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**PUBLIC HEARING**

before

**SPECIAL COMMITTEE TO INVESTIGATE HAZARDOUS  
WASTE DISPOSAL AT MILITARY INSTITUTIONS**

on

Environmental and public health dangers which may be posed  
by the discharging of hazardous wastes at the military installations  
at Fort Monmouth, the Raritan Arsenal, and the Earle Naval Weapons Station

October 24, 1985  
Middletown Township Town Hall  
Middletown, New Jersey

**MEMBERS OF COMMITTEE PRESENT:**

Assemblywoman Marlene Lynch Ford, Chairwoman  
Assemblywoman Jacqueline Walker  
Assemblywoman Marie S. Muhler  
Assemblyman Thomas A. Pankok

**ALSO PRESENT:**

Mark O. Smith  
Office of Legislative Services  
Aide, Special Committee to Investigate Hazardous  
Waste Disposal at Military Institutions

New Jersey State Library

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**ASSEMBLYWOMAN MARLENE LYNCH FORD (Chairwoman):** I think we are going to get started. This is a hearing before the Legislature's Special Committee to Investigate Hazardous Waste Disposal at Military Institutions in the State. I am Assemblywoman Marlene Lynch Ford. I would like to introduce the other members of the Committee who are present. To my far left is Assemblyman Tom Pankok from -- is it Cumberland County?

**ASSEMBLYMAN PANKOK:** Salem, Cumberland, and Gloucester, the Third Legislative District.

**ASSEMBLYWOMAN FORD:** Next are Assemblywoman Jacqueline Walker and Committee Aide, David Cantor; and to my right is the OLS Committee Aide, Mark Smith.

I understand Mr. Daggett is here. Is he ready? (Mr. Daggett approaches the witness table with his associates.)

**ASSEMBLYMAN PANKOK:** Madam Chairman?

**ASSEMBLYWOMAN FORD:** Mr. Pankok?

**ASSEMBLYMAN PANKOK:** Is that Taggart or Daggart?

**ASSEMBLYWOMAN FORD:** Wrong investigatory committee, Mr. Pankok. It's Daggett. I'm sure you know Mr. Daggett.

If you have a statement, you may start with that.

**CHRISTOPHER J. DAGGETT:** First of all, let me thank you for the opportunity to appear before the Committee to talk about the EPA role in the Federal facilities' compliance with environmental laws and regulations.

Let me begin, if I may, by introducing the people who are with me. Immediately to my right is Mr. William Librizzi, who is the Director of the Emergency Response and Remedial Division. Essentially he is the head of the Superfund Program for Region II. To his right, Mrs. Robin Coursen, who is an environmental scientist. Mrs. Coursen is also in the Emergency Response and Remedial Division. And, to my left, Mr. Robert Hargrove, who is the Federal Facilities Coordinator for us in Region II. My name is Chris Daggett; I am the Regional Administrator for Region II, which covers New York, New Jersey, Puerto Rico, and the Virgin Islands.



What I would like to do, if I may, is take about five or ten minutes to just give you an overview of EPA's jurisdiction with respect to Federal facilities, to go over environmental statutes in general, and then to give a brief overview of the history of EPA's programs to deal with hazardous waste discharges from Federal facilities.

With respect to EPA's jurisdiction for assuring Federal facilities compliance with environmental statutes, on December 31, 1974, the Office of Management and Budget issued Circular No. A-106, which established reporting requirements for control of environmental pollution from Federal facilities. Circular No. A-106 requires Federal agencies to develop annual plans to ensure that their facilities comply with applicable environmental protection requirements. The circular also established an EPA review to determine the adequacy, i.e., in terms of cost, timeliness, and engineering feasibility, of the reporting agency plans.

Executive Order 12088, which was issued on October 13, 1978, established an Executive Branch program for ensuring Federal compliance with environmental statutes. The program is administrative and requires full cooperation and coordination between Federal agencies, EPA, and OMB. Disputes regarding compliance by Federal facilities are resolved within the Executive Branch through administrative procedures specified in Executive Order 12088.

With respect of EPA's program to deal with hazardous waste discharges from Federal facilities, the Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA, more commonly known as Superfund, was passed on December 11, 1980, in response to problems resulting from past waste disposal practices. Section 105 of CERCLA requires the development of the National Oil and Hazardous Substances Contingency Plan, which establishes procedures and standards for responding to releases of hazardous substances, pollutants, and contaminants.

Federal agencies are specifically required by Section 107(g) of CERCLA to comply with its requirements to the same extent as private parties. Under CERCLA, Federal agencies have cleanup responsibilities for sites on their present and former properties and for hazards caused

by activities at such properties undertaken directly by the agency or by its contractors. Additionally, Federal agencies are responsible for off-site contamination caused by Federal facilities, as well as problems caused by its hazardous wastes that were shipped to other sites.

Although CERCLA established the Superfund to provide funding for certain cleanup actions, Section 111(e)(3) of CERCLA specifically prohibits the use of the Fund for actions on Federal facilities. The funding source for cleanup at Federal facilities is the budgetary process under OMB Circular No. A-106. EPA is required to comment on all A-106 budget requests for technical, cost, and time adequacy. Consequently, EPA has a major role in determining the adequacy of CERCLA actions taken by other Federal agencies.

Assignment of Presidential responsibilities under CERCLA was addressed in Executive Order 12316, which was issued on August 14, 1981. Specifically, the order delegates to the Department of Defense authority for CERCLA response actions with respect to releases from DOD facilities, and to the Coast Guard, response authority with respect to any release or threatened release involving the coastal zone, Great Lakes' waters, ports, and harbors. EPA has authority for response action at any and all other facilities.

In response to Executive Order 12316, the DOD modified its existing Installation Restoration Program, the IRP, to cover CERCLA evaluation and response activities. The IRP process includes four phases that compare with EPA's Superfund process as follows:

In DOD Phase I, there is essentially an installation assessment, which includes records search and site visits to determine the extent, if any, of past contamination. This phase also includes an initial rating using the Hazard Assessment Rating Methodology (HARM).

The Superfund equivalent to that is the preliminary assessment and site visit stage.

DOD's Phase II is the confirmation/quantification stage, which includes a comprehensive survey to determine the problem fully through sampling and analyses. Survey data from all technical areas are interpreted and interrelated.

The corresponding Superfund program is the site inspection, the Hazard Ranking System scoring, and the remedial investigation stage.

DOD's Phase III is technology development, which includes development of control technology to address specific contamination problems; however, if appropriate technology exists, this phase is skipped.

In Superfund there is no specific equivalent.

DOD's Phase IV is remedial action, which includes design, construction, and operation of contamination abatement facilities, as well as removal and disposal actions. It may include construction of containment facilities or decontamination processes, and long-term monitoring systems.

The corresponding Superfund program is the feasibility study, the record of decision, the remedial design, and the remedial actions.

The Department of Energy has also recently enacted a five-phase program that parallels the Superfund program to ensure CERCLA compliance, and it is very similar to the CERCLA Program.

As with the Superfund process, if emergency actions are deemed necessary during any phase of the Installation Restoration Program process, immediate remedial actions, i.e., Phase IV, are initiated by DOD. Associated with each phase of the process is one or a series of reports. EPA receives these IRP reports for review and comment, and as a means of providing technical assistance to the DOD facilities. Currently, nine DOD facilities in New Jersey are being addressed through the IRP process. Those are Fort Dix, Fort Monmouth, ARRAIDCOM Test Flight Facility, Bayonne Military Ocean Terminal, Picatinny Arsenal, Lakehurst NAEC, Trenton Naval Air Propulsion Center, Naval Weapons Station Earle, and McGuire Air Force Base.

On August 12, 1983, EPA entered into a Memorandum of Understanding with the Department of Defense that establishes the respective agency roles with respect to CERCLA actions. The MOU requires EPA to provide technical assistance to support DOD CERCLA actions. In addition, it assigns responsibilities to each agency for investigations of contamination if it is unclear whether or not the DOD

facility is the sole source of the contamination. In such cases, EPA studies areas off the facility and DOD conducts the study on the facility to determine the appropriate responsible party.

It should be noted that much of the CERCLA activity conducted by EPA is done by the agency's contractors, known as the Field Investigation Team, or FIT. The FIT, at EPA's direction, will review reports, conduct field investigations/sampling, write reports, and perform Hazardous Ranking System scoring. Products of the FIT are reviewed by EPA to determine appropriate courses of action.

An EPA memorandum dated February 14, 1984, states that Federal facilities may be included on updates of the National Priorities List, the NPL, which is the Superfund cleanup list. Generally, Federal facilities contain more than one site of contamination because of their size and the nature of their activities. EPA's policy is to rank the total facility, not individual sites within the facility, using the Hazard Ranking System. If a facility scores above the minimum score, currently 28.50, it will be proposed for listing. EPA believes that proposing for NPL listing tends to make facilities more receptive to EPA technical assistance, and helps to alter budgetary priorities, thereby expediting approval of required remedial actions. At this time, three Federal facilities in New Jersey have been proposed for listing on the NPL; those are Fort Dix, Lakehurst NAEC, and NWS Earle.

A recent guidance document entitled, "Federal Facilities Program Manual for Implementing CERCLA: Responsibilities of Federal Agencies," from EPA's Office of Federal Activities in June of this year, presents procedures for EPA interaction with Federal facilities on CERCLA actions. This guidance calls for the negotiation of Federal facilities agreements to ensure appropriate actions on CERCLA issues. EPA views these agreements as an essential method for ensuring that CERCLA actions taken by other Federal agencies are consistent with the National Contingency Plan. The current guidance requires that Federal facility agreements be negotiated for all facilities that are proposed for listing on the NPL. However, EPA is not prohibited from negotiating agreements for non-NPL facilities. The use of Federal



facilities agreements was strongly supported by DOD in a July 5, 1985 memo from its Assistant Secretary for Manpower, Installations, and Logistics. In New Jersey, EPA has already signed an agreement with Fort Dix on September 16, 1984, and is currently negotiating three others -- NWS Earle, Lakehurst NAEC, and Blue Spruce Corporation, which is a former Air Force contractor.

Finally, EPA Region II will continue to take appropriate actions; in other words, site inspections, review and comment on reports, HRS rankings -- that's the Hazardous Ranking System -- the NPL listings, and Federal facility agreements, to ensure that Federal facilities comply with the requirements of CERCLA.

I have, through conversations between your staff and my staff, a series of questions I believe you posed regarding specific facilities. Rather than go through those, if it is more conducive to getting the information you'd like, I would prefer, maybe, to pause here and have you either ask questions on what I have already presented, or, if you want to go into specific sites, we can do that as well.

ASSEMBLYWOMAN FORD: Oh, I think we can just get some-- I know Assemblywoman Walker has some questions about just generally your policies and the situations regarding them, so maybe we will just follow your lead and ask the general questions first.

ASSEMBLYWOMAN WALKER: Good morning, and welcome.

MR. DAGGETT: Good morning.

ASSEMBLYWOMAN WALKER: You just identified the Federal military bases in New Jersey where EPA has identified hazardous waste practices, but there is one base on there that this Committee has never heard about. I am going to ask you to repeat that list, because I think I heard you say Trenton Air Propulsion Center. Could you just go over those 11?

MR. DAGGETT: There are nine, first of all.

ASSEMBLYWOMAN WALKER: I'm sorry.

MR. DAGGETT: Fort Dix, Fort Monmouth, ERADCOM Test Flight Activity-- Where is that located?

ROBERT HARGROVE: It's an Army activity located within Lakehurst.

MR. DAGGETT: The Bayonne Military Ocean Terminal, Picatinny Arsenal, Lakehurst NAEC, Trenton Naval Air Propulsion Center, Naval Weapons Station Earle, and McGuire Air Force Base.

ASSEMBLYWOMAN WALKER: I have 10 on my list, and that Trenton makes 11.

MR. DAGGETT: Okay. One, Fort Dix, two, Fort Monmouth, three, ERADCOM Test Flight Activity, four, Bayonne Military Ocean Terminal, five, Picatinny Arsenal, six, Lakehurst NAEC, seven, Trenton Naval Air Propulsion Center, eight, Naval Weapons Station Earle, and nine, McGuire Air Force Base.

ASSEMBLYWOMAN WALKER: Okay. Pedricktown Support Facility?

MR. DAGGETT: Which?

ASSEMBLYWOMAN WALKER: Pedricktown Support Facility?

MR. HARGROVE: That is not currently undergoing the IRP process.

ASSEMBLYWOMAN WALKER: It's not, okay. Let me see what the other one was -- Raritan Arsenal?

MR. DAGGETT: That is not a DOD facility.

ASSEMBLYWOMAN WALKER: It's not a--

MR. DAGGETT: It's not a DOD facility. It's a GSA facility.

ASSEMBLYWOMAN WALKER: Okay. How many hazardous waste sites have been identified -- a total kind of number -- at Federal military installations in New Jersey, including dump sites and spill sites?

MR. HARGROVE: All told?

ASSEMBLYWOMAN WALKER: Lakehurst, Earle, Picatinny, etc.?

MR. DAGGETT: It might be better, if you want to wait, to go through individual sites. For example, at Lakehurst there are 44 sites that have been identified as potentially problematic. At Earle -- I am not sure of the exact number, wait a second.

ASSEMBLYWOMAN WALKER: Twenty-nine?

MR. DAGGETT: No, not at Earle, at-- Wait a minute. Yes, I'm sorry; you're right, 29 at Earle.

ASSEMBLYWOMAN WALKER: Twenty-six at Picatinny?

MR. HARGROVE: Yes.

ASSEMBLYWOMAN WALKER: Is that representative of the other sites?

MR. DAGGETT: No, I don't-- I believe-- The information we have is that you are interested today in Fort Monmouth, Earle, Raritan Depot, and Lakehurst. It will take me a couple of minutes to get the other ones. I have them here, but I will have to go through that information.

ASSEMBLYWOMAN WALKER: We'll come back to that later. Which of these bases exhibit past or ongoing hazardous waste activities? Which may cause a public health risk to the residents of New Jersey?

MR. DAGGETT: Well, in each of the cases where there is a hazardous waste facility identified, the potential exists that there is contamination that could, in fact, either get into a drinking water supply or in some way possibly cause a health risk. We have not, at this point, identified any though that we would definitively say have reached that stage.

ASSEMBLYWOMAN WALKER: So then the answer really is all?

MR. DAGGETT: Potentially, certainly all of them. I would say that of any site anywhere though on the entire National Priorities List.

ASSEMBLYWOMAN WALKER: We have competition (referring to hammering in the background).

MR. DAGGETT: I know we do; I'm sorry. On the entire National Priorities List, firstly, any site that has any hazardous material certainly is always potentially harmful to public health. So, it is not unique to the Federal facilities.

ASSEMBLYWOMAN WALKER: When did EPA begin to track hazardous waste practices at military bases in New Jersey?

MR. DAGGETT: The EPA's Federal Facilities Program has had sort of an up and down history, if you will. Again, on each site it's a different starting point. That is why I am not being specific and saying, you know, "On "X" date we started."

Overall, there was a lot of activity regarding Federal facilities in the latter part of the 1970s and the early part of 1980. It corresponds with some of the circulars and other executive orders that I identified in my opening remarks.

The Federal Facilities Program in Region II was housed in one area until about the early part of the 1980s, at which point, through cutbacks in the Federal government overall and in EPA in particular, the resources devoted to that were dispersed somewhat and put in several different divisions within the Agency.

In 1983, when William Ruckleshaus came on board, he assigned to Federal facilities a higher priority and we began to pay much more attention to them again. When I came on board in 1984, I also put Federal facilities as a high priority in terms of things I was interested in working on, because I felt strongly that we if we were going to demand of private parties adherence to the various Federal laws, that we ought to set an example by having Federal facilities do the same.

Since then we have been trying to pull together as best we can, without centralizing them in one area, resources devoted to the area of Federal facilities. We are in various stages on different sites of getting good information, and as we go along and continue to work with the Department of Environmental Protection here in New Jersey, I think we will get a better and better handle on the problems at those sites, as well as be able to target our limited resources better as we continue our research.

ASSEMBLYWOMAN WALKER: So really, the main efforts started after CERCLA?

MR. DAGGETT: Yes, I would say that is probably accurate, and most specifically, really, in the middle part of 1983, with the return to the Agency of William Ruckleshaus.

ASSEMBLYWOMAN WALKER: What Federal statutes apply to monitoring and/or regulation of such activities on the part of EPA?

MR. DAGGETT: In my opening comments there were several. There is OMB Circular No. A-106, which was issued on December 31, 1974, which requires Federal agencies to develop annual plans to ensure that their facilities comply with applicable environmental protection requirements. There is Executive Order 12088, issued on October 13, 1978, which established an Executive Branch Program for ensuring Federal compliance with environmental statutes. Finally, CERCLA



itself, Section 107(g), requires Federal agencies to comply with its requirements to the same extent as private parties. Under CERCLA, Federal agencies have cleanup responsibilities for the sites on their present and former properties.

ASSEMBLYWOMAN WALKER: Some of these comprehensive acts, like the Clean Air Act and the Clean Water Act, apply to the military too, am I right?

MR. DAGGETT: Certainly. In many of the instances, where a program has been delegated to the State Department of Environmental Protection through the procedures we go through for formal delegation, the State would have the responsibility for overseeing the activities even on those Federal facilities. That occurs with respect to the air, water, and RCRA programs -- the Resource Conservation and Recovery Act Program.

ASSEMBLYWOMAN WALKER: Okay, the Resource Conservation and Recovery Act.

MR. DAGGETT: Right. But CERCLA, the Superfund Program, is pretty much kept, at least with regard to Federal facilities, within EPA.

ASSEMBLYWOMAN WALKER: From an administrative point of view, what branch of your Region II office plans the lead role in monitoring and regulating military dumping?

MR. DAGGETT: In terms of Superfund, it would be the Emergency Response and Remedial Division, of which Mr. Librizzi is the Director.

ASSEMBLYWOMAN WALKER: Are there any other agencies in your Region II office which are involved in regulating military dumping?

MR. DAGGETT: Yes, because after we delegate programs, as I indicated a minute ago, in other program areas, we still -- even though we have delegated the program to the State -- retain an oversight role. We exercise that oversight.

ASSEMBLYWOMAN WALKER: Okay. Please describe, if you will, the normal course of cooperation between EPA and DEP at the State level, with respect to monitoring and regulating hazardous waste practices at Federal military facilities, including, for example,

mutual sharing of information, and joint conduct of risk assessment activities, such as groundwater sampling and analysis.

MR. DAGGETT: If I may, let me divide my response into two discussions. First, overall, with respect to the Superfund Program, the EPA and the DEP enjoy a very close and cooperative working relationship. We routinely share information on virtually every site that is under any kind of an investigation -- every site on the Superfund list. That occurs literally on a daily basis, depending on the site in question. That has been established over the years because as part of the program we divide up our activities on Federal Superfund sites. Some the State has the lead on; some the Federal government has the lead on. There is no magic to the way we divide it up. Literally, we just sit down and see who has the resources, and then we make a decision.

ASSEMBLYWOMAN WALKER: So the lead agency sort of--

MR. DAGGETT: That is in general. I am talking about Superfund in general. Okay? With respect to Federal facilities, we at EPA kept the lead on those facilities. Because of the fact that the Federal Facilities Program did not enjoy as high a priority at EPA -- and I think I can say, in many respects, at DEP either over the period of the late 1970s and the early part of the 1980s -- we did not have as close a working relationship on those sites. So, the exchange of information was not as good as it was, and is, on the Superfund Program in general.

We have been working since Mr. Ruckleshaus came on board in May, 1983, and again since I came on board, on trying to get those lines of communications to the same level they are in the Superfund Program. I would say to you that today I think they are very close to the same level. Part of the restrictions, if any, that occur are more in terms of the amount of resources we are able to devote to it at EPA. But, for the most part, those relationships are now as good as they are in the Superfund Program generally.

ASSEMBLYWOMAN WALKER: You mentioned before, the number of New Jersey military bases that have been nominated or proposed for inclusion on the Superfund National Priority List.

MR. DAGGETT: Right.

ASSEMBLYWOMAN WALKER: How many others are being considered?

MR. DAGGETT: Do you have the answer on that? (addressing Mr. Librizzi)

WILLIAM LIBRIZZI: I think on any site or facility that is in the Installation Restoration Program, where information is being collected, a decision would be made as the information comes in whether it should be ranked or not. So, we could be looking at ranking every site that we have information on.

MR. DAGGETT: Keep-- Well, go ahead.

ASSEMBLYWOMAN WALKER: That makes nine.

MR. LIBRIZZI: You have to realize, I think, that depending upon the information and the application of our ranking system, the facility makes the list or does not make the list.

ASSEMBLYWOMAN WALKER: Who pays?

MR. DAGGETT: Who pays for the ranking?

ASSEMBLYWOMAN WALKER: Who pays for the cleanup of the military base?

MR. DAGGETT: The cleanup of military sites is paid for by the military. As I indicated in my opening comments, Section 111(e)(3) of CERCLA specifically prohibits the use of the Superfund for actions on Federal facilities.

ASSEMBLYWOMAN WALKER: I just wanted to clarify that point. Thank you.

ASSEMBLYWOMAN FORD: Let me just ask you a question on Federal and State cooperation in connection with all of the information we have received from Mr. Hughey's office. We received a letter, dated September 10, directed to you, indicating that the manner in which you have been exchanging information -- and I use his words -- "leaves much room for improvement between the two agencies." I guess anything can be improved.

What problems have you had in terms of sharing information in the past, or have there been problems, and what steps are you taking to improve that?

MR. DAGGETT: Frankly, I think the problems relate, as much as anything else, to the fact that it wasn't as high a priority,

because we have been spending so much time, all of us, focusing on the Superfund list at private sites, if you will, other than Federal installations, and we were not paying as much attention. Because there was, and has been for some time, a DOD Installation Restoration Program, although I cannot say this definitively, I assume that what was going on was that there was an assumption, if you will, on the part of EPA and DEP that the military, having had a program, was running with their program at the same time and, therefore, we did not need to pay as much attention as we were paying to the others.

In addition, keep in mind also that we do not have the specific authorities with respect to Federal installations as we do with normal Superfund sites. So, it is based a lot, in terms of Federal facilities anyway, on the agreements we work out and the good working relationships we have with the military, or the Department of Energy, or whatever the Federal facility happens to be. So, those relationships are really at an early stage. We are working well with Picatinny, with Lakehurst, and with several others.

Now, in terms of exchanging with DEP, because it wasn't as high a priority since the systems are a little bit different, the exchange of information was not as good as anyone would have liked in the past. That is why we are rapidly trying to fill in the gaps that exist on that. When I indicated that things are about at the level I think they are on the normal Superfund Program, I mean there is that open exchange. We don't have formal processes set up, which probably should be set up, and I think that is what the Commissioner is referring to and what we are working toward.

ASSEMBLYWOMAN FORD: When you decide to designate a military base -- as you indicated the nine -- they are on a proposed list for Superfund designation?

MR. DAGGETT: Right.

ASSEMBLYWOMAN FORD: But they have not been designated Superfund sites yet?

MR. DAGGETT: No. In fact, Bill Librizzi can speak to this. There was a time until-- When was it that Federal facilities could be included on the Superfund list? It was only up to last--



MR. LIBRIZZI: February, 1984, the policy was suggested in terms of putting Federal facilities on the NPL list.

MR. DAGGETT: Bob Hargrove clarifies that at this point they still can't be officially listed on the NPL. They can be proposed for it, but there are no provisions to formally list them on the NPL at this time.

ASSEMBLYWOMAN FORD: Is there a need to amend Federal legislation to expedite this process?

MR. DAGGETT: I believe the new Superfund legislation is being considered. As you know, there are a number of bills. I am not sure what all of them do, but I believe all of those bills include provisions that allow for inclusion of Federal facilities on the Superfund list.

MR. LIBRIZZI: Both the House and Senate bills--

MR. DAGGETT: But the direct answer--

MR. LIBRIZZI: --free the Federal facilities fairly closely and allow us to put them on the list. They also broaden the oversight responsibilities of EPA relative to decision-making at Federal facilities. I think, in fact, they now have concurrence if the bills are passed.

MR. DAGGETT: The direct answer to your question is, yes, Federal legislation is necessary. What we are saying is, we think it is being provided now.

ASSEMBLYWOMAN FORD: Really, one of the purposes of these hearings was to determine if there were gaps in legislation on the State or Federal levels and, of course, our focus at the State level. From your experience, do you feel there is any need to expand any State jurisdiction over these sites?

MR. DAGGETT: No, partly because I am not sure to what extent State laws would hold in that case. I mean, you may find that someone can challenge them as to whether you really have jurisdiction over Federal facilities.

What I am trying to do is work with DEP and, frankly, with DOD and other Federal facility heads, to do it essentially without legislation. I guess that is the best way to say it. I really feel

that we are making a lot of progress in both areas. Again, we are not as comfortable as we would like to be with DEP and the procedures we have in place, but we are close. With respect to Federal facilities and the heads of each of those facilities, it really depends on the extent of the problem and our own priorities trying to go with the problem areas we know of first, and developing good working relationships with them. We are getting there, but it is not as fast a process as any of us would like.

MR. LIBRIZZI: However, I might also point out in that regard that the new legislation that is being considered to reauthorize Superfund does, in fact, address State participation as well.

MR. DAGGETT: Yes. What we are actually trying to do is formalize State involvement. Even though we have the lead in the various agreements I have indicated are being worked out, or have been worked out, we have included the State as a third party in those agreements. So, when we sign an agreement, EPA signs, the Federal facility head signs, and DEP signs. So, that is how we are trying to formalize it, by including them in those agreements.

ASSEMBLYWOMAN FORD: I think if our hearings had any effect on coordinating or suggesting coordination between DEP and your agency, or that communications be improved-- I think that would go a long way.

MR. DAGGETT: Listen, as you well know, the establishing of any Committee and the holding of any hearings tend to make any agency, I think, focus, at least for the moment, much more and to try to assess where the holes are and where the gaps are. In that sense, I think this kind of a process is very helpful.

I have to say again though that we had been on the way to doing that, but we are really restricted in terms of the amount of resources we are able to devote to it. We are trying to do the best we can given that circumstance.

ASSEMBLYWOMAN FORD: One of the things-- I hate to dwell on the jurisdiction issue, but it is something I am interested in and something where I see a need for clarification. We have asked DEP and we have asked the military about jurisdiction. The military has indicated to us at past hearings that they certainly would not

challenge jurisdiction if exerted by the State, even though they might have a legal ground to challenge jurisdiction because their goal is cleanup.

Do you have any specific reasons? Do you feel, in other words, that on Federal installations that Federal law preempts State law?

MR. DAGGETT: I don't know if it preempts-- I am not a lawyer, and I am not sure whether it preempts State law or not, in direct answer to your question. Do you work with that at all, Bill?

MR. LIBRIZZI: I am not a lawyer either, but based on my experience I would suggest that all the programs, with the exception of Superfund, are delegated programs. All the programs are delegated to the states. Therefore, they have those statutory authorities associated with the delegated programs. Of course, EPA has the oversight responsibility to assure that Federal statutes are being complied with as mandated.

So I think from the delegation standpoint, the State has that kind of input into the Federal facility processing compliance with the law.

MR. DAGGETT: And it is that process and the fact that it does exist and we are using it that leads me to say that I am not sure you really need any additional State legislation in that regard. Obviously, from your perspective, you might end up seeing it differently. But I think from where I sit, once we delegate that, they have the authority; if we don't delegate it, we keep it. We really do exercise our oversight where we have delegated it, and where we haven't, we are trying to improve the communications between the two.

ASSEMBLYWOMAN FORD: Okay, thank you. Assemblywoman Walker?

ASSEMBLYWOMAN WALKER: No questions.

ASSEMBLYWOMAN FORD: Assemblyman Pankok?

ASSEMBLYMAN PANKOK: Just a quick question. You don't have Pedricktown on your list because it is a General Services Administration facility now?

MR. DAGGETT: No. I said that Raritan Arsenal is a GSA facility.

ASSEMBLYMAN PANKOK: Oh.

MR. LIBRIZZI: Is there a SGA facility in Pedricktown, or is it a--

MR. DAGGETT: I am not sure of the facility in question. I am not sure of the facility you're speaking about. I am making the assumption--

ASSEMBLYMAN PANKOK: I'll ask DEP when they get up here.

MR. DAGGETT: Pardon me?

ASSEMBLYMAN PANKOK: I'll ask DEP when they get up here.

MR. DAGGETT: I am making the assumption that if it is not on our list here, there has not been a problem identified at the moment.

ASSEMBLYMAN PANKOK: Pedricktown is an inactive military facility. It is being used by the reserves now.

MR. DAGGETT: Okay. Are you aware of a particular problem associated with hazardous materials on that site?

ASSEMBLYMAN PANKOK: Yes, there is a problem at Pedricktown.

MR. LIBRIZZI: Is that based upon past activities at the facility?

ASSEMBLYWOMAN WALKER: It's in Commissioner Hughey's letter.

MR. DAGGETT: Assemblyman, we will look into that. I don't have that information with me. We will have to go back and double check.

ASSEMBLYMAN PANKOK: It's very near and dear to me; it's my home county.

MR. DAGGETT: I can understand. Let us get back to you specifically on that. We will fill you in with the details we have on that, if any. If we don't have any details and you feel a concern about it, we will work with you directly to try to find out.

ASSEMBLYMAN PANKOK: I would appreciate that very much. Thank you.

ASSEMBLYWOMAN FORD: I just want to advise the people present that Assemblywoman Marie Muhler from Monmouth County has just joined us. I believe Earle is in your district.

ASSEMBLYWOMAN MUHLER: Yes, it certainly is. Good morning. I apologize for being late, but I had a rather important press conference on simulcasting, which is a major question on the ballot this year in my district. It is also a big concern for my area.

ASSEMBLYWOMAN FORD: Thanks for coming, Marie. Assemblywoman Walker has another question.

ASSEMBLYWOMAN WALKER: At our first hearing on October 10, Assistant Commissioner Tyler of the State DEP testified that EPA is the lead agency to which DEP turns for guidance and information in the course of monitoring and regulating hazardous waste practices at military facilities, including Lakehurst. Yet, it is also our understanding that EPA never provided the New Jersey DEP with the November, 1983, FIT report, and that DEP found out about the existence of this report only after it was, in the words of the Lakehurst Base Commander, Captain Eaton, "purloined by a disgruntled Lakehurst employee and leaked to The Asbury Park Press."

Only yesterday, in a letter from Assistant Commissioner Tyler to the editor of The Trenton Times, DEP says, "We were surprised in July of this year with a report that indicated potential health problems in the Lakehurst area," and "DEP is the last to know about environmental problems at military installations in New Jersey." In his letter, Assistant Commissioner Tyler accuses the Federal government of withholding reports for several years. Why through July, 1985, had the EPA, our DEP's lead agency with respect to Federal facilities, never provided DEP with the 1983 FIT report and other information germane to Lakehurst?

MR. DAGGETT: I think that relates to the questions I have answered for Assemblywoman Ford, which are, one, the priorities established with respect to Federal facilities were not as high at that particular time as they have become; secondly, the lines of communication that I am talking about which we have been trying to develop were not as effective then, and I think just routinely, that was not in place and we did not send it.

But, as far as reports, any report we get is a public document. As far as I am concerned, it is available to anyone who wishes to see it. I have tried to conduct the affairs of the Agency since I came on board in that fashion.

With regard to the question of who had what information when, overall I have been trying to focus more on what is the problem now and

what are we doing about it, because I think that is a more important question. It is difficult to go back and trace who had the reports.

ASSEMBLYWOMAN WALKER: But, you didn't withhold it?

MR. DAGGETT: No, no, we did not withhold it by any stretch of the imagination.

ASSEMBLYWOMAN WALKER: It was public information?

MR. DAGGETT: Absolutely; it was public information. We did not withhold it. It was more the relations which existed at the time with respect to Federal facilities, and we didn't send it down.

ASSEMBLYWOMAN WALKER: Okay, thank you.

ASSEMBLYWOMAN FORD: Did you have any other questions?

ASSEMBLYWOMAN WALKER: No, thank you.

ASSEMBLYWOMAN FORD: Now that we are at Lakehurst, or rather, now that we are into the Lakehurst question-- I just have a few other questions. We have attended two hearings. First, we heard from DEP, and second, we heard from the Navy. They both indicated to us -- and I have no reason to doubt their indications -- that there is no groundwater contamination at the Lakehurst site and that basically it is a safe site. But there have been identified certain-- At least I think your offices, as well as the Navy, have indicated that there are toxic waste sites which could be either dumping or spill sites at the Lakehurst facility. I believe the Navy said something like 44 identified sites; I don't know how many you have identified.

I am curious about one thing. Why is Lakehurst being listed or proposed as a Superfund site if there is no contamination?

MR. DAGGETT: The proposal-- When we propose sites for inclusion on the National Priority List, they can be either from actual contamination and evidence we have of it, or potential contamination. In this instance, we are going on the basis that there is potential contamination. That potential is because of the degree of toxicity of the wastes that are used or present, the quantity of the waste present, the number of people served by the aquifer concerned, and finally, the distance to and potential for contamination of the Cohansey and Kirkwood Aquifers. We don't have evidence of that having actually occurred at this point, but given that the potential exists, we use

that potential to put it on the list. The reason we do is that then we feel that gives us a little bit better-- It makes people pay more attention, if you will, and allows us to enter into the various agreements we have talked about to try to move toward, first, better characterizing the problems at the site, and then, once characterized, if they do warrant cleanup, to then begin to move into a phase of actually cleaning them up.

ASSEMBLYWOMAN FORD: In your opinion, are there ongoing toxic waste sites at Lakehurst?

MR. DAGGETT: Well, there are 44 sites which we have identified as potential hazardous waste sites. Right now, we are in the middle of completing a plan of action for better characterizing those sites. That plan of action is in the very latter stages. I expect it will probably be finalized very shortly. Actually, I think we have begun to carry out that plan of action. In the absence of a formal finalized agreement, work has already begun, because where we have agreed -- where we disagree, I should say, are in minor areas that we expect to be able to clear up shortly.

In addition, with Lakehurst, we are going through a formal agreement which outlines that if contamination is identified, what the next steps will be. They would be to further identify-- In the beginning, say, to take a sample in an area and identify it if there seems to be some contamination. Then we would need to go back in and do a more extensive sampling of that particular area. The agreement will outline that process, if you will, and then what we would do if we found sufficient contamination and how we would go through the process for a cleanup.

Again, all done by the Navy in terms of the Installation Restoration Program, and paid for by the Navy.

ASSEMBLYWOMAN FORD: You referred earlier to the FIT report. I forget what those initials stand for. I have been dealing with the military, the EPA, the DEP, and I should have all of the initials down by now, but I often get them mixed up.

MR. DAGGETT: It has taken me a year. If you can do it faster--

ASSEMBLYWOMAN FORD: But, that is the team that analyzed the groundwater test data that Lakehurst did, starting in 1981.

MR. DAGGETT: That's right.

ASSEMBLYWOMAN FORD: Is that correct?

MR. DAGGETT: Yes.

ASSEMBLYWOMAN FORD: Now, I have what is called Appendix A, EPA Comments, NACIP Initial Assessment Study Report. The Initial Assessment Study is the IAS Report. Among the conclusions, the test results were analyzed from November 17, 1983 to November 30, 1983 by your professional staff members, or at least your predecessor's staff members. The FIT report identified certain problems. Among them it said, "Drinking water quality has been impacted due to improper waste disposal." By impacted -- what do you mean by that? Or, do you know what they meant by that?

MR. DAGGETT: (Mr. Daggett consults with Mr. Hargrove.) I believe -- I am not positive -- what they were referring to was the levels that were identified in the drinking water that was sampled in the early part of 1981. This 1983 report was reviewing data that had been collected two years before. That data showed some problems in the drinking water, or what appeared to be problems in the drinking water, and I forget the chemical.

MR. LIBRIZZI: What was the chemical?

ASSEMBLYWOMAN FORD: Well, I don't know that the chemicals are going to make any sense to me, except that I know they are carcinogenic substances and they were present at alarmingly high levels.

MR. DAGGETT: All right. What happened as a result of that was that the Navy immediately resampled. I think what we have discovered--

If I may digress for a moment and see if I can walk through-- In 1981, when a sampling was taken of the wells, the sampling indicated that there was a potential problem. The Navy immediately resampled, unbeknownst -- from our records anyway -- to us as well. So I think in that sense they took the correct environmental action, if you will, to double-check on what happened.



They sampled again in 1982, 1983, 1984, and again subsequently, as you know, just recently. When the report came out in 1983, that is this thick document that the Navy had, which is the Initial Assessment Study of the Naval Air Engineering Center, Lakehurst, New Jersey, which I believe was done by a contractor to the Navy, for some reason that report did not at all reflect the testing done after the first set of samples were taken. In other words, it reported only on the samples taken the first time around. So that started to cause some confusion, and I think that is where some of the confusion has occurred all along here, frankly, for us, as well as for everyone else publicly.

I am not quite sure why that report was issued and did not speak to other sampling that occurred later, which, indeed, showed that there wasn't a problem. The sampling that occurred in the latter part of 1981, and again in 1982, and again in 1983, indicated that there wasn't a problem, that, in fact, the sampling problems that had shown up were laboratory errors and problems like that.

ASSEMBLYWOMAN FORD: But you based your--

MR. DAGGETT: The FIT report was based on that initial 1981 data, so we were not responding. I think somewhere in that report, also, it was indicated that if this data was good data, there was a problem, and recommended further sampling, which, again, we did not know at the time had already long since occurred, and had shown that there wasn't a problem. That was again a communication gap, if you will, or communication that was not established as well as it might be, and it led, I think, to some of the confusion here.

ASSEMBLYWOMAN FORD: Was it your policy, or did you in this case transmit the FIT report to the New Jersey Department of Environmental Protection?

MR. DAGGETT: No. That is the one that Assemblywoman Walker was just referring to. We did not transmit it at the time. That, again, was just-- Those lines of communication, with respect to Federal facilities, were in the very early stages of being developed, and it was not sent to him.

ASSEMBLYWOMAN FORD: At what point in time was your agency made aware of the test results which repudiated the initial alarming test results?

MR. DAGGETT: In the November 1984 report, I believe, which-- When did we receive the November 1984 report? Did we receive it that month? (referring to Mr. Librizzi)

MR. LIBRIZZI: November of 1984.

MR. DAGGETT: Yes. We received the report in November of 1984, which indicated that.

ASSEMBLYWOMAN FORD: So that, from 1983 or earlier--

MR. DAGGETT: It was November of '83. Well, actually, from the time -- I want to be sure I give this to you right -- in 1981, after the first samples were taken, to 1984, we didn't know additional samples had been taken, and had demonstrated-- Now, when I say--

ASSEMBLYWOMAN FORD: All you knew during that time was that the information available to you indicated that the groundwater had been seriously threatened or contaminated?

MR. DAGGETT: Right, and that is reflected in the '83 FIT report. Now, when I say we didn't know -- so that it doesn't end up in a public disagreement, if you will, between agencies -- I'm going on the basis of what we can find in our files. I don't know-- And if someone came here before you and said, "I have a memo that says we did, in fact, send it," as you know, government files aren't always the best kept documents, and we could have had employees who were no longer with the Agency who might, for some reason, have taken them home and not brought them back. Any number of things could have happened. So, if somebody says they sent the report, I would stand corrected on it. But, from our files, anyway, we don't have it. And, in addition, I don't know what telephone calls might have occurred between people at the time that aren't recorded, as well.

ASSEMBLYWOMAN FORD: Well, after-- Did you at any time-- When did the EPA, to your knowledge, conduct any independent groundwater testing, after receiving these alarming test results from the Navy?

MR. HARGROVE: Yes, well, we did conduct independent testing based on the '81 report -- on the '83 report which included '81 data. We did do subsequent sampling on September 1985.

