

**P U B L I C   H E A R I N G**

before

**ASSEMBLY ENERGY AND NATURAL RESOURCES COMMITTEE**

on

**AR-45**

(Directs the Energy and Natural Resources Committee  
to study the dumping of untreated sewerage in the coastal waters)

Held:  
August 20, 1984  
Ocean County College  
Toms River, New Jersey

**MEMBERS OF COMMITTEE PRESENT:**

Assemblywoman Marlene Lynch Ford, Vice Chairwoman  
Assemblywoman Angela L. Perun

**ALSO PRESENT:**

Leonard Colner, Research Assistant  
Office of Legislative Services  
Aide, Assembly Energy and Natural Resources Committee

Karen Jezierny, Assistant Director  
Budget Fiscal Analysis  
Assembly Majority Office

**New Jersey State Library**

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**ASSEMBLYWOMAN MARLENE LYNCH FORD (Vice-Chairman):** Good morning, everyone. I am Marlene Lynch Ford, the Vice Chairwoman of the Assembly Energy and Natural Resources Committee. I want to welcome everyone here today and thank you for taking the time to come and observe these proceedings.

In March of this year, I introduced Assembly Resolution No. 45, which directed this Committee to study the impact of dumping untreated sewage in the coastal waters of New Jersey, particularly with respect to how this action affects the key tourists and fishing industries of the State, to formulate a statewide response to this assault on our vital resource in New Jersey, and to develop whatever legislation or administrative proposals may be appropriate. The Assembly passed this Resolution unanimously on May 7.

The factual situation is familiar to all of us. New York City discharges more than 220 million gallons of raw sewage per day into the Hudson and East Rivers. A negotiated agreement has excused New York from completing the sewage treatment plants until 1987. Not until that year will New York City be in compliance with the minimum anti-pollution requirements mandated by the 1972 Clean Water Act. Treatment that would remove about 85% of the pollutants in this waste water will not be applied until the mid-1990's. To secure these extensions, New York City has pleaded poverty. Concurrently, and presently at an escalating rate, New York City has undertaken large-scale development projects which will significantly exacerbate the problem.

Now unprecedented water development, albeit on both sides of the Hudson, is either under way or planned, that is, waterfront development resulting in waterfront degradation.

New Jersey's seaside tourists' attractions, commercial fishing enterprises, marine resources, and coastal enterprises -- particularly here in Ocean County -- are all jeopardized by the under-treatment of sewage which New York City discharges into adjoining waters. It is New Jersey's economic, as well as environmental, interests which are being undermined. Indeed, tourism is our second largest industry.

It seems to me that the business interests of New York are given priority over those of our State. New Jersey cannot afford to wait on this issue and hope that it takes care of itself.

Of course, I applaud the efforts of New Jersey's Congressional Delegation and our Senators to force New York City to complete the facilities on a timely basis and assure that no further growth is undertaken without a provision for the necessary waste treatment. I think New York has already begun to feel the pressure imposed by these efforts, as well as by the media coverage they have generated, but I reject the notion that we officials at the State level must stand aside and defer to Federal solutions. We are responsible for addressing the concerns of our constituents, and it would be irresponsible for us to ignore our role in framing solutions to these problems.

In order to do my job I need your expertise, so I've called this hearing to solicit your comments and suggestions on how best to respond to this problem. At the same time, I am fully cognizant of other types of assaults on the ocean and the impact they have had on our coast. The ocean, of course, is one big mixing pot. It does not observe political boundaries; therefore, we are inviting testimony on other issues, such as under-treated sewage and the disposal of toxins into our ocean. We live in one interdependent region linked economically and environmentally where the quality of life and one component directly affect the other. If we are all to enjoy the benefits of a clean and flourishing coast, we must share in the responsibility for its maintenance.

The Committee is convening here in Ocean County for information-gathering on the impacts of our coastal resources and what may be called "group brainstorming." Our aim is to come away from this inquiry with constructive proposals for a statewide response to halt this problem which has continued far too long. This is a hearing, and we are here to listen.

I would like to introduce our Committee aides who are with us today. On my left is Leonard Colner, who is the aide to the Assembly Energy and Natural Resources Committee, and on my right is Karen



Jezierny, who is with Majority staff. I am expecting Chairman Marsella and Assemblywoman Angela Perun shortly, but I would like to proceed.

Ocean County is where my bread is buttered, and I would like to introduce our Senator, Senator John Russo, to start the proceedings.

**SENATOR JOHN F. RUSSO:** Thank you, Madam Chairman. First of all, as the home county Senator, let me thank the Committee for bringing this hearing to our county where the issue is probably most important and controversial since we are a seashore county. I want to thank all of those who have come here to give us their thoughts and assistance on this important issue.

Rather than present my testimony at this time, we have a number of important speakers to hear from. Congressman Florio is with us and he has a heavy schedule today. I don't have too far to go once I leave here, so I would like to defer my testimony at this time to Congressman Florio. Then I will subsequently give my thoughts to the Committee.

**ASSEMBLYWOMAN FORD:** Thank you, Senator. Congressman Florio?

**CONGRESSMAN JAMES J. FLORIO:** Thank you very much, Assemblywoman Ford. Ladies and gentleman in the audience, I am very pleased to be with you today to talk about this very important subject that I have been associated with, along with many of my colleagues in the Congress. Congressman Jim Howard, of course, has been in the forefront of this question of ocean dumping, as has been Bill Hughes, Bob Roe, and other people in the district.

I would like to thank you for the opportunity to come to speak about this vitally important issue of continued dumping of sewage into the Hudson River and coastal waters of New Jersey. It is an issue of vital importance because continued dumping of sewage has a proven detrimental impact upon our economy and our health.

As you said in your preliminary remarks, I would like to talk about the whole cluster of issues that revolve around the subject of ocean dumping -- whether it be untreated sewage into the Hudson River, sewage sludge into the ocean, or chemical dumping and toxic waste dumping into the ocean. It is fairly clear, I think, by all who are

knowledgeable about the subject that environmentally, ocean dumping is unacceptable at any distance, whether it be directly into the river, whether it 12 miles out, or whether it be 106 miles out.

According to the National Marine Fishery Service, which is the Federal agency charged with the protection of marine resources, fish and plant life in ocean areas receiving settled sludge have been seriously harmed whenever sludge and sewage are, in fact, put into the oceans. There really is no environmentally valid reason for dumping sewage into the oceans. Rather, it is just a poor excuse for government shirking its responsibilities to deal with the proper disposal of sludge and other wastes that are, in fact, being put into the oceans.

Let me summarize some of my testimony, and touch upon the major point I want to emphasize.

In terms of tourism, it is obvious that the dumping of sewage, sludge, and chemical waste into the ocean has an adverse impact upon the tourism industry, not only in terms of the perception -- because people don't want to be associated with a shore area that they read about as having sewage put into the area -- but, also you are talking about potentially harmful health effects, such as a serious illness occurring from people bathing in sewage-tainted waters.

I think it is fair to say that these proposals and practices of dumping into the ocean hurt the tourism industry. Likewise, the commercial fishing industry is an industry that is hurt very badly by the fact of dumping and the perception of dumping. These are the obvious reasons that we should frown upon ocean dumping.

I want to spend most of my time with you touching on a different point, which is not quite as obvious as the direct impact on tourism and industry. Somewhat less obvious is the fact that continued ocean disposal of sewage discourages both government and private industry from biting the bullet, and it discourages them from taking serious planning and development initiatives to develop new types of resource recovery technologies. Some of these technologies for disposing of toxic waste and sewage sludge have been available for a long period of time, and they have been successfully tested and applied

in various areas of the United States and in Europe. Unfortunately, in the short term, they are perhaps a little more extensive than the short-term impact of dumping and the short-term cost of dumping.

There is a need then to induce capital investment in these new technologies, but such investment will never occur as long as we have the cheap and inexpensive, yet inappropriate, ability to dump in our oceans. The proper responsible role of government in this effort is to prohibit -- absolutely to prohibit -- cheap, but inappropriate, disposal methods, either through legislative or administrative needs. By doing so, the cost advantage of ocean dumping will be eliminated, and the necessary economic marketplace will be created to induce investment and the development of those advanced technologies.

In a sense, we, in government, should be using the marketplace force -- creating the marketplace forces -- to allow us to develop the high-technology means of disposing these wastes that have been commonplace in Europe for a great number of years.

I would like to take just a few minutes to describe a few of the promising alternatives to offshore sewage dumping. There is a process that has been developed and is now in operation in certain plants in Florida. This has been extremely successful in producing fertilizer from sewage via a pelletized process. A particular company that has plants in Florida has been in operation since 1976, and is currently producing over 80 tons of fertilizer per day. In addition, a major fertilizing market company has offered to buy any amount of the product that can be produced in the future, virtually assuring a market for increased production levels out of this particular methodology.

Another process which was developed by the Philadelphia Franklin Institute promises to be a simple, inexpensive, and safe method of reducing sewage, sludge, and solid waste into an insoluble rock product. The process is called ecorock, and it destroys the disease-causing organisms and toxic organic substances through high-temperature burning. Toxic, heavy metals are permanently locked into the rock product, which results from the fusing of solid waste and sludge ash. The rock then can be safely crushed and used safely for road paving material. To demonstrate the energy and cost-efficiency of

this technology, over 90% of the energy requirements of the ecorock system is applied just by burning the sewage mixer. In addition, the high-volume unit under this approach can operate at about \$63 per ton of dry sewage, which is substantially below what many cities now pay for both ocean and land disposal. So, we can say that this makes good economic sense, and it is also environmentally sound.

A third promising use for sewage, which is a substitute for conventional fuels, is a method known pyrolysis, the thermal decomposition of sewage achieved in an oxygen-starved environment. This methodology is not nearly as energy-intensive as other disposal methods. In fact, it usually produces more energy than it uses, thus offsetting part of the waste water treatment system's operating costs. Furthermore, in contrast to other incineration-type approaches, this methodology occurs in a closed system so that any potential for air pollution is greatly reduced. A 1981 EPA study concluded that pyrolysis is both commercially feasible and cost-effective. The study using sewage sludge from the New York/New Jersey metropolitan area showed that this system can indeed destroy sludge without fuel and without the air pollution problems commonly associated with other types of incineration.

Thus, there are efficient and environmentally-sound methods available for responsibly dealing with sewage, methods which to date outweigh ocean dumping in every category, except for cost.

As I stated earlier, it is now up to government to force the issue. Private-sector investment in resource recovery, such as the types I've talked about, cannot be expected as long as cheaper disposal methods are available, even when those cheaper disposal methods are environmentally unsound.

I would just suggest that those who are interested in talking about cost-benefit ratios ought to start costing out the benefits and costing out the problems associated with the ocean-type dumping proposals.

By denying the opportunity to dump sewage in our waterways, government can virtually assure the creation of a market for both public and private investment in resource recovery. We have reached an

important crossroad in the State and in the nation where we can either passively allow ocean dumping to continue and watch our vital tourism and fishing industries deteriorate, or we can actively encourage the use of environmentally-sound resource recovery technologies, which will ensure the viability of those industries for decades to come. Should we pursue the former course, both the environment and the economy of New Jersey will be irreparably harmed. I think it is fairly clear what the approach is that we should be taking from the standpoint of public interest. I stand ready to be of assistance to you in my capacity as a member of the Congress in dealing with many of these issues as we try to formulate policies designed to encourage more environmentally-sound methods of disposal of toxic waste and sewage, rather than inappropriate dumping into the ocean or the use of landfilling devices, which unfortunately, we have relied upon to a great degree.

Let me conclude with taking the prerogative of the podium by just utilizing this forum to bring briefly to your attention another problem that has just been brought to my attention. I think this Committee will have some interest in this, and I certainly think the residents of this area will have an interest in this.

I recently learned that the Federal Department of Defense, without the knowledge or approval of the Environmental Protection Agency or any other State agency, is proceeding with the establishment of a major hazardous waste facility to be constructed at Lakehurst Naval Air Station. It is my understanding that this facility will serve all of the hazardous waste storage needs of every military facility in the southern portion of our State. It is expected to cost \$1.6 million. I am particularly concerned, as I'm sure the Committee will be, that the location of such a large facility handling substantial quantities of toxic waste on a regular basis may not be appropriate in view of the extremely vulnerable hydro-geology of the Pinelands area. This facility would be located atop a sole-source aquifer, the largest source of pure ground water in the State of New Jersey.

I am also very concerned that the Department of Defense has requested bids on this project from private contractors prior to the

preparation of any environmental assessment, or the submission of any permit application under the Federal Resource Conservation and Recovery Act, which is the basic law that spells out procedures for storage and disposal of toxic waste.

I regard the apparent waiver of normal environmental safeguards and procedures with respect to this facility, along with EPA's almost total lack of knowledge as to the status of this project, to be entirely inexcusable. As a result, I have directed a letter, which I will make available to the Committee, to Administrator Ruckelshaus requesting that EPA conduct a full inquiry into this proposed facility, giving particular attention to the threat to drinking water supplies resulting from its location.

I am also requesting an explanation as to EPA's total lack of knowledge of this project, and why the Department of Defense has failed to inform EPA of the status and the scope of the project. I certainly will keep the Committee informed. I would just indicate to you that because of the prevalence of this failure to communicate between governmental agencies, most particularly the Department of Defense and EPA, not only here, but across the country, we have included into pending legislation -- the so-called Superfund Bill -- new provisions to make abundantly clear what I happen to think is already clear. But, we're going to spell it out for those who don't read the law as clearly as we would hope they would -- that is, what the hierarchy is in environmental matters. EPA has full authority over all governmental agencies on matters of environmental significance, such as the locating of sewerage facilities for toxic waste. While we wait for that law to be passed, we are going to try to intervene in the current situation here in Ocean County to make sure that all the laws are complied with, and that there is full review before anyone even considers locating centralized storage facilities for toxic wastes.

I will keep the Committee informed, and I appreciate the opportunity to come before the Committee to share some thoughts with you.

ASSEMBLYWOMAN FORD: Thank you very much, Congressman. Assemblywoman Angela Perun has joined us, and I would like to introduce

her to the audience and to the Congressman. Angela, do you have any questions of the Congressman?

ASSEMBLYWOMAN PERUN: No, I do not. I think the Congressman has spelled it out quite explicitly as to what the situation is and what should be done. I would like to simply say that just the thought of the kind of waste that is going into our water supply and our bathing water is a horrendous thing. I think the Congressman has totally covered the aesthetics, the health, and the pollution of all aspects of our environment. I am certainly very grateful for the fact that you are always very much in attendance to these needs and dangers.

CONGRESSMAN FLORIO: Thank you very much.

ASSEMBLYWOMAN FORD: Thank you, Congressman. I have one question. Do you know anything about the current proposals for disposal of low-level radioactive waste at sea?

CONGRESSMAN FLORIO: Well, ironically enough, the agency that Mrs. Burford was supposed to be the head of is making the suggestion that we retreat from what has been the policy since the agency has been in operation -- that we do not provide for any opportunity for low-level nuclear waste to be disposed of in the ocean. This agency, the National Advisory Council on the Oceans -- I think that is what it is called -- has floated out an interim suggestion that it may very well be cost-effective to start disposing of certain low-level nuclear wastes. That hasn't been defined, as you can appreciate, and I'm sure most people know that there is some controversy over how you define low-level nuclear wastes. Some make the distinction, and I suppose it is a clear distinction, between waste rods out of nuclear facilities-- They are clearly not low-level. As far as low-level is concerned, if you're talking about equipment that was used by workers in nuclear facilities and it has to be thrown away, I suppose that is clearly low level. But, when you start getting to the marginal areas between those extremes, it is not as clear as it could be.

The answer to your question is, yes, there have been, for the first time, suggestions floated out of an Advisory Commission to the administration that there be a review of the existing policies which prohibit ocean dumping of nuclear wastes. The very fact that anyone is

even considering that, I think, should cause us some concern. You can rest assured that those of us in Congress-- My recollection is that Congressman Hughes is on the Merchant Marine Committee, and I think he has primary jurisdiction over that area. But, the rest of us will be looking very closely at any proposals that go beyond just the recommending stage.

ASSEMBLYWOMAN FORD: Thank you, Congressman.

CONGRESSMAN FLORIO: Thank you very much.

ASSEMBLYWOMAN FORD: Senator Russo?

SENATOR RUSSO: Thank you again, Madam Chairman. Let me add my welcome to Assemblywoman Perun. I would like to welcome you to Ocean County. It is always like this in Ocean County; you should come more often.

ASSEMBLYWOMAN PERUN: Thank you.

SENATOR RUSSO: Madam Chairman, I would like to thank the Committee for the opportunity to testify before you on this matter that you are investigating, which is, of course, so critical to the interest of our State and our seashore communities.

First, let me pay tribute to the efforts that have been carried on up until now by our Congressional Delegation. Jim Howard, Jim Florio, Bill Hughes, and the late Congressman Ed Forsythe have been battling every odd they could to try to do something regarding this problem. They have met some success, and where there hasn't been success, it hasn't been because of their lack of effort. I think we owe them a debt of thanks for all they have tried to do for us regarding this issue.

As we all know, in flagrant disregard for the citizens of our State, as well as the citizens of New York, New York City is dumping approximately 250 million gallons of untreated sewage into the Hudson and East Rivers -- in New York Bay, near Sandy Hook. At the same time, New York City is going on a grand building spree which will send more and more raw and inadequately treated sewage into the Atlantic Ocean, tainting the surf waters along our coast. Hundreds of millions of gallons of raw sewage, and even more poorly treated sewage, is pushed by the tides, currents, and winds to the Jersey shore and as far south



as Long Beach Island everyday. This ocean-bound plume of sewage is routinely photographed by orbiting satellites.

A comprehensive program can be developed to eliminate any possible harm to our shore, our citizens, and our recreation industry. Congressman Florio touched upon the technology that is perhaps under consideration to hopefully end this problem some day. I am sure that he and our other congressional members will continue that effort.

In the meantime, until that technology is developed, the question is, "What do we do about the effects of this pollution to our seashore environment?" While waiting for that technology, today I would like to address that basic and fundamental question.

Who should pay for this abuse? Who should pay for the loss of revenue to our resort industry when for the health of our citizens, our beaches must close when the finest beachfront in the nation is covered with flushed toilet waste that has gushed out of sewerage outfalls along the Hudson and East Rivers? Who should pay? When a municipality is forced to clean up its beautiful clean shoreline after it has been stained with the blight of raw sewage, who should pay when treated sludge kills our fish? When our surf waters are tainted, who should bear the cost of the damage caused by the economic development of New York City?

The answers to these questions are obvious; it is those who caused the pollution. Those who cause the loss of revenue should pay for it. The innocent victims of this callous abuse should be compensated. Our coastal communities should not have to bear the cost of cleaning up someone else's mess.

Those of our citizens who rely on the tourist economy -- our clean oceans and shores -- should not be forced, in effect, to pay for the irresponsible economic development of New York City. The responsibility for this pollution rests with all of those who pump untreated and harmful sewage into the oceans and waterways that affect our shores.

I call on the Federal government to establish a fund to compensate those who are adversely affected by this pollution. This fund would be supported by a surcharge collected from those who dump or

discharge untreated or poorly treated sewage into the areas of our ocean or waterways that lead to the ocean. In that way, those who have valid claims of economic loss will be eligible to collect from that fund. When a municipality is forced to close its beach and clean up sickening waste from its shores, it would be able to collect from this fund.

This concept is not a new one. A number of years ago, if you will recall, the controversy was not so much over sewage. It hadn't gotten that far yet. Rather, it was over oil spills and talk about a pipeline, etc. At that time, I proposed the Oil Spill Compensation Fund Law, which was successfully passed and is law in this State today -- a precursor of Federal legislation. The purpose of that was the very thing we are talking about here today -- until technology is far enough advanced to at least protect those who suffer from these harmful effects. At that time, the proposal involved a fund that would be created, which is now some \$25 million, so that in the event of a spill, there would be money for the cleanup. This Spill Fund concept is even more appropriate under present circumstances.

Of course, such a program should not be construed as a legitimization of the practice of pumping raw sewage into the water. Quite the contrary, it should act as a deterrent. The surcharge should be substantial, and thereby deter those who wish to pump raw or poorly treated sewage into the sea. It would encourage New York City to bring its sewage treatment up to snuff. After years of legal maneuvering to avoid governmental standards for treatment of sewage, New York says that they are working on an accelerated program to finish construction of their sewerage plants and to end the dumping of their raw sewage. Maybe they are taking steps in the right direction. Nevertheless, the potential for immediate harm is still great.

This fund would provide a mechanism for those who suffer before the problem is adjusted. Of course by law, this is a program that we, in the New Jersey Legislature, do not have the jurisdiction to create. If we did, it would have been done long ago.

In closing, I want to assure this Committee and the people of New Jersey that this is a high priority issue for us. I have asked my

staff to closely examine the problem and evaluate the possible solutions. I want this Committee to know that I would actively support any sensible and comprehensive legislation. I am fully convinced that our congressional representatives will look into this interim step while awaiting the technology to protect the people of the Jersey shore and the tourism industry that we value so highly. I think that once we impose this additional burden, as one might call it, upon those who dump raw sewage, we'll see the technology come along much faster.

Madam Chairman and members of the Committee, I thank you for allowing me the opportunity to express these thoughts to you. Again, thank you very much for bringing this issue to the people of Ocean County.

ASSEMBLYWOMAN FORD: Thank you, Senator. (applause) Is Freeholder Murray here? (affirmative response) Damian Murray, Freeholder Director of the Ocean County Board of Freeholders.

**FREEHOLDER DIRECTOR DAMIAN G. MURRAY:** Thank you, Marlene. My name is Damian G. Murray, Director of the Ocean County Board of Chosen Freeholders. I appreciate the opportunity to express my views on the issue of ocean dumping.

Our County takes its name from the ocean, and the ocean is a major attraction of our tourism trade, which is Ocean County's number one industry. Recreation in commercial fishing and clamming are also important industries in our County. People come to Ocean County primarily because of our beaches, boating, and fishing.

The Atlantic Ocean, unfortunately, has become the dumping ground for raw sewage, sewage sludge, dredge materials, and industrial wastes. Proposals have been put forth to allow dumping of low-level radioactive waste.

New York City discharges at least 220 million gallons of raw sewage everyday in the waterways, which eventually reach our shores. Sewage sludge has been dumped 12 miles off Sandy Hook continuously since 1924. The New York dredge material site, also called the "mud dump site," has been used continuously since 1914 for the disposal of dredge materials. Cellar dirt consisting of rocks, dirt, concrete rubble, and non-floatable construction debris has been dumped off our

shores since 1940. The New York Bight Acid Waste Site is 15 nautical miles off Asbury Park, and it was established in 1948.

The problems have been documented time and time again. Unfortunately, the solutions require a commitment that few have been willing to make. Ocean dumping is a problem that requires action at our highest levels of government, namely Congress.

There is little that can be done at the local level in the State because it has no legal authority over the discharge of any material in the ocean beyond the three-mile territorial limit. It is restricted in its regulatory activities. Even when the State attempts to address the problem, as it did with the State Clean Ocean Act of 1971 during the Cahill administration, its efforts have been preempted by Federal legislation. Does that mean we can do nothing at the local and State levels? Absolutely not. Much has been accomplished, and much remains to be done.

In Ocean County, we have "bit the bullet," as Congressman Florio said, through the efforts of the Ocean County Utilities Authority and municipal authorities throughout the County. We have cleaned up our streams, rivers, and Barnegat Bay. Hundreds of millions of dollars have been spent by the OCUA and local authorities to design, construct, and operate a regional sewerage system for the proper disposal of sewerage wastes. No major construction in Ocean County is allowed unless it can demonstrate an effective and safe manner for disposal of the waste it will generate. Municipal planning boards have aggressively induced ordinances to protect our environment.

The Ocean County Utilities Authority is now implementing a Sludge Disposal Management Plan that provides for safe land-based alternatives. We have not and will not allow ocean dumping of sewage sludge generated from Ocean County.

Much attention has been focused lately on Ciba-Geigy. The counties and the municipalities do not have jurisdiction over the ocean discharge of the company's treated waste. They operate pursuant to permits from DEP and EPA. The County, as well as the municipalities, however, want to see stringent permit conditions, and we'll work to that end.

Let's look at some of the major problem areas. New York City dumps 220 million gallons of raw sewage into the Hudson and East Rivers everyday. You might expect that kind of activity in Calcutta, India, but not in the largest city in the United States.

Perhaps part of the problem is that we invent unobtrusive, innocuous names when speaking of the subject, such as sewage, solids, discharge, and effluent. It is crap -- pure and simple. While use of that term might offend some people, I find it offensive that New York has total disregard for its neighbors -- that it permits the condition to exist, which spoils our beaches and fishing grounds. I wish Mayor Koch would campaign in Ocean County, and when he would ask, "How am I doing guys," we would respond, "We're tired of your crap, Ed, literally and figuratively."

The problem has received lip service from our national leaders. The Democratic platform and I'm sure the Republican platform will contain biased platitudes about each party's commitment to the environment. Actions, however, speak louder than words.

Representative Geraldine Ferraro, the Democratic Vice Presidential candidate, opposed the section of the Water Quality Renewal Act, which passed the House on June 26. This prohibits New York City from dumping more raw sewage into its water after March 15, 1986 than the average of what was dumped in the preceding year. She justified her position because, and I'm quoting from the Congressional Record, "Such sanctions would have a chilling effect on real estate developed in New York City." That is among other reasons.

Republicans have an equally dismal position. Senator D'Amato, the Republican Senator from New York, has threatened a filibuster on this issue in the Senate. I would applaud, however, the efforts of our New Jersey Congressmen who are bringing this issue to a head. Sludge dumping is finally receiving some action through the bipartisan efforts of the late Representative Forsythe and Congressman Hughes. It appears that sludge dumping will be moved from its 12-mile site off Sandy Hook to a site 106 miles offshore. While this will result in cleaner beaches and better local fishing, land-based alternatives have to be developed to eventually phase-out all ocean sludge dumping.

Northern New Jersey, as well as New York, has opposed the movement to this 106-mile site. Ocean County does not have ocean sludge dumping. The OCUA plan will call for incineration, which will generate the saleable bi-product, the pelletized fertilizer that Congressman Florio referred to previously. The New Jersey Legislature should demand the same from the northern New Jersey counties.

I don't want to monopolize your time, so let me offer some ways of attacking the problems.

Number one, continue aggressive action at the local level in municipalities and the counties by preventing major development until a safe and acceptable method of waste disposal is provided to prevent the pollution of our ground water, streams, rivers, bay, and ocean.

Two, there should be legislative action at the State level requiring all counties to develop safe and acceptable land-based alternatives to ocean sludge dumping. Realistically to accomplish this, there has to be funding for treatment plants from the State. There was an infrastructure bank that was proposed by Governor Kean, which would finance these types of improvements. That concept was rejected by the Legislature, so I think it is incumbent upon the Legislature to find a workable alternative. The point is, there has to be some sort of funding sources for treatment plants so the sewerage authorities in the northern part of our State have the economic incentive to have an alternative other than ocean dumping.

Number three, I think there has to be some old-fashioned legislative horse trading by our local representatives. The legislators here from the Tenth District are the Senate Majority Leader, the Assembly Majority Leader, and a member of the Joint Appropriations Committee respectively. These are positions of authority which have to be utilized to stand up to North Jersey interests. I am sure that other Ocean County legislators and other South Jersey legislators will cooperate in that effort. Until our South Jersey legislators collectively assert themselves on this issue, North Jersey will continue to be part of the problem.

Number four, there should be legal action by the Public Advocate and/or the Attorney General. Long Beach Island municipalities

spent \$100 thousand in a futile attempt to prohibit New York's activities. We simply don't have the resources on the local level to mount the challenges necessary. The Public Advocate spent years challenging the right of property owners to deny access to their beaches. If the Public Advocate can spend the time and money to get everyone on the beaches, he can spend the time and money to assure that their swimming water is free from raw sewage and sludge.

Number five, there should be legislative restraints on interstate bodies. New Jersey participates in several interstate projects and activities with New York. The most notable is the Port Authority. The World Trade Center, which discharges untreated sewage into the Hudson River, is a Port Authority project. The Legislature should place restraints on our participation in such activities to ensure that projects which benefit one region of the State are not detrimental to other regions of the State.

Thank you again for the opportunity to express my position. Feel free to call on my assistance, for these problems will only be resolved or abated by a cooperative bipartisan approach. I appreciate the indulgence of the chair in allowing me to be one of the first speakers. I cannot remain for the entire hearing; we have to go to Trenton for our other favorite subject, garbage, to meet with DEP. I do appreciate your indulgence. Thank you very much, Madam Chairman.

ASSEMBLYWOMAN FORD: Thank you, Damian. (applause) I would like to call on Assemblyman Ranieri, one of our North Jersey legislators that Freeholder Murray referred to -- and, a good friend from Hudson County.

ASSEMBLYMAN ROBERT A. RANIERI: Chairperson Ford, Assemblywoman Perun, members of staff, and ladies and gentlemen, good morning, and thank you for the time and opportunity to express my opinion concerning the Hudson River raw sewage and ocean dumping issues.

It is so strange that as a modern, educated, and progressive civilization, we tend to pollute our environs to the point of self-destruction. It is strange, but human.

