

**MINUTES****November 28, 1995**

The Board of Chosen Freeholders of the County of Warren met in special session on Wednesday, November 28, 1995 at 7:00 P.M. in the Independence Township Municipal Building, Regina Lane, Great Meadows, New Jersey.

The meeting was called to order by Director Susan Dickey and upon roll call the following members were present: Freeholder Susan Dickey, Freeholder Ann Stone and Freeholder Kenneth Miller.

Director Dickey read the following statement: "ADEQUATE NOTICE OF THIS MEETING WAS GIVEN IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT BY FORWARDING A SCHEDULE OF SPECIAL MEETINGS OF THE BOARD OF CHOSEN FREEHOLDERS TO THE WARREN COUNTY CLERK, THE STAR/GAZETTE, BLAIRSTOWN PRESS, THE NEWS, STAR-LEDGER AND THE EXPRESS-TIMES AND BY POSTING A COPY THEREOF ON THE BULLETIN BOARD IN THE OFFICE OF THE BOARD OF CHOSEN FREEHOLDERS. FORMAL ACTION MAY BE TAKEN BY THE BOARD OF CHOSEN FREEHOLDERS AT THIS MEETING. PUBLIC PARTICIPATION IS ENCOURAGED. IN ORDER TO ASSURE FULL PUBLIC PARTICIPATION, THOSE INDIVIDUALS WITH DISABILITIES WHO WISH TO ATTEND THE MEETING SHOULD SUBMIT ANY REQUESTS FOR SPECIAL ACCOMMODATION ONE WEEK IN ADVANCE".

The purpose of the special meeting was to discuss the issues surrounding the water pollution in the Township of Independence. The freeholders were joined at the meeting by Senator Schluter; Assemblymen Lance and Haytaian; Assemblywoman elect Connie Myers; Steve Madonna, Environmental Commission Counsel; a number of representatives from the New Jersey Department of Environmental Protection; (Rick Gemoli, Bob Falcon, Gary Cannon, Paul Wagner) and the Warren County Health Department. Township Committee members were present as well.

Former mayor Bob Giordano began with a question as to when the water line was going to be installed. Additionally, he was concerned that when the wells are capped, what is likely to happen with the plume of the pollution?

DEP stated the line is in design phase with a contracted engineer. It will be probably six months to begin digging the trenches. It was the DEP opinion that when the wells are shut down, there will be no expansion of the plume.

Mr. Straw is out of the impact area. The DEP says their pollution is not from the Area Lighting Research site. What is being done to find the source of that pollution? Some homes are out of the area, why can't the DEP rules be waived to assist?

DEP responded that the waiving of the rule is not a simple matter. They would need to extend the water line up Ketcham Road, and the dollars are not available. The problem is now being handled with POET filters. They have not ruled out extending the line at some future date.

As for finding the source, it is not known if anything is being done to identify another source other than at ALR. There has been a settlement with ALR, there is a schedule of events to take place, and the HMUA has been agreeable to running water.

Mike Gordon, an attorney and homeowner asked the time frame for design work. Is DEP satisfied with the six month time. ALR has offered an easement to run the water line, but no response has been sent from the Township.

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DEP responded that they were aware of the ALR easement offer. It was stated that the contract is finished, but there are several questions outstanding, although they are not serious. The township attorney will draft the easement.

Carmen Fulla said they live on Route 46, and their test levels are increasing. They want to know the results of the monitoring wells. DEP said the monitoring wells have been steadily decreasing, but they will obtain the information and provide it to residents.

Fulla then asked what is happening at ALR.

The DEP indicated that after the second memorandum of agreement, ALR has been investigating on their land and inside their building. They test bore and send the material out to be analyzed. The levels in the building are low. The next phase will be injecting and removing air in the ground water and an attempt to see if the water can be cleaned.

There was ground radar and additional borings done. By the end of the year, they should have a report. That report may lead to a method to resolve the problem. ALR has been on schedule for investigation, except for their request for a three week extension.

Steve Wexler asked how does the ALR work compare to other sites around the state. DEP said they are all different, and they are satisfied that the time frame is reasonable. In response to a question as to how often DEP goes on-site, they responded that they are not there every day. They routinely make contact and check with the consultants. They were last on-site two weeks ago. The contractors being used are approved by the DEP.

DEP answered a question about pump and treat remediation. They said pump and treat is not an effective treatment in this case. There is a need to find other methods. POET (point of entry treatment) is not to remediate an aquifer.

