable. So, you truly do have recycling with the product.

ASSEMBLYMAN ROONEY: What size plants do you have, or what is the maximum size plant you can go to?

MR. HOYLE: Well, the way we look at it from our engineering standpoint, it would be an area of somewhere between 400 and 500 tons a day at a facility. Now what that means is, if there were 1000 tons in a county that needed to be disposed of, we could site two facilities. There are no emissions from this; there are no odors. So it is not an objectionable facility to have in an area.

ASSEMBLYMAN ROONEY: And you have had no problem meeting any of the tests from EPA with your compost?

MR. HOYLE: No, none at all.

ASSEMBLYMAN ROONEY: There is no heavy metal content, or anything like that?

MR. HOYLE: No.

ASSEMBLYMAN ROONEY: It depends on the sludge that you are going to get in your--

MR. HOYLE: True, heavy metals would obviously be present in the sludge, but what happens is, in the system, the heavy metals from the sludge are diluted throughout the entire solid waste stream, the solids in the solid waste being about 10 times, or better, on the average, of the solids in your sewage sludge. So we actually dilute any heavy metals that are present in the sludge.

As I mentioned, this is a Class 1 compost. In the State of New York, they have already deemed it so -- Class 1 out of four classes, Class 1 meaning that you can use this on fruit crops. The State of Florida has given it-- It has

passed with flying colors as far as the State of Florida's DER is concerned.

ASSEMBLYMAN ROONEY: Thank you both very much. Are there any questions? (no response) Thank you very much.

That brings us to 7:30. We are only about 45 minutes behind schedule. I said earlier in the day that what we are going to do is, any witnesses who have prepared testimony-- If you will synopsise any of the prepared testimony, we will print it as you give it to us in the written text, along with your verbal presentation. But, in the interest of saving time, if you have something that has already been said, or if you have a prepared text, please don't belabor it. You don't have to read it into the record. It will get there. If you have it, just hand it to the hearing reporter. It will be included in the record.

With that, I have a former Assemblyman, a good friend of mine who I sat next to for a couple of years down in Trenton, Paul DiGaetano, from the City of Passaic. (applause)

ASSEMBLYMAN ROONEY: Please, no applause, because I don't want any booing either.

C O U N C I L M A N P A U L D I G A E T A N O: Thank you, Mr. Chairman. For the record, I am Paul DiGaetano, 21 Henderson Street, Passaic, currently a Councilman in the City of Passaic, former Assemblyman, District 36.

I will submit my complete written testimony to the Committee. I would just like to highlight a couple of the points here at this time, if you will allow me a couple of minutes, Mr. Chairman. I promise it will not be longer than that.

Firstly, I would like to thank the Committee and prime sponsors of the bill for taking up this issue. The way I look at it is, it is correcting a serious legislative error. One of the speakers earlier spoke of that legislative error many years ago, and I am certain this can, and will correct it. While

resource recovery and garbage burning may have been the best technology at that time, and may have been written into the plan, we have just heard testimony from the previous speaker, and other speakers, that there are currently new technologies in place, and that everyday new technologies will be developed. Hopefully, that will eliminate the need for garbage burning.

However, that legislative mistake created a serious problem, Mr. Chairman. We see it on one of the maps that is here tonight. I don't think the Legislature ever contemplated the kind of siting problem that is unique to District 36. We have currently sited an incinerator in Passaic, another one in Ridgefield, and by the plan, there could be another one in the Meadowlands within the district, by the HMDC, another on the fringe of the district -- Secaucus or Kearny -- and another just a couple of miles off the district, which is currently under construction. That is the Newark plant in Essex County. I am certain the Legislature never considered that.

In the City of Passaic several years ago, the Freeholder Board came to my Council -- I was the President at the time -- and said, "Would you allow Passaic to be considered as a site, and let us do an environmental impact study while we are studying three other sites?" I was one of the minority on the Council at the time who said, "Okay, do the study, and we will take it from there." There were two other members of that Council who felt the same way. The majority did not. I'll tell you, Mr. Chairman, had we known at that time that this was planned, had we known what the possibilities of sitings were, we certainly would not have had any votes to allow the study to be done.

That study was done, and the Council voted repeatedly to challenge it. We are in court doing that, and it is costing us a lot of money. This bill can rectify that problem.

As I read it in the bill, there is a 12-month extension proposed. Mr. Chairman, I don't think that is sufficient. Having sat in the Assembly, having sat on some of these committees, I certainly think that that is a nice thought, an auspicious thought. However, I don't see it being completed in that time, and I don't think it is necessary that it is.

You stated earlier that if we stop one plant, we have succeeded. I say, having heard what I have heard tonight, maybe we should stop all the plants, Mr. Chairman. If you look at recycling, if you look at the bio conversion process, and if you look at garbage burning, there is no doubt in my mind that recycling is the first choice and bio conversion is a good alternate. Garbage burning is not a choice, Mr. Chairman.

I certainly hope that this Committee extends the time. I would urge you tonight, Mr. Chairman, to pass this bill out of Committee, with the amendments the Committee sees fit. I think Mr. Roma's amendments are certainly appropriate. We have to look at the financial aspect. We have to look at the source generation aspect of the bill. We have to look at the traffic impact to the sitings, if there are to be any.

Mr. Chairman, once it is voted out of Committee -- I would certainly hope that I remember this Committee -- I strongly urge its passage on the floor of the Assembly and of the Senate.

Thank you very much for your time, Mr. Chairman.

ASSEMBLYMAN ROONEY: The next speaker will be Peter Montague, Environmental Research Foundation of Princeton. Please, don't give us all of this. (referring to length of submitted statement and attached materials)

PETER MONTAGUE: No, I am not going to read this. I am going to summarize it.

ASSEMBLYMAN ROONEY: Okay, good. I hope so. We would be here for two more days.

MR. MONTAGUE: My name is Peter Montague. I live in 5J McGee Building, Faculty Road, Princeton, New Jersey. I am the Director of the Environmental Research Foundation in Princeton, New Jersey, and I am here representing the Foundation. I am also representing the New Jersey Environmental Federation, a statewide coalition of approximately 45 active environmental citizens organizations that are very concerned about the issue before you today.

We are enthusiastic about a bill that would put a moratorium of at least one year -- and we would hope longer -- on the headlong rush that New Jersey seems to be in, to enter into this faulty technology.

A lot of what is in my testimony is material that I have written in the past year or year-and-a-half about incineration. I used to be an enthusiastic supporter of incineration, because the alternative was landfilling, and I recognized that landfilling was a serious problem. So, in my naive fashion, I thought, "Gee, incineration looks like a good alternative." Then I started looking at, what are the consequences of incineration? And the consequences of incineration are much more devastating than landfilling. So, we're jumping out of the frying pan and into a raging fire, if we opt for the incineration option.

I conclude that incineration is the worst way imaginable to manage our solid waste problems. I don't think you could come up with a worse scheme for managing solid waste in New Jersey than to build 16 to 19 incinerators all over the State. I am going to tell you why I believe that.

Incineration has the unique capacity to physically change the characteristics of the waste. If we were to burn this briefcase, we would physically change its physical nature. It is a pretty big, bulky object right now, and there is essentially no way I could get this object directly into your bloodstream. There is no way I could do that, short of

surgery on each individual. However, if I burn this in a modern, well-designed, high-tech incinerator, it is essentially guaranteed that at least one-third of this briefcase will become available to be breathed by the millions of people who live within 100 miles or so of that incinerator. And the Federal Clean Air Act says that we must be concerned with an area of approximately 100 miles around these facilities.

The act of incinerating an object like that, or a pad of paper like this (demonstrates), which I assure you contains toxic materials-- The act of incinerating them breaks them into trillions and trillions of tiny particles, many of which are not captured by the best modern air pollution control technology. Actually, it is a catch-22, because the ones that are not captured, go out the smokestack and become available to be breathed, and the ones that are captured go to a landfill, where they become subject to leaching from rainwater passing through the landfill, in the same way that changing these large, bulky materials in our garbage into tiny particles causes them to become available as air pollution, causes them to become available to get into the deepest portions of your lungs, and in the same way changing them into very fine particles makes them more accessible to rainwater when they are put into a dump, and therefore speeds the production of toxic leachate when they are put into a dump.

The human body evolved over geologic time in an environment that is not characterized by many small particles. As we evolved in the natural environment, we developed protective mechanisms that keep dust out of our lungs. The first protective mechanism is inside your nose. There are tiny hairs inside your nose. Your throat is covered with mucus membranes, which serve the function of capturing dust material that gets past the initial barriers that nature has put there to protect your lungs.

If materials get past your throat and get down into the bronchial tubes, those tubes twist and turn in a way that causes the air that is about to enter your lungs to begin to spin and whirl, and heavy materials are thrown outward, where they are again run into mucus membranes that capture them. You then cough, and cough this material up, and either spit it out or swallow it and excrete it through normal bodily functions. So, nature has taken extreme measures, as time has passed, to protect the human body against the introduction of dust into the deep portions of the lungs.

However, it is the characteristic of the kind of small particles that are produced in a modern incinerator that they get past these bodily defenses. The bodily defenses are simply not effective in preventing these materials from getting into the deep portions of the lungs and, of course, the ultimate function of the human lungs is to pass carbon dioxide out of the blood and to pass oxygen directly into the blood. Your lungs are the place where the bloodstream is directly accessible to the atmosphere. So, to put tiny particles into the atmosphere is a way of guaranteeing that objects like this, all of which contain varying degrees of toxic materials in them, because modern chemistry assures it-- Incinerating an object like that guarantees that it is accessible to the bloodstream of humans who live within a 50- to a 100-mile radius of the incinerator.

I am not going to belabor the point any longer, but I want to emphasize that there is another class of pollutants that are created in the process of incinerating the output from the American economy. In Appendix D, which I have attached to my testimony, I have listed 239 different chemicals that are listed by Federal government studies as being identified in the smokestack emissions from modern incinerators. It is important to recognize that Federal and State laws together regulate approximately 12 chemicals in emissions from smokestacks of

incinerators. So we have literally hundreds of chemicals, many of which -- as you will see by glancing at Appendix D -- are carcinogenic, cause mutagenic changes in humans, and cause birth defects in humans.

The point is, these incinerators produce large quantities of toxic materials which the regulatory apparatus does not even recognize as being the valid subject of regulation. The regulations are entirely silent on how these materials must be captured or retained or processed by an incinerator. No wonder these incinerators look like a good deal. They take approximately two-thirds of the garbage waste stream, which is a big ugly mess, and turn it into invisible, but toxic and nevertheless present air pollution, for which no one is accountable. So, it looks like a good deal from the point of view of the people who want to build these machines, because, of course, they are going to get very wealthy constructing and operating these machines. But from the point of view of the public, you can't actually imagine a worse way to go about handling the solid waste stream.

Others have said it before me, there are obvious good alternatives already: source separation at the curb, take the toxic materials out, compost what is compostable, reuse what is reusable, recycle what is recyclable, and, at the very end, when you have a small residue of nontoxic materials, bury that in the ground.

The New Jersey Environmental Federation recognizes that you are taking on a bold move tonight. You are on a frontier. You are doing something that is essentially a brave act. We stand behind you. We urge you to make this the toughest possible bill. We will do whatever we can, as active citizens in the political arena, to see that you don't take too much heat while doing what you are doing, and that you are effective in passing what looks to me like a terrific bill.

Thank you very much.

ASSEMBLYMAN ROONEY: Thank you, Mr. Montague.

We will now have Bob Filipczak, Analytical Chemist, FAA Fire Safety Group. Bob Filipczak? Is that correct, Bob?

R O B E R T F I L I P C Z A K: Yes, it is. My name is Bob Filipczak. I am a chemist with the Federal Aviation Administration, but I want to add very quickly that I am in no way representing the Federal government or any governmental agency. I am strictly a private citizen. However, because of my background in chemistry and in fire safety with the Federal Aviation Administration, I feel I have a few things worthwhile to say.

Mass burn incineration is an idea whose time has passed. It represents the single biggest threat to a clean environment in New Jersey. All plans to build mass burn incinerators should be canceled immediately. Only on the surface does the pro-incineration policy of New Jersey seem to have any appeal. After all, we clearly have a mountain of trash out there -- we are swimming in the stuff -- and getting rid of it and making electricity seems like a good idea.

In reality, incineration is an environmental disaster. It is heavily subsidized by unwilling taxpayers, making millionaires out of consultants, utilities authorities, and other profiteers, who gladly take the money, but none of the risks.

Let's recognize that mass burn incineration is part of the problem, not part of the answer. A 1000-ton per day incinerator will cost in excess of \$150 million in construction costs alone. When you add financing charges, insurance costs, and all the various fees, it can be triple that amount. Once they are built, public resources are committed for 20 years. You will have other good programs that will suffer for lack of funding, simply because you have already committed all money that could be used to properly handle the problem. In the meantime, trash disposal costs are exceeding \$100 per ton.

What's going on is that the incinerator is going to need fuel to operate, and you can't divert any of that fuel once the incinerator is built. Paper is almost 35% to 50% of the available trash that is out there. Now, whether you talk about newsprint, magazines, junk mail, boxboard, or corrugated, that is roughly the numbers you are talking about.

Now, trash itself -- the raw trash from curbside -- has about 4500 BTU per pound. The paper has more like 10,000 BTU per pound, so you are getting more than twice the heat energy in the paper than in the raw trash. So, clearly, to begin diverting a third to a half of that-- The remaining heat goes down, so that the incinerator is just going to be starved for resources, if paper recycling becomes a reality.

Forget about plastics recycling. Plastics have almost 20,000 BTU per pound, as much as gasoline. Yet, because of the qualities of the plastics in recycling programs, they are one of the most valuable recyclables out there. You can get almost \$600 per ton for the high-tensity polyethylene that is in milk jugs. You can get about \$150 a ton for the PET -- polyethylene terephthalate -- soda bottles that are out there.

Now, if you are taking this plastic and stuffing it into an incinerator, it is going to cost you about \$100 a ton to get rid of it, instead of selling it for perhaps as much as \$600 a ton. That is a net \$750 per ton differential. So, clearly, what you are doing is taking plastics, a valuable substance, and paper, another valuable substance, and burning it. You are destroying it. Now, the demagogues, and other assorted characters, have seized the high verbal ground, calling an incinerator a resource recovery plant. It is not recovering resources; it is destroying them, and with it, lots and lots of taxpayers' money.

Now, plastics, quite clearly, don't belong in a dump either. If you put them there, they are part of the problem of our dump space quickly running out. If you take these bottles,

they are filled with air. As you begin stuffing them into a landfill, they are loaded with air. They cannot be crushed down. They are never going to disintegrate. So they are going to be filling up our landfills. But the point is not to burn them. The point is to actively recover them. And, there are so many plastic products out there: all the detergents, all the bleach and shampoo and creme rinse and thousands of different products that we use all the time.

Now, ordinary trash contains many materials that are harmless as is, but upon incineration become hazardous. Lead is a prime example. Some of the sources of lead are: old plumbing, solder from circuit boards, old fishing lures, and wine bottle-top wrappers from some expensive wines. Lead as a metal is quite resistant to corrosion. It will stay around virtually forever, much like the ancient Roman aqueducts which were made out of lead. They are still standing. That lead essentially goes nowhere. However, when you put it into an incinerator, what you are doing is oxidizing it. You are mixing it with other materials. You are turning it into water-soluble salts. You are finely dividing it, and you are vaporizing it. Now that lead has only one of three fates: It can go out of the smokestack; it can be caught in the pollution control equipment; or it can remain behind in the bottom ash. There is no other fate, because lead is a material which can't be created or destroyed. You may change it chemically, but it is still going to be there.

However, in the new form that you have turned it into, it is now water soluble. It is now a toxic hazardous waste. It has been very well documented that incinerator ash is, in fact, toxic waste. Simply by looking at the EPA tests that are required -- the EPA toxicity tests -- you can see that far more than the five parts per million is leached out of incinerator fly ash consistently, more than 97% of the time, and I have some of the documents to back that up. Even the bottom ash often fails -- more than half of the time.

Now, what you have done by spending your \$100 million on an incinerator is, you have taken three tons of trash and turned it into approximately one ton of ash. Those three tons of trash could have been gotten rid of for maybe \$70 per ton, or \$210 total. If you have turned it into ash, you now have hazardous waste which is going to cost you \$250 a ton to get rid of at a landfill. By the way, New Jersey has no hazardous waste landfill, so it will probably have to go out-of-state. So what have you accomplished that is worth spending \$100 million on? You have taken a \$210 problem and turned it into a \$250 problem, except for that lead which goes out of the stack and is contaminating the soils in and around these plants.

Now, we have made dramatic progress in reversing lead pollution. Lead has been taken out of gasoline. It was becoming enough of a public health threat that we literally forced Detroit to change the way they made car engines. Yet in New Jersey, with these incinerators, we are talking about going backward; reversing this dramatic and measurable progress by creating new sources pumping lead into the air.

Contrary to claims of incinerator proponents, lead leaches much more readily in the basic solution of the lime-slurry that it comes out in. Therefore, as you put it into a landfill, it is going to be leaching much more readily than lead ordinarily -- or, than various compounds ordinarily would. So, as the dump leaks, you are only going to contaminate groundwater by trying to landfill this ash, or you are going to catch it successfully in the leachate collection system, turn it into sludge, and then what do you do with it, put it back into the landfill?

This is going round and round, doing not much of any good, except spending lots of money from unwilling citizens all along the way. The incinerator industry, therefore, is lobbying very heavily to call this material "special waste," and putting it in special landfills. But changing the name

does not change the chemical composition. It doesn't change the toxic threat that this waste presents. It only means that any communities that buy one of these things are getting hoodwinked, and there are going to be a lot of unexpected costs down the road.

Cadmium is another metal prominently used in industry. It has many desirable properties, but it is another one that becomes toxic during incineration. Its largest use is electroplating. Simply by recovering steel, which can be done, and which is being done at many different mechanized recovery plants, we can pull out the iron, and with that we pull out the cadmium, and cadmium is yet another EPA toxicity test that incinerator ash is consistently failing.

So, rather than stopping this material from becoming waste in the first place, we could be recovering it. We could be using magnets to pull out this iron, sending it back to the steel mills, and with it removing the cadmium and the toxic threat it poses. Similarly, soils in proximity to an incinerator are going to be contaminated by cadmium because of its relatively low boiling point. It is only one of a couple of things that an incinerator pollution control device has difficulty catching. Chromium and arsenic are two others and, much like cadmium, they are cancer causing.

However, of all the various metals, the most difficult one to catch is mercury. It is not surprising, since it is a liquid at room temperature and boils far below the operating temperature of an incinerator. Mercury is present in all small batteries, various types of electrical equipment, thermometers, and different amalgams. Almost 70% of the mercury that goes into this type of plant is coming out in air pollution because of its difficulty in being trapped.

The most modern incinerator -- Ogden Martin's Marion County, Oregon facility -- is putting out .26 tons of mercury per year, and that is more than twice what Federal law

considers significant under the PSD regulations. There are recent newspaper articles -- and this has just been coming out within the past few months-- Florida is showing that mass burn incinerators are the largest source of mercury pollution. It is very persistent, and it is becoming a threat to fish and wildlife in the Everglades themselves. All of this pollution is a direct consequence of the pro mass burn policy coming down from DEP, and it is almost completely unnecessary.

The basic flaw of the policy and source of the pollution is trying to burn these metals that won't burn. The technologies that recover this -- and I just mentioned them before -- are more than 90% effective in getting rid of most of these metals, and there have been tests run by the Department of Energy with an existing mass burn incinerator which, instead of firing trash as collected from curbside, instead takes mechanically processed trash, the same thing, and burns it. Mercury emissions dropped more than 75%. The total ash that is left behind drops more than 50%, so there is only half as much ash that would need to be landfilled. Instead, our Department that is supposed to protect our environment, is proposing that each county, in and of itself, become the largest single hazardous waste generator in the county. This simply does not make sense, but the only reason it is proposed is because the taxpayers naturally get to pay for most of it.

