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PUBLIC HEARING

before

ASSEMBLY ENVIRONMENTAL QUALITY COMMITTEE

(Problems affecting Old Bridge Township, including garbage and raw sewage discharge emanating from New York City, the Global Landfill, and a site surrounding two chemical companies -- CPS Chemical Company and Madison Industries)

October 21, 1986  
Cedar Ridge High School  
Old Bridge, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman John O. Bennett, Chairman  
Assemblyman Robert W. Singer, Vice Chairman

ALSO PRESENT:

Assemblyman Joseph Azzolina, District 13  
Assemblyman Alan J. Karcher, District 19  
Assemblyman George J. Otlowski, District 19  
Assemblywoman Joann H. Smith, District 13

Raymond E. Cantor  
Office of Legislative Services  
Aide, Assembly Environmental Quality Committee

\* \* \* \* \* New Jersey State Library

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

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JOHN O. BENNETT  
Chairman  
ROBERT W. SINGER  
Vice-Chairman  
KATHLEEN A. DONOVAN  
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ROBERT C. SHINN, JR.  
MYRON M. BAER  
ROBERT G. SMITH

New Jersey State Legislature

ASSEMBLY ENVIRONMENTAL QUALITY COMMITTEE

STATE HOUSE ANNEX, CN-068  
TRENTON, NEW JERSEY 08625  
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M E M O R A N D U M

October 16, 1986

TO: ASSEMBLY COMMITTEE ON ENVIRONMENTAL QUALITY  
FROM: ASSEMBLYMAN JOHN O. BENNETT  
SUBJECT: PUBLIC HEARING - TUESDAY, October 21,  
1986

The Assembly Committee on Environmental Quality will hold a public hearing on Tuesday, October 21, 1986, beginning at 1:00 PM at the Cedar Ridge High School, Old Bridge, New Jersey.

The committee will hear testimony on environmental problems affecting Old Bridge Township. These problems include garbage and raw sewage discharge emanating from New York City, the defunct Global Landfill, and a site surrounding two chemical companies - CPS Chemical Co. and Madison Industries.

Directions from Trenton - Route 33 North to Route 9 North. Take exit at Route 516 East. Cedar Ridge High School is on Route 516 in Old Bridge. Telephone number at the school is (201) 566-1000.

Anyone wishing to testify should contact Raymond Cantor, Committee Aide, at (609) 292-7676.



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**ASSEMBLYMAN ROBERT W. SINGER (Vice Chairman):** Good afternoon. I am Assemblyman Robert Singer from the Tenth Legislative District; I am Vice Chairman of the Assembly Environmental Quality Committee. To my right is Assemblywoman Joann Smith; to her right is Assemblyman Joe Azzolina; and, to my far left is the Minority Leader of the State General Assembly, Alan Karcher.

Would you please all rise now for the salute to the flag. (Committee and audience join in the Pledge of Allegiance)

Our Chairman, John Bennett is on the way here, as well as Assemblyman Otlowski. They should both be here momentarily. But, since the hour is growing late, we want to start the hearing. I would first ask that the Council President, Eugene Dunlop, come up and address the Committee.

**C O U N C I L M A N E U G E N E D U N L O P:** Thank you, sir. I appreciate this opportunity. I think some of my concerns and some of Old Bridge's concerns are environmental issues, and I believe this is an environmental Committee. Would I be correct in that, Mr. Singer?

**ASSEMBLYMAN SINGER:** Yes, you would.

**COUNCILMAN DUNLOP:** Okay. Since 1982, we have had a site here called CPS/Madison, which is fourth on the State Priority List and twelfth on the National Priority List, on which we have been trying to have some cleanup done. It appears that we are constantly in litigation. We have two different plans on the road. We are now into 1986, and nothing has been done to take care of the hazardous waste site which is considered fourth on the State's list and twelfth on the national list.

We also have Global Landfill, which was closed here due to overcapacity in the break. There are evidently funds available in the amount of \$4 million to \$5 million. That has been available, yet nothing has been done at Global Landfill. It appears there will not be enough money to complete that landfill. We are still in litigation.

In the newspaper today, it says there is \$535 million planned for abandoned hazardous waste sites. There seems to be no funds available for Old Bridge for a site that does have money, but not enough. That appears to be a problem that the legislators have not looked at over the years. If we have a hazardous waste site and there appears to be funds available -- regardless of what that amount is -- then DEP continues after those funds. If there are not enough funds, I ask you, "Where do we go from there to complete that? Where do we go to complete that?"

Also, over a period of time, one of the serious questions we have asked DEP is, "Do we have a health hazard in Old Bridge?" That has never been addressed openly to the public nor to my Council. If we have a health hazard, then why isn't it being addressed? If we don't have a health hazard, then I think that should be addressed here by the representatives of DEP. I understood Commissioner Dewling would be here, but I don't see him here.

What we are confronted with here is, we have two serious problems in this town, and we have had these problems for many, many years. There does not appear to be any funds adequate enough to take care of them. The laws allow litigation to continue on, which is seriously affecting a cleanup. We are looking for something to help Old Bridge to clean this up. I am asking you, "What can you do for the Township of Old Bridge?"

ASSEMBLYMAN SINGER: First of all, for the record also, we do have representation here from DEP. At our meeting yesterday of the Environmental Quality Committee, we did have the testimony of Commissioner Dewling and his staff to discuss hazardous waste cleanups throughout the State. You may or may not know that they have put together a \$1.6 billion five-year program.

There are a lot of things that are changing. The reenactment of the Superfund money on the Federal level is going to have some effects on us in this State. Number one, they are going to allow us to do continual monitoring and repetitive action to these sites. For example, up until now, we were only allowed to do six months. I understand it is going to be up to 10 years we will be able to do work on the sites after they are--

Here comes our Chairman right now. But, there is work being done on that. We had a report on all the sites throughout the State. I think very honestly, though I am not exactly familiar with your individual site here, that major steps have been taken to start work on most sites throughout the State.

I am unaware that we don't have enough money for the site. Did they run out of money on that, John? Are you familiar with that situation?

ASSEMBLYMAN JOHN O. BENNETT (Chairman) (recently arrived): No.

ASSEMBLYMAN SINGER: We were not told, by the way, at the State level, that we had run out of money and that we could not finish a site.

COUNCILMAN DUNLOP: You're talking about abandoned sites?

ASSEMBLYMAN SINGER: Any sites.

COUNCILMAN DUNLOP: Any sites. All right, then you do have representatives from DEP who can perhaps explain to you why we are still waiting -- with regard to Global Landfill -- to have some type of work done. That has been well over a year, year and a half into litigation.

ASSEMBLYMAN SINGER: Well, is Global Landfill one of the 99 Superfund sites?

ASSEMBLYWOMAN SMITH: Yes, it is.

COUNCILMAN DUNLOP: No, it is not. No.

ASSEMBLYWOMAN SMITH: Oh, no, not Global Landfill. CPS/Madison is.

COUNCILMAN DUNLOP: CPS/Madison is on the Priority List as fourth in New Jersey and twelfth in the nation. Now, this company is functioning. It is not abandoned. There are alternate plans, whether we go for the bathtub effect -- and I believe Mayor Otlowski could probably offer his views on that-- But we are going back to 1974, 1976, when Perth Amboy found a tremendous amount of lead and zinc in Prickett's Pond. The lead and zinc is still in Prickett's Pond, and it is 1986.

There are two plans, the bathtub plan, which is a court-ordered plan-- Evidently test pourings have been taken, and the bathtub doesn't hold water. Now we have another plan, but I believe what we are looking for is-- We can have all the plans in the world, but when are we going to have action to clean up the sites, and how do we do it?

ASSEMBLYMAN BENNETT: I apologize for being late. The directions that were given me by the Superintendent's office here were somewhat-- Not being able to follow them to the "T," I ended up touring your township, which was a very nice thing to tour but, unfortunately, for 45 minutes, I have been going from one high school-- When you leave one high school, if you are at the wrong one, and you want to get back on 516, you practically have to go by the way of Newark. I don't know who does the signs around here -- whether it is State, local, or county -- but I wish someone would try to help you to get back on Route 516 easier.

ASSEMBLYWOMAN SMITH: We all know where we are.

ASSEMBLYMAN BENNETT: I know you all know the way. Then you ask someone, and he says, "Well, you just go down there and you make a left or a right. You've got to make one or the other." I said, "Which one do I make?" He said, "I don't remember." Well, I made the wrong one.

But, I apologize for being late today. What we would like to do, and the purpose of this hearing is-- We are the Environmental Quality Committee of the State. In that capacity, what we attempt to do, rather than respond to your questions, is to take the information from your questions so that we can-- We don't have all of the answers. The Department is here today. Hopefully, some of the questions you are posing can be answered by the Department.

If they cannot be answered by the Department today, then it will be our job to see to it that those answers are made readily available to you. I can't give you a specific answer on each question you pose. I think we may have people here who can. If not, then we will get those answers. I am happy the Committee is being afforded the opportunity to come here. I was born and raised in Marlboro Township, so I am not too far away from being a local person. Yourselves and many of the people in Old Bridge have been joining with Marlboro on a site -- not the one we are talking about -- but we have worked very well together in the past to see to it that the cleanup is becoming a reality with Burnt Fly Bog.

The people who are sitting up here today are all legislators. Bob Singer is my Vice Chairman. The balance of today's Committee are not normally Committee members. Alan Karcher, as many of you know, is the Minority Leader, and has been an advocate of environmental concerns for many years in every capacity that he has had the opportunity to serve in.

Your two local legislators, who requested this hearing, are here. We are here today to hear your questions, attempt to find a way to give you those answers, but rather than responding on each one-- You may say, "Well, then you guys don't know anything." We are here to learn and to listen to you, so that we can come up with those answers. That is what we are here for.

COUNCILMAN DUNLOP: Okay. I don't ask you to address every one of them. I'll just give you two.

ASSEMBLYMAN BENNETT: Fair enough.

COUNCILMAN DUNLOP: When in the name of God will CPS/Madison be cleaned up? Just one simple question on that. When will it be cleaned up? Okay? Number two -- and then you can take this back--

ASSEMBLYMAN BENNETT: DEP is here.

COUNCILMAN DUNLOP: DEP is here, okay. The second question is, Global Landfill--

ASSEMBLYMAN BENNETT: Right.

COUNCILMAN DUNLOP: When will it be capped, so we don't get any more stench, and so that we don't have leachate coming out of there? When will this happen? Will it be 1986, 1987, or 1990? Okay? CPS has been in litigation since 1982, and those problems started back in 1974, 1976. The zinc and the lead is still in Prickett's Pond. Okay?

So, those are the two questions I request be answered here today, or hopefully, I have a hearing on the 28th at the township-- I would like to have those answers then so that I can give them to the public.

ASSEMBLYMAN BENNETT: I think they are fair questions, and they certainly deserve answers.

COUNCILMAN DUNLOP: Thank you very much.

ASSEMBLYMAN BENNETT: Thank you. The Mayor of Sayreville is here, John McCormack. John?

M A Y O R J O H N B. M C C O R M A C K: Good afternoon. I am John McCormack. I am the Mayor of the Borough of Sayreville, which is a community adjacent to the Old Bridge community.

First of all, I would like to thank the members of the Assembly Committee on Environmental Quality for giving me the opportunity to present some testimony today to the members, specifically on the three major environmental problems which I

feel have a very serious adverse effect on the quality of life and the health and safety of the residents in the Borough of Sayreville. I will be speaking on the Borough of Sayreville, although I feel, in many instances, that I am also talking about our adjacent neighbors, the residents of Old Bridge, also.

I would like to preface my remarks by indicating that I perceive environmental problems not as problems that exist as community problems or problems that are only an island unto themselves -- in this particular case, Sayreville problems -- but problems that are regional in nature. Therefore, the responsibility and scope for addressing these problems have to reach out into all of the agencies and people who are involved who could certainly address the problems at hand.

I also feel that it is really time for action now. The previous speaker mentioned some of the timetables that we have been dealing with relative to these particular problems. We are not asking -- or I am not asking as a Mayor of a community for additional paperwork. I am asking for action. More importantly, I think that when it comes to environmental problems, it is really time for the Legislature and for the Department of Environmental Protection to put aside any of the other priorities they might have, and place people's lives as a high priority, instead of what is perceived as politics before people's lives.

In dealing with the first major problem, CPS/Madison Industries, I would like to make reference to a resolution that the Mayor and Council passed in April, 1986, which was forwarded to DEP. It was a resolution that was passed as a result of Sayreville taking the initiative to hire a private testing firm to conduct a study that would give the governing body of the Borough of Sayreville some idea as to the existing groundwater contamination problem that has been caused by CPR/Madison Industries, which is located adjacent to the Borough's water treatment plant.

I would like to make reference to the eight items that are contained within the resolution specifically, so that the record reflects, in detail, what our concerns are. The first one -- without reading the complete resolution -- deals with the fact that the "Borough of Sayreville does herein request that the New Jersey Department of Environmental Protection install or have CPS/Madison install monitoring wells between the old Waterworks Road and the Bordentown Avenue well field, so that the effects of subject problem on the Borough's groundwater supply can be monitored."

Second, "The Borough of Sayreville does herein request that the New Jersey Department of Environmental Protection have a study performed to evaluate the geohydrologic properties of the South Amboy fire clay and the Sayreville sand, so that the potential for contaminated groundwater to enter the Sayreville sand can be further reviewed."

Three, "The Borough of Sayreville does herein request that the New Jersey Department of Environmental Protection have a study performed to evaluate the level and extent of contaminated soil present in the unsaturated zone at CPS/Madison Industries. If the level and the extent of contamination are found to be significant, measures to remove and/or stabilize this material should be developed."

Fourth, "The Borough of Sayreville does herein request that the New Jersey Department of Environmental Protection, at the expense of CPS/Madison Industries, require the inspection of all sanitary sewer lines that will be used to convey contaminated water to the Middlesex County Utilities Authority, and that this inspection should be performed before the decontamination starts, and possibly at established intervals throughout the duration of the cleanup program. Also, the Old Bridge Sewerage Authority collection line, which runs underneath the Industries, should be moved. The Industries should have separate inspectable discharge lines. This would facilitate inspection of the Industries' effluence."

Fifth, "The Borough of Sayreville does herein request, also, that the New Jersey Department of Environmental Protection, at the expense of CPS/Madison Industries, develop a system of monitoring salt water intrusion into the Old Bridge aquifer. This system would be used to monitor the effects that the cleanup related pumping has on the level of salt water intrusion. Data from this system would show if the cleanup related pumping is increasing the rate of salt water intrusion. An increase in the rate of salt water intrusion would most likely have a negative impact on the longevity of the Bordentown Avenue well field."

Number Six, "The Borough of Sayreville will not tolerate any cleanup plan which contains provisions for the construction of a partial slurry cutoff wall that would leave only the section along the Old Waterworks Road near the Industries without a wall. Should this type of design even be proposed, the Borough insists that a study be performed to assure that the altered hydrolics will not cause contaminated plume to move toward Sayreville well fields. If the Whearing (phonetic spelling) Plant is implemented with the proposed crescent wall, any later plan to substantially increase the size of the wall should be carefully reviewed, with specific regards to the effects upon the Sayreville water supply.

"The Borough of Sayreville does herein request that the New Jersey Department of Environmental Protection make the Industries financially responsible for all costs associated with obtaining water from other sources to replace local supplies lost as a direct result of contamination for which the Industries are responsible."

I would like to also point out, with reference to this, that if anyone has done a recent site inspection of the area near the CPS/Madison Industries, there is a noticeable deterioration of-- One can review very easily a substantial amount of dead vegetation in the area, which I think the record should reflect also.

The other item I would like to make reference to deals with the Global Landfill. In this particular case, the Global Landfill is located in a highly residential area that borders the Old Bridge/Sayreville line, an area that contains a large number of apartment houses, single-family homes, and condominiums and townhouses. At this time, Sayreville's position before this Committee would be to emphasize that we are very much concerned with the effects of the presence of volatile, toxic, and hazardous chemicals on the health and safety of Sayreville and Old Bridge residents. We are concerned about whether, in fact, there are appropriate tests which reflect basically what is contained within the Global Landfill, and that if there are not appropriate tests in place, certainly this Committee is urged to direct DEP to move in that direction.

The second item of concern deals with the Somers (phonetic spelling) property, which is located in the area adjacent to Global, and which has, of late, been determined to have on the property a substantial number of barrels, some of which I understand have been removed, but we are still concerned about the environmental impact of that property and that impact on the health and safety of our nearby residents.

In dealing with the Global Landfill, we are also concerned about the odors that are emanating from the landfill itself. Our residents constantly complain -- and have complained over the course of the last three years -- to me about the excess amount of odors -- methane that is escaping from the facility itself. There is no doubt in my mind that living under a constant irritation of an odor like that, that it certainly affects the quality of life in that area. I urge this Committee to address that particular issue in terms of the overall request for the proper closure of the facility itself.

Items like insurance problems, which have been in the headlines relative to that, are immaterial when it comes to the

health and safety of the people in that area. I think most recent reports have indicated, certainly, that this has been addressed, but still it should not be the stumbling block that deals with the actual closing process.

And, of course, the final point on this item deals with the effects that the leachate into the Cheesequake Creek, which leads out to the Raritan Bay, has on the quality of the clean water that this area in the State of New Jersey has taken as a priority in addressing.

I have not even gotten into the item on the fact that the transcontinental pipe line is located underneath the Global Landfill, which certainly-- I feel the residents in the area should obtain the assurances that that facility has no effect upon the gas pipe line that is located there.

The third item which I believe is also up for discussion today before this Committee deals with the Fresh Kills garbage that is floating along the shorelines of the South Amboy, Sayreville, and Old Bridge area. While I am ready to admit that my knowledge in reference to this is not as complete as I certainly would like it to be, and the fact that Sayreville lies within, you know, certainly close proximity and within the tide areas of the Raritan Bay relative to this, I feel that the communities of Old Bridge, South Amboy, and Sayreville have made a commitment -- a substantially high financial commitment -- to address the cleaning up of the Raritan River by entering into an agreement of the South Bay Collection Sewerage Project. With that commitment, we, as three communities, agreed to address what were environmental concerns relative to the antiquated sewerage treatment that we were dealing with in these three communities.

Therefore, I cannot, in any rational way, understand why the State, and certainly any agencies of the Federal government, which certainly should be complementing our efforts, cannot aggressively -- and I want to reemphasize

aggressively -- deal, either through Federal intervention, through litigation, or certainly through leadership, with the concerns and the hazardous impact that the floating garbage has had on the communities which run almost down the Arthur Kill and the Raritan Bay area.

I would like to close my remarks by indicating that I think it is time, if I may use somewhat of an analysis, that we really should be declaring war on these three particular projects in terms of addressing them, because basically the people in this area are under attack -- land, sea, and air. If you analyze these three projects over the course of the last five or six years, we have been dealing with it, but we have not been fighting back.

Thank you very much.

ASSEMBLYMAN BENNETT: Thank you, Mayor, for a very comprehensive report. With respect to the resolution you did, what was the date? I know it was this year, but--

MAYOR McCORMACK: April, 1986.

ASSEMBLYMAN BENNETT: Did you get a response?

MAYOR McCORMACK: I don't believe so.

ASSEMBLYMAN BENNETT: No response at all?

MAYOR McCORMACK: I don't believe we got a response in terms of the submission of the resolution.

ASSEMBLYMAN BENNETT: Thank you.

ASSEMBLYMAN KARCHER: Mr. Chairman?

ASSEMBLYMAN BENNETT: Certainly.

ASSEMBLYMAN KARCHER: The resolution was done premised upon an independent report that the Borough--

MAYOR McCORMACK: That is correct.

ASSEMBLYMAN KARCHER: --did, and I would ask if the Mayor could -- I don't know whether it has them with him today -- provide the Committee with copies of the report itself, so that that could be entered as part of your record to this Committee.

MAYOR McCORMACK: I would be glad to do that.

ASSEMBLYMAN KARCHER: Several made an investment in doing that. I want to add parenthetically, while the Mayor is on the stand, that when we talk about CPS, the whole problem, it is regrettable that it has lingered on for 12 years. The initial problem with CPS was disclosed to the Borough of Sayreville 12 years ago by the fact that what was in the sewer lines actually exploded. It blew off the top of the manhole, and the Borough of Sayreville undertook to do the very first investigation, and brought suit against CPS 12 years ago. They asked the court to allow us to go into the jurisdiction next to ours -- which we didn't have the power to do -- to examine their lines.

It was that initial investigation, that initial litigation 12 years ago, which started with just an explosion in the sewer line-- The history of what has happened with CPS over the ensuing 12 years-- Sayreville found out that it was not, at that time, impacting on us. It was something that had been put in the sewer line that caused the explosion. But the long and checkered history of what has happened at CPS/Madison and what was disclosed by that initial litigation 12 years ago, is a story that we could be here until this time next week listening to.

I wanted to let everybody know that it was Sayreville which had the diligence, and was on top of it to begin with.

ASSEMBLYMAN BENNETT: Thank you.

ASSEMBLYWOMAN SMITH: John?

ASSEMBLYMAN BENNETT: Yes, Assemblywoman.

ASSEMBLYWOMAN SMITH: Mr. Chairman, thank you. John, I am very pleased to see you come here today to help us, because our problems are unique unto ourselves, obviously. If the communities don't work together, we have a problem.

MAYOR McCORMACK: I believe very strongly in that.

ASSEMBLYWOMAN SMITH: I know. As Alan was stating, it became Sayreville's problem and they were made aware of it, but it is in Old Bridge territory. It also affects Perth Amboy, CPS/Madison, because of their contamination-- Perth Amboy has been forced to close 30 of their water wells. If the cleanup is not directed in the proper area, then Sayreville may get some of the runoff in the wrong direction, and their water fields are out there, too.

