

13: 1E-1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 13:1E-1 et seq.

(Advisory Council
on Solid Waste in
DEP)

LAWS: 1970

CHAPTER: 39

Bill No: S745

Sponsor(s): Waldor and others

Date Introduced: April 6, 1970

Committee: Assembly: -----

Senate: -----

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Sponsor statement: No

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CHAPTER 39 LAWS OF N. J. 1970
APPROVED 5/6/70

SENATE, No. 745

STATE OF NEW JERSEY

INTRODUCED APRIL 6, 1970

By Senators WALDOR, WALLWORK, GIULIANO, MATTURRI,
DOWD, DeLTUFO, SCIRO, ITALIANO, H. A. KELLY,
LACORTE, BATEMAN, RINALDO, HAGEDORN, WHITE,
BEADLESTON, SEARS, FORSYTHE, DUMONT, KNOWLTON,
SCHIAFFO, WOODCOCK and DICKINSON

(Without Reference)

AN ACT concerning solid waste management; creating an Advisory
Council on Solid Waste Management in the State Department of
Environmental Protection, and relating to the department's
functions, power and duties.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known, and may be cited, as the "Solid Waste
2 Management Act (1970)."

1 2. The Legislature finds and declares that the collection, disposal
2 and utilization of solid waste is a matter of grave concern to all
3 citizens and is an activity thoroughly affected with the public
4 interest; that the health, safety and welfare of the people of this
5 State require efficient and reasonable solid waste collection and
6 disposal service or efficient utilization of such waste; and that the
7 current solid waste crisis should be resolved not only by the enforce-
8 ment of more stringent and realistic regulations upon the solid
9 waste industry, but also through the development and formulation
10 of State-wide, regional, county, and intercounty plans for solid
11 waste management and guidelines to implement the plans.

1 3. For purposes of this act, unless the context clearly requires
2 a different meaning:

3 a. "Solid waste" means garbage, refuse, and other discarded
4 materials resulting from industrial, commercial and agricultural
5 operations, and from domestic and community activities, and shall
6 include all other waste materials including liquids disposed of
7 incident thereto except it shall not include solid animal and vege-
8 table wastes collected by swine producers licensed by the State

9 Department of Agriculture to collect, prepare and feed such wastes
10 to swine on their own farms.

11 b. "Solid waste collection" means the activity related to pick-up
12 and transportation of solid waste from its source or location to a
13 disposal site.

14 c. "Solid waste disposal" means the storage, treatment, utiliza-
15 tion, processing, or final disposal of solid waste.

16 d. "Solid waste management" includes all activities related to
17 the collection and disposal of solid wastes by any person engaging
18 in such process.

19 e. "Council" means the Advisory Council on Solid Waste
20 Management.

21 f. "Department" means the State Department of Environ-
22 mental Protection.

23 g. "Commissioner" means the Commissioner of Environmental
24 Protection in the State Department of Environmental Protection.

1 4. a. The department shall have power to supervise solid waste
2 collection and disposal facilities or operations, and shall in the
3 exercise of such supervision require the registration of new and
4 existing solid waste collection and disposal facilities and opera-
5 tions; and may exempt from the requirement of registration any
6 class of solid waste collection or disposal facility or operation.

7 b. The department in reviewing the registration statement for
8 a new solid waste collection operation or solid waste disposal
9 facility or operation and in determining the conditions under which
10 it may be approved, shall give due consideration to community
11 development of comprehensive regional solid waste collection and
12 disposal in order to be assured, insofar as is practicable, that all
13 proposed facilities, installations and operations shall conform to
14 reasonably contemplated development of comprehensive community
15 or regional solid waste collection and disposal facilities and opera-
16 tions and to any State-wide, regional, county and intercounty plans
17 for solid waste management.

1 5. a. Unless exempted by the department, no person shall here-
2 after engage or continue to engage in the collection or disposal of
3 solid waste in this State without first filing a registration statement
4 and obtaining approval thereof from the department.

5 b. The registration statement shall be made on forms provided
6 by the department and shall contain such information as may be
7 prescribed by the department.

8 c. No registration shall be approved by the department when in
9 the opinion of the department such solid waste collection or disposal
10 system or operation will not meet the standards or criteria set forth

11 in regulations as may be promulgated under authority of this act.