DEP tells us not to worry, they have a computer model that tells us that incinerators will cause only one additional cancer per million population. Most of this predicted risk comes from a family of chemicals known as "dioxins." A little scientific scrutiny reveals that the assessment studies have never been verified, and even worse yet, make deliberate assumptions that are wrong and underestimate the true effect. Of the 75 dioxins, only two have been extensively tested. The reason they were tested was because they were showing up in our Agent Orange victims. They were contaminants in some of the

herbicide. We know that not only these two dioxins, but many, many others come out, yet look at some of the other fancy things they do. They take a chemical and they ignore evidence that-- Even though some of these may be less potent, they decide to multiply them by zero, to discount many, many of these other dioxins. The two which have been studied, by the way, are the most potent low-dose carcinogens.

Then they take the emission data, and multiply it by another computer model to predict ground concentrations. However, that particular computer model has never been verified. Sure, it works fine for sulfur dioxide, gases that are common and easily measured, and they are gases; they float around. These are not things that are going to settle out in and around the plant and contaminate the ground and other community areas nearby. So, they multiply zero by lots of these various dioxins, and then after they predict what the concentration is going to be, they tell you how many people are going to die. However, there are some important things they didn't do. They did not measure dioxins by testing them through the inhalation route. The U.S. EPA has done a very nice job with cadmium, looking at the inhalation route; taking the aerosols of cadmium chloride and spraying them in rats to find out what the effects are. In the case of dioxins, all they have done is completely bypass the target organ, and put the dioxins in the diet to test the rats. What this has done is to largely underestimate the true risks, yet they are expecting us to trust our health in an instance where they have ignored so many basic scientific premises themselves.

So, instead of one per million, if they begin looking at the combined effect they will see three per million. They will tell you that that is an acceptable risk. But, acceptable to whom? Sure, it is acceptable to the charlatans who are taking the money and running, but it is not acceptable to the people who live nearby.

New Jersey has a waste crisis, and each county has been virtually commanded to build an incinerator in the name of environmental responsibility. Yet, DEP tries to steamroll our opposition. It is time for the Legislature to begin stopping DEP outright and banning incinerators completely. If we don't build incinerators, what do we do? First, a strong recycling program. I think everyone in this room is for that. All forms of paper should be included, not just newsprint; all forms of glass bottles and jars, all the various plastic containers. Separate collection should be done of food and yard waste, because that is what makes our present landfills stink to high heavens. We should be taking that material and processing it and turning it into useful soil supplements, not destroying it, and heaven forbid that we should continue putting it into a landfill. We should be setting up laws that outright ban the disposal of grass clippings and leaves and other organic materials into our landfills.

Trashmen and the other code enforcement officers should be our principal line of defense at curbside. All recyclables and all trash should be collected at the same time. If people are not separating their trash into the various categories, they should be fined.

Let's begin setting up laws that will deal with the problem, so that we no longer have our air and water threatened by DEP. Thank you.

ASSEMBLYMAN ROONEY: Thank you very much. I am going to change the order of speakers slightly at this time, because I think we need a little divine intervention here. I see the Archdiocese of Paterson representative is back -- Monsignor Morris. Father Tinasga (phonetic spelling), I understand is here also. I believe Monsignor Carroll was supposed to be here, and Monsignor Fleck, but I will recognize Monsignor Morris at this time. I think we could use a prayer to help us in this situation.

M O N S I G N O R J O H N M O R R I S: That may be. I am very grateful for this opportunity to speak in favor of Assembly Bill 4105, sponsored by Assemblyman Pascrell and Assemblyman Rocco. I speak from a strictly local neighborhood point of view. The site of the proposed incinerator in Passaic is ringed -- literally ringed -- by parishes, Catholic and others, and schools, parochial and public, and from the beginning we all wondered how this site was ever chosen.

I don't know whether this is a plus or a minus in this assemblage, but Representative Jim Courter's mother was a member of our parish and went to our school, and his mother and father were married in our parish. I mention that only to indicate the kind of neighborhood that Passaic has been -- our immediate neighborhood -- and the kind of neighborhood that it is becoming. The population has changed. Passaic has been a city traditionally of middle Europeans. Our parish was German speaking; the neighboring parish a few blocks away was Polish. There are Greek Catholic and Uniate and orthodox churches, Russian churches, and the schools. Now the school population is largely Caribbean, Central and South American, and black. They have invested very heavily in the homes that were built early in the century. The earlier population -- not all of it -- has moved out into the suburbs.

But they are extremely interested in building their families' lives here in our city. We are very happy that they are there. They are very ambitious, and the children are working very hard to accomplish what their predecessors in the neighborhood have accomplished. We just believe that siting an incinerator right in the middle of these schools and parishes, these viable neighborhoods, to say nothing of siting it across the street from Beth Israel Hospital, which we consider our neighborhood hospital-- Its scope is much broader, much wider, but many, many people in the immediate neighborhood are served very well by this hospital. Anything that is going to downgrade the neighborhood is something that we want to avoid.

I have been encouraged by the testimony I have heard tonight, and I hope that this bill receives a favorable vote in the Assembly. Thank you very much.

ASSEMBLYMAN ROONEY: Thank you, Monsignor. Assemblyman Duch would like to make a comment.

ASSEMBLYMAN DUCH: Monsignor Morris, I would just like to make one comment: I appreciate the fact very, very much, as one of the Assemblymen from that district, that you and Father Marion (phonetic spelling) have joined us this evening. I know there are a number of pastors on the east side of Passaic who are elderly and who were unable to be here. We appreciate the fact very much that you came out to speak, representing the priests of the archdiocese in your capacity as pastor of Holy Trinity Roman Catholic Church.

Thank you, Monsignor.

MONSIGNOR MORRIS: Thank you.

ASSEMBLYMAN ROONEY: At this time, I would like to announce that joining us up here on the dais are Assemblyman Pat Schuber, to my extreme right, and right next to him, Lisa Randall from my district, District 39. Pat Roma has been with us all evening, Assemblyman Duch, Assemblyman Pascrell, and to the far left, not necessarily on the political spectrum, Assemblyman Gill. The voting members of this Committee are Assemblyman Duch, Assemblyman Roma, and Assemblywoman Lisa Randall. Assemblywoman Randall has been down in East Brunswick at a women's political caucus. I understand it was bipartisan. I welcome her at this time. She has been brought up to speed very quickly as the newest member of the Committee. She will be replacing Mr. Hendrickson, who resigned from his position in the Assembly between our last meeting and today. I believe on Thursday, we will be swearing in his replacement. But in the interim, Assemblywoman Randall has been assigned by the Speaker to this Committee.

I just wanted to cover that bit of business, and now we will go back to the agenda. I will call Dr. Melvin Finstein, Director of the Cook College Department of Science.

D R. M E L V I N S. F I N S T E I N: That is a little bit inaccurate.

ASSEMBLYMAN ROONEY: Okay.

DR. FINSTEIN: I will not read all of this. (referring to the length of his written report)

ASSEMBLYMAN ROONEY: Oh, thank you. So far, the testimony tonight far exceeds what we have had. I think we hold the record for transcribed testimony of any committee ever in the Assembly, on this one issue.

DR. FINSTEIN: Mr. Chairman and members of the Committee: My name is Melvin S. Finstein. I am a Ph.D., a professor of Environmental Science at Cook College, Rutgers University in New Brunswick. I have been at Rutgers in a professorial position for 25 years. I am a microbiologist, and it is not coincidental that composting is in "Microbial Ecosystem in Need of Management," and I will say a few words about that later.

My colleagues and I have done considerable research and development concerning composting as a waste treatment process. This has resulted in the publication of approximately 40 scientific and technical papers -- which are listed in one of the documents I gave you -- on this subject. Next month, I will be giving invited presentations on the "Rational Design and Operation of Composting Facilities," in Greece, West Germany, and Israel. I have yet to be invited to Trenton.

ASSEMBLYMAN ROONEY: I believe this serves as a Trenton Committee, so consider yourself invited to Trenton.

DR. FINSTEIN: Okay. I meant by that the DEP.

The available alternative to mass incineration is something called "integrated waste management." Integrated municipal solid waste management consists of some combination

of household level segregation and facility level separation, composting, and the deposition of some residue in a non-dedicated ordinary sanitary landfill. Household level segregation is already mandated by New Jersey statute, and presumably the goal will be increased from 25% upward.

Household level segregation has already made more progress than might have been optimistically projected only a few years ago. Separation -- facility level separation -- is performed by some combination of manual labor and mechanical equipment. Separation technology has reached a mature, practical, useful state. The idea of segregation/separation is to maximize the preparation of secondary materials. This includes paper, glass, metals, plastics, etc. That is, the idea of segregation and separation is to maximize the recycling of materials; that is resource recovery in the material sense of the words.

Approximately one-third of the waste stream consists of biodegradable putrescible material. In integrated waste management, this fraction would be directed to the composting unit process. The compostable fraction consists of yard waste, food waste, dirty or otherwise non-recyclable paper, or clean paper if the paper market is not in terribly good shape, corrugated, whole disposable diapers, including contents.

Now, at this point, I should say a word about science. The way to approach composting as a waste management technology -- as a component of an integrated waste management facility -- is not through proprietary processes; is not through sales brochures. The way to approach composting to make it do what you want it to do, is through an understanding of the scientific principles that govern this system's behavior. This is a microbial ecosystem that must be managed deliberately, if it is to make its rightful contribution to waste management. The DEP has stoutly resisted settled scientific and technical information regarding composting.

They have acted as if they would prefer composting to fail as a waste management technology. This problem exists to the present day.

However, the cause and effect relationships are very well understood; actually better understood than technologies such as activated sludge and aerobic digestion, which have served for many, many years as waste treatment technologies. The technology to effect rational composting process, design, and control is well in hand, and is demonstrated on a routine basis at a few facilities. To design a composting facility properly and to construct it properly is cheaper than to construct it improperly. This information is very well developed; it could be utilized.

What is presently lacking in the waste management field in general, and in New Jersey in particular, and I might say is lacking in the bill as it is currently constructed -- and I will suggest an amendment to the bill-- What is lacking is a working model -- a first-class integrated waste management facility. At the present time, decision-makers can go to mass burning incinerators and see impressive -- visually impressive -- facilities. The numerous problems associated with mass burning incineration -- and there is no need to belabor the point at this time this evening-- The numerous problems associated with such a facility are not visually obvious. The decision-maker sees a visually impressive facility. He cannot presently visit an alternative facility, because one does not exist in one place. The pieces of such a facility exist here, there, and the other place. This is not a question of technology development. This is not a question of scientific research. The technology is well in hand. The scientific principles are well understood. But the pieces are yet to be assembled in one place, to serve as a working model of what can be done, rather inexpensively, and in a publicly acceptable manner. The facility does not exist in the present day that

would demonstrate this. As I said before, the pieces are in place, but they have not been brought into one place.

So, there is a very great need at the present time to rapidly put together a first-class integrated municipal solid waste management facility that would demonstrate the alternative. I am able to report to you this evening that at least two very large corporations are close to a decision of funding such a facility. It would certainly help to crystalize their own thinking if the Assembly would find a way to indicate that it would contribute to such a facility.

So, my suggestion is that an amendment be drafted to indicate not only the need for such a facility, and the need for it to be put together taking advantage of the best possible scientific and technological information available, as well as practical experience-- I suggest that an amendment be drafted to indicate that this need is recognized by the Assembly, and that some funding for it be provided to at least put some substance behind the bill that would crystalize the thinking of the corporations that are very near to a decision to put in major funding for such a facility.

It would also be helpful if the bill were written to exempt such a facility from waste flow management. I forget exactly what the term is, but Middlesex County has recently enacted legislation which would force communities to bring the MSW to a mass burning facility. An exemption for this alternative facility should be built into the law. In such a manner, this facility would serve as a focus for efforts that could be quickly brought into play to develop the alternative to mass incineration.

I would simply close by hoping that you would seriously consider these factors and consider drafting such amendments. Thank you.

ASSEMBLYMAN ROONEY: Thank you, sir. We're not doing too badly. I think we have picked up a few minutes. We are only about 35 minutes behind schedule.

We have a group from the United Passaic Organization. I have four people listed and I have four sign-in sheets. I have Marge Gablehouse, Lou DeSimone, Frank Allen, Sr., and Al Franklin. Mr. DeSimone is the Chairman of the group -- the United Passaic Organization. Will you be speaking for the group? (affirmative response from audience) Thank you.

L O U I S C. D e S I M O N E: My name is Louis C. DeSimone. I am Chairman of the United Passaic Organization, and I reside in Passaic, New Jersey.

The testimony that I am submitting is in favor of the legislation -- A-4105 -- by Assemblyman John A. Rocco, and supported strenuously by Assemblyman William J. Pascrell, Jr.

Hundreds of questions have been raised throughout the State of New Jersey regarding the health hazards and safety of these incinerators which the bureaucrats, such as the Environmental Protection Agency, would like us to call "resource recovery plants." These are not resource recovery plants. They are pollutant plants, as experienced in several incinerators already built nationwide, costing the taxpayers millions of dollars beyond the original planned expenditure.

We have a State-mandated recycling program that will reduce the bulk of the garbage by 25%. If it is monitored properly by the municipalities, the percentage could be greatly improved. This is the way to improve the garbage situation, not by burning it and creating more serious problems with the highly toxic ash that no one wants. To get rid of it would cost millions of dollars.

New Jersey is an industrial State, and ranks fourth in the country for cancer-causing metals. The manufacturers of these incinerators would have you believe that 99% of the pollutants and dioxins would be removed by designing special controls. This is merely a figure of speech. We, the taxpayers, want to know how much the environment will suffer with the combined use of all the proposed incinerators planned

for New Jersey, and how much it will cost using reliable figures. As I see it, the incinerators seem to be very close to one another. As Assembly Bill No. 4105 requires a one-year moratorium to conduct these tests before any new constructions are started, the public will at least know how safe these incinerators are. It is expected that these tests will cost several thousands of dollars. However, I recommend that a private, non-biased laboratory be assigned to conduct these tests, not the Environmental Protection Agency, not an incinerator manufacturer, and not the Board of Freeholders, which is pro-incinerator. (applause)

ASSEMBLYMAN ROONEY: Excuse me for one minute. Please don't applaud. If you want to applaud afterward, I will yield on that point. But if you applaud during the testimony, the people over here are going to have a hard time picking up what is being said. I think it is more important that we have an accurate transcript of what is being said, than for us to show our approval or disapproval of the statements. So, if you want to applaud, I will allow it at the end of the speaker's time. But, please, don't applaud, because they are having enough of a hard time picking up the dialogue right now. Thank you.

MR. DeSIMONE: Thank you. I will repeat it: It is expected that these tests will cost several thousands of dollars. However, I recommend that a private, non-biased laboratory be assigned to conduct these tests, not the Environmental Protection Agency, not an incinerator manufacturer, and not the Board of Freeholders, which are pro-incinerator.

In closing, I am pleased to present petitions that were circulated by the United Passaic Organization through all of our churches. There are 1266 signatures in favor of the moratorium. We, the people of New Jersey, plead to the Committee of Assemblymen to vote in favor of the moratorium bill, A-4105.

Thank you.

ASSEMBLYMAN ROONEY: Just one correction, Mr. DeSimone. The bill is co-sponsored. There are two prime sponsors on the bill. It is sponsored by Mr. Rocco and Mr. Pascrell.

MR. DeSIMONE: Thank you.

ASSEMBLYMAN DUCH: And from the Committee, Mr. DeSimone, Assemblyman Rooney, myself, and Assemblyman Gill were all co-sponsors, just so the record is straight.

MR. DeSIMONE: Thank you.

ASSEMBLYMAN DUCH: Thank you, sir. Thank you for your testimony.

ASSEMBLYMAN ROONEY: I appreciate the brevity of your statement. You have enabled us to pick up a few more minutes. We may be able to get home before midnight, as it is.

At this time, I would like to call Mr. Arnold Cohen, the Ironbound Committee Against Toxic Waste. Mr. Cohen?

A R N O L D C O H E N: Thank you, Mr. Chairman, members of the Committee. We in the Ironbound Section of Newark have the dubious status of being the home of the only garbage incinerator currently under construction in the State, one that we would gladly trade for a facility designed with Dr. Finstein's method.

I think the first part of any moratorium bill should be a study to implement an aggressive statewide recycling plan. This has been done in Seattle, and you can see the benefits there where they are going up to 60% recycling. A moratorium bill should also look at the cost benefits of all types of waste disposal. One such technology that was proposed for Newark was Sorian Cecchini, which is being implemented in Italy. The Newark City Council actually went to Italy and visited the plant. We were very impressed by the 80% to 85% recycling they were able to implement there at a cost of \$60 a ton. It was privately financed, and the Newark government

figured it would be saving \$240 million over a 20-year period, if this type of technology were to be used.

Another thing to look at is, what is going into the incinerator? The Newark city government passed a bill to keep CFC-based styrofoam material and other nondegradable packaging out of the incinerator. That kind of legislation done on a city basis is meaningless. It is a statewide moratorium bill that could actually be keeping these kinds of materials that are dangerous to be burnt out of the incinerators forever.

Also, the study should look at the contracts these incinerators are being faced with and ascertain the true costs of a garbage incinerator. Garbage incineration is a mass of public works projects that the taxpayers are going to have to pay for. The Public Advocate of New Jersey, Division of Rate Counsel, in looking at the Essex County contract, showed that it was the taxpayers who were going to be taking the total liability of this incinerator. We are going to be taking the total risk, and we are going to be subsidizing out-of-state taxpayers who are going to be bringing garbage to the Essex County facility. We are going to be subsidizing American Ref-Fuel, the builder of the incinerator and the Port Authority, according to this Public Advocate study.

The other thing is, within 15 miles of Newark, we have six incinerators planned -- garbage incinerators. I am very happy that your bill is also going to be extended to sewage sludge incinerators. I think this is a point that is critical for the Committee to be homing in on, since these incinerators are being planned for 1996. We are talking about another four incinerators in the State. By acting now, I think it is very commendable of the Committee.

I think the bill should also include a moratorium on construction of the Essex County facility. If incineration is bad and if it is a mistake, then it is a mistake whether it is under construction or actually in operation. The bill should call for a stop to the Warren County incinerator.

What we have seen with these incinerators in Essex County is that the costs have already doubled. The cost of ash disposal has gone from something they said they would be able to use -- that wouldn't cost a penny -- to over \$100 a ton, and the cost is rising.

In conclusion, I would like to thank the Committee for its aggressive action in looking at this very critical problem. I hope we can help the Committee in actually seeing the moratorium bill to fruition, to being passed into legislation. Thank you.

ASSEMBLYMAN ROONEY: Thank you very much, Mr. Cohen. Again, I appreciate your brevity. In fact, that has gotten us pretty close to our schedule.

At this time, we will have Madelyn Hoffman, President of the Grass Roots Environmental Organization. It's nice to see you again.

M A D E L Y N H O F F M A N: It's nice to see you again. I have traveled with you from Trenton to Palmyra, and I finally have a chance to speak before you.

I am the Director of the Grass Roots Environmental Organization. I live in Bloomfield, which is in Essex County, and I work with citizens' groups all across the State which have been fighting garbage incineration, in some cases, for as long as the last nine years. I first got involved with this issue in 1980. The group that was most concerned about incineration then was a group in Middlesex County, in East Brunswick. The State's first incinerator was supposed to be constructed in East Brunswick at the site of the Edgeboro Landfill. That group was successful at getting the Middlesex County Freeholders to change their minds, and to prevent construction of the garbage incinerator in Middlesex County.

Since that time, there are over 100 citizens' groups in the State that are working on various environmental issues, and between 20 and 30 groups solely concerned about -- or

primarily concerned about construction of garbage incinerators in their communities. I think that as a State, we have come an awfully long way in awareness of this issue, and I would like to commend, right now before this Committee, the efforts of all those grass roots citizens' groups throughout the State who have had the courage and persistence to raise the issue in the early 1980s and the middle 1980s. Even though there was a lot of resistance to what they were saying, they had the courage to continue to say it. I think that today is a very gratifying day for people throughout the State who have been fighting this issue very hard, because we have actually seen now legislators taking the issue real seriously and addressing a lot of the concerns that people have been raising. They have been hoping for a moment just like this tonight, where someone is listening and someone is taking some aggressive action.

I would also like to take this opportunity to thank Anthony Giannantonio from Palisades Park, because he and his group were responsible for bringing a lot of the scientific people and the experts you heard here tonight. I think that their testimony is very important. We have been informed by that testimony over the last few years, and it is very, very gratifying that they have been able to present that testimony to you, and that you listened to it, absorbed it, and will take appropriate action. I would like to thank, once again, Anthony Giannantonio for all of his efforts.