To the clear water of the Hudson River, our society calmly dumps well over 200 million gallons per day of raw sewage. This occurs

while the silhouetted shadow of the New York skyline boasts of the most educated, affluent, total society in the world.

And, as this effluent plume of raw sewage trails out of the Hudson River and traces the oceanfront of the Jersey shore, we, the human race, blatantly dump in its path, as though to dot the exclamation point of exasperation. Each day we dump in its path thousands of tons of sludge, debris radioactive waste materials, and carcasses of untold numbers of animals used in various experimentations, including those infused with radioactivity.

The most logical course of action is to stop the pollution and return nature to its natural state of health and beauty. Ah, but the economics of the situation dictate otherwise. We can build the most modern of skyscrapers with total air-conditioning, rocket-like elevators, and windows on the world. Yet, the human waste secreted each day pours through open sewer lines to riverbeds with the effectiveness of a nineteenth century outhouse. Progress? Perhaps.

The Federal Environmental Protection Agency, under the authority of the Clean Water Act, established national guidelines to cease and desist. Our New Jersey Department of Environmental Protection Agency has accepted the national mandate and has parameters on its own situation. A clear example of the DEP commitment is the fact that all the proposed development on the Jersey side of the Hudson River cannot commence -- we cannot put the first spade in the ground -- before the sewage treatment facilities are authorized and approved. Unfortunately, on the other side of the Hudson River major developments have been completed, and still others are either under construction or are being planned, while the spirit of the EPA mandates of sewage treatment is stalled and thwarted by delaying lower court actions -- actions which for strange reasons, the EPA fails to challenge in the higher courts.

An even more perplexing problem is that of ocean dumping. The \$1 billion a year Jersey shore tourism business has been constantly plagued by ocean dumping pollution which saturates and clouds the waters with filth and the beaches with debris and decay each morning. If this were not so, we wouldn't be here today.



We are not without fault in New Jersey. Our statewide Sludge Management Plan, when speaking of disposal alternatives states, "The important message is that selection of disposal alternatives is frequently a question of picking the least bad solution." Is there not a positive solution? Is there no better way? Are we in a state, literally and figuratively speaking, of despair and desperation?"

To paraphrase, the DEP endorses the temporary expediency of the 106-mile site, as does Governor Kean in his February 10, 1984 letter to EPA Administrator William Ruckelshaus. Both concede unchallenged court action could permanently delay EPA implementation in the same manner as the EPA's mandate on the 200 million gallon per day raw sewage flow into the Hudson River. In short, while the EPA, the Governor, and others recommend the 106-mile site, they know full well that once the regulations come down, they will be challenged in the courts. They will be delayed through years and years of litigation, and the 12-mile site off Sandy Hook will be used constantly and continually.

The 12-mile site has five specific areas, and the previous speaker touched on them. I'll just mention the volumes involved to show how staggering it is: The Mud Dump Site, which handles dredge material and mud coming out of riverbeds and pier areas -- 8 million cubic yards; The Cellar Dirt Site, which handles dirt taken out of excavations and also various other building materials -- from 1960 to 1977, 450 thousand cubic meters of material; the Acid Wastes Site, which was established in 1948 for the disposal of acid wastes, is a shallow site some 75 feet deep. It is slightly taller than a three-story building, and it is 15 nautical miles off of Asbury Park. Forty-five million metric tons of acid and caustic wastes were dumped. The major dumper has been NL Industries of Sayreville, New Jersey, which generally dumped 95% of the total volume at that site.

I said before that we are not beyond fault in New Jersey. Better than 55% of the Jersey sludge is dumped at the 12-mile site off Sandy Hook. It is dumped to tail along with the 200 million gallons of raw sewage draining out of the Hudson River from the New York side.

Freeholder Murray mentioned that this is a North Jersey/South Jersey problem. It is not. It is not a regional problem; it is a New Jersey problem, and all of New Jersey must ban together to resolve that problem. Surely the people of North Jersey enjoy the shore coast and the recreational facilities you have here. Surely we eat the fish that your fishermen catch here. So, we're every bit as much interested in resolving the problem as South Jersey is. That is why we are here today.

Concerning the sludge that is dumped at that site from New Jersey, let alone New York, Bergen County dumps 339,000 dry pounds of sludge each day; Essex 593,000; Middlesex 454,000; Monmouth 19,000; and Union, Morris, Somerset, Sussex and Warren to a lesser degree.

We currently have DEP regulations controlling the disposition of certain sludge levels, as well as primary and secondary sewerage. It would seem that we need disposal controls for all levels of sludge. A prototype could well be developed along the line of Assemblyman McEnroe's bill dealing with solid waste. In fact, it is quite logical to deal with solid waste and sludge disposal within the same parameters of thought.

While the Division of Water Resources lists various alternatives and sponsors for secondary sewage and sludge treatment, we judge from the experience in our area and recommend for State scrutiny an inexpensive system which works well in our area. It is called oxiosynthesis, and it is described in those blue booklets I gave to you this morning. More are available in the rear of the room should others in the audience decide to look at them. Oxiosynthesis deals with a cost-conscious method of treating secondary sewage and reducing sludge to a cake form that has a greater BTU rating than wood. That is to say, the sludge burns better than wood. This method of reducing sludge has proven to be 40% to 60% less expensive than other sludge treatments in our area.

If we were to combine this residue product of sludge with a 35% composite of solid waste -- we are informed that it is but 35% of solid waste that can be burned -- we would have a viable fuel for steam turbine and the generation of electricity. The developers of this

system are present today and available at the convenience of the Committee and the visitors here.

The potential is enormous -- a combined facility to dispose of solid waste and sludge with a by-product electricity. It is certainly more environmentally sound than sludge dumping off the shoreline of New Jersey.

The DEP has proposed a four-pronged attack on the problem of sludge and raw sewage, and its four-pronged attack is thus stated:

(1) Force the fight of the legal battle which the EPA evades to end disposal at the 12-mile site and to end the pollution of raw sewage in the Hudson River. That is a basic fact. It is the responsibility that the EPA states.

(2) Long-range control on the use of the ocean, land, and air as disposal media for sludge -- most important.

(3) Improve the quality of sludge via new regulations both on a short and long-term basis.

(4) Far from least, provide a funding source.

Perhaps what is lacking in this DEP attack is a total commitment to its approach.

Industrial waste is another unbelievable area of ocean pollution. While there are, to my knowledge, only three industries in the New York/New Jersey area with permits to ocean dump, NL Industries of Sayreville, DuPont, and Allied Corporation are heavily engaged in the chemical business. The most controversial of these is NL Industries, which the EPA authorized to dispose of acid waste from its titanium dioxide plant at the Acid Waste Site. This, as you know, is just 15 miles off the coast of Asbury Park. The permit is scheduled to phase-out in 1988, and NL is scheduled to finance ocean monitoring and research concerning environmental dangers of its actions. This responsibility is doubtful since NL has publicly announced it will close down its Sayreville plant. The ocean dumping by all three of the above is in compliance with EPA's criteria, and DEP concurs with the EPA permits.

The DEP strategy on radioactive waste is most concerning. The situation became so serious that in 1982, Congress approved a

two-year moratorium on ocean discharge of radioactive waste. This moratorium has now matured. The materials sanctioned for disposal include laboratory test animal carcasses injected with radioactive materials, contaminated equipment and paper goods, and flammable organic scintillation fluids -- tritium in a mixture of organic liquids, some of which are known as carcinogens. That, my dear friends, is putting poison and danger 15 miles from the Jersey shore.

So, we have the failure of our neighbors and ourselves in not living up to a public commitment to preserve the environment. We have the failure of the EPA in not pressuring legal enforcement of their regulations under Federal statute. We have the failure of public bodies, large and small, the failure of science and industry in recklessly using our natural resources as a dumping place for poisons, dangerous residue products of science, industry and life. In short, the basic problem is man's inhumanity to mankind.

On the other hand, we do have some sincere efforts, though often frustrated, of the EPA, the DEP, and our Federal representatives, such as Congressman Florio, who was here today, Chairperson Ford and other members of her Committee, and members of both houses, including Senator Russo, who spoke to you but a moment ago.

In the middle, unfortunately, there is that broad spectrum of those who are either pathetic or do not care or blindly trust others to protect them -- to protect them in an ostrich-like fashion, while their heads are buried in the sands of a perhaps a contaminated beachfront.

The recommendations to be made are as follows:

(1) Strong legal pressure by EPA in enforcement of its regulations. This is an absolute must.

(2) Support of State and Federal legislation to provide funding for final solutions, that is, an infrastructure bank.

(3) Primary and secondary sewage treatment and sludge treatment as outlined above for all effluents in all areas and in all parts of the State.

(4) A policy to stop ocean dumping of raw sewage, sludge, acid, radioactive waste, etc.

(5) Expansion of the authority and duties of the Sludge Task Force.

(6) Greater encouragement of public participation, such as we have here today, to bring the problem to the forefront of public interest and to provide the pressure to encourage agreement on all levels to seek an effective end to those incredible problems of the pollution of our environment.

Let but one sector, one element of our civilization, become contaminated, and we are all affected by the contamination. It is and we are.

Thank you. (applause)

ASSEMBLYWOMAN FORD: Thank you, Assemblyman. I can see now that I am going to have to ask that the speakers try to limit themselves to approximately five minutes or we may be here all day. This is a very interesting topic, and we all have something to contribute. In order to get through the long list of those who are scheduled to testify, I'm going to ask Karen to be the timekeeper and keep an eye on the clock so that we can move along.

Assemblywoman Cooper from Atlantic City has been here since early this morning, and I would like to ask that she come forward to address the Committee.

If you will excuse me, Dolores, I'm going to turn the hearing over to Angela Perun for a a second.

ASSEMBLYWOMAN DOLORES COOPER: Good morning, Madam Chairman and members of the Energy and Natural Resources Committee. I am Assemblywoman Dolores Cooper, representing the Second Legislative District, which is almost all of Atlantic County. I want to thank you for allowing me the opportunity to speak before your Committee on such an important issue as ocean dumping -- not casino issues or property evaluation tax relief.

As a resident of Atlantic County and a resident of Atlantic City, I can tell you from first-hand experience of the importance of a clean ocean. In New Jersey we are fortunate to have a \$9 billion a year tourist industry. This figure represents the State's second largest business, and it is an indication of the great use our shore receives. People from all over the world, from all walks of life, come to New Jersey to visit its wonderful shoreline. How many people do you

think would come to this State if all of its beaches looked like those around New York harbor? I can guarantee you that very few would step foot in the State if this were the case. However, if action is not taken soon, it might become a reality.

Fortunately, the Environmental Protection Agency, EPA, has taken two very important steps to see that this does not occur. The first move was a selection of a new sludge dumping site that is located in deeper water. The second step was the appointment of Christopher J. Daggett as Regional Administrator of EPA's New York/New Jersey's number two office. Mr. Daggett, as you know, is currently Cabinet Secretary for Governor Kean. Such an important appointment gives this State a much-needed voice in the EPA to ensure that New York City follows through with its commitment to clean up its water. These actions, however, must be followed up by additional steps at both the Federal and State levels.

On the Federal level, government must force -- and, I repeat force -- New York City to complete its primary and secondary sewerage treatment facilities on time. It is our duty as citizens of this State to pressure -- I mean pressure as only we can pressure -- our Congressional Delegation and the EPA to prevent any further delays from occurring.

We must also educate those members of Congress who do not understand New Jersey's concern for its environment. During the debate over the reauthorization of the Clean Water Act, one member of Congress who was mentioned a few speakers ago -- Representative Geraldine Ferraro of New York -- offered an amendment which would have removed the sewerage discharge cap placed on New York City. The reason for making this amendment was that the discharge cap could cause "a moratorium on new sewer hookups." This, in turn, the sponsor said, "Would have a chilling effect on real estate development in New York City." Well, well, poor New York City. New Jersey for years has had its growth regulated because of the sewer extension bans, so it is about time that New York City receive the same treatment.

On the State level, there are two major pieces of legislation that can go a long way in helping this situation. The first one is the

Infrastructure Bank Bill, S-388, sponsored by Senator William Gormley. This bill is a pioneering effort to provide for the oily building and upgrading of the State's waste water treatment facilities by making maximum use of available funds. The Bank is capitalized with Federal and State appropriations, proceeds from bond issues, and private capital. It provides funds through governmental units through low-interest or no-interest revolving loan programs from its capital sources or additional money raised with its equity capital. The loan payments will maintain the equity capital of the Bank and provide a source of funds for subsequent loans. The Bank will serve as the statewide vehicle for financing the costs of various projects. Passage of this bill would allow the State of New Jersey to move forward on over 200 projects. Without it, only a small fraction of these projects can be funded.

The second piece of legislation that needs to be passed is S-991 sponsored by Senator Dalton. This bill has already passed our Senate by a vote of 39 to 0. S-991, I remind you, will provide the alternate method for the financing of sewerage treatment facilities. It will allow local governing bodies to enter into long-term contracts with private firms for the design, construction, operation, and maintenance of waste water treatment plants. These privately operated facilities would then be entitled to Federal tax credits and the depreciation allowances which are not given to public utilities. Because of these economic advantages, the consumer would pay lower rates than if a plant had been built with conventional funding. S-991 has been referred to this Committee. It is supported by the Department of Environmental Protection, the Public Advocate, the Department of Community Affairs, New Jersey Builders, the New Jersey Environmental Lobby, the Hudson County Utilities Authority, Prudential Base Securities, and Merrill Lynch.

In conclusion, I hope that your Committee, ladies and gentlemen, will consider this bill at its earliest possible time and give it your full support.

I, too, wish I could stay a little longer at this hearing, but I have to go to Trenton. I have constituent headaches to be solve, and I'm sure of Anacin. Thank you very, very much. (applause)

ASSEMBLYWOMAN PERUN: Thank you. Our next speaker will be Senator Frank Pallone of the Eleventh District. Good morning.

SENATOR FRANK PALLONE, JR.: I will also try to be brief this morning. Initially, I would like to thank this Committee for holding this hearing.

From the very first day when I sought this Senate seat and was running last November, I made the point that I felt the State should get more involved in issues which affect ocean dumping. I didn't feel that DEP was doing enough to either effect changes on the State level or to pressure the Federal government to do more about stopping ocean dumping and the pollution of our shores. I must congratulate the members of the Committee -- in particular Assemblywoman Ford -- for having this hearing today.

I just wanted briefly to mention three things. First of all, I think we have some good signs right now in the area of sludge dumping. As you know, with regard to the EPA recommendation to move the sludge dump site from 12 miles out to 106 miles, we hope that will be implemented sometime this fall. Also the efforts on the Federal level with our Congressman Jim Howard and the other members of the New Jersey Congressional Delegation who are trying to get the bill passed or get the rider to the bill that will prohibit New York from continuing to dump raw sewage into the Hudson River-- I think we do have some good signs.

However, when we talk about sludge dumping and municipal sewerage treatment plants, as was mentioned previously by Assemblywoman Cooper, the main problem on the State level and the main action that the State can take is to provide some sort of financing and increased financing for municipal sewerage treatment plants. My own district, as many of you know, includes most of coastal Monmouth, and probably more than any other area along the coast, it is affected by ocean dumping. Most of the sites, whether they are mud dump sites, dredge spoils, sewage sludge sites, or other sites are off the coast of Monmouth County. Over the years, we feel that we have really been devastated the most by the continuation of ocean dumping.



Even in my own district, there are towns, and there are municipal treatment facilities that are only at the primary stage, but we would like to see them upgraded to the secondary treatment stage. The main reason why they haven't been able to do that is because of the lack of money.

There is a need for those two bills that Assemblywoman Cooper mentioned, and there is a need for more financing both on the State and Federal levels. I think we primarily have to think of that and what this Committee and the State of New Jersey can do. We can talk forever about putting more pressure on the Federal government, but this is one thing that this Committee and the State can do on its own.

The second area I want to get into is dredge spoils and continued ocean dumping of dredge materials at the mud dump site, which as you know, is about six miles off the coast of Monmouth County. There really has been nothing done in that area. There is a public interest involvement group that I have been involved with to some extent that meets with the Army Corps on a regular basis to come up with alternatives to that type of ocean dumping. They have made some progress in terms of suggestions.

Just last summer the EPA decided to redesignate the mud dump site for dredge spoils for another 10 years. I think that decision was very unfortunate and was, in part, due to the fact that our own DEP was dragging its feet on a number of land-based alternatives. At the time the mud dump hearings were held -- I believe it was last summer -- one of the land-based alternatives that was being discussed was the use of sanitary landfill cover -- in other words, taking dredge materials and drying and using them as sanitary landfill cover. Even at that time, our own DEP failed to come up with any kind of standards or guidelines for that type of procedure, so it was impossible for the State or those involved to really consider that option. I think that has been the case in the past, and I think more has to be done on the State level to come up with land-based alternatives, whether it be sanitary landfill cover or some of the other things that have been proposed.

We can't forget that the dredging of New York harbor is partially the dredging of the New Jersey harbor because the harbor

borders on both States. We have some responsibility for that material, which has to be continually dredged and placed somewhere. We can't renege in our responsibility, and I would like to see more done through this Committee's recommendation to get DEP to look into some land-based alternatives -- which there are -- for dredge spoils and dredge materials.

Finally, I want to mention that I think our State and DEP in general have not done enough in terms of research. Approximately two or three months ago, I was on a program in New York City with the New York City Commissioner of Environmental Protection. I think his name is McGuff, or something like that. He kept reiterating over and over again when I was complaining about the raw sewage dumped in New York, "Well, it isn't doing any harm. There is no damage. It is not really doing anything. We have documents to prove that, in fact, the raw sewage, the dredge spoils, and the sewage sludge are really not affecting your shores that much." I, of course, have seen various documents, and we know of cases-- In fact, even this summer we have had situations with isolated instances of red tide or fish kills on a small scale. Of course, historically we have had large fish kills and greater examples of red tide too. Even so, it seems that there isn't enough documentation to show exactly what the effect is from the various sources of ocean pollution on this part of the coast. I really think more should be done by DEP on a State level to show that.

It is going to be particularly important this fall and in the future when challenges come up. We know that New York is probably going to go to court if EPA says they are going to move the sludge dump site from 12 miles to 106 miles. New York is probably going to challenge that in Federal court. Unless we have the information to show that the costs or benefits derived from New York City in being able to cheaply dump are outweighed by the detriment to our coast in terms of our tourist industry and economy, I don't think we're going to be able to prove that this shouldn't continue -- that we should move the site further out, and that we should stop ocean dumping. I think that is another area where DEP should be more involved and should be pressing more.

Once again, I want to thank you for having this hearing, and I hope there will be more like this. Thanks. (applause)

ASSEMBLYWOMAN PERUN: Thank you. Thank you very much. Our next speaker is Dennis Sternberg -- Dr. Dennis Sternberg.

**DR. DENNIS STERNBERG:** Thank you. I think that many of us are missing the biggest point. This is not a New York or a New Jersey problem. It is a problem of national importance, and it is a problem that should call the consciousness of the nation to it. There are 20 million people who live on the shores of the New York Bight, and that is the big problem. Except for the people in this room and many people who are learning now, people don't know what the New York Bight is, where it is, and what is happening to it. That is our biggest problem.

The ocean is large and vast; so is the area and the amount of people who live around these shores. We can talk about the eight million tons of sewage sludge dumped at the 12-mile site. We can talk about the other sludge dumps, the other raw sewage -- the 230 million gallons per day -- pouring into the Hudson River and down our coast. But, we must understand that the Federal EPA has said that the fish that come out of the Bight of New York are contaminated, and they are proscribed for eating. Pregnant women should not eat these fish at all, and if you are not pregnant, you can eat it once a week and perhaps fillet it. If God created any food on Earth -- anything on Earth -- so vital, so abundant, and so free from toxics, chemicals and preservatives, it is ocean fish.

We live here on the shore of New Jersey because of the ocean. Why else would we commute to other cities and then come back to our homes? I grew up on the New Jersey shore every summer of my life, and when I went to the beaches, I played in clean ocean water. It looked like Florida or Georgia. People were happy and their children were happy playing with pails and shovels. Now my children play with tampons and prophylactics that daily wash onto our beaches, and they think this is the way it should be.

The waters off the beaches of New Jersey are brown five out of seven days. I only live 60 feet from the ocean. This is not just in the summer; it continues daily. The water has slime in it. I've

photographed it and have shown pictures of raw sewage floating on top of the water. What comes in now and what came in last week is part of the sludge from the 106-mile site. Let no health officer tell you that this is red tide. My field is science and medicine, but I lifeguarded for all my young adulthood at the ocean. Red tide turns that water red, but what you are seeing coming in is pollution in the form of sewage and possible chemicals that float. If you leave them long enough, the algae will grow. It is not red tide and it is not dinoflagellates. I talk to my friends in the hospitals, and they say people have eye irritations and girls have vaginal irritations and infections. The ears, nose, and throat have prevalent problems.

I think that instead of reiterating what everyone else has said, I will tell you what I think should be done. First of all, the New Jersey State Legislature must act as a unified body and make this a number one priority, because this is the nation's greatest toxic waste dump. No place on earth will more people be affected -- not just in New Jersey, but all the way down the coast to Florida -- because the fish eaten here are also eaten where they migrate, and that is to the Carolinas and Florida. In Florida they say, "Can we eat New Jersey's bluefish?" I don't think they should -- not to the degree it is being eaten now. The New Jersey Legislature must come up with a mandate to the Governor, and the Governor must agree, that we, as the citizens of New Jersey -- not just the Legislature of New Jersey -- find this our premier toxic waste. Probably because of the economics involved, this is the premier problem of the century. It must be handled now. First we must do that, but how can we do that? There is no education regarding this problem.

I suggest that the Legislature -- the Senate and the Assembly -- get together and allocate moneys immediately to Newark Airport and all Port Authority areas which are jointly owned by New Jersey and New York so that they can depict graphic signs with overhead electronic letters that say, "This is your New York Bight." Show pictures of the New York/New Jersey shoreline. Show the children playing. Show the great sewage barges and tankers dumping 12 miles off the coast. Show what the water looks like. Take pictures of the beautiful skyline of

Manhattan and show the sewerage pipes emptying the raw sewage right into the water as construction goes on. Spend the money for billboards. In dentistry they put up signs they say, "If you don't take care of your teeth, and you ignore them, they'll just go away." If we don't take care of our coastline, it will go away.

It is not just the fact that it is an environmental problem. It is a health problem. We live in Ocean and Monmouth Counties, and the people from New York and New Jersey have come to our shoreline all these years because of what we have to offer. They come to Atlantic City because it is closer than going to Las Vegas. People used to come to the Jersey shore because it was closer than Montauk. They do not come here in the same numbers as they did then.

Ignoring the problem, pretending it does not exist, and having a few Congressmen and a few Senators saying a few words to a few people gathered here today will not do the job. You must go back to the Legislature and the Governor, you must unite, and you must say, "This is a problem, and we will go to the President of the United States."

I spoke with Mr. William Ruckelshaus at The Asbury Park Press building on Thursday. I was there by myself because he met with the Editorial Board, and I had just heard he was going to be there. I went into my garden and picked two out of the three biggest tomatoes I could find. They were red and juicy. I went down to the beach, dipped a mayonnaise jar into the water, and it was disgusting. It is disgusting almost everyday. I went to Mr. Ruckelshaus, and I said, "Mr. Ruckelshaus, hi, I am Dennis Sternberg. I am from New Jersey. I've tried to meet with you before, and I have met with other officials. We're doing something here in New Jersey, but here are the fruits of our land. This comes from my back yard, and this comes from my back yard too." His answer was, "Do you fertilize the tomatoes with it?"

I can tell you that the answer to our problem is not going to come from the EPA because we have not opened our mouths wide enough and shouted loud enough to let the nation know that this shining City of New York is a city with a moat of sewage around it. All who live by its shores are affected by it.

We must unite now and make it known at this time of presidential politics -- because both candidates have made it a national issue -- and say, "We have had enough." It is not just resources.

I must tell you about one other thing. I live near Asbury Park. Asbury Park was supposed to go into secondary treatment years ago -- in the 1960's. The Mayor of Allenhurst is here, and perhaps he'll speak to it later on today. Mr. Vacarro can tell you about the mounds and mounds of papers. Mr. Pallone said there is not enough documentation. There is documentation, and it doesn't take a scientist to see that the waters are brown. Asbury Park pumps four million gallons of primary treatment every single day. Do you know what that means? Eighty percent is untreated, and 20 percent is. All of that sewage flows in a pipe 1,000 feet off the beach back into our most populated beaches -- not just Asbury Park, which people have considered a scourge, and they are now trying to rebuild -- but to Allenhurst and Deal, and south to Belmar and Shark River. People can pay their taxes for sewage treatment at the secondary stage in the Town of Neptune, but they still swim in crap. My children swim in it. I am only staying in New Jersey, and I am only continuing to practice in the hopes that the efforts of everyone now will make a difference. If it is not done in the short term, the long term is too long.

Thank you very much.

ASSEMBLYWOMAN FORD: Thank you, Dr. Sternberg. (applause)

ASSEMBLYWOMAN PERUN: Dr. Sternberg, that is the very vigor and passion we need regarding this problem. We cannot discuss this matter as if it were yesterday's cold mashed potatoes. I thank you very, very profoundly for presenting a very vital matter in the manner in which it ought to be given to us. This is not a palatable subject, and it requires that kind of vigorous approach for us to really get moving. Frankly, I think if anyone proposes anymore studies, I am going to get violently sick. I think we have been studied to death. Movement is called for, and certainly, I back up just about everything Dr. Sternberg said. There is an ever-growing and encroaching problem, and it is not confined just to our shores or to some limited area. We

cannot be chauvinistic about where we live. It is not a north problem, and it is not a south problem. It is a universal problem. Thank you very much.

ASSEMBLYWOMAN FORD: Thank you, Assemblywoman. I believe we have a representative here from Congressman Howard's office. Mr. Ruskin, would you like to say something on behalf of the Congressman?

GLENN RUSKIN: Yes, thank you very much. My name is Glenn Ruskin. I am the district representative for Congressman Howard, but I am here today representing Congressman Howard and Representative Bill Hughes, who between them represent virtually the entire New Jersey shore from Sandy Hook to Cape May. The Congressmen appreciate the invitation to appear here today, but unfortunately, they are both precluded from attending. Both Representative Howard and Representative Hughes have been working extensively in several areas during this session of Congress to protect the New Jersey shore from pollution.

Congressman Howard is Chairman of the Committee on Public Works and Transportation, which has jurisdiction over navigable waterways, while Congressman Hughes is a member of the Committee on Merchant Marine and Fisheries, which handles ocean-related subjects. These Committees have been considering the pollution problem with a variety of legislation.

In June, the House passed the Water Quality Renewal Act to authorize the Clean Water Act. That Bill contains a cap on discharge of raw sewage from New York City, which has raised such a fervor. The House has also passed the Water Resources Development Act, which includes a provision that would close the mud dump site for disposal of dredge material from the Port of New York/New Jersey within four years. It would require the Environmental Protection Agency to designate a new site at least 20 miles from shore.

Both Committees have approved the Ocean Dumping Act, which would shut down the 12-mile site for sludge disposal. That bill should be brought to the House floor in September.

It is unfortunate that we have been forced to seek congressional action in all these areas to protect the waters at the shore. It is the price of being located near the intensely developed

area of New York and New Jersey. It is also, however, a result of the inability or refusal of those people in the developed areas who have been producing the pollutants to come to grips with the results of their activities.

We have been faced with a modern version of the Thomas Nast cartoon in which the political leaders of nineteenth century Tammany Hall stood in a circle and pointed to the next person to indicate guilt. Of course, the finger-pointing went all the way around the circle. In this case, each of the polluters points at a different type of pollution that is allegedly to blame for the pollution in the New York Bight. The dredge material dumpers blame the sludge dumpers. The sludge dumpers blame the raw sewage dumpers. When we attempt to cut off the raw sewage discharges, we are told the problem is the combined sewer overflow. When we want to close a sludge dump site, we are told by New York's Environmental Commissioner that sludge dumping does not pollute the ocean, but raw sewage disposal does. When we attack raw sewage dischargers, we are told they do not affect the quality.

The consequence of this type of obstruction is that we are forced to deal with all these pollutants in an atmosphere of confrontation. The atmosphere of confrontation is truly unfortunate. The New Jersey/New York area is one interdependent economic region and falls together. The hostility that has existed on this issue in recent months does not help us move together to cope with the significant economic environmental problems of the whole region. A healthy and vibrant shore is good for the people of New York, just as the blooming Port of New York/New Jersey is good for the shore. Unfortunately, we are focusing on how to stop New York's raw sewage discharges over the City's vehement objections.