1 6. The department may, in addition to such other powers as it
2 may possess by law :

3 a. Undertake a program of research and development for the
4 purpose of determining the most efficient, sanitary and economical
5 way of collecting, disposing and utilizing solid waste.

6 b. Formulate and promulgate, amend and repeal codes, rules and
7 regulations concerning solid waste collection and solid waste dis-
8 posal activities. All codes, rules and regulations heretofore adopted
9 by the Public Health Council relating to refuse disposal shall con-
10 tinue in full force and effect and be enforceable by the department,
11 subject to its power as herein provided to amend or repeal the same.

12 c. Develop and formulate a State-wide solid waste management
13 plan and guidelines to implement the plan; and to the extent prac-
14 ticable, encourage and assist in the development and formulation
15 of regional, county and intercounty solid waste management plans
16 and guidelines to implement the plans.

17 d. Acquire, by purchase, grant, contract or condemnation, title
18 to real property, for the purpose of demonstrating new methods
19 and techniques for the collection, disposal and utilization of solid
20 waste;

21 e. Purchase, operate and maintain, pursuant to the provisions of
22 this act, any facility, site, laboratory equipment or machinery
23 necessary to the performance of its duties pursuant to this act;

24 f. Apply for, receive and expend funds from any public or private
25 source;

26 g. Contract with any other public agency or corporation incorpo-
27 rated under the laws of this or any other State for the performance
28 of any function under this act;

29 h. Construct and operate, on an experimental basis, incinerators
30 or other facilities for the disposal or utilization of solid waste,
31 provide the various municipalities and counties of this State, the
32 Board of Public Utility Commissioners, and the Division of Local
33 Finance in the Department of Community Affairs with statistical
34 data on costs and methods of solid waste collection and disposal;

35 i. Make annual and such other reports as it may deem proper
36 to the Governor and the Legislature evaluating the demonstrations
37 conducted during each calendar year.

1 7. a. There is hereby created in the department an Advisory
2 Council on Solid Waste Management which shall consist of 11
3 members, three of whom shall be the President of the Board of
4 Public Utility Commissioners, the Commissioner of Community
5 Affairs, and the Commissioner of Health, or their designees, who

6 shall serve ex officio, and eight citizens of the State representing
7 the general public to be appointed by the Governor, with the advice
8 and consent of the Senate. The Governor shall designate a chairman
9 and vice chairman of the council from the public members who shall
10 serve at the will of the Governor.

11 b. Of the eight members first to be appointed three shall be ap-
12 pointed for terms of 2 years, three for terms of 3 years and two for
13 terms of 4 years. Thereafter all appointments shall be made for
14 terms of 4 years. All appointed members shall serve after the
15 expiration of their terms until their respective successors are ap-
16 pointed and shall qualify, and any vacancy occurring in the
17 appointed membership of the council by expiration of term or other-
18 wise, shall be filled in the same manner as the original appointment
19 for the unexpired term only, notwithstanding that the previous
20 incumbent may have held over and continued in office as aforesaid.

21 c. Members of the council shall serve without compensation but
22 shall be reimbursed for expenses actually incurred in attending
23 meetings of the council and in performance of their duties as
24 members thereof.

1 8. The Advisory Council on Solid Waste Management is em-
2 powered to:

3 a. Request from the commissioner such information concerning
4 solid waste programs as it may deem necessary;

5 b. Consider any matter relating to the preservation and im-
6 provement of solid waste programs and advise the commissioner
7 thereon;

8 c. From time to time submit to the commissioner any recom-
9 mendations which it deems necessary for the proper conduct and
10 improvement of solid waste programs;

11 d. Study solid waste programs and make its recommendations
12 thereon to the commissioner;

13 e. Study any regulations promulgated by the department and the
14 Public Health Council in regard to solid waste and make its recom-
15 mendations for their improvement to the commissioner;

16 f. Study and investigate the state of the art and the technical
17 capabilities and limitations of regulations concerning solid waste
18 and report their finding and recommendations thereon to the com-
19 missioner.

20 g. Study and investigate the need for programs for the long
21 range technical support of solid waste programs and report their
22 findings and recommendations thereon to the commissioner;

23 h. Hold public hearings in regard to existing solid waste statutes
24 and regulations and upon the state of the art and technical capabili-

25 ties and limitations in solid waste and report its recommendations
26 thereon to the commissioner.

