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**PUBLIC HEARING**

before

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

on

Questions concerning the military installations of  
Fort Monmouth, the Raritan Arsenal and the Earle Weapons Station

December 10, 1985  
Room 438  
State House Annex  
Trenton, New Jersey

**MEMBER OF COMMITTEE PRESENT:**

Assemblywoman Marlene Lynch Ford, Chairperson

**ALSO PRESENT:**

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

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**ASSEMBLYWOMAN MARLENE LYNCH FORD (Chairperson):** Good morning. Thank you for being here today. I am Assemblywoman Marlene Lynch Ford, Chairperson of the Legislature's Committee to Investigate Hazardous Disposal at Military Institutions.

This is our regularly scheduled meeting pursuant to a notice sent November 27, 1985. I want to thank those of you who appeared today, and before we get to questions on some specifics, I would like, for the record, just to spread some information -- background information. Since this Commission was constituted, we have requested, from various military installations and Federal installations in this State, information regarding their disposal practices. Some of the installations have been very cooperative; we have received complete, full information from them, and some have not responded at all. At our-- We have held, to date, three hearings, starting in October. The first one was October 10, October 17, and October 24. We have had various informal and formal requests for information from various-- two various military installations. On October 22, we wrote to Major General Robert Morgan, of Fort Monmouth, for information and asking that he exchange with us various pieces of information regarding his facility.

At our October 24 hearing, Assemblywoman Jacqueline Walker, who is also a member of this Commission and whose district includes Fort Monmouth, elicited testimony of the Regional Administrator of the EPA, Christopher Daggett, and Assistant Commissioner Tyler of the DEP with regard to hazardous waste practices at the Fort Monmouth facility. Mr. Daggett had testified that the base contains 11 dump sites, or landfills, including such items as pesticides, batteries, municipal waste, sewage sludge, medicinal chemicals, asbestos, photographic chemicals, fly ash, and other materials.

He had indicated, also, at that time that there was an oil spill at the facility and numerous radioactive leaks and exposures. As a result of the testimony from Mr. Daggett and Mr. Tyler, we had asked whether various toxic sites were protected from public access. Obviously, since neither Mr. Tyler nor Mr. Daggett were able to answer these questions, we had sent on this request to the facilities.



With respect to the radioactive sites and incidents, Mr. Tyler had testified that Mr. Daggett's testimony of October 24 was the first time that he had learned of these matters. Mr. Daggett subsequently testified that EPA learned of the various radioactive spills and exposures through an Army report submitted by the EPA in March of 1981, but that EPA had not looked into these matters or tested for radiation levels on any subsequent occasion. As a result of that hearing, and after the October 24 hearing, I had a conversation with Mr. Daggett and several reporters who were present at the hearing, and who indicated to me that he had checked with the staff of the EPA and could now assure me that all the radioactive spills and any related contamination at Fort Monmouth Facilities had been cleaned up by the Army at some previous point in time.

Relying upon some subsequent news reports, relying upon, also, EPA sources, Mr. Tyler also was quoted as making similar statements. Beginning on October 25, this Committee's staff made several oral requests of the EPA and of Fort Monmouth personnel for clarification and for documentary accounts of radioactive incidents, as well as unrestricted landfills-- in other words, landfills that did not have barriers around them. Such requests were directed to the DEP, to the EPA, and to Fort Monmouth, and this was consistent with our prior written request for all relevant information concerning hazardous waste practices at that site.

To this date, the Committee has heard nothing from Fort Monmouth except that as of the last week of October, its Base Commander was returning from a trip to Europe and thereby assured us that he had assigned the highest priority to responding to our requests for various information. Since then, I know that Assistant Commissioner Tyler has been quoted on more than one occasion in The Asbury Park Press and other newspapers to the effect that all the radioactive sites in Monmouth have been cleaned up by the Army, and that's-- he's relying, apparently, according to the EPA information.

EPA has provided us with the Army's 1980 initial assessment study on the Fort Monmouth site, which includes the radioactive sites. Relying upon this document, both the EPA and the DEP have told us that

there were no unremediated radioactive sites at Fort Monmouth. Actually, the document in question indicates that numerous exposures, spills of radioactive material at Fort Monmouth dating back to the early 1960s, have occurred. Three spills at the Fort Monmouth-Evans area are described, including cleanups.

A fourth site is described as follows, and I'll quote: "Fort Monmouth has a neutron generator which is housed in an underground bunker at Sandy Hook, New Jersey. This facility has not been recently used and is scheduled to be closed. The area is contaminated with tritium, which has a half-life of 12.3 years." There is no indication of any cleanup of the Sandy Hook bunker that has been provided through the Army's 1980 IAS report.

One reference given elsewhere in the Army's IAS report provided by EPA indicates there exists a June 1976 Radiological Hygiene Special Study No. 41-003-69, Valuation of Fort Monmouth, New Jersey, Employees For Tritium Exposure, July 1-August 16, 1968. Oral telephone representations to our special Committee staff, and reporters for The Asbury Park Press to the effect of some form of remediation or contaminated Sandy Hook bunker occurred in 1982 or 1983, but no documentary evidence to this effect has been provided to this Committee to this date.

DEP's representations as to Sandy Hook cleanup rely upon EPA sources, and EPA's source relies upon the Army sources. To date, the Army at Fort Monmouth has failed to provide any documentary evidence whatsoever of a Sandy Hook cleanup. The Special Committee's secretary was informed yesterday that neither Major General Morgan nor any Army representative could attend today's hearing. It is my understanding that it would be unlikely that they would attend next week's hearing, and I therefore requested that the legislative counsel, Mr. Marinari, prepare subpoenas to produce the Base Commander so that we could get to the bottom of this documentation. Oh, I'm sorry-- Albert Porroni. And pursuant to the directive from this Committee, delegating to the chair the responsibility and the ability to issue those subpoenas on behalf of the Committee which was done at our October 17 hearing at Lakehurst, as well as the supporting legislation and the resolution creating this Commission, which gave us the authority to do that.

It is my intention, I would announce today, to issue those types of subpoenas to the Commander of the Fort Monmouth base, and we will be limiting the information specifically to cleanup documentation and so forth with respect to the Sandy Hook site, and also to the questions that we have with regard to unrestricted access to the landfill areas.

Now, another site, at our previous hearings, that some questions occurred, that involved the Raritan Arsenal, in which we were advised in testimony that the Raritan Arsenal, or the Raritan Depot, as it is often called, which is located in Edison, had been in operation from 1917 to 1964. The land was then transferred to new owners, which included the Environmental Protection Agency. The EPA's Region II laboratories are located on the former Army site. According to Mr. Daggett, the Army, in 1961, identified some 17 areas of property that were thought to be contaminated with explosives. On one 1.7 acre tract, Mr. Daggett said that in the early 1970s, liquid mustard gas from 55-gallon drums was discovered, along with 100-pound bombs in containers, all reportedly dumped into open pits. Mr. Daggett further advised the Committee that there were also reports of dumped potassium cyanide and red foaming nitric acid at the same site.

Mr. Daggett further testified that on June 20 of this year, the Environmental Protection Agency dispatched a field investigative team to the former arsenal site to reappraise the overall situation, but that the results were not then available as of our last hearing. Although an EPA document dated August 28, 1985 had indicated EPA's discovery of PCBs and other toxics at that site, in October of 1984, Mr. Daggett was unaware of these findings, of his own personnel, literally in his own backyard. This same recent Environmental Protection Agency document, which concerns possible desiccation of the former arsenal grounds as a Superfund site, also indicates that on June 20 last, EPA also discovered two radioactive sites in buildings 205 and 214. Mr. Daggett expressed surprise and testified that he was unaware of these findings, stating the EPA will get right back to us on that particular information. Despite repeated reminders of this promise, EPA has failed to inform this Special Committee or its staff of

anything relative to these two radioactive sites at the Raritan Arsenal, or the other hazardous waste problems which were disclosed and of which the Committee was unaware as of October 24.

Yesterday, the EPA Region II informed us again that neither Mr. Daggett nor a representative would appear at today's hearing, despite our request for his presence and his testimony.

A third area of concern that arose at the last meeting involved the situation at the Earle base in Monmouth County. Again, at our October 24 hearing, it was Assemblywoman Walker who questioned the Region II Administrator, Mr. Daggett, and the DEP Assistant Commissioner Tyler concerning hazardous waste practices at the Naval Weapons Station Earle in Colts Neck. It was ascertained that some 29 hazardous waste sites had been identified by the Navy at Earle at least as early as February 1983. Nine sites were identified as early as 1980 and 1981. The EPA was appraised of these 29 sites by October of 1983. These sites included landfills, spill sites, possible PCB spills, and ordnance and sludge disposal areas. Although Mr. Daggett indicated that these activities and practices date back to 1943, Mr. Tyler had indicated there was no present dumping at Earle.

Mr. Daggett further indicated that there was a tripartite administrative consent agreement for this facility being negotiated among EPA, DEP and the Navy. In October of 1984, Earle was listed on the Superfund National Priorities List by the EPA, based, according to Mr. Daggett, on a hazardous ranking of 37.2. Mr. Daggett had testified that this ranking and designation were based upon the potential groundwater contamination stemming from past hazardous waste practices at Earle. He further testified that 11 specific sites have been selected for confirmation studies and eventual remediation, that these studies would take about a year to occur, and notwithstanding that, all the sites had been identified by the Navy between 1980 and 1983. Mr. Tyler further testified that DEP was testing the water around the base and had discovered in excess of 10 times acceptable quantities of chlorobenzene in surface water samples taken along Route 34, just north of Route 33. And these are traveled roads adjacent to the base.



He further testified that the DEP was not allowed on certain parts of the base to conduct additional water sampling. Mr. Daggett testified that the Vincentown, Kirkwood and Englishtown aquifers might be adversely impacted by groundwater contamination from Earle. Mr. Tyler indicated the DEP was also concerned about possible impacts on the Manasquan River Reservoir project, but at present, foresaw no such impacts nor need for further remediation.

On November 5, this Special Committee received a response to its October letter requesting information from the Navy Earle Commanding Officer, Captain Benson. And I don't believe that there are representatives from Earle here today, but please correct me if I am wrong. Based on, I think-- Based on our experience, and I want to thank you for bearing with me in just putting forth those summaries of our activities with regard to the other bases-- Based on that, I am also going to exercise my discretion to issue a subpoena to Mr. Daggett, the Regional Administrator of the EPA, and also, to ask that he appear and testify at our next hearing, which will be on the 17th. To that extent, I have requested Al Porroni, again, the Legislative Counsel, to prepare those subpoenas in accordance with the law and to prepare them for my signature today and they will be issued.

We-- I know that we have representatives here from McGuire Air Force Base and I want to thank you for coming and appearing. I know that you probably have some type of prepared opening statement, and I would like to give you the opportunity to give that statement for the benefit of the Committee and to put it on the record. So, if there are representatives from McGuire, I would ask that you step forward and identify yourself.

**ASSISTANT COMMISSIONER GEORGE TYLER:** Madame Chairwoman, if I may?

**ASSEMBLYWOMAN FORD:** Yes, Mr. Tyler?

**ASST. COMMISSIONER TYLER:** (Speaks from audience) Just one word for the record. I would like to note, for the record, that the Department has-- the Department of Environmental Protection has attempted to fully comply with all the Committee's information requests. We have been here, at your call--

**ASSEMBLYWOMAN FORD:** Mr. Tyler, I have questions for you. I don't know if you want to go first, or--

ASST. COMMISSIONER TYLER: I just want to note for the record, since, at least, I heard my name did come up in your statement with respect to certain testimony at the last hearing. The Department has always and will continue to be fully cooperative in all of your information requests. Secondly, I just note, as a matter of doing business with the Committee, we found it quite difficult to comply with your information requests, repeatedly receiving the exact agenda for your meetings on a very short notice. For example, today, we were told that five different facilities would be discussed, but we only learned that on December 4. It's a very short time to pull together the kind of information this Committee would need to do its work. So, I just wanted to note that for the record, and I appreciate the time at this point. I'll be here should you have any questions.

ASSEMBLYWOMAN FORD: All right. Would the representatives from McGuire step forward?

Thank you, Colonel. Perhaps you could-- Welcome to the State House. Perhaps you could identify yourself for the record, and introduce some of your staff members, if you wish, that are here.

**COLONEL RICHARD L. SULA:** Thank you, Mrs. Ford. I am Colonel Richard L. Sula, United States Air Force. I am Deputy Base Commander of McGuire Air Force Base, New Jersey. I have with me on my left-- immediate left here, Captain Mark Halsey, who is Assistant Staff Judge Advocate, specifically, expert in environmental affairs from McGuire. In the rear, along with me, I have Lieutenant Colonel Suzanne L. Phillips, Chief of Public Affairs, and Lieutenant walter Koon, the Deputy Chief of Public Affairs. Additionally, I have Second Lieutenant Dave Wannigman, a bio-environmental engineer; Sergeant Thomas Jordan, a bio-environmental engineer technician; and two members of our Civil Engineer and Planning Team, Mr. Martin Eisennart and Mr. Bill Flockhart.

At this point, I do have some prepared remarks I would like to read into the record, at your discretion. And also, following that, I would like to make another statement referencing McGuire's disclosure policy with respect to our environmental problems. If I could do that first, then at that point, we would be open to your questions.

Before beginning my formal remarks, I'd like to thank you for this opportunity to once again place McGuire's enviable record of environmental responsibility before the public. Despite the relatively short notice we received, I was able to bring several key members of our staff with me, and I have already introduced them, and I brought these people should you have any particularly technical questions to ask following my presentation.

McGuire Air Force Base is located due east of the main Fort Dix complex and between Wrightstown and Cookstown, New Jersey. The base itself comprises approximately 3,600 acres of land, along with another 220 acres of leased land 11 miles away at the old BOMARC site. The 438th Military Airlift Wing, along with the 514th Military Airlift Wing of the Associate Reserve operate 60 C-141 jet transport aircraft in support of this nation's global airlift requirements. This mission not only includes the airlanding of cargo and troops throughout the world, but it also incorporates a requirement to train for the airdropping of cargo and paratroops. An average monthly workload will see 200 airlift missions depart McGuire, with another 50 cargo aircraft stopping there for cargo or fuel. McGuire also hosts two units of the New Jersey Air National Guard. The 170th Air Refueling group operates the KC-135 tanker aircraft, and the 108th tactical fighter wing flies the F-4 aircraft. As you can see, we are an operationally-oriented base supporting various missions. We do it well, and we do it proudly.

We at McGuire recognize our role as an ecological partner with the Navy communities dotting the beautiful Pinelands of New Jersey. We intend to continue fully cooperating with our neighbors -- as well as your Committee -- in an effort to keep the lands entrusted to us as pure as possible. Regarding those areas that may have become tainted by hazardous wastes, our long-range plans will investigate, identify, and effectively restore them to acceptable standards.

My presentation will cover three main issues. First, I would like to briefly describe the Installation Restoration Plan -- or IRP -- that we have put in motion at McGuire. Next, I will discuss the areas determined to have a moderate or high potential for environmental contamination and our progress toward possible mitigation. Finally, I

will touch on our ongoing programs which have been designed to minimize the probability of future environmentally hazardous incidents.

Let's begin with the IRP. I need to emphasize the fact that this is a Department of Defense program. The services may have different names for it, but it is mandated at the highest levels and is quite broad in scope. All DOD installations were directed to identify and fully evaluate potential problems with past hazardous material disposal sites. Of prime importance would be to control the migration of hazardous contaminants. Hazards to health and welfare were to be controlled, and mitigating actions, if feasible, were directed.

While these actions are straightforward and succinct, the four phase program itself is extremely comprehensive. Phase I was the initial assessment phase and consisted of a detailed review of historical records, photographs, field inspectors, and personal interviews. McGuire's Phase I report was published in November 1982. Copies were provided to the Department of Environmental Protection in January of 1983.

