

# Legacy of Superfund-Worthy Contamination Continues in NJ

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TRENTON, N.J. (AP) — Already home to the largest number of Superfund toxic-waste sites in the nation, New Jersey expects to add 15 to 25 more properties to the National Priorities List in the next five years, state and federal authorities said.

And while adding to the list means the state is eligible for more federal cleanup money, it also means New Jersey has yet to see the end of its terrible legacy of contamination, one that in some instances dates back a century.

"We are still discovering cases we believe are going to involve multimillion-dollar remediation costs," said Ed Putnam, head of the Publicly Funded Remediation Program for the state Department of Environmental Protection. "If you need substantial remediation funding, in order to get it from the Superfund, you need to be on the National Priority List."

"Superfund" is the common name for the Comprehensive Environmental Response, Compensation and Liability Act of 1980, a federal law designed to clean up sites contaminated with hazardous substances that threaten public health. Polluters are held liable under the law for cleanup costs, but a special trust fund was created for situations where the responsible parties could not be found, no longer existed or didn't have enough money.

New Jersey holds the dubious title of Superfund Central, having received \$3 billion from the Superfund in the past 30 years. Even so, and even with \$150 million more from the federal stimulus package, only 29 of the state's 142 hazardous-waste sites have been cleaned up, Putnam said.

While newly listed sites means new funding eligibility, the competition for those federal dollars is also expected to increase.

The General Accountability Office, in an audit released last week, predicted more states will be vying in the next five years to enter properties onto the National Priorities List. The GAO also concluded the remediation costs for the more than 1,200 sites already on the national list will "exceed current funding levels" at the federal Environmental Protection Agency, which administers the program.

On average, 16 new sites joined the list each year between 2005 and 2009, with New Jersey adding six during that period. The GAO predicted 20 to 25 additions would be made to the list annually over the next five years, as EPA funds diminish.

"We have spent 1.2 billion on the 75 most dangerous sites, which is about 16 million per site, and they're still not cleaned up yet. So there is still a lot of work to do, and

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based on the current annual appropriation, the needs for the Superfund program exceed the resources," the GAO's John Stephenson said when the report was released last Tuesday.

The list could grow additionally as the EPA considers applying Superfund money to seriously polluted sites that involve "vapor intrusion" — where contaminated air seeps into buildings from underground sources, such as what is happening in homes around the former DuPont munitions factory in Pompton Lakes.

"That will, of course, further exacerbate the limited funding that already exists," Stephenson said.

U.S. Sen. Frank Lautenberg, D-N.J., had requested the GAO audit and presented it to the Senate Environment and Public Works Committee to bolster support for reinstating a tax that once financed the Superfund program. What was known as the "Polluter Pays" tax on oil and chemical companies expired in 1995.

"The work to clean up Superfund sites has slowed to a crawl since the 'Polluter Pays' fee expired and the fund ran dry," Lautenberg said. "In the coming years, New Jersey is likely to have even more Superfund sites added, and there must be a plan in place to protect the health and environment of our communities."

Robert Spiegel of the Edison Wetlands Association, which has been involved in 25 Superfund cleanups in New Jersey, said the lack of funding since the tax expired has not only forced taxpayers to pick up the tab, but weakened the ability of the EPA to wage court battles under federal laws that can force polluters to pay triple the cost of a cleanup.

"The polluters know the EPA is a paper tiger right now, so they don't pay as much as they should and the cleanups have gone on much slower than they used to, or not at all. It is important to get this program back on track," Spiegel said.

Putnam could not say which contaminated New Jersey properties would be next to land on the national list, but he predicted three to five would be added annually. He said that estimate was based largely on happenstance the probability of finding new points of serious pollution where the responsible company is not around, and of realizing that problems at known sites are more extensive than had been anticipated.

Federal help is critical for New Jersey, which carries the additional burden of cleaning 18,000 to 20,000 sites that don't qualify for federal dollars, the DEP's Putnam said.

"They range from leaking residential oil tanks to DuPont's Deepwater Point facility," he said, referring to the groundwater cleanup that the giant firm is financing around its chemical-production facility in Carneys Point.

Meanwhile, authorities continue to discover sites of extensive pollution expected to cost millions of dollars to clean, Putnam said.

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Putnam's "last biggest surprise" was the massive creosote contamination found in 1998 in Manville. The cancer-causing wood preservative had been left behind by Federal Creosote Co., which operated from 1911 to 1956, and it had soaked the soil where 127 homes were built in 1963.

The cleanup, initially estimated to cost \$105 million, has cost \$338 million. The site is expected to be taken off the federal list in two years.

"What we are finding now are old dumps or old dry cleaners. They are not really big sites. But they are sites where maybe drinking water gets contaminated through a fractured bedrock, and it's a costly cleanup," Putnam said, adding he remains hopeful.

"We're getting cleaner," he said. "The new sites we're coming up with are fewer and fewer, and they are less and less contaminated."

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