1 9. a. All codes, rules and regulations adopted by the department
2 related to solid waste collection and disposal shall have the force
3 and effect of law. Such codes, rules and regulations shall be ob-
4 served throughout the State and shall be enforced by the depart-
5 ment and every local board of health.

6 b. The commissioner may institute an action or proceeding in the
7 Superior Court for injunctive and other relief, including the ap-
8 pointment of a receiver for any solid waste collection or disposal
9 facility or operation, which is established or operated in violation of
10 this act, or of any code, rule or regulation promulgated pursuant to
11 this act and said court may proceed in the action in a summary
12 manner.

13 c. Any person who violates the provisions of this act or any code,
14 rule or regulation promulgated pursuant to this act shall be liable
15 to a penalty of not more than \$1,000.00 per day to be collected in a
16 civil action commenced by a local board of health or the commis-
17 sioner by a summary proceeding under The Penalty Enforcement
18 Law (N. J. S. 2A :58-1 et seq.) in the Superior Court, County Court,
19 county district court, or a municipal court, all of which shall have
20 jurisdiction to enforce said Penalty Enforcement Law in connection
21 with this act. If the violation is of a continuing nature, each day
22 during which it continues after the date given by which the viola-
23 tion must be eliminated in accordance with the order of the depart-
24 ment shall constitute an additional, separate and distinct offense.

25 d. The department is hereby authorized and empowered to com-
26 promise and settle any claim for a penalty under this section in such
27 amount in the discretion of the department as may appear appro-
28 priate and equitable under all of the circumstances, including a
29 rebate of any such penalty paid up to 90% thereof where such
30 person satisfies the department within 1 year or such other period
31 as the department may deem reasonable that such violation has
32 been eliminated or removed or that such order or injunction has
33 been met or satisfied, as the case may be.

1 10. If a registrant shall violate, directly or indirectly through his
2 officers or employees, any of the provisions of this act, or regula-
3 tions promulgated thereunder, the commissioner may order the
4 correction of the violation within such reasonable period of time as
5 the commissioner may prescribe. Such an order shall be in writing,
6 shall state the violation to be corrected, the period of time within
7 which such violation shall be corrected and the person or persons
8 who have actual administrative responsibility who shall be re-

9 sponsible for having such correction made. The order shall be
10 delivered in person or by certified mail to the person designated to
11 receive service of the commissioner's orders.

12 If the commissioner's order is not complied with within the period
13 specified therein, or within any extension thereof, the commissioner
14 may order the registrant to stop engaging in such activity or the
15 part affected by the order until the order is complied with. If the
16 registrant shall continue such activity or part thereof after the
17 commissioner has ordered the registrant to stop, the registrant shall
18 be subject to the penalties prescribed in section 9 of this act.

1 11. During the first registration year of each applicant, or the
2 year following any violation of this act resulting in a revocation of
3 registration, the department is authorized to give temporary ap-
4 proval of registrations conditioned upon the applicant effecting
5 specified additions, changes or improvements in methods of opera-
6 tion and equipment within such time and manner as may be required
7 by the department.

1 12. The department, after hearing, may revoke or suspend the
2 registration issued to any person engaged in the solid waste collec-
3 tion or solid waste disposal upon a finding that such person:

4 a. Has violated any provision of this act or any rule, regulation,
5 or administrative order promulgated hereunder; or

6 b. Has violated any provision of any laws related to pollution
7 of the waters, air or land surfaces of the State; or

8 c. Has refused or failed to comply with any lawful order of the
9 department.

1 13. All property acquired or utilized by the department to imple-
2 ment the provisions of this act shall be exempt from all taxation,
3 State and local.

1 14. This act shall be liberally construed to effectuate the purpose
2 and intent thereof.

1 15. If any provision of this act or the application thereof to any
2 person or circumstances is held invalid, the remainder of the act
3 and the application of such provision to persons or circumstances
4 other than those to which it held invalid, shall not be affected
5 thereby.

1 16. This act shall take effect immediately.

GARBAGE INDUSTRY: Senate passes

The State Senate yesterday passed and sent to the Assembly two bills aimed at imposing tighter control over the garbage collection and disposal industry, allegedly infiltrated by organized crime.