ASSEMBLYWOMAN FORD: Was that--

MR. DAGGETT: We did recommend, I believe, that additional sampling be undertaken, and it was undertaken in 1984, and then we got the report in November of '84, which, in fact, said there was no problem. So, I think, what you find is the EPA's FIT report prompted us to work with the Navy, or to recommend the Navy do the sampling, and we have the '84 report that says there is no problem. Now, we--

ASSEMBLYWOMAN FORD: Wasn't the Navy already undertaking additional series of tests in '82 and '83?

MR. DAGGETT: Yes, again, in the latter part of '81, and again in '82, in '83, and, again, in '84. Okay, Robin indicates that we were aware of that additional testing through telephone conversations.

ASSEMBLYWOMAN FORD: Are you disavowing, now, the '83 FIT report?

MR. DAGGETT: Not disavowing it. At the time, based on a reading of the '81 data, I think, that report was an accurate report. I mean, the data they looked at indicated there was a potential problem there, and if you went on that data alone, yes, I think the report was fine. But, it was a subsequent sampling that indicated that there wasn't a problem, that we have no reason to suspect otherwise. And, in our 1985 sampling, the results are indicating that indeed there isn't a problem. We don't have that final report yet -- it will be ready shortly -- but it confirms, essentially, what people have been saying to us. See, that is why, you know, I said earlier that I have been trying to focus less on who, what, when, and what happened, as much as I am trying to get a real handle on what the status of the situation is now, and what everybody is doing about it to act as expeditiously as possible to either clean up or whatever is necessary. It is somewhat difficult, through the records, both at EPA, and, I'm sure the Navy and DEP as well, to really trace back who had what report when and what did they all say and what did they all mean.

ASSEMBLYWOMAN FORD: Well, I think that, speaking for myself, I am interested in knowing who knew what when, because, if there was a lapse of several years, and if a particular agency knew nothing else but very alarming test results, I think it is significant that:

1) Either the public was not advised, or,

2) If additional public, independent testing was not done.

And, certainly, everyone is human beings, and agencies are just comprised of human beings and I have lost a few files in my law office myself, you know, so I am not here to cast any aspersions on anyone, but, I think that it is a serious issue if we have some extremely alarming test results that are revealed, and then, for a period of time it just seems as if everyone is shuffling off on someone else. I don't know, maybe I'm being too judgmental.

MR. DAGGETT: No, let me speak to that by saying that if I -- hindsight is always great, and in hindsight I should have, on the basis of the FIIT report -- notified local officials, or somehow made public the information, that probably is the case. We probably should have, based on that report. What I don't know is whether or not -- and that is why it is so puzzling to me -- it would seem that after the FIIT report, obviously, some activity occurred between the Navy and the EPA, which led to additional testing, and then the '84 report which shows there is not a problem. What may have also happened in those conversations -- and I would like to hope that is the case, anyway, that it really was done with the right intentions -- that through those telephone conversations, maybe, the Navy said, "Look, we've already done a number of other samplings, we aren't finding the same problem," and on the basis of that it was felt by the EPA at the time that it wasn't necessary to unduly alarm the public, because, in fact, the problem didn't exist.

ASSEMBLYWOMAN FORD: I am surprised-- It has been suggested to us, in some of the prior hearings, that the test results of the initial water samples -- I am talking about the 1981 to 1983 Navy test results -- that they were just so alarmingly high that they, absolutely, went, you know, sort of off the scale, and that everyone looking at them realized that they couldn't have been accurate. I'm

surprised that a staff of your professionals, apparently took them seriously enough to do an FIT report on them, and base certain conclusions on them.

MR. DAGGETT: I think -- Let me just take a crack at it. (Speaking to Mr. Librizzi) The FIT reports are not done just because of alarming nature of results. We would routinely review reports like that through our FIT team. So, it's not like any results triggered that review.

MR. LIBRIZZI: I was going to just reemphasize that the FIT report, although it did make the suggestion that you stated earlier, also raised the question about the validity of the data. It, basically, said that if, in fact, the data is representative, and the FIT people who reviewed it, professionally, could not determine whether it was valid data--

ASSEMBLYWOMAN FORD: Because they didn't do the testing.

MR. LIBRIZZI: --because, of the absence of protocols, and the absence of a lot of detailed information one would want to have before one made a determination whether the quality of the data was good. It said, "If the data was representative, they" -- the FIT -- "conclude" -- and they were contracted to EPA -- the next step was that the Navy did get the report, there were discussions between the EPA and the Navy, and the Navy was going out to do the sample. So, I think, the process moved forward in terms of trying to address the issue. As Chris pointed out earlier, the Navy had already collected information that would suggest the data may not have been valid.

ASSEMBLYWOMAN FORD: The Superfund designation for Lakehurst, at least, was based upon this report. Was it not?

MR. LIBRIZZI: Not the groundwater data.

MR. HARGROVE: It was reported from the report, not the data.

ASSEMBLYWOMAN FORD: It was based on the report, but not the data?

MR. DAGGETT: Can you explain what that means?

MR. HARGROVE: Yes, the data was not part of the rankings.

ASSEMBLYWOMAN FORD: You are saying it was based on the report I have been referring to -- the EPA comments to NEESA.

MR. HARGROVE: No, no, it was based on the NEESA report. It was not based on the data contained within the NEESA report. As far as groundwater and amount of contaminants -- that is the data we used out of this report -- we didn't use the actual Appendix C data for the ranking.

MR. DAGGETT: And, again, remember we ranked, and often ranked, sites -- and, in this case we did -- on the potential for groundwater contamination, and not on any specific contamination that had been identified.

ASSEMBLYWOMAN FORD: I am looking at the-- It says, "FIT Quality Assurance Team documentation records for hazardous ranking system for Lakehurst," and it refers to a section on waste characteristics, and it lists a toxicity persistence and compounds evaluated -- chloroform, benzene, tetrachlorethylene, and a couple of other unpronounceable chemical in order, which I've seen on some of the other listings as carcinogenic substances. Weren't you taking some of the data that was in that report in consideration for the Superfund listing?

ROBIN COURSEN: It was based on what chemicals we knew were used or disposed of on the Base, because there is a potential that those chemicals can get into the aquifer of concern.

ASSEMBLYWOMAN MUHLER: May I ask a question?

ASSEMBLYWOMAN FORD: All right. Assemblywoman Muhler.

ASSEMBLYWOMAN MUHLER: Yes, our major concern today, which is the groundwater contamination-- Have you had any other dealings with reports where you have found that there has been an inaccurate report in the beginning and gone out and tested again, or is this just a very unusual instance on the one site?

MR. DAGGETT: I can show you sites in many places. It is not unusual, and I say that speaking from the whole Superfund program. They are constantly having to check on sampling techniques which could have been done wrong. You could have procedures not followed in the labs properly, and they taint the -- they essentially, in the laboratory -- sample, so you get an incorrect reading. There are any number of ways, so then you have to go back. That is why you have a

quality assurance program through which all the procedures and techniques are analyzed, as well as the results, to make sure they follow these certain procedures. It is not uncommon to have difficulties with sampling results.

ASSEMBLYWOMAN MUHLER: So, you are not going to draw immediate conclusions from one testing and any set of test at any given place?

MR. DAGGETT: We would rarely draw immediate conclusions from one set of results. But, again, we may issue some kind of a warning saying, "Look, we have found this, and you might want to take precautions of such and such a nature, until we definitively characterize the problem."

ASSEMBLYWOMAN MUHLER: Okay. Are all of these sites being monitored with wells and careful checking to assure the public that there is no contamination of the water systems involved?

MR. DAGGETT: Correct me if I'm wrong, Bill, but, with respect to the Lakehurst site, that is what the plan of action is going to deal with. It is going to include a better characterization, which will include, I think, some of the additional wells being placed, as well as sampling to, hopefully, do just that. To, not only be able to characterize it, but if there isn't a problem, to be able to assure the public that, in fact, there isn't such a problem.

ASSEMBLYWOMAN MUHLER: Is that true of Earle and Fort Monmouth, too? Is it the same thing going on?

MR. LIBRIZZI: You would follow the same process.

MR. DAGGETT: That's right, you would follow the same process. We would have to get into the specific sites and the information we have on them, but, yes, the same process would be followed.

ASSEMBLYWOMAN MUHLER: Is it being followed now? I'm just concerned--

MR. DAGGETT: We're at the early stages, essentially, in each of them and we're working up plans of action, I think, at both. At all three or at Earle? (Speaking to Mr. Hargrove)

MR. HARGROVE: Earle is far ahead of all of them.

MR. DAGGETT: What about Fort Monmouth?

MR. HARGROVE: We're in the process of gathering information.

MR. DAGGETT: Okay. So, we're at a very early stage at Fort Monmouth.

ASSEMBLYWOMAN MUHLER: Okay. Since you deal with both the Federal installations and other sites, could you give me some kind of comparison-- I am wondering, in cleanup, are the stages moving along as cooperatively and regularly on the military installations as they are, say, in some of the other State sites that we have?

MR. DAGGETT: Well, on the State sites-- I mean, on the Federal sites we don't have nearly the authority we have on the State sites. On the private -- and I call State sites private sites -- sites, we have enormous authorities that we can use to exercise or to begin and complete cleanups. Our work with the military depends on a working relationship, if you will, that is not as strongly governed by regulations giving us broad authorities. I would say that from everything we have seen, the military is doing a fairly good job, in most instances, with trying to characterize and identify their hazardous waste sites. Where, I think, that we may run into a problem down the road, frankly, is whether or not sufficient funding exists within the military to handle the cleanups, and that, I will be frank with you, I--

ASSEMBLYWOMAN MUHLER: That was going to be my next question.

MR. DAGGETT: --don't know whether that exists. I know that one of the problems I have run into at one of the bases here -- at Picatinny -- in speaking with some of the people there, they contend that some of the problems for them exist because there is a site known as the-- What is the site out in Denver? (Asking Mr. Librizzi)

MR. LIBRIZZI: Oh, yeah, keep going, I'll remember it.

MR. DAGGETT: There's a major site out in Denver--

MR. LIBRIZZI: Rocky Mountain Arsenal.

MR. DAGGETT: --that it looks like at least a billion dollar cleanup, I mean, we are talking very big dollars there.

ASSEMBLYWOMAN FORD: People get excited about the military budget now, just wait until they--



MR. DAGGETT: That's right. What happens is they contend there is a drain of funds within the program nationally toward some of the work at Rocky Mountain Arsenal. Now, I don't know the ins and outs of the military budget to know whether or not that, in fact, is the case, or whether there is going to be difficulty down the road, but I certainly-- It is a concern for me, because I don't have the authority -- as I would, say, in a private party cleanup -- to go after the responsible party, and if the responsible party couldn't pay, then I could go in with Federal money and actually clean up. We are restricted by law, within the Superfund law, from using Superfund money to clean up Federal facilities.

ASSEMBLYWOMAN MUHLER: Well, one of the concerns I have are some of the provisions already in Superfund, and I just can't, in my own mind, understand why the military sites are included on the priority list, because the provisions that deal with the contractors, first of all, that you would have to hire to clean up these sites would require 100% insurance bonding before they did anything. Are we going to run into those same problems on military bases, or is there another whole process?

MR. DAGGETT: Sure, to the extent that military uses private contractors to clean up those sites, we will run into the same insurance problems; the same problems that they are grappling with in Senator Lesniak's Committee, which is, as you know, a very very serious and significant problem that is facing the cleanup program that we are involved in right now.

MR. LIBRIZZI: Another important feature to reflect back on is placing Federal facilities on the National Priority List does two things: It assists in the budgetary process, because now, the military has made a commitment to do something. So, it will assist in that process, and the military is committed to participate in it in cooperative agreements with EPA. The second part is, there is consistency with the National Contingency Plan, which is required by law. The military, then, has to do the same thing that we would expect a responsible party to do. So, I think, those two things are rather important, in terms of getting sites on the list.

ASSEMBLYWOMAN MUHLER: How does it help in the budgetary process? Because, they go to the same place for their budget that everyone else does, and I--

MR. LIBRIZZI: Well, it would seem to me that, once you have sat down and worked out the technical details to everybody's satisfaction -- including the State -- you have established a program. That needs to be built into the budgetary process.

MR. DAGGETT: I think, what it does, like anything else, if you have identified a real problem, that puts a little more pressure on people to pay attention to that problem, and, hopefully, you can from that get whoever it is -- and we're focusing, of course, on the DOD -- but of course with the DOD's Rocky Mountain Arsenal, there is a number of Federal agencies that would have to come up with their own funds to deal with it, and, hopefully, through a ranking system, you just highlight to them the importance of acting.

ASSEMBLYWOMAN MUHLER: Good. On this plan of action that you have discussed, will it be possible, now that it is organized and going in this direction, to get reports on the monitoring of the groundwater systems? Does that automatically go to our DEP in the State so that it would be accessible to us?

MR. DAGGETT: Absolutely. In fact, what -- I'm not sure if when you came in it was at a point after I had spoken -- we are getting better and better in our exchange of information with the DEP with respect to Federal facilities. It hasn't been as good as it has been with the Superfund program in general. We are trying to play catch-up ball there. Within the plan of action there are, I believe, specified times when reports will be due relative to-- That's right it depends on the point of action (replying to comment from some member of speaker's staff)-- But, there are, normally, periods where reports are due. Those reports as, again, anything else within the Agency, are public documents, and we would make them available to the DEP and anybody else who wishes to have it. DEP, keep in mind in this particular instance, is going to be a signer of the agreement in the first place. It is a tripartite agreement, and, by virtue of that they will get all the reports themselves.

ASSEMBLYWOMAN MUHLER: Who, specifically, does the monitoring now, on a Federal base? Would it be the military or would it be DEP in concert with the military?

MR. HARGROVE: On the base it would be the military.

MR. DAGGETT: But, I believe, we are exercising an oversight role of sorts with them; splitting samples, generally--

MR. HARGROVE: Yeah, if there is a request for us to come on the base for either the EPA or the DEP.

ASSEMBLYWOMAN MUHLER: If there is a request for you to come on, but would it not be suggested in your plan of actions that that be automatic?

MR. DAGGETT: It's not automatic, but I would guess that as we continue to develop our working relationship to the Navy, that I can't believe that they do not welcome our participation. I don't see it as something that requires us to force our way on, if you will. I think, we are really establishing a very good working relationship, and, if it seems like something that would be good, also, from a public perspective, we'd be happy to do something like that.

MR. LIBRIZZI: I think you have to realize, as well, the agreement should include a provision to ensure quality data. The agreements we would make with the Department of Defense, or any other Federal agency, would be very similar to the kind of things we look at with a responsible party, and that would mean that there are certain procedures that assure to us data is reliable and representative. Those procedures would be built into the discussions that we have with them.

ASSEMBLYWOMAN MUHLER: Are there standards for that data? Because, my question before, when I asked you about there having been other tests that have come through inaccurate -- and that has nothing to do with military, that's everywhere, from what I understand--

MR. DAGGETT: That's everywhere.

ASSEMBLYWOMAN MUHLER: Is it?

MR. DAGGETT: Unfortunately so.

ASSEMBLYWOMAN MUHLER: Will there be or is there work towards some sort of standards so that we know when we get the information that it's--

MR. LIBRIZZI: Yes. I think, we have procedures in the laboratory that are fairly well established. We are getting better in the laboratory, we are picking up contamination at far lower levels, but the procedures are fairly well delineated in terms of what is acceptable procedures in the laboratory. We are getting better at sampling techniques, and we're looking at the various biases you might find with sampling. So, there are, in fact, protocols and procedures that the professionals follow.

ASSEMBLYWOMAN FORD: I would like to just finish up on Lakehurst so we can get on to the specific things, and I see that Captain Eaton is here. I was wondering if you would mind if I, during your time, asked him a couple of questions--

MR. DAGGETT: Not at all.

ASSEMBLYWOMAN FORD: --just about-- Captain, do you have any objections? Thank you for coming up here, Captain Eaton, Commanding Officer at Lakehurst. I was just curious, you heard some comments earlier regarding exchange of information, reports, test results, and so forth. Can you fill me in from your perspective on what happened there?

**CAPTAIN DONALD R. EATON:** Sure. I guess, for the record purposes, I am Captain Donald R. Eaton, the Commanding Officer of NAEC Lakehurst. I feel that the time period in question -- we are talking about the 1981 data -- which has been a subject of considerable interest in the successive hearings that we have been at, now, and I think if my knowledge is correct, the circumstances at that time were one where there was almost a casual repartee between the DEP, the EPA, and Navy Lakehurst. That is, in the routine order of doing business there was a dialogue going on with regard to the data in question, and it was treated in such a way that it was almost relegated to the routine, in that, everybody of the professional orientation with regard to environmental matters, appreciated the fact that the data was flawed, and was flawed in such a way that nobody in their right mind who knew anything about it would accept it. And as a result of that, I think, it was overlooked in its potential of being shared with lay people in the circumstances that we have come to know. Clearly, George Tyler

indicated the same sort of approach to it back in his testimony on the tenth, Chris says the same thing, and we, certainly, say the same thing.

The obvious question is why was it in the report? I can't answer that; I wasn't Commanding Officer at the time. I assure you if I was you wouldn't have it that way. The best I can say now is that we do have all sorts of data subsequent to that which clearly indicates that it was indeed flawed, that there isn't a problem, and that we should be getting on with where we are. Again, as I mentioned last week, I think that this was the third NEESA study that the Navy had undertaken, and in a way it was part of the learning process, and they were on the upside of the learning curve when they undertook that study. So, you can expect those sorts of problems. And, also, if you read in the preface page, you will see that it is signed out by LCDR Spielberger, who was really the leader of the team at the time. I have since spoken with the gentleman, and he assures me that that was an oversight, and they didn't appreciate the long-term or the future impact, and had they the opportunity to do it again it would have been corrected.

I would also like to make another point, which, I think, needs to be clearly emphasized, and that is addressing the number of sites at Lakehurst. You all have the report, and what the report clearly says is we have looked at 44 sites, and out of the 44 sites 16 are recommended for confirmation. Which means the others are not, and which means that the others are not a problem. Furthermore, we also detail that one of the sites, the Advanced Underwater Weapons Compound, was certified clean and that is off the list.

There are others that were certified clean in dialogues with the DEP and the EPA, and certified clean verbally, and that was a point of discussion, "Will we get something in writing?" And you recall, on the 10th of September, we did write a letter requesting that that be certified in writing. But the point is, clearly, of those 44 sites -- and I think we can look at that with a certain amount of comfort and confidence that there is the approach to rectifying any potential situation -- that there are only 16 that are being held over, or looked

at, for confirmation. And, out of those, as I said last week, only one is of real personal concern to me. I think the others are relegated to, you know, we'll have to wait and see what the confirmation study says, and we don't think there is any reason for any alarm or concern.

MR. DAGGETT: If I may, I believe though -- and, Captain, correct me if I am wrong -- but, the plan of action will indeed check all the sites--

CAPT. EATON: That's correct.

MR. DAGGETT: --and the sampling will verify the statements the Captain made that there really are only a smaller number of sites. So, don't leave with the impression that the sampling will not cover them.

CAPT. EATON: Yes, that's a good point Chris. We, the Navy -- and I think, again, a conscientious approach to the problem -- are going to look at all 43. The 44th site, as I said, is out of the way. But, that is not what the NEESA report said. They said, "Let's take another look at these 16 to confirm or deny the existence of a problem."

ASSEMBLYWOMAN FORD: Well, the only question, I guess, that is still left in my mind is there was this casual repartee going between the Navy and the EPA. Why did they rely upon the faulty data--

CAPT. EATON: I don't think there was a reliance on the faulty data. I really don't, because, immediately, when that was ascertained why the geographically dispersed sites with similar readings, and then it was clearly the constituent elements that were found were those that are usually used in a laboratory for handling lab equipment, it was obvious to everyone, and the only thing that I think is, "You know, why didn't it come out in the report?" I can't answer. But, if that was there, it is too bad.

ASSEMBLYWOMAN FORD: Did you send the ongoing test results, or do you know whether the ongoing test results were sent to the EPA?

CAPT. EATON: I know that we are obliged, under State laws, to provide annual water reports, which have been done. And, the annual water reports show the circumstances as they really are, that they are a non-problem. In addition, however, as I pointed out last week, I am

also providing amplifying data in our own internal annual water reports done by various contracting utilities. And, those are shared with the EPA, DEP, Ocean County Board of Health, and anybody else.

ASSEMBLYWOMAN FORD: Okay. Do the Committee members have any more questions as to Lakehurst so that we can set that base aside? No? Okay, thank you Captain.

CAPT. EATON: Thank you very much.

MR. DAGGETT: Which site are we moving to?

ASSEMBLYWOMAN FORD: I think we're going to start with Earle.

MR. DAGGETT: Earle?

ASSEMBLYWOMAN FORD: I think that Assemblywoman Walker has some very specific questions on Earle, and while I gather my thoughts maybe she can start off.

MR. DAGGETT: All right.

ASSEMBLYWOMAN WALKER: I just want to mention that Earle is in the 13th Legislative District, as well as in Assemblywoman Muhler's district. We have the Leonardo area of Earle in the town of Middletown, which is the town you are in now. So, I am particularly interested in Earle, and I want to ask you, how many hazardous waste sites are there at the Naval Weapons Station Earle?

MR. DAGGETT: We have identified, in an agreement with the DEP and the Navy, 11 sites to be addressed in--

ASSEMBLYWOMAN WALKER: Eleven?

MR. DAGGETT: Eleven.

ASSEMBLYWOMAN WALKER: How many are identified--

MR. DAGGETT: Just a minute -- wait a second -- that's not quite accurate. There is a total of 29.

ASSEMBLYWOMAN WALKER: Twenty nine.

MR. HARGROVE: There are a total of 29 potential hazardous waste sites.

MR. DAGGETT: That's right.

ASSEMBLYWOMAN WALKER: Yes.

MR. DAGGETT: And, we have identified 11 that will be addressed in confirmation studies.

ASSEMBLYWOMAN WALKER: Okay, so, there are 29 hazardous waste sites. Can you describe the nature of these sites?

MR. DAGGETT: Let me, if I may, for a moment -- and see if this answers it -- go through some of the information I have here. Industrial operations at Earle, including repainting and repairing munitions, as well as the disposal of unservicable munitions and explosive ordinance, have produced waste at the 29 sites as we talked about at the Base. Wastes include: Zinc, Chromium, Lead, Toluene, Acetone, Caustics, Benzene, Asbestos, Tetrachloroethane, Titanium, Ethyl Alcohol, and Ethylene Glycol.

ASSEMBLYWOMAN WALKER: Are they landfills?

MR. DAGGETT: Are they landfills, or are they surfacial problems? It seems like they are all landfills or no? Okay. (Conferring with Mr. Hargrove) What I will do-- Today, I am prepared to leave with you answers to the questions posed by telephone to our staff, mostly with respect to the general questions about EPA's authority and the specific questions on Lakehurst. Due to the late nature of the information we got about your concerns about these other three sites today, I have bits and pieces I am pulling from. If you will give us a short period of time after the session today, we will follow it up with formal written material on each of these sites. Let me go through, basically, from some material I have.

ASSEMBLYWOMAN WALKER: All right, maybe, what we could do is ask Assistant Commissioner Tyler to come up, because I think, we indicated that we did want to talk about Earle today, and I would like some more information, and maybe if Assistant Commissioner Tyler joins you, we can find out how many of these 29 sites are landfills--

MR. DAGGETT: May I-- I was about to answer your question, I think, I said--

ASSEMBLYWOMAN WALKER: Come up anyway, if you will. I appreciate it, and thank you.

MR. DAGGETT: A description of the waste sites to be studied as well as the waste disposal of each site is as follows: Site 2 -- and we'll have a map for you with where these are all located -- is an ordinance demilitarization site--

ASSEMBLYWOMAN WALKER: Just generally, you don't have to go through the specific sites, but generally are these sites landfills, or spills--

New Jersey State Library



MR. DAGGETT: Mostly landfills.

ASSEMBLYWOMAN WALKER: Mostly--

MR. DAGGETT: And what are called disposal sites, which I would not characterize as a landfill.

ASSEMBLYWOMAN WALKER: Okay.

MR. DAGGETT: I think that would be--

ASSEMBLYWOMAN WALKER: Sludge disposal?

MR. DAGGETT: Paint sludges, yes.

ASSEMBLYWOMAN WALKER: Ordinance disposal areas?

MR. DAGGETT: Ordinance, yes. Domestic and industrial waste.

ASSEMBLYWOMAN WALKER: PCB spills?

MR. DAGGETT: I don't have that listed on my--

MR. HARGROVE: It may be one of the 29.

MR. DAGGETT: Yes, it could be.

ASSEMBLYWOMAN WALKER: Do you want to add anything to that, Assistant Commissioner Tyler?

**ASSISTANT COMMISSIONER GEORGE J. TYLER:** Pardon me, I'm sorry?

ASSEMBLYWOMAN WALKER: We were going over the 29 sites at Naval Weapons Station Earle. What types of sites are they? What categories do they fall into?

ASST. COMMISSIONER TYLER: I think I would agree with what I just heard, there are some landfills and some spill sites that comprise the 29.

ASSEMBLYWOMAN WALKER: Okay, and any of the rest of these questions anybody answer that has the answers.

MR. DAGGETT: We'll do our best.

ASST. COMMISSIONER TYLER: If I may, Assemblywoman, I would like to introduce Jorge Berkowitz, again, to the Committee, the Administrator of his group, who will help me with discussion in respect to Earle.

ASSEMBLYWOMAN WALKER: Well, welcome to the 13th District.

MR. DAGGETT: Is this the mike that goes to the recording?  
(Adjusts mikes to allow Mr. Tyler to be heard)

ASSEMBLYWOMAN WALKER: How long have these activities been going on at Earle?

MR. DAGGETT: Since 1943, according to my records.

ASSEMBLYWOMAN WALKER: How many of these sites are active at present? In use?

MR. DAGGETT: George, I don't have an answer to that, do you?

ASST. COMMISSIONER TYLER: Jorge is reviewing the sites right now.

MR. DAGGETT: It's how many are actively used right now? It seems like they are all closed. We're double checking, but it seems like they are all closed.

ASSEMBLYWOMAN WALKER: Okay, so these--

MR. DAGGETT: Where we would be able to specifically give you that answer is through Resource Conservation Recovery Act records, and the question would be whether there are any active RCRA facilities there, because, if they were active they would have to have a permit associated with that activity.

ASST. COMMISSIONER TYLER: There is one site that is a demolition furnace for ammunition, which is listed as one of the 29 and is active, but not as a waste disposal site other than in the sense of incineration.

ASSEMBLYWOMAN WALKER: So, one of these sites is still active. Is it possible there are more sites at Earle that we don't know about? Abandoned sites?

MR. DAGGETT: I would suspect that that possibility always exists. We feel that we have a handle on it. George, do have any reason to disagree?

ASST. COMMISSIONER TYLER: No, there is no indication of present dumping. Let me put it that way. There is an indication in our files of, again, a demolition furnace for -- not demolition, excuse me -- a destruction furnace for ammunition, and two of the sites listed are pistol ranges, which are indicated as seldom used.

ASSEMBLYWOMAN WALKER: How about abandoned sites? Is there a possibility that there are still abandoned sites that you have not discovered?

MR. DAGGETT: What I was just saying is, we feel we have identified the sites; however, I suspect that possibility always exists.

ASSEMBLYWOMAN WALKER: Are the sites at Earle considered to comprise one or more Superfund sites?

MR. DAGGETT: As we had indicated before, with respect to facilities like this, one Superfund site would consist of many of these smaller sites.

ASSEMBLYWOMAN WALKER: Do you agree with that, Mr. Berkowitz?

DR. JORGE BERKOWITZ: Yes. I believe that's the policy.

ASSEMBLYWOMAN WALKER: That's the policy of the EPA. Okay, how serious are the various sites at Earle in regard to environmental health risks?

MR. LIBRIZZI: I don't think there is sufficient data to answer that question.

MR. DAGGETT: Let me just review. We are in, again, we are putting together both a plan of action, and a facility agreement with Earle. The plan of action is a Phase IIA, and that is the phase where they better characterize the status of each of those sites. When that plan of action is drafted, we have provided our comments to Earle on those. Despite the fact that it's not signed, sealed, and delivered, if you will, action or work on that action plan has already begun. In addition to that, we expect the action plan to be finalized in a short period of time-- Within a month or so. The agreement which, normally, would cover -- as it did, for example, at Lakehurst-- The agreement at Lakehurst covers, not only the Phase IIA activities, but it says that if you find contamination, here is what you will do beyond that. At Earle, we haven't gone to that stage in the agreement. The agreement only, essentially, memorializes the action plan, and we will have to start again and go through another agreement with them for the next phase of it after the sampling has been completed.

ASSEMBLYWOMAN WALKER: Are you having any problems negotiating those agreements?

MR. DAGGETT: Not to my knowledge, unless somebody else can speak to that, I don't know of any. They are cooperating very readily with us.

ASSEMBLYWOMAN WALKER: You know, I am a little confused about something. I have a report here from February 1983, which is the IAS study, Naval Weapons Station Earle.

MR. DAGGETT: Right.

ASSEMBLYWOMAN WALKER: Okay. Why are we only now getting around to an action plan in 1985, when this report on Earle came out in February 1983? Why is it taking years?

MR. DAGGETT: Let me just review my schedule, because, I have that. We received-- Go ahead. (Speaking to Mrs. Coursen)

MRS. COURSEN: It was submitted for ranking in April of 1984 by EPA.

ASSEMBLYWOMAN WALKER: By EPA?

MR. DAGGETT: Yes. We received the IAS from the Navy in October of 1983, the Installation Assessment Study.

ASSEMBLYWOMAN WALKER: It took you until October, when it was issued in February?

MR. DAGGETT: Right. I'm saying when we received it.

ASSEMBLYWOMAN WALKER: Why?

MR. DAGGETT: Again, I think it is more the--

MR. HARGROVE: That's the Navy.

MR. DAGGETT: The Navy would have to speak to that. I am saying that when we received the report, now--

ASSEMBLYWOMAN WALKER: Ten months!

MR. DAGGETT: No, eight months. Not to say that that isn't also a problem, I mean, eight months is eight months. I think it relates, again, to the lines of communication being developed and improving as we go along. I would suspect if the same situation when that report would be issued, we would get it the same time of issuance.

ASSEMBLYWOMAN WALKER: All right, given that you got it in October of '83 instead of February '83, why did it still take years for us to get to this stage?

MR. DAGGETT: Well, let me run through what happens. After we received it, we immediately sent it to FIT team, again, for evaluation. At the end of November of 1983 the FIT presented an evaluation report to EPA. In April of 1984, as Mrs. Coursen just said, we submitted it to the FIT to be ranked on the National Priority List. In other words, we tried to get it ranked on the Superfund then. Essentially, what is going on since then, is back and forth with the

quality assurance and any number of things that have occurred since then. I'll run through it quickly, if you would like me to. There is a ranking in quality assurance completed on Earle in July of '84. In October of '84, Earle was listed on the proposed National Priority List in the Federal Register.

ASSEMBLYWOMAN WALKER: What was the ranking of it?

MR. DAGGETT: Pardon me, the ranking number? 37.4 or something like that. 37.2.

ASSEMBLYWOMAN WALKER: What is the cutoff percentage?

MR. DAGGETT: Twenty-eight point five.

MR. LIBRIZZI: Again, this particular site, also, was ranked on the basis of potential.

MR. DAGGETT: Right. The Navy in December of 1984, submitted to the EPA comments on the proposed listing. When we propose it, it is in the Federal register and, as anything else, everybody gets to comment. They maintain that the ranking was incorrect. The Navy submitted additional information to support those comments in March of this year, and also in March of this year EPA and DEP met to discuss the Earle IAS and further studies, and EPA and DEP agreed on 11 sites for further study. Then, we met with the Navy to discuss the scope of the confirmation study, and to initiate negotiations for a Federal facility agreement, and then, in April, we came to the agreement on it. So, it is not like action had not been occurring. Arguably, it may not be occurring as fast as people would like it to, but, indeed, activities were occurring in respect to those reports, moving toward where we are today.

ASSEMBLYWOMAN WALKER: How many confirmation-- How many sites were recommended for confirmation studies originally?

MR. DAGGETT: For the confirmation study? Fourteen, at least by the EPA.

ASSEMBLYWOMAN WALKER: By the Navy.

MR. DAGGETT: By the Navy, I'm not sure.

MRS. COURSEN: Four.

MR. LIBRIZZI: The Navy suggested four.

ASSEMBLYWOMAN WALKER: How did it get to be 11?

MR. DAGGETT: Through the negotiation process. In other words we went in and said, "No you are not right," and they said, "You're not right," and, you know--

ASSEMBLYWOMAN WALKER: So, you thought there were more than the Navy did?

MR. DAGGETT: We thought there were 14, and they thought there were four; we ended up agreeing on 11.

MR. LIBRIZZI: I would suspect that--

ASSEMBLYWOMAN WALKER: Do you usually cut deals like that?

MR. DAGGETT: No, it's not cutting a deal.

MR. LIBRIZZI: That's not cutting a deal, I think--

MR. DAGGETT: That's a little bit-- We don't cut deals in this business. We try to identify whether or not there is a problem, and if there is it's definitely going to be there, and if there isn't, then it won't be. This is not a deal-cutting process, this is trying to do what is right.

ASSEMBLYWOMAN WALKER: Is there a high potential for groundwater contamination based on what you know at Earle?

MR. DAGGETT: Well, again, the ranking was based on a potential groundwater contamination. Yes, that does exist; how high -- I don't know if I could tell you how high the potential is. Would you put a characterization to the term high?

ASST. COMMISSIONER TYLER: I think, I would just say for the specific sites, they have to each be examined to determine the potential, and the issue is to divide it between potential at a specific site and off-site impact.

ASSEMBLYWOMAN WALKER: What studies are being conducted to determine possible groundwater contamination at or around Earle?

MR. DAGGETT: Okay, I just had indicated that the plan of action, which is near completion, will take a look at those 11 sites. That plan of action, despite the fact that we are still going back and forth with some comments, we are enough in agreement that the activities of action has begun and the initial work is underway. We expect that it will take approximately a year when that confirmation study will be completed.

ASSEMBLYWOMAN WALKER: Is there any groundwater sampling?

MR. HARGROVE: Yes.

ASSEMBLYWOMAN WALKER: There is?

MR. DAGGETT: Or will be.

ASSEMBLYWOMAN WALKER: What does it indicate?

MR. DAGGETT: There will be.

ASSEMBLYWOMAN WALKER: There is no groundwater sampling at the moment?

MR. DAGGETT: I don't know the answer. Do you know, George, whether-

ASSEMBLYWOMAN WALKER: Who would know if there's any groundwater sampling?

ASST. COMMISSIONER TYLER: First of all, I think, the answer to that question would be the Navy, with respect to on-base groundwater monitoring. With respect to off-site, the Department of Environmental Protection has conducted several off-site sampling expeditions, to identify any drainage problems from the Earle facility. In those sampling expeditions we have detected trace levels of some organics, not necessarily attributable to Earle. There are many other sites of industrial discharges on base that could be--

ASSEMBLYWOMAN WALKER: Did you find chlorobenzene?

ASST. COMMISSIONER TYLER: Yes, I believe so.

ASSEMBLYWOMAN WALKER: How much?

DR. BERKOWITZ: Eighty six parts per billion.

ASSEMBLYWOMAN WALKER: And what does that number mean?

DR. BERKOWITZ: That number, basically, would mean that there -- maybe-- It is unusual in that that is not what we would find with that background.

ASSEMBLYWOMAN WALKER: Then that's a high number?

DR. BERKOWITZ: We would say that that would be cause to go look see what might be causing that 86 parts per billion, which is encompassed in the plan.

ASSEMBLYWOMAN WALKER: What is the background? What is normal?

DR. BERKOWITZ: Approximately, ten parts per billion would not be uncommon in the State of New Jersey.

ASSEMBLYWOMAN WALKER: So, you are talking ten parts per billion is normal, and this is 86?

DR. BERKOWITZ: On one sampling location, it is the only organic that caused us any concern.

ASSEMBLYWOMAN WALKER: Where is that location?

ASST. COMMISSIONER TYLER: It is a stream sampling location.

DR. BERKOWITZ: By Route 30-- I believe Route 35.

ASSEMBLYWOMAN WALKER: Do you mean Route 34?

DR. BERKOWITZ: Yes, Route 34.

ASSEMBLYWOMAN WALKER: What intersection of Route 34?

DR. BERKOWITZ: I can provide all the specifics now. It is Route 34, slightly north of Route 33.

ASSEMBLYWOMAN WALKER: Does the public have access to that water?

DR. BERKOWITZ: It is, I believe, behind outer bound of the Base.

ASSEMBLYWOMAN WALKER: I didn't hear you.

ASST. COMMISSIONER TYLER: Based on the map that we have here, it would appear that sampling point -- sampling point four -- of our perimeter program is within the bounds of the weapons station.

ASSEMBLYWOMAN WALKER: It is within the weapons station?

ASST. COMMISSIONER TYLER: Yes, it is.

ASSEMBLYWOMAN WALKER: Are you allowed on the Base?

ASST. COMMISSIONER TYLER: Yes, qualified by the fact there are certain areas on the Base that State personnel are not being allowed to enter.

ASSEMBLYWOMAN WALKER: Are you allowed to conduct groundwater samples on the Base?

ASST. COMMISSIONER TYLER: I believe we could in certain areas.

ASSEMBLYWOMAN WALKER: In certain areas?

ASST. COMMISSIONER TYLER: We have been denied access to certain areas.

ASSEMBLYWOMAN WALKER: Are those certain areas sufficient areas?



ASST. COMMISSIONER TYLER: I don't think I can respond to that. There are certain areas that may or may not have contamination, in response to your earlier question when you said are we satisfied with 29 sites, where State personnel just can't enter to determine whether that is the universal site, or whether there are others.

ASSEMBLYWOMAN WALKER: What groundwater aquifers are at risk as a result of the hazardous waste contamination at Earle?

MR. DAGGETT: I have Vincentown and Kirkwood Aquifers. They are part of an interrelated system which includes the Englishtown Aquifer, surface drainage from the waterfront areas under Sandy Hook Bay directly to the (inaudible) and Wagner Creeks.

George, do you have anything to add to that?

ASST. COMMISSIONER TYLER: I would just qualify it with the same generalization I made on October 10, that groundwater pollution does not move anywhere near as quickly as surface water pollution when you are talking in terms of feet per year.

ASSEMBLYWOMAN WALKER: How quickly does it move?

ASST. COMMISSIONER TYLER: Well, I think at the Lakehurst site I had specific geologic information that it was less than one foot per day.

ASSEMBLYWOMAN WALKER: Earle?

ASST. COMMISSIONER TYLER: I would expect it to be similar. I do not have a geologist with me to consult with, but the geology of the area itself would suggest that.

ASSEMBLYWOMAN WALKER: All right. You didn't mention Mount Laurel and Winona Aquifers.

MR. DAGGETT: No.

ASSEMBLYWOMAN WALKER: Is there any information about those?

MR. DAGGETT: I mentioned the Vincentown, Kirkwood, and Englishtown Aquifers.

ASSEMBLYWOMAN WALKER: Right.

MR. DAGGETT: Mount Laurel -- let me see if I have anything under Mount Laurel.

ASSEMBLYWOMAN WALKER: Could you point out the aquifers on the map that you consider to be impacted -- someone, maybe the person nearest?

MR. DAGGETT: The aquifers are not identified, are they, on this map?

ASST. COMMISSIONER TYLER: Again, I don't think--

MR. DAGGETT: No, the map does not identify the aquifers.

MS. COURSEN: No, that is not a map of the aquifers.

(At this point, three or four persons speaking at once; it was impossible for reporter to determine who was speaking.)

ASSEMBLYWOMAN WALKER: Look at the key; there is a key over there.

