
Public Hearing

before

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES COMMITTEE

“Testimony on the remediation alternatives for the GEMS Landfill”

LOCATION: Gloucester Township Municipal Building
Gloucester Township, New Jersey

DATE: June 2, 2003
7:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Robert J. Smith II, Chairman
Assemblyman Louis D. Greenwald



ALSO PRESENT:

Jeffrey T. Climpson
*Office of Legislative Services
Committee Aide*

Maggie Manza
*Assembly Majority
Committee Aide*

Jerry Traino
*Assembly Republican
Committee Aide*

***Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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ASSEMBLYMAN ROBERT J. SMITH II (Chairman): I think we're going to get started here. I apologize for the late start.

There's no amplification here, so I'm going to try to speak as loud as I can. And if anybody can't hear me, just raise your hands.

I appreciate everybody coming out tonight for this very, very important public forum. We have a couple members of the Assembly that are still in transit. Assemblyman Louis Greenwald and Assemblyman Douglas Fisher are in transit. They should be here very shortly. But just -- because everybody was here at 7:00, I want to make sure that we get started as close as possible to the time that it was scheduled.

So what I'd like to do is to have Jeff, from the Office of Legislative Services, just give a very brief overview of the bill. And I find that the best dialogue occurs during discussion, when we're actually talking about the bill -- questions and answers. And after he's finished, maybe I can try to clear up some things, and we can begin by calling up people to testify on the bill.

MR. CLIMPSON (Committee Aide): This bill, Assembly Bill 3174, was amended in Committee on March 6. And with those amendments, the bill now does the following. It would prohibit the discharge of untreated or pre-treated wastewater from Superfund sites in the publicly owned treatment works. It would also prohibit any publicly owned treatment works from accepting any untreated or pre-treated wastewater discharged from a Superfund site.

When the Committee amended the bill, it clarified that it applied only to Superfund sites -- to Superfund sites that are former landfills, to insert a number of remediation requirements to be imposed on former landfills that are

Superfund sites, which have radionuclide pollutants associated with them, and to require the Department of Environmental Protection to conduct a study.

ASSEMBLYMAN SMITH: Just by way of background, I am Assemblyman Robert Smith. I chair the Natural Resources, Agricultural Committee. I thought it was very important that we have a public forum in Gloucester Township, the township that is directly involved with this legislation, directly involved with any potential negative effects of the GEMS remediation site.

We have Assemblyman Louis Greenwald, who is the co-sponsor of the bill-- And as I said earlier, we have Assemblyman Fisher on his way.

So what I'd like to do at this point is to call up Senator George Geist, who wishes to testify. Is he here?

SENATOR GEORGE F. GEIST: Yes.

ASSEMBLYMAN SMITH: Yes.

SENATOR GEIST: Good evening, Chairman Smith, Chairman Greenwald.

Chairmen, I thank you for enabling this forum in our Gloucester Township. It is a pleasure to appear at a Committee hearing in my new capacity as Senator. And tonight, I believe, we have a together endeavor, where in the unity of this community, we are, truly, in a together endeavor to protect our environment and protect our residents.

I enjoyed the privilege of serving on your Committee. And earlier this year, we heard many of the residents come to Trenton and testify. Their testimony compelled action when our Committee released the legislation. I

thank you for enabling my involvement with some friendly amendments to the legislation.

Today, we can send a message. Respectfully, we're here tonight as a result of a court ruling. I'll read verbatim an excerpt from the *Courier*. "The Trust filed a motion in April asking Simandle to force the CCMUA to accept the water, despite public fears about exposure to radionuclides flowing through county sewer mains." I read that verbatim quote from our newspaper, because we're here as a result of a court ruling, following a filing of a motion by "the Trust."

Mr. Chairman, you've heard me say before, you'll hear me say now, respectfully, I don't trust the Trust. (applause)

The action of the motion by the Trust did not fulfill the public trust. Our legislation -- my resolution, your legislation, our efforts together -- have a consistency in emphasizing that there should be financial accountability by the Trust.

Today's *Courier Post* editorial raised questions. I emphasize, where did all the money go? Why do we have this predicament? Why could not the Trust finance for on-site solution? Why did the Trust file a motion to compel the problem? I think everyone in this room has a right to know, where did all the money go? Where did all the money go? That's my emphasis tonight.

I'm here to thank you for allowing our constituents the opportunity to be heard. And in respect for the residents, my brevity is my word tonight.

Thank you, Chairmen. (applause)

ASSEMBLYMAN SMITH: Senator Geist, I truly appreciate your comments, and they're well-taken.

I just want to emphasize with the legislation that was introduced -- it was introduced a long time ago -- it was released from our Committee, probably, five or six weeks ago. And the hearing tonight was planned far in advance of the court decision. I had no idea when that decision was coming down. It was always intended that we would discuss the issue of this legislation in Gloucester Township with the residents, those residents that are most affected by the legislation. So I just wanted to clarify that.

SENATOR GEIST: To you and Chairman Greenwald, we are now co-prime sponsors of Assembly bills. And I truly look forward to voting on those bills in the Senate. And I hope that this dynamic duo can inspire Speaker Sires to list our bills so that we can have action in the Assembly. And I look forward to supporting those bills when they come over to the Senate.

I thank Chairman Greenwald for coming to Gloucester Township tonight to help us in this effort.

ASSEMBLYMAN GREENWALD: Happy to be here.

ASSEMBLYMAN SMITH: Thank you.

SENATOR GEIST: Thank you, Chairmen.

ASSEMBLYMAN SMITH: Okay, we have Jeff Tittel, from the New Jersey Sierra Club, in favor of the bill that is -- wishes to testify.

J E F F T I T T E L: Thank you.

Jeff Tittel, Director, New Jersey Sierra Club.

I'm here today on behalf of not only the 23,000 members of the Sierra Club of New Jersey, but our whole national organization.

The problem of Superfund sites throughout the country has really become part of America's ticking time bomb. And how we deal with these sites,

and how we clean them up, is critically important. And I really believe that this legislative body can send a message, not only in Gloucester Township, but across the country -- in, basically, saying when we clean up sites, the people come first, not the polluters, not some trust, but the people who are most affected.

And I really want to thank everybody for being here and having the hearing. And I want to thank Assemblyman Greenwald for being here, and Assemblyman Smith for holding the hearing, and, of course, now Senator Geist, for being one of the early movers of the bill -- and supporters.

But when it comes right down to it, the EPA has failed us. I've called them *every polluter's advocate*. Now we have a judge that's taken the side of the polluters over the people. And I think that the only remedy that we have is, really, for the Legislature to get involved and to take an active role. That's what really counts, at this time, because we need to send a clear message and change the law so that we don't dump Chernobyl water into our sewer systems or into our streams. And it's not just here. There's other sites in New Jersey where we have volatile organic chemicals and other contaminated waste going past people's homes; being vented into their basements; when it rains, coming out onto the streets; getting into sewer sludge and being thrown on farmland, and getting into our food chain that way. So it's really critical, I think, that we say no and that we move forward.

And since this was also a hearing to discuss some other remedies, one of the things I was just thinking of throwing out for discussion, and maybe further to look into, is not only to look into the Trust itself and see where the money has gone, but, maybe, legislation to either do a Teddy Roosevelt and

bust the trust, as he did -- as he was noted for many years ago -- and to, really, see what they're about, but also what else we can do. Because, legislatively, if we either eliminate the Trust or open it up and have the responsible agencies take over for cleaning up -- like our own DEP -- maybe we would do a better job, because I really think that the more accountable we can make those people responsible for the cleanup, the better.

So maybe that's something to look into. But, again, it's just an idea -- and, I think, to try to throw things open and, maybe, go after some of the responsible parties to help pay for better treatment.

It's really ironic that the Trust has enough money to go to court and, probably, battle this up to the Supreme Court, but they don't have enough money to do a proper cleanup. And I think it's very important for the Legislature to step forward and to, basically, say, "No. We're going to stop this from going forward, and we're going to make sure that it's cleaned up, and it's cleaned up right, not only in Gloucester Township, but in the other 118 Superfund sites we have in the State of New Jersey."

Thank you.

ASSEMBLYMAN SMITH: Jeff, I think you have some very, very good ideas, some very good points. It's probably the subject that's beyond our jurisdiction as the Assembly Agriculture and Natural Resources Committee, but we'll certainly take that back, number one.

Number two, the legislation was introduced five, six, eight weeks ago in response to conversations with people like you and the other environmental groups in Gloucester Township. And we're trying to do our best, as an Assembly panel component of the general Assembly, to address this very

important issue. But, certainly, we will take those issues back and look into it. You raised very important concerns.

MR. TITTEL: Well, one of the things I do want to commend yourself for, and the other members of your Committee is-- I just wanted to -- being involved in the Legislature and watching, sometimes, bill languish for years, if not decades, I have-- There are some bills that we've been involved with, that we still support, that was a-- It was originally a Maureen Ogden bill and then a-- It's had, maybe, five sponsors. It's been in the Legislature for 12 years.

And one of the things that I'd like to say is that this was one of the quickest I've ever seen a bill get introduced and move out of Committee. And I'd like to thank the Committee for doing that, because this is an important issue, and the timeliness is important, as we all know.

ASSEMBLYMAN SMITH: Well, if you're able to stick around for another 20 minutes or so, there may be better news when it comes to the progress of the bill.

MR. TITTEL: Thank you.

ASSEMBLYMAN GREENWALD: You lost a lot of weight.

MR. TITTEL: Yes.

ASSEMBLYMAN GREENWALD: You look great.

MR. TITTEL: It's the budget diet. I just cut everything 20 percent.

(laughter)

ASSEMBLYMAN GREENWALD: We don't have any money, you don't have any weight. (laughter)

ASSEMBLYMAN SMITH: Linda Selby, South Jersey Environmental Justice Alliance.

LINDA SELBY: Hello. My name is Linda Selby. I represent the South Jersey Environmental Justice Alliance. I'm also a Camden resident and a student at Rutgers University.

This whole GEMS Landfill really resonates with me. Besides being a Camden resident and student, I live in an area that has a lot of environmental justice issues. And it just seems like Camden always ends up at the end of the pipe. And here, once again, radioactive water might end up flowing through not only Runnemede and all these other places, but will end up in Camden.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can you speak a little louder, please?

MS. SELBY: Yes.

Not only will radioactive water flow through a lot of townships, but will end up, once again, in Camden.

You'll have to excuse me, I'm a little nervous. I've never been to a hearing, never testified before.

UNIDENTIFIED SPEAKER FROM AUDIENCE: We can't hear anything.

ASSEMBLYMAN SMITH: There's no amplification on the mikes. It's just for recording purposes. So maybe Linda will try to speak up -- and do your best to project your voice so everybody can hear you.

MS. SELBY: All right. That, generally, is never a problem for me.