First, let me provide you with more detail on the status of the Raw Sewage Amendment in Congress. Congressman Howard first made public his intentions to offer such an amendment in March. Several weeks later, Mayor Koch came to Washington to discuss the amendment. As a result of that meeting, a series of negotiations were begun that were conducted in good faith by both sides. The talks, however, did not produce an agreement. From Congressman Howard's point of view, the



talks failed because New York officials refused to accept any amendment that did not specifically exempt New York from its conditions. They claimed that any amendment, however modestly and narrowly drawn, would have a chilling effect on investment in New York and result in the loss of jobs. At that point, New York began an intense campaign to defeat the amendment. Mayor Koch held a news conference in City Hall the day before the Water Resources Subcommittee markup. He staged a rally with Senator D'Amato at Battery City Park before hundreds of construction workers. Senator D'Amato and Senator Moynihan held their own press conferences on the issue. Frankly, we were shocked by their action. Congressman Howard believed that the amendment was not one that would have caused undue hardship in New York, nor should it have induced the reaction that it did. The question he asked at that point was, "Does New York intend to live up to any of the court orders that it had accepted?" The excitement over this modest amendment made him believe that the City has no such intention.

Despite the opposition from New York members, the amendment passed the Public Works and Transportation Committee and full House without a recorded vote. The final version of the amendment would place a cap on raw sewage discharged by New York as of March 15, 1986. The cap would be determined by taking 30 times the average daily discharge over a 12-month period prior to May 15, 1986. The amount could not be exceeded in any 30-day period after March 15.

The burden imposed by this amendment did not appear onerous, and the amendment did not compel New York to stop discharging immediately as other municipalities must do, and all in New Jersey have done. It does, however, place New York on notice that there will be no more delays if the City fails to comply with the current consent order that requires advanced primary treatment at the North River Plant by August 1, 1986. City officials claim the North River Plant will be on line in November, 1985. By meeting this schedule, New York City would comply with the Congressman's amendment.

After Congressman Howard was called petty, mean, vindictive, discriminatory, and many other names by the top elected officials of New York, he certainly has questions about whether New York truly intends to meet that deadline.

The Senate version of the Clean Water Act Reauthorization has been reported out of the Senate Environment and Public Works Committee and has been cleared for floor action by all but the New York Senators. Even though the Senate bill does not contain a raw sewage provision, they want an agreement from Congressman Howard to drop the provision in conference before they will allow the bill to go to the floor. Blocking the Clean Water Act over this amendment does not indicate confidence on the part of the New York officials that they will meet the deadline.

There is some dispute on how much sewage New York City discharges each day. The City admits to 220 million gallons daily, but EPA officials have indicated that the total may be somewhat higher. To give you an idea of how much sewage that actually is, I will quote from Congressman Howard's June 26 floor statement in support of his amendment. He said, "Two hundred and twenty million gallons is enough to fill a football field in the Meadowlands Arena to a height of 67 stories high -- two-thirds the height of the World Trade Center." That is 12 square miles to a depth of one-inch thick each day. At this rate, if New York City did not want to treat, but keep its entire raw sewage, it would cover the entire City -- all five boroughs -- in one month. We face a problem of incredible magnitude. New York is, by far, the largest discharger of raw sewage. While there are other communities that discharge raw sewage, none of them are of comparable size. According to EPA records, the one discharger of raw sewage in New Jersey -- Washington Borough in Hunterdon County -- discharges from an area covering 50 homes.

The point that New York City officials failed to understand in our long series of negotiations was that jobs in New Jersey and the shore are just as important as those in New York. They cited the potential loss of jobs in New York because of the chilling effect, but they would not acknowledge the effect on the recreation and tourism industries at the shore of a line that reaches almost the entire length of Monmouth, according to the National Marine Fishery Service Laboratory at Sandy Hook.

With the Raw Sewage Amendment and the efforts on sludge dumping, Congressman Howard and Congressman Hughes have accomplished one important goal. They have gotten the attention of the New York City officials. These officials now know that there cannot be anymore delays or anymore stalling. They realize that they must take specific action and meet certain deadlines, rather than think of the New York Bight as the city's waste disposal area.

First, they must plan to build their treatment plants to secondary treatment as every other municipality is required to do. This point is significant because New York's intent on this issue has been opened to question.

Second, raw sewage discharges must be eliminated. The New Jersey shore has been requesting this for 49 years, and it is time it happened.

Third, land-based alternatives for disposal of the sewage sludge from the treatment plants must be explored, rather than to continue efforts to delay the shutdown of the 12-mile site.

In his floor statement on the Howard amendment, Congressman Hughes said, "We have created a literal cesspool off our beaches." The recent activity, however, should make New York officials aware that Congressman Howard and Congressman Hughes will not hesitate to use their influence in Congress to clean up that cesspool.

There is little doubt that the New York Bight apex is one of this country's most severely degraded coastal areas. The long-term disposal of waste material in the Bight has resulted in elevated levels of bacteria and viruses and increased levels of pathogens, toxic metals, and other organohalogens in these waters. Contamination in the area has resulted in a large portion of the Bight Apex being closed to shellfishing by the Food and Drug Administration. Commercial and recreational fishery resources in adjacent waters have been seriously impacted, causing economic harm to the region's multi-million dollar fishery industry.

It should be clear that the New York Bight Apex has reached its capacity to assimilate the large amounts of waste materials that find their way into the area. Scientists have reported serious

sublethal effects, including bioaccumulation and changes in community structure. Fin rot, gill erosion, skin tumors, parasite infestations, microbial infections, chemical contamination, and developmental abnormalities are rampant in fish and shellfish inhabiting the area. New Jersey officials have repeatedly expressed concern over the high levels of PCB's that have been found in several species of fish taken from coastal and estuarine waters in the area, including popular commercial and recreational species such as striped bass and bluefish.

The people who live, work, and vacation along the New Jersey shore know the importance of protecting the quality of our coastal waters and marine resources. Coastal communities depend on clean water and clean beaches, and our region's billion dollar recreational and commercial fishing industry is based on healthy fishery resources and the integrity of the marine environment. We cannot afford another oxygen depletion event similar to the one that occurred in 1976 before we take the necessary steps to eliminate the disposal of municipal waste material in our coastal waters.

Before his death, Congressman Forsythe worked with Congressman Hughes and Congressman Howard in developing a legislative proposal to phase out sludge dumping at the 12-mile site. The legislation also provides for the development of a comprehensive plan to improve the water quality of the area by addressing the broad range of pollutant inputs, including the discharge of raw or partially treated sewage, the disposal of dredged materials and industrial wastes, and urban and agricultural runoff. In addition, the legislation requires that municipalities that ocean dump after December 31, 1986 be in compliance with the Clean Water Act's pretreatment requirements, and that the EPA consult with the states to determine whether appropriate land-based alternatives are available. The legislation was recently approved by the Committee on Public Works and Transportation, and will likely be brought before the full House of Representatives next month.

It is critical that we reduce the overall contaminant loading from sewage sludge dumping, raw sewage discharges, storm sewer overflows, urban runoff, and dredge disposal in the area. At the same

time, we need to develop a long-term management plan to make certain that the quality of the region's coastal waters is restored to the maximum extent practicable.

Eliminating the discharge of raw sewage into the Hudson River and closing the 12-mile site are necessary steps in this process. As new treatment facilities come on-line, however, the volume of sewage sludge will only increase, making it imperative that new and innovative alternatives for the disposal of municipal wastes be implemented. At the same time, the Army Corps of Engineers needs to step up its efforts to find suitable alternatives for disposing of contaminated dredge materials, and to find an alternative dredge disposal site that is safer than the current mud dump site.

This Committee and the entire Legislature can plan an important role as well. There are many communities in New Jersey that need upgrading of their sewage treatment plants. This Committee must take steps to ensure that the necessary action is taken to improve those plants and reduce the pollutants being discharged. The House version of the Clean Water Act contains an additional \$19 billion over four years for construction of sewage treatment plants. That money, however, is opposed by the Reagan Administration and is not included in the Senate bill. It would be gratifying to see Republican support for this initiative in a state where this issue is so pressing.

Increased efforts by New Jersey to control its own pollutants would not only improve the water quality in the New York Bight, but it would allow us to approach New York with clean hands when we demand action on the sewage and sludge issues.

To close, I want to once again express the regrets of Congressman Howard and Congressman Hughes at not being able to be here. There is no issue that is more important to the New Jersey shore and to which they have devoted more time.

Thank you very much. (applause)

ASSEMBLYWOMAN FORD: Thank you, Mr. Ruskin. I see that we have former Senator Brian Kennedy here. Would you like to testify at this time? (affirmative response)

**SENATOR BRIAN KENNEDY:** Assemblywoman Ford, I want to thank you for the opportunity of allowing me to testify this morning. I think it is great that the Assembly Committee on Energy and Natural Resources is holding this public hearing on a subject that is of the utmost importance.

I want to specifically talk about New York City and the dumping of raw sewage. While we are meeting here today, New York is dumping 220 million gallons of raw sewage into the Hudson and East Rivers. Many New Yorkers literally flush their toilets and the raw sewage is dumped into the New York harbor.

This past Saturday, one of my staff traveled to New York City and obtained this water sample from the Hudson River. (Demonstrates by holding up a jar of water) Just take a look at this. This is the raw sewage. It is hard to believe in 1984 this is actually happening. I have a second water sample taken last weekend from the Mantoloking River in front of the outfall from the Ocean County Utilities Authority. (Demonstrates by holding up another jar of water) Look how clean that is.

This raw sewage works its way down the coastline and contaminates our beaches and our offshore waters and affects our fishing. What we must do, frankly, in my humble opinion, is we must demand that the dumping of raw sewage by New York City stop and stop now. We just cannot tolerate this any longer. It never should have been allowed in the first place. Frankly, I must criticize Congressman Howard, who has represented the shore district for the last 20 years, for his inaction in allowing this to continue.

This problem of dumping raw sewage must be solved and it must be solved now -- today. When I look at the proposed solutions, I really become concerned and somewhat frightened because, let's face it, the solutions being proposed are no solutions at all.

The newspapers have been filled with stories about Congressman Howard and his amendment to cap the amount of raw sewage dumped by New York City and of the opposition of Congresswoman Geraldine Ferraro who wants New York City to continue to dump, as it pleases, the raw sewage into the East and Hudson Rivers. At first

glance, one might think that there is a real difference in the position taken by these two, but that is not so because a careful study of the Howard amendment to cap the flow of raw sewage is really, in my opinion, just a farce. Here is what the Howard amendment does. His amendment says that New York City can continue to dump the present amount of raw sewage, plus any additional sewage from those new buildings now under construction, until March of 1986.

When you take into consideration the estimates for the new buildings to be constructed in New York City between now and March of 1986, it is projected that the amount of raw sewage dumped into the Hudson and East Rivers will increase from 220 million gallons daily to 310 million gallons daily, or from 80 billion gallons per year of raw sewage to 113 billion gallons per year. Can you believe this? I ask everyone here today, what kind of a solution is this? This is why I have labeled the Howard amendment, frankly, a farce. When you actually stop and think about it, Howard and Ferraro are in complete agreement as to what happens between today and March of 1986. There is no difference in their opinion. They agree. The raw sewage will continue to flow for another two years. Not only will it continue to flow, but the volume will increase, as I said before, from 220 million gallons to 310 million gallons on a daily basis.

Mr. Ruskin, who spoke before me, pointed out, how much of this raw sewage, on a daily basis, could come up the Meadowlands. He went on to say -- if I heard him correctly -- that over a month's period of time enough raw sewage is dumped to cover the five boroughs. And, I believe that. That is why it has to stop, and stop now, and not continue for another two years. Are we crazy?

In March of 1986, the caps go into effect. Big deal! Now what is supposed to happen at this point in time is as follows: New York City is supposed to complete the construction of two sewer treatment plants, and these two plants are supposed to treat the raw sewage that we have been talking about. Our troubles are not over because very few people seem to realize, or at least they gloss over it very quickly, that when these two plants do become functional, they will provide only primary treatment, which is the most primitive method

of treating raw sewage and the method that only removes 30% of the pollutants. The doctor said just 20%. I don't know, but certainly not more than 30%. So after all is said and done and we finally have the plants on line in 1986, the effluents dumped into the Hudson and East Rivers will be 70% polluted, instead of 100% polluted.

Now I ask you, what is going on here? The solutions are no solutions at all. We here living at the shore are the ones who will suffer for this.

We must stop this flushing of raw sewage and we must stop it now. Instead of allowing this flushing to continue, which is basically what Congressman Howard is proposing, I believe that all new construction in New York City should provide its own package sewer plant. The technology is there to do this, and the cost of installing such a system is not prohibitive. The cost of construction in New York City today is approximately \$150 per square foot. The cost of installing this package plant would add approximately \$3 to \$4 to the construction cost. These package plants, when installed, would provide primary treatment, which, as we all know, is that treatment which removes approximately 85% of the pollutants. It treats the sewage at its source. This can be done now, and it is so much better than what either Congressman Howard or Congresswoman Ferraro is proposing.

Madam Chairwoman, thank you very much for allowing me to testify here today.

ASSEMBLYWOMAN FORD: Or Senator D'Amato, Senator, in all fairness.

SENATOR KENNEDY: Pardon me?

ASSEMBLYWOMAN FORD: Or Senator D'Amato.

SENATOR KENNEDY: That's right. They can all be wrong. We here are concerned about the shore. I don't care if you are Republican or Democrat. You have to do what is best for the shore. I think D'Amato is wrong. I think Ferraro is wrong. I think Congressman Howard is wrong too.

ASSEMBLYWOMAN FORD: Thank you, Senator.

SENATOR KENNEDY: Thank you.



ASSEMBLYWOMAN PERUN: Senator, in your reading of your statement, I think you made an error. You said the package plants would provide primary treatment; you meant secondary.

SENATOR KENNEDY: Oh, I'm sorry. Thank you, Assemblywoman for clarifying that. The beauty of the package plant is that they will provide secondary treatment, which, of course, is not what New York City is talking about. How they will allow these two plants that are under construction now, in New York City -- at least two plants, one on the East Side and one of the West Side-- They are supposed to come on line in 1986 sometime. How they can allow them to come on line and provide only primary treatment is beyond me. It is totally beyond me.

ASSEMBLYWOMAN PERUN: Thank you, Senator.

ASSEMBLYWOMAN FORD: Thank you, Senator.

Is Mr. Kennedy here on behalf of Assemblyman Hendrickson?

TOM KENNEDY: Madam Chairwoman and ladies and gentlemen, it is unfortunate that this meeting is held at a time when Assemblyman Hendrickson and many of his colleagues are not able to attend. I don't think anyone in this room feels that the concern of our Assemblyman is not there.

I have a prepared text which I will forward to Assemblywoman Ford. I think that we have heard from many, many experts this morning. I would like to digress for about a minute and a half. We have in this room my mayor, George Tompkins, Lavallette's mayor, Ralph Gorga, and a couple of moments ago, we had Dover's former mayor. They are the people who bite the bullet everyday.

Two weeks ago sewage washed up on the beaches of Seaside Park and Island Beach State Park, identified as coming from the City of New York. Twenty years ago, or better, the State of New Jersey, in her infinite wisdom, passed the 1958 Water Bond Act, which built the reservoir systems in North Jersey. Part of that money was \$5 million earmarked for various studies. For at least the first 10 years, that money was not used to study the flood problems in North Jersey which confront us today.

I look around and I can see Dr. Winkler and many others. For 20 years we have stood, sat, and listened, and for 20 years or better,

that raw sewage has come out of New York onto our beautiful beaches. In Ocean County -- and the mayors realize this -- everyday there is a call from our constituency about the moneys spent to control the problems within Ocean County. And yet, the City of New York, for 20 years or better, can go on and on and on. It's time, as the Assemblywoman said before, that studies really are over. It is time for action, or there will be no beaches. There will be death on those beaches; it will be an economic death which we will never recover from if we don't do it now. Not next week or two years from now, but now. The only way it can be done is for Congress to legislate and to take Mayor Koch and his group to Washington, no matter how or where, and say, "You have to do it, and you have to do it now." Thank you.

ASSEMBLYWOMAN FORD: Thank you. Could you just introduce yourself for the audience.

MR. KENNEDY: Tom Kennedy. I work with my mayor, George Tompkins, and as an aide to Assemblyman Jack Hendrickson.

ASSEMBLYWOMAN FORD: Thank you. Mr. Kennedy, can you bring back to the Assemblyman, that, had I received any phone calls, we would have tried to reschedule the meeting, but in the absence of any such request, I had no other alternative but to proceed with it as scheduled.

MR. KENNEDY: What we are trying to say, obviously, is that we are as concerned as anyone is.

ASSEMBLYWOMAN FORD: And I appreciate that.

Is Derry Bennett still here? Would you like to come forward?

**DERRY BENNETT:** Assemblywoman Ford, my name is Derry Bennett. I am Executive Director of the American Littoral Society at Sandy Hook. I am testifying today on their behalf and on behalf also of Clean Ocean Action, a coalition of which we are a member. We are deeply concerned about pollution off our coasts.

I have a number of documents which I would like to leave with you, such as xeroxes of reports and copies of things that essentially provide some factual information. I would like to make four brief informal points now.

First of all, thank you very much for having the hearing and gathering people together to go over some of the facts we might have heard before. We may begin to think of things we can do, rather than listening to the problems that we have.

We have been working on this issue since the mid-seventies after the fish-kill that took place over the fourth of July weekend.

I would like to make just a number of points. First of all, the major source of pollutants to our shore is from the material that is washing out of the metropolitan area and not from the dump sites. The flow from metropolitan New York and New Jersey, called the Hudson/Raritan plume comes out of the harbor and then hugs the New Jersey shore. It does not go straight southeast and does not go east along Long Island, but primarily comes down along the shore of New Jersey. One of the documents that I am going to give you today, on page 19, it shows that series of salinity graphs so that whatever is happening that is bad up in the urbanized areas is coming down and hugging our coast more than it is the other coast.

The impact of that is really twofold. First of all, the water quality of the surf in New Jersey is not as good as it should be. It seems to pass EPA tests, so that essentially what they are saying is that you won't die if you swim in the water today.

There is another problem, and that is the perception that the water quality off the New Jersey coast is bad. This perception is certainly prevalent among people. The perception is true. It is not a killer tide, but it is certainly less than a perfect environment for people's recreation.

There is a serious impact of water quality on the commercial fishing industry in New Jersey. I want to submit to you testimony that was provided by Eric Kelman on behalf of Clean Ocean Action before the Subcommittee on Oceanography hearing on Congressman William Hughes' HR-4364, the Ocean Dumping Act. What he says, in part, is: "One of the problems that we as fisherman encounter as a result of dumping is that slime forms. In recent years this slime has become extremely thick within what has been some of our best fishing grounds and is moving southeasterly covering more and more of these grounds. I have

found traces of this slime in our nets as far as 70 miles offshore. The slime is a combination of natural mud bottom, human hair, fibers from sanitary napkins, and varieties of treated sewage, and has a remarkable ability to entwine within our nets, often heavily enough to reduce their working efficiencies, sometimes up to 100%." He goes on in some detail, but I will leave that here. It is good information.

The points that I want to emphasize are, first of all, as you have heard before, this is not a New York problem or a New Jersey problem. It is a problem of both states. I am submitting documents today that show a comparison of some of the treatment of New York and New Jersey sewage along the waterfront. The examples that I am submitting show that Perth Amboy, Hoboken, Woodbridge, Carteret, and Kearny, the B.O.D. -- the biological oxygen demand -- of those treated sewages is more, on average, than the untreated sewage from the North River plant. There is a difference here, and that is that the North River plant which is not a plant now -- it is a site -- is discharging 150 to 200 million gallons of raw sewage a day. These other plants are discharging 3.5, 14.8, 4.2, 3.5, and 2.6, so that their volumes are small. Their New Jersey treatment is decreasing the B.O.D., not as much as the raw effluent from the North River plant. It is not fair to say that New Jersey is up to snuff, everything is going fine and let's sink New York because they are bad guys. We are in this together. There is plenty of blame to pass on both states.

Secondly, I think it is important to realize that this is not a Democratic or Republican issue. If there is one thing that this Committee could take back to Trenton, and maybe pass on to Congressmen and Senators also, is that it is becoming less and less becoming for them to yell at each other about who is on first and who is winning. In many cases the people are far ahead of the representatives. I think many of the people in New York and New Jersey are ready to get something done and less ready to hear somebody in one state say that someone in another state is a bad person. I think that may be something that your Committee can work on. I would also suggest that the New Jersey State Delegation make overtures of some kind to your cohorts in New York and see if we can work that way. Maybe before you

get mad at each other, you can start working together and have cooperation before your positions get too solid. It is a regional problem; it needs regional attention. If it is done that way, I think everybody wins. I have the documents which I will pass on to you, and if you have questions about them, you can certainly ask us.

ASSEMBLYWOMAN FORD: Thank you.

ASSEMBLYWOMAN PERUN: Thank you.

ASSEMBLYWOMAN FORD: Is Eugenia Flatow here? (affirmative response)

**EUGENIA FLATOW:** My name is Eugenia Flatow. I am from the Citizens Advisory Committee on Environmental Policy in New York City -- the big bad New York City. I have been at this for 30 years. I was chairman of a community planning board when North River was proposed, and we held it up because it wasn't even a Federal standard then. We refused to allow it to proceed until it became a secondary plant. I chaired a multi-consortium of all of the environmental and community board people in New York during the entire 208 study. I am an engineer. I have been at this a long time. In those days, when dredge spoil was 10 times as much as sludge, you couldn't get anybody to talk about what the dredge spoil was doing.

Furthermore, I will make you a little bet; I bet you North River will be finished before the election in 1985. So what? Do you know how much goes out from our combined sewer overflows? The problem is just not that simplistic. Stopping the raw sewage is important, but the truth is that a coordinated approach to the entire degradation of our Bight and our waters is the only thing that is going to make a difference.

California has had an institute for 12 years, and they get a \$1 million dollar budget, a lot of it from EPA. We have to start working together. There is a committee in the New York Legislature called Science and Technology. Unfortunately the chairman has a primary, so I don't know exactly how that is going to come out, but there are some good members on it, and I think they would be delighted to meet with you, so that we can put together the kind of concerted action that fuses our universities: our civic action groups, who have

been the most vocal and the most hard-working and who keep people's feet to the fire; and our Congress people. We have been working with Cindy Zipf from Clean Ocean Action. If they move to the 106-mile site, what are they going to do to restore the Bight? What are they going to do with the mud dump? What standards do they have for that? Are they talking to each other?

They have a committee on the Bight, and Larry will forgive me, it's all governmental officials. I think it needs a few public officials who come from the public sector, from the citizens group, and from the people who care very strongly about this, to point them at what it will take, number one, to dramatize the problem. I agree with the doctor; people really do not know.

Secondly, there are a great many universities. My husband teaches at N.J.I.T. I have worked with all the universities in New York to try to get a certain amount of coordination of what they are doing. We know an enormous amount about certain things that degrade our waters, and we know almost nothing about some of the other things that are critical in our pretreatment approaches. We need to have a place, not that does the research -- let the researchers go on doing that -- but we need to have a place where we can put all of that and review it and decide whether we know enough. I listened to the Congressman. With all of the great technologies, New York City doesn't have enough land area to put its sludge on land for very long. The energy it would take us to de-water our sludge would absolutely nullify the use of it as a fuel alternative.

I personally am working with the City and saying, "If you are going to build 14 plants -- and God knows it they ever will -- for resource recovery for our solid wastes, make sure they are designed so they can handle sludge because, if by then, we find out that the best thing to do is to burn it or to use pyrolysis or something like that, let's have a place to do it; let's have a way to do it." We are working at the community level, and I would like to send you some information and get some from you on what we can do to thread together those three major actors: the elected public officials in both New York and New Jersey, at the local, state, and Washington level; your

major civic action groups, that includes what we call community-board meetings and what you may call them township meetings; the researchers, whether they be in EPA or in NOAP or wherever they are; and the universities. Let's have a series of meetings leading up to what is the state-of-the-art -- what do we know and what would make a difference? Let's go to EPA and let's go to Coastal Management, which I have already done, and say, "We would like you to fund the kind of Bight Institute here in New York and New Jersey that can be working on how to restore our Bight, how to find alternatives to what we are doing in dumping, and how to learn what we need to know and how to handle it." I will pledge my support to get New York together, if you can get New Jersey together. Thank you.

ASSEMBLYWOMAN FORD: Mrs. Flatow, for your information, we have extended an invitation to hold one of our Committee meetings in New York City with the idea that it would permit us to connect with the local officials and get the perspective from their angle. We will use your suggestion and extend the invitation to the committee that recommended this.

MRS. FLATOW: I will be glad to do it. I would like to be sure that that becomes as meaningful as possible.

ASSEMBLYWOMAN FORD: Thank you very much.

MRS. FLATOW: Thank you.

ASSEMBLYWOMAN FORD: And thank you for making the trip down. Mayor Morachnick from Aberdeen Township.

MAYOR BURTON MORACHNICK: Madam Chairwoman and guests, I had a number of notes this morning and as I sat and listened, I threw them away. I don't mean to be repetitive. I heard a lot of interesting things; you can get a lot more by listening sometimes. Two things got me a little upset this morning. I'll be very honest. One was the obvious attack on one another, by Kennedy, in all due respect, going after Jim Howard or Geraldine Ferraro. That's not the answer to our problem. Working together is a little better answer to the problems that we are having. I look at New York pleading poverty because of having to treat their sewage. My answer, of course, is don't sell me horse manure and tell me it is ice cream. That is what I am getting at.

I look at the problem of taxing the citizens of New Jersey. That, in particular, I can speak about. We are engaged in a multimillion dollar restoration of the beach area. I will tell you that I have trouble justifying bonding, and paying for this bonding through taxes, because we are going to restore the beaches and build a nice clean area, so that we have this magnificent cesspool in front of our beach area.

If we are looking for EPA, DEP, and all these other organizations to help us resolve this problem, I am going to be honest and tell you we are crazy. We are not looking to a very simple solution. It is almost childish. New York, the Federal government must prohibit you from dumping. A moratorium right now. We would never allow in the State of New Jersey a developer, a builder, or a municipality to construct residences or industrial complexes if they didn't first have the ability to handle the sewage. That is a fact. Why is it allowed here? I heard someone say that this is not a New Jersey problem. That is correct. Any state in this union that thinks that it is safe from this is crazy. What is the guarantee that any state will not be granted a moratorium against their building anything for awhile? It happened to New York; it can happen anywhere. New Jersey happens to be in the forefront right now. Other states should be jumping on this to prevent it. Anything that you can cure for money is cheap. Anything. The Federal government pumping hundreds of millions of dollars into the New Jersey shore is worthless if New York has the absolute ability, in one day of dumping their raw sewage, to destroy everything we are looking to build.

I listened to some of the remarks made about the 106-mile. It is absolutely crazy. It is a short stopgap. We shouldn't be dumping in the ocean at all. The problem with any of this is that it is short-sighted. Someone said that New York may not have the ability to treat their sewage. They may not have a place to burn it. You know what? Then you just don't build anymore. That is really what it is all about. If you have used up your land, that's it.

The Federal government has the answer. When we had a serious problem in this country with the greatest killer of youth, which was



drinking and driving, everybody got upset at that and started yelling on a state and Federal level. How did they solve it? Very quickly, when they really wanted to. They turned around and said, "You conform to the uniform driving and drinking age in the country or you don't get Federal aid for your highway act." What I am proposing for a solution is, on the Federal level, they do exactly that. Introduce legislation that says, "New York or any other state, if you can't observe the Clean Water Acts, then you will be penalized by not getting any Federal aid." Thank you very much for the opportunity to express this.

ASSEMBLYWOMAN FORD: Thank you. Is Mayor Gorga here? (present in audience, but requests to speak later in hearing) Do you want to wait awhile? Okay.

Is Dirk Hofman from DEP here?

**DIRK HOFMAN:** Assemblywoman Ford and Assemblywoman Perun, with me today is Larry Schmidt, who is the Director of our Planning Group, and Bruce Freeman, who is our Marine Fisheries Manager. You have all three of us listed on the agenda. I will be making the statement for the Department, and then all three of us will be available if you have any questions following that statement.

The Department very much appreciates the opportunity to address this Committee, and we thank you for your initiative in this area.

New Jersey coastal waters support our second largest industry, tourism. But, New Jersey's coastal waters are also the ultimate repository for almost every conceivable type of pollution that man's activities generate. Treated, partially treated, and untreated sewage, industrial waste, garbage, and polluted runoff from the urban areas and farms in the immense drainage basins of the Hudson, Hackensack, Passaic, Elizabeth, Raritan, and Delaware Rivers are inevitably funneled into our bays and oceans.

In the immediate New York/New Jersey metropolitan area, inadequately treated sewage, raw sewage from combined sewer overflows, industrial waste, and contaminated runoff from cities and landfills surrounding the New York harbor complex greatly exacerbate the already poor quality of water draining from the uplands. New York City alone

discharges over 1.5 billion gallons of treated and untreated sewage a day into the harbor, and New Jersey adds an additional 500 million gallons of treated sewage. When viewed along with all other sources of pollution in the total regional drainage system, one can begin to appreciate the enormity, complexity, and importance of this problem.

But what are the effects of all this waste on the coastal water resources? First, I must note that it is fortunate that the ocean has great resilience with respect to its ability to assimilate certain wastes. Our tidal rivers and bays, however, have a much lesser capability. All have a limit in just how much waste can be accepted while still maintaining the standards for water quality which we set to protect and maintain for the uses of the waters.

