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# PUBLIC MEETING

before

## ASSEMBLY SELECT COMMITTEE ON OCEAN AND BEACH PROTECTION

To receive a briefing from appropriate State officials on the progress, current status, and future schedule of implementation of the "clean ocean" legislative package and related legislation enacted in 1988

February 14, 1989  
Room 424  
State House Annex  
Trenton, New Jersey

### MEMBERS OF COMMITTEE PRESENT:

Assemblyman John O. Bennett, Chairman  
Assemblyman Frank A. LoBiondo, Vice Chairman  
Assemblyman Robert W. Singer  
Assemblyman Joseph M. Kyrillos, Jr.  
Assemblyman John Paul Doyle  
Assemblyman Frank M. Pelly  
Assemblyman Edward H. Salmon  
Assemblyman Robert G. Smith

### ALSO PRESENT:

Jeffrey T. Climpson  
Office of Legislative Services  
Aide, Assembly Select Committee on  
Ocean and Beach Protection

New Jersey State Library

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



JOHN O. BENNETT  
Chairman

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Vice-Chairman

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JOHN PAUL DOYLE  
FRANK M. PELLY  
EDWARD H. SALMON  
ROBERT G. SMITH

New Jersey State Legislature  
ASSEMBLY SELECT COMMITTEE  
ON OCEAN AND BEACH PROTECTION  
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M E M O R A N D U M

February 8, 1989

TO: MEMBERS OF THE ASSEMBLY SELECT COMMITTEE ON OCEAN  
AND BEACH PROTECTION

FROM: ASSEMBLYMAN JOHN O. BENNETT, CHAIRMAN

SUBJECT: COMMITTEE MEETING - TUESDAY, February 14, 1989

(Address comments and questions to Jeffrey T. Climpson,  
Committee Aide, (609) 292-7676)

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The Assembly Select Committee on Ocean and Beach  
Protection will meet on Tuesday, February 14, 1989, at 10:00  
A.M. in Room 424, State House Annex, Fourth Floor, Trenton, New  
Jersey.

The committee will receive a briefing from appropriate  
State officials on the progress, current status, and future  
schedule of implementation of the "clean ocean" legislative  
package and related legislation enacted in 1988.

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**ASSEMBLYMAN JOHN O. BENNETT (Chairman):** I am now going to call the meeting to order.

Good morning. I have called this meeting today of the Assembly Select Committee on Ocean and Beach Protection to receive a briefing from appropriate State officials on the progress, current status, and future schedule of implementation of the "clean ocean" legislative package and related legislation enacted in 1988.

Speaker Chuck Hardwick suggested the need for this meeting, a view that I share very much. The Speaker was the first Speaker to appoint a Select Committee on Ocean and Beach Protection, and one year ago, following the problems of the previous summer, this Committee was convened for the purposes of coming up with the direction we could take to preserve our coast.

As most of you know, last year the two houses of the Legislature engaged in a virtually unprecedented bipartisan effort to enact a comprehensive legislative package designed to address the ocean pollution problem. By my count, of the 15 bills and 10 joint resolutions introduced as part of that package, the Governor has so far signed into law 11 of the bills, and he has approved all of the joint resolutions.

The Medical Waste Bill, an important part of the legislative package, has been passed by both houses of the Legislature, and is now on the Governor's desk. In addition, earlier last year, in April, the Legislature appropriated approximately \$4 million for the purpose of greatly expanding the enforcement capabilities of the Marine Police. Also, many other bills concerned with ocean pollution are at various stages of the legislative process.

But those of us who worked hard on the clean ocean legislative package, many of whom are sitting at this table today, as well as in this room today, knew even then that it would be part of an ongoing process. We are meeting today, in

the middle of winter, well before the busy summer season is upon us, to evaluate how our accomplishments of the past year are being implemented. Our purpose is to determine early on what additional steps, if any, must be taken by State officials to fully carry out the legislative program, and thereby help to ensure that the ocean's waters and the beaches of New Jersey are as free as possible from pollution and other environmental insults, at least insofar as it is within our power to do so.

We all want a safe and beautiful New Jersey shore. It is every citizen's right and every visitor's expectation. Indeed, the shore is perhaps the State's most important asset, in so many ways. The problems we face in protecting it are complex, and sometimes numerous, but we must continue to try to solve them. We owe it to ourselves, our children, and our children's children to do so. Those of us living now have been entrusted with the stewardship of this magnificent resource for our lifetimes. We must continue to work together to ensure that the ocean and the shore area are in excellent condition when we pass the baton of stewardship on to the next generation. The 1988 clean ocean legislative package will go a long way toward helping us to do that. Today is one more step toward that goal.

I would like to exercise the prerogative of the Chair for one moment, and introduce my daughter, Mairin Bennett, who is nine years old, and her friend, Erin Bro (phonetic spelling), who are representative of that next generation that we are attempting to work towards. Erin and Mairin, living in Little Silver, have made numerous trips to the ocean, and in the last two years they have had occasions to use the pool a little bit more. When I told them we would be talking today about ocean pollution, they wanted to come down to hear what had been done, and at the same time, to be a part of the process as to what we are doing for the future and for their generation, which is the one to come.

Without further ado, I would like to introduce at this time the Speaker of the General Assembly, the Honorable Chuck Hardwick.

**A S S E M B L Y   S P E A K E R   C H U C K   H A R D W I C K:**  
Mr. Chairman, good morning, and members of the Committee. Let me say how much I appreciate your opening statement and your accent on the future and the next generation.

In October of '88, as Speaker, I created the Assembly Select Committee on Ocean and Beach Protection. This Committee was brought together to have the very best thinking, the best leadership that we have in the Legislature, to help forge our strategy on doing everything we know legislatively to do to protect the ocean and the beach area. The mission then, as it is now, was to make ocean and beach protection one of our very highest priorities, and one to which we are committed year-round, not just during the summer when the shore and the ocean seem to be in the forefront of everyone's mind.

We knew a year ago what steps we had to take to protect the ocean and the shore, and we asked the governmental regulators to report on the progress of implementing the measures that we approved in the clean ocean package of legislation. This comprehensive package of new ocean protection legislation was enacted last year, under your leadership. Your Committee met all winter long last year to come up with a package of bills, many of which became law last July and August. It was a big step. Still, we cannot go through another season like 1988; cannot allow the reputation of our shoreline to suffer. It is glaringly apparent that the reputation of the shore is as fragile as its environment.

Statistically, they tell us that the shore is now cleaner than it ever was, but that is not being believed in the minds of the people. I shared sponsorship in the bills that are accomplishing this with a great many of you legislators in the Assembly, and in the Senate, and I know we were all proud

to see those bills that were enacted. One of the bills that I happened to have sponsored was the bill that will end ocean dumping. It will end the dumping of 2.8 million tons of sewage sludge into our coastal waters, which New Jersey sewage treatment plants deposit every day of the year.

Developing land-based alternatives will have benefits that will be everlasting to our State. I want this Committee to assure the people of this State that there will be no extension of the deadline. It is nine months in advance of the Federal deadline, and I don't think we should be flexible at all. March 17, 1991 should be marked down as a red-letter day -- no, a clean water day for the people of our State.

In the last 13 years, some 150 small New Jersey communities have seen the light, and they have already dumped ocean dumping of sludge. Now the biggest dumpers will be forced to take the same action. In addition to ending ocean dumping, we have done much in the Legislature to protect our ocean and its shores and bays. For example, in concert with the ban on ocean dumping, we have directed that sludge must be of a higher quality that can be buried on land. Ocean-dumped sludge has been allowed to be an even more potent pollutant, as shocking as that is. We directed DEP to find the source of wood debris that is a source of safety and navigational problems, and to come up with an alternative to wood burning at sea. We have told the Department of Health to assess whether or not there are risks posed by swimming in our ocean. We have appropriated a half a million dollars to step up enforcement of the coastal sewerage treatment regulations. We appropriated \$33-1/2 million to upgrade and monitor the stormwater drainage systems that empty into the ocean, and we have upgraded the criminal penalties for illegal ocean dumping and littering and provided a bounty on polluters.

We directed DEP to speed up a program of lowering the pollution potency of sludge that is dumped into the ocean

before this practice is banned under the bill that we pass, and we have given legitimate sewage treatment facilities the power to sue and collect money from illegal polluters. Right now, a bill is before Governor Kean -- sponsored by Assemblyman LoBiondo, is my recollection -- that would establish a medical waste tracking system that would stop the flow of waste from New Jersey that is jettisoned offshore or improperly dumped onshore.

That is what has been done. We have taken huge steps to see that the New York bight is not the New York blight, and that our shore will be a place of pride and cleanliness for the next generation.

What I am asking this Committee to do now, is to assess just where we are and what still needs to be done legislatively to prevent a rerun of the problems that we saw last summer. Governmental departments, the Legislature, and the courts must work in concert to assure that our ocean and shores are cleaned up and remain free of pollution. The commitment of government on the State level is in sync with efforts on the Federal level led by President Bush.

Let me just add here, Mr. Chairman, that I was extraordinarily proud that now President, then Vice President George Bush, made the strong statements he did about Federal action to protect our shoreline. You recall his visits to our State, and I know, as a person who served as Vice Chairman of the Platform Committee for our party, the direct authority and permission from the Bush office was to have the strongest pro-environmental platform we could write. I worked with Governor Sununu to do that, and now that George Bush is President we intend -- and I know he intends -- to live up to that platform. Much of the work that you started on this panel set the stage for that.

I don't know if the work to protect the ocean will ever be done, but it must be ongoing. Like all of the many,

many people involved here and elsewhere, I look forward to the day, and as the words of the song, "America" proudly say, we can again be truly a nation stretching from "sea to shining sea," not sea to polluted sea.

Mr. Chairman, thank you very much for convening this panel again. I know we look forward to the testimony of the DEP Commissioner and his specific plans to ensure that all sewage authorities are on the right schedule, so that there won't be any pressure brought on this house by any authorities that they can't meet a particular schedule that the law requires to ban the dumping of sewage sludge.

I commend you for convening this panel, and commend all the members for their attendance here today.

ASSEMBLYMAN BENNETT: Thank you, Mr. Speaker. I think I would be remiss not to at least acknowledge that not only when you asked last year for this Committee to be moved up to become a Select Committee, but following the previous term you also were very helpful in seeing to it that this Committee had the resources available to it to actually move those Committees ahead. And of course, both sides of the aisle have joined together in making this Committee not be one to simply showcase different items, but be a working Committee.

ASSEMBLYMAN HARDWICK: You sure are.

ASSEMBLYMAN BENNETT: You were most insistent that that occur, even during the Christmas holidays, if I recall.

ASSEMBLYMAN HARDWICK: Yes, I was. I recall that very well.

ASSEMBLYMAN BENNETT: But you were here with us, and that made it worthwhile. I would like to thank you very much for coming today and reiterating your strong support for this Committee and the work, and for your assistance in seeing to it that we have the Acting Commissioner from DEP today, the Assistant Commissioner from the Department of Health, and representatives from the Attorney General's office, to do

exactly what you have asked; that is, to give us a status report as to what implementation has been done by the package, and where we go from here. We cannot sit back and just be content, as you have said, with what steps are in place. We can't just walk away from it now. We must hold the bureaucracy accountable for implementation of what the Legislature has considered to be perhaps its finest accomplishment in recent times, to deal with a very serious problem.

Thank you very much again.

ASSEMBLYMAN SMITH: Mr. Chairman, before the Speaker leaves, may I ask him one question?

ASSEMBLYMAN BENNETT: Sure.

ASSEMBLYMAN SMITH: Mr. Speaker, as part of this Committee's deliberations during the past two years, one of the strongest recommendations we made as a Committee related to the fact that a large part of the shore pollution problem in this State is due to combined sewers; that is, sanitary and storm sewers that were built back in the 1930s, and which have problems whenever there is a serious stormwater event washing sanitary waste into the ocean, as well as stormwater.

The Committee recommended strongly that a combined sewer bond issue in the amount of \$120 million be placed on the ballot last year. It did not get on the ballot and, as a matter of fact, it has not been posted in the Assembly yet. We have indicated, as a Committee, that we feel this is one of the strongest measures that we can take as a State to clean up the shore.

May I ask you if you have considered when that measure might be posted for a vote in the Assembly?

ASSEMBLYMAN HARDWICK: That is a good question, Mr. Smith. As Speaker, I have not yet -- but I am working on it now -- laid out the total bonding recommendations that I will be making to the Assembly. The matter you refer to is an important one, as is bonding for open space; as is bonding for

needy school systems. There is a host of priorities that we, as a body, have to agree to. What I want us to avoid is passing more bonding authorizations than we can get onto the ballot. I would rather see a total package, and that will be part of the appropriations process. We will say, "Here are all of our priorities," and certainly this one should receive some very serious consideration.

ASSEMBLYMAN SMITH: I would hope so, Mr. Speaker. We on the Committee feel very strongly about it.

One other thing, Mr. Chairman, that I think you should be aware of with respect to the bonding issue. I understand the Speaker's concern that we not put our credit rating in jeopardy. New Jersey is about to lose three-quarters of a billion dollars in Federal moneys that is the legacy of Congressman Howard for beach restoration, harbor dredging, and various dam repair projects and storm drainage projects in the State of New Jersey. That is the H.R. 6 legislation.

In order for New Jersey to get the three-quarters of a billion dollars, we in New Jersey have to match it with \$450 million. I have written to the Governor to ask that he reconsider his priorities for '89; that the open space bond issue be considered in '90, and then in 1989 we can spend the \$450 million State match, so that we don't lose the three-quarters of a billion dollars.

You know, every year when people run for office in the State of New Jersey, they say New Jersey is 50th on the list in getting Federal dollars back. We are about to throw away three-quarters of a billion dollars in environmental infrastructure improvements, if we do not act this year.

ASSEMBLYMAN SINGER: Mr. Chairman?

ASSEMBLYMAN BENNETT: Assemblyman Singer?

ASSEMBLYMAN SINGER: I just have but two brief things I would like to -- one question I would like to ask the Speaker, and one request.

The question is: The concern of non-source-point pollution has been coming up more and more. I would just like to hear a comment from you on that. I think that is also an issue we have to address with this entire pollution situation.

ASSEMBLYMAN HARDWICK: That is an excellent point, Mr. Singer. I think the environmental impact of road building, of development, must be very carefully considered. I hope DOT is consulting with DEP, as they do with major roadways throughout our State, to do everything we can to ensure that the runoffs are being handled with the best technology we have. It is distressing to think that when someone throws a cigarette butt away in Somerville, that that could end up someplace on the New Jersey shore by just floating through the system.

I think everything that can be done for good planning should be done, as you are building roads and as you are redeveloping sections of the State, to minimize that runoff.

ASSEMBLYMAN SINGER: Just one last thing, and this is a request: Since the death of Guy Muziani, and really his efforts on behalf of tourism, we really have not seen that thrust continue in the same direction. Fortunately, or unfortunately, we all realize that tourism and the environment are locked together. Coming from a county where the second largest industry is tourism, we are quite concerned about it.

Recently, as the Health Department did a study up and down the shoreline this past summer, they happened to also look into the bathroom facilities provided all around the shore area, for people using the bathing facilities, as well as the same areas that restaurants are using. In that report, we flunked very, very highly as to cleanliness, as to the providing of soap -- the basic things. It is very disturbing to realize that in a tourist-based economy in the shore area, that such basic things as bathroom facilities fail basic inspections all over the place.

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I really believe that, unfortunately, enough thrust has not been given to things like that by the Division to bring people back down to the shore. I would really like you to consider reestablishing that Select Committee again. I just don't think they put enough emphasis on the environment and its concerns. The fact that that thing occurred-- I made several calls to the Director, but did not get a response. I think local municipalities have to be made aware of what is happening, and of the Health Department report that was so bravely showing that these things were occurring down at the shore. That we have not come back to deal with that is a mistake in our area. We have to start to become more competitive in the tourist industry, and I think the best way to do that is possibly through that Select Committee.