Also, as a student, I just recently did a paper on the whole GEMS Landfill thing. I did a lot of research on it. We all know what kind of problems

that the radionuclide can do to people's health. And I just think that there are, like, all these -- I'm sorry--

All of these people who contributed to this problem have the responsibility to clean this up. It shouldn't be the people's responsibility. It should be the responsibility of the people who created this mess in the first place. (applause)

The fact that the Trust has money or doesn't have money to clean this up-- They had-- They didn't care about it when they put that in there. The Trust was, like, generated to fix this up, and it's up to them to do it. It shouldn't be, like, our taxpayer money that takes care of it. Our health and our welfare should not play a part in this. Suppose something happens to, like, the pipes. Some people have, like, backup of sewers and stuff in their backyards and in their homes. I feel that as a resident of Camden, I refuse to accept this anymore.

That's all I have to say. (applause)

ASSEMBLYMAN SMITH: Great. Thank you very much, Linda.

Okay. Next we have Maureen Redrow, Councilwoman, Gloucester Township.

C O U N C I L W O M A N M A U R E E N R E D R O W: Thank you very much.

First, I'd like to apologize. Monday nights, we have a regular scheduled workshop, and we will have to be leaving this meeting today. And that's where some of the other council people are.

I did want to thank you for having the meeting tonight, for making sure that Gloucester Township is protected, for staying involved in legislation and making sure that it's not just left to the wayside.

In Gloucester Township, we've been working on this issue for many, many, many, many years. I've been on the Council for three years, and I've recently just gotten involved in this. As some of the people that are here, today, know, this comes up at our meetings quite often.

And we've been very frustrated. We're very concerned. We live in this township, we have family in this township, we're concerned with the workers, we're concerned with the residents, and the towns that are also going to have this water pass through to them.

We have done a few things within our means. We've been able to change our Trust, because we did not feel that Gloucester Township was being represented. So we took that step upon ourselves. We've hired an environmental engineer to help Council understand what the chemicals and the compounds are involved in this, because we're not chemists, we're not engineers. So we've asked them to help us with that. We have, also, passed resolutions to do the on-site treatment. So, along with all the residents that are here, I think all of our concerns are the same.

Anything that you can do to help us-- We've been educated through some of the environmental committees, and I appreciate that, to those of you that are here today. And I just want to make sure that everyone just keeps moving in the right direction to make sure that this does not affect our township.

Thank you. (applause)

ASSEMBLYMAN SMITH: Thank you, Maureen.

Gloria Gledhill. Is she here? New Jersey American Water Company. Gloria Gledhill, in favor of the bill.

G L O R I A G L E D H I L L: And I will emote. I have big vocal chords.

Again, for those of you who didn't hear, my name is Gloria Gledhill, and I'm with New Jersey American Water Company. We are, in fact, the largest water utility in the state. We serve about one out of eight people. It's a lot of water.

So as the largest water utility in the state, and one that is very conscious of the high cost that is involved with treating contaminated water, we wanted to commend your efforts and just say that we strongly support constructing on-site treatment to remove the waste from the water. We also wanted to offer you our continued support with this. We do have some expertise in that area.

So we look forward to supporting the bill as it moves through the Assembly and on to the Senate. And if there's anything that you might need -- questions or concerns -- we just want you to feel free to call New Jersey American, and we're here to help you.

So thank you for sponsoring the bill. And, like I said, anything we can do to help--

That's it. That's my testimony. (applause)

ASSEMBLYMAN SMITH: Thank you.

Ed Knorr, Green Action Alliance. Is Ed here? (affirmative response)

EDWARD KNORR: This doesn't work? (referring to recording microphone)

ASSEMBLYMAN SMITH: It doesn't amplify. It just records what is being said.

MR. KNORR: Oh, okay. I've been known to be soft-spoken, so I don't-- I want to make sure you can hear.

My name is Ed Knorr, Chairman of the Green Action Alliance.

Before you tonight, Chairman Smith and members of the Committee, is a very serious issue. It's a dangerous issue to the residents of South Jersey, especially Gloucester Township.

I wanted to just go over a few points. My notes got a little mixed up coming over here, so bear with me. I'll be quick, because I know other people want to testify.

It's interesting, the EPA standards are established to protect the public from the potential adverse health effects of radionuclide. I lead with that statement right there, because I think it's very important that we seem to contradict what's being done, and what the EPA's focus and goal really is.

We're playing by two sets of rules. It seems that under the EPA guidance, they supervise the pumping of contaminated water in the Holly Run. It's been well-documented that there was contaminated water pumped in there. The concern is for how long, how much has gone in there, and what has been that effect over the years. We may not know that until more contaminated wells turn up.

And I think we all know the issue in the past with contaminated wells, especially in our township and the surrounding areas, now. And North Jersey has the same problem.

I asked everybody here, what would happen if we did this on our property, if we had a bunch of contaminated water in our yard, on our property -- if we decided just to pump it into the creek? (applause) I think it's very real as to what would happen. We'd be, first, cited for fines, locked up, fingerprinted, processed, and then be fighting a two-year battle. And I'd probably be getting you, Mr. Smith, to represent me. (laughter)

ASSEMBLYMAN SMITH: Maybe.

ASSEMBLYMAN GREENWALD: Now, now. That's another issue.

MR. KNORR: Just a little joke there.

But the sad reality is, we're playing by two sets of rules again. We're letting the polluter take advantage of the situation, and we're putting the burden on the residents of Gloucester Township, South Jersey, and the taxpayers of the entire State of New Jersey, because this issue focuses on everybody throughout the State of New Jersey. And the Judge's ruling, unfortunately, I don't think was focused in the right direction, nor do I think he contemplated many of the issues that are involved with the Superfund cleanup. I know he's been on it a long time, but there's a lot of different factors involved in cleanup. I've been in the environmental industry 23 years. I own my own business, and I know damn well, if I did something wrong, they'd be banging down my door real quick. (applause)

What has been going on at GEMS is amazing. There's, what I consider, violations of the National Pretreatment Program, where even the treated water is not up to the standards it should be to travel through the lines. I have the--

What happens in five, 10 years from now? We're looking at a case scenario that's happening right now. We do not know what the values will be in five years, 10 years. We do know in 10 years, I believe, the State will be taking over that project. What the State will assume, then, is all the responsibility for the past 10 years. So if we leave this situation go, the way it stands right now, we will be assuming the responsibility from this day forward at taxpayers' expense, and we will be letting GEMS Trust off the hook. And I think that's a very serious mistake, because I think, at this point, we don't know what's in the ground.

They settled the Trust and got the money before they realized what was there. What's going to happen in 10 or 15 years when they find something different? That's the burden on us, the taxpayers. And I don't think that should be the case. I think there needs to be more investigation into this site. There needs to be more investigation into this whole scenario of why it's going this far, and why the agency that set out -- the EPA -- to protect the residents of this country have suddenly turned a blind eye to the residents and given the polluters full steam to do whatever they want. (applause)

In closing, there are standards that we have set up. These standards -- surface water standards for certain radionuclide -- which has become a concern. Some people blow it out of proportion -- the guy I have sitting on the toilet there (indicating) that's lighting up-- It may be a little overdramatization

of what's happening, but the point is to take a look at those issues and understand that when we look at this factor -- the one lady who was up here before me said about a pipe leaking-- A lot of times, with sewage leaks, you may not find them for a month, two months, three months. We already have enough problem with our groundwater contamination, without this situation occurring one, two, five, 10, 20, 30 -- we don't know how many -- times throughout the course of 30 years. And that's only, probably, the minimum that's looked at for the piping of this water.

But one issue that hasn't been looked at is the accumulative effect. I just want to quickly go over this, because I've worked out these tables. And this is what was good about going to Catholic school and having detention. The nuns used to give the times tables to do, so I can utilize this to work out my figures.

As we look at what's in the ground right now, at surface water standards, this is an issue which I know you have no -- you can't control at this point -- and even whether they're safe or not -- you do have control of looking -- the whole situation. This is what I'm concerned that the Judge did not see. We're looking at a course of a day, as to the amount of picocuries -- radiation -- that's put into the line that gets transported -- worker exposure -- to the Delaware River.

We're looking at 3.7 million, roughly, for radium. If we went to uranium, we're looking at 22.7 million. That's in a single day. I'm not going to go through all the figures: day, week, month. But let's go to a year. It's 1.6 million for radium, 3.8 million for thorium, 7.6 million for uranium. And now we go to the 10-year plan, where we, the taxpayers, you the legislators, all join

together to take over this project. Ten years time: thorium, 38,152,800,000 picocuries pumped through those lines, through leaking, whatever, into the Delaware River -- exposure to all the workers. And this is at surface water standards, so these aren't hyped. Uranium, 76,000,305,000; and radium -- probably looking at 40 billion, 41 billion. So what does this tell us? This tells us that when GEMS gets off the hook in 10 years, and we've got to look at this project down the line at 20, 25, 30 years, we have a hell of a cleanup at the Delaware River.

We have real concern for worker exposure, resident exposure, over this course of the next 20 and 30 years. And we haven't even taken into consideration the toxic cocktail that can form by not just one pollutant. And I'm only talking about one at a time. Combine all these together, combine the heavy metals together: lead, mercury, whatever else -- the volatiles: dichloroethane, perchloroethene, xylene, benzene. Combine them all together in a toxic cocktail -- we don't know what we really have there. We don't know what that's going to do to the ground, the worker exposure, or to the air quality, yet we're letting GEMS, at this point-- And the EPA was the one that should be bringing this point up, not the residents of South Jersey.

So I think you, when you look at this project, overall-- We have a very serious concern for the standards that are there. And even at surface water standards, without increasing any, we could have a serious problem in 10 years.

Thank you very much. (applause)

ASSEMBLYMAN SMITH: Ed, thank you very much. You, obviously, bring up very, very good points, points that were important to me

two, three, four months ago, when you came to my office, or when we met out here, and said we need to do something about that.

We are, as a general body -- the general Legislature, general Assembly, trying to move this legislation so that your concerns are, indirectly, addressed. I mean, that was the whole intention of this legislation -- is to address your concerns in the way that we're able to, as a Legislature in New Jersey. There are certain limitations, obviously, when it comes to Federal court decisions. But we can affect the laws -- the substantive laws of the State of New Jersey, and that's what we're trying to do with this legislation.

I just want to say, right up front, that I spoke to the Speaker today, and he told me that this bill is going to be posed on June 12. (applause) So, when Jeff Tittel, from the Sierra Club, said that he saw that it went through the Committee in record speed, I think that you'll see, at least from our house, that it's going to go through the lower house, the Assembly, in record speed. And I have that commitment that he is going to post the bill on the 12th. And I feel very confident, based on the arguments that you've made, and based on the arguments and the very, very serious concerns that the residents have, that it will pass.

So I appreciate your coming out tonight.

Louis.

ASSEMBLYMAN GREENWALD: I just have a question, Mr. Chairman.

It's Ed, right?

MR. KNORR: Yes.

ASSEMBLYMAN GREENWALD: You made one statement that EPA should be bringing this to the attention -- not the residents. I will tell you, I think from the legislators' standpoint in this room, we don't care how the information gets to us. And we certainly applaud the residents for bringing to our attention.

I will tell you that I'm not an environmental expert. I'm Chairman of the Assembly Budget Committee. That's where I was before I came here today. And really, through the work of a lot of residents in Gloucester Township -- a town that I don't represent -- and people like Bob Smith and George Geist, who came to me and made this an issue-- And because, clearly, there is a dollar component to it, I think they probably came to me, as Chairman of the Budget Committee, to get involved.