So, this is a three-way thing -- three municipalities, even though one is across the river -- and it affects all of us and our water. Mr. Chairman, we have had many, many meetings in all of these municipalities, endlessly over the years, and I think we have reached a point of despair on these three particular items, simply because no one listens. One meeting, and then another meeting; reports are given in periodically on a small basis, and nothing gets done over a 12-year period. We uncover new things that just all of a sudden exist.

We need help desperately. Hopefully by having this hearing today, we can make the State understand the desperate situation we are in. It is the lives of the residents of these municipalities. We hope that somehow a speedier solution will be found, because we are tired of hearing that the courts have decided, that they are in litigation, and that they are on appeal. We are tired of hearing that there is no money for Old Bridge. We are stepchildren. I think Sayreville, which adjoins us, is a stepchild, as far as services for southern Middlesex County are concerned. It seems that no one cares whether these people exist or not.

So, through this hearing today, and the members of your staff, I hope this will get to the Governor's ears, and DEP's ears, and thank God for the Attorney General. I understand there is someone here from the Interstate Sanitation Commission today, and I welcome him. Hopefully this can be the start of the end, rather than just another meeting in the middle.

Thank you, Mayor, for coming.

MAYOR McCORMACK: Thank you very much.

ASSEMBLYMAN BENNETT: Thank you, Assemblywoman Smith. Joining Assemblywoman Smith and Assemblyman Azzolina, is another colleague, our good friend, Assemblyman George Otlowski, who is also the Mayor of Perth Amboy. He is extremely concerned about this issue, not only as a local Mayor of a town that is impacted by what we are discussing today, but also as a State legislator, one who has worked very hard for many years. George, thank you for joining us today.

Assemblyman Karcher?

ASSEMBLYMAN KARCHER: I was just going to make a suggestion, Mr. Chairman. I don't know if it would be convenient for your schedule today, or for Assemblyman Singer's schedule today, and Assemblywoman Smith and Assemblyman Azzolina have probably seen it, as have George and I, but a physical trip, which is maybe 10 minutes from this spot, to the CPS/Madison location, would be a very, very illuminating act. You could see what Mayor McCormack was speaking about. The death of the vegetation surrounding this area can only be described as frightening. So, if there is any way possible for you to accommodate that in your schedule while you are here, I think-- We would be glad to accompany you, but it is absolutely terrifying.

The last thing -- just so you have a good geographical picture of what CPS is -- Bordentown Avenue runs in an east/west direction -- west/east, that is. On the south side of that is Old Bridge and what is known as a Runyon Aquifer, which is owned by the City of Perth Amboy. It is two square miles of some of the most valuable watershed in the world. On the north side of that road is what Sayreville has, in the last 10 years alone, invested millions of dollars in preserving -- in conjunction, by the way, with Green Acres, using Green Acres money -- to preserve as an aquifer.

So, in that one location, there are three square miles of watershed, and in the middle of it is CPS. Everything else is watershed. Regrettably, we have this factory -- this industry -- which is number four on our Superfund List, sitting in the middle of what otherwise is three square miles of watershed, which represents millions and millions of dollars of taxpayers' money to protect.

ASSEMBLYMAN BENNETT: Also here today are representatives from DEP, as well as the Interstate Sanitation Commission. What I would like to do, since perhaps they have some answers for us, or can give us some further information, or at least will be here to receive the questions the Council President raised earlier, is call on Mike DeBonis, who is presently the Acting Director of the Division of Solid Waste Management. John, do you want to come up at the same time? (affirmative response) John Trela, Director, Division of Hazardous Waste Management.

At any time, if any of you cannot hear any of us, or any of the speakers, just kind of raise your hand, give me a high sign, and we will try to speak up. I don't really like to use that P.A. mike unless I absolutely have to. Mike?

M I C H A E L D e B O N I S: Thank you very much, Assemblyman and members of the Committee. I guess I should explain by saying that I am here to speak to you very briefly on the Global Landfill, and then to try to answer whatever questions you have on that particular situation. John is here to discuss the CPS/Madison and Somers property issues. I could also comment, if necessary, on the Fresh Kills issue and the waste coming from the Fresh Kills Landfill over to the New Jersey shoreline.

Very briefly, the Global Landfill was in operation prior to 1970. As a result of the Solid Waste Management Act of 1970, it was grandfathered in, so to speak. It filed engineering designs back at that time which the Department

later found to be deficient, and a Notice of Engineering Design Disapproval was issued to the site. The site operators filed a legal action claiming that they, in effect, would have lost their right to do business as a result of not getting that permit. Through that particular suit, a Stipulation of Dismissal was issued, and we finally came to terms with them on a specific permit for the Global site.

It is not located in an area very suitable for landfilling, very frankly. It is not the kind of an area that a county would look to right now to select a landfill site, but as a result of the fact that the facility had an operation before 1970, they were, as I say, grandfathered in.

The final permit on the site was finally issued in 1981, after a lot of negotiations and conditions back and forth. In April, 1984, we had a very serious problem with Global. One of the side slopes failed, and it caused a very strong odor problem. The landfill was ultimately closed under court order as a result of that slope failure. The landfill hired a technical consultant to remedy the slope failure situation, and that particular project ultimately ran somewhat over budget. The court suit continued, however, and the DEP's basic claim against the landfill was to seek a proper closure of the landfill.

The same consultant who had been hired to deal with the slope failure made several attempts at securing a more formal closure of the entire site without success, and ultimately, as a result of the Department's litigation against the landfill operator, we were able to reach an agreement that former Commissioner of DEP, Richard Sullivan, would act as an administrator and solicit proposals from the private sector to conceptually plan, design, and oversee the construction of a proper closure at the Global Landfill.

That agreement was reached in January of this year. Commissioner Sullivan issued a request for proposals. He got

bids from two engineering consultants. The one which the former Commissioner and the Department felt was most responsive was one from Elson T. Killam Associates (phonetic spelling). Former Commissioner Sullivan, as administrator of the closure operation, attempted to negotiate with Killam regarding their conduct of those studies. The biggest problem which arose as a result of those discussions, which the Department became involved in, was the issue of the professional liability on the part of that engineering consultant. They had indicated that they could not obtain professional liability insurance at any price and, very frankly, we spent a few months arguing over that particular problem.

The consultant had asked the State to indemnify them for their activities in developing that closure plan — doing the design and overseeing the construction. We felt that we could not put ourselves in that position, since Killam was not our contractor. They were contractors to former Commissioner Sullivan who, in effect, represents the landfill in this particular case.

In any event, I believe, as late as yesterday, we were finally able to resolve the liability question. We have agreed, in principle, to set aside \$150,000 of the \$4.5 million in Global's escrow closure accounts -- to set aside that \$150,000 to provide for a legal defense, if necessary, for Killam Associates, to the extent that they need to utilize that money for legal defense as a result of their actions in designing this closure.

We do not have a signed document that ratifies this, but, as I say, we have agreed in principle. We would hope to have a signed document which firms that up within the next several days. Killam has been prepared, frankly, to begin their work in designing the closure in as little as the next couple of weeks. In all honesty, the actual design of the closure operation would take several months, and the State's

review process and approval would take several months, at which time the closure itself could actually be bid out for construction. That would not likely occur before the winter of 1988, however.

As I say, we have overcome what we hope is the last obstacle to getting the closure design under way, and that is the liability insurance issue.

ASSEMBLYMAN BENNETT: Mike, while you are right on this, can we tighten up at the end a little bit? I would like to pick up from the point where you were talking about, "We have agreed in policy. We have a policy decision, but we are not in writing." Could you take that slowly -- each step.

MR. DeBONIS: Okay, sure. As I say, Killam was selected as being the most technically responsive. They have asked that \$150,000 of the escrow closure money be set aside for their legal defense. Very frankly, we were concerned about the precedent that that would set. We have several hundred landfills in the State to be closed. While Global has four and a half million dollars in their closure accounts, the amounts of money in the other accounts vary, and \$150,000 could be a more substantial percentage of the moneys in other accounts. We were, frankly, concerned about the precedent that that would set, that these moneys which were originally set aside for closure, perhaps in the strictest sense of actually capping, containment, and covering would be set aside for use in terms of legal defense for the professionals involved in designing the closure plans themselves.

But, as I say, this was brought directly to Commissioner Dewling, and he ultimately made the decision himself that it was important enough to move this project along; that that money should be set aside, pending some other resolution of the whole insurance issue for professional engineering firms.

ASSEMBLYMAN BENNETT: The four and a half million continues to grow from interest, I would assume.

MR. DeBONIS: Yes, sir.

ASSEMBLYMAN BENNETT: Okay. Is it an actual turnover of \$150,000, or is it a paper credit -- being set aside on paper?

MR. DeBONIS: Well, no. All Killam is asking for is that \$150,000 be set aside. It would only be used if they needed it for legal defense. If they are not sued, and they don't need to defend themselves, then the \$150,000 remains available for whatever closure operation is to be conducted.

ASSEMBLYMAN BENNETT: Right. So, in a matter of a few days, or a few weeks, we will be able to reduce that to writing?

MR. DeBONIS: I think we are literally within a matter of a few days of reducing it to writing, because Killam is anxious to move ahead with this work. They would like to do the job. They just expressed this liability concern.

ASSEMBLYMAN BENNETT: Then they move into Phase 1. Is that--

MR. DeBONIS: Then they would do the conceptual planning, followed by the actual design of the remediation measures to be effected at the site. Then, ultimately, they would supervise the construction activities, once that had been bid out.

ASSEMBLYMAN BENNETT: Okay. Are you predicting that, without hitches, we are about 18 months from the actual construction of the closure?

MR. DeBONIS: About 15 or 16 months actually.

ASSEMBLYMAN BENNETT: Okay. From it commencing?

MR. DeBONIS: That is correct.

ASSEMBLYMAN BENNETT: Now, are there interim remedial or closure activities that can be taken -- or there probably would not be? I mean, is there anything-- We've heard both the Mayor and the Council President give us some local input as to some of the problems they are concerned about. Do we wait until the actual closure construction to get to them, or is

there anything that can be done beforehand? I guess that is what I am basically saying.

MR. DeBONIS: Well, as soon as the consultant is working, if there is a need for some sort of immediate -- more or less immediate containment measures or something that should be done on a short-term basis, that certainly is possible. We would consider the expenditure of the escrow funds for that, based on the consultant's recommendation and the overall plan for closing it.

We are aware that there is a serious odor problem, as far as the landfill is concerned. To be very honest, we don't really know of any kind of a quick-fix solution for a problem like that. Ultimately, that will be controlled through some sort of a venting system and combustion of those vented gases. In terms of capping the entire landfill, the fumes and gases which escape can then be controlled so that any odors coming from the landfill itself, you know, would be able to be brought under control. But that is not a quick-fix type solution.

ASSEMBLYMAN BENNETT: Will we be exploring the utilization of that gas for any -- to be utilized or converted over to any energy use, or not?

MR. DeBONIS: I am not aware that that is a part of the closure operation. I suspect the consultants would look at that, because it represents a potential additional source of money.

ASSEMBLYMAN BENNETT: That is what I was wondering.

MR. DeBONIS: It has been suggested that the four and a half million dollars may not be sufficient. Very frankly, we won't really know quite how far the four and a half million will go until the consultant begins the actual design and we can attach a cost to it.

ASSEMBLYMAN BENNETT: Okay. I don't want to monopolize this. Do you have some questions, Assemblywoman Smith?

ASSEMBLYWOMAN SMITH: You talked about something that could be done, and then you said there was nothing that could be done on an interim basis.

MR. DeBONIS: If, for instance, it was necessary to begin containing any kind of a severe leachate stream or anything like that, that could be caught. But specifically regarding the odors, based on our experiences with other landfills, you know, I am really not aware of any quick fix to an odor problem that is coming out of a landfill that size. If you have a small lagoon or something like that that is causing an odor problem, you may be able to address it, but the odor problem is-- We acknowledge it is a very serious problem. It will be addressed as part of the closure. But, it is not a short-term problem.

ASSEMBLYWOMAN SMITH: And the long-term on the money, too, with the possibility of not having enough money to finish the job-- How are we going to solve that?

MR. DeBONIS: We have four and a half million dollars to spend. You know, there is a possibility that additional closure moneys may become available, frankly, as a result of a lot of legislation that is being considered for the 300 landfills in the State, which do not have anywhere near the amount of money that the Global Landfill has. They have four and a half million dollars because they were able to charge and escrow some of this money. We have hundreds of municipal landfills in the State that have literally just a few thousand dollars. They don't have the kind of closure jobs that Global has ahead of them, but they will cost more than a few thousand dollars to ultimately cap.

We are anxious to get the job moving, and do as much as we can with the four and a half million dollars, which, if it is not fully enough to complete the closure, will certainly go a long way toward completing it.

ASSEMBLYWOMAN SMITH: So, obviously, it is up to us then to make sure that the moneys are there.

MR. DeBONIS: It may become necessary at some point for additional moneys to be infused into this process. Again, landfill closure throughout the State -- I'm sure you are aware -- is a very big issue.

ASSEMBLYWOMAN SMITH: Well, if we have a starting point of \$4 million over someone else's no funds, I think then, in order to expedite and keep the costs down of additional expenses as time goes on-- I think the proper thing to do is make sure we get the remainder of the funds to close this one, because we are three-quarters of the way there -- to keep costs down.

MR. DeBONIS: We would certainly like to make this a complete closure, yes.

ASSEMBLYMAN SINGER: John, just one point, and I hope both the public and all the other people here will understand-- One of the cheaper entities we are talking about is the closure of the landfills. The long-term concern we all have is monitoring everything else. We are talking about big dollars. The cheap end of it might be the \$4 million or the \$5 million in closure. So, this is a fact that we have to look at in every municipal landfill. It is quite a concern the Commissioner has and we have -- as we turn toward the closure of landfills -- the monitoring and corrective actions needed over the long haul.

I think it is imperative for you to understand that the short-term fix of closing it is just part of that expense. Whether it is \$4 million or \$5 million or \$6 million to close it, that is one thing. By the way, I have a municipal landfill in the town I was Mayor of, so I am aware of that, but the long-term monitoring and everything else is quite expensive, and we are concerned about that. I think it is something the State is going to be addressing.

ASSEMBLYMAN AZZOLINA: John?

ASSEMBLYMAN BENNETT: Yes?

ASSEMBLYMAN AZZOLINA: I would just like to ask a question because I am not familiar with this. In closing a landfill, how do we know that the odor will stop, or don't we? How thick is whatever they put on it -- sand or whatever?

MR. DeBONIS: As part of the consultant's study, they would evaluate the exact sources of the odor and how extensive the problem was with regard to the surface of the landfill -- maybe actually coming from some relatively localized areas. They would design some sort of a methane -- not just methane, actually all the gases-- Methane itself is actually odorless. It is the associated gases that are in there with the methane that are creating the odor problem. They would vent those particular gases, presumably through some sort of a flaring system, so that those gases would be combusted and would not be free to circulate and cause the odor problem they are causing now.

Conceptually, that is what they would do. I mean, again, they have to look very specifically at this landfill and, you know, design a fix which is suitable for this landfill.

ASSEMBLYWOMAN SMITH: Mr. Chairman?

ASSEMBLYMAN BENNETT: Yes?

ASSEMBLYWOMAN SMITH: I have another question. When it comes to the smell and the odors that are coming from Global Landfill, obviously calling the local municipal offices is not going to help. Is there a hot line for Old Bridge residents concerning Global Landfill at DEP? Is there somewhere they can call in the State where they can tell someone that this is happening, and they can come up here within a reasonable period of time? Is there such a person in DEP whom we can relate to from this town?

MR. DeBONIS: They can call the DEP hot line. There is no question about that. It is primarily an emergency

response type system, though, and I would suspect that the odor problem itself would not really constitute an emergency. Again, admittedly, it is a very serious nuisance, but not an emergency in the sense of a chemical spill or a life threatening type of situation.

We did conduct air monitoring at the time that the slope failure in the landfill occurred, and the gases were particularly strong right in the area where the crack -- where the landfill side slope cracked open, but beyond a few hundred feet, you know, there were no particularly dangerous levels in terms of breathing them.

ASSEMBLYMAN BENNETT: If the Mayor or a councilman in Old Bridge or Sayreville gets 200 phone calls on an August night because it is particularly hot, offensive, and there is a significant difference with respect to the odors that are emanating, and if people are saying, you know, "There is more of a problem--" I think what we want to know is, is there some one person-- Many times making phone calls, you may not get to whom you really are supposed to. Is there some way a Mayor, or a councilman, or the chairperson of an environmental committee -- someone such as that -- can reach out and say, "Hey, listen, we may have a situation developing here that is not just your ordinary smell, but something that--" I mean, obviously, they would want to be able to reach out to someone. That, I think, is what we are looking towards, a contact person that an official in a municipality who has received several or numerous calls of something new or different happening, can reach out and get you.

ASSEMBLYMAN SINGER: Like Commissioner Dewling's home number or something. (laughter)

ASSEMBLYMAN BENNETT: No, no.

MR. DeBONIS: Well, the air monitoring people are based out of the Division of Environmental Quality. Jorge Berkowitz is the Director of that Division. John, are you familiar with who might--

J O H N J. T R E L A: Tony McMann is the Assistant Director for Enforcement.

MR. DeBONIS: Okay. Anthony McMann would be the Assistant Director for Enforcement. He is the individual to whom the inspectors would report. They would be the people who would be dispatched to--

MR. TRELA: That is during business hours.

MR. DeBONIS: That's right; that is during business hours. I'm sure that if there were a serious situation which, as you say, was an unprecedented type of situation, then you should use the hot line. Then the Director or the Assistant Director for Enforcement, you know, could be advised at home. We do have people on duty 24 hours to respond to emergency type situations.

ASSEMBLYMAN BENNETT: Okay. The hot line number-- Do you have it by any chance?

MR. DeBONIS: Yes, sure. It's 609-292-7172.

ASSEMBLYMAN BENNETT: Okay.

ASSEMBLYWOMAN SMITH: Is it okay if we post this as a public information piece across this town, in case of some emergencies?

MR. DeBONIS: Yes.

ASSEMBLYWOMAN SMITH: People can just call this hot line.

MR. DeBONIS: Absolutely. But I am trying to be entirely honest with you and say that there may be situations where if it is just a nuisance odor, and it is a little worse on one day than on another, then, you know, we might not be able to send someone out, depending on what other emergent problems are around at that time..

ASSEMBLYMAN BENNETT: Alan?

ASSEMBLYMAN KARCHER: Thank you, Mr. Chairman. I have to confess to you that I am a bit perplexed. Maybe you can help me. Closure, and the funds that have been set aside for

the closure of Global, are pursuant to statute and regulations; they escrowed the money over the years, and there is a design to close this landfill and to cap it in some way. Is that correct?

MR. DeBONIS: That is correct, Assemblyman.

ASSEMBLYMAN KARCHER: My question is, is the DEP director satisfied that that is the proper course of action with regard to this particular landfill at this time, and why aren't they requiring a RIFS on this? Are you satisfied-- I notice in some of the literature I got that through the years there have been requests for groundwater testing and a spectrum of 50 different toxics were looked for, but I don't see any results of any of that testing.

I guess what I am trying to satisfy in my own mind is, there is a difference between the closure statute on one hand-- It was always in my mind -- and correct me if I am wrong -- that the closure statute was provided that we in government -- whether it be the Legislature or, in this case, the Executive Branch -- would be satisfied that this didn't belong on the Superfund List and didn't belong on the Oil Spill Compensation List, that this was a relatively safe landfill that just needed to be capped, closed, and forgotten.

What I want to know is if we are proceeding down that road with Global, why are we doing that, and why aren't we looking over on this road to see whether we shouldn't take a whole different tact and say, "Maybe this thing is a Superfund site. Maybe this is an Oil Spill Compensation site. Maybe there are some hard toxics in there." Why aren't we requiring that there be a RIFS done on this?

MR. DeBONIS: Assemblyman, we did rank the Global site in terms of the potential it had to cause problems. It did not rank very high, frankly, in comparison to other sites, such as CPS or other more serious situations. Again, it is a serious nuisance, but the water pollution issue is more of a surface

water pollution. There certainly can be groundwater contamination occurring, but we look at, in our criteria, such things as drinking water supplies. This particular area is not served by groundwater wells and, therefore, from a public health standpoint in terms of another site which would be in the vicinity of people served by drinking water wells, that other site would rate higher than Global, for example.

ASSEMBLYMAN KARCHER: When you say it is not in the vicinity of groundwater wells, what is the radius that something has to be within to make it questionable if you have groundwater?

MR. DeBONIS: It would vary with the type of operation, but actually John is far more capable than I, based on his background, of answering this. John?

ASSEMBLYMAN KARCHER: Hold that in abeyance for a moment.

MR. DeBONIS: Okay.

ASSEMBLYMAN KARCHER: I would like to hear -- and I am sure there are a lot of other people here today who would be delighted if they understood -- that you are saying that at Global it might stink, but there is not really much to worry about. Is that a fair statement?

MR. DeBONIS: I think that is a very fair statement.

ASSEMBLYMAN KARCHER: What happens if we close it, if we spend the four and a half, five, six million dollars to close it, and then we find out we were wrong? Wouldn't it be wiser, before we spend four and a half, five, six, seven, eight million dollars, and since it is a matter of some controversy today in this region -- this Sayreville, Old Bridge area -- about what is actually there-- Wouldn't it be wiser, before we spent the four and a half or five million dollars to close it, if we went in and tested again, just to make sure everybody was satisfied with what the groundwater quality was and whether there was any toxic leachate, or what the level of toxins

were? Wouldn't that be a more logical course? I don't know. I am no expert, but it just seems to me that before we allow \$5 million to be spent to cap something, and then run the risk of having it, you know, jump up and bite us, that we do it now.