So, I would ask you to reconsider that. I realize we have a lot of committees, but I think we really need that one.

ASSEMBLYMAN HARDWICK: By all means, I think that is a fine suggestion. I met earlier this winter with the Director of Tourism, Noreen Bodman, to talk about the tourism promotion strategy for the coming season. I don't think the commercials that just say, "Come to the Jersey Shore," are going to be the right focus. I think we now have to carry the message of how clean the ocean actually is. Statistically, it is as clean as ever, maybe even cleaner. There should be some very hard-hitting promotion to travel editors and environmental writers in the markets which send people here from Canada through Ohio, and those in the Midwest -- the people who send a lot of tourists to the Jersey shore, and to New Jersey itself -- to get the message out that it is as good, or better a place than it has ever been for tourists to come. Problems related to that, from an improvement in bathroom facilities, or changing facilities--

I am heavily involved now with the 10-cent toll hike. My concern is with processing an extra coin. Is this going to

tie up the Garden State Parkway? You know, when the shore is closed, and you are from the northern part of the State, you are out of luck for the weekend. But if you are from your county, you're out of business, because of the importance of tourism to your economy, as well as to the overall State's economy. So, your point is well taken. Let me take a fresh look at that.

ASSEMBLYMAN SINGER: Thank you, Mr. Speaker.

ASSEMBLYMAN BENNETT: Thank you very much.

ASSEMBLYMAN HARDWICK: Mr. Chairman, thank you very much.

ASSEMBLYMAN BENNETT: Our next witness today will be the Acting Commissioner of the New Jersey Department of Environmental Protection, Christopher Daggett.

A C T. C O M M. C H R I S T O P H E R J. D A G G E T T:  
Good morning, Mr. Speaker, Mr. Chairman. With me today is Dr. Donald Deieso, who is the Assistant Commissioner for Environmental Management and Control. My name is Chris Daggett. I am the Acting Commissioner of the New Jersey Department of Environmental Protection. I appreciate the opportunity to address this environmental issue of such great importance to each resident of the State of New Jersey.

The fact that we are meeting now, in February, allows the Department the opportunity to report on the many actions under way which will reduce the likelihood and severity of any floatable or water quality incidents that may occur this summer.

A bill-by-bill summary of the status of DEP's implementation of these laws has been distributed to each of you. This report reviews every bill concerning ocean pollution, the status of DEP's actions to date, and those additional measures necessary for the future.

The package of ocean pollution legislation enacted in 1988 follows through on, and provides the backbone for, accomplishing many of the State-level initiatives contained

within Governor Kean's 14-point plan. These bills represent the most significant legislative actions for ocean protection taken by any state in the nation. Clearly, New Jersey has been, and continues to be, the leader among coastal states for aggressive, results-oriented ocean protection programs.

Rather than simply review the material that has been distributed to you, I would like to take this opportunity to put the issue of ocean pollution in perspective and to discuss progress that is being made in New Jersey to deal with the many diverse problems that affect our 127-mile coastline.

To begin my overview, let me briefly detail the facts regarding the summer of 1988:

In terms of beach closings, the worst problem was the closing for 18 days of a four-mile stretch of beach near Asbury Park. This was due, we believe, to Asbury Park's malfunctioning, antiquated sewage treatment plant -- a plant in its last two weeks of operation. That old plant has now been replaced by a new, sophisticated facility, and the improvements have been, and will continue to be, dramatic.

Medical waste was a problem, but only briefly along the Sandy Hook Federal Recreation Area. Its beaches were fouled with medical and household debris for three days on the ocean side, mainly due to its proximity to the densely populated North Jersey/New York area. This region has been plagued by inconsistent garbage hauling operations and some illegal dumping. But these two shore areas in Monmouth County were the only places with real problems.

Let me contrast these incidents with the rest of the 127-mile coastline. In Cape May County, only a small five-block area in one town was adversely impacted when a sewage line backup caused problems for a couple of days. In Atlantic County, not a single beach was closed all summer long. In Ocean County, only three, one-block beach closings occurred, each for a single day.

Yes, there were some problems, and we are the first to admit what they were. But the perceived notion that the entire coastline was fouled is totally incorrect. We are very mindful, however, of the power of perception. Once the public perception developed that medical waste littered our shoreline, it became impossible for us to restore accuracy. Consequently, an \$800 million tourism loss occurred in 1988. This loss was largely due to medical waste that, if collected, would occupy perhaps two shopping bags.

A story was recently relayed to me about a real estate saleswoman in Ocean County who had to quit her job and find other employment due to last summer's incidents. This was the case, despite the overall excellent water quality condition in that county. But perceptions have led to hard times for many. The net impact was devastating. We need your help in getting an accurate and fair picture of this issue drawn in our residents' minds. Today's hearing will help, but we must do more if we are to avoid a repeat of the problems of 1987 and 1988.

Nevertheless, the incidents of last summer, and those in past years, have served to bolster action on the State level, and that, of course, is good for everyone. DEP has been working hard to improve conditions since before the incidents of 1987 and 1988.

Simply put, for the last decade, DEP has taken ocean pollution and its ramifications very seriously. But the increased attention by the Legislature has helped to bring resources and changes in law where they were necessary.

I want to discuss with you now, some of the actions we have taken to reduce the likelihood and severity of any further ocean incidents: First, I would like to talk about those measures DEP has taken to diagnose what problems the Jersey shore has been, and is still affected by.

After the summer of 1987, DEP convened a blue-ribbon panel to study ocean pollution issues. We have been guided by the findings of these objective scientists that were drawn from all sectors of this State. We have included a copy of their report among the materials distributed to you today. That work, along with other projects such as our recently completed floatables study -- which was needed to understand where material moved and how it moved -- has helped us to shape a short-term and long-term strategy for abating the many sources that contribute to ocean degradation.

Our helicopter flights last summer, which were conducted daily, allowed DEP to patrol the shores looking for slicks and watching for floatables in the water in order to identify points of origin. Further, DEP's extensive coastal monitoring program also has resulted in the generation of a great deal of data. Through DEP's cooperative program, we monitor 336 sites, the most extensive ocean program that we know of anywhere in the world. We remain committed, as in no other state, to close beaches before bathers are exposed to even the slightest risk of contacting contaminated water. As is DEP's byword, we err on the side of caution.

The findings of these activities have led to significant actions to improve DEP's ability to deal with both water quality and floatables issues.

First, let's look at water quality. Fifteen years ago, over 200 million gallons a day of primary or inadequately treated sewage was discharged into near-coastal waters from 39 small, under-designed and operated treatment plants. Today, those 39 plants have been replaced by 16 plants that discharge effluent treated at advanced-secondary levels. Nearly, \$1 billion in Federal, State, and local moneys have been administered by this Department to make that a reality.

Asbury Park was the last of the sewage plants along the coast to upgrade its treatment level. And as you know,

that upgraded facility, costing \$26 million, now discharges wastewater treated to advanced quality.

Also, we are implementing and enforcing tougher laws and we are increasing our monitoring of these coastal plants during the summer months, as well as during the off season. This will allow us to make sure these secondary plants are functioning properly. It should be clear that a modern sewage treatment plant, if not properly operated and maintained, will defeat our environmental purpose. A \$500,000 appropriation, sponsored by Assemblymen Kyrillos and Pelly, has made this increased vigilance possible.

I would also like to advise you that several months ago, we christened a new addition to the DEP fleet -- the James J. Howard. This ship is a state-of-the-art, ocean-going vessel equipped for ocean water quality monitoring and surveillance. The James J. Howard is used by DEP scientists to track suspected spills or discharges and is available for ocean enforcement activities.

Further, under your mandate, DEP's pretreatment program will be strengthened. As you know, along with residential wastewater, our sewage treatment plants receive millions of gallons of wastewater from commercial and industrial facilities. Our pretreatment program quite simply will make these industrial effluents the cleanest they can be.

DEP has already initiated a plan to carry out the mandate as directed in the bill sponsored by Assemblymen Salmon and Roma. Through the plan, DEP's permitting and enforcement capabilities will be increased, additional staff will be brought on to develop stricter standards and regulations, more comprehensive monitoring will be possible, and needed research for the development of standards will be funded.

In terms of sludge disposal, two years ago the six ocean dumping sewage authorities still dumped at a point 12 miles offshore. Last year, EPA moved them out to 106 miles

offshore, thereby markedly decreasing the possibility of any sludge incidents along the coast.

Further, DEP is acting to implement the law passed by this Legislature that makes the dumping of sludge in the ocean illegal after March 17, 1991. Under the requirements of this law, which was sponsored in the Assembly by Speaker Hardwick and Assemblyman Bennett, DEP has established a task force to help the authorities meet this deadline and we have moved aggressively to put them on schedules to achieve that goal. We are now receiving real, firm proposals on their interim and long-term plans. And, as we anticipated at the outset, engineering and technology could successfully meet the 1991 challenge. There is just one example of that. I draw your attention to the announcement made just last week by Wheelabrator of a proposed facility in Bayonne that would handle 750 tons per day, which is enough to handle all of the sludge that is generated by the six facilities from New Jersey.

Recently, you may have read about the State's enforcement action against the sludge barge operators who we believed dumped sludge illegally within New York Harbor. The State is proceeding with that prosecution. As an extra assurance against a repeat, DEP has required ship riders from each authority on every ocean barge to make sure the hauler complies with permit requirements.

With respect to industrial ocean dumping at offshore sites, the practice has finally ended. Because of tough environmental permit conditions imposed by the EPA, Allied Chemical will no longer use its permitted site as a disposal location for its acid waste. DuPont, the only other recent permittee, ceased its industrial waste dumping last year. Both sites are now in the process of being permanently closed. That means no industrial waste will be dumped in the ocean this year at these sites, or in all likelihood, ever again.

In the summer of 1986, burned or charred timbers floated along our coast, a few of which reportedly nearly destroyed several commercial fishing boats. During this time, wood was often poorly handled by those firms permitted to burn such debris off our coast. To address the problem, EPA issued permits with strict conditions:

- 1) requiring high temperature, heat resistant chain-link fences around the perimeter of the barges;
- 2) restricting burns to times of favorable wind and sea conditions; and
- 3) prohibiting burns during the summer months.

To assist EPA, DEP now accompanies each barge on its journey. Constant surveillance enables us to say that we do not believe these barges are any longer the source of this timber. This will be the second summer season with no burn barges operating.

However, this important step will not totally eliminate wood debris from our waters and shore. Sources of wood debris such as rotting piers and derelict vessels are major contributors to this problem. This will require long-term action, such as continuation and expansion of the U.S. Army Corps of Engineers' Harbor Cleanup Program. Although lack of available funding and competing priorities have caused DEP to be unable to conduct a complete wood debris study called for by the bill sponsored by Assemblymen Pelly and Kyrillos last summer, this effort will be carried out in the future. In the meantime, we have been aggressively pursuing an alternative to wood-burning at sea, which we have finally, perhaps, been able to identify, through a wood-crushing operation. We and EPA and the Army Corps of Engineers are now looking into that method, and hopefully within the next several years we may be able to end what I think all of us agree is an archaic, but unfortunately at this point, still necessary procedure.

New Jersey has also acted to tighten operations at New York's Fresh Kills Landfill on Staten Island. Tens of millions of dollars have been spent by the City of New York to make operational changes at Fresh Kills Landfill. A new crane, booms, and skimmer boats are in place, with a super boom slated for installation this year. These measures have gone a long way in stemming the tide of debris that plagued our waters. Further actions may be necessary in this matter for the long term.

You have heard hours of testimony by this Department on the need to address the next frontier in water pollution -- stormwater. Nicknamed "people pollution," or "non-point source pollution," stormwater that flows over our streets collects litter, waste oil, antifreeze, and pet wastes, and this material is carried untreated into our rivers and into our ocean.

DEP will make available \$33.5 million in grants to 94 municipalities early this summer for stormwater and combined sewage overflow mapping, design, and engineering work. These actions are just part of the requirements of the Sewage Infrastructure Act sponsored by Assemblymen Doyle and Singer. This is a down payment on an issue which will have construction costs that ultimately will run well over \$1 billion. The Legislature should be pleased by its role in beginning a long-term plan addressing this very vital issue.

Yet, to get these moneys to municipalities will require regulations and very rigorous criteria to be developed that the towns must meet. Developing these regulations has been delayed due to the sheer volume of priority rules currently in development across DEP programs -- all of which must undergo internal review. I am in the process of putting in place a mechanism for reviewing regulations and establishing priorities so that high priority and time-sensitive items, such as this grant program, can be expedited. I expect that these rules will be promulgated by early this summer.

In terms of the medical waste issue, we have implemented the first comprehensive program in the nation to control disposal of this material. In August 1988, Governors Kean and Cuomo signed emergency rules for tracking medical waste in our states. So effective were our emergency rules that the Federal government has modeled its program after New Jersey's. The actions that New York and New Jersey took together on that day in the center of New York Harbor have become the basis on which other states in the country are moving to track medical waste. We hope our program will have a positive impact. I am also pleased to acknowledge that several weeks ago, this Legislature passed a bill on medical waste which provides DEP other needed authority in this matter.

A positive program for municipalities is the Clean Communities Program. Through this Program, \$797,000 has been given statewide to combat litter on the streets. Further, in addition to these State moneys, shore area municipal governments are spending \$2 million of their own to keep the beaches litter free. And that is one of the most important reasons for continuing DEP's, "New Jersey Shore: Keep It Perfect" anti-litter campaign, especially when we recognize the impact that litter has on beachgoers' impressions of the quality of our shore.

However, because of the requirements that must be imposed by the Department when making grants, some communities have been discouraged in pursuing this avenue. As an alternate or quicker means of getting these moneys to municipalities, I would encourage this Committee to look into whether it would be more appropriate to make this funding available through entitlements.

Let me not understate the importance of litter control. Whether on beaches or streets, litter migrates into our waters, adding to the floatables problem. I must add, too, the only real answer to litter control is to get our residents

to stop littering; cleaning up after them will never be completely effective.

Several weeks ago, Governor Kean and Mayor Koch announced a major new program, "Operation Clean Shores," which focuses on removing floatable material -- primarily wood -- from our northern shoreline. Once removed, this material will not "re-float" during high tide or heavy rainfall, moving south on to our tourism beaches. By using Corrections Department inmates and work crews, we are confident we can make a real difference this summer.

To date, two areas have been cleaned up -- Woodbridge and Bayonne. More than 300 tons of debris were removed during a one-and-a-half week pilot program alone. The full program will be carried out between March 1 and May 30.

Finally, two additional measures have helped deal with ocean pollution:

The Clean Ocean Education Act, derived from a bill sponsored by Assemblywoman Cooper and Assemblyman Smith, has aided the Department's ability to develop and distribute materials about ocean pollution designed to educate residents. DEP has produced several items -- you have them before you -- and we plan to produce additional ones before Clean Water Week this May. Planning sessions with the Department of Education and others have helped this effort.

And secondly, the Department recently submitted to the Legislature the first of two reports assessing the need for sewage pump-out facilities at marinas and establishing no-discharge zones. The report assesses the supply and demand of pump-out facilities and emptying receptacles, and evaluates the effectiveness of existing regulations related to those facilities. The importance of managing wastewater from marinas was recognized in a bill sponsored by then Assemblyman Anthony Villane. A number of conclusions and options are included which will assist in directing future efforts. That report is.

also included among the materials we have distributed to you today.

While I am pleased with the progress we have made, I must advise you that the problems will not end until we have stormwater controls in place, until Fresh Kills is closed, and until our residents and beachgoers stop littering, and importantly, until we are able to pass the -- Coastal Commission plan.