The residents educate us. And we have this bad word, *special interest groups*. There's really nothing wrong with special interest groups. They're very helpful to us. Environmental groups are special interest groups, and they educate us, in a lot of ways, to these issues, because we couldn't know all these things on our own.

I just have a question for you, and hopefully you can answer it easily. I'm always-- I always find it interesting that when people buy and sell their home, we do a radon test, and there are certain safe levels of radons in homes. And if it's above a certain level, they have to do certain remediation efforts in the house to lower the level of radon. But there is a safe level of radon, supposedly. That's what they tell us. Again, I'm not an environmentalist. I don't know.

MR. KNORR: Four picocuries.

ASSEMBLYMAN GREENWALD: Okay. That's for radon?

MR. KNORR: Yes.

ASSEMBLYMAN GREENWALD: When I look at your numbers here, is there a safe level? Is there a national standard or a statewide standard? Is there a safe level of picocuries?

MR. KNORR: That's a good question. Actually, the safe level for radio -- is zero, because the basic thing that we would look--

ASSEMBLYMAN GREENWALD: Is that achievable, though?

MR. KNORR: Yes, it is achievable. By putting the right systems in the right places it is achievable. If it's like-- GEMS can achieve that on-site. They'll have to pay, but they can achieve it on-site, and that's where it should be done.

The thing we look at with these standards are-- Again, these standards are based -- and we went through this on the private well testing bill -- on a 150-pound male, not on a child, not on a woman, not on someone taking medication.

ASSEMBLYMAN GREENWALD: But zero, then, is our ultimate goal, I guess. But is there a level that's safe?

MR. KNORR: You know, there has been not much studies done on what the practicality of applying anything over zero would mean to a human, other than what I consider a fishbowl standard, which is something that you just put your hand in a bowl and pick a number out. And, basically, that's how these studies are done. We're all in this room. We all have different metabolisms for -- and take medication, or whatever. We don't know how standards are. When it's zero, we know what they are. When there's over that,

there's a real concern. And as they build up-- The accumulative effect is, probably, the most important consideration with any Superfund waste-leaving site.

ASSEMBLYMAN GREENWALD: I'm sorry. I've been looking at your chart as you've been testifying, and I was just curious, because there are lots of numbers up here. I'm just trying to relate it to some things that I do know. I'm sorry. I appreciate your input.

Thank you, sir.

ASSEMBLYMAN SMITH: Thank you, Ed.

MR. KNORR: Thank you.

Do you want that left up there, or do you want me to take it?
(referring to chart)

ASSEMBLYMAN SMITH: You can leave it there.

ASSEMBLYMAN GREENWALD: It will give me more time to read it.

ASSEMBLYMAN SMITH: Yeah, I know. (applause)

Before I call the next witness up, I'd like to introduce our Freeholder Director in Camden County, Jeffrey Nash. (applause)

I can tell you that between myself, and Jeff, and my office, and his office, we've had numerous telephone calls and conferences regarding issues such as this, particularly over the last week or so. I mean, Jeff has been extremely helpful. He's been very supportive. He's somebody that is very proactive when it comes to environmental protection in Camden County, and I appreciate that.

The next individual I'd like to introduce--

Is David Mayer still here? David Mayer is a former councilman in Gloucester Township, and he's another individual that I've spent a lot of time talking to on legislative issues, particularly as it relates to GEMS.

Dave, I just wanted to say hi and thank you for coming out tonight.

Charles Solomon.

Speaking of Federal legislators, Charles Solomon is from Congressman Rob Andrews' office. (applause)

CHARLES SOLOMON: Good evening.

For the record, Mr. Chairman, I'm Charles Solomon, from Congressman Andrews' office -- and members of the Committee.

On behalf of Congressman Andrews, I'd like to thank Assemblyman Smith for calling the hearing.

Sharon Finlayson, Jane Nogaki, of the New Jersey Environmental Federation; Cindy, from C.A.R.E.: On behalf of Congressman Andrews, we'd like to thank you for educating our office, and also the constituents. As you eluded to, this information is not readily available, and you guys put it out front for everybody, for the community, for the papers, for everyone.

I'd like to begin by stating the Congressman's position, and that is the court decision is wrong and that it should be appealed. The basis of the appeal is, one, the court does not have the power to order the CCMUA to accept GEMS waste. Secondly, tests were not sufficient to protect the public.

On the county level, the Congressman is hopeful that the freeholder will appeal the court's decision, and he will assist them in any way possible. On the State level, he is in support, obviously, of Assembly Bill 3174, and would strongly encourage the Assembly to adopt it as soon as possible. And on the

Federal level, he will do everything in his power, as he has done in the past, to stop the EPA in this process.

I thank you for your time. Have a good evening.

ASSEMBLYMAN SMITH: Thank you, Charles.

Debra Coyle, New Jersey Work Environment Council.

DEBRA COYLE: Good evening.

My name is Debra Coyle, and I represent the New Jersey Work Environment Council, and I'm also a resident of Haddon Heights.

New Jersey Work Environment Council -- we're a statewide alliance of 65 unions, environmental and community groups. Together, we work for safe, secure jobs, and a healthy sustainable environment. We have helped advance the legal rights of workers and communities to know about toxics and win important victories on environmental justice and workplace health issues.

My organization supports this bill for the reasons that, we believe that CCMUA has never seriously considered the hazards posed to workers. In fact, CCMUA managers said, publicly, that they never assess inhalation hazards of radioactive sludge for workers, even though the sludge contains radium and uranium that is carcinogenic. Ignoring the potential health consequences for workers is inexcusable. They are the first to be exposed and are at greater risk of suffering adverse health impacts.

This proposal is inadequate, unsafe, and unacceptable. It's not only a hazard for the workers at the CCMUA, it is a hazard for the community the sewer lines run through, and, ultimately, devastating to our environment.

And, again, we support the Assembly bill.

ASSEMBLYMAN SMITH: Thank you, Debra.

Any questions? (no response)

Sue Marks Brennan.

SUE MARKS BRENNAN: Good evening.

ASSEMBLYMAN SMITH: Good evening.

MS. MARKS BRENNAN: I'm the Director of a program in Camden City known as Main Street. I was born and raised in the city of Camden, and for the last 25 years, I have fought an environmental fight in this county that I could probably write a book about.

But the first thing I'd like to say tonight is, I'd like to thank this Committee for your insight into this problem. And we really do applaud your efforts, Assemblyman Greenwald, Assemblyman Smith, and Senator Geist, now. We do thank you for bringing it to the Legislature.

I would like to briefly say that the movement of contaminated wastewater through six towns in Camden County is wrong, and it should be stopped. And you've heard the testimony, here, over and over again, tonight. So I'm not going to give you all the points that you've already heard.

The thing that I would like to stress is the role of Camden City in all this. As I said, for the last 20 years, we have fought environmental injustice in the city of Camden. We have had every undesirable project known to man put into the city of Camden, and the health of the residents has been sold to the highest bidder for at least 25 years.

To move this wastewater into Camden City is wrong, and those of us that work in Camden City that are trying to correct some of the ills of the past -- the environmental degradation, the economic development, all the things

that go along with the recovery of the city of Camden-- To have this wastewater come into the city would -- dealt it a huge blow.

So I would like to say that I really do thank you for your efforts, and I'm really glad to hear that the bill is going to be posted. Once again, the health of the residents should not be for sale at any cost. And we look forward to a success for this legislation.

Thank you.

ASSEMBLYMAN SMITH: Thank you very much. (applause)

Karen Zawacki. Did I pronounce that correctly?

K A R E N Z A W A C K I: Yes.

ASSEMBLYMAN SMITH: Okay.

MS. ZAWACKI: Thank you.

I'm here tonight to oppose another feel-good legislation that is being offered to appease the public on a serious matter that should have been addressed a long time ago. I am offended and outraged that this is the best this Committee, who is supposed to look out for the best interest of our precious natural resources, could do.

As I testified in November 2002, on the Resolution AR-203, presented by then Assemblyman George Geist, this will not solve the problem of toxic contamination in Gloucester Township and Camden County. The real issue to bring forth is how EPA, DEP, and CCMUA are being allowed to break State and Federal laws against the people you represent, and how the cost of the cleanup is being hidden in our property taxes, municipal bills, and water bills.

Regarding the banning of any Superfund site being discharged into our sewer system or streams, this is already too late. At a meeting with Dr.

Gerald Nichols of the DEP, I received confirmation that the radioactive discharge from the Welsbach Superfund site in Gloucester City is already being accepted by the Camden County Municipal Utilities Authority. The damage to the people's sewage system has already been done. Per Dr. Nichols, this was the plan -- was always the plan. EPA officials misrepresented themselves when they told the public that this was not going to happen.

Also, because of an agreement called the Global Decree, a Federal judge allowed the Holly Run Stream, which leads to the Delaware River, to be contaminated by GEMS Superfund site for years, while the criminals who did this figured out how to make the system they built work. This agreement was the brainchild of the DEP and was signed by Mayor Sandra Love, without the consent of the Gloucester Township residents that she is supposed to represent.

I have been diligent for over a year, trying to get my representatives to act on this, with enough documentation that shows how dangerous this plan is to the people's health and welfare -- how the financial burden has been put on the people instead of who actually did this -- how CCMUA has been non-compliant with their sludge, which is supposed to be sold to bring down the cost of this system for the people. This sludge has been burned in incinerators, placed under our children's soccer fields, placed on turf farms, and God knows where else.

Our sole source of drinking water, which is an aquifer under GEMS, has not been monitored right. This was deemed a sole source aquifer by the EPA in 1988, and is to be protected. Now all the focus is on the Delaware River as our drinking water source, which the CCMUA is discharging into while they are non-compliant. An emergency dumping of toxic waste was done in

February of this year, because the CCMUA could not handle it. Per the Clean Water Act of 1980, the State is responsible for the people's asset, which is our drinking source. Nothing has been said about that.

Assemblyman Smith, when I came to you in March to discuss this bill, I told you this does not go far enough to protect my township. You asked me specifically what I wanted, which is a full investigation of this unconstitutional act. You promised that you would send a letter, with strong wording, to our Federal and State representatives to step in and help. To this date, I have heard nothing from you or these representatives. Why?

Where are the Camden County freeholders on this issue? They are the ones that created the CCMUA. Another judge forced all the towns to accept this regional system and to sign a service agreement, which in it states that if anything should happen, the people of Camden County will be responsible for the debt. The freeholders are responsible for the debt put on the people by CCMUA. The freeholders, in turn, hid behind a resolution, recommended by the New Jersey Environmental Federation, that will do nothing. How will you know if the discharge is environmentally sound when there are no manifests available to know what is actually in that Superfund site? By law, all manifests must accompany the record of decision and this has not occurred for the GEMS Superfund site.

Let me make you fully aware, as I told Congressman Robert Andrews, that as per Federal U.S. Code, it is the people's right to know what they are being exposed to. It is the Congress' responsibility to receive the full plan on any Superfund site cleanup and make sure the people who will be

affected by this are aware of the full plan and agree with it. This was never done at GEMS Superfund site, and it was never done at Welsbach.