I think we also see the changes in our State based on what happened during the primaries this year -- the primaries for Governor -- where two candidates, one on the Republican side and one on the Democratic side, called for an out and out moratorium on the construction of garbage incinerators throughout the State. The Democratic candidate called for a five-year moratorium on their construction. The very fact that candidates running for State office believe it is important enough to raise this as a campaign issue, reflects the amount

of concern that is out there on this issue. And again, your actions tonight also reflect the amount of concern that is out there amongst the people.

You have heard a lot of testimony tonight about why people are opposed to garbage incineration. I will only touch lightly on that, because I am not a scientific expert, and you have heard much stronger testimony from other people. But briefly, the air pollution issue you have all touched on tonight is very, very important. I don't know that it has been said yet tonight that New Jersey ranks second worst in the country as far as the number of toxic air contaminants per square mile. The only state in the country that is any worse is Rhode Island. Rhode Island is very small, so you would expect the number of toxic contaminants per square mile to be very high. We are second worst in the country. That is based on incomplete information that has been collected by the Federal government, and it is based on information that the industry itself has provided. So, whatever estimates we have are probably underestimated. I think that given the fact that we are already -- we already have such bad air quality, any action you take tonight that will affect the number of garbage incinerators, and the number of sewage sludge incinerators that will be constructed will have a very good impact. I think people will be very happy with that, because we don't want to add pollution to what we already have.

I think that is another point to make. The gentleman from the Institute for Resource Recovery was talking about how they are only one source among many air pollution sources in the State. However, they are that one source, at this particular point in time, that can be prevented and can be stopped. It is not healthy to incrementally add on to the pollution we already have, and say, "Well, what is a little more pollution going to do to us?" -- you know -- "What negative impact will just a little more pollution have?" We

really don't know the full extent of the problem we have already; the amount of contamination people face from living next to Superfund sites. We have the nation's largest number of Superfund sites within our borders, and also the nation's second dirtiest air. We don't know what effects these things have already had on people living in this State.

So, if we can prevent a new source of pollution from arriving on the scene, I think we will be a lot better off. I think people all over the State have realized that once you construct something, and once you have it operating, the State Department of Environmental Protection will not close it down -- will not shut it down if it is polluting, and the only way to prevent additional pollution in this State is to prevent the facility from being constructed in the first place -- not to allow it to be constructed at all.

We have also heard a lot about the impacts -- or, the problem with toxic ash from incineration, and people have mentioned that the problem will increase the amount of water pollution, potentially. But in addition to that, if the State is so gung ho on New Jersey becoming self-sufficient for the treatment of garbage by a certain year, this method of waste disposal is not going to accomplish that. The Essex County plan, you have already heard, is to take the ash from the garbage incinerator to a landfill in upstate New York, and other communities would be required to do similar kinds of things. If our goal is truly self-sufficiency, as DEP says, this particular kind of program flies in the face of what they say their stated goals are.

The impact on recycling-- We have heard many speakers address that tonight. I would just echo that we are not going to have recycling, composting, packaging legislation advance to the point that is necessary if we continue to proceed with garbage incinerators on the other end.

I have an anecdote here: There was a cartoon I saw in a newsletter that I think sort of sums it up. The first frame of the cartoon showed an executive from a waste disposal firm, and he was being asked the question, "What do you think of burning our garbage?" His answer was, "Buring the garbage is a great idea. I own the garbage incinerators." The next frame was, "What do you think about landfilling our garbage?" And the next frame after that was the executive saying, "Great idea. I own the landfills." Then the next frame was, "What do you think about recycling?" The company executive scratched his head, he didn't know quite what to say. Then the final frame was, "Recycling? It will never work." Obviously then, he didn't own the garbage. He didn't have a way of making a profit from the garbage.

That is what I think is happening right here in the State of New Jersey. People have been talking about it for a number of years now. It is catching on. We are in a war for our garbage. We are in a war for our environment. We are in a war to gain control over the materials that are produced by society. We are in a situation where people are starting to say: "Does Company 'X' really need to produce product 'Y'?" That has not happened before, where people want to take an active role in the kinds of decisions companies are making that will affect their lives.

I believe that in the State of New Jersey, since I have been involved for some time now, I can see the momentum shifting, and I see more and more people asking to have that kind of role; asking for that kind of participation. This legislation, with several strengthening amendments, would help people to gain that role and to make those kinds of decisions they wish to make.

One last thing here on the issue: It has been said before that this is not a "Not In My Back Yard" issue at all. The opposition throughout the State has changed, from one where

people might have been saying, "Don't build a garbage incinerator in Newark. Built it somewhere else," or "Don't build a garbage incinerator in Rockaway, build it in Roxbury, Morris County." It has changed substantially, and people are saying, "Don't build it at all, because New Jersey is our State; New Jersey is our back yard. It is not a victory for us in Newark if an incinerator is built across the border in Kearny. It's not a victory for us in Morris County if an incinerator is built on one side of the county or the other."

I think again that this has happened gradually. This is where people are right now, and this is where your action tonight can help to make a difference. I know you have already said many times tonight what you are going to do, so I am not-- It is hard to say these things without sounding like I believe you are not going to do it, but I want to say these things for the record, and also to underscore the kind of action that you are going to take tonight.

The issue of control also exists in terms of the contracts. Arnold Cohen, the speaker before me, was talking about the kind of liability that taxpayers would face if garbage incinerators were constructed. We are not only looking to gain control over garbage and our environment. We are also looking to gain control over our pocketbooks. We are looking to gain control over how much garbage disposal is going to cost us. If we allow garbage incinerators to be constructed in the State of New Jersey, we are going to be at the mercy of companies like Browning-Ferris Industries, Waste Management Inc., very large conglomerates that have been convicted -- the BFI in particular -- of price fixing in other states. We are going to be held hostage to these kinds of companies. I think people have said, "Enough is enough on this. We want to control it ourselves."

There is one other item that has come up recently, and it has been mentioned once tonight. The Department of

Environmental Protection, the agency that is supposed to be protecting us, has recently proposed a couple of rule changes to A-901, the State's disclosure law. This law was designed to keep "unsavory" elements out of the solid waste industry in the State of New Jersey. They have proposed rule changes that will allow them to continuously, forever, issue temporary permits to incinerator companies, and that applies directly to the incinerator here in Bergen County. If they are allowed to continually issue temporary permits, then the background investigations required by A-901 will never have to be ruled upon by the Attorney General's Office.

That means that in the interest-- DEP is saying, "In the interest of not having garbage pile up in the streets, we are going to be allowing companies with poor track records, which technically speaking should not be allowed to do business in this State-- We are going to be allowing them to do business." Why is the Department of Environmental Protection taking action to better protect the industry? Why aren't they taking action to better protect us, the taxpayers, and us, we the people who breathe the air, who drink the water, and live in the State of New Jersey? It is really infuriating that this is going on. It is not surprising that it is going on, if you look at the revolving door between the State Department of Environmental Protection and the incinerator industry itself. Former DEP Commissioner, Dick Dewling, is now a very high official within -- or has a high position within the New Jersey Alliance for a Clean Tomorrow, supposedly a neutral organization saying that New Jersey wants garbage incineration. It is not that at all. It's a front for the garbage incinerator industry, the construction industry, and those who would stand to benefit from garbage incineration, and our former DEP Commissioner, who supposedly is looking out for us is, you know, one of the people in charge of this organization.

Former Commissioner Robert Hughey-- He approved the garbage incinerator for a location in Trenton, and then he took a job with an investment banking firm, Printon Kane & Co., to talk to the Mercer County Utilities Authority about how they could arrange private financing for the very incinerator that he approved. If that happened with former DEP Commissioner Hughey, former DEP Commissioner Dick Dewling-- Donald Deieso is in a position where he is working for Dick Dewling and vice versa. He is in the business of selling air pollution control devices. He was the man who was out here saying, "Garbage incineration is the only way to go. It is the only proven technology. Trust us on that. We have done our homework." I remember that down in Trenton, he came in with boxes full of information, saying, "We look at all of these things very carefully." Yes, they look at them very carefully, but not from the point of view that we are all interested in, and not from the point of view of protecting the public, both financially and environmentally.

We have heard about the alternatives, so I won't go into them any longer. But I think, you know, we have made a lot of progress in this State in education, in public awareness, in having people understand what is going on. We have countered a lot of the propoganda and public relations that have come out from those who are in favor of garbage incineration. I think if this bill passes with some strengthening amendments, it will give us more opportunities to get to the people and talk to the people and change, so that we can have control over our garbage.

I just want to make a couple of concrete suggestions here: Number one, I truly believe -- and I know that Dr. Barry Commoner said this before me, way earlier today at about three o'clock -- that we need more than a one-year or even more than an 18-month moratorium. The people throughout the State of New Jersey, at the Second Annual New Jersey Is My Back Yard

Convention, from 20 different counties -- or, I'm sorry, 15 different counties -- voted for a five-year moratorium on the construction of garbage incinerators. If we get 18 months, we are not going to cry, but I think more time is needed for a moratorium than 18 months.

Secondly, we are concerned that the study about the cumulative impact of these incinerators will be done by the Department of Environmental Protection. After all that we have said tonight, and all that has been said over the years about DEP's role in this, unfortunately, if you give it to DEP to do the study without building in something else, we are afraid that after two weeks they will come up with a study, and they will say, "Look, we've done it. The combined impact of these incinerators will be minimal," because we have heard them say that over and over and over again.

So, if there is some way to either have another body do the study, or build in some sort of protection so that we are not left at the mercy of the Department of Environmental Protection-- What if they do that, and after two months they issue the study? Then where are all of us? We have made our best shot. We have pushed for a moratorium; we have gotten something, and the DEP comes along and says -- and pops the balloon. We need to build in some protection here, so that we don't lose what we have gained by passing the moratorium legislation in the first place.

Lastly, I support the idea of including proposed sewage sludge incinerators in the moratorium legislation. I also support the idea of those incinerators already under construction being included in the legislation.

Once again, I applaud you for the efforts you are making tonight. I think they reflect the growing sentiment amongst the residents of the State of New Jersey for something better to be done with our garbage. I hope that together a

year from now we will be able to say we have really made a difference.

Thanks a lot. (applause)

ASSEMBLYMAN ROONEY: Please, we want to continue. Thank you very much, Madelyn. As usual, your testimony was excellent.

I understand that Marge Gablehouse, who is with the United Passaic Organization, would like to add something additional to Mr. DeSimone testimony. I had him down as the Chairman, and I thought he represented the entire group.

MARGE GABLEHOUSE: Well, he does represent us, but thank you for the opportunity to speak before you today.

We in the United Passaic Organization are here because we are concerned about the possibility of 22 incinerators in the State of New Jersey, the most polluted State in the country. With New Jersey air already unfit to breathe and exceeding Federal limits for ozone, and drinking water that we prefer to buy by the gallon because it, too, is polluted, we despair for our future health and safety. Over in Passaic County, our Freeholders, with monumental cynicism and deceit, chose as the best site in the county a small, densely populated urban area, the City of Passaic, the site itself situated immediately adjacent to the prestigious Beth Israel Hospital, and across the street from Roosevelt School No. 10, where I work, with more than 800 students, plus a large staff.

To add insult to injury, the same Freeholders appointed themselves to lucrative jobs in the agency they created to manage and monitor Passaic's incinerator, clearly a conflict of interest. Obviously, they forgot that they were elected to serve the people, and not their own financial interests. Recently, the Freeholders even appropriated \$30,000 to fight the moratorium with our tax dollars.

New Jersey's only incinerator in operation, in Warren County, has incurred a \$1.5 million deficit in its first six

months of operations, which the taxpayers will have to pay. There are also serious toxic ash disposal problems, and levels of sulfur dioxide too high to meet State standards. Many states have already rejected mass burning incinerators because of their alarming health hazards, and because they contribute to further destruction of our environment through toxic and cancer-causing emissions.

There are non-burning alternatives less costly and environmentally safe, such as composting or the ORFA process. To quote from the acclaimed independent Rutgers study by a team of engineers from the Rutgers State University of New Jersey: "Incinerator ash is more dangerous than previously realized." Passaic's proposed 1300-ton-per-day incinerator would generate 350 tons of ash daily, which would contain 2000 pounds of lead, 64 pounds of arsenic, 72 pounds of heavy metals -- chromium and cadmium -- and ozone, which we in New Jersey already have in abundance -- of course, I have left out other things like mercury and other toxic chemicals -- all extremely toxic, and causing cancer and damage to the brain and central nervous system, especially of young children.

Ralph Nader, in an article on May 24, 1987, in the Advance News, on the dangers of mass burn, resource recovery, and incinerators, states: "Incinerator pollution has been associated with the widespread contamination of soil, water, fish, human flesh, and dairy products. The tragic irony is that in disposing of garbage through incineration, society will be filling the lungs and bodies of its people with some of the most deadly components of this waste. The last thing Americans want is to recycle their solid waste garbage into their lungs and stomachs via the toxic gases and chemicals produced by incineration."

In order to avoid the frightening health and environmental hazards we have listed, as well as financial disaster to the municipalities, and ultimately the taxpayers,

due to ever-spiraling costs of incineration, we urge the Committee on County Government and Regional Authorities to pass the moratorium bill, A-4105, which has the primary bipartisan co-sponsorship of Democratic Assemblyman William Pascrell and Republican Assemblyman John Rocco -- to pass that bill from the Committee out to the floor of the Assembly for discussion and a vote.

We desperately need a one-year moratorium in order for an independent agency, like the Rutgers study group, certainly not DEP, to determine the cumulative impact New Jersey incinerators would have on our health and environment. We must also consider better alternatives to burning to solve our solid waste disposal problems. All we want is a safe and healthy environment to live in for ourselves and our children. Without the moratorium, we fear that our hometown, and all of New Jersey, will become more and more an unfit place to live.

ASSEMBLYMAN ROONEY: Thank you, Ms. Gablehouse. At this time, Mr. Owen Murphy -- or, that has been changed to Mr. Dom Mecchi, Environmental Response Network, Cape May, New Jersey. Either Dom Mecchi or Owen Murphy?

UNIDENTIFIED SPEAKER FROM AUDIENCE: We're standing in for Owen Murphy.

D R. F R A N K D. L I V E L L I, J R.: Mr. Rooney, I am Dr. Frank Livelli, Jr. I am a citizen of Leonia, New Jersey.

ASSEMBLYMAN ROONEY: Doctor, I want to take the people here who have been scheduled. Could I hold you off until one more group has been heard, and then we will go to the people who have signed in?

DR. LIVELLI, JR.: Fine, very good; okay.

ASSEMBLYMAN ROONEY: Dr. Arthur Nusbaum, who is the representative of the Mayor of Roxbury. Dr. Nusbaum, you are only 10 minutes behind the time you were scheduled for, so that's not too bad.

D R. A R T H U R H. N U S B A U M: May I leave this for the record? (referring to packet of materials)

ASSEMBLYMAN ROONEY: Yes, very definitely. Another measles map. (referring to map being put up by witness)

DR. NUSBAUM: This one is a concern. Good evening. My name is Dr. Nusbaum -- Arthur Nusbaum. In the absence of Mayor Dawson and Deputy Mayor Palicastro, who are at another meeting tonight, I am going to present some written testimony to start with. First, I would like to present to this Committee a resolution of the Township Council of the Township of Roxbury, Morris County, New Jersey, supporting the moratorium on trash incineration in New Jersey, and endorsing the examination of alternative methods of trash disposal. I could spend 10 minutes reviewing this, but I will just review several salient points.

Basically, the Township Council unanimously last evening approved this resolution. One alternative method to trash burning incineration is known as Sorian Cecchini. It is more effective, does not create dangerous health conditions, will save the taxpayers of Morris County and New Jersey multimillion dollars, and demonstrates a realistic common sense approach to the trash removal problem, rather than an overreactive, careless, and insensitive method of dealing with this problem.

I will submit this for your review. Along with this, the Mayor and the Town Council have asked me to also produce this information on Sorian Cecchini, some technical data, some memorandums from the Newark engineer, Alvin L. Zach, to Mayor Sharpe James, especially saying that they have reviewed this technique in Italy and found it very effective. Right now, this is in front of DEP for its review. Do you want this?

ASSEMBLYMAN ROONEY: Bring it right up.

DR. NUSBAUM: Okay. Here is a copy of the resolution, too.

In addition, the Mayor directed me to bring to this Committee's attention the fact that the siting in Roxbury is of crucial concern to all of northern New Jersey. I have two maps which will show-- Joe, could you possibly show the first map? (referring to associate in audience) It shows that the siting over this area is directly at the border of the Federal soil source aquifer basin called the Musconetcong Basin, which is part of the Delaware River Basin, from which water drains down out of major watersheds -- it's the other map, Joe, thank you -- which is on the top part, and it drains into the Delaware River and feeds water to many, many communities. The bottom part -- the yellow part -- shows where the south branch of the Raritan River Federal soil source aquifer basin is. Essentially, the incinerator plant and the proposed ash landfill have been recommended and sited; the incinerator directly on the border of these two major water basins.

Briefly, Joe, could you take the other map and place it up there?

ASSEMBLYMAN ROONEY: Could you direct the map to the Committee? I know the public is important, but I think--

DR. NUSBAUM: Okay. I am just looking at the maps for reference points. That's fine, Joe. You can put the other map up there. That's fine. Thank you. Maybe you could direct that so the Committee could see it.

Basically-- If you could bring that over here, I could point things out to the Committee directly. Thank you.

This is the Roxbury site that has been proposed for the incinerator process. It is 20% wetlands -- active wetlands -- which drain into one of the branches of the Musconetcong Federal soil source aquifer basin. Over here we see other wetlands. Over here we see the Mount Olive site within 1000 feet, which our Freeholders have used as an alternative site. Should the Roxbury site fail in the court battle, it will be transferred to Mount Olive. They are basically and virtually the same site.

Lastly, we have open well fields. The Borough and Township of Netcong derive water from these open well fields within several thousand feet of the incinerator site. Roxbury has major wells within 2000 feet of the incinerator site, and should there be airborne contamination of these major water resources, not only for Roxbury, Netcong, and Mount Olive, but also the Delaware Federal soil source aquifer basin and the south branch of the Raritan Federal soil source aquifer basin, New Jersey will have a very expensive price tag to pay to clean up these water resources.

New Jersey will look to western New Jersey for water in years to come. The Mayor did want me to point this out. Thank you.

The other information I would like to present to this Committee are reports--

ASSEMBLYMAN ROONEY: Could we interrupt at this point? We have some questions on the sites.

DR. NUSBAUM: Yes.

ASSEMBLYMAN ROONEY: The red site you say is the Roxbury site-- It is the one that is proposed?

DR. NUSBAUM: That is correct.

ASSEMBLYMAN ROONEY: All right. Have you gone for Corps of Engineers' wetlands permits?

DR. NUSBAUM: Not yet. At this point, Roxbury Township is in the process of a lawsuit against their Board of Freeholders in Morris County, and at this point the siting process, per se, is under direct review by Judge Stanton in Morristown. Other than that, I can't really comment further.

ASSEMBLYMAN ROONEY: You should look at the Bergen County experience, where it took us four years to get the permits -- or, three years to get the permits -- from the Corps of Engineers, because of the wetlands. There was mitigation required, which meant that you had to give them something in an uplands area in order to mitigate the wetlands.

DR. NUSBAUM: This happens to be one of the highest points in Morris County. It is 1100 feet above sea level, and within these wetlands -- within 50 feet of the wetlands, the Board of Freeholders and their MUA Board have proposed putting open detention ponds for the incinerator coolant water, which is contaminated. As the case may be, when it rains-- Last week, we had a 10-year event with the rainfall. And when it snows up in that mountain and there is a lot of snow, there will be direct contamination of water sources. I am just bringing this to your attention to show that throughout New Jersey, we do have environmentally sensitive areas that must be protected at all costs. (applause)

ASSEMBLYMAN ROONEY: Please don't applaud. We are still recording.

DR. NUSBAUM: What I would also like to do is submit as evidence some engineering studies that the engineer in Roxbury gave to the Mayor today, who asked me to give them to you. It elaborates on the site specifically here.