DR. BERKOWITZ: That key is not aquifers, I don't think.

MS. COURSEN: No.

ASSEMBLYWOMAN WALKER: It's not?

MR. DAGGETT: Which specific site does that represent, do you know?

ASSEMBLYWOMAN WALKER: Well, I just-- Around Earle.

ASST. COMMISSIONER TYLER: I don't think there is any contamination you can say is off the Earle site. By viewing the surface water sampling we have done, again based on geologic information we have available, we expect to see any contamination off-site there first, based on shallow groundwater grading in the area. So, the implication that a whole aquifer might be contaminated as a result of Earle is inappropriate.

ASSEMBLYWOMAN MUHLER: May I ask a question based on that same question?

ASSEMBLYWOMAN FORD: Assemblywoman Muhler on the same question.

ASSEMBLYWOMAN MUHLER: Thank you. Can you be sure that Earle is the contaminant? I happen to know the area, and there is a major industry across from it.

MR. DAGGETT: No, in fact--

ASST. COMMISSIONER TYLER: I indicated--

MR. DAGGETT: --that is what Mr. Tyler just said. There is a great deal of industry in the area, and we do not have confirmation that the contamination is from Earle.

ASSEMBLYWOMAN MUHLER: Right.

ASSEMBLYWOMAN WALKER: Okay. You mentioned downstream surface water sampling.

ASST. COMMISSIONER TYLER: Yes.

ASSEMBLYWOMAN WALKER: With respect to the Manasquan River -- the reservoir project--

ASST. COMMISSIONER TYLER: Yes.

ASSEMBLYWOMAN WALKER: --could that be impacted by hazardous waste activities at Earle?

ASST. COMMISSIONER TYLER: It is not likely. That is why we did the surface water sampling. There have been an extensive amount of studies done of Manasquan River water quality. Probably I should point to the State of New Jersey Water Supply Authority as a resource for the Committee in terms of all the monitoring data in the Manasquan Basin.

But, in conjunction with the Water Authority, my Department did several rounds of testing at points that drain into the Manasquan Basin. My recollection off the top of my head is that most of Earle does not drain into the Manasquan Basin, although a small percentage of the Earle facility does.

There are about 30 other industrial discharges that combine with four or five hazardous waste sites, for example, the Lone Pine Landfill and Bog Creek Farm, that potentially could impact the Manasquan. But, thus far, sampling has shown they do not impact the Manasquan in terms of water quality at the drinking cup of some future reservoir project.

In addition, there are schedules for most of the industrial discharges to be connected to the Manasquan River Sewer Authority, which in turn transmits its sewerage to the Ocean County Utilities Authority, which will eliminate, therefore, those discharges into the Manasquan Basin. In addition, there are cleanup programs under way for the sites I mentioned which are in the Basin.

So, we are confident that the current water quality in the Manasquan is good, and that it will stay that way.

ASSEMBLYWOMAN WALKER: What confuses me is the letter your boss, Commissioner Hughey, sent to Mr. Daggett on December 17, 1984, in which he says, "We must ensure that this conclusion remains true, in

that the quality of the Manasquan River will not be impacted by the problems at the Lone Pine Landfill, Earle Naval Weapons Station, and Bog Creek Farm."

ASST. COMMISSIONER TYLER: I don't have that letter in front of me, but I believe it is exactly on point with what I said, that we have a handle on the current water quality, that it is good, and that we have programs -- remediation programs -- under way for any potential problems for future Manasquan River water quality. So, I am confident there will not be a future impact.

ASSEMBLYWOMAN WALKER: What actions have been taken to remediate the Earle sites, and what is the schedule for cleanup?

MR. DAGGETT: I just mentioned that we have two things: We have a plan of action that is in -- it's Phase II-A. Phase II-A deals with confirmation studies, essentially sampling, to identify and characterize the extent of the contamination. The draft of that document was commented on, on the first of this month, by EPA. It is now back with the Navy for review. Despite the fact that we do not have a signed agreement yet, the initial work on it is under way. We expect to have both a completed agreement within the next month or so and a completed study within the next year.

In addition to that, the Facility Agreement we are working out with the Navy, the tripartite agreement that began with the State and the Navy, will also be completed very shortly. But, unlike other such agreements, this agreement only covers this Phase II-A. It does not say, "If we find such and such, we will go on and do something else." We will have to negotiate a second agreement to handle that.

ASSEMBLYWOMAN WALKER: When did the problems at Earle first come to your attention?

MR. DAGGETT: We did a routine site investigation -- a site inspection for hazardous waste at Earle where no sampling was conducted in November, 1979. In December, we sent a Site Inspection Report with recommendations for a groundwater monitoring program to the Navy Northern Division. It must have been right around that time -- 1980 and 1981 as well -- because in 1981, in June, Earle submitted nine Notification of Hazardous Waste Site forms to EPA in accordance with

the Superfund law. So, in other words, we were formally notified of potential problems in June, 1981.

ASSEMBLYWOMAN WALKER: Mr. Tyler, when were you notified about the sites?

ASST. COMMISSIONER TYLER: Let me defer to Dr. Berkowitz and then-- I can see already we are not prepared to tell you at this point exactly. I don't even want to guess. I will supply that to you.

ASSEMBLYWOMAN WALKER: Was it before the IAS report?

ASST. COMMISSIONER TYLER: Again, I don't want to hazard a guess on that. (Mr. Tyler consults with Dr. Berkowitz.) Okay, Jorge advises me that at the very least we had the 1981 notification from the Navy, which is the formal filing required by the Superfund law.

ASSEMBLYWOMAN WALKER: Have there been any other water samplings since?

ASST. COMMISSIONER TYLER: The off-site perimeter sampling that I referred to earlier that the Department did -- the State did.

MR. DAGGETT: It doesn't appear from our records either that there has been initial sampling, at least not that EPA has done.

ASSEMBLYWOMAN WALKER: Who within both of your agencies has been assigned to deal with the Earle situation?

MR. DAGGETT: I'm sorry?

ASSEMBLYWOMAN WALKER: Who within both of your agencies has been assigned to deal with the Earle situation?

MR. DAGGETT: Mr. Hargrove, who is with me, is the Federal Facilities Coordinator. He oversees the work that is done by a number of different people in different programs, depending on the program area. But, in Superfund, it is through him.

ASSEMBLYWOMAN WALKER: And, so far what you have done is determine a plan of action -- Phase II-A?

MR. DAGGETT: Yes.

ASSEMBLYWOMAN WALKER: What about DEP?

ASST. COMMISSIONER TYLER: With respect to this particular facility and hazardous waste cleanup, DEP belongs to the Hazardous Site Mitigation Administration, which Jorge Berkowitz heads. His staff then would be responsible for monitoring and tracking the Federal

government's progress in remediating a site, and generally for coordinating or response with respect to cleanup. There are other programs that have personnel assigned to Earle operations. For example, if they have an air pollution source or water pollution source through surface water, I believe they have, or they did have, a treatment for sewerage, which has subsequently been connected to the Manasquan Sewer Authority. That would flow under the direct program responsible for surface water discharges, which would be the Water Quality Administration in the Division of Water Resources, for example.

ASSEMBLYWOMAN WALKER: Have any branches been assigned to deal with Earle, other than Dr. Berkowitz?

ASST. COMMISSIONER TYLER: Other than Dr. Berkowitz--

ASSEMBLYWOMAN WALKER: Are any other branches of DEP involved?

ASST. COMMISSIONER TYLER: As I mentioned, there are ongoing regulatory programs that are responsible for portions of Earle.

ASSEMBLYWOMAN WALKER: Like?

ASST. COMMISSIONER TYLER: Like the Division of Water Resources, the Division of Environmental Quality, or the Division of Waste Management for specific things that fall within their regulatory jurisdiction.

ASSEMBLYWOMAN WALKER: Any enforcement action taken yet?

ASST. COMMISSIONER TYLER: I don't have that readily available. I can get that to you.

ASSEMBLYWOMAN WALKER: Can you consult your enforcement file for us?

ASST. COMMISSIONER TYLER: Yes. There have been enforcement actions with respect to the surface water discharge. I think more properly, I would term that "permit actions," as opposed to "enforcement actions."

ASSEMBLYWOMAN WALKER: What was the nature of them?

ASST. COMMISSIONER TYLER: I think we have permits for two separate sanitary treatment plants, one at Leonardo, one at Colts Neck. The first has since terminated its direct discharge and is

connected to the Middletown Township Sewerage Authority. The Colts Neck Sewerage Treatment Plant is still discharging under a DEP New Jersey Discharge Elimination System Permit. We have had a history of inspections of that facility with no apparent problems, with the exception of the sludge disposal question.

ASSEMBLYWOMAN WALKER: Were violations ever cited?

ASST. COMMISSIONER TYLER: I don't believe violations were detected.

ASSEMBLYWOMAN WALKER: What is the sludge disposal problem?

ASST. COMMISSIONER TYLER: It indicates that a conditional acceptable rating is given due to the failure to remove sludge for over one year. What -- and I am guessing a little bit at this -- that implies is that the facility is permitted to store sludge for up to one year before it removes it to a licensed disposal facility, and that they were doing it beyond the deadline. I can check, if you would like, to clarify that, but that would be how I would read this.

ASSEMBLYWOMAN WALKER: Okay.

ASST. COMMISSIONER TYLER: We also have a record of a EPA RCRA inspection in 1982, which cited various hazardous waste operations that were covered by the regulatory portions of RCRA at that time, with failure to have a waste analysis done, and certain other inspection requirements that were not met. That would be a Federal inspection on the waste site.

ASSEMBLYWOMAN WALKER: Just one last question. I understand that DEP has complained to EPA that a certain contractor who represents EPA has at one time or another failed to obtain necessary State permits for discharges and well installation relative to EPA activities in the vicinity of Earle. Are you familiar with that? Could you explain that?

ASST. COMMISSIONER TYLER: I am not totally familiar with that specific situation. I can check it. I can also give you a general answer, if you'd like.

ASSEMBLYWOMAN WALKER: I'll read to you, from that same letter I was quoting from before, if you like. This is a letter from Commissioner Hughey to Mr. Daggett: "Finally, there have been a number

of occasions when the contractor representing EPA has failed to obtain necessary State permits for discharges and well installation, or has applied for permits at the last minute, leaving insufficient time for review. It would be beneficial for this Department, EPA, and its own contractor if this problem was resolved as quickly as possible. It appears that it is just a matter of EPA's own contractor familiarizing himself with our permitting requirements. My staff is available to assist."

ASST. COMMISSIONER TYLER: Right, and--

ASSEMBLYWOMAN WALKER: That was 1984.

ASST. COMMISSIONER TYLER: I don't think that comment was specific to Earle. I think that is a general situation that applies.

ASSEMBLYWOMAN WALKER: Has it been resolved? That is the question.

ASST. COMMISSIONER TYLER: No. As a matter of fact, the substance of the permit issue has been resolved. We get the information from EPA with respect to anything their contractors might be doing, so that we can make a value judgment as to its appropriateness or not, but--

ASSEMBLYWOMAN WALKER: You guys ought to work on better coordinating--

ASST. COMMISSIONER TYLER: No, let me finish. Right now, this week, the Congress is considering, and probably will, exempt all Federal cleanups from state permit programs. That is the guidance that the National Contingency Plan, I believe, gives EPA, and it is New Jersey's insistence on those permits that raised the issue. We are in a position where the Federal government is saying to the State government, "We don't want to get permits from you. We will give you the information and let you make the value judgment, but we do not want to subject ourselves to your authority." And, in fact, the Congress is about to ratify that. The Public Works bill that was released last week from Congressman Howard's committee, specifically bars state permits for all Federal listings. So that is where we're going with that issue.



ASSEMBLYWOMAN WALKER: We are not, you know, concerned about that one incident. We are concerned about that happening on a regular basis. I wonder, Mr. Daggett, why didn't you stop that?

MR. DAGGETT: Why didn't I stop that? Do you mean in terms of responding in general to that?

ASSEMBLYWOMAN WALKER: Yes, to the problem of contractors disregarding the State.

MR. LIBRIZZI: I think that is a problem that we ran into at one or two sites. I don't really think it is a major problem anymore. I think the policy of the Agency now is, when we deal with on-site activities relative to Superfund, we don't have to pursue Federal, state, or local permits. We do, however, have to comply with the technical requirements of the permit process. So, we still have to comply technically with what a permit requires; however, we don't have to, administratively, get a permit. I think we are moving down the road to resolve that on-site issue.

ASSEMBLYWOMAN WALKER: Do you generally have to comply with the State law?

MR. LIBRIZZI: Federal, state, and local permits -- the technical requirements of.

ASSEMBLYWOMAN WALKER: Generally?

MR. LIBRIZZI: Yes.

ASSEMBLYWOMAN WALKER: In 1984, did you have to comply with State permits?

MR. LIBRIZZI: Yes. In terms of putting in the wells, there was a requirement to get a permit.

ASSEMBLYWOMAN WALKER: Well, I am just concerned that--

MR. DAGGETT: What is the point? I am not sure what the point is you're making.

ASSEMBLYWOMAN WALKER: The point I'm making is, how did this happen? We're talking about coordination and getting the DEP and the EPA to work together. Here, one agency is ignoring State laws and State permits that it is necessary to get from DEP.

MR. LIBRIZZI: No, no.

MR. DAGGETT: I'm not sure that is correct actually.

MR. LIBRIZZI: No, that is not correct. The Agency is not ignoring that. If there was a problem with a particular contractor, that needs to be worked out, or has been worked out. I am not sure of the specific details of that particular contractor. I can check on it for you. But, that is not the case with respect to the two agencies.

ASSEMBLYWOMAN WALKER: I hope not, because Commissioner Hughey thought it was enough of a concern to put it in a letter. That is the extent of my questions.

MR. DAGGETT: I welcome him putting that in writing because then it makes us deal with it formally.

ASSEMBLYWOMAN FORD: Assemblywoman Muhler?

ASSEMBLYWOMAN WALKER: I would like to go on to Monmouth, if I could.

ASSEMBLYWOMAN FORD: There may be some more questions on Earle.

ASSEMBLYWOMAN MUHLER: I have one more question on that same subject dealing with the permits you have to get. If you are meeting the same standards, why are you changing the law? What exactly is the problem? Is it time?

MR. LIBRIZZI: In terms of why Congress is changing-- I believe the intent of looking at the application of permits to on-site activities is basically to attempt to accelerate the process of cleanup. Very simply, that is the reason why they are looking at--

MR. DAGGETT: No one is trying to avoid any environmental protection in some way. As you well know -- and many of you have been in public positions to add your voices to that call -- people everywhere are pressing us to expedite cleanups on these sites, and frankly--

ASSEMBLYWOMAN MUHLER: Yesterday.

ASSEMBLYWOMAN FORD: Having two levels of permitting processes--

MR. DAGGETT: Sure, it slows it down, but again, I do not want to imply that we are trying to avoid some environmental protection.

ASSEMBLYWOMAN FORD: But right now we have two levels of permitting.

MR. DAGGETT: Yes, and it is a difficult process to balance it. I have been trying to get any bureaucratic delays, if you will -- any unnecessary delays -- out of the process, and then still meet all of the other requirements. It appears that Congress is now removing one of those requirements. Frankly, we aren't dealing with that at the regional level as much as that is being handled by headquarters and other people at the national level.

ASSEMBLYWOMAN MUHLER: Okay. If that changes, and it is not a permanent process, how will DEP be notified when all of these projects are going on so that they can be a part of it?

MR. DAGGETT: Through our ongoing exchange of information, which we would have routinely established between the two agencies.

ASST. COMMISSIONER TYLER: Whatever happens at a site that is a non-Federal facility is usually -- no, is always the subject of the contract between the State and Federal governments and the contractor, a cooperative agreement. Those are amply discussed, and are amended quite frequently as the project evolves. There is a long, ongoing history of good cooperation, good communication on Superfund sites with EPA, Region II.

I pointed out that the issue is before Congress this week only to note that this is not a New Jersey issue. It is a national question. You can find as many lawyers in EPA headquarters that tell you that they don't need permits today as you can find that tell you that they do. Congress is resolved to solve the question.

ASSEMBLYWOMAN MUHLER: May I put you on the spot and ask if DEP is supportive of the legislation?

ASST. COMMISSIONER TYLER: No, we're not. I would rather have State permits. That is why we wrote to EPA. But it is not a dispute; it is not an indication of a lack of cooperation. It is a legitimate policy difference between the State and the Federal government.

ASSEMBLYWOMAN WALKER: It could be.

ASST. COMMISSIONER TYLER: Well, again, let me stress what I said, and I think what Chris has said too. Substantively, the information is available to us. Administratively, it is a heck of a

lot easier for the State of New Jersey to run its program with a full-blown permit, as opposed to a different form of the same information. From an environmental and health viewpoint, the issue is irrelevant.

MR. DAGGETT: Obviously, from our perspective, while I agree with that, it is nice to be able to respond when the public says, "Hurry up."

ASSEMBLYWOMAN FORD: Do you see that as being a trend in terms of these facilities, not just in permitting, but in other aspects, that DEP involvement is being more or less taken away from it by a Federal agency?

ASST. COMMISSIONER TYLER: No. On the contrary, it is increasing. In fact, what we were complaining about last year, the ways of submitting information-- I can verify what Chris has said; the situation is turning around, and the information is coming forth in a much more timely fashion than has historically been the case with Federal facilities.

So, the trend on the substantive exchange of information on Federal facilities is fine. The only gripe we have is, really, our own State legislation drives us to permit programs and then tells us to run those permit programs with fees. So, if EPA gets a pass on the permit programs, then I have to come back and ask for more money at the appropriation period to watch over the process.

MR. DAGGETT: There's always a--

ASST. COMMISSIONER TYLER: There's always a dollar entering into it.

MR. DAGGETT: Right, always a catch.

ASSEMBLYWOMAN FORD: Okay. Are those the questions on Earle?

ASSEMBLYWOMAN WALKER: Well, just let me ask one final question just to sum up and make sure. The Manasquan River project is right smack in the middle of Lone Pine, Lakehurst, Earle, and Bog Creek. Would you, just briefly, describe that Manasquan River project? Then I am going to ask you if you can give me assurances. Since we already have an indication of groundwater contamination -- surface contamination -- can you give me any assurances that that project will not be impacted?

ASST. COMMISSIONER TYLER: I believe, again, that the best source of information about the project would be the State Water Supply Authority, which has become a repository of all the water quality data. I am not trying to duck the question; I am just saying, if you want to explore it more fully, I would be more comfortable with Director Rocco Ricci here to answer himself.

However, the Department has probably never tested a basin more extensively than the Manasquan Basin, with a view toward future saleability of that water. We have programs under way, not just those four hazardous waste sites, which are probably less significant in terms of the river when compared to the 30 or so industrial discharges and treatment plant discharges that go into the Basin. They are being phased out or cleaned up, and I am confident that there is good water quality in Manasquan today based on the repeated tests we have done, and that it will remain so. In fact, in the sense that these sites were remediated, Lone Pine is in the final design stage, with a cut-off of the initial treatment plant and possibly the cap, and Bog Creek Farm is approaching the design stage, or is in the design stage. You mentioned another site; I'm not sure which one.

ASSEMBLYWOMAN WALKER: Bog Creek?

ASST. COMMISSIONER TYLER: I mentioned Bog Creek.

ASSEMBLYWOMAN WALKER: Lakehurst, Earle, Lone Pine.

ASST. COMMISSIONER TYLER: No, Lakehurst is not germane. I mentioned that Lone Pine will have a remedial action program complete long before the Manasquan Reservoir is complete.

ASSEMBLYWOMAN WALKER: These are all Superfund sites, right?

ASST. COMMISSIONER TYLER: The Lone Pine Landfill and the Bog Creek Farm are Superfund sites, yes.

ASSEMBLYWOMAN WALKER: And Earle?

ASST. COMMISSIONER TYLER: And Earle is on the NPL.

ASSEMBLYWOMAN WALKER: So you can assure me then that that project will not be impacted?

ASST. COMMISSIONER TYLER: That's right; we have tested today. The streams-- You have a fortunate situation with respect to volatile organic compounds in surface water. They evaporate after some

travel time in surface waters, so it would be very unlikely for a discharge from Earle to travel all the way down a stream that emanates from Earle, reach the Manasquan, and then continue to be a problem.

The other kinds of problems we have seen in data from Earle are heavy metal kinds of contamination. Those kinds of contaminants tend to adhere to soil, so they have to be cleaned up. They should not be left there to leach indefinitely into the future. But again, they are not mobile enough to move 10, 15, or 20 miles in through the Basin.

Just in summary, let me say that the Authority has an ongoing extensive program at about 20 stations throughout the Basin. The Department augments that with either an annual or semiannual review of the water quality in the Basin. We are taking stream sediment samples, and none of them show a problem with respect to future water quality there.

The other thing I can say is, even if it did, water treatment systems could be bought; not that that is on the table, but just to make sure I give you a complete answer. If there were some future discharge from Lone Pine, it could be dealt with.

ASSEMBLYWOMAN WALKER: Obviously, I am worried about the drinkability of that water.

ASST. COMMISSIONER TYLER: Absolutely.

ASSEMBLYWOMAN WALKER: Doesn't that mean we should get going on the 11 sites at Earle and clean them up too?

ASST. COMMISSIONER TYLER: Okay, two things. I absolutely agree with you; we should get going on those sites. I hope that process is on its way with the Green Acres--

MR. DAGGETT: That is the point we are going to.

ASST. COMMISSIONER TYLER: Also, I don't know that any of those 11 drain into the Manasquan Basin. I will check on that. I don't think they do.

ASSEMBLYWOMAN WALKER: What is the earliest possible date that we might be able to clean these up?

MR. DAGGETT: Clean up all 11 sites?

ASSEMBLYWOMAN WALKER: Yes.

MR. DAGGETT: The 11 sites-- If they get through the study stage -- if the next study stage takes a year -- it's hard to say without knowing the extent of the contamination. If it is a minor amount of contamination, obviously, it will be a fairly quick cleanup. That is difficult to gauge. Normally, cleanups take a couple of years minimally if they involve soil and groundwater contamination. But, we just don't have the evidence right now to say that that exists even.

ASSEMBLYWOMAN WALKER: It just concerns me a little bit that we don't know when we can clean them up, and yet Mr. Tyler can give assurances that the Manasquan River project won't be impacted. Are you saying you are going to give me the same assurances?

MR. DAGGETT: He's saying-- He's not-- Now, wait a second. I think -- as I understand what he is saying -- he is giving you assurances that, based on the information we have now, it won't be impacted, it is not being impacted, and there is no reason to believe that it will be impacted. We are moving toward cleaning up things right now. Whether or not it will be impacted by those particular sites, I have no reason to believe that what Mr. Tyler says is incorrect. Whether or not there are additional sites anywhere, to our knowledge, there are none.

ASSEMBLYWOMAN WALKER: That's a problem.

MR. DAGGETT: Pardon me?

ASSEMBLYWOMAN WALKER: There could be a problem.

MR. DAGGETT: But, it is the same problem we have on virtually any site in the State. The problems we have with respect to these sites are no different. We are always concerned on any of our sites about the potential for groundwater contamination and, ultimately, drinking water. We are moving as quickly as we can on all of these sites.

MR. LIBRIZZI: I think you have to recognize as well that when you are dealing with a potential groundwater problem, until you begin to collect the kind of technical information you need-- You asked the questions, "How fast does the groundwater move, what is the depth of the groundwater, and what are the contaminants doing in the groundwater, if in fact they are present?" To kind of give you an idea

as to what you have to do to clean up a site, see, you can't really definitively say it is going to take a number of years until you collect some additional information on the complex things you have to deal with.

ASSEMBLYWOMAN WALKER: Well, you don't have the information yet. I am worried about when this project is going to be completed. You know, all of the towns in this area have received so much information on that project. We are being told how much we are going to be dependent on that project in the future. We don't have all the data in yet. When is that project going to be completed? It would be a real tragedy--

Mr. Tyler, do you know when that project is going to be completed?

ASST. COMMISSIONER TYLER: The Manasquan River project?

ASSEMBLYWOMAN WALKER: Yes.

ASST. COMMISSIONER TYLER: Right now, the Army Corps of Engineers is just beginning the full environmental impact statement. That will take at least a year, unfortunately, in terms of the water supply needed for this area. Then, if approved -- and I believe it will be since we have already done environmental impact data at the State level and approved it -- the construction for that is a multi-year construction program. So, we are talking a minimum of three to five years before water comes out of the tap from the Manasquan Reservoir.

MR. DAGGETT: And we will have made a lot of progress on that site--

ASST. COMMISSIONER TYLER: Again, not being prepared to talk about Manasquan in depth -- I'm sorry, Chris, for interrupting -- I would come back to you if that information is off by a year or two.

ASSEMBLYWOMAN WALKER: When will we know the amount of contamination at the 11 sites?

MR. DAGGETT: I have indicated that, assuming all goes as planned, within a year. See, I--

ASSEMBLYWOMAN FORD: I think Assemblywoman Muhler had a question on the same subject.



ASSEMBLYWOMAN MUHLER: As long as we are going forward with testing, my question deals with the standards we are matching in those tests we get. I have a list of different standards: there are present standards; there is the Safe Drinking Water Act; then there is also the water quality criteria. How far will we go with those reports? I would like to see the testing reflect the proposed water quality criteria. When you finish all these agreements, can we be assured of that? Testing today may not tell us as much as we might want to know in the future about that drinking water. We have improved our testing procedures, and I would just like to be assured myself that we have the most detailed information we can get for the public when we are finished.

MR. LIBRIZZI: The program is moving in the direction of applying-- You're asking the question, "How clean is clean?" aren't you?

ASSEMBLYWOMAN MUHLER: Well, when we get the report, I want to know if we meet the proposed water quality criteria as a final cancer risk, according to the standard chart I have here.

MR. LIBRIZZI: The National Contingency Plan -- which has been proposed for revision, and I believe was made final a week or two ago; there is a 60-day time period before it becomes effective -- specifically says, "Federal standards, criteria, and guidances will be applied to cleanup decisions on the Superfund." So, in terms of your particular question about, "How do you apply the drinking water standards?"--

ASSEMBLYWOMAN MUHLER: That doesn't seem to require that.

MR. LIBRIZZI: --it will apply.

ASSEMBLYWOMAN MUHLER: That isn't the way that just sounded when you said it. You said the "Federal standards," but these are proposed standards that I am asking about. They go a lot further than the Safe Drinking Water Act.

MR. DAGGETT: It will mean the standards in existence at the time.

ASSEMBLYWOMAN MUHLER: Right.

MR. DAGGETT: So, in other words, if new standards come on board, we would be required to meet those standards.

ASSEMBLYWOMAN MUHLER: But that is all you are going to meet. You are not going to meet the proposed standards. While you are having these agreements, I would like to spend the extra money in the testing to go further with the kind of results--

MR. DAGGETT: In other words, you're assuming that new standards will not be in place before the cleanup is completed.

ASSEMBLYWOMAN MUHLER: Right.

MR. LIBRIZZI: I think we can take into account proposed standards as well. I think that can be applied.

ASSEMBLYWOMAN MUHLER: I would like to know that myself before we get under way.

MR. DAGGETT: George, do you have a comment?

ASST. COMMISSIONER TYLER: Well, I would just add that in New Jersey, we have the first Safe Drinking Water Act program that deals with a wide range of organic chemicals. That is the set of standards we have employed with EPA Region II on many cleanups in the State, even though those standards are proposed. In fact, even though they are duty bound by Federal law only to actual standards, we have never had a problem with them with respect to agreements. So, they gave you the legal list for cancer, but the real answer is that we have worked together on a number of sites where we set our proposed standards as the goal.

ASSEMBLYWOMAN MUHLER: I am glad to hear that, because I am asking you to go beyond your laws, or ours. But, as long as we are testing, it will be a cost saving in the long run to do it.

MR. DAGGETT: But if you are also asking fundamentally whether or not it ought to be placed-- I mean, we happen to enjoy a good working relationship with DEP in that regard. Should it be placed formally in some sort of legislation that is now being considered, perhaps maybe it would be wise to do that for other states which do not have that working relationship with the various regional offices of EPA.

ASSEMBLYWOMAN WALKER: I would like to go on to Monmouth.

MR. DAGGETT: Fort Monmouth?

ASSEMBLYWOMAN WALKER: What are the nature and extent of hazardous waste problems at Port Monmouth -- Fort Monmouth? Port Monmouth is part of my district.

MR. DAGGETT: The industrial type of activities that have occurred there include metal plating operations, motor vehicle maintenance, auto repair, printing plant operations, metalworking, woodworking, circuit board action, painting, plastics, electronics, etc. They have also done experimentation on batteries, crystals, photochemicals, photo-optics lab, (inaudible) technology and devices lab, and electronics warfare lab.

Wastes have been disposed of in a variety of ways. There are landfills -- seven on the main Post, two each on Charles Wood area and Evans area -- sludge drawing vents, sanitary sewer discharges, contracted off-site disposal, and discharge to the Northeast Monmouth County Regional Sewage Authority. Each of the three areas of concern had its own sewage treatment plant. There was also storage of fuels in tanks and radioactive materials in buildings on the site.

ASSEMBLYWOMAN WALKER: So, there are seven landfills.

MR. DAGGETT: No; seven on the main Post, and two each on Charles Wood area and Evans area. So there is a total of 11.

ASSEMBLYWOMAN WALKER: Okay. What is dumped at those landfills?

MR. DAGGETT: The things dumped include: pesticide cans, batteries, municipal waste, sludge from sewage treatment plants, medicinal chemicals, asbestos, photographic chemicals, fly ash, and other materials. There have also been some incidents of oil spills, and some spills and leaks involving radioactive materials in the Evans area.

ASSEMBLYWOMAN WALKER: Radioactive?

MR. DAGGETT: Radioactive.

ASSEMBLYWOMAN WALKER: How much?

MR. LIBRIZZI: Don't know.

MR. DAGGETT: Don't know.

ASSEMBLYWOMAN WALKER: Have you tested background radiation?

MR. DAGGETT: Pardon me?

ASSEMBLYWOMAN WALKER: Have you tested background radiation?

MR. DAGGETT: Not to my knowledge.

ASSEMBLYWOMAN WALKER: Why not?

MR. DAGGETT: We are -- as I indicated before -- moving along on each of these sites as expeditiously as we can. We are working with the people at Fort Monmouth. Actually, this is in the earlier stages. We are in the fairly early stages of working with Fort Monmouth on this. In March, 1981, the Army submitted an Installation Assessment Report, and again, it was a case of a three-and-a-half-year gap before the Hazard Ranking System documentation was prepared by our contractor. At the time, there was insufficient information to complete the ranking. Later on that same month, in November, 1984, the documentation was prepared by the contractor and it included the seven landfills from the main Post and one landfill from the Charles Wood area. There was insufficient information again to complete the ranking.

Right now, we are in the stage of developing the further information necessary to complete the rankings. That is why I say, we are really in the very early stages of this one.

ASSEMBLYWOMAN WALKER: Well, let me ask Mr. Tyler, have you looked into this radioactive--

ASST. COMMISSIONER TYLER: No, we haven't. We are still in the position of waiting for the data from EPA.

ASSEMBLYWOMAN WALKER: Did you know about it?

ASST. COMMISSIONER TYLER: Our files do not reflect any indication of that.

ASSEMBLYWOMAN WALKER: Is this the first time you have heard about it -- here today?

ASST. COMMISSIONER TYLER: Yes, it is. I speak for myself, not for the entire Department. I would be glad to go back and look, but my file review does not indicate that information.

ASSEMBLYWOMAN WALKER: Dr. Berkowitz, did you know about it?

DR. BERKOWITZ: No, I didn't.

ASSEMBLYWOMAN WALKER: Mr. Daggett, why--

ASSEMBLYWOMAN MUHLER: May I ask how long these materials have been there? I know this was most active during World War II. This was--

*New Jersey State Library*

MR. DAGGETT: Yes. Actually, it became a permanent installation in 1925. The facility has been there for a long time. It is the same reason I have been explaining all along, Assemblywoman. We're in the stage of working with DEP on all of these Federal installations. The ones we have identified as having more significant problems, or that we know of at the moment, are the ones we have focused on first. That is why you see the progress we have made at Lakehurst, the progress we have made at Earle, the progress we have made at Fort Dix. What we are doing is getting more and more information and moving along, but we have, as you know, 97 sites on the Superfund list in New Jersey. Those take up, and have taken up in the past, the overwhelming majority of our time.

ASSEMBLYWOMAN WALKER: You know, it is a real concern of mine that we have been talking through three hearings about cooperation between the agencies, and here something is mentioned about radioactive--

MR. DAGGETT: Wait a second. Before you-- I would not want to put anyone in a position to unduly alarm people. If we felt -- and obviously we need to get further information on this -- that we didn't have any indication that there was a severe problem which we needed to be deeply concerned about--

ASSEMBLYWOMAN WALKER: I'm looking for your data to allay our fears.

MR. DAGGETT: Fine. We will do what we can to provide that.

ASSEMBLYWOMAN WALKER: Why doesn't DEP know about this?

MR. DAGGETT: DEP doesn't have all the information on all of our Federal facilities. I told you earlier that we are in the process of better establishing good relations in terms of exchanging information on Federal facilities. On some facilities we are further along than on others.

ASSEMBLYWOMAN WALKER: When will our DEP get that information?

MR. DAGGETT: DEP will get the information the same time we get it. What I said to you was, "We don't have the information either." We are at the early stages of working with the facility to identify that information and to get our hands on it.

ASSEMBLYWOMAN WALKER: Then, how about this radioactivity?

MRS. COURSEN: This information came from the IRP report which was submitted to us in 1981.

ASSEMBLYWOMAN WALKER: 1981?

MR. DAGGETT: That's right.

ASSEMBLYWOMAN WALKER: This is 1985.

MR. DAGGETT: That's right.

ASSEMBLYWOMAN WALKER: Somebody explain to me, because I'm just a layperson, and I don't understand what is going on.

MR. DAGGETT: I've tried to on several occasions this morning to explain to you, in great detail, what the status of the program is. And, if you would like, I will try to explain it to you again, the same way. This whole area of Federal facilities did not have as high a priority in the early stages of the 1980s as it does now. And as we get more and more information, and as we're able to put resources to it, we get information. I would hazard to say that there are the same sorts of problems that exist on Superfund sites throughout the Superfund list. Some sites we have a great deal of information on because we are further along and we are moving toward cleanup. Other sites we are just beginning to collect information on. It is no different than any other site that we deal with on any portion of the Superfund list.

ASSEMBLYWOMAN WALKER: You know, yesterday, Mr. Tyler, you put in a letter to The Trenton Times, and you talked about the Federal Government withholding reports for several years. Is this indicative of that kind of action?

ASST. COMMISSIONER TYLER: I'm glad you asked me. I think that was a pretty good letter. The intent was to--

ASSEMBLYWOMAN WALKER: I'll tell you, it was a prophecy, here.

ASST. COMMISSIONER TYLER: --distinguish between the issues that were raised at your October 10 hearing. I believe The Trenton Times was a bit confused when I said there was no present public health problem in Lakehurst, and yet, they heard a complaint, through the Department, about something in July and August. And, what I said was

that we wanted and would insist upon timely transmission of information. That was our complaint in August; not that there was a public health crisis in Lakehurst -- which there isn't. With respect to the testimony you have heard today, I have to agree completely with Chris, the process has turned itself around. Are there still things out there that haven't been transmitted to us? Obviously, there are. Will that be fixed? Yes, it will be fixed. The process we're working through with Region II is fixing it.

And, I also ask this Committee view the entire issue of Federal facility cleanups in the context of the overall cleanup program in New Jersey. We have identified some 1100 sites in this State that need to be looked at and need to be evaluated. We have cleaned up, in the last two years, 300 of them. We have taken action at Federal facilities. At Lakehurst we have engaged in 25 cleanups. Through our enforcement process with industry, 60 major cleanups. Through the Superfund program we have taken actual shovels-in-the-ground action on 50 - 60 sites. I could give you the exact numbers. We have run through 150 ECRA cleanups alone. So, there is a vigorous, aggressive, and forceful cleanup program going on in Region II, and in New Jersey, and there are sites that we are just getting information on, and that will continue to be the case for many years.

ASSEMBLYWOMAN WALKER: I just want to get back to the issue at hand for a minute. You--

MR. DAGGETT: That is the issue at hand, I believe. I mean, we're trying to demonstrate to you that with respect to this particular site, it is firmly on in the process of getting information on it, and the information we have isn't even confirmed information. So, whether or not there is radioactive material there, I'm not sure whether-- We don't have a confirmation of that. That is part of what we're getting now and pulling together.

ASSEMBLYWOMAN WALKER: You knew about it in 1981. The last statement in your letter yesterday says, "Finally, we will certainly continue to complain loudly and uninterruptedly if data is withheld again in the future." Is that all you can do? I mean, is that-- Are our hands tied if the Federal Government--

ASST. COMMISSIONER TYLER: No. We are in an active process of working with EPA on a cooperative basis, on the major facilities that we've been discussing today, as well as others. We are in negotiations with the various base commanders and facility managers on separate State issues, and we have access to the courts and to the political process if we're grieved by it.

ASSEMBLYWOMAN MUHLER: May I ask who drafted this information for you? Did the Fort do it, and has it been done recently?

MR. DAGGETT: Yes, well, we don't know if the Fort did it, it was probably contracted by the DOD, is my suspicion.

ASSEMBLYWOMAN MUHLER: Okay. Do you know when it was done?

MR. DAGGETT: 1980.

ASSEMBLYWOMAN MUHLER: 1980.

MR. DAGGETT: Wait a second. Yes, May of 1980.

ASSEMBLYWOMAN MUHLER: Have they given you any follow-up as to whether or not they have addressed any of those problems?

MR. HARGROVE: No.

MR. DAGGETT: No.

ASSEMBLYWOMAN MUHLER: No, they have not?

MR. DAGGETT: No.

ASSEMBLYWOMAN WALKER: Mr. Daggett, when are you going to give Mr. Tyler the information that you presently have?

MR. DAGGETT: This information can be exchanged as soon as we get back to New York.

ASSEMBLYWOMAN WALKER: Today?

MR. DAGGETT: Short and simply, assuming we have our hands on it, I'll get it to him as quickly as I can, yes.

ASSEMBLYWOMAN MUHLER: I just wondered, had EPA made any suggestions to this Base to do anything about it?

MR. DAGGETT: Well, as I explained, we are in the process to try to rank the site, and to rank the site we need additional information. We are in the early stages of working with the site to get that -- or with the facility -- to get that additional information so that we can complete the ranking process.

ASSEMBLYWOMAN MUHLER: It's a long list of materials. Is there any indication there of the amount of these different materials?



MR. DAGGETT: No.

ASSEMBLYWOMAN MUHLER: So, we really don't know how small or how large it is?

MR. DAGGETT: No.

ASSEMBLYWOMAN WALKER: What is dumped at the Fort Monmouth landfills?

MR. DAGGETT: I just went through the materials. They are: pesticide cans, batteries, municipal wastes, sludge from sewage treatment plants, medicinal chemicals, asbestos, photographic chemicals, demolition debris, fly ash, and other materials.

ASSEMBLYWOMAN WALKER: What dangerous substances are suspected to be contained in the sludge-drying beds that we are concerned about?

MR. DAGGETT: I don't have information on that.

MRS. COURSEN: We don't have the report with us.

MR. DAGGETT: We can get that information to you.

ASSEMBLYWOMAN WALKER: Do you have the new CERCLA update?

MR. DAGGETT: Pardon me?

ASSEMBLYWOMAN WALKER: Do you have the new CERCLA update -- August 28th?

MR. DAGGETT: It's not with me, no.

ASSEMBLYWOMAN WALKER: Are these sludge-drying beds and these landfills protected from public access?

MR. DAGGETT: I assume, to the extent that the Base is protected from public access, yes they are.

ASSEMBLYWOMAN WALKER: Is that Base protected?

