

PASSAIC VALLEY WATER COMMISSION SPECIAL PUBLIC MEETING OF

MONDAY, NOVEMBER 17, 2014

6:40 P.M.

INTERNATIONAL HIGH SCHOOL

200 Grand Street

Paterson, New Jersey

(OPEN SESSION)

C O M M I S S I O N E R S P R E S E N T :

GLORIA KOLODZIEJ, President

JEFFREY LEVINE, Vice President

MENACHEM BAZIAN, Treasurer

CHRYSTAL A. CLEAVES, Secretary

THOMAS P. DeVITA

RIGO SANCHEZ (Absent)

RUSSELL GRADDY

PRESENT FROM PASSAIC VALLEY WATER COMMISSION:

JOSEPH A. BELLA, Executive Director

GEORGE T. HANLEY, Counsel

JAMES G. DUPREY, Director of Engineering

KEVIN BYRNE, Engineer

YITZ WEISS, Comptroller

LOUIS AMODIO, Administrative Secretary

PRESENT FROM EPA:

JEFFREY GRATZ, Deputy Director of Clean Water
Division

NICOLE FOLEY KRAFT, Section Chief, Division of
Enforcement and Compliance Assistance

PAT SEPPI, Community Liaison, Public Affairs Office

PRESENT FROM NJ-DEP:

FRED SICKELS, Acting Director - Water Supply &
Geoscience

KAREN FELL, Acting Director - Water System
Operations Element

PRESENT FROM NEW JERSEY LEAGUE OF WOMEN VOTERS:

DAWN CLARKE

1 PRESIDENT KOLODZIEJ: I am calling this
2 very special evening meeting of the Passaic Valley
3 Water Commission to order. And I will ask our
4 secretary to read...

5 MR. AMODIO: All of the requirements of
6 the Open Public Meetings Act have been met.
7 Notices have been furnished to all Commissioners;
8 City Clerks of Paterson, Passaic, and Clifton;
9 North Jersey Herald News; The Record - Passaic
10 County edition and the Commission's Executive
11 Staff with a copy posted at the main bulletin
12 board at the Clifton facility.

13 Roll call.

14

15 (Roll call was taken, all Commissioners
16 present respond in the affirmative)

17

18 MR. AMODIO: You have a quorum.

19 Please rise.

20 Commissioner Kolodziej.

21 (Pledge of Allegiance)

22 MR. AMODIO: Time is 6:40 p.m.

23 PRESIDENT KOLODZIEJ: We are very
24 fortunate to have some very important guests here
25 today. So what I'm going to do is ask for a

1 motion to dispense of our regular order of
2 business so we can move right into the
3 presentation.

4 COMMISSIONER DeVITA: So moved.

5 PRESIDENT KOLODZIEJ: Moved by
6 Commissioner DeVita.

7 COMMISSIONER CLEAVES: Second.

8 PRESIDENT KOLODZIEJ: Second by
9 Commissioner Cleaves.

10 Hearing no objection, so ordered.

11 You may or may not know our Executive
12 Director Joe Bella. I'm going to turn the program
13 over to him and you can introduce our guests.

14 MR. BELLA: Thank you for coming tonight,
15 especially on this terrible night.

16 Tonight we have representatives of the EPA
17 and --

18 UNIDENTIFIED WOMAN: Excuse me, can you
19 please speak into the mic? We're having trouble
20 hearing you.

21 MR. BELLA: That's always a problem,
22 right.

23 At any rate, we have representatives from
24 the EPA and the DEP to talk about the importance
25 of this very important public health project.

1 Tonight we have Jeff Gratz. He's the
2 Deputy Director of the Clean Water Division from
3 EPA Region 2.

4 We have Nicole Foley Kraft, Section Chief
5 of the Division of Enforcement and Compliance
6 Assistance from the Environmental Protection
7 Agency.

8 And Pat Seppi, Community Liaison from the
9 Public Affairs Office.

10 From New Jersey DEP we have Karen Fell.
11 She's Acting Assistant Director of Water System
12 Operations Element.

13 Fred Sickels - Acting Director Water
14 Supply & Geoscience.

15 So with that, I'm going to turn it over to
16 Jeff from the EPA to start.

17 MR. GRATZ: Good evening.

18 Is that better?

19 So first off, my name is Jeff Gratz. As
20 Joe Bella mentioned, I'm the Deputy Director of
21 the Clean Water Division of the EPA Region 2
22 office located in downtown Manhattan. And our
23 Region 2 office oversees the implementation and
24 enforcement of our environmental regulations in
25 New York and New Jersey.

1 I really want to thank Joe and the
2 Commission for having me up here this evening to
3 speak to you all.

4 I also want to express my appreciation for
5 the League of Women Voters for helping to
6 facilitate this. And Nicole Foley Kraft, our
7 Section Chief of the Division of Enforcement and
8 Compliance Assistance, as well as Pat Seppi of our
9 Public Affairs Division to help with this
10 evening's presentation and potentially keep me in
11 line if I say something that's not correct.

12 My objective this evening is very simple.
13 I want to provide you all with the health basis of
14 our drinking water regulations which all stem from
15 the Safe Drinking Water Act which is our core
16 environmental statute that protects our drinking
17 water.

18 So my presentation this evening, I will
19 try to provide you with a brief overview of the
20 Safe Drinking Water Act and some of its
21 regulations.

22 The public health findings.

23 I want to discuss uncovered finished
24 reservoirs, because I know that's a hot topic for
25 all that's here this evening; what they are and

1 what the laws are.

2 I also want to go over the EPA's
3 retrospective regulatory review. Again, a topic
4 that's been discussed in the context of Paterson
5 and Woodland Park. I want to go over what that
6 review is, what it's not, and what our
7 expectations are going forward with that review.

8 And finally, I would really appreciate, I
9 would like to answer any questions you might have
10 after the presentation.

11 Okay. The Safe Drinking Water Act came to
12 inception in 1974 -- actually, I'd like to take a
13 few steps back because before there was a Safe
14 Drinking Water Act and before there was an EPA, a
15 lot of public utilities were doing a lot to
16 protect our water supply. Back in the turn of the
17 20th century, a few water supplies, actually, I
18 know PVWC were doing some basic filtration of the
19 water. A number of plants were doing basic
20 settling. In other words, trying to settle the
21 water, taking out contaminants before it came to
22 the faucet. But the biggest change in the first
23 part of the 20th century was chlorination.
24 Disinfection through chlorination by far reduced
25 the biggest thing to reduce, waterborne diseases.

1 During this time, we made huge gains in public
2 health.

3 Interesting side note is that Jersey City
4 in 1908 was the first municipality in the country
5 who actually instituted chlorination for its
6 drinking water.

7 By the 1960s, standard drinking water
8 treatment filtration and disinfection. These
9 enhancements were driven by science, not
10 necessarily federal regulations because people
11 were beginning to understand. The folks who run
12 the water supplies and public health departments
13 were beginning to understand that there was a
14 direct connection between the water we drink and
15 the potential for disease and waterborne
16 contaminants. Public health departments and water
17 suppliers were beginning to invest a significant
18 amount of resources into water treatment. But
19 nationwide, the level of protection was far from
20 over.

21 In 1969, a study performed by the Public
22 Health Service, which is a precursor to the EPA,
23 they found that 60 percent, less than 60 percent
24 of water systems nationwide had basic standards
25 and at the same time, were finding more and more

1 industrial contaminants in our water, our source
2 water, like our rivers, lakes, and streams in many
3 cases was the source of the drinking water that we
4 drink, like the case here with PVWC.

5 So while there was no burning river like
6 the Cuyahoga in Ohio that precipitated a
7 galvanized public support for a Clean Water Act
8 which was the Act that protects the rivers, lakes
9 and streams, there was an outpouring of public
10 interest and sentiment that needed to be more
11 done, a nationwide baseline of drinking water
12 protection. And hence, the Safe Drinking Water
13 Act of 1974. It required EPA to regulate
14 contaminants which present health risks to public
15 drinking water supplies.

16 What did it require the EPA to do? It
17 required the EPA to create standards, maximum
18 contaminant levels. It required establishing
19 monitoring requirements. It required water
20 suppliers to keep records and to notify the public
21 in case there was a problem with their drinking
22 water.

23 The goal was pretty straightforward:
24 Ensure public water suppliers to protect consumers
25 from harmful contaminants.

1 So I'm going to go over a few updates of
2 the law, not because I want to bore you, but I
3 want to show you that over time the more knowledge
4 that we gained about that connection, the
5 connection between our drinking water, waterborne
6 contaminants and disease or waterborne outbreaks,
7 the more that we saw the EPA changed the law to
8 address those risks and to ensure that the public
9 was continuing to be provided with a healthful
10 water supply, drinking water supply.

11 Congress had two concerns with EPA I want
12 to tell you about.

13 One is EPA is not proceeding fast enough
14 to develop safe drinking water standards.

15 And second, there were, as we learn more
16 of the science, we learn about the implementation
17 of our regulations. We learned that there were
18 deficiencies in the safe drinking water:

19 One, it wasn't doing enough to protect
20 against disease-causing microbial contamination.
21 It didn't do enough to address synthetic
22 chemicals, oftentimes, we were finding these in
23 our ground-water supplies which is a source of
24 drinking water. And it didn't do enough to
25 address drinking water, the threat to drinking

1 water from surface water sources.

2 I want to focus on this last piece because
3 that really has a lot to do with, very pertinent
4 to the PVWC system here in Paterson.

5 So what did the update require?

6 It required disinfection of all public
7 water supply and filtration. It was implemented
8 through the Safe Surface Water Treatment Rule. It
9 required treatment to reduce the occurrence of
10 disease-causing microbes. 99.9 percent
11 removal/inactivation of *Giardia*. 99.99 percent
12 removal of viruses. And continuous disinfection
13 in the distribution system to protect against
14 bacteria. The idea being that this can all be
15 achieved, this treatment level, can all be
16 achieved by moderate, well operated, well
17 maintained transition like the one we have here
18 with PVWC.

19 This requirement raised the bar nationwide
20 to a level playing field and, basically, this
21 ended up making significant improvements in
22 drinking water quality across the country.

23 Let's discuss finished water reservoirs.
24 Take a step sideways. I know that's why a lot of
25 us are here this evening to hear about finished

1 water reservoirs.

2 First I want to go over what is finished
3 water?

4 Finished water is water that's been
5 treated. It's been purified. It's ready to go
6 into your distribution system. It's ready to go
7 to the tap. It's ready for you to drink. That's
8 finished water.

9 Finished water reservoirs; why do they
10 exist in the first place, or tanks?

11 Oftentimes, they're called balancing
12 reservoirs as the demand for water, drinking
13 water, changes throughout the day. These
14 balancing reservoirs provide some stability for
15 the pressure of the distribution system. They
16 also provide our source of water, large source of
17 drinking water, or something for emergency
18 purposes. And again, they provide flexibility to
19 a system which is definitely needed here at PVWC.

20 So let me discuss a little bit. There are
21 about 10,000 finished water facilities; they could
22 be tanks, they could be reservoirs across the
23 country. Most of these are tanks. By the early
24 '70s, there were 750 uncovered finished water
25 reservoirs, uncovered treated water reservoirs

1 left in this country. That number went down to
2 300 in 1992 and it continued to decrease at 81 in
3 2006.

4 This trend is important to understand.
5 This was before there were any regulations, any
6 federal regulations that required these reservoirs
7 to be addressed. So why is that? Why was this
8 significant? With no regulatory requirement, why
9 was this being done?

10 Numerous studies showed that drinking
11 water quality deteriorates in open reservoirs.
12 They are vulnerable to recontamination.

13 More disease outbreaks were pointing to
14 contaminated drinking water as the source.

15 Open finished treated purified water
16 reservoirs are the weakest link. This is after
17 treatment, the water is re-exposed and then goes
18 to the tap, goes to the distribution system.

19 Municipalities wanted to protect their
20 infrastructure investment. Uncovered, unprotected
21 purified water reservoirs were seen as a huge
22 vulnerability.

23 The state health departments began to
24 require covers.

25 So why are we concerned?

1 Waterborne pathogens is one.
2 Cryptosporidium. Giardia lamblia. Bacteria.
3 Viruses.

4 Why? They cause illness. Symptoms
5 include: Diarrhea, cramps, nauseous, fatigue,
6 vomiting. These risks are greater and the
7 symptoms are greater with those who are very young
8 and those who are elderly and those who are
9 immunocompromised.