Phase II of the IRP is the confirmation study. Those sites identified in Phase I are to be subjected to closer scrutiny. In this phase, specific pollutants are to be identified along with the extent of pollution and the possibility of migration. McGuire's first stage reduced the original 21 sites to 12, which showed the highest potential for contamination. An extra stage was required due to a major fuel spill which occurred in April 1984. A more detailed Stage II will complete the confirmation study.

Phase III is entered whenever it is determined that mitigating action is necessary but that the existing methods are not capable of adequately or safely completing the required tasks.

Finally, Phase IV consists of completing whichever mitigating action is dictated. This could consist of capping, removal, or recovery of the hazardous material.

Before you is a map of McGuire Air Force Base with several numbers highlighted on it. On this map, and the next one you will see, are all the sites of potential environmental contamination which were identified in Phase I of the IRP. The sites highlighted in red

identify the major areas of concern. In the lower right hand corner of the map, you see a cluster of sites, numbers 1, 9, 11, and 12 that we are collectively calling Zone 1. This "zone" consists of three landfills and an old sewage treatment plant sludge disposal area. This complex is our number one priority, principally because of its size, the fact that landfill trenches extended into the water table, and South Run Creek flows through the area.

Zone 2, the BOMARC site 11 miles east of McGuire, has been created, partially in response to a New Jersey Department of Environmental Protection request that the BOMARC site be re-scored considering both chemical and radiological data. Zone 2 is now our second priority and encompasses the entire facility. Although the immediate area of the 1960 missile accident has received more notoriety and media coverage, the JP-X discharge pit remains the location with the highest potential for contamination. JP-X fuel from the liquid fueled missiles consisted of 60% JP-4 and 40% hydrazine. The second fuel component was nitric acid. As either chemical was "spilled," and I use spilled in quotes, it tended to percolate into the ground.

Coming back into McGuire proper, sites 4 and 5 -- at the top of the chart -- are also landfills which received miscellaneous wastes including, perhaps, some waste oil and industrial chemicals. Like the landfills in Zone 1, the trenches were dug at least to the water table. Additionally, these two areas are also in close proximity to North Run Creek.

Site 5, in the upper left, is our pesticide wash area where spray equipment is washed following use. This is our only active site. Pesticide levels were detected in subsurface soils and the possibility of sediment transport exists. Some off-site migration is possible, but no migration off McGuire is considered likely. A new concrete pad with curbing and a drain/separator system will be constructed this coming year to preclude any possible future contamination. The Defense Reutilization and Marketing Office, formally the Defense Property Disposal Office of DPDO, is Site 6 and is high on our list because of the occurrence of PCBs at one to two foot depths due to past electrical transformer storage. This area also has

oil and grease residue from both surface drum storage and a buried oil storage tank.

Site 7 is an old fire training area used from 1940 through 1958. Waste oils, avgas, and jet fuel were probably burned in great quantities to provide the necessary fire department training. No liner system was used, nor was any pre-application of water used to retard the percolation of waste fuels into the soil.

Prior to 1970, fuel sludge from the bottoms of our bulk fuel storage tanks was buried within the dikes surrounding the fuel tanks. It is estimated that up to 2,000 gallons of sludge were disposed of in this manner without any preliminary weathering which would have reduced the contamination potential to some extent. This area is Site 8.

Site 14 consists of a paved parking lot in the civil engineering compound. Around 1950, approximately 50, 55-gallon drums of waste oil were believed to have been buried six feet beneath the surface of the ground. Subsequently, the area was covered with asphalt.

Finally, we come to the area on the map labeled "x," once again in our tank farm. In April 1984, McGuire experienced a large fuel spill from some obsolete lines that were still connected to active JP-4 fuel tanks. An immediate investigation was initiated which included the installation of eight permanent monitoring wells. Sixty-two soil samples were taken and two rounds of groundwater samples were collected. The draft report showed a free-floating fuel plume on the water table in the area. The extent of the fuel plume is limited and it is not migrating into South Run at this time. Coincidentally, a second plume of dissolved BTX chemicals, not associated with the spill, was also discovered.

This incident serves to point out several facts. First, the IRP is not static, and will accommodate additional sites of potential environmental contamination. Secondly, we can, and will, react rapidly to analyze and measure the extent of an added site. Finally, this incident shows why the IRP phased approach is both efficient and cost-effective. Shortly after the initial spill, several agencies supported the immediate drilling of wells to recapture the JP-4. The



draft report published in June 1984 showed that the locations of the proposed wells were totally incorrect and would have produced nothing in the way of JP-4, and at considerable expense.

So, where are we going next with regard to the IRP? Fiscal year 1986 will see the initial mitigating efforts begin at McGuire. Two hundred and fifty-thousand in Defense Environmental Restoration Account moneys are targeted for the removal of remaining underground storage tanks at the BOMARC site. An additional \$80,000 in DERA funds will be used to replace other underground petroleum waste tanks with new above ground tanks. Finally, \$250,000 from DERA will be spent in the closure and removal of remaining waste oil tanks on McGuire and the removal of contaminated soil.

Fiscal year 1987 will see another \$1 million in DERA moneys used to complete IRP Phase II, Stage III. Currently, the statement of work is being coordinated through all interested agencies prior to going out for bids. This effort will establish the final priority for cleanup. Part of the \$1 million will also be spent in mitigation efforts.

Future contamination is being prevented by an orchestrated, proactive program which emphasizes a multi-faceted approach. With respect to our hazardous waste management program, we obtained our general Part A permit from EPA in 1980. It was revised with DEP in 1985 to update our container storage program and to phase out underground waste storage tanks. Our Part B permit was applied for in September 1985. DEP asked for expanded documentation in late October. Our people met with DEP representatives on 5 December 1985, and we expect to fully comply with Part B requirements by the end of this month.

We are a major storage facility in that we ordinarily store petroleum products and hazardous materials in excess of 400,000 gallons. Currently, DEP is reviewing our comprehensive Spill Prevention Control and Countermeasures or SPCO Plan. Additionally, we are working with DEP on the LUST program. To prevent leaking underground storage tanks once and for all, our new product tanks will be of fiberglass construction, and have a secondary containment feature along with a monitoring system.

Our spill response team can and does respond to any point on the base in minutes. They are normally triggered by the base hot line through the Fire Department. We are taking advantage of Air Force Occupational Safety and Health training programs to further educate supervisors and workers. In the pesticide area, only ecologically approved pesticides are now being used, and under the most stringent guidelines. Finally, hazardous wastes are now being conserved and recycled when appropriate as opposed to being disposed of.

Once again, I assure you that McGuire Air Force Base is cooperating fully with Federal, State and local authorities in our joint ecological battle. The ultimate objective of our IRP will result in the capping, removal, or recovery of identified pollutants-- whichever is indicated. Of course, we solicit your review and comments on our program.

That completes my formal remarks. I would now like to read a statement for the record referencing our disclosure policy.

I would like to turn briefly again to the subject of BOMARC for the purpose of reaffirming Air Force disclosure policy. Please make a matter of record the Phase I, November 1982 and Phase II, October 1984 McGuire IRP reports which both describe the BOMARC site and its radiological contamination as well all the other potentially hazardous sites just discussed. These reports, which were sent to your Special Committee per request on 27 November 1985, were initially sent in draft form to the DEP, Division of Waste Management 120 days prior to their anticipated publication dates. They were also coordinated with the Burlington County Waste Management Agency, Ocean County Health Department and the Pinelands Commission. Each of these agencies subsequently received final published copies of the two reports. DEP's copy was mailed 3 January 1986. A copy of the cover letter will be provided for the record.

Our policy of full disclosure is further substantiated by referring to the following documents which I also ask to be placed in the record:

One, the Department of Defense news release of 7 June 1960, reporting the accident and acknowledging a small amount of radiological contamination on the site.

Number two, the DOD release dated 23 June 1960, which updates that accident.

Number three, a memo to the Wing Commander, 30 January 1975, answering questions for a Trenton Evening News reporter on contamination and annual site surveys.

Number four, a copy of the October 17, 1976 Sunday Shore Observer Magazine which discussed the site, the accident, and the extent of contamination.

Number five, a set of news media queries from The Asbury Park Press on 4 May and 9 May 1979 regarding contamination at the site.

Number six, a February 14, 1982 Asbury Park Press article on the status of the site.

When the Air Force experts met with Commissioner Hughey and other members of the DEP on July 16, 1985, they fully explained the background and answered questions on the BOMARC matter. At that time, the DEP requested six additional pieces of information and/or Air Force actions to include, firstly, expanded on-site and off-site groundwater monitoring; secondly, expanded evaluation of the entire BOMARC site, including both chemical and radiological contamination; third, an atmospheric dispersion model to evaluate dispersion plutonium from the fire on June 7, 1960; fourth, compilation and/or lists of all unclassified reports in DOD files on the BOMARC incident; fifth, a re-score of the HARM rating pertaining to the BOMARC site, and finally, sixth, a compilation of medical records/evaluation of base personnel and civilians who participated in the fire fighting.

I would like to place evidence on the record showing the completion of five of these six reports.

Firstly, a letter dated 4 October 1985, and documentation showing the results of the 23 July '85 groundwater sampling for plutonium. No evidence of significant plutonium contamination was found in the samples. As an aside, I might say that the Air Force also invited the State to take further water samples during our annual survey of the site in September, which we did side by side. While we do not have a written report on this as yet, we have been informed that results of these samples are similar to the July samples.

Secondly, a Phase II, Stage II, IRP Statement of Work was sent out for coordination on 29 October 1985, which, among other things, addresses the DEP request to expand evaluations of BOMARC. A copy is offered for the record.

Third, an aerial dispersion model dated 22 November 1985 was sent to DEP on 25 November 1985. A copy is offered for the record.

Fourth, the completed list of all unclassified/declassified documents regarding BOMARC was sent to DEP during the week of 18 October 1985. A copy of these documents is also offered for the record.

Fifth, Mr. Deieso, DEP, was notified of the re-scoring of the BOMARC site as a single zone on 15 October 1985. The cover letter for this action is also offered for the record.

Sixth, a formal request for health records has not yet been received from the State Department of Health and Social Services. When it is received, it will be evaluated for compliance.

I think it is fair to say that the Air Force has been and will continue to cooperate with the State with regard to the entire BOMARC matter.

To further document our efforts and willingness to cooperate with the State as well as local and county agencies on all environmental matters, I'm including for the record a sample of 13 other documents from 1978 to the present, which cover such matters as permits, air quality questions, water quality items, IRP meetings and the like. I'll not read those at this time; however, I will furnish a listing of those for the record.

As you can see, we are in continual communication with all agencies on environmental matters, and we do consider ourselves a good neighbor in New Jersey.

That completes my formal remarks, ma'am. I am ready for questions.

ASSEMBLYWOMAN FURD: Thank you, Colonel. Your base has been particularly cooperative in sharing its information. Of course, the purpose of these hearings is to include spreading that information on the record and making it available to the legislators who have to evaluate how the State should be coordinating its efforts.

I have a few questions. You indicated there was testing done of the soil and groundwater with regard to possible contamination, and I believe you said there was no significant contamination indicated as a result of those tests.

COLONEL SULA: Those were our July, 1985 tests. You are correct, ma'am. The results of our tests showed no significant levels of plutonium.

ASSEMBLYWOMAN FORD: Was plutonium detected at all?

COLONEL SULA: Yes.

ASSEMBLYWOMAN FORD: There was a detection of plutonium, but you are characterizing it as "no significant levels."

COLONEL SULA: That is correct. We will be furnishing you with a copy of those results stating the exact levels. However, I add that the levels were very small.

ASSEMBLYWOMAN FORD: In your slide presentation, you identified certain areas which were hazardous waste sites within the Base area. Is that correct? I counted 16 such areas of concern.

COLONEL SULA: It should have been 21 because there were five associated at the BUMARC site also. So, 16 on the main Base proper -- actually 17, if you count the fuel spill area, which occurred in 1984, plus five at the BUMARC site.

ASSEMBLYWOMAN FORD: So, total, there are 21 possible sites.

COLONEL SULA: Twenty-two.

ASSEMBLYWOMAN FORD: Twenty-two, including BUMARC.

COLONEL SULA: Yes, ma'am.

ASSEMBLYWOMAN FORD: In August, 1985, EPA issued a Federal Facilities Update Report under CIRCLA and identified nine areas of concern, and I will quote, under their section Summary of Waste Disposal: "Nine areas of concern have been identified which include five landfills, a sludge disposal area, a pesticide wash area, the BUMARC missile site, a drum storage area, a fuel storage area, a drum burial site, and a fire training area." Then it goes on to say: "All nine sites are located on the Base, which is within the environmentally sensitive Pinelands."

Can you explain the discrepancy where DEP is talking about nine areas and you're talking about 22?

COLONEL SULA: Actually, it just amounts to what--

ASSEMBLYWOMAN FORD: Are they grouping some areas together as one site?

COLONEL SULA: Yes, they sure are. (Colonel walks over to screen where slides are being projected in order to demonstrate. However, when Colonel walked away, he neglected to take microphone with him, so the following section was very difficult to hear for transcribing purposes.) These four are grouped into what we call Zone I, so we count that as one area. These would be the second and the third ones. BOMARC was originally IV, but it was moved up to second place when we considered all the things on the BUMARC site. I will get to BOMARC last. Five is the pesticide wash area. This is where we believe the 55-gallon drums are buried beneath the asphalt. This is a landfill; this is another landfill; this is the DPDJ area where there are PCBs due to past electrical transformer storage and, also, underground storage tanks. These are three landfills, incidentally, in the sludge area. This is the fire fighting test area, and this is Site 8, where the sludge from fuel was buried in the dikes. It is also where a fuel spill occurred.

This is the entire BOMARC area. This is the original site which was identified and characterized as Number IV on the list. When we included all of these lesser potential sites, we grouped them all into one site, which now became Zone II and our second priority. So, that is where the discrepancy all adds up.

ASSEMBLYWOMAN FORD: Okay. You indicated the plutonium levels in your July, 1985 report, and we will be receiving a copy of that, which will be made part of the record. With regard to the testing that was done which is the subject of that July, 1985 report, were you testing only for plutonium?

COLONEL SULA: I am going to have to-- (Colonel consults with aides in the audience.) At this point, let's say we just tested for plutonium at that time because that was the prime reason for testing.

ASSEMBLYWOMAN FORD: Have there been any indications of any other types of contaminants in other types of tests done at the base?



COLONEL SULA: Could you be more specific? Are you talking about radiological contaminants?

ASSEMBLYWOMAN FORD: Groundwater or soil contamination -- other tests for other types of contaminants.

COLONEL SULA: Again I'll ask you, are you speaking about radiological contaminants or--

ASSEMBLYWOMAN FORD: No, non-radiological.

COLONEL SULA: Oh, yes, absolutely.

ASSEMBLYWOMAN FORD: What were the findings of those tests?

COLONEL SULA: The Phase II IRP -- which you have a copy of -- lists those in great detail.

ASSEMBLYWOMAN FORD: That is a 1984 report?

COLONEL SULA: It was done in 1984, and I believe it was published in November, 1984.

ASSEMBLYWOMAN FORD: What were the results of that 1984 report with regard to contamination levels, if any?

COLONEL SULA: The results in general were, again, the rank order in which I presented these areas. We have concern for possible contamination. Each one of these areas is specifically listed, and all possible contaminants in these areas are covered in the report. Off the top of my head, I can't go through them and give you the contaminants we fear at each of these locations precisely, but I would be happy to get the report and--

ASSEMBLYWOMAN FORD: Again, I am referring to the EPA Federal Facilities Update Report, CERCLA, dated August 27, 1985. It indicates that: "Based upon analyses which have been performed, levels of contamination were found in soils and groundwater that warrant further investigation and possible further action." It then refers to the Phase II, Stage I report -- which I assume is the same one we are now talking about -- which has documented groundwater contamination with organic halogens, oil, grease, off-site migration of chlordane, DDT and DDE, low concentrations of PCB in soil, elevated levels of oils and grease in soil, and the possibility of buried drums. Is the report correct in summarizing those results?