In addition, I would like to present to the Committee -- which I will bring over in a few moments -- testimony that I gave on behalf of Mayor Dawson and also on behalf of Mayor Charles Johnson, who is the Mayor of Mount Olive Township. These are quite lengthy reports, and I will not dwell on them too long. I will just go over the salient points.

The first report was given at the Morris County Board of Freeholders' review on May 8. It was a hearing at Roxbury High School. It started at 8:00 or 8:15 p.m. and went to virtually 4:00 a.m. Several hundred people were turned away. There was no parking. There were 50 or more people who had to leave after midnight, because they had young children and they had to go to work. The Mayor has asked me to submit to this Committee the 300 to 400 pages of testimony that was given to our Freeholders. We had many experts testify at the time. We had the American Lung Association, we had physicians, we had

engineers, and studies which might be of invaluable help to New Jersey.

I will briefly review, as I said, some of the reports that I prepared for the Mayor myself, and I will highlight some of the facts. Then I will be finished.

At the hearing, the Mayors directed me to ask several questions. Question number one to the Board of Freeholders on May 8, had been asked, by the way, previously at a Board of Freeholders meeting in Chatham on April 11, and on March 13 at a Board of Freeholders/MUA presentation to the public on mass burn incineration. At the first two events, they did answer our questions. At the hearing, the Freeholders answered none of our questions.

The first question was: What specific epidemiologic public health service, medical, EPA, or other studies have the MUA or the Board of Freeholders reviewed or conducted to determine what are controlled or what are acceptable levels of release pollutants out of the stack, as related to health, to the environment, and to air pollution?

At the first two forums -- March 13 and April 11 -- Mr. Jack O'Keefe, a Freeholder speaking on behalf of the MUA and the Board of Freeholders, said, "No, Doctor, we cannot answer these questions. They will be answered by DEP in an EHIS after the final siting is approved."

The second question that was asked on two occasions, and then also at the high school hearing on May 8, was: How can burning 474,500 tons of garbage a year not detrimentally affect their air quality, which is compromised and very sensitive to start with? Mr. O'Keefe gave the exact same answer the first two times: "No, the question will be answered, Doctor, after a DEP review in an EHIS" -- an environmental health impact statement -- "after the final siting is approved."

Virtually, the Board of Freeholders, seven members, with the exception of Mr. Hyland, its Director, and Mr. Sawka, have opted for incineration. They have made up their minds about incineration, without being able to answer these two very essential questions. They have, in essence, asked DEP to answer critical questions. They have decided on incineration without knowing pertinent answers.

The public must have answers to the above concerns before any further steps are taken on the incinerator process. I reviewed several serious studies by the EPA, and basically the U.S. calls it "air poisoning far worst than expected," and "a threat to the public." One EPA study was reported in The New York Times, and tells us that poisonous and toxic chemicals are in the air at rates that threaten public health. New Jersey ranks number two, as Madelyn Hoffman mentioned.

Another fact, as per the Audubon Society, is that excess levels of acid rain were recorded in New Jersey for over 22 months. This was in May. Perhaps now it is over 26 months. The entire State of New Jersey is in violation of the Federal ozone standard, according to an EPA study. These are facts we hear continuously. Conventional air pollutants, such as sulfur and lead, ranked number one as a threat to human health, again an EPA study reported by the Lung Association.

The American Lung Association tells us that in 1988, New Jersey had at least 41 days of ozone exceedance. In '87, we had 31 days; in '86, we had 20 days. I could go on and on about ozone exceedance and the health risks to the elderly, the young, the asthmatic, and the cardiac patient, but we know this from the news media and our physicians.

The Freeholders were asked to please tell us what the effects of the permitted pollutants out of the stacks were. I listed a very long list, as per the New Jersey Regulatory and Engineering Department. I won't review that. And then they were told: If you have no answers, and can't assure the

citizens of tomorrow regarding the effects of the above pollutants under health and well-being -- referring to the children, and the environment, which is polluted to start with -- then do not proceed with the incineration process. Reevaluate your decisions, and please implement an alternative nonpolluting technology.

Briefly, I gave a report in conjunction with the Mayors to the Board of Freeholders in Morristown on June 28, 1989. I will briefly quote from the American Lung Association: "On 2/8/89, the National American Lung Association recommended that solid waste reduction, recycling, and the use of the more environmentally benign disposal technologies such as composting be given priority over incineration as a solution to our nation's solid waste disposal problem." I will go on: "Resource recovery incineration plants are not an inherently safe solution to our solid waste problem." And I will quote further: "Everyone agrees that incinerators pollute the air and that air pollution might cause an incinerator to be shut down prematurely, even if the plant is run to perfection. Example: Kenil, New Jersey is a part of Roxbury Township and has been listed as one of the 10 municipalities in New Jersey with the highest levels of airborne chemicals.

"At the same hearing on May 8, 1989, Dr. Marc Lavietes, Professor of Pulmonary Medicine" -- who testified this afternoon, I believe-- Did he testify today?

ASSEMBLYMAN ROONEY: Yes.

DR. NUSBAUM: Okay. "Dr. Marc Lavietes reported that the incidence of asthma, bronchitis, and other lung ailments will increase as a direct result of exposure to the effluent and pollutants released by the incinerator process. He as well has concerns that an increase in the number of additional cases of lung cancer is possible in exposed populations."

During this report -- June 28 -- I presented to the Freeholders the fact that President Bush is currently developing a very strong Clean Air Act to remedy our acid rain and air pollution problems. Over 20 years, the incinerator in Roxbury will spew out close to 130,000 pounds of poisonous heavy metals. I'm sure people today have elaborated on some of those effects. As well, the incinerator will produce close to 80 million pounds of acid gases, and nearly 1,700,000 pounds of sulfuric acid. These are all permitted items. These acids and gases, mixed with precipitation, humidity, and atmospheric moisture will greatly enhance an already serious acid rain problem present in this area.

The question that was asked at the Board of Freeholders' meeting was: "Isn't this incineration process for Morris County a contradiction to the efforts of President Bush, and a direct challenge to the spirit of the Clean Air Act?" The answer that Mr. O'Keefe gave was a simple, "No."

I have two other brief reports that I would like to present: One was based on some environmental scientists in Anaheim, California, who did experiments suggesting that years of breathing polluted air could accelerate the aging of lungs and could eventually cause disease. "It is a quality of life issue," said Dr. Morton Littman of New York University. Another doctor is Robert Faelon (phonetic spelling), Director of Air Pollution Health Effects, University of California. He said, "There isn't much doubt that the ozone is contributing to the decline of the lung." In this news report: "Children breathing low amounts of ozone in rural day camps in western New Jersey" -- and I am sure in the city, where the pollution is worse -- "suffered lung impairment that lasted for days or weeks. Some temporarily lost as much as 42% of their lung function, which medical experts consider incapacitating. Children often suffer temporary lung impairment from ozone with no pain or discomfort, so they don't know when to stop exercising so their lungs can recover."

These doctors said that air pollution is not just a vague health risk or the latest environmental scare. "We have clear evidence of lung function loss which is largely reversible," said Dr. Littman, "but maybe 1% isn't reversible, and each time you are exposed, you lose another 1%." After a while that builds up. It can mean a lot of people in trouble in later life.

Rhetorically, I asked the Freeholders two questions. The first was: If multi-thousands of children are already exposed to air ozone pollution in Morris County and this is extrapolated to New Jersey, will not mass burn incineration of close to half a million tons of garbage a year increase their loss of lung function to a greater degree?

The second question, again which we got no answer on, was: Will it be 1%, 2%, 5%, or more of lung loss for these children over 20 years? If it is even a fraction of a percent, then who willingly will opt for incineration? They could not answer this. I would hope that DEP could address these issues.

Lastly -- and I didn't mean to be so long-winded -- we did a report to the Board of Freeholders on August 23, and I would like to submit to this Commiteee two tapes of New Jersey Network News aired on Channel 8 -- the "European Journal." They have information on dioxin pollution in the Netherlands. You might say to me, "Why are you telling us about this?" Briefly, the Board of Freeholders has told the public, and the State of New Jersey has supported incineration via several DEP recommendations, that mass burn incineration of garbage for the next 20 years is the only proven and used technology; used many years elsewhere; uses pollution control devices; and is used safely in Europe. You have asked the citizens of Morris County to accept garbage incineration with the same confidence the Europeans seem to have; touting their track record, giving a false sense of credibility. If they are using a technique for many years it must be good; tried and proven. Major flaws

exist in all of the above arguments, as the European role model is in serious trouble.

Basically, I will also submit a report by Dr. Paul Connett, who spoke here earlier. Dr. Connett, in his "Waste Not" and in this "European News Journal" speaks about the major dioxin contamination in the Netherlands -- farm products, milk and meat having three times the normal dioxin poison resulting from solid waste incineration of garbage. The Netherlands government has directed incinerators to cut down the carcinogenic dioxin, but experts say that technology does not exist to do this. Mr. Knells (phonetic spelling), who is a waste plant director, reported, and I quote: "We could build a better incinerator, but we can't build, at this moment, an incinerator they" -- the Dutch government -- "want with the limits they are talking about."

The questions that the Mayors directed, and had me ask of the Freeholders in New Jersey: The State requires testing -- the smokestack emissions for dioxin levels -- only every five years. Will Morris County and sister counties Warren and Sussex also bio accumulate dioxin in their grass, their plant life, their water, their environment? Will farmers in these three counties, and also elsewhere in New Jersey, and home gardeners, be told that produce, livestock, or vegetables will not be safe for years to come? Will fish and water life in nearby Budd Lake, Lake Hopatcong, Drakes Brook, and other water bodies develop dioxin or other heavy metal poisons?

And lastly, gentlemen, ladies, if the Europeans are now having dioxin contamination problems from their incinerator pollution, how confident will our Freeholders and the State of New Jersey be if they sanction incineration over the next 20 years? Will our incinerators be any better than those in Europe?

I thank you. (applause)

ASSEMBLYMAN ROONEY: Thank you very much.

There is one person I promised I would hear earlier, and I broke my promise, Paul Reuter, from Reuter, Inc. He is all the way here from Hopkins, Minnesota. Paul, I'm sorry. I know I promised you much earlier in the day that we would try to fit you in, but-- Paul is here to talk about alternate technology.

P A U L M. R E U T E R: Thank you very much, Mr. Chairman. Ladies and gentlemen of the Committee, ladies and gentlemen in the audience: For the record, my name is Paul Reuter. I am the National Sales Manager of Reuter, Inc. in Hopkins, Minnesota.

I don't need to say too much about alternate technology. I am not going to bore you with that. I will send technical information in detail to your Committee. As you suggested earlier, I will be able to send that to you within a week. I will have detailed information on our process to the Committee within the next couple of days.

Common sense-- I think this is speaking common sense. It is plain and simple. Thank you for listening to us. We appreciate it. I have beaten my head against the wall with the State DEP here for three years. It is like they don't see you, and they don't want to hear you. I have invited them to Minneapolis to view a recycling plant in Eden Prairie, Minnesota. We have been operational since 1986. The technology is not new.

Last year, I had a presentation to Middlesex County. The State DEP told Middlesex County, "The Reuter's technology is not proven." Ladies and gentlemen of the Committee, Mr. Chairman, this technology came from Europe. There are 105 plants throughout the world of the Buhler-Miag type of technology, which we purchased from Uzwil, Switzerland. There are people here representing Sorian Cecchini, a fine Italian firm, which also has equal quality equipment as Buhler-Miag. There are American companies involved in this. Ourselves are

now involved. Lundell, out of Iowa is involved. So we are able to buy in America if we wish.

My mind is racing. It has been a very interesting day. I came up here from Orlando, Florida. We were attending the American International Conference of the American Public Works Convention. There were 12,000 solid waste experts from throughout the world at this convention. I strongly encourage-- I think that if the State DEP doesn't realize that there are other alternative methods to recycling our garbage, they are absolutely blind as a bat. They don't go to any of these sessions -- technical sessions -- that are even given here in the State of New Jersey. I have been to a number of conferences in Atlantic City. Every year there is a State show, and there are exhibitors -- Sorian Cecchini, ourselves. Many exhibitors go to these sessions. This is a proven technology. It is over 30 years old. It just happened that it took a long time to get to this fine country.

What else do we do? My mind is absolutely racing. I am so excited about having the opportunity to speak in front of you. This is the second committee that I have been able to speak in front of. The other one was in the State of Minnesota.

I strongly commend the State Legislature of the State of New Jersey for passing the first mandatory recycling law. There are also other options, such as ours. We are able to recycle between 85% to 90% of the incoming garbage. We recycle everything from plastics. One of the products we make from our plastics is mechanized garbage containers. They have been out now-- We have been experimenting for three years in Minnesota, and we just put them on the market earlier this year. We give them the same warranty as if we were using virgin material. Plastic is recyclable. All plastic is recyclable, except for Styrofoam, to my knowledge.

ASSEMBLYMAN DUCH: May we have a copy of your flyer for the record, sir?

MR. REUTER: Certainly. I would like to ask the Committee if they could go a few steps further. We all want to recycle. We want to recycle everything we can get out of the waste stream with source separation, with centralized recycling plants, whatever it takes to get the garbage out. Now we need to have laws passed to try to require cities, counties, and state governments -- to require those cities, states, and county governments to buy recycled products.

I was just thrown out of a \$10,000 container order because we used recycled plastic. We met every other criteria, except for one statement in the bid spec. It has to be a virgin material, with non-recyclable plastic. It is totally absurd, folks. It is totally absurd. You have to encourage business to find new products that we can make from a waste stream. We're making tire stops out of plastic now, and they look good, and they will last forever. We have to encourage private business to get their thinking caps on, to spend money on R&D to find products that we can make from recycled products.

I am trying to encourage the newspaper industry. In Minneapolis, we have to spend \$20 a ton to get rid of our newspaper. We have to encourage the newspaper industry to start using recyclable paper in their newspapers, if we are able to do that, or find other areas. We found another area for newspapers. We are selling our fluff to a tar manufacturing company. They make shingles. They manufacture shingles with our fluff. That is about 40% of our incoming waste.

We are now in the process of building our second plant in Pembroke Pines, Florida. It is a 660-ton-per-day facility. It is recycling and composting. We cannot wait until that one gets on-line. There have been some comments made this evening that there is not a plant in the world that can do all this. We've got one in Minneapolis; we're building another one in Florida. There is one in Dusslingen, West Germany, which has

been out there for five years, and there are others that have been out there longer. We just haven't looked, or we're afraid to look.

I have been all over this country. I have been all over North America. I was sitting in the City of New York, talking to the Director of Sanitation. Ten thousand people were outside picketing the mass burn incinerator for the naval yards. He told me people don't care if we build a mass burn incinerator. But they were picketing outside, screaming and hollering. Wake up! I'm glad you folks have woken up. We appreciate it. DEP has not woken up yet. They don't want to disturb their little--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Gold mine.

MR. REUTER: Gold mine -- exactly. They are looking out for their own tails. They want their jobs. They can put them to better use.

Items that we recycle, and are able to recycle: aluminum, plastic, cardboard, ferrous metal. We even break that down further. We go to bronze and silver. We separate out every piece of metal we can, everything that is recyclable. We even do oil. We do tires, we do batteries, and even diapers. It was said to me not more than a month ago, "You can't recycle diapers." Yes, you can. We're doing it, and we have been doing it for two-and-a-half, almost three years.

Also for the record, I would like to supply a film of our process to the Committee, along with the technical data, full brochures, and a copy of my speech, which I wrote on the airplane coming up here this morning. I am not even going to read it. I am not going to waste your time with it.

I encourage you to vote-- I don't even have to say it. I plead my ignorance, but I would like to be on the record as encouraging you to pass this bill. Thank you very much.

ASSEMBLYMAN ROONEY: I think there was a Commissioner from the Middlesex County Utilities Authority here, Nicholas Smolney. Again, I apologize. Some of you have been here almost all day. We have been trying to fit you in, but, unfortunately, we have not been able to.

N I C H O L A S S M O L N E Y: I know it has been a rough schedule. Being in the public sector, I know what you are going through. I would like to thank you, Mr. Chairman and members of the Committee.

My name is Nicholas Smolney. I am the Project Coordinator for the Middlesex County Utilities Authority. I am here representing Frederick Kurtz, who is the Executive Director of the MCUA. The Middlesex County Utilities Authority is the implementing agency in Middlesex County for the resource recovery facility.

The State of New Jersey has directed, through the Solid Waste Management Act, each of our 21 counties and the Hackensack Meadowlands to implement adequate and environmentally sound solid waste disposal facilities to meet the needs of our residents. The State of New Jersey mandated that reliance on landfills was not in the public interest, and that the waste flow to the landfills must be reduced. Those agencies charged with meeting those State-determined policies proceeded to develop the necessary strategies to comply.

After years of hard work and the expenditure of millions of dollars of public funds, these new solid waste management facilities are now beginning to be placed into service. The question to be posed is whether we should continue to progress and meet the challenges, or do we seek again to create another solid waste crisis?

Assembly Bill No. 4105 is a step backwards. If this proposal were placed before the Legislature in the early 1980s, a positive contribution in the planning process would have occurred. This could have provided a model procedure that each

potential facility could have used -- could have followed, guiding applicants in the formation of submissions for State review. This would have substantially shortened the time frames for applicants to receive approval to construct their facilities. Instead of changing environmental concerns, which are met in the present process, the hurdles would have been clearly defined.

Resource recovery facilities are being unfairly maligned by the proposed legislation. Statements in Assembly Bill No. 4105 are universal truths. However, virtually any development or construction causes noticeable impacts upon potable water, air quality, and land use patterns. Each new home constructed to provide low- and moderate-income families with decent housing, each additional vehicular trip to permit residents to live in New Jersey suburbs, yes, each breath of air taken by human beings affect our environment, yet these issues are outside the concerns targeted by this legislation.

Resource recovery facilities with the latest accepted state-of-the-art environmental controls are depicted as alien facilities. If we are truly in such a dire environmental state, why not a moratorium on new trucks which clog our highways, or electric cogeneration facilities which change our land use patterns, or oil-fired furnaces which foul our air? In choosing a technology, determining the sites, and developing the extraordinary environmental data to bring the necessary facilities to reality, over \$4.2 million has been spent in Middlesex over a five-year period. The cost to the Middlesex County Utilities Authority to bring one resource recovery facility to the preliminary environmental and health impact stage has been over \$1.8 million to date. Who will reimburse Middlesex County taxpayers for these costs?

Other counties have made similar expenditures in good faith at the State's direction to solve the State's solid waste problem. The bill, if adopted, is designed for failure. It

cannot meet the noble goal of synthesizing new protections for our citizens. An overwhelming sum of \$75,000 is proposed for the Department of Environmental Protection to conduct a study in a six-month time frame, to develop models and methodologies for the entire State of New Jersey. Can this miraculous work product remotely address all of the concerns and problems facing our 22 solid waste districts across the State? This is a farce. It cannot be done. What will you receive for the \$75,000? Nothing more than a rehash of existing literature, or a further request for a moratorium for more funding. True environmental modeling takes a minimum of 12 months of field study, to account for seasonal changes. Apparently the new expected environmental proposals will be presented without field validation studies.

The sponsors of the legislation proposing self-serving moratoriums deceive the public. In hiding from a difficult problem, rather than making a responsible judgment, however unpopular to some, they bury their heads in sand like ostriches. Solid waste will not magically disappear. Judging by this legislation, the ostrich has yet to be classified an endangered species worthy of mention in an environmental impact statement, just an unintelligent one.

How convenient. Pass a law. Direct large sums of public funds to carry out the law, and then kill the projects with a moratorium. Assembly Bill No. 4105 will cause the solution to New Jersey's solid waste problems to be delayed for at least five years. It will break the inertia and the continuity painstakingly built by each of the counties' solid waste districts. It is bad legislation, meant to appease a minority who except through delay cannot achieve their desired end. Their alternative is to continue to export garbage at an ever-increasing cost to our taxpayers. By adopting this legislation, you are sentencing your constituents to bear another crisis which will far exceed our automobile insurance debacle.

If you must have your moratorium, let it apply to those counties which have yet to submit their preliminary environmental and health impact statement for the proposed resource recovery facilities. Any moratorium must be implemented with practical alternatives for solid waste management, particularly to counties such as Middlesex, which have tried earnestly to conform to the statutes that the State has adopted. Best of all, ignore their proposal as a ridiculous piece of political rhetoric.