MR. DeBONIS: Assemblyman, we did water samples as recently as a week ago on that. We do not have the results back, but we will certainly make them available to anyone, you know, who would like to review them, as well as to Killam Associates. But, as I say, in terms of the hazard ranking system the State uses, the site had not come up very high. I will go back and make a recommendation that this be looked at again, and that we assure ourselves that, in fact, the closure route is the proper route to go.

In fact, we met with Old Bridge officials -- now that I recollect -- about a week or two ago. In some respects, if we get a site on the Spillfund Priority List, and it is not a very, very high priority, we may, frankly, get a faster closure by using the money that is in an escrow fund, where such an escrow fund is available.

ASSEMBLYMAN KARCHER: I understand. Let me make sure you understand what I'm saying. I am delighted, number one, to hear that you have done a test as recently as last week. I think that was the right thing to do. I think those results, if they are satisfactory with the methodology that was used, might put a lot of people's fears to rest. I think that is what we all want to do. Nothing would please anyone more, than to be satisfied that this was a smelly dump, but wasn't really too dangerous other than to your olfactory glands.

Going back to the question, though, about groundwater-- In Sayreville, we have a well field called the Morgan Well Field, which is to the east of this area. It is not too far away as the crow flies. I would imagine it is maybe half a mile away. I wonder whether you realize that, and whether you took into consideration that we draw water from the Morgan Well Field?

MR. TRELA: Yes, Assemblyman. I would point out that the Global Landfill proper is located, as we all know, adjacent to Cheesquake State Park. That area is an extensive area of marshlands and wetlands. Those types of geologic deposits are built up by the secretion of silt and clay over long periods of time -- several thousands of years. So, the Global Landfill itself is sitting on what is called "a meadowmat clay peat deposit," which is a black silty, mucky type of material that is virtually impermeable to water. It is almost like a man-made landfill liner, in that sense.

As a result of that what happens is, as rain water percolates through the landfill, the rain water hits this underlying, naturally occurring clay bed, and then moves out into the Cheesquake Creek. Okay? So, in that sense, there is a natural insulation, and also because of the topography of the land that separates the Global Landfill itself from the aquifers that are further inland, which are used for the domestic water supplies in the municipalities.

ASSEMBLYMAN KARCHER: Okay. The one I am referring to, the Morgan Well Field, is not inland from Global; it is toward the bay.

MR. TRELA: Well, I should clarify my comments a little further. When I say inland, I mean relative to the direction of the groundwater flow.

ASSEMBLYMAN KARCHER: Okay.

MR. TRELA: The Global Landfill is on an aquifer discharge area. In other words, the groundwater moves towards the streams and rivers, and then moves into the streams and rivers and out to the sea. That is the generic principle in groundwater flow.

ASSEMBLYMAN KARCHER: I follow you. I just wanted to make sure--

MR. TRELA: So, the water would be moving from the Morgan Well Field toward the landfill, not from the landfill toward the well field.

ASSEMBLYMAN KARCHER: Last, but not least, just so that everyone is assured-- These tests that were done last week-- I take it that they will be made public and that if they did indicate danger of some kind, there would be flexibility within the Department to start rethinking about how this closure, or this remediation would take place. Is that fair?

MR. DeBONIS: Yes, absolutely, Assemblyman; certainly.

ASSEMBLYMAN KARCHER: Fine. I think that is what everyone wants to hear.

ASSEMBLYMAN SINGER: I would also ask, if possible, that the test results be sent to the Environmental Quality Committee. We would like to see them.

ASSEMBLYWOMAN SMITH: If I may--

MR. DeBONIS: Yes, ma'am?

ASSEMBLYWOMAN SMITH: --for the benefit of the four Assemblypeople who are not on the Committee who are sitting here with you today from the municipalities -- Mr. Otlowski, Mr. Karcher, Joe Azzolina, and myself-- We would like to have copies of those also, so we can give them to our municipalities.

Are you through, Alan?

ASSEMBLYMAN KARCHER: One last thing. I just want to make it clear, once again-- If you had gone the route of an administrative order demanding a RIFS, and you had gone out and gotten your own engineering firm, they would have been automatically indemnified by the State. It is because former Commissioner Sullivan was doing it that it was required that there be some kind of -- or the arrangement that you talked about was required. Right?

MR. DeBONIS: That is correct. That is the difference of this closure from the previous arrangement to indemnify contractors.

ASSEMBLYMAN KARCHER: Just once again, so there is no misunderstanding-- When the State does it, there is an indemnification of engineers and contractors.

MR. DeBONIS: That is correct.

ASSEMBLYMAN BENNETT: Okay. Alan, is that it?

ASSEMBLYMAN KARCHER: Yeah, I just wanted to make sure that I understood it.

ASSEMBLYMAN BENNETT: Joann?

ASSEMBLYWOMAN SMITH: Mr. DeBonis, if I might--

MR. DeBONIS: Yes, Assemblywoman?

ASSEMBLYWOMAN SMITH: There is another situation that exists with Global Landfill, and that is the Somers brothers' property and the barrels that were located there just recently. We have been in touch with DEP. The municipality has been working with them, and there seem to be conflicting reports about what is there and what is not there.

Do you have results of the tests you took? I understand there have been several different tests made by independent people. None of them seem to match each other. We are looking for some kind of answers. If there aren't any, I am going to request that DEP do another extensive set of tests, and release the figures to this municipality and Sayreville.

MR. DeBONIS: I think John is prepared to testify on the Somers property.

MR. TRELA: Yes. We have done testing on the Somers property, and we are in the process of implementing a cleanup program in two phases at that property. The first phase was a drum removal program, which is a surface cleanup -- drum and soil removal. The second phase would be a sub-surface investigation, including borings and soil and groundwater testing. Okay?

If you would like, I could run through a chronology of what the events were briefly.

ASSEMBLYWOMAN SMITH: Well, my concern is, what is the timetable on this, and how is it handled? On September 2, I read a newspaper article -- big headlines -- that said, "All the drums are cleaned up and there is no problem there." On

September 3, which was the day after, I took a walk in the back there, and just from the top of the hill, without falling down it, I counted 15 barrels visible to my eye. Some seemed to be empty; some seemed to be partially buried. So, it didn't justify what was in the press the day before.

I want to know-- There is a problem. Obviously, everything is conflicting as to what is there and what is being done. We've got to come to some bottom line on it.

MR. TRELA: Well, I think the best way I can explain to you what we are doing is-- Historically, if you look back, the original complaint was on April 4. We were in contact immediately with the Middlesex County Hazardous Waste Group from the Health Department, and on April 5 with the township Health Department. They have worked in a cooperative mode with us since then.

We have also been in contact with the citizens' groups, and we have been out there on many occasions. We have directed the estate of the Somers property to conduct surface removal of drums. That is the first phase. As a matter of fact, in answer to your question on the timing, DEP enforcement inspectors were out there today. They had an appointment with the consultant for the Somers brothers, Acutech (phonetic spelling), at 11 o'clock, to look at the drums that were raised -- the drums that were discovered after the first phase of the cleanup.

We have verbal agreements from the property owners that they will remove those drums. That is expected to be done in the near future, probably within two to three weeks. In addition to that, we also met with the consultant for the Somers property as recently as October 10. At that time, we advised them to supply us with a draft proposal for the sub-surface plan, which deals with, you know-- Most of the drums located out there now are old drums that rusted. The contents are not in the drums any more.

So the next question is, where is it? That is what the second phase is intended to address -- where is it? Obviously, it is not there. It has soaked into the ground, and it is somewhere. So, we are requiring them-- We have sent them a letter, requiring them to submit to us, within two weeks, the proposal for the sub-surface investigation, which would be focused on two conceptual areas. One, what actions, what samples, what wells, what borings are to be taken? Secondly, identifying a schedule for those actions to be taken.

Then we will review that, in conjunction with the Old Bridge Township Health Department, as we have done in the past with the original drum removal program. I would say, for everyone's benefit and for the record, that it is not unusual in these types of areas -- and this area had been used for a landfill for a long period of time -- to find people who have, over the years, gone into the woods and thrown drums here and there, and that type of thing. It is very common in dump areas. Very often people get refused entry into a landfill and they now have a truck filled with refuse--

ASSEMBLYWOMAN SMITH: Well, they got in there free and clear with the little guy sitting at the shed. It used to be the garbage entrance to the thing. We just don't know who left them there. You gave him a couple of dollars, and he let you in. Thirty years ago, I'm talking about.

My concern is this: Who is monitoring Acutech on the cleanup?

MR. TRELA: DEP.

ASSEMBLYWOMAN SMITH: Well, then, if Acutech stated that the drums were cleaned up and that everything was taken care of, how come we found 15 of them sitting there on top of the ground the following day? They weren't uncovered with the rain, or anything like that. There is quite a bit of acreage there, and my concern is, how did they monitor them, and how did they allow anyone to say that it was cleaned up when they were still there?

MR. TRELA: Well, what we did was-- We went out with DEP inspectors, the township, the county, and the citizens' group, and we identified everything we could find. We made a sincere effort, by controlling the contractor, to pick those things up. If we missed something, we are in the process right now, as I said today, of correcting that, and we intend to pursue the matter with great vigor in the future.

ASSEMBLYWOMAN SMITH: Those hills over there, as the water is washed down, because it is basically all sandy soil-- As these things are uncovered in the future, is there any way we can monitor that ground and go over it to find out if there are any drums under there that can be removed before they surface through?

MR. TRELA: There are techniques that can be used. I am familiar with things, like something that is called "ground penetrating radar," which is a technique that is fairly sophisticated and fairly expensive. It is a radar technique that can actually see through the soil.

ASSEMBLYWOMAN SMITH: Who has these facilities available?

MR. TRELA: EPA does, I believe.

ASSEMBLYWOMAN SMITH: EPA?

MR. TRELA: Yes. I would add to that, though, that I don't know if it would actually work through the buildings which are built on top. In other words--

ASSEMBLYWOMAN SMITH: I am not looking at the buildings; I am looking at the clear ground now -- with the hills.

MR. TRELA: Okay. Yes, I think it might be useful to do that type of a survey.

ASSEMBLYWOMAN SMITH: Was there any thought about making this available, or trying to get this for any particular purposes such as this in the State?

MR. TRELA: We have used it at other sites in the State for identifying areas with buried drums.

ASSEMBLYWOMAN SMITH: Would it be possible that this could be utilized in this particular case?

MR. TRELA: We could make the request to EPA.

ASSEMBLYWOMAN SMITH: Okay. What I would request from you gentlemen is, when the studies are done on the soil now -- the second phase-- You said you were going to test for the different contaminants, or whatever. Is that right?

MR. TRELA: Yes, that is correct.

ASSEMBLYWOMAN SMITH: How long will it take to get the results back on that?

MR. TRELA: Well, our requirement to the consultant right now is to come in with their program -- with their plan -- what they want to do, where they want to do it, and how they want to do it. In other words, how many samples they are going to collect, how they are going to be collected, and how many bore holes or monitoring wells they are going to put into the ground. It is our intent, when we receive that within the next two weeks, to sit down with the township and go over what those requirements are, to make sure that they fulfill everyone's concerns, and then have those immediately implemented after that.

ASSEMBLYWOMAN SMITH: Yeah, because my concern is that there seems to have been several different sets of tests done, and none of them coincide with the other, or some are unknown to us.

MR. TRELA: Well, Assemblywoman, in all honesty, I have heard reference to these tests -- these other tests -- several times. I know from my staff that we have requested them several times. We have made at least three requests for them, but we haven't gotten them yet. These are independent tests. I am not referring to any tests or any work that has been done by the township or by the county. I think private individuals have gone out and hired people to do testing for them.

ASSEMBLYWOMAN SMITH: They have the right to.

MR. TRELA: Yes. Most certainly, if they want us to evaluate and be responsive, we will be more than happy to look at those tests. We will make all of our information available to them. We are more than open, and are very willing to work with them to resolve these problems.

ASSEMBLYWOMAN SMITH: My request to you, sir, is that when you are finished with your tests -- and hopefully they will be done as expeditiously as possible -- would you please make those findings available to this municipality and to the municipality of Sayreville--

MR. TRELA: We certainly will.

ASSEMBLYWOMAN SMITH: --so that our governing bodies are not left in the dark, and we have to find out from another avenue what this is and what it isn't? Would you please do that?

MR. TRELA: Yes, we will.

ASSEMBLYWOMAN SMITH: Thank you.

ASSEMBLYMAN KARCHER: I know we are waiting to hear about CPS. I promise this is going to be the last thing. Mayor Azzarello and I were at a meeting one night, and I heard, and he heard -- and I think we were a little bit surprised -- the allegation -- the assertion that Global suffers from the same thing that Jersey City had, an underground fire. This led a number of us to kind of raise our eyebrows, because we know there is a gas line under there, etc.

Has that been looked for, and can you tell us conclusively one way or the other, is there any smoldering underground fire there, or is this an organic anarobic process that sets off this gas underneath?

MR. DeBONIS: Assemblyman, we were out there last week, and that specific issue was brought up. We could not find anyplace that appeared to have a fire going on under there, certainly not in the same respect as the occurrence in

Jersey City. But, even if it was a small one, frankly, we should have seen some sort of evidence of it if that, in fact, was the problem.

ASSEMBLYMAN KARCHER: So, once again, you are satisfied that there is no -- from what you have done-- I take it you have been out there rather extensively over the last couple of months.

MR. DeBONIS: I have been there several times. I personally haven't been there since May, but I have been there several times in the past. We had a group out there last week doing the same thing.

ASSEMBLYMAN KARCHER: So, from your best reports, there is no evidence of this underground fire -- this smoldering fire under there?

MR. DeBONIS: No, sir.

ASSEMBLYMAN KARCHER: Okay. I hope you're right. I am happy to hear it, and I am sure other people who live near it are very happy to hear it, but I just hope you're right.

ASSEMBLYMAN BENNETT: I think what we would like to do, Mike, is kind of move you a little bit out of that seat, and move John a little bit in, as we move away from Global and--

ASSEMBLYMAN KARCHER: What is your time schedule? (Speaking to Mayor Azzarello, who is sitting in the audience.) Are you under any--

MAYOR RUSSELL J. AZZARELLO (speaking from audience): I will be here. I think it is wise that I hear from both of these gentlemen, specifically because they are in Old Bridge, and then if I might have an opportunity to say something--

ASSEMBLYMAN BENNETT: Absolutely.

MAYOR AZZARELLO: --I would appreciate it.

ASSEMBLYMAN BENNETT: I know, Doctor; I will get to you. (Speaking to Dr. Mytelka, who had signaled from the audience.)

ASSEMBLYMAN SINGER: He has a time restriction.

ASSEMBLYMAN BENNETT: Yeah, he has a time--

ASSEMBLYWOMAN SMITH: He has a time problem?

ASSEMBLYMAN BENNETT: Well, no, I think the Mayor would probably want to hear from the Interstate Sanitation Commission, also, if he had the opportunity. Right, Mayor?

MAYOR AZZARELLO: Well, I think, if I might-- I think these two specific issues are directly related to ongoing, either the Citizens Action Committee and/or the Global Landfill prevention litigation suit-- (Part of Mayor's statement indiscernible, since Mayor was not speaking into a microphone.) --and, also, as it relates to the issues of that area. Regarding-- Is this solid waste?

ASSEMBLYMAN BENNETT: The Interstate Sanitation Commission.

MAYOR AZZARELLO: Okay, fine. I would prefer -- because we have other people here who represent -- on the professional side -- some of those concerns, that I truly address what appear to be some very prioritized environmental concerns. So, if I could have the opportunity to first hear him, and then maybe respond to both of those issues before this very august body--

ASSEMBLYMAN BENNETT: Doctor, what is your schedule?

D R. A L A N M Y T E L K A: I only need a few minutes.

ASSEMBLYMAN BENNETT: Okay.

DR. MYTELKA: Mr. Chairman, you're coming through loud and clear, but if I may suggest, all of the other panel members need to move their mikes about an inch closer to them.

ASSEMBLYMAN BENNETT: Fine, thank you.

ASSEMBLYMAN KARCHER: I never needed a mike in my life, did I, Joann?

ASSEMBLYWOMAN SMITH: Never, ever.

MR. TRELA: Ladies and gentlemen, as we all know, CPS has a long history of litigation. I am not going to reiterate

all of that today because I think everyone is very familiar with all the appeals and the Appellate Division and the Supreme Court, and all of the things that have gone on over the years.

The issue that is being discussed right now with respect to CPS, is that there is an original court-ordered remedy for what was referred to earlier by Councilman Dunlop as the "bathtub solution." That was the original court-ordered solution of the Chancellery Court. The question that has arisen relative to that is that technically, for this solution to work, there must be a continuous clay layer under the site. This question has currently been investigated, and as late as October 10, we just received comments from the City of Perth Amboy regarding a boring program that was conducted in the spring of this year.

The real issue -- this is a point of detail -- but the real issue here is the same issue that Assemblyman Karcher raised relative to Global, and that is, how do we know we are doing the right thing? If we look at the court-ordered solution, there are certain requirements of that solution, and there are certain aspects of it that raise the question as to whether or not it is the most appropriate solution. That solution was principally a containment solution. It was intended to build a box around CPS/Madison, with a very limited amount of pumping in the interior of the box, and some pumping on the outside of the box to remove the pollutants that were not contained within the box.

But when you build a box, along with the box comes the maintenance requirements for a long-term monitoring program and a long-term quality control program, to make sure that we get no cracks in the box and the pollution doesn't start leaking out. As a result of those issues, and since the long-term care issues weren't addressed in the court order, and there was a limit of five years of responsibility imposed on the company by the court, the Department was uneasy with saying -- especially

in the context of the question regarding the hole in the bathtub — that this was the right solution.

As a result of a proposal that was made by the companies -- and they will have to be carefully reviewed and modified by DEP -- in September of last year, we filed a motion with the court to substitute the Crescent Wall Pumping Program -- that cleanup program -- for the containment program which was originally ordered by the court. The judge looked at that, and in December rendered a ruling which said that there was a question in his mind whether or not this bathtub had a hole in the bottom and, for that reason, he thought it should be investigated because he, like-- I think the Department didn't want to implement a cleanup that wouldn't work, and then we would be here two or three or four years from now, saying, "Well, why did you spend four or five or six million dollars on a cleanup, because now the stuff is leaking out of the bottom?"

Based on that, the judge required CPA/Madison to do three test borings in the area where the hole in the bottom of the bathtub area was projected to be. Those were done in March; reports were submitted in early summer by the companies; and we just recently -- two weeks ago -- received the review from the City of Perth Amboy. The review from the companies, based on their analysis of that technical information obtained from those borings, indicates that there is a discontinuity, or a hole, in this clay layer. The review submitted -- and it was a preliminary review by the City of Perth Amboy -- indicates that there is not a discontinuity, or there is not a hole in the bottom. Now we have two conflicting reports.

We are in the process right now of, one, evaluating those reports, and in the near future we will be setting up a meeting to try to resolve the contrasting technical opinions to see if we can reconcile those. In the second sense, we have discussed with the two companies, and asked them to proceed with the application -- or prepare the application to the

Middlesex County Utilities Authority for the discharge of the cleanup water.

We have done that because when either option is implemented -- whether it be the containment plan, or the cleanup plan -- they would be required, in either case, to pump water and get a permit to do that. So, with either option selected, we should proceed with that.

We have also asked them to resample all the groundwater monitoring wells in the area. They have taken that under advisement. We have also asked them, most recently, as a matter of fact last week, to drill an additional three borings in this questionable area to make sure -- or to add to the information that we will be discussing. Technical consultants will be discussing whether or not this hole actually exists in the bottom of the bathtub.

ASSEMBLYMAN BENNETT: Why do we ask them? I am confused. Why don't we just tell them?

MR. TRELA: Well, we ask them first. If they agree, they agree. If they don't, we can issue a directive ordering them to do it.

ASSEMBLYMAN BENNETT: At this point in time, do we even have to go through that exercise?

ASSEMBLYWOMAN SMITH: I was just going to say that.

MR. TRELA: Well, the other issue that is somewhat complicating is that the court still maintains jurisdiction in these matters.

ASSEMBLYMAN BENNETT: They did retain it?

MR. TRELA: Yes, they did. So, it would be somewhat of a unilateral action for DEP to just issue an order. We would have to file a motion with the judge.

ASSEMBLYMAN BENNETT: Okay. So, we ask them, and if they say no, then we make a motion?

MR. TRELA: Yes.

ASSEMBLYMAN BENNETT: Have they said no to anything we have asked for recently?

MR. TRELA: Not at this point in time, except--

ASSEMBLYMAN BENNETT: Okay. I didn't mean to interrupt. I was just-- Sometimes -- so often -- what we do is ask, and then we lose time, and then we ask-- Not just this company, but across the board when we are dealing with those-- I don't mean to focus or pick on this particular site, but in the general area, those which are polluting the environment are not necessarily the best ones to ask to do something positive. At least that is my own feeling.

What we have to try to focus on is to be rather assertive and move ahead positively. I am hopeful that we can do that, you know, not have a delay in time, that we ask them, and while they are deciding we don't move. I mean, ask, and then 10 days later if they don't do it, we go to court. I think we have to become even more aggressive than we have been historically.

MR. TRELA: I agree with you wholeheartedly on that point. I would point out-- You asked me if there was anything recently that we asked them that they did not agree to do.

ASSEMBLYMAN BENNETT: Correct.