10 What are the potential sources of
11 contamination?

12 Surface water runoff from the watershed:
13 Pesticides, oil, pathogens, metals, you name it.

14 Birds and animals around the watershed.
15 Their waste.

16 Algal growth. Fish and insects. People;
17 what people can do.

18 So this is what we worry about generally
19 prior to treatment. This is what the Safe
20 Drinking Water Act is all about. This is what the
21 Surface Water Treatment Rule is here to protect
22 against.

23 This is not something we should be worried
24 about after treatment, but when you have a system
25 that has an uncovered reservoir, three uncovered

1 reservoirs like you have here in Woodland Park and
2 Paterson, you do.

3 As soon as that water that comes out of
4 the treatment system and goes into the reservoirs
5 and is subject to a watershed, that contamination
6 is subject to recontamination and subject to the
7 very same things that you've been spending a lot
8 of money as a community to try to protect against.

9 So here it is: Two creatures that are
10 potentially carriers of disease-causing microbes
11 that contaminate our drinking water.

12 In fact, just as a side note, Joe and the
13 folks at PVWC were kind enough two weeks ago to
14 take me on a tour, very quick drive by tour of
15 your three water reservoirs here: The Great
16 Notch, New Street, and Levine. And it was an eye
17 opening experience for me. We saw a deer walking
18 along the shores of the Great Notch Reservoir. We
19 saw ducks waddling on the reservoir across the
20 street at Levine Reservoir. We saw geese right
21 along the reservoir.

22 This is not what you want to see on your
23 finished, treated, purified drinking water,
24 looking now to realize this is drinking water.
25 This water is going straight into the

1 distribution. Minor dose of chlorination to keep
2 the basic residual. But this is the water and
3 it's the water supply at risk.

4 So let's talk about waterborne disease
5 outbreaks.

6 With increased federal drinking water
7 protection, waterborne disease outbreaks are
8 detected in community water systems moved down
9 over time from the very large number of 20 to 30
10 per year in the '70s, five to ten per year by
11 1990.

12 So I want to highlight. There are still
13 major outbreaks. Three of those are all outbreaks
14 through the system, through the water from surface
15 water like you all.

16 First is Carroll County, Georgia in 1987 -
17 Cryptosporidium outbreak. Basically, one third of
18 the population, 65,000, got sick with
19 Cryptosporidium.

20 Gideon, Missouri in 1993 - Salmonella.
21 Salmonella outbreak. Small town, over half the
22 population. People died. In this case, they were
23 able to trace the source back to a bunch of
24 pigeons that were sitting on top of an open large
25 tank with their purified, treated drinking water.

1 And finally, one that some of you might
2 have recalled from the News, in 1993, Milwaukee,
3 Wisconsin - Cryptosporidium outbreak. Four
4 hundred thousand people got sick; over a hundred
5 people died. Those who died were those mostly
6 with immunocompromised systems, cancer.

7 An important point I want to make here is
8 those outbreaks happened in communities where the
9 water supplies met EPA standards, met EPA drinking
10 water standards. This was a wake up call to the
11 EPA and to Congress to relook at the Safe Drinking
12 Water Act and address Cryptosporidium, which is as
13 we learned, is highly resistant to disinfection.

14 So this is the last update of the law I
15 want to highlight for you. Again, this update
16 addressed Cryptosporidium. It required additional
17 measures to be taken for surface water systems.
18 And also I want to highlight they require the EPA
19 to relook at every drinking water regulation, all
20 70 plus of them, every six years. That's
21 important. We discussed the retrospect review.

22 So let's discuss briefly what this rule
23 required. First of all, it's for ten years
24 between when it was passed and EPA came out with
25 what's called LT2, Long-Term 2 Enhanced Surface

1 Water Treatment Rule, underwent enormous public
2 input. A lot of data collection from water
3 suppliers. And a lot of science evaluation.

4 The idea was the EPA wanted to be
5 strategic with additional regulations and
6 protection. Measures needed to be put in place.
7 It required, I listed in these bullets here some
8 of the initial requirements:

9 It required for the first time
10 inactivation of Cryptosporidium.

11 Enhanced monitoring of source water.

12 It required unfiltered systems to treat
13 99 percent Cryptosporidium inactivation.

14 And finally, required existing uncovered
15 finished water reservoirs to treat or to cover to
16 protect against recontamination.

17 So why this retroactive requirement?

18 Again, as the science and data, as we continue to
19 learn more about the science and data and the
20 risks associated with the connection of our
21 drinking water, of waterborne pathogens and
22 contaminants and outbreaks of illness, the more we
23 learn and the more we realize to address those
24 risks for regulations and you can provide all the
25 treatment you want, you can rant about the

1 regulations as much as you want, but in those
2 systems, basically, you're taking that treated
3 water and discharging into an open reservoir, a
4 watershed. You're essentially subjecting that
5 water to recontamination and taking away the very
6 protections that you just tried to include.

7 The last bullet is public health benefits.
8 Part of the 2006 Rule, the EPA reduced incidence
9 of gastrointestinal illness nationwide with an
10 estimate between 100,000 and 1 million reductions
11 through the implementation of this Rule.

12 This is an important note. Note the large
13 number of reduced illnesses, reduced expected but
14 we're told by highlighting that there was really
15 pretty much a small amount of disease outbreaks.
16 So you would expect a large number of outbreaks to
17 correspond with that level of illness, but we're
18 talking about detected outbreaks.

19 This is important. When people get sick,
20 when they have gastrointestinal problems,
21 generally, they think it's the flu. Rarely will
22 they go to the doctor or rarely will they go to a
23 hospital. Generally, if they do, they will get
24 treated for the symptoms and rarely then will they
25 actually end up getting a stool sample to find out

1 what the source might be, whether it's
2 Cryptosporidium.

3 So my point is there's a huge amount of
4 unreported problems, but we know they're there.
5 We have the science to show it.

6 In addition, there are very few active
7 disease surveillance programs in this country,
8 very few. So an outbreak is rarely protected
9 until it gets very large. We don't have a system
10 in place nationally or statewide that protects the
11 small sized, the medium sized outbreak. So while
12 the number of outbreaks may be very small, they
13 strongly suggest that the actual number of
14 outbreaks is larger and the number instances of
15 illness may be directly attributable to drinking
16 water is quite large.

17 So back to the weakest link in the system:
18 Uncovered treated water reservoirs. As I
19 mentioned, there were 81 back in 2006. There are
20 26 now that remain in five states. Half of those
21 are in the New York/New Jersey area. All
22 remaining uncovered reservoirs are not in
23 compliance with the state-approved schedules to
24 meet the law with completion dates ranging from
25 2015 to 2028.

1 So the EPA's retrospective review. This
2 is a subject to some discussion. I want to
3 discuss it here with you all this evening.

4 Drinking water law, the Safe Drinking
5 Water Act updated in 1996 requires the EPA to
6 review all of its drinking water standards on a
7 six-year cycle. LT2 is one of those. There are
8 numerous other EPA state rules and regulations
9 that I want to go over with you. For example, on
10 the Clean Water Act, that's the law that protects
11 our rivers, lakes, and streams, all the safe water
12 quality standards are the equivalent to a
13 three-year triennial cycle.

14 I have two points to make. One is this
15 review, the LT2 review, is not unique. There is
16 no flaw. No new information to suggest the
17 regulation in particular had to change. It's part
18 of the EPA cycle.

19 And second, the EPA and the states
20 oftentimes, the states often implement and enforce
21 EPA statutes do not stop protecting public health.
22 They don't stop implementing the law and they
23 don't take a timeout from enforcing it, while in
24 any particular law or regulations.

25 And same thing for the LT2. It just

1 reinforces the point. I can tell you the LT2
2 Rules, there's no new science, there's no new
3 data, there's no new technological information,
4 there's nothing from health information that shows
5 anything that provides a level of health
6 protection that's equivalent to covering,
7 otherwise, taking off on these treated, finished,
8 purified water reservoirs.

9 So as you can probably tell, we would not
10 advise or we would not support, basically, a
11 two-year timeout. We sit on our hands and wait
12 for the EPA's rule review to run its course. We
13 think these uncovered treated water reservoirs
14 must be addressed. And frankly, with all we know
15 about them and the fact that they have entire
16 watersheds that drink water into these finished
17 water reservoirs, I would not be doing my job if I
18 was standing up here saying: Let's take a couple
19 of years and see what happens.

20 So let me just provide a very brief recap.
21 The vast majority of waterborne disease outbreaks
22 and cases, illness are never identified and
23 reported.

24 Open reservoirs containing purified water
25 are the weakest link in the treatment train and

1 they are highly susceptible to recontamination.

2 Addressing these reservoirs also addresses
3 ongoing compliance problems and provide system
4 flexibility. I know that's the case here with the
5 Passaic Valley Water Commission.

6 Protecting a very valuable infrastructure
7 asset. Again, you know, there's a lot of
8 resources, a lot of money, a lot of folks do a lot
9 of work to protect and treat this water supply.
10 You start to peel away that level of protection as
11 soon as that water enters open, uncovered, treated
12 purified water. It's subject to recontamination.
13 It's the very contaminants you do a lot of work to
14 try to protect.

15
16 (Whereupon, Commissioner Levine is present
17 at 7:05 p.m.)

18
19 MR. GRATZ: Those federal standards are
20 solely to protect those who drink the water.

21 So I hope I'm fairly clear in trying to
22 provide the health basis in the EPA regulations.

23 We got folks from New Jersey DEP here and
24 also the PVWC who can help to talk and discuss the
25 path forward to address some of the issues that

1 DEP come up and then revert the questions.

2 MR. GRATZ: However you want to do it. If
3 folks have questions about the federal law and our
4 regulations, again, I'm welcome to answer them.
5 I'm sure a lot of the questions will be about the
6 specifics of the here and the specifics of --

7 PRESIDENT KOLODZIEJ: There's a little bit
8 of confusion here. I kind of think it would be
9 helpful, since we've been doing this for eight
10 months on our regular meetings monthly, if we can
11 have the DEP just comment and then we'll turn the
12 meeting over to our public.

13 Colleagues, I would ask you to hold your
14 questions till the very, very end and allow our
15 guests and public to ask their questions first, if
16 that's okay.

17 MR. BELLA: I'd like to thank Congressman
18 Pascrell, Senator Menendez, and Senator Booker for
19 expediting the EPA here tonight and really driving
20 on their part. And the presentation was very
21 informative.

22 So that would be Fred Sickels from the
23 DEP.

24 MR. SICKELS: First of all, I think that's
25 an excellent presentation, Jeff. I think he

1 outlined and described the basic concerns and the
2 basis behind all of this activity on protecting
3 public health. I'm not going to add to that. I
4 think he did a great job.

5 There are times when the DEP and EPA will
6 have an honest and open healthy debate on certain
7 things that come down from the Federal Government
8 to the State. In this particular case, though, I
9 think there's total concurrence on what we're
10 trying to do here and the importance of taking
11 action here. There's not a lot of debate from our
12 health experts and people that run our water
13 programs and the DEP's position on this as far as
14 public health protection. So it's one of those
15 times when we have pretty sound agreement.

16 We do believe that something has to be
17 done. It cannot continue to be used as they
18 currently are. Having said that, it also came to
19 our attention, we understand that there's some
20 historic significance. There's some aesthetic
21 issues. And what we've done as a department and
22 this is sort of phase one, I believe, is we've
23 been reaching out to certain stakeholders and we
24 agree that there is some time to maybe back off
25 the time schedule for making each phase get done

1 at a certain time.

2 However, they have to be productive
3 delays. It's not, as Jeff said, just waiting for
4 what would happen in that magic 2016 date when
5 somehow this is all going to be taken care of. We
6 don't have a problem delaying, if we can engage
7 certain stakeholder groups. Let PVWC run through
8 their analysis. Let the people see what they've
9 done. Let people bring, perhaps, another
10 perspective, and then how do we solve this health
11 problem. But also do it within the confines and
12 needs of the locals, if we can. It's very
13 possible we could go through this whole analysis
14 and look at alternatives and end up back with
15 what's in front of us today.

16 But the Department will back off those
17 timelines to give the stakeholders an opportunity
18 to make their presentations, their ideas. We
19 understand sometimes people that live in the
20 neighborhoods have other ideas that maybe haven't
21 been considered. So that's what we're willing to
22 do.

23 We will start those shortly and, again,
24 we've talked to a couple of mayors already. We've
25 been up to talk to the PVWC Executive Director to

1 start these things. My commissioner from the DEP
2 is on board with let's give PVWC some time. So
3 that's basically what I'm saying here.