Mr. Chairman, thank you.

ASSEMBLYMAN ROONEY: Before you leave-- (applause)
No, please, I asked for no applause and no hissing or booing.

I have some problems with the testimony which was given.

ASSEMBLYMAN PASCRELL: I have problems with it, too.

ASSEMBLYMAN ROONEY: Mr. Pascrell, I said that at the end you would have all the time you desire.

ASSEMBLYMAN PASCRELL: I have been quiet for five hours. I am going to speak after this.

ASSEMBLYMAN ROONEY: I kind of resent you saying that this--

ASSEMBLYMAN PASCRELL: You'll have to throw me out.

ASSEMBLYMAN ROONEY: Please, Mr. Pascrell.

ASSEMBLYMAN PASCRELL: I'm sorry, go ahead.

ASSEMBLYMAN ROONEY: We have a public hearing going on. We have recording being done.

I resent what has been said, that this is self-serving legislation. It isn't self-serving. I think it is self-protective legislation. We are trying to act in the best interest of the health and safety of the people of this State, and that is the issue at question.

The problem we find with DEP, is that they should have had these models constructed a long time ago. The \$75,000 is irrelevant, immaterial. Whatever money it would take to do the

job should be in DEP today. They should be there to protect our health. They are not doing it. (applause) No, please, please. We have a recording going on. I keep repeating that. DEP should be there protecting us. They haven't been there.

One thing I just want to reflect on here for one minute is the Middlesex plant itself. I have been doing some calculations. I looked at the number of tons per day and the estimated costs. You're looking at a 2250-ton facility. Your estimated cost is \$350 million.

MR. SMOLNEY: That has yet to be determined.

ASSEMBLYMAN PASCRELL: That's even better.

MR. SMOLNEY: We are estimating presently that it will be between \$200 million and \$300 million.

ASSEMBLYMAN PASCRELL: Do you want to bet it's \$450 million?

ASSEMBLYMAN ROONEY: Mr. Pascrell, please.

ASSEMBLYMAN PASCRELL: I just want to bet him, that's all.

ASSEMBLYMAN ROONEY: I just want to say that from the information that was given to the Office of Legislative Services, it says 2250 tons, \$350 million.

MR. SMOLNEY: That part is correct.

ASSEMBLYMAN ROONEY: Do you have a contract?

MR. SMOLNEY: No, we do not. We are in the preliminary environmental impact statement process.

ASSEMBLYMAN ROONEY: So, you are in the position before a permit?

MR. SMOLNEY: We are in the process before we have clearance from the Department of Environmental Protection.

ASSEMBLYMAN ROONEY: Do you have a vendor selected?

MR. SMOLNEY: We have a short list under the McEnroe legislation.

ASSEMBLYMAN ROONEY: Who are the people you have?

MR. SMOLNEY: Ogden Martin, Foster Wheeler, and Westinghouse on a contingent basis.

ASSEMBLYMAN ROONEY: Well, on the estimates, just looking at the numbers, it's amazing, and this is getting back to the economic impact. The cost per ton of construction ranges from \$74,000 per ton, the lowest, which is Union County at 1440 tons per day-- Middlesex, with the \$350 million, was \$155,000 per ton, or double the price of the Union facility. It is higher than the Bergen facility by a considerable amount, and Bergen is a larger facility. It is about the same as the Essex facility, which had underwriting by the Port Authority. It had no bid. And one of the things that we have been bringing out on the economic impact of this, is that when you finish your facility, you will probably be the highest cost per ton in the State.

MR. SMOLNEY: I seriously doubt that, Mr. Chairman.

ASSEMBLYMAN ROONEY: I don't doubt it in the least, because if these numbers-- With your construction costs being what they are going to be, you are going to be among the highest costs in the State. You are going to be hard put to get any garbage to fill it. That is the economic impact.

We are still concerned with the environmental impact. Personally, I really don't care where the construction may be, or where the permit process may be. If we know, and we have had evidence beyond the shadow of a doubt that this is harmful to human health, then I think we should stop and look and listen, and gain all of the information we possibly can before we go one step further down the road to perdition, because that is where we are going with these plants. These garbage burning facilities are the road to hell and death and destruction for many of us. That is what we are saying. Unless we have people like yourself to start to listen to us and listen to the situation as it exists-- The evidence -- the hard evidence -- is there. There is no question in my mind, after listening --

and you have been here through most of the hearing; I saw you earlier today--

MR. SMOLNEY: Yes, I have been here.

ASSEMBLYMAN ROONEY: I don't see how anyone could sit in this room and listen to the experts we have heard, and not hear, or choose not to hear, what has been said.

MR. SMOLNEY: Much of the information is only partially presented, however. There is-- (negative response from members of the audience)

ASSEMBLYMAN ROONEY: No, please, no audience participation. This is not--

MR. SMOLNEY: There is much out there to be learned. I suggest that if you are sincere in what you are saying, that as a Legislature which determines public policy, that you should be forcing the necessary budget appropriations for DEP to undertake its mission. You direct the various State organizations from a policy standpoint. This is the function of the Legislature; it is a governing body.

ASSEMBLYMAN ROONEY: Nick, the first thing we have to do is stop what is happening right now. That is what we have to do, because right now, 18 incinerators are planned, and are going down their merry path to all types of permits and construction, and there are consequences that exist from that. That is why this is the first step. I have other legislation we are planning to introduce as a result of these hearings, so--

MR. SMOLNEY: I suggest that you develop -- not you individually, but collectively in the Legislature -- a strategy that we can meet what will be the next solid waste crisis, before it occurs. If not, these poor constituents are going to feel the brunt of the economic pain of meeting that on an interim basis.

ASSEMBLYMAN ROONEY: Just another question I have, and I have asked most of the counties that have come in: What was Middlesex's contribution to the Edgeboro when you were open at

Edgeboro? How many tons per day were you receiving at Edgeboro that were Middlesex garbage?

MR. SMOLNEY: I don't understand. Are you asking from the-- Edgeboro is still open. It is now receiving only Middlesex. As a matter of fact--

ASSEMBLYMAN ROONEY: All right. What were you receiving prior to shutting out the other four counties?

MR. SMOLNEY: We were receiving basically a third of the State's waste.

ASSEMBLYMAN ROONEY: But, what portion prior to shutting down the others? You don't have any idea?

MR. SMOLNEY: I don't have those numbers with me.

ASSEMBLYMAN PASCRELL: I think it was about 1.7 billion tons a year.

MR. SMOLNEY: Could be.

ASSEMBLYMAN PASCRELL: That's what it was. Mr. Chairman--

MR. SMOLNEY: I know the total capacity was in excess of three-and-a-half million tons a year, but that's--

ASSEMBLYMAN PASCRELL: Mr. Chairman--

ASSEMBLYMAN ROONEY: Please, Mr. Pascrell.

ASSEMBLYMAN PASCRELL: Excuse me. I am directing this to you, not to the speaker. Mr. Chairman, I behaved myself. You have to admit that. I have sat on my hands for-- But, you know, people can disagree with the legislation. I duly respect that. I have the responsibility to respect it. But this person came before us and represents Middlesex County, and he talks about legislation appeasing a minority. I don't know who in God's name he is talking about. I worked on this thing for seven years, and I have only been a legislator for 18 months. I want to know which minority he thinks I am appeasing, or Assemblyman Rocco is appeasing.

Don't you ever dare come before this Committee and talk about our sincerity. You better go down to DEP and check

out their sincerity, because they are the ones you are dealing with. We don't implement -- we do not implement the law. The administration implements the law. Let me give you a civics lesson. The Legislature takes a bill, refines it, defines it, crystalizes it, votes it up or down, or ignores it. It is the administration -- if the Governor signs the bill into law -- that implements that legislation. You are in the wrong stadium, out of season, and you better wise up and smell the coffee.

ASSEMBLYMAN ROONEY: Mr. Pascrell--

MR. SMOLNEY: I'm afraid you just failed your civics lesson. Good day.

ASSEMBLYMAN ROONEY: I had hoped that we could conduct a better hearing. I have to compliment most of the witnesses up to this point for their abilities and for their civility. I can't say that for the last witness. I don't like hostile testimony, and this is not the place for it.

I am going to recognize someone I owe a debt of gratitude to, and I am going to publicly state that on the record. Dr. Giannantonio has been extremely patient, and has been working with my staff for the last month on this hearing. It is through his efforts that we have had a very successful, a very orderly hearing, and I believe something that we can all be proud of. So, at this time, I would like to ask Dr. Anthony Giannantonio from Palisades Park to come up to the microphone for as long as he would like, because he has waited so long. (applause) I would think that he does deserve a round of applause.

But, let me explain something to you. We had a lot of angry citizens out there who wanted to come and demonstrate and wanted to come and be here in the room. I asked Dr. Giannantonio, in private meetings with him, and with the doctor from Save Our Shores and his son at his house, that we really try and make this a good, healthy hearing, and have good,

healthy testimony that people could read and believe. I think that has happened. Today I am extremely proud of the work of this Committee, and I want to say, Doctor, I again applaud you and thank you, and my staff thanks you, for what you have done to help us to get this-- I know I had calls even this morning from the County Executive, worrying about how many policemen we would need out here. But thanks to your group and the way you have handled yourself, it is just a marvel. Again, I can't say enough to thank you.

A N T H O N Y J. G I A N N A N T O N I O: Thank you very much. I am Anthony Giannantonio. I am not a doctor yet.

ASSEMBLYMAN ROONEY: Oh, excuse me.

MR. GIANNANTONIO: I am just a pharmacist.

ASSEMBLYMAN ROONEY: It's not just a pharmacist.

MR. GIANNANTONIO: I have owned and operated my own business for over 30 years, and I like to feel that I have been a successful businessman. I have had experience in serving as the President of the Board of Education over 25 years ago in Palisades Park. It reminds me of something: Twenty-five years ago, as a pharmacist, I initiated the first Drug Abuse Advisory Committee in the State of New Jersey sponsored by a Board of Education. I had a hell of a job to try to sell the idea to the Police Department, because they thought I was infringing upon their jurisdiction. And as we all know, just a few weeks ago, the President of the United States made a statement concerning how serious drug addiction and drug problems are in the United States.

I would also like to add that 10 years ago, I had a meeting with bank officials and other people involved in investing, as I was interested in purchasing property. I was most amazed at that time at how easy it was to borrow money. I predicted to the savings and loan officer that, "Your business is going to be in serious trouble." Well, we all know we are

bailing out the savings and loan industry, to the tune of \$1000 per taxpayer.

I am going to make another prediction tonight, being that I have been so good so far: If we go with incineration, 12 years from now we will have so many lawsuits from citizens claiming that their offspring or their relatives or their friends came down with cancer, or, the incinerator industry will cause us to go bankrupt.

I am happy to see men such as you, because we need courageous leadership in our government more than ever before. And I compliment Assemblyman Pascrell for speaking up sometimes. It is not easy to sit back all these hours waiting when you have something to say. I think I never shut up so long in my life, sitting down here. And I compliment you, Assemblymen Rooney, Roma, and Schuber, Assemblywoman Randall, and all those who are participating, because you have to stick your neck out. We have to stop licking the boots of the incinerator manufacturers.

I think we have a few roadblocks ahead of us. One of them is, we're talking about moneys that have already been set up for bonding. The BCUA, and I have attended some of those meetings, and I can remember you sitting on the board-- I am happy to see that we are getting more and more converts, because at the beginning of the session -- I may be wrong -- I think you were thinking about regionalization. I think now you have changed your mind a little bit about that, and I hope you, Mr. Pascrell have also changed your mind about regionalization, because I want you to know-- You said to me, "Anthony, be nice to us." I could have very easily had this place jamming from all sectors, but I didn't want to cause any problems.

So, I want to remind you that the Bergen County Citizens Against Incineration are against all incineration, anywhere, anyplace in the State of New Jersey. In fact, in the United States of America. Like you said four or five times,

you have to be insane if after you have heard some of these experts who came here today-- One gentleman came from as far away as Syracuse, New York to be with us to testify, Dr. Paul Connett. Dr. Melvin Finstein sat down from three o'clock this afternoon to wait to speak. If they haven't convinced anyone that incineration is not the way to go, I don't know who the hell is going to convince you guys. But, you have our help.

I would like to give out this little announcement tonight. It has on it some Senators and Assemblymen who should be called to vote in favor of this moratorium, because after speaking to your Committee and your group, you have stated that some of these people may be a little stubborn. So, one of my helpers here, please distribute this information. And please, I urge everyone present here tonight who is anti-incineration to not stop here. We have to keep moving ahead.

I would like to know tonight, "Where's the beef?" Why I ask that-- Are there any Bergen County Freeholders present here tonight? (no response) Where the hell are they, the elected public officials who sat up there saying, "We haven't heard any alternatives," and they wouldn't allow us to speak for two or three minutes? I am disappointed, because I think they knew this meeting was going to be here, and they should have made it their business to be here.

I would like to point out that we are concerned about all the moneys that have been spent for bonding. I would like to read this little literature from Dr. Paul Connett, who is an expert. He knows all about incineration. This refers to Pennsylvania: "Lehigh Valley abandons plans for an \$180 million American Ref-Fuel" -- you know, we have heard of that outfit -- "incinerator. The incinerator has been scrubbed, even though they have spent several million on the project. The decision was based mainly on economic concerns of risk and liability. After a local law firm researched the municipality's incinerator contracts and issued a 60-page

report, municipal officials started taking a more critical look at the incinerator. Officials learned that the contractor, American Ref-Fuel Company, exempted itself from liability, while requiring municipalities to give up their tort claim liability cap."

We are confronted with the same thing. We have to meet the liabilities. We have to be responsible for them. That is why I predict we would have so many lawsuits, because everybody is sue conscious today. And they said American Ref-Fuel was noted for price fixing, an antitrust violation, in Chicago. One gentleman there said, "If incineration had to get in on scientific and economic merits, there wouldn't be an incinerator in the world."

I am trying not to say anything that has already been said, because we have had many experts. I would just like to touch upon something else: You know, recently, we all received literature concerning AIDS from our Surgeon General, because AIDS now is a serious problem. Incineration is a very serious problem. I would like to see the Assembly be responsible to issue some literature to all New Jersey residents, telling us about the dangers of incineration, and also, how costly it is versus recycling. We must educate the public, just like you had to be educated. Am I right, Mr. Rooney?

ASSEMBLYMAN ROONEY: Absolutely.

MR. GIANNANTONIO: So, let us try to proceed perhaps in that direction, because an educated consumer -- I don't want to go into somebody else's territory -- is going to be anti-incineration. I would also like to say that the Citizens' Clearinghouse Symposium on Waste Management, held in 1985, adopted a philosophy. The philosophy was, basically, "Listen to the people." Dr. Connett spelled it out. If it weren't for individuals like Steve Krivanek, who testified, bringing to the attention the irregularities-- In California, they have citizens' groups that monitor their incinerators, which they

made the mistake of building. The Warren County incinerator caused enough damage already. It should be closed down.

I can only try to impress upon you, gentlemen, that we must also be careful with our alternatives. I am against incineration, but I am not for composting that isn't done properly. There have been two companies in New Jersey already that have had some composting problems that had to be corrected. In one of those outfits, it was corrected by none other than Dr. Melvin Finstein, present here tonight. The DEP, remember, has put into place policy that doesn't let composting work, because they are pro-incineration. So before you adopt any composting plan, or hire any composting firm, please check with Dr. Melvin Finstein. He is right here in New Jersey. He is an expert; call upon him. Our Freeholders have not, the BCUA has not, the Army Corps of Engineers has not. They listened, but they did not follow the advice of the citizens of Bergen County, Hudson County, Passaic County, etc.

At this time, I would like to thank all the speakers who came here tonight after my numerous telephone calls. I wouldn't let them sleep until I got a "Yes" from them. And I would like to thank all of the residents who were kind enough to come out to listen and to become educated today, so that they can go out and spread the word against incineration, and let the people know the Assemblymen and the Senators who are helping us, because we want to help you.

Thank you very much.

ASSEMBLYMAN ROONEY: Thank you. Tony, before you go, I have a confession to make.

MR. GIANNANTONIO: Excuse me?

ASSEMBLYMAN ROONEY: I have a confession to make.

MR. GIANNANTONIO: Okay. The Monsignor left.

ASSEMBLYMAN ROONEY: I know, but I will make it anyway, just so you are aware. You mentioned the capping of liability. While I was a Commissioner at the BCUA, I was asked

to sponsor legislation that would cap liability. I looked at that legislation after I put it in, and I did not ask that it be posted. It has never been requested to be posted for consideration by my own Committee. I want to tell you that I rescinded my sponsorship of that bill, which actually killed it. That bill has gone nowhere. But I believe that was the wrong thing to do. I thought the same as you did. Looking at it, it was a good piece of legislation perhaps for the Bergen County Utilities Authority, but it was not a good piece of public policy. So I'll tell you that that legislation has never been considered in this Committee, and Cindy Lombardi, my Committee Aide from staff in Trenton, has asked several times, "Well, don't you want to hear your own bill?" I looked at her and I said, "No. To be honest with you, Cindy, I don't think it is a good bill." I put it in because at the time I said I would consider it and look at it. But I am here to say that I pulled my sponsorship and killed that bill. It has been as a result of talking to your group, and other groups like yours, across the State.

If they are going to put up plants that are hazardous, that have problems with health impacts, then they should have full responsibility, liability for that. If we have down the road, as you say, some cancer victims who would be suing these people, they should have the full right of that litigation, and be able to collect on anything that the industry causes in the way of health hazards or damage to anyone. I just want you to know that that bill will never see the light of day out of my Committee, and this is the proper Committee for it, since it is a county government or regional authority item.

MR. GIANNANTONIO: Very good. I would like to also add, and I am very proud, that from my hometown we have Assemblyman Patrick Roma, who has been sitting here since three o'clock. It is by listening that you learn, you know.

ASSEMBLYMAN ROONEY: Right, absolutely.

MR. GIANNANTONIO: I would also like to say--

ASSEMBLYMAN ROONEY: He sits next to me, too, and he learns a lot that way.

MR. GIANNANTONIO: I have been calling him Assemblyman Rooney all day. But I might add, also, that in your proposal, remember the amendments that were discussed, because the bill, as it stands, is a step in the right direction, but it needs more reenforcement, as we discussed. I think the \$75,000 that you have allocated for DEP should be taken the hell out of there, because they don't deserve a penny. It is people like Dr. Finstein, who can do a little research of the alternatives, who should be considered. Put some money in that direction.

ASSEMBLYMAN ROONEY: That will be amended, Tony. I want to let you know that the sponsors of the bill have recommended that the funding go to Rutgers for the study, an independent organization, and not to DEP. So, that will be part of the amendments we will hear in the very near future.

I don't want to cut you short. I told you you could have as much time as you wanted.

MR. GIANNANTONIO: It's pretty hard to cut me short. I just want to say, God bless Assemblyman Pascrell. Thank you.

ASSEMBLYMAN ROONEY: Thank you. I have to go back to the list. I apologize again. There is someone who was with the Monsignors who is listed here. He's Dr. Howard Baum. He has been here for quite a while. I would like to have you come up at this time, Doctor. He is from Doctors Against Misusing Passaic's Environmental Resources.

D R. H O W A R D B. B A U M: Thank you for allowing me to speak. I am a practicing internist and gastroenterologist. In 1985, I co-founded DAMPER, an organization of over 100 physicians in Passaic County who opposed the siting of a resource recovery plant next to a school and a hospital in our county. I am also a member of the medical establishment. I serve on the Board of Trustees of a major hospital in the

State, and I am on the Board of Trustees of the Passaic County Medical Society, which has also come out against the siting of the incinerator in Passaic County.

I am sorry that I can't give you written testimony, and the only appendix I can offer is in a glass bottle. But I would like to just say one or two things about the health issue. Clearly, it is not so clear-cut. If it were clear-cut -- and it seems clear-cut from all of the testimony tonight -- there wouldn't be incineration in this State. I think we have to be realistic. If it were clear-cut, there wouldn't be an argument.

I sat with consultants, I have been to national symposiums, and I have read the literature carefully. The problem is that scientific evidence isn't always clear-cut. For every expert, for every bit of cogent evidence that I believe is against incineration, there is always some expert who has good credentials who can defy it. And that is the problem: How does the public, how do legislators make decisions? It is a very difficult question.