ASSEMBLYMAN DOYLE: You have trouble getting those words out, too.

ACTING COMMISSIONER DAGGETT: I drew a blank for a moment there. The problems will not go away until we put into place the Coastal Commission. I am very pleased that this Legislature has apparently been moving toward reaching a compromise on the Coastal Commission, because I think it is so critical toward eventually having one voice that is able to speak for the shore and for the protection of the shore. The DEP, as you know, does that now. I think it does a very good job, but I also think it is important that we have one Commission whose sole mission is to focus on this very important issue.

At the point that we get all of these measures in place, that is when I believe this problem will go away. As you can appreciate, there are no easy answers. I can promise you that DEP will continue its determined commitment to protecting the marine environment. We ask the same of this Legislature and of each resident of New Jersey.

Thank you, Mr. Chairman, for this opportunity. I will be glad, along with Dr. Deieso, to answer any questions you might have.

ASSEMBLYMAN SMITH: Mr. Chairman?

ASSEMBLYMAN BENNETT: Let me ask a couple of questions, and then we will take it from there. Okay?

I believe you also gave the Committee members the "Status Report on the Implementation of the Ocean Legislative Package of 1988." This was also distributed today.

ACTING COMMISSIONER DAGGETT: That is correct.

ASSEMBLYMAN BENNETT: With that in front of me, and based also on what you have said, I would like to see if we could focus on a couple of questions. Specifically with respect to the Ocean Dumping Ban Act of 1988, I believe the language contained in the report says that the six authorities of the New Jersey municipal treatment works that are currently dumping sewerage sludge under permits at the 106-mile dump site, are all in compliance for their schedules to be submitted for land-based alternatives by April 30, 1989.

ACTING COMMISSIONER DAGGETT: That is correct.

ASSEMBLYMAN BENNETT: Are we anticipating that the schedules that will be submitted to you will, in fact, have an implementation in them, or are they just going to submit their schedules saying that they cannot meet them?

ACTING COMMISSIONER DAGGETT: No. They will have a schedule in which they propose to get out according to the dates we have indicated. In fact, I believe in your materials you may also have a chart -- which I am trying to put my hands on right now. I don't seem to have it myself. You should have a chart showing the -- here it is -- status of ocean-dumping municipal treatment works. Do you have this chart in your materials?

ASSEMBLYMAN BENNETT: Is it in the Deieso special package?

ACTING COMMISSIONER DAGGETT: It is in the Deieso special package, I believe, yes. It is one-page -- "Status of Ocean Dumping, Municipal Treatment Works."

ASSEMBLYMAN BENNETT: Okay.

ACTING COMMISSIONER DAGGETT: Do you have that?

ASSEMBLYMAN BENNETT: Yes, sir.

ACTING COMMISSIONER DAGGETT: That lays out each of the authorities and the alternatives presently being discussed for inter-management -- it is now being put up on the screen, for those of you who do not have it -- the alternatives for long-term management being discussed, and the estimated implementation dates, both for the interim and long-term solutions.

ASSEMBLYMAN BENNETT: Thank you. With respect to the wood debris, the report says that while the Act that the Legislature passed required a study, the study required cannot be done due to the unavailability of funding for the study and the necessary commitment of resources to the other many initiatives, but specifically the study. I thought that bill, 2846-- Strike that. I thought the bill that required the wood debris study -- 2841 -- had \$95,000 in it -- 2841?

ASSEMBLYMAN KYRILLOS: I believe the Governor vetoed that.

ASSEMBLYMAN BENNETT: Did he take it out?

ACTING COMMISSIONER DAGGETT: I'm not sure that that appropriation was, indeed, kept in.

ASSEMBLYMAN KYRILLOS: Mr. Chairman, I believe--

ASSEMBLYMAN BENNETT: Well, the Legislature put it in, but maybe the administration took it out.

ASSEMBLYMAN KYRILLOS: --the Governor imposed his line item veto privilege on that.

ASSEMBLYMAN BENNETT: I guess he feels you can do it for nothing, so--

ACTING COMMISSIONER DAGGETT: No, I don't think that is the point.

ASSEMBLYMAN PELLY: Mr. Chairman?

ASSEMBLYMAN BENNETT: Yes?

ASSEMBLYMAN PELLY: I believe I can clarify that aspect of it. It is accurate, indeed, that the Governor did remove the money for the study.

ACTING COMMISSIONER DAGGETT: Right.

ASSEMBLYMAN PELLY: And with that, suggested that there are enough studies that have already been done, and there was no need for further studying the origin, but to move forward with the alternate mechanisms.

ACTING COMMISSIONER DAGGETT: Yes. Thank you, Assemblyman. If I may, I do want to make the point that while it is true that the money has not been included, it is also true, as the Assemblyman mentioned, that we feel, frankly, that we have a pretty good handle on the sources of wood debris. If you take but one helicopter flight along the northern New Jersey shoreline, it becomes no secret as to the source of debris. The shorelines are just filled with an enormous quantity of wood.

As I mentioned, Operation Clean Shores, which we have under way by way of a pilot project -- soon to be a full-scale project -- will, in our minds, go a long way toward addressing this. In that first week and a half, we removed 300 tons of material. That does not include a great stretch of beach or shoreline. There is just a lot of wood out there that we hope, together with New York City doing its side of the river, we can address. But also I would have to tell you, that until we get the expansion and more rapid implementation of the U.S. Army Corps of Engineers' Harbor Cleanup Program, we will continue to be plagued by this because there still exists a large number of derelict wooden piers and wooden vessels, in some cases almost entire marinas, that lie partially submerged in the water. Those are a continuing source, and are not part of this Operation Clean Shores.

Nevertheless, we will try to get a report to you as soon as possible, now that we have kicked off Operation Clean Shores, which we felt was the higher priority of the two.

ASSEMBLYMAN BENNETT: I do not recall that the Department opposed that legislation, as far as the need for the study.

ACTING COMMISSIONER DAGGETT: No, that is correct.

ASSEMBLYMAN BENNETT: In fact, the Governor did not veto the bill; he just took the money to do the study out of the bill.

ACTING COMMISSIONER DAGGETT: That is correct.

ASSEMBLYMAN BENNETT: In your papers, you say that the study, in fact, would be an important activity. I know that down in John Paul Doyle's area, and Bob Singer's district, they had some serious problems with the wood debris, resulting in some injuries. The Legislature, I think, has said that we are willing to give you the money, but somebody else took it away from you.

With respect to 2846, which is coastal monitoring of publicly owned treatment works, I note that the \$500,000-- You set forth the actions that the Department took with respect to that \$500,000 for surveillance and enforcement activities on the coastal sewerage treatment facilities. My understanding is that in the budget that the Department submitted, the sum of \$773,000 was included for the expansion of the Coastal Sewerage Treatment Enforcement Program, but that, in fact, the budget as received from the Governor only contained the sum of \$500,000.

Would that reduction have an impact on the ability to operate the program as envisioned under the \$773,000 budget?

ACTING COMMISSIONER DAGGETT: I don't believe so. We can shift some priorities around such that I think we can meet the need.

ASSEMBLYMAN BENNETT: Okay. With respect to the April 1 deadline for the assessment of the resource and needs-- Have we met that, or will we meet that? That particular law required the Department to provide, by April 1 of this year, an assessment of the resource and needs of the Department's Coastal Sewerage Treatment Facility Enforcement Program.

ACTING COMMISSIONER DAGGETT: You are still on 2846, correct?

ASSEMBLYMAN BENNETT: Yes, sir.

ACTING COMMISSIONER DAGGETT: Okay. We will comply with that, too.

ASSEMBLYMAN BENNETT: By April 1 you will make that?

ACTING COMMISSIONER DAGGETT: We will comply within the date.

ASSEMBLYMAN BENNETT: Okay. On 2351, wastewater pretreatment-- Just let me find my place here. That program had an appropriation last year of \$1 million. That program, in fact, has been accelerated -- on wastewater pretreatment -- I believe. Is that correct?

ACTING COMMISSIONER DAGGETT: We are in the process of accelerating that program, yes.

ASSEMBLYMAN BENNETT: All right. You will be taking certain steps, I think the report says.

ACTING COMMISSIONER DAGGETT: Yes, that's right. It is laid out here in the report.

ASSEMBLYMAN BENNETT: All right. Can we anticipate when those certain steps will be taken?

ACTING COMMISSIONER DAGGETT: Don, do you have some timetables on that for me?

A S S T. C O M M. D O N A L D A. D E I E S O: Mr. Chairman, our pretreatment program is eight years old. We have, at this time, 26 of the publicly owned treatment works in the State, of a total of 280, that are under delegated pretreatment programs. It is a rather slow effort. Understand that there are 100,000 industries and commercial facilities that discharge their wastewater into sewer lines in the State, and it is simply going to take us several years to nibble away and move on the pretreatment program.

So, I am afraid that a schedule does not lend itself to any commitment we could make to you, as in 12 months, 18 months, or 36 months. I would say to you that the infusion of resources provided by the bill will certainly make it possible for us to move more aggressively on this.

ASSEMBLYMAN BENNETT: Well, let's get specific. It says, for instance: "Staffing of 22 new positions recently established." I mean, do we know when we are going to hire them? Have we applied for a waiver from the hiring freeze?

ASSISTANT COMMISSIONER DEIESO: We have applied for a waiver from the hiring freeze. I think that consideration is being made now.

ASSEMBLYMAN BENNETT: Okay. Do we anticipate when we may have an answer about when that waiver would be dealt with?

ACTING COMMISSIONER DAGGETT: Those answers have usually come back fairly rapidly. It's a matter of a couple of weeks from when we actually submit a waiver request until we get answers on them.

ASSEMBLYMAN BENNETT: So, it is safe to assume that the request for a waiver is less than several weeks old?

ACTING COMMISSIONER DAGGETT: Yes.

ASSEMBLYMAN BENNETT: Do we know when it was?

ACTING COMMISSIONER DAGGETT: I can't give an exact date. I can get that information to you, though.

ASSEMBLYMAN BENNETT: Do we know how quickly after that waiver -- if that waiver is, in fact, granted -- we could anticipate hiring those 22 people?

ASSISTANT COMMISSIONER DEIESO: As quickly as possible. In fact, Mr. Chairman, if you would move to a different question, I can probably confirm that we have or have not received approval on the hiring freeze exemption.

ASSEMBLYMAN BENNETT: Do you know how much of the \$1 million that was appropriated last year has been expended on this particular program?

ASSISTANT COMMISSIONER DEIESO: The primary use of that \$1 million was staffing and any operational expenses. So, if we have yet to hire, then there hasn't been much expenditure under the \$1 million.

ASSEMBLYMAN BENNETT: It is my understanding that when the Department requested this year's budget, they requested \$2 million for the industrial pretreatment program. But, in fact, in the Governor's budget, \$1 million has been allocated. Do you feel the loss of that \$1 million that you had anticipated will affect the program, or will you be able to operate with the lesser amount?

ASSISTANT COMMISSIONER DEIESO: We believe that slow, over-one-fiscal-year staffing of that program is probably the more prudent way to proceed. Taking \$2 million and thrusting it on the Department, when we have the difficulty we do in hiring and staffing up, would simply be less than effective. In \$1 million doses over the course of a fiscal year or two, we can accommodate the growth; we can hire the professionals we need to run the program.

ASSEMBLYMAN BENNETT: It is my understanding that you asked for the \$2 million, and OMB knocked it down to \$1 million. The Department request was for \$2 million.

ASSISTANT COMMISSIONER DEIESO: That is correct. As in several other areas in this Department, and in other departments of State government, budget austerity is taking its toll.

ASSEMBLYMAN BENNETT: On the \$33.5 million under 2847 -- the Sewerage Infrastructure Improvement Act -- we talked specifically about, while the Act required completion of regulations by February 3, we did not meet that deadline. Do we know when we, in fact, will have the final regulations adopted?

ACTING COMMISSIONER DAGGETT: I indicated in my remarks that we would have those regulations promulgated by early summer.

ASSEMBLYMAN BENNETT: Okay. And why did we not make the deadline that was in the Act?

ACTING COMMISSIONER DAGGETT: Partly because of the huge volume of rules that we review in the priority system that we have established. It has taken some time to get through and get to this set of rules. We will make the changes in priorities, though, and finish this piece off. The rules are actually put together internally; they have been drafted. We just need to get through the internal review process.

ASSEMBLYMAN BENNETT: While the Legislature specifically appropriated \$33.5 million to do certain acts, there seems to be a request that you are asking now for a portion of that \$33.5 million to be utilized for administrative costs.

ACTING COMMISSIONER DAGGETT: That is correct.

ASSISTANT COMMISSIONER DEIESO: Mr. Chairman, as you correctly note, in that \$33.5 million there wasn't, to the best of my recollection, any administration costs that the Department was entitled to draw. So in short, we have a \$33.5 million initiative that comes to the Department without any additional folks to make it happen. Now, that is something that we have adjusted. We have taken people from other programs, and we have made it work, and will continue to make it work. You may hear from us at a later time the petition -- as the program matures and the staff requirements become more expansive -- that we be entitled to a portion of that for the administrative expense.

ASSEMBLYMAN BENNETT: Did your budgetary request for this year include a portion for administration costs for the operation of that program?

ASSISTANT COMMISSIONER DEIESO: No, it did not.

ASSEMBLYMAN BENNETT: So, you don't want new dollars; you want to use the dollars the Legislature told you to use for the actual program. You want to use them now to administer it -- a portion?

ASSISTANT COMMISSIONER DEIESO: Yes, a portion.

ASSEMBLYMAN BENNETT: I think the Legislature basically said to you: "We don't want you to do that, or we would have given you the money the first time around." I, quite frankly, do not recall your asking for any additional administrative money. This Committee dealt with that package; the Environmental Quality Committee dealt with the package; the Appropriations Committee dealt with the package. I don't recall specifically at any time that there was a request raised by the Department that in order to implement the \$33.5 million you would need additional administrative dollars, or should you use that? I don't recall that.

ASSISTANT COMMISSIONER DEIESO: Mr. Chairman, my memory is not without flaw, but I have a distinct recollection that we did, on numerous occasions before this Committee and the Joint Senate and Assembly Committee, make the point very clear that one does not take \$33.5 million of initiative and make it happen in an administrative agency without some funding. The record, of course, I will check, and I will stand corrected if that is not so. If we didn't, we should have.

ASSEMBLYMAN BENNETT: I think you should have, too, but that is neither here nor there.

I don't really want to monopolize this. It is not fair for me to ask all of the questions. John, I will try to go back and forth, and I think you are senior, so--

ASSEMBLYMAN DOYLE: It's my bill. Thank you, Mr. Chairman and members.

Commissioner, on the \$33.5 million-- Let me start where the Chairman just left off. You'll excuse me if I leave off the word "Acting." I trust that will be appropriate soon enough.

Commissioner, on the \$33.5 million, I feel a particular concern perhaps because, along with Assemblyman Singer, I was the prime sponsor of the bill. But, for more substantive reasons, as I look over the package of bills that

were sponsored, many of them were studies. A number of them were appropriations bills, but yet appropriated no more than a million dollars. Of all of the bills, with the potential exception of the sludge dumping by St. Patrick's Day of 1991, this was the bill that seemed to me to be the most substantive, had the most teeth, and tried to focus on the most important problem -- stormwater runoff. As you rightly mentioned, people pollution in your open spaces.

Having said that, I would be less than frank if I didn't tell you that I am absolutely disappointed by what has happened with this administration on that bill in two regards, and I would like you to comment.

First of all, we provided an appropriation of \$33.5 million. The Governor took that out of the budget this year. So when you testified that you intend, after the rules are adopted, to appropriate that money to 94 municipalities, I don't see how you are going to appropriate money that the Governor has not put into the budget, unless hopefully this Legislature puts the money in itself.