MR. TRELA: About two to three weeks ago, based on my recollection, we had a meeting with the Old Bridge Township Committee and some of the environmental members from the Environmental Committee. At that time, they requested that we ask the Industries to provide \$5,000 for the township to hire an independent consultant to review this dispute over the containment plan versus the cleanup plan. We did ask them to do that, and they declined to provide that financing. This was reported to Mr. Dunlop, I believe, this past Saturday.

ASSEMBLYMAN BENNETT: Have we decided about taking any affirmative steps with respect to them declining that?

MR. TRELA: I was just speaking to the Attorney General's office about that today. I have asked them to look into the matter to see what steps we could take.

ASSEMBLYWOMAN SMITH: I would just like to make a comment. I know the courts have decided -- made their decision that they have to clean up -- that CPS/Madison is responsible, and they have to pay for the cleanup.

MR. TRELA: That is correct.

ASSEMBLYWOMAN SMITH: Five thousand dollars seems to be a very small amount of money. You said you have spoken to the Attorney General's office. I think they should be obligated to pay for anything that is connected to that cleanup, whether it be a study or anything else. I know we have been in and out of the courts for years and years, and I think it is a disgrace because the courts have become a sham in this respect. They don't seem to have any concern relative to the good of the communities or the people in them. They seem to tend to go with the businesses, instead. I hope that through the Attorney General's office, maybe we can get something resolved to make them pay for everything connected with that.

I don't see any reason why this municipality, or any other municipality that has a situation like this, should expend any of its own moneys relative to these things. I think the onus falls on these people, and I think they should have -- whether it be an escrow account, or whatever-- Once they are found guilty, they should be forced to pay for the cleanup, and there should be some type of an account set up where they have to put money into it, so that we can use their money to pay for all of the things necessary. Hopefully, through Cary Edwards, and whatever necessary routes we have to go, maybe we can do that.

ASSEMBLYMAN KARCHER: I have always been troubled by why we -- once again, in the broadest sense -- the government in New Jersey -- why we have allowed CPS to continue to operate. Who is in there on a day-to-day basis monitoring what they are doing -- or week-to-week basis? I have been privy to

some transcripts, and people have testified at hearings about this, that say that what they have seen is that there was no lateral connection to the sewer pipes -- to the MUA -- and they just kept flushing things down into the earth. Open holding tanks and things just drained out in kind of a septic system; that this went on for years there. How do we know they don't do that today? I mean, what kind of monitoring do we have to know that CPS is abiding by environmental standards today? I don't mean-- Gee, I hope I have legislative privilege on this Committee. I don't want to libel them, but boy, it looks awful over there; it truly does.

The bottom line of that question is, did DEP ever consider just closing this place down? If they obviously said, "No, we are going to let them operate," what guarantees do we have day-to-day that they are abiding by the law, knowing that they did not abide by the law in the past?

MR. TRELIA: Well, in answer to your first question, the permit -- the operating permit-- CPS is a RCRA hazardous waste facility under the Federal law. They had been operating under the Part A Permit, which is really a grandfather permit. It is a one- or two-page form that you fill out and mail in to EPA, and you then have a license to operate. They recently submitted to DEP their Part B Permit, which is the full, detailed permit review. That permit is under review right now by the agency. So, the answer to your question on that is, that determination is pending.

ASSEMBLYMAN KARCHER: I am glad to hear that.

MR. TRELIA: On the second point, in reviewing the file, our last inspection at CPS/Madison was on October 3, which is about three weeks ago. At that point in time, there were several housekeeping violations -- as we refer to them -- piles of material that were not in the proper place, these types of things. Those things will be followed up with appropriate notices. But, in general, and historically,

comparing your analogy to the past practices and the wholesale dumping of chemicals and these types of things, nothing like that has been observed in the recent past. Although not perfect, their operational practices have increased in vigor, I would say not only from the Department's scrutiny, but also from the township, the Health Department, etc., and everybody is paying attention. I think that is a positive.

ASSEMBLYMAN KARCHER: Let me try to do this quickly. The question is whether there is an aquiside--

MR. TRELA: An aquitard.

ASSEMBLYMAN KARCHER: An aquitard rather -- I'm sorry -- whether this lens has a hole in it or not -- this clay lens. If there is a hole in it, aren't we all in trouble if we leave that aquifer?

MR. TRELA: Well, we have a deep monitoring program, and that is part of -- when I indicated to you those three wells we were mentioning in terms of requiring -- that is part of that program. Okay? We are going to focus in on that spot, because if anything has gone through, that is the weakest spot -- focusing and collecting samples there, and that will give us the first indication. If we find anything positive, then we will need to expand that program.

ASSEMBLYWOMAN SMITH: John, I have a question. Are you finished, Alan?

ASSEMBLYMAN KARCHER: Go ahead.

ASSEMBLYWOMAN SMITH: Is it within the jurisdiction of the Department of Environmental Protection to close them down totally?

MR. TRELA: I do not think so at this point in time, for two reasons. One is that they have a pending application before the Department under Federal law. Under that Federal law, we are a delegated State, which means we would have to go through the due process of having a public notice of intent to deny a permit, and provide the company with an opportunity,

again, to dispute that in the courts, and dispute whether or not our basis for denial was legitimate or arbitrary, capricious, etc., etc. Not being an attorney, but going through all those types of things-- They do have a valid interim-- This Part A Permit I referred to is called an Interim Status Permit. It is from the Federal Environmental Protection Agency, and allows them to operate. That was issued to them. It is a permit by rule.

ASSEMBLYWOMAN SMITH: When was this issued?

MR. TRELA: That was issued before the program was delegated in the State of New Jersey. I would say around '82, '83, when the Federal government--

ASSEMBLYWOMAN SMITH: Are you telling me that even though they are found guilty and they are the culprits and they have to do the cleanup and it is taking this long, that we don't have the jurisdiction to shut them down until this is solved -- until this is done?

MR. TRELA: That is my analysis of the circumstances.

ASSEMBLYWOMAN SMITH: Are you people intending to give them another permit? I know they have been in to do something else.

MR. TRELA: As I explained to Assemblyman Karcher, that is what we are doing right now. The Part B Permit is a very detailed technical document. It is a very large document.

ASSEMBLYWOMAN SMITH: Well, I am not a lawyer, so you will have to forgive me. I don't understand these things. In lay terms, I can't understand why there are other businesses in the world that are shut down because of different things they do. They come and they close the doors, and they say, "You can't do this. You can't continue to function until this litigation, or until this is solved," or whatever?

Why can't we do this? That is a detriment to the health of all of the people in the areas. It is such a vital thing, and yet because of the courts and all of the appeals and

everything else, we don't have the jurisdiction; there is no home rule; DEP has no jurisdiction over this. Do we have to rely on the Federal people?

MR. TRELA: No.

ASSEMBLYWOMAN SMITH: I'm sorry. I can't understand why they can't be shut down until this problem is solved. Then they will come up with the five grand we need. Then they will come up with the other things that are required to make this thing workable.

MR. TRELA: What you are really asking me is a legal question. All I can tell you is my--

ASSEMBLYWOMAN SMITH: There are plenty of lawyers here.

MR. TRELA: --understanding of the lay circumstances. All I know is that when a matter is in the Superior Court -- it is before the court; it is still before the court; and it continues to be before the court -- everything we do, we have to go and ask the judge if it is okay. In plain English.

ASSEMBLYWOMAN SMITH: The Superior Court of New Jersey?

MR. TRELA: Superior Court, Middlesex County, New Brunswick, New Jersey. Everything DEP does has to go-- We have to go ask the judge if it is okay. We have to say, "Your Honor, is this okay?"

ASSEMBLYMAN SINGER: I think it is only fair to alert the public and the other Assemblypeople, to share in some of the things that occur. That is why, number one, we try to keep things out of the court and do a non-court settlement, because we have greater leeway than if we go through the court system. That is number one. Number two is, we are trying to change the laws. We have passed a number of laws in the Assembly this year. Number one is, if a person is doing business with the State of New Jersey and has a problem, they cannot be used as a vendor to the State. That passed the State Assembly. That was John Bennett's bill.

I had a bill which just passed the State Assembly that also said that if you are violating one permit, you cannot be issued another permit. The problem is, the laws are just starting to catch up with things. The bureaucracy is very thick in what you are saying, Joann, and rightfully so. It is a very difficult thing to understand. But due process -- and this is what we are talking about -- is the stumbling block we are running up against. Unfortunately -- or fortunately, we are in a country where due process is required. Very honestly, in these particular cases, when there is a bad user of a product, he is entitled to his due process, as well as the process it takes to deny the permit.

If we don't do everything properly, it is going to be thrown out in court, and they will be back in operation tomorrow. So, the process is a long process for his permit. We have the same thing with Ciba-Geigy Chemical in my district. I am well aware of it. I may not agree with DEP on most things, but, unfortunately, we have sat through this bureaucracy, and we can't wish it away. It is just like the cleanup sites -- understanding how long the site takes to be cleaned up and how long the impact studies and everything else go along as to the actual physical construction. Realize one thing, a lot of this is new technology just coming in. This is not an old field we are talking about.

ASSEMBLYWOMAN SMITH: Well, we realize that. However, the lay people out there-- All they are concerned about is that there is something happening that is bad for them. They can't understand why it has to take this long, and why, after 30 years, and why after 25 years, we continue to go on. We are working all sides, all the people of this town. The Mayor is here; the Council President is here; and, all of the other people in the governing bodies, in the different departments are here. It is total frustration because it seems to me that the courts are controlling everything that we exist with.

No discredit to my colleagues here, who are all lawyers on this side, except for Joe Azzolina, the fact remains that the problem has to be solved, and there is no way you can justify it to me or to anyone else. I don't think Russ appreciates it either, do you, Russ? (Addressed to Mayor Azzarello in the audience; no response.) We don't want to settle for this. We know that it is the system. Well, look, we are going to have to change that system because it stinks, plain and simple. I hope you can help us to bog them down for as long as necessary, through whatever legal channels, to give them an additional permit to function, because in my mind, I don't feel they should be allowed to go into any other avenues of production until they clean up the mess they made before.

That is just a simple person stating a fact about the way she feels, but it seems to make sense. It has nothing to do with the laws and the courts. I think everyone who lives in this town -- in government or the people out there from any other department -- will agree with me in that respect. That is all I have to say right now.

ASSEMBLYMAN OTLOWSKI: Mr. Chairman, I feel we just ought to put this on the record: We are talking about the expenditure of great sums of money here, if we are going to clear this up. Yet, we have closed the door -- we have closed the door -- for any Superfund money or money from the State because of the fact that this company is supposed to clean it up.

I just want to know, if I can get the answer from DEP, is the Attorney General satisfied that this company has the wherewithal, has the resources, to finance a project of this magnitude? Since we are closed out now -- since we are closed out of any Superfunds or any State funds, does this company have the resources? Does this company have the capability to meet the millions and millions of dollars that it is going to take to clean this up over a long, long period of time,

probably 10 or 20 years under the present court order? That is my question: Is this company capable of meeting that obligation?

MR. TRELA: Mayor, I am not personally familiar with the financial statements for this company. I will check with the Attorney General's office and get back to you on that and let you know if they have that information.

The other thing I would add is that, if they default, in other words, if they are unable to do the cleanup, or if they refuse to do the cleanup -- okay? -- then we can implement the NTL and clean up the site with public money. But they have to first go through that process. They have to default on that process, because especially the new Superfund now requires that we exercise all responsible party actions, litigation, enforcement action, before we open up the public coffers and take money out to clean up a site.

ASSEMBLYMAN OTLOWSKI: From the testimony that was rendered here today, it is obvious that we are talking about the expenditure of a great sum of money over a long period of time with persistent monitoring, with persistent watchfulness. Are we satisfied? Is the Attorney General satisfied that this company is going to be capable of meeting its obligation? I just wanted to point this out. It seems to me that the great damage that has been caused by CPS -- the great damage-- They have ruined one of the finest artesian wells in the world. They have ruined it; it is gone. And yet, of course, there has never been any compensation for that. There has never been any effort to restore that, and probably, you know, those artesian wells are doomed forever. That is something that I don't know for the moment, but with this great damage that has been caused, we keep fiddling with these people.

I am not satisfied that they have the capability of clearing it up. Moreover, I am not even satisfied, you know, that the court made the right decision dealing with a problem of this magnitude.

If we are going to spend this kind of money -- if we are going to spend this kind of money -- why isn't this company immediately removed from the site? They should never have been in there in the first place. Why shouldn't they be removed from the site? It would be cheaper to take up a collection and tell them to go away, than to go through these great efforts that we are going through. Then, we don't know where we're going. We don't know where this is going to end.

It seems to me that the Attorney General should take a better look here. First of all, if the Attorney General of New York State could close a plant in New Jersey -- a plant that existed here for 80 years; a plant that employed thousands and thousands of people; a plant that had a payroll of \$20 million a year -- if that plant could be closed, then this plant that has caused so much damage -- and the end of the damage is not in sight -- why are we permitting them to operate? Why are we permitting them to go on?

As a matter of fact, I would want to use this Committee to pose that question to the Attorney General and to DEP.

MR. TRELIA: I will explore-- I will follow-up, as I promised you, with the Attorney General, on the financial issue.

ASSEMBLYMAN OTLOWSKI: Mr. Chairman, through you--

ASSEMBLYMAN BENNETT: Yes, I am writing him.

ASSEMBLYMAN OTLOWSKI: I wish that question could be posed.

ASSEMBLYMAN BENNETT: I agree with you, and I appreciate it. In fact, while you were talking, I was just telling him (referring to Committee Aide) to write down what you were saying so that we could pose that question of the Attorney General. Certainly, for us to spend the time to try to get voluntary compliance, when the company may not have the capabilities of even meeting a voluntary compliance, would be-- It would not make a lot of sense. I think there

certainly should have to be, very early in that negotiating process, the demonstration that the company would have the financial wherewithal to meet whatever would be their obligation.

I think, to date, they paid for that \$750,000 feasibility study -- the first one -- right? (no response) But, as to whether or not they are going to be able to meet their long-range obligation-- The whole well field has been closed down at this point. Whether or not that should be able to occur and not have some financial implications, I think is a very good point. Do they have the wherewithal to pay for that? The city had to turn around and develop alternate water fields at that point, didn't you?

ASSEMBLYMAN OTLOWSKI: As a matter of fact, at this point, the city has spent more money in developing more wells than this company has spent in cleaning up the toxicity that they have set into the groundwater and into that whole area. So the whole thing becomes ridiculous.

ASSEMBLYMAN BENNETT: Yeah. I think that is an excellent point. I am glad you raised it. So, we will, yes, I think, direct that to be done.

ASSEMBLYMAN OTLOWSKI: Okay.

ASSEMBLYMAN BENNETT: What I would like to do at this point then, if we have heard an overall approach on the two areas-- I would like to know one thing before I call on the Mayor. We heard the Mayor of Sayreville say that there was a resolution passed by a governing body in April, 1986 and, John, I don't mean to pin you on the spot because you may or may not know the answer, but I would like to be able to find out the answer, if you don't have it.

When a resolution is sent, such as this, asking questions of the Department with respect to a site, why didn't they get an answer? Now, I understand you may not have that answer, but I would like it if you could at least look into

it. Maybe the reason might have been because some of the answers would have been negative. But I think when a governing body takes the time on an issue that is of such concern, we should give them the opportunity of having an answer presented to them.

I would like you to look into that, if you would.

MR. TRELA: I would be very pleased to do that.

ASSEMBLYMAN BENNETT: Thank you. I don't think any town should be put in that position in a relationship with the State. If the communication is negative, well then it's negative, but at least we should respond. I think that is our obligation as public servants.

Mayor, I would like to call on you at this point. Then I will get right back to you, Doctor (speaking to Dr. Mytelka).

MAYOR AZZARELLO: Thank you very much. On behalf of the citizens of Old Bridge, and my particular office, which is a different office than that of legislation on the part of the Council President, I want to thank you for coming. I want to thank Assemblywoman Smith, a colleague I had on the Town Council, and Assemblyman Azzolina, for their representation of this district, and other Assembly members and guests.

I think a couple of things that are probably going to be important as they relate to this hearing are: One, would you be able to make the comments of this hearing available to our community? We would probably need a couple of copies, maybe three copies, so we could have them for our offices and the Environmental Commission. So, if you could acknowledge that that could happen, I would appreciate it.

It seems that there are details in Trenton on behalf of DEP, but these bits of information are needed by our professionals. We must have them; we should be able to get them. I understand that sometimes, as it relates to matters of litigation, DEP will indicate that there are certain items

that, you know, they find hard to release. I can understand that, especially in the case of, say, the Industries -- CPS/Madison -- where there might be some trade secrets, or there might be some things which are proprietary to their product line, or, you know, their internal needs, where they feel that while it is important to know that from the make-up and the standpoint of how a product is developed that there might be some toxics or other things used, that, again, trade secrets might preclude those pieces of information from becoming public to our offices or to our professionals.

May I suggest that if we think we need all of the information -- every bit of the information -- for our perusal, that possibly non-disclosure documents be made available, so that DEP and/or the township and/or its professionals can at least be sure they are getting every bit of information that is in the file. We seem to have run into that snag occasionally. So, you know, that is one request.

Superfund moneys, we are told, are to be used when there is no perpetrator. In the case of our two main concerns recently, we are told there are perpetrators. We know who the culpable party is. We know who the owners of the landfill are. We know who the owners of CPS/Madison Industries are. As a result, we are less than fortunate, because we cannot call upon these dollars that are Superfund dollars, or other types of dollars. Now, there might be some State funds through some hazardous bills, or whatever, that might be able to be approached, but it appears that if the Superfund is there, the State, through its powers, should make an attempt to attach those dollars, almost like a subrogation case might apply in a collision, so we would know who to go after to get the money to put back into the Superfund. But at least, we wouldn't be sitting around.

It seems like it is almost better to have a hit and run -- if I might use the analogy, because we would have a

better shot at getting the repairs done -- than to know who hit the car. Okay? I think, to me, that is just dichotomous to getting the job done. So, I would ask that the State consider the fact that we should go out, try to approach those dollars, and then replenish those dollars with what we get from the Industries.

Talking about the Industries, Mayor Otlowski -- Assemblyman Otlowski -- raised some good points. It was indicated that we spend tax dollars-- You know, we can't necessarily expend tax dollars where the Industries should be spending those dollars, but we are currently spending the tax dollars. We are spending the countless tax hours put in by members of DEP, the countless tax hours put in by yourselves as legislators, and by myself as a township elected official, plus my staff, the staff of the people of the township. Those are all tax dollars. Countless tax dollars are constantly being spent.

So, we really should not think we are not spending tax dollars in an effort to hopefully get the Industries to use their dollars, because the tax dollars are being spent. You know, correct me if I'm wrong, those of you with a legal background, but if I were in debt, or if I committed some sort of an illegal act, and that illegal act required funding either to be paid back -- restitution, retribution, or otherwise -- my personal assets could be frozen, if I am not mistaken. The sheriff could come in and say, "Bam, that's it Azzarello. Your bank account is seized; your house is seized; and all the other things are seized" -- okay? -- "until such time as you make good for what you owe, based on the actions you have committed."

We have, if I am not mistaken -- at least in the case of CPS/Madison -- convicted criminals. Okay? I mean, it wasn't only the civil actions; they were convicted criminally, I understand. That is the information I received, and, you know, if anyone knows differently-- DEP, if you know differently, please tell me.

I guess the point I am raising is, we know they have a lot of people they employ; we know they have a job they want to do, and we say that we can't stop them from manufacturing or doing other things. Well, maybe we can't stop them from manufacturing, and maybe we shouldn't stop them from paying their employees to do the job, although we want to see them out, but it is to their benefit for us to be in court. It is to their benefit, because they can keep working.

I totally agree with Assemblyman Singer. We don't want the system to be different. We don't want to have them guilty first and then have them proved innocent. We want due process. That is what makes this country as strong as it is. But, by the same token, maybe when we have certain convictions already in place, maybe we should freeze the profits. Maybe the State, through its jurisdiction -- whether it be the Attorney General, or whatever -- should say, "Yeah, you can continue to operate, if that is what you are saying you are doing, but you will pay your employees, you will meet your obligations, and all the rest of the profits are going over here until you clean up the problem." That might address what Assemblyman Otlowski said, and might help build that fund of dollars.

Can you imagine the audacity of a company that makes millions of dollars saying, "No, we won't pay for an independent consultant"? What we're saying is, "We don't want the fox to watch the chickens." That is essentially what has been happening and, with all due respect to DEP -- I am very grateful for their participation and their learned abilities; no doubt their credentials are impeccable when it comes to the technical skills -- what I do not understand is why in the world would we want to accept a plan developed by the people who created the problem, without at least some unbiased -- or without maybe at least knowing they are in our corner from the standpoint of truthfulness and everything else, and are on our side?

What we want to do is hire the inspector, if that inspector be called a consultant, if that inspector be called a professional, if that inspector be called an engineer. We want to hire that person. He should work for the people of Old Bridge Township. He should work for the people of Old Bridge Township, and the only difference would be, he would be paid for by the perpetrator. That would be the only difference. So, we don't have to burden the taxpayers with this ungodly property tax, which is probably the most unacceptable tax there is anyway, because property taxes have to pay for everything there is. On top of that, what we are saying is, "All that guarantees us is that when we ask a question, we can ask our guy that question — our person that question." We are not necessarily going to have to fall and rely upon asking the questions of someone who might be from a jurisdictional body that we don't think necessarily has the answers to the problems. Or, we don't have to ask the questions of someone who comes from the industry which created the problems, because that always leaves us with suspicions. Are we getting the right answers? And, in the case of DEP and/or in the case of the Industries, we, as a community, we as residents, have those justified concerns.