COLONEL SULA: The report is correct, yes, ma'am. In general, we are talking about oil and grease being found in most places and BTXs in some groundwater.

ASSEMBLYWOMAN FORD: Have there been any indications of off-site migration of these toxic contaminants with respect to groundwater?

COLONEL SULA: No.

ASSEMBLYWOMAN FORD: Has there been any testing for that off-site migration?

COLONEL SULA: Since this initial test?

ASSEMBLYWOMAN FORD: Right.

COLONEL SULA: None, other than the normal testing we do monthly for our drinking water wells.

ASSEMBLYWOMAN FORD: In February, 1985, did the Air Force issue a study which indicated off-site migration of chlordane, DDT, and DDE, as was referred to in the Phase II, Stage I report?

COLONEL SULA: In this case we were talking about the pesticide wash area, and yes, there was some migration off the specific area itself, but only to areas immediately surrounding, and not off the Base. We are talking about a very localized area.

ASSEMBLYWOMAN FORD: And the pesticide wash area is the one active site?

COLONEL SULA: Yes.

ASSEMBLYWOMAN FORD: The others are basically non-utilized sites which are being cleaned up or monitored?

COLONEL SULA: Yes, non-utilized.

ASSEMBLYWOMAN FORD: Earlier, you referred to fuel leakage to a depth, I believe, of six feet -- PCBs or drums that were buried at a certain level.

COLONEL SULA: We had PCBs at the DPDU area that extended to a depth of one to two feet. This was from electrical transformers that had been stored there.

ASSEMBLYWOMAN FORD: Do you know what the water table level is with regard to that?

COLONEL SULA: It is between five and fifteen feet in that area.

ASSEMBLYWOMAN FORD: It varies?

COLONEL SULA: Yes.

ASSEMBLYWOMAN FORD: You also referred to drums of waste oil that were in the ground. Do you know where they are positioned?

COLONEL SULA: Yes.

ASSEMBLYWOMAN FORD: What level, or what depth are they positioned at?

COLONEL SULA: About six feet. (Colonel consults with his aides in the audience.) Let me get this correct. Those 55-gallon drums were buried at a depth of six feet. We believe they are still there, but we don't know for sure.

ASSEMBLYWOMAN FORD: Okay. The water table possibly starts at five?

COLONEL SULA: Again, five to twenty feet. At most places on McGuire, the water table varies between five and twenty feet.

ASSEMBLYWOMAN FORD: Do you have anything to indicate whether those drums are leaking at the present time?

COLONEL SULA: We're not sure the drums are even there, ma'am. Again, the possible location of those drums is from old records, old beliefs, old interviews, and this type of thing. It is going to take a ground radar scan and perhaps further testing to, indeed, identify whether or not those drums are there.

ASSEMBLYWOMAN FORD: And you haven't tested yet for contaminated soil in that area to determine whether or not there is any possible source of contamination?

COLONEL SULA: There have been some waste products, again oil and grease, detected in that area, but to say they are coming from any drums there -- we do not know that.

ASSEMBLYWOMAN FORD: Have you determined that in certain areas there are elevated levels of oil and grease in the soil?

COLONEL SULA: Certainly there are. Some areas we have tested have large concentrations, yes.

ASSEMBLYWOMAN FORD: Based upon that, you found your suspicion that there are buried drums, together with whatever--

COLONEL SULA: Along with history, and those kinds of things. Again, I would remind you that this particular location is about number eight on our list.

ASSEMBLYWOMAN FORD: Obviously, you are working on a plan for remediating these particular problems with respect to groundwater and soil contamination. Can you give me any idea of what that plan is, and what timetable, if any, you are following?

COLONEL SULA: At the present time, once again, we have gone out for comments to the various agencies on the statement of work for the final Phase II Confirmation Plan. The results of that plan will ultimately dictate the final priority of what is going to be cleaned up. However, as I said in my remarks, we are going to start this coming calendar year to remove some things that are essentially the high payback things, things we absolutely know have to be done. If there is absolutely no doubt in our minds of what has to be done, we are going to do it. We are talking about removing some underground storage tanks and replacing them, and this sort of thing.

ASSEMBLYWOMAN FORD: That will start in March of next year?

COLONEL SULA: Well, I would hesitate to put-- In fact, I can't put a date on it, but those things are going to happen this year. As I indicated, in the pesticide wash area, we are constructing a pad with curb and separator that will, once and for all, eliminate the possibility of any pesticides washing away.

ASSEMBLYWOMAN FORD: Excluding the BOMARC site, when can we expect -- to the best of your estimate, I guess -- a total cleanup, or a total remediation of the sites which were elaborated on in your--

COLONEL SULA: I would not even attempt to answer that question. I would say that would be very heavily dependent on the results of Stage II, Phase III, of the Confirmation Plan, which will give the final priority. Then, of course, we're talking about the availability of funds, and those kinds of things.

ASSEMBLYWOMAN FORD: Is there some concern on your part about the availability of funding through the Department of Defense in terms of cleanup?

COLONEL SULA: Yes, because this, again, is a Department of Defense plan. As moneys are made available from that fund, depending on what is and what is not identified, those are the things which get handled first. Of course, our position on that would be-- As we start to see a trickling in of those funds, we will take the high payoff items first.

ASSEMBLYWOMAN FORD: By that do you mean the sites you have identified -- that you have a plan for cleanup and--

COLONEL SULA: Which can be done within the amount of money that is available.

ASSEMBLYWOMAN FORD: Now, with regard to the BOMARC site, can you-- I know there has been a lot of recent focus on it. You indicated in your initial testimony about a series of public disclosures about the BOMARC site, so there certainly wasn't any effort by McGuire to keep the whole incident under wraps. Apparently you have been out front on it all along. But, could you describe, for the benefit of both the record and the Committee, the nature and extent of the incident, and what has occurred since July of last year with regard to your communications with State and Federal facilities?

COLONEL SULA: Initially, in 1960 -- I believe it was June 7 -- a missile in its bunker-- People tend to call missile housing silos -- this is not a silo, but rather a bunker, more or less like a coffin -- but this missile was, indeed, capable of resting horizontally. Upon activation, it would go to a more vertical position for firing. The missile was in the bunker, and a helium canister that was used to pressurize the liquid fuel burst -- the container itself burst -- and the helium, I believe it was, ignited. The missile burned; its warhead melted. The fire fighting efforts which went on at the time included water. Indeed, the fire was attacked with water. Following, even after the flames were out, water was sprayed for approximately eight hours to give some effort to sanitizing the bunker itself.

Of course, the plutonium was now on the ground, with water moving it around, and it exited the immediate bunker itself and went out onto the pad in front, where it was partially washed into a ditch running alongside the missile complex there. Following everything

settling down, the decision was made that there was obviously some plutonium on the surface. In order to keep the plutonium from being blown by wind and other natural forces, first a paint was applied to the entire area, including the inside of the bunker, the pad, and the surrounding area. Then a large area in front of the bunker and around the side was covered with four inches of concrete. Subsequently, two manhole areas were declared to be of no use, and they, too, were covered with an additional two inches of concrete.

The whole idea of the concrete was not to limit any radiological emissions from coming up into the atmosphere, but merely to hold the plutonium particles on the ground. This procedure having been done, the area has been repeatedly checked, soil samples taken, and water samples taken on occasion. Over the last 25 years, we have had a pattern which indicates there is no migration of the plutonium. Things appear to be in more or less of a status quo, steady state at that area. The Department of Defense's position up until this point has been to continue monitoring the area and ensuring that there is no migration, in preparation for a potential cleanup at a later date.

I think that is about the best I can do.

ASSEMBLYWOMAN FORD: So, basically for eight hours, they hosed down the missile after the fire was put out and, presumably--

COLONEL SULA: The missile and the inside of the bunker.

ASSEMBLYWOMAN FORD: Okay. Presumably then, there was water which ran off as a result of this eight-hour deluge of water.

COLONEL SULA: Yes, obviously.

ASSEMBLYWOMAN FORD: And it carried with it, presumably, some plutonium particles.

COLONEL SULA: Perhaps. Plutonium is not particularly soluble in water. In fact, it is rather insoluble.

ASSEMBLYWOMAN FORD: Where did the water run off to? I realize it has been 25 years, but is there anything to indicate that?

COLONEL SULA: (Colonel moves away from microphone and returns to screen to demonstrate.) I don't have a schematic, but just to the side of the bunker there is a drainage ditch which runs in this general area. That would be where it would have come off. That drainage ditch is also covered with asphalt.



ASSEMBLYWOMAN FORD: And the drainage ditch has been tested for plutonium also? Was that part of the July testing?

COLONEL SULA: The immediate area around the complex itself -- the bunker itself -- has been tested repeatedly over the years, including that ditch.

ASSEMBLYWOMAN FORD: On your diagram, you have areas of potential contamination, and in its reports on the subject, EPA has also referred to possible areas of contamination. Can you describe each area for me and tell me what function it served, or in what manner the suspected contamination has been exhibited, or why that is a particular area of concern?

COLONEL SULA: Again, we have motor gas type storage in this area causing spills that would have occurred in that area just on a normal day-to-day basis. The area of examination -- notice it is indicated in yellow -- is lowland, a potential for contamination. Once again, if you recall my remarks, liquid-fueled missiles have two types of fuel -- JP-X and nitric acid. Since acid is dumped into the pit, we will have to neutralize it. There is lime at the bottom of that pit; it is not neutralized. Of course, some of that acid, perchance, percolated into the soil. Again, we have an area of potential contamination.

If a missile had to come down for maintenance, or for any other reason, first of all, a truck would be pulled up to the missile bunker, and the missile would be de-fueled at the bunker. The fuel was subsequently recycled, but you could never de-fuel it completely, and it tended to be discharged in this area. Once again, this is the area we consider to have the highest potential for contamination, because not only was the fuel spilled, but the fuel was in two parts. There was nitric acid and JP-X spilled in that area. The JP-X fuel from the liquid-fueled missiles consisted of 60% JP-4 and 40% hydrazine.

Site 17 is the missile accident area. Again, as you see by the number, the IRP did not consider this to be a particularly hazardous area. In fact, it didn't even make our top 10 until we re-scored the whole thing. This is the area we just covered quite extensively.

I believe the other launcher area is in this area -- Number 19. Is that where the solid fuel missiles were? (Colonel asks question of an aide in the audience. Reply was not picked up by recorder since aide was too far away from a microphone.) Hydraulic fluid, PCBs, that type of thing. We see only the one bunker, but actually these launchers line this entire area.

Did I miss anything?

AIDE FROM AUDIENCE: No.

ASSEMBLYWOMAN FORD: While the plutonium incident we heard about and read about in the papers is limited to the missile accident area and possible run-off contamination, there are other areas resulting from other types of contamination that arise, similar to the types of contamination, I guess, that you have in other parts of the Base -- motor fuel run-off, and so forth.

COLONEL SULA: Yes, ma'am.

ASSEMBLYWOMAN FORD: Is the Air Force currently reassessing the BOMARC site for environmental impact?

COLONEL SULA: We're testing. We will continue to test, particularly for migration, and for radiation. The radiation readings have been consistent; migration has not been indicated at this time. We are still talking down to six inches below the top of the soil, and that is about it.

ASSEMBLYWOMAN FORD: Is this an ongoing process, or do you have an established reassessment plan for this particular site?

COLONEL SULA: We're testing yearly, at this point.

ASSEMBLYWOMAN FORD: So, the July, 1985 test was your annual test for 1985?

COLONEL SULA: That was our own local test for the water. The September test was the annual test, the one we did in conjunction with DEP.

ASSEMBLYWOMAN FORD: What types of things did you cover in that September test?

COLONEL SULA: Soil samples.

ASSEMBLYWOMAN FORD: Was that testing for plutonium only, or were other items included in that?

COLONEL SULA: It was a radiological test. I won't say plutonium; I will say it was a radiological test. I believe there--

ASSEMBLYWOMAN FORD: Okay. That would cover all types of--

COLONEL SULA: There are some, what-- (Colonel addresses an aide in the audience again. Transcriber unable to pick up reply.) The answer is yes, but plutonium primarily.

ASSEMBLYWOMAN FORD: What do you do with soil that has been contaminated with plutonium? Is it possible to decontaminate it?

COLONEL SULA: I am not a nuclear physicist. I would guess the answer to that is probably no. It must be removed and stored somewhere. I believe this is the same situation we have up in northern New Jersey.

ASSEMBLYWOMAN FORD: The radon situation. I know back in 1960, probably the best thing -- state of the art -- was overlaying the soil with paint and concrete, or asphalt, as you described earlier. How long-term and permanent a solution was that type of treatment of this site?

COLONEL SULA: I wouldn't say it was a permanent solution. It is not a solution. It is merely a mitigation, if you will. At the time this was done, you have to remember that this was still an active site. Indeed, it remained active for 12 more years. The missiles immediately adjacent to this one bunker were, indeed, in use, were operational. So that was -- if you will -- not only a mitigating application, but it was done of necessity to keep the complex operational. It has proven to be an effective solution "to stemming migration," but it does nothing for removing the radiation which is present there. With the half-life of plutonium, it is going to be a long time before that happens, if it stays there.

ASSEMBLYWOMAN FORD: I assume the concrete has been repaired or otherwise maintained over the past 25 years.

COLONEL SULA: As cracks occasionally develop and foliage grows in the cracks, the foliage has been periodically removed and the cracks patched. We have restored it to an intact slab on occasion, yes. The last time was this year.

ASSEMBLYWOMAN FORD: Is there any plan to remove the concrete, remove the soil, or otherwise change the current manner in which it is treated?

COLONEL SULA: At this point, there is no plan.

ASSEMBLYWOMAN FORD: Is there regular monitoring or evaluation of the integrity of the concrete slab out there?

COLONEL SULA: Yes.

ASSEMBLYWOMAN FORD: Is there a special team, or something, that goes out, or is it just regular maintenance inspections, or what?

COLONEL SULA: (Colonel consulting constantly with aides in the audience.) Once a quarter on the pad; once every three months, the pad is checked for continuity. Three times a day the entire complex is checked for continuity, in a sense.

ASSEMBLYWOMAN FORD: How thick is the concrete pad?

COLONEL SULA: Four inches, and an additional two inches in a smaller area.

ASSEMBLYWOMAN FORD: If that is how thick it is, what type of an area does it cover?

COLONEL SULA: About 150 square feet.

ASSEMBLYWOMAN FORD: Fifteen by ten?

COLONEL SULA: It's more than that -- 150 by 150 -- so that's--

ASSEMBLYWOMAN FORD: I read some of the things in the papers with regard to the properties and the abilities of plutonium. Can it travel through air and water?

COLONEL SULA: Through the air, yes. I believe the answer to the water is, it travels through water, but it is relatively insoluble. It can, but it is insoluble.

ASSEMBLYWOMAN FORD: Is it possible for it to become a gas? Is it normal for it to become a gas or be in a liquified form?

COLONEL SULA: In the current configuration, there is very little likelihood that it could ever go gaseous, no.

ASSEMBLYWOMAN FORD: You mentioned the half-life of plutonium earlier. Can you tell me for the record how long that is, if you know?

COLONEL SULA: Twenty-four thousand years.

ASSEMBLYWOMAN FORD: Can you tell us what the term half-life actually means?

COLONEL SULA: That is the time it takes for a quantity of plutonium to decay to half of its size.

ASSEMBLYWOMAN FORD: So, for it to decay completely, it would take twice as long as that?

COLONEL SULA: No, because it would never get there. It would still go halfway home and would never get there.

ASSEMBLYWOMAN FORD: To date, have you turned over all relevant documents, and so forth, concerning the BOMARC site, to DEP and this Committee?