Our tidal and coastal waterways are a system under stress. Bacteria from sewage discharges still impact our beaches along many of the bays and rivers. Large areas of our shellfishing waters are closed or restricted for harvesting due to excessive bacteria levels. Nutrient overenrichment from waste water and runoff causes blooms of detrimental algae commonly referred to as "red tide." This can result in aesthetically unpleasant swimming conditions and cause irritation to bathers; it also causes a toxic condition in fish and shellfish. This occurs most frequently in our northern coastal waters. Oxygen levels in the water are depleted, and aquatic life dies over large areas. This happened in the summer of 1976, and this possibility still exists today for reoccurrence. Toxic substances are being detected in our fish, necessitating the issuance of public and commercial fishing warnings on consumption. Most recently, our efforts in the Newark area discovered dioxin in the tissues of fish and shellfish taken in the lower Passaic River, the Hackensack River, Newark Bay, Kill Van Kull, and the Arthur Kill. Here, through a remediation of the source of the problem we hope -- that is, we hope -- these levels will be controlled over time. This situation is similar to actions we can take with other identified sources of contamination.

Our understanding of what is happening in the coastal waters is still in an evolving stage. For instance, our intensive water monitoring programs have only been fully operational since about 1977.

However, this has not prevented us from aggressively pursuing cleanup of our waterways. A recent report prepared by the Division of Water Resources assessed the progress on a statewide basis that was made in water pollution control since the passage of the Federal Clean Water Act in 1972. The investment which coastal communities have made in secondary waste-water treatment has materially improved both ocean and bay water quality. Other areas where our collective efforts on the coast are taking shape and beginning to produce some favorable long-term decisions are described as follows:

1. The State's ocean management strategy involves a program to remove sewage sludge generated by the current ocean dumpers to the 106-mile site. Although a multi-year schedule is anticipated, both EPA and the State are committed to this action. The aesthetic and substantive water quality impacts from sludge can be directly improved when this decision is fully implemented. We also have recommended the preparation of a regional multimedia assessment to determine if there is an environmentally preferable long-term disposal method to terminate ocean dumping in favor of land-based alternatives.

2. The State has been working with both the Corps of Engineers and the EPA to address the management of ocean disposal of dredged material. We were successful in getting a commitment from EPA to study the relocation of the current site to a more environmentally acceptable site further offshore. We are also looking to the Corps to find non-ocean disposal options for certain categories of dredged material.

3. Improved New York City waste treatment for their raw discharge of 220 million gallons per day is closer. Congressman Howard's amendments to the Clean Water Act memorializes what New York City has committed to: Elimination of the raw discharge by 1986. Subsequent steps to the New York program are expected to result in secondary treatment facilities by the early 1990's. Public and legislative actions share a large measure of the credit for these results coming into place. The coastal waters, particularly the northern coastal waters will benefit as New York City's treatment improves.

4. The Federal legislative loophole concerning marine discharge waivers in the New York Harbor is slowly being closed. The misapplication of this concept is being corrected legislatively through an amendment to the Clean Water Act. The amendment will eliminate estuaries like New York Harbor from consideration under the program. That program is normally referred to as a 301H program, in case that may ring a bell to you. New York City has already withdrawn five of the six marine discharge waivers which they had sought and are unenthusiastically pursuing a Newtown Creek waiver. New Jersey communities in our district have, for the most part, exercised good judgment by not applying or by withdrawing their applications for waivers. Only Jersey City East and Passaic Valley, of our larger system, remain under consideration. Passaic Valley is not looking for a total exemption; they are just looking for a seasonal exemption. The incomplete data we have does not support a positive State action on these applications, obviously a regulatory prerequisite to any Federal action.

5. Shellfishing in coastal waters has been a major consideration in the last year. Through combined State and local legislative efforts, increased enforcement has resulted in greater protection.

From a water quality standpoint, ocean and coastal waters have improved significantly in the last decade due largely to improved sewer treatment along the New Jersey coast. A total of 22,000 acres, a small but positive step, of ocean water has been upgraded for shellfishing as various New Jersey regional waste facilities have come on line.

Just last week 9,700 acres in Raritan Bay were opened for depuration and relay programs based upon positive results from the monitoring of heavy metals.

This effort will continue in the future as we routinely monitor and evaluate the water quality in our bays, estuaries, and ocean.

The success reported must be considered alongside those areas which need additional work. This obviously is the main reason why you

are here. There are several keys to future action to improve the coastal waters.

1. Combined sewer overflow must be addressed in both New York and New Jersey, but to date, progress has been very slow because of the complexity of the problem. It would require the complete rebuilding of our infrastructure at a time when we cannot even afford to rebuild our own treatment plants. Every time it rains, tons of pollutants enter the estuaries through combined sewer overflows.

2. Completion of the regional sewage treatment plants in Hudson County, Perth Amboy, Carteret, Woodbridge, South Amboy, Sayreville, and Old Bridge. In addition, Rutherford, East Rutherford, Carlstadt, North Arlington, and Lyndhurst must be upgraded to secondary treatment. These are target enforcement areas that will be impacted by State and Federal regulatory initiatives including a State ban on sewer connections if the permit limits and/or compliance schedules are not met. The responsibility for further inaction will be squarely placed on the backs of those who have shown little or no commitment to meet water quality obligations. This will extend the previous program of sewer bans which previously impacted about 75 communities in New Jersey.

There are currently bills in the Legislature which are vital if we are to make additional progress. I urge you to support legislation concerning the environmental infrastructure trust fund and privatization. Today our priority list includes 284 projects with the present Federal funding levels. We will only be able to fund approximately 20 of them over the next three to five years. This is totally unacceptable if we are to expect improvement in water quality. Passage of these bills will enhance local financial capability to address our pollution control needs over a sustained period. This is something that is sorely missing today from our program. You would be doing the environment and the people of New Jersey a great service if these measures could be enacted in the fall legislative session.

3. Year-round disinfection must be restored. The Interstate Sanitation Commission and its member states, which are New Jersey, New York, and Connecticut, ran a seasonal disinfection experiment which

compared fecal coliform bacterial levels before and after disinfection was discontinued in New Jersey in 1981. The results are clear. Bacterial levels jumped measurably, and as a result, New Jersey closed down for winter harvest 13,000 acres of shellfish waters in Raritan Bay and Sandy Hook Bay. The decision to return to year-round disinfection is being reviewed by ISC, that is the Interstate Sanitation Commission. Your support will be of assistance in returning to a policy that restores shellfish use to portion of New Jersey's waters. I might add here, that on that commission there are three states, and each state has five members. It requires a vote of a majority of each of those five members in order to pass in each one of the states. All three states have to pass it. The five members from New Jersey are fully supportive of a program to restore year-round disinfection. It is my understanding that the five members from Connecticut are fully in support. It is the five members from New York that are question marks at this point in time. But, we consider this an extremely important program that will get back to year-round disinfection. We are also, in the same area, looking at the Delaware, where there has been effort to move to seasonal disinfection. Here again, the State of New Jersey has been fully supportive of maintaining year-round disinfection in that basin.

4. The generic issue of toxins in the environment comes into sharp focus here in Ocean County. Your summer season has been punctuated by a series of events concerning Ciba-Geigy, one of the largest -- if not the largest -- industrial facility in the County. That facility has both ground water and surface water problems resulting from past waste disposal practices.

Also, the Ciba-Geigy site is on the Superfund list. Both EPA and DEP are actively seeking a full cleanup of waste disposal at the Ciba-Geigy site. Through our investigation we have found hazardous waste in drums buried on site. We have met with Ciba-Geigy and are requiring them to develop a comprehensive program that will include the investigation and cleanup of all contamination problems, both past and present, resulting from the operations at that particular site. EPA has assumed the lead for the Superfund investigation. We expect they

will initiate a Federally-funded remedial investigation/feasibility study momentarily. This investigation will determine a cost-effective remedial program to address the contamination on and off site.

With regard to surface water protection from Ciba-Geigy's waste discharge, the New Jersey Pollution Discharge Elimination System (NJPDDES) permit system can be expected to result in an upgraded, stringent permit to regulate discharge to the ocean. We expect a draft permit will be issued within the next few weeks.

A full public hearing will be scheduled on that permit. All comments will be analyzed, reviewed, and taken into consideration through that permitting process. The draft permit will address toxicity concerns about the effluent. It will make mandatory biomonitoring of the effluent for toxicity using an appropriate indication organism. The draft permit will also contain a more comprehensive list of pollution control parameters which they will be responsible for meeting.

The net result will be a permit that achieves water quality standards in the ocean waters. A comparable program is being applied statewide to all industrial and municipal facilities. This program will reduce the public's exposure to toxins in the environment, the number one issue on our environmental health agenda for the balance of the eighties.

I would like to turn your attention to the State's living marine resources -- our fisheries and shellfisheries. These resources contribute employment to tens-of-thousands of our citizens, recreation to more than a million of our citizens, and over a billion dollars to our economy.

Our goal is straightforward; we are committed to clean waters throughout the State. The quality of water in our bays and along our coast directly influences the catching of harvesting of the organisms. As I have already indicated, we have seen the opening of shellfish beds in Sandy Hook Bay after being closed for more than 20 years. In large part this is because of new sewage treatment plants being built in that geographic region.

The movement of the sludge site away from the shore will greatly aid in improving the quality of ocean water and should certainly improve fishery habitat as well as the quality of the fish.

In addition, we are involved in an aggressive program of habitat creation. We feel that our artificial reef program will greatly improve our offshore fishing. These programs coupled with our cooperation with fishermen to market our fish products in our own and foreign countries show positive results and indicate what can be done if the potential of our resources is tapped and our contamination controlled.

We thank you very much. As indicated, the three of us are here to answer any questions that you might have.

ASSEMBLYWOMAN FORD: Thank you, Mr. Hofman. I have a question for Mr. Freeman, perhaps, regarding the fishery's aspect of it; have there been analyses done as to the impact of the disposal practices upon the industry, in terms of dollars, or is it, to date, just a question of firsthand accounts from commercial fishermen?

BRUCE FREEMAN: Unfortunately, it is very difficult to get the firsthand information. The analyses are quite difficult because of many of the problems alluded to today. Most of the information we have is primarily from the accounts we have from fishermen of the problems they encounter. I am sure you will hear from witnesses later on regarding some of the difficulties, not only for the commercial fishermen but for the recreational fishermen as well.

ASSEMBLYWOMAN FORD: To date, where there has been a banning of sale or consumption of the fish, it has been limited to the bay area, has it not? Fish caught in the bay area?

MR. FREEMAN: Primarily, and it is also in the northern part of the State where Mr. Hofman indicated dioxin is a problem as well as some of the other toxic chemicals which have come down the Hudson River. The Hudson River estuaries have a very severe problem.

ASSEMBLYWOMAN FORD: Okay. Thank you.

MR. HOFMAN: We thank you very much. If anything comes up in the future or if you have any questions, the Department would be more than happy to try to respond to those.

ASSEMBLYWOMAN FORD: Thank you for coming down.



ASSEMBLYWOMAN PERUN: Thank you.

ASSEMBLYWOMAN FORD: Do we have a John Tiedermann here, who, I believe, was pressed for time and had to leave? He had a slide show. Is he outside? Did he leave? (not present) He is gone.

Gosta Lovgren. Are you going to include your testimony with the Farm Bureau testimony?

GOSTA LOVGREN: Yes, I will.

ASSEMBLYWOMAN FORD: Okay.

MR. LOVGREN: My name is Gosta Lovgren. I am the Chairman of the Commercial Fisheries Committee of the New Jersey Farm Bureau. I thank you for letting us testify today.

We can tell a lot of horror stories too. I think the thing that should be brought out is that our production has become more and more uneven over the last 10 or 15 years. It is no longer as predictable as it once was. We have experienced probably between 15 and 20 different species of fish that used to be in our area in abundance that we don't see anymore or only rarely see. Some of these fish were of commercial value, some were of recreational value, and some were just sort of nice to have around. We just don't see them anymore. The reason, I think, for that is because of the "smoking room" concept. Fish, such as the tuna fish, porpoises, whales, and things like that, that used to come in our waters because there was plenty of food and the water was clean, don't come anymore. It is an uneven process. Maybe one year you will see a few of them, then you won't for a couple of years. Then maybe you will see them again. We used to see them every year. I can't recall the last time that anyone saw a porpoise, which is a clean water fish, from the beach, for example, or a whale. We don't see bluefish in our rivers anymore. Like I said, there are about 20 of those species that we know of.

There has been in the last 10 years, particularly in the seventies, hundreds of millions of dollars spent to clean up our bays, rivers, and sewer systems; in this area especially we used to have all cesspools, and now we have secondary treatment and that kind of thing. The problem with all of these improvements in our sewer systems is that it doesn't really make any difference from one point of view whether it

is a primary treatment, no treatment raw, or secondary treatment because the end result is there is just the same amount of sewage going in the ocean. The problem is, as you eliminate a cesspool, then you are putting that effluent in the ocean, and we have experienced probably a fourfold increase in the last eight years.

Rather than criticize or say what should be done or things like that, the New Jersey Farm Bureau, on behalf of the fishermen, would like to offer you a proposal. We would like to see an authority, a waste disposal authority formed, that would have bonding power -- revenue raising power. The bonds would be secured by a user fee that all users in the bi-state area would-- It would have to be a bi-state authority, in conjunction with New York and New Jersey. It would provide the cost to go into 106, which we think is an excellent interim measure because it is going to be 10 to 20 years before anything meaningful is done. For at least that time, the near sludge would be removed from our shores. We think also this authority could probably--

It's not in our area, but we think all waste disposal could come under this. To give you an example, a one dollar a week charge per family in the New York/New Jersey area would raise approximately \$200 million per year. That is not counting any offsets that would be obtained from the various technologies, for example, reclamation of water for industrial purposes, sludge for fertilizer, or generation of electricity or anything like. That is just a raw thing, the \$200 million, but I think, it would make some significant inroads.

I think one other thing that is really lacking and which could be done relatively easily and quite possibly by your Committee, is that we need a thorough, in-depth economic analysis of how important the ocean is to the State of New Jersey and to the New York area. This has, to my knowledge, never been done. We have a number of colleges in this State, which I am sure could handle that, through a relatively cheap grant from our Legislature. I think that if we were to have an objective and economic analysis, we would find that the cost of dumping in the ocean, while currently cheap, will probably cost us in the long run five times as much as taking care of it environmentally acceptably.

I think that is about all I want to say right now. We do have some written material on this authority and how we think it should be formed. If you like we can have the Farm Bureau pass it on to your Committee.

ASSEMBLYWOMAN FORD: Thank you.

MR. LOVGREN: Thank you.

ASSEMBLYWOMAN FORD: I am surprised you didn't bring any nets with you this time; I'm disappointed.

MR. LOVGREN: As you know, this is not my first time--

ASSEMBLYWOMAN FORD: (interrupting) This is beyond nets.

MR. LOVGREN: Yes. There are horror stories with my own dock where there are seven or eight boats. We spent \$4,500 just for a machine to wash the sludge out of the nets during the winter months when we worked. I can bring horror stories upon horror stories. I think it is past the point of horror stories. I think it is time for action now. That is why we think we are proposing what we believe is a viable way to combat this problem. As you heard here, there are many departments; there are many interests involved. It would cost Raritan Valley, I understand, \$10 million just in capital funds just to go to 106. For example, the people who are in charge of Raritan Valley are responsible to their ratepayers; they are certainly not going to spend any more dollars than they have to.

You, as legislators, have very real demands on the funds in the State of New Jersey. We have toxic waste problems; we have educational problems; we have welfare problems; we have a lot of problems that have to be viewed, maybe, as more important than something that is a little distant like the ocean. That is why we think that if an authority was formed, or some form of authority that was directly responsible for it and had its own revenue raising ability, it would take that burden off the Legislature and off of these local districts. I really don't think anyone in Ocean or Monmouth Counties would complain too heavily about helping New York City or Passaic Valley or any of those other people from alleviating that problem because it is our problem too.

I just think it is time that we have to take a different approach. The time for studies and all that stuff, I think, is past. Everybody thinks that. I just haven't heard any concrete ways to attack these problems, and I honestly believe this is the only one. Thank you.

ASSEMBLYWOMAN FORD: Thank you.

Stephanie Wauters from Ocean County Citizens for Clean Water.

**STEPHANIE WAUTERS:** As Chairperson of the Ocean County Citizens for Clean Water, I thank you for having this hearing. A need definitely exists for Federal, State, and local environmental protection agencies and officials to receive input from the public. Moreover, it is vital to public health that public input outweigh the input of those being regulated. Our newly-formed organization exists for this very reason. Ocean County Citizens for Clean Water will be an informed, unified voice regarding the purity and protection of the ocean, rivers, bay, and ground water.

We are pleased that Assemblywoman Marlene Lynch Ford, as Vice Chairperson of the Assembly Energy and Natural Resources Committee, is seeking solutions to sewage dumping and its effects. Our sewage or industrial discharges into the waters off of New Jersey must be thoroughly and frequently tested by EPA and the DEP. County and local health departments also have a duty to adequately test the discharges. Fecal coliform counts, while a beginning, are insufficient. Priority toxic chemicals and radioactive tests must also be performed.

The general public is under the impression that they are being protected by appropriate governmental agencies. If we look at the continued New York City sewage and sludge dumping; if we look at the primary-treated sewage that affects only solid matter which is dumped off of Deal and Asbury Park; if we look at dead dogs, garbage, and sewage articles washing ashore and closing Monmouth beaches; and keeping swimmers out of the water off of Ocean County beaches; and if we look at Ciba-Geigy's four million gallons containing toxic industrial chemicals discharged daily, less than a half of mile off of Ortley and Lavallette beaches, then we must inform the public that they

are not being protected. The water we swim in and the seafood we eat are being adversely impacted. Oceans, devoid of marine life, and governmental warnings not to eat striped bass and to limit one's bluefish intake, are simply a few examples.

As a result of the experiences over the past few months for myself and other members of Ocean County Citizens for Clean Water, I suggest the following:

1. Public hearings should not be requested, but required, when a discharge permit is under consideration.

2. A State DEP laboratory be established, totally free of industry, to which materials may be sent which might affect public health.

3. There be no secret elements in discharges. All discharges must be identified and regulated by the DEP. Public health takes precedence over trade secrets. Workers and the public alike desperately need the "Right to Know" law.

4. The DEP develop a more efficient system to answer the public's questions. Either a toll free number or a local office where citizens can receive a rapid response to a question is needed. Rather than the citizens spending hours and a lot of money searching through a maze of departments, a DEP troubleshooter would help.

5. When a potential pollution problem is discovered, the EPA and DEP should act swiftly to thoroughly test for contaminants. In light of Greenpeace divers surfacing from the Ciba-Geigy pipe with jars of thick black material, why hasn't the EPA, why hasn't DEP, why haven't Ocean County officials, and why haven't Dover Township's officials sent divers to collect samples of the effluent which is supposed to be tea-colored and then sent the samples to independent labs for testing? More DEP field agents might be needed to respond effectively to these environmental problems.

And last, but as important, is number 6.

6. More stringent regulations and better enforcement of them by the DEP and EPA are necessary. This involves DEP undertaking more thorough and frequent spot-checking of a plant and overseeing all the plants self-monitoring techniques. Where violations are found,

compliance must be swift or penalties must be imposed that are sufficient to deter further violations.

Environmental issues require a shifting of the burden of proof. Instead of the public having to prove the harm beyond a reasonable doubt, the polluter should prove the safety of his activity. Why shouldn't a polluter, discharging the sewage or toxic chemicals, be made to reasonably dispose of its wastes? Why should the public's health, the fishing industry, and tourism suffer at the hands of polluters? When polluters complain that they are complying with the law, then the problem is with the law that allows them to pollute.

We ask you to take strong action to remedy the pollution of our waters, a problem which affects all of us. Thank you.

ASSEMBLYWOMAN FORD: Thank you.

Mr. Galante, would you like to add anything to that?

**JOE GALANTE:** Thank you. I am on community affairs of several senior organizations. We have had to sit here and listen to candidates and politics. We are having a public hearing here concerning our health and clean water.

To make a point or two or three, I had written in the early seventies to several U.S. attorneys -- the United States Attorneys -- and each time I wrote I always found a different one. Maybe they got fired for some reason. I don't know. Of the 206 United States criminal indictments against the Toms River Chemical Company, to this day, and more than a decade later-- Then I go to the pipeline, dumps, and the poisons, which, as I understand it, are only 100 feet off our shoreline, in what they call a giant cesspool, our ocean.

Since America was born, we have had to have laws for peace, safety, and for our health and welfare. We today are much worse off. We are living over our heads in polluted air, contaminated lands, and worse, poisoned ground waters and poisoned sea waters. They give us one of the main sources of our food chain supply, our fishes. Those who poisoned us are enriching themselves.

Over 30 years ago, I stood on the pier at New York Harbor to check a subway tunnel connection, as an employee of the Transit Authority. I saw several fishes belly up in the waters. That was over 25 years ago.

We do not need any new laws. We have to put long sharp teeth in the ones we now have. The air, the lands, all waters inland, the ocean, and the underground waters belong to all of us, not only to those who are misusing our most precious commodity, water, fresh and salt water. As I said, it contains one of the main sources of our food, our fishes.

It is no wonder there are people who show no interest. They tell me it is a losing fight and why not? Because of past actions and inactions of our most trusted officials, a few of them. The right to know -- for who? Certainly not for us, the people, the taxpayers. With that, I want to say thank you very much.

ASSEMBLYWOMAN FORD: Thank you, Mr. Galante.

We have a representative here from the Monmouth County Planning Board, Sally Mollica, and also the Director of Consumer Affairs, I believe. It is nice to see you again.

**SALLY MOLLIKA:** Thank you. Good afternoon Assemblywomen Ford and Perun. Thank you very inviting us down. At present, I am the Chairperson of the Monmouth County Environmental Council. I have a written prepared statement which is a joint statement from the Monmouth County Planning Board and the Monmouth County Environmental Council. I will leave it for you for your records. I will be brief because a number of the items we were going to bring out have already been brought forth.

Raw sewage is not a new subject to me. I have lived in areas where raw sewage was in our area for the past 15 years. It came down our streets, backed up into our basements, filled up our bathtubs, and drenched our carpets. This is a very small minute problem that our community had to face. It is not as enormous as the problem that we all face with ocean dumping, and I think we are all aware of that.

The Monmouth County Planning Board and the Monmouth County Environmental Council strongly oppose the practice of ocean dumping. We believe that all petitions for further use of the 12-mile site should be denied. The Monmouth County Board of Freeholders is also on record as urging the immediate adoption of alternatives to the dumping of contaminated dredge materials at the mud dump site six miles off of Sandy Hook.

We support identifying acceptable alternatives, promote the recycling of municipal and industrial sludge, and encourage an accelerated and strengthened industrial pretreatment program. These positions have the support of the New Jersey Coastal Counties Committee, a committee of elected and appointed officials and staff from Atlantic, Cape May, Monmouth, and Ocean Counties.

Continued dumping would almost certainly delay the start of the area's recovery, especially with the predicted increase in levels of sludge waste to be generated in the Bight. The problem can best be solved through a coordinated effort by citizens, local State representatives, Congress, the EPA, and the DEP. All 50 states produce sludge, but only 11 dump offshore. Alternatives to this practice do exist. We have to bring them forth and we have to work together. Our environmental council will present to you a number of alternative methods for your document.

Thank you.

ASSEMBLYWOMAN FORD: Thank you very much.

Mayor Tompkins from Seaside Heights.

**MAYOR GEORGE TOMPKINS:** Because the hour is so late, I don't want to bore you with a repetition of what you have already heard. I am just going to give a few comments. I am sorry that my fellow mayors, Len Connors and Jim Mancini from the beach area are not here, along with George Buckwald because they have been very strong on the fight against dumping. I am sure they could offer better advice to the Committee than I can.

I just want to say that some time ago, all the beach areas at Seaside Heights, Seaside Park, Lavallette, Dover Township, and Point Pleasant Beach all had primary treatment plants. We all had lines going out to the ocean. We were told point-blank that we no longer could do that; we were cut off. We had to join the Ocean County Utilities Authority. Both people in my town and the majority of the year-round residents are senior citizens; their sewer bill went from practically nothing to at least a 200% increase. These people are living on fixed incomes. They had a choice to make, either pay the sewer bill or look someplace else to live. These people had a rough



time, and they still have a rough time paying that sewer bill. Every year it seems to creep up and up and up. And yet I hear today about parts of New Jersey that still have primary treatment and don't have secondary treatment.

I hear about New York City dumping raw sewage. I hear people saying, "It's not the major problem." If anyone of us people here had a neighbor that dipped out of the bathroom and threw it in our backyard, we would go over and punch him in the nose. That is what we have to do to New York City. This business of being nice to D'Amato, Ferraro, and the rest of the politicians in New York is garbage. Those people are sticking up for something that is morally wrong. Dumping that raw sewage in the rivers, in our bays, and in our oceans is a moral issue; it is morally wrong and they should be put on the spot as committing a moral offense against the people of New Jersey. As far as not having the room to dump it or the method of disposal, then they should do like we did here in New Jersey with the wetlands and with the Pinelands. We put moratoriums on them; we no longer can build in those areas because they are sensitive areas.

I feel what Brian Kennedy said today, that any new building that is put up in New York City or in any town where they don't have the primary and secondary treatment should be forced to put a treatment plant in that building to treat their sewage. I think, furthermore, we are all members of New York and New Jersey, of the World Trade Center, and various other buildings, and I think it is imperative that the State of New Jersey go on record immediately that they will not spend another penny of money until the World Trade Center is put on line a primary and secondary treatment. I think it is a disgrace for New Jersey to put up with it. I think that the politicians in New Jersey have to take a strong stand together, not a Democratic and Republican stand, but a united stand, and tell the Governor and tell our members of the commission that we want a primary and secondary treatment at the World Trade Center and at any other building that is owned by the Port of New York. I think that we have to go on record as opposing any type of dumping from New York. If they can't rush these treatment plants-- There are ways of doing it; it is just a matter of spending

money. They didn't care how they spent my taxpayers' money in my town. I don't see why they should be so worried about New York City. I think they should make them put round-the-clock workers on to build those treatment centers and put them in operation before we drown in the sludge from New York City.

As far as water, I hear a lot of gloom and doom. Our ocean water off of Seaside Heights, our beach water hasn't been perfect. I'm not complaining about beach water. We have dumping out there from the outfall line. Our water has been perfect this summer. But what happens when we get a storm? It does bring a lot of debris into our area. It is our responsibility to clean the debris off of our beaches. It is our responsibility to truck this to the dumps. We have to pay for sanitary landfills.

Senator Russo brought up the Superfund. I think that is a great idea, but it has to go a step further. In tourist areas, when there is an article in the newspapers about the red tide or about sewage being washed up on your beaches, it is not only the effect it has on you the day it washes up on your beaches, it is the weeks afterwards. The people in North Jersey read about the red tide and say, "I'm not going down to the Shore; I'm not going to spend my money." The amount of money that the hotels, restaurants, the taverns, the individual people-- Towns like Seaside Heights lose on beach revenues and on parking meter fees. It is amazing. Everybody seems to be after beach towns. They want to take the beaches away one time; they want to move the people off the barrier beaches. We have had all kinds of proposals that have hit us in the face in the last couple of years. You have a proposal now that they want to put a limit on how much money you can charge for beaches. We clean our beaches. We have the cleanest beaches in the world in New Jersey, and it is not through chance; it's through work and it is through taxpayers' money. As I said, if we can do it here, the rest of the country should be required to do it also. I think this meeting is great, but I think this meeting should be held in Trenton in some huge auditorium where we have every Senator, every Assemblyman, the Governor, all of his staff, and all of his agencies and make it mandatory that they attend and make it mandatory that they listen to the people you have heard here today.

ASSEMBLYWOMAN FORD: Sometimes we can't even get them to a Session.

MAYOR TOMPKINS: Then we ought to impeach anybody who doesn't come. I'm so fed up with this business. We could go on here forever. We can talk about these things. We can have study commissions, we can have agencies, and we can do all of this, but, my God, the problem is today. We have to solve it today, not three years from now, not six years from now. We have to start solving the problem today. I think that we ought to take the bull by the horns and we have to start screaming that we want action now. We should start out with, let's say Brian Kennedy's suggestion, that we mandate that any new building going up must have treatment or it is not allowed to go up. The EPA and the DEP of New Jersey should be instrumental in pushing these issues. Thank you very much.

ASSEMBLYWOMAN FORD: Thank you, Mayor.

Nancy Butler and Nancy Collart from the American Association of University Women.

**NANCY BUTLER:** I am Nancy Butler, Chair of Monmouth County Inter-Branch Council of the American Association of University Women. The Inter-Branch council represents over 600 college-educated women throughout Monmouth County.

For over a year, Monmouth County AAUW has been involved in the effort to move ocean dumping sites away from the county coastline, and ultimately to phase out all ocean dumping. As a member of the Women's Environmental Coalition, AAUW has sought to raise the public awareness of the ocean dumping issue. We are pleased to have been invited to participate in this hearing. I will skip the portions of my testimony that have become redundant and simply state the following:

Voluntary organizations can be effective vehicles for stimulating public action. AAUW has been actively involved with the Women's Coalition and with Clean Ocean Action in the effort to close the 12-mile dump site, while informing the public county-wide about clean ocean issues. A similar effort should be made throughout the State, with schools, local governments, and volunteer organizations disseminating relevant information. Once informed, public opinion can

be mobilized to put pressure on the elected officials who in turn can put pressure on polluters.