There was strong opposition by Democratic Minority Leader Sen. J. Edward Crabel (D-Middlesex) that the Republicans' measure to control the industry "was not on the right track" and would "create a monopoly rather than stop it."

But Sen. Milton A. Waldor (R-Essex), who sponsored the

measures, drafted by Gov. William T. Cahill's office, said the bills were "among the most important legislation ever considered by any Legislature in this state."

The bills give regulatory control over the collection and disposal of garbage to the Public Utilities Commission and place the health aspects in the new Department of Environmental Protection.

Following investigations by state and federal officials, both the State Commission of Investigation and U.S. Attorney Frederick B. Lacey

warned that elements of organized crime were moving into the state's garbage industry.

Waldor, who was chairman during the public hearings on the garbage industry in New Jersey, said, "Most of the ills complained about by municipal officials and private citizens are cured by this legislation."

"The PUC will be in a position to strictly regulate the industry and put an end to such practices as bid-rigging and collusive bidding," he said.

"Every municipality in the state will benefit from enactment of this legislation," said Waldor.

But Crabel disagreed that Cahill's package of bills would be a cure-all.

"This is the weakest possible legislation and will do the least in the public interest," he charged.

Two weeks ago, Crabel said, he talked about the bills' "weak points" with Cahill and was invited to submit possible amendments.

But, noted Crabel, although the amendments were

drafted, "and I was late as 1 p.m. consideration would be given, and not once a chance to meet the Governor to try to reach an understanding."

Crabel criticized the legislation as "loaded with holes." He said it set up "franchised" the state for garbage engers would "monopoly, and detrimental to business."

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bills to keep crime out

force these businessmen to work under such a monopoly."

Crabel said that under the terms of Cahill's package, "competitive bidding would be eliminated." He said that rather than the scavengers, the dump owners should be regulated because they have the power to control most of the available dumping sites.

"The testimony at the hearings came from municipal officials who were boxed out from dumping sites — that type of industry should be regulated by the PUC," said Crabel. "But we should open

up the business of collection to anyone who wants to enter it."

Under the terms of the regulatory bill, violators could be imprisoned for up to three years or fined \$50,000 or both.

Any person who engaged in the solid waste collection business or waste disposal without having been issued a certificate would be liable to a fine of not more than \$500 for a first offense, not less than \$100 or more than \$1,000 for a second offense, and not less than \$500 or more than \$1,000 for a third

and every subsequent offense.

The PUC would be charged with setting and enforcing standards and rates for regulating the economic aspects of garbage collection, disposal and utilization services.

Under the terms of the bill, the PUC may, after a hearing, "when it finds that the public interest requires," set up a franchise area to be served by one or more persons engaged in garbage collection, and by one or more engaged in disposal, at rates and charges accepted for filing by the board of PUC.

Lacey Aids Assembly in Rivalry Over Garbage Control

C-P 2/12/70

By JOHN O. DAVIES.
Courier-Post Bureau

TRENTON — The rivalry between Senate and Assembly Republicans over programs to regulate the collection and disposal of garbage finds the crime-busting U.S. attorney for New Jersey, Frederick B. Lacey, in an accidentally partisan role.

In a special report on crime distributed among the lawmakers recently, Lacey endorsed Assembly proposals to loosen the grip of organized crime on the garbage industry by placing it under the state Board of Public Utility Commissioners.

This put him foursquare on the side of former Assembly Speaker Peter Moraites, R-Bergen, whose efforts to initiate rollcall action on his garbage control program has been temporarily stymied by Gov. William T. Cahill and supporters of Sen. Milton Waldor's program.

Waldor, who conducted extensive public hearings last year on garbage collection

crime and corruption, favors putting the industry under control of the state health commissioner.

The three bills in Moraites' program were on the Assembly board and set for rollcalls last week, only to be withdrawn at Cahill's request. The governor said he wanted to review the issue and combine the best features of rival programs into one package. He hoped to mediate the dispute by the end of this week.

However, Assembly Speaker William Dickey, R-Camden, once again has posted Moraites' bills for floor votes, although he says he hopes to talk them over with Pierre Garven, Cahill's chief counsel, before the House acts.

"We hope we can reconcile any differences," Dickey said, "but we won't hold back a vote on the proposals in our house without good reason."