COLONEL SULA: All relevant? That is a very all-inclusive term. I would say we have turned over everything we can turn over. I think we can say we turned over the things which are environmentally meaningful. Obviously, as you well know, there are certain portions of this incident that deal particularly with the warhead, and this kind of thing, and they, perhaps, will never be turned over because of their sensitive nature in defense considerations. But with respect to the environmental impact areas, I believe we can say, yes, we have been cooperative, and, yes, to my knowledge, we have turned over everything we can.

I have just been advised to add that we still have the problem of the medical records of those who fought the fire. That issue is still being worked.

ASSEMBLYWOMAN FORD: Let me just ask you something. I know The Asbury Park Press has obtained a great deal of information concerning this site through a Freedom of Information Act request. They brought some of it to the attention of the public by way of some press reports. On Sunday, November 17, in a front-page story that appeared in an edition of The Press, it was indicated that according to the materials it had received, some 75 acres of land, on and off the military property, had been contaminated, and that for some 12 years, this contaminated area had been unfenced and unrestricted to public access. Is that correct?

COLONEL SULA: In essence, the 75 acres are within the complex.

ASSEMBLYWOMAN FORD: With the BOMARC site?

COLONEL SULA: We're talking about 220 acres. You can see there where that is outlined. (referring to slide on screen)

ASSEMBLYWOMAN FORD: Okay.

COLONEL SULA: I believe the 75 acres they referred to are essentially the launcher areas, the missile accident area, and the area to the south. Is that correct? (addressing aide in the audience) What about the fencing? (Response from aide is inaudible.)

We have concertina wire in the immediate launch pad area of Building 204 there. That is relatively recent.

ASSEMBLYWOMAN FORD: When did that occur?

COLONEL SULA: Two years ago, or three years ago.

ASSEMBLYWOMAN FORD: Prior to that, was there fencing?

COLONEL SULA: This particular area-- (Colonel consults with aide again. Response inaudible.) Around this entire area, there has always been a fence -- chain link, this type of a fence. Around this area there was concertina wire, and three years ago we replaced it with a new variety.

ASSEMBLYWOMAN FORD: The Press also said in its article that after the contamination area was fenced off, even initially, as well as in the last couple of years, security was poor, and that according to documents it received from the Air Force, it was characterized as "civilian trespassing;" that is, a lot of graffiti, and so forth. Was that a correct assessment of the situation there?

COLONEL SULA: Yes, I think that was a correct assessment. We have found indications of-- Once again, there are a bunch of missile bunkers in that area -- actually blockhouses -- and we have found evidence of graffiti on the walls, beer cans -- relatively new occasionally -- and this type of thing. People do gain access into the area. They have been known to gain access into the area. We check the fence for continuity, as I indicated. We have our security police make a run out there approximately three times a day.

ASSEMBLYWOMAN FORD: I think there were some other things in the article that were quite disturbing, not only to me, but to many constituents. It discussed, for example, that a kilogram of plutonium



was spilled in a fire. It quoted a medical scientist to the effect that one milligram of that substance was sufficient to cause lung cancer in a very short period of time. I think the quote was "within a matter of weeks." I know you are not a medical doctor, but is that characterization accurate?

COLONEL SULA: The characterization that one milligram is able to cause--

ASSEMBLYWOMAN FORD: Or that a killigram of plutonium was spilled in the fire.

COLONEL SULA: I don't know where that number came from. I have never seen any documentation to that effect myself, personally. Were I to see it, I wouldn't know where it came from to start with. Once again, I would have to say that even if I did know the answer to that question, I could neither confirm nor deny that that was a good number.

ASSEMBLYWOMAN FORD: The same article said that the plutonium-contaminated soil in the vicinity of the BUMARC spill was subject to traveling randomly by wind. I think they mentioned that this was just a few short weeks after Hurricane Gloria, and they used as an example that in a hurricane, it could become airborne and contaminate other areas, as well as other water sources. Is that an accurate characterization of the capability at this particular site?

COLONEL SULA: Well, not at the capped area. The area that is capped would have no effect on it. That is precisely the reason for the cap.

ASSEMBLYWOMAN FORD: But there is only 150 by 100 that is actually capped.

COLONEL SULA: It's 150 by 150.

ASSEMBLYWOMAN FORD: The rest of the area-- They mentioned 75 acres of possible contaminated area.

COLONEL SULA: That's true. Again, we have tested that area. Were we to have found, at some time along the way, that an area that was not capped presented itself with significant quantities of plutonium, it, too, would have been capped. (Colonel again consults with aides in audience.) They just want to make it clear that there

are 75 acres inside the fence complex that relate directly to the missiles. But only two acres were anywhere near to being potentially contaminated. The 150 by 150 was the serious area.

ASSEMBLYWOMAN FORD: So, even within those two acres, if some plutonium had come out as a result of either the eight hours of water deluge, or whatever, that possibly could become airborne.

COLONEL SULA: Possibly, yes.

ASSEMBLYWOMAN FORD: Because the only area that is actually capped is the 150 by 150-foot area where the contamination has been confirmed and is at its worst level.

COLONEL SULA: That is correct. (Colonel again consults with aide.) Mr. Eisenhart just pointed out that there has never been any contamination found in the area outside of the 150 by 150.

ASSEMBLYWOMAN FORD: Well, I think what the Committee should do then, is look--

COLONEL SULA: Your theory, however, is--

ASSEMBLYWOMAN FORD: I am just concerned about the source of that newspaper article which, perhaps, is from documents that were received through that FIUA request. What I would like to do is get those documents, share them with you, and perhaps find out if your feeling is that those documents are not reliable in terms of the information they give, or otherwise. I think that at this point there is a discrepancy. If there are those types of reports floating around from one Federal agency, and if you have information which disputes them, then I would like to give you the opportunity to show us that. If you don't have, then perhaps we can resolve it.

COLONEL SULA: I have just been advised that the documents The Asbury Park Press has are supposedly the documents I am furnishing you. I would, however, like to see the documents myself pointed out.

ASSEMBLYWOMAN FORD: We're, of course, assuming that The Asbury Park Press will share those documents with us. They are not currently a part of our record or have been provided by any other agency.

Are we really-- To the extent that you are still evaluating the environmental impact and health impact of this particular location,

I guess we are not at a point -- and correct me if I am wrong -- where we can assess the potential current effects upon the public health of this particular incident.

COLONEL SULA: I believe there are no current effects upon the public health of this incident.

ASSEMBLYWOMAN FORD: Now, the BOMARC site is actually located on Fort Dix property, is that correct?

COLONEL SULA: That is correct.

ASSEMBLYWOMAN FORD: And do you know what the current status of McGuire is relative to the Superfund National Priorities list? With regard to BOMARC or with regard to any other site?

COLONEL SULA: I think we are not even on it.

ASSEMBLYWOMAN FORD: You are not being considered for that type of inclusion? Is there a CRCLA hazard rating being given to these sites?

COLONEL SULA: None that we have been apprised of.

ASSEMBLYWOMAN FORD: Have you entered into any agreements with EPA, DEP, relative to McGuire?

COLONEL SULA: What type of agreements?

ASSEMBLYWOMAN FORD: Federal facilities agreements.

COLONEL SULA: Other than our sewage plant, the answer would be no. We are in compliance-- We have a compliance agreement with respect to our sewage, but other than that, no.

ASSEMBLYWOMAN FORD: Did you say there is a federal facilities agreement currently being negotiated at this point?

COLONEL SULA: We have signed one with reference to our sewage plant.

ASSEMBLYWOMAN FORD: Are you aware that you are being considered for Superfund designation?

COLONEL SULA: No, I'm not.

ASSEMBLYWOMAN FORD: Okay. The-- I was under the impression, based on Mr. Daggett's testimony before, that all of the sites -- all of the military sites in the State -- where there had been hazardous waste problems being evaluated, were being considered for Superfund designation.

COLONEL SULA: All I could say is, you'll have to ask Mr. Daggett about that.

ASSEMBLYWOMAN FORD: Yeah, I-- We intend to.

COLONEL SULA: We would be interested to know.

ASSEMBLYWOMAN FORD: Well, I don't have any other questions for you. I don't know if there is anything that you would like to clarify, or any of your staff would-- I will certainly give you that opportunity.

COLONEL SULA: Nothing.

ASSEMBLYWOMAN FORD: Okay. Thank you for coming down and sharing this with us.

COLONEL SULA: I would like to offer all this--

ASSEMBLYWOMAN FORD: That will be made part of the record and be so noted. Thank you.

COLONEL SULA: Thank you very much.

ASSEMBLYWOMAN FORD: Can we ask that you stick around at least while Mr. Tyler is here, in case there are any questions that might come up that you can assist us with? (Affirmative response) Thank you.

Mr. Tyler?

ASST. COMMISSIONER TYLER: Good morning.

ASSEMBLYWOMAN FORD: Hi. Do you have a statement or do you want me to just answer questions?

ASST. COMMISSIONER TYLER: No, I don't have a statement.

ASSEMBLYWOMAN FORD: Let me just ask you something that developed in the last week or so, and that is New Jersey's involvement in the U.S. Court of Appeals case, the State of Ohio versus the United States Environmental Protection Agency. Are you familiar with that lawsuit?

ASST. COMMISSIONER TYLER: Generally, yes I am.

ASSEMBLYWOMAN FORD: Can you tell me what issues really are involved in that particular lawsuit?

ASST. COMMISSIONER TYLER: Let me begin with the recommendation that the Attorney General's office provide you with that specifically, and then I will relate my understanding of that lawsuit.

As I understand it, our Attorney General's office was contacted by either the Natural Resources Defense Fund or the Friends of the Earth or one of the national environmental groups as to a suit they had filed against the United States Environmental Protection Agency. As I understand it, the State of Ohio has joined that suit, and the complaint concerns a decision made by EPA Administrator Lee Thomas.

The complaint relates to the 1984 amendments to the Hazardous Solid Waste Act, and Lee Thomas' or EPA's -- more properly, EPA's -- interpretation of how that law ought to apply to Federal facilities. And again, let me stress that I have not seen any of the papers personally on this, but my understanding is that the EPA Administrator made a decision that those amendments did not apply to Federal facilities, that those amendments only apply to non-Federal hazardous waste facilities. The suit questions that judgment call by the EPA Administrator and argues that there is no legal basis for it. Our attorneys reviewed the suit papers, and agree.

ASSEMBLYWOMAN FORD: In other words, the proposal was to exempt Federal facilities with regard to the amendments?

ASST. COMMISSIONER TYLER: I think it is more than a proposal. I think it is the decision the EPA Administrator has made that we are challenging in the Federal courts.

ASSEMBLYWOMAN FORD: Now, when did your Department-- And at this date, New Jersey has not been granted leave to intervene in the case, it is just an application that is pending, right?

ASST. COMMISSIONER TYLER: Well, I think we have a right to intervene without need for approval or leave. I would have to check. Again, I must say, that procedure again would best be responded to by the Attorney General.

ASSEMBLYWOMAN FORD: When did your agency first become aware of the issues that were subject to adjudication in the Unio case?

ASST. COMMISSIONER TYLER: Sometime-- I am going to be vague on it and say it was sometime in October or November, I am not sure on it. I think, in November -- early November. But I would have to check for you and try to reconstruct exactly when a casual conversation went

on about it, internally, in the Department. Again, my understanding is the Attorney General's staff was contacted by the party to the suit, asked if we were interested in pursuing it. Because of our interest in looking at Federal facility compliance in New Jersey, our attorneys looked at it and verbally advised the Attorney General to proceed, as far as I know. After that, they filed the proper motion papers to be joined in the litigation.

ASSEMBLYWOMAN FORD: So you recommended, during the past few weeks, then--

ASST. COMMISSIONER TYLER: Something like that, yes.

ASSEMBLYWOMAN FORD: --that the Attorney General-- You weren't aware of this situation back in July-- well, July 15, 1985, then, when the rule-making exemption first went into effect?

ASST. COMMISSIONER TYLER: I certainly wasn't personally aware. If the Attorney General's staff or our legal staff were, I can't answer-- they might well have been.

ASSEMBLYWOMAN FORD: Well, the DEP obviously wasn't aware of that back in July.

ASST. COMMISSIONER TYLER: I just answered for myself, personally. I am not sure if other people in the Department were or were not aware in July. All I can say is it came to my personal attention in, I think, early November. I will check, if I can, and thereafter, the Department authorized the Attorney General to proceed, or recommend it, or agree.

ASSEMBLYWOMAN FORD: Are there people within your Department that regularly monitor environmental rules and proposals?

ASST. COMMISSIONER TYLER: Certainly, depending on the area of concern-- air pollution control program people monitor the EPA air program documents; similarly, water and waste.

ASSEMBLYWOMAN FORD: So, they regularly review, for example, the Federal Register in which is published the proposed rules of Federal administrative agencies?

ASST. COMMISSIONER TYLER: Yes, and we get the usual plethora of mail that comes in from both the regulating community and the other agencies, the news media, the newsletters. There are all kinds of information sources that come in to the Department as a whole.

ASSEMBLYWOMAN FORD: So that, theoretically at least, within your Department, they were aware that in the Federal Register, this was proposed?

ASST. COMMISSIONER TYLER: I can't say. All I can tell you is that in early November, the question was asked.

May I ask what difference it makes? I am just not sure what difference it would make.

ASSEMBLYWOMAN FORD: Well, I am trying to figure out why this became an issue in late October as opposed to July 1985, when it was initially published to the public, to your Agency, and through--

ASST. COMMISSIONER TYLER: As I understand it--

ASSEMBLYWOMAN FORD: --the usual course of rules and regulations that are published or proposed that might impact upon New Jersey.

ASST. COMMISSIONER TYLER: As I understand the timing, some legal deadline was about to run in November. As I understand the timing, there was some legal deadline in mid-November that we had to file before then, or we needed leave from the Court to file.

ASSEMBLYWOMAN FORD: October 15 was the legal deadline for filing.

ASST. COMMISSIONER TYLER: Oh, all right. Maybe-- It might have been early October, but I don't think so. I think we joined in November. I am pretty sure we joined in November.

ASSEMBLYWOMAN FORD: Do you know how many of the hazardous waste sites located on military bases in New Jersey are currently subject to the RCRA jurisdiction?

ASST. COMMISSIONER TYLER: I could get you a specific breakdown on a site-by-site basis, but I'll just give you the general impression from reading the files, and that is that many Federal facilities filed Part A's, but when it came to Part B stage, which is more technical and more or less a showdown phase where you have to decide if you are really going to maintain hazardous waste storage treatment or disposal facility, at least several of them withdrew. I recall from the Lakenurst situation, and I think at Earle, withdrawals of Part B's, which would, in effect, make the suit pointless with

respect to New Jersey Federal facilities, if they all did not have RCRA affected facilities.

ASSEMBLYWOMAN FORD: If they did not challenge jurisdiction.

ASST. COMMISSIONER TYLER: So, it's a theoretical suit, but it is also a national suit.

ASSEMBLYWOMAN FORD: Well--

ASST. COMMISSIONER TYLER: It has national impact, and national--

ASSEMBLYWOMAN FORD: If Ohio loses the suit, though, the RCRA jurisdiction would extend only over active sites.

ASST. COMMISSIONER TYLER: And be limited to that which was in effect in 19-- before the amendments of 1984.

ASSEMBLYWOMAN FORD: So--

ASST. COMMISSIONER TYLER: So it would put them in a hybrid legal situation, where they had to comply with lesser compliance, and requirements.

ASSEMBLYWOMAN FORD: So, for example, with McGuire, we just heard that there was only one active site, and that was the pesticide wash area.

ASST. COMMISSIONER TYLER: Right.

ASSEMBLYWOMAN FORD: The rest of that would not be covered under Federal--

ASST. COMMISSIONER TYLER: I am not sure a pesticide wash area-- It doesn't sound to me, without looking at it, like it would be a RCRA facility. It might be. I mean, if they declare it to be and take it through the process because of the storage of hazardous waste or something like that, fine.