A citizen asked if the pollution site has been found at ALR, and if the water line is going to be a loop.

The DEP said no area at ALR is definite at this time, they have not found a large point of entry. Forty-seven borings so far have been made. The source of pollution could be three feet away from a boring and it may not show up. They are aware this is a serious situation but it will take time to find the source and solve the problem. As for the water line, it will likely go down Petersburg Road, but uncertain yet as they haven't seen the design. After the design phase, it could be twelve to eighteen months before they complete the project, six months alone for the water tank. It will not be easy to run the line as the geology is tough. The estimate is two to two and one-half years to turn the HMUA water on.

A citizen asked if the pollution expands, can the line be extended.

If the pollution expands, the DEP will need to look at choices, such as POET versus water line. Their preference is for water rather than POET.

A citizen wanted to know if the DEP could estimate the property value difference between houses that have wells versus city water. The DEP responded it varies by conditions. If there is an identifiable distinction, the Spill Fund can compensate for the difference to the homeowner.

After a question about an opinion on where this will spread in two years, the answer was that the pollution will keep on moving, but it will likely dilute as it spreads out.

Another citizen said his neighbors have high contamination, but his water is not yet affected. Is it possible for the contamination to show up later?

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DEP said they can't tell, but there is a need to continue to monitor the water. It is assumed this house is drawing water from a different level than the neighbor. Information on the depth of the wells could help determine the reason.

Mr. Giordano said DEP indicated they didn't expect the plume to spread, but now say they expect the plume to move. DEP answered that they don't think turning off the wells will have an effect, but the plume is moving. They can't tell the direction of the movement.

A citizen said they see the pollution encroaching toward the Pequest River. It could eventually affect the hatchery. DEP said they haven't seen this in monitoring wells at the Pequest at this time. This has gone on too long, and they are trying to step up and resolve the matter now.

Tom Hartnet asked how often they test monitoring wells, and the response was quarterly. Of the twenty wells tested, five were positive. What does that tell the DEP? If the movement is flowing in a particular direction, isn't it wise to pursue that avenue?

A citizen said they live close to ALR, but have no contamination for three and one-half years. Is annual testing sufficient. DEP thinks it is, if all clear after three years.

DEP said they recommend to those at the other end of Ketcham Road to test more often, as it looks like it is spreading in that area.

A citizen stated that if this is a health problem, why doesn't the County Health Department do more testing?

The Health Department spokesman said originally they did many tests. If there is a policy decision, they may extend some more testing.

A citizen lives on Water Street, and is the only house not being hooked up to the water line. What can he tell a potential buyer as to why everyone else has town water and he doesn't? DEP said this house should be included for water. They will look into the situation.

Mr. Hartnet asked if DEP will go back and look at the impact area in a year or two. The DEP responded affirmatively.

A question was asked why there was no monitoring well at the end of Petersburg Road. DEP said they don't know all the reasons for why wells were located where they are, but the recollection is there is no geologic reason for a well at that location. The DEP came here to provide assurances, but if not satisfied, they'll get more information and make it available. The ALR report, test results and answers to questions will be provided, and the ALR work plans for remedial actions will also be made available. They don't want people to think the plume will move and continue to pollute more wells. It will move, but expect it to dissipate as it spreads.

A citizen asked if ALR is the source, why can't they force ALR to pay for well testing?

The DEP's primary purpose is to get people drinkable water. They don't have the power to force ALR to pay for all the hookups or for testing.

A citizen questioned when remediation may take place. The answer was that after they looked at the report, then they may be able to give more information on time frames. Reports will be made available at the township building.

A citizen said they are members of the public, and they want justice. They want to be included in the water line. They need to file to get reimbursed, and shouldn't have to wait. Public water is being extended to vacant lots while people are being turned down from being

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included. The DEP should follow through on getting money from the people who caused the problem, not the taxpayers.

Another citizen said Independence should be all together, not bickering. The whole town is tainted. They need to be reassured that people will not be ignored across the line of pollution. The county should test wells, and others should get water hookups.

Mrs. Dickey said the county will work with the township and any other entities necessary. The county will try to help with the situation.

A citizen asked where the elected representatives were three and one half years ago.