I will take a different tack, because I happen to believe much of the evidence here, after careful review. But I would also like to take a different tack. Let's assume you are not sure. Let's assume that there is uncertainty in the evidence, that enough doubt has been raised in your minds that this may be dangerous, that there may be serious adverse consequences. Shouldn't that have been the tack approached by the legislators, citing these, if at all, as a potential danger? That was never the tack. These were always cited as absolutely, infallibly safe, and that is what disturbs many members of the medical community.

We are not taught to believe things are infallible and absolute. My first year at Cornell Medical School 16 years ago, an eminent, venerable, old dean said, "Half of what you learn here is going to be wrong." And 16 years later, much has

changed. How many drugs with stringent FDA approval have been taken off the market? How many new concepts totally defying old concepts? We have to keep an open mind. Nothing is infallible. If anybody from DEP or some of these consultant agencies truly believes that their evidence is infallible, either they don't understand science, or they are lying to us. And that is what disturbs me the most.

So, I think it is very important. Enough has been said about everything. I think the facts speak for themselves. But even if some of the facts are wrong, there has to be some shred of doubt that this is a safe process. Then how could you site any of these things in densely populated areas? You have to be very, very careful in interpreting the evidence.

Thank you for the opportunity to speak.

ASSEMBLYMAN ROONEY: Thank you, Dr. Baum. Again, I apologize for not having you on sooner.

Continuing in the medical profession, Dr. Livelli. I'm sorry again. We are at a quarter to 11.

DR. LIVELLI, JR.: Thank you, Mr. Chairman, members of the Committee. I am Dr. Frank Livelli. I am a cardiologist and an Associate Clinical Professor of Medicine at Columbia University. I would like to first start by reading a very brief statement by Dr. Peter Bower, who is the Deputy Mayor of Teaneck. He couldn't be here tonight because he is at a Council meeting in Teaneck. He is also a Professor of Environmental Science at Columbia University. This is his statement:

"As an environmental scientist, and as the Deputy Mayor of Teaneck, I wish to put on the record my opposition to the present plans for an incinerator in Bergen County. Opposition to the incinerator has often been characterized as a "NIMBY" phenomenon. There is significant opposition to this incinerator in many other communities as well, including Teaneck.

"The Bergen County incinerator has a present price tag of \$425 million, which will grow to well over half a billion dollars when finally built, making this project the largest public works project in Bergen County history. Taxpayers should know that the project is economically and environmentally unsound. While the details are not important for my message to you today, I am preparing a more detailed accounting of my objections to this project, which will be sent to you in a few days." Signed, "Sincerely, Dr. Peter Bower."

ASSEMBLYMAN ROONEY: Thank you very much, Doctor.

DR. LIVELLI, JR.: My statement has to do with garbage incineration and its relationship to DEP and all citizens.

The New Jersey Department of Environmental Protection is going full steam ahead with plans to build numerous garbage incinerators throughout the State. The garbage incinerator slated for Bergen County is, in fact, one of the world's largest. It is a monster that will eat 3000 tons of garbage a day, and spit out approximately 1000 tons a day of ash, up to 45% of which is toxic. Each year, this much ash would cover a football field piled as high as a 25-story building. It will bellow into the air the other 2000 tons. That's right, as the DEP calls it, 2000 tons of "aerial garbage" each day. You see, a fundamental law of physics is that matter can neither be created nor destroyed; we can only change its form and composition from ordinary garbage to toxic ash and poisonous gases. Incineration "gets rid of" our garbage by making us breathe it in our air, eat it in our food chain, and drink it through the ultimate contamination of our water supplies.

In 1983, the DEP put forth a monograph on the issue of air pollution entitled, "Needed: Clean Air." This is what they have to say.

DEP says: "Polluted air destroys our environment. Polluted air destroys our health. Polluted air decreases property values."

DEP says: "Identifying the major sources of pollution is the first step toward cleaning up our air. Solid waste incinerators emit significant amounts of particles, carbon monoxide, and hydrocarbons."

Let's take a quick look at what you may expect, as a minimum, in the way of air emissions passing through the pollution control equipment on a 3000-ton-per-day incinerator, and let's see what DEP has said about each item.

1) Particulates -- 634,000 pounds per year. DEP comments: "Particulates: These include solid particles -- soot and dust -- or liquid droplets. Small particles may carry poisons into the lungs."

2) Carbon Monoxide -- 1,100,000 pounds per year. DEP comments: "This deadly, colorless, odorless gas is a special threat to pregnant women and people with heart disease."

3) Sulfur Dioxide -- 2,000,000 pounds per year. DEP comments: "This poisonous gas can contribute to coughs, colds, asthma, bronchitis, and emphysema. Mixed with other pollutants, it can be fatal to people who have heart and lung diseases."

4) Nitrogen Oxides -- 5,500,000 pounds per year. DEP comments: "It can lower a person's resistance to pneumonia, flu, bronchitis, etc."

5) Lead -- 56,400 pounds per year. DEP comments: "Airborne lead is a serious health risk, especially to children and the unborn. It can damage the blood, nerves, kidneys, and reproductive and other systems."

Aside from lead, thousands of pounds of other toxic heavy metals will become airborne, including mercury, chromium, cadmium, and arsenic. In their monograph, the DEP does not even mention dioxin. As stated by the U.S. Environmental Protection Agency, dioxin is "the most toxic chemical known to mankind." The U.S. Food and Drug Administration has stated: "Dioxin is 100,000 to 1,000,000 times more potent than

thalidomide in causing birth defects in laboratory animals. Dioxin causes miscarriages, birth defects, cancer, and death in lab animals at the lowest levels detected."

Dioxin is the toxic contaminant in Agent Orange. A 3000-ton-per-day incinerator will spew into the air up to six to 18 pounds of dioxin a year. Keep in mind that if you feed a healthy guinea pig one billionth of his own weight in dioxin, he will roll over and die. If you feed a healthy carp -- a very tough fish -- 30 parts dioxin in a trillion, you will kill him. There are a trillion parts per trillion in one gram, and 454 grams in one pound. A single shovelful of dioxin would render the whole of Lake Ontario contaminated and dangerous to human health.

In the face of other existing technologies, such as recycling and composting -- already in use in Sussex County, for example -- that cause none of these undesirable side effects, it would appear to be absolutely insane to use incineration as the chosen method of handling our garbage problem, especially when it is incompatible with recycling. Then why, you may ask, is DEP dragging us in this lethal direction? Perhaps it has something to do with the fact that the former DEP Commissioner and his cohorts have taken high-paying jobs in the incinerator industry, pawning our lives and health, and those of our children and their children, so they can make their big bucks. Utterly outrageous.

The U.S. Environmental Protection Agency has emphasized: "Municipal waste combustor emissions may reasonably be anticipated to contribute to the endangerment of public health and welfare."

In the words of the DEP: "Air pollution is not only a nuisance, it's a killer." Protect your right to breathe clean air. Contact your representatives. Tell them you want government to improve and protect the quality of our air.

Gentlemen, incineration is "insane-eration." We thank you for your first step in the right direction. Thank you.

ASSEMBLYMAN ROONEY: Thank you, Doctor. Is Mr. Peter Rinaldi here, from the Netcong Environmental Commission? Mr. Rinaldi, Peter Rinaldi? (affirmative response from audience) At this point in time, I am going to call persons from the furthest distance first, since they have a long way to travel when they leave here.

P E T E R J. R I N A L D I: Good evening. My name is Peter Rinaldi. I represent the Netcong Environmental Commission.

Morris County plans to build an incinerator less than one-half mile away from the wells that supply our town with water. That raises two important questions, one of quantity and one of quality. This particular incinerator--

ASSEMBLYMAN ROONEY: Mr. Rinaldi, can you pull those microphones down, so we can pick you up a little bit better?

MR. RINALDI: Okay, how's this? Is that better?

ASSEMBLYMAN ROONEY: Yeah, that's better.

MR. RINALDI: This particular incinerator is designed to consume 50,000 gallons of water per day. This water will come from surface water near our wells. How extensively will it affect the quantity of water in our wells? Will we have water for our own needs? Also, how extensively will it affect the quality, with the toxic emissions being airborne and also seeping through the landfill for the toxic waste ash that is going to have to be made. We are very concerned about this.

Our Environmental Commission unanimously opposes any incineration in the State. We want our State to be a livable State, and not a State harboring death.

Also, to go to another point, on recycling-- Recycling is mandated by the State. It is supposedly looking for 25% from all towns. Netcong, right now, in Morris County, is a leader. We are up to 31% recycling. It is very hard to

believe that a town like Morristown, with a population of 17,000, totaled only 571 tons of residential recyclables in 1988. Netcong has 3500 residents, little money or resources, and yet we totaled 455 tons of residential recyclables. With the industry and commercial units, Morristown totaled 474 tons; Netcong 300 tons. Why? What is the reason for this? They are not even giving recycling a fair chance. If they would devote just a small percentage of the money they want to blow away on these incinerators toward recycling, toward education, toward alternative means for solid waste disposal, everyone would be happier and healthier.

I want to commend you, and thank you very much for giving me the time to speak and voice our opinions.

ASSEMBLYMAN ROONEY: Thank you, Mr. Rinaldi. We appreciate your brevity, too.

Mr. David Scapicchio, Concerned Citizens of Morris County, and also, I believe, Mr. Joseph Cardoni, who is also from Concerned Citizens of Morris County. Are you both going to speak? (no response)

D A V I D M. S C A P I C C H I O: Good evening. My name is David Scapicchio. I am a resident of Mount Olive Township.

As New Jersey continues to push forward with plans to build trash-to-energy incinerators, throughout the United States more than \$3 billion worth of incinerator construction contracts have been canceled, as more and more local and state governments are backing away from this backward technology.

The incinerator industry has been plagued by mechanical failures that have already closed \$720 million worth of incinerators, and caused unscheduled shutdowns at more than half the plants operating nationwide. Many incinerators are now, and have not performed as advertised. When this happens, it is usually the taxpayers who pay.

In Massachusetts, where resource recovery incinerators have been operating for more than a decade, it wasn't until

last year that state regulators performed their first test. They found so much dioxin coming out of one plant that they shut it down, but only after it had been in operation for more than two years.

In Florida, officials have never measured dioxin emissions at the state's nine resource recovery plants. The officials there say the cost is too high.

In Commerce, California, their mass burn incinerator has been hailed as a model facility by its designers, Foster Wheeler. Despite this, it has experienced numerous shutdowns due to baghouse failures, steam tube failures, plus on top of that it had a \$2.6 million deficit in just two years.

In Toronto, Canada, a 300-ton-per-day incinerator shut down. The Toronto Board of Health said that studies have shown that the plant dumps more than five kilograms of dioxin into the air every year.

In Austin, Texas, plans to build a trash incinerator were canceled. Even though \$23 million had already been spent on the project, an economic analyst indicated that more than \$150 million could be saved over 20 years by using alternative disposal methods.

People must understand that these incinerators are not a bad deal for everyone. They are only bad for the taxpayers. Incinerators make good sense from the viewpoint of the companies that build them. They build the plants with taxpayers' money, so they are taking no financial risk.

Our trash problems started with landfills. They were a nonrenewable resource. Once that hole in the ground is filled up, you have to find another more expensive one, and they are in short supply. Suddenly, a new powerful industry has arrived on the scene, claiming a solution to our trash problems -- the incinerator industry. Where did this powerful new industry come from? Most of them are merely the nuclear power people in sheep's clothing selling new machines. They

haven't been able to sell new nuclear power plants for the last 11 years, so they are now selling trash incinerators.

I have a petition here with 1000 names of people who are in favor of A-4105. Also, there is a library of information I would like to submit.

Thank you.

ASSEMBLYMAN ROONEY: Thank you very much. Just bring the material up and I will give it to our Committee Aide. Okay, thanks a lot.

MR. SCAPICCHIO: If you need the originals, I have the originals.

ASSEMBLYMAN ROONEY: No problem, this will be sufficient.

Also we have Joseph Cardoni. Joe?

J O S E P H W. C A R D O N I: Present. I will try to cut this a little bit short.

ASSEMBLYMAN ROONEY: We would appreciate that.

MR. CARDONI: One thing I would like to point out, though, is, I am sorry the gentleman from Middlesex County left, because if we are members of a minority, it is only because we are informed.

When I first heard of incineration, it sounded like a great concept. They take garbage, and instead of putting it in a landfill, they create energy. It's a clean process and it is going to save us money. Through a very small amount of research and consumer information, we found out that none of that is true. Once you are informed, then you object to it. If that is protecting the interests of a minority, then I would heartily support that.

I also urge every New Jersey legislator to support Assembly Bill No. 4105 calling for an 18-month moratorium. This period of time will allow for a study of the cumulative effect to health and the environment brought on by as many as 18 incinerators. As important as this study will be, the

18-month period will also afford us the time to reevaluate the present solid waste philosophy, which has incineration as its centerpiece.

I was encouraged by a Newark Star-Ledger article this past Sunday which shows New Jersey ranking first in the nation in recycling. Greater efforts must be made to encourage non-burn technologies to vie for portions of the State's waste stream. Three towns in South Jersey have achieved recycling goals of 50%. The town of Mount Olive, where I live, has shown a decrease in solid waste tonnage to our transfer station from July 1988 to July 1989, at the same time experiencing an increase in population. Mount Olive officials tell us we are achieving recycling totals of 40% of our waste. Recycling can work if given a chance and a push.

In terms of a comprehensive approach to the county's disposal options, I submit a review of two proposals before the Morris County Board of Chosen Freeholders: a 1340-ton-per-day incinerator and a material recovery process using an Italian process known as the Sorian Cecchini method.

I will briefly just present the two comparisons with regard to cost, tonnage processed, and other considerations. This, I think, is going to be the most glaring example of why you would object to incineration once you have done a little bit of research into it.

The cost of the incinerator is estimated to be \$148 million. That is the initial capital investment at today's cost. Add to that figure an 8% annual cost increase for every year that the incinerator is not constructed. Add to that an \$8 million annual operating cost from Foster Wheeler, the design operator. Add to that the cost of an ash landfill, which they estimate to be plus or minus \$50 million, plus the cost of transportation of the ash to the landfill. Add to that unknown repairs and maintenance costs for site improvements, i.e., roads, retention ponds, etc. What you are looking at is a project with a capital cost approaching \$300 million.

By contrast, the Sorian Cecchini method is estimated at \$80 million for a facility to process the equivalent flow of waste.

Tipping Fee: The incinerator, \$100-\$120 per ton, plus periodic adjustments.

Sorian Cecchini proposal: \$70 per ton, plus an annual increase based on the Consumer Price Index.

Land Required: Incinerator, 115 acres; Sorian Cecchini eight acres.

Water Consumption: Incineration, 144,000 gallons of water per day, and that is an air-cooled technology. Using the Sorian Cecchini method, 22,000 gallons of water per day.

The Sorian Cecchini process will reduce Morris County solid waste 92% by volume through an integration of three stages of separation and classification, roughly the equivalent volume as an incinerator and, as you have seen in the cost comparison, at a far reduced cost.

The company making the proposal has offered to design, permit, and construct the facility at no cost to the county, and guarantee the handling of waste from its drop-off to its landfill. The only cost incurred would be the \$70 per ton tipping fee.

The system is adaptable to changes in the waste flow with respect to volume and content. Unlike incineration, where it is mandatory to maintain high levels of garbage to be burned, the Sorian Cecchini would allow municipalities to continue to pursue recycling efforts. This would afford them reduced tipping fees through reduction of tonnage, as well as increased revenues from the sale of recyclables.

This process is but one of many that are emerging as an alternative to incineration. For 200 years, this country has been blessed with an abundance of natural resources and land to bury them in after only one use. The laws of supply and demand are now making it profitable for industry to develop

new technologies for recycling resources and reducing dependence on landfills.

Incineration will shut the door on recycling alternatives by committing our resources from landfills to a fire.

I have a couple of copies of this testimony that I would like to submit.

ASSEMBLYMAN ROONEY: Thank you very much. We appreciate your testimony.

Mr. Alfred P. Franklin. Mr. Franklin and Rose Slovis are part of the United Passaic Organization. I thought you had a Chairman and were going to take 15 minutes. The last two speakers both took more than 15 minutes, so that is why--

A L F R E D P. F R A N K L I N: Right. Well, I only have a few words to say.

ASSEMBLYMAN ROONEY: Okay, fine.

MR. FRANKLIN: I have Rose Slovis' testimony. I'll just hand it to you, I won't read it.

ASSEMBLYMAN ROONEY: It will appear as if she spoke it herself.

MR. FRANKLIN: Thank you. My name is Al Franklin. I live at 330 Van Houten Avenue in the City of Passaic. I am speaking to this issue as a member of the Board of Directors of the United Passaic Organization -- the UPO.

From the very beginning, the UPO has been against the construction of these so-called resource recovery facilities, which herein shall be referred to as "incinerators." The reasons for not having it in Passaic were valid to all except those who really mattered; namely the Passaic County Freeholders, the Department of Environmental Protection, the Department of Transportation, the courts, the Governor, and the Mayor of Passaic. That is quite a formidable list. The overriding reason for having the incinerator here, to me, was just political expediency, and nothing more, since it was their

opinion that the least concerned, the least informed, and the least say in the matter could be expected from the residents of Passaic and its neighbors.

Besides this political expediency, the money-making potential for the City of Passaic was also given as a reason for having it there, which we now know, through Warren County, is invalid. Also, according to a study, the main source of combustibles -- as has already been said -- is paper and paper products, which we hope to eliminate in recycling. Yet, it is this material that is really required to get the proper combustion.

Obviously, when the Governor and the courts "decreed" that the law that was 12 years old at the time -- that there must be an incinerator, and that each county -- the Board of Freeholders for each county would decide the best place based upon the Department of Environmental Protection's recommendations, the incinerator was thought to be the only solution to the waste problem which, like the savings banks, we knew was coming for over 10 years. Without taking into consideration the population densities, schools, churches, hospitals, location, traffic, and accessibility, Passaic was chosen, though fourth on the list of possibilities as recommended by DEP. When in a suit in the court it was borne out that there was no plan for accessing the incinerator, a heretofore unpublicized agreement of intent with DOT and the moneys provided for it -- to the tune of \$10 million -- for temporary access came to be, so they could make it legal. To me, the choice that the Passaic Board of Freeholders made was illegal, but it was not considered so.

There was not much forethought in the court's decree about incinerators. This bill gives us all a chance to rethink the court's decision about the incinerators, their location, how to make them more efficient and economical, if and where needed, and how recycling can be made more effective. This

thinking should have taken place a long time before this decision was made, so that four incinerators would not have been proposed within 18 miles of each other, and as found in Passaic, no consideration of proximity to a hospital, several churches, two schools, two businesses -- which were tax ratables and were eliminated -- residential property -- also 10 houses eliminated -- and a dense population with limited housing. In Passaic, we have a serious housing problem. All of these factors should have been recognized as real reasons for locating and building an incinerator in Passaic.

The importance of having a solution that the State can live by, and not create more economic and social problems, makes this bill most necessary to obtain some thought about the best way to dispose of the State's waste.

Thank you.

ASSEMBLYMAN ROONEY: Thank you, sir. And you have testimony from the other member of your committee?

MR. FRANKLIN: Yes, sir. Thank you, Mr. Rooney.

ASSEMBLYMAN ROONEY: We have one last speaker -- I think -- Mr. Stephen Arlac (phonetic spelling), of Leonia. Mr. Arlac? Is he still here? (no response) He went home? I'm sorry to have kept him waiting until so late.

As far as I know, that is the last of the signed in speakers we have. At this point, I am going to close the meeting to the public, since all of the public input has been gathered, and I am now going to turn the floor over to the sponsor of the bill, Mr. Pascrell. After his summation, the members of the Committee will discuss the bill. We will also discuss those amendments which were discussed here previously tonight. The final act, of course, will be to vote upon the bill.

So, Mr. Pascrell, you have the floor for as long as you may like, but we would appreciate your brevity.

ASSEMBLYMAN PASCRELL: Thank you, Mr. Chairman. Members of the Committee, honored guests: I want to first commend the people who started out with us nine or ten months ago, and who worked with me over the past four years before I was a legislator, to bring to the forefront, from the back of the burner, a subject that is going to affect our lives and our children's lives.