This is a blatant infringement of our constitutional and civil rights. Because of the devastation of Love Canal in New York, laws were put in place to make sure this never happened again. Well, here we are in New Jersey, and we have two perfect examples of Love Canal. History has repeated itself because of more concern of special interest groups than the people who will be truly affected by it.

If this Committee wants to really represent the people, they should present legislation that will investigate this injustice towards the people done by our Federal environmental agency, and why the Congress was left out of its duty to the people to present these full plans. The DEP, CCMUA, and the Camden County Freeholders, with recommendations from Sierra Club and the New Jersey Environmental Federation -- who thought this was a good idea on how to clean up toxic sites -- should be held accountable for the actions they took against the people for not truly informing us. EPA should finance an independent study on both GEMS and Welsbach to prove to the people that these cleanups are safe, and the monitoring systems that they choose. CCMUA should be investigated to make sure the people know the full financial and environmental impact this has caused the system accepting radioactive waste from Welsbach.

The people are running out of time. As their property values decrease, the health insurance increases, and through certain taxes and bonds are being forced to pay for this -- all are being put on their shoulders. Also, our children's health and future are in jeopardy. If the true issues are not looked at

now, correctly, there will be no future for our children. The legacy they will be left with is a toxic wasteland.

Shame on all who have allowed this to happen, but shame on you if you feel this bill is the best you can do for the people. It is time to stand up for the people. We, the people, are held accountable for everything we do. It is now time for the people to hold accountable all who have put us in the serious condition environmentally and financially, because we had a right to know. It's now time to do the right thing.

Thank you. (applause)

ASSEMBLYMAN GREENWALD: What you want us to do is introduce a legislation to call on Congress to impose an investigation against DEP.

MS. ZAWACKI: To investigate, yes. This is how we need to do it. This is a Superfund, this is Congress. There are U.S. laws, this is a Federal law. This is not county, this is not State. This is Federal, and this should be taken care of. There are laws there that the EPA must tell the people.

ASSEMBLYMAN GREENWALD: I understand. We can sit back and-- That resolution, basically, does nothing, in all honesty, for the people here. Congress knows that we want this cleaned up. It's not a secret on anybody. It's the reason why there's a lawsuit, quite frankly. The residents have been very vocal about it.

We don't, as a government in the State of New Jersey, have any authority over the Federal government, as you're probably aware. So we can sign a fancy piece of paper, and send it to Congress, and ask them to start an investigation. But it doesn't require them to start an investigation.

This legislation, as I understand it-- Our purpose, as Senator Geist and the people up here -- is try to help the taxpayers. I think we all agree with you. Any type of carcinogens in this water is unacceptable to all of us. The purpose of this legislation is to try to help the taxpayers, and to find a source to clean up the cost of this contaminated water and not put that burden directly on one community.

Again, I'm here as Chairman of the Assembly Budget Committee, to make sure-- The first goal, I think, is to get the money from the Trust. And if the Trust, as Senator Geist, I think, has so adequately pointed out, can't be trusted, and we have to bust that Trust, we want to make sure there are other avenues of access for these funds. As Chairman of the Assembly Budget Committee, I am committed, with the people on this Committee, to help find those funds.

So I disagree with you when you say that this is a worthless piece of legislation. It's not frivolous at all. I don't think \$5 million to the people of this community, and the surrounding communities, is frivolous at all.

We can put in paperwork to promote a resolution to the Federal government. We've all sent letters, I think, to our congressional representatives, and maybe what we should do is send it to the entire congressional delegation for the State of New Jersey, because I think, as Mr. Tittel pointed out, it's more than just this one site in New Jersey. It's, really, a statewide issue. And maybe it should be investigated. But this is a start in the right direction. And I think our goal--

I just want to make clear, I don't think this is frivolous at all, because I don't think the taxpayers and their concerns are frivolous on this.

MS. ZAWACKI: I'm not saying it's frivolous. I'm saying it's still fluff. You're still putting the tax burden on the people to clean these up. And it's time that we stand up and take a full look at what is going on with the EPA, and the DEP, and the CCMUA regarding the toxic waste sites.

ASSEMBLYMAN GREENWALD: And I don't disagree with you that we need to look at what the DEP is doing, and how the CCMUA is handling this. But my goal is to make sure this doesn't fall on one community. And right now, the direction this was going -- I think before these people got involved -- it was headed down the throats of one community.

MS. ZAWACKI: Which community is that?

ASSEMBLYMAN GREENWALD: Well, Gloucester Township.

MS. ZAWACKI: Why would Gloucester Township be involved with that?

ASSEMBLYMAN GREENWALD: I don't know, you'd have to tell me. That was how they approached us. The concern was to make sure that this did not fall on the taxpayers of one community. Because if the Trust wasn't available, and there wasn't an emphasis to find money in the State or through other avenues -- whether it's through a Federal grant, or other programs, or to go after the polluters themselves -- someone was going to have to -- the community was going to demand that this be cleaned up.

MS. ZAWACKI: Oh, I believe the community has been demanding the cleanup for years.

ASSEMBLYMAN GREENWALD: Ma'am, the point is that we -- our goal was to make sure that this not fall on one community. And that's the

only point I wanted to make out. This is not fluff. It is not fluff to say that this should not fall on the backs of one community.

MS. ZAWACKI: Well, it should never fall on the backs of the community.

ASSEMBLYMAN GREENWALD: Then you should be supporting the legislation.

MS. ZAWACKI: No, why should I? Because all it's basically doing is-- You're not looking at the true issues of what's going on.

ASSEMBLYMAN GREENWALD: You're saying the true issue is to go after the Federal DEP.

MS. ZAWACKI: It's to find-- Yes, to break--

ASSEMBLYMAN GREENWALD: We don't have that authority.

MS. ZAWACKI: I told you to dissolve the Global Decree a long time ago, to get rid of the Trust and put it back on the--

ASSEMBLYMAN GREENWALD: You and I have never spoken.

MS. ZAWACKI: Well, I've told Robert Smith.

ASSEMBLYMAN GREENWALD: Okay, you and I have never spoken. So if you would like to speak with me, you are more than welcome to. But I take exception when you suggest that this is fluff, because I don't believe that protecting one community, and making sure that if this burden has to be addressed, that it is spread in a more wide breast, that we attack this issue on a global sense-- And part of that may be moving forward with DEP, but that is not something that the State of New Jersey has the authority to investigate -- the Federal DEP, and to make that suggestion, that we can, is inappropriate. We don't have that authority. We don't have that police power.

MS. ZAWACKI: Then who does?

ASSEMBLYMAN GREENWALD: The Federal government. You need to contact your congress people. And you've heard today from a representative from Congressman Andrews' office. He is supportive of this, and I think he's supportive of reviewing the Federal DEP. But you need more than Congressman Andrews. That's why I think, as I said earlier, we should contact the entire Federal delegation.

And we would appreciate your support.

MS. ZAWACKI: Thank you.

ASSEMBLYMAN SMITH: Thank you.

Michael Hopkins.

MICHAEL HOPKINS: Good evening.

Michael Hopkins, 821 Hudson Street, Gloucester City, New Jersey.

I've been following the GEMS Landfill for over a year now. I'm very concerned, number one, for all the people, not the Federation, not anybody, but all the people.

I've been to meetings at the CCMUA plant, where a Dr. Nichols said, for a 150 pound man, it would be safe--

ASSEMBLYMAN SMITH: Michael, if you will, I allowed Karen some leeway in testifying. We are here, tonight, to testify about A-3174 -- the public policy aspect of that bill -- so if you would -- they call it, in the Assembly, *stick to the bill*.

MR. HOPKINS: Oh, okay.

ASSEMBLYMAN SMITH: Stick to the bill. I don't care about the CCMUA and the Camden County freeholders. I want to talk about this bill, and the public policy behind that.

MR. HOPKINS: The bill, I think, basically, should be passed to keep it on-site and treat it on-site. It's sad to say that the people of Gloucester Township are being exposed to it first. That's very sad.

The thing about the GEMS Trust, which I don't think I've heard at any of the meetings, has been the amount of money that's in the Trust, if there's even any money left in the Trust -- whether it's small, or whether it's large. I think that has to be addressed first, as far as the cleanup of it -- with not letting it come through the sewer systems.

And I hear Mr. Greenwald saying how that seems to be a concern now about--

ASSEMBLYMAN GREENWALD: I heard it for the first time, here, tonight, as well, from Senator Geist. So we're, obviously, going to look into that.

MR. HOPKINS: Right. About the cost -- the amount of money that could be involved with the treatment on-site, which I think has to be done.

Specifically, I have to say -- I'm in Gloucester City, which is now another Superfund site. I've lived there my whole life. And the sad thing is, I can say, in our community, we're not informed by our own representatives or politicians. I attend the freeholders' meetings. You don't seem to get any answers from the freeholders. We have a freeholder that's on the board -- doesn't know anything. "Contact Bush." That was my answer.

Well, you know what? I have to say, that's really sad to say, because a lot of people are going to be exposed, if this is transported. And even on-site are going to be exposed to many different health hazards, many health concerns. I think that has to be looked at.

Now, I'm under the understanding, in Gloucester City, that we're dumping into the sewer system right now, and that's through the DEP. So I have to say that draws great concern, because a lot of this is going to have a lot of bounce back to the people, to the operators, to the handlers, to the CCMUA, to a lot of the people, and that's the sad thing.

And, you know, as you look around, you see your own children, and you wonder, what are they going to be exposed to if this happens? It should be treated on-site. The people should be kept informed. The Trust should have to disclose the amount of money that they have.

Mr. Greenwald, I think that's part of your thing.

That would be the thing. Let the people know what's involved there. We pay for the CCMUA, which we really don't know what the CCMUA does, except handle the waste. There's many towns involved, and I think that should be considered and looked at.

As you go out, maybe you should take a ride -- go over and take a look at this landfill over here in Gloucester Township. There's many in Camden County. And talking to people, you find out there's many more. We don't know, specifically, how many more sites will have to be cleaned up in the next couple of years, because years ago, when they dumped articles and different waste-- We don't know what they dumped. They don't know what they

dumped. But the sad thing is, it always falls back to the taxpayer, it falls back to the people, it falls back to the children.

But the sad thing is-- You know, really, what I have the hardest thing with? It's just not us that are being exposed, it's you, it's your family, it's your children, it's everybody. And that's the part that I have the hardest thing -- how people can let it happen.

So I would just say, keep it on-site, treat it on-site, look into it, find out what's in the Trust, and they should not be able to keep their documents closed anymore.

Thank you for your time.

ASSEMBLYMAN SMITH: Thank you, Michael. (applause)

Sharon Finlayson, New Jersey Environmental Federation.

S H A R O N F I N L A Y S O N: I'm going to wait until some of the residents speak.

ASSEMBLYMAN SMITH: Okay.

I have Matthew -- can't make out the -- W-O-J-C-- Matthew, what is your last name, sir?

M A T T H E W P. W O J C I E C H O W S K I: Wojciechowski.
(indicating pronunciation)

ASSEMBLYMAN SMITH: Beautiful, thank you.