We as a local municipality are the closest there is-- Many of you Assembly members probably served -- I know Joann did -- in local government at one point in time. Local government is the closest to its constituency. We see them in church; we see them in shopping centers; our kids go to the same schools; we talk to the people on a regular basis. We have to answer the questions face-to-face. We have to answer the questions eyeball-to-eyeball. When it comes to the questions that are being thrown at us where we know we have to count on the expertise of a jurisdictional body we can't control-- The jurisdiction lies within DEP. They are the enforcement power. We are not. We can want to go out there

and blow up Global Landfill, but we can't do that. We don't have that jurisdiction. DEP has that jurisdiction. I guess for Global I have to point to this side of the aisle here.

Do you understand what I am trying to get at? It appears that on behalf of the Legislature, you folks have to make the direction of power change. You have to either give us greater power, so that we have control over your employees -- because it appears that you have control over some of ours -- and/or give us at least the bucks to do what we have to do. I think that is probably where we think we need immediate action. That consultant we are looking for, who we now have to hire by a resolution of the Council -- which we have agreed to do on behalf of our local government -- now has to be paid for by the people of Old Bridge Township, with their tax dollars -- their property tax dollars -- which are affected by caps and other so-called mandated State legislation. On top of it all, it has a direct impact on the pocketbook of the tax dollars.

I think when you consider all of the things that have to come out of there, it is a major problem. It's not the 5000 bucks, as much as it is the principle. Five thousand dollars to a million dollar industry should be something they are willing to donate. All we are saying is, we need those dollars to give us someone on our side. We don't have anyone on our side, as we see it.

So, I think if the court has agreed that they are responsible, and if the court has agreed that they could put in place a plan that is supposed to clean up their act, then the court should also agree to give us the individual we are looking for.

I'm sure the EPA has done things like this in the past. I'm sure there are ways that we can freeze profits, much like jurisdictional bodies can freeze assets. There might be ways we can do this. We call upon the powers and the strengths and the greater magnitude of the Attorney General, or other

officers, that we in local government just don't have the resources to provide. We just don't have those resources on such a broad scale nor, in some cases, as in the case of DEP, do we have the jurisdiction, because we are told that is not where it is supposed to be, even though it is in our town. Even though Global may be in our town, we are told we are not the ones who can clean it up. Maybe we have a different way, maybe we have a better way, maybe we want it out of there. We want to do the cleanup, because we want to satisfy our residents. We want to satisfy our constituency. We don't want to have to live through the bureaucracy. We want to do it today. We don't want to say, as did your Commissioner here -- I'm sorry, the director from the Department -- that, "Well, we have to consider priorities and which area has greater concern as it relates to the public good, to the water, to an aquifer area," and things of that nature.

We feel, rightfully so-- Those people feel that Global is number one. We should have that right. Okay? If that be the case, we recognize that we are up against the dictates and the mandates of a State agency, and that State agency is then governed by certain priorities. Then to be told that you have that -- just as was indicated before -- that you can set priorities-- Then to be told, "Well, number four on the Superfund list is another industry area" -- I'm pointing to this side of the room -- "and we can't go after Superfund because we know who it is--" Boy, if "Catch-22" ever existed, it sure exists here.

I think I will close by saying, I think a lot of the stuff I have asked for -- that is kind of formed in a request -- is probably repetitive; it is redundant, but I feel obligated to say it because I really feel, from a sincerity point of view, that it is representative of the people's voice. I think, from the standpoint of Global, just too much time has gone by. Someone mentioned about home phone numbers.

I would really like to have those. I mean, my number is listed. Okay? My number is available. I recognize that yours are, too. But, maybe we need the home phone numbers of the leaders of our departments, so that when I call-- For example, if I get a phone call from a resident, I wind up calling my Department of Health. I call my health officer, and I say, "Get in that car that we provide for you, and drive up here." The guy has to stop in the middle of his christening, or whatever he is doing, and he has to get there. Maybe we would like that same opportunity to talk to the head of DEP or the head of DOT or whatever other organization we think has created a crisis in our community. Maybe if we start doing that more often, then those jurisdictional bodies which have the power, will start to say, "Hey, man, let's get this guy going, because I don't want to stop every time I am in the middle of my barbecue to run up to Old Bridge to smell the air." But, it ain't smelling the roses; it's smelling the air.

Again, I thank you for the opportunity. I know John indicated he had some comments. I know some others do, as well as our Council President. I appreciate the good doctor giving me the chance to do this. I am going to get over to another problem, if I might. Once again, welcome to Old Bridge.

ASSEMBLYMAN BENNETT: Thank you very much, Mayor. Thank you for your comments. This public hearing will be put into a transcript, and I will see to it that copies are made available to you here at Town Hall.

ASSEMBLYWOMAN SMITH: I'll deliver them myself, Russ.

MAYOR AZZARELLO: Okay, thanks, Joann.

ASSEMBLYMAN BENNETT: What I would like to do now is call, from the Interstate Sanitation Commission, an individual who is serving as the Director and Chief Engineer, Dr. Alan Mytelka. Thank you very much for coming today, Doctor. I know it was very short notice for you. We have had some good news as far as pursuing certain actions at the Fresh Kills

Landfill. Perhaps you could bring us up-to-date with a little bit of background.

The Interstate Sanitation Commission has had increased visibility in recent weeks, recent months. Maybe you could give us just a little bit of background, and then go into the issue. If anyone can't hear, just let us know.

ASSEMBLYWOMAN SMITH: John?

ASSEMBLYMAN BENNETT: Yes?

ASSEMBLYWOMAN SMITH: May I just welcome Dr. Mytelka?

ASSEMBLYMAN BENNETT: Go ahead.

ASSEMBLYWOMAN SMITH: Dr. Mytelka, you and I met in the spring--

DR. MYTELKA: Yes, we did.

ASSEMBLYWOMAN SMITH: --when we had the Commission hearing in New York. The Governor put me on the panel. You and I served on the panel together. You welcomed me to New York, so I would like to welcome you to Old Bridge.

DR. MYTELKA: Thank you very much, Assemblywoman Smith.

ASSEMBLYWOMAN SMITH: I'm sorry it took so long, but now you know what other problems we have.

DR. MYTELKA: That's quite all right.

ASSEMBLYWOMAN SMITH: Thank you for being here.

DR. MYTELKA: Well, there are a lot of problems that exist in the environment, and they all can't be settled — or solved in one day.

ASSEMBLYWOMAN SMITH: I mean here.

DR. MYTELKA: I understand right here.

Thank you very much, Mr. Chairman and members of the Committee and other members of the Assembly who are here today. I am Alan Mytelka, Director and Chief Engineer of the Interstate Sanitation Commission. Our Commission was set up by a compact, originally between the states of New York and New Jersey, in the mid-1930s, with provisions made for Connecticut to join, which it did in 1941.

The original mandate of the Commission was to abate and prevent pollution in the greater New York metropolitan area. Our jurisdiction, then and now, is basically the Hudson River south of -- essentially the Bear Mountain Bridge, the waters of Long Island Sound west on a line from New Haven to Port Jefferson, the tidal waters in and around New York City, the Arthur Kill/Kilvengomer (phonetic spelling) Bay which divide New York and New Jersey, Raritan Bay, and Sandy Hook Bay. Basically, if you drew a line from the tip of Sandy Hook to Fire Island lid on the south shore of Long Island, the waters west of that -- or north of that, actually.

In the late 1950s, early 1960s, with air pollution problems becoming more noticed, studies were done on a governmental level by the Legislature which ultimately led to additional powers being given to the Commission in air pollution. I ought to point out that while we are a regulatory agency in water pollution, in air pollution our powers are essentially not regulatory. We do have a 24-hour answering service for air pollution calls, I might add, and I am awakened by our answering service when the bulk-- When some of our other people can't be reached, they know where to reach me in the middle of the night. It is not a pleasant thing, quite frankly. However, it is very effective in getting you to respond, although in our case, in air pollution, we respond by notifying the appropriate enforcement agency, since we do not have that enforcement power.

I think what I would like to do today is mention four problems -- not the only four problems that exist -- but four problems which are of interest here, and then tell you what the Commission has been doing or hasn't been doing about them -- some of the whys -- and then answer any questions any of you may have.

I think the problems I would like to talk about are garbage and debris in water, not only from the Fresh Kills

Landfill -- the Great Kills Landfill rather in New York -- actually it is the Fresh Kills Landfill -- but, also, due to boats and combined sewer overflows which affect the problem, raw sewage which still enters the waters of our district, inadequately treated sewage, mainly by primary treatment plants or, in some cases, secondary treatment plants, which are not operated properly, and the problems due to combined sewer overflows which affect the waters.

Let me start off with the garbage and debris in the water, which I think is a key issue to all here today, and in other areas, too. The Commission, of course, is acutely aware of everyone's interest. Quite frankly, we are acutely aware of what we didn't do in September, and maybe some misconstruing of why the Commission didn't do it.

Our interest in the landfill has been on and off over the years. Earlier this year, I reported to our Commissioners, at the June meeting, that there was a problem there. The problem is not only debris in the water. The people in New York City, namely those in Staten Island, have to smell the odors when the wind blows from the New Jersey side toward where they are living. So we get literally thousands of calls a year from residents there about odors, many of which are due to that landfill. So, it is not only a matter of the people in New York and New Jersey being burdened by the debris in the water through improper operations, but also the odors that that engenders. People call. They are very upset about it, and we do have to respond to them.

At the June meeting, I told my Commissioners that we would -- that the staff would be looking into the issue, and would come back to them in September with recommendations as to what the Commission ought to do. We looked into the situation; we did investigate it. I had my staff investigate it personally, as well as review some of the background of it and, up until essentially a week or so before the Commission

meeting, I had been prepared to recommend to our Commissioners that the Commission hold enforcement hearings, which, in the nature of our compact, are-- The Commissioners authorize hearing officers -- which ordinarily are myself and a counsel -- to hold hearings and make recommendations to the Commissioners. The Commissioners then, if they accept the recommendations or modifications, issue a Commission Order, and then hopefully it would be carried out.

Our method of enforcement -- if it is not carried out -- would be -- in this case, it would be New York City -- would be to go to court to get the court to enforce our order. That is the procedure that is set up in the laws that our Commission operates under.

Quite frankly, about a week before the Commission meeting, I said to a staff attorney, "Look, there used to be a suit by Woodbridge -- the Township of Woodbridge -- against New York City. I don't think it exists any more. I haven't really heard much about it, quite frankly. Why don't you just look into it and go into court and see what is going on?" She came back to me, and much to my surprise -- and her surprise -- the lawsuit was active and, in fact, the Township of Woodbridge had asked for a contempt citation against the City of New York, because, we found out, the judge there had made many, many orders -- 12 or 13 over the years, including the construction of an enclosure, which would go a long way toward keeping debris out of the water-- The counsel advised me, at an executive Commission meeting -- a full Commission meeting -- that the Commission, at that point, could not really go ahead and hold its own hearings because several things would happen.

One, the City of New York might not show up, which really didn't bother me. If someone doesn't show up at a hearing, you do what you do, and that's it. However, we were told that the City of New York would probably go running to the judge and say, "Hey, we are in litigation here, and this agency

is now interfering in your proceedings." We were told that we would probably be called up before Judge Stern to explain ourselves. So, the advice was not to hold hearings. In retrospect, I guess it was unfortunate that the full rationale was not-- Through no fault of the Commission, it was not explained to everyone that we were not saying, "We are not going to help Woodbridge Township. We are not interested in the problem." But, at that time, that was not the avenue of approach.

Quite frankly, we also spoke to the Mayor several times in Woodbridge. We asked him if he would be interested in withdrawing his suit, and he said, "Under no circumstances." From his point of view, I understand why. The township had gone through years of litigation. They spent considerable sums of their own moneys. They had gotten as far as they had gotten, and they felt they weren't about to give it up. In fact, when we met with the Mayor of Woodbridge -- I guess a couple of weeks ago -- I said, "I am not so sure, really, that the Commission would want you to give up your suit." What we have decided to do, to make a long story short, is join in that suit.

We filed papers last Friday in court. I am not a lawyer, but my understanding is that within the next couple of weeks, the judge will-- It will come up on his calendar, and we will have to persuade him to admit us as a full party to the hearing -- or to the proceedings.

The things we are asking of the judge are several-fold. I will just briefly capsule them here. One is, quite frankly, we want the orders he has issued to be enforced. We will have to be somewhat diplomatic, and I hope we were somewhat diplomatic in our papers and in the way we presented it. After all, we do want the judge to admit us. We are not just trying to go after the judge, so to speak.

We have looked at the orders he issued, one of which ordered the city to build an enclosure for the unloading of the barges when they are at Fresh Kills, so that the debris won't get into the water. If any gets in the water, it will only be in the water in an enclosure, which will make it easier to get it out of the water.

What we have done in our request to the parties-- There is-- We have asked the judge to appoint a receiver. The City of New York has had several years to do it and, as of last December -- I understand just before the deadline -- they told the judge they hadn't done it. Judging by the past performance, we are not so sure that right now they are going to go ahead and do it. So, we asked the court to appoint a receiver and, in fact, we have suggested to the judge, in our request to become parties, that the Commission would like to be made the receiver to see that it does get done. Some people say, "What do you want to do that for? What a headache it is going to be."

The Commission is interested in getting the problem solved. We are not interested in just holding a hearing. Someone said, "Why don't you just hold a hearing on this?" There have been plenty of hearings on this. Another hearing would just make more newspaper headlines. There is a problem; it has to be solved.

Some of the orders the judge has issued, in our view, were proper orders, and good orders, and will go a long way toward solving the problem. So, we don't know how this is going to turn out -- either our being admitted to the proceedings, or appointing a receiver, or who the receiver will be. We want it built; that is the point. If the judge doesn't admit us to the proceedings, then we will have to follow-up from there. The Commission is not going to back out on this. Either we will appeal the decision of the judge that he won't admit us, or, in the alternative, maybe at that point, having

not admitted us, I think the Commission then would probably go ahead and hold its own hearing, saying, "Hey, we wanted to join that suit. You wouldn't let us. Now we are going to pursue it this way."

The point I want to make to the Committee is, we are not looking to grandstand on this. We are not looking just to -- I will be very blunt about it -- get people off our backs. We are not interested in that. I am interested in getting the problem solved once and for all.

Other things we are asking in the hearing--

ASSEMBLYMAN BENNETT: We won't get off your backs anyway.

DR. MYTELKA: I understand that, even for a short period of time. But, the problem has gone on for a long time. It has to be solved once and for all. There are many other problems that need to be attacked and solved. We are a small Commission; we can't do them all at once.

Also in our pleadings to the court, we pointed out that it is not only the debris that is washing up on Woodbridge's shore -- which the Township of Woodbridge might have difficulty in proving, per se, you know, you have to trace the item -- it is getting into the waters, which violates the compact itself, and violates our regulations. So, in that respect -- I am saying this as a layman -- we are looking somewhat maybe to enlarge the degree of the proceedings, so that it is not just the Township of Woodbridge which has to make a proof. The proof would only have to be that it has gotten into the water. Once it is in the water, it is violating the compact and, therefore, the judge would do what he had to do in terms of enforcing the compact.

There are other kinds of things we have asked for. We have asked, for instance, that-- There is a boom there now, although inadequate. At the hearing on the twenty-fourth for the Senate, if I remember correctly, the verbiage used by the

person representing the city was-- It was a "Star Wars" kind of new boom they are going to build there in the future. Well, that is all well and good, and maybe "Star Wars" will work and maybe it won't. But it is a long time in the future -- five, seven years -- for a "Star Wars" boom.

So, we have asked for the present boom, and any future booms that are built, that there be something like netting put down there -- the present boom is a temporary measure -- to keep the debris that gets into the water -- it doesn't always float just on the surface; sometimes it is a little bit below the surface -- to keep that in there.

In addition, we have asked that additional fencing be put there, which we are not sure-- We don't believe that is covered by the present court order. For instance, there is fencing in many parts around that landfill, but there is no fencing directly on the Arthur Kill -- between the landfill and the Arthur Kill. We think fencing ought to be built there, so that when debris gets blown by the wind, at least the fence will catch it. It may not be aesthetic looking, but at least the debris will be out of the water.

Those are some of the things we have done in the present suit. As I mentioned earlier -- a few minutes ago -- the case will be heard by the judge, I guess, within the next two weeks. We will have to take it from there.

Questions from anyone, or do you want me to go on to some other items?

ASSEMBLYMAN BENNETT: George, do you want to ask anything?

ASSEMBLYMAN OTLOWSKI: No, thank you. The thing that bothers me about the Interstate Sanitation Commission, is that the actions they have taken, you know, in my opinion, were actually superficial. The truth of the matter is, the compact that gives you life, the compact that establishes you as an interstate agency, provides and gives you the power to seek

injunctive or other relief to prevent violations or threatened violations. You may not have enforcement powers, but you have broad powers to bring suit, to bring injunctive action. That has never been used in this abusive situation that is taking place with that large dump on Staten Island.

Again, I feel that your agency did not use the kind of powers that were given to you to follow this up. Of course, what you are telling us now-- You are telling us now that the Attorney General of New Jersey is coming into this and starting suit. Now that the Attorney General is going to pursue this, evidently with great vigor-- Now you are telling us, of course, that you are ready to join the suit.

DR. MYTELKA: Sir, I think that our action -- and we were interested back in June-- Although we will cooperate with the Attorney General, our action is absolutely independent of the Attorney General. We are not coming in on the coattails of the Attorney General. Our Commission is interested in doing what it can. Quite frankly, if we held a hearing now, even assuming that it wasn't adjoined in any way-- If the Commission held its hearing today, and we issued an order, we would then-- I don't believe the City of New York would follow our order any better than it followed the judge's order. We would have to go into court to seek judicial relief.

So, while I think the Commission would have preferred to hold its own hearings, sitting in the situation as it exists, the quickest way of getting remediation was for us to join the suit as it now exists, and be into court already for the enforcement of the judge's orders, which already exist, as well as some of the other things we have asked for.

ASSEMBLYMAN OTLOWSKI: But, excuse me, again I just want to emphasize that your agency had the power to act here a long time ago, more vigorously than it has.

What I'm saying is -- as you well know -- this is not Woodbridge alone. We are talking about all of the communities

south of Woodbridge. We're talking about communities beyond Sandy Hook, probably 30 or so miles, that have attributed their problems to that dump in Staten Island. This has that kind of broad ramifications. It seems to me that your agency, with the power it has as an Interstate Commission, and being able to walk into the Federal courts almost without saying "By your leave," should have been acting here a long time ago to determine what effect this was having on those communities in New Jersey.

The truth of the matter is, what you have done were merely minor skirmishes, rather than getting into the thick of the battle.

DR. MYTELKA: I hear you, Mr. Assemblyman. What was, or what should have been done, I am not going to defend at this point. Quite frankly, both members of this Committee and members of other committees, including the Mayor of Woodbridge, have said, "Hey, I never knew what the ISC was." I think that is the fault of our Commission. I have been the Director for a few years now, and we are going to remedy that.

ASSEMBLYMAN OTLOWSKI: Mr. Chairman, just one more question. Obviously -- at least I am convinced -- we are going to have this problem so long as that dump remains one of the largest dumps in the world, and so long as it is being run as it is being run at the present time. This problem is only going to proliferate. This problem is only going to get worse. As a matter of fact, I think that one of the things your Commission should start thinking about is taking the bold action -- the bold action -- of moving to get that dump removed from that present site.

DR. MYTELKA: As long as you brought that up-- I think that is a good point. The City of New York, as I mentioned at the last hearing, has either five or eight -- depending on whom you talk to -- proposed resource recovery plants to be scattered around the City of New York. The first

site that was selected was the Brooklyn Navy Yard site. Our Commission, even though we have no enforcement powers in air pollution -- we do have regulatory powers, as well as powers in the water pollution aspects of the plant -- is in the process of becoming a party to that proceeding.

Now, the City of New York and the applicant are opposing our admission as a party there, and we are fighting that vigorously. In fact, our whole hearing is being held in abeyance because of some legal entanglements involving the hearing officer and other aspects. We have supported, throughout this region, resource recovery plants as what seem to be good technological means of going a long way toward solving the problems of garbage disposal, solid waste disposal. The faster those resource recovery plants are built there, the sooner much less garbage will be trucked and transferred to that plant. The City of New York is still looking toward using that dump as a source of solid waste, namely, ash, coming out of resource recovery plants. In fact, we are advocating that wherever the ash be, if it is in our district, that the ash from these resource recovery plants be considered to be hazardous, whether or not it meets the present Federal technical definition of hazardous. The reason for this is, there are toxic materials in the ash, whether they be dioxins, heavy metals, or whatever, albeit in small quantities -- so-called small quantities. These things will, over a period of time, if the landfill is not made secure, leach out and blow into the air.

So, one of the things that we are doing -- because the landfill, for ash, will probably still be the Fresh Kills Landfill, because the City of New York probably has no other land -- and I haven't heard of any communities volunteering their land for the City of New York-- They have looked into New Jersey. They have looked way up in the Hudson Valley. They have their own several hundred-some-odd square miles of

city, and they have to find a spot in the city to put their ash. I told that to the planning board. When they were asking, "Why can't it go here, there, and everywhere?" I told them, "Nobody wants your garbage or your ash." They have to take care of their own.

So, we are, as fast as we can, because we want those resource recovery plants built, albeit operated properly-- That is some of the hang-up of why they don't want us as a party to this thing, maybe, because of some of the operating conditions and such things as what they do with the ash, which they are not actually in favor of-- We are going to do the best we can to get those plants built as fast as possible. We have advocated them, which is not always a popular thing. If you attended some of the hearings that I have in New York, our Commission gets castigated as to why we are in favor of resource recovery plants and why it should be in the Brooklyn Navy Yard, or why should it be in Queens, or why should it be in -- wherever it is. Nonetheless, we think it is the proper thing to do, although not necessarily popular on a local level.