4 We have no debate over the technical data.
5 We will work with the communities to see and make
6 sure that one, that people, they may never be
7 happy, but at least they understand the process
8 and it was done properly and all considerations
9 were under review. But at the same time, there
10 are limits to what you can do within the confined
11 spaces and the needs.

12 We will be reaching out to the
13 stakeholders in the very near future to start
14 these meetings and have some workgroups all with
15 the context we're going to be doing something over
16 this time of delay. We'll have a defined end
17 point, it's not going to be just continuing
18 looking. There's going to be a plan.

19 So thank you very much.

20 PRESIDENT KOLODZIEJ: All right. Since
21 this is a meeting, I want stay in correct
22 parliamentary procedure.

23 We are now at the portion of our meeting
24 where it's the public portion. Our rules, we ask
25 you honor our three-minute comment. There is a

1 wonderful mic over there for you to use. And we
2 have all our experts here that will try to do
3 that.

4 Dawn Clarke, from the League of Women
5 Voters, will monitor this public portion. Some of
6 you were kind enough to hand in cards with your
7 written questions, so she will go through those
8 first. And then when we're finished with those,
9 then if you would come to the mic, but we'll do
10 that first. Okay.

11 Here we go.

12 MS. CLARKE: Thank you very much. And I'm
13 very glad to be here to facilitate this question
14 portion of the evening.

15 Great people. It's pretty wet out there,
16 so you apparently care a great deal about your
17 water supply.

18 I've already gotten a number of cards and
19 there's a few questions on them, but not too many.
20 So I think probably the best thing to do is we
21 will take the cards and I will try very hard to
22 get your name straight. I would ask you then to
23 move up to the microphone and, please, as
24 concisely as possible, address the issue and ask
25 the question. And if you know to whom you want to

1 ask the question, that's always helpful.

2 Let's start with a gentleman named Harry
3 Decker. He's concerned about our alternative
4 sites for tanks and is there any prospect of that.

5 Are you Mr. Decker?

6 MR. DECKER: Yes.

7 MS. CLARKE: Would you go to the mic and
8 state your question a little bit more completely,
9 Mr. Decker.

10 Do you want to address it to the DEP?

11 MR. DECKER: Yes. Thank you very much.
12 My name is Harry Decker. I hope you can all hear
13 me.

14 I'm from Elmwood Park. I'm a long-time
15 resident of Bergen and Passaic County. I'm very
16 familiar with the Garret Mountain Reservation.
17 For years I biked up there with my friends. We
18 watched the migrating birds in the spring and the
19 fall. We love the outdoors. We love the scenery.
20 It gives us great pleasure to roam around the
21 mountains and we treasure Garret Mountain and
22 Woodland Park. We hold it dear in our hearts. It
23 means a lot to us.

24 I just want to start off as an
25 introduction to say: Two weeks ago, the citizens

1 of New Jersey decided they want open space. We
2 know that open space costs money, but we were
3 willing to make that sacrifice. Now we have a
4 consensus in New Jersey that we like open space.
5 Now we're confronted with a situation where the
6 regulations are going to take away open space.

7 Now, I saw the presentation. I see the
8 importance of water quality. I like water
9 quality. I drink water from the tap. I don't
10 drink bottled water. I never had a problem, but
11 that doesn't mean there could be problems in the
12 future. However, I do want to state that the
13 Passaic Valley Water Commission supplies us all in
14 the county with reports annually in which they
15 report on contaminants in the water. And every
16 year that I've read these reports, the reports
17 indicate that there's no problems. That the water
18 is safe to drink. All the standards of the EPA is
19 met. Now, that doesn't mean, and I'm not naive to
20 believe that we're going to not have problems in
21 the future.

22 I'm here really not to talk about that.
23 I'm here to talk about alternatives to the plan.

24 At the present time, the plan goes to
25 drain the reservoirs, three reservoirs, and put

1 the water tanks in these reservoirs.

2 Now, most of the people and the articles I
3 read, the objective, like I said before, it's a
4 beautiful area. We don't want to lose it. What
5 I'm here tonight to talk about is alternate sites.

6 Now, I'm sure the Passaic Valley Water
7 Commission is familiar with the area as I am. On
8 New Street, there is two abandoned rock quarries.
9 They're both, I would say, about 500 yards south
10 of the Stanley Levine Reservoir. And the first
11 quarry is quite large. I would say it's about 20
12 acres. You can correct me if I'm wrong. That's
13 probably about 800,000 square feet. Twenty acres,
14 incidentally, in my mind, could hold at least five
15 tanks, maybe seven or eight water tanks depending
16 on the size of the tanks. And these tanks
17 wouldn't bother anyone.

18 And the site, as I see it, I'm an
19 engineer, the site is basically, both quarries are
20 level and require very little site preparation to
21 put in tanks. The foundation is --

22 MS. CLARKE: Mr. Decker, we're moving up
23 on time.

24 MR. DECKER: I'm out of time?

25 MS. CLARKE: We would ask Mr. Sickels to

1 prevented me from speaking my peace.

2 MS. CLARKE: Continue, Mr. Decker. Try to
3 move it along, please. Thank you.

4 MR. DECKER: Well, I'm off stride right
5 now but I'll try to pick up the pieces.

6 There are, like I said, two rock quarries
7 there perfectly, in my mind, suited for tanks.
8 And you wouldn't have to drain the Stanley Levine
9 Reservoir to do it. And you wouldn't have to
10 drain the New Street Reservoir either. There's
11 room in those quarries to put in tanks.

12 Now, one of the points was that you have
13 to supply new piping because you're going to do
14 this anyway. So the fact that you're going to
15 move the tanks to the New Street Reservoir, you're
16 going to have new piping anyway.

17 So what I'm suggesting is that the Passaic
18 Valley Water Commission and the EPA take a good
19 look at alternate sites, not only those quarries,
20 there are other sites that could be utilized.
21 Before we rush into draining the reservoirs and
22 going on with the project, look for new sites so
23 we don't have to destroy the reservoirs.

24 MS. CLARKE: Thank you.

25 MR. DECKER: I wanted to say, too, is that

1 as I recall in 1974, 1973 when the EPA started,
2 they promised us, give us the mandate and we will
3 make your rivers and streams suitable for swimming
4 and fishing. It didn't happen. Passaic River is
5 still polluted. I don't --

6 MS. CLARKE: Thank you.

7 MR. DECKER: There's fish --

8 MS. CLARKE: That's another question.

9 MR. DECKER: Saddle River is also -- we
10 can no longer fish in Saddle River.

11 MS. CLARKE: That's another issue and
12 let's go to this one first about alternate sites,
13 can we please.

14 MR. BELLA: As many of you know, the
15 Commission investigated those sites and that site
16 in particular was one that we had looked at right
17 from the very beginning. Unfortunately, because
18 of the elevation, it would over-pressurize the
19 system because it is at a much higher elevation
20 than the Levine Reservoir.

21 Also, the cost of that would be about
22 another \$20 million. That's without acquisition
23 costs. So we were talking about \$20 million
24 there.

25 That probably would be a better spot to

1 leave open and make it an open space or park or
2 something like that at some point than for our
3 purposes. We did look at that and we looked at it
4 again in a formal engineering report, which is
5 available and it's on line.

6 UNIDENTIFIED MALE: Did I hear you
7 correct, you're saying the elevation is incorrect?

8 MR. BELLA: That's correct.

9 UNIDENTIFIED MALE: They're on the same
10 level --

11 MR. BELLA: They're not.

12 UNIDENTIFIED MALE: -- As the Stanley
13 Levine Reservoir.

14 MR. BELLA: They're not.

15 MR. DECKER: What are they 10, 20 feet
16 different? You need to bring the water down for
17 treatment. They're four or 500 feet above Little
18 Falls.

19 MR. BELLA: We can send you a copy of the
20 report. You can take a look at it and it has all
21 the details.

22 UNIDENTIFIED MALE: Were there other sites
23 investigated?

24 MR. BELLA: Yes, we did.

25 UNIDENTIFIED MALE: Tell us about it.

1 MR. BELLA: Some of you weren't here for
2 that presentation.

3 We also looked at a site over on the other
4 side of the Great Falls. It was going to be a
5 development condominium. It's the right elevation
6 and we looked at that and the problem -- well,
7 again, there that was an extra, that was about
8 another between ten and \$15 million more than the
9 existing cost. However, that would probably have
10 a bigger impact on the national park because it's
11 right abutting the national park right there by
12 the Valley of Rocks. And so that would probably
13 not be a good spot for that because you would have
14 a view of those tanks from the national park. So
15 that's one of the reasons that was discounted.

16 UNIDENTIFIED MALE: No other sites?

17 MS. CLARKE: Thank you.

18 MR. BELLA: There was one other site right
19 along Route 80. It was far too small to fit that
20 in there. And there was other sites we tried to
21 look at. It was very difficult; topography was
22 rough.

23 MS. CLARKE: What you're saying is if any
24 of the people would like to come and view those
25 studies, they're welcome to come. So Mr. Decker

1 and the other gentleman should avail yourself of
2 that opportunity.

3 MR. BELLA: Many of them are on our
4 websites.

5 MR. DECKER: I don't have any other
6 questions.

7 MS. CLARKE: Is that efficient?

8 All right. Let's then see if we can move
9 onto another statement. I'm not sure I can read
10 that. Is it Bill Winters (sic)?

11 MR. LINTERIS: Linteris.

12 MS. CLARKE: Linteris.

13 Could you please step up tonight. And
14 what issue would you like to address and do you
15 know who you want to address?

16 MR. LINTERIS: I said I have a prepared
17 statement on the card. I have a statement.

18 MS. CLARKE: Okay.

19 MR. LINTERIS: Thank you.

20 Good evening. My name is Bill Linteris.
21 I'm the President of Passaic County Board of
22 Realtors. I would like to thank you for coming
23 out here to hear the concerns of the community who
24 will be affected by the plans approved in response
25 to the LT2 Rule to drain the Levine, Great Notch,

1 and New Street Reservoirs and replace them with
2 concrete tanks.

3 Over the last year, the Passaic County
4 Board of Realtors has worked to bring this issue
5 to the attention of residents near these
6 reservoirs as well as ratepayers who will pay the
7 cost to drain and replace them with tanks.

8 We became involved in this issue after
9 learning from Woodland Park Mayor Keith Kazmark
10 that not only was this approved by the Passaic
11 Valley Water Commission, but it was done largely
12 out of the public eye. Since that time, community
13 opposition has grown to this plan; as expressed at
14 the public meetings the Water Commission has now
15 held where not one member of the public came out
16 in favor of this plan.

17 In addition, opposition has spread among
18 our elected officials with nearly 30 towns and
19 Passaic County adopting resolutions against this
20 plan. Our State and Federal legislators either
21 coming out against the plan or calling for a
22 meeting such as this and legislation being
23 introduced in Trenton.

24 In fact, the Passaic Valley Water
25 Commission has now adopted a Resolution asking for

1 a long-term stay of the Consent Order with the New
2 Jersey Department of Environmental Protection
3 through 2016 whereupon completion of the LT2 Rule
4 review.

5 We continue to advocate for this request
6 to be granted, as it is not only prudent until a
7 rule review is complete, but also gives the Water
8 Commission time to continue holding public
9 meetings and looking at alternatives to draining
10 these reservoirs such as water treatment or
11 off-site locations which they are now considering
12 for Levine and Great Notch.

13 Let me make it clear, the Passaic County
14 Board of Realtors strongly feels that regardless
15 of the EPA's decision, all three reservoirs must
16 be preserved in their current state. Draining and
17 replacing them with tanks will not only diminish
18 the beauty of the area around the Great Falls of
19 Paterson and Garret Mountain in Woodland Park, but
20 also lead to lower property values and higher
21 water rates.

22 In closing, I urge you to take in concern
23 the comments you hear tonight, as well as those
24 already expressed at prior meetings by over 1,000
25 people who have signed a petition opposing this

1 plan so that we may work together to save the
2 Levine, Great Notch, and New Street Reservoirs.

3 Thank you.

4 MS. CLARKE: Mr. Linteris, would you make
5 that available to the Board, your written copy?

6 MR. LINTERIS: Absolutely.

7 MS. CLARKE: Thank you.

8 We have someone else who would like to
9 speak. A Mary Ann Sgobba.

10 MS. SGOBBA: I have a question.

11 MS. CLARKE: A question.

12 I'm sorry if I mutilated your name.

13 To whom do you want to address the
14 question?

15 MS. SGOBBA: This is for the EPA.

16 Does the EPA take into consideration the
17 effect this Rule will have on the taxpayers
18 responsible for paying the \$135 million tab?