ACTING COMMISSIONER DAGGETT: I believe a percentage of that money is still in place. Don, will you please give the formal details?

ASSISTANT COMMISSIONER DEIESO: Assemblyman, as I understand it, in Fiscal Year 1989 -- this present fiscal year -- there is one-third, or one-fourth of the \$33.5 million -- roughly \$7 million or \$8 million -- sitting and available for use, waiting for the Department to disburse. The Governor's proposal does remove it as an appropriation from the next fiscal year, but in that same budget message he made it clear that he will take that \$33.5 million, or the balance, and include it on a bond issue for consideration by the voters for funding.

ASSEMBLYMAN DOYLE: Neither of those answers are satisfactory, including the one of the Governor. First of all,

let's go back to the bill. The bill provides -- on page 4, section 7: "There is established in the Department of Environmental Protection a non-lapsing fund, to be known as the Municipal Stormwater Management and Combined Sewer Overflow Abatement Assistance Fund." Going over to page 6, section 9, there is provided \$33.5 million. That isn't a non-lapsing fund. I don't see why all of a sudden there is only a quarter, or a fraction, or whatever it may be, of that money. Secondly, if it was to be non-lapsing, I don't understand how the Governor lapsed it, took it away, and then held it hostage through a bond issue which should have been passed -- Assemblyman Smith's -- last year, may get passed this year, may not get passed until next year, and then we will need implementing legislation with probably more rules and regulations, and we'll be up until the next decade. That just isn't acceptable.

ACTING COMMISSIONER DAGGETT: I was having it checked. All \$33.5 million, to my knowledge, is there for this fiscal year. None of it is out.

ASSEMBLYMAN DOYLE: Then you better get it spent quickly if it is not going to be there next year.

ACTING COMMISSIONER DAGGETT: I understand that; I understand that. But it is the next fiscal year where the \$33.5 million is proposed to be put in the form of a bond issue, as opposed to a direct appropriation. That is what we are working under at the moment.

ASSISTANT COMMISSIONER DEIESO: Assemblyman, let me correct this, because we misled you. There was a \$135 million initiative that the Governor's 14 points committed to on this point. That \$135 million was going to be spent, or at least committed and appropriated, at a rate of \$33.5 million in each of the next four years. In Fiscal Year 1989, the Governor did appropriate, and we do have available, \$33.5 million for this purpose. The Governor's point, however, was, in the next

fiscal year, and for the three remaining years, the balance of \$100 million be appropriated -- or come, rather, from a bond issue, as opposed to the General Treasury.

ASSEMBLYMAN DOYLE: I am going to treat this as oversight now, because you're saying what the rules and regs -- what the Department can do and what the Governor wants to do. I am concerned about what the law of the State is, and that law is A-2847. In my judgment, it has not been property-- The legislative priorities have not been properly fulfilled. So let me understand it better.

We said that in this fiscal year there would be \$33.5 million. You're tell me that you still have that. Can you -- and I am sure of what the answer is -- spend that by June 30, 1989, the close of this fiscal year?

ASSISTANT COMMISSIONER DEIESO: Two questions. The first, there is \$33.5 million in the Department's accounts waiting to be used as the law requires. Fact two, can we spend it by the end of this fiscal year? That really isn't the issue. This is a revolving fund. It can be used forever more. In fact, frankly it requires that not only the regulations and the grants and all of the strings that go with disbursing these moneys to local and country governments happen. So, maybe on a consoling note, the June 30 clock is not appropriate to these moneys. We can move into the next fiscal year to spend this \$33.5 million.

ASSEMBLYMAN DOYLE: That is not what I understood the Governor to say. What I understood that budget to do was to take away that money. Are you telling me that as much as you can spend of the \$33.5 million this year -- and let's assume it is around the one-quarter you mentioned earlier, about \$8 million -- the balance of \$25 million will be available in Fiscal Year 1990, and the Governor has not taken that away?

ASSISTANT COMMISSIONER DEIESO: Yes, and I misled you. That is the piece I wanted to correct. There is today

\$33.5 million waiting to be used and disbursed by this Department. The additional \$100 million that will complete the \$135 million commitment the Governor made, is the point, I think, at which you take issue. That is what the Governor has proposed in the budget to fund through a bond issue that appears next November.

But there is \$33.5 million. It is available today. The Department is preparing all of the administrative steps necessary to get it out to communities as quickly as possible. As the Commissioner indicated, we hope the regulations which will guide us in disbursing that money will be finished this summer.

ASSEMBLYMAN DOYLE: I assume we start off with common point number one: That money is desperately needed. It should be gotten out as quickly as possible and, in fact, more money is needed than that.

Starting with that common basis, let me move into the second part of it, and that is the regulations. Commissioner, you indicated that the Department has other priorities. What do the legislative priorities matter in those priorities? More specifically, the Administrative Procedures Act says that rules and regulations are to be adopted by the Department within six months. This bill passed finally in the Legislature on June 20. The Governor waited until the next to last day to sign this most important bill, for reasons that are beyond my tend, but those are the facts.

In any event, it was enacted on August 3. So you had 40-some lead days where you should have known that it was about to be adopted, and I realize that you were not the Commissioner then. Then you had six months. I recall vividly during some discussions on the executive order with Deputy Commissioner McCann, that he indicated he thought the rules would be done by March. I am now told they will be done by early summer. We are further hearing that the money cannot be spent until the

rules are adopted. I am told that the reason is that the Department has other priorities.

What about the priorities of the law, the priorities of this Legislature, and the priorities of this Act? I can't think of anything, including the ill-thought-out executive order, which should have taken priority over this Legislature's clear mandate under A-2847. I am not satisfied that the rules will not be adopted until later in June, particularly when you tell me the money cannot be expended until after the rules are adopted.

I want to know what steps are going to be taken by you, Commissioner, to speed up the clock?

ACTING COMMISSIONER DAGGETT: First of all, let me start with the last point first; that is, I fully intend to do what I can to speed up the clock and to move this set of regulations out. But I have to tell you, as I am sure you know, we have literally hundreds of regulations that we are required to promulgate. Frankly, it is a much larger number of regulations than we have the capability of moving in a quick fashion. We are trying to move them out as fast as possible. I will get them out on an expedited basis at this point, but it takes some time to draw up those regulations, to get them out, to have them proposed, to then go through the public comment period, to then review those comments to get them finalized. I am finding that that is probably one of the most difficult aspects of the Department, and one that probably needs as much, or more help than any part of the Department.

ASSEMBLYMAN DOYLE: Well, if there is anything you think the Legislature can do to help get its mandate enacted more quickly, I would appreciate it-- I've got to tell you, this bill was particularly amended by the representatives of the Tenth Legislative District, so that it not only had an ocean focus, but was mindful of the fact that the Metedeconk River, which serves bathing beaches on both sides of Brick

Township and river beaches and bay beaches along the Barnegat, and Toms River, which serves Dover Township, Pine Beach, Beachwood, and Ocean Gate, has been closed for a number of years, as a direct result of stormwater runoff. To find out that this initiative and mandate is not being carried out is most distressing.

Let me finish with one other point: You have indicated that rules and regulations have to be adopted. That has to be done before the money can be spent, and none of this money may be spent, if you listen to the Governor, until we adopt the Coastal Commission. It seems to me--

ACTING COMMISSIONER DAGGETT: No, that is not true with respect to this money at all.

ASSEMBLYMAN DOYLE: Not the \$33.5 million, but he defined in his budget message the adoption of the several years hence and the bond issue to the adoption of the Coastal Commission.

ACTING COMMISSIONER DAGGETT: No, I don't believe so. I don't believe that was tied quite that directly.

ASSEMBLYMAN DOYLE: We'll take a look at the-- We all have failing recollections, and mine probably is worse than yours because I am significantly older than you, Commissioner.

ACTING COMMISSIONER DAGGETT: Don't be so sure.

ASSEMBLYMAN DOYLE: On the other hand, on this point, I am absolutely certain that I am right.

Now, it would seem to me, as I have suggested to you privately, and let me say publicly, because A-4198 -- introduced by Assemblyman Salmon and I to the Assembly -- is now part of the public's knowledge, is a bill that simply says: "No improvement shall take place on real property adjacent to any water body in the State, if the runoff from that improvement on that land shall degrade the quality of the adjacent water body" -- period.

Now, it seems to me that before we get into 75 pages of regulations, appropriations, laws, charts, graphs, studies, and the whole thing, you should just say you can't do it and enforce it, and tell us how much it will take to enforce it and do it. It seems to me that that would be a lot cleaner, quicker, and appropriate.

ACTING COMMISSIONER DAGGETT: You're talking about for prospective development. Is that correct?

ASSEMBLYMAN DOYLE: I am, I am, absolutely from one-family houses up.

ACTING COMMISSIONER DAGGETT: I understand that but, as you know, this legislation deals with development that has already occurred and that plagues us in terms of runoff. There are really two very different issues, I think, that you are talking about. There is no question that we need to address completely the whole issue of runoff, particularly for prospective development, and that will be debated, I'm sure. But this particular legislation, as I interpret it anyway, really deals with the problems that plague us from past development.

ASSEMBLYMAN DOYLE: Which legislation?

ACTING COMMISSIONER DAGGETT: The \$33.5 million.

ASSEMBLYMAN DOYLE: I agree, but I am addressing myself to not only that and the Coastal Commission, but would hope that the Department would take a good look at 4198.

Thank you, Mr. Chairman.

ASSEMBLYMAN LoBIONDO: Assemblyman Singer?  
(Assemblyman LoBiondo acting as Chairman at this point)

ASSEMBLYMAN SINGER: Thank you, Mr. Chairman. Mr. Commissioner, I will be very brief. You happened to make in your statement a comment concerning the Coastal Commission, which I think-- By the way, I thank Assemblyman Doyle, because we were both sponsors of that past bill, and I think at least we have gotten some direction as to what is happening here.

But I must just touch briefly on it. I don't want to go into specifics, because I realize that is not the purpose of this meeting today. There are two questions that have been plaguing me for a long time, and I hope to ask them of yourself, the Attorney General's office, and anyone else like that, because I think we should get this out front.

Number one, the Governor has said emphatically that had the Coastal Commission been in place, we would not have had the problems of the past summer. Now, the bill that was originally introduced as the Coastal Commission a number of months ago, is nowhere near the bill we are looking at today. It changes every day, so we don't really know what bill we are looking at. But I would like to have your comment, as the Commissioner, that you believe had the Coastal Commission bill been in place, we would not have had this problem last summer.

ACTING COMMISSIONER DAGGETT: I think the point on this issue is whether or not we have an advocate, if you will, that deals solely with coastal issues. I think if we have such an advocate, they can stay better on top of the issues on a day-to-day basis than perhaps we in the Department can, where we have those issues along with the many others we have to deal with. Whether or not one event would occur versus another event, I think that is hard to judge. The fact of the matter is, we have a number of very difficult problems associated with the pollution at the shore, the sources of which are varied. We need to attack all of those sources at one time. Again, I think that is what the Coastal Commission's sole mission is to be, to go after all those sources simultaneously. I just think it is hard to judge what would have happened, what could have happened, and so on. I am not sure I would go either way.

ASSEMBLYMAN SINGER: I wish you would share that thought with the Governor, because he has been emphatic about that. I don't want to put you on the spot with that.

ACTING COMMISSIONER DAGGETT: No, I understand that. I think the Governor's point, though, is well taken. Had that been in place, we might be further ahead than we are now. Now, whether or not--

ASSEMBLYMAN SINGER: Excuse me. That was not his statement, though. My memory is clear on that. His statement was not, we might be further ahead; we might be in better shape. His statement was very clear: "We would not have had this problem had the Coastal Commission been in."

Let me just follow up with one other question, because I want to coin a phrase. I want to read your lips on this one. In my interpretation of what you're saying and what is being done, I want to know emphatically if you feel the Department of Environmental Protection is incapable of protecting the shore region?

ACTING COMMISSIONER DAGGETT: No, it is not incapable of protecting the shore region.

ASSEMBLYMAN SINGER: Then why in heaven's name are we supporting a Coastal Commission, if we have a Department whose responsibility it is to protect the shore region?

ACTING COMMISSIONER DAGGETT: The point is not whether DEP can do it. The question is whether or not it might be more effectively accomplished by a group whose sole mission is the protection of the coast.

Now, I stand here before you saying that I think DEP has done an excellent job overall, and continues to do an excellent job with protecting the coast. That does not mean, though, that it cannot be assisted by a program, or a Commission, if you will, that has it as its sole mission, similar to the way the Pinelands Commission takes the responsibility for activities in the Pinelands.

ASSEMBLYMAN SINGER: Well, the dispute of the bill, I am sure, will go further. I just feel that no one is stating -- neither yourself nor anyone else -- that DEP has failed in its position to protect the shore.

ACTING COMMISSIONER DAGGETT: That's correct, and I have been asked this--

ASSEMBLYMAN SINGER: Let me say just one thing, Commissioner, not to interrupt you-- I just feel that somewhere down the road the inference that is being made about this Coastal Commission, the inference that is being made about the protection of the shore, has to reflect on the Department.

Now, I am not saying that the Department has not done its job. I am just saying to you that that is the inference that is thought about, as far as I am concerned, with the Coastal Commission.

ACTING COMMISSIONER DAGGETT: I think if you want to take it that way, certainly. But I do not choose to interpret it that way. I really don't. I honestly believe that you can make the case that a Commission whose sole mission is protecting the shore may have a better opportunity, and may ultimately be somewhat more successful, than an agency whose mission covers such a broad range of activities throughout the State. It's as simple as that.

ASSEMBLYMAN SINGER: Thank you.

ASSEMBLYMAN LoBIONDO: Assemblyman Smith?

ASSEMBLYMAN SMITH: Just a few questions for you, Commissioner. While you are new on board as New Jersey's Commissioner, certainly you are very familiar with the area, having been the former EPA Administrator of this area. I am sure you are aware of the combined sewer problem in the New York/New Jersey metropolitan area.

ACTING COMMISSIONER DAGGETT: Absolutely.

ASSEMBLYMAN SMITH: As we did our deliberations as a Committee, we came to the conclusion, over the course of the last two years, that one of the top priorities of things that we should do to clean up the New Jersey shore and to improve water quality at the shore, was to try to solve the combined sewer problem. The study you passed out to us -- "The State of

the Ocean," by the blue-ribbon panel -- lists as its number one recommendation on water quality, solving the combined sewer overflow problem.

I would just like to get on the record the fact that it is still DEP's position, and your position as Commissioner, that that should be a primary thrust of the Legislature and the executive branch in solving our shore problem. Am I correct in that?

ACTING COMMISSIONER DAGGETT: Yes. I would just say that I would make it three areas: combined sewer overflows, stormwater, and then the shore line, which we are addressing through Operation Clean Shores. I would also add refloating material to the problems. But those three areas are the three.

ASSEMBLYMAN SMITH: I would appreciate it if you, as a new Commissioner, would make a courtesy call on Speaker Hardwick and Senate President Russo -- I hear you talk to the Governor all the time -- urging them to try to move this forward. We didn't vote last year to see this on the 1988 general election ballot, and there is no guarantee at this point that it is going to be on the 1989 general election ballot, and your good offices, and your expertise in this area, I think would be helpful in moving the project forward.

ACTING COMMISSIONER DAGGETT: I appreciate that, and I will do it

ASSEMBLYMAN SMITH: Okay. Number two -- and I would think that you are aware of this problem -- New Jersey has an opportunity, under H.R. 6, Congressman Howard's legacy of \$750 million, for environmental infrastructure improvements, if New Jersey will come up with the \$250 million match. What is the NJDEP's plan with regard to our match?

ACTING COMMISSIONER DAGGETT: I'm not sure I have all of the details on that. Go ahead, Don.