I was talking to someone just a few moments ago, and saying that when the bill was introduced, John Rocco and I were on the floor of the Assembly. There were some legislators who laughed at us, and some people from the industry who happened to be in the audience for other reasons. The talk that day was that this bill would not even be heard in Committee, and, "You're wasting your time. Forget about it."

Well, I think I come from good stock. I lived all of my life in Paterson. I was the first member of my family to graduate high school, go to college, and go to graduate school. I know my responsibilities. And I had to make a decision, since my area of expertise, so-called, is education. I worked very hard on some of the very tough issues that are before us today, but this is an issue that affects everybody. Somebody had to run point. So, you do what you have to do.

There are many issues. And I want to commend the Chairman, not only because he heard this bill, but I want to commend the Chairman because he has introduced, along with Assemblyman Gill and Assemblyman Duch, very good other legislation, because there has been very little discussion in these three meetings as to how, as legislators, we can affect those people who are making the decisions. I mean, it is absolutely preposterous when we have Freeholders materialize -- poof -- create a utility authority to either put themselves on that authority to make the decisions that are going to affect decades and populations here unborn.

So, your Committee, Rooney and Duch -- Assemblymen -- are going to be doing tremendous work in this area of conflict of interest and revolving doors and authorities that have no oversight -- no oversight whatsoever -- and are spending the taxpayers' dollars to the point that they give drunken sailors a bad name. "We better wise up," someone said, "a hundred miles from the site." Peter Montague said that in his testimony. He spoke of this. Dr. Paul Connett spoke of this -- 100 miles from the site.

I think of the Passaic site, and I think of other sites throughout the State. I think I have visited just about every county's in the past nine months, and I am weary. I am tired, but I still have adrenaline, don't kid yourself. Next to a hospital? You don't have to worry about 100 miles -- next to a hospital? Next to a school?

Do you know, in some states, Mr. Chairman, you can't build a "resource recovery facility" -- quote, unquote -- within a certain distance of a school, like California, in probably one of the most densely populated parts of that city. And you know, there is some truth as to where we site these facilities, because we put them at the point of least resistance, whether it is Perth Amboy, in Middlesex, whether it is Rahway -- and a very specific neighborhood in Rahway -- whether it is Passaic, whose people struggle to put food on the table and nourish their children and send them to school, who don't have time to read the papers many times. Intelligent people many times don't have time to read the paper, you know; don't know what DEP is doing in the back rooms of the bureaucracies many miles away.

And all of a sudden, one day they wake up, and they find transfer stations, and they don't even know what to call them. The record of this Department of Environmental Protection is obscene, immoral, and I'm telling you what they have done in the revolving door, is illegal -- is illegal. And I don't need an editorial to point it out either.

Cost is not simply a phenomenon. It is a frightening unknown in this business. The public has a right to know, Mr. Chairman, what a project will cost. You even heard it this evening. Someone who came before us to boast about a particular project, didn't even know what the projection of cost was, and he calls himself the spokesman in his county. If that isn't obscene, what is? The public has a right to know. The public has a right to know what it is going to cost, what the debt will cost. The public has a right to know when the principal is going to start being paid off. How long does it take to spend the principal -- to pay for the principal? The public has a right to know. Whether they read the paper or not, they have a right -- they have a human right, as citizens, to know what the bottom line is going to be. Every citizen has the right.

How much are the taxes going to go up in your community, in my community, in the Chairman's community, over a 20- or 25-year period that we amortize, that we pay off this debt? When you look at the figures, Column 1, the projected costs, Column 2, the actual costs, Column 3, the impact on taxes in every community within that particular district, it is incredible that we can have people from the industry, that we can have people from management come before us and tell us that this is the cheapest way for us to get rid of our solid waste. It is incredible; it is incredible, because the information has been placed on a sixth grade level that anybody could understand. It is not hidden in the libraries of this State.

Each of these facilities must either be rebuilt or retrofitted within five to eight years after they are built. In fact, in Auburn, Maine, the retrofit cost more than the original construction five years after the facility was built. I am not talking about something that was built in 1933 and was a Rube Goldberg operation. I'm talking about something that was built in the 1980s which, five years later, was

dysfunctional. This is what they point to as an example and as a model of the facilities that should be built in the future.

Warren County -- that miracle or miracles, that model of the future -- has produced a facility that has led to a tripling of the costs of garbage, and not a reduction, as was promised by that County Utilities Authority and the company that built the incinerator. The facility is now for sale. Warren County imports its garbage because of the shortfall which had to be made up by the citizens of Warren County. And you know, when you read the history of Warren County-- Oh, it makes interesting reading. It is a cross between a Fellini movie and a Vonnegut novel. When you first read it, you don't believe it, and you say, "I must have missed the message." Then you go back. Billy Pilgrim is your average Joe compared to the fiasco that has evolved in Warren County, which was the model for all other incinerators in this State, mind you. No wonder legislators did not want to have the hearing in Warren County. I'll repeat: No wonder legislators did not want to have the hearing in Warren County.

Today, probably some of the most devastating testimony of the three hearings, was presented by Stephen Krivanek, a chemist from Warren County, if we listened carefully. I am not an expert in chemistry. I don't think I did very well in chemistry at college or in high school. But I have a picture in my mind. Even for a kid from Paterson, I've got a picture in my mind about what he was trying to tell us. It was clear. Even I understood it. His mercury exposé, supported by the record in his own research, resembles a huge cover-up -- a huge cover-up -- deceitfulness, maybe worse; downright stupidity.

Any attempt to stack the deck in these environmental matters deserves criminal prosecution, if that is true. Anything less should not be accepted by you, or by me.

Remember the Stanislaus plant in California? It is a mirror to the industry; the government's idea of what

protection is, and to ourselves, if we want -- if we permit this devastation of our environment to continue. For the record, Stephen Krivanek said that the most modern control devices are incapable to capturing mercury. That is a very critical statement; it is a scary statement. I know that he would not have said it unless he meant it.

I have here for the Committee several pictures of the Warren County incinerator. It is the only mass burn incinerator of its kind that we can take pictures of in the State of New Jersey at this point. Every one of these pictures-- Even the most unsophisticated eye will take note of the emissions, which mean that at various times, and particularly when these pictures were taken in the winter of 1988 and 1989, the emissivity violation illustrates the down wash condition in Warren County. If you look very closely, you will see the deadening vegetation in the area. And, isn't it interesting that just a short distance from where the stack is for that incinerator, we are now proposing a housing development which is in the very direction of the wind in that area? As I get the pictures blown up, I will offer them into evidence.

Let me give you a roll call -- a roll call of the \$3 billion in mass burn incineration plants that have been canceled in just the last two years. The Wall Street Journal reports a precipitous drop in orders for this technology. Kidder Peabody reports that 20,000 tons per day of capacity for waste incineration was canceled in 1987 alone. California canceled 25 plants since 1980, and since 1980 they have built three plants. In 1987, San Diego amended the zoning law so that the incineration of 500 tons per day, or more, could not be built within three miles of a school, of a public building, or a hospital.

How about the Wheelabrator Environmental Company? They have had four canceled since 1987: In Augusta, in Bath,

Maine -- not too far from Auburn, where we had that fiasco I discussed 10 minutes ago -- San Diego, Bucks County, Pennsylvania, Gardena, California. They range from 500 tons per day to 2250 tons per day. Wheelabrator-- In the Baltimore plant, for the record, the operators lie about the ash residue. An investigative reporter obtained samples of the ash and proved it to be hazardous.

In Saugus, Massachusetts -- I visited that plant-- You know, eight years ago, that was the Mona Lisa of incinerators. That is what they called it, not me. Temporarily storing ash in the ground for the past 10 years, and we have just discovered it is hazardous. Ash mounds are now leaching salt into the water marshes that surround Saugus' plant. Within the past year, the operators had to make major replacements to equipment, even though the plant is only 10 years old.

Projections, six examples, cross sectioned from New Jersey to California: Warren County projected tipping fees after incineration, \$37 a ton; actual, \$98 a ton. Dutchess County, New York, \$27 a ton projected; actual cost \$70 per ton after the incinerator was built. Tuscaloosa, Alabama, 50% more than projection. Hartford, Connecticut, Saugus, Massachusetts, projections \$16; actual cost \$80. Marion County, Oregon-- How about cost overruns? These are six examples, not the worst: Rutland, Vermont, Columbus, Ohio, Warren County, New Jersey. By the way, Warren County's projected cost was \$32 million. It wound up being \$58 million, and they are still counting. They haven't paid all their bills yet.

In Columbus, Ohio, which is one of the largest plants in the nation, \$118 million; actual cost 198 -- \$198 million. The incinerator they built in the Brooklyn Navy Yard-- The projected cost on that was \$290 million. The actual cost was \$562 million. In Palm Beach, Florida -- not wanting to be outdone -- the projected cost was \$73 million; the actual cost \$175 million.

Breakdowns: Well, the one in Hartford, Connecticut has had two explosions. Dade County-- They had a total retrofit of \$45 million, which cost more than the original construction. I mentioned Auburn, Maine before.

And by the way, in many of the situations and facilities that I have mentioned, the taxpayers have had to subsidize and make up for the annual deficits run by the incinerators, and the deficits are there for various reasons. If you watched, and followed very carefully the Warren County situation, they had to stop the recycling, get the paper, burn it, or else they wouldn't have been able to continue the plant. Now they have reached out to other counties. I predict they will reach out to other states, and other planets perhaps, to ask them to bring their garbage to Warren County.

Yes, this is a Fellini movie. It must be. It is a dream. When we talk about recycling in the State of New Jersey, it is nothing more than an extracurricular activity. And we do only spend 3% of the total moneys spent on solid waste on recycling. We have legislation in right now -- in the hopper -- to increase the mandate of recycling in the State of New Jersey from 25% to 50% to 75% over the next three years. That is the direction we should be going in.

I want to introduce into the record -- and I will introduce, as I told Cindy before -- three letters that I have already produced in The Passaic Herald, at my own expense, over the last three weeks, and the fourth one will be going in this week. I said that this was trench warfare. I meant it, and you have to be able to put your money where your mouth is. This is critical. This is an issue that affects our kids. This is not simply a far left movement. This is a movement that is more centrist than anything I have ever been involved in. It is spreading. Don't you feel it in the counties? When you go and reach out by phone and communication to people in

the other counties, don't you feel a movement almost? There is a fervor here.

Then, in the face of that fervor, in the face of growing sentiment among our population, this group that we call "New Jersey for a Clean Tomorrow," which is nothing more than a front organization. "ACT," it calls itself. They paid for a poll by the Hanks Corporation. And in the poll they concluded that 75% to 80% of the citizens of this State want incineration. That is what they concluded. I have the poll right here, if anyone wants to look at it. I have shown it to many of you already. Do you know what question they asked? They asked this question, among many questions: "Would you favor a resource recovery facility that produced energy?" I asked 15 people that question, people who I know are against incineration. Fourteen out of the 15 people answered the question, "Yes, I would favor that." That is how the question was asked in the poll, and in conclusion all of these people -- 14 out of 15 as an example -- believe in incineration.

Conclusion, Mr. Chairman, because I do believe that this is only a new beginning tonight-- If anyone in this room thinks that this battle is over, regardless of how this vote turns out tonight, they are mistaken. I want to ask some things before we get to the amendments. I would hope that the Committee would vote for this bill -- vote it out of Committee favorably, with recommendations of approval. I hope that as Democrats and Republicans we will ask Mr. Hardwick to put this bill up as soon as possible, not with a whimper, not with a whisper, but with a loud, resounding voice, and that it be done immediately.

See, we don't want to happen with this bill what has happened in the last two months with many other bills; that is, we will communicate to the people of our individual districts that we are in favor of this, since it is very popular right now, or it seems that way, or at least that is what it appears

to be-- As long as we get it out of Committee, who cares if the Speaker ever puts the bill up? I can cite you at least five to ten instances where that has been the case. We need to be on guard. We said nine months ago, this is trench warfare. Don't think that the other side isn't working out there. And there is another side. I have never questioned the validity or the sincerity of the other side. I have questioned some of the validity and some of the sincerity of the other side.

So, beware of what can happen. We have a session on Thursday. How do we get this bill up before the full Assembly for discussion, if there is only one meeting between now and election day? I am talking nuts and bolts. Do we ask for a 24-hour, which means that we have to go Thursday and say, "We want this bill posted immediately"? I have seen some people jump on the bandwagon of this issue in the past month-and-a-half who were nowhere to be found nine months ago, but that's all right. We want everybody, from all sides of the political spectrum. There are those people in many elections who said they were for this bill, and then after the election they were in, they were nowhere to be found. You'll have to make the judgment about this.

I think this has been one of the most important bills before the Legislature in the past session -- some have said in the past 10 years -- because it involves health, environment, and our pocketbooks, all in one. We have a choice. It is not important because I sponsored the bill. It is important because the people have come out and have spoken and have been heard. When I saw 2000 people in the high school in Roxbury, I was astounded. I was astounded -- 2000. Everyplace we have gone, the response has been one. It has been thoughtful, it has been reasonable, and even the media is beginning to pay attention -- even them -- because this is not a sexy issue. See, they determine what is sexy and what is romantic, and they decide a lot of things. Would you ever think that garbage would be sexy? It might just be.

Mr. Chairman, I hope that we will vote this out favorably, and I ask that you do everything you can to see that it does not die on the vine one minute after it passes tonight.

Thank you.

ASSEMBLYMAN ROONEY: Thank you, Mr. Pascrell. Now I am going to ask for comments from our Committee members. Then we will have the amendments as proposed. We have several sets of amendments. Mr. Roma has the majority of those amendments. We will have some discussion of the amendments, and final comments after the vote.

We will start off with Assemblyman Duch.

ASSEMBLYMAN DUCH: Mr. Chairman, I thank you for recognizing me at this time. Mr. Chairman, I commend your fortitude, as well as the fortitude of Assemblyman Pascrell. We have gone through a long and arduous process here. We have met in several areas throughout the State. Unfortunately, not all of our Committee members are here, but we are ably represented and are ably joined by Assemblyman Roma and Assemblyman Randall -- Assemblywoman Randall. I'm sorry, Lisa.

ASSEMBLYMAN ROONEY: Lisa couldn't care less right now.

ASSEMBLYWOMAN RANDALL: It's late.

ASSEMBLYMAN DUCH: Yes, it's getting very late.

In 1984, I sat as the Mayor of the City of Garfield, and I looked in amazement across the river into Passaic County, and particularly into the City of Passaic, where not two blocks from the church that I attended and grew up in all my life, the City of Passaic and the County of Passaic, deemed that an incinerator should be located. Fortunately, Beth Israel Hospital, particularly its ladies' auxiliary, at that time headed by Phyllis Topchak (phonetic spelling), and a number of civic organizations, including the United Passaic Organization, banded together to fight this incinerator.

I am proud to say that at that time I was the first Mayor to come forward to offer money -- \$15,000 -- to begin the

lawsuit to fight this battle. That was a very important step. It later led to the City of Clifton joining the battle and, yes, eventually the City of Passaic. I can recall going before the Passaic County Board of Freeholders, and some of you were at those meetings. Some of you will recall that Monsignor Fleck from St. Joseph's Polish Roman Catholic Church appeared a number of times on behalf of the people of the east side of Passaic. I appeared, naturally, on behalf of the people at that time in Garfield, but also out of a concern that -- yes, what Assemblyman Pascrell said before -- an incinerator is normally placed where there is the least amount of public resistance. Yes, I was concerned about that. It seemed to me that the location of the incinerator was being foisted upon a minority community which they expected to remain voiceless and quiet. Thank God, that did not happen.

We had rallies at Pope Pius High School, and I was privileged to speak at one of those rallies. But I remember particularly one meeting where we appeared before the Board of Freeholders. I spoke, and I cited a report which was done by a very well-known man, a well-respected man. That man was Dr. Barry Commoner. I used his report in 1985 testifying before the Passaic County Board of Chosen Freeholders. He said some things again here today that bear some repetition.

He said: "Build no incinerators at all. An incinerator burns 70% of the garbage, but it leaves us with 30% as ash." He said, "80% of the trash stream can either be burned or recycled," and his comprehensive report gives many, many examples. Today, we heard from many experts. Most of those experts bore out the testimony of Dr. Commoner.

I am amazed sitting here that our Department of Environmental Protection tests dioxin emissions in the Warren County facility only once every five years. I am more convinced than ever that the Department of Environmental Protection is in a shambles, and requires tremendous,

tremendous work and an overhaul. I sit on the Environmental Quality Committee. We had one of our meetings of the County Government Committee, and a gentleman whose name was mentioned here many times tonight -- Donald Deieso -- came before the Committee with boxes and boxes of permits and studies regarding one particular incinerator. After he went through his whole presentation, I said, "Sir, can you tell me, is there any study anywhere in the State that takes into account and determines what the effect -- the cumulative effect -- of all of the emissions from all of these incinerators will be on the health of our people and on the future of the planet?" "No, no study has been done." That is why this bill is so essential.

One of the other comments I liked today was made by Dr. Paul Connett. He said, "If you can't recycle it, don't make it." He made some sense. The gentleman made a lot of sense. Dr. Lavietes made some comments regarding his expertise as a pulmonary physician. He talked about the concentration of emissions, about exercising and inhaling even more of the emissions. He said that there is no acceptable level of particulate emissions that our lungs can stand.

One of the things that most amazed me about the siting of the Passaic County facility was the fact that -- and many of you were present at this hearing-- There was a hearing at Paterson State College, very far out of the way from the City of Passaic, naturally not held anywhere near where the plant would be. The Department of Environmental Protection determined that we would hold the hearing miles and miles away on a college campus, in a dark secluded corner we would all have difficulty finding.

I arrived there in the afternoon. I was unable to spend time to testify at that point, but told them that I would return at 11 o'clock that evening, because they advertised that the hearing would be held in two stages, one in the afternoon, and one at night which would conclude at midnight. Well, the

Department of Environmental Protection has a very interesting concept of advertising. I believe they engage in false advertising, because when I arrived there at 11 o'clock, there were two people left, the hearing officer and a transcriber. They were very annoyed that I arrived at that time, but I arrived because it was advertised and I was entitled to speak.

I made them go back into the auditorium. I made them take notes. I made them listen to my questions, and I made sure that I received written responses to those questions. But I wonder if I were not an Assemblyman would I have been given that courtesy? I doubt it.

One of the things about that hearing at Paterson State College that most amazed me, was the fact that there I was, sitting as an Assemblyman, supposedly aware of the State process, what's happening in government, and I looked down at this hearing, and there was the hearing officer in the center, and on the right were the experts -- all of the experts on behalf of the firm that was going to build, on behalf of the Freeholders, who had named themselves Commissioners of the Utilities Authority, and who have forgotten what they owe us, the public. On the left side we had the only people who have some interest in representing both sides of the story. There were about five or six reporters. That was it. Intimidating? Absolutely. Wrong? Absolutely.

What do we need? We need an environmental advocate on behalf of the public. We have none. The Department of Environmental Protection did nothing at that hearing to investigate the concerns of the public, to address the concerns of the public, or to remedy the concerns of the public. They simply took notes. They listened. They left, and they approved the facility.

I believe that they have a reckless disregard of our environmental future, and I sit here-- This is not an issue that is just common to the State of New Jersey. Let's think

about "Time" magazine, just a few weeks ago. On their cover-- They did a special on the loss of rain forests in the world. What we are looking at as we sit here today is a tremendous loss to the world's ecosystem. Rain forests are being chopped down and burned at a phenomenal rate. Acid rain is reeking havoc all over the mountains in western Pennsylvania. Lakes are becoming acidic and unable to sustain life. Where are we going?

We sit here on the County Government and Regional Authorities Committee, a Committee which technically this bill should probably not be before. This bill should be before the Environmental Quality Committee, but no one had the guts or the courage to face this issue, except this Chairman and this Committee.

We talked tonight about some alternatives. Tonight? We talked from three o'clock until midnight about some alternatives. Recycling? Do I believe in recycling? Absolutely. Do I believe we should recycle more than we do? Absolutely. I remember being the Mayor and bringing recycling into the City of Garfield. And I remember one particular meeting where one of our Councilmen stocked the meeting with people opposed to the concept of recycling because it would be inconvenient. I am sure that I lost votes at that meeting, because I stood up and said, "Recycling is essential to the future not only of Garfield, but to the future of the world."