MR. WOJCIECHOWSKI: My name is Matthew Wojciechowski. I live in Gloucester Township, New Jersey. I've been a Camden County resident since 1971. I lived in Pennsauken for 19 years. I now live in Erial, New Jersey, for the last 12 years. I moved to this area because I was told the GEMS Landfill was capped and safe. Now it's not safe. Now we're dumping water into the

lakes. Now, also, the water's going to be dumped into Camden sewer lines to be treated in Camden.

I drive through Camden every morning going to Philadelphia. I smell Camden treatment water plant every morning. Now, the poor people in Camden-- I couldn't live there because of that smell. Now they're going to get all this radioactive waste in their city.

Now, I know that New Jersey wants to revitalize Camden City. Now, if you're going to have a smelly city, it's going to be hard to revitalize. But if you're going to have a contaminated city, it's going to be impossible to revitalize. So you might as well send your revitalization money to Newark, or Trenton, or some other -- Atlantic City, or whatever -- because you're wasting your money sending it to Camden.

Now, you say you can't do anything about the Federal property where the site is. New Jersey State-- Don't you own the property around GEMS? I propose we put tons of dirt around GEMS Landfill and let them drown in their own water. Maybe they'll stop pumping into our lakes. (applause) And I have a shovel in my garage, and I'll help you. (laughter)

Now, I look at the different politicians. They seem to be pushing things around. And I'm wondering who's Democrat, who's Republican, and I wonder which side you're standing on. I hope the people that I elect to office are going to look out for the public health of the New Jersey residents. And I hope that in years to come, that I can't say, "Well, so-and-so or so-and-so voted to contaminate Camden, the sewer water lines in my township." And I think my property taxes (*sic*) are going to go down, and I think I'll have to sell now to make a profit on my property, because I don't think those people up in New

York, near Love Canal, can sell their homes now. I hope we don't have a catastrophe like they had up there.

So I'm concerned. If you can treat the waste on-site and stop it from being pumped into Camden-- Now, I understand there's a \$1.7 million connection fee between GEMS and the Camden County CCMUA. Well, if they haven't made the connection fee yet, there's \$1.7 million right there you can work with.

ASSEMBLYMAN SMITH: All right.

Matthew, I appreciate your testimony.

The reason why we're here tonight is for the purpose of trying to establish a solid record for support of the bill, which stands for the proposition that we should not be pumping this type of waste through our sewer systems in Camden County. I mean, that's the sole purpose of being here -- is to establish that record. So I appreciate your coming here and testifying to that effect.

MR. WOJCIECHOWSKI: And if we can keep from pumping, I'm all for it.

ASSEMBLYMAN SMITH: Yes, that's what this bill is all about.

Thank you. (applause)

Cindy Rau-Hatton.

CINDY RAU - HATTON: Good evening.

My name is Cindy Rau-Hatton. I live here in Gloucester Township. I'm a member of the C.A.R.E. Organization, which stands for Citizens Against a Radioactive Environment. We're a citizens group that wants to keep residents of Gloucester Township and Camden County informed of this issue. And I'd like to publicly thank the New Jersey Environmental Federation, and the other

environmental groups, because they've done such tremendous work on getting the information out there, and we've learned a lot from them, and -- where we should be learning from DEP and EPA.

C.A.R.E. does support--

ASSEMBLYMAN SMITH: Cindy, if you could, just try to raise your voice a little bit.

MS. RAU-HATTON: Okay.

C.A.R.E. does support A-3174, and we also supported Resolution 203. We testified in Trenton at the Committee hearings in support of that, and we look forward to this moving forward.

This issue has been going on for a year. And it's, kind of, grown and grown, that all factions -- including environmental organizations; sewer workers; citizens; all levels of government, from councils all the way up to Congressman Andrews -- have been trying to be very proactive on this issue, and express our concerns to EPA and DEP about being proactive on this, and looking long-term on what the implications of this project could mean for the next 30 years.

I had the opportunity to sit in court and observe the proceedings two weeks ago. And I think the feelings of the Trust was summed up in this sentence by one of their attorneys. "The concerns of the public does not override the regulatory process."

And I think it's made very clear what all the problems are. If I could just hit on a few, most of them have been covered. This is long-term. It's a 30-year project with 200,000 gallons of wastewater being pumped out of there, daily. EPA, DEP cannot give us a 100-percent guarantee that the public,

the environment, the sewer workers will be guaranteed safety at all times. There's too many what-ifs along this 30-year project. That's a very great concern. It should be a concern to the State, because, as Mr. Knorr said, you're going to be having this project dumped in your laps in 10 years.

So we'll continue to fight this. I don't think it's over. We're going to continue to stay involved. And I thank you for the opportunity of letting me speak tonight.

ASSEMBLYMAN SMITH: Thank you, Cindy. (applause)

Did you have a question?

ASSEMBLYMAN GREENWALD: Cindy.

Guys, don't walk away, because some of us have questions on this. We are learning.

MS. RAU-HATTON: I'm sorry.

ASSEMBLYMAN GREENWALD: Cindy, I want to thank you, because you've been an advocate for this from the beginning and helped educate us, as well.

I think the legislation is very important, now more than ever, because of the point that you made in watching the court case. It sends a very clear message that the State is diametrically opposed to the finding of that court decision. We believe this should not be piped through the towns of Camden County or South Jersey, for that matter, and end up in the aquifers of the state.

So I think-- I appreciate your support and your insight into this matter, and the hard work that you've spent on this for years now. And the community should recognize that.

Thank you.

MS. RAU-HATTON: I appreciate that.

But I think what's also frustrating, when I -- when me and other residents -- because we're lay people at this. I'm learning along the way. There is a solution. We know that on-site treatment, and containment, and reinjecting cleansed water back into GEMS is a solution. And it just seems the bottom line is about money. And I just-- I know it's a difficult situation, but you just can't put a price tag on the environment, and workers, and our citizens as a whole -- and 10, 15, 20 years from now something awful happens, and say, "Well, we should have done this. We could have." And we're going to find it as a bad page in history. So I think that's a frustrating part, too. I just hope everybody will prevail in this.

ASSEMBLYMAN SMITH: Thank you.

MS. RAU-HATTON: Thank you. (applause)

ASSEMBLYMAN SMITH: Jane and Rodger Nogaki.

R O D G E R N O G A K I: Did you say Jane or Rodger?

ASSEMBLYMAN SMITH: Both.

J A N E N O G A K I: We're going up together. (laughter)

ASSEMBLYMAN SMITH: I figured you're husband and wife, you're the same coalition, we'll testify together, right? (applause)

MS. NOGAKI: Ladies first, right?

MR. NOGAKI: Yes.

MS. NOGAKI: Jane Nogaki, Coalition Against Toxics.

A lot's been said already. We are fully in support of the legislation, and we do think that this is an action of the State, to stop this project dead in its tracks. Much as the way, about 10 years ago, Ciba-Geigy was undergoing a

lot of scrutiny because they had a pipeline that extended under neighborhoods 10 miles out, from Toms River out to Lavallette and off-shore. And they were dumping treated waste, pre-treated through their wastewater treatment plant, into the ocean. Prior to that, they had been dumping in the Toms River. They contaminated the river, so they switched to dumping in the ocean.

The residents -- when the pipes started breaking and bubbling up in people's backyards and contaminating their wells, the residents, who would never have even known that this was going on under their neighborhoods, rallied, formed organizations, and passed a law that said there could be no direct industrial discharge into the ocean. It was the only industrial pipeline into the ocean. It was closed by the Legislature -- not by the EPA, not by the DEP -- by an act of the Legislature. And, just as the private well-testing bill was passed by the Legislature -- not by the DEP, not by the EPA -- we think it's very appropriate for this Legislature to take action, in the same way they did, in 1986, when they passed a law that required drinking water contaminants that were carcinogens to be set at the level to expose no more than one additional cancer case in a million.

They set that goal. When you set a risk standard, the general risk the EPA sets is a range of one in 10,000 -- one additional case in 10,000 people -- to one in a million. They rarely get to that more stringent level of one in a million. This radionuclide is not one in a million standard. It's one in 10,000 -- one additional case in 10,000. The maximum contaminant goal for EPA is zero radiation in drinking water. But they've actually set the standard at 15 picocuries, which is a one in 10,000 risk of cancer.

When you say, “Is there a safe level of radon in a home?” -- no, there isn’t really any safe level. They’ve set this five or four picocuries, because it’s just above what’s typically found as background, and they can’t really go below background. And that’s how they’ve set this radium standard, as well. Many places, they find the radium at three picocuries in groundwater, but not everywhere in New Jersey.

ASSEMBLYMAN GREENWALD: Jane, on the Toms River precedent, was there Federal court cases challenging that law?

MS. NOGAKI: No.

ASSEMBLYMAN GREENWALD: It’s interesting.

MS. NOGAKI: In fact, Ciba-Geigy is still finishing up it’s cleanup, because they closed off the pipeline. Then they had to figure out, where will they send their wastewater. The treatment that they have come up with is to treat on-site and reinject it back into groundwater.

ASSEMBLYMAN GREENWALD: Just what we’re talking.

MS. NOGAKI: Just what we’re talking about. And I think it’s an appropriate remedy: containment; treat it to the best level that you can to groundwater standards, which are, basically, drinking water standards; put it back into the ground. You keep recycling, pumping, and treating, and cleaning. You’re not spreading it out, you’re containing it under the site, and you’re not releasing contaminants to any other medium. And that’s the best treatment.

I think New Jersey should be the first to say we’re going to go for what’s right.

Thank you.

ASSEMBLYMAN SMITH: We’re doing our best.

MS. NOGAKI: I appreciate that.

ASSEMBLYMAN SMITH: Rodger, did you have anything to add?

MR. NOGAKI: I just wanted to say a couple of things.

First, like Jane -- we're both founding members of the Coalition Against Toxics. We are also, both, founding members of the Ellis Site Task Force, which is a citizens' Superfund oversight group in Evesham Township, to oversee and to, let's say, stimulate the DEP and the EPA into taking the proper actions in the cleanup at Evesham.

So I applaud this Assembly group for having the courage to take this responsible position in encouraging the cleanup of GEMS at GEMS. But, you know, cleanup is not just the water. You want to find the source of the problem and clean that up, because like at Evesham, we have a pump-and-treat system going on over there. And we have studied this over the past few years that we've been running this pump and treat. And we find that the pump-and-treat system is not working, and it's a 30-year pump-and-treat system. It could take 100 years, it could take 200 years, it could go on forever if you don't get to the source of the problem.

So, what our citizens group has done is, we have found -- we are seeking new technologies to enhance the cleanup and find the source of the problem, and get the source of the problem cleaned out of the ground so that it does not contaminate the aquifer. And I think that that's something that, eventually, you're going to have to look at, at GEMS, because you just can't keep on doing the cheap thing today, because tomorrow it's going to be a heck of a lot more expensive than it is today. And it's going to cost people their lives.

And I think what you're seeing tonight-- I mean, I've listened to some of the folks that have come down here. The people here are discouraged because of what the legal system has said that they have to do. They're discouraged because the CCMUA, who is supposed to be the group that really oversees and protects their interests -- they're not doing that. They're looking for the cheap way out. They're looking for some extra source of income, and they're forgetting that they're affecting the health -- the mental health of the community. And I think that that's what's being affected now.