Volunteer organizations can also provide a means for bridging the gap between New Jersey and New York. In March, the Inter-Branch Council contacted AAUW branches in New York about the EPA hearings to be held in New York City and Long Island and urged them to support our position. The president of the New Jersey Division of AAUW reported that the Garden State branch had delivered testimony at the Long Island hearing, and by doing so had added "another voice to the effort to clean up the waters of both New Jersey and New York." Public testimony at this hearing emphasized the important fact that the condition of the ocean affects Long Island residents in the same ways that it affects New Jersey residents. Thank you.

ASSEMBLYWOMAN FORD: Thank you very much.

ASSEMBLYWOMAN FORD: Is Mayor Hennessey here from Point Pleasant Beach? (not present) Jovita Francis from Lakewood? Good afternoon.

**JOVITA FRANCIS:** Good afternoon. My name is Jovita Francis. I am a resident of Lakewood Township here in Ocean County. I would like to thank the Committee for allowing me to testify and address my concerns about the effects of ocean dumping on the inland municipalities, as well as the shore area.

The continued raw sewage that has been allowed to taint our New Jersey waters is tainting and taunting our lives by posing a dangerous and mounting threat to the livelihood of those whose sole occupation relies on the life in the sea, which directly affects Ocean County's economy and specifically its fishing and tourism industries.

While the present theme of tourist literature emphasizes "New Jersey and You Perfect Together," and the many booklets inevitably show pictures of beautiful expansive shoreline and beaches, the reality is, the encroaching sewage drifts back to the shore, spreads its decaying plume, and destroys not only beauty, but the delicate cycle of life beneath the sea.

Commercial fishermen, wholesalers, inland retailers, and small local fish merchants have businesses and families to maintain,

which will be affected as the contaminated waters hamper and destroy the sea life on which their economy is so reliant.

Nutritionally the coastal seafood supply, which originates in the estuaries of the Hudson River, supply a source of animal protein, which provides essential amino acids to the human diet, minus the high calorie and cholesterol content. This is extremely important to cardiacs, hypertensives, and senior citizens, many of whom have to adhere to a specific nutritional diet.

Lakewood's leisure villages have some of the largest senior citizen populations of any municipality in Ocean County. All of the seniors who reside in such communities would suffer if the commercial fishing industry continues to be a victim of raw sewage dumping. The shore's summer population swells each year, bringing a boost to the inland economy as well. The tourists who flock to the Jersey shore visit the various parks and attractions of the inland municipalities. Our own town boasts two such tourist attractions listed in the literature as "Ocean County Park" and "The Red Pony Ranch Rodeo."

The inland economy, including restaurants, motels, and recreational facilities would suffer a serious drop in business, in turn, hurting the people whose lifestyles are based on tourist economy. The tourists, summer communities, and residents all have the right to a healthy and safe environment. The Jersey shore's environment is persistently threatened by the hazard of accumulated raw sewage. The long-range destructive effects on one's health are yet unknown.

We do have to keep in mind, that which adversely affects the fish will ultimately adversely affect the people. One suggestion I could make at this time is to require the DEP and EPA to more closely render and enforce the already existing Federal and State regulations. All of us, whether we swim in the ocean or depend on ocean economy, are facing a health risk, and all of us are in danger from the slow destruction of the ocean's environment. It is up to all of us, whether tourist, commuter, resident, elected official, or private citizen, to take action which will put an end to ocean dumping now.

Thank you. (applause)

ASSEMBLYWOMAN FORD: Thank you, Jovita. Dr. Winkler?

DR. JORGE WINKLER: Assemblywoman Ford, members of the panel, and concerned citizens, I didn't come here today to testify, but Ciba-Geigy is interested in the environment. You have a fantastic task in front of you.

Ciba-Geigy's position on ocean dumping is, it will not be allowed. As Assemblywoman Perun said before, no studies are needed anymore. Action shall be instituted.

Let me now bring us to where Ciba-Geigy stands, and much more importantly, what Ciba-Geigy is already doing to protect the environment, and what Ciba-Geigy will be doing as we go into the future.

Long before anyone in this room talked about secondary treatment plants, Ciba-Geigy's facility at Toms River already had a secondary treatment plant. Let me very briefly get into the history of the Toms River plant. The Toms River plant was started in 1952 on a virgin site. From its inception, it has had a treatment plant. In 1966, it made more sense to discharge the liquid highly-treated effluent into the ocean, rather than into Toms River. At that time, or a year before -- 1965 -- Ciba-Geigy, which at that time was Toms River Chemical, had procured a marine biology study by one of the most famous marine biologists in the United States -- Dr. Carpenter from Johns Hopkins University. He wanted to have a baseline of the ocean before we started our discharge. In 1966, the pipeline started in operation. Since then, we have conducted eight marine biology studies. I have to emphasize that these were not demanded by any agencies. They were all done on our initiative. Right now, we are in the midst of study number nine.

Recently our marine biologist finished one part of an experiment in terms of assessing the hazards, or the lack of hazards, we have in the ocean. We have exposed-- We have taken water samples -- I should not say "we"-- The marine biologist has taken water samples in the vicinity of the outfall line -- only 300 feet of the outfall line -- to the north and the south at several places and several depths of the water. This water then was used as a base to put in the mysid shrimp and the sheephead minnow. In the EPA approved

protocol, namely a seven-day study, the mysid shrimp and the sheephead minnow survived 100%. Again, I cannot claim that they do not have an effect on the ocean. However, I would like to emphasize that our adverse effect is very minimal, if in the neighborhood of only 300 feet, mysid shrimp, at seven days, survived the seven days. I have brought along a sample of mysid shrimp. (Gives sample to Committee) This is an adult species, but the tests were conducted with only five-day-old species. This is an extremely sensitive organism.

We have always discharged highly-treated effluent into the Atlantic Ocean. Right now, we are looking at our third-generation waste treatment plant. Many people in this room have seen that plant. Ciba-Geigy never has and never will sacrifice the environment because of costs. We only demand one thing -- that the technology be available, technically available. If technically available and practical -- no costs -- Ciba-Geigy will put it into effect.

The marine biology studies were all conducted -- all seven of them -- by a Rutgers marine biologist. One was conducted by an outside independent consulting firm. None has shown any adverse effect, namely the clams and other species living in the sediments. I believe that in stating that to you, we have at least taken precautions, and we have shown that in a period of over 30 years, we are concerned about it.

We are not resisting tighter standards. We expect technology in work. We are not trying to evade or to compromise the environment. As always, we will operate within the law, and we will abide by the permit restrictions.

It was stated that we discharge a thick heavy effluent into the Atlantic Ocean. This is simply not quite correct. Our effluent is colored. I personally have described it as dark tea colored. Possibly, if you would like to use another term, it is coffee colored. I do not think coloring itself should be the guiding factor in evaluating our effort.

It was also mentioned that one should look at outside independent tests. I can report to you that last week I shared in a conference that we invited you, members of the Township, and the press to attend. On January 25 and January 26 of this year, EPA took an

unannounced sample of our final effluent. Let me describe that analysis to you. One of the parameters analyzed is called chlorinated hydrocarbons. The sum of chlorinated hydrocarbons in our effluent is less than 200 ppb's -- parts per billion. That may not mean all that much to many of us here. I have to state that in drinking water, 100 parts per billion or less of trihalomethanes indicate that the water is fit for human consumption. Chloroform is one of the members of this family. It is also a member of the chlorinated hydrocarbons. In looking at an effluent, they are looking at a level less than twice the amount allowed in drinking water. I think it is rather unfair for anyone to expect that the effluent ought to meet drinking water standards.

ASSEMBLYWOMAN FORD: Dr. Winkler, can I ask you one question?

DR. WINKLER: Yes, please.

ASSEMBLYWOMAN FORD: I am trying to avoid having a specific hearing on Ciba-Geigy, perhaps because next month there will be a public hearing on your permit application.

Your testimony is interesting because you are coming from a regulated industry. If you are exceeding the requirements of what DEP or EPA requires, are the requirements sufficient enough to assure health to the surrounding area? Should there be an increase of the minimum requirements?

DR. WINKLER: There is no question that the new permit ought to be stricter -- no question.

ASSEMBLYWOMAN FORD: Just in terms of the regulatory policies?

DR. WINKLER: The regulated amounts and also in terms of the new issues you address. The issue of toxicity comes up -- of biotoxicity. I mentioned just one experiment. We are concerned with that in general. It is absolutely valid, and the industry is not trying to get away from that.

The panel discussion was ocean dumping of raw sewage. That is one extreme -- dumping -- which I am personally against, and our industry and Ciba-Geigy is against it, when nothing is done. You are looking at us, and we have been mentioned. I didn't volunteer to come



up here. In a highly treated situation, we are taken to task, I think at times, to the extreme. I believe that is why it should be here. I am probably the only so-called polluter who is going to speak here today. I wanted a chance to bring out some of the facts.

ASSEMBLYWOMAN FORD: Thank you. Thank you very much. (applause) I see Mayor Ayres here from Seaside Park, and I know he has some time restrictions.

MAYOR THOMAS F. AYRES: Assemblywoman Ford, ladies and gentlemen, I appreciate the opportunity to be here this afternoon. I will be very concise.

I feel that we, in Ocean County, have been taken advantage of in more ways than one. We are caught between the rock and the proverbial hard place. Through the studies done in the 1960's, we're now all affiliated with the OCUA. Needless to say, I believe everybody is aware of the plight and that we are being abnormally taxed for the effluents that are being discharged through this agency. This is not being done through the agency itself, and this is definitely not through the fault of the municipalities, but rather through the DEP and the EPA, and because of the studies that were done in the 1960's and the anticipated increase in population.

Needless to say, with the Wetlands and Pinelands Acts, the population will never achieve the anticipated growth. However, we are still forced to pay for the blunder of the DEP and the EPA.

We are also being confronted with something which is going to be even more devastating, especially to a small town like Seaside Park, and that is landfill. Yes, we asked and we got one dump up in Manchester Township. We also received a 110% increase -- an interim increase, I might add. I don't believe that is the end. There is more to come.

We are trying to preserve our tourism, which is probably the most important economic business in the Ocean County area. We find that New York City is dumping in excess of 100 million gallons of sludge into our ocean. We find that our EPA doesn't want to be bothered with it. They don't want to force their hand. Yet, our beaches, which many people from many communities throughout the states

surrounding New Jersey, and throughout the world-- When they come in and see brown water, which is not too infrequent, they don't hold that against New York City or the communities in North Jersey; they look at it as Ocean County's problem.

Most recently -- July 31 -- our beaches were the recipients of trash. Sure, they can dump trash by the barges. They have a designated area they can dump it in. But, our little town and our neighboring sister communities were confronted with hiring people to clean those beaches. When people see and hear of this, they begin to wonder if it is safe to come into our community, enjoy their summers, and pursue their recreational endeavors.

How many people are going to be affected by this? How many people are employed part-time in seasonal work? How many people have their livelihoods depend upon this clean resort? Each and everyone of us along the ocean area strive to maintain a clean resort because our livelihoods depend upon it.

Needless to say, we are hoping that through this meeting and others like it that something of a positive and affirmative action will be forthcoming.

Thank you for giving me the opportunity to be here.

ASSEMBLYWOMAN FORD: Thank you, Mayor. (applause) Ray Bogan from the United Boatmen?

**RAY BOGAN:** Thank you, Assemblywoman. Real quickly, a lot of what I prepared has been said quite a number of times. Basically what I want to do is give you a little bit of the scenario outside right now.

ASSEMBLYWOMAN FORD: Perhaps you can tell everyone the organization and the interest you represent.

**MR. BOGAN:** Okay. I am Ray Bogan, and I represent the United Boatmen of New Jersey. We represent the charter and party boat industry. I also have another concern for the ocean; I have just been appointed to the Marine Fisheries Council of New Jersey.

From an economical standpoint, pollution has, I think, curtailed a \$100 billion industry. Right now, the recreational fishery brings in over \$550 million to the State. Commercial fishery brings in somewhere around \$480 million. This is according to Fish, Game, and Wildlife. That business has been definitely curtailed.

There is another industry which would come into that recreational boating industry, that is, the diving industry. Off of New Jersey, we probably have more wrecks in natural diving areas than anywhere in the world, or just as much. That includes the Barrier Reef. We have a couple hundred wrecks right in this area itself. If more people were able to have the diving conditions they have in other places, I think we would have an incredible diving business. That is something that seems small, but it adds to that money.

Recently, within the last week, a fellow called Gene Gear, who is a diver from Point Pleasant, took some water samples off of-- First of all, he took one and one-half vials off the beach of Manasquan near the fire range, and he got a dissolved oxygen level of 1.9 milliliters. That basically is lethal. Three miles off the shore, as of a week ago, a commercial lobsterman picked up his pots in a spot called Kramers, and he had dead lobsters and sea bass. This was basically caused by, I believe -- and, it could probably be proved -- the dissolved oxygen levels. These are caused by a natural phenomenon which is prompted by manmade pollution. This causes algae to bloom, etc. It takes up too much oxygen; therefore, it kills the fish.

Gosta Lovgren spoke of a lot of ideas that the Farm Bureau and the Commercial Fisheries have in terms of an authority to regulate any kind of sewage problems. I think it is an excellent idea.

ASSEMBLYWOMAN FORD: (interrupting) I believe it is the financing for bringing the barges out.

MR. BOGAN: (continuing ) I think it is more than that. I think the black box idea is a great idea because, just within the last two days-- When someone hears about these things coming up, they call us and tell us all these stories, and unfortunately most of the stories are true. The dissolved oxygen levels have been tested by a lab. There have been a lot of problems like that. When you put the fishing industry, which is a billion dollar industry, and the tourism industry together that is a lot of money.

The other day we were out in very clear water. We had over 60 feet of visibility at a place called Klondike Bank approximately five miles offshore. That visibility, right there, is an attraction to

bring people in, to go fishing, to go swimming, to go diving, etc. Another mile and a half from there, east southeast of the inlet, you have a sulphur-colored substance suspended about 20 feet under. If you put your propellers in reverse, it kicks the stuff up. It is a mess; it is pretty gross. The worst thing about it, first of all, is that it is affecting fish. Fish can take in any kind of contaminants that ultimately get into the food chain -- bluefish, shellfish, worms, the whole ball game. It affects the public's perception of the fishing and tourism industries. It knocks the whole thing down. It is taking away, it is drawing, and it is seeping from it.

Recently there has been a lot of publicity on PCB, chlordane, and toxic levels within fish, namely bluefish, stripped bass, the more fatty fish. They retain PCB and chlordane within the fatty contents of their bodies. The FDA has recently dropped their levels. Part of the prompting for the dropping of levels has been brought by the New Jersey DEP. I think it a positive thing that the DEP has gone in and checked the PCB, chlordane, etc. and tried to make it public. I think the DEP, in my estimation, has not been any way near aggressive enough or has not really done many things to earn that name, that is the Department of Environmental Protection. We can't blame it on New York. A lot of our problems do come from New York, but a lot of our problems also come from New Jersey. A lot of problems come from attitude. I think through polls, etc. we can see that people are willing to spend some money to clean things up, and I think politicians, both on the State and Federal level of New York and New Jersey, have to take the incentive and have to move to do something positive.

I want to say one last thing about the dredge spoils. Anytime dredge spoils are picked up in New York and taken out, once you dredge, you resuspend and you reactivate heavy metals, PCB, chlordane, etc. Levels in fish have gone down within the last five years. This is a very positive feature proved by basket samples taken from the Food and Drug Administration. With those levels going down, you are going to see immediately the raising of levels of PCB and chlordane, when those things are dredged. To dump them back off offshore again will again reactivate them and again resuspend them to not only go into your

bay fish and your breeding fish, but to also go into fish offshore. So immediately that is another obvious problem. People read that. For example, if we are asking for some concrete information for our business, the fishing industry, and more specifically, recreational fishery and how it affects the bluefishing, a conservative estimate is that there was 30% to 40% drop in business last year. And, we have a pretty big industry. To us, \$550 million seems like a lot of money. We saw business knocked down like that. We saw that, not only in my business, not only in the boatmen's business, not only in the Belmar's business, but all along, from Atlantic Highlands down to Manasquan; it also affected Barnegat. All those businesses are knocked down by it. They are knocked down as soon as people start reading about PCB's going up. PCB's haven't gone up; in fact, they have gone down. The fact is they are there.

The Department of Environmental Protection has to be prompted to take more affirmative action; they have to be given the power by the Legislature to take affirmative action to stop those levels from going up. There is a whole host of reasons why they would. I think the Legislature should have some form of system, whether it be a committee or whatever, monitoring the DEP to make sure that they are following an environmentally-sound policy. I think it is very important because we have to make sure that that protection agency is indeed a protection agency of the environment. That is where we come from. The fishermen right now want to see clean water for a number of reasons and not just because it is nice to see clean water, but because if we don't have it, we are shot. We won't have a business anymore. And what is a \$1 billion dollar business, which could be perhaps a \$1.9 billion or a \$2 billion industry, may go down to a half a billion dollar industry. For us that is pretty devastating. So, we hope that action will be taken. We hope the DEP is prompted and we hope the Legislature takes that action and cleans thing up. Thank you.

ASSEMBLYWOMAN FORD: Thank you, Mr. Bogan. (applause)

Peter Hibbard? Is Ken Brown going to testify with you?  
(negative response)

**PETER C. HIBBARD:** Good afternoon. My name is Peter Hibbard, and I reside in the Oakridge section of Toms River. I am a scientist, an educator, and a fisherman, and I am concerned about the way society manages its own wastes.

I agree with the modifications proposed by the United States EPA for the movement of the sludge dumping at the 106-mile site instead of the 12-mile site, simply because it is a step in the right direction. They also acknowledge the fact that dumping offshore should be phased out entirely in time.

The impact of sludge dumping includes the creation of an anoxic zone known to fishermen as "The Dead Sea." We have heard about this from a number of other speakers today. EPA documents show elevated heavy metals in the dump zone, and studies by government and private groups alike have demonstrated a direct linear correlation of concentrations along suspected paths of migration. These include going toward the New Jersey beaches and toward the Long Island beaches. The impact involves deoxygenation, change of marine species, and presence of mutated coliform bacteria that can survive in salt water. All of this has been documented.

In 1961, hepatitis and polio viruses were traced to shellfish in the Raritan Bay. White perch have been found to be actively infected with Pseudo-tuberculosis and Paratyphoid, according to a report of The Interstate Sanitary Commission. Clam beds have been closed and other shellfish found to be diseased or moribund. By the way, I have a question. Why are some sections of the clam bed open and some sections closed when the tides wash across all of them? This just doesn't make sense. Biomagnification concentrates these persistent chemicals at the top of the food chain. You, I, and all of the people in this room are at the top of the food chain. This is where the chemicals are going -- to us.

So far I have been repeating information that should immediately condemn the practice of dumping near our coastline, but only a small portion of the toxins which we discharge into our coastal waters come from sludge dumping. The figure of 93% has been used, but I don't have the documentation. The figure of 93% comes from pipe

discharges, including that from New York City -- uncontrolled, poorly controlled pipe discharges.

EPA tells us that New York City is discharging almost a quarter of a million gallons of raw or poorly treated sewage daily. I'm sure that industry contributes some more, and that there are pipelines that are not identified and not known. The water circulation in the New York Bight keeps this water close to the coast, and fish have been found to display a variety of sublethal symptoms. The commercial fishermen may have more information on this than I do, but let me ask, "Is the decline in the striped bass population related to the change in the environment?" I suspect so.

In a mini-conference on disposal alternatives in 1978, Morton Isaacson of California stated that 40 species off of Palos Verdes, California display fin rot, increased levels of mercury chlorinated hydrocarbons, and specifically, PCB's. They have a better situation there than we have here. This has all had a major impact on commercial and recreational fishing. Has anyone in New York or New Jersey compared the cost saved by ocean dumping to the losses in fishing and recreation? Our dependence on the sea for food will increase, and this question will become increasingly important.

Dr. Joel O'Conner, an ecologist with MESA, states, "There is no question that sewage sludge has degraded the waters of the New York Bight." NOAA geologist, Dr. Freeland, states that too few studies have been done. "There is not enough known to predict where or what the material will do to the environment." Dr. Buzas, curator of Paleo-biology of the Smithsonian Institute, has drawn a similar conclusion following a study with the National Marine Fisheries Service and the American Littoral Society. He says, "We just don't have enough information. If we continue, the results are unknown."

All of these studies point to a similar conclusion, and while some questions may be raised, no facts are presented contrary to these conclusions. None of the experts from the prestigious centers I've just cited will offer any encouragement with our present levels of knowledge. I ask, why is our elected leadership doing little more than funding studies and debating the results? Where is the protection from

environmental degradation that is promised during election speeches? DEP has the authority to take the first step now, yet more landfills are being closed or restricted with no other alternatives to ocean dumping being offered. Why?

I think the results are well enough known to demand action now. We discharge known carcinogens through pipe outfalls from New York City to Ocean County. We are discharging persistent chemicals, diseased organisms, BOD, mutagens, teratogens, heavy metals, and in short, poisons of unknown impact into the marine environment. DEP warns us not to eat certain fish. Already this year, the beaches in Monmouth County have been closed to red tide. These outbreaks have been directly associated with population centers, warm water, and probably most important, high nutrient levels. It affects bathers and shellfish. In 1976, it was responsible for one of the largest fish kills on the Atlantic coast.

Only coastal states have the option to discharge into the ocean. The rest of the country has to rely on alternative means. We are contaminating our fishing resources. We swim on beaches which have been described as among the best in the world, but they are now fouled by fecal material, latex prophylactics, and pink tampon applicators. I wonder how many of us know what they are when we see them. What is the economic impact of all this? What will it be if the situation is not changed? More important to me, what will happen to my taxes when tourists no longer come to the shore?

Now New York not only wants the right to continue to discharge for their benefit, and at our expense, but they demand the right to add discharge from their new Convention Center and other new construction. Senator D'Amato has threatened a filibuster if the 1984 Clean Water Amendment is brought to a floor vote. I don't understand. Is the good Senator against clean water, or has he designated New Jersey as the "garbage" state, New York's private dumping ground?

This Committee should recommend the following actions:

1. Condemn, by vote, the threatened actions of Alphonse D'Amato;



2. Undertake an immediate study of the cost to coastal industry and human health to be used when evaluating the cost of waste disposal. New York City says its studies aren't there. Let's make the studies, and while we are making the studies, let's not pollute the water anymore. Let's stop it now;

3. Increase DEP enforcement. Specify a time limit in all violation notices. Failure to remedy the violation shall mandate a fine of sufficient size as to deter further violations. Too many violation notices go by with no action whatsoever;

4. Initiate legal action, if it is feasible, under the 1899 Rivers and Harbors Act against the City of New York for willful and continued discharge of a harmful product into protected waters. This may not be possible in light of the agreement, but if New York City is not going to abide by the agreement, then this offers a remedy;

5. Provide for a mandatory -- and, I repeat the word "mandatory" -- public hearing on any permit renewal that falls under RCRA, TSCA, 402, or any other permit heading which might allow any of the priority pollutants to be placed where they may endanger the public water supply or recreational facilities;

6. Provide local access in each county where citizens can get rapid answers to environmental or enforcement concerns. The bureaucratic maze is now a deterrent to the average citizen;

7. Hold annual hearings to determine if the citizens feel more or less secure within their own homes from environmental encroachment by industry.

The need to find a solution cannot be denied, but the solution must be based upon sound evidence and analysis; otherwise, the prophecy of Chief Sealth of the Duwanish Tribe may be realized. In a letter to the then President Franklin Pierce in the 1850's, he wrote, "The Whites, too, shall pass, perhaps sooner than the tribes. Continue to contaminate your bed, and one night you will suffocate in your own waste."

Thank you.

ASSEMBLYWOMAN FORD: Thank you very much. (applause)  
Richard Shakelton?

**JAMES BISHOP:** Madam Chairperson, I am James Bishop from the law firm of Shakelton, Hazelton, and Bazinski. Thank you for the opportunity to speak. Today I have the honor and pleasure of representing the Township of Long Beach and its mayor, the Honorable James J. Mancini, Freeholder of Ocean County. Mayor Mancini, in his capacity as Freeholder, previously expressed his feelings of the scheduling of this meeting, so it was impossible for him to attend. He has instructed me as his representative to again make his feelings known.

As you may know, Long Beach Township, in concert with the County of Ocean and certain other Ocean County municipalities has, in the past, spent more than \$100 thousand in a vain effort to halt the discharge of the ocean-polluting fill emanating from New York City -- discharge which Vice Presidential candidate, Geraldine Ferraro, has so strongly supported.

Long Beach Township filed suit in the United States District Court for the district of New Jersey, naming as defendant the Director of the Environmental Protection Agency under former President Carter, as well as the City of New York, and other polluting defendants. During the course of preparing for the anticipated trial in that litigation, we, as solicitors of Long Beach Township, caused certain studies to be made as to the the impact of New York City's sewage dumping practices on the sandy beaches of the New Jersey shore. With the use of floats, an oceanographer was able to show conclusively that the sludge and sewage effluent deposited by the City of New York at the so-called 12-mile dump site was borne by the ocean currents toward New Jersey beaches.

In addition, we caused certain analyses to be made, and found that the effluent which was being discharged by the City of New York, the effluent which so endangered New Jersey beaches, contained PCB's and other carcinogens.

At the time of that litigation, Long Beach Township made vain appeals to the Byrne Administration and the Legislature in Trenton, seeking support in its one-sided battle against New York City. Despite continued pleas, a deaf ear was turned by your counterparts in Trenton on Long Beach Township and its valiant efforts

to save the New Jersey shore. Ultimately, Long Beach Township's litigation had to be abandoned when the Supreme Court of the United States determined that there was no private right to enforce the Federal Pollution Control Act, and there was no private common-law of nuisance which would enable Long Beach Township or any other political subdivision of the United States to bring action under the laws of the United States to compel the City of New York to cease poisoning the ocean waters off the New Jersey coast.

Now, eight years later, it seems peculiar that the Legislature should suddenly wake up and seek to do the impossible -- hold an on-rushing Juggernaut before its time. If indeed, your compatriots in the Legislature are truly interested in stopping the pollution of one of New Jersey's most valuable assets -- the white, sandy beaches of our seacoast -- we call upon you to prevail upon Vice Presidential candidate, Geraldine Ferraro, a representative of the very city which is causing the damage, to come out forcefully in support of those representatives in Washington in favor of preservation of our ocean environment -- those Representatives and Senators who favor the cessation of New York's unrestricted destruction of the North Atlantic environment. Only through strong Federal action is immediate action possible.

Hearings of this nature produce repeated dismay and concern from which new changes can be realized. Only the temporary removal of the 12-mile site to the 106-mile chemical site is possible with Federal help and by Federal mandate. Such a temporary solution will help, but only with the support of Senator Moynihan, Governor Cuomo, and Mayor Koch. It seems a travesty that suddenly eight years too late, the New Jersey Democratically-controlled Legislature should decide to take action, when its own compatriots across the river in the State of New York so quickly act, stifle, and block any efforts whatsoever to terminate ocean dumping. They should compel America's largest city to clean up its act and provide a safe, sanitary, and healthful environment for all of the citizens of the Northeast seeking to enjoy the waters of the Atlantic Ocean.

ASSEMBLYWOMAN FORD: I appreciate the fact that you are just a messenger on behalf of Mayor Mancini, but I hope you will send back to him, as I told him directly myself just a few days ago, a couple of the facts. One, had there been a single telephone request from Mayor Mancini about rescheduling this hearing, I would have accommodated his request. Unfortunately, no such request was forthcoming from any individual who has complained about the scheduling of the hearing. Two, I think he may have missed a couple of Democrats that were in office during the past 20 years upon whom to deposit the blame for all the ills of the world. Perhaps if he wants to provide me with those names, I'll include them in the record also. Third, the New York Delegation, Republican and Democratic alike, is presenting a very unified force in terms of their very parochial interest on the dumping issue. I would hope that we, in New Jersey, can also present the same self-interested unified force and rise above this partisan politics, which is attempted to be interjected in this hearing.

I would not normally make these comments, but I just feel that I can't allow those comments to go unchallenged. I'm sorry that after Mayor Mancini's statements that this hearing was nothing more than a colossal farce, that he took the time and spent the taxpayer's money to send a paid attorney down to represent him. On the one hand, I am pleased that you came and made your contribution on behalf of the mayor, but I hope you also send back to him, in all seriousness, my comments.

Thank you. (applause)

MR. BISHOP: Thank you, Madam. I am not prepared to speak--

ASSEMBLYWOMAN FORD: (interrupting) I understand. I don't mean to put you on the spot. I understand your position. I am an attorney myself, and I appreciate you taking the time to come down here. Thank you.

MR. BISHOP: Thank you. Like I said, I am not prepared to speak for Mayor Mancini. I am sure he will respond. Thank you.

ASSEMBLYWOMAN FORD: Angela, do you want to add anything to that?