MR. DAGGETT: That Base is protected as other bases are, isn't it? (Speaking to Mr. Librizzi) I really don't know the answer to your question.

ASSEMBLYWOMAN MUHLER: Some parts are and some parts are not. A lot of it is not. I had lunch there yesterday.

MR. LIBRIZZI: I would suspect the sewage treatment plant, where the sludge-drying beds, I assume, are, is fenced.

ASSEMBLYWOMAN WALKER: All right. This is a summary of an EPA Potential Hazardous Waste Identification and Preliminary

Assessment. "Fort Monmouth: Evidence number 1: Marconi Road notes potential hazard because of inadequate security. Site is neither posted nor fenced. Evidence number 2:--"

MR. DAGGETT: What are you reading from, please?

ASSEMBLYWOMAN WALKER: This is a staff summary of the EPA "Potential Hazardous Waste Site Identification and Preliminary Assessment." Evidence number 2 notes, "Potential hazard because of inadequate securities. Site is neither posted nor fenced. Main number 2: State Highways 35 and 71--" doesn't mention, let's see, "--not fenced or posted under potential hazards. Groundwater, surface water, soil contamination, inadequate security, not posted or fenced." That's Main number 2, State Routes 35 and 71. "Main area number 4: State Highways 35 and 71: Unknown amounts of sludge, oil, solvents, chemicals, pesticides, metals, and others. Hazards: Present groundwater, surface water contamination, erosion problems potentially present. Soil contamination, spills, leaks, sewer, storm, and drain problems, tidal effects, inadequate security, not posted or fenced. Charles Wood area, Tinton Avenue, Pinebrook Road: Site number 2: Dried sludge. Site number 1: Wood products and general debris. Potential hazard: Inadequate security, sites not posted or fenced." These are from EPA sources.

MR. DAGGETT: What is the point?

ASSEMBLYWOMAN WALKER: Well, the point is my question is, is this protected from public access?

MR. DAGGETT: And, I guess, if that is accurate then perhaps there is not adequate protection at the moment. We will take a look at that, but, if the point that you are trying to make overall, here, is that we don't take action as quickly as people would like, I would concur with you. We don't take action as quickly as I would like on a lot of sites, but there are a large number of sites. We have a very active and aggressive program throughout the Region, and in New Jersey in particular, we are, in some cases, well on our way to cleanups, and in other cases just beginning. And, this falls into the category of one of those sites where we are really just beginning despite the fact that we may have the information in our files that indicates that there

are potential problems. We have information in our files on a lot of sites where there may be potential problems, but we aren't able to get to them as quickly as we would like to.

ASSEMBLYWOMAN WALKER: Forgive me for being anxious. Let me just tell you something, I live here!

MR. DAGGETT: Fine. And I respect that. And I can take you to places where people live next to sites that are -- we have a great deal of information -- potentially very hazardous. Believe me, we are not shirking our duties, if you will, but, in fact, operating very impressively to move forward on this program.

ASSEMBLYWOMAN WALKER: Mr. Tyler, do you have this information that I just read?

ASST. COMMISSIONER TYLER: As I said earlier, I don't believe so. The process Commissioner Hughey and Chris have set in motion is just taking hold now. We expect to have all information on Federal facilities from Region II shortly. It is part of the letter you noted earlier from Commissioner Hughey to Regional Administrator Daggett. I think you also have his response which agrees to all of those perimeters that we proposed for communication--

ASSEMBLYWOMAN WALKER: It's just a shame that this Committee had to meet to prompt that.

ASST. COMMISSIONER TYLER: --and we're beginning to set that process in motion right now.

MR. DAGGETT: No, this Committee did not have to meet to prompt that. This process was well underway.

ASST. COMMISSIONER TYLER: Absolutely.

MR. DAGGETT: It had been underway long before this Committee was even formed, and it was at a stage that, I explained to you, evolved from the priority I attached to it since I came, in the whole area of Federal facilities, and we have been moving progressively along in that process. It was not the establishment of this Committee that prompted that exchange of information.

ASSEMBLYWOMAN WALKER: You know, then I would ask why didn't it happen years ago, because, here I have a letter dated September 10, 1985, from Mr. Hughey to Mr. Daggett in which he says, "Also, State

environmental agencies are to be notified promptly when contamination problems pose an immediate threat to health, welfare, or the environment."

MR. DAGGETT: Right. And we don't see this as an immediate threat, and you said yourself -- if I heard you correctly -- you said September 10 of 1985 is the date of that letter, which is, if I look correctly, is not more than a month ago. It is all part of the process we are undergoing to exchange information.

ASST. COMMISSIONER TYLER: A matter of fact, the Federal--

ASSEMBLYWOMAN FORD: I think what Assemblywoman Walker is referring to is the fact that this Commission was constituted on August 28th by a resolution I sponsored, and then, coincidentally, or for whatever purpose, on September 10 the letter was sent suggesting that there be better coordination of your agencies.

MR. DAGGETT: Well, but, I would reemphasize to you that I can show you much evidence dating back to the early part of 1985 that shows you that we, in fact, were moving along with the Federal facilities, and had a program well established and on its way, and that this was a progression in that process. Now, whether or not the timing of the Committee and the timing of the letter coincide, I can't speak to that.

ASSEMBLYWOMAN WALKER: When will Mr. Tyler get that information on the security?

MR. DAGGETT: As I said to you, it will be given to him as expeditiously as we can get it together and give it to him.

ASSEMBLYWOMAN WALKER: Now, I got it before he did.

MR. DAGGETT: Pardon me?

ASSEMBLYWOMAN WALKER: Okay, for the benefit of the public--

MR. DAGGETT: Excuse me, I missed your point.

ASSEMBLYWOMAN WALKER: I said I got it before he did.

MR. DAGGETT: Okay. Because of at this point when we were preparing materials, we handed you this document.

ASSEMBLYWOMAN WALKER: What is the current status of Fort Monmouth with respect to Superfund designation?

MR. DAGGETT: As I explained, we are now in the process of trying to get additional information to be able to score it in the hazardous ranking system, at which point it will then be determined whether or not it will be included on the National Priority List.

ASSEMBLYWOMAN WALKER: What enforcement actions have been taken?

MR. DAGGETT: We don't take enforcement action against Federal facilities.

ASSEMBLYWOMAN WALKER: DEP?

MR. DAGGETT: Pardon me?

ASSEMBLYWOMAN WALKER: How about DEP?

ASST. COMMISSIONER TYLER: We have, on occasion, taken State enforcement actions against Federal facilities.

MR. DAGGETT: But, not on the Superfund program.

ASST. COMMISSIONER TYLER: No. No, with respect to traditional regulatory programs that have water discharge and solid waste.

ASSEMBLYWOMAN WALKER: I have, here, a list of violations cited at Fort Monmouth. June 4, 1981.

MR. DAGGETT: Right. What's the violation?

ASSEMBLYWOMAN WALKER: Down to 10/09/81.

MR. DAGGETT: Right. In what area?

ASST. COMMISSIONER TYLER: As I indicated, not Superfund.

MR. DAGGETT: Not Superfund.

ASSEMBLYWOMAN WALKER: No, this is a DEP document.

ASST. COMMISSIONER TYLER: In addition, it does not involve, necessarily, hazardous waste. Those are notices of violation with respect to the solid waste facility that the only one on that site that operated after we had laws in effect that governed such facilities, and there were various violations cited. There are technical types of violations; they operated more than one working base, they failed to properly pack material -- this is ordinary type solid waste, now, you know, household type of garbage -- they failed to provide adequate equipment for digging and spreading composting material, and there was

lack of adequate cover. Those violations were cited by the Department in '81. Follow-up violations were cited, also, in later '81 with respect to failure to cover. I can go on-- No, I'm sorry, that's another facility, excuse me.

ASSEMBLYWOMAN WALKER: But, if you didn't know about these other problems in the security--

ASST. COMMISSIONER TYLER: Our regulatory programs, again, Federal facilities are regulated by our air program, our water program, our solid waste management program, with respect to specific areas of jurisdiction, our regulatory program with respect to Fort Monmouth, and solid waste, involves one landfill and four other sites that are listed as closed landfills.

ASSEMBLYWOMAN MUHLER: Have they corrected the violations?

ASST. COMMISSIONER TYLER: Well, the violations are now corrected in that the landfill is no longer operating. There is a NJPDES permit in effect which governs the monitoring of groundwater and surface water around those five facilities, and should that monitoring indicate a need for any remedial action, that would trigger some remedial action.

ASSEMBLYWOMAN MUHLER: So, prior to even the beginning of this process at Fort Monmouth, you have monitoring already in place, presently?

ASST. COMMISSIONER TYLER: Yes, for certain aspects of environmental protection where we have a right to do that.

ASSEMBLYWOMAN MUHLER: And, nothing has alarmed you to date, other than what you obviously cited there, and--

ASST. COMMISSIONER TYLER: I, personally, reviewed the monitoring data when I was briefed about Fort Monmouth yesterday. There were no indications of toxic contamination in any of the samples that we had seen.

ASSEMBLYWOMAN WALKER: Okay, when will it be cleaned up -- Fort Monmouth?

MR. DAGGETT: I explained, here, that there is a--

ASSEMBLYWOMAN WALKER: Procedure.

MR. DAGGETT: --plan of action that is going to be worked out with the people at Fort Monmouth. We are in the very early stages of that. We are going to proceed to get the information to complete the hazardous ranking system, then work with them on a plan of action and then a facility agreement.

ASSEMBLYWOMAN WALKER: Earliest?

MR. DAGGETT: I can't put a date to it.

ASSEMBLYWOMAN WALKER: Five years?

MR. DAGGETT: No. I mean, I wouldn't guess what the date was. I mean, I-- Put any date you want to-- Whatever you think it will take us to do it. But, I am telling you that we are moving along on our Federal facilities program, and actually working with the people.

ASSEMBLYWOMAN WALKER: How would we know--

MR. DAGGETT: Pardon me?

ASSEMBLYWOMAN WALKER: How would we know, on the State level?

MR. DAGGETT: How would you know? By ask--

ASSEMBLYWOMAN WALKER: Will DEP be given this information?

MR. DAGGETT: Yes. DEP will become a part of any agreements that we reach, because are with DEP signing agreements that are tripartite agreements with the facility in question, DEP, and EPA.

MR. LIBRIZZI: I might add, too, that in regard to the hazardous ranking, when we rank a site that is a Federal facility, the State is made aware that that site is being ranked and will be proposed. The point I'd like also to make is that the fact that it has not been ranked as of this time is because we have insufficient information to determine whether there is, in fact, a real potential or existing problem that exists at that facility. And, until we get that information from the Department of Defense, we cannot rank. So, I think that a very important point to recognize is that there is insufficient information now to rank the facility. Therefore, we don't have a real good handle on what the potential nor existing problem may exist there.

ASSEMBLYWOMAN WALKER: If you think you have insufficient information, you can imagine what insufficient information Mr. Tyler

has. See, I'm concerned -- this is my last comment -- these landfills have there -- this is according to your CIRCLA update -- therocyanide, formaldehyde, asbestos, benzene, chloroform, hydrazine, hydrochloric acid, sulfuric acid, TCE, and they are unsecured. They are not fenced in. And, this is what I want Mr. Tyler to know about. That's it.

MR. DAGGETT: Fine. I, again, make the point that I have made to you several times that this program, as is the case on all our Superfund sites, we are at various stages of the process with those. There are other sites that have just as much of a problem; we are moving as quickly as we can. We have a very aggressive program, but can we do all sites at the same time? No, we don't have the resources, and we don't have the staff to be able to be everywhere at once. We are moving along as best we can with the resources we have.

We will certainly take a look at the question of whether or not the alleged or contention about the lack of security-- We will take a look at that, and if it is not sufficient and we feel it should be beefed-up on some sort of emergency basis because of the nature of the problem, we would do it.

ASSEMBLYWOMAN WALKER: Kids run all around.

MR. DAGGETT: Well, that's what we would take a look at as part of what we are examining.

ASSEMBLYWOMAN WALKER: They go and play, and a landfill might look like a fun place to play.

MR. DAGGETT: It might, but we would take a look at that in this particular instance. Do you have specific evidence that that is occurring at these sites?

ASSEMBLYWOMAN WALKER: No, no, but, as I said, I live here and I know what kids do all over.

MR. LIBRIZZI: Those sites, by the way, are fairly well fenced.

ASSEMBLYWOMAN WALKER: You heard what I read.

MR. LIBRIZZI: Obviously, there's a gate where people who work there--

ASSEMBLYWOMAN WALKER: How about--



MR. DAGGETT: We'll take a look and see if there's any sort of a need for some sort of a response on an expedited basis, and if there is you can be assured that we'll be there.

ASSEMBLYWOMAN WALKER: There are also kids on those bases.

MR. DAGGETT: Pardon me?

ASSEMBLYWOMAN WALKER: There are also children on those bases, that live on those bases.

MR. DAGGETT: I understand that. Keep in mind, also, our authorities are restricted in that if there is an emergency action of some kind necessary, it is going to still be based on whether or not we can get the facility to provide the funding to do that, because we're restricted from being able to provide such funding.

ASSEMBLYWOMAN MUHLER: I have a question about after sites are on the EPA List-- New Jersey is not the only State on that list, and with the military I don't know how many installations there are between here and the States in the New York region--

MR. DAGGETT: A lot.

ASSEMBLYWOMAN MUHLER: Yes, and I am wondering about the military dollars available to work on those agreements. You know, it is going to be very nice to get an agreement as to what will be done, but, then comes the next stage of where is the money to do the job.

MR. DAGGETT: We share, as I indicated before, that concern with you as to whether or not the military dollars, or Federal facility dollars -- because in some cases it is not military installations -- we share the same concern as to whether or not the funds will be available and made available by the various agencies. It is not an easy answer.

ASSEMBLYWOMAN MUHLER: Are we beginning to get any kind of a idea as to the size of the cost involved?

MR. DAGGETT: Every time we get a better assessment of a site's problem we get a better handle on it, but it really is a site-by-site process.

ASSEMBLYWOMAN MUHLER: One other-- Is there any criteria, dealing with the Federal bases, as to population around it, or a threat to water contamination. I assume that's the highest priority even on Federal installations on the removal of--

MR. DAGGETT: Sure. What we're trying to do is identify those problem areas that we think are most severe, and going at those first. I mean, we have to prioritize this just as anyone else does, given the resources we've got. And, if we see or hear of particularly difficult problems we would work with the facility as quickly as possible to try to evade any kind of pollution or hazard.

ASSEMBLYWOMAN MUHLER: Do you have any contingency available or funds available -- and I guess you'll have to ask the military that -- if there is an immediate danger or emergency, will they be able to act to clean up that kind of a site?

MR. DAGGETT: No, only if it goes off-site. If it goes off-site, we can take some emergency action, but we wouldn't be able to take it on the site. But, let me back up, I mean, listen Assemblywoman, as you mentioned earlier, all these institutions are made up of human beings just like these government agencies are. And as you mentioned a few minutes ago, there are children and people who live on these bases, and I think they have the same concerns that we do. They don't want to drink contaminated water or have their children play on contaminated sites any more than anyone else does. And, I don't think we have any reason to believe that any of those base commanders would not cooperate and work with us. But, again, because of the nature of the priorities established over the years, we are at the early stages, and earlier at some than others, but early in general on the whole program. But, where we have worked with people, frankly, we have found them very receptive to working with us.

ASSEMBLYWOMAN FORD: Are those the questions on Monmouth?

ASSEMBLYWOMAN WALKER: Yes. Thank you.

ASSEMBLYWOMAN FORD: Okay, so we move on to-- Let me just ask you a few questions about Raritan and the Raritan Arsenal, because that is also on the list. Where is that located? I'm not familiar with the Raritan Arsenal, I just want to know where it is located.

MR. DAGGETT: Oh, it's located in Edison.

ASSEMBLYWOMAN FORD: And what, exactly, is the problem at the Raritan Arsenal that would cause it to be an area of concern?

MR. DAGGETT: It was, at one time, -- let me look through my notes for a moment -- in operation from 1917 until 1964, the main mission involving ammunition operations. These included the receiving, shipping, storage, transfer, and repacking of ammunitions. Reconditioning and demilitarization of ammunition and ammunition compounds were also performed. In 1964, it was formally turned over to GSA. Part of it was sold to industrial warehousing concerns, so part of the original property is now in private hands. The original facility covered 3188 acres of land, of which only 200 plus acres now remain as GSA property. Actually, EPA owns, outright, 15 of those acres in an arrangement that was made with GSA. Our laboratories are located there -- the Region II laboratories.

ASSEMBLYWOMAN FORD: That should be real convenient, locating the EPA labs right at the site.

MR. DAGGETT: Yes. We identified-- In 1961, as part of the phase-out process, the Army identified 17 areas that were suspected of being contaminated with explosives. They were then surface cleaned in 1963, and 16 of them were included in the property subsequently sold to the Federal Storage Warehouse Company and Middlesex County, in 1964 and '65. Some of the properties were sold with surface use only, or restricted use indicated on the deeds. Only one of those sites listed as an explosives demolition ground is located on the area still owned by GSA.

ASSEMBLYWOMAN FORD: Is there a concern about burial areas for liquid mustard?

MR. DAGGETT: Yes, I just was about to move to that. One of the 17 areas was subsequently retested in the early '70's for contamination. On this approximately 1.7 acre site, liquid mustard gas from 55 gallon drums, 100 pound bombs, and 100 pound containers, were reported dumped into open pits containing decontaminated solution, and the empty drums were also thrown in on top. There was also reports that potassium cyanide and neutralized red foaming nitric acid were reported to be dumped. Tests in 1961 were positive for mustard gas -- I'm not sure who conducted those studies at that time, that was prior, actually, to even EPA's existence. The Corps of Engineers would have

done it. And, then, in 1971, in new testing, they showed negative, and it was sold to the Federal Storage Warehouse Company and recommended for non-use.

ASSEMBLYWOMAN FORD: What's the basis for current concerns?

MR. DAGGETT: Again, potential which might exist. We are -- let me see - the process is there is a work plan currently being developed by the Department of Defense's Huntsville Division, which is in Alabama. By the way, one of the problems that we face is unravelling the DOD hierarchy. I mean, for us, one installation is controlled by somebody in Alabama, and another one by somebody in Kansas City, and so we aren't in a much different position than any of you are in that sense of trying to figure out just who is in charge and who has responsibility associated with these various sites.

Sometimes we find that the authority that is needed isn't there and, I mean, it is a long process. We had some sampling that was done, which was done in-- Okay, if I can read to you for a moment, "In an effort to assess the contamination problems, EPA's FIT Team was directed to conduct a preliminary assessment and site investigation of the 200 plus acres that are still owned by GSA. The first phase of the FIT review which has been completed was a record search. We reviewed all of the data that we had plus what are called EPIC overflights from the 1930's to the present. The second phase involved the June 20, 1985 site inspection sampling effort. Those, approximately, 75 surface samples were taken from areas still accessible or where contaminants would be expected to migrate based on surface drainage problems."

Those results are right now in our quality assurance program, and we expect to get a final report within the next couple of months. We are really, again, at the very early stages on this particular facility, and we really don't even have identification of the types of contaminants. We're basing our information on paper we've received from various locations. Some of it is alleged, some of it is results of some testing that had been done by the Corps of Engineers, but we are really trying to confirm everything with the samples we've taken.

ASSEMBLYWOMAN MUHLER: You know, I had a question about the liquid mustard gas, and, if I remember history correctly, it has been

outlawed for use since 1920, and it has been stored for -- at this point it would be -- 65 years. Now, I don't know what the physical properties are of it, but I know medications and other chemicals neutralize themselves after a certain amount of time, and I don't know if anybody here can answer that question, but I would just like to know if that is likely to be the case in this instance, or if it keeps its life for a long time? And, it is something -- I have to tell you -- I know nothing about.

MR. DAGGETT: I don't know the answer to that. Does anybody else? (Referring to others at witness table)

MR. LIBRIZZI: No, I don't know what the half life of mustard gas would be.

MR. DAGGETT: What you see is we are faced at Federal facilities with a, potentially, very big problem.

ASSEMBLYWOMAN FORD: I don't envy your position, and the full picture of it being revealed before these hearings is frightening, because, what we're seeing is not only the known existence of toxic waste sites and Superfund sites -- the 97 that we know of and dealt with now -- as well as the toxic waste sites throughout the State of New Jersey, but what is apparently being revealed here is a whole, almost duplicative problem on our military sites that we've never even dealt with before. So, I don't-- Possibly at additional sites to match what we know of now.

MR. DAGGETT: Yeah, that's possibly correct.

ASSEMBLYWOMAN FORD: I, certainly, don't envy your position.

MR. DAGGETT: One of the things that I would caution you on, though, is to say that nothing has happened. One of the things we're trying to unravel is just what the Defense Department has done in these cases, because I can't sit here and say that nothing has happened. I mean, they really have an installation and restoration program; they've been moving forward on it for a number of years, and what we're trying to do is hook in, and with the limited authority we have, if you will, try to work with them. Again, I really have met personally with the staff at Picatinny. I am trying to work my way through to demonstrate through my presence and my own interest that priority be attached to it

to see if we can't move that process along more quickly. But, again, it is also a function of resources, and in the Agency I have been to date, and we have as an Agency, put most of our efforts toward the non-Federal facilities Superfund program, and even -- You know, the question comes out about reauthorization of Superfund and the amount of money available -- if it is reauthorized at a very high level of funding, I will be honest with you, the capacity or the number of contractors out there, capable people out there, we're at the early stage of being able to even say that if I had all this money then I could go out and get the personnel to do it. It is a difficult national problem.

ASSEMBLYWOMAN FORD: And as you mentioned earlier, the insurance problems.

MR. DAGGETT: Yes, well, that's a separate problem.

ASSEMBLYWOMAN FORD: Let me just finish up my questions on Raritan, and I think that will probably be it for the day. I understand there was some aerial photography taken of that area. Did that disclose possible other sites of contamination?

MR. DAGGETT: That was part of the material we reviewed which were oversights that have occurred since the 1930's. I am not sure to what extent we have reviewed those-- I am assuming that's what we used to identify those sites.

MR. HARGROVE: Use those as the base of the sampling.

ASSEMBLYWOMAN FORD: Have there been any evidence of PCBs found at the Raritan site?

MR. DAGGETT: I don't have that with me, as to whether or not-- Do you know of any PCB contamination identified at that site? (Speaking to Mrs. Coursen)

MRS. COURSEN: There are old transformers on this site which may contain PCBs, but I know of no spills.

ASSEMBLYWOMAN FORD: Do you know whether the FIT Team had found containers of PCBs?

MR. DAGGETT: I don't. It's only been-- Do you mean as part of the sampling plan they did recently?

ASSEMBLYWOMAN FORD: June of '85.

MR. DAGGETT: Oh, June of '85. Again, I don't have that information, and I don't have the results--

ASSEMBLYWOMAN FORD: Can you check on that, and just convey the results to the Committee?

MR. DAGGETT: Oh, yeah, sure. You know, one of the things that was brought up earlier to understand as well, we are also somewhat restricted if we are talking about an area that should be considered protected for national security reasons. We are restricted as well from getting a handle, if you will, on the problems. I am trying to figure out a way around that, because, there are people in the Agency that have -- and I don't mean Region II, I don't any longer have any people here -- in EPA, overall, high level security clearances. What I am trying to do is figure out how I can make use of those people to at least go in and let us know whether we have got something that we need to worry about, even though they may not be quite able to specifically tell me what, because of national security. I'm not sure how I'm going to attack that, but I'm trying to figure out how I'm going to do that.

ASSEMBLYWOMAN FORD: Well, maybe that's something, also, for us to consider in our deliberations, the problem of national security and where that yields to the problem of general public health. Let me ask you, only because, in Lakehurst, I guess, there was a radiological problem at one of the sites, are there any radiological problems at the Raritan site?

MR. DAGGETT: To my knowledge there is not a radioactive problem at Raritan. Do you have any information to lead us to think otherwise? (Speaking to Mr. Hargrove who responds negatively)

ASSEMBLYWOMAN FORD: Can you check, also, with your FIT Team, because I am under the impression that they did find two buildings exhibiting some radioactivity, and I would like to have that information verified one way or the other.

MR. DAGGETT: Two buildings that had -- if you could just repeat it -- two buildings that had radioactivity?

ASSEMBLYWOMAN FORD: Two buildings that your FIT Team -- the same ones that, supposedly, found the PCBs--

MR. DAGGETT: Found radioactive particles--

ASSEMBLYWOMAN FORD: Radioactivity in two buildings.

MR. DAGGETT: We'll get right back to you on that information.

ASSEMBLYWOMAN FORD: And--

ASSEMBLYWOMAN MUHLER: If I might ask a question, when you said that there were over 3000 acres at part of Raritan when a lot of these things took place, now there's only 200 acres as part of that Base, the other acreage is all under private ownership, now, if sites are found, according to Superfund, the first person you are supposed to go to is to assume that it is the owner of the property, and--

MR. DAGGETT: We could clean it up now through that, yes.

ASSEMBLYWOMAN MUHLER: You can?

MR. DAGGETT: Sure.

ASSEMBLYWOMAN MUHLER: But, what's to stop that owner from turning around and suing the former owner, which was the Federal Government?

MR. DAGGETT: They can do what they want. I think they can do-- (Confers with Mr. Hargrove) I would have to look into it further, but there is a Defense Environmental Restoration Program (DERP), which handles studies and cleanups at sites formerly owned by DOD, so there must be something they do--

ASSEMBLYWOMAN MUHLER: So, there is a concern about their taking on the responsibility again.

MR. DAGGETT: Oh, yes, there is a concern there.

ASSEMBLYWOMAN MUHLER: That is what I was getting to.

MR. DAGGETT: But, yes, to answer your question, though, I believe, there would be nothing to restrict us from also going after the current owners. I mean, that's where Superfund becomes a very tough law, it gives us the-- Then it enters a range where I have some real broad authority.

ASSEMBLYWOMAN FORD: What is the current status of Raritan Arsenal, with regard to Superfund designation?

MR. DAGGETT: We are, as I say, just getting the sampling results back from the sampling that was done in June, and then we will move from there on to the hazard ranking system. And following the hazard ranking system, we will determine whether or not there is a problem, and work with GSA to clean it up.



ASSEMBLYWOMAN FORD: On the Superfund documents, with regard to this site -- and, I guess that is what we are referring to -- it states that, "On October 1984 site inspection by EPA, personnel identified the presence of contaminants at the site, including containers of PCB, waste oil, and sodium orthocylcate." It then goes on to mention that, on June 20, 1985, after an inspection they found elevated radioactivity levels, approximately two to three times background in some locations. Having been found by FIT in buildings 205 and 214, old data show that an AEC building had existed on this site. Does that refresh you, or--

MR. DAGGETT: Can I ask what you are reading from?

MRS. COURSEN: It is our update.

MR. DAGGETT: Is it?

ASSEMBLYWOMAN FORD: It's the Federal Facilities Update Report.

MR. DAGGETT: Okay. I have a memo here from 29 October, and it does list the PCB drums, and it does talk about PCB transformers.

ASSEMBLYWOMAN FORD: Would you be able to, since we got that straightened out, update the Committee? I know you probably have to consult with someone as to what the progress is or what happened as a result of those findings.

MR. DAGGETT: Yeah. I know the findings that occurred on October 16--

ASSEMBLYWOMAN FORD: October '84 was the PCBs and June '85 was the radiological results.

MR. DAGGETT: What I want to do is, I indicated on all the -- other than the Lakehurst, where we came with prepared responses--

ASSEMBLYWOMAN FORD: I understand.

MR. DAGGETT: I will pull all this paperwork together, and we will give you everything that we've got. I'd be happy to do that.

ASSEMBLYWOMAN FORD: All right. Those are the questions I have. Are there any other questions on Raritan? (Negative response) Then, I am going to thank Commissioner Tyler for coming, and we will advise you of any later hearings, as we go through lists and the information that we received from the various bases.

MR. DAGGETT: Can I also ask that you have the staff of your Committee work with my staff to make sure that we have the questions, in fact that we weren't able to answer today that we have to follow-up on? If you have any additional questions that we can all work together on we will provide you with whatever we can.

ASSEMBLYWOMAN FORD: Okay.

ASSEMBLYWOMAN MUHLER: May I ask a question on the schedule for the future of the Committee? We have met three weeks in a row. What kind of a schedule are we going to expect from here on in?

ASSEMBLYWOMAN FORD: Well, I think that, you know, in November we'll look at some of the arguments. Obviously, after November 5th.

ASSEMBLYWOMAN MUHLER: Will there be an agenda ahead of time, too, because it has been very sparse, at least from my viewpoint?

ASSEMBLYWOMAN FORD: There's been a general agenda, and then we have advised the Committee formally and informally as to the specific bases on which we'll be focusing. If you need something more specific than that, I don't know what that would be, but I'll be happy to try to pull something together in the future.

MR. DAGGETT: I would like to leave with you, also-- I have the written answers to the questions that were given to us by telephone back on October 8, with respect to the general--

ASSEMBLYWOMAN FORD: Okay. I would like those answers to be made part of the record.

(HEARING CONCLUDED)



APPENDIX



TESTIMONY BEFORE THE  
NEW JERSEY STATE ASSEMBLY  
SPECIAL COMMITTEE TO INVESTIGATE HAZARDOUS WASTE DISPOSAL  
AT MILITARY INSTITUTIONS

Christopher J. Daggett  
Regional Administrator  
United States Environmental Protection Agency

Middletown, New Jersey  
October 24, 1985

Questions answered herein were posed to the U.S. Environmental Protection Agency by staff of the committee in a telephone conversation on October 8, 1985.

**- What is EPA's jurisdiction/responsibility/authority for assuring federal facilities compliance with environmental statutes?**

Federal environmental statutes require that, facilities owned by the U.S. Government comply with federal, state, and local pollution control requirements to the same extent as non-federal entities. Exceptions from applicable pollution standards can be granted by the President in the interest of the national security, or in the paramount interest of the United States.

On December 31, 1974, the Office of Management and Budget (OMB) issued Circular No. A-106, which established reporting requirements for control of environmental pollution from federal facilities. A-106 requires federal agencies to develop annual plans to ensure that their facilities comply with applicable environmental protection requirements. The circular also established an EPA review to determine the adequacy (i.e., in terms of cost, timeliness, and engineering feasibility) of the reporting agency plans.

Executive Order (EO) 12088, which was issued on October 13, 1978, established an Executive Branch program for ensuring federal compliance with environmental statutes. The program is administrative and requires full cooperation and coordination between federal agencies, EPA, and OMB. Disputes regarding compliance by federal facilities are resolved within the Executive Branch through administrative procedures specified in EO 12088.

Federal facility compliance with pollution control requirements is a special concern of EPA because of its dual responsibilities:

1. participating as a member of the Executive Branch's program for ensuring federal agency compliance; and
2. implementing the federal environmental laws.

Unless specific exemptions exist, federal facilities have the same compliance obligations as non-federal facilities. Accordingly, EPA's activities to ensure federal facility compliance is given the same high priority as other compliance activities. In cases where EPA's statutory authority has been delegated (e.g., NPDES and air permit compliance), the appropriate state agency assumes initial responsibility for ensuring federal facilities compliance.

Compliance solutions at federal facilities are pursued by EPA as vigorously as the compliance solutions at non-federal facilities. However, it is the policy of EPA and Department of Justice that an administrative approach, rather than judicial, be used to ensure compliance of federal facilities.



In January 1984, EPA's Office of Federal Activities issued a guidance document on "Resolving Compliance Problems at Federal Facilities." This guidance includes procedures for promoting formal agreements between EPA and federal agencies on appropriate compliance actions. The guidance requires the elevation of compliance disputes through the EPA and other agency hierarchies until appropriate compliance actions can be agreed upon. If agreement cannot be reached, the compliance issue is referred to OMB for resolution. This guidance has been, and continues to be, fully implemented by EPA Region II.

An EPA Headquarters' task force is currently working to revise and update the 1984 Guidance document to assure that it reflects more recent Agency guidance in the areas of the State/EPA partnership and enforcement. The revised Federal Facilities Handbook is expected to be completed in early 1986.

- What is the history of EPA's program to deal with hazardous waste discharges from federal facilities?

#### CERCLA

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) was passed on December 11, 1980, in response to problems resulting from past waste disposal practices. Section 105 of CERCLA requires the development of the National Oil and Hazardous Substances Contingency Plan (NCP), which establishes procedures and standards for responding to releases of hazardous substances, pollutants, and contaminants.

Federal agencies are specifically required by Section 107(g) of CERCLA to comply with its requirements to the same extent as private parties. Under CERCLA, federal agencies have cleanup responsibilities for sites on their present and former properties and for hazards caused by activities at such properties undertaken directly by the agency or by its contractors. Additionally, federal agencies are responsible for off-site contamination caused by federal facilities as well as problems caused by its hazardous wastes that were shipped to other sites.

Although CERCLA established the "Superfund" to provide funding for certain cleanup actions, Section 111(e)(3) of CERCLA specifically prohibits the use of the fund for actions on federal facilities. The funding source for cleanup at federal facilities is the budgetary process under OMB Circular No. A-106. EPA is required to comment on all A-106 budget requests for technical, cost, and time adequacy. Consequently, EPA has a major role in determining the adequacy of CERCLA actions taken by other federal agencies.

Assignment of Presidential responsibilities under CERCLA was addressed in EO 12316, which was issued on August 14, 1981. Specifically, the order delegates to the Department of Defense (DOD) authority for CERCLA response actions with respect to releases from DOD facilities, and to the Coast Guard response authority with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors. EPA has authority for response action at any and all other facilities.

In response to EO 12316, the DOD modified its existing installation restoration program (IRP) to cover CERCLA evaluation and response activities. The IRP process includes four phases that compare with EPA's "Superfund" process as follows:

- A) DOD Phase I - Installation Assessment - includes records search and site visits to determine extent, if any, of past contamination. This phase also includes an initial rating using the Hazard Assessment Rating Methodology (HARM).

Superfund - Preliminary assessment and site visit.

B) DOD Phase II - Confirmation/Quantification - includes a comprehensive survey to define the problem fully through sampling and analyses. Survey data from all technical areas are interpreted and interrelated.

Superfund - Site inspection, Hazard Ranking System (HRS) scoring, and remedial investigation (RI).

C) DOD Phase III- Technology Development - includes development of control technology to address specific contamination problems; however, if appropriate technology exists, this phase is skipped.

Superfund - No specific equivalent.

D) DOD Phase IV - Remedial Action - includes design, construction, and operation of contamination abatement facilities as well as removal and disposal actions. It may include construction of containment facilities or decontamination processes, and long-term monitoring systems.

Superfund - Feasibility study, record of decision, remedial design, and remedial actions.

Note: The Department of Energy has also recently enacted a five phase program that parallels the Superfund program to ensure CERCLA compliance.

As with the Superfund process, if emergency actions are deemed necessary during any phase of the IRP process, immediate remedial actions (i.e., Phase IV) are initiated by DOD. Associated with each phase of the process is one (or a series of) reports. EPA receives these IRP reports for review and comment, and as a means of providing technical assistance to the DOD facilities. Currently, nine DOD facilities in New Jersey are being addressed through the IRP process (i.e., Ft. Dix, Ft. Monmouth, ERADCOM Test Flight Activity, Bayonne Military Ocean Terminal, Picatinny Arsenal, Lakehurst NAEC, Trenton Naval Air Propulsion Center, Naval Weapons Station Earle, and McGuire AFB).

On August 12, 1983, EPA entered into a Memorandum of Understanding (MOU) with the DOD that establishes the respective agency roles with respect to CERCLA actions. The MOU requires EPA to provide technical assistance to support DOD CERCLA actions. In addition, it assigns responsibilities to each agency for investigations of contamination if it is unclear whether or not the DOD facility is the sole source of the contamination. In such cases, EPA studies areas off the facility and DOD conducts the study on facility to determine the appropriate responsible party.

It should be noted that much of the CERCLA activity conducted by EPA is done by the Agency's contractors, known as the Field Investigation Team (FIT). The FIT, at EPA's direction, will review reports, conduct field investigations/sampling, write reports, and perform HRS scoring. Products of the FIT are reviewed by EPA to determine appropriate courses of action.

An EPA memorandum dated February 14, 1984, states that federal facilities may be included on updates of the National Priorities List (NPL). Generally, federal facilities contain more than one site of contamination because of their size and the nature of their activities. EPA's policy is to rank the total facility, not individual sites within the facility, using the HRS. If a facility scores above the minimum score (currently 28.50), it will be proposed for listing. EPA believes that proposing for NPL listing tends to make facilities more receptive to EPA technical assistance, and helps to alter budgetary priorities, thereby, expediting approval of required remedial actions. At this time, three federal facilities in New Jersey have been proposed for listing on the NPL (i.e., Ft. Dix, Lakehurst NAEC, and NWS Earle).

A recent guidance document (entitled "Federal Facilities Program Manual for Implementing CERCLA; Responsibilities of Federal Agencies") from EPA'S Office of Federal Activities (June 1985), presents procedures for EPA interaction with federal facilities on CERCLA actions. This guidance calls for the negotiation of federal facilities agreements to ensure appropriate actions on CERCLA issues. EPA views these agreements as an essential method for ensuring that CERCLA actions taken by other federal agencies are consistent with the NCP. The current guidance requires that federal facility agreements be negotiated for all facilities that are proposed for listing on the NPL. However, EPA is not prohibited from negotiating agreements for non-NPL facilities. The use of federal facilities agreements was strongly supported by DOD in a July 5, 1985, memo from its Assistant Secretary for Manpower, Installations, and Logistics. In New Jersey, EPA has already signed an agreement with Ft. Dix (September 16, 1984), and is negotiating three others (i.e., NWS Earle, Lakehurst NAEC, and Blue Spruce Corporation [a former Air Force contractor]).

EPA Region II will continue to take appropriate actions (e.g., site inspections, review and comment on reports, HRS rankings, NPL listings, and federal facility agreements) to ensure that federal facilities comply with the requirements of CERCLA.

When did EPA know about the problems at Lakehurst?

EPA's involvement concerning hazardous waste problems at Lakehurst dates back to April 1980 when a hazardous waste inspection was conducted in response to a complaint from a former employee of the base. The inspection report cited the need for additional surface water, groundwater, and soil sampling. As a followup measure, EPA conducted another site inspection on November 14, 1980, with the Field Investigation Team (FIT) and the NJDEP. Limited field measurements were taken which concluded that trichlorethylene (TCE) may be present in groundwater at the site; however, the report on the inspection states the TCE on base was not affecting the groundwater of the Legler housing development in Jackson Township.

In addition, at this time, EPA was notified of a spill of aviation fuel in the amount of 20,000 gallons, that occurred in 1966. In response to EPA and Navy concern, the Naval Air Emergency Center (NAEC) contracted for sampling around the spill site in January 1981. The results of the sampling concluded that slight contamination did exist and that it was caused by the aviation fuel. Furthermore, the report concluded that the contamination was localized and minimal migration had occurred.

During the early part of 1981, the NAEC took cleanup actions, consisting of construction of monitoring wells, sampling and actual cleanups (e.g., soil and drum removals) at 29 of the 44 potentially hazardous waste sites identified by the Navy. These actions were reported in cleanup status Reports No. 1 and No. 2, which were issued on May 1, 1981, and August 17, 1981, respectively. In October 1983, Lakehurst submitted to EPA, their Initial Assessment Study (IAS) for evaluating the 44 hazardous waste sites on the base. EPA's FIT immediately reviewed and commented on this report. On November 14, 1983, these comments were submitted to the Department of the Navy. A copy of FIT comments on such reports was not routinely forwarded to NJDEP at this time.