When I look at recycling, I always ask myself, "Why is it that during World War II" -- I am told -- "we recycled everything?" We recycled everything because it was patriotic. Well, now we have to recycle it because it is a matter of the life and death of the ecosystem of this planet. I believe that most firmly and most sincerely.

We talked today about lead, mercury, chromium, and cadmium as hazards that are generated by incinerators -- dangerous hazards, hazards which we must measure in terms of

human life and humanity. Many speakers came up here today and spoke about incinerators, and if we stopped the incinerators, and if we passed this moratorium bill, it would cost many dollars. It may cost many dollars, but if we don't pass the moratorium, it may cost many lives. I think there is no way that we, as responsible legislators, can sit here and say, "We have to save the dollars, and forget the lives."

One of the things that has most amazed me in the time that I have been in the Assembly, is the fact that we have 21 plans in the State for solid waste disposal -- 21 plans. We have facilities that if we allowed all of these counties to put into effect their plans, it would cost the people of this State two billion-eight-hundred-thousand dollars, in today's dollars, to build these incinerators. What would it cost in the next five to ten years to retrofit those incinerators? And what would it cost in terms of damage and danger to human life? It's not worth it.

I commend Assemblyman Pascrell. I commend Assemblyman Rocco. I told Assemblyman Rooney that I was prepared-- Two meetings ago, I knew what my decision was, and I know what my decision is now. I want to see this bill moved, and at the appropriate time I am prepared to move it.

Thank you, Mr. Chairman.

ASSEMBLYMAN ROONEY: Thank you. I want to go to Assemblywoman Randall now, who hasn't had an opportunity to say anything tonight. Lisa, I want to thank you for joining us. Please, feel free.

ASSEMBLYWOMAN RANDALL: Thank you, Chairman Rooney. Clearly, the testimony is overwhelming to anyone who even lends half an ear to it. I arrived some five hours into the hearing this evening, and was briefed on what Dr. Commoner and others had had to say. It makes me uncomfortable to listen to the scientific evidence, when you realize the process that takes place and the resulting impact on our respiratory systems. It makes me squirm just to hear a description. By the time the

one witness finished with the description about the incineration of his leather bag, I felt like I had eaten it for dinner.

The issue is obviously-- It is clear to me, Mr. Chairman. I really appreciate the opportunity to be able to participate as a special member of this Committee. I don't even sit on this Committee. I am Vice Chairman of the Education Committee in the Assembly, and a member of the Law and Public Safety Committee. But listening to the testimony tonight, if this isn't a law and public safety issue, I don't know what is.

I thank you all for coming. I don't know where you all came from. I only have to go home to Westwood tonight. Some of you have to go a lot further. I appreciate all of you having come here. I have heard enough, Mr. Chairman. Thank you.

ASSEMBLYMAN ROONEY: Thank you. Assemblyman Roma?

ASSEMBLYMAN ROMA: I have spent a considerable amount of time speaking to Mr. Giannantonio. I would like to thank him for all of the information he sent me, and thank all of the groups that have participated. This has been an education. I had made up my mind before I came to this meeting. Quite frankly, as I said before, it is an excellent piece of legislation. It is educational, I believe, when we are talking to different people, even this afternoon, as various people came up to testify-- There are certain things that people are not aware of, either because of how the question is couched, or how the information is disseminated. I think it is important that we have this information available, because as more people become aware, they become aware of the dangers, they become aware of the other possibilities. The testimony we have had has been so graphic that someone would really have to be blind not to be able to see the possibilities -- to see the problems we would have.

Mr. Chairman, I want to thank you for this opportunity, and I am prepared to move the bill.

ASSEMBLYMAN ROONEY: Thank you, Mr. Roma. I don't think there is any real need for anyone to hear my opinions of the bill, because I think you have heard them over the last three sessions we have had. Just a little genesis of what has really occurred: When it first came up, I was a proponent of incineration to a limited extent, and I think you all realize that. I was a member of the BCUA when we sited that facility -- well, not when we sited it, but when we contracted for it, because the original siting was in Lyndhurst. That was a willing host community. It had certain features that were better than the Ridgefield facility. I believed what I was told, and what I was shown by the vendors, by the experts. The information that we had gotten was that it was absolutely safe; they had every state-of-the-art technology possible to protect our air and our quality of life.

Well, I have learned a lot since the beginning of these hearings. I have listened, I have learned, and I have changed. I told you to take a half a loaf, because I was going along with the bill for a long time. But believe me, I am ready to go for the full loaf--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Hurrah!

ASSEMBLYMAN ROONEY: --because I know what I've seen. I know some of the questions that are in my mind, and some of the questions that should be in the minds of DEP. Probably the most visual evidence is right up on the measles map we have over there. That map shows -- particularly in our area -- that you are looking at four garbage incinerators within a five-mile radius. Then throw in the sludge incinerators in Bayonne, and there will be six of those, with one full spare. That's 11 incinerators within a 10-mile radius. It's absolute insanity.

Somebody has to say enough and enough and enough and enough. That is what this Committee is all about. I plan to

speak to the Speaker of the Assembly to deliver the message that he should read the transcripts of these hearings to look into it, and perhaps really call DEP on the carpet for an explanation as to the so many, so many unanswered questions that we have heard here today. There just doesn't seem to be the importance of what we are talking about. They don't have their agendas, or their priorities set in the right direction. Their mad rush to burn may be a mad rush to have more of an impact on the health and welfare of our citizens than could ever be done by any major catastrophe.

When we hear the evidence that we have heard today, it is just absolutely amazing. Again, the concentration of those facilities is just absolutely wrong. That is the environmental impact, and there should be environmental impact studies. But the economic impact is the other thing. That, I think, has only been a recent addition to these hearings, when we are listening to the bonding community saying, "What are you going to do to us financially? You are going to ruin us. You are going to put us into debt." Well, I looked at that, and I was concerned, genuinely concerned that I wouldn't bankrupt some of these utility authorities in some of these counties. But what I see is that if we do go ahead with these plants, down the path that we are currently going with 18 of them, or 16, or 12, or 10, or 8, if we really are true to our desire to have recycling as a major component of our solid waste system, there won't be enough garbage for these incinerators, and they will be a financial burden on the backs of our taxpayers for years and years to come.

Those bonds are 20-year bonds. We're looking at a half a billion dollars of debt for Bergen County, once we commit to going ahead. A half a billion dollars is just a small drop in the bucket now, because we still haven't looked at the current projected cost increases. I am going by a year or so ago, when the contract was renewed. They told us here in

this very chamber a couple of weeks ago that they were 15 months away from breaking ground. They haven't even renegotiated the new cost increases on that project. We haven't seen the effect of what-- At least DEP is saying that we need baghouses on that plant, and most of these plants are going to need baghouses. That is an additional cost that hasn't been anticipated. All of these cost run-ups, as we heard earlier, are factors that are going to put us into more and more debt.

If we have spent \$5 million, \$10 million, \$20 million so far, and that may be the cost to this county, it's a hell of a lot better than being in debt \$500 million and having a facility that just isn't working, isn't producing, and that we are going to have to pay anyway. That put or pay is 2000 tons per day, whether you put it or not, you're paying for it at the rate that they have contracted for.

So, the environmental impact study is one thing. There is an economic study that should be done. Assemblyman Roma will be proposing that phase of the amendment, to look at the economic impact. One of the other amendments that we are going to propose is to add sludge incineration as part of the package. That will be changed so that sludge incinerators will be included. We have a definition of sludge incinerators. There are certain processes out there that vitrify sludge, that do not burn it. They actually vitrify it and they come up with a product that is not a toxic or hazardous or leaching product. We don't want to stifle that type of process. We want to be able to stimulate that process, because it is a recyclable product. So we have a definition in here that does allow for sludge vitrification. It is not burning. You do not put the product out to the air, as we heard before. The product is actually reduced to almost a plastic-like substance. So we don't want to stop some of the positive elements and positive direction we see and the positive ways of disposing of our sludge. That is one of the other amendments.

At this time, I will repeat my one statement: I want to have clean air that I can breathe in Bergen County, and that the people in Bergen County can breathe -- breathable air, not chewable air, because that is what we are coming down to.

At this point, I am going to turn it over to Assemblyman Roma for those amendments that have been agreed upon by the Committee. I believe we all have copies of those amendments.

ASSEMBLYMAN PASCRELL: I have some questions.

ASSEMBLYMAN DUCH: I have one question.

ASSEMBLYMAN ROONEY: Let's introduce the amendments first--

ASSEMBLYMAN PASCRELL: Fine.

ASSEMBLYMAN ROONEY: --and then we'll discuss the amendments. Assemblyman Roma?

ASSEMBLYMAN ROMA: Mr. Chairman, one of the amendments would provide for the economic and environmental impact of the resource recovery facility. I believe everybody has a copy of the amendment. I would be proposing that at this time for questions.

ASSEMBLYMAN ROONEY: Okay.

ASSEMBLYMAN PASCRELL: I have no problems with that.

ASSEMBLYMAN DUCH: That amendment is acceptable.

ASSEMBLYMAN PASCRELL: I have one question. It was brought to my--

ASSEMBLYMAN ROONEY: The sludge portion of it is also acceptable, I presume.

ASSEMBLYMAN PASCRELL: I just want to get into a question on page 2: Insert, new section to read: "as used in this Act--" Am I reading from the right place?

MS. LOMBARDI: Yes.

ASSEMBLYMAN ROONEY: Yes.

ASSEMBLYMAN PASCRELL: After the semicolon: "or a mechanized composting facility or any other solid waste

facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or energy production."

ASSEMBLYMAN DUCH: I thought we wanted to encourage those kinds of composting facilities and facilities that recover metals, glass, paper, and other materials for reuse. So, in other words, the only restriction there should be-- If it is used for energy production, we want it stopped.

ASSEMBLYMAN ROONEY: No, no, this is a definition, isn't it -- just resource recovery--

ASSEMBLYMAN DUCH: This is a definition, and what you're doing is prohibiting--

ASSEMBLYMAN PASCRELL: What you are doing is excluding things that we want.

ASSEMBLYMAN DUCH: You are prohibiting, by this language, a mechanized composting facility, and you are prohibiting a facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse. It shouldn't say, "for reuse."

ASSEMBLYMAN ROONEY: It should be "excepting."

ASSEMBLYMAN DUCH: We want to be able to reuse it. We want to encourage reuse and composting, etc.

ASSEMBLYMAN ROMA: That was meant to be an exemption. Perhaps it is a typographical error.

ASSEMBLYMAN ROONEY: Yes, that's--

ASSEMBLYMAN DUCH: It should be-- If you strike the words, "for reuse or," and just leave "for energy production," that will answer it.

ASSEMBLYMAN PASCRELL: Leave out the whole part after the semicolon.

ASSEMBLYMAN ROONEY: Yeah.

MS. LOMBARDI: "For reuse or for energy production" is the way we want it to read?

ASSEMBLYMAN PASCRELL: No.

MS. LOMBARDI: Shall I read it and we--

ASSEMBLYMAN PASCRELL: Yes, go ahead.

MS. LOMBARDI: Okay, all right. "As used in this act: a. 'Resource recovery facility' means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials--" "For reuse or for energy production," is how we want it to read?

ASSEMBLYMAN ROONEY: No.

ASSEMBLYMAN PASCRELL: Now wait a minute. That whole thing is the problem.

ASSEMBLYMAN ROONEY: For reuse, excepting-- Why don't we just put "excepting"?

MS. LOMBARDI: Excepting a mechanized compost facility?

ASSEMBLYMAN ROONEY: Yeah.

MS. LOMBARDI: Okay. And that would do it?

ASSEMBLYMAN ROONEY: Yeah.

ASSEMBLYMAN DUCH: For reuse -- period.

ASSEMBLYMAN ROONEY: Put in "exception."

ASSEMBLYMAN DUCH: For reuse -- period. Okay?

ASSEMBLYMAN ROONEY: Without the energy--

ASSEMBLYMAN DUCH: Excepting -- over here like this, right?

ASSEMBLYMAN ROONEY: Yeah, without the--

ASSEMBLYMAN DUCH: Do you see it?

ASSEMBLYMAN ROONEY: Yeah.

ASSEMBLYMAN DUCH: Reuse -- then "X" that out. All right.

ASSEMBLYMAN PASCRELL: Are you putting a period after "reuse"?

ASSEMBLYMAN DUCH: He wants: "For reuse, excepting a mechanized composting facility." Then after "reuse" here, a period, and "X" out this, "for energy production."

ASSEMBLYMAN PASCRELL: Yeah, leave that out. Is that clearer? I think this is important. It came up at all the hearings. We're defining -- making it a little bit more clear, I would say, Mr. Chairman, what a resource recovery facility is, and we are excluding from that definition, "a mechanized composting facility or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse." We are excepting; that is the exception. It reads okay now.

ASSEMBLYMAN DUCH: It makes sense now.

ASSEMBLYMAN PASCRELL: What else?

ASSEMBLYMAN ROMA: I have an additional proposed amendment. This is as a result of speaking to a number of people, the concern raised during the period of time that you would have consideration of such a facility, that there would not be any money spent, and it goes hand in hand with the environmental aspect; also the financing aspect. The proposed amendment would read, after paragraph 5 c.-- Perhaps you don't have this in front of you, Bill, but I will read the language: "Pending the results of the studies required pursuant to section 3 of this act, no governing body of any county may authorize any expenditures related to the permitting or financing of any resource recovery facility." The purpose of that is to make sure that we do not have any loopholes, that if something has been permitted, that they don't go ahead with the financing.

I think it is important that we have that sort of language. We have spoken to a number of environmental groups, environmental attorneys, and the citizens against incineration, and that was an item that was most important.

ASSEMBLYMAN PASCRELL: Through the Chair-- This has come out, too, at the hearings. I think the language proposed

is excellent language. I might add, Assemblyman, that wherever we see "Department of Environmental Protection--"

ASSEMBLYMAN ROONEY: Change it to Rutgers.

ASSEMBLYMAN PASCRELL: --we change it to "Rutgers University."

ASSEMBLYMAN ROMA: I would wholeheartedly agree.

ASSEMBLYMAN ROONEY: That was another matter.

ASSEMBLYMAN PASCRELL: It's used a few places in here.

MS. LOMBARDI: Mr. Chairman, I would just like to point out to the Committee that the amendment that Assemblyman Roma has just proposed would be in what would be the new section 6. By adding in the new section 2 of definitions, we have changed all the numbers.

ASSEMBLYMAN PASCRELL: Will you please speak so I can hear you?

MS. LOMBARDI: By adding in the new section 2, which was the definitions that we just made the clarification in terminology to, we have changed the numbers, so section 5 would be section 6 of the amended bill.

ASSEMBLYMAN PASCRELL: Right, thank you.

MS. LOMBARDI: That would be where that would go. It would be section 6 d.

ASSEMBLYMAN PASCRELL: Yes.

MS. LOMBARDI: Because there is a proposed amendment by the Committee to add in section c.

ASSEMBLYMAN ROONEY: There is also another amendment that is in the new section 6 c. The language in there specifically pertains to the A-901 legislation -- the "bad actor" bill.

ASSEMBLYMAN PASCRELL: Disclosure.

ASSEMBLYMAN ROONEY: Yes.

ASSEMBLYMAN PASCRELL: Very important.

ASSEMBLYMAN ROONEY: What it says, is that: "Under the effective date of this act, no person shall commence

construction of a resource recovery facility prior to the completion by the Attorney General and his department of the requirements of sections 3 and 8, PL 1983." This is A-901. "The Commissioner of Environmental Protection shall not approve the commencement of construction of a resource recovery facility unless the person proposes to construct the resource recovery facility has received a license approved by the Department pursuant to section 8 of PL 1983, c. 392."

ASSEMBLYMAN PASCRELL: Mr. Chairman, I noticed that you-- I want to bring emphasis to this, because you did read it correctly. You didn't say "may," you said "shall."

ASSEMBLYMAN ROONEY: That is correct.

ASSEMBLYMAN PASCRELL: In other words, what we are doing here-- This Committee is setting history. You're giving direction to the Department of Environmental Protection. You're making this a mandatory situation, and not something left to their discretion. Is that correct?

ASSEMBLYMAN ROONEY: That is absolutely correct.

ASSEMBLYMAN PASCRELL: I just wanted to clarify it for the record.

ASSEMBLYMAN ROONEY: This is something that Assemblyman Roma and myself discussed. It is directly pertinent to those vendors who have problems in their past and skeletons in their closets, from having been convicted of price fixing or other violations of the law in other states.

The 901 legislation, and I was happy to have been a member of the Assembly when it was passed, was good legislation. It was legislation that would prevent people with criminal backgrounds, people who had been convicted of crimes, from participating in garbage contracts in this State and in that industry. That industry has always been under question, and we don't need to license people who have been convicted.

So, what we are saying is, DEP had better stop what they're doing. They're doing it illegally.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Is the public allowed to comment?

ASSEMBLYMAN ROONEY: No, you're really not. I'm sorry. The meeting is closed to the public now. It is Committee discussion. What we are doing is basically reenforcing the A-901 legislation that was passed, that is currently being bypassed by DEP. Permits and temporary permits are being issued that shouldn't be issued, because if you can't operate a facility in this State, you shouldn't be allowed to proceed and build one in this State. This is the logic behind the bill.

Our Committee Aide has worked long and hard on this, to make sure that it is a part of the legislation. We don't have any problems with that, I know.

Okay, let's continue. Are there any other questions? I think those are the basic amendments we are looking at, with the exception of the one that-- The time frame is going from 12 months to 18 months. Anywhere in here where it says "12 months," it will be changed to "18 months." Are there any other questions?

Pat, would you like to introduce those amendments at this time?

ASSEMBLYMAN ROMA: Mr. Chairman, with great pleasure, I would like to introduce those amendments.

ASSEMBLYMAN DUCH: I'll second the amendments.

ASSEMBLYMAN ROONEY: A motion and a second. A roll call on the amendments.

MS. LOMBARDI: Assemblyman Duch?

ASSEMBLYMAN DUCH: Yes.

MS. LOMBARDI: Assemblyman Roma?

ASSEMBLYMAN ROMA: Yes.

MS. LOMBARDI: Assemblywoman Randall?

ASSEMBLYWOMAN RANDALL: Yes.

MS. LOMBARDI: Chairman Rooney?

ASSEMBLYMAN ROONEY: Yes.

Now, we have a motion on the bill as amended.

ASSEMBLYMAN DUCH: At this time, Mr. Chairman, having participated in these hearings and having enjoyed working on this Committee tremendously, and particularly enjoying today and the amendments, etc., it gives me great pleasure to move this bill.

ASSEMBLYMAN ROONEY: Thank you. On the motion, may I have a second?

ASSEMBLYMAN ROMA: I'll second the motion.

ASSEMBLYMAN ROONEY: Assemblyman Roma has seconded. Roll call, please.

MS. LOMBARDI: Assemblyman Duch?

ASSEMBLYMAN DUCH: Yes.

MS. LOMBARDI: Assemblyman Roma?

ASSEMBLYMAN ROMA: Yes.

MS. LOMBARDI: Assemblywoman Randall?

ASSEMBLYWOMAN RANDALL: Yes.

MS. LOMBARDI: Chairman Rooney?

ASSEMBLYMAN ROONEY: Yes.

I would like a final word, and I would like a word of praise for my Committee. (applause) Just before you leave, I would like to say that this Committee has worked long and hard on some major, major issues in this State within the last year-and-a-half. I have been very proud of the Committee work. I have been proud to Chair this Committee. This is one piece of legislation that I think is going to have a statewide impact, no question about it.

We just finished the authorities reform legislation, which I am hoping the Speaker, at some point in time, will post, because some of the things that are done by these authorities are done because they are immune, so to speak, from either ethics or moral conduct.

We have also been working on Hackensack watershed prevention. We have been doing quite a bit of work on environmental protection. I think it was the goal of this Committee to do what we have done. I want to compliment the Committee, but also I want to compliment Cindy Lombardi from the OLS staff, and from my own staff I want to compliment Suzy Chichester for being available and for being helpful. Steve Gusto-- I think most of you know Steve, either by phone or now in person. I want to thank him personally on the record. Also Darryl Saunders from our partisan staff down in Trenton.

Again, thank you for your assistance, for your patience, and for your support for this. Now, get those cards and letters rolling. Thank you.

(MEETING CONCLUDED)

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