One reason being promoted in favor in instant House action is the report of Lacey's recommendations to the Legislature on laws "which

might be enacted to curb the power and influence of organized crime in New Jersey."

Lacey noted that his own crime have confirmed the infiltration of organized crime into the garbage collection and disposal industry, with control of bidding and dumping sites and collusion with labor unions its chief weapons.

Under the Moraites program, Lacey said without naming the former Speaker, "The garbage industry would essentially become a public trust and would be regulated by the Public Utility Commission."

Lacey said the Moraites approach would impose "severe limits" on collusive bidding and other "criminal encroachment" as well as plans in the Assembly package to "place the health aspects of garbage collection and disposal under the regulation of the health department."

Lacey gave the Assembly bills a big boost when he wrote: "I favor such legislation."

Meantime the prestigious State Investigation Commission also has circulated its first annual report to the lawmakers, in which it notes it also is investigating the garbage industry at the Legislature's request.

Its report urges the 1970 lawmakers to enact laws prohibiting price fixing, collusive bidding, and monopoly practices, providing for state licensing of waste collectors with full public exposure and to prevent discrimination in either the availability or price of disposal sites.

Waldor has said he would leave the door open to a compromise but that he still feels the industry should be regulated by the Health Department. This point of view, he indicated, would not be changed easily.

Senate President Raymond H. Bateman, R-Somerset, also believes the rivalry can be resolved so more expeditious lawmaking can proceed in what all law enforcement

agencies have conceded is an area ripe with corruption, collusion, and racketeering.

Already the legislative gamesmanship has cost valuable time.

Even if a compromise is worked out it cannot be legislated to Cahill's desk for signature into law until late in March.

Next Monday's legislative session will be the last until after a prolonged recess during which the governor's new state budget will be processed by the Joint Legislative Appropriations Committee.

And even if the Assembly tries to go ahead with its own programs, the Senate probably won't be inclined to go along. A continuation of the rivalry could find the lawmakers going home for their summer recess just as they wound up last winter's work — with plenty of public hearings producing evidence of crime in the garbage cans, plenty of bills designed to set the industry straight — but no action.

FEAR ORGANIZED CRIME

Legislature to consider control of garbage indt

By LINDA LAMENDOLA

Sweeping legislation to provide for state regulation of the garbage industry—allegedly infiltrated by organized crime—will be introduced tomorrow by the Cahill administration.

The package of bills regulating the garbage industry will be sponsored by Sen. Milton A. Waldor (R-Essex). Legislation will place the regulation, enforcement and rate-setting powers in the Public Utilities Commission.

The newly proposed department of environmental protection will regulate the health aspects in the garbage industry, including the supervision and inspection of garbage disposal dumps.

"We will not have any more infiltration into the garbage industry by the rackets," said Cahill.

Legislation creating the new department of environmental protection will be introduced in the Assembly also tomorrow.

Cahill has called for speedy enactment by the Legislature in order to permit him to name a director of the department at an early date.

The new legislative proposals for regulating the garbage industry were drafted by the Cahill Administration after a deadlock between the two houses lasting nearly a year.

The new package of bills combines the best features of the two separate legislative proposals by Assemblyman Peter Moraites (R-Bergen) and Sen. Waldor.

"There has been a meeting of the minds between the two men, and Sen. Waldor will sponsor the new package of bills," said a Governor's spokesman.

Moraites' bills would place control of the industry under the PUC; Waldor would have created a separate division in the state health department bypassing the PUC and giving all powers to the new division.

The new legislation, instead, places health controls in the new department of environmental protection, it also establishes an advisory council in solid waste management to be placed in the new department.

Cries from New Jersey mayors for state regulation of the garbage collection industry spearheaded the drive about a year ago. Following a series of public hearings chaired by Sen. Waldor, the Essex County legislator introduced his legislation to control and regulate the industry.

At the same time, Assemblyman Moraites introduced legislation to place control in the PLC. Both bills were buried in committee.

Diclosures that the industry was being infiltrated by or-

ganized crime were made and one legislator charged that top mobsters were getting a three per cent rakeoff from some garbage contractors. That triggered a probe by the commission of investigation which confirmed later that underworld elements were moving into the industry.

Legislative action was delayed until Gov. Cahill announced he would assign his chief counsel, Peirre Garven, to draft legislation that would divide regulation of the scavenger industry between two agencies.