The FIT review pointed out that the presence and levels of contaminants found in the 1981 drinking water well sampling data, and reported in the 1983 Navy report, would present a health hazard "if the data is assumed to be representative." However, the report also pointed out that neither the protocol nor sampling dates were clearly stated or referenced. Also, the report did not identify where in the system the samples were taken from. The presence of identical levels of acrolein and acrylonitrile at 300 ppb in all six wells sampled raise some question as to the validity of these data. EPA is suspicious of the consistency of results for these and other chemicals reported.

In the spring of 1984, the Navy was in the process of conducting it's annual water quality sampling program which would verify whether or not a drinking water problem did in fact exist. On November 21, 1984 the Navy submitted their Water Quality Report to EPA stating that all levels were within established EPA Water Quality Criteria. The Navy report implies that the wells were re-sampled in 1981 and were found in compliance. For some reason they did not provide us that information until November, 1984.

It should be noted that these criteria are non-regulatory guidelines designed by EPA to aid in assessing toxicological impact of chemicals in drinking water. These criteria address cancer risk factors for long and short term ingestion of particular chemicals.

EPA was aware in 1983 of the Navy's plan to implement the Phase II Confirmation Study which would assess the groundwater impact of the hazardous waste sites. (Please see page 3 of the questions). To assure that the study and plan would be implemented, and to better identify the potential for environmental and health impacts, EPA submitted Lakehurst for ranking on the National Priorities List (NPL). This was carried out in April 1984. By placing this facility on the NPL, EPA could assure that the Navy implemented CERCLA according to the National Contingency Plan (NCP) and that all potential groundwater contamination problems were addressed. The NCP contains procedures for implementing CERCLA. However, due to questions raised during Quality Assurance (QA) review of the MITRE score package (EPA's model for scoring sites for inclusion on the NPL), this site was resubmitted for ranking three more times and finally listed on the National Priorities List in September 1985. One of the documentation questions raised during QA was the validity of the sampling data.

In August 1985 the Navy submitted their Plan of Action for the Confirmation Study to both the State and EPA for review. The Plan of Action is essentially a workplan for the first stage of the Confirmation Study. The Navy's approach to this study is two pronged and involves first, a verification and second, a characterization study. The verification study is a screening to verify if contamination exists. The characterization study further investigates these sites to determine the full extent of pollution. Under this Confirmation Study, 43 sites at Lakehurst will be sampled to verify if alleged contamination exists. Surface water, soil and groundwater will also be monitored to assess if contamination exists. The next stage will characterize the full extent of contamination at these sites. This Plan of Action has been reviewed and commented on by both EPA and NJDEP. In addition, since the site has recently been listed on the proposed update of the NPL, EPA has been working with the Navy to draft a Federal Facilities Agreement. This would essentially ensure that compliance with the NCP in future remedial activities at Lakehurst is met. The Navy has cooperated with EPA in this regard.

In addition, on September 5, 1985 EPA conducted off-site sampling of Lakehurst private and municipal wells and conducted stream and sediment sampling. This was done in response to public

concern of off-site migration of contaminants. These samples were split with NJDEP. The results of this sampling effort indicate that no water quality problems exist off-site at Lakehurst. A copy of the official EPA report of this sampling effort will be available shortly.

What is the nature and extent of contamination at Lakehurst?

The nature and extent of on-facility contamination is addressed by the Navy in the 1983 Initial Assessment Study (IAS). Shortly after the Navy identified forty-four potential hazardous waste sites in this 1983 IAS, EPA submitted this site for ranking under the Hazard Ranking System. The site was included on the proposed update of the National Priorities List (NPL) in September, 1985 with a score of 49.48. This score was based on (1) the degree of toxicity of the contaminants present; chloroform being the highest, (2) the estimated quantity of waste present (3) the number of people served by the aquifer of concern (7,000), (4) and the potential for contamination of the aquifers (Cohansey and Kirkwood).

It should be pointed out that this particular facility is listed on the NPL because of the potential for-contamination of the aquifer. It was not scored on any observed contamination problem; such contamination would have raised the score. EPA determined that for the purpose of MITRE ranking, the sampling data presented in the 1983 Navy IAS report regarding contamination of drinking water could not be utilized due to the fact that no conclusive background information was available. (Please refer to next page for information on how this site was scored).

The Navy is currently entering into Phase II of the Installation Restoration Program and has submitted a Work Plan for further investigative work to EPA. This Work Plan has been reviewed and commented on by EPA and entails further sampling by the Navy to verify whether or not contaminants are present at facility sites or in wells on the facility and to characterize the contaminants and scope of contamination.

In addition, EPA is initiating a Federal Facilities Agreement with the Navy in order to assure that compliance with the NCP is met during the implementation of the Work Plan and Remedial phases of the project.

To address the nature and extent of potential off-facility contamination, EPA participated in a joint sampling effort on September 5, 1985 with NJDEP. Lakehurst private and municipal wells were sampled for all priority pollutants. Stream and sediment sampling was also conducted. The results of this investigation, received on October 16, 1985, indicate that there is no evidence of off-facility contamination in the drinking water wells. Four sediment samples indicated the presence of low levels of pesticides in stream sediment samples. This data is currently being evaluated by the Field Investigations Team. A copy of EPA's official report on this sampling effort will be available shortly.



What is Quality Assurance and why did the site fail QA twice?

Once a site has been ranked using the Hazard Ranking System (HRS), it is submitted to EPA Headquarters for a review procedure that has been termed a Quality Assurance Audit (QA). QA is a process conducted by the MITRE Corp., an EPA contractor, that ensures the following:

- 1) accurate interpretation of technical data and arithmetic assignments of HRS values.
- 2) consistent application of EPA guidelines and policies.
- 3) equitable treatment for all sites, nationally.
- 4) professional judgment has been exercised appropriately.

The Lakehurst facility was first submitted to EPA HQ for QA to be considered for inclusion on NPL Update #2, which was proposed on October 15, 1984. The original HRS package was prepared by the Field Investigation Team (FIT). Upon completion of QA several deficiencies were noted:

- 1) the site was scored on an observed release to groundwater; however no background well analysis was included; therefore an observed release was not justified.
- 2) the groundwater population figure used was provided, however, no justification for the number was given.

These deficiencies were then transmitted to the FIT for correction. Changes were reportedly made and sent to the MITRE Corp. The site was then re-submitted to EPA HQ for QA to be considered for inclusion on NPL Update #3, which was proposed on April 10, 1985. During the Update #3 QA it was noted that many of the initial comments were not addressed. However, the HRS package was then re-worked by EPA personnel and the site finally received QA approval for NPL Update #4, which was proposed on September 18, 1985.

### What is the Hazard Ranking System?

The Hazard Ranking System (HRS) is a screening tool to assist EPA in identifying sites for inclusion on the National Priorities List (NPL). The HRS is a means for applying uniform technical judgment regarding the potential or existing hazards presented by a facility relative to other facilities. It does not address the feasibility, desirability, or degree of cleanup required. The HRS assigns three scores to a hazardous facility.

$S_M$  reflects the potential for harm to humans or the environment from migration of a hazardous substance away from the facility by routes involving groundwater, surface water, or air. It is a composite of separate scores for each of the three routes.

$S_{FE}$  reflects the potential for harm from substances that can explode or cause fires.

$S_{DC}$  reflects the potential for harm from direct contact with hazardous substances at the facility (i.e., no migration need be involved).

The score for each hazard mode (migration, fire and explosion and direct contact) or route is obtained by considering a set of factors that characterize the potential of the facility to cause harm. For example, the migration route evaluates groundwater, surface water, and air pathways. For the groundwater migration route, the individual scoring the site must first determine if an observed release to the groundwater has been documented. If not, the potential for contaminants deposited at the site to migrate to the groundwater must be evaluated. Factors considered when evaluating the potential for contamination includes the depth to aquifer of concern, the characteristics of the waste deposited, and the population served by potable wells located within three miles of the facility. For the Lakehurst facility EPA did not have the data to document an observed release, therefore, the site was scored on the potential migration to groundwater and surface water.

Although the HRS does result in a site score, it does not in any way quantify the probability of harm from a facility or the magnitude of the harm that could result, although the factors have been selected in order to approximate both these elements of risk. It is, instead, a procedure for ranking facilities in terms of the potential threat they might pose to human health and the environment.

The Navy maintains that Lakehurst should not be on the National Priorities List (NPL). What is EPA's Position?

EPA believes this facility should be included on the NPL because the potential exists for on and off-site contamination of drinking water. In addition, a potential exists for surface water contamination of the Ridgeway Branch which flows within 500 feet of the landfill at Lakehurst Site #29 (of the 44 sites) and drains into the nearby Cranberry Bog.

The potential for contamination is based on the known history of waste disposal practices as reported in the Navy's 1983 Installation Assessment Study (IAS). This potential is also reflected by the high MITRE score of 49.48 which is based on the following: 1) the degree of toxicity of the wastes used or present; chloroform being the highest, 2) the quantity of waste present; calculated from the 1983 report to be 440,000 drum equivalents, 3) the number of people served by the aquifer of concern; 7000 people in this case, 4) and the distance to and potential for contamination of the aquifers (Cohansey and Kirkwood).

Listing of this facility on the NPL will assure that compliance with the National Contingency Plan (NCP) is met through the development of a Federal Facilities Agreement between EPA and the Navy (this agreement would provide for EPA review of all documents and reports and establish schedules for accomplishing key activities. The State of New Jersey has been, and will continue to participate in the review of all reports and workplans generated by the Navy which are submitted to EPA for review under the terms of the Agreement.

It should be pointed out that even when a Federal Facility is listed on the NPL, Superfund money cannot be spent at the site due to the constraints of CERCLA Section 111(e)(3), and the August 12, 1983 MOU between DOD and EPA (see page 4 for a more detailed explanation).

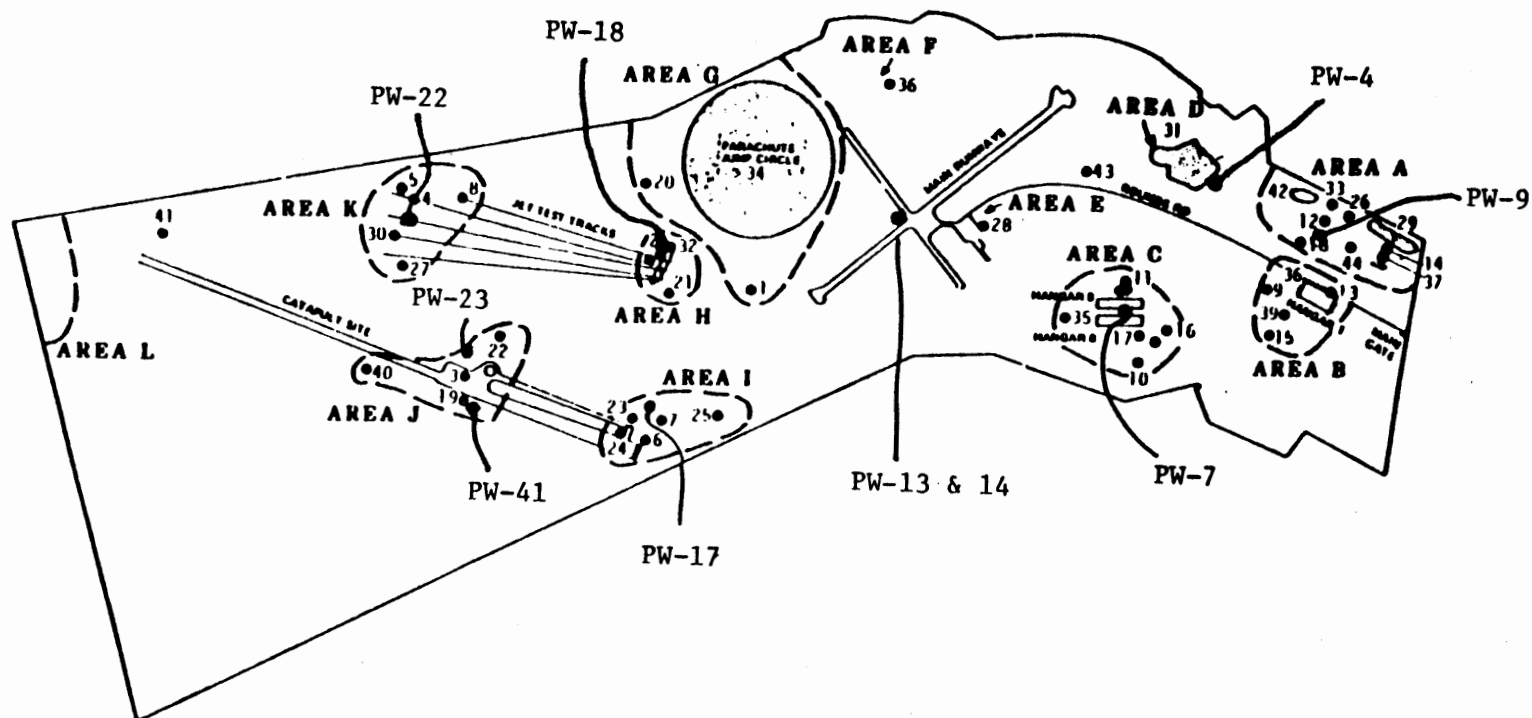
What is the potential for off-facility contamination from the 44 sites?

The potential for off-facility contamination exists based on the known history of waste disposal practices at the facility, the volume of disposed wastes at the individual sites, and the toxicity of the wastes used. The target aquifers of this potential migration serve off-base community water supplies as well as the on-base population. The proximity of the identified waste sites to the on-base wells is indicated on the attached map of the facility. It is because this potential exists that the Navy is conducting the second phase of their program (e.g., confirmation study). The second phase of this study will include a comprehensive sampling effort to verify the presence of contamination at each site and the need for remedial action at these sites. If contamination is found on-site, and if it is determined to be moving off-facility, the Navy must address all aspects of remedial cleanup on and off-facility.

The results of the September 5, 1985 effort indicate that no contamination of the off-base drinking water wells sampled exists.

If contamination is found on site but determined to have not yet moved off-facility, then the Navy must assure clean-up of on-facility contamination and prevent any potential for off-facility migration.

Potable Wells on Lakehurst in  
Relation to Sites of Contamination



KEY:

● 31 of 40 ● APPROXIMATE LOCATION OF POTENTIALLY CONTAMINATED SITES IDENTIFIED IN THE IAS (REFER TO ATTACHMENT A)

AREA A ○ GROUP OF POTENTIALLY CONTAMINATED SITES AS ADDRESSED IN THE PROPOSED PLAN OF ACTION (REFER TO FIGURES 2 THROUGH 13 FOR DETAILS)

0 5000 10,000  
APPROXIMATE SCALE IN FEET

CONFIRMATION STUDY  
NAVAL AIR ENGINEERING CENTER  
LAKEHURST, NEW JERSEY

LOCATION MAP OF  
POTENTIALLY  
CONTAMINATED SITES

JAMES E. MOORE

FIGURE 1

NOTE:  
MODIFIED AFTER FIGURE 2 OF 3, INITIAL ASSESSMENT  
STUDY OF NAEC, LAKEHURST, N. J., NEESA 13 008,  
NAVAL ENVIRONMENTAL SUPPORT OFFICE, MARCH 1981

What is EPA's role in monitoring off-facility migration of contamination?

If off-facility migration occurs or is suspected of occurring at any non-federal facility Super fund site, EPA (or the Responsible Party under order by EPA) is required to monitor this migration to determine the impact on drinking and/or surface water targets and to take remedial action.

However, the August 12, 1983 MOU between DOD and EPA states the following with regard to monitoring off-facility contamination at DOD facilities:

"When there is off-facility contamination and clear evidence that a current DOD facility is the sole source, DOD will conduct and finance the response action or assure that another party does so. At DOD's request, EPA will provide technical assistance to DOD or serve in an advisory role."

"When there is off-facility contamination and no clear evidence that a DOD facility is the sole source, EPA will finance and conduct investigations and studies off-facility to determine the source and extent of the contamination and recommended response action. DOD will finance and conduct investigations and studies on the DOD facility to determine the source and extent of the contamination and the recommended response action. DOD and EPA will coordinate these efforts and resulting decisions to minimize costs and duplication of activities, and will exchange all reports, studies, and other relevant site information."

This in fact has been accomplished at Lakehurst. Results of the September 5, 1985 off-facility sampling effort were received by EPA on October 16, 1985 and indicate that there are no water quality problems at Lakehurst municipal wells or at the private wells sampled off-facility. Four sediment samples contained trace quantities of several common organic pesticides and this data is currently under evaluation by EPA's Field Investigations Team. A copy of the official EPA report will be available shortly.

Has anyone analyzed the cumulative effects of the DOD facilities on the Pinelands?

No comprehensive groundwater study addressing the impact of DOD facilities on the Pinelands has been done or is currently planned by EPA. Three DOD facilities in the Pineland's area are currently listed on the proposed amendments to the National Priorities List (NPL). They are Ft. Dix, Naval Weapons Station Earle, and Naval Air Engineering Center (NAEC) Lakehurst. Each of these facilities has completed Phase I of the Installation Restoration Program and is currently in some stage of Phase II. In each case, this confirmation stage will involve further sampling of identified hazardous waste sites on base as well as ground and/or surface water sampling. Groundwater sampling at each base will confirm whether or not off-site migration has occurred. If in fact it has, the facility must address the impact of off-facility migration and propose mitigative action in accordance with the August 12, 1983 Memorandum of Understanding (MOU) between EPA and DOD (see page 4 for a description of the MOU).



GENERAL ASSEMBLY  
OF NEW JERSEY  
TRENTON

MARLENE LYNCH FORD  
ASSEMBLYWOMAN, DISTRICT 10 (OCEAN)  
917 NORTH MAIN STREET  
TOMS RIVER, N. J. 08753

RES. (201) 899-1208

BUS. (201) 892-2323

LEGIS. OFFICE (201) 240-2200

October 21, 1985

BY HAND

Mr. George J. Tyler  
Assistant Commissioner  
State of New Jersey  
Department of Environmental Protection  
CN 402  
Trenton, New Jersey 08625

Dear Mr. Tyler:

This is in accordance with your letter of October 16, 1985 addressed to Mr. Mark Smith, Secretary of the New Jersey General Assembly's Special Committee to Investigate Hazardous Waste Dumping Practices at Military Bases in New Jersey; and in accordance with correspondence which has occurred between Commissioner Robert Hughey, Speaker Karcher and myself since September 5, 1985 regarding your Department's cooperation with the business of our Special Committee; and furthermore in accordance with paragraph 4 of Assembly Resolution No. 168, adopted September 12, 1985.

The Special Committee hereby directs you to deliver to its Secretary, Mr. Smith, within twenty-four hours of your receipt of this letter, your written responses to the following inquiries, together with information requested by the Special Committee hereunder.

1. On September 5, 1985, by letter addressed to Commissioner Hughey, Speaker Karcher requested D.E.P. to transmit forthwith " ... any and all information which is in the possession of your Department, or to which D.E.P. has access, pertinent to the Navy's dumping of hazardous wastes at Lakehurst; including but not limited to all reports or other data, published or unpublished, provided or developed to date by the Environmental Protection Agency or the Navy itself."

On September 11, 1985, by similar letter, the Speaker made " ... an ongoing request for information concerning hazardous waste dumping practices not only at Lakehurst Naval Air Engineering Center, but at all United States Department of Defense facilities within this State," including " ... any and all ... relevant material which comes to the attention of or is generated by your Department."



Assistant Commissioner Tyler  
October 21, 1985  
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On September 13, 1985, Commissioner Hughey indicated by letter addressed to Speaker Karcher that there were ten major facilities on which there are files in your Department. To date the Special Committee has received no information concerning three of those facilities -- Marine Ocean Terminal Bayonne, Raritan Arsenal, and Pedricktown Support Facility. You are hereby directed to provide forthwith any and all information in the possession of your Department, or to which D.E.P. has access, germane to relevant past or ongoing activities at these facilities.

You are further directed to provide this Special Committee with any and all relevant material which has not been provided to date concerning the seven facilities with respect to which various information has been provided to the Special Committee.

At our public hearing on October 10, you testified (Verbatim Public Hearing Transcript, at 72) that "There are another 11 Federal facilities that we do not believe are major environmental problems." Please identify those facilities.

2. At the Special Committee's public hearing on the Lakehurst Naval Air Engineering Center, the following exchange occurred between yourself and Assemblywoman Walker (Verbatim Public Hearing Transcript, at 43-44):

ASSEMBLYWOMAN WALKER: When did the hazardous waste sites at the Lakehurst base first come to the attention of the State DEP?

ASST. COMMISSIONER TYLER: To the best of my knowledge, some individual sites and spills were reported to us as early as 1979. There are reports in our files, at least dating back to that point, that indicate spills and cleanups. The comprehensive assessment of the facility which is in the Navy's initial assessment study was submitted, I believe, in the late months of 1983. The status report on that, the the [sic] attached EPA comments on that status report, were sent to my office in response to an inquiry we made in June or July -- excuse me, July -- of 1985.

ASSEMBLYWOMAN WALKER: What way does the Navy use to communicate with you? How was this information transmitted, and by whom?

ASST. COMMISSIONER TYLER: Well, I think in terms of formal submission of environmental reports, they came to us in two ways. One, through the Environmental Protection Agency. ... But, there is a regular and sustained contact on an individual item basis.

Assistant Commissioner Tyler  
October 21, 1985  
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ASSEMBLYWOMAN WALKER: What specific information have you received concerning these sites from the Navy?

ASST. COMMISSIONER TYLER: Well, the Committee Staff has had the opportunity to see all of our files. ... [w]e have received the two reports I referred to earlier ... .

On October 3, 1985, officials of the Region 2 office of the United States Environmental Protection Agency provided the staff of this Special Committee with certain documents including copies of two letters dated, respectively, 1 May 1981 and 17 August 1981, addressed to Mr. Lester L. Nagel of Region 2 E.P.A., from Mr. R.H. Kline of the Lakehurst Naval Air Engineering Center. Each of these letters reflects copies sent to N.J. Department of Environmental Protection and indicates the Navy's enclosure of successive status reports on, respectively, 20 and 29 existing or suspected hazardous waste spill sites at the Lakehurst base. Copies of the letters provided by EPA are enclosed for your reference.

Subsequently, on October 8, 1985, the U.S. Navy provided this Special Committee's staff with duplicate copies of the May and August 1981 Navy letters together with the respectively referenced Navy status reports on 20 and 29 hazardous waste sites. The Navy copies plus attached status reports are enclosed for your reference.

The Navy has indicated both privately and in testimony at our public hearing on October 17, which you failed to attend, that these documents -- including the status reports -- were mailed to the D.E.P. in May and August 1981.

Kindly explain this discrepancy in relation both to the above cited testimony you gave us on October 10 as well as Commissioner Hughey's prior representations to this Special Committee that we had received from D.E.P. all of the relevant information on Lakehurst in its possession or to which it had access.

3. At our public hearing on October 10, your testimony as to D.E.P.'s course of inaction in respect of Lakehurst relied substantially upon D.E.P.'s prior receipt of and familiarity with a certain August 1981 Navy-contracted groundwater study referred to as the "Princeton Aqua Science" report.

You testified that in October 1983 D.E.P. received from the Navy a certain March 1983 Navy report and that this was the first time what you called " ... the consistent patter [sic] of indiscriminate dumping that seems to have been the historic norm [at Lakehurst] ... " came to the attention of your Department. (Tyler Opening Statement, Verbatim Transcript p. 6.)

Assistant Commissioner Tyler  
October 21, 1985  
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This 1983 Navy Report -- the Navy's "IAS" Report on Lakehurst -- contained in its Appendix C the findings of a July 1981 Navy-contracted groundwater study on Lakehurst whose results were extremely alarming: indicating levels of various toxic carcinogens in Lakehurst base and borough water supplies in quantities in excess of 100,000 times acceptable levels. As the Navy indicated on p. C-2 of this Appendix, "[t]he [July] test results ... indicate extensive pollution, both in the number of chemicals involved and their concentrations." (Upon its receipt of the March 1983 Navy IAS Report, the United States Environmental Protection Agency -- D.E.P.'s "lead agency" for the entire Lakehurst matter, according to your testimony of October 10 -- would by November of that year produce its own report concluding, inter alia, grave threats to human health on and off the Lakehurst base, as well as system-wide contamination of the aquifer underlying the base and its environs.)

When Assemblyman Rod asked you to explain your inaction in response to these alarming July 1981 test results which the Navy apparently never told you about until late 1983, you testified that the D.E.P. dismissed the findings of the July 1981 groundwater study presented in the IAS report you received from the Navy in 1983 as "garbage" data (e.g., Verbatim Transcript p. 31). Assemblyman Rod asked you, "When you received the [July 1981] data, you went back to this source and tested right away?" You replied, "No." You said that at the time you received them you doubted the July findings on their face as presented and that, in any event, you "... already had been told by the Navy in maybe 1982 or 1981 that this data was no good. They had an independent analysis done of this data by Princeton Aqua Science, and that turned up non-detects." ( Id. )

Subsequently (Verbatim Transcript p. 32) Assemblywoman Kalik asked you to produce a copy of this Princeton Aqua Science report and you could not produce it for the Special Committee. Assemblyman Rod asked you (Verbatim Transcript p. 33), "What were the detection limits in the Princeton Aqua Science Test?", and you replied, "I don't know offhand. I would have studied them and brought them to your attention. I thought you had them. We'll be glad to -- " Assemblyman Rod then asked you to produce the report in question for the next Special Committee hearing; you promised to produce it "before then." (Verbatim Transcript at 33-34). You failed to appear at the next hearing notwithstanding our written request that you do so in order to clarify various inconsistencies in your testimony at the first hearing as well as contradictions between your October 10 testimony and representations made to this Special Committee by the United States Navy and the United States Environmental Protection Agency.

Later Assemblyman Rod asked you (Verbatim Transcript p. 36), if, upon your receipt of the alarming July 1981 Navy water findings in 1983, "... did you get someone else to verify them or to re-test the wells?" You replied, "No, ... . First of all, when we received them, one, on their face, they were no good. Two, we had already received the report that said they were no good, to ignore them."

Assistant Commissioner Tyler  
October 21, 1985  
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When Assemblywoman Muhler thereupon asked you (Verbatim Transcript p. 37), "So, they [the Navy] themselves saw that there was no validity in the first [i.e., July, 1981] analysis of that water?", you replied "Yes, and they sent that to us at the time."

On October 11, 1985, Mr. David Cantor of the Special Committee staff began to inquire just when "the time" referred to in your testimony might have been. No response was forthcoming from your office until October 16, 1985, when your Mr. Dennis Hart informed Mr. Cantor that D.E.P. received the August, 1981 Princeton Aqua Science report from the Navy on September 10, 1981.

Subsequently, at our second hearing at the Lakehurst base on October 17, 1985, I believe the Navy testified that it had no knowledge or recollection of ever having sent D.E.P. the Princeton Aqua Science report at any time during 1981. Recently the Navy has made all its Lakehurst groundwater studies since 1981 available to this Special Committee.

In any event, on September 9, 1985, Commissioner Hughey sent a letter to Speaker Karcher which indicated ("Attachment I") that all of the information then in the possession of D.E.P. pertinent to Lakehurst hazardous waste activities and their impacts had been received by D.E.P. during or subsequent to July, 1985; except for the Navy "IAS" report of 1983 (containing the first 1981 Navy groundwater study) (date received by D.E.P. not indicated as of September 9), and a recent Pinelands Commission document also without a date of receipt specified. No "Princeton Aqua Science report" or any other groundwater study other than that contained in the 1983 Navy IAS appears on Commissioner Hughey's September 9 list.

By subsequent correspondence between Commissioner Hughey and Speaker Karcher, myself and the Special Committee's Secretary, D.E.P. has consistently represented its good faith commitment to keep us fully apprised on an ongoing basis of any relevant -- not to mention critical -- information on Lakehurst and the other nine military bases under our scrutiny: in particular, all relevant documents. At the October 10 hearing I believe you interjected into your testimony that you personally have been drafting Commissioner Hughey's correspondence with Speaker Karcher and the Special Committee since early September.

On October 7, 1985, the Special Committee's staff met with a dozen or so key D.E.P. officials -- including among others your Hazardous Site Mitigation Administrator Dr. Berkowitz, your Environmental Evaluation and Risk Assessment Chief Merry Morris, and your Federal Facilities Coordinator Mr. Soboleski -- in preparation for our October 10 hearing. At this in-depth informational meeting with the principal D.E.P. personnel responsible for monitoring and regulating hazardous waste dumping at Lakehurst, no mention whatsoever was made of any Navy groundwater study other than the alarming July 1981 report contained in the 1983 Navy IAS. Dr. Berkowitz, who assisted you in your testimony on October 10, and whom we understand is

Assistant Commissioner Tyler  
October 21, 1985  
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the man credited with coining the term "monster dump" in reference to Lakehurst during the summer of 1985, was specifically asked at this meeting why D.E.P. had disregarded the findings of the July, 1981 Navy groundwater study upon receipt of same in 1983. Neither he nor any other D.E.P. official present on October 7 mentioned ANY other Navy groundwater studies.

The Navy provided the Special Committee with all its Lakehurst groundwater studies through 1984 on the following day, October 8. We are also in possession of a letter, dated 26 October 1983, from A. Rhoads, Head, Environmental Protection Section, Department of the Navy, Northern Division, Naval Facilities Engineering Command, addressed to Mr. Marwan Sadat, Director, Division of Waste Management, D.E.P., transmitting the Navy's 1983 I.A.S. report -- including the alarming July, 1981 groundwater data as "Appendix C" thereof -- to the D.E.P. This letter makes no mention of any subsequent (post-July, 1981) Navy or other groundwater studies concerning Lakehurst. Notwithstanding that this letter indicates on its face a second copy sent by the Navy to Commissioner Hughey, no copy of this letter has ever been provided to this Special Committee by the D.E.P.

At no time prior to the October 10 public hearing had the Special Committee or its staff been informed of D.E.P.'s knowledge or possession of the Princeton Aqua Science report of August 1981. Through the date of this letter your Department has never provided the Special Committee with any 1981 Princeton Aqua Science report (by the way, there are two versions of this report), nor any evidence (other than your October 10 testimony and Mr. Hart's telephone conversation with Mr. Cantor) as to when or through what channels D.E.P. received such a document.

Yet this was THE critical document upon which your October 10 testimony on behalf of D.E.P. sought to rely in the matter of the Department's conduct to date with regard to Lakehurst.

Explain.

4. The Navy has recently submitted to this Special Committee various reports relative to groundwater studies which it has contracted to various New Jersey laboratories since 1981. With respect to each of these various studies, were the laboratories with which the Navy contracted, and the laboratories with which principal Navy contractors subcontracted, all competent and certified to perform the data collection and analysis tasks performed? For example, was the 1984 Chyun Associates data collection and analysis subcontractor, Atlantic Ecology, competent and certified to perform the gas chromatography/mass spectroscopy analyses on the basis of which Chyun later asserted Lakehurst water was free of carcinogenic volatile organic compounds?

Assistant Commissioner Tyler  
October 21, 1985  
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With respect to these various Navy groundwater studies since July 1981, were the detection limits applied by the various laboratory contractors and subcontractors sufficient to detect the presence or absence of such compounds at threshold danger levels or above such levels as recommended or proposed by the U.S. E.P.A.?

5. At our October 10 public hearing you testified repeatedly that E.P.A. is D.E.P.'s "lead agency" for the overall Lakehurst matter and similar military dumping cases.

Separately (Verbatim Transcript, at 68) you testified that the federal Resource Conservation Act applies to Lakehurst, presumably through the New Jersey Solid Waste Management Act and other State laws; as well as, in part at least, the New Jersey Water Pollution Control Act, and possibly the New Jersey Spill Fund Act.

With respect to enforcement of various State environmental laws applicable to Lakehurst and other instances of hazardous waste activities at U.S. D.o.D. facilities in this State, do you consider the federal E.P.A. to be D.E.P.'s "lead agency"?

6. D.E.P. personnel have repeatedly represented to this Special Committee that, prior to submission of relevant documents to us, D.E.P. has been applying some sort of "legal review" process to the various documents prior to their submission. We are told this process is the main cause of substantial delays in getting us information requested in early September.

What is the nature and purpose of this "legal review"? What documents are being withheld and why?

We expect you to reply immediately and in writing to these six inquiries and requests for information. Failing a timely and good faith reply, we shall have little alternative but to compel your responses at our next public hearing.

Yours sincerely,

Marlene Lynch Ford  
Chairwoman  
Special Committee to Investigate  
Hazardous Waste Dumping Practices  
at Military Bases in New Jersey

Assistant Commissioner Tyler  
October 21, 1985  
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cc: Assemblyman Baer  
Assemblyman Hendrickson  
Assemblywoman Kalik  
Assemblywoman Muhler  
Assemblyman Rod  
Assemblywoman Walker  
Speaker Karcher  
Commissioner Hughey  
Mr. Mark Smith  
Mr. David Cantor



DEPARTMENT OF THE NAVY  
NAVAL AIR ENGINEERING CENTER  
LAKEHURST, N. J. 08733

IN REPLY REFER TO

1824:JAG:ale  
6240/1

1 MAY 1981

Mr. Lester L. Nagel  
U. S. Environmental Protection Agency, Region II  
Federal Building, Room #832  
26 Federal Plaza  
New York City, New York 10007

Subject: Identification and Clean-Up of Hazardous Waste Disposal Sites  
at the Naval Air Engineering Center, Lakehurst, New Jersey

Dear Mr. Nagel:

To date, a total of 20 existing or suspected Hazardous Waste Spill Sites have been located and documented at the Naval Air Engineering Center. In compliance with Navy, Environmental Protection Agency and N. J. Department of Environmental Protection Directives, all of the spill sites will be cleaned-up, decontaminated and returned to their original condition.

The enclosed report covers the progress made in the spill site clean-up program during the first quarter of 1981 (1 January through 31 March 1981).

The Naval Air Engineering Center will continue to furnish quarterly status reports until the clean-up program is completed.

Sincerely,

R. H. KLINE  
Director of Engineering  
Public Works Department  
By direction of the Commanding Officer

Encl:  
(1) Status Report No. 1

Copy to: (with enclosure)  
N. J. Dept. of Environmental Protection  
Hazardous Substances  
120 Route #156  
Yardville, New Jersey 08620  
Attention: Mr. Karl Delaney

Commanding Officer, Northern Division  
Naval Facilities Engineering Command (Code 114/DS)  
Naval Base  
Philadelphia, Pennsylvania 19112

MAY 7 1981





DEPARTMENT OF THE NAVY  
NAVAL AIR ENGINEERING CENTER  
LAKEHURST, N. J. 08733

IN REPLY REFER TO  
1824:JAG:ale  
6240/1

17 AUG 1981

Mr. Lester L. Nagel  
U.S. Environmental Protection Agency, Region II  
Federal Building, Room 832  
26 Federal Plaza  
New York City, New York 10007

Subject: Identification and Clean-up of Hazardous Waste Disposal Sites  
at the Naval Air Engineering Center, Lakehurst, New Jersey

Dear Mr. Nagel:

To date, a total of 29 existing or suspected hazardous waste spill sites have been located and documented at the Naval Air Engineering Center. In compliance with Navy, Environmental Protection Agency and New Jersey Department of Environmental Protection Directives, all of the spill sites will be cleaned-up, decontaminated and restored to their original condition.

The attached report, enclosure (1), covers the progress made in the spill site clean-up program through 30 June 1981.

The main items accomplished in the clean-up program since the last quarterly report are:

a. 720 cubic yards of contaminated soil have been removed and disposed of. *(sent with manifests to GROWS in Pa.)*

b. A contract has been awarded for an additional 32 monitoring wells.

c. Two sites have been cleaned-up and an additional five have had all the contaminated soil removed and are ready for inspection by the New Jersey Department of Environmental Protection prior to restoration.

The Naval Air Engineering Center will continue to furnish quarterly status reports until the clean-up program is completed.

Sincerely,

9/1/81  
C.C. to  
Steve Goldberg  
Margaret Rando (REP-PA)  
Shelley ASCA (REP-CIA)

R. H. KLINE  
Director of Engineering  
Public Works Department  
By direction of the Commanding Officer

Enclosure:  
(1) Status Report No. 2

Copy to: (with enclosure)  
New Jersey Department of Environmental Protection  
Hazardous Substances Office  
120 Route #156  
Yardville, New Jersey 08620  
Attn: Mr. Karl Delaney

Commanding Officer, Northern Division  
Naval Facilities Engineering Command (Code 114/DS)  
Philadelphia, Pennsylvania 19112



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GEORGE J. TYLER, ASSISTANT COMMISSIONER  
CN 402

TRENTON, N.J. 08625

609-292-8058

October 22, 1985

Honorable Marlene Lynch Ford  
Assemblywoman, Room 305  
State House Annex  
Trenton, New Jersey 08625

BY HAND

Dear Assemblywoman Ford:

This is in response to your letter of October 21, 1985 which was hand delivered to my office yesterday afternoon. Let me assure you that I will continue to make every effort to be fully cooperative with your committee and to provide you with a full response to the inquiries contained in said letter.

With respect to your questions, I offer the following responses:

1. Your question cites Assembly Speaker Karcher's letter of September 5, 1985 and his follow-up letter of September 11, 1985 and restates his requests for information from the Department. While it is a simple matter to request, on very short notice, any and all information related to a given topic, it is another matter to respond to such a request. Your letter does not note Commissioner Hughey's responses; however, I would point out to you that on September 9, 1985 we wrote back to Speaker Karcher and indicated that two days was not enough time to provide any and all information with respect to the Lakehurst Naval Air Engineering Center. We did enclose some information with respect to Lakehurst and we indicated we would forward any additional information as it became available. Speaker Karcher, on September 11, wrote to us thanking us for our forthcoming reply and requesting any additional information which "comes to the attention of or is generated by your Department." In both cases, Speaker Karcher's letters requested a two-day turnaround time for voluminous informational requests. As a result, on September 13, 1985, Commissioner Hughey made a proposal to the Speaker. I will not restate it in its entirety, however, we suggested that we would submit critical information on ten major

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facilities over the next several weeks and if additional information was desired, your staff was invited to review our files or meet with Departmental staff to obtain that additional information. On September 23, Speaker Karcher wrote to us thanking us for our continuing cooperation and indicating that your staff would indeed review our files. Based on my review of that exchange of correspondence, I believe the Department of Environmental Protection has scrupulously complied with the agreements set forth therein. We proposed to send to you information on each of the ten facilities over the next "several weeks." My records indicate that since that initial exchange of correspondence, the Department has provided you with information on the following facilities as indicated below:

- Lakehurst Naval Air Engineering Center, September 9, 1985
- FAA Technical Center at Pomona, September 13, 1985
- Naval Weapons Station Earle, September 18, 1985
- Picatinny Arsenal, Rockaway Township, September 26, 1985
- Fort Dix Army Base, September 30, 1985
- Fort Monmouth, Monmouth County, October 9, 1985
- McGuire Air Force Base, October 16, 1985

Also at your hearing on October 10, 1985 when I appeared before the committee, there were no complaints made, that I recall, with respect to a lack of information on other federal facilities or a need for any more information on the seven facilities for which we have already provided you some information. There was a request for the additional three facilities noted in our September 13, 1985 letter to Speaker Karcher. That information is enclosed. I will note that with respect to the first seven facilities, we have enclosed information which is, we believe, sufficient to provide a good general description of the facilities and the pertinent environmental problems associated therewith. We never agreed to send "any and all information" on the ten listed facilities and in fact you have not insisted on "any and all information" until your letter of October 21st. With respect to the three additional facilities, the enclosed files (Attachment I) include all information on file with the Department. There is a possibility that some additional information exists in our field offices covering these three facilities. However, it could not be obtained on 24 hours notice. Those files are being reviewed today. If additional information does exist on those three facilities, it will be forwarded immediately. I must point out, however, that these three files are far less extensive than the first seven files. In order to provide you with every piece of paper on the first seven, which I must re-emphasize your staff has had ample opportunity to review over the past six weeks and no specific additional information has been requested after those reviews, will take some time. There are approximately

20 linear feet of file on those seven facilities stored at ten or more office locations of the Department of Environmental Protection. It will require at least five working days to put all of that information together. It will also require some considerable expenditure of staff resources on our part. Again, since the information has been made available to your staff on an inspection basis, and on a request basis, we will provide you with any specific piece of paper, I would respectfully request two things: first, that you reconsider the requirement for my department to reproduce all 20 linear feet of files on these ten files, or second, that at least you allow us the five working days we estimate will be needed to compile this material. Finally, the list of eleven other federal facilities is attached (Attachment II).