ASSISTANT COMMISSIONER DEIESO: Assemblyman, we are going to need to go point by point and project by project. I

don't think we are prepared to do so today, but we draw our match moneys for many of those projects from existing bond issues that came to us in water supply and water body protection and dredging projects. Each of them have matched moneys that you have provided through bond issues and other legislation. Now, we need to go point by point to see if any are in jeopardy. None of them stay with me as a point of crisis, though.

ACTING COMMISSIONER DAGGETT: We have made a particular--

ASSEMBLYMAN SMITH: Let me pass along, too, a memo we have from the Army Corps of Engineers -- a letter to us. The letter says that New Jersey is imminently about to lose \$440 million of Federal money if we do not commit to the New Jersey portion of the match in 1989. Now, maybe there is no communication between the NJDEP or the State of New Jersey and the Army Corps of Engineers, but we do have, in writing, that statement from the Army Corps, which we have sent to the Governor, and asked him to reconsider the bond issue. Quite frankly, even from all of us, if you people-- When I say, "you people," I mean, "we." If we, as the State of New Jersey, have those funds set aside -- the \$250 million for these environmental infrastructure improvements -- OLS is not aware of them. As far as we know, they are virtually nonexistent. We don't see them in the current budget; they appear to be virtually nonexistent, and we have a memo from the Army Corps of Engineers saying we are about to lose \$440 million.

So, what I would respectfully suggest, is that we -- DEP, OLS, and the Legislature, through Assemblyman Bennett, this Committee, and I would offer my offices as well -- try to see where we are going with this, because it appears that we are about to blow it.

ACTING COMMISSIONER DAGGETT: Assemblyman, first of all, I have not seen the letter you are referring to. I will

make a point of getting a copy of that letter. My suspicion is that what the Corps has done, is combine virtually every single program they have in the State of New Jersey, lump them all together, and made this statement. I have to say to you that it is one of the highest priorities we have, and it has been, I think, for the Governor statewide, not just the DEP, not to lose any Federal moneys that we have coming to us.

So, believe me, if it looks at all like any of that money is in jeopardy, I will take whatever measures are necessary to raise the flag, or whatever it has to be, to get the assistance I need so we do not lose it.

ASSEMBLYMAN SMITH: I appreciate that, Mr. Commissioner. I am going to ask OLS or the Committee Aide here or in my office to get you that.

ACTING COMMISSIONER DAGGETT: Yes, please. Just as I said, I have not seen the letter.

ASSEMBLYMAN SMITH: All right. Recently, The Star-Ledger had an article that black boxes are not a fail-safe method of guaranteeing that sewerage sludge is getting to the 106-mile site. Certainly, one of the hopes we have had was that they would at least be in place and able to actively monitor that. Does DEP have any recommendations with regard to a solution to that problem?

ACTING COMMISSIONER DAGGETT: To a solution for the black boxes?

ASSEMBLYMAN SMITH: A solution to guaranteeing that the sludge that is coming from the sewage treatment plants ultimately gets to the 106-mile site.

ACTING COMMISSIONER DAGGETT: Basically, we've got to make sure that the permits are adhered to. We have done it by-- EPA has a requirement -- a number of requirements -- in this regard, but primarily I guess it is, we have a -- and I am trying to recall, because I am mixing it somewhat between the EPA time and my time here now-- I believe DEP is assisting in

putting ship riders on the vessels that actually tow the barges, to ensure that there is no discharge. In fact, the problems we have identified, which were the subject of my remarks relative to the action taken against sludge haulers recently, were actions taken not from the major barges where the black boxes are, but, in fact, the feeder barges to the big barges.

ASSEMBLYMAN SMITH: The feeder barges, right, which is perfect for Marine Police work.

ACTING COMMISSIONER DAGGETT: Exactly, perfect for Marine Police enforcement. Once we get those mechanisms in place, I think we will be in better shape. I think with the ship riders we've got, plus the other restrictions, plus the black boxes, we will be able to ensure that for the next two years of this program that are remaining, we will, indeed, have dumping that will occur properly.

ASSEMBLYMAN SMITH: Is there anything DEP can do to assist the Marine Police in getting started? I refer specifically--

ACTING COMMISSIONER DAGGETT: To yesterday's article in The Ledger?

ASSEMBLYMAN SMITH: To yesterday's article in The Ledger, which said that in many cases, the Marine Police have not been able to get DEP permits in order to get their installations rolling.

ACTING COMMISSIONER DAGGETT: If I may--

ASSEMBLYMAN SMITH: I hate to use a newspaper clipping for--

ACTING COMMISSIONER DAGGETT: No, that's okay. Given that was yesterday's story, I am also taking a look at it. But, as I read that story, it is that the environmental permits are related to specifically only one facility there. I believe it is down in the Camden area.

ASSEMBLYMAN SMITH: Right.

ACTING COMMISSIONER DAGGETT: And the other facilities in northern New Jersey have different problems that are not environmentally related. Now, I will double-check that to make sure there are no problems environmentally, and if there are, I will do what I can to try to expedite those permits.

ASSEMBLYMAN SMITH: Okay. Let me go a little bit further with that suggestion.

ACTING COMMISSIONER DAGGETT: Okay.

ASSEMBLYMAN SMITH: The article referred to leasing problems, negotiating problems, other than bureaucratic problems.

ACTING COMMISSIONER DAGGETT: That is correct.

ASSEMBLYMAN SMITH: I think it would be helpful if you and the Superintendent of the State Police could form some kind of an internal task force in State government to try to expedite all of these, because it appears that we are at least a year overdue on this. We are a year late in getting this program started. We know how important it is, not only for the sewage sludge enforcement, but for all of the other pollutant enforcement that is necessary to protect the Jersey shore.

If we all think of ourselves as individual departments, you know, "My responsibility begins here and ends there," the problem you have is that it becomes a very disjointed process. Perhaps some inter-departmental coordinating group could help to move these along because, quite frankly, I, as a legislator in this State, was embarrassed by this article.

ACTING COMMISSIONER DAGGETT: I will work together with the Treasurer, Feather O'Connor, Attorney General Perretti, and Colonel Pagano, to see if we can't get on top of this issue, move these along quickly, and get the resolution to it.

ASSEMBLYMAN SMITH: Okay. My last question, and this is in the category of hearsay, so I don't give a great deal of

credibility to it, but I will throw it out here to give you an opportunity to react to it-- I received information that at this point the DEP has only been able to collect about one-third of the NJPDES permit fees assessed for 1989. The question would be: Why are we having difficulty collecting these fees? Who is not paying the fees? And, is enforcement being hurt with regard to the NJPDES Program? That, as I am sure you are aware, although perhaps members of the audience are not aware, is the New Jersey Pollutant Discharge Elimination System Program, which is the Program which we use ultimately to close off the pipes, ultimately to reduce the discharges into artesian waters.

What is the story on the NJPDES fees? Are we in trouble, and is it hurting enforcement?

ACTING COMMISSIONER DAGGETT: Let me have Dr. Deieso give you the details on the statistics of that. I believe it is one-third that is not collected; not one-third that has been collected, but we will go through it.

ASSEMBLYMAN SMITH: Okay.

ASSISTANT COMMISSIONER DEIESO: Assemblyman, as you know, this Legislature created the NJPDES Program to be 100% self-supporting. That means in the principle of, let the polluter pay -- all of the NJPDES permit holders pay for the administration of the Program -- 100% of it. For that permit program we had an expenditure of about \$16 million this past year to run it. As I understand it, we have collected about \$12 million. There is an additional amount that is still due us.

So, we are proceeding to recover those fees, and we will do our best to see that our accounts are whole. I want to console you, though, with your thought that it means that less enforcement is occurring, by advising you that we do not fund any enforcement out of the NJPDES fee program. The reason is, and understand this in the view of those who hold the permits,

they thought it would be inappropriate for the Department to levy a fee on them, and that that fee then would be used to fund the enforcement agents who would then enforce against them. So, we enforce against these facilities vigorously, but we do so out of another pot of money, one that stands independent of whatever the fees can produce.

ASSEMBLYMAN SMITH: So it would not reduce the number of staffing?

ASSISTANT COMMISSIONER DEIESO: No.

ASSEMBLYMAN SMITH: Okay. Thank you.

ASSEMBLYMAN LoBIONDO: Mr. Commissioner, I have several questions I would like to ask you about. In your statement, you discussed the 106-mile site as it pertained to the special permitting that had been granted to, I believe, Allied and DuPont. If my recollection is accurate, you said they have been denied the permits.

ACTING COMMISSIONER DAGGETT: No. The Allied site is some 17 miles off the coast; the DuPont site was 106 miles off the coast. Those two sites were sited independently of those permits. The process is that you have to find a site, identify the site, go through a process to put the site in operation, and then you can entertain permit applications. In the case of DuPont, they were the only remaining dumper at the 106-mile site until last year. They withdrew the first application. They had two remaining DuPont facilities that were using it. The first application was denied -- I mean, not denied, excuse me -- was withdrawn after a meeting with Congressman Hughes, and then shortly thereafter, in some actions I took as Regional Administrator at EPA, DuPont withdrew the second application. Once both applications were withdrawn, that made it so no one was dumping at that 106-mile site, so we began the process, sometime over the last summer, of formally shutting down the site itself. So, once that site is shut down, there won't even be able to be any permits applied for there, because you won't have a site designation.

With respect to Allied, Allied had made a proposal to end its acid waste dumping at 17 miles out by the date of March 17, 1991. The interim permit requirements -- the conditions on the permit that EPA then proposed -- were such that Allied felt they were so onerous that they could not operate in a manner that was economically viable, so they, too, withdrew their application in the last month or so. As a result, the 17-mile site for acid waste dumping has no permittees, or anybody applying for it, so EPA is now beginning the process of shutting down that site as well.

So, in the end, there is no dumping currently going on, nor will there be any additional dumping in the near future, and it looks like, in all likelihood, there will never be any additional industrial dumping in the ocean. That is probably as good a bit of news as we have heard in a long time with respect to industrial wastes.

ASSEMBLYMAN LoBIONDO: Thank you. Also, as far as dumping is concerned, if the information I have is correct, the total number of wet tons that are presently being dumped between New York and New Jersey is somewhere a little bit in excess of seven million tons.

ACTING COMMISSIONER DAGGETT: We use eight usually. It is about seven to eight million tons, I think.

ASSEMBLYMAN LoBIONDO: Well, what comes from New Jersey is a little bit under three. Is that correct?

ACTING COMMISSIONER DAGGETT: It is about 50/50. New York City itself has about 3.3 million tons; Nassau and Westchester has one million; and New Jersey the remainder, which is a total of about-- Yeah, it is a little over three. You are correct.

ASSEMBLYMAN LoBIONDO: So, as we come into compliance with our law by 1991, that will still leave about half the tonnage still going in from New York, as far as you know?

ACTING COMMISSIONER DAGGETT: That is correct. For the nine remaining months of 1991, between March 17, where State law says New Jersey must get out, and December 31, where Federal law says everybody must get out, indeed, New York City may still be -- and Westchester and Nassau County -- dumping at that 106-mile site. But as you know, Federal law now says that everybody will be out no later than December 31, 1991. So, one way or another, at the end of the calendar year, we should have no additional sludge dumping in the ocean.

ASSEMBLYMAN LoBIONDO: My last question pertains to medical waste legislation. I don't want to assume improperly that the emergency order that was entered into by New Jersey and New York means that we, the State of New Jersey -- your Department -- will be prepared, when the Governor signs this legislation, which we assume will be rather quickly-- Will you be in place for a positive impact by this summer season?

ACTING COMMISSIONER DAGGETT: It's actually already in place. The emergency regulations, as you know, have been operating since October.

ASSEMBLYMAN LoBIONDO: Right.

ACTING COMMISSIONER DAGGETT: There is somewhat of an expansion of that. We will not have a problem.

ASSEMBLYMAN LoBIONDO: You won't have a problem? You won't have any problem meshing in with the Federal legislation?

ACTING COMMISSIONER DAGGETT: No. In fact, we were very careful as that Federal legislation went through the process to make sure that it and New Jersey's were as much in conformance as possible. Indeed, the final legislation made it so that we could very easily put the whole program in place. So I think we will be in good shape on that.

ASSEMBLYMAN LoBIONDO: Thank you. Assemblyman Pelly?

ASSEMBLYMAN PELLY: Thank you, Mr. Chairman. When I received my notification that the Assembly Select Committee on Ocean and Beach Protection was about to convene, I took that

*New Jersey State Library*

document and, as I do with all other important documents, I put it on my refrigerator at home. It generated one rather substantial question from family members and others who looked at that document. That question -- and it may or may not be a fair question -- has been asked of me on too many occasions. I would ask the Commissioner, if I may, to look ahead to the summer of 1989. I want to ask, number one, in your opinion, and with the resources you have available to you, is the ocean, in fact, cleaner and healthier than it has been in past years?

ACTING COMMISSIONER DAGGETT: First of all, in terms of ocean water quality, the ocean water has been in great shape along the Jersey shore over the past couple of summers. We have had some problems with floatables and some isolated incidents of high bacteria counts, but by and large the ocean water quality has been excellent.

However, I would have to tell you that, obviously, as we discussed, the problem of floatables and the few bacterial incidents that have occurred have created a public perception that has to be addressed. I think with Operation Clean Shores, with the fact that all of the sewage treatment plants are now at secondary, with the medical waste tracking system in place, and with some of the other measures that have been placed here -- the anti-litter campaigns, and other sorts of things -- I think we have as good a shot as we have had in quite some time this summer to avoid any of the events that have occurred in the past.

So, I am entering this spring season anyway with some real optimism, and I am hoping that we can now, in doing that, take care of the last piece, which is controlling the perception of the general public and trying to develop a program that completely and concisely details what the real issues are at the shore, where we are on our progress, and the optimism that we share with respect to this summer season.

ASSEMBLYMAN PELLY: And secondly, I wanted to ask-- Certainly, the Legislature should be participating, perhaps even to a greater extent than we have in the past. If that is the case, I would like to hear about further, more comprehensive participation by this Legislature in assisting in that process.

Lastly--

ACTING COMMISSIONER DAGGETT: If I may for one moment, Assemblyman--

ASSEMBLYMAN PELLY: Sure.

ACTING COMMISSIONER DAGGETT: I feel strongly that the Legislature has done a terrific job to date in terms of giving us the tools in order to make sure that the ocean is cleaner and that some of our waters leading to the ocean are cleaner. I think where you can probably give us the most assistance ultimately in this area of controlling perception, is by helping us to make sure that we get both responsible reactions from people, if events do occur, and that, importantly, we get the facts straight as those events occur.

So that, to me, is as important probably as anything else. That isn't necessarily something you can do by way of legislation, obviously. It is a matter of making sure that if something occurs, we all operate together in a coordinated response to the event, so that we are fully informative to the public of exactly what is occurring, but at the same time we do not unduly alarm people or unduly make them nervous about going to the New Jersey shore.

ASSEMBLYMAN PELLY: My third area deals, of course, once again, with the issue of medical waste and other debris -- other forms of debris -- which you have certainly addressed here. My question is: Do you feel confident that after everything has been implemented and working, that we will not be dealing with those issues again, or do you think once again that there is something further that we should be doing? How confident are you that this will address that issue?

ACTING COMMISSIONER DAGGETT: I am confident that the measures in place will address it, but I have to tell you that some of those measures are long term, when we talk about stormwater discharges, when we talk about combined sewer overflows, when we talk about, frankly, educating the public so that they are also aware of what might happen if they litter. I think that once we get those things in place, yes, but some of them are, indeed, longer term measures.

ASSEMBLYMAN PELLY: Thank you, Commissioner. Thank you, Mr. Chairman.

ASSEMBLYMAN LOBIONDO: Thank you, Assemblyman. Assemblyman Kyrillos?