We are going to do all we can to see that, in terms of what we have to recommend, it is done properly, and that which we can enforce, namely, the aspects of water pollution, that there is no additional pollution coming out of these plants into the receiving waters.

ASSEMBLYMAN OTLOWSKI: Mr. Chairman, I just want to take advantage of this forum here. This gentleman represents the Interstate Sanitation Commission. You know, we are talking, here in New Jersey, of closing Global. If you will excuse the expression, Global, in comparison to that dump in New York -- in Staten Island -- is a pimple on an elephant's tail. The truth of the matter is, there is no way of comparing the two.

I am aware that New York City, like other cities, has tremendous financial problems, but we are talking about a

problem that is really not New York City's alone. It is also a problem of New York State, with the vast regions it has for dumping. As a matter of fact, in many instances New Jersey has used some of the regions of New York for dumping. It seems to me that New York State has an obligation here to find a site that is more suitable, and to get rid of this horrendous burden. It is not only a burden to New York City, but to the whole metropolitan area. I am convinced that it is damaging our beaches. It is polluting our rivers in New Jersey. As a matter of fact, it seems to me that the Interstate Sanitation Commission should be tremendously interested in that particular dump because of the far-reaching effects it has on the whole metropolitan area. That metropolitan area includes New York and New Jersey.

I just wanted to get that into the record, Mr. Chairman.

ASSEMBLYMAN BENNETT: Thank you very much.

DR. MYTELKA: I have some other items I would like to talk about, unless there are some other questions.

ASSEMBLYMAN BENNETT: Assemblywoman Smith, do you have a question?

ASSEMBLYWOMAN SMITH: I would just like to make a brief comment. I know you have a time constraint, and that you have to get out of here.

Doctor, you have come to this State at the request of Woodbridge and the Attorney General. You have gone into the case, and I'm glad.

DR. MYTELKA: Not at the request of the Attorney General.

ASSEMBLYWOMAN SMITH: Well, in view of the fact that he got involved. You know, back in the spring, when we sat on the budget, and you asked for additional appropriations-- Senator Contillo and I sat on that Commission in New York with you, and we both walked away-- John didn't come that day, but Pallone agreed with us. We were going to cut off your funding.

DR. MYTELKA: Well, I heard rumors to that effect.

ASSEMBLYWOMAN SMITH: We felt we were not getting our 45% share from this particular Commission.

DR. MYTELKA: I don't really think that is true, in spite of the fact that maybe the Commission -- in fact, I won't even say "maybe" -- the Commission should have been doing more in the Woodbridge situation. The things the Commission has done in terms of tearing down waivers for -- under so-called 301-H -- for less than secondary treatment -- of communities in New Jersey, by the way, as well as New York-- New York wasn't the only bad boy; there were several communities, including the Middlesex County Utilities Authority and Passaic Valley, who, having gotten all these local, Federal, and State moneys to build these secondary plants, wanted to operate them at much less than secondary treatment. In fact, one of the items I have here was variances. Everybody wants a variance.

ASSEMBLYWOMAN SMITH: Well, if I might-- You still say Woodbridge. I am looking at Woodbrige, South Amboy, Sayreville, Old Bridge, Union Beach, and Keyport -- and many in Keansburg, and the whole 12 miles of coastline. Maybe the suit was continued by Woodbridge. Maybe they had the funding to do this. Old Bridge, several years ago, started a lawsuit with New York. We had to drop it because we couldn't really afford it, to tell you the truth. The ISC did not get involved then, and neither did the State.

DR. MYTELKA: I was not aware of that suit, ma'am; I'm sorry.

ASSEMBLYWOMAN SMITH: Well, the thing is this: We dropped the suit because New York made an agreement to pay for the cleanup of our beaches. They paid us \$3500 for one cleanup, and we haven't seen anything since. I don't know whether this municipality is still continuing to pursue it under this Administration; however, when you are a small town and you don't have the means -- and I don't say Woodbridge has

the means, but they do have more than we do-- I am glad to see that finally now -- I would hope -- that you are getting involved, and that the Attorney General is getting involved. I hope that possibly-- I don't expect it is possible at this time, but I hope that you will truly represent the people. Woodbridge is the star up there now -- okay? -- but we are facing it all the way down the coastline. It has been reiterated before. We are dumped on. Mr. Landreth is here to testify about the dumping on the beaches in his area. There is another gentleman here to testify about the dumping on the beaches in his area. It all relates to the Fresh Kills -- it kills people.

DR. MYTELKA: I would say this: The Commission is in this action -- as I said in the beginning -- not in an offhanded way, but we are in it for keeps. We are in it to see that the problem is solved. The reason we have added certain things into our pleadings to the court, other than just Woodbridge, was because it is the district, or a good part of the district that is affected by this. It is not just Woodbridge. It is the communities around-- It is the City of New York, for that matter, which is also affected, whether their government is operating the landfill properly or not. The citizens of the City of New York are affected by this because the garbage washes up on their beaches and their shorelines also.

ASSEMBLYWOMAN SMITH: Well, Mr. Koch is not doing too well as far as we are concerned, I'll tell you right now. I thank you for coming on board, and I thank you for helping us, and what's past is past, but we are going to have to do something about the future. So, please think about the rest of us, okay?

DR. MYTELKA: Okay. There are some other items I would like to--

ASSEMBLYMAN BENNETT: Two quick questions.

DR. MYTELKA: Yes, sir?

ASSEMBLYMAN BENNETT: One deals with the Fresh Kills. I know there continue to be monitoring wells on Staten Island around the Fresh Kills that check for any leachate that may be going off into their land area. But for that which flows directly into the Fresh Kills, into the water-- Has that monitoring-- Are you overseeing that at all? Is that within the jurisdictional boundaries of the compact?

DR. MYTELKA: The leachate that is on the landward side is out of the jurisdiction of the Commission.

ASSEMBLYMAN BENNETT: I understand that.

DR. MYTELKA: At the present time, our staff is looking into -- I just want to word it that way -- the potential or the actual leachate from the landfill into the Kill, because obviously, when you have a mound, and it rains on it, water flows in all directions, not just to the landward side. I don't have the answer as to how much, or what its constituents are. We are in the process of acquiring that information. The City has said, "Yes, there is leachate but, you know, it is very small compared to the industries there." I am paraphrasing what they said at the twenty-fourth hearing, and in other kinds of documents they have produced. That is not really enough for our Commission to take action on.

ASSEMBLYMAN BENNETT: That testimony was on the land though, I believe, wasn't it?

DR. MYTELKA: No, I think-- I will have to read the record, which I just got now. But, in any event, the city, in its documents, has acknowledged that there is some leachate going into the Arthur Kill. However, they have always said it is small -- whatever small means. It's inconsequential because of all of the industries that are there. You have to understand, every polluter always says his action is inconsequential or small compared to everybody else.

For the Commission to take action on its own, we need our own data. We are in the process of acquiring it. I can't give you a date as to when--

ASSEMBLYMAN BENNETT: Do you have a time frame on that?

DR. MYTELKA: I don't have a deadline; as soon as possible, I can assure you. Then we will assess what it is and what action needs to be taken. The Commission notes that they are putting in a collection system on the landward side. I don't want to prejudge-- In case I am a hearing officer, I don't want to prejudge the situation.

ASSEMBLYMAN BENNETT: Garbage we can see, but many things that we can't see may be far worse for us.

DR. MYTELKA: Garbage -- leaving out hospital waste -- is a nuisance. I leave out hospital waste because that is more than just a nuisance.

ASSEMBLYMAN BENNETT: Correct.

DR. MYTELKA: It may hurt the eyes, but it may, in itself, not really be "unhealthy." The leachate may-- The things that we don't see are sometimes far worse environmental hazards than what we see.

ASSEMBLYMAN BENNETT: That's my point.

DR. MYTELKA: We will be looking into what it is. In fact, through the State of New Jersey, as well as the other states, the Commission is in the process of acquiring a gas chromatograph/mass spectrophotometer. It is on order. It is to be delivered shortly. One of the prime uses of that instrument is to be able to measure the toxics or the potential toxics to see what's there. Quite frankly, right now we can't do that, but maybe two months from now -- hopefully two months from now -- when the instrument is in and running, we will have that ability. We need that ability. That is why, for the past several years in our appropriation request, we have indicated that we needed that instrument, so we can do the measurement and know what is there.

Funding was provided to us. The instrument is on order. It is to be delivered shortly. It will be up and running. One of the things we are interested in, not only from the treatment plants we sample, but from landfills where there is leachate, is, what are the constituents (sic), so we will know what is there.

ASSEMBLYMAN BENNETT: One of the things I am also concerned with-- I recently read reports that the New York State's equivalent of our DEP--

DR. MYTELKA: The DEC in New York.

ASSEMBLYMAN BENNETT: --was going to permit the discharge of raw sewerage once again from, I believe it was Staten Island -- I think; I am not positive -- and allow them to continue to do that discharging into the waters, until such time as the treatment facility plants would be on line. Since that would run directly contrary to either the Clean Water Act or other--

DR. MYTELKA: It is contrary to the compact, to be very blunt about it.

ASSEMBLYMAN BENNETT: I was moving towards that. It is contrary to the compact. I would like to know what affirmative steps are being taken by the Commission to enjoin that action that was recently announced.

DR. MYTELKA: All right. There are several things. One is that it is against the compact, plain and simple. The Environmental Committee, of course, has written me a letter, to which I responded partially, but I would like to amplify on that further.

There is raw sewage going into both the Arthur Kill from Staten Island, as well as probably the Raritan Bay side, whether it be Princess Bay, or whatever you want to call it there. There are really two different aspects of it. On the Arthur Kill side, it is houses that already exist and potentially future houses, or connections, which go into pipes

which, at the present time, just empty into the Kill. The treatment plants are there. The issue is the interceptor line. Up until a few weeks ago, I was told it would be in in 1991; now I am told it will be 1993, so the last few weeks there are another several years of slippage added to the pick-up.

On the other side of the island, there are failing septic tanks which will exist until the interceptor line is also picked up. It is the same interceptor line that is going to come around.

I have had meetings with the Environmental Department in New York to find out why they lifted the moratorium they had. This is separate now from the issue of the present lawsuit.

ASSEMBLYMAN BENNETT: Correct; I understand that.

DR. MYTELKA: If it is raw going in, it's bad. To allow more raw going in is intolerable. It just goes beyond bad. They said that under their present guidelines -- if you wish -- it was provided for, although they are coming around slowly toward looking at it differently.

ASSEMBLYMAN BENNETT: But not under your guidelines?

DR. MYTELKA: No. I pointed out to them the paragraph-- I can't quote you this; I can't cite you the paragraph. It is in New York; it is in New Jersey. They are identical, by the way. If the states had a moratorium, fine; then the Commission wouldn't. That item is on our agenda for December 3. It has not been fully thought out yet, quite frankly, except that we are going to put an end to, certainly, new raw sewage. So the real issue is, what can we do in the interim to ameliorate, as much as possible, the present raw sewage situation? Certainly we are going to put an end to new raw sewage.

The New York State DEC is aware of it. That is really tied in also with, what about inadequately treated sewage that goes on in the district.

ASSEMBLYMAN BENNETT: That's true.

DR. MYTELKA: This is being looked into also.

ASSEMBLYMAN BENNETT: But this is something new that is just happening. I mean, is it possible that at this December meeting the Commission could take the necessary steps to institute an action seeking an injunction against them doing it?

DR. MYTELKA: I fully expect-- I am certainly going to request of the Commissioners -- of course, they have to take the action -- that the Commission take affirmative positive action in stopping any new sewage. By the way, that paragraph -- as you are aware -- says, "Unless it is in the public good," for public benefit. So, it would seem to me -- I mean, to be legal about it -- that if they want to put additional raw sewage in, they would have to show that it was in the public benefit. You can't stop someone from making that appeal.

I won't prejudge what a decision would be.

ASSEMBLYMAN BENNETT: I will. I think it would be extremely difficult to ever demonstrate that the discharge of raw sewage into a public waterway is ever going to be in anyone's public--

DR. MYTELKA: The reason I said that is, we are a very small agency, as you know, and I, most likely, will be a hearing officer. So I am not going to prejudge in any case.

ASSEMBLYMAN BENNETT: You can't, but we will, okay? I would like a letter sent to our Commissioners from New Jersey -- there are several New Jersey Commissioners -- saying that we would like that affirmative action taken with respect to this.

DR. MYTELKA: A couple of other items, if I may.

ASSEMBLYMAN BENNETT: Yes. On this subject, because he wanted to go?

ASSEMBLYMAN OTLOWSKI: No, no, go ahead.

DR. MYTELKA: The potential for future raw sewage and inadequate sewage will be on the agenda at the December 3

meeting of our Commission. Several members of the Legislature have requested copies of the agenda, and you will all be receiving copies of the agenda, I assure you. More important than what is on the agenda, is what action is taken.

The last item I would like to talk about is combined sewer overflows, and I would like to mention boat pollution a little bit. Assemblywoman Smith mentioned-- Well, she said, really, probably-- She attributed all of the garbage on the beaches in Jersey to the landfill. I would say maybe a large part -- particularly plastics -- is attributable to the landfill. However, there are two other sources of debris which washes up on shore besides improperly burned timbers out at sea. I will just leave that out. That is a very specific type.

One is the actions of the people who go out on boats, whether they be recreational or commercial. People on boats are slobs. I hate to say it that way. I have seen it in marinas, whether it be in New York or someplace in New Jersey. They just throw things overboard. Out of sight, out of mind.

ASSEMBLYMAN BENNETT: Not all people.

DR. MYTELKA: Not all; I understand. I have a 15 foot sailboat; pretty small. I don't throw anything overboard, I have to admit. I'll say it anyway, "No, I don't." But, what I am getting at is, too many boaters don't dispose of their waste properly, both commercial and recreational. Somewhere along the line-- Quite frankly, I would recommend -- I hate to say another bill -- that there be legislation enacted which would hold the captain of the vessel responsible for anything that is thrown off his boat. If it is a commercial boat, the captain is responsible. If it is a private boat, the owner of the boat, or whoever is the captain of the day, is responsible. The marine police, when they are out there, if they see someone throwing something overboard, ought to consider that a serious infraction, the same as other infractions they are out there to enforce.

Part of the problem is one of impressions. A single plastic bag thrown overboard is not -- you know, by itself-- If that were the only plastic bag thrown overboard, it wouldn't be such a calamity, although it might not be right. But, if you have thousands of boats, tens of thousands of people out there on a given day, it all adds up. This is not to denigrate the problems coming from the landfill. The landfill certainly is a problem. But, nonetheless, all sources ought to be given at least proper attention, or appropriate attention.

Combined sewer overflows are another problem. By the way, some of the plastics sometimes get under the combined sewer overflows -- the regulators. Combined sewer overflows are still one of the remaining large problems of dealing with sewage in this region. For 15 or 20 years now, our Commission has said, "It's fine to build all these secondary plants." We certainly have done our job of getting them built. We have denied variances if they couldn't show a good reason for having a variance given, and we have never given a variance. So far, no one has made a case why they should get one.

Nonetheless, these combined sewer overflows exist, and the Federal government, to this day, doesn't want to recognize its proper role because of the horrendous cost and the problem it is. The State Environmental Departments of the two states, until very recently, have not wanted to attribute it to being a particularly important problem, because it would mean a lot of state moneys. The communities really don't want to recognize them as a problem because most of the money is going to be their money that has to be spent toward at least ameliorating the problem. In fact, when the Commission held hearings a year and a half ago for holding year-round -- for requiring year-round disinfection, not only for general health purposes, but for trying to resurrect the shellfishing industry in Raritan Bay and off the Rockaways in New York State, the City of New York suddenly came up here-- For 20 years, they said,

"No problem." No problem. They didn't know anything about it. Then they suddenly said, "It's such a horrendous problem, you should have year-round disinfection, because the combined sewers are going to overwhelm everything else we are doing in the region." They did a 180 degree turnaround.

We, at the present time-- It's a very minor thing, really, when you look at it. We are inventorying, on a single map, where all the combined sewers are in New York and New Jersey in our district. It would sound like a very simple thing -- and why wasn't it done years ago? There are about 500 of them in the City of New York; there are 500, plus or minus, in New Jersey -- down the Hudson River, down the Arthur Kill. Don't move any in Monmouth County facing on Raritan Bay. In fact, the people in New York didn't believe it. I wasn't so sure I would believe it either. We actually -- in the Keyport area and a few of the other built-up areas -- went out there and walked the shoreline to see if there were any there. They are not there.

ASSEMBLYWOMAN SMITH: Union Beach has--

DR. MYTELKA: Pardon me?

ASSEMBLYWOMAN SMITH: Union Beach and Keansburg.

DR. MYTELKA: There are combined sewers? (no response) Let me make a note of this. I have to see--

ASSEMBLYWOMAN SMITH: Take a look. I am not sure, but I heard something about it.

DR. MYTELKA: I can't tell you which-- We didn't walk literally every foot of the-- It is 12 miles as the crow flies; there must be 40 or 50 miles of shoreline there. We didn't walk every foot of it.

ASSEMBLYMAN BENNETT: It's a nice walk.

DR. MYTELKA: I've walked it, but not--

ASSEMBLYWOMAN SMITH: It could use some sand.

ASSEMBLYMAN BENNETT: Don't do it at high tide.

DR. MYTELKA: We have been out there at low tides looking, and we haven't found combined sewers. We found a plant in our district, a very small one; a very small package plant. The reason for this is, there isn't enough money to do everything with the combined sewers at once. There just isn't enough.

To say it is all going to be an A-1 priority means that nothing is a number one priority. If everything is going to be a number one priority in the world, nothing is going to be a number one priority.

The secondary treatment plants are being built, are just about on-line, or are being upgraded. Quite frankly, I think we at the Commission see the light at the end of that tunnel. We don't see the light at all at the end of the tunnel of the combined sewers. Rather than have a little bit here of a combined sewer, and a little bit there in the district, it seems to me that what we need to do, and what we are doing is, after assembling where they all are-- We are looking at where, let's say for recreational purposes or other purposes, the combined sewers are that are most affecting those areas. Let's go after those combined sewers first, rather than just having one community doing a few here, and another community doing a few there.

For instance, if New York City suddenly decided that they were going to do something about all of the combined sewers on their side of the Hudson River -- I haven't heard that offer yet -- but nothing was done on the Jersey side, there really wouldn't be that much of a benefit in terms of the Hudson River for the combined sewer problem. It has to be done on a bi-state basis. The same thing goes, by the way, up on Long Island Sound, but I won't get into that today since we are dealing with this area.

One of the hopes that we at the Commission had when we upgraded the water -- the classification of the waters north of

the George Washington Bridge, was to see the beaches reestablished at the Palisades Interstate Park. The beach is there, or the remnants of beaches are there. I have spoken to the Director of the Palisades Interstate Park Commission. He indicated that if the water quality was suitable, they would be interested in reestablishing the beaches. I think that is something really tangible.

We upgraded the classification, along with the states, to make it suitable for swimming. This is essentially north of the George Washington Bridge. I don't think the waters are quite there yet. The secondary treatment plants are in, and with the North River Plant having come on-line in New York City -- even though it is not giving completely adequate treatment for dissolve oxygen purposes -- they are disinfecting. So, for swimming purposes, they are doing all that they can be doing.

Maybe we want to look at the combined sewers in the northern part of New York City and the equivalent in New Jersey as the first places to attack the combined sewers.

ASSEMBLYMAN BENNETT: Did the North River Plant open a secondary--

DR. MYTELKA: No.

ASSEMBLYMAN BENNETT: It is only primary.

DR. MYTELKA: It is primary, or however you want to-- They call it advanced preliminary, whatever that means. It is primary--

ASSEMBLYMAN BENNETT: They chlorinate. That is what they do basically.

DR. MYTELKA: And they disinfect; that is correct, yes. They are several years off for secondary. Yet, the same as the primary plant is still here in New Jersey, whether it be Woodbridge or Perth Amboy, I am going to have to assume that it is going to be upgraded to secondary, except the Commission won't have to take the action. I understand the present court action is moving along nicely.

You can get adequate disinfection with primary treatment. Better it should be second treatment, because you use then less chlorine, which, in itself, is a dollar saving, as well as an environmental advantage -- using less chlorine -- but you do get adequate disinfection if you use enough chlorine. The communities along the north shore of Monmouth County-- I don't want to say they are using too much chlorine because I want them to be chlorinated properly -- disinfected properly -- but they just add chlorine to make sure they get adequate disinfection. Their number is almost always undetectable for coliform. So, it can be done.

The additional work that has to be done at the North River Plant to to remove more of their organics, so that the dissolve oxygen now in the Hudson River will come back more. That is what the additional work will do. Regarding the swimming ability, they've got in place what they have to do. To increase the utilization of shellfishing, they have in place what they have to do.

So, that's what I'm saying. For the combined sewer, maybe it ought to be there. Maybe the owners can't go all over at once. And since part of this money, hopefully, will come out of the Federal kitty, somehow or other, and I am sure a lot of it is going to have to come out of the states', the states ought to work together, not to make it on a community-by-community basis, but to make it on a portion of a region, so that some benefit will come out of doing something with these combined sewers. You can't do away with them. There isn't enough money in the whole country to attack the combined sewer problem in New York City alone -- 30, 40, 50 billion dollars. I don't know what it would cost. Every gutter in New York City is set into a combined sewer system. You are just never going to do that separation.