19 MR. GRATZ: I have a couple of thoughts on
20 that. One - we also have to consider the cost to
21 ratepayers if they don't cover and there is God
22 forbid some type of waterborne disease outbreak.
23 And the fact that there are many of us here
24 tonight who expect that when we turn on our tap,
25 we're getting fresh, safe drinking water. And

1 that's what we're trying to do this evening, we're
2 trying to tell, EPA is trying to tell you and
3 inform you that the fundamental reason for these
4 regulations is to protect your drinking water, to
5 protect you all against waterborne disease.

6 The costs associated, we know it's not
7 negligible. However, I would leave it to the
8 State who basically speaks to the time frames for
9 entering into consent decrees and requiring how
10 long it takes for that action to be taken. And I
11 think the State generally is very cognizant of the
12 cost and try to place that cost into context of
13 what the requirements are for the regulation.

14 So I think the State tries to acknowledge
15 that and incorporate that with its consent decrees
16 and I think the EPA's certainly aware of the cost,
17 but it's also aware of the cost of doing nothing.

18 MS. CLARKE: Thank you.

19 MS. SGOBBA: Question to the State. Have
20 they calculated the cost to the taxpayer?

21 MR. SICKELS: I'm not in a position. I
22 will speak to the long-term financing of this
23 project, but the State does make money and funds
24 available, really below, far below market rates to
25 assist that over time. We were talking about

1 calls --

2 MR. BELLA: That's correct. We generally
3 take 20-year bonds so that the costs don't go too
4 far out and so that at least with room later on,
5 if we have to do another project, we're not
6 waiting for bonds.

7 But it's on our website, just in case I
8 gave the wrong number.

9 MS. CLARKE: Are you sure they know the
10 website address?

11 MR. BELLA: Passaic Valley Water
12 Commission --

13 COMMISSIONER BAZIAN: PVWC.com.

14 MS. CLARKE: PVWC.com.

15 COMMISSIONER BAZIAN: It couldn't be
16 easier; PVWC.com.

17 MS. CLARK: Okay. PVWC.com.

18 If we're done with that, we have Rick
19 Rodriguez. Is that you?

20 MR. RODRIGUEZ: That's me.

21 MS. CLARKE: Okay. Can you walk all the
22 way over there or just...

23 MR. RODRIGUEZ: Hi, I'm Rick Rodriguez.
24 The EPA has come to know me as "The River Man". I
25 spend an awful lot of time at the Passaic River

1 cleaning it.

2 I think about year and a half ago I took
3 the then mayor down to one of the local catch
4 basins down at the Passaic River and I saw what a
5 disaster it was. And at that point I realized
6 something had to be done.

7 Thus, in the last year and a half, I spent
8 hundreds of hours in the Passaic River cleaning it
9 up; lots of projects, lots of media coverage. And
10 actually, I have an island. It's Totowa 46.
11 There's about a hundred people on this thing. So
12 actually the Passaic River is very strong.

13 One of the things that sometimes we tend
14 to forget about is water. In fact, I turned on my
15 faucet tonight. This is my drinking water. I
16 then before the meeting, went over to Woodland
17 Park to the marina where I operate out of all the
18 time and I decided to bring the river to you guys
19 tonight.

20 And I wanted to keep an open mind. I've
21 gone to two other meetings and I said: Well, most
22 of my associates were very much against the
23 project. And I said before I draw a conclusion,
24 let me find out more about it. Let's be
25 intelligent, not emotional.

1 So I started to talk to Joe Bella and he
2 was kind of enough to spend about three to four
3 hours taking me through the facility that shows
4 what they do to make this water treatable. Then
5 we spent another three, four hours another day
6 looking at all different sites. And at the
7 conclusion, there was a couple of things that were
8 real obvious to me. Something has to be done.

9 I was looking at one of the reservoirs and
10 I couldn't believe how much algae was actually on
11 the bottom. And so what he shared with me is
12 where some of the water enters the reservoirs,
13 there's certain sections where there's not a lot
14 of room for water and consequently, the bacteria
15 and sporidium tend to get pretty nasty.

16 And so spending as much time as I do at
17 the river, that being my concern. Also, as a
18 realtor, you know, property value is very
19 important to me. And so some of the questions I
20 was asking Mr. Bella was:

21 Well, if this is something that has to be
22 done, okay, obviously, it has to be a
23 conversation.

24 And in other places where they put these
25 tanks, what was the average change in the value of

1 the properties? Was there specific number? Eight
2 percent? Ten percent? Twenty percent? So that
3 that could come to the table.

4 The bottom line I think is that, I think
5 it would be helpful, Mr. Bella, if you were able
6 to arrange a group tour to come to the facility
7 and see what I saw; because what I saw, when I see
8 how much effort is made to make our drinking water
9 drinkable, I was surprised. And then when I went
10 to the reservoirs and saw the condition of the
11 water of the reservoir, I said: Spend that much
12 money for them as jacked up as they were
13 afterwards, I said it seems like a horrible waste.

14 So how do you compromise with the people
15 that have properties by these facilities? Can you
16 make these tanks deeper to the ground? I know
17 it's more expensive, but if there's a compromise,
18 maybe that's something that would work. Something
19 has to be done, it's obvious.

20 And so, Mr. Bella, is it possible, could
21 you make yourself available, let's say this
22 Saturday? And perhaps the Great Falls, maybe get
23 a bus, whatever it is. Invite everybody here to
24 see what it is you do; because I think once they
25 see what's involved with making this water clean

1 and how it comes out, that these people perhaps
2 can understand why this needs to be done.

3 The compromise is difficult. But it has
4 to be on both sides.

5 I spent about three hours going to each of
6 the reservoirs. I spent a total of eight hours
7 looking in the facilities and looking at the
8 reservoirs. The homeowners, you determine what
9 would be a suitable compensation for them. So
10 perhaps you can invite everybody.

11 MR. BELLA: I'd like to do that. I've
12 invited people previous to this. Some people have
13 taken me up. I've taken them on individual tours.
14 I'll be more than happy to take you on individual
15 tours. I'll be more than happy to set it up. An
16 actual Saturday probably would be the best. This
17 Saturday might not be so good. But I would
18 really, in fact, it's one of my favorite things
19 taking people around seeing the treatment plant,
20 because it really, you know, is the state of the
21 art treatment plant. I have people from all over
22 the world. I just hosted mayors from Guatemala to
23 come in. So we've had people from Belgium, the
24 Philippines. And, you know, just all over the
25 world.

1 So, you know, the Commission has, over the
2 years, has done a fantastic job in protecting that
3 aspect. And this is something asked about, the
4 cleanliness of the Passaic River. But it really
5 has been much cleaner than it used to be. But
6 still the fact is, it's one of the most used
7 watersheds in the country, so that level of
8 treatment is absolutely necessary.

9 So what we'll do is we'll announce and
10 we'll do a public thing. I'll put it on the
11 website and we'll set up a Saturday and convenient
12 for everybody.

13 MR. RODRIGUEZ: Is it possible to get a
14 bus?

15 MR. BELLA: I suppose we'll look into it.
16 All right. For you. And what we'll do is we'll
17 meet there, we'll meet in our auditorium of the
18 treatment plant and I'll give you an overview of
19 the process and take you through the plant. It's
20 really a good thing to see.

21 MR. RODRIGUEZ: I have one other question.
22 Okay.

23 Once the water goes into the reservation,
24 the reservoirs, okay, is there one final treatment
25 that happened before it goes into the pipes to our

1 faucets?

2 MR. BELLA: The only thing we do is we add
3 one dose of chlorine. And the problem with that
4 is: We have this huge treatment plant, multiple
5 barriers to allow the pathogens or chemicals,
6 whatever you want, into the system. So it's just
7 not the way. The water quality in the reservoirs
8 deteriorate to the point where it needs to be
9 protected or more barriers. So that's the
10 problem.

11 MS. CLARKE: Thank you.

12 MR. RODRIGUEZ: Thank you.

13 MS. CLARKE: Can we move then. I have a
14 card from Gena Deroche.

15 Do you have a question?

16 MS. DEROCHE: I have a statement to make.

17 MS. CLARKE: Okay. A statement.

18 MS. DEROCHE: I am looking at a document
19 from the EPA dated August 19th, 2011, from Lisa
20 Jackson who was then head of the EPA. It's a
21 letter to the Honorable Senator Charles Schumer
22 and Mr. Schumer had written to Lisa Jackson with
23 regard to a particular reservoir in Yonkers called
24 Hillview. And I would like to read parts of this
25 particular letter from Lisa Jackson, the head of

1 the EPA:

2 "Hillview may be an example of a reservoir
3 with specific structural and other characteristics
4 that warrant further review. As part of the
5 agency's final plan for periodic retrospective
6 review of regulations as well as the Safe Drinking
7 Water Act, the agency will review the LT2 Rule.
8 In doing so, EPA will reassess and analyze new
9 data and information regarding occurrence,
10 treatment, analytical methods, health effects, and
11 risk from viruses Giardia and Cryptosporidium to
12 evaluate whether there are no new or additional
13 ways to manage risk while assuring equivalent or
14 improved public health protection.

15 Our current agreement with the City of New
16 York does not require construction of the cover
17 until," are you sitting down, "2028."

18 Chuck Schumer got from the EPA a 17-year
19 blankety-blank extension. So I ask the EPA, both
20 the State and the Feds, our senators and
21 representatives deserve no less consideration than
22 the Honorable Chuck Schumer. And we respectfully
23 a request a 17-year extension.

24 Now, with regard to the lovely slides that
25 we saw this evening, I'd like to address the fact

1 that Cryptosporidium seems to be so high on the
2 list of health concerns of the EPA. However, the
3 Centers for Disease Control and Prevention on
4 their website very clearly list the incidents of
5 Cryptosporidium cases in the entire State of New
6 Jersey. May I remind everybody that we are the
7 most densely populated state in the nation and in
8 2010, in the entire State of New Jersey, there
9 were less than 59 cases of reported
10 Cryptosporidium. Hardly something to jump up and
11 down about and spend \$135 million to improve.

12 I would also like to point out from the
13 CDC website that they make specific
14 recommendations as to how to control
15 Cryptosporidium. And their first recommendation
16 for how to control Cryptosporidiosis is - quote -
17 "Practice good hygiene". End quote.

18 Another recommendation by the CDC is -
19 quote - "Disinfect by heating the water to a
20 rolling boil for one minute." And they have many
21 other common sense, day-to-day suggestions as to
22 how to rid the water of Cryptosporidium. And by
23 the way, that will not cost you \$135 million.

24 In closing, I would like to point out that
25 in a newspaper publication that there was an

1 analysis of payroll data of the Passaic Valley
2 Water Commission from the years 2006 through 2010.
3 And I would like everybody to know that in all of
4 the 31 employees of the Water Commission in those
5 years, about one out of every six people on the
6 payroll made more than \$100,000 in 2010.

7 I would also like to point out that
8 Executive Director Joseph Bella and his Assistant
9 Business Manager John Kelly both made more than
10 Governor Christie in 2010. Nice job, if you can
11 get it.

12 To all the employees of the Passaic Valley
13 Water Commission, the pay enhancements amounted to
14 \$2 million in 2010. Passaic Valley Water
15 Commission rates have risen dramatically since
16 2006. Passaic Valley Water Commission has imposed
17 rate increases totaling 31 percent and the agency
18 plans to continue raising them each year.

19 This Commission is way out of control and
20 I ask the Federal EPA, if not the State, where has
21 the State been, who is overseeing the Passaic
22 Valley Water Commission?

23 Thank you for your time.

24 MS. CLARKE: Miss Deroche, can you make
25 those statements available to the Water

1 Commission, please? It would just be helpful.

2 Would you like to answer, please?

3 MR. GRATZ: Yes, I'd like to answer two of
4 the questions or two of the issues you raised.

5 One is the suggestion that New York City
6 got a pass or buy having to comply with LT2 --

7 UNIDENTIFIED MALE: Speak a little louder.

8 MR. GRATZ: The concern or the thought
9 that New York City got a pass or buy from having
10 to comply with the LT2 regulation. That is far
11 from the truth. It is an extended schedule. That
12 schedule was put into place well before Lisa
13 Jackson, who you're speaking about. So it's the
14 same schedule before as after.

15 And there are very good reasons for the
16 extended schedule. I talked earlier about the
17 need to address and be cognizant of other major
18 infrastructure projects and the funds that are
19 going towards those projects that are part of this
20 schedule.