ASSEMBLYMAN KYRILLOS: Thank you very much, Assemblyman and, Commissioner, thank you for being here. I applaud your patience and your great skill in answering all of these questions from up here. This is a tough bunch to deal with, and I know they appreciate your answers.

In Assembly Bill 2846, which I sponsored, along with Assemblyman Pelly -- the Coastal Monitoring of Public Owned Treatment Works Act-- The Act appropriated \$500,000 to the Department to increase monitoring and surveillance of coastal treatment plants. I am very impressed with what you were able to do with this money -- increased monitoring, 24-hour hot line service, daily helicopter surveillance flights, etc. I am reading from your summary.

I know you are reporting to the Legislature in April, pursuant to John Bennett's earlier question, but can you give us a preview of what you are going to say? Was this money well-spent? Did we find problems? Did we find system flaws? Were you able to prevent potential accidents or catastrophes from happening?

ACTING COMMISSIONER DAGGETT: Assemblyman, of course, sometimes you never know whether you can prevent accidents from happening. Sometimes by the sheer presence of monitoring

operations and surveillance operations, you are sending a message to people who would otherwise do something wrong. So sometimes you will never be able to understand that.

Generally speaking, I think the money has been a good source of income for us. It has been well-used, and I think we will ultimately have a positive report to give you in April about the success of the program.

ASSEMBLYMAN KYRILLOS: The identical amount of money is currently in the Governor's proposed budget for the next fiscal year -- \$500,000?

ACTING COMMISSIONER DAGGETT: Yes, it is.

ASSEMBLYMAN KYRILLOS: On the wood debris study, which Assemblyman Pelly and I also co-sponsored together-- I don't want to belabor this point. I know you dealt with it in some detail with Assemblyman Bennett earlier. But, in your backgrounder here, you do say that the study will be initiated by the Department at some future point.

ACTING COMMISSIONER DAGGETT: That is correct.

ASSEMBLYMAN KYRILLOS: Is that correct?

ACTING COMMISSIONER DAGGETT: Yes, it is.

ASSEMBLYMAN KYRILLOS: I realize we may have other studies to draw from; there are other priorities. But, as the sponsor, it is a question that I would like to know how to respond to when I am asked about it. That is why I asked that.

ACTING COMMISSIONER DAGGETT: Okay. I think that as we go through Operation Clean Shores, we will be able to do some of that study, actually, in the process of that. At the same time, I am hoping that after that is done, we will be better able to identify some of the sources, because we will get a clearer understanding of how quickly the material gets to the shorelines. For example, we don't know, given the many years that this debris has accumulated-- We don't know often at what rate it is coming. We may be able to better track where it is coming from. If, for example, one beach in

particular gets hit, or one shoreline area, we may be able, through some modeling of wind and current patterns, identify some of the sources. If that is the case, then we can try to address that.

But I think Operation Clean Shores is a critical first step in many ways. The good thing about that, obviously, is where at the same time we are getting some information about where it is coming from, perhaps we are cleaning it up. I am hopeful that that will provide a good base for us.

ASSEMBLYMAN KYRILLOS: You have said that you have formed an Ocean Dumping Task Force that is meeting with the six New Jersey authorities--

ACTING COMMISSIONER DAGGETT: That is correct.

ASSEMBLYMAN KYRILLOS: --assisting in their planning efforts for the future. A constituent recently wrote me a letter with a news clip, where an official, I believe from the Middlesex County Utilities Authority, was talking about rate increases for the future, and the Authority's plans for a cushion imposed in that rate increase for future and probably fines to the Authority for its inability to meet the 1991 deadline.

I was wondering about your reaction to that, and whether this is something that the DEP Task Force is looking at -- this kind of planning and reaction?

ACTING COMMISSIONER DAGGETT: We have looked into it in some detail, but I think what they are doing is, anticipating Federal fines that will result from the possible missing of the December 31, 1991 Federal deadline. It is hard to comment on whether or not they should do that, or what the best strategy is for them from a rate standpoint. But I have to tell you, by bringing this material on land, there is no question that it is going to involve higher rates, because it is going to cost more money to dispose of this material on land than it now does in the ocean.

ASSEMBLYMAN KYRILLOS: Absolutely. My concern was, if, in fact, all of the authorities are presently in compliance with their schedules to submit land-based alternative plans, there would not be any need for a rate shock cushion for potential fines. That is disturbing to me. Maybe you can bring that back to those who are working on the Task Force.

ACTING COMMISSIONER DAGGETT: I think it is a contingency they have developed. I am not sure whether it is merited in this case. I think there is no question that if you look at the status of ocean dumping municipal treatment works document I gave you, some of those alternatives may or may not come to fruition. I think they are hedging their bets a bit and taking some cautionary steps, in the event they are not able to do that.

ASSEMBLYMAN KYRILLOS: Thank you very much, Commissioner. You have an awesome job. I admire you and your efforts.

ACTING COMMISSIONER DAGGETT: Thank you.

ASSEMBLYMAN LoBIONDO: Assemblyman Salmon?

ASSEMBLYMAN SALMON: Thank you very much. Commissioner, one of the honors that comes to me from the fact that I am a freshman, and also in the Minority, is that I get to go last. I appreciate your patience; I appreciate your commitment for a clean ocean initiative. I think the proudest day in '88, as far as my first year in the Legislature is concerned, was in May, when the Senate and the Assembly passed the bipartisan package of 14 bills through both houses within several hours, for a clean ocean initiative.

I know your commitment, because I think in my first telephone conversation with you I found out that you are a tourist sometimes, and spend money in my district and in my hometown of Ocean City.

ACTING COMMISSIONER DAGGETT: I do indeed.

ASSEMBLYMAN SALMON: We appreciate the fact that you are in the neighborhood and spend that money and that you come to visit us.

I liked your opening statement. I think it would probably be helpful for all the members of this Committee if they could have a copy of that.

ACTING COMMISSIONER DAGGETT: Yes, we will make it available to everybody.

ASSEMBLYMAN SALMON: I would appreciate it. Also, I would like, just for my own files, to have a historical background of the 106-mile site that is not being used any more, so I could have, just for reference sake, what the historical events were that led up to that finally being closed off.

ACTING COMMISSIONER DAGGETT: Okay.

ASSEMBLYMAN SALMON: Just a couple quick questions: I am interested in the figure you gave in your statement. How much did you say we lost in tourist dollars in '88?

ACTING COMMISSIONER DAGGETT: It was nearly \$800 million.

ASSEMBLYMAN SALMON: Eight hundred million dollars, okay. I was interested because I have heard this said so many times, as you have indicated in your comments, that the water itself is in great shape. Statistics are showing this. I think you mentioned that you are at 336 sites, which is a real extensive monitoring program by the Department, which I think is to be commended.

I have to agree with you. The major problem we have, is the problem of perception to the public. I think that is one of the major functions and tasks we have this year, if we are going to have what we consider a good tourist year here in New Jersey.

ACTING COMMISSIONER DAGGETT: I couldn't agree with you more.

ASSEMBLYMAN SALMON: My question to you would be: Is there any plan of action that you have worked out with Noreen Bodman so that DEP is working with the Division of Travel and Tourism, so that we can get this message across -- what actually is, instead of the perception?

ACTING COMMISSIONER DAGGETT: While not finalized, yes indeed, we are working closely together. We are trying to put a message together that is an honest, straightforward assessment of the situation, but at the same time will assure people that there are really not any problems that people need to be concerned about; that generally speaking, the New Jersey shore is an excellent place to vacation, and that from a public health and an environmental standpoint, people need not worry.

ASSEMBLYMAN SALMON: I think that's great. I think that is one of the best efforts we can make. All of the other things are important, but as you know, in my district, the lifeblood of Cape May County is the tourist industry. We are very proud of the beaches in our district. We are very proud of the kind of tourist economy that has been developed, and the kind of hospitality that is shown in Cape May County. I commend you on that, and I offer my assistance, as a shore legislator, in any way that I can be helpful to your Department. And to Noreen Bodman, I certainly offer my cooperation and help.

ACTING COMMISSIONER DAGGETT: Okay.

ASSEMBLYMAN SALMON: My second question is probably coming as a result of being an educator. I am finishing my 25th year in education. I am really concerned about the efforts being made to make sure that young people know the importance of a clean ocean; to make sure that young people know what happens when you litter, and where that litter goes; and to try to develop what I call a "comprehensive effort" that when children leave school, they do not want to litter. They are going to pick up that debris and put it into a container.

For example, I think one of the most effective efforts in curbing smoking has been children. Because of the education in health departments, you find children going up to their parents, and saying, "Mom, you shouldn't smoke. I want you to live longer." I have had a lot of feedback come from parents and children. I think that is where we have to start -- with the children.

In the bill that was signed into law on July 11, 1988-- It sounds to me as though that is a real permissive bill. I really don't see this happening in the schools; that is my problem, Commissioner, just to let you know. It says: "The Department of Education shall distribute the materials, and local school boards are encouraged--" I don't think it is happening in the schools across New Jersey. That is a concern for me, because, let me tell you, if we can get to our children, and if we can create the right kinds of habits with our children, that they understand the importance not to litter and to have a clean environment -- in my opinion, one of the major problems we face in New Jersey is the litter that is along the highways, and along the beaches -- we are making the kind of effort and taking the direction that we need to, in order to have a clean New Jersey.

ACTING COMMISSIONER DAGGETT: I couldn't agree with you more about the need for education, partly because, as you know, I share your background in education, so I come with somewhat of a bias. I would point out to you not only the clean ocean education programs, some of the materials of which are before you, but I would also add that right now, I am in the middle of working with the Association of New Jersey Environmental Educators, with the Youth Environmental Society, with Commissioner Cooperman, and with others, to take advantage of the 1971, I believe, law, called the Environmental Education Act, which, in my mind, has a very broad mandate to get environmental education promoted and developed in this State.

I hope that within the next month or two, I will put into place a mechanism by which we can ultimately develop a model curriculum, both for the elementary and secondary levels, that can then be adapted locally for use in school systems. I have to tell you also, that there is an enormous amount going on in schools, but there is not a lot of coordination to it. However, there are a lot of very committed teachers and committed administrators who are doing their best to try to do something to improve the curriculum with respect to environmental issues.

I hope to be able, through the effort we are putting together, to enhance that, promote it, and then ultimately have in place a first-rate program with respect to environmental education.

ASSEMBLYMAN SALMON: Very good, Commissioner. I would just say, on that issue also, that I offer my help in any way possible. Finally, I look forward to working closely with your Department. I am also looking forward to jumping into the ocean with you in Ocean City.

ACTING COMMISSIONER DAGGETT: Thank you. I do, too.

ASSEMBLYMAN LoBIONDO: Are there any other questions of the Commissioner?

ASSEMBLYMAN DOYLE: Just one. Let me go back, if I may, Mr. Chairman-- I understand Assistant Commissioner Deieso's comment that the balance of the \$33.5 million that is unexpended and unencumbered will, nevertheless, be available past June 30, 1989. To the degree that I continue to be concerned that the Governor might not share that opinion, I would like a written response from counsel -- from the Attorney General's office -- that that is, in fact, the case, and that it is the Governor's intention to abide by that; and to whatever degree either of those conditions are not met, what we are going to do to make sure that money will continue to be available.

ACTING COMMISSIONER DAGGETT: I will provide that to you.

ASSEMBLYMAN DOYLE: Thank you.

ACTING COMMISSIONER DAGGETT: You're welcome.

ASSEMBLYMAN LoBIONDO: No other questions of the Commissioner? (no response) Commissioner, thank you very much.

ACTING COMMISSIONER DAGGETT: Thank you very much.

ASSEMBLYMAN LoBIONDO: If the Committee is in agreement, what I would like to suggest is, we have four other individuals who are scheduled to give testimony -- that we go through the testimony of each of those individuals, and then ask questions at the conclusion of that testimony. I'm sure they would be glad to stay, if we have questions.

The next person will be Rebecca Zaganiski -- I hope I am pronouncing that correctly -- Assistant Commissioner of Occupational and Environmental Health, New Jersey Department of Health.

**A S S T. C O M M. R E B E C C A Z A G R A N I S K I:**  
Just to correct you -- and this is a very common error to make in my name-- I wish I had married somebody named Smith. The last name is Zaganiski. (correcting pronunciation)

ASSEMBLYMAN LoBIONDO: Zaganiski, okay.

ASSISTANT COMMISSIONER ZAGRANISKI: I am currently Assistant Commissioner of Occupational and Environmental Health. I have been with the Department again since May.

The only bill in the ocean package that affects the Department exclusively -- the Department of Health exclusively -- is the bill that mandates the ocean health study. I am prepared today to provide you with some comments on that, and an update of where we are with that study.

In the spring of 1987, the Governor and the Legislature directed the Department of Health to determine whether microbial contamination of the ocean due to human activities related to increased rates of infectious illness.

In the summer of 1987, the Department conducted preliminary water quality monitoring studies and a preliminary survey of health. The preliminary results were basically conducted to provide some base line information about both the environment and the population that uses the beaches in New Jersey, so that we could design an appropriate full-scale population study the following summer.

In March of 1988, the Department released a preliminary report that discussed the results, both in water quality effort and from the population study. We found little variation in water quality across beaches in New Jersey, so the decision was made that the full-scale study conducted in the summer of 1988 would need to be based on beaches that were representative of the coastline. So, we originally designed it to focus on two beaches in the northern area, two beaches in the central part of the coast, and two beaches in the south.

The participation rates in the preliminary study indicated that about 20,000 people would be necessary to identify limited increases in illness rates that would be expected at the low levels of contamination that were found along the shoreline. In the summer of 1988, the Department contracted with a private consultant to conduct a full-scale epidemiologic study. We spent thousands of staff and consultant hours on the beach, both monitoring water quality again and also evaluating the health of beachgoers.

We were able to obtain thousands of beach interviewers, despite the decreased attendance at beaches. One way we were able to do this, was by increasing the number of beaches we visited. The consultant's report on water quality has been received, and is currently under review. Additionally, the results from the health survey have been compiled by the consultant, provided to the Department, and have currently been released to the Peer Review Panel for additional evaluations.

At this time, we are confident that we will be able to meet the July '89 reporting date in the legislation. We are certain that the activity will not proceed on into FY '90.

That concludes my formal remarks.

ASSEMBLYMAN LoBIONDO: Thank you. We will go on to Rick Abrams now.

UNIDENTIFIED MEMBER OF COMMITTEE: Rick's is the same report.

ASSEMBLYMAN LoBIONDO: All the same?

R I C K A B R A M S: The same, yes. We are both from the Department of Health.

ASSEMBLYMAN LoBIONDO: Okay, thank you. Are there any members of the Committee who are going to have questions at the conclusion of the other testimony? Should we ask them to stay? We're going to try to go through the testimony. (no response) Joe?

ASSEMBLYMAN KYRILLOS: Are we going to get a copy of the report? That is all I would like to know. Can we get a copy of their interim report?

ASSISTANT COMMISSIONER ZAGRANISKI: A copy of which report?

ASSEMBLYMAN KYRILLOS: A copy of your study of the shore region.

ASSISTANT COMMISSIONER ZAGRANISKI: The preliminary report released in March?

ASSEMBLYMAN KYRILLOS: Yes.

ASSISTANT COMMISSIONER ZAGRANISKI: Yes. I would be happy to send you a copy.

ASSEMBLYMAN KYRILLOS: Thank you.

ASSEMBLYMAN LoBIONDO: Thank you. Next, from the State Marine Police-- I believe we have several individuals here -- Colonel Pagano, Dennis Crowley, and Jim Leiko.

ASSEMBLYMAN SINGER: Mr. Chairman, may I ask how Dick Dewling got a job with the New Jersey State Police?

C O L O N E L   C L I N T O N   L .   P A G A N O ,   S R . :   It wasn't difficult. He sent his look-alike over.