ASSEMBLYWOMAN PERUN: No, simply I did not expect this hearing today to be converted into an attack on the specifics, especially right from the beginning of any public figure, especially when she is so prominent in all our viewing. I think it is a cheap shot. I am going to be quite blunt about it, and I think if we are going to paint the barn, we ought to do a thorough job and include everybody else who has been dragging their feet. I think we all know what partisan politics is all about, and we were trying to avoid that this morning like crazy. I think that was my attempt at least.

ASSEMBLYWOMAN FORD: Ken Brown from the Clean Water Action Project? Is he here? (not present)

MAYOR TOMPKINS: (speaking from audience) I would like to make a comment. In defense of--

ASSEMBLYWOMAN FORD: (interrupting) Mayor, I have to continue on. I'm sorry.

MAYOR TOMPKINS: (continuing to speak from audience) In defense of what Mayor Mancini--

ASSEMBLYWOMAN FORD: (interrupting) Excuse me, Mayor, I am chairing the hearing.

MAYOR TOMPKINS: (continuing to speak from audience) You know, Mr. Florio appeared, and he was very political. He didn't give Congressman Forsythe one bit of credit for what he did.

ASSEMBLYWOMAN FORD: (interrupting) Mayor, I'm just going to move on. Joan O'Mara?

**JOAN O'MARA:** My name is Joan O'Mara. Thank you very much for inviting me here to speak today. I am a former Vice President of the Dover Township Board of Health.

As you can see by my tan, I take full advantage of our beautiful ocean.

I consider the problem that is created by New York dumping raw untreated sewage and the problems faced by New Jersey municipalities whose sewerage treatment plants are inadequately treating their sewage as one problem that requires two separate solutions.

Dumping sewage into the ocean, whether it is New York sewage or New Jersey sewage, creates an economic hardship upon the State of New Jersey. When a beach closes because of red tide or untreated sewage floating close to shore, it is not New York City that pays the price; it is the local businesses.

In the State of New Jersey, let us penalize the communities that dump inadequately treated sewage so heavily that it is not cost-effective to continue this practice. Give the DEP the teeth to protect our most valuable resource. Let them monitor more often to ensure compliance with the Federal Clean Water Act. Perhaps there should be a statewide bond issue to upgrade sewage treatment.

The whole State enjoys the ocean as a resource, so the whole State should be willing to fund the upgrading of the process of treating sewage -- the long-term goal being an end to the practice of using the ocean as a convenient dump site.

On the Federal level, let our Federal officials become horse traders when it comes down to negotiations. Let them stand with Federal officials from other coastal states to form a strong and unified coalition whose only goal is clean water. Let the Federal government withhold funds from New York City to build anymore unless they can show plans to dispose of their sewage.

Lastly, but most importantly, let us mention interstate groups -- for example, the Port Authority. The Port Authority erected the beautiful World Trade Center in New York City. What does the State of New Jersey get? The World Trade Center sewage. The time has come for the funds of the Port Authority to flow towards the shores of New Jersey, not just their sewage. Unfortunately, the practice of ocean dumping is an economic one. Let the one who does the ocean dumping be the person who pays the price.

As a resident of New Jersey, I'm tired of being dumped on -- both literally and figuratively. Let me express my gratitude to you for taking the time to deal with an issue that affects everyone in Ocean County. Hopefully, a solution to this problem will not be out of reach.

Thank you.

ASSEMBLYWOMAN FORD: Thank you. (applause) Is Mayor Vacarro from Allenhurst here? (not present) Joan Markovitz? (not present) Steve Fowler?

**STEPHEN B. FOWLER:** Good afternoon. My name is Steve Fowler, and I am President of the Jersey Shore Audubon Society. The Jersey Shore Audubon Society, affiliated with the National Audubon Society, with over 600 members in both Ocean and Monmouth Counties, applauds the efforts of your Committee and the Assembly, to address the serious issues posed by continued ocean dumping of municipal sewage sludge and other particulate spoil materials into the waters off our coast. While we are noticing a politicizing of these issues, this is a problem which transcends both State and party lines. I appreciate your efforts, and I have appreciated the efforts of our Federal Congressmen and other State people to keep this in line.

Sewage sludge dumping will not end until we can find land-based alternatives, such as co-recovery, pyrolysis, incineration, or other viable methods, and discuss them on a State and community level.

The next big battle we face will be over the siting of on-land treatment facilities. New York City and North Jersey only have so much land. New York City is responsible for approximately 49% of the sewage now dumped into the 12-mile dump site. It also dumps hundreds of millions of gallons of untreated sewage into the Hudson River, which should be the shame of every New Yorker and American. But, why did the New York/New Jersey Port Authority allow the Trade Center to be built when they knew the sewage was untreated? Why is the City of New York willing to allow further building of towers, knowing that the treatment facilities are inadequate? It is time New Jersey and New York work together to end this problem of ocean dumping. That is the most important point; we have to work together. We cannot stay politicized.

We have heard from recreational and commercial fishermen for years, with increasingly bad news about the diseased fish and crustaceans they catch. These diseases range from fin-rot, gill fouling, protozoan parasites of gill tissues, to necrosis of

exoskeletons and lobster die-offs. These conditions have been found on fish caught in Raritan Bay and the western Bight Apex, as well as near the dump sites. They have also been caught miles away from the dump sites. Is it any wonder that there have been bans on crabbing and clamming in these areas and recommendations that bluefish, striped bass, and certain other marine fish and crustaceans not be eaten at all, especially by pregnant women and children? "It is postulated that the degraded conditions of the Bight Apex, together with the high concentrations of bacteria there, contribute to diseases of marine organisms." That is a direct quote.

I would also like to quote: "Traditionally, coliform bacteria have been used as an indicator of pollution from municipal waste water discharges. Although coliforms themselves do not pose a threat to public health, their presence in large numbers indicates, with a high degree of probability, that pathogenic organisms are also present. The increased use of antibiotics has resulted in mutant bacteria that are resistant to a broad spectrum of antibiotics, and possibly even to heavy metals. Antibiotic-resistant bacteria are not unique to sewage sludge nor to ocean dumping of sludge. They have been recovered from raw and treated sewage, from river water, from salt water, from the Whippany River, and from beach water at Sandy Hook, New Jersey. Antibiotic-resistant bacteria are an indication of waste water contamination. It has been suggested that the dump site is a potential 'breeding ground' for such bacteria."

Several North Jersey municipalities are also guilty of dumping treated sewage sludge into this dump site, and they should not be ignored either. This site, originally 12 miles off Sea Bright and five to six miles square, has now been estimated to encompass 20 to 30 square miles and are within five to six miles of the New Jersey and New York beaches. This fact was admitted by the EPA at the June 18 hearing at Monmouth College. In fact, a couple of beaches in Far Rockaway have been closed because of contamination.

It is time that all dumping is stopped at the 12-mile dump site, that the 106-mile site be used temporarily, and land-based alternatives be sought in accordance with the law.



Madam Chairwoman and Assemblywoman Perun, I appreciate your efforts, and on behalf of the Jersey Shore Audubon Society, we are willing to work to any degree possible to these efforts. Thank you very much.

ASSEMBLYWOMAN FORD: Thank you, Mr. Fowler. (applause)  
Mayor Gorga?

**MAYOR RALPH GORGA:** I would like to thank the Committee for giving me this opportunity. I will be very brief because we have all been sitting here for four or five hours, and I just don't want to be redundant with any of my statements.

I would like to say that I concur with my co-mayors and their problems as they indicated them to you. The mayors are the bottom of the bucket. When there is a problem, it stops at us, so we have to try to resolve them.

We all know the problems. Some of us think we know the answers. What we rely on is testimony like you've heard today, both the pros and cons, to try to help us. We are really in need of help, and we have to look to the legislators to try to resolve some of these problems, especially with the DEP. Their inaction, I think, is my biggest complaint. We have to get them moving. We have to get them off their butts, grab the bull by the horns, so to speak, and move them around. Let's do something. We can't wait any longer. You've heard testimony today, and we just cannot wait any longer. We really have problems.

We have to protect the economy of our municipalities, the economy of our county, as well as the economy of our State. I think the purpose of this meeting will help to do that. I would like to emphasize that. Let's do it; let's not wait for anymore of these studies that we're talking about. Let's get the job done.

Thank you very much.

ASSEMBLYWOMAN FORD: Thank you, Mayor. Mayor Gorga is the Mayor of Lavallette. (applause) Karen Becker?

**KAREN BECKER:** Thank you very much for the opportunity to speak here today. My name is Karen Becker, and I represent the New Jersey Council of Diving Clubs. This is a statewide, nonprofit organization of scuba

diving citizens of approximately 2,500 in number. That is our membership. There is an estimated figure of as many 8,000 to 9,000 scuba divers within the State of New Jersey.

As a representative, as chairperson of their Council's Environmental Committee, and as an active scuba diver on the Jersey coast, I have a very special concern regarding current ocean dumping practices, their impact on our State's coastal waters, and the recreational sport diving industry within them.

The time has come, once and for all, to acknowledge that the ocean dumping problem and the solution is not dilution. Aside from the obvious distasteful effects of sewage sludge dumping, which concern us as much, are the less physical effects on marine biology. Since 1890, nearly 100 years ago, the New York Bight has reportedly had 1.91 billion cubic yards of waste materials dumped into it. The current 12-mile sewage sludge site serving New York and New Jersey is responsible for 95% of the entire sewage sludge dumped within the coastal United States -- in 1982, a total of nearly 8 million tons alone.

We have heard recommendations today, and I agree with most of them. I think at this point I would like to address some answers to problems that have been represented, but haven't really been adequately discussed.

In terms of turning primary sewage treatment plants in New Jersey into secondary plants, I think this is a primary step that New Jersey at least can take. Seventeen out of twenty-three sewage treatment plants within this State are rated as primary treatment plants, not secondary treatment plants.

As far as what has been discussed today: What is so bad about primary versus secondary treatment plants, other than the percentages that have been given as to what actually remains untreated? There is an urgent need to upgrade the current sewage treatment plants in the State of New Jersey, particularly in Bergen, Hudson, Middlesex, and Monmouth Counties where the highest density of primary treatment plants are located. The continuous flood of organics, which are primarily the result of primary treatment, are

essentially non-removed, and primary treatment just serves to level out the particulates within the sludge that can be removed as a density function. Some estimates today are as high as 80% of what was initially sewage and what is actually put back into our water.

The continuous flood of organics into our coastal areas lead to severe eutrophication, a condition whereby excessive nutrient enrichment has caused such a high loading of organics beyond the point at which the coastal waters can adequately assimilate them. Such a phenomenon ultimately drains the bottom-most waters below the thermocline of life-sustaining oxygen.

I implore this Committee to address the problem of our deplorably outdated sewage treatment systems as a first front in New Jersey. If these primary treatment facilities could be upgraded to secondary treatment facilities, whereby the organic content alone of clean effluent could be greatly reduced, this would be a major step towards controlling organic pollution in our coastal waters.

As a diver, I shall never forget the first time I encountered an anoxic pocket in 60 feet at Long Island. This was quite a few years ago. To come down the anchor line to a mud bottom with dead lobster, other dead crustaceans, dead fish, and all forms of marine life dead, whereby weeks before biological activity was flourishing, is a site I recall to this day. Regrettably, it has not been the last.

The Council also supports EPA's recent proposal to replace the current sludge disposal site 12 miles east of Sea Bright with the 106-mile Deep Water site. We reluctantly do so since this alternative is short-termed and too costly to be viable for long-term deployment. We support this as only an interim measure.

There are several viable alternatives to ocean dumping that have proven to be both economically and environmentally-sound, as shown in other coastal states by their example. With today's technology, sewage sludge could be effectively burned or incinerated at sea. Current state-of-the-art waste streams for incineration claim 99.99% destruction efficiency, and of 23 total coastal states, all but New York and New Jersey either use some method of incineration or land-based alternative. Land-based alternatives, such as have been

discussed today, would include using treated sludge for farmland and compost as soil conditioner rather than fertilizer. This idea of using it as fertilizer is not really a viable idea because the quantity of trace metals and PCB's, etc. are present in both the dredge spoils and sewage sludge emanating from New York and New Jersey.

Another question I would like to address -- I think it was brought up by the fellow from United Boatmen -- is, for example, with our striped bass. Is there an actual environmental effect? Is that why we are seeing a decline in our striped bass stock? In a recent assessment study by the Marine Fisheries Service, which has come to my attention, indeed points to that. Striped bass that they took from the Hudson River, which were examined morphologically, had severe skeletal abnormalities, in particular in their vertebrae. They took the same fry -- rather the small fish from the Hudson River -- and/or spawned fry from artificially spawned striped bass, and they shipped them to the Narragansett Lab in Rhode Island. Indeed, they found no abnormalities if they were removed at a young enough age, or as a result of artificial spawning never encountered the Hudson River environment, so there are long-term effects that act on the larva forms.

As far as PCB's are concerned, one of the major areas that the PCB's are active insofar as being harmful in marine life is the point at which the animals are spawning. That is the most critical time in the life of the marine animal. As a result of spawning activity, there is an increase in lipids within the female body. This goes anywhere from clams to mammals to fish. As a result of the PCB's, they are bio-accumulated at this particular time in the reproductive cycle of the animals.

Earlier today, there was a discussion with regard to artificial wrecks -- as far as dumping material offshore to recreate an atmosphere for a viable fishing resource. Any diver or any fisherman knows that wrecks mean fish -- along with fish, the whole slew of invertebrates and marine life that are associated with them. There are some ideas being thrown around within the State -- some very viable ideas with regard to artificial wreck formation. I think this should

really be pursued to catch up with some of the marine resources we have lost.

Everybody today has talked about the "dead sea" area in the New York Bight, which is well-known. Unfortunately, you don't have to go out to the dead sea to find anoxic pockets. As recently as the past month, we have had a series of very unusual storm patterns whereby primarily southerly and southwesterly breezes have taken most of the water offshore as a result of wind stress. As a result of that, water from the bottom has come up to the surface. If you noticed when you jumped into the surf this summer, you were absolutely freezing. Water temperatures were running very low. They are beginning to catch up now.

Another thing I want to bring up is that the diving community is a vast resource for marine information. When some of them started to sense that this phenomenon was happening, I and a great number of other divers started to take dissolved oxygen samples, and we routinely took temperature samples and water samples. We have a very strong commitment to fill out diver environmental log forms with the American Littoral Society, which is particularly geared towards divers. A lot of that information can be fairly readily obtained from divers. Most of them are more than glad to take the time to fill out such a form. On that form is information regarding substrate tide, any unusual behavior seen -- as accurately as that particular diver can tell.

My role in the Council is to try to inform the divers and the diving public, within the constraints of our Council, as far as marine identification and potential harmful effects that they may observe are concerned. Many of them will see these things, but they will not be aware of what is happening.

The woman who was here before, Eugenia Flatow, brought up the idea of a university-managed type of committee whereby the best brains in the State could be brought together to address this problem. I think some of the information that could be obtained from divers -- certainly their input -- would be appreciated in a committee such as that.

In sum, I would like to say that from my point of view, the coastal region of New Jersey is our most precious resource. In a current checklist of New Jersey's saltwater fishes, Dr. Ken Able of Rutgers University lists 312 species of salt water fin fish, which have been recorded in New Jersey, of which 90 are common or abundant, as classified. Yet, our striped bass fish are currently in dire straits, and at least four other species are known to be PCB contaminated. They should be eaten under caution and in moderation.

Off of our coast, it is still relatively uncommon, but you can go out on any given day-- I saw a whale two weeks ago. You can see sea turtles right at the two-mile buoy outside of the Manasquan Inlet. These are rare, but they occur. From mid-spring almost to Christmas, you can see tropical fish swimming around right in our inlets, most notably in Shark River and Manasquan. These are the kind of jewels that the marine resource off our coast presents to us.

One can make a choice between the underwater beauty of a robust and active biological community or the disturbing appearance of a stressed or declining bottom habitat. These are the choices we have to make, and with the proper foresight, there is still time to act before a coastal winter in New Jersey is upon us.

Thank you very much. (applause)

ASSEMBLYWOMAN FORD: Thank you. Is Mr. Kisselman still here? I'll move on to someone else. He is outside. Carol Blasucci from the Navesink River Drive Association? (not present)

(Mr. Kisselman returns to room) We'll take you now, Mr. Kisselman.

**CHARLES KISSELMAN:** Mrs. Ford, I would like to thank you for having this hearing. I hope something occurs after this because I am working with the Ocean County Citizens for Clean Water. I know the frustrations we have in getting answers from our State and Federal officials.

We are working with Ciba-Geigy on one particular problem and they are working with us, but my question is, where are our State officials? Where are our Federal officials? When these samples were taken and questions arose, why didn't our State or Federal governments come in and answer some of them?

Ciba-Geigy has put plans forth in order to clean up their plant. Suppose they say that they have been waiting for the State to approve these plans? I wish the State was here to answer those questions because we could solve that problem right now. They have a problem, we have a problem, and it seems to be tied up in paperwork.

So that we don't have to fight for 20 years, maybe you can do something for us through this hearing. I would appreciate it.

ASSEMBLYWOMAN FORD: Do you feel that the monitoring by the DEP should be more frequent? I realize that you have a specific problem, but as a general matter--

MR. KISSELMAN: (interrupting) Compared to what Dr. Winkler said -- that they took effluent 300 feet from the pipe-- I'm sure his intentions are good. But, there are questions such as, was the effluent being piped at the time that they took this test? Was the effluent in the area of the test? Was that an LC-50 test or wasn't it an LC-50 test, which is what the State abides by?

Since the State wasn't there to monitor this or to do anything-- They haven't shown up in weeks to answer any of these questions. These are questions from the people. That is what I am questioning, okay? Where are our State officials?

If someone is out there with a gun shooting people, the police would stop it. That is where our DEP should be right now.

Thank you.

ASSEMBLYWOMAN FORD: Thank you. (applause) Is Jane Stone here from the MODC? (not present) Are the representatives from the Monmouth County Clearwater here? (not present) Rosemary Tort?

**ROSEMARY TORT:** Hello, my name is Rosemary Tort, and I am on the committee of Clean Ocean Action. I'm chairperson of the Clean Ocean Action's Education Committee, and above all, I am a concerned citizen who lives four and one-half blocks from the ocean in Bradley Beach.

I want to thank you for telling politicians about their cheap shots. I wish you had said it earlier when the officials themselves were doing it.

The ocean is one of our great natural resources, providing not only recreation and tranquility to New Jersey residents and

tourists, but most importantly, it is a source of sustenance for both recreational and commercial fishermen. Many times in the past, we have seen that to tamper with nature's course is only tempting fate and providing temporary change. Continuing to challenge the ocean's natural ability to revitalize and renew itself will only result in our loss of what nature can provide for us.

I feel that a commission to study the impact of untreated sewage into the Hudson River and coastal waters of New Jersey would be a complete waste of the taxpayers' money for the following reasons: Because I was born and raised at the shore in Monmouth County; because I have great respect for the awesome power of nature; because my husband and I have seen firsthand the deformed and contaminated fish now being drawn from the water; because I am constantly speaking with people who refuse to swim in New Jersey's waters anymore; and, because my visits to the beach are ruined by the sight of brown scum floating across the waves.

We need legislative action, and we need it now. Wasting time with another government study is only delaying our solution. What I feel would be more beneficial to the residents of the State would be:

1. To support the legislators who are pushing to add an amendment to the Clean Water Bill, which would hold New York accountable to the deadline set for completion of its sewerage treatment plant, and to put pressure on such people as Moynihan and D'Amato who are preventing the bill from receiving Senate action;

2. To legislate and enforce industrial pretreatment or the separation of industrial and residential sewage so that recycling, in the form of compost, for example, may be utilized in alternative disposal methods;

3. That both New York and New Jersey work together because the problem is affecting both states, and to form an active, effective, and efficient bi-state committee which would force alternative measures to be implemented; and most importantly,

4. To have strict enforcement of all current and pending legislation, and to impose heavy fines on all violators quickly and expeditiously.



Public awareness about current legislation controlling this issue is crucial. Educating the public is the key to overcoming myths and fears generated from the past. Therefore, as chairperson of Clean Ocean Action's Education Committee, our goals are to educate and inform the public, which includes the State Assembly and other public officials, about the legislative and environmental aspects of our ocean pollution, and then to motivate and activate their legislative awareness.

I invite you to contact us for any information that you might need regarding this issue, and if we don't have an answer, we will get one for you.

I would like to thank you for the opportunity to give this testimony today. (applause)

ASSEMBLYWOMAN FORD: Thank you very much. Mary Buzby?

**MARY BUZBY:** Hello, Assemblywoman Ford and Committee. I am Mary Buzby from the Rahway Valley Sewerage Authority. Unfortunately, I was on vacation last week, and I have not prepared a formal statement. However, I certainly want to acknowledge your invitation to appear before the Committee, and to offer some comments on the testimony I've heard today.

The first thing I would like to make very clear is the sources of contamination into the New York Bight. The New York Bight is the home of 20 million people. As a result, it receives an enormous amount of pollution. Treated discharges are the major sources of nutrients. Although waste water reduces the organic load in discharges, the nutrients that stimulate eutrophication and many of the other problems we have seen in the Bight go right through the treatment plants.

There is a big problem with raw sewage discharges, and we have heard much about that. When raw sewage is discharged into the Harbor, the solids settle to the bottom, and there is a problem with navigation. In many cases, the Harbor needs to be dredged. Those solids, which in a treatment plant would be called raw sewage or primary sludge, are dredge spoils. Dredge spoils from New York Harbor are dumped only five miles from New Jersey's coast at the mud dump site.

Sewage sludge is the product of waste water treatment. In a waste water treatment plant, sewage is filtered, screened, and blended to the point where the sludge is discharged at the 12-mile site. It isn't at the five-mile site; it is 12 miles off the New Jersey coast. It is a completely homogenous mixture which is approximately three percent solids. It is stabilized by anaerobic digestion prior to discharge. In no way is it responsible for anything like hair or sanitary products -- anything that would be associated with sewage. Sewage sludge is, in no way, responsible for any of those materials.

The Rahway Valley Sewerage Authority discharges approximately 19 dry tons per day into the New York Bight. At this time, we are in the same place as many others are -- between the rock and the hard place. We have spent a small fortune searching for an alternative sludge disposal method.

At EPA's direction, right now we are completing a sludge dewatering plant which cost \$7 million. When the project was begun, it was EPA-funded. Since that time, EPA has withdrawn from the project, and our users are financing the completion of the project. They are now going to finance the storing at the facility. It is a sludge-dewatering project which we cannot use because although it was built on EPA's insistence, the New Jersey DEP will not issue an air pollution permit needed to burn the sludge. So, we have to water the sludge that we cannot burn. Therefore, we cannot use the facility at all. Now, our users are going to pay to maintain an unused facility.

Our ocean dumpers at this point are not-- We are not anti-environmentalists; in fact, our staff consists of three graduate employees with degrees in environmental science.

We are looking at the 106-mile site with trepidation for several reasons: One, we have already paid for a sludge disposal alternative which we cannot use. Second, the 106-mile site is being designated only for five years, which means it is another temporary solution. Although it may seem easy and inexpensive to move it from 12 miles to 106 miles, it is not. Implementation of the use of the 106-mile site will be expensive.

ASSEMBLYWOMAN FORD: Do you mind if I interrupt you to ask you a question?

MS. BUZBY: No.

ASSEMBLYWOMAN FORD: You are in the business, so to speak, and we're talking about State incentives, etc., which will encourage you to go into alternate land-based alternatives for ocean dumping. What types of incentives -- only if you know -- would be acceptable to your industry in terms of promoting these types of different alternatives?

MS. BUZBY: I'll tell you, Assemblywoman, there is a problem in that the general perception seems to be that money is the issue. Money is not the issue. Ocean dumpers have spent millions of dollars trying to get out of the ocean. The problem is, the alternatives don't exist.

ASSEMBLYWOMAN FORD: I'm not necessarily talking about money. I'm talking about methodology to implement the types of things that were referred to earlier.

MS. BUZBY: The only proven alternative that I know of is actually incineration -- burning the sludge. All of New Jersey, to my knowledge, is not compliant with the applicable air quality standards at this time, and the DEP is not even considering additional sources.

Composting is an alternative. Philadelphia is in a big composting project now, and they have to give the sludge away. They are taking a loss on the operation, and they have all they can do to discard their sludge. Now, if New Jersey went into composting, we would put Philadelphia right out of business because they market their compost in New Jersey.

If New York City went into composting, there is just no--

ASSEMBLYWOMAN FORD: (interrupting) Indirectly we are getting it from Philadelphia too.

MS. BUZBY: They package it and market it as a gardening product. So, composting, for the volumes we are talking about, is not an alternative.

The problem we will run into with incineration is that when we were building our dewatering plant, and we were completely committed to going into incineration, the grant program was in effect. Now, the Federal grant program has diminished down to practically nothing, so it

will be very difficult for our users -- we have 190,000 citizens in our system -- to even finance an incineration plant. We are not alone in this; there are about five or six sewerage authorities in New Jersey who have the same problem.

Land-based alternatives are, unless it is incineration-- Strewing it out on the land is hopeless in New Jersey because no major food processor in the United States will buy produce that is grown on sludge-amended soil. We were talking about sludges from industrialized areas, so although we had one of first treatment plants in the State of New Jersey -- which is going along very well and we are having tremendous cooperation from our users -- we're are still in an industrialized system.

Our last objection to the 106-mile site is that it is known by all the environmentalists, the EPA, the DEP, and NOAA, that unless the other sources of contamination from the New York Bight are removed first, relocation of the sludge from the 12-mile site to the 106-mile, or relocation of the sludge from the ocean altogether, it will have no impact on the quality of the coastal waters of New Jersey. We feel that our users have already paid for a solution, have gotten very little for it, and should not be the victims of a political press that will show that someone is doing something about the ocean, when something is not being done about the true problem -- about the most significant problems.

I have written you some letters, but I'll be glad to send you formal testimony. I would like to offer you an invitation, if you would like to come, to see our plant in operation. I mean that. You are more than welcome to at anytime, and I'll gladly see you through it.

ASSEMBLYWOMAN FORD: I'd love to. I've been to atomic power plants this year; a sewerage treatment plant is nothing. Ciba-Geigy is a very nice plant.

MS. BUZBY: Thanks very much.

ASSEMBLYWOMAN FORD: Thank you. (applause)

**ANTHONY SELLITO:** Thank you, Chairperson Ford and Assemblywoman Perun. I apologize for not having a typewritten copy of my statement, but I am going to record what I am saying and provide that to you at a later date.

I am an attorney and I live and practice in Lacey Township. For the 37 years that I have lived here as a summer resident and a full-time resident, I have been a resident of the New Jersey Shore. I have spent many years as a lifeguard in Spring Lake, New Jersey, and also as a Red Cross water safety instructor in Spring Lake, New Jersey. In addition to that, I have been a recreational fisherman ever since I was able to hold onto a fishing rod; and, I have spent many, many hours fishing on the jetties and beaches in our ocean.

I am a graduate from Villanova University. Although I am now an attorney, I graduated from Villanova with a Bachelor of Science in Biology Degree. I have spent literally thousands of hours looking at the ocean, studying its currents, its clarity, its structures, and some of those experiences are what I would like to bring to you in an effort to try and give you a little instruction, in an effort to help you understand some of the other testimony you have heard.

I would like to begin by responding to the statement given by the girl from the Rahway Sewerage Authority, that sewage sludge does not contain hair. Sewage sludge, to my understanding, filters everything that comes out of our sinks and our toilets; just the water is drained off and everything else is dumped into the ocean as sewage sludge. Well, if you look at the top of my head, when I was born I was born with a full head of hair and every one of them went down the drain and made up sewage sludge.

Some information that I think would be informative to you concerns the pools along the Monmouth County coast -- not too much in Ocean County, but along the Monmouth County coast. Many of the municipalities and swim clubs have swimming pools in addition to the beaches. The water from those pools is not chlorinated water. The water from those pools is taken, on a daily basis, out of the Atlantic Ocean. They have pipes just a few hundred feet offshore. They fill those pools with that water. They may have some type of filtration

system, but there is no type of chlorination of that water, and on a daily basis that water is flushed out at night and the next morning it is brought in again.

I would like to tell you of some of my experiences. I remember many times as a lifeguard in Spring Lake, on days when the ocean wasn't crystal clear, we knew there was something in the water, but we did not know what it was back in those days. People would come out of the ocean after spending maybe ten or fifteen minutes in the water, and it was impossible to take anything more than just a very low, shallow breath. If one tried to take a deep breath, the pain in the lungs was excruciating. It would last for a number of hours. This was not something that happened once or twice, but many times in my experience over the years with the Atlantic Ocean. I am sure it is not something that came from the clean blue water.

They talk about the Ciba-Geigy site. I have only once fished in that area. It was a number of years ago, but I recall not knowing what it was I saw in the area. There were about five acres of water that was a brownish purple. I guess it is the tea color they are describing. It wasn't just a couple of hundred feet; it was quite an extensive area.

Someone had informed you they went fishing right off of Lavallette; that was the Ciba-Geigy sewage pipe.

You have heard testimony about the Dead Sea and the other information, so I won't go into that.