21 In the New York City case, there are
22 monumental ongoing infrastructure projects going
23 on right now. For example, the largest UV
24 disinfection facility in the world is being put
25 there, as we speak.

1 Second, there's a whole new filtration
2 plant that's being built to address ten percent of
3 the city's water supply.

4 And a number of major capital projects
5 need to be completed in the next few years so that
6 the city can take the Hillview Reservoir off line
7 in order to construct that cover.

8 The city well knows it's on the hook
9 through it's consent decree with the Federal
10 Government to cover the Hillview Reservoir. We
11 are very aware of some major multi-billion dollar
12 projects that must be completed before that
13 Hillview cover is put on because there are system
14 flexibilities that must be addressed. They can't
15 take part of the system off line while it builds
16 the reservoir.

17 Your second comment about
18 Cryptosporidiosis. The Centers for Disease
19 Control are also very clear, as I tried to mention
20 in my slides, that there's a huge degree of
21 underreporting, both of the incidents of
22 waterborne elements as well as the disease
23 outbreaks.

24 So the CDC will be the first to tell you
25 that this is only information that's provided to

1 it and it's a pretty small amount of data that it
2 has to work with.

3 And second, I want to mention that, you
4 know, Cryptosporidiosis is not something to laugh
5 at. It's not something to say: Well, why don't
6 we just boil our water. There are a number of
7 people here, not in this room particularly, but
8 perhaps who are immunocompromised or maybe very
9 elderly and very young who they can't afford to
10 turn on their tap and be at risk with that kind of
11 water.

12 So it's all about drinking water
13 protection. It's all about potentially protecting
14 us from waterborne disease. And I don't think
15 people, maybe not in this room tonight, but people
16 expect that they have to basically turn on their
17 water and boil it to get safe water, bottom line.

18 I mean, the Safe Drinking Water Act and
19 the Surface Water Treatment Rule are there for a
20 reason. They're to protect public health.
21 They're to protect your water. And, again, as I
22 completed my presentation I said: You all deserve
23 the same level of health protection, the same
24 level of drinking water protection as everywhere
25 else in this country. So please be mindful of

1 that when you discuss these different options.
2 Okay. That's my main point I wanted to make to
3 you.

4 Thank you.

5 MS. CLARKE: Thank you.

6 We'll move on then to the next questioner.

7 Tom Fuscaldo.

8 Is there a Tom? Do you have a question?

9 MR. FUSCALDO: Tom Fuscaldo. I live in
10 Paterson.

11 I don't know if everybody here finds it,
12 but the sound in this room is so distorted. I
13 would say 40 percent distortion that I hope some
14 people are hearing some of what's going on.

15 Now, this is entirely the wrong kind of
16 meeting. The EPA Federal should not be permitted
17 within the confines of New Jersey. This is not an
18 organization formed by an act of Congress and
19 signed by any president. They just come out of
20 the open air and exist and tell us what to do.

21 This is New Jersey and New Jersey has a
22 right to have an Environmental Protection Agency.
23 The Federal Government has no right to tell the
24 State of New Jersey anything because the State
25 formed the Federal Government; the Federal

1 Government did not create the State.

2 It's an entirely wrong kind of a meeting.
3 We should be questioning here how to get these
4 people out of town behind bars. We should be
5 questioning --

6 MS. CLARKE: You should be careful.

7 MR. FUSCALDO: -- What representative here
8 permitted them to cross the state line and enter
9 New Jersey without a permit, without an
10 invitation, and without a problem to cure.
11 They're talking about curing a problem which does
12 not exist. It's insane.

13 MS. CLARKE: Thank you.

14 MR. FUSCALDO: They should get out of town
15 and we should be organized better to throw them
16 out.

17 MS. CLARKE: Thank you.

18 We have a question from Marge Knudsen.
19 She wants to know, when and how and where did the
20 whole issue begin.

21 MS. KNUDSEN: I have a few more.

22 MS. CLARKE: All right. She goes onto
23 another one.

24 MS. KNUDSEN: The presentation mentioned
25 "tanks" and "covers". What's a "cover"?

1 MS. CLARKE: We can get a quick answer to
2 that.

3 MR. GRATZ: A cover can be concrete. A
4 cover can be a floating cover. It's basically
5 anything that protects it from the elements.

6 MS. KNUDSEN: As opposed to a "tank"?

7 So if you decided on doing a tank or
8 tanks, couldn't they be buried and leave a shallow
9 reservoir on top?

10 MR. GRATZ: You're talking about the
11 different options and I'll have to leave it to
12 Joe.

13 MS. KNUDSEN: Okay.

14 MR. BELLA: Yes. We looked at lowering.
15 The problem is: The grade line or the pressure
16 that you have to develop in the system, the
17 pressure developed in the system relies on that
18 elevation of that tank. So if you go lower,
19 you're going to lower the pressure system. If you
20 go higher, you have to raise the pressure system.
21 What we have to do is keep it at a certain level
22 that gives the service and reliability to the
23 people that we have. So that's one of the reasons
24 why. So it has to be somewhat close to the
25 existing pressures.

1 MS. KNUDSEN: Okay. So there's a cover on
2 the reservoir in Boonton.

3 MR. BELLA: No.

4 MS. KNUDSEN: That's the Jersey City water
5 supply. It's a huge reservoir. Is that going to
6 get tanked too?

7 MR. BELLA: No, no. This was a common
8 problem we have here. That is a raw water
9 reservoir. That water is untreated. It goes from
10 that water into the treatment plant then into the
11 pipes and then --

12 MS. KNUDSEN: So why can't the Water
13 Commission do that for ours?

14 MR. BELLA: Because then you have to have
15 storage so that in an emergency or your plant gets
16 knocked out to meet your demand, you have to have
17 storage there. You have a place that water could
18 go to come from. So it's kind of like, you know,
19 it's water sitting there ready to fight a fire, to
20 meet its demand. Towards the summertime, people
21 start watering, that kind of thing, the demand
22 comes out of there. You don't want your plant to
23 chase the demand. Your demands meet how much
24 water you're using will make a problem in the
25 sense that you would degrade the water quality in

1 the treatment.

2 MS. KNUDSEN: All right. So the Boonton
3 Reservoir is for Jersey City drinking water.

4 MR. BELLA: Right.

5 MS. KNUDSEN: That's treated already, raw?

6 MR. BELLA: That's raw.

7 MS. KNUDSEN: Where does it get treated?

8 MR. BELLA: At the treatment plant right
9 below the base of the dam.

10 MS. KNUDSEN: So why can't our Water
11 Commission treat it after?

12 MR. BELLA: Then you still have to have
13 storage somewhere in the distribution system to
14 meet your demand.

15 MS. KNUDSEN: Where is their storage?

16 MR. BELLA: Their storage is in their
17 system. I don't know their system that well.

18 MS. KNUDSEN: It just seems to me that you
19 have a body of water that you treated and allow to
20 sit. Why can't it be treated after it sits? It
21 doesn't make sense. Why are you treating it
22 before?

23 MR. BELLA: That's what I'm trying...
24 What you need, let's assume that, and we talked
25 about this years ago whether we should put our

1 treatment up there or down here. To put it up
2 there, the cost of moving it to where the existing
3 location would be hundreds of millions of dollars.
4 That's back in 2000. You still need storage
5 within the distribution system. So that when that
6 plant goes out of service, which they do because
7 nothing's perfect and you have to take them down
8 for routine maintenance and that kind of thing on
9 a regular basis, the water comes from storage and
10 that storage will still have to be there. You
11 still have to replace that reservoir with some
12 other storage someplace else.

13 MS. KNUDSEN: Okay. So leave that
14 reservoir or part of that reservoir and put the
15 storage a little below ground somewhere else.

16 MR. BELLA: Well, we did look at
17 alternative locations. Unfortunately, because of
18 the nature --

19 MS. KNUDSEN: But is that still going to
20 be an option?

21 MR. BELLA: Well, we looked at those
22 alternatives. That's what we were talking about
23 earlier. And we had done a presentation here
24 about a month or so ago and we talked about those
25 alternative sites. There are no real good

1 alternative sites to be able to give us the volume
2 that we need.

3 MS. KNUDSEN: That's hard to believe in
4 this area.

5 MR. BELLA: No, actually, in this area
6 it's a great big area, but the problem is it's so
7 developed. There's virtually no open areas that
8 are unused. It's a common problem in highly
9 developed areas.

10 MS. KNUDSEN: Okay.

11 MS. CLARKE: Thank you.

12 MR. BELLA: And, again, you know, I'd be
13 happy to take you and show you around and show
14 you. I'll be more than happy.

15 MS. KNUDSEN: Okay.

16 MR. BELLA: Just call us up.

17 MS. CLARKE: Take advantage of any
18 opportunity to go explore so you can get the idea.

19 Let's try to move on. There are several
20 more people who do want to ask questions.

21 Robert Hamer. He's worried about the
22 number of people who fell ill.

23 And have we really addressed it already
24 this evening?

25 MR. HAMER: Yes, you addressed that

1 question. But I had one more I'd like to address
2 to the gentleman here.

3 You were saying a lot of the open
4 reservoirs have already been remediated in one way
5 or another. How many of them were remediated by
6 tanks?

7 MR. GRATZ: Nationwide, I don't have that
8 number for you. Most of the them were tanks.

9 I don't know if, Nicole, you have a better
10 sense of the numbers?

11 MS. KRAFT: I don't have the number off
12 the top of my head. Just speaking to the
13 reservoirs that exist in New York and New
14 Jersey...

15 MR. GRATZ: This is Nicole Kraft from our
16 Enforcement Division. I'm sorry. EPA.

17 MS. KRAFT: Just speaking to the one that
18 I know exists being New York and New Jersey, the
19 majority have been handled with tanks or two or
20 three instances on the outflow side of the
21 reservoirs.

22 MR. HAMER: Is that an acceptable --

23 MS. KRAFT: It's just disinfection --

24 MR. HAMER: Right. Just like if you have
25 a well. So why can't that be done on the outflow

1 on the reservoirs?

2 MS. KRAFT: Joe, I think that's an option
3 that you guys explored. But, perhaps...

4 MR. BELLA: We looked at the ultraviolet.
5 The problem with ultraviolet turns out that, you
6 know, in our type of reservoirs where the water is
7 going in and staying for a very long time you have
8 spots where the water age gets very old. You
9 develop problems with algae and a lot of
10 particulate matter and that shields bacteria from
11 the ultraviolet light. That causes a problem.

12 The other thing you have to keep in mind
13 is even with that, you still have to build a tank
14 because you have to have some reservoir water that
15 is treatable up front so that when you do have an
16 algae, if your ultraviolet lights or that plant
17 fails, you have some ability to go in there and
18 get that started up and running and do maintenance
19 and that kind of thing.

20 So tanks are the most reliable and really
21 the best way to do this. So you're still going to
22 have these structures at the reservoirs. And
23 unfortunately, some of the reservoirs just don't
24 have the kind of room that you need to do all that
25 stuff.

1 With the Great Notch, again, we're trying
2 to work with Newark so we can preserve Great
3 Notch, keep it in place and hopefully, turn it
4 over to the county and take it as a recreational
5 facility. And we looked at UV for that location.
6 It was difficult. Again, we have to build a tank
7 there, and the UV solution and statewide
8 generators.

9 UNIDENTIFIED MALE: But the young lady
10 mentioned two reservoirs and other things.

11 MS. KRAFT: The specifics of every water
12 system are different and so the one I'm speaking
13 of, they had two uncovered reservoirs. They
14 replaced one with tanks and they put UV on the
15 other. So what Joe is saying is correct. They
16 did have to build a tank to remain.

17 UNIDENTIFIED MALE: On one?

18 MS. KRAFT: Yeah. Again, I can't speak to
19 the specific details of each water system, but...

20 MR. BELLA: One thing you did remind me.

21 The other problem is: This is kind of not
22 the analysis right now of UV, because we have lead
23 and copper issues over time where corrosion
24 basically, that's the basis of corrosion problem
25 in the water. It pushes our water at the tap.

1 This lead and copper is dissolved out of your
2 pipes in your homes. We want to be able to add a
3 phosphate basin inhibitor and that phosphate basin
4 inhibitor would also cause algae to grow in the
5 reservoirs which knocks it out of the running for.

6 We looked at UV in the beginning. In
7 fact, I always tell everybody I was big proponent
8 on UV because I recognize we're trying to, you
9 know, preserve as much storage and preserve these
10 open spaces. It just doesn't work.