D E N N I S   P .   C R O W L E Y :   Mr. Chairman, I'm Dennis Crowley, from the Attorney General's office, Department of Law and Public Safety. My function here is simply to introduce the members of the Department of Law and Public Safety who are involved very deeply in the implementation of several of the elements of the 14-point plan. They would be: Colonel Pagano, of our State Police, Captain Momm, head of the Marine Police Bureau, and Jim Leiko, of the Division of Criminal Justice, Environmental Prosecution Unit. Each of these individuals will discuss the topic of the agenda from his perspective. I will just stand by for questions.

ASSEMBLYMAN LOBIONDO: Thank you, Dennis.

COLONEL PAGANO: Thank you, Assemblyman LoBiondo. I, too, read the newspapers, and I know there will be a question about yesterday's article. I think probably most important is that I address first the first paragraph, where it would appear that the docks currently being installed in Newark are costing the taxpayers \$11,000, for which there is no return. That is not correct. It is costing that much money for the temporary docks, both at Burlington and at Newark, but that is a lease/purchase arrangement. Those temporary docks will ultimately become part of the permanent sites both at Newark and at Burlington, and will be used. So the investment going in there is not money lost.

We have had some problems -- environmental problems and other problems -- at the temporary sites at both Newark and Burlington. DEP has been more than helpful. The basic difficulty down in Burlington is getting some of the engineering plans together which have to be part of the bid specs. And up north, there were some difficulties with the contractor and his insurance coverage, getting into the temporary site in Newark. Those were resolved by Chairman Kaltenbacher, and the work is going on.

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The important part, though, is that the money appropriated under 1863 is being well spent. The patrols are on the water. Our activities are basically doubled. The manpower, with the exception of five positions which are now tied up in the job freeze, is on board. The further implementation of the long-range plan is tied up at this point somewhat by the budget crunch. But the assurance that I give everyone here is, the people are on the water. The boats are coming in. The vehicles and personnel are trained and available. The tactical units are in place, and we are operating.

I am available for any specific questions you may have.

ASSEMBLYMAN LoBIONDO: Are there any questions of Colonel Pagano, at this point?

ASSEMBLYMAN SMITH: What is the procedure, Mr. Chairman? Mr. Singer told me that all questions would be taken after the testimony.

ASSEMBLYMAN LoBIONDO: I am just trying to see, so I can mark down who would like-- I would like to go through the testimony, and then have the questions at the end of the testimony.

ASSEMBLYMAN SMITH: All right, but let me ask one question, if I may. When do you anticipate that we will be questioning the witnesses? Everybody is under a tight schedule. There is less of a chance that I will be able to question a person at the end, depending on when that occurs.

ASSEMBLYMAN LoBIONDO: You were not here when we discussed that. If you would like to change it and ask questions now, there is no problem.

ASSEMBLYMAN SMITH: Well, just one quick one, and it is the same one that I suggested to Commissioner Daggett. Is there any way we can help you to get your operation in place and moving ahead faster? I asked the Commissioner if he would be willing to take the lead, with yourself, to set up an

interagency task force, so that whatever permits are necessary, we can get those permits done; whatever leases need to be signed, we get them signed. We really have made some tremendous promises to the people of New Jersey that we would have much greater environmental law enforcement in terms of the Marine Police. I am asking you if you would participate in that, so we can expedite this process.

You know, I understand that a lot of times there are inaccuracies with newspapers, and that they don't tell the whole story. But on the other hand, you know what I mean, when I read this--

ASSEMBLYMAN LoBIONDO: Unintentionally, the newspapers--

ASSEMBLYMAN SMITH: Yes, whatever. My wife said, "You better get to the doctor and get your blood pressure checked," because, you know, we have all worked hard to see this effort move ahead, and we want to see you succeed. We want to see that law enforcement -- environmental law enforcement -- move ahead. Is there anything we can do to help you?

COLONEL PAGANO: I think, really, what you can do, most importantly, is, as you go through your priority setting, remember that there are other phases of the total plan that are going to have to be addressed. I know a good portion of those phases are going to be budget-dependent, without a doubt. Right now, the support that we have received from the Legislature on our end-- I was here for the discussions with Commissioner Daggett, but the assistance we have received from the Legislature as a Marine Police operation, has essentially been implemented. The important thing, I think, is that we stand ready to work along with Commissioner Daggett, should there be any problems.

In the main, although we have somewhat overlooked it, a lot of the permitting we are talking about, is essentially DCA permitting. Our greatest sponsor is former Assemblyman

Villane, and he does cut through. To my recollection, the greatest difficulty was the difficulty we had to iron out with Chairman Kalterbacher, and that dealt with who actually took the bid on the temporary docks in Newark. The insurance regulations required that the primary bidder be the contractor, when, in fact, the way the bid went down, it was a subcontractor doing the work. But he did cut through that for us. There were delays. In Burlington, the delays essentially were engineering delays. But in every instance, we would be willing to work with Commissioner Daggett. In fact, we devil the daylights out of him to get things going, and he has been very cooperative.

MR. CROWLEY: Colonel, if I may just add a point to that, too. We need to return to the original piece of legislation that created the augmented Marine Police facility -- or services. At that time, Colonel Pagano and then Attorney General Edwards established a very clear priority for that bill to be effective.

Two things must happen as soon as possible: One was, get men -- or get men and women -- trained, and secondly, get them into boats with equipment and out on the water as soon as possible.

The third priority, Colonel, if I may say, would be the facilities to put them in. There was a temporary situation created because of the housing facilities that were then available to us. The important thing to remember is, about double the size of the Marine Police service--

COLONEL PAGANO: That is correct.

MR. CROWLEY: --occurred as a result of the legislation. Those individuals are fully equipped at this present moment -- almost completely fully equipped -- with trailers, portable boats, and ocean going vessels, in some cases, and are fully trained to patrol this summer. What flows in the second priority is getting the facilities established;

getting the docks out of the temporary capacity into the permanent capacity. Those things will flow with your help through the appropriations process.

But the important thing to remember is, the Marine Police augmentation, which was part of Governor Kean's plan, was almost immediately implemented by the State Police.

ASSEMBLYMAN SMITH: One other question: The Commissioner testified that with regard to the illegal dumping of sewage sludge, that is before it gets to the 106-mile limit, the problem seems to be more with the feeder barges, as opposed to the barges that take out to the great distance. That was one area where he suggested the Marine Police could be particularly effective.

Do you have enough probable cause now to make random inspections, or do you need implementing legislation that says that one of the functions of the Marine Police, one of their authorized responsibilities, is to make routine random inspections of the--

COLONEL PAGANO: We have that authority now. Our boardings, if I am correct, were up to 5000 boardings already this year.

ASSEMBLYMAN SMITH: All right. So you don't need any more legislation?

COLONEL PAGANO: We don't need further legislation. I think the important thing, though, is that we have been working together with the major equipment brought in by DEP, both in the air and on the water, to see to it that surveillances are effected. In addition to what we have done with just the sludge, we have done surveillances behind the garbage barges which, as you know, were a major source of difficulty, at least perception-wise. Our observations, to this point, have been that they have taken the steps necessary to avoid a good portion of that fly-off.

ASSEMBLYMAN LoBIONDO: Thank you, Colonel. Captain, do you wish to add anything to that testimony?

CAPTAIN JAMES J. MOMM: No. I think the Colonel has stated it all pretty much. Thank you.

ASSEMBLYMAN LoBIONDO: Okay. Jim Leiko?

JAMES LEIKO: Thank you, Mr. Chairman and members of the Committee. Once again, my name is James Leiko. I am the Chief of the Environmental Prosecution Section within the Division of Criminal Justice. I appear before you today to discuss some of the activities of our Marine Pollution Unit, which is a portion of the Environmental Prosecution Section. Specifically, I want to go over a few highlights, if I may, of the work plan of that Marine Pollution Unit, as it relates to the issues the Committee is considering today.

The most notable piece of legislation that was enacted during the past year that impacted upon our criminal prosecutorial capability, was the Ocean Dumping Enforcement Act, which did, certainly, increase the penalty for water pollution as it relates to ocean dumping, up to the level of a third degree crime. And secondly, it, de facto, increased the territorial jurisdiction within which we have the capability of prosecuting ocean dumping episodes, by specifying the definition of the waters that are subject to our jurisdiction for purposes of ocean dumping.

I would note that even prior to the enactment of that legislation -- the Ocean Dumping Enforcement Act -- our Division of Criminal Justice has been involved in issues related to the beach wash-ups; related to ocean pollution. Most notably I would cite the aspects relating to the Fresh Kills litigation -- the consent decree that was entered into in December of 1987. The legwork and the surveillance work for the evidence gathering that underlaid that consent decree, in many ways, was done by investigators -- by State investigators -- from the Division of Criminal Justice.

But more to the point, is the increased capability that we believe we now have with some of the tools that the Legislature has enacted, most notably the Ocean Dumping Enforcement Act. There has been some mention by Colonel Pagano, and by Commissioner Daggett in his testimony, relating to the civil litigation that was undertaken in December of 1988 -- this past December -- relating to the dumping of sewage sludge; the so-called short dumping of sewage sludge. I would note for the Committee that the State investigators from the Marine Pollution Unit -- the State investigators whom I supervise -- spent over 700 man-days in 1988 developing the evidence in that case alone -- the sewage sludge dumping case.

Now, the immediate remedy -- the immediate type of litigation that that led to was a civil litigation because of the need for corrective action. But to give some notion of how intensive this type of investigative work is, that one case alone, which is still an ongoing case, from our perspective, consumed 700 man-days of investigative time in 1988. But that is the type of case that we now feel compelled, because of the public concerns and because of the expressions by the New Jersey Legislature of the priority of moving into this area-- These are now the types of cases that we are investigating, and investigating aggressively.

I would note that the approach we use to these investigations is an inter-disciplinary approach. It incorporates not only the manpower -- the investigative manpower -- that we have within the Division of Criminal Justice, but it also incorporates considerable relationship with the involved regulatory agencies; most notably DEP, in its regulatory capability, and the New Jersey State Police. I would specifically note the relationship we have had with the New Jersey State Police. While we use our investigative and prosecutorial manpower to develop these cases, we certainly have relied very heavily upon the manpower and the vessels and

the helicopters of the New Jersey State Police, in the development of these cases.

Let me note briefly a few other highlights prospectively of the types of things we think should be done, and that we plan on doing during the coming year -- during the coming beach season -- relating to the investigation and development of these types of cases, or from an enforcement perspective. We have worked, and are working, with the State Department of Health and with the Department of Environmental Protection to develop protocols for evidence collection. Now, this is something that we have used in the prior two seasons as well -- the prior two beach seasons. A lot of the things that wash up have no evidentiary value to us at all, from a prosecutorial point of view, simply because they have no markings or they have nothing else that is of benefit to us, from the law enforcement perspective. But, many items do. Therefore, we have developed protocols with the Department of Environmental Protection and the Department of Health relating to not only the safety precautions that the public and lifeguards and people of that sort must be aware of relating to the collection of these items, but also, from our perspective, the preservation of those items to preserve their usefulness for evidence and prosecutorial purposes.

We have an on-scene response capability. In 1988 alone, our State investigators physically responded to over 50 incidents of items washing up on the beach. In addition to the protocols we have developed with local agencies for the collection of evidence by those local agencies, our personnel -- our State investigative personnel -- also respond. As I indicated, in 1988 alone, they responded to over 50 such incidents.

We have a surveillance capability, much of which is a covert capability that we implemented in 1988, and we will continue this surveillance in 1989. We plan to do outfall

monitoring, in conjunction with the civil monitoring being done by DEP and by the New Jersey State Police; monitoring of outfalls of industrial plants, not only public industrial premises, but also the outfalls of sewage treatment plants, to detect any illegality that may be of sufficient severity that it ought to be prosecuted criminally, or at least to be considered for criminal prosecution.

We have considerable coordination with the civil and regulatory agencies for referral of information that we discover in the criminal investigative process to the appropriate regulatory agencies, such as DEP. For example, if we observed a burn barge that might have timbers escaping from that barge-- While that may not be something that we would consider for criminal prosecution, it is surely the type of information that we would refer on to the appropriate regulatory or civil agency for their enforcement use.

I should note, most notably is the new medical waste enforcement; the comprehensive regulated medical waste bill that has now been passed by both houses and is before the Governor for his signature. Assuming that he signs it, that will create substantial new criminal provisions among the other enforcement remedies; substantial new criminal provisions, both third and fourth degree crimes, that we will be able to prosecute and that we will prosecute; that we will investigate vigorously. I would note that under the existing laws, broad as they may be, insufficient as they may be, we have been able to obtain two State grand jury indictments for dumping of infected blood vials within the jurisdiction of New Jersey. But surely the new medical waste legislation will increase our investigative and our prosecutorial capability.

The final aspect that I would highlight for you of our work plan for this coming year, is the aspect related to the so-called pretreatment program that Commissioner Daggett referred to. The pretreatment program, of course, regulates

discharges into sewers. We view this very much as an ocean pollution -- as a marine pollution issue, because obviously, anything that goes into a sewage treatment plant, if the sewage treatment plant cannot adequately treat it, that material will come out the other end typically untreated. Therefore, we view it as an important enforcement initiative by our Marine Pollution Unit, to aggressively investigate and prosecute unlawful sewer dumping -- unlawful dumping of toxics into sewers -- because even though that dumping may occur at distances considerably away from the ocean into which the effluent finally goes, in the final analysis, that is where it goes. It goes into the ocean. So we view this as an aspect of our marine pollution initiative for the coming year.

Mr. Chairman and members of the Committee, I have attempted simply to highlight some of the things that we have been doing, and are doing. I would certainly be receptive to any questions you may have.

ASSEMBLYMAN SINGER: I have just one question, if you don't mind.

ASSEMBLYMAN LoBIONDO: Just one second, please. With what you have outlined, and the problems that we encountered last summer, and the additional legislation that has been passed, do you feel that with the resources you have available, that you would be prepared to be able to act in a positive, effective manner with the potential onslaught of additional problems that may occur?

MR. LEIKO: I can answer that in two ways, Mr. Chairman; first of all, in terms of what we will attempt to do, and secondly, what we realistically can do.

Surely any time there are beach wash-ups of any magnitude, particularly of medical waste items, such things as blood vials and things of that sort, we have to respond to that, and we do respond to that, and we already have, even with our existing manpower. What the new legislation has done is

give us additional tools with which to attack those problems. However, regarding the resources, the reality is that there are so many such incidents that occur, that just looking at, for example, that one investigation that I referred to -- the sewage dumping investigation -- it is so resource intensive to adequately investigate many of those cases, that it simply isn't possible to do everything that we would like to do. But surely we will attempt to respond to all matters relating to beach wash-ups, because those are the ones, I think, that the public expects us to respond to, particularly regarding issues relating to medical waste.

ASSEMBLYMAN LOBIONDO: Thank you. Assemblyman Singer?

ASSEMBLYMAN SINGER: Just a brief question. By the way, just one comment to Colonel Pagano and the Captain. I had the opportunity this past summer to go out with the Marine Police out of Point Pleasant. I must compliment you on both the efficiency and professionalism of your men. I appreciate it very, very much, and we appreciate it in the shore region. They do make a difference.

COLONEL PAGANO: Thank you. We have come a long way with the Marine Police, as you well know. I think that is one of the real achievements of the State Police, putting that program together.

ASSEMBLYMAN SINGER: Just to the Attorney General's office -- and not in an adversarial role, because I never take an adversarial role-- John, don't laugh about that. I realize that in the bill that came out of the Senate committee on the Coastal Commission, they deleted the special prosecutor. I know the sponsor of the bill is here, and before he leaves, I have not seen that deleted in the Assembly version. Is that deleted in the Assembly version, John -- the special prosecutor?