ASSEMBLYWOMAN FORD: But to the extent that it is an active site, you wouldn't even get to that evaluation.

ASST. COMMISSIONER TYLER: That's not the test. The test of RCRA is whether you want to be a licensed, hazardous waste storage, treatment or disposal facility. And pesticide use is something that does not necessarily go hand in hand with that type of license.

ASSEMBLYWOMAN FORD: If Ohio wins that lawsuit--

ASST. COMMISSIONER TYLER: If New Jersey and Ohio win that lawsuit. Excuse me.



ASSEMBLYWOMAN FORD: New Jersey is not in yet.

ASST. COMMISSIONER TYLER: Well, okay.

ASSEMBLYWOMAN FORD: Well, if Ohio wins in its efforts, then at least that possibility will exist with regard to abandoned landfills.

ASST. COMMISSIONER TYLER: As I understand the impact of the 1984 amendments, their most significant feature is that when a facility, Federal or non-Federal -- as we view the amendments -- applies for a RCRA permit to continue to manage hazardous wastes at a given site, they must account for not just the particular operation or unit that handles hazardous waste as was the case under the 1983 amendments. But, under the 1983 amendments, they must give you a remedial action plan -- I believe they call it a corrective measure or a corrective action plan -- for the entire universe of sites at a given facility. A hypothetical example, where if McGuire Air Force Base wanted to continue to pursue RCRA licensure for a facility there, part of the permitting requirement for that individual area that-- say, a drum storage area, just a small drum storage area-- but part of that individual permit would now bring in the entire Air Force base any hazardous waste that had been improperly disposed of there. Congress did, to speed the cleanup process at chemical plants around the country, at all kinds of facilities that had previously handled hazardous waste under the old RCRA-- They were dealing with one, two, three, four points, maybe at, say, even the American Cyanamid plant, but not the whole plant.

Now, two points I'll make. One is, the rationale that EPA offered at the time they made their decision was that the DOD -- the Department of Defense -- had their own installation restoration, or similar type program, depending on branch -- and therefore, they did not need this remedial action plan, although the Congress didn't, in our opinion, get into that. With respect to New Jersey, I have to note that we had a comprehensive groundwater monitoring permit program in place already, so that in many, quote-unquote, "RCRA" facilities, we are already looking at the whole plant, not just the individual RCRA facility. But again, I would just suggest that you might want to talk

with the DAG that is handling the litigation, just to get the real particulars and, you know, as accurately as possible.

ASSEMBLYWOMAN FORD: Now, we had heard at previous hearing that there were some 66 sites at Lakehurst; 33, I think, at Earle, 11 at Monmouth, some of which were abandoned landfills, some of which were-- many of which were inactive sites. All of those sites would be eliminated from jurisdiction from RCRA in the event the EPA wins in the Ohio and New Jersey versus EPA lawsuit.

ASST. COMMISSIONER TYLER: Well, that would be true, yes, if they were already subject to RCRA, which is the first question. And I am not sure of that. But if, for example, at Earle, the 33 sites were not involved -- and none of those were involved in a Part B licensing process under RCRA -- then the lawsuit would have no impact on them. If they had a one-drum storage facility for 90 days or more, then the whole facility would come under RCRA, if the lawsuit would succeed. At the same time, of course, there is the independent installation and restoration process that is proceeding, there.

ASSEMBLYWOMAN FORD: May we obtain, through your offices, a list of all the part-- the facilities so we could distinguish for ourselves which ones--

ASST. COMMISSIONER TYLER: Yes. Okay.

The RCRA status of-- and I assume we are talking about, is it 11 major facilities that we are dealing with?

ASSEMBLYWOMAN FORD: Right.

ASST. COMMISSIONER TYLER: For those-- okay.

ASSEMBLYWOMAN FORD: Can you tell me which of the military bases located in New Jersey, in which hazardous waste activities have been identified, are in full compliance with the groundwater monitoring requirements applicable to RCRA sites under the 1984 amendments to RCRA?

ASST. COMMISSIONER TYLER: I can tell you that all RCRA groundwater monitoring permits in New Jersey are properly issued, and the facilities are in compliance, with one possible exception, and this is based on a report I got from the General Accounting Office review of New Jersey's cleanup program last year. I don't know if it's still

current, I will check-- The one facility at the time that had problems with RCRA groundwater permits was not a Federal facility.

So, I am deducing from that that any RCRA groundwater monitoring permits up until now, for Federal facilities, are properly issued and the facilities are in compliance. I have to caution you, and myself, I guess, in answering the question, that there may be pending permits that don't get into that analysis, because EPA has this part of our RCRA grant parceled out-- the work, over a number of years. But New Jersey was the only State in the country with a greater than 90% compliance in that GAO review of RCRA groundwater permits. The next closest state was 40% compliance. Most states averaged about 10-20% compliance. The reason we had that compliance factor was not a zeal to comply with RCRA, but rather, an earlier Water Pollution Control Act amendment in 1977, that New Jersey had a groundwater permitting and monitoring program.

ASSEMBLYWOMAN FORD: Since early September when this Committee was constituted, there has been a great deal of exchange of correspondence between my staff and your offices, as well as other environmental agencies. And we have received assurances that we would receive all germane information regarding hazardous waste practices at Federal installations located in New Jersey. Since our last public hearing on October 24, we learned from your staff that a major exchange of information had occurred between the DEP and the EPA Region II office. Yet, we have received no additional documentary information from DEP, since our last hearing. Can you tell me what's been exchanged, what type of information has been exchanged, and whether there should be any supplementation to this Committee for any additional information?

ASST. COMMISSIONER TYLER: Generally, what has been exchanged are the full contents of the respective files. And I believe that you have the summaries of those files, as part of the information we provided you initially on each case. So, one of the early pieces of documentation was a list of what's in EPA's file and what's in DEP's file. And, if any of that information is something you don't have that you would like to have, I will be glad to send it. It's voluminous,

and I don't know-- I can't make a judgment as to whether or not it would add to your-- the individual facility information that you have. But I think looking at those file lists would give you a good indication of whether you would want to have it.

ASSEMBLYWOMAN FORD: Has that file status-- the DEP file status report, has that been updated since--

ASST. COMMISSIONER TYLER: Probably not. It took quite a bit of effort. We could-- What I am telling you is, unless some new documents came in, in the, say, month of October or, you know, end of September, month of October, those file lists are current when you take EPA's and the State's and read them together vis-a-vis the file exchange you just referred to. We have gotten some new information in, as the Committee has just heard, particularly from McGuire. And that-- in fact, some of that isn't even all in our shop yet.

ASSEMBLYWOMAN FORD: So the document-- the file status has been updated?

ASST. COMMISSIONER TYLER: No, no--

ASSEMBLYWOMAN FORD: Since--

ASST. COMMISSIONER TYLER: We haven't officially updated it, but I said the only thing I would say that is significant, that sticks in my mind that's new, would be the McGuire information that's coming in in November, and if you would like that forwarded, we'd of course be happy to do that. I think you got it from the Air Force today; if you want it from us, you can have it to compare it.

ASSEMBLYWOMAN FORD: I believe we received the DEP files status not from the DEP, but from the EPA. Can you tell me why we didn't receive that initially?

ASST. COMMISSIONER TYLER: I have no idea.

ASSEMBLYWOMAN FORD: And, when you update-- You are in the process of updating that document, can we obtain that updated version upon completion?

ASST. COMMISSIONER TYLER: Yeah, if we do, I would just say-- unless you ask me to do it, I don't think I'll do it.

ASSEMBLYWOMAN FORD: Okay.

ASST. COMMISSIONER TYLER: It was an exercise for us in organization that I am not sure needs to be repeated. And as a--

ASSEMBLYWOMAN FORD: Well, if you're under the process of updating that document, then can I, through the Committee aide, receive a copy of that updated document when it's completed?

ASST. COMMISSIONER TYLER: As I said, if we do it, we'll provide it with you. I just wanted to clarify-- Are you asking me to do it? Because I am not-- I wasn't planning on ordering the staff--

ASSEMBLYWOMAN FORD: I thought there was a question mark at the end of the question. Can I receive a copy of the updated file status report when it is done?

ASST. COMMISSIONER TYLER: All right. And my question is, since we weren't actively doing it, would you like us to?

ASSEMBLYWOMAN FORD: What you are saying, then, is that you are not updating the file status report?

ASST. COMMISSIONER TYLER: That's right, yeah. I'm not trying to be cute, I just didn't understand the question. And I'll be glad-- I think, today, reading the EPA and DEP list together, you'd have 99% of what's in our files, if not 100, on all those cases. Because all we did in November was exchange files, as far as I know.

ASSEMBLYWOMAN FORD: So, all the information, the flurry of paper that was occurring--

ASST. COMMISSIONER TYLER: You should have-- If you have EPA's info--

ASSEMBLYWOMAN FORD: --was just the same things that we have either received previously, or the one percent that's not covered under the current file update report?

ASST. COMMISSIONER TYLER: Yes. That's correct. And I would again point out that I just mentioned that the exception to that would be this McGuire information, which you just received today and which we are still receiving, in terms of the BOMARC site especially.

ASSEMBLYWOMAN FORD: On October 22, you had sent me a long letter which was responsive to certain requests for information but made by mail letter the previous day. And on page four and five of the letter, you indicated that you had directed the Director of your Division of Waste Management to compile, for this Committee, certain data concerning methodologies and standards employed by various

laboratories that had been involved in sampling and evaluating groundwater around Lakehurst. And you requested another week to prepare the data for the Special Committee. Can you tell me where this information is now, and why the Committee hasn't received it at this point?

ASST. COMMISSIONER TYLER: I suspected you would ask me that. It is in a next to final draft. It was far more extensive than we thought, to go back and gather the kind of laboratory information that you requested, and I think I will have it to you within a week.

ASSEMBLYWOMAN FORD: In light of the discrepancies that we heard with regard to the water sampling tests -- the one that comes to my mind is the Lakehurst situation -- and your characterization of some test results as garbage results, and so forth--

ASST. COMMISSIONER TYLER: Yes. And I think everybody that testified before you agreed with that.

ASSEMBLYWOMAN FORD: Yes. Do you feel that there is a need to tighten up the standards, or whatever, for these particular laboratories in terms of water quality testing--

ASST. COMMISSIONER TYLER: Again--

ASSEMBLYWOMAN FORD: --and if so, are you moving in that direction?

ASST. COMMISSIONER TYLER: Yes, we are. In fact, we have already gone light years from the data that was gathered, I guess, in 1980 or earlier. In 1984, the Legislature and the Governor enacted A-280, which turned into the nation's most comprehensive Safe Drinking Water Act program. We are now regularly reviewing all public community water supplies in New Jersey for a wide variety of organics, something no other state does, something EPA is just proposing right now, and only then, part of what we're doing.

As the first step in that process, we were required to develop first a testing schedule and then second, testing methodologies for the commercial laboratory community that is relied upon by the public community water supplies to do this testing. We, in doing that, built in quality assurance steps, and we are regularly inspecting all certified laboratories and we are also using a performance evaluation

samples at those certified laboratories to determine whether they can accurately, and with quality, report on the levels of contamination in water.

So, the laboratory community in New Jersey today, that is certified by DEP, is a different animal than it was in even 1980 and '81. In addition, we quite regularly de-certify laboratories when they can not pass muster under our laboratory certification program. So, I am quite confident that we have set in motion an excellent quality assurance program, and one I would be willing to stack up against most other states, if not all other states.

ASSEMBLYWOMAN FORD: Can you give me any idea as to when we might expect your thoughts, or the information that was requested? Initially, you said it would come in a week, and that was October 24--

ASST. COMMISSIONER TYLER: Yeah, I apologize--

ASSEMBLYWOMAN FORD: That was a little too optimistic--

ASST. COMMISSIONER TYLER: Yeah, much too optimistic.

ASSEMBLYWOMAN FORD: Any idea when we might receive that now?

ASST. COMMISSIONER TYLER: If I could have that same week, I will endeavor to get it to you by the 17th of this month.

ASSEMBLYWOMAN FORD: Thank you.

I want to just ask you a couple of things that came up recently in the newspapers regarding Lakehurst. We haven't received any additional information as to the results of any water quality testing at or around Lakehurst since our last hearing, but on November 8, I read in The Star-Ledger that the DEP repeated a perimeter testing around Lakehurst on October 29, and that EPA took tests of wells around September 5. We haven't received any results from these testings, other than what we have been able to read in the papers. Can you tell me why we haven't received any of that, or whether that is forthcoming?

ASST. COMMISSIONER TYLER: That's part of the information I asked your indulgence to get to you next week. At least some of that data will be included there.

One of the reasons for the delay was that -- and I'm being very general -- in one round of sampling, there were some quality assurance questions. The sampling had to be repeated, and as I

understand it, it turned out that the first round was indeed, accurate, but that that was part of the delay. We had to go through a sampling program twice. I don't have a first-hand knowledge of all the details, but when you get the sampling report, I am quite sure that it will include the September 5 sampling and it may include the late October sampling, also, although that would be quick, for us to have all those results already, because the turnaround time is turning into about six weeks, on a regular sample.

ASSEMBLYWOMAN FORD: But that information was released to Ine Star-Ledger on November 7, I guess, if it made the November 8 paper--

ASST. COMMISSIONER TYLER: I am not aware that we did release-- We may have responded to a reporter's inquiry.

ASSEMBLYWOMAN FORD: What can you tell me -- moving on to Fort Monmouth; we touched on this a little bit at the last hearing and there was some confusion -- about the radioactive spills and other exposures at Fort Monmouth, specifically, with regard to Sandy Hook?

ASST. COMMISSIONER TYLER: Very little. All I can tell you is what I have been told, which is that the EPA and the Army told us that they had cleaned up those spills.

ASSEMBLYWOMAN FORD: And that's a verbal assurance that you also have received from the Army?

ASST. COMMISSIONER TYLER: Well, my staff-- I heard it directly from EPA. I think my staff discussed it with the Army personnel, also, but I'll-- If you want, I'll check on that, if you're interested.

ASSEMBLYWOMAN FORD: Have you received any documentary evidence with regard to cleanup or what was done, when it was done?

ASST. COMMISSIONER TYLER: No, but when we got your memo on December 4, I did ask EPA, through our staff, for that information, and they said they tried to obtain it for us to pass on to you. I also suspect the Army would make that available if one of your people or one of my people called on them directly for it, I am not sure-- I don't know if you've done that.

ASSEMBLYWOMAN FORD: We've done it, without any success.



The DEP was apparently unaware of the radioactive incident at Fort Monmouth, prior to this Committee's meeting on October 24. Can you explain how that occurred?

ASST. COMMISSIONER TYLER: No, I can only say that--

ASSEMBLYWOMAN FORD: You were just never advised by any Federal or--

ASST. COMMISSIONER TYLER: Yeah-- The information in our files from Fort Monmouth, as I understand it, based on staff review of those files, did not indicate any radioactive problems. If indeed, they were cleaned up 20 and 10 and five years ago, that's at least understandable, in my view. But it's very hard to speak for what the DEP was aware of or what it wasn't. What I was saying at the last hearing was that I-- My personal review of the file and the people who were working for me on Fort Monmouth, to get ready for the hearing in October, were not aware of those spills and indeed, I don't think we found out about them until that meeting.

ASSEMBLYWOMAN FORD: What has your Department done in terms of making itself more aware, since October 24, of the Sandy Hook spill?

ASST. COMMISSIONER TYLER: In general, since early summer -- in June and July, when Governor Kean, and Commissioner Hughey pounded the table, so to speak, with respect to Federal facilities, we have been working more and more extensively with EPA, with the individual Federal agencies to monitor their independent processes for cleaning up their sites, and in addition, have been endeavoring to commit them to schedules for their cleanup in some form of an agreement-- a consent agreement process. Thus far, we have signed an agreement with Fort Dix, and we are pursuing discussions along those lines with Lakehurst and Earle, at this point. With the other major Federal facilities, we are reviewing, again, their own installation restoration program or work plans, and in that process, are, I think, working very well with the EPA Region II people. So, the process has crystallized over the past six months, and I am confident we will continue to be more and more definitive.