So I think that the important thing is that you folks have the courage to take the first step in the right direction. I think there's additional steps that have to be found, to cure the problem and not just contain the water on-site, but to find the source of the problem, clean it up, and help the community heal, both physically and mentally.

So thank you for taking this first, courageous step.

ASSEMBLYMAN SMITH: Thank you, Rodger. Thank you, Jane.

(applause)

Roxane Shinn.

R O X A N E C. S H I N N: My name is Roxane Shinn. I'm a resident of Cherry Hill, in Camden County, and I have these comments:

South Jersey residents should not -- should be able to trust that their local water system is not contaminated with radioactive wastes. The GEMS Landfill, once the last stop for toxic sludge from a waste treatment plant in Northeast Philadelphia, and ranked 12th among the 546 worst Superfund sites in the nation, should not be allowed to use the Camden County sewer system to clean up its mess on the cheap.

Assemblyman Lou Greenwald got it right when he said, “It is absurd to think that radioactive water can be transported safely through the local sewer system or dumped into a stream and not harm the surrounding waterways or, more importantly, people.” Senator George Geist was also right when he said, “The residents don’t trust the Trust,” and, “wonder why there isn’t enough money already to construct an on-site treatment facility.”

The cozy cadre of the Trust: the EPA, CCMUA, and New Jersey DEP, continue to promote putting radioactive water in the sewer, despite widespread public opposition. Now residents don’t trust the regulators. And why should we? These are the very parties who permitted GEMS in the first place, who failed miserably to monitor and prevent it from becoming a Superfund site, and who came up with this dilution solution to pollution. They were biased against alternative treatment plans from the beginning and have unclean hands. The polluters don’t want to pay more, and the regulators claim they have no authority to require them to treat and clean up this Superfund wastewater on the site.

The people’s elected representatives have to give them the authority and the mandate to clean GEMS water on-site. The Assembly cannot rely on Camden County to promote the public interest. Camden County Freeholder Director, Jeff Nash, says he is also against the plan, but the county’s lawyer raised not one objection to the discharge of radioactive water at the last hearing before a Federal judge last month. CCMUA, a creature of Camden County, concocted this scheme with the Superfund polluters and accepted a prepayment connection fee of \$1.7 million before holding a public hearing on the plan. This

payment assured that the county would remain biased and an advocate of this project.

So it's now up to our local elected leaders -- U.S. Representative Rob Andrews; Senator John Adler; Senator George Geist; Assemblyman Rob Smith, and Mr. Greenwald -- to get the New Jersey Assembly to require a safer alternative, on-site treatment and reinjection of cleansed groundwater, and to get the Assembly Speaker to post it for a floor vote.

Today, you have heard, again and again, the commonsense arguments against this project and against this concept of using sewer systems to delete big pollution problems. So please remember a few key concepts as you begin your fight to get this through the Legislature.

The GEMS cleanup is now about one thing: money. The polluters don't want to pay, and the regulatory agencies can't make them. The GEMS Trust knows it can clean up radionuclides at the site without great deal of additional costs. There are lots of cost-effective solutions. What they don't want to do is spend additional funds to clean up the remaining non-nuclear pollutants: nutrients, ammonia, and solids in the landfill's water; pollutants that are in too high a concentration to discharge into adjacent surface waters without additional treatment.

You should not let them discharge radioactive waste into the sewers, and you should not let them discharge non-nuclear Superfund wastes either. The solution to pollution is not dilution, and the Assembly needs to pass this bill to establish point source treatment as State policy for hazardous waste sites.

There are many things you could do in this bill, or a complement bill, to deal with the concern about your authority to supersede a Federal

consent order. The bill should clearly state, as one of its purposes, the Assembly's intent to improve both the quality and reliability of Superfund cleanups, and to avoid the accidental or indirect spreading of low-level radioactive wastes into the environment.

Thus, in addition to banning such discharges into municipal wastewater treatment works, the bill could require all landfills to monitor their effluents and discharges for radionuclides, especially Radium 226 and 228, at least quarterly; and by New Jersey DEP at least twice yearly on an unannounced basis; and to require DEP to post the results of this sampling on its Web site. Testing takes time with several weeks passing between sampling and getting back results from independent labs.

This bill, or another bill, should require municipal water facilities to monitor their own discharges and sludge for radioactive nuclides at least twice a year, and at least quarterly when the levels monitored exceed the standards proposed by CCMUA, the drinking water standard of five picocuries per liter, for receiving GEMS discharge.

This bill, or another bill, should also require wastewater facilities to trace the source of any radioactive waste that is causing the standard to be exceeded, and to require the wastewater facility to disconnect the discharges when the standard has been violated. The penalties should be high for violations. Polluters who succeed -- exceed the standards should only be able to reconnect after payment of a substantial fine and after DEP certification that an appropriate cleanup and control technology has been installed at the discharger's site to treat the radioactive waste to the standard level.

These are not idle concerns. In May 1994, the U.S. General Accounting Office described the “Action Needed to Control Radioactive Contamination at Sewage Treatment Plants,” and recommended that the NRC determine the extent of elevated levels of radionuclide materials at publicly owned treatment works, and establish acceptable limits for radioactive materials in sewage sludge and ash. In 1996, the Association of Metropolitan Sewer Agencies conducted a confidential voluntary survey of concentrations of radioactive materials in some of its members’ sewer sludges and ashes, and found significant levels of potassium and radium isotopes. Based on the limitations of the AMSA survey, the NRC and EPA decided to jointly fund a survey of sewage sludges and ash to assess the potential need for NRC and EPA rulemaking. Unfortunately, this study is not complete, and we do not know how bad CCUMA’s sludge is.

CCMUA’s own consultant, while recommending accepting the radioactive water, found that, “Sludge disposal to land is the greatest risk exposure because of the four millirems per year exposure suggested by the U.S. Department of Energy Oak Ridge Study,” and “When additional data becomes available, these results may be reviewed and modified accordingly.”

This bill, or another bill, should require DEP and New Jersey’s treatment works to publish the results of any radioactive sludge, water, or sludge ash testing that has, or will, be conducted, and should require DEP to establish standards limiting the amount of radioactivity that may be present in any sewage sludge, before it can be disposed on land as fertilizer or incinerated. It could also direct DEP to establish regulations setting standards for handling

radioactive sludge as a fertilizer, or for handling the incineration of radioactive sludge and its resultant ash.

Thank you.

ASSEMBLYMAN SMITH: Thank you. (applause)

MS. SHINN: I have a copy with the footnotes, in case you want to--

ASSEMBLYMAN SMITH: Yes, thank you.

Linda Musser, is it? C.A.R.E., Citizens Against a Radioactive Environment.

L I N D A M U S S E R: Linda Musser, Gloucester Township.

I am in full support of the legislation that is being proposed. I am very happy to hear that it will be moving forward on June 12. I attended the hearing during the ice storm back in March, and I'm glad to see that it is going to move forward.

One of the points that I'd like to bring out tonight is, on the 19th of May, I attended the CCMUA meeting, and I had learned that there had been an upset at the CCMUA back in February, March of this year. There was a rainstorm that washed out the tanks, and it's a microbiological process. And it did not meet the standards, and this water was discharged into the Delaware River, and it did not recover for three weeks. So it was discharged into the river, untreated, for three weeks.

Aside from the radionuclides -- regarding GEMS -- aside from the radionuclides, other contaminants of concern are being discharged from the landfill at very high levels of contamination. As a result, it would add a

consistent and persistent burden to the Delaware River. This would be made even worse if the pre-treatment failed at GEMS.

I guess the point that I'd like to make is, if I had not heard about this -- the CCMUA was not forthright in bringing this to the attention of the public. There was no public notification regarding the upset. I'm sure they did file-- They're required to file reports with the DEP, but the burden to find out is -- the people were trying to find out as much information as we can, and I think that the point that needs to be made here is, if something like this were to happen at GEMS, it could really be disastrous. And that's why I'm glad that we are moving forward with this legislation. And I hope that the public's interest is always forthright and foremost.

ASSEMBLYMAN SMITH: Thank you very much.

MS. MUSSER: Thank you. (applause)

ASSEMBLYMAN SMITH: Okay, Sharon Finlayson.

MS. FINLAYSON: Thank you.

I'm Sharon Finlayson. I chair the New Jersey Environmental Federation. I live in Camden County. I live in Pennsauken.

I wanted to go last tonight for a reason. I'm sure all of you are familiar with the editorial that appeared today in the *Courier Post*. The *Courier Post* opinion page quoted the judge -- and it's part of his decision -- something that the judge said. He said, "There is no basis for concluding that the pre-treated effluent of the GEMS Landfill site will pose any risk to the residents of Gloucester Township or of Camden."

I wanted to sit here tonight and listen to the points that the residents made, the members of the citizen groups, the environmentalists, the

worker representatives. And I wrote down some of those points, and I wanted to go through them, because, really, the points that these people have made speak to the significance of the bill that is before us. It is so important for this bill to become a tool that the State can use, not just here in Camden County, but throughout the state, as a way to protect their neighborhoods, their environment, their drinking water sources. It is extremely important.

We heard some different things. One is, we heard that there's a lack of trust in the body that is overseeing the project. We've heard that many times before. We will hear it again in the future. We need a bill that will keep those types of bodies in line and that will ensure protection for the bill.

We've heard the question, where is the money? We've heard the issue of environmental justice, and the discharge of another pollutant, another pollution burden, into the city of Camden -- into an area, by the way, that I believe has just been renovated, and people fish from that pier.

We've heard about frustrations of governing bodies who want to do the best to clean up and feel stymied in their efforts. These are individuals from the Federal government on down to the county level, local level, township, who are saying, "We want the best thing done there. We want to do the right thing. Our hands are tied."

We heard a water utility company who's come up here and talked about their concerns and the cost of treating radium at treatment plants. There is a treatment plant in Jamesburg. And Gloria has talked about the expense to try to treat the radium there.

We heard from Ed Knorr who says, "Does the EPA hold itself to a lesser standard?" And that is, sort of, the question that all of us have been

asking for the past year, and probably many years before that. He also brought up the fact that the polluter takes advantage and places the burden on the people. And over and over again, as far as this project goes, we've been reminded that in 10 years, the State will take over the responsibility for this project. And in 10 years, who knows where we will be? It could be that we will be spending many, many more millions of dollars than the five million that was quoted today in the paper.

We talked about-- We heard about, what is a protective standard? Are the standards of today going to be the so-called protective standards of tomorrow? Obviously, they will not. As technology becomes better, we try to do better, as far as capture. We saw that recently with the big debate over arsenic, and what was the original standard, and what should it be today. We're looking at it with many other issues, including dioxins and the radiums.

We heard about the cumulative effect of radioactive isotopes, and looked at the numbers of picocuries and liters in a 200,000 gallon daily discharge -- what it means when that discharge goes through the lines. What are the roots of exposure? For instance, there could be leaks, there could be settling and sediments in the lines. There could be exposure to workers.

