

December 12, 2006

Dear Commissioner Jackson:

I am deeply troubled and just astounded by the continuing poor performance, inadequate pace of reforms, and the contradictions between what DEP says and what they do. Your own October 23, 2006 Senate testimony made the following commitment:

“Recent events have taught us all a lesson about the important of partnering with local official and residents.”

(full testimony: http://www.nj.gov/dep/commissioner/102306_srp.pdf)

This commitment is not reflected in the most recent example of program breakdown, reported in the December 10, 2006 Philadelphia Inquirer story: **“ N.J. contends with secret dangers below - As many as 300 long-closed landfills remain unknown to residents - and even, sometimes, to state officials.”**

<http://www.philly.com/mld/inquirer/news/local/16203480.htm>

"We can't go back and chase every sanitary landfill in the state. When properly run, they're the least-contaminated of the sites - unless something starts to show up in the wells," she said.

As you know, old landfills, like Franklinville, have no liners to prevent discharge and migration of toxic pollutants to groundwater; no caps or leachate collection systems to minimize the volume of toxic pollutants that discharge to groundwater; no methane gas collection controls to curb air emissions (methane is many times more powerful than CO₂ as a greenhouse gas); and no groundwater monitoring wells to warn of toxic pollution migrating offsite towards drinking water wells. There are scant or no disposal records about the historical dumping of industrial chemical wastes (often in liquid form or in the buried metal drums). They have not been properly closed in accordance with DEP closure regulations.

Given this combination of characteristics, old landfills are some of the **WORST** environmental sites. Assistant Commissioner Kropp's comment: **“When properly run, they're the least-contaminated of the sites”** is profoundly misleading and deeply ignorant of the facts in the Franklinville case, and in hundreds of other cases (in addition to and aside from her statement **“There's nothing to clean up. It's an old landfill, and there's no known contaminant plume impacting the receptors - the private wells,”** which evidences a complete lack of knowledge of the facts of contaminated residential wells along the perimeter of the landfill).

As you may know (confirm with Gary Sondermeyer), I was a primary researcher and co-author of the DEP's 1988 Statewide Sanitary Landfill Closure Plan. That Plan identified a \$3 BILLION closure and groundwater cleanup tab for over 400 old landfills, so it is no surprise that the Plan was quickly shelved. But, despite lack of funding, valid municipal liability concerns, and the “Vi-Concrete” decision, I never thought DEP would be so reckless as to virtually abandon the landfill closure and groundwater monitoring and

cleanup aspects, or fail to warn adjacent impacted homeowners who are drinking polluted water. Worse, DEP is now approving development directly on or adjacent to these sites across the state.

This is totally unacceptable and intolerable performance by a government agency (and I have lots more internal DEP documents that prove that case).

I urge your support of our call on Governor Corzine to appoint an independent investigator to conduct a comprehensive review of DEP's Site Remediation (and now landfill closure) programs.

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Sent Via email and US mail