ASSEMBLYWOMAN FORD: Have you been able to determine, or has your Department investigated any possible threats to public health which stem from-- especially at Sandy Hook--

ASST. COMMISSIONER TYLER: No. Frankly, there has been no information or indication that would cause your hair to stand up on end, so to speak. When we believed there was a public health problem at Lakehurst, or a potential public health problem at Lakehurst, we took perimeter samples, we checked individual public community water supplies in the area-- We went all but on-site to sample sediment and water. We did the same thing at Earle, and if there was an indication or a need to react that way, we would do it at Fort Monmouth. I would say, generally, from everything I have heard and the assurances I have been given, there doesn't seem to be a need-- And if in the process, we discover a need for additional sampling, we are always willing to break out of the mold and do it.

ASSEMBLYWOMAN FORD: Is there somebody within your Department who is primarily responsible for investigating potentially harmful radioactive sites?

ASST. COMMISSIONER TYLER: Well, there are a number of people who get involved in investigations of potentially harmful radioactive sites. We are working with the Federal Department of Energy on, I think, three or four separate cleanups in the northern part of the State, primarily, where the Federal government contractors are, or were, involved in disposal activities that by today's standards, is inappropriate. We have staff that monitors them from a radiological/scientific viewpoint, and we monitor them from a site management in the same sense we monitor Superfund cleanups. So, yes, I have a Bureau of Radiation Protection in our Division of Environmental Quality that acts as a scientific support group, and we also have the usual technical management staff in the Hazardous Site Mitigation Administration. So, they are all involved, to answer your question, in radiological cleanups.

ASSEMBLYWOMAN FORD: Have anybody, for example, from the Bureau of Radiation Protection gone out to the Sandy Hook bunker and actually inspected it--

ASST. COMMISSIONER TYLER: That might well have happened--

ASSEMBLYWOMAN FORD: --to determine the radioactive limits?

ASST. COMMISSIONER TYLER: That might well have happened. I can't tell you yes or no. But, for example, in the McGuire situation, one of the things that our Bureau of Radiation Protection has done on occasion is participate with county and Federal radiological officials in monitoring-- in doing things like perimeter monitoring.

So, it's quite possible, through the separate radiation hierarchy of information that occurs, that our people were either requested to review documents or go out and look at a site like that. I am not aware of it at this point. I'm pretty sure our file search included that and didn't turn it up, but I would like to double check.

ASSEMBLYWOMAN FORD: You'll check and you'll get back to--

ASST. COMMISSIONER TYLER: Okay, yeah. The question is, has our radiological staff been involved in any monitoring at Fort Monmouth?

ASSEMBLYWOMAN FORD: Or any other part of your staff, with respect to--

ASST. COMMISSIONER TYLER: Oh, okay.

ASSEMBLYWOMAN FORD: --especially with respect to the Sandy Hook situation.

ASST. COMMISSIONER TYLER: But with the focus of radiation.

ASSEMBLYWOMAN FORD: At Fort Monmouth, at our last hearing, we discussed various active and inactive landfills, many of which contained toxic and hazardous waste. And several were indicated by EPA documents to be unrestricted from public access, that is, no fencing, nothing to-- no posting, nothing to keep the public out other than the actual fencing out, I guess, of Fort Monmouth itself. And yet, you've been quoted, I think, in various newspapers, saying, to the effect, that none of the Fort Monmouth sites posed any danger to the public. And I am assuming, again, that your statements were accurately reported, but what was your basis for coming to this conclusion, that none of those sites posed any danger to the public health?

ASST. COMMISSIONER TYLER: Okay. I only discussed it with one or two reporters. In both cases, I happened to take a look at the clips and they did appear to be accurate. There were suitable qualifications. I indicated that I believe, based on what Chris

Daggett said at your last hearing, that there were four radiation spills or incidents there, and that based on assurances from his staff, that we heard that they were cleaned up. I think those qualifications appeared. If they didn't, they were certainly in my conversations with the reporters.

With respect to the rest of the facilities, I indicated that our files talked about five landfill sites, one which had been active after 1970 and four others which had closed prior to that, and that we had issued a NJPDES groundwater monitoring permit for four wells around the main site that had been opened after 1970, and for some surface water monitoring in the vicinity of the four smaller landfills, which had not been operated before 1970. I think that's what I told you on the 24th of October, and I believe that's the same thing I told the press, and I'll stand by those statements. Those are accurate, and nothing in that information concerning those specific sites as I just characterized them, in any way suggests there is a public health problem.

ASSEMBLYWOMAN FORD: Have the landfill sites and the sludge drying beds been cleaned up at Fort Monmouth?

ASST. COMMISSIONER TYLER: I don't know. I can tell you that the landfill sites I was just referring to have not been "cleaned up." They probably won't be. At least four of them, based on conversations with my staff, appear to be vegetative waste kind of composting facilities. We put a surface water monitoring point downstream of those facilities -- if you want to even call them facilities -- just to make sure. With respect to the main landfill, we issued a monitoring permit, which, in the way we do business, is the first step. If the monitoring data is returned to us and, indeed, shows a problem, then the next step is some form of remedial action in the form of either an amended permit or an administrative order, depending on the circumstances.

ASSEMBLYWOMAN FORD: Do you know whether EPA records are accurate when they say there is unposted and unfenced toxic sites at Fort Monmouth?

ASST. COMMISSIONER TYLER: Not offhand, no.

ASSEMBLYWOMAN FORD: Has your Department inspected these sites at Fort Monmouth since our last hearing?

ASST. COMMISSIONER TYLER: I don't know that. We might have, but I don't think so.

ASSEMBLYWOMAN FORD: Were there inspections of the sites prior to the hearings, other than what you referred to?

ASST. COMMISSIONER TYLER: I'm sure we have had people at Fort Monmouth at one time or another, but I can't answer specifically whether we went and inspected, let's say, in recent times, the landfills there. Probably in the permitting process, inspections occurred, but that is a probable. I can't say for sure.

ASSEMBLYWOMAN FORD: Let me move on to another question that came up in connection with our last hearing, which was with regard to the Raritan Arsenal site.

ASST. COMMISSIONER TYLER: All right.

ASSEMBLYWOMAN FORD: Has there been an exchange of information between your Department and EPA with regard to the various problems at the Raritan site?

ASST. COMMISSIONER TYLER: I would say yes to that. In terms of what I said earlier, we were exchanging files. That would have been more in the files we exchanged.

ASSEMBLYWOMAN FORD: Do you know what the current status is with regard to the sites which were thought to be contaminated with PCBs or that contained radiological contamination?

ASST. COMMISSIONER TYLER: The current status would be the same, as I understand it, as was reported to you by the Regional Administrator of EPA, since I am not aware of any remedial action that took place in the last 45 days. I can tell you that today, the Army Corps of Engineers' Environmental Unit has scheduled a public meeting at the Raritan Arsenal, to go over with the business community and property owners that about the Raritan Arsenal, a long-term sampling program there to re-visit some of the decisions they made in the early 1960s. In fact, that is where Dr. Berkowitz is. He had to leave. As I understand it, that session starts in 15 minutes. That will involve a discussion of the EPA Sampling Program that EPA reported to you at

your last hearing -- on-site sampling -- and, also, the two issues you just raised, the PCB-- Unless I'm wrong, it is a PCB storage situation and radiological levels two or three times background in a couple of buildings there.

ASSEMBLYWOMAN FORD: At our last hearing, Mr. Daggett said there were drums on site that were said to contain liquid mustard gas and 100-pound bombs. Do you know what the status is with respect to--

ASST. COMMISSIONER TYLER: Again, I would say they are the same as when he reported them to you because we are not aware of any remedial action that has taken place.

ASSEMBLYWOMAN FORD: Okay. Is it the same with regard to the reports of potassium cyanide and red foaming nitric acid buried there?

ASST. COMMISSIONER TYLER: Again, commenting on what he said last time, I would assume there has been no change in the past six weeks.

ASSEMBLYWOMAN FORD: In the situation you just referred to, the EPA Field Investigation Report dated June 20, 1985 -- that report was the one that said there were two or three times background levels of radiation in two of the buildings. That also remains unchanged, I assume.

ASST. COMMISSIONER TYLER: Yes, if he reported that to you on October 24. They are just having a meeting today to talk about it with the next phase of sampling.

ASSEMBLYWOMAN FORD: On October 24, Mr. Daggett referred to a work plan with regard to the cleanup and mitigation of these particular problems. He referred to a Department of Defense work plan at the Huntsville Division down in Alabama. Have you had any input into that, or have you seen or participated in developing that work plan?

ASST. COMMISSIONER TYLER: I believe that is the subject of the discussions today. We will be represented by Dr. Berkowitz at that meeting. If I am correct, if that is the same plan, we will, of course, then have input into it.

ASSEMBLYWOMAN FORD: Also, Mr. Daggett told us that a certain Defense environmental restoration program is charged with setting and cleaning up sites formerly owned by the Department of Defense. Our

Committee Secretary has had some difficulty in making contact with the responsible party within the Army relative to the Army's formal activities at the Raritan Arsenal.

Can your Department disclose to us who is actually in charge of the Raritan Arsenal, who it is that you deal with?

ASST. COMMISSIONER TYLER: I noticed that reference, again, in the notice we got of this hearing on December 4. I got my staff to look into it, and they advised me that the Army sold -- if the Army can sell -- to the General Services Administration, the entire Raritan Arsenal facility. The title remains in GSA's hands at this time. EPA is seeking to take that title, probably to continue their laboratory operation there. But, at the present time, it still belongs to GSA. GSA has, in turn, contracted with the Corps of Engineers' Environmental Command -- which may be this Huntsville group you referred to; I'll have to check on that for you -- to conduct a study in preparation for any necessary remedial action.

ASSEMBLYWOMAN FORD: Does that mean that the Army Corps of Engineers is responsible for cleanup, or are they just a contracting -- like a cleanup contractor which is going out and cleaning up?

ASST. COMMISSIONER TYLER: I believe that would be the proper way to characterize it.

ASSEMBLYWOMAN FORD: That the Army Corps of Engineers is the responsible party for the purposes of cleanup?

ASST. COMMISSIONER TYLER: No, no. The way you said it first was correct. I think they--

ASSEMBLYWOMAN FORD: GSA is the responsible party.

ASST. COMMISSIONER TYLER: --are like a contractor, and GSA would be the responsible Federal agency at this point. Our discussions on this facility have all been with EPA, up until now.

ASSEMBLYWOMAN FORD: Why would GSA be responsible for the Army's activities prior to that?

ASST. COMMISSIONER TYLER: Well, they own the property now, so if the Federal directives to clean up say whoever owns title starts the process, then they are responsible. If the Federal directives say the Department of Defense does it, then they are responsible. But

again, what I was told was that GSA, as the title holder, is viewing itself as the responsible party right now, and that they contracted with the Corps of Engineers' Environmental Command to come in and do a study for them. I'm not sure it much matters which Federal agency is in charge.

ASSEMBLYWOMAN FORD: So, the ultimate responsibility would lie with the GSA, as opposed to the Department of Defense, in terms of payment for cleanup.

ASST. COMMISSIONER TYLER: Frankly, the way I look at it, the ultimate responsibility is the Federal government's. If we are not happy with the cleanup program at any of these facilities, and in particular this one, then we'll take whatever legal actions are appropriate against any and all of the Federal family responsible for the operation of it.

ASSEMBLYWOMAN FORD: I would like to move on and ask you a few questions about Fort Dix, which was also on our agenda for today. For the record, I would like to disclose what our contacts have been with the Fort Dix facility. Yesterday, officials at Fort Dix indicated to our Committee Secretary, Mr. Smith, that the Army would dispatch a representative to this hearing, in order to provide testimony to the Special Committee relative to the hazardous waste practices at that Base. In accordance with our request that the Army participate -- and that is the request for information back on October 24, as well as the notice dated last week -- later yesterday, Mr. Smith received a call in which an Army official indicated that a change of plans had occurred, based on an Army order not to participate in the Special Committee's two hearings scheduled for the next two weeks. I just want the record to reflect the communications we have had with that facility.

Let me just ask, with regard to your oversight, or review, or participation with regard to the situation down at Fort Dix, can you tell me what the principal hazardous waste activity is with regard to the Fort Dix facility?

ASST. COMMISSIONER TYLER: I have to apologize to the Committee. I am very ill-equipped to deal with Fort Dix. Jorge Berkowitz, who was with me, was going to do that. I didn't know the



Air Force was going to be here to discuss McGuire. I can provide you with some kind of written follow-up on that, if you like. All I can tell you about Fort Dix is that as I understand it, their main waste disposal activity went on at an on-site landfill, which is the subject of a recent Consent Agreement to completely clean up that landfill, and contain it, really.

ASSEMBLYWOMAN FORD: Are you aware that they have been dumping waste, and chemical waste apparently, at the Fort Dix Landfill, received from McGuire, through the 1970s and up until 1984, and that this dump has been an overall operation since the 1950s?

ASST. COMMISSIONER TYLER: Well, I know the dump has been there for quite some time, but as to what went in it or exactly how many times, I am really not aware.

ASSEMBLYWOMAN FORD: Can you tell us whether or not there is any groundwater monitoring wells situated at or around the Fort Dix Landfill?

ASST. COMMISSIONER TYLER: Yes. Without knowing what is in a Consent Agreement in particular, there is no way we would sign one without groundwater monitoring. I can't imagine that we haven't provided you with the details of that order. If we haven't, I apologize and I will get it to you right away. Is that the case? You don't have that order from the Department? I would have thought--

ASSEMBLYWOMAN FORD: I don't think we have it.

ASST. COMMISSIONER TYLER: You don't?

ASSEMBLYWOMAN FORD: Do you know whether or not access to that landfill was restricted, or open, or controlled during the time it was an active landfill?

ASST. COMMISSIONER TYLER: I believe we had access to that landfill during the time it was open. I would have to check, but at least in later years, there was a permit involved, and that would have involved inspections.

ASSEMBLYWOMAN FORD: But, prior to 1980, there was unrestricted access?

ASST. COMMISSIONER TYLER: Prior to 1980 there was unrestricted access?

ASSEMBLYWOMAN FORD: Can you check into that?

ASST. COMMISSIONER TYLER: Yes, okay.

ASSEMBLYWOMAN FORD: That is the information we received from looking for--

ASST. COMMISSIONER TYLER: Access to the landfill by DEP inspectors -- is that the question?

ASSEMBLYWOMAN FORD: Right.

ASST. COMMISSIONER TYLER: Okay.

ASSEMBLYWOMAN FORD: As well as by the public.

ASST. COMMISSIONER TYLER: By the public?

ASSEMBLYWOMAN FORD: Right.

ASST. COMMISSIONER TYLER: Oh, I see; okay.

ASSEMBLYWOMAN FORD: Can you also tell us, or at least put on your list to tell us, whether records as to the dumping at that landfill were maintained through your offices and, if so, when did they commence?

ASST. COMMISSIONER TYLER: Okay.

ASSEMBLYWOMAN FORD: I would also like to know whether or not your records reflect the dumping of hazardous waste at that landfill, since according to information received from EPA, there were chlorinated solvents dumped there.

ASST. COMMISSIONER TYLER: Okay.

ASSEMBLYWOMAN FORD: There has also been a series of groundwater monitoring samples taken to date regarding that landfill, from Federal, State, and Army zone reports. I am referring to the November, 1982 EPA report, indicating groundwater contamination. In February, 1984, that report was confirmed, with high concentrations of ethyl benzene, diethylfanlate, mercury, and cadmium. A 1983 DEP memo revealed methyl chloride, 8,400 parts per billion, trichloroethane, 1,260 parts per billion, and, chloroethane, 2,200 parts per billion, as well as a February, 1985 Army draft report, which confirmed the presence of carcinogenic solvents in the landfill leachate.