2. I have reviewed Assemblywoman Walker's questions and my responses which you cited in your letter of October 21st and believe my responses on October 10, 1985 were accurate. Your question refers to certain reports sent to EPA by the United States Navy which on their face indicate copies were sent to this Department. Departmental staff initially reviewed our files and selected critical information in accordance with the agreement between Speaker Karcher and Commissioner Hughey. At no time did we represent to you that we had sent you all information with respect to the Lakehurst Air Naval Engineering Center. Furthermore, a fresh review of our files on October 22nd has failed to reveal any copies of the reports in question, so that we could not have sent it to you. Lastly, I'll add again that, at our request and with Speaker Karcher's apparent concurrence, your staff was in a position to review any and all files and to select any information they wanted in addition to the information we submitted.
3. In response to your second question, I, in a cursory manner, did review the status reports sent to EPA by the United States Navy in 1981. Even if those reports were on file with the Department, I suggest that a comparison of those status reports with the Initial Assessment Study we received in 1983 supports the statement I made in my testimony before your committee on October 10, namely, that the consistent pattern of indiscriminate dumping that seems to have been the norm at Lakehurst came to our attention in late 1983. Again, the Navy status reports seemed to be focused on individual "spills" (their term) rather than on the kind of dumping practices described in the 1983 report.

Furthermore, with respect to 1981 data and Assemblyman Rod's question, I have first enclosed a copy of the Princeton Aqua Science (PAS) report (Attachment III) which, for some reason, you seem to believe was not sent to us in 1981. You will

note the cover letter from the Navy dated September 8, 1981 and the date stamp indicating it was received by the Department's Division of Water Resources on September 10, 1981. Also in accordance with my statement at the October 10, 1985 hearing, a copy of the PAS report was sent to you on October 16, 1985 with the material on McGuire Air Force Base. Finally, I saw a United States Navy official hand a copy of the report to the committee's staff on October 10, 1985.

Returning to your restatement of Assemblyman Rod's question, I think it is important to view the entire sequence of events in a chronological fashion. Namely, the first information about the alleged water quality problem in the Lakehurst Municipal Well System came in the form of that 1981 report which discredited the 1981 data indicating contamination. Receiving the same data two years later, therefore, should not have triggered any alarm. More importantly and to the point, when we received further apparently alarming data in 1985, we had recently completed four rounds of New Jersey Safe Drinking Water Act testing which was reviewed immediately and which revealed no problem. We also immediately began a separate additional monitoring program as a further precaution against public health problems. I do not know what further explanation I can offer other than to again restate my understanding of the agreement between Speaker Karcher and Commissioner Hughey that we would furnish the Committee with critical information, not any and all information, on the ten federal facilities and that your staff would then be free to review our files and request copies of any additional information they wanted. Speaker Karcher's letter of September 23, 1985 clearly confirms this arrangement. We also committed to keeping the committee up to date on Lakehurst Naval Air Center information as it became available. I renewed that commitment on October 10th and I renew it again now. As new monitoring data or other information is received, the committee staff will be copied.

4. Your question with respect to the Special Committee's concern with the laboratories, and the quality assurance programs of those laboratories, that have collected and analyzed data with respect to the Lakehurst Naval Air Engineering Center requires some technical input from our scientific staff. Enclosed for your information is a copy of a memorandum I have sent today to Dr. Marwan Sadat, Director of the Division of Waste Management (Attachment IV). I have asked him to review all of the Department's files with respect to the Lakehurst Naval Air Engineering Center and compile a listing of all water quality data that has been gathered together with the name of the laboratory or sampling group that collected the sample. The analysis contractors employed by the Navy including Chyun Associates, Atlantic Ecology and any other laboratory contractors or subcontractors that were

New Jersey State Library

involved in testing will also be included. I have then asked that he indicate the results of the tests, the levels of detection in effect for those laboratories at the time of the test, the status of those laboratories at the time requests were made with respect to certification by DEP under our Safe Drinking Water Act laboratory certification program, and any additional comment the Department would like to make about the quality of the laboratories. I believe this will provide you with a full technical picture of the water quality and analysis program at the Lakehurst Naval Air Engineering Center. I have also asked that our own independent work with the Lakehurst Municipal Water Department and their independent work to comply with the New Jersey Safe Drinking Water Act be included in that document. I respectfully request one week to submit that document to you. Even that is a very short time frame for the amount of information you and subsequently I, have requested from my staff. However, we will make every effort to comply. I hope this meets with your approval.

5. Your question with respect to the "lead agency" for the Lakehurst Naval Air Engineering Center and other similar military dumping cases raises legal issues that we have, in fact, referred to the Office of the Attorney General for formal opinion. However, it is my understanding that with respect to the federal Resource Conservation and Recovery Act (RCRA), there is a specific provision that provides that federal facilities subject to that Act must comply with local and state environmental law. I believe that to be true of the federal Clean Air Act and the federal Clean Water Act as well. With respect to the federal Comprehensive Environmental Response and Liability Act (Superfund) and the 1984 amendments to the federal Solid and Hazardous Waste Act, both of which cover the cleanup of hazardous wastes at federal facilities, I do not believe local law is automatically applicable. I believe that the federal government has retained jurisdiction to oversee such cleanups. With respect to the delegated programs under the federal Clean Air Act and our state Air Pollution Control Act, the federal Clean Water Act, the New Jersey Water Pollution Control Act, and the New Jersey Solid Waste Management Act as it applies to solid waste and hazardous waste from a storage, treatment and disposal facility viewpoint, I believe state law applies. With respect to cleanup of hazardous waste from non-licensed disposal facilities, I believe the federal government is the lead agency. I believe a review of all our files with respect to various federal facilities will indicate that we have treated the federal government as subject to our jurisdiction with respect to routine air and water emission and discharge permits and regulations, as well as with the state Solid Waste Management Act and certain delegated provisions of the



federal RCRA. However, with respect to cleanup of hazardous waste, we have deferred to the federal government's lead agency position.

6. Your question with respect to our "legal review" was first addressed in our letter of September 26, 1985 to Speaker Karcher. At that time, Commissioner Hughey stated

"For each facility, the task of providing information to you involves the review of files throughout the Department by Division staff, an attorney, and also involves sending material to the print shop to have copies made. As you have been previously informed, several voluminous reports have been forwarded to you; it would not be prudent for us to provide you with our only copies of those documents. The Department is, however, working as quickly as possible to comply with your request and I will ensure that your request continues to be a priority until it is met."

In effect, that is a synopsis of our internal policy on requests for information from our files. Having heard no objection to it since September 26, it was our working assumption that such review was no problem. Nevertheless, for your information I have enclosed a copy of our standard procedures for reviewing and disseminating information from our files which we are following here (Attachment V). Once again, I believe we are scrupulously adhering to the agreements reached between Commissioner Hughey, Speaker Karcher, and your committee. The indication in the last question in your letter that we are withholding information is completely incorrect. I believe the record speaks for itself. I have enclosed copies of all correspondence between Speaker Karcher, you and the Department for your personal review (Attachment VI). We have, as I indicated above, already submitted numerous documents on the seven major federal facilities listed above. Enclosed with this letter are informational files on three



more. Your insinuation in your closing sentence that you would need to compel my responses for lack of a timely or good faith reply is totally without merit and not based on reality. I believe our behavior comports fully and completely with the correspondence exchanged by Speaker Karcher, Commissioner Hughey and yourself.

I must, in closing, note that I was personally surprised and somewhat offended at your comments regarding my not being present at the October 17 hearing. If the newspapers are to be believed, the articles I reviewed indicated that you stated that the Department was "hiding out." You also indicated that you wanted to "do this in a spirit of cooperation." In fact, there has been nothing but cooperation from this Department with respect to your inquiries.

As my letter of October 16, 1985 indicates, during the discussions on October 10 various members of the committee informed me that basically it was my turn to testify on October 10 and that the Navy would have their turn on October 17. At no time during those proceedings can I recall your requesting our presence at the October 17 hearing. When faced with a last minute invitation to the October 17 hearing, I provided you with an extremely courteous reply, offering to respond to any further questions that might arise.

With respect to the October 24 hearing, we again received notice on Tuesday, two days before the hearing, this time requesting information with respect to three separate federal facilities. I will be there because I reserved the time after reviewing press accounts of last week's hearing. I should note that I have had my staff make repeated calls to your committee staff asking the nature, the date, the time and the place of the next hearing, and it was only on Tuesday, October 22 when we received an invitation indicating the subject matter of the hearing.

Federal defense facilities are complex facilities with many different kinds of environmental problems. It is extremely difficult, if not impossible, to be conversant in the issues surrounding any one facility on one or two days notice.

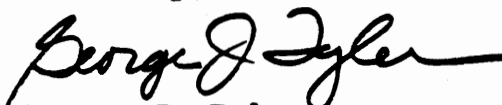
As I indicated on October 10, I think it common courtesy to establish a schedule of meetings, together with an agenda for those meetings. In that way, we could have been much better prepared to discuss the situation than we will be this Thursday.

More importantly, I reiterate that we have already made thousands of pages of documents available to you. We have offered our files for your staff's review, and we have offered many, many hours of staff time to meet with your staff to discuss federal facilities and environmental problems in New Jersey. My own

personal testimony before your committee took almost three hours, and then I was not invited to the October 17 hearing until the day before. How this can be construed as "hiding out" and a lack of cooperation is, frankly, beyond me.

Nevertheless, I will remain fully cooperative and ready to assist the committee in its inquiry. I will be present on October 24, 1985 and I will again attempt to respond fully to all the inquiries that you have with respect to the issues you have listed for discussion on that day.

Sincerely,

A handwritten signature in cursive script, reading "George J. Tyler". The signature is fluid and extends to the right.

George J. Tyler  
Assistant Commissioner

plm  
Enclosures

c: Commissioner Hughey

ATTACHMENT I - Too Voluminous to Reprint.  
Filed with Committee Records.

## Attachment II

1. D.O.E. Sampling Plant  
239 Mountain Avenue  
Middlesex
2. ERDA (now DOE)  
New Brunswick Lab  
986 Jersey Avenue  
New Brunswick
- 3a. Fort Monmouth  
Tinton Avenue and Pine Brook Road  
Tinton Falls
- 3b. Fort Monmouth  
Marconi Road  
Wall Township
4. Camp Kilmer  
Plainfield Avenue  
Edison/New Brunswick
5. GSA - Belle Mead Depot  
Route 206  
Belle Mead
6. VA Hospital  
Knollcroft Road  
Lyons
7. Edison National Historic site  
Main Street and Lakeside Avenue  
West Orange
8. Army Burlington (Ammo)  
Kiem Boulevard at Burlington-Bristol Bridge  
Burlington
9. USCG - Sandy Hook  
Sandy Hook
10. GSA/VA Depot  
Route 206  
Somerville
11. Caven Point Marine Terminal  
Jersey City



Attachment III  
DEPARTMENT OF THE NAVY  
NAVAL AIR ENGINEERING CENTER  
LAKEHURST, N. J. 08733

IN REPLY REFER TO

1824:JAG:db  
11330/1

8 SEP 1981

State of New Jersey  
Department of Environmental Protection  
Bureau of Potable Water  
Division of Water Resources  
P.O. Box 2809  
Trenton, New Jersey 08625

RECEIVED

SEP 10 1981

Attn: Mr. Ronald Williams,  
Supervising Environmental Engineer

State of New Jersey  
Dept. Environmental Protection  
Division Water Resources

Subject: Analysis of Potable Water in Public Water Systems, ID 1511302,  
ID 151130, and ID 1511010 for Chemical Contaminants

Gentlemen:

Over the past six months, the Naval Air Engineering Center, Lakehurst, has undertaken an extensive testing program to determine if the drinking water in the subject systems contained chemical pollutants, and if so, in what concentrations. The program also included testing the water system of the Borough of Lakehurst, since this water is supplied to some Navy housing.

The water sampling and analysis was done by Environmental Testing Laboratories, Inc., of Lanoka Harbor and Rossnagel and Associates of Medford. The test results were analysed and interpreted for the Navy by Princeton Aqua Science of New Brunswick. The program covered all of the 128 chemicals found on the Environmental Protection Agency's list of "Priority Chemical Pollutants".

Princeton Aqua Science advised the Navy that the test program showed that the Naval Air Engineering Center and Lakehurst drinking water is not contaminated by any of the 128 "Priority Chemical Pollutants". Any concentrations found were at, or near the detection limits of the procedures and instrumentation used for their detection, and are well below the levels of exposure that would initiate concern with regard to health and safety.

For your information and review, we are attaching the following information pertinent to the study:

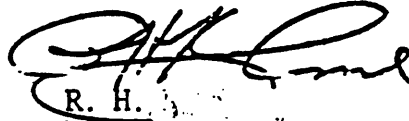
- a. Evaluation of Analytical Results Reported from Ground Water Samples - Princeton Aqua Science.
- b. Environmental Testing Laboratories, Inc. - Test Report No. 2267.
- c. Rossnagle and Associates, Inc. - Test Report No. 11,228

1824:JAG:db  
11330/1

8 SEP 1981

d. Environmental Testing      no. - Test Report No. 2436.

Sincerely,



R. H. [illegible]  
Director, Engineering  
Public Works Department

By direction of the Commanding Officer

Copy to: (with encls.)

William F. Althoff  
Department of Environmental Protection  
Division of Water Resources  
P.O. Box CN-029  
Trenton, New Jersey 08625

Commanding Officer, Northern Division,  
Naval Facilities Engineering Command (Code 114/DS)  
Philadelphia, PA 19112

Commander  
Naval Air Systems Command (AIR 104CZ)  
Washington, DC 20361



## Environmental Testing Laboratories, Inc.

412 ROUTE 9, LANOKA HARBOR, NEW JERSEY 08734, PHONE 609 693-3100  
A STATE CERTIFIED TESTING LABORATORY

April 8, 1981

Director of Engineering (Code 182)  
Public Works Dept., Bldg. 5  
Naval Air Engineering Center  
Lakehurst, NJ 08733

Attn: Lucy Bottomly

Re: Volatile Organic Contamination

Dear Lucy,

Please be advised of the following notes regarding my conversation with Phil Royer of the NJDEP's Bureau of Potable Water on April 8, 1981. He informed me that when a possible volatile organic contamination problem is brought to their attention, they proceed as follows:

- 1) Samples are retested, using a volatile organic scan.
- 2) If the results of the retest show the presence of any single organic at greater than 50 parts per billion, or several organic components, together totaling greater than 100 parts per billion, they recommend closure of the well and then conduct follow-up tests.

However, there is a degree of flexibility built into these "action levels" and other factors are often considered. Mr. Royer stated that this protocol was chosen by the NJDEP without basis from other regulatory agencies, since no federal standards are currently available for all organics.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

*Brian J. Sogorka*  
Brian J. Sogorka  
Lab Director

DJS:vjr

92X  
1-9.

Gifford Precision Eng., Inc.  
P. O. Box 1017  
Middletown, Conn. 06457  
(203) 343-1223  
(603) 632-7567

Mid-Atlantic Division  
4217 Central Avenue  
Charlotte, N. C. 28204  
(704) 333-8411

# ROSSNAGEL & ASSOCIATES INC.

Engineering & Testing Consultants

234 RT. 70  
MEDFORD N. J. 08055  
(609) 654-1441

Midwestern Office  
Dentle Engineering Consultants  
4022 Stonehaven Rd.  
South Euclid, Ohio  
(216) 777-5500

Southeastern Division  
250 Arizona Avenue N.E.  
Atlanta, Georgia 30307  
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• SPECIFICATIONS / DRAWINGS  
• WATER / WASTE WATER / BIOASSAYS

TEST REPORT #11,228

• CHEMICAL ANALYSES  
• GAS CHROMATOGRAPHY, I.R. & A.A.  
• ENVIRONMENTAL IMPACT STUDIES

April 24, 1981

Lab Report #9098

Director of Engineering (Code 1824)  
Public Works Department, Bldg. #5  
Naval Air Engineering Center  
Lakehurst, NJ 08733

Attention: Mr. J. Gardner


The results of the volatile organic analyses performed on the four potable samples from your facility are listed on the following pages. The samples were obtained by ROSSNAGEL & ASSOCIATES on April 8, 1981.

The analyses were performed by EPA Method 601 for purgeable halogenated organic compounds. This method employs purge and trap gas chromatography with a halogen specific detector. This method includes the four trihalomethanes (bromoform, chloroform, bromodichloromethane and dibromochloromethane) as well as the remaining volatile halogenated organic compounds listed by the EPA as priority pollutants.

The maximum allowable limit for total trihalomethanes in drinking water is 100 parts per billion. There are no published limits for the other volatile compounds in drinking water.

Method 601 was selected as the analysis method of choice because the initial request was for methylene chloride.

If you have any questions, please do not hesitate to call us.

  
John M. Rissel  
Lab Manager  
ROSSNAGEL & ASSOCIATES

JMR/mz  
cc: WBR

Note: The liability of ROSSNAGEL & ASSOCIATES and its divisions, with respect to the services charged for herein, shall in no event exceed the amount of the invoice.

2-1 43X

"TEST IT FIRST SO YOU REALLY KNOW WHAT THE PROBLEM IS"



sample ID: Bldg. 355  
April 20, 1981

TEST LINE SYSTEM 1  
VOLATILES

|                            |    |
|----------------------------|----|
| carbon tetrachloride       | ND |
| chlorobenzene              | ND |
| 1,2-dichloroethane         | ND |
| 1,1,1-trichloroethane      | ND |
| 1,1-dichloroethane         | ND |
| 1,1,2-trichloroethane      | ND |
| 1,1,2,2-tetrachloroethane  | ND |
| chloroethane               | ND |
| chloroform                 | ND |
| 1,1-dichloroethylene       | ND |
| 1,2-trans-dichloroethylene | ND |
| 1,2-dichloropropane        | ND |
| 2,3-dichloropropylene      | ND |
| methylene chloride         | ND |
| methyl chloride            | ND |
| methyl bromide             | ND |
| bromoform                  | ND |
| dichlorobromomethane       | ND |
| trichlorofluoromethane     | ND |
| dichlorodifluoromethane    | ND |
| chlorodibromomethane       | ND |
| tetrachloroethylene        | ND |
| trichloroethylene          | ND |
| vinyl chloride             | ND |
| 2-chloroethylvinylether    | ND |
| 1,2-dichlorobenzene        | ND |
| 1,3-dichlorobenzene        | ND |
| 1,4-dichlorobenzene        | ND |
| cis-1,3-dichloropropene    | ND |
| trans-1,3-dichloropropene  | ND |

ND=not detected at 0.5 ppb

sample ID: Ranger 5  
April 20, 1981

WATER AND SOIL  
VOLATILES

|                            |    |
|----------------------------|----|
| carbon tetrachloride       | ND |
| chlorobenzene              | ND |
| 1,2-dichloroethane         | ND |
| 1,1,1-trichloroethane      | ND |
| 1,1-dichloroethane         | ND |
| 1,1,2-trichloroethane      | ND |
| 1,1,2,2-tetrachloroethane  | ND |
| chloroethane               | ND |
| chloroform                 | ND |
| 1,1-dichloroethylene       | ND |
| 1,2-trans-dichloroethylene | ND |
| 1,2-dichloropropane        | ND |
| 2,3-dichloropropylene      | ND |
| methylene chloride         | ND |
| methyl chloride            | ND |
| methyl bromide             | ND |
| bromoform                  | ND |
| dichlorobromomethane       | ND |
| trichlorofluoromethane     | ND |
| dichlorodifluoromethane    | ND |
| chlorodibromomethane       | ND |
| tetrachloroethylene        | ND |
| trichloroethylene          | ND |
| vinyl chloride             | ND |
| 2-chloroethylvinylether    | ND |
| 1,2-dichlorobenzene        | ND |
| 1,3-dichlorobenzene        | ND |
| 1,4-dichlorobenzene        | ND |
| cis-1,3-dichloropropene    | ND |
| trans-1,3-dichloropropene  | ND |

ND=not detected at 0.5 ppb

sample ID: Bldg. 5  
April 20, 1981

VOLATILES

|                            |     |
|----------------------------|-----|
| carbon tetrachloride       | ND  |
| chlorobenzene              | ND  |
| 1,2-dichloroethane         | ND  |
| 1,1,1-trichloroethane      | ND  |
| 1,1-dichloroethane         | ND  |
| 1,1,2-trichloroethane      | ND  |
| 1,1,2,2-tetrachloroethane  | ND  |
| chloroethane               | ND  |
| * chloroform               | 0.3 |
| 1,1-dichloroethylene       | ND  |
| 1,2-trans-dichloroethylene | ND  |
| 1,2-dichloropropane        | ND  |
| 2,3-dichloropropylene      | ND  |
| methylene chloride         | ND  |
| methyl chloride            | ND  |
| methyl bromide             | ND  |
| * bromoform                | 1.3 |
| * dichlorodibromomethane   | 0.7 |
| trichlorofluoromethane     | ND  |
| dichlorodifluoromethane    | ND  |
| * chlorodibromomethane     | 1.5 |
| tetrachloroethylene        | ND  |
| * trichloroethylene        | 0.3 |
| vinyl chloride             | ND  |
| 2-chloroethylvinylether    | ND  |
| 1,2-dichlorobenzene        | ND  |
| 1,3-dichlorobenzene        | ND  |
| 1,4-dichlorobenzene        | ND  |
| cis-1,3-dichloropropene    | ND  |
| trans-1,3-dichloropropene  | ND  |

ND=not detected at 0.5 ppb

sample ID: Well 32  
April 20, 1981

32  
VOLATILES

|                            |    |
|----------------------------|----|
| carbon tetrachloride       | ND |
| chlorobenzene              | ND |
| 1,2-dichloroethane         | ND |
| 1,1,1-trichloroethane      | ND |
| 1,1-dichloroethane         | ND |
| 1,1,2-trichloroethane      | ND |
| 1,1,2,2-tetrachloroethane  | ND |
| chloroethane               | ND |
| chloroform                 | ND |
| 1,1-dichloroethylene       | ND |
| 1,2-trans-dichloroethylene | ND |
| 1,2-dichloropropane        | ND |
| 2,3-dichloropropylene      | ND |
| methylene chloride         | ND |
| methyl chloride            | ND |
| methyl bromide             | ND |
| bromoform                  | ND |
| dichlorobromomethane       | ND |
| trichlorofluoromethane     | ND |
| dichlorodifluoromethane    | ND |
| chlorodibromomethane       | ND |
| tetrachloroethylene        | ND |
| trichloroethylene          | ND |
| vinyl chloride             | ND |
| 2-chloroethylvinylether    | ND |
| 1,2-dichlorobenzene        | ND |
| 1,3-dichlorobenzene        | ND |
| 1,4-dichlorobenzene        | ND |
| cis-1,3-dichloropropene    | ND |
| trans-1,3-dichloropropene  | ND |

ND=not detected at 0.5 ppb



## Environmental Testing Laboratories, Inc.

412 ROUTE 9, LANOKA HARBOR, NEW JERSEY 08734, PHONE 609 693-3100  
A STATE CERTIFIED TESTING LABORATORY

June 19, 1981

Naval Air Engineering Center  
Department of Engineering  
Building No. 5  
Lakehurst, NJ 08733

Attn: Lucy Bottomly,  
#18241

Re: Contract # N68335-81-D-2011


Dear Ms. Bottomly,

Enclosed please find the final complete report no. 2436, for "priority pollutants" analyses of six wells sampled on April 20, 1981.

Thank you for your cooperation regarding the extension of testing completion.

If you should have any questions, please do not hesitate to contact us.

Sincerely,

  
Brian J. Sogorka  
Lab Director

BJS:vjr  
Encl.



# Environmental Testing Laboratories, Inc.

412 ROUTE 9, LANOKA HARBOR, NEW JERSEY 08734, PHONE 609 693-3100  
A STATE CERTIFIED TESTING LABORATORY

Test report # 2436

Naval Air Engineering Center  
Dept. of Engrg., Bldg. #5  
Lakehurst, NJ 08733

Attn: L. Bottomly, #18241

Date: June 5, 1981

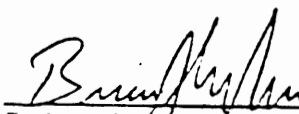
Place of Collection: see below

Date of Collection: 4/20/81

Collected By: B. Sogorka

| PARAMETER      | LAKEHURST<br>BORO WELL #13<br>MAN HOLE | POWER PLANT 2<br>WELL #32<br>PUMP HOUSE | HANGAR #5<br>WELL #7<br>PUMP AREA | BLDG. 171<br>WELL #6<br>PUMP HOUSE |
|----------------|--|---|-----------------------------------|------------------------------------|
| Sample #       | 2436-1                                 | 2436-2                                  | 2436-3                            | 2436-4                             |
| Time collected | 11:30                                  | 11:52                                   | 12:04                             | 12:15                              |
| Flush time     | Flush approx.<br>2 min. active         | Flush approx.<br>2 min. active          | 5 min. active                     | 5 min. active                      |
| Sample point   | copper bleed<br>pipe                   | bleed valve                             | bleed valve                       | bleed valve                        |
|                |  |   |                                   |                                    |
|                | Bldg. 542<br>Well #37                  | Hillside Sect.<br>Well #9               |                                   |                                    |
| Sample #       | 2436-5                                 | 2436-6                                  |                                   |                                    |
| Time collected | 12:30                                  | 12:42                                   |                                   |                                    |
| Flush time     | 2 min.                                 | 2 min.                                  |                                   |                                    |
| Sample point   | pump house<br>bleed valve              | man hole<br>bleed valve                 |                                   |                                    |
|                |  |   |                                   |                                    |

Please see following pages for results, as complete to date. If you should have any questions, please do not hesitate to contact us.

  
Brian J. Sogorka  
Lab Director

BJS:vjr

## Environmental Testing Laboratories, Inc.

Lakehurst Naval Engrg. Center  
Contract # W68335-01-D-2011

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| VOLATILE COMPOUNDS             | 2436-1                                 | 2436-2                                   | 2436-3                            | 2436-4                             |
|--------------------------------|--|--|-----------------------------------|------------------------------------|
| PARAMETER<br>parts/billion     | LAKEHURST<br>BORO WELL #13<br>MAN HOLE | POWER PLANT #2<br>WELL #32<br>PUMP HOUSE | HANGAR #5<br>WELL #7<br>PUMP AREA | BLDG. 171<br>WELL #6<br>PUMP HOUSE |
| Acrolein                       | <300 ppb                               | <300 ppb                                 | <300 ppb                          | <300 ppb                           |
| Acrylonitrile                  | <300 ppb                               | <300 ppb                                 | <300 ppb                          | <300 ppb                           |
| Benzene                        | <5.0 ppb                               | <5.0 ppb                                 | <5.0 ppb                          | <5.0 ppb                           |
| Bis(Chloromethyl) Ether        | <1.0 ppb                               | <1.0 ppb                                 | <1.0 ppb                          | <1.0 ppb                           |
| Bromoform                      | <1.0 ppb                               | <1.0 ppb                                 | <1.0 ppb                          | <1.0 ppb                           |
| Carbon Tetrachloride           | <0.5 ppb                               | <0.5 ppb                                 | <0.5 ppb                          | <0.5 ppb                           |
| Chlorobenzene                  | <5.0 ppb                               | <5.0 ppb                                 | <5.0 ppb                          | <5.0 ppb                           |
| Chlorodibromomethane           | <0.5 ppb                               | <0.5 ppb                                 | <0.5 ppb                          | <0.5 ppb                           |
| Chloroethane                   | <0.5 ppb                               | <0.5 ppb                                 | <0.5 ppb                          | <0.5 ppb                           |
| 2-Chloroethylvinyl Ether       | <2.5 ppb                               | <2.5 ppb                                 | <2.5 ppb                          | <2.5 ppb                           |
| Chloroform                     | <0.5 ppb                               | <0.5 ppb                                 | 4.5 ppb                           | <0.5 ppb                           |
| Dichlorobromomethane           | <2.5 ppb                               | <2.5 ppb                                 | <2.5 ppb                          | <2.5 ppb                           |
| Dichlorodifluoromethane        | <0.5 ppb                               | <0.5 ppb                                 | <0.5 ppb                          | <0.5 ppb                           |
| 1,1-Dichloroethane             | <0.5 ppb                               | 3.5 ppb                                  | 6.0 ppb                           | 2.3 ppb                            |
| 1,2-Dichloroethane             | 7.3 ppb                                | <3.0 ppb                                 | <3.0 ppb                          | <3.0 ppb                           |
| 1,1-Dichloroethylene           | 21.0 ppb                               | 4.1 ppb                                  | 6.2 ppb                           | 4.1 ppb                            |
| 1,2-Dichloropropane            | <3.0 ppb                               | <3.0 ppb                                 | <3.0 ppb                          | <3.0 ppb                           |
| 1,2-Dichloropropylene          | <1.0 ppb                               | <1.0 ppb                                 | <1.0 ppb                          | <1.0 ppb                           |
| Ethylbenzene                   | <0.5 ppb                               | <0.5 ppb                                 | <0.5 ppb                          | <0.5 ppb                           |
| Methyl Bromide                 | <10 ppb                                | <10 ppb                                  | <10 ppb                           | <10 ppb                            |
| Methyl Chloride                | <5.0 ppb                               | <5.0 ppb                                 | <5.0 ppb                          | <5.0 ppb                           |
| Methylene Chloride             | 2.4 ppb                                | 2.2 ppb                                  | 1.1 ppb                           | 2.5 ppb                            |
| 1,1,2,2-Tetra-<br>chloroethane | 3.3 ppb                                | 0.5 ppb                                  | 2.9 ppb                           | 1.6 ppb                            |
| Tetrachloroethylene            | 1.0 ppb                                | 0.67 ppb                                 | 1.0 ppb                           | 1.0 ppb                            |
| Toluene                        | 4.3 ppb                                | 0.9 ppb                                  | 2.4 ppb                           | 2.4 ppb                            |

## Environmental Testing Laboratories, Inc.

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Lakehurst Naval Engrg. Center

Contract #68335-81-D-2011

## VOLATILE COMPOUNDS

2436-5

2436-6

| PARAMETER<br>parts/billion     | BLDG. 542<br>WELL #37 | HILLSIDE SECT.<br>WELL #9 |  |  |
|--------------------------------|-----------------------|---------------------------|--|--|
| Acrolein                       | <200 ppb              | <300 ppb                  |  |  |
| Acrylonitrile                  | <300 ppb              | <300 ppb                  |  |  |
| Benzene                        | <5.0 ppb              | <5.0 ppb                  |  |  |
| Bis(Chloromethyl) Ether        | <1.0 ppb              | <1.0 ppb                  |  |  |
| Bromoform                      | <1.0 ppb              | <1.0 ppb                  |  |  |
| Carbon Tetrachloride           | <0.5 ppb              | <0.5 ppb                  |  |  |
| Chlorobenzene                  | <5.0 ppb              | <5.0 ppb                  |  |  |
| Chlorodibromomethane           | <0.5 ppb              | <0.5 ppb                  |  |  |
| Chloroethane                   | <0.5 ppb              | <0.5 ppb                  |  |  |
| 2-Chloroethylvinyl Ether       | <2.5 ppb              | <2.5 ppb                  |  |  |
| Chloroform                     | 6.5 ppb               | 2.0 ppb                   |  |  |
| Dichlorobromomethane           | <2.5 ppb              | <2.5 ppb                  |  |  |
| Dichlorodifluoromethane        | <0.5 ppb              | <0.5 ppb                  |  |  |
| 1,1-Dichloroethane             | 6.3 ppb               | 1.4 ppb                   |  |  |
| 1,2-Dichloroethane             | <3.0 ppb              | <3.0 ppb                  |  |  |
| 1,1-Dichloroethylene           | 4.1 ppb               | 8.2 ppb                   |  |  |
| 1,2-Dichloropropane            | <3.0 ppb              | <3.0 ppb                  |  |  |
| 1,2-Dichloropropylene          | <1.0 ppb              | <1.0 ppb                  |  |  |
| Ethylbenzene                   | <0.5 ppb              | <0.5 ppb                  |  |  |
| Methyl Bromide                 | <10 ppb               | <10 ppb                   |  |  |
| Methyl Chloride                | <1.7 ppb              | <1.7 ppb                  |  |  |
| Methylene Chloride             | 5.5 ppb               | 6.4 ppb                   |  |  |
| 1,1,2,2-Tetra-<br>chloroethane | 1.8 ppb               | <0.5 ppb                  |  |  |
| Tetrachloroethylene            | 1.0 ppb               | <0.5 ppb                  |  |  |
| Toluene                        | 1.3 ppb               | 4.6 ppb                   |  |  |



## Environmental Testing Laboratories, Inc.

Lakshurst Naval Engrg. Center

Fact # N68335-81-D-2011

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VOLATILE COMPOUNDS (continued) 2436-1

2436-2

2436-3

2436-4

[illegible]

R-10 (cont.)

2-5-52X





# Environmental Testing Laboratories, Inc.

412 ROUTE 9, LANOKA HARBOR, NEW JERSEY 08734 PHONE 609 693-3100  
A STATE CERTIFIED TESTING LABORATORY

Report # 2436

Lakehurst Naval Air Engrg. Center  
Contract N68335-81-D-20

Date: June 5, 1981  
Place of Collection: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date of Collection: \_\_\_\_\_  
Collected By: \_\_\_\_\_

## ACID COMPOUNDS

| PARAMETER<br>(parts/billion) | WELL #13<br>2436-1 | WELL #32<br>2436-2 | WELL #7<br>2436-3 | WELL #6<br>2436-4 |
|------------------------------|--------------------|--------------------|-------------------|-------------------|
| • 2-Chlorophenol             | < 2 ppb            | <2 ppb             | <2 ppb            | <2 ppb            |
| • 2,4-Dichlorophenol         | < 2 ppb            | <2 ppb             | <2 ppb            | <2 ppb            |
| • 2,4-Dimethylphenol         | < 2 ppb            | <2 ppb             | <2 ppb            | <2 ppb            |
| • 4,6-Dinitro-O-Cresol       | < 2 ppb            | <2 ppb             | <2 ppb            | <2 ppb            |
| • 2,4-Dinitrophenol          | < 2 ppb            | <2 ppb             | <2 ppb            | <2 ppb            |
| • 2-Nitrophenol              | < 2 ppb            | <2 ppb             | <2 ppb            | <2 ppb            |
| • 4-Nitrophenol              | < 2 ppb            | <2 ppb             | <2 ppb            | <2 ppb            |
| • P-Chloro-M-Cresol          | < 2 ppb            | <2 ppb             | <2 ppb            | <2 ppb            |
| Pentachlorophenol            | < 2 ppb            | <2 ppb             | <2 ppb            | <2 ppb            |
| • Phenol                     | < 2 ppb            | <2 ppb             | <2 ppb            | <2 ppb            |
| • 2,4,6-Trichlorophenol      | < 2 ppb            | <2 ppb             | <2 ppb            | <2 ppb            |



# Environmental Testing Laboratories, Inc.

ROUTE 9 HARBOR, NEW JERSEY 08734, PHONE 609 693-3100  
CERTIFIED TESTING LABORATORY

Test Report # 2436

Lakehurst Naval Air Engrg. Cen.  
Contract 68335-81-D-2011

Date: June 5, 1981  
Place of Collection: Set up for exact location

Date of Collection: \_\_\_\_\_

Collected By: \_\_\_\_\_

## ACID COMPOUNDS

| PARAMETER<br>(parts/billion) | WELL #37<br>2436-5 | WELL #9<br>2436-6 |  |  |
|------------------------------|--------------------|-------------------|--|--|
| • 2-Chlorophenol             | <2 ppb             | <2 ppb            |  |  |
| • 2,4-Dichlorophenol         | <2 ppb             | <2 ppb            |  |  |
| • 2,4-Dimethylphenol         | <2 ppb             | <2 ppb            |  |  |
| • 4,6-Dinitro-C-Cresol       | <2 ppb             | <2 ppb            |  |  |
| • 2,4-Dinitrophenol          | <2 ppb             | <2 ppb            |  |  |
| • 2-Nitrophenol              | <2 ppb             | <2 ppb            |  |  |
| • 4-Nitrophenol              | <2 ppb             | <2 ppb            |  |  |
| • P-Chloro-M-Cresol          | <2 ppb             | <2 ppb            |  |  |
| • Pentachlorophenol          | <2 ppb             | <2 ppb            |  |  |
| • Phenol                     | <2 ppb             | <2 ppb            |  |  |
| • 2,4,6-Trichlorophenol      | <2 ppb             | <2 ppb            |  |  |

3-855X

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Lakehurst Naval Air Engrg. Center  
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PESTICIDES

| PARAMETER<br>(parts/billion) | WELL #13<br>2436-1 | WELL #32<br>2436-2 | WELL #7<br>2436-3 | WELL #6<br>2436-4 |
|------------------------------|--------------------|--------------------|-------------------|-------------------|
| Aldrin                       | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| $\alpha$ -BHC                | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| $\beta$ -BHC                 | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| $\gamma$ -BHC                | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| $\delta$ -BHC                | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| Chlordane                    | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| 4,4'-DDT                     | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| 4,4'-DDE                     | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| 4,4'-DDD                     | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| Dieldrin                     | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| $\alpha$ -Endosulfan         | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| $\beta$ -Endosulfan          | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| Endosulfan Sulfate           | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| Endrin                       | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| Endrin Aldehyde              | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| Heptachlor                   | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| Heptachlor Epoxide           | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| PCB-1242                     | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| PCB-1254                     | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| PCB-1221                     | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| PCB-1232                     | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| PCB-1248                     | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| PCB-1260                     | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
| PCB-1016                     | <2 ppb             | <2 ppb             | <2 ppb            | <2 ppb            |
|                              | <2 ppb             | 56X<br><2 ppb      | <2 ppb            | <2 ppb            |

Environmental Testing Laboratories, Inc.