One thing I will state is that over the years I have noticed, and I have done an awful lot of fishing offshore, that the water has been getting cleaner. It used to be that the water was only clean when there was a west wind; now it is usually when there is an east wind that is blowing the New York City plume and the water from the sewage dump site in, that the water is discolored.

The water in the Atlantic Ocean, right now-- It depends. Now one has to go out anywhere between 20 and 40 miles offshore before the water is green. Eventually one will get to a point where the water changes to blue, and this all depends upon the currents and the winds at the time. But, there is a marked difference once one gets further offshore.

Something that I do not have to give to you today, because I turned in the only copy I had at the EPA hearings, is a book that was put together by the New Jersey Department of Environmental Protection. There is a marine fishery section in it entitled: Commercial and Recreational Fishes of New Jersey. I spoke to Bill Feinberg before he left and I asked him if he could send me another copy of it because I didn't have one. I also requested that he send a copy of the book to your Committee.

This book was compiled by the DEP, but it was put together-- The information was gained from hundreds of fishermen, commercial and recreational fishermen, in New Jersey. It contains charts and maps showing the various types of fishes that are caught and where they are caught. You will see that most of them are along the shoreline and along the area known as the mud hole, going out to the continental shelf.

A little bit of instruction on fishing is, most of the fish will not be found in the flat areas. The fish primarily go to the areas where marine life is living. They live along the drop-offs, and there is a sea cliff area that the marine life can live on. The smaller fish feed on this marine life; the larger fish go after the smaller fish. The other areas where they live are in the areas of wrecks and where things have sunken, where the smaller plankton-type marine life and other types of marine life can grow and which give hiding places to the smaller fish.

So, when you look at the charts and you look at the areas where the dumping is being done, recognize the fact that the major portion of your fishes are found along these steep drop-off areas. The area where the sewage is being dumped is right along the edge of the mud hole which is an area that runs from the Hudson River. What this is, is an area where, before the ocean was formed, there was a channel flowing out from the Hudson River which dug a little canyon. It goes all the way out to the edge of the continental shelf. It gets deeper and deeper. If you look at the charts you will see that. This area where the sewage dumping is being done is right along the edge of the mud hole.

By the way, the book that the DEP put together talks about many different types of fishes, but there are some that are within close proximity to shore and within the area of the New York plume and the area where the sewage dumping is taking place. It does not talk about some other fishes that are being caught in the last couple of years in the river basins, that were not caught years ago. There are marlin. In fact, one was caught just three miles off the beach last week. There are giant tuna, up to 1,000 pounds. There are sailfish, dolphin, and giant sunfish. There are giant sea turtles. My favorites are the whales.

The girl who was here before testified that she sees them on a rare basis. That may be because they are divers and they go out to a specific wreck area when they go under water. They don't travel around, as a fish will, on the surface all day long, looking for fish. We have seen whales almost every time we go offshore. In fact, once I was off fishing in close proximity to the area where the sewage dumping was being done. I was in the middle of a migration of whales. As far as one could see, in every direction, there were thousands of them off to the horizon and swimming under the boat.

Just two weeks ago, I was out fishing in the mud hole again. We had a school of blue fin tuna on the surface. They were not biting because they were being chased by a school of killer whales -- black and white ones.

They are something that are out there. This is something that has not been contained, until just recently, in the EPA studies which talk about the marine mammal also.

I am glad to see that these hearings, for the most part, are non-political. They should be that way because this is something that we are all interested in. You know, the last time I was out fishing, two weeks ago, the whales didn't tell me whether they were Republican or Democrat. They just swim in the ocean.

There are just a couple of things, however, that I would like to point out. Last year, as a candidate for the State Senate, there were a number of things I did. One, the New Jersey Democratic Committee passed a resolution opposing ocean dumping -- toxic waste



dumping. I have a copy of that. I am not going to read it, but I would like to turn it over to you. That was the main part of the Democratic Party platform in the State of New Jersey.

I also have a resolution which was prepared just before the mud dumping hearing, which was passed by the Ocean County Democratic Committee. When I was at this hearing -- at the mud dumping hearing a year ago last August -- the one thing that was stated by the Director of the EPA was that he was sorry he had to go back to Washington and state that the turnout was poor. It was something I didn't like, and I was hoping that by the time the hearing was held something would be a little different, because they had announced they were going to be having the sludge dump hearings.

I had people going around last year, when I was running as a candidate for the State Senate, giving out cards which gave the people an opportunity to sign their name to a statement opposing ocean dumping and mail them to me. I was going to bring them to the EPA hearings. Those hearings were delayed from December until this past June. But, when I went to the meeting in June, I was able to turn in the signatures of over 3,000 people who were opposing ocean dumping. I have a copy of one of those cards that I would like to turn over to you.

I would like to mention another thing besides the DEP book. There was someone here before from the Asbury Park Press; I don't know if he has left. About two months ago, the Asbury Park Press put out a 28-page editorial report entitled: Troubled Waters. It was probably the best compilation of facts that I have ever seen on the water pollution problems in the State of New Jersey. That is something that I would like to suggest, Marlene. You may be able to check with the Asbury Park Press and request them to send you a copy of that report.

ASSEMBLYWOMAN FORD: Tony, by the way, I gave you that book on the fish.

MR. SELLITO: I know, and I gave that one away. But, in any event, I would suggest that you ask the Asbury Park Press, if they do have sufficient copies--

ASSEMBLYWOMAN FORD: (interrupting) I am familiar with the publication, and it was very good.

MR. SELLITO: (continuing) --to supply to the Legislature. I think it is something they all should read. It would give them a very concise education.

Again, you are talking about some ways that you may be able to conduct studies, or "what things can you do?" One suggestion I might have is that almost on a weekly basis there have been fishing tournaments going on, being held by various fishing clubs in New Jersey. I am a member of the fishing club which was one of the largest contributors to the DEP book. But, there are a number of groups who are running shore fishing tournaments on a regular basis. Men are going out fishing all over the general nearby bight area.

ASSEMBLYWOMAN PERUN: Only men?

MR. SELLITO: And women also -- 'fisherpeople," if you want me to put it that way.

I might suggest that, if someone is looking for a way to conduct a study on a regular basis, you might contact some of these groups to take water samples. Give every man who is going out on a boat a bottle to fill up. Almost everyone in these tournaments have a loran, which will give you the exact location of where they were. They can get the wind direction, water temperature, and everything else, and it might be a way to conduct a wide-range study that cannot be done through the resources that DEP may have, or that you may have. It can be done by volunteers, as far as fishermen and commercial fishermen are concerned. Maybe that is something you can do, either on a one-time basis or a regular basis.

In any event, I would like to thank you very much for listening to my speech. I realize that you have been here for a long time. I am not going to go into anything more, other than to say thank you.

ASSEMBLYWOMAN FORD: Thank you. Is there a representative here from the Rumson Garden Club? (no response) Is Thomas Dooley present?

THOMAS DOOLEY: Chairwoman Ford, members of the Committee, my name is Thomas Dooley. I am an international representative and district legislative coordinator of the Oil, Chemical, and Atomic Workers

International Union, which in this area represents the Ciba-Geigy employees and the Ocean County Utility Authority employees.

I was born and raised in New Brunswick, New Jersey, and I presently live in North Brunswick, New Jersey. I have been a life-long resident of New Jersey, and I have spent every summer, as far back as I can remember, on the Jersey shore; and, I have many relatives who live from Sea Girt all the way down the shore.

The international union I work for is the recognized leader in the area of occupational health and safety and its impact on the community and on the environment. I mention these two things only for the members of the Committee to have a point of reference and expertise on the comments I am about to make.

The problem we have here today is that every person who has stood up in this audience has been right, including Ciba-Geigy. I have sat and testified at many, many hearings, such as this one, all across the United States, because our international union represents people from California to New York, all down through the South, and all up through Ohio and all the rest of that area. We have sat at a multitude of these types of hearings.

We have the unfortunate position, as you have up there, of being a multi-interest group, not a single-interest group. We have to deal with all of the problems. We have gone into great detail today, talking about the devastation of our oceans, and no one can argue with that. But, there is another very important part of environmental devastation, and that is the human devastation that comes along with it.

You heard mention made of the National Lead Plant. Without getting into the argument of whether that permit should have been renewed or not, I think there were alternatives to that. The plant was subsequently shut down. I do not think it was because of the denial of the permit, or the proposed denial of the permit. But, when that plant was shut down, the human devastation in the form of divorces, suicides, alcoholism, and a lot of other things was just as sure as the devastation that is happening to our environment.

Now, I am not standing up here opposing the legislation. As a matter of fact, I am highly in favor of the legislation. I am not standing here opposing the arguments that the environment must suffer for jobs, and jobs must suffer for the environment. What I am standing up here saying, very simply, is that our expertise has taught us that the way to deal with this issue is to consider the industry and its workers as part of the environment, because they are not going to go away. Industry and workers are like fish and water, or air and birds; they are here to stay. The way to deal with these problems is not, as you have already stated, to have partisan politics, to have emotional statements made at public hearings, to have interest groups selectively target industries, nor to have publicity stunts pulled off, and a variety of other things done.

The answer to the question is to pass legislation that will deal immediately with polluters, polluters who have a record of continuing to pollute, refusing to do anything about it, and who will not plug into technological improvements. That legislation should deal with them immediately.

For organizations, people, or other types of polluters who want to change and start to get on the environmental road, assistance should be there for them.

And, for companies that have been leaders in the field, regardless of whether one can challenge how much of a leader they are, they should be rewarded and assisted to go on further. This should be done in the form of legislation that would then further form either a commission or an authority which would plug into all of the expertise, because what we fail to realize at this hearing is, down here we are talking about ocean dumping, but somewhere else they don't want it burned, because now the people who are in favor of clean air are against burning it and pumping it into the air. When you get past that, you can't bury it either, because they are not in favor of that. Well, basically, if you put that all together, what you end up with is, we will just all have to stop everything, and we know that can't happen either.

So, what we have to do is to consider everyone and every part of the environment by having a law that deals with the immediate problem and also deals with the far-reaching problem in the form of an authority or a commission -- or whatever you want to call it -- which will have, number one, research. It will have all the existing research from all over the world pumped into it that will further fund new research.

Second, that authority, or that commission, should contain a monitoring function which identifies where the existing research can be put into effect.

Third, we should assist these people financially, where possible, to carry this out.

Unless we do that, and unless we consider all of the aspects of this, we cannot just consider the New Jersey shore ocean dumping part of it. Even though you are absolutely right, the New York situation should be stopped immediately, there are other things that should be dealt with immediately, a little way down the road. But, to burn it? Where are we going to burn it? And, if we are not going to burn it, are we going to bury it? Where are we going to bury it, and what is the technology involved in that?

This should not be dealt with as an individual issue. It has to be dealt with as a overall issue, with people from the public, with people from industry, with people from government, and with people from different groups putting their experts in here who can sit down and deal with the problem. The type of legislation you are talking about should include some vehicle besides stopping something immediately. It should also include some sort of device that will help the ones who want to do something, and assist the ones who are ahead. It should provide a long-range approach that deals with the overall problem, because that is the biggest problem we have. We are all part of this environment and whatever we do in one part of the environment definitely affects the other parts. So, you have to consider all of this as a whole.

I would like to thank you for the opportunity to speak here today.

ASSEMBLYWOMAN FORD: Thank you. One of the purposes of this hearing was not to promote any particular type of legislation, but rather to discuss just what you addressed, and that is what should the policy of the State be? I think this Committee can certainly go back and say at least your contribution -- if I can summarize it -- is that the policy should be one of addressing the environmental factors, but also addressing and assessing some of the human factors.

MR. DOOLEY: That's true, Assemblywoman Ford, but I also think it is important-- Someone here mentioned the DEP and some of the other agencies before. The true fact of the matter is that many of the corporations I deal with -- not only Ciba-Geigy -- have had an ongoing problem with wanting to know what to do and how to do it, or they have had their own ideas and they have been held up. I don't know how you would speed that process up, because I am aware of the political problems involved that perhaps many of the people in this audience are not aware of. But, this is a problem that not only affects industry, but also the cost to industry, and then, in the long run, our workers. We are all part of this problem. That is another problem. Whoever said that is absolutely right. There also has to be some way to speed up decisions, because you may have a company that wants to do something, puts in a petition to do it, and then every month they wait there are millions of dollars tied up in court. Actually, by the time they get a decision, sometimes it is not even worth doing what they wanted to do originally on the environmental end of this.

I agree with Assemblywoman Perun, that we have studied ourselves to death. There are enough studies around, and there is enough technology available. It might not be exactly what we all want, but we surely can make some expert decisions on this matter a little more quickly than we are doing. So, that is another area you might want to look at also.

ASSEMBLYWOMAN FORD: Thank you very much for your testimony.

Mr. Kinnevy

JOHN KINNEVY: Hello. My name is John Kinnevy, and I am speaking for myself and for the Shore Citizens Party, which is an ecologist, feminist organization. Since 1955, I have lived in Brick Township, a

town which has a two-mile beach front on the Atlantic Ocean. We are presently spending several million dollars to develop a park on that beach front.

Between May and October each year I swim at least once a week in the ocean, although after listening to the testimony today, I may go into the bathtub instead. I feel that the oceans of the world belong to no person, no government, and no corporation; they are the common heritage of all humankind. In fact, life on land began in the ocean. Even now, the oceans are continuing life by providing food and fresh air.

However, for many years governments and corporations have been dumping poisonous wastes into the ocean. Untreated sewage and toxic chemicals have been dumped into the ocean for economic reasons, with no concern regarding the effects of these poisons on the marine ecology.

Although through the years many enlightened persons and groups have warned about the dangers and folly of poisoning the earth, only in recent years has government taken any action. Government has only taken steps after protests and pressure from active citizens, such as the people who are here today.

Corporations, in turn, have acted only under the threat of legal prosecution by the government.

Our society has progressed to the point where most people realize that what happens to the earth happens to its people, and that the earth and its people are actually one and the same. Nature and humanity cannot be separated. If we poison the earth, we poison ourselves. If we are killing the ocean, we are killing ourselves. If the ocean dies, we die.

Today, as we hold this hearing, New York City is dumping 250 million gallons of untreated sewage -- shit -- into rivers and bays which feed into the ocean. In addition, Ciba-Geigy Corporation, an international chemical company, will also dump 4 million gallons of chemically-poisoned water into the ocean right off the Ocean County beaches.

Even if the treated water is tea colored, I wonder how many people at Ciba-Geigy would actually make tea from that water and drink it?

There is absolutely no reason for this dumping. It must be stopped immediately. The money and technology to do it exists. In fact, both have existed for a very long time. The reason the dumping continues is purely political.

Sewage can be treated, filtered, and converted to drinking water and fertilizer. The technology to do this is there. The money is there also -- or should be. Money for sewage treatment must be provided by the Federal government, which annually wastes hundreds of billions of dollars. For example, last week Congress voted to send \$70 million to El Salvador's military dictatorship. Why send that money out? Why not use it in New York, New Jersey, and the rest of the country? This happens every week. Money is sent out.

Business corporations, such as Ciba-Geigy, must be required to neutralize any toxic by-products they create on the site of the plant which produces them. Corporations must use their own money to prevent any kind of pollution. They have no right to dump in the ocean or on land, or to pollute the air. If a business cannot safely handle the poisons it creates, they should not be in business. No commercial product can be more viable than human life, or more sacred than the earth.

I strongly urge -- in fact, I demand as a citizen -- that the State and Federal governments pass laws outlawing ocean dumping totally. In addition, there must be legislation prohibiting toxins from ever leaving the plant sites.

Both the people of New Jersey and the State government must take strong steps to end New York sewage dumping. Anyone or any party cruel or stupid enough to allow such dumping should not hold any elected office, especially that of President or Vice President.

I thank the members of this Committee for holding this hearing, and I hope swift, constructive action will result from it.

ASSEMBLYWOMAN FORD: Thank you, Mr. Kinnevy. Assemblywoman Perun has a question.

ASSEMBLYWOMAN PERUN: I have a question for you.



MR. KINNEVY: Yes.

ASSEMBLYWOMAN PERUN: I hear the term used-- I am in politics. I am an Assemblywoman. I have been in politics for about seven years of all my long life. What do you mean when you say certain decisions are strictly political? Would you explain that to me, because I am trying to figure it out. If we are in politics, what we do must be political, so you have to tell me whether there is something associated with this terminology, and where I can go with it. What does it mean when you say our decisions are political if we are in politics?

MR. KINNEVY: By saying political, I take a broad view; I don't mean purely partisan and looking from one election to the next. I mean political in a broad sense, where decisions are made according to money, power, and the positions people are in to change laws. Everything is political. Boards of Education are political because they use tax money to fund their programs.

ASSEMBLYWOMAN PERUN: Okay. I see where you are going. May I also suggest that some of us in politics -- and that is why I think we are here today -- are functioning as politicians because we are trying to get the message across about how best to treat our environment and the people in it? Without such people as politicians, this kind of hearing could not be held, believe me, because if each one was going his or her own way, we might have a bigger mess than we have, even with the kinds of laws we do try to enact by our hard work and sincerity.

There is a golden side to politics, believe me. It is not all the position we hold or the money in it -- or whatever it is. I am not addressing this just to you.

MR. KINNEVY: I am not trying to be negative about politics; I took political science courses in this lecture hall. I am very optimistic.

ASSEMBLYWOMAN PERUN: Okay. I am not even addressing the young man. I am trying to address whoever is left in the audience, because I hear this term thrown at us: "Your decisions are purely political." I sometimes have trouble wrestling with that term, trying

to find out whether there is a problem associated with that or if it is a salutary type of thing. I could not grasp, from what has been said today, whether what we are doing is good, bad, indifferent, or whether we are going in the right direction, albeit a kind of slow-poking around, because at times the system really helps to defeat us from achieving our ends as swiftly as we could like to. Believe me.

MR. KINNEVY: Maybe you took my terminology the wrong way.

ASSEMBLYWOMAN PERUN: No, I am trying to analyze it to determine whether it is used in a detrimental manner. It wasn't just you.

MR. KINNEVY: Okay. Thank you.

ASSEMBLYWOMAN PERUN: Thank you.

ASSEMBLYWOMAN FORD: Our next witness will be Ken Brown from the Clean Water Action Project.

**KENNETH BROWN:** Assemblywoman Brown, Assemblywoman Perun, and other members of the Committee, I would like to thank you for the opportunity to speak here today, and also to commend you for holding the hearing here today. I will be brief, so that we can all eat lunch and go home.

Obviously, the problems here at the shore are problems that are felt all over the region. There are a wide variety of sources of pollution that are contributing to the devastation here. We have toxins that are escaping from landfills that can threaten the ocean and the drinking water. We have 10 million tons of sewage sludge that are dumped 12 miles off shore. We have 10 million tons of contaminated dredging materials that are dumped only six miles offshore. We have runoff from urban streets, from oil, and from agricultural lands that are contributing to water pollution, we have industries that are directly discharging industrial wastes into waste water, some of them legally, some of them illegally, and we have sewerage treatment plants.

There are a wide variety of both Federal and State laws which combat these many different sources of pollution, so it is sort of a complex web of regulations and legislation we are dealing with, and it is important to focus in on what New Jersey, as a State, can do, and also on the limits regarding things we can't do.

If we look at New Jersey, there are 470 municipal sewerage treatment plants and 5,000 industrial dischargers. Nine hundred and eighty discharge directly into waterways, and 4,000 discharge into sewerage treatment plants, and those are called indirect dischargers. All are regulated under the Clean Water Act, and that program has been delegated to the State to carry out and administer. So, there are a number of things the State can do under those laws.

The first issue is municipal sewerage treatment plants, and I think that the major issue in terms of sewerage treatment plants is, number one, the will to do something; and, number two, money. Historically, funding for sewerage treatments plants has come from the Federal government. The Federal government has spent \$40 billion over the last 10 years, and they have done a decent job with building sewerage treatment plants.

Still, today in New Jersey we have over 200 sewerage treatment projects all over the State, some major and some minor, that need to be upgraded or constructed from the beginning, and the cost is estimated at somewhere around \$2.4 billion for our sewage treatment needs.

So, the question is, we have a situation now where the Federal government is beginning to cut back the amount of money they are devoting to sewage treatment funding. For example, we have \$2.4 billion worth of needs here in New Jersey. The Federal government is only spending \$2.4 billion nationwide on sewage treatment. So, obviously, we are going to have to come up with that additional money if we are serious about doing the job, and that has to come from one of three places: One, we have to put additional pressure on the Federal government in order to get them to increase the amount of money; number two, it has to come from the State, which has to throw in more money; and, number three, local ratepayers have to pay additional money to fund it. It is one of three choices.

The people want sewage treatment. The question is, where is the political will to find that additional money? On the Federal level it cannot be spent on defense, and on the State level it cannot be spent on building a huge multi-billion dollar tunnel for flood control,

when we don't even know if it will work or not. Or, we have to come up with additional money at the local level.

There was a proposal in for an infrastructure bank. I think that with adjustments that type of proposal has considerable merit. I think it shouldn't deal with highways and bridges; it should deal solely with sewage treatment. It should be focused on some sort of a revolving bank that deals with the problem.

So, that is what I think needs to be done with sewage treatment.

If you look at directing indirect dischargers, the major solution that I see there is a long-term solution. It is called source reduction or waste reduction, and we can actually begin to reduce the amount of toxic waste that is being discharged into our waterways and sewerage treatment systems. This can be done by product substitution. For example, one can begin to substitute water-based inks for solvent-based inks. We can change the composition of what we make paints out of to water-based paints instead of solvent-based paints. We can have process changes, where industries begin to use closed loop systems rather than discharging hundreds of millions of pounds of metals from electroplaters into waterways and sewerage treatment systems. Some electroplaters are beginning to recapture the silver, the nickel, and the cadmium that they use in their processes and they recycle it. Not only is that better for the environment, but it has proven to save them money in a number of situations across the country. There are growing numbers of examples of how that is actually working.

The third choice in source reduction is actually recycling the amount of waste. Rather than taking the trichloroethylene and metal-based sludges and dumping them in a landfill, they can be taken to a solvent recovery facility and we can recycle and reuse them, having a central processing facility where electroplaters would send their waste in order to begin to recycle those wastes. There are a growing number of examples where that is working very successfully.

A final example of that is waste exchange, where one company's waste can be a valuable product to another company, and can

actually be used, rather than being dumped into waterway sewer systems or into the ground.

So, there are a number of examples of what can be done, and I think the State should begin to move aggressively towards an active program of waste reduction -- source reduction. It can do that through economic incentives, by taking another look at the regulations right now and figuring out where toxins are escaping into the environment and closing up those loopholes. It can require industries to do what is called a master materials balance audit, where they look at all the toxins put into their process and then all the toxins that are escaping. Right now most industries don't know that information. They don't know how much toxins they are--

For example, if you take one toxic chemical, such as toluene, they don't know how much is going into the process from the beginning and how much is being discharged into the air, the waterways, and the sewer systems. First you have to get a handle on that information, and then you begin to close the loopholes and change the process so that they can begin to recycle and reduce the amount that is being discharged into the environment.

Finally, if you look at the Department of Environmental Protection, there are a couple of things they can do to improve the situation. Right now, there is a tremendous backlog in both sewage treatment permits and industrial discharge permits. One hundred and seventy-five municipal treatment plant permits need to be reissued this year, 350 permits for direct industrial dischargers have to be reissued, 500 permits for indirect industrial dischargers have to be upgraded this year, and then there are 3500 permits for industries which are left to the responsibility of the sewerage treatment plants, the major sewerage treatment plants that have industries discharging into their facilities.

The JAC took the wise move of appropriating an additional \$1 billion to eliminate the permit backlog, and also to make sure that additional inspections are conducted and enforcement is carried out by the Department. I think it is important for the Legislature to monitor the Department's spending of that money in order to make sure they are

spending it to hire the people they say they are supposed to hire, to make sure those people are eliminating the backlog of the permits, to make sure that additional inspectors are hired, and to make sure that inspections are occurring more often. I think that will go a long way towards reducing the backlog by upgrading the industrial permits and reducing the amount of toxics they are discharging.

Finally, I think it is up to the Legislature and the Department to very closely monitor what is going on at the major sewerage treatment plants in the State, which are responsible for writing and enforcing the permits for the 3500 industries that discharge into their facilities. There is a tremendous potential for loopholes there, for industries to get out of not complying with the law. They are not dealing with the State now, but with sewerage treatment plants which have a lot less political leverage and muscle to use in enforcing those permits. They also have a lot less funds to use for writing the permits, do the monitoring, and that sort of thing. So, it is really important for the State Department to very closely monitor what they are doing, and also the Legislature should follow that.

I thank you again.

ASSEMBLYWOMAN FORD: Thank you very much. That is the end of our prepared testimony list, as well as the add-on list. If there is someone else here who we have skipped over and who would like to testify, we would be happy to have you.

Would you just state your name, sir?

**OTTO BEINS:** My name is Otto Beins and I am from Lakewood, New Jersey. I sat through your Committee hearing today, and it was somewhat interesting, but some parts of it were not interesting.

I believe at the beginning of the hearing you made it a point to allow the people to talk for five minutes. I think you forgot about that. If you dip into your petty cash, you can buy a stopwatch that, after four and one-half minutes, buzzes, so the speaker knows he or she only has 30 seconds left to keep talking, because some of the things said were interesting and some of them weren't.

I am really not interested in a person's personal life, if they are out fishing, etc. I am interested in the things that are on the agenda, which I think a lot of people got away from; they went off on their own tangent.

So, my personal opinion is for future reference. If you have a stopwatch, or something of that type, to notify the witnesses that they only have 30 seconds left, or a minute left to talk, they will condense all of their thoughts in that five-minute period and not belabor the subject by, after making their point, losing their point by continually talking about something that the people lose interest in.

If you turn around and look, the room is almost empty, and I think you would have had a lot more people stay. Even people who were supposed to come up here and talk left. So, you should look into this.

Besides that, I had a very interesting time here today, and I am looking forward to coming here again. I am sure if you condense the time of the people who are talking, you will have a lot more people attend, and a lot more people will stay. Thank you.

ASSEMBLYWOMAN FORD: That is often a difficult balance to strike when people feel they have a contribution to make. Thank you for your comments.

MR. BEINS: It is not a matter of hurting their feelings. Everybody should have ample time, and when their time is up, it is time to go.

ASSEMBLYWOMAN FORD: Thank you. I will now close this Committee hearing and thank you all for your participation and your interest.

**(Hearing Concluded)**





**APPENDIX**



TESTIMONY OF ASSEMBLYMAN JOHN T. HENDRICKSON BEFORE  
THE ASSEMBLY ENERGY AND NATURAL RESOURCES  
COMMITTEE ON OCEAN DUMPING  
AUGUST 20, 1984

AUG 30 1984

Mr. Chairman my name is Tom Kennedy. I am representing Assemblyman Hendrickson, who unfortunately could not be here today. He has asked me to read his remarks to the committee.

For over 30 years the problems associated with ocean sludge dumping and raw sewage discharging have been building. Today we find the area around the New York Bight almost empty of all marine life.

We in New Jersey must share some of the blame for this condition. The ocean for some has been a bottomless landfill - convenient enough to use, but far enough away so as not to be seen or smelled. Ocean dumping was and still is an easy and cheap answer to those who believe in the NIMBY principle (NOT IN MY BACK YARD) of waste disposal.

New York City, however, is by far the greatest violator of our common environment. Since the city received its first extension of its

sewage treatment improvements in the late 40's, there has been one delay after another. Because of these delays New York City finds itself years behind New Jersey and way ahead in cost overruns. The North River plant at 139th Street alone has cost more than \$1 billion to date and is still two years away from its start-up. New York City has yet to meet primary treatment standards and now wants to be exempted from the secondary treatment requirements because of the cost. This kind of false economy should not be allowed! Governor Kean said it best when he stated, "The issue...is more than an economic one -- it is a profoundly human one as well. Ocean pollution does more than tarnish a precious treasure, it threatens the health of living organisms -- including human beings. It's our duty as elected public officials to fight against any further attempts to get around federal clean water requirements.

Today New York City is dumping, flushing and injecting over 200 million gallons of raw sewage into the Hudson and East Rivers and the New York Bay per day. And at the same time is constructing massive building projects which will only add to this environmentally destructive practice. Mayor Koch says that these new projects will not

have any any harmful effect on the water. We in New Jersey know better. We know that any additional sewage in the water means a greater chance of sewage on our beaches and in our food chain.

As this so called "dirty growth" goes on in New York City, we in New Jersey are taking steps to reduce our pollution. Our largest sewerage system, the Passaic Valley was brought up to 90% treatment efficiency level two years ago. The State is also making sure that before a construction project occurs the sewerage system has enough extra capacity to handle the load. Because of this requirement many municipalities throughout the State have had sewer extension bans placed upon them. New Jersey is also trying to upgrade other sewerage systems to bring them up to acceptable levels. Most of the towns in my district meet much stricter standards for sewage treatment than the ones being proposed for the New York metropolitan area. We must make sure that the Environmental Protection Agency holds New York City's feet to the flames regarding sewage treatment standards.