I would ask that your Department confirm this information as being what you are aware of, and whether there is any continuing monitoring as a result of these initial test results.

ASST. COMMISSIONER TYLER: Again, I am confident that our Consent Agreement includes substantial monitoring requirements. They all do. In fact, that kind of monitoring report is precisely why we have a Consent Agreement with a remedial action plan at that site. But I will be glad to provide you with monitoring data that represents the before-picture at the Fort Dix Landfill.

ASSEMBLYWOMAN FORD: Are these results cause for concern with regard to the quality of the water, either well water used by people surrounding the site, or the public water system?

ASST. COMMISSIONER TYLER: No, they're not. Let me make two points with respect to off-site and, again, referring to the Consent Agreement. That is why there is a Consent Agreement. There is a remedial action plan to correct past practices at that particular landfill, without being intimately involved personally in what the details of that are. I am confident that we have a first-rate Consent Agreement because we have a first-rate cleanup program and a first-rate groundwater program, which both participated in putting that order together.

In addition to that, on a regular basis I had the A-280 sampling results for all public community water supplies in the vicinity of Federal facilities checked. To date, we have not seen any indication of any problem in any of these supplies. So I would say that as recently as the last two or three days, I had the McGuire information checked for any public community water supply in the region. The levels were non-detect in that review. There might be one exception to the non-detect, but it was not related to anything you could point to at McGuire.

ASSEMBLYWOMAN FORD: Is the Fort Dix site a RCRA-regulated site?

ASST. COMMISSIONER TYLER: I'm sorry, I said McGuire. I meant Fort Dix, excuse me.

ASSEMBLYWOMAN FORD: You meant Fort Dix, right. Is that landfill a RCRA-regulated site?

ASST. COMMISSIONER TYLER: I don't think so. If it were, I believe it would be not -- at least it-- Strike that. I think it

would be regulated only in the sense of past operation, but I do not believe there is any intent to continue to operate that landfill. The Army command at Fort Dix has also obtained permits from the Department to build a resource recovery facility on-site to handle their garbage, and I am sure they are not proposing, in any way, to continue to use that landfill for hazardous waste.

So, this Consent Agreement is, in fact, a closure agreement for that site. Whether that happens to fall into RCRA -- I guess it does -- but I don't think there is any intent at all in anyone's mind to continue to take hazardous waste into that landfill.

ASSEMBLYWOMAN FORD: Your Department provided us with an enforcement history dated July 17, 1985. It indicates that the Fort Dix Landfill is a Superfund site. Yet, this is not reflected on a later EPA Superfund update, which is dated August 29, 1985. Again, do you know whether this is just a conflict between the two Departments, or is Fort Dix, in fact, under Superfund?

ASST. COMMISSIONER TYLER: Well, it's not a conflict. It might be a clerical error in one or the other. I'm not sure, but I don't think it is. But, there is no ability to have a conflict there. Superfund sites are formally designated. So, it either is or it isn't. I'll check for you.

ASSEMBLYWOMAN FORD: At Fort Dix, and other than the landfills that we just discussed and the BOMARC site, which is actually located on Fort Dix, are there any other hazardous waste sites which you are aware exist at that Base, again, in addition to the landfill?

ASST. COMMISSIONER TYLER: I can't speak for what is in our files at this point. Your question is, "Are there other sites?" and I will check.

ASSEMBLYWOMAN FORD: Other than the landfill and other than the BOMARC site.

ASST. COMMISSIONER TYLER: Okay.

ASSEMBLYWOMAN FORD: Are you able to tell me how difficult the remediation of that landfill will be?

ASST. COMMISSIONER TYLER: I don't believe it will be very difficult at all.

ASSEMBLYWOMAN FORD: Is that part of the Consent Agreement?

ASST. COMMISSIONER TYLER: Yes.

ASSEMBLYWOMAN FORD: Can you tell me what the timetable is in terms of that Consent Agreement for cleanup?

ASST. COMMISSIONER TYLER: Again, I am sure we have provided it to you. I don't have ready recall of what is in it. I'll be glad to go through it. Typically, landfill closure Consent Agreements involve covers, monitoring wells, and sometimes pumping and treatment of groundwater, depending on the severity of the contamination. That is what I expect to find in this Consent Agreement.

ASSEMBLYWOMAN FORD: Can you give us any indication as to how long it will take to actually clean up that landfill?

ASST. COMMISSIONER TYLER: I'll give you a general answer to that, if you will let me get back to you with the specific dates in the Consent Agreement. But it usually takes a matter of months, to a year or so, to do the construction part of a cleanup like that -- drilling the wells, installing the wells, and covering and capping the landfill. If there is a groundwater treatment component, that can go on for quite some time. One of the points we have been making in all of our cleanup discussions is that when you define cleanup, you have to specify whether you mean the construction step or whether you mean the maintenance step. Maintaining a groundwater treatment program could take decades.

ASSEMBLYWOMAN FORD: Let me finish my questions with some questions about the BOMARC missile fire site, which received so much publicity back in July of this year.

What has your Department done to investigate that particular incident, since it was disclosed 25 years after the fact in July?

ASST. COMMISSIONER TYLER: Let me ask Director Donald Deieso to come up, if he is still here. Don heads our Division of Environmental Quality, which includes air pollution control and the radiation program. He would probably be best equipped to answer that question for you. I can tell you that I, personally, went on a monitoring expedition in early July as part of our efforts to see what was going on. Don?

DONALD DEIESO: Madam Chairman, your question again was?

ASSEMBLYWOMAN FORD: What has DEP been doing to bring itself up to date on the BOMARC missile fire situation, since the disclosure of the potential contamination back in July of this year?

MR. DEIESO: If I may take just a moment for history, it was on July 2 that we learned, not of the site, as you correctly heard this morning from the Air Force -- it was well covered in the press in 1960 and subsequently-- What we did learn in July was that it was more than the incidental and trivial amount of contamination that had characterized this incident, both in 1960 and to that moment, July, 1985. What brought this to our attention were ground soil samples of plutonium in excess of several hundred thousand picocuries per gram under the concrete at the site.

Now, to a scientist, that amount of radiation says that the actual incident contained more than trivial amounts of radioactive contamination. It was that thought that on July 9 prompted the Governor to ask Lee Thomas for a full disclosure of the BOMARC situation and the site, including the amount of contamination, the amount of plutonium involved in the incident, and all of the subsequent documents. It was on July 16 that we met with the Air Force here in Trenton, where we heard a little of their activities underway. I might add that you heard again this morning, the thought that this situation was well-publicized and well-understood.

We say to you as we speak now that that situation is not the case. We have an undetermined amount of plutonium involved in this incident. I have a copy of the Department of the Air Force memo, dated November, 1973, in which that one kilogram quantity is noted. This was in a package of information that was delivered to us in mid-October. So the fact that we have one kilogram is a considerable amount of radioactivity, especially in light of the fact that it is plutonium with a half-life of 24,000 years.

So, prompted by the situation and the findings on July 2, and the Governor's plea on July 9, we met with the Air Force on July 16 and asked them to deliver six items to us with respect to the site. The first was a re-scoring of the BOMARC site. To that point it had been scored using the radiological contamination only. We asked that it be

looked at both chemically and radiologically, and that that information be used to re-score the site and perhaps improve the changes of funding within the Air Force's IRP Program.

Secondly, we asked the Air Force to conduct off-site sampling. I might add that that had never been done. The extent of their work had been on-site characterization. So on July 16, our second point was, it's long overdue for some off-site contamination. In fact, that work was done this September and, with one qualification to the comments made this morning, it was the Department of Environmental Protection which precipitated the joint sampling program in September. In fact, we asked for it back in August. At the Air Force's suggestion -- they said, "We'll be there for our annual work in September. Would you join us?" -- we said, "We would be happy to." That work was done this September -- the week of September 16.

Thirdly, we asked them to simulate for us an air quality model of the events the evening -- or the afternoon, more correctly -- of the fire. So on June 7, I believe, in 1960, the fire burned for 45 minutes, during which time the plutonium, we believe, may very well have been oxidized, formed a tiny particulate, and then been carried by the combustion products off site. That model was a request we asked of the Air Force on the sixteenth of July. We would like to have that information. They have very carefully said to us this entire time that that information is classified, and may never be revealed.

Fourth, we asked that medical records of those individuals who were stationed at the Base during the fire, and those stationed in and around the BOMARC facility for its remaining 10 or 12 years of operation-- We asked that those medical records be delivered to our Health Department, with specific emphasis on any subsequent health problems that may have developed. We await whose documents today. I heard this morning that there is at least the thought that the Health Department should formally request them. If that is the understanding the Air Force has, we will certainly remedy that with a letter in quite specific detail.

With one other point, that summarizes the request for information-- Uh, there was one final one, probably the most

important. You heard this morning that the Air Force delivered the documents to us that we requested in July. That they did, but there was one modification to the comments which were made here. We asked for all of the unclassified documents, and we asked for a list of those documents that we could not have because of their security classification. We received the former. I can't resist the temptation here -- since this has been such a point of concern with us -- to say that the Air Force, when we first requested these on July 9, characterized these documents as readily available in the press. They criticized the Department for having asked for these. The truth of the matter is, it took them until October 18 to produce these available documents for us -- a full three months. By our definition, that doesn't fall into the category of readily available.

ASSEMBLYWOMAN FORD: You're still looking for a list of the classified documents, so you can at least determine what you don't have?

MR. DEIESO: Yes.

ASSEMBLYWOMAN FORD: At this point in time, you can only speculate as to what is not being disclosed to you under the guise of classified documents?

MR. DEIESO: That is correct.

ASSEMBLYWOMAN FORD: Other than your continuing work and analysis of this, are you in a position-- Correct me if I am wrong, but probably not until you receive the medical reports will you be in a position to assess the health impacts of this particular incident.

MR. DEIESO: Well, heretofore, I have given you an insight into the negatives. Let me spend a few minutes on what is good about the situation we have so far. The first thing is the results of the sampling we conducted jointly with the Air Force in mid-September. We looked at seven private, residential drinking water wells in the immediate area surrounding the McGuire -- more correctly, the BUMARC site. These were seven wells that were the closest. The results of those drinking water samples by our analyses show that we find nothing more than background levels of radioactivity. That was an important finding for us, because before that point we had absolutely no numbers



which clearly indicated there was no off-site migration. So that became a point of consolation for us, that with respect to water, we see no evidence of any off-site movement yet.

Secondly, on a positive note, the cooperation of the Air Force technical radiological program and their scientists has been outstanding. We understand fully the limits of what they can share and classified documents. While we may appear to be rather negative on the point, it is a constraint that their scientists have and we appreciate it. But, without appearing too complimentary for an artificial sake, there has been a very good relationship with their scientists, and we look forward to the future and moving even more aggressively.

If I may offer the one point that probably will be important to us as the IRP process develops-- We would like to see the removal option fully explored. It is an option which to date the IRP did not address, and we think it is one that deserves both cost-effective and good scientific and engineering evaluation before any final decision is made.

ASSEMBLYWOMAN FORD: By that, are you referring to the actual removal of the contaminated soil, as opposed to the capping, which is the choice which we are left with right now?

MR. DEIESO: That is absolutely correct; yes.

ASSEMBLYWOMAN FORD: Last July, again, The Asbury Park Press filed a request for information under the Federal Freedom of Information Act relative to this incident, and received a great deal of documentation. Has DEP received, or otherwise endeavored to gain access to the same data that The Asbury Park Press received relative to the BOMARC matter?

MR. DEIESO: The package -- and I have not seen The Asbury Park Press package-- We received a healthy package of information the second or third week of October, and I have every reason to believe it was the same package that was shared with The Asbury Park Press.

ASSEMBLYWOMAN FORD: Has DEP filed their own FOIA request?

ASST. COMMISSIONER TYLER: On July 16, we asked the Air Force for the information that Don just listed. Indeed, that is what we received, so, as far as I could see, there wasn't any need to go further with that.

ASSEMBLYWOMAN FORD: You made an informal -- or as formal a request as possible -- to get information regarding this incident, but you haven't filed a FOIA application.

ASST. COMMISSIONER TYLER: We didn't need to.

MR. DEIESO: We have had no need to. There was a request we made to them for the documents. From the very moment of the request on July 16 at the meeting, there was complete cooperation with us. What they asked for was a period of time to compile, assemble, and document the records they would pass on to us. That was done, and was delivered during the second or third week of October.

ASSEMBLYWOMAN FORD: Are you receiving documents directly from McGuire, or do you receive them from various Federal agencies regarding the McGuire incident?

MR. DEIESO: The Air Force, during our July 16 meeting, identified a single point of contact -- Colonel Edwin Banner -- and it is through Colonel Banner that we communicate, and it is through Colonel Banner that we received all of the information we have on McGuire.

ASSEMBLYWOMAN FORD: Where is he located?

MR. DEIESO: I'm tempted to say Brooks, but I don't think that's it.

FROM AUDIENCE: Scott Air Force Base, Illinois.

MR. DEIESO: Scott Air Force Base, Illinois.

ASSEMBLYWOMAN FORD: And all of your information is funneled through that particular individual, through the Illinois Base?

MR. DEIESO: That is correct.

ASSEMBLYWOMAN FORD: Can you tell me while you are up there whether you or anyone in your Department has investigated the bunker at Sandy Hook -- just to switch to something else?

MR. DEIESO: I'm sorry?

ASSEMBLYWOMAN FORD: Has anyone within your particular section done any radiological testing or investigation of the Sandy Hook bunker?

MR. DEIESO: I heard the question as well, and it is on my list of things to investigate for you.

ASSEMBLYWOMAN FORD: I assume you also added to your list the Raritan Arsenal questions, as well as anything that might otherwise pertain to the Fort Monmouth situation.

MR. DELESO: Yes.

ASSEMBLYWOMAN FORD: I think that just about covers the additional questions I had. I want to thank both of you for coming down here today, and for your cooperation.

I would also like to thank the representatives from McGuire Air Force Base for their cooperation with the Committee in this regard. Thank you.

(HEARING CONCLUDED)

APPENDIX





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ARTHUR S. APPLEBAUM  
Research Director

GLENN E. MOORE, III  
Assistant Research Director

December 10, 1985

Enclosed please find subpoenas to be served on Christopher Daggett at the address indicated.

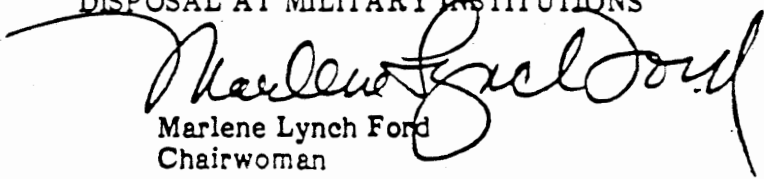
One copy of the subpoena together with a copy of N.J.S.A. 52:13E-1 et seq. should be personally served at the address. The second copy has attached a proof of service to be completed by the officer effecting service, sworn to and returned to this office.

It is important that service be made today.

As always, the cooperation of the State Police is appreciated.

Very truly yours,

SPECIAL COMMITTEE TO INVESTIGATE WASTE  
DISPOSAL AT MILITARY INSTITUTIONS

  
Marlene Lynch Ford  
Chairwoman

MLF:nm  
Encl.