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Wickham Naval Air Engrg. Center  
Contract N68335-81-D-2011  
PESTICIDES

| PARAMETER<br>(parts/billion) | WELL #37<br>2436-5 | WELL #9<br>2436-6 |  |  |
|------------------------------|--------------------|-------------------|--|--|
| Aldrin                       | <2 ppb             | <2 ppb            |  |  |
| α-BHC                        | <2 ppb             | <2 ppb            |  |  |
| β-BHC                        | <2 ppb             | <2 ppb            |  |  |
| γ-BHC                        | <2 ppb             | <2 ppb            |  |  |
| δ-BHC                        | <2 ppb             | <2 ppb            |  |  |
| Chlordane                    | <2 ppb             | <2 ppb            |  |  |
| 4,4'-DDT                     | <2 ppb             | <2 ppb            |  |  |
| 4,4'-DDE                     | <2 ppb             | <2 ppb            |  |  |
| 4,4'-DDD                     | <2 ppb             | <2 ppb            |  |  |
| Dieldrin                     | <2 ppb             | <2 ppb            |  |  |
| α-Endosulfan                 | <2 ppb             | <2 ppb            |  |  |
| β-Endosulfan                 | <2 ppb             | <2 ppb            |  |  |
| Endosulfan Sulfate           | <2 ppb             | <2 ppb            |  |  |
| Endrin                       | <2 ppb             | <2 ppb            |  |  |
| Endrin Aldehyde              | <2 ppb             | <2 ppb            |  |  |
| Heptachlor                   | <2 ppb             | <2 ppb            |  |  |
| Heptachlor Epoxide           | <2 ppb             | <2 ppb            |  |  |
| PCB-1242                     | <2 ppb             | <2 ppb            |  |  |
| PCB-1254                     | <2 ppb             | <2 ppb            |  |  |
| PCB-1221                     | <2 ppb             | <2 ppb            |  |  |
| PCB-1232                     | <2 ppb             | <2 ppb            |  |  |
| PCB-1248                     | <2 ppb             | <2 ppb            |  |  |
| PCB-1260                     | <2 ppb             | <2 ppb            |  |  |
| PCB-1016                     | <2 ppb             | <2 ppb            |  |  |
|                              | <2 ppb             | 57X <2 ppb        |  |  |

# Environmental Testing Laboratories, Inc.

Lakehurst Naval Air Engrg. Center  
Contract N68335-81-D-2011

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## METALS, CYANIDE AND TOTAL PHENOLS

[illegible]

## Environmental Testing Laboratories, Inc.

Wahpeton Naval Air Engrg. Center  
Contract N68335-81-D-2011

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METALS, CYANIDE AND TOTAL PHENOLS

[illegible]



Environmental Testing Laboratories, Inc. #15126

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Lakehurst Naval Engrg. Center  
Contract # N68335-81-D-2011

BASE/NEUTRAL COMPOUNDS

|                                  | 2436-1                                 | 2436-2                                  | 2436-3                            | 2436-4                             |
|----------------------------------|--|---|-----------------------------------|------------------------------------|
| PARAMETER<br>(parts/billion)     | LAKEHURST<br>BORO WELL #13<br>MAN HOLE | POWER PLANT 2<br>WELL #32<br>PUMP HOUSE | HANGAR #5<br>WELL #7<br>PUMP AREA | BLDG. 171<br>WELL #6<br>PUMP HOUSE |
| Acenaphthene                     | <2 ppb                                 | 8.4 ppb                                 | 8.6 ppb                           | <2 ppb                             |
| • Acenaphtylene                  | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| • Anthracene                     | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| • Benzidine                      | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| • Benzo(a)Anthracene             | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| • Benzo(a)Pyrene                 | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| • 3,4-Benzofluoranthene          | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| • Benzo(ghi)Perylene             | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| • Benzo(k)Fluoranthene           | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| Bis(2-Chloroethoxy)<br>Methane   | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| • Bis(2-Chloroethyl) Ether       | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| Bis(2-Chloroisopropyl)<br>Ether  | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| Bis (2-Ethylhexyl)<br>Phthalate  | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| 4-Bromophenyl<br>Phenyl Ether    | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| Buryl Benzyl Phthalate           | <2 ppb                                 | 4.8 ppb                                 | <2 ppb                            | <2 ppb                             |
| • 2-Chloronaphthalene            | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| • 4-Chlorophenyl<br>Phenyl Ether | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| Chrysene                         | <2 ppb                                 | 5.5 ppb                                 | <2 ppb                            | <2 ppb                             |
| • Di benzo(a, b)Anthracene       | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| • 1,2-Dichlorobenzene            | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| • 1,3-Dichlorobenzene            | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| • 1,4-Dichlorobenzene            | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| 3,3-Dichlorobenzidine            | <2 ppb                                 | 42.5 ppb                                | <2 ppb                            | <2 ppb                             |
| • Diethyl Phthalate              | <2 ppb                                 | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
|                                  | 10.7 ppb                               | 6.0 ppb                                 | <2 ppb                            | <9.7 ppb                           |

Environmental Testing Laboratories, Inc. #15126

Lakehurst Naval Engrg. Center  
Contract # N68335-81-D-2011

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BASE/NEUTRAL COMPOUNDS

| PARAMETER<br>(parts/billion)      | 2436-5<br>BLDG. 542<br>WELL #37 | 2436-6<br>HILLSIDE SECT.<br>WELL #9 |  |  |
|-----------------------------------|---------------------------------|-------------------------------------|--|--|
| • Acenaphthene                    | <2 ppb                          | 3.0 ppb                             |  |  |
| Acenaphthylene                    | • <2 ppb                        | <2 ppb                              |  |  |
| Anthracene                        | • <2 ppb                        | <2 ppb                              |  |  |
| Benzidine                         | • <2 ppb                        | <2 ppb                              |  |  |
| Benzo(a)Anthracene                | • <2 ppb                        | <2 ppb                              |  |  |
| Benzo(a)Pyrene                    | • <2 ppb                        | <2 ppb                              |  |  |
| 3,4-Benzofluoranthene             | • <2 ppb                        | <2 ppb                              |  |  |
| Benzo(ghi)Perylene                | • <2 ppb                        | <2 ppb                              |  |  |
| Benzo(k)Fluoranthene              | • <2 ppb                        | <2 ppb                              |  |  |
| Bis(2-Chloroethoxy)<br>Methane    | • <2 ppb                        | <2 ppb                              |  |  |
| Bis(2-Chloroethyl) Ether          | • <2 ppb                        | <2 ppb                              |  |  |
| Bis(2-Chloroisopropyl)<br>Ether   | • <2 ppb                        | <2 ppb                              |  |  |
| Bis (2-Ethylhexyl)<br>• Phthalate | <2 ppb                          | 2.9 ppb                             |  |  |
| 4-Bromophenyl<br>Phenyl Ether     | • <2 ppb                        | <2 ppb                              |  |  |
| • Butyl Benzyl Phthalate          | • <2 ppb                        | <2 ppb                              |  |  |
| 2-Chloronaphthalene               | • <2 ppb                        | <2 ppb                              |  |  |
| 4-Chlorophenyl<br>Phenyl Ether    | • <2 ppb                        | <2 ppb                              |  |  |
| • Chrysene                        | • <2 ppb                        | <2 ppb                              |  |  |
| Dibenzo(a,h)Anthracene            | • <2 ppb                        | <2 ppb                              |  |  |
| 1,2-Dichlorobenzene               | • <2 ppb                        | <2 ppb                              |  |  |
| 1,3-Dichlorobenzene               | • <2 ppb                        | <2 ppb                              |  |  |
| 1,4-Dichlorobenzene               | • <2 ppb                        | <2 ppb                              |  |  |
| • 3,3-Dichlorobenzidine           | <2 ppb                          | 63.1 ppb                            |  |  |
| Diethyl Phthalate                 | • <2 ppb                        | <2 ppb                              |  |  |
| • Dimethyl Phthalate              | 17.1 ppb                        | 61X<br><2 ppb                       |  |  |

## Environmental Testing Laboratories, Inc. #15126

Lakehurst Naval Engrg. Center  
Contract N68335-81-D-2011

Report # 2436 Page # 14 of

BASE/NEUTRAL COMPOUNDS (CONTINUED) 2436-1

2436-2

2436-3

2436-4

| PARAMETER<br>(parts/billion)            | LAKEHURST<br>BORO WELL #13<br>MANHOLE | POWER PLANT 2<br>WELL #32<br>PUMP HOUSE | HANGAR #5<br>WELL #7<br>PUMP AREA | BLDG. 171<br>WELL #6<br>PUMP HOUSE |
|---|---------------------------------------|---|-----------------------------------|------------------------------------|
| 2,4-Dinitrotoluene                      | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| 2,6-Dinitrotoluene                      | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| Di-N-Octyl Phthalate<br>(as Azobenzene) | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| 1,2-Diphenylhydrazine                   | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| Fluoranthene                            | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| Fluorene                                | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| Hexachlorobenzene                       | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| Hexachlorobutadiene                     | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| Hexachlorocyclopentadiene               | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| Hexachloroethane                        | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| Indene (1,2,3-cd) Pyrene                | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| Isophorone                              | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| Naphthalene                             | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| Nitrobenzene                            | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| N-Nitrosodimethylamine                  | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| N-Nitrosodi-N-Propylamine               | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| N-Nitrosodiphenylamine                  | <2 ppb                                | 5.8 ppb                                 | <2 ppb                            | <2 ppb                             |
| Phenanthrene                            | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
| Pyrene                                  | <2 ppb                                | 2.9 ppb                                 | <2 ppb                            | <2 ppb                             |
| 1,2,4-Trichlorobenzene                  | <2 ppb                                | <2 ppb                                  | <2 ppb                            | <2 ppb                             |
|   |                                       |   |                                   |                                    |
|   |                                       |   |                                   |                                    |
|   |                                       |   |                                   |                                    |
|   |                                       | 62X                                     |                                   |                                    |

2. 2. 2.

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EVALUATION OF ANALYTICAL RESULTS  
REPORTED FROM GROUNDWATER SAMPLES  
COLLECTED ON 20 FEB. AND 8 AND 20 APRIL 81 AT  
LAKEHURST NAVAL AIR STATION  
LAKEHURST, NEW JERSEY

Submitted by:

Princeton Aqua Science

July 30, 1981

Revised Report

August 11, 1981

EVALUATION OF ANALYTICAL RESULTS OBTAINED  
GROUNDWATER SAMPLES COLLECTED AT THE  
LAKEHURST, NAVAL AIR CENTER

A review of the report "An Investigation of Toxic Contaminants" prepared by Dr. R. Tucker of the New Jersey Department of Environment and the data submitted from both Environmental Testing Laboratories, Inc. and Rossmagel and Associates, Inc. have yielded the following cogent points.

A. Review "An Investigation of Toxic Contaminants" NJDEP

The NJDEP study of groundwater contamination was performed on 670 individual wells and 1118 separate samplings of the approximately fifty parameters included in the analytical determination (41 halogenated organic compounds and 9 heavy metals) the following eight compounds were found most frequently: carbontetrachloride, chloroform, 1,2-dichloroethane, perchloroethylene, trichloroethylene, 1,1,1-trichloroethane, o,m,&p-dichlorobenzene isomers, and 1,3,5-trichlorobenzene. In 16.6% of the wells sampled (111 wells) at least one of the above compounds was detected at a concentration greater than 10 µg/l. In addition, 3.1% of the wells sampled (21 wells) exhibited concentrations greater than 100 µg/l for at least one of the above compounds.

The mechanisms of transport of halogenated pollutants and subsequent groundwater contamination are the result of the following factors:

- 1) Aerial transport of volatile halogenated organic compounds and recharge of groundwater from contaminated surface waters.
- 2) High concentrations of halogenated organic compounds were found near sites of highly contaminated soil (leaching).
- 3) The concentration break point for most of the volatile halogenated organic compounds determined in the study was approximately 10 µg/l that is, evident contamination was observed when the concentration of 10 µg/l was exceeded for any individual halogenated compound.

High molecular weight, high boiling point halogenated compounds such as organochlorine pesticides and polychlorinated biphenyls were observed in only a small number of the wells examined and caused the shut down of 0.5% of the wells (3 wells). The major concerns with halogenated organic compounds in groundwater appears to be attributed to the following reasons:

- 1) Relative ease of movement for more water soluble species such as the halomethanes, methylene chloride and trichloroethane.
- 2) The resistance to biological breakdown from soil organics for these compounds. In some cases more toxic compounds may be formed as breakdown products in reductive atmosphere. i.e. 1,1,2,2 tetrachloroethane dehydrohalogenates to trichloroethylene.
- 3) The widespread use of relatively inexpensive halocarbons as industrial degreases and solvents, with 1,1,1-trichloroethane being a prime example.
- 4) The potential cancer causing effects of both volatile and semivolatile halogenated organic compounds.

Of the 670 wells 31 were found to be seriously contaminated by either halo-organics compounds or heavy metals. Twenty of the wells were used for industrial purposes, the remainder were domestic water sources. Although the levels found were minute as compared to acute levels of toxicity for the organic compounds, the main concern was the chronic, or long term, effects of low dosage of the observed organic compounds.

Methylene chloride was not detected in any of the 1118 samples (670 wells) above the minimum reportable concentration (MRC) of 90 µg/l. The test procedures used for the examination of volatile halogenated organic compounds in the DEP study exhibited high variability below the MRC for methylene chloride. Although a newer more sensitive methods is employed for the detection of methylene chloride, present. DEP groundwater monitoring results are not available at this time. The toxicological effects of methylene chloride were not examined in DEPs report because of the non-detection of this compound in the study.

B. Review of Data submitted Environmental Testing Laboratories, Inc. and Rossnagel and Associates, Inc. for methylene chloride.

20 Feb. 1981 Samples

Data submitted by Environmental Testing Laboratories, Inc. on 8 April 1981 indicated the following concentrations of methylene chloride and toluene.

|                    | <u>Lakehurst<br/>Boro</u> | <u>Test<br/>System</u> | <u>Westfield<br/>System</u> | <u>Hill<br/>System</u> |
|--------------------|---------------------------|------------------------|-----------------------------|------------------------|
| Methylene Chloride | 70 ppb                    | 180 ppb                | 870 ppb                     | 100 ppb                |

### 8 April 1981 Samples

Data submitted by Environmental Testing Laboratories, Inc. on 14 April 1981 and Rossnagel and Associates, Inc. on 24 April 1981 for the 8 April 1981 sampling provided the following concentrations of methylene chloride.

| <u>Methylene Chloride (ppb)</u> |                      |                    |                         |                    |
|---------------------------------|----------------------|--------------------|-------------------------|--------------------|
|                                 | <u>#32 Well Head</u> | <u>Test System</u> | <u>Westfield System</u> | <u>Hill System</u> |
| ETL                             | 12                   | 5                  | 5                       | 8                  |
| R&A                             | N.D.                 | N.D.               | N.D.                    | N.D.               |

Note: N.D. = non detectable at 0.5 ppb  
ETL - Environmental Testing Laboratories, Inc.  
R&A - Rossnagel & Associates, Inc.

### 20 April 1981 Samples

Data submitted by Environmental Testing Laboratories, Inc. on 19 June 1981 indicated the following concentrations of methylene chloride.

| <u>Lakehurst Boro</u>                    | <u>Test System<br/>#32 Well Head</u> | <u>Westfield System<br/>#7 Well Head</u> |
|--|--------------------------------------|--|
| 2.4 ppb                                  | 2.2 ppb                              | 1.1 ppb                                  |
| <u>Westfield System<br/>#6 Well Head</u> | <u>Hill System<br/>#37 Well Head</u> | <u>Hill System<br/>#9 Well Head</u>      |
| 2.5 ppb                                  | <1.7 ppb                             | <1.7 ppb                                 |

There appears to be large variability of methylene chloride analytical results from sample to sample over time as analyzed by the same laboratory and inconsistent results of the sample as analyzed by both Environmental Testing Laboratories, Inc. and Rossnagel and Associates.

Our explanation for the variability of methylene chloride analytical results is based on the following line of reasoning:

- 1) If the results were a true indication of the level of ground-water contamination, the retesting (4/18/81) of the wells using two different analytical procedures (Environmental testing lab's and Rossnagel Associates) should have given a high concentration level for the compound even though



the deviation of the results may have been large when compared to the initial sample results (2/20/81). Because the wells were in use at the time of sampling and between periods of sampling, the concentration difference in analytical results for methylene chloride should not have varied more than a factor of five from the initially reported level.

2. It has been our experience with priority pollutant analyses by both GC and GC/MS procedures that a large degree of methylene chloride contamination is possible when samples to be analyzed for volatile organic compounds are stored near methylene chloride solvent extracts or if the volatile analyses are performed in the same laboratory where methylene chloride extractions are performed. The methylene chloride concentration observed when samples are handled in the above fashion is extremely variable.

C. Review of Data Submitted by Environmental Testing Laboratories, Inc. for April 20, 1981 Samples and Analysis of 3,3-dichlorobenzidine

namely? The results submitted by Environmental Testing Laboratories, Inc. for the April 20, 1981 samples indicated a high concentration of 3,3-dichlorobenzidine in two of the samples. PAS laboratory retested for benzidine and 3,3-dichlorobenzidine on samples taken on July 21 1981 by gas chromatography mass spectroscopy (GC/MS) and high pressure liquid chromatography (HPLC) failed to confirm the April 20 1981 sample results of Environmental Testing Laboratories, Inc. In fact, the July 21, 1981 samples analyzed by PAS indicated less than detectable concentrations of both benzidine and 3,3-dichlorobenzidine at the detection sensitivity level of both instruments (GC/MS and HPLC). This result fails to confirm the April 20, 1981 analysis by Environmental Testing Laboratories, Inc. and indicates the source of sample contamination to be laboratory handling and/or analysis and not true contamination of the water source.

#### D. Summary and Conclusions

- 1) Review of data submitted by Environmental Testing Laboratories, Inc. and Rossmagel and Associates, Inc. for methylene chloride

The concentrations of methylene chloride originally reported by Environmental Testing Laboratories for the February 20, 1981 samples on April 8, 1981 appear to be the result of laboratory methods of sample handling and analysis and not methylene chloride contamination of the wells as indicated. This is based on the following:

- a. Environmental Testing Laboratories, Inc. failed to detect similar levels of concentration within a factor of 5 of the originally reported results upon their retesting of the April 8, 1981 and April 20, 1981 samples.
  - b. Samples taken on April 8, 1981 were split with Environmental Testing Laboratories, Inc. and Rossmagel and Associates, Inc. Environmental Testing Laboratories results of that data failed to confirm their February 20, 1981 concentration levels for the wells in question and Rossmagel and Associates, Inc. results failed to even confirm the low concentrations found by Environmental Testing Laboratories, Inc. for the April 8, 1981 sampling.
- 2) Review of data submitted by Environmental Testing Laboratories, Inc. for April 20, 1981 sampling and analysis of 3,3-dichlorobenzidine

PAS laboratory retest of samples collected on July 21, 1981 for benzidine and 3,3-dichlorobenzidine failed to confirm the results reported by Environmental Testing Laboratories, Inc. for the April 20, 1981 sample and analysis. PAS performed both gas chromatography, mass spectroscopy (GC/MS) and high pressure liquid chromatography (HPLC) analysis of the July 21, 1981 sample and failed to confirm the levels of contamination originally reported by Environmental Testing Laboratories, Inc. for the April 20, 1981 sampling.

It appears that concentration of 3,3-dichlorobenzidine originally reported by Environmental Testing Laboratories, Inc. for April 20, 1981 sampling and analysis are not true

contaminations of the wells as indicated in their June 19, 1981 report. It is apparent that the concentrations reported are a result of sample handling and analysis. Resampling and retesting utilizing two methods of instrumental analysis fail to confirm the original result and indicate levels below the detection limit of the analysis performed.

- 3) Overall evaluation of water quality for the wells tested by Environmental Testing Laboratories, Inc.; Rossnagel and Associates, Inc., and Princeton Aqua Science.

Evaluations of the water quality data submitted for groundwater samples taken on February 20, 1981, April 8 and 20, 1981, and July 21, 1981 for the 113 organic chemical constituents of the USEPA priority pollutant list of chemicals indicates the concentrations to be below the detectable limits of the procedures and instrumentation used for their detection. Additionally, analysis of 13 heavy metals, cyanide, and phenol indicate levels well below water quality standards and below limits or detection of the standard procedures used for analysis.

Generally, based upon the analysis reports of Environmental Testing Laboratories, Inc., Rossnagel and Associates, and retesting of 3,3-dichlorobenzidine by PAS, indicates that the water quality is not contaminated by any of the 128 priority pollutants. Previously reported high concentrations of methylene chloride and 3,3-dichlorobenzidine are a result of laboratory sample handling and analysis and not true contamination of the sample source (i.e. wells). It is apparent, based upon extensive review of the data and Dr. R. Tucker's report "An Investigation of Toxic Contaminants," March, 1981, that there is no basis for a health concern with regard to specific and/or widespread organic and inorganic contamination of the water sources sampled and tested on February 20, 1981, April 8 and 20, 1981, and July 21, 1981 for the 128 USEPA priority pollutants. The priority pollutants concentration levels are at or near the detection limits of the procedures and instrumentation used for their detection and well below levels of exposure that would initiate concern with regard to the health and safety of the water users.



12 ANALYSIS

## Environmental Testing Laboratories, Inc.

412 ROUTE 9, LANOKA HARBOR, NEW JERSEY 08734, PHONE 609 693-3100  
A STATE CERTIFIED TESTING LABORATORY

Director of Engineering (Code 182)  
Public Works Dept., Bldg. 5  
Naval Air Engineering Center  
Lakemurst, NJ 08733

Attn: Lucy Bottomly

Re: Contract No. N62472-81-C-4942  
Well testing, 4 sites

Dear Lucy,

Enclosed please find the results of the water samples taken by Environmental Testing Laboratories, Inc. on February 20, 1981, in reference to the above contract.

It is our recommendation that all wells be retested, especially for methylene chloride, based on these test results.

If there are any questions, please do not hesitate to contact us.

Sincerely,

Brian J. Sogorka  
Lab Director

BJS:vjr

Encl.

cc: CICC/ROICC (Code 18C)  
Bldg. #5, Air Engrg. Center  
Lakemurst, NJ 08733



# Environmental Testing Laboratories, Inc.

412 ROUTE 9, LANOKA HARBOR, NEW JERSEY 08734, PHONE 609 693-3100  
A STATE CERTIFIED TESTING LABORATORY

Test Report # 2257

Date: April 8, 1981

Director of Engineering (Code 182) Place of Collection: see below

Public Works Dept., Bldg. #5

Naval Air Engrg. Center

Lakehurst, NJ 08533

Date of Collection: 2/20/81

Collected by: B. Sogorka

| PARAMETER<br>(mg/l)                      | <del>WEST-1</del><br>BOROUGH OF<br>LAKEHURST | <del>WEST-2</del><br>TEST<br>SYSTEM      | <del>WEST-3</del><br>WESTFIELD<br>SYSTEM              | <del>WEST-4</del><br>HILL<br>SYSTEM |
|--|--|--|---|-------------------------------------|
| TIME OF COLLECTION                       | 0910   | 0935                                     | 1000  | 1020                                |
| LOCATION                                 | 1011D-"D" St.<br>Harry Resi.<br>kitchen sink | Bldg. 355<br>1st floor<br>jani.slop sink | South Lean-to<br>Men's Room<br>deep sink<br>Hangar #5 | Bldg: 5<br>Coffee Mess<br>sink      |
| Mercury                                  | <.002  | <.002                                    | <.002   | <.002                               |
| Arsenic                                  | <.01   | <.01                                     | <.01  | <.01                                |
| Selenium                                 | <.01   | <.01                                     | <.01  | <.01                                |
| Phenols                                  | .017   | .004                                     | .014  | .001                                |
| Cyanide                                  | <.025  | <.025                                    | <.025   | <.025                               |
| See following pages for further results. |  |  |   |                                     |

All procedures used in this analysis are EPA approved. If you should have any questions, please do not hesitate to contact us.

Brian J. Sogorka  
Brian J. Sogorka  
Lab Director

BJS:vjr

NOTE: The liability of Environmental Testing Laboratories, Inc. and its subsidiaries with respect to the services charged for herein, shall in no event exceed the amount of the invoice.

## Environmental Testing Laboratories, Inc.

Report # 2267 Page # 2

Lakehurst Naval Air Engineering Center

[illegible]

Environmental Testing Laboratories, Inc.

Report # 2267 Page # 3

Lakehurst Naval Air Engineering Center  
BASE/NEUTRAL COMPOUNDS

\* - <2.0 None detected

| PARAMETER<br>(parts/billion)    | WELL #1 | WELL #2 | WELL #3 | WELL #4 |
|---------------------------------|---------|---------|---------|---------|
| Acenaphthene                    | *       | *       | *       | *       |
| Acenaphthylene                  | *       | *       | *       | *       |
| Anthracene                      | *       | *       | *       | *       |
| Benzidine                       | *       | *       | *       | *       |
| Benzo(a)Anthracene              | *       | *       | *       | *       |
| Benzo(a)Pyrene                  | *       | *       | *       | *       |
| 3,4-Benzofluoranthene           | *       | *       | *       | *       |
| Benzo(ghi)Perylene              | *       | *       | *       | *       |
| Benzo(k)Fluoranthene            | *       | *       | *       | *       |
| Bis(2-Chloroethoxy)<br>Methane  | *       | *       | *       | *       |
| Bis(2-Chloroethyl) Ether        | *       | *       | *       | *       |
| Bis(2-Chloroisopropyl)<br>Ether | *       | *       | *       | *       |
| Bis (2-Ethylhexyl)<br>Phthalate | *       | *       | *       | *       |
| 4-Bromophenyl<br>Phenyl Ether   | *       | *       | *       | *       |
| Butyl Benzyl Phthalate          | *       | *       | *       | *       |
| 2-Chloronaphthalene             | *       | *       | *       | *       |
| 4-Chlorophenyl<br>Phenyl Ether  | *       | *       | *       | *       |
| Chrysene                        | *       | *       | *       | *       |
| Dibenzo(a,b)Anthracene          | *       | *       | *       | *       |
| 1,2-Dichlorobenzene             | *       | *       | *       | *       |
| 1,3-Dichlorobenzene             | *       | *       | *       | *       |
| 1,4-Dichlorobenzene             | *       | *       | *       | *       |
| 3,3-Dichlorobenzidine           | *       | *       | *       | *       |
| Diethyl Phthalate               | *       | *       | *       | *       |
| Dimethyl Phthalate              | *       | *       | *       | *       |

1-278X

## Environmental Testing Laboratories, Inc.

Report # 2267 Page # 4

Lakehurst Naval Air Engineering Center  
PESTICIDES

&lt;2.0 none detected

| PARAMETER<br>(parts/billion) | WELL #1 | WELL #2 | WELL #3 | WELL #4 |
|------------------------------|---------|---------|---------|---------|
| Aldrin                       | *       | *       | *       | *       |
| $\alpha$ -BHC                | *       |         |         | *       |
| $\beta$ -BHC                 | *       | *       | *       | *       |
| $\gamma$ -BHC                | *       | *       | *       | *       |
| $\delta$ -BHC                | *       | *       | *       | *       |
| Chlordane                    | *       | *       | *       | *       |
| 4,4'-DDT                     | *       | *       | *       | *       |
| 4,4'-DDE                     | *       | *       | *       | *       |
| 4,4'-DDD                     | *       | *       | *       | *       |
| Dieldrin                     | *       | *       | *       | *       |
| $\alpha$ -Endosulfan         | *       | *       | *       | *       |
| $\beta$ -Endosulfan          | *       | *       | *       | *       |
| Endosulfan Sulfate           | *       | *       | *       | *       |
| Endrin                       | *       | *       | *       | *       |
| Endrin Aldehyde              | *       | *       | *       | *       |
| Heptachlor                   | *       | *       | *       | *       |
| Heptachlor Epoxide           | *       | *       | *       | *       |
| PCB-1242                     | *       | *       | *       | *       |
| PCB-1254                     | *       | *       | *       | *       |
| PCB-1221                     | *       | *       | *       | *       |
| PCB-1232                     | *       | *       | *       | *       |
| PCB-1248                     | *       | *       | *       | *       |
| PCB-1260                     | *       | *       | *       | *       |
| PCB-1016                     | *       | *       | *       | *       |
| Toxaphene                    | *       | *       | *       | *       |

1-5 75X





# Environmental Testing Laboratories, Inc.

412 ROUTE 9, LANOKA HARBOR, NEW JERSEY 08734, PHONE 609 693-3100  
A STATE CERTIFIED TESTING LABORATORY

Test Report # 2267

Date: April 8, 1981

Lakehurst Naval Air  
Engineering Center

Place of Collection: see page 1 for info

page 5

Date of Collection:                     

Collected By:                     

## ACID COMPOUNDS

| PARAMETER<br>(parts/billion) | WELL #1 | WELL #2 | WELL #3 | WELL #4 |
|------------------------------|---------|---------|---------|---------|
| 2-Chlorophenol               | *       | *       | *       | *       |
| 2,4-Dichlorophenol           | *       | *       | *       | *       |
| 2,4-Dimethylphenol           | *       | *       | *       | *       |
| 4,6-Dinitro-O-Cresol         | *       | *       | *       | *       |
| 2,4-Dinitrophenol            | *       | *       | *       | *       |
| 2-Nitrophenol                | *       | *       | *       | *       |
| 4-Nitrophenol                | *       | *       | *       | *       |
| P-Chloro-M-Cresol            | *       | *       | *       | *       |
| Pentachlorophenol            | *       | *       | *       | *       |
| Phenol                       | *       | *       | *       | *       |
| 2,4,6-Trichlorophenol        | *       | *       | *       | *       |

\* - <2.0 none detected.

NOTE: The liability of Environmental Testing Laboratories, Inc. and its subsidiaries with respect to the services charged for herein, shall in no event exceed the amount of the invoice.

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## Environmental Testing Laboratories, Inc.

#

Report 2267

#

Page 6

# - not confirmed via GC/MS

ND - none detected

\* - &lt;2.0 none detected

Lakehurst Naval Air Engineering Center  
VOLATILE COMPOUNDS

| PARAMETER<br>parts/billion     | WELL #1 | WELL #2 | WELL #3 | WELL #4 |
|--------------------------------|---------|---------|---------|---------|
| Acrolein                       | <200 ND | <200 ND | <200 ND | <200 ND |
| Acrylonitrile                  | <5 ND   | <5 ND   | <5 ND   | <5 ND   |
| Benzene                        | *       | *       | *       | *       |
| Bis(Chloromethyl) Ether        |         |         |         |         |
| Bromoform                      | <7 ND   | <7 ND   | <7 ND   | <7 ND   |
| Carbon Tetrachloride           | *       | *       | *       | *       |
| Chlorobenzene                  | *       | *       | *       | *       |
| Chlorodibromomethane           | 6 #     | *       | *       | *       |
| Chloroethane                   | *       | *       | *       | *       |
| 2-Chloroethylvinyl Ether       | *       | *       | *       | *       |
| Chloroform                     | *       | *       | *       | *       |
| Dichlorobromomethane           | 3 #     | *       | *       | *       |
| Dichlorodifluoromethane        |         |         |         |         |
| 1,1-Dichloroethane             | *       | *       | *       | *       |
| 1,2-Dichloroethane             | *       | *       | *       | *       |
| 1,1-Dichloroethylene           | *       | *       | *       | *       |
| 1,2-Dichloropropane            | *       | *       | *       | *       |
| 1,2-Dichloropropylene          | *       | *       | *       | *       |
| Ethylbenzene                   | *       | *       | *       | *       |
| Methyl Bromide                 | <10 ND  | <10 ND  | <10 ND  | <10 ND  |
| Methyl Chloride                | <20 ND  | <20 ND  | <20 ND  | <20 ND  |
| Methylene Chloride *           | 70      | 180     | 870     | 100     |
| 1,1,2,2-Tetra-<br>chloroethane | <10 ND  | <10 ND  | <10 ND  | <10 ND  |
| Tetrachloroethylene            | *       | *       | *       | *       |
| Toluene *                      | <2      | 5       | 8       | <2      |

77X

## Environmental Testing Laboratories, Inc.

Report # 2267 Page # 7

Lakehurst Naval Air Engineering Center  
VOLATILE COMPOUNDS (continued)

ND - none detected

\* - <2.0 по.

[illegible]



*Attachment IV*

STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GEORGE J. TYLER, ASSISTANT COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609 - 292 - 8068

October 22, 1985

HAND  
DELIVERY

M E M O R A N D U M

TO: Marwan M. Sadat, Director  
Division of Waste Management

FROM: George J. Tyler, Assistant Commissioner

SUBJECT: Lakehurst Naval Air Engineering Center

The Special Committee to Investigate Hazardous Waste Disposal Practices at Military Installations in New Jersey has requested information with respect to the laboratories and the quality of the work of such laboratories that have been involved in testing water at and around the Lakehurst Naval Air Engineering Center. They were particularly concerned with the work of Chyun Associates and Atlantic Ecology.

I would appreciate it if you would immediately assign a member of your staff to compile a listing of all sampling data available in the Department's files for this U. S. Navy facility. Please indicate in that report the sampling results, the name of the lab or sampling group that collected the samples, the analysis subcontractor employed by the Navy and any other laboratory contractors or subcontractors that were involved in testing. Also, please indicate the levels of detection in effect for those labs at the time of the testing, the status of the lab at the time the samples were done with respect to certification by DEP under our Safe Drinking Water Act Program and any other comments you would like to make. Also, please include all the recent Safe Drinking Water Act sampling in this report.

The Committee has requested we provide them with this information immediately. I have requested their approval of our submitting the data to them on October 31. Please make every effort to comply with this deadline.

I very much appreciate your cooperation.

G. J. T.

fu list: 10/31/85



ATTACHED II. PREVIOUS  
SSIVE EVER: CRGP



Attachment IV  
*[Signature]*

STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609-292-2885

ADMINISTRATIVE ORDER NO. 97

I, ROBERT E. HUGHEY, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 13:1B-3, and in recognition of state law and the public policy of the State that public records shall be readily accessible for examination, with certain exceptions for the protection of the public interest, hereby adopt the attached Policy and Procedure concerning Department records.

All other Administrative Orders or portions thereof which are inconsistent with the provisions of this Order are hereby modified to the extent necessary to conform herewith.

This Order shall take effect immediately.

Date

5/1/85

*[Signature]*  
ROBERT E. HUGHEY  
Commissioner

DEPARTMENT OF ENVIRONMENTAL PROTECTION

POLICY AND PROCEDURES  
DEPARTMENT RECORDS

I. PURPOSE

To state department policy and procedures governing the maintenance of all departmental records, and the inspection and sale of copies of public records.

II. AUTHORITY

- N.J.S.A. 47:1A
- Executive Order No. 9 (1963)
- Executive Order No. 11 (1974)
- Executive Order No. 79 (1979)

III. SUPERSEDES

This policy and procedure supersedes all previously issued enforcement directives, memoranda and other directives concerning the issues addressed herein, including:

Environmental Management and Control  
Enforcement Procedures Directive No. 6,  
Custody and Maintenance of Confidential  
and Public Enforcement Files;

All policy memoranda from the Executive  
Enforcement Committee.

IV. DEFINITIONS

Public Records - shall mean all records which are required by law to be made, maintained or kept on file by the department, or by any official acting for, or on behalf of, the department.

Confidential Records - shall mean all public records which are exempted by law from public inspection (see Section V, Policy).

Records Custodian - shall mean the individual in each division/office assigned to control the records of that division/office (see Section VI, Responsibilities).

Requester - shall mean any person not employed by the department seeking access to public records.

## V. POLICY

### A. Access to Public Records

1. The department will retain all originals of public records and will not allow such originals to be removed from department offices.
2. The department will provide access to public records for inspection upon a written request that clearly identifies the public records of interest.
3. The department will provide copies of public records upon a written request that clearly identifies the public records of interest or will provide facilities for a requester to make copies of public records.
4. The department will provide copies of public records, and certify that same are true and accurate copies, in response to a subpoena.
5. The department will provide copies of public records, and certify that same are true and accurate copies, for use in a deposition.

### B. Confidential Records

1. Public records shall be confidential and, therefore, not subject to public inspection or copying if they are:
  - a. Information required to be confidential by statute or regulation;
  - b. Correspondence and memoranda between the department and the Office of the Attorney General (attorney/client privilege);
  - c. Enforcement investigation documents concerning ongoing enforcement matters, if release for public inspection would be inimical to the public interest (N.J.S.A 47:1A-3);
  - d. Personnel files, except an individual's name, title, position, salary, payroll record, length of service in the government, date of separation from government service and the reason thereof, amount and type of pension, as well as data contained in information which disclose conformity with experiential, educational or medical qualifications required for government employment or for receipt of a public pension (Executive Order No. 11 (1974));

- e. Questions on examinations required to be conducted by the department (Executive Order No. 9 (1963));
  - f. Records concerning morbidity, mortality and reportable diseases of named persons required to be made, maintained or kept by the department (Executive order No. 9 (1963));
  - g. Criminal investigation records (Executive Order No. 9 (1963));
  - h. Procurement documents concerning (Executive Order No. 79 (1979)):
    - i. Surveillance equipment and investigatory services, when disclosure of the equipment type and the subject matter of the services could make known to the target of an investigation, the fact that an investigation is in progress;
    - ii. Installation of intrusion and detection alarm systems, when disclosure could facilitate illegal entry;
    - iii. Studies of computer system security, including final reports, when disclosure could facilitate fraudulent use of the information.
2. Provided, however, that such confidential records shall remain subject to such other provisions of law and regulations as shall be applicable thereto and this policy shall in no way be interpreted as to preclude the appropriate State or local officials from:
- a. using or making available such records for any of the purposes for which such records are made, maintained, or kept; or
  - b. permitting any person who demonstrates a legitimate reason for wishing to do so to examine such records where such officials shall find it not contrary to the public interest or an undue interference with the operation of the office to permit such an examination.

## VI. RESPONSIBILITIES

### A. Director shall:

Appoint a records custodian.

New Jersey State Library



B. Director, Office of Regulatory Services shall:

Train the records custodians and help identify public records involved in litigation.

C. Records Custodian shall:

1. Control all division/office records by:

- a. maintaining a list of all division/office records;
- b. maintaining a log of the location of all division/office records;
- c. controlling access to all division/office records;
- d. maintaining public records that include all information concerning all matters within the jurisdiction of the division/office;
- e. maintaining confidential records separate from other public records.

2. Receive, and respond to, requests for inspection of public records by

- a. scheduling appointments with the requester to inspect public records;
- b. maintaining sufficient security to ensure that public records are not altered, destroyed, damaged or removed during the inspection period;

3. Receive, and respond to, requests for copies of public records by:

- a. copying public records requested or providing facilities for the requester to make copies of public records;
- b. in response to a subpoena, stamping the first page of each copy of the subpoenaed documents with a stamp designed as follows:

THIS IS A TRUE CERTIFIED COPY  
(Records Custodian's Signature)  
(Records Custodian's Name)  
(Division/Office Name)  
Department of Environmental Protection  
State of New Jersey

- c. assessing and collecting fees for copying according to the appropriate schedule.

## **VII. PROCEDURES**

### **A. Request to Inspect Public Records**

1. All department personnel shall:
  - a. Refer all requests to inspect public records to all records custodians;
  - b. Inform requester of referral.
2. Records Custodian shall:
  - a. Acknowledge request to inspect public records and keep a file copy of the request;
  - b. Locate and obtain the Public records requested;
  - c. Determine whether the requested public records involve litigation; if records are involved in litigation, refer the request to the Deputy Attorney General assigned to the case; if not proceed with step d;
  - d. Remove all confidential records from public record files, contact Office of Regulatory Services for assistance, if necessary;
  - e. Contact requester and schedule inspection;
  - f. Monitor the inspection;
  - g. Provide copies of public records requested (see VII. Procedure, Section 8);

### **B. Requests for Copies of Public Records**

1. All department personnel shall:
  - a. Refer all requests for copies of public records to all records custodians;
  - b. Inform requester of referral.
2. Records Custodians shall:
  - a. Acknowledge request for copies of public records and keep a file copy of the request;
  - b. Locate and obtain the public records requested;
  - c. Determine whether the requested public records involve litigation; if records are involved in litigation, refer the

request to Deputy Attorney General assigned to the case; if not, proceed with step d;

- d. The records custodian may require advance payment according to Policy and Procedure 3.14;
- e. Ensure that public records requested are not exempted by law from public disclosure;
- f. Copy public records requested or provide facilities for the requester to make copies of public records;
- g. Send copies of public records to requester, or contact requester to pick up; include completed billing statement according to Policy and Procedure 3.14;
- h. Return public records to the proper location.