11 MR. HAMER: Thank you.

12 MS. CLARKE: Thank you.

13 Mr. Art Handela.

14 MR. HANDELA: Handela.

15 MS. CLARKE: Handela.

16 You were asking about the heavy metals and
17 leaching. I thought that might be a good
18 opportunity for you to mention your concerns.

19 MR. HANDELA: My name is Art Handela of
20 Little Falls. I too am an engineer. I taught
21 chemical engineering and plant design at NJIT. So
22 that's why I asked about this.

23 You talked about concrete and concrete in
24 water for a long time has boundary layers and
25 starts to be leaching of contaminants out of the

1 actual concrete.

2 So are you trading heavy metals that are
3 being leached out of the concrete for the feces
4 that have been established and really
5 insignificant as a health problem?

6 Heavy metals are a terrible thing.

7 Also, I noticed on your data here the
8 regulation, the last update was 1996. However,
9 the cases that you specify, five to ten, were in
10 1990, not in this area of the country. They were
11 in Milwaukee, where a hundred people died, God
12 rest their souls. However, what data do you have
13 and what kind of problems do we have for New
14 Jersey?

15 You're trading a single point of failure
16 where you have a tank that can be a terrorist
17 target. My PhD that I'm going to be presenting at
18 NJIT on Wednesday has to do with risk analysis and
19 terrorism. You're putting a six point failure as
20 a present terrorist party.

21 Also, you're talking about elevation.
22 Elevation has to do with the head pressure or the
23 pump size. If you lower the elevation, you no
24 longer have the gravity feed. You need to be able
25 to have a larger pump.

1 So is there a shortage of pump, perhaps
2 the pumps supplied from Edison that you can get a
3 larger pump, if you lower the elevation?

4 Those are all my questions.

5 Do you have any data from this century
6 that can address the health issues in New Jersey,
7 not Milwaukee?

8 MR. GRATZ: Thank you. Waterborne disease
9 outbreaks are not a thing of the past. They
10 continue to this day. Cryptosporidiosis is a
11 serious health concern. It continues to challenge
12 healthcare professionals.

13 Milwaukee, for as horrible as an incident
14 it was, it provided a wealth of data and a wealth
15 of information on the science that showed the
16 specific relationship to critters like deer, mice,
17 geese, ducks, and the waterborne disease that they
18 carry and could potentially contaminate your water
19 supply. I can't tell you that it's a problem
20 tomorrow or the next year, but you're rolling the
21 dice with people's health. That's the bottom
22 line. And the Safe Drinking Water Act and the
23 laws that we passed, we're starting to protect
24 public health so that we don't have, God forbid, a
25 situation like Milwaukee and other disease

1 outbreaks across the country.

2 This is the weakest link in the system, by
3 far. You go out to those reservoirs, has its own
4 watershed. You treated the water already. It's
5 going into a watershed. The same contaminants
6 that you are worried about are the ones you have
7 to worry about again.

8 Let me just mention one more thing. Joe,
9 in the presentation I saw of Joe's a couple of
10 weeks ago, he shows a level of coliform bacteria
11 that enters the system, gets treated. It's very
12 high. That level goes down to near zero as it
13 gets discharged, then that level of coliform
14 bacteria, which is an indicator bacteria of a
15 potential risk, shoots right back up as it enters
16 the system because it's sitting in those
17 reservoirs.

18 So I can't tell you a specific number of
19 how many people might get ill or not ill, but the
20 bottom line is it's a significant risk and that's
21 what the Safe Drinking Water Act is all about, to
22 try to mitigate that risk.

23 Let me finish by saying that: I hear the
24 concerns of the community and I think DEP hears
25 them and I think Joe and certainly the PVWC hears

1 them. And as Fred mentioned, I think the DEP is
2 willing to take a productive pause to consider a
3 lot of the input that's being given to us this
4 evening and sit down with PVWC and address some of
5 these concerns.

6 I don't know if Fred or PVWC wants to...

7 MS. CLARKE: Yes. Fred.

8 MR. SICKELS: The single source of
9 terrorism, I mean, that exists now with open
10 reservoirs. Certainly, we advocate for more
11 security in all of our water systems. If you
12 notice, trying to get through to the plant if Joe
13 takes you on a tour, you'll get your picture
14 taken, you get your ID, and you'll be checked. So
15 we take do take that security seriously.

16 I don't know if I agree with the comment
17 saying about the tanks that makes us any more
18 vulnerable to terrorism than just an open
19 reservoir with very little security now. So...

20 MR. HANDELA: The amount of poison you
21 need to be able to introduce into a lake is
22 truckloads as opposed to one bomb that can reach
23 the wall of concrete.

24 MR. SICKELS: You can do that at the
25 bottom of the reservoir. That's the same thing.

1 If I wanted to do that harm, I'd put it at the
2 bottom and flood the streets the same way. So I
3 don't understand. Here, you have that security.

4 One of the things, Hillview got that
5 extension. They have an incredible system. You
6 should probably get on web and view Hillview and
7 see how that is. One is a line reservoir.
8 Security is incredible. It's elevated. There's
9 no real runoff. There's bird and wildlife
10 protection. Very sophisticated security verses a
11 six-foot high three feet high chain link fence.

12 So I think the security issue going into
13 the tanks versus what you have now is certainly,
14 it's not aggravated by putting a tank. I think
15 the risk is there, hopefully, it's minimal, but it
16 still exists. We do an awful lot of security
17 planning.

18 MR. HANDELA: I still haven't heard
19 anything about the leaching of concrete heavy
20 metals.

21 MR. BELLA: All concrete that would be
22 used in this is NSF approved so that it's been
23 tested for, you know, contaminant, heavy metals,
24 that kind of thing so that the leaching issue is
25 non-existent at this point. Anything that comes

1 in contact with water has to be approved; the
2 piping, equipment, anything, has to be approved.
3 If you look in our specifications, every spec says
4 it must be NSF or equivalent.

5 MR. HANDELA: I understand that there's
6 specifications, but can we really trust? I mean,
7 I was lead to believe that I can keep my doctors
8 I've now lost. Those were federal regulations
9 too.

10 I still haven't heard any information
11 about 21st century data. Do you have any for
12 cases?

13 MR. GRATZ: I think if you go to the CDC
14 website, you'll find they have yearly tracking --

15 MR. HANDELA: Well, the one lady found 59
16 cases in New Jersey, but how many deaths were
17 there?

18 You talk about a severe case, I would
19 think that the second or third death due to Ebola
20 outweighs what we're doing here.

21 MR. GRATZ: I'm not going to have an
22 argument about how many deaths it would take to
23 try to provide safe drinking water. That's not my
24 purpose here.

25 MR. HANDELA: Do we protect the animals?

1 You make them look like they're the enemy
2 here.

3 MS. CLARKE: At this point, let's move on.
4 I think you've answered that question.

5 Do we have a David Soo? Mr. Soo.
6 Questions?

7 MR. SOO: Questions; thoughts, perhaps.
8 David Soo from Paterson.

9 The EPA, I was looking at your website and
10 I see that the EPA's got a clean water and
11 drinking water infrastructure sustainability
12 policy. Now, that includes a lot of activities,
13 from my understanding. Can you specifically tell
14 me how the EPA has used their own policy in this
15 specific instance for these reservoirs? How do
16 you apply the policy here; because it includes
17 community outreach, planning. You're supposed to
18 do an analysis of the infrastructure, all these
19 things are supposed to happen. This is your
20 policy. Let's hear about it.

21 MR. GRATZ: So when we talk about
22 infrastructure, we talk about a lot of
23 requirements, the Safe Drinking Water Act, and
24 part of it is balancing all these needed
25 improvements by a community. So the EPA works

1 with the State, works with the communities to look
2 at what are these major infrastructure needs and
3 how those needs be addressed and how we're not
4 basically reinventing the wheels or making some
5 choices under the Safe Drinking Water Act and some
6 of the Clean Water Act.

7 So it's really about infrastructure,
8 community sustainability, and how the community
9 sees its needs and how we can support that. It's
10 really a bottom up focus. It's not EPA coming
11 down to the community and saying: This is what
12 you have to do. I think that's the message that
13 our website or our material is: The communities
14 need to look at what are their infrastructure
15 needs and how best can those needs be assessed and
16 how best can they be paid for. And that's in
17 consultation with EPA as well as consultation with
18 the State.

19 MR. SOO: Okay. Next part: EPA has
20 talked about how they're looking to reexamine the
21 LT2 policies in 2016.

22 MR. GRATZ: That review is ongoing.

23 MR. SOO: That review is ongoing. Is it
24 going to have a conclusion?

25 MR. GRATZ: The review will have a

1 conclusion in 2016. We tried to talk about -- I'm
2 sorry. I don't want to interrupt you.

3 MR. SOO: So if you got to work on
4 something that's going to perhaps change the
5 outcome of this process and it's going to go on
6 until 2016, why should we start ahead right now
7 spending millions of dollars to plan on something,
8 to do something that may be completely turned to
9 hash in 2016?

10 MR. GRATZ: So may I respond?

11 MS. CLARKE: You definitely should
12 respond.

13 MR. GRATZ: Okay. In my presentation, I
14 talked about a couple of things with respect to
15 the reevaluation. One is EPA reevaluates all its
16 drinking water rules on a six-year cycle and LT2
17 is one of those rules that's being reevaluated.
18 The EPA and the State did not stop implementing
19 its health rules or stopping enforcement of those
20 rules until after that completion, that law or
21 review or that standard has undergone review.

22 So my point is also in LT2 that as part of
23 the review that's going to be completed in 2016,
24 there's no new science, there's no new data that's
25 out there to suggest that anything we're doing now

1 is going to be more protected than what's on the
2 table right now for discussion.

3 You know, as I said, that really, from my
4 perspective, from the EPA's perspective, these
5 reservoirs have to be addressed. It's a huge
6 vulnerability to the system. And while we would
7 agree with New Jersey with respect to a productive
8 pause, that pause can't be to wait until 2016 to
9 do what needs to be done to protect.

10 MS. CLARKE: Thank you.

11 MR. SOO: I'm not done yet.

12 MS. CLARKE: Oh, you have another
13 question.

14 MR. SOO: I'm going to continue with my --

15 MS. CLARKE: I'm sorry, I have other
16 people, so try to be brief.

17 MR. SOO: I'll try and be as brief as I
18 can.

19 MS. CLARKE: You had your turn. Now let's
20 have somebody else because we have six more people
21 would like to speak.

22 MR. SOO: Is there going to be additional
23 comment after that?

24 MS. CLARKE: Probably not, but you can at
25 the end --

1 MR. SOO: You know, my understanding when
2 I came here --

3 MS. CLARKE: Is it a new issue? If you
4 can do it very quickly and the other six people
5 are perfectly willing to wait, then please do so.
6 Let's move it along.

7 MR. SOO: The sustainability policy and
8 dealing with the individual reservoir, my
9 understanding is Joe and Kevin were nice enough to
10 walk around with me a little bit and show me. I
11 showed them the sites with the quarries there. My
12 understanding, part of the reason why the tank had
13 to be certain grades, certain levels is because
14 the existing infrastructure of the pipe is so old
15 it can't sustain a change in pressure.

16 So in terms of dealing with
17 sustainability, that piping is not going to last
18 forever under ground and maybe we need to look at
19 what's in the infrastructure right now and
20 determine whether or not that needs to be upgraded
21 as well in order to accommodate the relocation of
22 tanks.

23 I don't think it's the idea of tanks
24 that's particularly upsetting everybody, it's
25 where they're going to be.

1 You know, the Levine Reservoir, I don't
2 know if you know this, that's a national landmark
3 historic district. The fence on the east side
4 bounds a national park, our brand new national
5 park. This park could mean hundreds of millions
6 of dollars for this region for development. And
7 you guys want to plight it with tanks.

8 The State Historic Reservation Office has
9 already said: It's an adverse effect for loss of
10 reservoir and installation of tanks. That's going
11 to harm our national park. It's going to harm our
12 community. We need a legitimate alternative. And
13 to say it's another \$20 million... Thank you. To
14 me that just tells me it's feasible.

15 You can put people on the moon and dug the
16 Suez Canal a hundred years ago, we can figure out
17 how to move a tank a couple of hundred yards away.

18 Maybe the answer to the \$20 million is:
19 You don't need to tunnel on your Interstate 80,
20 maybe you send water across the bridge, which is
21 just a couple of hundred feet down the street, you
22 know.