While, ocean dumping is not the final answer to the waste disposal problem, I do support the Environmental Protection Agency's decision to move the sludge dumping site from 12 miles to 106 miles off the coast. The greater depth of this new site, around 7,000 feet, compared to 120 feet of the old site, will allow greater dispersion. The dumping of sludge at the 12 mile site combined with the raw sewage discharged has damaged our \$1 billion a year fishing industry. Our fishermen have reported increased cases of fin rot, lobster die-off and gill fouling. They also have reported a decrease in the number of fish caught. This clearly shows the impact of poor waste management.

The new site, because of its greater distance, should help in lowering the pollution level around Northern Monmouth and the New York Bight area. However, we can not continue to use our ocean resources in this manner forever. New Jersey must move forward toward land based alternatives. One such method is incineration, a means by which the waste is burned to generate energy. This energy then can be sold to consumers. Another method is composting and land application which return valuable nutrients to the soil.

In Ocean County the utilities authority is looking into using the leftover waste as an agricultural fertilizer. Under their proposed plan the waste will be placed in a digester, then into a system that will steam-dry it and later form it into pellets. The authority hopes to be able to sell 17,000 tons of the product. It is estimated that this would raise \$300,000.

With this kind of innovative attitude New Jersey can go even further in solving its waste problem.

Thank you.

**MONMOUTH COUNTY PLANNING BOARD**

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**STATEMENT  
OF THE  
MONMOUTH COUNTY PLANNING BOARD  
AND  
MONMOUTH COUNTY ENVIRONMENTAL COUNCIL  
ON  
OCEAN DUMPING**

**Presented before the**

**New Jersey Assembly's Energy and Natural Resources Committee  
Assemblyman Anthony S. Marsella, Chairman**

**Presented by**

**Sally Mollica, Chairperson  
Monmouth County Environmental Council**

**Ocean County College  
Toms River  
20 August 1984**



# MONMOUTH COUNTY PLANNING BOARD

COUNTY OF MONMOUTH • NEW JERSEY

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August 20, 1984

ROBERT W. CLARK, P.P.  
DIRECTOR

## A JOINT STATEMENT

### THE MONMOUTH COUNTY PLANNING BOARD AND THE ENVIRONMENTAL COUNCIL

The apex of the New York Bight is a seriously degraded marine environment as a result of contaminated waste materials from the New York/New Jersey metropolitan area. These wastes enter the Bight through land runoff, through sewer and industrial waste outfalls, and via the ocean dumping of acid wastes, dredged materials and sewage sludge.

This area, approximately 6 to 15 miles off the Monmouth County coast, is the nation's largest recipient of wastes dumped at sea. Each year, 20 million tons of contaminated sewage sludge, dredge spoils laced with PCB's, and industrial acid wastes are dumped in the Bight. In addition, billions of gallons of raw sewage, industrial wastewater and runoff are discharged daily into the rivers, bays and estuaries which feed into the ocean. These materials are pushed by the tides, currents and winds southward along the coast of Monmouth County and as far south as Long Beach Island in Ocean County.

The County of Monmouth has 27 miles of ocean coastline, its most precious economic and recreational resource. The continued dumping of these wastes damages the county's tourist and fishing industries, as evidenced by the "fish kill" of 1976, restrictions on shellfishing, and the taking of dioxin-contaminated blue claw crabs and striped bass in the apex area. Dumping endangers the health of our residents and the millions of visitors who vacation each year on our shores, by contaminating the water in which they swim.

- more -

The Monmouth County Planning Board and the Monmouth County Environmental Council strongly oppose the practice of ocean disposal. Both the planning board and the council support the interim use of the 106-mile site for a period not to exceed 10 years; we believe all petitions for further use of the 12-mile site should be denied. The Monmouth County Board of Freeholders is also on record as urging immediate adoption of alternatives to the dumping of contaminated dredge materials at the mud dump site 6 miles off Sandy Hook.

In addition, we support the establishment of a research program to monitor the accumulation of dumped material, determine its impact on the marine environment, identify acceptable alternatives, promote the recycling of municipal and industrial sludges, and encourage an accelerated and strengthened industrial pretreatment program. These positions have the support of the New Jersey Coastal Counties Committee, a committee of elected and appointed officials and staff from Atlantic, Cape May, Monmouth and Ocean Counties.

Continued dumping would almost certainly delay the start of the area's recovery, especially with the predicted increase in levels of sludge waste to be generated in the Bight. The problem can best be solved through a coordinated effort by Congress, the EPA, and the DEP. All 50 states produce sludge, but only eleven dump offshore. Alternatives to this practice do exist!

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## Monmouth County Inter - Branch Council

American Association of University Women  
New Jersey State Division

TESTIMONY BEFORE ASSEMBLY ENERGY AND NATURAL RESOURCES COMMITTEE  
OCEAN COUNTY COLLEGE, TOMS RIVER  
AUGUST 20, 1984

I am Nancy Butler, Chair of the Monmouth County Inter-Branch Council of the American Association of University Women. The Inter-Branch Council represents over 600 college-educated women throughout Monmouth County.

For over a year, Monmouth County AAUW has been involved in the effort to move ocean dumping sites away from the county coastline, and ultimately to phase out all ocean dumping. As a member of the Women's Environmental Coalition, AAUW has sought to raise the public awareness of the ocean dumping issue. We are pleased to have been invited to participate in this hearing.

New York Bight pollution sources are located in both New York and New Jersey. Untreated and inadequately treated sewage and sewage sludge are generated by both states. Forty-six percent of the sludge dumped at the 12-mile site comes from New Jersey; only 13 percent of the pollutants are removed by Jersey City's sewage treatment system. When Mario Biaggi of New York says "the sewerage and debris on the Jersey shore is the product of New Jersey," he is partly right. For us to insist on a clean-up by New York, we must clean up our own act.

To this end, a New Jersey Clean Water Act could establish funding to implement such goals as:

1. the upgrading of sewage treatment plants where necessary. In its "Ocean Waste Management Strategy," the DEP says that there are "over 230 applicants representing \$2.4 billion in wastewater treatment projects that will be ready to begin construction in the next four years" and for which funding at either state or federal level is questionable.
2. development of alternate methods of sludge disposal. New Jersey and New York are the only states that dump their sludge in the ocean. The attached article in the November 1983 JERSEY SIERRA describes several alternative technologies, while two additional articles from the ASBURY PARK PRESS in March 1984 describe projects proposed by the Ocean County Utility Authority and the Long Branch Sewerage Authority.
3. the requirement that industry pretreat effluent before it enters municipal treatment systems. Industry can no longer enjoy cheap and easy disposal of waste at the expense of the environment. Cleaning up must be a part of the expense of doing business.

Volunteer organizations can be effective vehicles for stimulating public action. AAUW has been actively involved with the Women's Environmental Coalition and Clean Ocean Action in the effort to close the 12-mile dump site, while informing the public county-wide about clean ocean issues. A similar effort should be made throughout the state, with schools, local governments, and volunteer organizations disseminating relevant information. Once informed, public opinion can be mobilized to put pressure on elected officials who in turn can put pressure on polluters.

Volunteer organizations can also provide a means for bridging the gap between New Jersey and New York. In March, the Inter-Branch Council contacted AAUW branches in New York about the EPA hearings to be held in New York City and on Long Island, and urged them to support our position. The president of the New York Division of AAUW reported that the Garden City Branch had delivered testimony at the Long Island hearing, and by doing so had added "another voice to the effort to clean up the waters of both New Jersey and New York." Public testimony at this hearing emphasized the important fact that the condition of the ocean affects Long Island residents in the same ways that it affects New Jersey residents.

Lastly, we suggest further study of the federal consistency provision of the Federal Coastal Zone Management Act and its application regarding dumping permits issued by the EPA or the Corps of Engineers in conflict with New Jersey's efforts to clean up its coastal waters.

Nancy Butler  
20 Cedar Place  
Tinton Falls, NJ 07724  
201-542-9136



President  
Alice Ann Leidel

American Association of University Women

New York State Division

73 Melanie Lane, Syosset, NY 11791

(516) 921-8216

June 30, 1984

Nancy Butler  
Chair  
Monmouth County Inter-Branch Council  
20 Cedar Place  
Tinton Falls, NJ 07724

Dear Nancy,

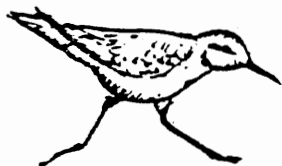
Your Inter-Branch Council is certainly to be commended for your recent action in regard to the EPA hearings regarding the off-shore sludge dumping site.

After I received your letter I contacted the Garden City Branch here on Long Island to request that their Legislative Chair prepare testimony and deliver at the June 22 hearing at Hofstra University. Dorothy Fisher did accomplish that task and I am pleased that we were able to add another voice to the effort to clean up the waters of both New Jersey and New York.

With all best regards -

Cordially,

Alice Ann Leidel



# Jersey Shore Audubon Society, Inc.

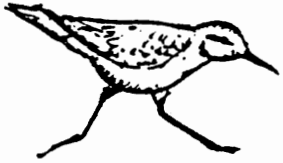
P.O. Box 1800 • Point Pleasant, New Jersey 08742

Honorable Marlene Lynch Ford  
Assemblywoman, District 10  
Assembly Energy, and Natural Resources Committee  
CN-042, State House Annex  
Trenton, N.J. 08625

Dear Ms. Ford;

The Jersey Shore Audubon Society, with over 600 members in both Ocean and Monmouth counties, applauds the efforts of your committee and the Assembly, to address the serious issues posed by continued ocean dumping of municipal sewage sludge, and other particulate spoil materials, into the waters off our coast. While we are noticing a politicizing of these issues, this is a problem which transcends both state and party lines. Sewage sludge dumping will not end until we can find land based alternatives, co-recovery, pyrolysis, incineration or other viable methods, and discuss them on a state and community level.

New York City is responsible for approximately 49% of the sewage now dumped into the 12 mile dump site. It also dumps millions of gallons of untreated sewage into the Hudson River, which should be the shame of every New Yorker and American.

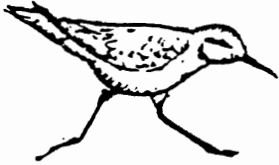


# Jersey Shore Audubon Society, Inc.

P.O. Box 1800 • Point Pleasant, New Jersey 08742

We have heard from commercial fishermen for years, with increasingly bad news about the diseased fish and crustaceans they catch. These diseases range from fin-rot, gill fouling, protozoan parasites of gill tissues, to necrosis of exoskeletons, and lobster die-offs. These conditions have been found on fish caught in Raritan Bay, the western Bight Apex as well as near the Dump sites. Is it any wonder that there have been bans on crabbing and clamming in these areas and recommendations that certain other marine fish not be eaten at all, especially by pregnant women and children. "It is postulated that the degraded conditions of the Bight Apex, together with the high concentrations of bacteria there, contribute to diseases of marine organisms(1)."

"Traditionally, coliform bacteria have been used as an indicator of pollution from municipal wastewater discharges. Although coliforms themselves do not pose a threat to public health, their presence in large numbers indicates, with a high degree of probability, that pathogenic organisms are also present. (2) The increased use of antibiotics has resulted in mutant bacteria that are resistant to a broad spectrum of antibiotics, and possibly even to heavy metals. Antibiotic-resistant bacteria are not unique to sewage sludge nor to ocean dumping of sludge. They have been recovered from raw and treated sewage, from river water, from salt water,



# Jersey Shore Audubon Society, Inc.

P.O. Box 1800 • Point Pleasant, New Jersey 08742

from the Whippany River, and from beach water at Sandy Hook, NJ. Antibiotic-resistant bacteria are an indication of wastewater contamination. It has been suggested that the dump site is a potential "breeding ground" for such bacteria."<sup>(3)</sup>

Several North Jersey municipalities are also guilty of dumping treated sewage sludge into this dump site. This site originally 12 miles off Sea Bright, and 5-6 miles square, now is estimated to encompass 20-30 square miles and be within 5-6 miles of the New Jersey and New York beaches.

It is time that all dumping is stopped at the 12 mile site, that the 106 mile site be used temporarily, and land based alternatives be sought in accordance with the law.

Sincerely,

Stephen B. Fowler  
Jersey Shore Audubon Society

(1),(2),(3) Environmental Impact Statement on the Ocean Dumping of Sewage Sludge in the New York Bight. Final Sept. 1978.  
U.S. Environmental Protection Agency, Region II, New York, N.Y.  
PP 112, 114.



NEW JERSEY ENERGY AND NATURAL RESOURCES COMMITTEE  
OCEAN DUMPING HEARING

AUGUST 20, 1984 - OCEAN COUNTY COLLEGE, TOMS RIVER, NEW JERSEY

Chairperson:

Assemblywoman Marlene Lynch Ford

Edited Testimony of:

Anthony M. Sellitto, Jr., Esq.

Assemblywoman Ford, I apologize for not having a typewritten copy of my statement, but I am going to record what I am saying and provide that to you at a later date.

I am an attorney. I live in Lacey Township and practice in Lacey Township. I have spent my 37 years either as a summer resident or full time resident of the Jersey shore. I have spent many years as a life guard and also as a Red Cross water safety instructor in Spring Lake, New Jersey. In addition to that, I have been a recreational fisherman ever since I was able to hold up a fishing rod and have spent many, many hours fishing on jettys, our beaches and in boats on the ocean. I was a graduate of Villanova University, and although I am now an attorney, I graduated from Villanova with a Bachelor of Science in Biology. I have literally spent thousands of hours looking at the ocean, studying it's currents, it's clarity, it's structures and it's fishes. Today, I would like to try to give you a little bit of instruction that may help you understand some of the other testimony that you have heard.

I would like to begin by responding to the statement from the girl from Rahway Sewage Authority that sewage sludge does not contain hair, (referring to the earlier complaint of a representative of the commercial fishing industry, that on occasions nets trapped in the area of the sludge dumping have become so totally clogged with hair that they are impossible to clean, rendered useless, and discarded with the fisherman losing thousands of dollars of equipment). My understanding is that everything that goes into our sinks and toilets ends up at the treatment plants. The water is drained off and everything else is dumped in the ocean as sewage sludge.

Well, if you look at the top of my head, when I was born, I was born with a full head of hair, and every one of them went down the drain and made up sewage sludge.

Some information that would be informative to you regards the swimming pools along the Monmouth County coast. Not so much in Ocean County, but along the Monmouth County coast, many of the municipalities and swim clubs have swimming pools adjacent to the beaches. The water in those pools is not chlorinated water. The water for them is taken on a daily basis out of the Atlantic Ocean. They have pipes just a few hundred feet offshore. They fill the pools with that water. They may have some type of primary filtration system, but no method of chlorination is used. Each evening the water is flushed out. The pools are cleaned and re-filled again.

I remember many times as a bather and as a lifeguard in Spring Lake, on days when the ocean wasn't crystal clear, we knew there was something in the water, but did not know what it was. People would come out of the ocean after spending no more than ten or fifteen minutes in the water and they would find it impossible to take anything more than just a very low, shallow breath. Were you to try to take a deep breath, the pain in your lungs was excruciating. It would last for a number of hours. This is not something that happened once or twice, but many times in my experiences over the years at the Atlantic Ocean. I am sure that the cause was not something that came from the clean blue water.

There has been testimony about the Ciba-Geigy site. I have only once fished in that area, a number of years ago. I saw an area of about five acres of water that was a brownish-purple, and did not know what it was. I assume that's the tea color

that they are describing. It wasn't just a couple of hundred feet, it was quite an extensive area. A friend, fishing with me, informed me that we were fishing right off of Lavallette, in the area of the Ciba-Geigy outfall pipe and it was their discharge.

There has been testimony regarding the Dead Sea, so I won't go into that. Over the years I have done an extensive amount of ocean fishing and I have noticed that the water has been getting cleaner, since the shore towns have installed centralized treatment plants. It used to be that you had cleaner water only when you had a west wind. Now it's generally of good quality unless you have an east wind, one that's blowing the New York City plume and the water from the sewage dump site along shore. Regarding the overall quality of the water in the Atlantic Ocean, the color is green until you go anywhere between 20 to 40 miles offshore. Eventually, you will get to a point where the water changes to crystal clear blue. This all depends on the currents and the winds at the time, but there is a marked difference once you get further offshore.

Something that I don't have today to give to you (because I submitted the only copy that I had in evidence at the EPA hearings in June) is a book that was put together by the New Jersey Department of Environmental Protection, Marine Fisheries Section, entitled "Commercial and Recreational Fishes of New Jersey." I spoke to Bill Feinberg before he left and I asked him to send me another copy of it because I didn't have one. I also requested that he send a copy of it to your committee. This book was compiled by the DEP but the information was gained from hundreds of commercial and recreational fishermen from New Jersey. It gives you charts and maps

showing you the various types of fishes that are caught and where they are caught. In looking at the chart, you will see that most of the fish are found along the shore line and along the area known as the Mud Hole, going out to the Continental Shelf. For a little bit of instruction on fish, note that most of the fish are not found in the flat areas. The fish go to the areas where smaller marine life live. These are along the drop-offs, where you have a steep cliff area. The smaller fish feed on the plankton and other marine life, the larger fish feed on them. Other areas where fish are found are near wrecks and objects that have been sunken. Small marine life grow on these structures which also provide hiding places for the smaller fish.

When you look at the various charts showing the area where the sewage dumping is being done, you will see that it's right along the edge of the Mud Hole. This is an area which runs from the Hudson River to the edge of the Continental Shelf. Before the Atlantic Ocean was finally formed in its present location, the Hudson River dug a valley and canyon which ends at the edge of the Continental Shelf. It gets deeper and deeper. If you look at the charts, you will see it clearly. Again, sewage dumping is being done right along the edge of the Mud Hole where many fish live.

Referring you back to the book that the DEP put together, you will note that it talks about many different types of fishes. It is not complete. There are others within close proximity to shore, within the area of the New York plume and the area where the sewage dumpings have been taking place that the book does not mention. In the past few years there have been fish caught on a regular basis that weren't caught years ago. There are Marlin. In fact, one was caught just three miles off the Manasquan beach last week. There are giant Tuna, up to 1,000 lbs., Sailfish, Dolphin

and Giant Sunfish. There are giant Sea Turtles. My favorites, however, are the Whales. One woman testified earlier that she sees them on a rare basis. It may be because she is a diver. They go out to a specific wreck and go under water. They don't travel around, like the fishermen, who troll the surface of the ocean all day long looking for fish. We have seen Whales almost every time we go offshore. In fact, once I was off fishing in close proximity to the area where the sewage dumping is being done and found myself in the middle of a migration of whales. As far as you could see, in every direction, there were thousands of them. Some, as far off as the horizon, some swimming under the boat. Just two weeks ago, I was out fishing in the Mud Hole again. We had a school of Blue Fin Tuna on the surface. They weren't biting because they were being chased by a school of Killer Whales (black and white ones). The fact that the marine mammals are out there was not contained in the EPA environmental impact studies until just recently. It may be that my testimony at the Mud Dump hearings in 1983 had something to do with that.

I am glad to see that, for the most part, this hearing has been non-political and it should be that way, because this is something that we all are interested in. The last time I was out fishing, the whales didn't tell me if they were Democrats or Republicans, they were more interested in the tuna I was trying to catch. There are, however, a few items of note that I would like to point out. Last year, I was a candidate for the State Senate and during my campaign there were a number of things that I had done. The New Jersey Democratic Committee unanimously passed a resolution which I authored and introduced, opposing ocean dumping and toxic waste dumping.

I have a copy of that resolution. I'm not going to read it, but I would like to turn it over to you. The contents of that resolution were made part of the New Jersey Democratic Party's Platform. In addition, a similar resolution that I prepared just before the Mud Dump hearings, was passed by the Ocean County Democratic Committee.

At the Mud Dump hearings, a year ago last August, one distressing thing was stated by the moderator from the EPA. He said that he was sorry that he had to go to Washington and state that the turnout was poor. It was something that I didn't like and was something I intended to change when the EPA sewage sludge hearings were held. During my campaign for State Senate, I had volunteers distribute, in addition \_\_\_\_\_ to the normal campaign literature, postcards, which invited people to sign their name to a statement opposing ocean dumping and to mail them to me. They were informed that I was going to present them to the EPA the the sludge dump hearing. At that hearing, which was delayed from December until this past June, I was able to turn in the signatures of over three thousand people who were opposing the ocean dumping of sewage sludge. I have a copy of one of those cards and I would like to turn it over to you.

About two months ago, the Asbury Park Press put out a 28 page editorial report entitled "Troubled Waters in New Jersey." It was probably the best compilation of facts that I have ever seen on the water pollution problems in the State of New Jersey. I suggest that Mrs. Ford check with the Press and request that they send enough copies for the complete Legislature. It's something that every member should read. It gives a very concise, unbiased education of the problem. People have spoken about various ways to conduct some type of studies of the dumping problems. I have one suggestion.

On almost a weekly basis there have been fishing tournaments run by various fishing clubs in New Jersey. I myself am a member of the Fishhawks Fishing Club, which, by the way was one of the largest contributors to the DEP book. During these tournaments, fishermen (and fisherwomen) spread out all over the New York Bight area. If someone is looking for a way to conduct a study on a regular basis, you might contact some of these groups to take water samples for you. Give each boat captain a bottle to fill up. Almost all boats in these tournaments have Loran (a computerized radio receiver which indicates the boat's location with an accuracy of 50 feet or less). The Captains can also give you wind direction, water temperature, and any other pertinent information. This might be a way of conducting a wide range study that cannot be done by the limited resources of the DEP or the Legislature. By using volunteers made up of recreational and commercial fishermen, you could conduct a study on a one time or regular basis. Many fishermen already partake in tagging programs sponsored by the National Marine Fisheries Service. NMFS representatives attend the weigh-in proceedings at most shark fishing tournaments where they take samples and conduct various studies on the fish.

I would like now to thank you very much for listening to my talk and I hope I have been able to enlighten you on this subject. I realize that you have been here for quite a while, and I am not going to go on any more other than to again say thank you.

LEAGUE OF WOMEN VOTERS  
OF MONMOUTH COUNTY, N. J.

934 Navesink River Road  
Locust, NJ 07760

AUG 2

August 23, 1984

Assemblywoman Marlene Lynch Ford  
917 N. Main Street  
Toms River, NJ 08753

Dear Assemblywoman Ford:

The League of Women Voters of Monmouth County regrets that we were unable to attend your hearing held at the Community College on August 20th. We compliment you on having held the hearing. It is extremely important that New Jersey continues its efforts toward clean water whether or not New York responds on a timely basis. The steps New Jersey has already taken have shown obvious beneficial results.

We would propose the following steps:

1. Continued and stronger pressure on industry to pretreat its wastes and to recycle as much material as feasible. The dramatic improvement in the Passaic Valley 'Authorities' effluent is an example of what benefits this approach can accomplish.
2. Continued pressure to upgrade the treatment of all municipal sewage to secondary levels.
3. With improved treatment, increased research to find land-based alternatives to sludge ocean dumping. The aim should be to stop this practice completely.
4. Use of cleaner effluent to replace depleted ground water. Land application wherever possible should be enforced without, as in the case of the Manasquan, responding to local emotional pressure against land application. Increasing use of land will make this option less and less possible.
5. Much greater encouragement for large communities to use communal septic systems. This would have to be done on an experimental basis at first with careful monitoring.
6. Pressure at the federal level to force the Army Corps to find and implement alternatives to ocean dumping of hazardous dredge spoils, and to set strict standards for sludges.
7. Efforts to ensure that industry meet all clean air standards.

Very truly yours - and thank you,  
*Kathleen H. Rippere*  
Kathleen H. Rippere,  
Natural Resources Chairman





**NATURAL RESOURCES PROTECTIVE ASSN.  
OF STATEN ISLAND, INC.**

**P.O. BOX 306 GREAT KILLS  
STATEN ISLAND, NEW YORK 10308**

**PRES. L. FIGURELLI  
TEL (212) 967-0410**

**August 7, 1984**

State of New Jersey  
Assembly Energy and Natural Resources Committee  
CN 402  
State House  
Trenton, New Jersey 08625

**Dear Assemblywoman Marlene Lynch Ford:**

Thank you and your staff for inviting the NRPA and myself to participate at your New Jersey hearings on the damage being done by untreated sewage discharged in the Hudson River and the coastal waters of both New York and New Jersey.

Enclosed in this package are documents and up-to-date opposition to this practice of raw sewage disposal into our coastal water.

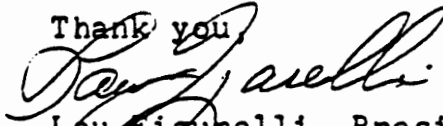
The NRPA has been a leader in opposing these uncontrolled and undesirable discharges. On many occasions, I have represented our Legislators who oppose these practices (documents enclosed). The NRPA has a reputation of finishing what it starts and on many occasions we have entered the courts with court actions against the New York Dept. of Conservation and the New Jersey Department of Environmental Protection. We have never lost a court action as yet and we have been instrumental in gaining legislative and administrative action to correct the problems.

Cooperation is needed between both New York and New Jersey Legislators and consistency laws between the states should be paramount if we are to succeed. The provisions of the Federal Coastal Zone Management Act should be enforced and adhered too.

I firmly believe before any construction commercial or residential is approved, provisions for sewage disposal either private or municipal be treated both primary and secondary including chlorination and dechlorination before any permits are issued for construction of any kind. This should apply to all states discharging into the coastal water of any state on the eastern and western seaboard.

I would like to attend the hearing and testify. Please review the enclosed information and call me if you should require additional information.

Thank you,

A handwritten signature in cursive script, appearing to read "Lou Figurelli".

Lou Figurelli, President  
Natural Resources Protective Assn.

## CC List

Councilman Anthony Giacobbi  
Councilwoman Mary Codd  
Protectors of the Pine Oaks, Ellen Pratt  
Murice Hinchey, Chairman, Conservation Commission, N.Y.S.  
N.Y. Governor Mario Cuomo  
Commissioner of Encon, Henry Williams  
N. J. Congressman James Howard  
N. J. Congressman Chris Smith  
U. S. Congressman Bernie Dwyer  
S. I. Advance Les Trautman  
S. I. Register Jim Callaghan  
N. Y. Daily News Sports Editor Jerry Kenny  
N. Y. Times  
Asbury Park Press  
Newark Star Ledger, Editor Bob Duffy  
Fisherman Magazine  
Long Island and New Jersey  
American Littoral Society, Sandy Hook New Jersey  
Sandy Hook Marine Labs., New Jersey  
Gordin Colvin, Director Marine Resources Region #2, N.Y.S.  
N.Y.S. Conservation Council Harold Smith  
S. I. Federation of Sportsman  
National Coalition of Marine Conservation, Ken Heineremann  
Angler New Editor, Kepyort, N. J. Karen Zaines  
Dery W. Bennett, American Littoral Society  
Ken Brown, Clean Ocean Action  
Michael Garabedian, Sierra Club  
Sidney Johnston, Fair Haven  
Sarah Johnstone, Hudson River Sloop Clearwater  
Ken Kamlett  
National Wildlife Federation  
John Oppenheimer, Director, Environmental Science Program  
Ellen and George Pratt  
Lorna Salzman, Friends of Earth  
James Tripp, Environmental Defense Fund  
Brian Unger, Monmouth County Friends of Clearwater  
Cindy Zipf, Clean Ocean Action  
N.Y.S. Dept. of Encon. Ray Kordish  
N.Y.S. Assemblyman Robert Straniere  
N.Y.S. Assemblywoman Elizabeth Connelly  
N.Y.S. Assemblyman Eric Vitaliano  
U.S. Congressman Guy Molinari  
N. J. Assemblyman Anthony Villane  
Community Boards #1, #2 and #3 of Staten Island  
S. I. Borough President Anthony Gaeta  
Councilman Nick LaPorte

Bulletin Issued to the membership of N.R.P.A. total 9,568

anyone wishing copies or additional information, write to

N.R.P.A.

P. O. Box 306

Staten Island, N. Y. 10308

*Relevant data submitted by the Marine Trades Association  
of New Jersey*

- . The total # of registered boats in New Jersey is 130,922 (over 12' in length, less special small types).

- . N.J. ranks 27th in the U.S. for registered boats.

- . Revenue generated by recreational marine industry in New Jersey:

Boat sales	\$ 74,383,000
Outboard motors	12,901,000
Trailers	1,391,000
Accessories	8,755,000
All other (fuel, insurance, docking, rental, maintenance, safety equipment, etc.)	<u>274,485,000</u>

Total estimated consumer recreational marine expenditures.	\$ <u>371,915,000</u>
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6% of \$300,000,000 is \$18,000,000.

- . There are 91,534 outboard boats, of which 82% are used for fishing or 75,058. There are 31,664 inboard of which 38% are used for fishing or 12,032. Total 87,090 boats used for fishing out of 130,922 or 66.5%, roughly 2/3.
- . Studies have indicated that each boat averages 18 trips per year. Also that there is an average of 4 people per boat. That means roughly 348,360 people enjoy fishing in New Jersey, and that 1,567,620 trips are made by boat owners and friends. This excludes charter trips.
- . If we consider that 2/3 of the boats are used at some time for fishing, that means that 2/3 of \$371,915,000 or \$247,323,000 will be affected by the decisions that involve fishing waters. That will also impact on the \$18,000,000 of sales tax that is collected and the couple million dollars of fuel taxes.