So at least ways of mitigating it have to go on, ameliorating as much as can be, and at least taking it one step

at a time. We are talking about -- for combined sewers -- probably about a 50- to a 100-year project, quite frankly. I wish I could say sooner, but reality is 50 to 100 years. I won't be here, unfortunately, to see the major results. I would like to be here to see the beginning of the results of it, though.

Those are the only comments I have, sir. If there are any other questions, though, or any other items you would like me to address which I haven't--

ASSEMBLYWOMAN SMITH: I would like to bring up one thing before the gentleman leaves us. We have been looking to see what your jurisdiction is, sir.

DR. MYTELKA: Yes, ma'am?

ASSEMBLYWOMAN SMITH: I think we are going to present you with a problem that you are not going to be too happy with, but maybe we can get some help in the interim with Old Bridge Township.

Global Landfill borders on Cheesequake Creek.

DR. MYTELKA: Cheesequake Creek is probably out of our jurisdiction.

ASSEMBLYWOMAN SMITH: According to this book, Cheesequake Creek is in your jurisdiction.

DR. MYTELKA: I'll look at it. Let me say this--

ASSEMBLYWOMAN SMITH: Here are your articles of--

DR. MYTELKA: Let me just say this, though. The reason I believe it is, and if it is not, I certainly will stand corrected-- I haven't read the compact recently -- maybe over the last three or four weeks. I have been reading it very carefully, and also the State regulations. In New York, our jurisdiction goes to the head of the tidal waters. For some reason or other, the State of New Jersey -- and it had to be your predecessors in the '30s -- made our jurisdiction of the waters in the State to the mouths of the river. However, we also do claim jurisdiction of waters that affect our jurisdiction. Now, that is bureaucratic, a little bit.

I may be wrong, and if, in fact, it says for Cheesequake Creek, and it goes all the way up it, then there is no problem. I am certainly willing to stand corrected on my recollection of what our jurisdiction is.

ASSEMBLYWOMAN SMITH: Let me just tell you something brief, okay? I have been told this is the law in the three states you live with.

DR. MYTELKA: Yes, ma'am?

ASSEMBLYWOMAN SMITH: Global Landfill accepted sewerage sludge in Perth Amboy and Woodbridge years back that had been contaminated by toxic chemicals. It was determined, and required ground and surface water monitoring beyond the minimal requirements, which only required landfills to test at that time. An Administrative Order to Global dated May 14, 1981, under the signature of Edward Londres, Assistant Director of the Division of Environmental Quality, required that the monitoring rolls be finished within 60 days so that they could test the water property for about 50 additional chemicals.

If this be the case, sir, we have us another problem that is going to tie you in. Maybe through the facilities of your-- We will research this further; however, it also takes in the Matawan Creek, too.

DR. MYTELKA: Mrs. Smith, may I give you a call within the next several days? I would like to meet with you to discuss this in more detail.

ASSEMBLYWOMAN SMITH: Okay.

DR. MYTELKA: I would be pleased to.

ASSEMBLYWOMAN SMITH: Well, the thing is, you have to recognize one thing. The people in this whole district, and outside of the district -- from Woodbridge on down-- Yes, New Jersey is dumping, too; however, we are being affected by New York and New Jersey dumping combined.

DR. MYTELKA: I am not trying to be bureaucratic and say that is not my problem. What I am saying is, if it is in

our jurisdiction, absolutely no problem. If it is not, we will do all we can do.

ASSEMBLYWOMAN SMITH: We will look into it further -- Cheesequake Creek -- not just the mouth of the Cheesequake Creek, but whatever flows out of it, which is all of the Global Landfill effluent. Okay? We are not going to say--

DR. MYTELKA: I am listening to what you are saying. I want to consult with our counsel to see what we can do to help the situation.

ASSEMBLYWOMAN SMITH: Okay.

DR. MYTELKA: Was there another creek -- I'm sorry -- you mentioned besides Cheesequake?

ASSEMBLYWOMAN SMITH: The Matawan Creek.

ASSEMBLYMAN BENNETT: I thank you very much for coming today.

DR. MYTELKA: Fine. Thank you, sir.

ASSEMBLYMAN BENNETT: I know it was very short notice. You and I have met and have commenced a dialogue, and I look forward to being able to continue it. I will be very anxious to see what actions you will be taking on the third. I know that when you go up to New York State, you hear problems about New Jersey. I guess that goes with the job.

DR. MYTELKA: It goes with the job.

ASSEMBLYMAN BENNETT: We are willing to assume the responsibility that we are supposed to assume with respect to our problems. I will be happy to say to the people in New York that we will address, as aggressively as our resources permit us to, our problems. We do not expect less from those who are presenting very serious threats and problems, we feel, to our shores. That is why we believe that if there is language in the compact to enforce something, that action should be taken on an interstate basis. If it is wrong, it's wrong, no matter who is doing it. We have to assume our responsibility. I think New Jersey is ready to do that, and we ask New York to do likewise.

DR. MYTELKA: Thank you very much, Mr. Chairman.

ASSEMBLYMAN BENNETT: Thank you very much.

ASSEMBLYWOMAN SMITH: Thank you, Doctor.

ASSEMBLYMAN BENNETT: There are some other people who have asked to speak, who have sat here all day. I would like to call on Dr. Richard Feingold.

Everything that is said will be in the public record. If you wish to submit anything in writing, that will be included as part of the public record, too. Dr. Feingold?

D R. R I C H A R D F E I N G O L D: Good afternoon. One of the problems we have in pollution is the government itself. I am not speaking about New Jersey; I am speaking about New York. New York City has a single system, basically, in Manhattan and its other large boroughs. They have surface water and they have sewage, which basically go into one mixture. Today, most sewage systems are dual systems. Surface water drains off and is basically clean. Sewage should go to a sewerage plant.

We have another sewerage plant that opened up in New York City. It is called the North River, which is the correct name for the lower section of the Hudson River up to the first bend in the river at about 125th Street. We will never, ever have clean water, even if that is thoroughly on the line. The reason for this is the weather. We basically have a seven- and eight-year cycle of rain, of which seven to eight years is a heavier rain, and then it is a lesser rain. Any time we have a moderate rainfall, or above a moderate rainfall, the North River Plant, when it is fully on the line, will be flooded out, and raw sewage will go into the water. In this case, we will never have clean water.

That sewage comes through the upper bay, through the narrows into the lower bay. It doesn't really go out Ambrose Channel; it goes through the Wabash Channel, which is further to the west. It is closer to the New Jersey coast. Part of it

comes into Raritan Bay. We will always have the system, unless they perfect -- meaning New York City -- another sewerage plant.

What they basically must do is have cleaner water going into their sewer system, or they must have a dual system. They can have small plants in large buildings. Every large building going up can have a small plant. There was testimony to this at the joint session in the spring, which Mrs. Smith attended. It doesn't cost much, but it is the only way we will have clean water. Otherwise, we are just fooling ourselves. We will always have pollution, and there is nothing that can be done about it.

I must have been the shortest speaker here. Thank you very much.

ASSEMBLYMAN BENNETT: Thank you very much. Blanche Hoffman, Chairwoman, Old Bridge Environmental Commission?

B L A N C H E D. H O F F M A N: I want to thank you for the opportunity to focus on two serious waste problems within the Township of Old Bridge. Resolution of these problems is vital to the health and welfare of residents in the area.

One is the CPS/Madison Industries site. There is a long history of pollution at this site. It goes back to the early 1970s. In 1982, the site was named fourth in the State and twelfth on the National Priority List of Hazardous Waste Sites. In 1983, the companies were found, on appeal, to be jointly and separately liable for the pollution by Judge Cohen. There has been a court-ordered plan, referred to as the Danesimor (phonetic spelling) Plan; an industry plan, referred to as the Warin (phonetic spelling) Plan; a Citizens Advisory Committee of officials of three communities, namely, Old Bridge, Sayreville, and Perth Amboy. There have been countless meetings with DEP officials in Old Bridge and in Trenton.

In February, 1985, Assemblyman Flynn chaired an Oversight Committee meeting here in Old Bridge and one in Trenton. On October 11, 1985, Old Bridge filed a motion to

intervene, and DEP filed a motion to vacate the 1983 judgment. On December 3, 1985, the motion to intervene was denied. Judge Keefe ruled that the court would not implement an environmentally unsound plan, and requested additional borings. On September 23, 1986, Old Bridge officials requested DEP to ask industry to pay for an independent technical consultant. The request was denied. On October 20, 1986 -- last night -- the Old Bridge Council resolved to hire a technical consultant to evaluate the industry plan, which is the Werin Plan. The township will seek reimbursement from industry.

The current status is that the contamination still continues and the companies continue to operate. DEP took some groundwater samples in May, 1985, and then the additional borings that were taken in the spring of 1986 under Judge Keefe's court order. But the bottom line is, the contamination still exists.

Why is Old Bridge interested in the cleanup plan? The aquifer is a natural resource that should be preserved. It is a very special place -- the future water supply for our children. The solution of the problem is vital to the health and welfare of Old Bridge residents.

In conclusion -- on CPS -- it is essential that the site be cleaned up expeditiously in an environmentally sound manner, but also that the public be confident that such will be the case.

On Global Landfill: On January 13, 1986, the court appointed former Commissioner Richard J. Sullivan administrator to oversee the effective closure of Global Landfill. Some of the background on Global: Global is a 55-acre landfill located in Old Bridge, which abuts residential areas and the Cheesequake State Park. It was originally scheduled to close in June, 1984. It collapsed on April 1, 1984. There is a \$4.5 million escrow account. Mr. Sullivan is the court-appointed

administrator. The closure contract between Elson T. Killam Associates and Richard J. Sullivan, in accordance with appropriate rules and regulations of the New Jersey Department of Environmental Protection, has not been signed. The reason for this, as you have heard, is that the request for an escrow fund set aside to cover the costs to the engineer of his legal defense if he is sued in connection with the contract, has not been approved by DEP.

The current status, as we know it, is that the liability-- I was pleased to hear that the \$150,000 will be set aside in principal. The liability protection issue, perhaps, will now be resolved.

The odors and the erosion problems continue. The freshwater wetlands have been disturbed.

In conclusion, it is our belief that sound closure plans of landfills are a State priority. It is time for all responsible parties to share in achieving the State priority. Thank you for the opportunity to testify.

ASSEMBLYMAN BENNETT: Thank you. I think the Committee shares your concerns, and also shares the sense of priority you placed upon them. I appreciate your giving us your comments.

MS. HOFFMAN: Thank you. Now we will look for some action.

ASSEMBLYMAN BENNETT: Fair enough. I am going to brutalize the next name because I can't make it out. George B. Landretto.

UNIDENTIFIED PERSON FROM AUDIENCE: It's Landreth.

ASSEMBLYMAN BENNETT: He wrote it, so it's not--

G E O R G E B. L A N D R E T H (speaking from audience): I would like to relinquish my spot to allow Ms. Lamb to speak. She has a time constraint.

ASSEMBLYMAN BENNETT: Okay. Christine Lamb?

Just because some Committee members have had to leave for other engagements does not mean that they won't get to see in print everything that is being said. I don't want you to feel that what is being said will be missed by those who have left.

C H R I S T I N E L A M B: I had a paper prepared that I was going to read to you, but I am not going to because it has all been said before. I would like to respond to some things that were said previously. One of them was that Global Landfill had been inspected and was not on fire. I would like to submit to you two pictures that were taken. I have been out there. As of yesterday, Global Landfill is on fire. (Ms. Lamb hands pictures to Assemblyman Bennett.)

That is a 12 by 12 foot gaping hole in the southeast side of the landfill that is spewing bluish white smoke. If that is not considered to be smoldering, I don't know what is. One of the things scattered throughout the landfill are these (holds up items for Committee's inspection). They are ammunition shells with gunpowder in them.

ASSEMBLYWOMAN SMITH: That is on the Sayreville side.

MS. LAMB: They are encrusted ammunition shells, and the gray powder at the bottom of the bag is what came out of them. It's gunpowder. Now, both the 1985 DEP report on Global Landfill and the 1986 report by Southwest Occupational Health Systems of North Carolina have shown there to be high levels of hazardous material in the landfill. Yet, nothing has been done.

If this landfill contains hazardous material that is both flammable and produces poisonous gas, and a fire which is smoldering underneath, sitting three feet above the transcontinental gas pipe line and has stuff like that sitting all around it, I would consider that a potential hazard.

Regarding the fact that DEP submitted a report for Superfund to EPA on Global Landfill, I have spoken to the EPA Superfund Site Commission in Washington, which told me that the

report was incomplete, and that was the reason we did not receive Superfund status at Global Landfill. They did not submit a Quality Assurance/Quality Control Report; they did not submit a complete report on the exact chemicals and the quantities found, nor did they submit a complete report on the population density and the area wells and groundwater flow.

Now, there is also an exception to the EPA criteria, such as found in Tulsa, Oklahoma, EPA Region VI, where they also had a gas pipe line sitting underneath their industries, and they had a fire underneath their landfill. Because of this combination, they were given an exemption to the EPA criteria, and were given Superfund.

I think it could be submitted that this is a similar situation, considering the highly corrosive chemicals such as benzene and phenol that are in the landfill in high quantities and the area of it being three feet away from the Transcontinental Gas Pipe Line. We also have approximately 10,000 people living directly on the edge of the landfill, not that they want to, but they do not have the money and substance to move away. That is only half of our problem.

The Somers brothers' estate, which is the 230-acre tract of land adjacent to the landfill, has also been tested by both Southwest Occupational Health Services and ICM Labs, and was found to have high levels of these same chemicals. The cleanup by Acutech has been poorly executed at best. As Assemblywoman Smith has seen herself, the barrels are still there. The barrels are there today, and there are more barrels that they don't even know about because they didn't even look for them. I can take them to 50 more barrels, if they would like to see them. The fact that these barrels are empty does not give us any more reassurance, because their contents have had ample time to sink into the ground and to spread through the groundwater. If these barrels are five to ten years old, as we are being assured by DEP, then that is five to ten years

of those chemicals seeping into the ground, with those apartment complexes and 10,000 people sitting directly on top of it, not to mention the fact that the apartments were built on top of the old municipal landfill, and I would strongly suggest the Department of Environmental Protection do some testing there. If those hazardous materials are underneath those apartments, as they are in the landfill and at the Somers brothers' estate, then perhaps they could consider the Federal Disaster Relief Fund to have those people evacuated while they sit around and make their plans as to what they want to do with these two sites.

Thank you.

ASSEMBLYMAN BENNETT: Thank you very much. Are these pictures for us?

MS. LAMB: Yes.

ASSEMBLYMAN BENNETT: I would like to have these marked. (speaking to Committee Aide) John, will you ask Mike to--

MR. TRELIA: I will be very glad to. You want to keep these for your reference? (referring to pictures)

ASSEMBLYMAN BENNETT: Yeah, but they will be over across the street tomorrow, because that is the immediate thing on the fire. He was very clear on that point. It was a very positive statement that there wasn't one. I would like that to be checked as quickly as possible.

The other points that have been raised I think maybe would go into your jurisdiction, and perhaps you will be able to follow-up on some of those points as to whether or not the application to EPA on Global was complete, or not complete. I would like to have that. Certainly there were things raised by the last speaker that are a concern not only to the members of this Committee, but obviously are the concern of the people who live in the area. You know, once it is brought to our attention, we can't plead ignorance if something happens. And

now it has been brought to our attention, and I would like us to be able to-- If we have a fire and we have gunpowder and we have a gas line all in the same proximity, we have the potential for a very serious problem. So I think we better take immediate action to see what is going on. Okay?

MR. TRELA: Mr. Chairman?

ASSEMBLYMAN BENNETT: Yes?

MR. TRELA: May I ask if Ms. Lamb could give us the name of the person she said--

ASSEMBLYMAN BENNETT: Why don't you go over and see her right now? Would you mind giving Mr. Trela the information so we can pursue this? (Ms. Lamb nods affirmatively) Okay.

ASSEMBLYWOMAN SMITH: You didn't bring any samples, did you, George?

MR. LANDRETH: In 1979, I started bringing samples of debris from the beach into Town Hall, and nobody there wanted to touch it. I could understand why. They had addresses on them. We could verify where they came from. We verified that they came from the landfill in New York.

I called the ISC. The ISC, in 1980, said that they couldn't get involved in it. The ISC, in 1981, said that they couldn't get involved in it. I talked to the Mayor's office in New York. He sent me letters back that they were checking into it. In 1984 -- September of 1984 -- I was interviewed on "New Jersey Nightly News" at the beach with the debris laying on the beach in front of me. The same day they went over to interview the Commissioner of Sanitation in New York. His exact words were -- and I have a videotape of it at home -- "There is no way in hell you will ever clean the garbage out of Raritan Bay."

With that statement, I think it covers just about everything. I have heard a lot of statements here today where they are doing this, they are doing that. They are putting up booms over there, and I watched the booms being placed. They bought barges from Florida with clam claws on them to drag the

water and lift them off. I watched those. But then again, I have watched the cranes taking the garbage from the barges, lifting it up, going completely overtop of the booms that are built there, dumping half of the load of garbage out from fall-off -- from falling off into the water outside of the boom area, going to the bottom, and floating along the bay.

Now, he said there is no hazard. To him it is no hazard. He probably doesn't live on Laurence Harbor Beach or Woodbridge Beach or whatever. But, when you find body parts, you find catheter tubes, you find bottles with blood in them, you find hypodermics with the needles still on them, with products still inside of the hypodermics, you find bottles of pills-- The kids are forever picking these things up. To him it's no hazard. He lives in New York. He's got a 50-foot sailboat. What the hell does he care?

But, in New Jersey, it is a hazard as far as I am concerned. I have lived on that beach for eight years, and for eight years I have complained about the debris. I have taken bag after bag of it into Town Hall. Mrs. Smith must have five pounds of clippings of me from the paper with this stuff. I sent two large bags, approximately 55 pounds over to Mayor Koch at one time at Gracie Mansion. They didn't appreciate that. I almost got locked up for it.

But, I think it is time that some strong action is taken. I seem to see some headway with the ISC now willing to get involved, because our State has pushed them to that point. But previous to this, I don't know why the Tri-state Planning Commission wasn't involved in this, and why they allowed it to continue for as long as it has, without intervening or without doing anything.

Now, there are two tri-state units which could have been putting pressure on these people over there and getting something done. But it took a bunch of little people up in Woodbridge to get something started rolling, instead of the

State being there at the initial onset of this. Had they gotten involved in 1979, 1980, it probably wouldn't be as bad as it is today.

To get off the garbage a little bit, we'll go to more garbage. Global Landfill, as Ms. Lamb said, is on fire. I was over there yesterday. It is on fire, and it has been on fire for a year now, since the large fire that was there, and the firemen had to come over and realign the whole side of the embankment. That fire still burns, and it has continued to burn since then. There is an opening in the side, and if you stand out on Route 35 at nighttime and look directly at the opening, you will see the orange and blue flames. I can see them because I am out there all the time. I shouldn't be on top of the landfill, but I do go over to check for Ms. Lamb's barrels and whatever else is laying around over there.

Ladies and gentlemen, this is not a laughing matter. I mean, you've got Global, you've got CPS/Madison, you've got the stuff on the beach. We have 8532 kids in our schools. This stuff is killing the people in this town. I mean, it is taking lives. If you went around and did a survey of the people who are dying because of cancerous products in their systems, you would be very much surprised to know that the State, with its "sit back and we-will-look-into-it" attitude, has killed a lot of people in this town. I think it is time somebody took some action and got something going, instead of going into a courtroom and giving them ten more years, or five more years, or six more years. CPS Industries continues to go into court. I know there are lawyers in the audience, and I really don't care. They have one of the best lawyers on this cleanup thing who has ever been produced. As a matter of fact, he is the one who produced the rules for DEP on cleanups. So he knows how to fight everything that he set up initially, which is causing this long delay, in my estimation.

I think the courts, the DEP, the EPA, the Federal officials should just get in and get it over with and get out, and face the response later, because while you are waiting, we in this town of Old Bridge are dying, and the people who are still living don't want to die, if they can help it.

Thank you.

ASSEMBLYMAN BENNETT: Thank you. I would like to mark the affidavit of Edward Londres on the U.S. District Court to be made a part of the record also.

That concludes the list of people I had who expressed a desire to speak. If there is anyone else, we would be glad to hear from you. (no response) Otherwise, I would like to thank, on behalf of the Committee, your Assemblywoman for inviting the Environmental Quality Committee here today. I would like to thank everyone who participated in this hearing, from all aspects, because I believe what you are doing is giving us a very real picture. The Mayor made an excellent point when he talked about how local government is the government closest to the people. I truly believe that, but I believe that we in the Legislature have to remember that we should not get so far removed from local government so as to lose touch with reality. This is another of the many public hearings we have had where we have gone out to the communities from one end of the State to another since I became the Chairman in January, and I am hopeful that we will be able to encompass more.

A series of questions has been raised which deserves answers and warrants answers. Action has been demanded which has been long overdue, and the reasons for it being long overdue are fair questions to be asked. This Committee should continue to be a prod to be able to see that the actions that need to be taken will be taken.

I appreciated all of your cooperation today. Once again, thank you to Assemblywoman Smith for inviting the Committee to be here today. The hearing is adjourned.

I would like to be able to get the record as expeditiously as possible, but we don't have to keep it open, as we have in the past.

Thank you very much.

**(HEARING CONCLUDED)**

**APPENDIX**





GENERAL ASSEMBLY  
OF NEW JERSEY  
TRENTON

January 10, 1986

Honorable Irwin I. Kimmelman, Esq.  
Attorney General  
Hughes Justice Complex  
CN 080  
Trenton, New Jersey 08625

BY HAND

Dear General:

In accordance with a General Assembly Resolution directing the Attorney General to intervene in the matter of Township of Woodbridge v. the City of New York (November 18, 1985), I am writing on behalf of the Assembly to so direct you and your successor in office.