Mr. Haytaian said he has letters from 1992. The letter says he contacted the DEP Commissioner the next day and he has a file dating back to April, 1992, when he met with DEP and other entities. What you haven't seen is legislators being quoted in the papers saying what they've been doing. He lives in the township and wants to get it resolved. The township is working on it, and now the county is involved. These things take a long time. He is not able to pacify the residents, and is not going to try. The water line is the result of legislative actions.

The DEP has gotten calls from each legislator in the room attempting to bring resolution. They had hard negotiations with the HMUA. The program is on track.

Mr. Miller said the county has been in this for a long time. We have not stepped away. We have to hand the ball to the professionals to get remediation. And the county may need to pay for some additional testing.

Mr. Haytaian said local officials worked the hardest. He has been a harsh critic of the DEP, but they have worked hard to solve this matter. If you can't find the source, it is hard to find a fix.

The mayor said one problem is we don't have a water source, we must depend on the HMUA. If they had said no, we wouldn't be this far along. We have negotiated with a separate entity with no control over them. There are monthly meetings at the township but not many people appear. If people would come to the regular meetings, they will be able to keep up with what is happening.

DEP said the spill fund comes from a tax on raw petroleum products. ALR agreement requires payment to the department for part of the costs, plus there are liens on the property. They are trying to keep the company in business. They believe that ALR is the source of the pollution.

A citizen asked ALR owner, Mr. DiCarlo, what the company is doing.

Mr. DiCarlo responded that the premise that ALR was the source remains to be seen. They are trying to find the source. The state approved the plan, and he has spent much money trying to identify the source. He can't remediate something he can't find. The professionals are doing the work. They are doing everything they can under the guidance of the state.

A citizen asked about a tank being removed from the property before the state arrived.

The response was that it was a fuel oil tank. We know there is contamination in the water. We are looking for it, and trying to find the source.

Mr. Haytaian said the question is, is the company doing everything they need to do. The DEP indicated that they are. If the company is not doing these things, the state could

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then go to court, levy fines, etc. If ALR defaults, they could be shut down and the state could take the buildings, etc. We may never find the source, only that it's on the property.

Mr. DiCarlo said the chemicals can be found in water, but can't be found where it's coming from so that it gets into the water.

A question was asked if the contamination could have happened thirty years ago. DEP said ALR has been found as a responsible party, and they have stepped up. They believe there is a different cause for the pollution in the Vienna Hills area. They haven't be able to identify a potential responsible party for Vienna Hills. Public money would need to be spent and that means priorities statewide. The DEP always prefers an active remediation over a passive remediation, but in bedrock, this is often not possible.

A citizen who is one of three on Ketcham Road said they are not being hooked up and have no monitoring wells. They want to have the DEP take a look at the situation. The DEP would not say they won't be hooked up, as they are working on trying to be able to help.

The ALR consultant said he assures that things are being done properly. If a source area is out there, and it can be found, it will be remediated. Some tests test in the parts per billion. Some borings have been made through the concrete floor.

Mrs. Dickey explained that public meetings are noticed in the press. A citizen said he thought the residents should have been notified in the mail. The mayor said that would not be possible.

Mr. Schluter stated that what we've seen with the entire freeholder board, the township, and all the others present, he hopes that the residents can have faith that we are trying to solve this problem. He complimented the DEP for providing open information.

Mr. Haytaian said there is always dissatisfaction. The elected officials and employees are here to help. We haven't found the solution yet. The DEP has been doing a good job on this situation, as has the township committee. He knows residents are going to be aggravated, but he doesn't know what else can be done.

Mr. Lance concurred with the remarks. He was thankful for the state's spill compensation fund. He supports the DEP, and believes New Jersey is on the cutting edge for environmental protection. He believes the DEP is the best in the country. He hopes a source can be found, and thanked the freeholders for scheduling the meeting.

Mr. Madonna indicated that as of the first of the year, he will be the attorney for the Environmental Committee. He has worked with the DEP, and they have provided superior treatment here. They are doing everything possible to help.

Mrs. Dickey thanked the mayor and the legislators, as well as Mr. DiCarlo, etc. It is important to share information. She also expressed appreciation to the DEP representatives and the County Health Department.

The DEP said that by the end of the year, there should be a report and it will be made available for local review.

Mayor Van Pelt also extended appreciation for those attending.

On motion by Mr. Miller, seconded by Mrs. Stone, the meeting was declared adjourned at 9:22 PM.

ROLL CALL: Mr. Miller: yes Mrs. Stone: yes Mrs. Dickey: yes