We heard about the toxic cocktail, and the combination of toxins, and what would that impact be. As a matter of fact, you might remember that some months ago, in an article in the *Courier Post*, a professor -- I believe it was from Temple -- was interviewed. And her response to just how -- what is the interaction, what is the synergy of those toxins as they mix in the sewer line? And she said that really was an unknown. It could be a very dangerous

unknown, and it could happen at any time. We could go years and not see a reaction, or we could have one tomorrow. So that is really a concern.

There was also a question about whether there is a safe level of radon. Ed said that there is no safe level. I wanted to remind you that, in fact, the EPA goal is zero for radon, or for radioactive isotopes, alpha emitters. And I happen to have, here, the Haddon Heights Consumer Confidence Report. And I wanted to bring this up because, throughout this whole debate, we keep hearing, from people who are supportive of this plan, that we are drinking these drinking water standards for radium and uranium every day -- that they're coming out of our taps. And, in fact, that's simply not the case.

Haddon Heights measures their alpha emitters, in picocuries per liter, in a range from .22 picocuries per liter to 3.6. That's nowhere near the five picocuries standard. And they also list their maximum contaminant level goal as zero.

So I think we need to, sort of, dispel that impression that we're getting -- we're all drinking this radium and uranium every single day. We're not.

The other thing I wanted to, very quickly, bring up -- if I have it with me -- it's right here -- is that this isn't-- The concern about whether we have radioactive isotopes in our drinking water supplies is not an isolated issue, and it's not an isolated problem. On April 25, in the legal notices, Merchantville-Pennsauken Water Commission wanted to notify the public that they had levels of gross alpha above drinking water standards and were making efforts to remedy the situation.

So people say, “Well, why is it of concern if you’re getting it to a so-called drinking water standard?” The concern is that we’re continuing to add this burden -- this pollution burden to our drinking water sources.

And I also wanted to remind you that in the study done for CCMUA, by DeMaximus -- I think it is on Page 21 -- they say that there is no safe level of exposure to radiation. It is in the report done for CCMUA.

We also heard that there are Federal concerns from Rob Andrews’ aide, and that they are committed to assisting in stopping this GEMS flow.

We heard from the Work Environmental Council that the CCMUA has not seriously considered health impact to workers.

We’ve heard concerns about the quality of cleanup and who will pay, and I wanted to just add to that, that we all know that taxpayers will always pay. Either we will pay with our dollars, or we’re going to pay with our health.

And we also heard a question about what are people asking for? Are people calling for the right cleanup? And I think that it isn’t an issue of whether people have been calling for the cleanup. People have been consistently calling for GEMS to be cleaned up, and other Superfund sites to be cleaned up. I think the question lies in, what is the acceptable quality of cleanup? And that’s really where we’re at with this, and what your bill will help to remedy. What is the quality that we should accept? We should accept only the best.

We also heard from Mike, from Gloucester City, about his own Superfund site and the fact that they’re, now, moving the treated wastewater from that site, which was originally going through a swimming pool pipe and into the Newton Creek through that CCMUA -- or through the sewer lines. And

I wanted to bring that up, because it demonstrates how quickly these types of practices are adopted, and that it's one more source of radioactive isotopes into our sewers, our sludge, and the Delaware River.

And speaking of sludge -- before you cut me off -- I just wanted to bring up the solid waste -- the latest draft for the Statewide Solid Waste Management Plan, which addresses -- one section of it addresses sludge. And it is going to be a policy of the State to, now, encourage the reuse of sludge throughout the state, bearing in mind that there is no true treatment for uranium at either site -- either the pre-treatment site at GEMS, or at the CCMUA. They are simply testing, and they're going to see if it goes above the acceptable standard. At such time that they know it goes above the acceptable standard, they'll decide that they will then address it.

They're actually, at CCMUA, relying upon the sludge to attract, because radioactive isotopes are attracted to solids. They are relying upon the sludge to attract these isotopes. The sludge will then go to either a turf farm in the summer, which has been the history, and where it's land applied, or it will be burned in an incinerator. If it's burned in an incinerator, it will come out as a radioactive isotope and, simply, move into the -- through the air. So this is a problem that must be addressed if we're going to be applying sludge in the State and, actually, promoting it.

They also talk about the issue of radionuclides in sludge, as well as mercury dioxins and some other contaminants. But that's-- We need-- This goes beyond just right here.

The other things we heard about were real estate values. One gentleman brought up the real estate value of his house, and questions what that value, now, is. And that's a strong concern.

Again, there was an attitude of the Trust, and that-- And I thought the quote from Cindy was great. I was at that hearing, as well. "The concerns of the citizens do not override the regulatory process." We are the citizens. This is where we live. We have every right to express concern and do what we need to do in order to make this the best remedy.

Jane gave examples of State laws that resulted in protection where there was none before, and also mentioned that the radium standards are for one in 10,000 protection, not one in a million, as many people are lead to believe. Again, there's this false sense of security.

And Rodger talked about the need to find the source of the problem, and I wrote that down. And he talked about getting the best cleanup to date. I wrote that down, because there has been this, sort of, public relations effort to convey to the public that this is naturally occurring radium and uranium. And, in fact, there is nothing that validates that assumption.

As a matter of fact, some of the uranium levels are extremely high. They're well over 200 picocuries per liter in some of the test samples. They refer, in the studies, to the U.S.G.S. studies, and they use that, sort of, as a reference. And yet, I spoke with a person that they quote. And he told me that in tests done here, in South Jersey, they have never found combined uranium levels -- that is, different types of uranium combined and then counted -- at higher than one picocury per liter. Some of the test samples were well over 200. That would tend to make someone like me, a layperson, think this might not be

naturally occurring, and so who knows what we may find as we move into this cleanup and draw the plume, as we begin to draw the plume from the center. We don't know what we might find in the future.

And, also, Linda brought up her experience in going to CCMUA to try to find out about a treatment failure, a treatment failure that went on for three weeks. We really don't know the history of failures at the CCMUA and we certainly cannot predict what failures might occur in the future. But they could be catastrophic when we look at not just the radionuclide issue there, but the huge number, the many contaminants that will leech from that landfill.

Remember, now, by law, I think we look at somewhere around 120 contaminants. Those are the contaminants that are identified. But there could, literally, be thousands of contaminants coming from that landfill. And there's -- certainly the allowable level is well, well above drinking water standards for those contaminants, other than the radionuclides that are coming through the sewer system.

So getting back to my original point -- and that was that the judge says there is no basis for concluding that the pre-treated effluent of the GEMS Landfill site will pose any risk to the residents of Gloucester Township or of Camden County. I think that the many people here gave informed points and valid concerns. They were expressed by a wide range of people, and citizens from the many neighborhoods. I think the judge is wrong, and I just want to go on record as saying that we will support any appeal by the county.

Thank you. (applause)

ASSEMBLYMAN SMITH: Thank you, Sharon.

I had Sharon listed as the last speaker. Did we miss anybody?

Yes, ma'am.

UNIDENTIFIED SPEAKER FROM AUDIENCE: I'm not signed in.

ASSEMBLYMAN SMITH: You have to just, if you would, come up and state your name and your address.

Is there anybody else? (affirmative responses) Everybody, come on up.

ASSEMBLYMAN GREENWALD: Is there anyone else? (no response)

ASSEMBLYMAN SMITH: Okay.

Just for the sake of time, we just want to keep it as brief as possible, if you would.

We need everybody to--

UNIDENTIFIED SPEAKER FROM AUDIENCE: I just want to give him something.

May I?

ASSEMBLYMAN SMITH: Sure, as long as it's not--

ASSEMBLYMAN GREENWALD: Radioactive.

ASSEMBLYMAN SMITH: --letter bomb.

UNIDENTIFIED SPEAKER FROM AUDIENCE: This is something I found in--

ASSEMBLYMAN SMITH: Oh, okay. Thank you. That's great.

UNIDENTIFIED SPEAKER FROM AUDIENCE: That's how long we've been fighting this.

ASSEMBLYMAN SMITH: Interesting.

Yes.

THERESA LAND - FITZPATRICK: Like a lot of us here, we're all just trying to get--

ASSEMBLYMAN SMITH: Okay, what-- Ma'am.

MS. LAND-FITZPATRICK: I'm sorry. Theresa Land-Fitzpatrick, 590 Lower Landing Road, Townhouse 152, Blackwood, New Jersey.

Like so many of us here, we're here to get answers. And as I was sitting here, I was starting to write a lot of questions.

My first one is-- I understand that, Mr. Smith, you have a legislation up that you said you enacted in March of 2003 -- it came out of Committee.

ASSEMBLYMAN SMITH: Well, let me just say this. This, probably, isn't the forum to ask questions. I'd be happy to talk to you after the Committee hearing.

MS. LAND-FITZPATRICK: Oh, I thought this was regarding the bill.

ASSEMBLYMAN SMITH: It is. It's testimony on the bill. If you have any opinions regarding the substance of the bill, that's what this hearing is. I mean, if you have any questions, I'd be happy to help you after the Committee hearing. Or Maggie or Jeff could help you.

MS. LAND-FITZPATRICK: You can't-- All right. Well, could you at least tell me when this bill was proposed?

ASSEMBLYMAN SMITH: January 16 of this year. It was reported out of Committee, favorably, March 6 of this year.

ASSEMBLYMAN GREENWALD: It's going to be posted for a vote on June 12.

ASSEMBLYMAN SMITH: Correct.

MS. LAND-FITZPATRICK: Okay. Is that the usual amount of time that it would take to get a bill, once this comes out of subcommittee, to the floor?

ASSEMBLYMAN SMITH: I really don't know. I mean, some bills have gone quicker, some bills never get out.

Jeff, what's your experience? It went pretty quick, didn't it?

MR. TITTEL: (speaking from audience) If you get a bill into law within six months, that's pretty quick, quite frankly. There are bills that go back to when Senator Kean's father was--

ASSEMBLYMAN SMITH: Ma'am, is there any testimony regarding the bill?

MS. LAND-FITZPATRICK: Oh, I've got some definite issues that I would like to speak in regards to.

ASSEMBLYMAN SMITH: Okay.

MS. LAND-FITZPATRICK: One of them is that, from what I understand, this legislation only deals with the GEMS Landfill issue. Is that correct?

ASSEMBLYMAN SMITH: No.

MS. LAND-FITZPATRICK: It's going to deal with the whole state?

ASSEMBLYMAN SMITH: The bill specifies that no radioactive waste shall be allowed to be transported through our public sewer systems,

whether it's GEMS or any other landfill in the State of New Jersey. It's not just GEMS.

MS. LAND-FITZPATRICK: Okay, only because we have things that have gone on that we don't know, and I know that Karen, who's the founder of C.A.R.E.-- The only reason she has been able to educate so many of us is because of former Assemblyman, now Senator, Geist -- enacted the Right-to-Know Law. And it was through that, that a lot of us were able to get this information.

I'd like to know that -- if this legislation will allow us, as citizens, to have more of a right to know, because at this point, we don't. We really have no rights to know. And every question that we ask -- it's either in litigation, or whatever. But we're not told anything.

ASSEMBLYMAN SMITH: It has nothing to do with Right-to-Know. It strictly has to do with the substantive law in the State of New Jersey, public policy. And that public policy is that we don't want radioactive waste transported through our sewer systems. It has nothing to do with Right-to-Know.