The City of New York continues to allow garbage and other effluents, including toxic and hazardous wastes, originating from its Fresh Kills municipal landfill on Staten Island, to enter shared coastal waters of New Jersey and New York. This floating garbage and contaminated and unsightly material persist in polluting New Jersey's coastal waters and beaches.

In respect of this conduct, the City of New York remains in apparent violation of federal environmental statutes including the Clean Water Act, the Toxic Substances Control Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and the Resource Conservation and Recovery Act. The Fresh Kills landfill is a vast municipal dump which is known to accept routinely hospital, pharmaceutical and other medical wastes. Used hypodermic needles and other contaminated medical debris continually wash up on the shores of Sewaren and Port Reading in Woodbridge Township.

Unimpeded pollution of our coastal waters, by careless and reprehensible introduction of putrescible refuse including personal hygienic and lavatory items, and the callous discharge of medical and pharmaceutical wastes and other hazardous materials and toxic substances into the Arthur Kill waterway, obviously endanger the public health, safety and general welfare, jeopardizing the entire ecology of New Jersey's coastal areas.

Honorable Irwin I. Kimmelman  
Attorney General  
January 10, 1986  
Page 2

In the face of this outrageous activity on the part of New York City, coupled with inexplicable regulatory inactivity on the part of New York State and the federal Environmental Protection Agency, the Township of Woodbridge initiated legal action in the United States District Court. The New Jersey General Assembly believes this legal action would be more appropriately instituted by the State on behalf of all New Jersey shorefront communities impacted by this severe nuisance and health hazard. We believe the City of New York may be held liable in nuisance or strictly at common law.

Hence we have resolved to direct your intervention in the matter of Township of Woodbridge v. the City of New York, now pending before the United States District Court, District of New Jersey, and that you request from the court an accelerated hearing on the entire matter. Pursuant to the terms of our Resolution to this effect on last November 18, an official copy of the Resolution was transmitted to you previously.

Kindly let me know at the earliest possible date your specific plans in respect of this matter as they have developed over the past seven weeks. I stand ready to assist you in this litigation in any manner you may deem helpful and appropriate.

Very truly yours,



Alan J. Karcher  
Speaker

NEW YORK - NEW JERSEY BI-STATE PUBLIC HEARING ON THE ENVIRONMENT

2 World Trade Center

April 8, 1986

Statement of  
Assemblyman Alan J. Karcher & Assemblyman George J. Otlowski  
General Assembly of New Jersey (District 19)

**New Jersey State Library**

We are pleased that the Legislatures of New York and New Jersey are endeavoring, beginning with today's hearing, to develop a unified course of action aimed at solving major environmental problems in the bi-State metropolitan area.

The purpose of this Statement is to call attention to one such problem which continues to plague residents of our district with unacceptable environmental injury, including ongoing exposure to acute public health risks.

Specifically, the City of New York is continuing a longstanding practice of allowing garbage and other effluents, including toxic and hazardous wastes, originating from its Fresh Kills municipal landfill on Staten Island, to enter shared coastal waters of New Jersey and New York. This floating garbage and contaminated and unsightly material persists in polluting New Jersey's coastal waters and beaches.

The Fresh Kills landfill is a vast municipal dump which is known to accept routinely hospital, pharmaceutical and other medical wastes. Used hypodermic needles and other contaminated medical debris, among other things, continually wash up on the shores of Sewaren and Port Reading across the Arthur Kill in Woodbridge Township.

In respect of this conduct, the City of New York remains in violation of federal environmental statutes including the Water Pollution Control Act, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act, and the Toxic Substances Control Act.

Unimpeded pollution of New Jersey's coastal waters by New York City's wanton introduction of putrescible refuse of all sorts endangers New Jersey's public health, safety and general welfare; and contributes substantially to jeopardizing the entire coastal and marine ecology of the New York Bight.

What is most astonishing in the face of this outrageous interstate environmental injury is an equally outrageous dereliction of duty on the part of New York City and State as well as federal environmental agencies charged with regulating solid and toxic waste disposal and with enforcing applicable federal, state and local laws.

An inexplicable course of regulatory inactivity on the part of New York City and State officials, as well as the federal Environmental Protection Agency, has led the Township of Woodbridge to seek redress for its grievances in the federal district court for the District of New Jersey, where the Township's lawsuit against the City of New York is now pending.

Last November we jointly sponsored a Resolution, which was adopted unanimously by the General Assembly of New Jersey, directing the New Jersey Attorney General to intervene in this lawsuit based on impacts of the Fresh Kills dumping practices causing damage to New Jersey's shores and coastal waterways, and to our public health and welfare, beyond the confines of the Township of Woodbridge itself.

The Fresh Kills case appears to evidence a concerted lack of unified action among New York and New Jersey in dealing with major environmental problems within the metropolitan area of New York City. In this case, wherein egregious and flagrantly illegal actions and omissions in one State cause a continuing obnoxious environmental impact on the other State, no common forum was available to deal with the problem short of a plea for adjudication in federal court.

Sad as this continuing case study in environmental non-cooperation may be, we are nonetheless gratified that relevant committees of the Legislatures of our two states have on this occasion come together in hopes of fostering a new cooperation toward resolving such problems.

Although we are unaware of the extent of involvement to date of the Interstate Sanitation Commission relative to mitigating the discharge of general refuse and toxic waste into the Arthur Kill waterway, a cursory inspection of the original Compact giving rise to this Commission reveals both that the discharge of pollutants into tidal waters within the interstate sanitation district created under the compact is expressly prohibited (Article VII), and that the Arthur Kill is expressly contained within that district (Article II). Hence we are most eager to ascertain whether this body intends to play a role in curtailing the discharge of harmful effluents such as those emanating onto New Jersey from the New York City municipal landfill known as Fresh Kills; and whether the substantive provisions of the Interstate Sanitation Compact may be enforced independent of an omission to enforce the Compact on the part of the Commission.

We appreciate this opportunity to call attention to a longstanding and intolerable injury to our district and its residents. We shall be eager to monitor the course and outcome of these hearings both in specific relation to water pollution across the Arthur Kill, and in general relation to the overall remediation of the bi-State metropolitan environment.

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EA0008  
SR-EA00  
TR-EA00

AN ASSEMBLY RESOLUTION commending the Attorney General for obeying the General Assembly's direction to intervene in the matter of Township of Woodbridge v. the City of New York.

WHEREAS, The City of New York for over 20 years and in violation of federal law has allowed garbage, hospital wastes, and other effluents originating from its Fresh Kills municipal landfill on Staten Island to enter shared coastal waters of New York and New Jersey, and this floating garbage and these contaminated and unsightly materials are polluting New Jersey's coastal waters and are being deposited upon its beaches; and

WHEREAS, In the face of inaction by the responsible State and federal agencies the Township of Woodbridge has initiated legal action on its own in the United States District Court, District of New Jersey, which action has resulted in several court orders designed to rectify the Fresh Kills Landfill garbage problem; and

WHEREAS, In an Assembly Resolution, adopted unanimously, and in a corresponding letter delivered to then Attorney General Kimmelman on November 18, 1985, the General Assembly directed the Attorney General's office to intervene in the matter of Township of Woodbridge v. The City of New York in order to alleviate the burden Woodbridge has shouldered for the State in its lawsuit against New York City; and

WHEREAS, In the 11 months succeeding the Assembly Resolution and letter directing the Attorney General to intervene in this lawsuit the pollution of Woodbridge and other State beaches continued unabated; and

WHEREAS, In a public hearing held on September 24, 1986 by the Senate Special Committee to Study Coastal and Ocean Pollution, representatives of the New York City Department of Sanitation recognized that garbage from the Fresh Kills Landfill is washing ashore on New Jersey beaches but stated that they do not plan to obey the court order requiring them to erect a barge containment building; and

WHEREAS, On October 17, 1986 the Attorney General's office finally filed papers in the United States District Court, District of New Jersey, seeking to intervene in the Woodbridge suit; now, therefore,

BE IT RESOLVED by the General Assembly of the State of New Jersey:

1. The Attorney General is commended for obeying the General Assembly's direction to intervene in the matter of Township of Woodbridge v. The City of New York.

2. A duly authenticated copy of this resolution, signed by the Speaker of the General Assembly, and attested by the Clerk thereof, shall be transmitted to the State Attorney General.

STATEMENT

The purpose of this resolution is adequately expressed in its title and preamble.

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BEACHES AND SHORES

Commends Attorney General for intervening in the matter of Township of Woodbridge v. The City of New York.

BEACHES AND SHORES

AN ASSEMBLY RESOLUTION  
commending the  
Attorney General for  
obeying the General  
Assembly's direction to  
intervene in the  
matter of Township of  
Woodbridge v. the City  
of New York.

AN ASSEMBLY RESOLUTION directing the Attorney  
General to intervene in the matter of  
Township of Woodbridge vs. The City of New  
York.

WHEREAS, The City of New York is currently allowing  
garbage and other effluents originating from  
its Fresh Kills municipal landfill on Staten  
Island to enter shared coastal waters of New  
York and New Jersey, and this floating garbage  
and these contaminated and unsightly materials  
are polluting New Jersey's coastal waters  
and being deposited upon its beaches; and

WHEREAS, While continuing to ignore these profligate  
discharges, the City of New York is in apparent  
violation of several federal environmental laws,  
including the "Clean Air Act," Pub.L. 91-604,  
Pub.L. 95-95 (42 U.S.C. § 7401 et seq.), which  
expressly forbids the pollution of navigable  
waterways such as the Arthur Kill, upon whose  
Staten Island bank the Fresh Kills landfill is  
situated, which facility is situated directly  
across from the Woodbridge beach and park; and  
the "Resource Conservation and Recovery Act of  
1976," Pub.L. 94-580 (42 U.S.C.A. §§ 6901 et  
seq.), which prohibits open dumping as well as  
hazardous discharges from landfills and which  
requires such facilities to obtain federal permits  
for continued operations; and

WHEREAS, Other federal grounds for legal action may  
be found in the "Comprehensive Environmental

Response, Compensation, and Liability Act of 1980," Pub.L. 96-510 (42 U.S.C.A. § 9601 et seq.), the so-called "Superfund" act which provides state remedies for damage to state natural resources, and the "Toxic Substances Control Act," Pub.L. 94-469 (15 U.S.C.A. §§ 2601 et seq.), which requires safe disposal of toxic substances, inasmuch as the facility accepts hospital, pharmaceutical and other medical wastes, including used hypodermic needles, bandages and other contaminated medical debris, which continually wash up on the shores of Sewaren and Port Reading in Woodbridge Township; and

WHEREAS, Unimpeded pollution of our coastal waters, whether by careless and reprehensible introduction of putrescible refuse, including such indecorous waste as personal hygienic and lavatory items, or the callous discharge of medical and pharmaceutical wastes and other hazardous materials and toxic substances into the Arthur Kill waterway, endanger the public health, safety and general welfare and greatly harm the environmental well-being of the coastal areas of the State; and

WHEREAS, In the face of this irresponsible activity by the City of New York and inexplicable inactivity by the federal EPA, the township of Woodbridge has initiated legal action in the United States District Court, which action should more appropriately be instituted by the State on behalf

of all New Jersey shorefront communities affected by this severe environmental nuisance and health hazard, and for which the City of New York ought to be held strictly liable; now, therefore,

BE IT RESOLVED by the General Assembly of the State of New Jersey:

1. That the Attorney General is hereby directed to intervene in the matter of Township of Woodbridge vs. the City of New York, now pending before the United States District Court, District of New Jersey, and request the court for an accelerated hearing on the matter.

2. A duly authenticated copy of this resolution, signed by the Speaker of the General Assembly, and attested by the Clerk of the General Assembly, shall be transmitted to the Attorney General.



State of New Jersey  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 DIVISION OF SOLID WASTE MANAGEMENT  
 CN 028, Trenton, N.J. 08625  
 609-292-8879

MICHAEL F. DeBONIS  
 ACTING DIRECTOR

SEP 11 1986

MEMORANDUM

TO: James Staples, Press Office

FROM: Michael F. DeBonis, Acting Director *Michael F. DeBonis*

SUBJECT: Global Landfill Facility #1209A -  
 Summary of Events

The following is a summary of events which have occurred since Global Landfill was ordered closed in April 1984:

- April 1984 - Side slope failure occurs. Landfill is closed under court order.
- June 1984 - Global's consultant, James C. Anderson Associates (JCA), prepares Scope of Work for remedial action. JCA estimates that regrading and cover of the damaged slope will cost approximately \$200,000, and will take about 30 days.
- July 1984 - Remedial construction begins. This project goes substantially over budget in terms of both time and money. JCA does not issue final certification until June 1985. It is, therefore, currently a topic of dispute and may end up in court.
- Dec. 1984 - DEP, JCA, and Global representatives meet to discuss Global's failure to submit the required Closure and Post-Closure Plan. JCA is unwilling to design a complete Closure Plan without assurance of payment. Global claims that it has essentially no funds other than those in the DEP closure escrow account, and the BPU Environmental Improvements escrow account. (The two accounts total approximately \$4.5 million).

DEP maintains that a Closure Plan is required which identifies closure and post-closure activities and the financial resources to cover these costs. Escrow money cannot be released, as stated in 7:26-2.9(f), unless the applicant can demonstrate in a Closure and Post-Closure Financial Plan, that closure and post-closure costs do not exceed the sum in escrow.

In order to move things forward, DEP requires that JCA prepare a financial summary which shows approximately what closure and post-closure will cost.

- Dec. 1984 - JCA submits a preliminary financial plan, which shows that closure and post-closure can be completed for slightly less than the total amount in escrow. Based on this document, DEP determines that closure efforts should be funded by escrow money, and JCA resumes work.
- June 1985 - JCA receives bids for the first closure item, final cover (clay cap, sand drainage layer, top soil, and vegetation). The lowest bid they receive is 50 percent higher than what they had stated in their preliminary financial plan. DEP informs JCA that unless they can find a lower bidder, DEP may have to reconsider the validity of the financial plan.
- August 1985 - JCA repeats the bidding procedure. This time, the lowest bid is within budget; however, the clay they propose to use does not meet specifications. The next lowest bidder is 40 percent over budget.
- Sept. 1985 - Director Sadat determines that the responsibility for closure of the landfill should be taken away from Russell Kerestes, President of Global Landfill Reclaiming Corporation. This decision is based on Kerestes' performance during operation of the landfill, and his inability or unwillingness to close it properly.
- Nov. 1985 - DEP meets with Richard Sullivan of New Jersey First, Inc. to discuss the possibility of appointing him as Administrator of Global Landfill. It is decided that, as Administrator, his functions would be to:
- 1) hire a consulting firm and oversee their work;
  - 2) see that proper closure plan is developed and implemented as quickly and economically as possible.

It is agreed that Mr. Sullivan and DEP will work together to prepare a Request for Proposal (RFP). Bids will be solicited from three engineering firms: Metcalf & Eddy, Inc., Alaimo Engineering Co., and Killam Associates, Inc.

- Jan. 1986 - A Consent Order is signed, whereby Global Landfill Reclaiming Corp. and DEP agree to the selection of Richard Sullivan as Administrator of Global.
- March 1986 - The RFP is sent to the three firms mentioned above. Bids are received from Killam and Alaimo. Metcalf & Eddy declines.
- April 1986 - Sullivan selects Killam.
- April 1986 - Killam prepares a draft contract. Scope of work is to include design, construction, and certification of final cover, methane control system, leachate control system, ground water monitoring, and wetlands restoration or replacement.
- May 1986 - Sullivan hires VEP Associates to perform aerial photography and topographic map to be used later by Killam.
- May 1986 - A problem regarding liability insurance arises. Killam claims that it can not obtain liability insurance and requests that Global indemnify them. Global is not able to indemnify Killam, since funds would presumably be depleted before any lawsuit would occur.
- July 1986 - A tentative solution is reached regarding the liability insurance problem: the contract is to include three phases of work. Either party to the contract (Killam or Sullivan) would be able to withdraw after Phase I (planning phase) or Phase II (design phase) is completed. Killam favors such a contract since they are willing to undertake planning and design without insurance, though they are not willing to enter into a contract that would obligate them to oversee construction (Phase III) unless liability insurance is secured.

The advantage of this arrangement is that work will no longer be delayed. The disadvantage is that there is the undesirable possibility that design and construction management would be handled by different engineering firms. There are, however, bills pending in the legislature which may solve the liability insurance problem before construction is scheduled to begin.

August 1986 - Killam submits a work schedule. Phase I, which includes completion of monitoring well installation and sampling, conceptual design work, and preparation of the Closure Plan, is expected to run from September 1986 through April 1987. DEP review of the Closure Plan is scheduled to last from April to September 1987. Final design will be performed between February 1987 and December 1987. Construction bidding is scheduled to begin in February 1988, and actual construction is expected to take place between April and October 1988.

For further information, please call Bob Schwarz at 3-2980.

EP45:ekp

cc: Assistant Commissioner Deieso  
Joseph Wiley  
Edward Londres



JOHN O. BENNETT

*Chairman*

ROBERT W. SINGER

*Vice-Chairman*

KATHLEEN A. DONOVAN

FRANK J. GARGIULO

ROBERT C. SHINN, JR.

BYRON M. BAER

ROBERT G. SMITH

## New Jersey State Legislature

### ASSEMBLY ENVIRONMENTAL QUALITY COMMITTEE

STATE HOUSE ANNEX, CN-068

TRENTON, NEW JERSEY 08625

TELEPHONE: (609) 292-7676

October 27, 1986

Honorable Richard T. Dewling  
Commissioner, Department of  
Environmental Protection  
Room 802, L&I Building  
CN 402  
Trenton, New Jersey 08625

Dear Commissioner Dewling: *Dick*

At a recent hearing of the Assembly Environmental Quality Committee in Old Bridge, on October 21, 1986, Michael DeBonis of your department testified that groundwater tests were recently performed at the Global Landfill. Because of the committee's concern with the environmental condition at the landfill we request that you submit a copy of the results of these tests to the committee as soon as they become available.

Thank you for your cooperation in this matter.

Sincerely,

*John O. Bennett*  
John O. Bennett  
Chairman

Let's protect our earth



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
RICHARD T. DEWLING, Ph.D., P.E., COMMISSIONER  
CN 402  
TRENTON, N.J. 08625  
609 - 292 - 2885

November 21, 1986

Honorable John O. Bennett, Chairman  
Assembly Environmental Quality Committee  
State House Annex, CN-068  
Trenton, New Jersey 08625

Dear Chairman Bennett:

RE: Global Landfill, Facility #1209A  
Analysis of Recent Surface Water Testing

Thank you for your October 27, 1986 letter regarding recent testing at Global Landfill. I would like to clarify that surface water samples, not ground water, were taken on October 15, 1986. The four samples collected are now being analyzed by Environmental Testing Corporation in Edison, New Jersey. They have advised us that results should be available around December 15, 1986. We will forward these results to you as soon as they are available.

Sincerely,

A handwritten signature in black ink, appearing to be "R. Dewling". The signature is stylized and cursive.

Richard T. Dewling

c: Assistant Commissioner Deieso



**State of New Jersey**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**DIVISION OF HAZARDOUS WASTE MANAGEMENT**

John J. Trela, Ph.D., Acting Director  
CN 407

Trenton, N.J. 08625  
609 - 588- 3407

DEC 09 1986

Honorable John B. McCormack, Mayor  
The Borough of Sayreville  
167 Main Street  
Sayreville, New Jersey 08872

Dear Mayor McCormack:

Re: Resolution of April 2, 1986  
Concerning CPS/Madison Industries  
Old Bridge Township, Middlesex County

Thank you for submitting Sayreville Borough's Resolution concerning ground water contamination in the vicinity of CPS/Madison Industries. Following is a step by step response to each of the seven points in the resolution.

1. The alternate plan contained in the proposed Administrative Consent Order (ACO) presently before the court includes the installation of numerous new monitor wells which would better detect any potential movement of contaminants towards Sayreville's wells. Also, existing hydrogeologic data which includes ground water contours and intensive sampling of existing monitor wells confirm that contaminants are moving to Pricketts Pond and not toward Sayreville's wells.
2. The Department does plan to investigate the potential for contamination under the fire clay. It has not yet been confirmed if the Sayreville sand formation even substantially exists in the vicinity of the industries.
3. The active pumping scheme contained in the alternate plan and the existing pavement effectively stabilize any potential contamination that may exist in an unsaturated zone. This aspect will be further evaluated in the future after a cleanup is initiated.

4. The sanitary sewer lines are the jurisdiction and responsibility of the Old Bridge MUA and the MCUA. The Department concurs that the sewer lines must be in sound condition. The discharges will be monitored according to the MCUA's approved pretreatment program and its regulations.
5. The alternate plan will be designed to capture and control only contaminated ground water and minimize the pumping of clean water surrounding the plume. Impact on salt water intrusion is extremely remote at the proposed pumping rates.
6. No such proposal is under consideration and the Department would not approve proposals that would adversely affect Sayreville's or Perth Amboy's water supplies.
7. If other water supplies are adversely impacted by contamination due to the industries, then legal action will be brought to make them financially responsible.

Should you have any questions concerning these responses, please contact the case manager, Mr. Paul Harvey at (609) 633-0701.

Thank you for your input and concern.

Very truly yours,

ORIGINAL SIGNED BY  
JOHN J. TRELA

John J. Trela, Ph.D.  
Acting Director

c: Raymond Cantor, Office of Legislative Services  
Assemblyman John Bennett  
Assemblywoman Joann Smith  
Assemblyman Alan Karcher