23 MS. CLARKE: Can you address that or not?

24 MR. GRATZ: Not really the specifics of
25 your questions. What I can say is: From a

1 federal perspective we're providing the boundary
2 conditions as to why these regulations are
3 important. You raise a number of interesting
4 alternatives and options and questions and I would
5 point to PVWC to see if there's something they can
6 answer.

7 MR. BELLA: You know, we've talked about
8 this many times. And, you know, if you want to,
9 again, go over the details of what you're asking.
10 One of the things you suggest is replace the
11 pipes. Well, the problem is you got to do both at
12 the same time. And doing that kind of thing you
13 have to do on a gradual basis. You can't do it
14 all in one shot. You can't go out and start
15 tearing the street up. The cost would be
16 prohibitive to do that.

17 So, you know, what we have is a plan that
18 does all this in a step wise and plan controlled
19 manner. So that's what we're trying to do and
20 we've gotten there, as long with many other water
21 utilities in the same situation.

22 MR. SOO: Okay. The EPA came here and
23 gave us a history class about clean water and the
24 drinking water standards and stuff like that. Let
25 me give you a little bit of history lesson on

1 what's happening.

2 The Water Commission started talking about
3 tanks for these reservoirs six years ago. In that
4 six years, they had discussions about this, but
5 for some reason they were able to construe that
6 the Sunshine Law didn't apply to them and they
7 held all these meetings in executive session. So
8 the public was not involved.

9 When they talk about their "public
10 meetings", that's once a month on a Wednesday at
11 12:00 noon. Most people have jobs where they
12 don't have the flexibility of going in the middle
13 of the day, the middle of the week, the middle of
14 the month to a public meeting. The meeting's held
15 a little tiny room. You have to stand against the
16 wall.

17 Really, the public has not been engaged.

18 So they tell us the level you got to do it
19 and you got the reasons and then I guess it makes
20 a lot of sense or it doesn't, who's listening and
21 what you're thinking about, but the public has
22 been shortchanged of public involvement.

23 I mean, you know, I don't want to be
24 course, but the Chair of the Water Commission at
25 one of these closed meetings referred to "us" and

1 really "us" as "dissidents" and "deceptors"
2 because we have the temerity to ask questions, be
3 concerned, and raise objections. You know, so
4 we're asking for more time.

5 MS. CLARKE: Yes.

6 MR. SOO: We're -- can I finish?

7 MR. SICKELS: Some of the project
8 specific, like I said earlier.

9 MR. SOO: I guess I wasn't done talking.

10 MR. SICKELS: I don't know where -- but
11 anyway --

12 MR. SOO: Thanks.

13 MR. SICKELS: Like I said earlier, we're
14 going to be meeting and talking about openness.
15 The DEP said we're going to ask for a delay to
16 have a conversation staple.

17 We reached out to mayors. We're going to
18 have stakeholders and we're going to sit down and
19 just let PVWC go through their logic on how they
20 got here. Let other people have comment on that.
21 And, hopefully, over time we can either understand
22 where Passaic Valley got their idea or maybe
23 there's a better idea. We get that. I think I've
24 said that.

25 You keep saying it's not open. We

1 understand that. And I guess by saying we want to
2 have this delay and work with PVWC and the local
3 stakeholders, I'm agreeing with you.

4 So we're going to set up, after this
5 meeting, and have those discussions to make sure
6 that viable options, not every single thing that
7 comes down the pike, viable options, at least,
8 there's some discussions about it to make sure
9 that we didn't miss something or Passaic Valley
10 didn't. That's the service the DEP wants to bring
11 to this process so that people can be heard.

12 We all came from the same place. I don't
13 know where the end point will be, but I think, I
14 guess I'm agreeing with you. The public has to
15 have the confidence that their ideas were
16 considered and they were given a real hearing on
17 that.

18 But, you know, that's going to happen over
19 time and, hopefully, we have good various
20 stakeholders interested. The Community
21 Development Corporation is interested. We can
22 hear some ideas. That's where we're headed. I
23 keep hearing that. I said earlier, that's why
24 we're trying to have these meetings so we don't
25 recite the lack of communication.

1 MR. SOO: Well, you know, I guess part of
2 the frustration on the part of the public is when
3 we had these meetings, it seems like the decision
4 is foregone and you're already just talking us
5 into what has already been decided, you know. And
6 we're just put on our butts having to sit here and
7 ask questions and complain about it, but the
8 reality is we feel like the decision has already
9 been made.

10 MS. CLARKE: We appreciate it.

11 MR. GRATZ: I was going to make a brief
12 statement.

13 Just that I appreciate your concerns and
14 frustrations that you're bringing tonight and
15 that's part of the reason that we're all here this
16 evening is to hear those.

17 And I think that Fred from DEP has put on
18 the table, what I think we all would acknowledge
19 is a positive step forward that's going to
20 increase transparency in this process.

21 So I acknowledge those concerns and I
22 acknowledge the frustration, but let's move
23 forward.

24 MR. SOO: Are you guys coming back?

25 MR. GRATZ: We'll be back if you invite us

1 back.

2 MS. CLARKE: All right. Thank you.

3 Is there a Keith Kazmark who would like to
4 speak or ask a question?

5 MAYOR KAZMARK: Good evening, Keith
6 Kazmark. I'm the mayor of Woodland Park.

7 First, I want to sincerely thank our
8 Federal legislators: Senate Booker, Senator
9 Menendez, and Congressman Pascrell for expediting
10 this meeting with EPA. I think it's important for
11 the community as a whole to understand exactly
12 what the federal requirements are. A lot of it
13 has been speculation for those who might not have
14 gone more in-depth and actually read up on the
15 rules and regulations that the EPA has mandated
16 through the DEP for this Passaic Valley Water
17 Commission project.

18 Beyond that, I want to say that you've
19 heard a lot of folks speak tonight, some are very
20 emotional about this issue. There is no doubt
21 that we all want clean and safe drinking water.
22 No one should leave this room tonight with the
23 belief that anyone who has concerns about these
24 concrete storage tanks, replacing three bodies of
25 water in Passaic County believe anything than the

1 fact that we must maintain clean and healthy
2 drinking water.

3 The reason that there is so much emotion
4 surrounding this issue is that for the most part
5 the public has been unilaterally excluded from the
6 discussions concerning how this Rule, how this
7 mandate was going to be implemented. And I would
8 ask the representative from the EPA and the
9 representative from the DEP to take that back to
10 the folks that you report to.

11 The concern is that we have not been
12 provided anything until the last handful of
13 months. This is the first time that there have
14 been a series of public hearings. This is the
15 first time that the Commissioners have met with
16 governing bodies, whether it be in Paterson or
17 Woodland Park. But this has a real affect on
18 ratepayers. The cost is a factor. The aesthetics
19 of historic Garret Mountain, a natural preserve,
20 needs to be considered, while at the same time
21 acknowledging that everything that was shown on
22 those slides tonight is real and must be taken
23 into consideration as well.

24 The voice that is absent from this meeting
25 tonight is the voice of the NJ CDC which is a

1 great community organization here in Paterson and
2 has advocated for the national park status. That
3 is one thing that has not been overly mentioned
4 tonight. But the Levine Reservoir in Paterson
5 sits within that historic designated area. That
6 was not considered as these plans were being
7 created.

8 So I am encouraged by the dialogue that
9 has gone on. I am encouraged by the Commissioners
10 at Passaic Valley and Executive Director Bella
11 that they have now come out from behind the
12 executive session door; that we have begun these
13 discussions and that we have been able to talk
14 about this entire issue. I'm even more encouraged
15 by the fact that they adopted a resolution at
16 their October meeting requesting that the DEP
17 consider granting a stay from the Administrative
18 Consent Order until the rules and regulations are
19 readministered by DEP in 2016.

20 Thank you.

21 We ask our representative from DEP to take
22 that message back to Commissioner Martin.

23 Tomorrow I will mail a letter to every
24 state legislator who represents a municipality
25 within the Passaic Valley service area. And I am

1 asking those municipalities to adopt yet another
2 resolution encouraging Commissioner Martin to
3 grant a stay that has been requested now by the
4 Commission. This is not a minority of residents;
5 this is not a mayor in Woodland Park who is crying
6 foul. It's 30 municipalities who signed on
7 originally that there were concerns to this
8 federal mandate and how it was going to be
9 implemented, but also now we're backing up Passaic
10 Valley in their request for Commissioner Martin to
11 grant a stay.

12 So when we leave here tonight, I ask a few
13 things: One. That no one leaves here believing
14 that anyone wants anything but safe and drinkable
15 water.

16 Two. That we understand that a lot of
17 this has been done in the dark and it's offended
18 some folks in the public.

19 And three. That that issue or the concern
20 about it being done in the dark has started to
21 change. It's been brought out into the public for
22 discussion that is important and now the public is
23 starting to get behind Passaic Valley in their
24 most recent request to grant this extension.

25 So as we leave here tonight, I ask you

1 from the DEP to bring that back to Commissioner
2 Martin and those at the state level, because that
3 is the immediate need: To grant the stay; allow
4 more time for the consideration of alternatives,
5 most importantly, from my perspective, from my
6 municipality's perspective, because there is
7 golden opportunity to join with the City of Newark
8 and be able to preserve the Great Notch Reservoir
9 on Rifle Camp Road by working with folks in Newark
10 and hooking up to the Ridge Road Reservoir in
11 Cedar Grove Township. That's important to me.
12 That is a viable alternative. That as long as we
13 can cut through some bureaucracy, we can save the
14 ratepayers somewhere in the neighborhood of
15 \$50 million. And quite frankly, the only way
16 we're going to consider options like that and be
17 able to pursue options like that at Great Notch
18 and at New Street and at Levine is if we're
19 granted more time.

20 Thank you.

21 MS. CLARKE: Some clarification?

22 MR. SICKELS: I brought that back to the
23 Commissioner after our meeting a few weeks ago.
24 We talked earlier about extending for productive
25 delay so we can look at all these things. So I'll

1 certainly report back to my Commissioner Martin.
2 We did it at the last meeting that we thought --

3 MAYOR KAZMARK: You mentioned numerous
4 times tonight meetings with stakeholders. I would
5 like myself with my borough to be considered one
6 of those stakeholders.

7 I respect and appreciate the meetings that
8 have been conducted, most recently with Mayor
9 Torres. He and I for the most part are in tenor
10 with one another on this whole matter, but our
11 doors delaying in Woodland Park are wide open.

12 MR. SICKELS: You certainly will be one of
13 the first ones.

14 MAYOR KAZMARK: Thank you.

15 MS. CLARKE: Thank you very much.

16 Is Carol Van Savage here? And, Carol, do
17 you have a question or a statement?

18 MS. VAN SAVAGE: I have a question and it
19 may seem somewhat repetitive, but I would like to
20 know whether the EPA prior to tonight was aware
21 that the Passaic Valley Water Commission planned
22 to drain these reservoirs in compliance with the
23 Rule, but it was done out of the public eye and
24 public meetings did not take place until two years
25 after the plan was approved. And it was commented

1 know that some of the suggestions, such as
2 partnering with Newark came from the public
3 involvement. So it does do some good when the
4 public is involved.

5 MR. GRATZ: We absolutely appreciate that.
6 Thank you.

7 MS. CLARKE: Very good. We appreciate it.

8 MR. SICKELS: About the partnership with
9 Newark, we're advocating a regional response to
10 the Cedar Grove Reservoir. We have been for the
11 last few years because all of our analysis and our
12 EPA worked with the emergency response strongly
13 suggest that's a regional asset. We don't want to
14 lose the volume.

15 So I just want to clarify that that's been
16 in the works for awhile. We continue to work with
17 several different parties within the northeast.

18 MS. CLARKE: Thank you.

19 Is there a John Walters? Mr. Walters, do
20 you have a question you would like to address?

21 MR. WALTERS: I do and I have a comment.

22 My name is John Walters. I'm Vice
23 President of Passaic County Board of Realtors.

24 My question is this: Being that the
25 Levine Reservoir is so close to the national

1 our State Historic Preservation Office and they're
2 dealing with the national park and the federal
3 equivalent of our historic preservation. There
4 was also historic consultants that we had meetings
5 with. You're absolutely right, there's a whole
6 series of reviews and approvals that would have to
7 go through with those programs. Like Jeff, I'm
8 not a hundred percent familiar with the details of
9 our historic preservation office with the federal.
10 Their federal colleagues will have to -- there
11 will have to be some series of review what impact
12 the historic value is. So you're right, there
13 will be a process. I'm just not prepared to say
14 exactly what that process is. It's not something
15 I do.