MS. LAND-FITZPATRICK: Okay.

ASSEMBLYMAN GREENWALD: There are other laws dealing with the right to know in the State, and public notice, and disclosure of public documents.

MS. LAND-FITZPATRICK: That were already enacted.

ASSEMBLYMAN GREENWALD: That are being discussed in other forums and are being moved through the Assembly and the Senate, like this bill is being moved through.

MS. LAND-FITZPATRICK: Okay. So we will have more right to know in the future.

ASSEMBLYMAN GREENWALD: If it passes. This bill deals solely with radioactive waste being transmitted through our sewer systems anywhere in the state.

MS. LAND-FITZPATRICK: Now, Mr. Smith, how long have you been on this subcommittee for environmental issues?

ASSEMBLYMAN SMITH: I've been on this Committee, which is Agriculture and Natural Resources, for three-and-a-half years.

MS. LAND-FITZPATRICK: Okay. And this subject never came up before?

ASSEMBLYMAN SMITH: It was brought to my attention back in January of 2003, when I had a conversation with a number of the people in this room.

MS. LAND-FITZPATRICK: Okay. So you were unaware of Mr. Geist's proposal that was enacted -- that was proposed in November of 2002?

ASSEMBLYMAN SMITH: Which proposal is that?

MS. LAND-FITZPATRICK: Assembly Resolution No. 203.

ASSEMBLYMAN SMITH: I was certainly aware of it. I'm the co-sponsor of that resolution.

MS. LAND-FITZPATRICK: Okay, because I'm a little confused -- if this was proposed in 2003, why there needed to be another one done in January of 2002.

ASSEMBLYMAN SMITH: Well, they're completely different documents. One is a resolution, which has no binding authority. One is a bill,

which, hopefully, will become law, which has binding authority in the State of New Jersey.

MS. LAND-FITZPATRICK: Are the two combined in the same? Because what I'm reading in this seems to be different than what you're proposing.

ASSEMBLYMAN SMITH: It is different.

MS. LAND-FITZPATRICK: And I'm hoping that, eventually, the two can come together, because I do see things in this legislation that give the people more the right to know, will give more testing, will allow more things, rather than just give a blanket statement, "It can't go through." Because we already have a court order saying it must go through. We have no monitoring system set up at the GTMUA, yet, that will allow for this. And I need to know that if this bill is enacted -- will the State Legislature be willing to go to the supreme court -- U.S. Supreme Court? Because I do know that, presently, the U.S. Supreme Court does, really, in most cases, generally sides with State rules when it comes to these matters, unless it's superseded by an EPA rule -- a Federal ruling.

So, what I'm saying is that, if this bill is enacted, is this something the State is willing to fight, if necessary, to the U.S. Supreme Court?

ASSEMBLYMAN SMITH: This bill, here?

MS. LAND-FITZPATRICK: Yes, because this bill is going to ban it.

ASSEMBLYMAN SMITH: The bill that's the subject of this Committee hearing?

MS. LAND-FITZPATRICK: I'm sorry, what?

ASSEMBLYMAN SMITH: The bill that is the subject of this Committee hearing?

MS. LAND-FITZPATRICK: Right.

ASSEMBLYMAN SMITH: Okay. What was your question?

MS. LAND-FITZPATRICK: If it is enacted--

ASSEMBLYMAN SMITH: Right, if it becomes law.

MS. LAND-FITZPATRICK: Is this something that the State is willing to take up to the U.S. Supreme Court? Because, right now, we have a court order to do this. And this bill is going to come in afterwards. Is it going to be grandfathered?

ASSEMBLYMAN SMITH: The Federal judge, in making a decision, looks to the substantive law in the State of New Jersey, meaning what law is on the books, what is statutory, what is regulatory. There were no laws, prior to this decision, about the transportation of nuclear waste through sewer facilities, through sewer lines. If that law was in effect at the time the decision was made, I don't think he would have ruled that way, because it would be illegal, in the State of New Jersey, to transport that nuclear waste through sewer systems.

So, I still believe, appeal or no appeal, that this bill, once it becomes law -- and I hope that it will -- I can speak for my house that it, most likely, will be passed -- has the ability to negate the Federal judge's decision, because the substantive law in the State of New Jersey is different.

MS. LAND-FITZPATRICK: But won't that be after the law? So wouldn't they be looking at the law that was in effect at that time, which in this case would, basically, grandfather anything that's already been happening?

ASSEMBLYMAN SMITH: Jeff, I see you shaking your head. Do you have--

MR. TITTEL: Well, I would just say that once--

ASSEMBLYMAN SMITH: You have to come up to the microphone.

MR. TITTEL: I just wanted to say that once you change the law, it would then open up new litigation. Basically, what would happen--

ASSEMBLYMAN SMITH: Mike-- You have to get up to the mike.

MR. TITTEL: I'm sorry.

If a bill becomes law--

ASSEMBLYMAN SMITH: Jeff Tittel, Sierra Club.

MR. TITTEL: I'm sorry. Jeff Tittel, Sierra Club.

If a bill becomes law, what happens is, that becomes the law of the land, and it overturns court decisions. So the State of New Jersey could then get an injunction against GEMS to discharge into that sewer system, based on the new law, which would then -- which then GEMS could challenge, but then GEMS would lose.

MS. LAND-FITZPATRICK: So the grandfather act would not apply to this.

MR. TITTEL: Right, because you go for injunctive release against GEMS.

MS. LAND-FITZPATRICK: Okay, because my concern is that it would go to that.

Now, sludge was brought up as an issue. Are you aware that the EPA is going to come out with new guidelines in regards to that, in the next couple of months? Because when I met up with the State DEP--

ASSEMBLYMAN SMITH: No.

MS. LAND-FITZPATRICK: --regarding sludge, they stated that it would be coming out in a couple of months.

And does your bill address the sludge that will accumulate just before it is pumped up to the Erial pumping station, which is where it would go running through first?

ASSEMBLYMAN SMITH: No, it does not.

MS. LAND-FITZPATRICK: Do you know the hazards of sludge, as far as what has been put out by the EPA at this point?

ASSEMBLYMAN SMITH: What I would like to do, respectfully, is to reserve questions until after the meeting. If you have any comments specifically on the bill, on 3174, this is your opportunity. I didn't announce this at the beginning, but generally, as a matter of protocol, in Committee hearings across the board, five minutes limitation.

Do you have any comments about 3174?

MS. LAND-FITZPATRICK: Well, just like I said, I hope that you will consider some of the points that are put out through George's resolution--

ASSEMBLYMAN SMITH: Absolutely. I'm a co-sponsor of that bill.

MS. LAND-FITZPATRICK: --that are not included in yours.

ASSEMBLYMAN GREENWALD: Ma'am, just to answer your question. Senator Geist, when he was in the Assembly, offered resolutions. The

bill, itself, which Senator Geist supports, and endorses, and is a prime sponsor of, incorporates portions of his resolution. I think Senator Geist would say that a legislation that can become law is more powerful than a resolution, which is, basically, a recommendation.

In his-- He had offered amendments, which we adopted and will be voted on as a part of this bill in its core on June 12, that provide for a site operated -- would also be required to make available -- free to the public -- the test results for pollutants on the site. The DEP would be required to hold monthly public meetings concerning the site remediation, which is, I think, part of your public awareness message. And the measure, also, would require that the public be given an update on the funds that have been spent to remediate the site. Those were the amendments -- the only amendments offered by Senator Geist that we all agreed upon, adopted, and supported. It really makes the resolution moot at this point, and moves the legislation as a more binding, more powerful effect.

And that is where this currently sits, and it will be ready to be voted on, on the 12th. And, actually, through a, really, quirk, which is to the advantage of this bill, Assemblyman Geist has now moved over to the Senate, where he can be an active and vocal voice for a bill that he was instrumental, with Bob Smith and myself in the Assembly, to help make a reality. So we will have a voice on both floors, which doesn't always happen.

MS. LAND-FITZPATRICK: Well, that's good, because just from what I read in the newspaper, it's just saying that some of the comments were made that it didn't seem that -- these amendments weren't being incorporated, and that--

ASSEMBLYMAN SMITH: They absolutely were.

MS. LAND-FITZPATRICK: --it was just your bills, and that was it.

ASSEMBLYMAN SMITH: Senator Geist is still here. He offered up the amendments at the Committee. It was unanimous. It was released with the full amendments.

MS. LAND-FITZPATRICK: So then your comments in the newspaper didn't really reflect the actual realities of this bill.

ASSEMBLYMAN SMITH: I don't believe that to be the case, but that's a matter of interpretation.

MS. LAND-FITZPATRICK: Okay, thank you.

ASSEMBLYMAN SMITH: Thank you.

S A N D Y K E E N: My name is Sandy Keen, and I reside at 2833 South Blackhorse Pike; and I did reside in Cross Keys, in the Washington Township section, about, I'd say, eight years ago -- which I was affected by radon-contaminated water, and high nitrates in the well, previously, and uranium, etc.

My property, now, in Williamstown, Monroe Township, has been mercury-contaminated for at least three years, but the whole area has been mercury-contaminated for many, many years.

I commend you, Assemblyman Smith, for coming out to a meeting that was a very serious meeting, because we do live in the Pinelands. I have dealt with the Senator, and I have dealt with Christie Whitman, and the EPA, and the United States Ground Survey Committee.

When I heard about the GEMS Landfill, and this waste getting put out towards Camden-- I know what mercury has done to the sewer systems in

Monroe Township, so I can imagine what radionuclides are going to do to the sewer systems and the lines going out to Camden. I'm an advocate for treating on-site. Whatever bill is to be passed, I'd be an advocate for that. It's a very serious issue, especially when these radionuclides start coming down through our creeks, because we haven't been affected by that yet. But once they start coming down through our creeks and mixing up with mercury, then we're going to have serious problems -- cocktails.

So the-- My health has been affected. I had a child that was affected by all this. And it's time that we move on with this. And the Pinelands are a Federally protected area.

The State has been giving all the moneys to North Jersey to, actually-- Once again, South Jersey, here -- our Pinelands -- are affected, and we need help.

I think it's a very serious issue, and let's move on with the whole issue, and let's let our state grow into the beautiful Garden State that it is.

ASSEMBLYMAN SMITH: Thank you very much.

MS. KEEN: Thank you.

ASSEMBLYMAN SMITH: Thank you. (applause)

I just want to simply thank everybody for coming out this evening for this very important issue.

Senator Geist, thank you for remaining here throughout the Committee hearing and listening to the testimony.

Freeholder Director Jeff Nash is still here. I appreciate his attendance, him coming out and listening to the concerns of the residents here in Camden County.

Assemblyman Greenwald, I appreciate you showing up and, actually, sitting in on a Committee that is not your own, in a town that you do not represent. I think that really shows your commitment to this issue. So I appreciate it.

I just want to thank everybody, again. And, hopefully, we will see some movement on this bill, June 12. I stated previously, it will be posted, and I fully expect that the bill will be released from the Assembly.

Thank you very much for coming out. (applause)

(HEARING CONCLUDED)