ASSEMBLYMAN BENNETT: Yes. The coastal advocate is no longer a new creation.

ASSEMBLYMAN SINGER: Therefore, the Attorney General's office has no problem stating that they would feel comfortable if they could represent the State thoroughly on behalf of the prosecution of those people who wish to offend our environment?

MR. LEIKO: Yes, sir. We believe, and we intend to aggressively move in those areas.

ASSEMBLYMAN SINGER: Thank you. As long as that is on the record.

ASSEMBLYMAN BENNETT: Assemblyman Doyle?

ASSEMBLYMAN DOYLE: The expansion of the Point Pleasant station-- That was not in the first go-around. When might we see that?

COLONEL PAGANO: That is almost complete. I shouldn't say complete, but by June, I think.

ASSEMBLYMAN SINGER: It was under construction before that.

ASSEMBLYMAN DOYLE: I'm sorry. I didn't mean the Point Pleasant-- The ocean station.

COLONEL PAGANO: The ocean station?

ASSEMBLYMAN DOYLE: Right.

CAPTAIN MUMM: Assemblyman, the property is currently in the process of being purchased. I think it is being finalized as a result of a joint venture between the Division and the Department of Environmental Protection, to be located on the Oyster Creek. As soon as that has been solidified, then we can go ahead, based upon the availability of funding, with the construction of the site.

COLONEL PAGANO: But the manpower provisions in that, Assemblyman Doyle, go to the further phases of implementation -- the Marine Police Master Plan. Right now, the manpower additions, in the main, are at Newark, Burlington, and the tactical units. Really, we are up to about 195 men now. As you go into the actual implementation phase of ocean, then you are going to have to get into the further reaches of the master planning.

ASSEMBLYMAN DOYLE: Go back to the Point Pleasant station. While that is almost finished-- Even upon its completion, then we will have to look at going into further phases to man that new station.

COLONEL PAGANO: To man it adequately, that is correct. There is no doubt at all, though, that the addition of the facility is going to make a significant difference, because you have a repair station there, for instance. Each of those facilities cut into, and enable you to be more effective out on the water. There is less downtime. The new vessels we have will measurably add to the downtime that we have had in the past.

ASSEMBLYMAN DOYLE: Thank you.

ASSEMBLYMAN BENNETT: Are there any other questions?  
(no response)

I would like to thank all of you for coming today to give us some enlightenment as to where we have been and where we are going. Hopefully, where we are going, we can arrive there together, and make it a better place, as we spoke of in the preliminary remarks.

I appreciate your taking the time from your schedules. As always, Colonel, to have you back here is a pleasure, and to get an update of where we are going. Thank you very much.

I thank the members of the Committee for their participation today. I think the point of this is that it is an ongoing Committee. I will be asking staff to receive those reports for April 1, which we heard about, as well as the sludge dumping for April 30, to have them made available to all of the Committee members, as well as the ongoing implementation of the expansion of the Marine Police. That information can continue to come here, as it has. We will see to it that the Legislature continues to receive that information.

So, thank you all very much.

ASSEMBLYMAN DOYLE: Mr. Chairman?

ASSEMBLYMAN BENNETT: Yes?

ASSEMBLYMAN DOYLE: Will the most updated version of the Coastal Commission come back to this Committee for review, reflection, discussion?

ASSEMBLYMAN BENNETT: I would doubt it. We usually do not go backwards. We usually try to go forward.

ASSEMBLYMAN DOYLE: We have been going laterally for a while. (laughter)

ASSEMBLYMAN BENNETT: But we don't go backwards in any event. So I would assume that at this point it will go to the-- The next step would be to the full Appropriations Committee in the Assembly, and in the Senate, it would go to the Appropriations Committee there.

Thank you all very much.

**(MEETING CONCLUDED)**

## **APPENDIX**

**Status Report on Implementation of the  
Ocean Legislative Package of 1988**

**Submitted to the Assembly Select Committee on  
Ocean and Beach Protection by the  
Department of Environmental Protection**

**February 14, 1989**

A-2840 - The Ocean Dumping Ban Act of 1988 was signed on July 11, 1988. It set the stage for federal legislation which was later signed into law in November 1988. The Ocean Dumping Ban Act calls for an end to ocean dumping by New Jersey Sewerage Authorities by March 17, 1991.

Six months prior to the enactment of this act, the department modified the New Jersey Pollutant Discharge Elimination System (NJPDDES) permits of the six New Jersey authorities that ocean dispose of their sludge, requiring them to plan for the end of that practice. The plans that each authority is developing will be submitted to the department by April of this year and must detail how each will cease ocean dumping by the deadline. It is anticipated that these plans will be a combination of interim and final land-based alternatives. The department has formed an inter-agency Ocean Dumping Task Force that meets with the six New Jersey authorities on a regular basis to assist in this planning effort. The six authorities are all presently in compliance with their schedules to submit land-based plans for sludge management by April 30, 1989.

A-2846 - Coastal Monitoring of Publicly Owned Treatment Works This act appropriated \$500,000 to the department for increased monitoring and surveillance of coastal wastewater treatment plants and it requires a report to the Legislature in April of each year, detailing the previous summer's activities. The actions that the department has taken with these funds include:

- increased monitoring of coastal wastewater treatment facilities. All 14 coastal discharges are monitored weekly during the bathing season, including unannounced inspections on evenings and weekends.

Increased inspections are conducted during the off season months of coastal collection systems, pump stations and storm-sewer systems to insure proper maintenance.

- daily helicopter surveillance flights are made off New Jersey coastal waters to identify wastewater treatment plant outfall problems, to look for floatables and to identify sources of floatables.

- the development and coordination of an inter-agency floatables response, including protocol used by federal, state and local agencies. This provides for early notification to affected communities.

- the provision of 24-hour toll free phone lines for the Coastal Watch Program. These phone lines reported beach water quality conditions to the public and allowed residents to report any pollution incidents requiring immediate response.

- the development of a computerized data base for rapid local agency reporting of bacteriological conditions of bathing waters. This is utilized weekly for bathing water quality determinations and annually for the Cooperative Coastal Monitoring Program summary report.

- the initiation of intensive research studies into the causes of beach closures in our back bay areas.

All of these actions are necessary components to insure the safety of ocean water quality for primary contact recreation.

A-2847 - The Sewage Infrastructure Improvement Act

This act sets up the requirement to abate storm water and non-point source pollution in coastal areas of our state and

combined sewer overflows in the northeast areas along Raritan Bay, the Arthur Kill, Newark Bay and the Hudson River. The money provided in this act is for the planning, design and mapping efforts needed to reduce pollution from these discharges.

The act requires the completion of regulations establishing standards for mapping and inventory work by February 3, 1989. While draft regulations have been completed, this February 3 deadline for final regulations has not been met. The implementation of this act will be adversely affected in the future unless the Legislature provides a dedicated funding source. In addition, a provision is needed to allow the department to utilize a portion of the \$33.5 million for administrative costs.

The department has proceeded in identifying the communities eligible for an initial grant to begin the storm water mapping and inventory effort. These 94 coastal communities will also be evaluating non-point source pollution control measures. Within the next two months, the department also will publish draft regulations and a public notice of the availability of the initial grants. Applications for grants will then be received in spring 1989.

The draft regulations cover:

- a. Storm/Sanitary sewer surveys including initial monitoring (two parts);
- b. Additional monitoring and planning for non-point source controls;
- c. Grants for CSOs, interconnections, allowable costs;
- d. NJPDES provisions for CSOs; and
- e. Interconnections abatement procedures and priorities.

In early summer, the regulations should be finalized and the initial grant awards processed.

The department recently redirected \$2 million of the Act's appropriation to the newly initiated "Operation Clean Shores." This is an intensive four-month effort to clean the floatable debris along 45 miles of coast line in Raritan and Newark bays, the Arthur Kill, the Kill van Kull, and the Hudson River. This material littering our shores is refloated by storms and monthly high tides. The department initiated this program to avoid the re-suspension of this material and its washing up on our beaches during the height of the summer. With the approval of the chairmen of the state Senate and Assembly appropriations committees, \$2 million was moved to an account that will pay for this massive effort.

In cooperation with the New Jersey Department of Corrections, DEP will arrange agreements with shoreline municipalities to clean their beaches of floatable debris. Prison inmates will be used to supply the labor force and municipal public works departments will provide machinery to remove the debris. Two pilot cleanups have already been conducted in Woodbridge and Bayonne. These projects show that we can succeed in cleaning our shoreline areas in order to prevent floatables in our waterways.

And the results are dramatic. During the first day of the pilot project, about 55 tons of debris was cleaned from 1,300 feet of beach. Some materials are being recycled, the remainder landfilled. The benefits are clean shorelines for our northern coastal communities, work incentives for prison inmates, and clean beaches next summer for the Jersey Shore. I hope you will support this most needed project.

S-2345 - The Clean Ocean Education Act This important act is well underway with plans to begin issuing educational materials before Clean Water Week, May 7-13.

DEP, in cooperation with the Department of Education, has begun developing a plan as well as the educational materials needed to fulfill this act. These documents, and others that are being developed, concentrate on educating the public in the areas of plastics pollution, litter control, and non-point source pollution. An inter-agency task force has been formed, including organizations outside of state government, to assist in the development of new materials. We will be developing:

- a fact sheet on plastics pollution
- a fact sheet on "What Boaters Should Know" about water pollution
- an educational coloring book for children

The department has already produced:

- a "Non-point Source" flyer
- a brochure on "Toxics in the Home"
- a brochure on "Nine Steps to Cleaner Water"
- a classroom activities guide
- a coastal awareness poster

I am sure that these materials will help build a heightened awareness that protecting coastal water quality begins with individual actions taken by visitors and residents of the Jersey Shore.

S-2338 - Sludge Quality This key legislation requires that all industrial pretreatment standards be set at a level to attain land-based sludge quality. All wastewater treatment works must comply with this standard by

March 17, 1991. Also, it requires that ocean dumping authorities submit land-based plans to the department by April 30, 1989 with a termination of ocean dumping by March 17, 1991.

Many of the actions the department has taken regarding the requirements of this act have already been discussed under the Ocean Dumping Ban Act (A-2840). The following focuses on the actions the Department is taking on land-based sludge quality.

All of New Jersey's sewage treatment plants are currently utilizing land-based sludge management alternatives with the exception of the six ocean dumpers. All are in compliance with the sludge quality limits for their current sludge management operations.

To assure compliance with the applicable quality criteria, the department has included a provision in each NJPDES permit which requires the sludge generators to have on file with the department proof of proper residuals management at a permitted residuals management site. Sludge generators must assure that their sludge is at all times suitable for management at its identified disposal site. In addition, each ocean dumper's permit now requires their Sludge Management Plan to document that the quality of the sludge will be suitable for their selected land-based alternative.

Finally, there are two regulatory actions being developed that would require all sludge generators to assure that their sludge quality complies with the criteria for their management method. The first is a re-adoption and amendment action on the Sludge Quality Assurance Regulations. The second is an adoption of new regulations which will be called the Sludge Management Regulations.

These regulations are anticipated to be published in the State Register in April, 1989.

The mechanism to assure that ocean dumpers meet the appropriate quality criteria by March 17, 1991 is the statutory requirement imposed on each of the ocean dumpers pursuant to A-2840. Every ocean dumper has been notified in writing that the department will not accept a sludge management plan if it does not provide for termination of ocean disposal by the statutory deadline of March 17, 1991.

S-2351 - Acceleration of the Industrial Pretreatment Program This act requires the department to accelerate the industrial pretreatment program, develop stricter standards and strengthen enforcement actions. The act also makes an appropriation of \$2 million to the department.

Under this new law, the department has developed a plan to strengthen our existing program for pretreatment. This plan calls for increased permitting and enforcement capabilities, staffing to develop stricter standards and regulations, more comprehensive monitoring and the funding of necessary research for standards development.

The specific actions the department will be taking under this plan include:

- 1) modification of the NJPDES permits of all 22 wastewater treatment authorities with approved pretreatment programs to require the re-evaluation of their program standards once per permit term (this includes all six ocean dumpers);

2) the establishment of a Pretreatment Task Force to assist in the revision of regulations and standards;

3) the implementation of standard operating procedures in the areas of enforcement, permitting and monitoring to streamline regulatory actions; and

4) staffing of 22 new positions recently established which will be assigned to the permitting, enforcement, and monitoring bureaus that implement the pretreatment program.

S-2339 - Enforcement of Pretreatment Standards For Sewage Treatment Plants This act increases the penalty provisions for pretreatment violations to \$50,000 and empowers publicly owned wastewater treatment works to enforce the pretreatment standards. This statute was enacted on December 2, 1988.

Since this act went into affect, the department has been conducting a mass mailing to all publicly owned treatment works to notify them of their increased authorities. All of the facilities that have an approved pretreatment program also will be required to submit any changes to their pretreatment/enforcement sewer use ordinance to the department for prior approval before adoption.

A-2851 - The Marine Sewage Treatment Act concerns watercraft sewage disposal. The intent of the act is to reduce overboard disposal of sewage by providing adequate port side collection devices. In brief, the act:

1) prohibits the discharge of sewage in "No Discharge" zones designated by the U.S. Environmental Protection Agency (US EPA);

2) directs DEP to study the supply of, and demand for, sewage collection facilities related to watercraft;

3) requires all publicly owned or operated marinas to provide watercraft sewage collection facilities;

4) empowers DEP to adopt rules and regulations as necessary to implement the act; and

5) directs DEP to apply to the US EPA for "No Discharge" designations.

Sewage Collection facilities, as specified in the act, consist of pumpout facilities for Type III marine sanitation devices (MSDs) and emptying receptacles for portable toilets.

DEP has prepared and submitted to the Legislature the first report required by the act. The report assesses the supply of, and demand for, pumpout facilities and emptying receptacles, and evaluates the effectiveness of existing regulations related to those facilities. The conclusions and options presented in the last two sections of this report should help the Legislature and DEP to develop strategies for realizing the goals of the act, and for directing future regulatory efforts related to this subject.

The act asks that DEP now analyze the available options and submit recommendations to the Legislature by May of this year.

A-2841 - Wood Debris Study This act requires a study of the origin of wood debris and identification of methods for reducing hazards that can result from this material.

The study required by A-2841 will be initiated by the department in the future. This important activity has yet

to be undertaken due to the unavailability of funding for the study and the necessary commitment of resources to the many other important initiatives to protect water quality that are already underway.



State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WATER RESOURCES

CN 029

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George G. McCann, P.E.  
Director

TELECOPY

DATE: March 2 1989

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FROM: IRENE KROPP - Water Resources

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TOTAL NUMBER OF PAGES: 2 (INCLUDING LEAD)

# STATUS OF OCEAN DUMPING MUNICIPAL TREATMENT WORKS

Municipal Treatment Works	Alternative For Interim Management	Alternative For Long Term Management	Estimated Implementation Dates
Bergen		Thermal Reduction	interim: by 3/17/91  long term: 1/96
Joint Meeting Essex & Union	1) Incineration At Stony Brook  2) Landfilling In Pennsylvania	Thermal Reduction	interim: by 3/17/91  long term: by end 1996
Linden Roselle	1) Incineration At Stony Brook 2) Chemical Fixation 3) Landfilling Out Of State	Thermal Reduction	interim: by 3/17/91  long term: by 7/1/94
Middlesex	Chemical Fixation	Chemical Fixation In Combination With Pelletizing And Marketing	interim: by 3/17/91  long term: by 12/31/91
Passaic Valley	Out Of State Landfilling	Thermal Reduction	interim: by 3/17/91  long term: by mid 1996
Raritan Valley	1) Incineration At Existing Facility  2) Landfilling Out Of State	Thermal Reduction	interim: by 3/17/91  long term: by mid 1996