16 MR. WALTERS: Thank you.

17 MS. CLARKE: Good question to be thinking
18 about.

19 Thank you.

20 Norma Holmes had a question about the
21 environment. Are you here, Norma?

22 I guess not. Okay.

23 UNIDENTIFIED FEMALE: She had to leave.

24 MS. CLARKE: Let's move on. We had a
25 Robert Hornstra.

1 MR. HORNSTRA: My name is Robert Hornstra.
2 I live in Woodland Park very near the Great Notch
3 Reservoir. The Hornstra family has lived in
4 Woodland Park right near the Great Notch Reservoir
5 for over 60 years; four generations. One of the
6 advantages of living in that area is the beauty of
7 the environment. That's why the family has
8 remained there.

9 Now there's a plan to put concrete tanks
10 in the Great Notch Reservoir. And the Great Notch
11 Reservoir is, you know, very much a part of the
12 beauty of the environment that we so much enjoy.

13 Now, for us, frankly, it's causing issues.
14 And I know it might not be meaningful for those of
15 you who do not live in the area, but for those of
16 us who live here, it's very important indeed. So
17 I don't want to sound emotional about it, but it's
18 very important to us. At the same time, I
19 understand the need for clean drinking water.

20 I've a attended several meetings. I've
21 looked at the information that's been presented.
22 I see that there have been several outbreaks of
23 waterborne illnesses directly in the last 25 to 30
24 years, but Passaic Valley Water Commission has
25 done such a great job of treating our water that

1 apparently there haven't been any outbreaks of
2 waterborne illnesses here.

3 So, you know, after attending such
4 meetings and looking at all the information, you
5 know, I asked myself the question trying to be
6 objective, you know: Is this really an issue that
7 we need to be concerned about? What is the level
8 of risk? What is the danger here? And I'm just
9 not seeing it.

10 And I think that putting these tanks in
11 the Great Notch Reservoir, building a tank there
12 and draining the reservoir is possibly
13 unnecessary. I think the term "plight" was used
14 earlier. I'm just not seeing the risk and I'm
15 frankly willing to live with we've been drinking
16 that water for many years and there haven't been
17 any problems and I suspect that the possibility of
18 illness of waterborne illnesses may be fairly
19 remote.

20 So I hope that some alternative, as Mayor
21 Kazmark mentioned, maybe some alternative can be
22 found to avoid placing tanks in these reservoirs
23 and maybe partnering with the City of Newark to
24 find some other remedy.

25 Thank you.

1 MR. GRATZ: Thank you. You know, we don't
2 see the risk of waterborne illness or disease
3 remote. We think it's a real issue. We also
4 think that there is, I'm an optimist, I think we
5 can meet the objectives of our drinking water
6 regulations and also meet some of the concerns
7 that have been addressed here this evening.

8 I think we talked about a path forward and
9 my goal, I think the goal here is, we may not make
10 everybody happy but I think we can come up with a
11 solution that works and I think that's our
12 objective of getting together this evening.

13 So, thank you.

14 MS. CLARKE: Thank you.

15 The last person who wanted to address was
16 Francis Blesso and he's concerned about
17 alternative treatment versus tanks.

18 And then number two, of the 725, have any
19 received any federal funding? Those are the
20 replacements.

21 MR. BLESSO: There was a question before
22 about how many tanks, how many situations where
23 you had 750 situations that came under this review
24 and right now it looks as if 725 had been
25 remedied. And it was kind of a followup to a

1 question that was already asked. Of those 725,
2 how many communities have chosen additional
3 treatment as opposed to tanks and covers?

4 You don't have to give me an exact number,
5 but perhaps percentages. From the one chart, you
6 had six or seven versus I guess a combined total
7 of 13. So about one third of that sample that are
8 presently under review are going to be additional
9 treatment. Can you give me an idea of how many of
10 the 725 shows additional treatment?

11 MR. GRATZ: I think that 700 number you
12 were referring to was the number of open finished
13 pure water reservoirs in existence in the mid
14 '70s.

15 MR. BLESSO: And there's only 25 left?

16 MR. GRATZ: And there's 25 left today. I
17 can say probably the majority is addressed by
18 tanks or taking the system off line in some other
19 way, but the majority is tanks. I don't know.

20 Nicole or Fred, do you have any thoughts?

21 MS. KRAFT: Currently, I don't know the
22 answer to that question.

23 MR. BLESSO: I'm surprised there's such an
24 ignorance of that question.

25 MS. KRAFT: That is what remained.

1 MR. GRATZ: The numbers I showed you were
2 the 25 that remained. It showed how many were
3 going to be addressed by tanks, how many by
4 covers, how many by taking them off line or
5 treatments or to be determined.

6 UNIDENTIFIED MALE: Tell us about the
7 treatment.

8 MR. BLESSO: Of the other 725, you can't
9 give me an approximate?

10 MS. KRAFT: The 725 is what existed in the
11 '70s, 1970. So ultraviolet light, which is the
12 treatment we're talking about, didn't come into
13 common practice until the last five, six, seven
14 years. So between 1970 and 2006, I would say it's
15 exclusively tanks or taking those reservoirs off
16 line and somehow getting the storage elsewhere.

17 And then starting with 2006 on is when
18 treatment really became a viable alternative. So
19 since LT2 came into being.

20 MR. BLESSO: Another similar question: Of
21 the ones that have been solved or remedied, have
22 any of these received federal funding from this
23 federal mandate?

24 MR. GRATZ: I would say that the number in
25 recent years has, because in 1996 the amendment to

1 the Safe Drinking Water Act, it basically provided
2 EPA funds to provide the states to address some of
3 these drinking infrastructure needs. I can't tell
4 you the number that have used those federal and
5 state funds, but certainly, that's what those
6 monies were to be used for.

7 MR. BLESSO: Is there any existing program
8 run through the states that has federal funding
9 that would handle the cost of remediation?

10 MR. SICKELS: I had asked Joe earlier, I
11 didn't know his funding strategy specifically, but
12 the New Jersey Environmental Infrastructure Trust
13 along with the DEP, we do get federal money on
14 drinking water. It is called State Revolving
15 Fund. There are funding options. It's not
16 generally a grant for these types of projects, but
17 the funding is at below market rates. And as Joe
18 had talked about before, it's spread over a
19 certain amount of time. I don't want to say the
20 number. We spread it over time which is really
21 encouraging. The cost is spread out and it's not
22 significant in the sense that, you know, you're
23 paying it all at once or you're paying up front.
24 So the State does make funds available and has
25 payment schedules.

1 MR. BLESSO: I would like to just state my
2 opinion in trying to build support for this case
3 for additional treatment as opposed to the tanks
4 and particularly for the Levine Reservoir.

5 From the information that was given at
6 earlier meetings, the main reason that additional
7 treatment was not considered, at least this was my
8 impression, was the additional cost; it was more
9 costly. We should have an understanding that the
10 tanks will leave in its present location and it's
11 even worse if the tanks were relocated to another
12 nearby area. I'm not for that plan. That plan
13 would end up with a very undesirable position for
14 a national park. We'd have, as a compliment to
15 the Great Falls, we'd end up with a pretty swamp.
16 And here we need to put or should put the
17 emphasis, we all want clean, safe water. The
18 emphasis is to take the time to look carefully at
19 the most effective way of providing additional
20 treatment, even if that means somewhat having a
21 somewhat remote location for additional treatment
22 facilities. I understand that the site is tight.
23 It's a very limited area for additional buildings
24 and so on. But that's an area that should be
25 looked at.

1 Here we have a national park. The county
2 has walking trails proposed on both sides of this
3 facility. And it's a national treasure. And we
4 should look at every possible way of keeping the
5 open space, keeping the open water, and having
6 safe treatment of the water.

7 MS. CLARKE: Thank you.

8 You've all been very patient and we have
9 one more.

10 Is there a Commissioner Ken Abuassab?

11 He left. Well, I'm sorry. Then you're
12 off the hook. But we really do appreciate it.

13 The man in the yellow?

14 MR. RODRIGUEZ: What is the effect on,
15 number one, the available water and so many
16 communities in the country drying up?

17 And also, things like the solar issue, how
18 do those things affect water either outside of the
19 tanks, you know, like right now or if these tanks
20 replace, how would that affect? Is there any
21 advantage or disadvantage?

22 MS. CLARKE: Is that something you can
23 answer?

24 MR. GRATZ: I guess a couple of thoughts
25 is: We know in the northeast, in particular,

1 we're going to have more and more severe storms
2 going forward and that might have an impact on our
3 water supplies. I know that's something that PVWC
4 takes very seriously and is looking at.

5 In terms of the alternatives that are
6 being reviewed, I think that's a very good
7 comment. I think it's one that needs to be
8 considered as this process moves forward.

9 So, thank you.

10 MS. CLARKE: Mr. Decker, you wanted to
11 make one more comment?

12 MR. DECKER: Thank you very much.

13 I just want to finish up on my comments
14 and I have a few questions that I'd like Passaic
15 Valley Water Commission to do their best to
16 answer.

17 My questions begin here:

18 How many tanks are you planning to build?

19 What is their size and capacity?

20 Now, the reason I want to know this is so
21 that at the next meeting we can discuss what type
22 of acreage you need to do this as alternatives to
23 draining the reservoirs.

24 I also wanted to mention my concern. Is
25 there contamination in these tanks?

1 Water stored in a concrete tank perhaps we
2 covered this before, but I see mold spores growing
3 in tanks and algae mold spores. And I also see
4 leaching from the concrete into water. Does that
5 mean that the water stored in tanks would have to
6 be retreated?

7 And my final question is: If we had to
8 retreat the water, in particularly the Rifle Camp
9 Park, how much would it cost to retreat the water
10 as compared to the cost of building these tanks
11 and the other infrastructure compared to \$106
12 million dollars?

13 Perhaps, the cost of retreating the water
14 in the reservoirs would be less. I don't know
15 this.

16 What I would like, perhaps, at the next
17 meeting to have Passaic Valley Water Commission
18 have a handout to answer some of these questions
19 that have been raised today.

20 MS. CLARKE: That's a good solution.
21 That's a nice ending for. Yes? You've given the
22 questions and we should then in fact --

23 MS. HANDELA: How long does the tank last?
24 I mean, anything that's mandated does not have an
25 indefinite life?

1 MS. CLARKE: Can you please come to the
2 microphone because we don't have your name and we
3 need to have it.

4 MS. HANDELA: My name is Vega Handela and
5 I want to know how long these tanks last, because
6 anything that's built has a lifetime; The
7 Verrazano Bridge; including you and me. The
8 Verrazano Bridge now is 50 years old today and
9 it's now being replaced.

10 How long are we going to have before we
11 have to replace these tanks again?

12 MR. BELLA: It's hard to say exactly. You
13 always plan on these things to last 50 to a
14 hundred years. But it's somewhere in that range,
15 between 50 and hundred a years. It's hard to
16 pinpoint because there's a lot -- climate has an
17 affect. Water quality has an affect. Tanks are
18 substantially the lowest maintenance cost of all
19 options by far.

20 MS. CLARKE: All right. Thank you. I
21 think maybe that life history and how long they
22 will last will be another question that you can
23 put with this and keep going forward to give the
24 information to the public.

25 MS. HANDELA: One last comment.

1 The reason everybody is so upset about
2 this is because you talk about open space. You
3 said we live in a congested area. That's the
4 problem. This is our open space. This is what we
5 have and trying to preserve the very last that
6 there is. And if you take this away from us,
7 there's not much left. It's shrinking, daily.
8 You have no place for animals to go. You have no
9 place for us to picnic. That area in itself is
10 secluded. You get a park where you're allowed to
11 picnic. This area is at least preserved and not
12 touched.

13 MS. CLARKE: Thank you, we appreciate
14 that. Thank you for your patience and you're
15 endurance and we want to thank you very, very
16 much, the people who have contributed. So if you
17 don't mind, let's give them a round of applause.

18 Good night.

19 PRESIDENT KOLODZIEJ: Colleagues, I'm
20 going to need a motion to adjourn.

21 COMMISSIONER BAZIAN: Motion to adjourn.

22 PRESIDENT KOLODZIEJ: Second by
23 Commissioner DeVita.

24 (Whereupon, the proceedings concluded at
25 9:00 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, LYNANN DRAGONE, License No. XIO1388, a Certified Court Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the meeting at the time and the date hereinbefore set forth.

I further certify that I am neither attorney nor Counsel for, nor related to or employed by any of the parties to the action in which this meeting was taken.

I further certify that I am not a relative or employee of anyone employed in this case, nor am I financially interested in this action.

LYNANN DRAGONE, CCR
Certified Court Reporter