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

**TO: Mr. Christopher Daggett  
126 Dyckman Place  
Basking Ridge, New Jersey 07920**


**GREETINGS:**

WE COMMAND YOU, That, laying aside all and singular business and excuses, you personally attend and appear before the Special Committee to Investigate Hazardous Waste Disposal at Military Institutions created pursuant to Assembly Resolution No. 168 of 1985, at a hearing to be held by the committee at 10:00 A.M. on December 17, 1985 in Room 438, State House Annex, Trenton, New Jersey, to testify to certain matters relevant to the committee's inquiry and investigation relative to discharges of hazardous substances, including radioactive materials, at military institutions in New Jersey, and to produce to the committee all books and papers that you have access to relative to the committee's inquiry and investigation including spills and leaks of radioactive materials at Fort Monmouth, New Jersey; the securing and sealing off of landfills at Fort Monmouth, New Jersey; the burial of liquid mustard and polychlorinated biphenyls (PCBs) at the Raritan Arsenal in New Jersey; and results of the field investigation team concerning elevated radioactivity levels in buildings at the Raritan Arsenal in New Jersey. Your appearance is subject to the Code of Fair Procedure, a copy of which is delivered to you herewith. You shall appear and remain in attendance subject to the direction of the committee.

Failure to comply with this subpoena shall make you liable for such penalties as are provided by law.

2x

WITNESS, the hand of Marlene Lynch Ford, Chairwoman of the Special  
Committee to Investigate Hazardous Waste Disposal at Military Institutions.



Marlene Lynch Ford  
Chairwoman

Dated: December 10, 1985



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

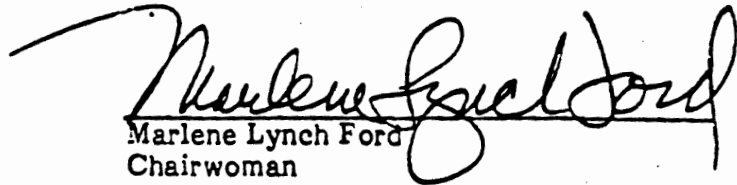
**TO: Mr. Christopher Daggett  
126 Dyckman Place  
Basking Ridge, New Jersey 07920**

**GREETINGS:**

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WITNESS, the hand of Marlene Lynch Ford, Chairwoman of the Special  
Committee to Investigate Hazardous Waste Disposal at Military Institutions.

  
Marlene Lynch Ford  
Chairwoman

Dated: December 10, 1985

STATE OF NEW JERSEY

The Special Committee To  
Investigate Waste Disposal  
At Military Institutions

to

SUBPOENA

ad Testificandum

and

Duces Tecum

Writ Returnable to 10:00 A.M.

Tuesday, December, 17, 1985

Marlene Lynch Ford,  
Chairwoman

STATE OF NEW JERSEY, ss:

being duly sworn according to law on his  
oath says that on the                      day of December, 1985 at

he served the within Subpoena upon Christopher Daggett by  
exhibiting the same to him and informing him of the contents thereof and  
giving to him a true copy thereof, addressed to him at 126 Dyckman Place,  
Basking Ridge, New Jersey 07920.

Subscribed and sworn to before me  
at  
the                      day of December, 1985.

---

6x



**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**  
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**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*

December 10, 1985

Enclosed please find subpoenas to be served on Christopher Daggett at the address indicated.

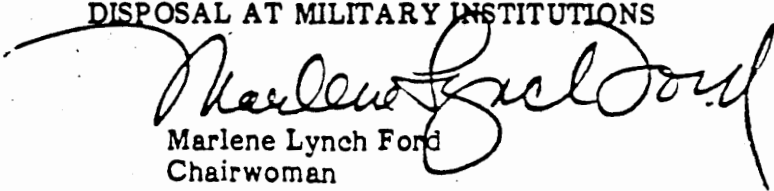
One copy of the subpoena together with a copy of N.J.S.A. 52:13E-1 et seq. should be personally served at the address. The second copy has attached a proof of service to be completed by the officer effecting service, sworn to and returned to this office.

It is important that service be made today.

As always, the cooperation of the State Police is appreciated.

Very truly yours,

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

  
**Marlene Lynch Ford**  
**Chairwoman**

MLF:nm  
Encl.

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

**TO: Mr. Christopher Daggett  
United States Environmental Protection Agency  
26 Federal Plaza  
New York, New York 10278**

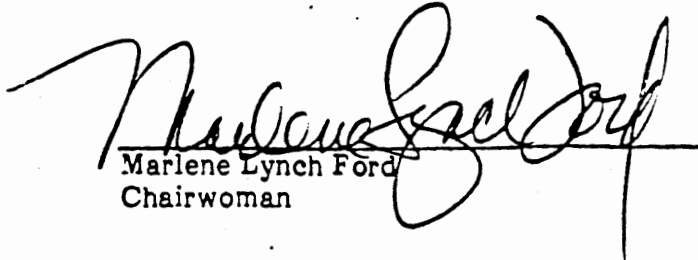
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**Failure to comply with this subpoena shall make you liable for such penalties as are provided by law.**

82

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Marlene Lynch Ford  
Chairwoman

Dated: December 10, 1985

**SPECIAL COMMITTEE TO INVESTIGATE WASTE DISPOSAL  
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26 Federal Plaza  
New York, New York 10278**

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Marlene Lynch Ford  
Chairwoman

Dated: December 10, 1985



STATE OF NEW JERSEY

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//X



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**CARMEN A. ORECHIO**  
*Chairman*

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*Vice-Chairman*

**DONALD T. DiFRANCESCO**  
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**TELEPHONE: (609) 292-4661**

**ARTHUR S. APPELBAUM**  
*Research Director*

**GLENN E. MOORE, III**  
*Assistant Research Director*

December 10, 1985

Enclosed please find subpoenas to be served on Major General Robert D. Morgan at the address indicated.


One copy of the subpoena together with a copy of N.J.S.A. 52:13E-1 et seq. should be personally served at the address. The second copy has attached a proof of service to be completed by the officer effecting service, sworn to and returned to this office.

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**Marlene Lynch Ford**  
**Chairwoman**

MLF:nm  
Encl

**SPECIAL COMMITTEE TO INVESTIGATE HAZARDOUS WASTE DISPOSAL  
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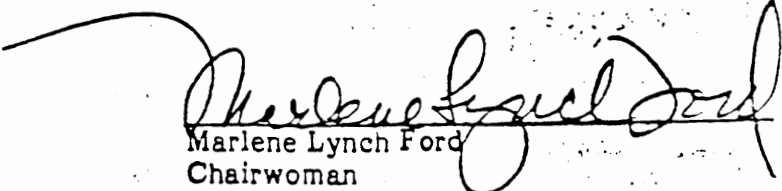
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17 Allen Avenue  
Fort Monmouth, New Jersey 07703**

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Chairwoman

Dated: December 10, 1985

**SPECIAL COMMITTEE TO INVESTIGATE HAZARDOUS WASTE DISPOSAL  
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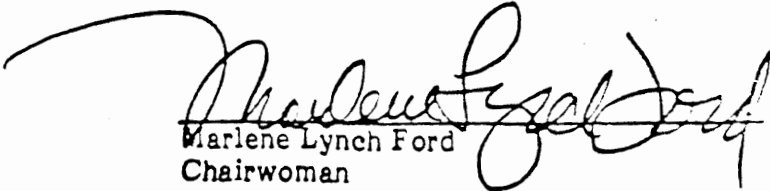
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Dated: December 10, 1985

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Investigate Waste Disposal  
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to

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ad Testificandum

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Duces Tecum

Writ Returnable to 10:00 A.M.

Tuesday, December 17, 1985

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being duly sworn according to law on

his oath says that on the

day of December, 1985 at

he served the within Subpoena upon Major General Robert D. Morgan  
by exhibiting the same to him and informing him of the contents thereof and  
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the

day of December, 1985.

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New Jersey State Legislature

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TELEPHONE: (609) 292-4661

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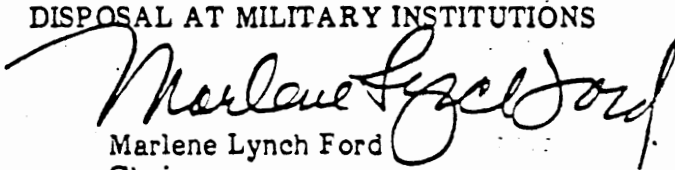
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DISPOSAL AT MILITARY INSTITUTIONS

  
Marlene Lynch Ford  
Chairwoman

MLF:nm  
Encl.

16x

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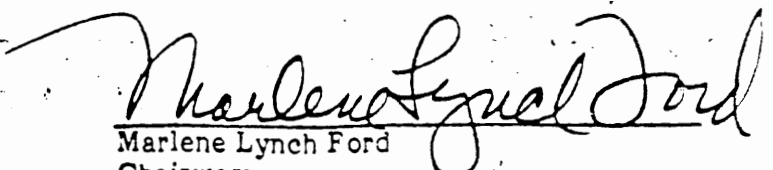
**TO: Major General Robert D. Morgan  
United States Communications Electronics Command  
Fort Monmouth, New Jersey 07703**

**GREETINGS:**

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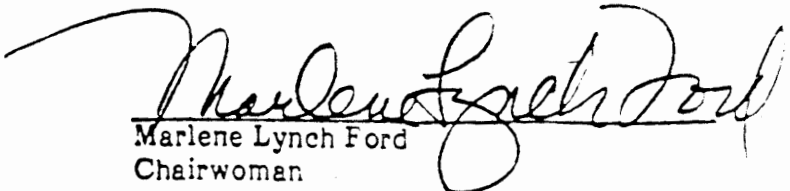
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Chairwoman

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18x



STATE OF NEW JERSEY

The Special Committee To  
Investigate Waste Disposal  
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to

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Duces Tecum

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being duly sworn according to law on

his oath says that on the

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he served the within Subpoena upon Major General Robert D. Morgan  
by exhibiting the same to him and informing him of the contents thereof and  
giving to him a true copy thereof, addressed to him at United States Communications  
Electronics Command, Fort Monmouth, New Jersey 07703.

Subscribed and sworn to before me

at

the

day of December, 1985.

19x

CHAPTER 13E  
INVESTIGATING AGENCIES, CODE OF  
FAIR PROCEDURE

- ~~Sec.~~  
52:13E-1. Definitions.  
52:13E-2. Personal service.  
52:13E-3. Right to counsel; submission of proposed questions.  
52:13E-4. Records of public hearings; copies.  
52:13E-5. Sworn statement by witness; incorporation in the record.  
52:13E-6. Persons affected by proceedings; appearance or statement of facts.  
52:13E-7. Rights or privileges granted by agencies.  
52:13E-8. Dissemination of evidence adduced at private hearing.  
52:13E-9. Hearing conducted by temporary state commission.  
52:13E-10. Right of members to file statement of minority views.

52:13E-1. Definitions

As used in this act:

(a) "Agency" means any of the following while engaged in an investigation or inquiry: (1) the Governor or any person or persons appointed by him acting pursuant to P.L.1941, c. 16, s. 1 (C. 52:15-7), (2) any temporary State commission or duly authorized committee thereof having the power to require testimony or the production of evidence by subpoena, or (3) any legislative committee or commission having the powers set forth in Revised Statutes 52:13-1.

(b) "Hearing" means any hearing in the course of an investigatory proceeding (other than a preliminary conference or interview at which no testimony is taken under oath) conducted before an agency at which testimony or the production of other evidence may be compelled by subpoena or other compulsory process.

(c) "Public hearing" means any hearing open to the public, or any hearing, or such part thereof, as to which testimony or other evidence is made available or disseminated to the public by the agency.

(d) "Private hearing" means any hearing other than a public hearing.

L.1968, c. 376, § 1, eff. Dec. 27, 1968.

## 52:13E-1

## LEGISLATURE

### Historical Note

#### Title of Act:

An Act establishing a code of fair procedure to govern State investigation agencies and providing a penalty for certain violations thereof. L. 1968, c. 376.

### Library References

Administrative Law and Procedure C-341 et seq.	C.J.S. States §§ 42 et seq., 55 et seq., 51.
States C-34, 39½, 43, 66 et seq.	Words and Phrases (Perm.Ed.)
C.J.S. Public Administrative Bodies and Procedure § 75.	

## 52:13E-2. Personal service

No person may be required to appear at a hearing or to testify at a hearing unless there has been personally served upon him prior to the time when he is required to appear, a copy of this act, and a general statement of the subject of the investigation. A copy of the resolution, statute, order or other provision of law authorizing the investigation shall be furnished by the agency upon request therefor by the person summoned.

L.1968, c. 376, § 2, eff. Dec. 27, 1968.

## 52:13E-3. Right to counsel; submission of proposed questions

A witness summoned to a hearing shall have the right to be accompanied by counsel, who shall be permitted to advise the witness of his rights, subject to reasonable limitations to prevent obstruction of or interference with the orderly conduct of the hearing. Counsel for any witness who testifies at a public hearing may submit proposed questions to be asked of the witness relevant to the matters upon which the witness has been questioned and the agency shall ask the witness such of the questions as it may deem appropriate to its inquiry.

L.1968, c. 376, § 3, eff. Dec. 27, 1968.

## 52:13E-4. Records of public hearings; copies

A complete and accurate record shall be kept of each public hearing and a witness shall be entitled to receive a copy of his testimony at such hearing at his own expense. Where testimony which a witness has given at a private hearing becomes relevant

## INVESTIGATING AGENCIES 52:13E-7

in a criminal proceeding in which the witness is a defendant, or in any subsequent hearing in which the witness is summoned to testify, the witness shall be entitled to a copy of such testimony, at his own expense, provided the same is available, and provided further that the furnishing of such copy will not prejudice the public safety or security.

L.1968, c. 376, § 4, eff. Dec. 27, 1968.

### 52:13E-5. Sworn statement by witness; incorporation in the record

A witness who testifies at any hearing shall have the right at the conclusion of his examination to file a brief sworn statement relevant to his testimony for incorporation in the record of the investigatory proceeding.

L.1968, c. 376, § 5, eff. Dec. 27, 1968.

### 52:13E-6. Persons affected by proceedings; appearance or statement of facts

Any person whose name is mentioned or who is specifically identified and who believes that testimony or other evidence given at a public hearing or comment made by any member of the agency or its counsel at such a hearing tends to defame him or otherwise adversely affect his reputation shall have the right, either to appear personally before the agency and testify in his own behalf as to matters relevant to the testimony or other evidence complained of, or in the alternative at the option of the agency, to file a statement of facts under oath relating solely to matters relevant to the testimony or other evidence complained of, which statement shall be incorporated in the record of the investigatory proceeding.

L.1968, c. 375, § 6, eff. Dec. 27, 1968.

### 52:13E-7. Rights or privileges granted by agencies

Nothing in this act shall be construed to prevent an agency from granting to witnesses appearing before it, or to persons who claim to be adversely affected by testimony or other evidence adduced before it, such further rights and privileges as it may determine.

L.1968, c. 376, § 7, eff. Dec. 27, 1968.

52:13E-8

LEGISLATURE

**52:13E-8. Dissemination of evidence adduced at private hearing**

Except in the course of subsequent hearing which is open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview conducted before a single-member agency in the course of its investigation shall be disseminated or made available to the public by said agency, its counsel or employees without the approval of the head of the agency. Except in the course of a subsequent hearing open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview before a committee or other multimember investigating agency shall be disseminated or made available to the public by any member of the agency, its counsel or employees, except with the approval of a majority of the members of such agency. Any person who violates the provisions of this subdivision shall be adjudged a disorderly person.

9. No temporary State commission having more than two members shall have the power to take testimony at a public or private hearing unless at least two of its members are present at such hearing.

*Nothing in this section, however, shall be deemed to prevent the State Commission of Investigation from conducting private hearings, on an investigation previously undertaken by a majority of the members of the commission, with one commissioner present, when so designated by resolution pursuant to the provisions of section 12 of P. L. 1968, c. 266 (C. 52:9M-12).*

**52:13E-10. Right of members to file statement of minority views**

Nothing in this act shall be construed to affect, diminish or impair the right, under any other provision of law, rule or custom, of any member or group of members of a committee or other multimember investigating agency to file a statement or statements of minority views to accompany and be released with or subsequent to the report of the committee or agency.  
L.1968, c. 476, § 10, eff. Dec. 27, 1968.