Attachment IV

LEGISLATIVE SERVICES  
COMMISSION

CARMEN A. ORECHIO  
Chairman

ROBERT E. LITTELL  
Vice-Chairman

DONALD T. DIFRANCESCO  
MATTHEW FELDMAN  
WALTER E. FORAN  
S. THOMAS GAGLIANO  
JOSEPH HIRKALA  
JOHN F. RUSSO  
WILLIE B. BROWN  
JOHN PAUL DOYLE  
CHUCK HARDWICK  
ALAN J. KARCHER  
DENNIS L. RILEY  
ANTHONY M. VILLANE, JR.  
KARL WEIDEL

New Jersey State Legislature

OFFICE OF LEGISLATIVE SERVICES

DIVISION OF LEGISLATIVE INFORMATION AND RESEARCH

ROOM 206, STATE HOUSE ANNEX  
CN-042  
TRENTON, N.J. 08625  
TELEPHONE: (609) 292-4661

ARTHUR S. APPLEBAUM  
Research Director

GLENN E. MOORE, III  
Assistant Research Director

October 21, 1985

*Hand  
Carried  
copy to  
Hughey*

Honorable Robert E. Hughey  
Commissioner  
Department of Environmental Protection  
CN-402  
Labor and Industry Building  
Trenton, New Jersey 08625

Dear Commissioner Hughey:

At the request of the Chairwoman and on behalf of the members of the "Special Committee to Investigate Hazardous Waste Disposal at Military Institutions" created pursuant to Assembly Resolution 168, I would like to formally request that you make representatives of your Department available to brief the Committee on the environmental and public health dangers which may be posed by the discharging of hazardous wastes at the military installations at Fort Monmouth, the Raritan Arsenal, and at Earle Naval Weapons Station. Additionally, further questions regarding Navy Lakehurst will be discussed. The hearing will be held on Thursday, October 24, 1985, beginning at 10:00 A.M. The hearing is to be located in the Council Chambers of Middletown Town Hall, 1 Kings Highway, Middletown Township (Monmouth County), New Jersey.

Specifically, the Committee would like to inquire as to the water quality implications of the discharges, the aquifer resources which may be affected, and information concerning mitigation strategies which have and will be implemented. The Committee will also be focusing on when

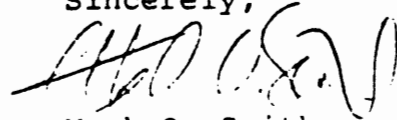
Honorable Robert E. Hughey  
Page Two

October 21, 1985

information became available concerning discharges and departmental response.

I thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark O. Smith", written over a horizontal line.

Mark O. Smith  
Aide to the Committee

MOS:mam



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GEORGE J. TYLER, ASSISTANT COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609-292-8068

October 16, 1985

Mr. Mark O. Smith  
Committee Aide  
Special Committee to Investigate  
Hazardous Waste Disposal at Military Institutions  
Office of Legislative Services  
Room 206, State House Annex  
CN 042  
Trenton, New Jersey 08625

Dear Mr. Smith:

This is in response to your letter of October 15, 1985 inviting me to attend the October 17, 1985 hearing on the Lakehurst Naval Air Engineering Center. Neither I nor any member of my staff will be in attendance.

Please do not misconstrue this as a lack of cooperation on our part. As you are aware, we have made extensive efforts to be cooperative with the committee. We will, of course, continue to respond in this fashion.

We have already supplied the Committee with thousands of pages of documentation and have spent hundreds of man-hours in discussions with the Committee staff. On October 10, I personally appeared before the Committee to provide answers to all questions. At that time, I was informed that the U. S. Navy, and possibly the U. S. Environmental Protection Agency, would be presenting testimony on October 17. As a result, we did not schedule any of our staff for this particular hearing.

Please let me know if questions remain after the U.S. Navy has testified. We will be more than willing to respond.

Sincerely,

George J. Tyler  
Assistant Commissioner



LEGISLATIVE SERVICES  
COMMISSION

CARMEN A. ORECHIO  
*Chairman*

ROBERT E. LITTELL  
*Vice-Chairman*

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KARL WEIDEL

New Jersey State Legislature

OFFICE OF LEGISLATIVE SERVICES

DIVISION OF LEGISLATIVE INFORMATION AND RESEARCH

ROOM 206, STATE HOUSE ANNEX

CN-042

TRENTON, N.J. 08625

TELEPHONE: (609) 292-4661

ARTHUR S. APPLEBAUM  
*Research Director*

GLENN E. MOORE, III  
*Assistant Research Director*

October 15, 1985

Mr. George J. Tyler  
Assistant Commissioner for Environmental  
Management and Control  
Department of Environmental Protection  
Room 805  
Labor and Industry Building  
Trenton, New Jersey 08625

Dear Mr. Tyler:

I have been directed by the Chairwomen of the "Special Committee to Investigate Hazardous Waste Disposal at Military Institutions" to request your attendance at the public hearing the Committee will hold on Thursday, October 17, 1985, in Building #33, the Consolidated Mess at the Naval Air Engineering Center, Lakehurst. The Chairwoman has also requested that Mr. Robert Soboleski attend with you. The purpose of your attendance will be to respond to questions the Committee may have regarding the testimony of the representatives of the Navy and the Environmental Protection Agency.

Thank you for your cooperation in this matter.

Sincerely,

Mark O. Smith  
Committee Aide

MOS:mam

90X



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609-292-2885

October 16, 1985

Honorable Marlene Lynch Ford  
Assemblywoman, District 10  
Room 305  
State House Annex  
Trenton, New Jersey 08625

Attention: Mr. Mark Smith

Dear Assemblywoman Ford:

Enclosed please find information on the McGuire Air Force Base in Burlington County.

Information on the next site and any updated information on all of the previously submitted sites will be forwarded to you as it is compiled.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Hughey", written over a circular stamp.

Enclosures





LEGISLATIVE SERVICES  
COMMISSION

CARMEN A. ORECHIO  
*Chairman*

ROBERT E. LITTELL  
*Vice-Chairman*

DONALD T. DIFRANCESCO  
MATTHEW FELDMAN  
WALTER E. FORAN  
S. THOMAS GAGLIANO  
JOSEPH HIRKALA  
JOHN F. RUSSO  
WILLIE B. BROWN  
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ANTHONY M. VILLANE, JR.  
KARL WEIDEL

**New Jersey State Legislature**

**OFFICE OF LEGISLATIVE SERVICES**

DIVISION OF LEGISLATIVE INFORMATION AND RESEARCH

ROOM 206, STATE HOUSE ANNEX  
CN-042

TRENTON, N.J. 08625  
TELEPHONE: (609) 292-4661

ARTHUR S. APPLEBAUM  
*Research Director*

GLENN E. MOORE, III  
*Assistant Research Director*

October 15, 1985

Mr. George J. Tyler  
Assistant Commissioner for Environmental  
Management and Control  
Department of Environmental Protection  
Room 805  
Labor and Industry Building  
Trenton, New Jersey 08625

Dear Mr. Tyler:

I have been directed by the Chairwoman of the  
"Special Committee to Investigate Hazardous Waste  
Disposal at Military Institutions" to request your  
attendance at the public hearing the Committee will  
hold on Thursday, October 17, 1985, in Building #33,  
the Consolidated Mess at the Naval Air Engineering  
Center, Lakehurst. The Chairwoman has also requested  
that Mr. Robert Soboleski attend with you. The  
purpose of your attendance will be to respond to  
questions the Committee may have regarding the  
testimony of the representatives of the Navy and the  
Environmental Protection Agency.

Thank you for your cooperation in this matter.

Sincerely,

Mark O. Smith  
Committee Aide

MOS:mam



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609 - 292 - 2885

October 9, 1985

Honorable Marlene Lynch Ford  
Assemblywoman, District 10  
Room 305  
State House Annex  
Trenton, New Jersey 08625

Attention: Mr. Mark Smith

Dear Assemblywoman Ford:

Enclosed please find information on the Department of Defense facility at Fort Monmouth in Monmouth County, along with some additional information on the Picatinny Arsenal in Morris County.

We are still in the process of compiling information on the McGuire Air Force Base in Burlington County. That information will be forwarded to you in the next few days.

Sincerely,

Enclosures



LEGISLATIVE SERVICES  
COMMISSION

CARMEN A. ORECHIO  
*Chairman*

ROBERT E. LITTELL  
*Vice-Chairman*

DONALD T. DI FRANCESCO  
MATTHEW FELDMAN  
WALTER E. FORAN  
S. THOMAS GAGLIANO  
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ANTHONY M. VILLANE, JR.  
KARL WEIDEL

New Jersey State Legislature

OFFICE OF LEGISLATIVE SERVICES

DIVISION OF LEGISLATIVE INFORMATION AND RESEARCH

ROOM 206, STATE HOUSE ANNEX

CN-042

TRENTON, N.J. 08625

TELEPHONE: (609) 292-4661

ARTHUR S. APPLEBAUM  
*Research Director*

GLENN E. MOORE, III  
*Assistant Research Director*

October 8, 1985

Honorable Robert E. Hughey  
Commissioner  
Department of Environmental Protection  
CN-402  
Trenton, New Jersey 08625

Dear Commissioner Hughey:

At the request of the Chairwoman and on behalf of the members of the "Special Committee to Investigate Hazardous Waste Disposal at Military Institutions" created pursuant to Assembly Resolution 168, I would like to formally request that you make representatives of your Department available to brief the Committee on the environmental and public health dangers which may be posed by the discharging of hazardous wastes at the Lakehurst Naval Air Engineering Center. The hearing will be held on Thursday, October 10, 1985, beginning at 10:00 A.M. in Room 348 of the State House Annex. Specifically, the Committee would like to inquire as to the water quality implications of the discharges, the aquifer resources which may be affected, and information concerning mitigation strategies which have and will be implemented.

I thank you for your continued cooperation in this matter.

Sincerely,

Mark O. Smith  
Aide to the Committee

MOS:mam



LEGISLATIVE SERVICES  
COMMISSION

CARMEN A. ORECHIO  
Chairman

ROBERT E. LITTELL  
Vice-Chairman

DONALD T. DI FRANCESCO  
MATTHEW FELDMAN  
WALTER E. FORAN  
S. THOMAS GAGLIANO  
JOSEPH HIRKALA  
JOHN F. RUSSO  
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CHUCK HARDWICK  
ALAN J. KARCHER  
DENNIS L. RILEY  
ANTHONY M. VILLANE, JR.  
KARL WEIDEL

New Jersey State Legislature

OFFICE OF LEGISLATIVE SERVICES

DIVISION OF LEGISLATIVE INFORMATION AND RESEARCH

ROOM 206, STATE HOUSE ANNEX  
CN-042  
TRENTON, N.J. 08625  
TELEPHONE: (609) 292-4861

MEMORANDUM

ARTHUR S. APPLEBAUM  
Research Director

GLENN E. MOORE, III  
Assistant Research Director

OCT 03 1985

TO: SPECIAL COMMITTEE TO INVESTIGATE HAZARDOUS  
WASTE DISPOSAL AT MILITARY INSTITUTIONS

FROM: Mark O. Smith,  
Aide to the Committee

DATE: October 2, 1985

SUBJECT: HEARINGS OF THE SPECIAL COMMITTEE

The Special Committee to Investigate Hazardous  
Waste Disposal at Military Institutions will meet on  
the following dates:

October 10, 1985  
October 17, 1985  
October 24, 1985

The subject of the October 10, 1985 hearing will  
be the Potential Sources of Groundwater Contamination Posed  
by Hazardous Waste Disposal at the Lakehurst Naval Air  
Engineering Center. The hearing will begin at 10:00 A.M.  
in Room 400 of the State House Annex, Trenton, New Jersey.

The specific subject matters and the places of the  
other two hearings will be announced at a later date.



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609 - 292 - 2885

September 30, 1985

Honorable Marlene Lynch Ford  
Assemblywoman, District 10  
State House Annex  
Room 305  
Trenton, New Jersey 08625

Attention: Mr. Mark Smith

Dear Assemblywoman Ford:

As a follow up to my September 26, 1985 letter to you,  
enclosed please find critical information pertaining to the  
Department of Defense facility at Fort Dix in Burlington  
County.

Information on the McGuire Air Force Base also in Burlington  
County will be forwarded to you shortly.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rob Hughey", written over the word "Sincerely,".

cc: Honorable Alan J. Karcher



*He Age*

STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROCKAWAY TOWNSHIP

September 26, 1985

Honorable Marlene Lynch Ford  
Assemblywoman, District 10  
Room 305, CN 042  
State House Annex  
Trenton, New Jersey 08625

Attention: Mr. Mark Smith

Dear Assemblywoman Ford:

As a continuation of our effort to provide information on federal facilities as requested by Assemblyman Alan J. Karcher, enclosed please find pertinent information on the Picatinny Arsenal in Rockaway Township.

Our arrangement with Mr. Karcher was to provide certain critical information on each of the ten major federal facilities in New Jersey as quickly as we could assemble it. We have been transmitting a series of reports on each such facility every few days or so. Thus far, reports on the Lakehurst Naval Engineering Center, the Federal Aviation Administration (NAFEC) Facility at Pomona and the Earle Naval Ordnance Depot in Monmouth have been sent. As noted, information on the Picatinny Arsenal is enclosed. The next package of material will follow in several days.

If you or members of your staff have questions, please contact Dr. Marwan Sadat, Director of the Division of Waste Management, at 292-1250 or Mr. John Gaston, Director of the Division of Water Resources at 292-1637 since these sites impact both our waste and water programs. They will schedule appointments and provide any additional information needed to resolve your questions.

Sincerely,

Enclosure

September 26, 1985

Honorable Alan J. Karcher, Speaker  
Assemblyman, District 19  
61 Main Street  
Sayreville, New Jersey 08872

Dear Assemblyman Karcher:

Unfortunately, it was impossible for the Department to meet your September 23, 1985 request for available information on the seven remaining federal facilities by September 24, 1985. For each facility, the task involves review of files throughout the Department by Division staff and an attorney and also involves sending the material to the print shop to have copies made. As you have been previously informed, several voluminous reports on each facility are being forwarded to you, and it would not be prudent for us to provide you with our only copies of those documents. The Department is, however, working as quickly as possible to comply with your request and I will ensure that your request continues to be a priority until it is met.

I have forwarded the pertinent information on the Picatinny Arsenal in Rockaway Township to Assemblywoman Marlene Lynch Ford, in care of Mr. Mark Smith. Assemblywoman Ford will be receiving information on the next site shortly.

Sincerely,

c: Assemblywoman Ford



GENERAL ASSEMBLY  
OF NEW JERSEY  
TRENTON

*me 12*  
SPEAKER  
ALAN J. KARCHER  
ASSEMBLYMAN, DISTRICT 9 (MIDDLESEX)  
61 MAIN STREET  
SAYREVILLE, N.J. 08872  
TEL 201-238-8745  
609-292-6411

September 23, 1985

Robert E. Hughey  
Commissioner, Department of  
Environmental Protection  
CN 402  
Trenton, New Jersey 08625

HAND DELIVER

Dear Commissioner Hughey:

Thank you for your continuing cooperation on the Assembly's current investigation of hazardous waste dumping practices at U.S. military facilities in New Jersey. I appreciate receipt of DEP materials concerning Lakehurst, Earle and Pomona.

Since our last correspondence, members have been appointed to the Special Committee to investigate these practices. Assemblywoman Marlene Lynch Ford of District 10 will chair this Special Committee. Kindly transmit relevant materials on the additional seven facilities to Mrs. Ford in care of the Committee's Secretary, Mr. Mark Smith, of the Division of Legislative Information and Research, Room 305, State House Annex, CN 042, Trenton 08625. In order to prepare for the hearings the Committee needs to be in possession of all relevant information via Mr. Smith by Wednesday of this week.

I appreciate your invitation to review additional D.E.P. information. My Special Assistant for this project, Mr. David Cantor, will contact you very shortly to do so.

Very truly yours,

*Alan J. Karcher*  
Alan J. Karcher  
Speaker

cc: Assemblywoman Marlene Lynch Ford



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF THE ATTORNEY GENERAL  
TREASURY  
SEP 18 1985

September 18, 1985

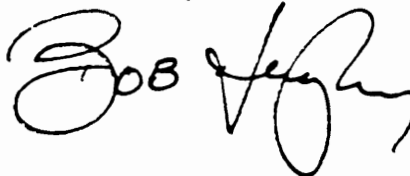
Honorable Alan J. Karcher, Speaker  
Assembly, District 19  
61 Main Street  
Sayreville, New Jersey 08872

Dear Assemblyman Karcher:

As a follow up to my September 13, 1985 letter to you, enclosed is the critical information we have in our files on the Naval Weapons Station Earle. I would again like to take this opportunity to urge you to contact the United States Environmental Protection Agency and the Department of Defense for additional information that those agencies may have available on this and the other sites, and to invite you or a member of your staff to come in and review remaining information in our files.

Information on the Picatinny Arsenal in Morris County will be forwarded to you shortly.

Sincerely,





STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609 - 292 - 2855

September 13, 1985

Honorable Alan J. Karcher, Speaker  
Assemblyman, District 19  
61 Main Street  
Sayreville, New Jersey 08872

Dear Assemblyman Karcher:

We were glad to comply with your request for information on the Lakehurst Naval Air Engineering Center. We will continue to provide you with new information on that site as it becomes available to us.

With regard to your September 11, 1985 request, again I must note that you have requested an extensive amount of information in an extremely short timeframe. I would appreciate your considering the following proposal to meet your needs. There are ten major federal facilities on which there are files throughout this Department. Those facilities are listed below:

- Lakehurst Naval Air Engineering Center
- Picatinny Arsenal
- Fort Dix
- Fort Monmouth
- Earle Naval Weapons Station
- McGuire Air Force Base
- Marine Ocean Terminal Bayonne
- Raritan Arsenal
- FAA Technical Center Pomona
- Pedricktown Support Facility

What I propose is to provide you with critical information from our files on those sites over the next several weeks. As a follow-up to the material previously forwarded to you concerning the Lakehurst Naval Air Engineering Center, I have enclosed information on the FAA Technical Center at Pomona in Atlantic County. In a matter of days I will have the information on the next site for you. We will continue to provide you with information in this fashion until the list has been exhausted. In the meantime, please feel free to come in personally or dispatch a member of your staff to review the information in our files.

Please let me know if this proposed course of action meets with your approval. I would be happy to discuss it with you at your convenience.

Sincerely,

Enclosure



GENERAL ASSEMBLY  
OF NEW JERSEY  
TRENTON

SPEAKER  
ALAN J. KARCHER  
ASSEMBLYMAN, DISTRICT 19 (MIDDLESEX)  
61 MAIN STREET  
SAYREVILLE, N.J. 08872  
TEL. 201-238-8745  
609-292-6411

September 11, 1985

*George*

Commissioner Robert E. Hughey  
Department of Environmental Protection  
CN-402  
Trenton, New Jersey 08625

Dear Commissioner Hughey:

Thank you for your timely and forthcoming response to my recent initial request for information on hazardous waste dumping practices at U.S. military facilities located in New Jersey.

In the interest of a thorough legislative investigation of these practices, I will indeed appreciate prompt receipt of any and all additional relevant material which comes to the attention of or is generated by your Department. Please consider this letter an ongoing request for information concerning hazardous waste dumping practices not only at Lakehurst Naval Air Engineering Center, but at all United States Department of Defense facilities within this State.

Kindly provide a list of additional federal D.O.D. hazardous waste sites, together with such material as may currently be in D.E.P.'s possession in respect of same, by this Friday, September 13, 1985.

We look forward to your continuing cooperation in this area of urgent public concern.

Very truly yours,

*Alan J. Karcher*  
Alan J. Karcher  
Speaker

RECEIVED  
SEP 13 1985  
OFFICE OF THE  
SPEAKER  
ALAN J. KARCHER



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ROBERT E. HUGHEY, COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609 - 292 - 2885

September 9, 1985

Honorable Alan J. Karcher, Speaker  
Assemblyman, District 19  
61 Main Street  
Sayreville, New Jersey 08872

Dear Assemblyman Karcher:

I have received your September 5, 1985 letter regarding the Lakehurst Naval Air Engineering Center in which you request all of the information in the Department's possession or to which we have access concerning this site. Unfortunately, two working days is not enough time to compile all of that information for you. However, I have enclosed numerous reports and documents from the files of our Division of Waste Management (see Attachment I).

Other information concerning the Lakehurst facility is, or will become, available through the on-going enforcement process. If you wish to receive such material or if you require anything further at this point, please let me know.

For your information, I have initiated discussions with Regional Administrator Daggett of the United States Environmental Protection Agency's Region II office to ensure that the State of New Jersey routinely receives all such information and, more importantly, to outline a process for continuous interaction on the question of hazardous sites at all of the federal facilities in New Jersey. I suggest, therefore, that you also write to the United States Environmental Protection Agency and the Department of Defense.

If after review of the enclosed materials you wish to meet to discuss this issue, please feel free to call upon me at any time.

Sincerely,

Enclosures

ATTACHMENT I

Environmental Program Briefing (August 30, 1985) 8/13/85

Dames & Moore Plan of Action

Step I Verification/Confirmation Study (February 1985) 7/16/85

Report on the Status of the 44 Potentially Contaminated Sites Identified by the Navy Assessment & Control of Installation Pollutants Survey of the Naval Air Engineering Center, Lakehurst (May 1984) 7/8/85

Initial Report on the Ground Water Monitoring Program at the Closed Solid Waste Facilities (March 1983)

Annual Report on the Groundwater Monitoring Program at Closed Solid Waste Facilities, Naval Air Engineering Center, Lakehurst (April 1985) 7/8/85

Initial Assessment Study of Naval Air Engineering Center, Lakehurst (March 1983) (copy not attached due to size of document but is available for review from the Department during working hours; arrangements to do so can be made through Dr. Jorge Berkowitz - 609-984-2902)

Recap of August 8, 1985 Meeting with the United States Navy representatives and the Department of Environmental Protection

Comments prepared by the Pinelands Commission, the United States Environmental Protection Agency, and the Department of Environmental Protection on the Dames & Moore Proposed Work Plan

Draft Site Status Report

Addendum to July 17, 1985 Memorandum Regarding Department of Defense Facilities, Specifically Lakehurst

Hand Delivered 9/5/85



GENERAL ASSEMBLY  
OF NEW JERSEY  
TRENTON

SPEAKER  
ALAN J. KARCHER  
ASSEMBLYMAN, DISTRICT 18 (MIDDLESEX)  
61 MAIN STREET  
SAYREVILLE, N.J. 08872  
TEL. 201-238-8745  
609-282-6411

September 5, 1985

Commissioner Robert E. Hughey  
Department of Environmental Protection  
CN-402  
Trenton, New Jersey 08625

Dear Commissioner Hughey:

The New Jersey Assembly has resolved to create a Special Committee to investigate hazardous waste dumping practices at federal military bases located within the State (AR-160, August 28, 1985).

In particular, we are extremely alarmed to learn of a reportedly severe and protracted course of dumping of toxic pollutants by the U.S. Navy at the Lakehurst Naval Air Engineering Center, and of potentially grave impacts on New Jersey's potable water resources, environmentally protected areas, and food chain, inter alia.

I hereby request that you transmit to me forthwith any and all information which is in the possession of your Department, or to which D.E.P. has access, pertinent to the Navy's dumping of hazardous wastes at Lakehurst; including but not limited to all reports or other data, published or unpublished, provided or developed to date by the Environmental Protection Agency or the Navy itself.

Kindly have such material delivered to my Trenton office in time for me to inspect it on Monday, September 9, 1985.

Very truly yours,

*Alan J. Karcher*  
ALAN J. KARCHER  
Speaker

AJK:paw

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TESTIMONY OF  
THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BEFORE THE  
SPECIAL LEGISLATIVE COMMITTEE  
TO INVESTIGATE HAZARDOUS WASTE DISPOSAL  
AT MILITARY INSTITUTIONS

OCTOBER 24, 1985



Good morning, Madam Chairwoman and members of the Committee.

There is really only one issue I would like to address in my opening statement, and that is the issue of our presence here today and our cooperation with you in this endeavor. I want to assure you at the outset that the department will continue to make every effort to be fully cooperative with your Committee, and with your staff, in order to provide you with a full and complete response to any inquiries you may have concerning hazardous waste disposal at military installations.

As my letter of October 22, 1985 indicates, the Department of Environmental Protection has complied scrupulously with the letter agreements set forth in correspondence between Assembly Speaker Karcher, yourself and Commissioner Hughey. No member of this Committee nor any member of its staff has ever been denied access to, or a copy of, any particular piece of information in any of the files of the department. That continues to be and will continue to be the case. The only issue we have ever raised with respect to the conduct of business by this committee has been the time permitted for us to respond to your informational requests and conversely the timeliness of the specific agendas and requests for departmental representation at your hearings.

Without belaboring the point, the sheer volume of material we have supplied you already is enormous. That alone should speak to our intent to fully comply with your informational requests. We have expended hundreds of man hours thus far in responding to those requests and in meetings with your staff. We have already supplied you with thousands of pages of documentation. I personally appeared, as you know, at your hearing on October 10, 1985 and responded to your questions for nearly three hours. On extremely short notice, in fact less than 24 hours, I responded to an eight page letter of inquiry and set forth our positions on all of the issues raised. I am here again today, volitionally I might note, to answer any other questions you might have and I'll be happy to do so in a few minutes.

Therefore, it should be clear that we are here to cooperate with you, we are here to respond to your questions, and if we cannot answer a question on the spot, we will provide you with a full answer as soon as possible. We have nothing to hide about our hazardous waste program because, quite frankly, we are very proud of our hazardous waste cleanup program. New Jersey operates the nation's, and perhaps the world's, finest complement of environmental protection programs. That's not just the Department of Environmental Protection staff bragging; that's a compliment to the State Legislature as well. Over the years, successive New Jersey Legislatures have enacted some of the nation's most powerful environmental laws. Although we have often appeared before Appropriation Committees to ask for additional resources, I must say, in recent years, those resources have been forthcoming and have been substantial. Moreover, Governor Kean and Commissioner Hughey have more than carried on New Jersey's long

and proud tradition of bi-partisan concern for the environment; they have, in fact, epitomized it. There is, therefore, absolutely no reason to avoid this Committee, and the facts of our cooperation speak for themselves.

With that in mind, there are two issues which we raised with respect to your October 21, 1985 letter that was hand delivered to our offices on that day. As I explained in my response, in order to provide you with "any and all information" on the seven largest federal facilities in New Jersey would require at least five additional working days. Those files comprise at least twenty linear feet of documents in the Department and, therefore, I have asked in that letter: first, your reconsideration of the request and, secondly, if you indeed require duplication of all of that information, that you then provide us with the five days necessary to physically copy it all. I also asked in that letter for one week to prepare a special report on laboratory analyses on all of the samples taken thus far at, or near, the Lakehurst Naval Air Engineering Center. I have already directed my staff to begin to prepare that report and I believe we will have it complete by October 31, 1985. I respectfully renew those requests at this time.

With respect to the first seven facilities, I believe we have already submitted sufficient data to provide your staff with a general understanding of the environmental situations at those facilities and a ready ability to target any file they may wish to review in more depth. Because of the great staff expense involved thus far in responding to your inquiries, I would appreciate your finding that level of response sufficient.

With respect to the agenda we were provided for today's hearing, namely a discussion of Fort Monmouth, the Earle Naval Weapons Depot, and the Raritan Arsenal, I have with me Dr. Jorge Berkowitz, Administrator of our Hazardous Site Mitigation Administration. He and I will attempt to generally describe the environmental situations at those facilities and to answer your questions concerning them.

Finally, I once again request that you view the cleanup of federal facilities in the proper context.

Over the years, New Jersey's environmental programs have identified approximately 1100 sites in New Jersey which require or may require some form of remedial action with respect to hazardous waste disposal. As it turns out, a fair number of those sites have already been addressed. In fact, in the last two years alone, the department has overseen the cleanup of more than 300 individual sites or portions of sites. That's actual shovels in the ground or barrels moved--real cleanups. These cleanups include 39 actions taken at Superfund sites, those on the National Priorities List, approximately 60 enforcement-forced cleanup situations at industrial sites in the state, more than 100 drum

dumps ranging in size from 1 to 200 drums, and 30 other small to mid-size sites.

Finally, more than 150 sites have been cleaned up in the last year and a half through our pioneering ECRA program, the Environmental Cleanup Responsibility Act, which requires property owners to clean up before they sell out and move. The department operates a vigorous cleanup effort which maximizes the enforcement powers available to us under various State and Federal laws, and utilizes as much Federal money as is available for the larger sites where no private responsible parties are ready, willing or capable of cleanup operations.

It is against this backdrop that you must review any individual cleanup including the potential cleanups that may be necessary at federal installations.

At this time we can respond to your questions or discuss the three federal facilities you mentioned in your letter of October 21, 1985.

Thank you.

I APPRECIATE THE OPPORTUNITY TO PRESENT TESTIMONY BEFORE YOUR COMMITTEE ON THE IMPORTANT ISSUE OF THE PROPER DISPOSAL OF HAZARDOUS WASTES, PROBABLY THE OTUSTANDING ENVIRONMENTAL PROBLEM IN NEW JERSEY TODAY.

AS YOU KNOW THE NEW JERSEY INSTITUTE OF TECHNOLOGY (NJIT) AND THE UNIVERSITY OF MEDICINE AND DENTISTRY (UMDNJ) HAS FORMED WITH REPRESENTATIVES OF PRIVATE INDUSTRY A RESEARCH CONSORTIUM TO SEEK INNOVATIVE APPROACHES TO THE IDENTIFICATION, PRE-TREATMENT, NEUTRALIZATION AND SAFE DISPOSAL OF TOXIC CHEMICAL WASTES.

THE CONSORTIUM IS CURRENTLY JOINTLY FUNDED BY THE STATE OF NEW JERSEY, A GRANT FROM THE NATIONAL SCIENCES FOUNDATION AND CONTRIBUTIONS FROM THE PRIVATE SECTOR MEMBERS.

WITH THE SCIENTIFIC AND TECHNOLOGICAL RESOURCES AVAILABLE IN NEW JERSEY AT RUTGERS, PRINCETON AND STEVENS INSTITUTE AND WITH A PROPER LEVEL OF FUNDING FROM THE LEGISLATURE THERE IS EVERY REASONABLE HOPE THAT NEW JERSEY CAN DEVELOPE A STATE OF THE ART APPROACH TO DEALING WITH THIS PROBLEM EFFECTIVELY WITHIN A FEW YEARS.

CONSIDERING THAT THE NATIONAL SCIENCE FOUNDATION'S GRANT WAS ONLY FOR THE PLANNING AND EVALUATION PHASE OF THE CONSORTIUM'S DEVELOPMENT AND THAT A SUBSTANTIAL PORTION OF THE CONSORTIUM'S PROJECTED BUDGETS ARE PREDICATED UPON VOLUNTARY COMMITMENTS FROM THE PRIVATE SECTOR, I BELIEVE THERE IS AN IMPORTANT ROLE TO BE PLAYED BY THE LEGISLATURE TO SUSTAIN THE CONSORTIUM'S RESEARCH EFFORTS AT AN ADEQUATE LEVEL OF FUNDING.

I WOULD HOPE THAT THIS WOULD BE ONE OF THE RECOMMENDATIONS THAT THIS COMMITTEE MAKES TO THE LEGISLATURE AT THE COMPLETION OF YOUR HEARINGS.

WHILE IT IS TRUE THAT MONEY ALONE WILL NOT SOLVE THIS PROBLEM, IT IS EQUALLY TRUE THAT CURRENTLY THERE ARE SEVERAL HIGHLY PROMISING EXPERIMENTS THAT HOLD OUT THE POSSIBILITY OF ENVIRONMENTALLY SAFE AND ECONOMICALLY FEASIBLE APPROACHES TO DEALING WITH THE WIDE RANGE OF TOXIC SUBSTANCES THAT ARE BUILDING UP IN OUR ENVIRONMENT.

THE EXPENDITURE OF A FEW HUNDRED THOUSAND OR EVEN A FEW MILLION DOLLARS TODAY AND TOMORROW MAY DO MORE THAN ANYTHING ELSE TO AVERT A MUCH MORE DANGEROUS SITUATION FROM DEVELOPING IN THE LATER PART OF THIS DECADE AND THE EARLY 1990'S.

THE TECHNOLOGY IS CLOSE TO BECOMING A REALITY. WE MUST MATCH OUR STATE'S SCIENTIFIC CREATIVITY AND OUR RESPONSIBLE CORPORATE INVESTMENTS WITH A FIRM COMMITMENT OF POLITICAL SUPPORT AND STABLE FUNDING.

ASSISTANT MINORITY LEADER  
**JOHN T. HENDRICKSON, JR.**  
ASSEMBLYMAN, DISTRICT 9 (OCEAN-BURLINGTON)  
157 NORTH MAIN STREET  
MANAHAWKIN, N. J. 08050

(609) 597-4151  
(201) 657-7751

Box 159 Forge Road  
West Creek, N. J. 08092  
BUS. (609) 296-2048

# NEWS

## FOR RELEASE:

IMMEDIATE RELEASE - Monday,  
October 21,  
1985

**CONTACT:** John T. Hendrickson, Jr.  
Assemblyman, District 9  
(609) 597-4151

### HENDRICKSON IN SEARCH OF MYSTERY COMMITTEE

Assemblyman Jack Hendrickson (R-9, Ocean-Burlington) is a man in search of a committee.

"I have been trying since my appointment on October 4 (attached) to find out the location of the October 24 hearing of the 'Special Committee to Investigate Hazardous Waste Disposal at Military Institutions,' chaired by Assemblywoman Marlene Ford (D-10, Ocean)." Hendrickson is a member of the committee. "It is now three days before this alleged hearing and I still don't know where it is going to be held."

Hendrickson continued, "At the committee hearing on Thursday, October 17, Acting Chairman Jorge Rod (D-9, Ocean-Burlington) said the hearing was going to be held at Earle Ammunition Depot in Colts Neck. Committee aide David Canter indicated it was to be held at Picatinny Arsenal in Morris County, and made a request for information there two weeks ago. Committee aide Mark Smith sent a memo to committee members (attached) stating he didn't know where it was to be held."

- - - M O R E - - -

"On Friday, October 18 my office called Picatinny, Earle, and Assemblywoman Ford's office. Picatinny legislative affairs chief Peter Rowland said, "We have no notification that the panel is coming here." Earle public information officer Mike Ring said, "We don't know anything about a meeting here." At Mrs. Ford's office, an aide named Pat who declined to give her surname said, "We haven't got a location yet, I'll have to call you back." No return call was received.

"In addition," Hendrickson continued, "I have received neither an agenda nor a list of witnesses for any of the committee's three hearings. How am I supposed to prepare for these hearings? Hearings on complicated and vitally important issues such as toxic waste usually take months to prepare and carry out. This committee is an ill prepared, hastily formed three ring circus using thousands of dollars of taxpayer money to re-elect endangered Democrats Marlene Ford, Jorge Rod, and Jacqueline Walker (D-13, Monmouth-Middlesex).

"Mrs. Ford has called me "undignified" for making these requests. (See Ocean County Observer, 10/18, page 11, and Asbury Park Press, 10/18, page A2.) Is it undignified for me, as a member of an investigative committee, to ask where committee hearings are going to be held, what the agenda is, and who the witnesses are? Is it undignified to make these requests less than one week before each hearing, October 10, 17, and 24, are to be held?

- - - M O R E - - -

page 3 of 3  
mystery hearing

"Mrs. Ford is ignoring the requests of a member of her own so-called investigative committee. Perhaps she will not ignore the press. I encourage the press to call Mrs. Ford at her legislative office at 201-240-2200 and find out what is going on.

"Where's the beef, Marlene???" concluded Hendrickson.

\* \* \* 30 \* \* \*

OCT 08 1985



GENERAL ASSEMBLY  
OF NEW JERSEY  
TRENTON

SPEAKER  
ALAN J. KARCHER  
ASSEMBLYMAN, DISTRICT 19 (MIDDLESEX)  
61 MAIN STREET  
SAYREVILLE, N.J. 08872  
TEL. 201-238-8745  
609-292-6411


October 4, 1985

Honorable John T. Hendrickson, Jr.  
157 North Main Street  
Manahawkin, New Jersey 08050

Dear John:

Please be advised that I have appointed you to the Commission to Investigate the Hazardous Waste Dumping Practices at Military Bases in New Jersey and to Develop Options to Protect the Public Health and Environment.

Very truly yours,

  
Alan J. Karcher  
SPEAKER





**New Jersey State Legislature**

**OFFICE OF LEGISLATIVE SERVICES**

**DIVISION OF LEGISLATIVE INFORMATION AND RESEARCH**

**ROOM 206, STATE HOUSE ANNEX**

**02-042**

**TRENTON, N.J. 08646**

**TELEPHONE: (609) 292-4061**

**ARTHUR S. APPLEBAUM**  
*Research Director*

**GLENN E. MOORE III**  
*Assistant Research Director*

**MEMORANDUM**

**OCT 15 1985**

**TO: SPECIAL COMMITTEE TO INVESTIGATE HAZARDOUS  
WASTE DISPOSAL AT MILITARY INSTITUTIONS**

**FROM: Mark O. Smith,  
Aide to the Committee**

**DATE: October 10, 1985**

**SUBJECT: HEARINGS OF THE SPECIAL COMMITTEE**

The Special Committee to Investigate Hazardous Waste Disposal at Military Institutions will meet on the following dates:

October 17, 1985  
October 24, 1985

The subject of the October 17, 1985 hearing will be the Potential Sources of Groundwater Contamination Posed by Hazardous Waste Disposal at the Lakehurst Naval Air Engineering Center. The hearing will begin at 10:00 A.M. in Building #33, the Consolidated Mess, at the Naval Air Engineering Center at Lakehurst.

The specific subject matters and place of the October 24th hearing will be announced at a later date.

ASSISTANT MINORITY LEADER  
**JOHN T. HENDRICKSON, JR.**  
ASSEMBLYMAN, DISTRICT 9 (OCEAN-BURLINGTON)  
157 NORTH MAIN STREET  
MANAHAWKIN, N. J. 08050

(609) 597-4151  
(201) 657-7751

Box 159 Forge Road  
West Creek, N. J. 08092  
BUS. (609) 296-2048

# NEWS

## FOR RELEASE:

IMMEDIATE • MONDAY, OCTOBER 21,  
RELEASE • 1985

**CONTACT:** John T. Hendrickson, Jr.  
Assemblyman, District 9  
(609) 597-4151

### **HENDRICKSON DEMANDS DEMOCRATS' ELECTION REPORTS BE AMENDED**

Assemblyman Jack Hendrickson (R-9, Ocean-Burlington) today demanded that Assemblywoman Marlene Ford (D-10, Ocean), Jorge Rod (D-9, Ocean-Burlington), and Jacqueline Walker (D-13, Monmouth-Middlesex) amend their Election Law Enforcement Commission reports to reflect the thousands of dollars of taxpayer money being spent to promote their re-election campaigns.

"The 'Special Committee to Investigate Hazardous Waste Disposal at Military Institutions' is covering ground already gone over by other groups," said Hendrickson. "For example, the Lakehurst hearing on Thursday, October 17 covered information already presented at four other hearings, on August 8, 26, and 30 sponsored by Lakehurst, and again this week on October 24 by the Pinelands Commission. Mrs. Ford was invited to the August 30 hearing, and did not attend."

Hendrickson continued, "These hearings are serving few informational purposes. They are a three ring circus starring Mr. Rod, Mrs. Walker, and in the center ring, Chmn. Ford. These three Democrats, all facing tough re-election battles, are attempting to take toxic waste, the most important issue facing New Jerseyans today, and use it as a political football, all at taxpayer expense."

- - - MORE - - -

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Hendrickson detailed the committee's expenses. "The committee has hired a full time environmental expert, David Canter, to feed questions to the committee's Democratic members to ask witnesses. There are extensive printing and copying costs. Hundreds of hours must be spent transcribing oral testimony into written form. A report of the committee's findings must be prepared, printed, and produced in book form. This includes all testimony, committee members statements, and hundreds of pages of appendixes entered into the committee's records.

"This is in effect a contribution of thousands of dollars by taxpayers to the re-election campaigns of the three endangered Democrats on the committee.

"I will withdraw this demand if Chairwoman Marlene Ford agrees to cancel the third hearing and end this travesty," concluded Hendrickson.

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