However, Cahill added a surprise feature. He placed the health control aspects of the legislation into a department which has yet to be created.

The new department of environmental protection will

be formed by abolishing the present Department of Conservation and Economic Development.

Economic development will be absorbed into the Department of Labor and Industry, and conservation will be integrated in the new department along with the Division of Clean Air and Water, now in the health department.

Richard J. Sullivan, director of the Division of Clean Air and Water, has been mentioned by some state house observers as being under consideration for the post of department commissioner.

However, Cahill has not yet given any indication of who he plans to head the new department.

In other legislative action tomorrow, the Assembly will move to establish the salary of the director of the state

lottery at a rate to \$35,770.

Ralph T. J. Hills, former confirmed by Thursday to be state lottery. Batch and n commission Thursday in the State Hou

Cahill plans dual-controls for the garbage industry

By LEONARD J. FISHER
Gov. William T. Cahill said in Trenton yesterday his administration will introduce legislation early next month providing for state regulation of the garbage collection industry.

Cahill, said several proposals are being consolidated into an "administration package" by his legal staff.

"This takes time," Cahill said.

His chief counsel, Pierre Garvon, said the package would be ready for introduction "within the first two weeks of April, definitely."

The package being drafted, administration sources said, would divide regulation of the garbage industry between the Public Utility Commission (PUC) and the Health Department — criminal problems in the industry would be handled by the PUC and health problems by the Health Department.

This dual control system coincides with one proposed by U.S. attorney for New Jersey Frederick B. Lacey in a booklet of recommendations to the Legislature designed to "curb the power

and influence of organized crime in New Jersey.

The Governor's statement came after Mayor John Monica of Orange made a special trip to the State House to deliver identical letters to Cahill and legislative leaders calling for "immediate action" on the regulatory legislation.

"More than 15 months has elapsed," Monica's letter read in part, "since I attempted to alert the public officials and the taxpayers of the State of New Jersey on the exorbitant and unconscionable increases in the cost of garbage removal and land solid waste dump sites."

Monica, spearheading a group of New Jersey mayors upset over garbage contracts increasing by as much as 150 per cent in a year, testified at public hearings last year that bid-rigging on municipal garbage collection contracts and monopolies on dumping sites were to blame.

"Unless the state regulates this industry as it does the telephone company, Public Service and other businesses

with a monopoly," Monica testified, "there is no telling how high the cost will go."

Charges by one legislator that Mafia chieftains were getting a three per cent "rake-off" from some garbage contracts triggered a probe of the industry by the State Commission of Investigation (SCI). It confirmed that underworld elements were moving into the industry.

"When the sales tax was to be increased from three per cent to five per cent," Monica said in his letter yesterday, "it took very little time to enact such legislation. No time was lost.

"On the other hand, when legislation can be passed and adopted which will save the taxpayer many, many millions of dollars and protect his health and welfare, there seems to be no move in haste but rather a delay; and perhaps the delay is permitted to allow the garbage lobbyists and those interested in assisting this lobby to delay needed legislation to the detriment of the taxpayers of New Jersey," the mayor said.

Garbage control bills delayed by Dem proposals

NSL 4-14-70

N.J. — Refuse disposal

Gov. William T. Cahill's bills to impose tighter controls over the garbage collection and disposal industry were held up in the Senate yesterday while the Governor's office studied proposed revisions suggested by Senate Democrats.

Senate Minority Leader J. Edward Crabel (D-Middlesex) wants Cahill to impose greater controls over the disposal sites instead of the scavengers.

A Governor's spokesman said yesterday the Senate Democrats proposed revisions are being studied but that he did not anticipate Cahill would act favorably upon them.

The main thrust of Sen. Crabel's suggestion is that he questions whether the scavengers should be regulated by the Public Utility Commission to the same extent as the garbage dump owners," a Governor's spokesman said.

Sen. Crabel said he is concerned that, under the terms of the Cahill administration's package, "competitive bidding would be eliminated, which is certainly not in the public interest."

The Cahill bills give regulatory control over the collection and disposal of garbage to the PUC and place the health aspects in the new Department of Environmental Protection.

Crabel feels that to include the collection industry under PUC regulations and the "franchise areas" would not effectively control the industry. He wants greater controls over the dumps.

Crabel said, "I am not objecting to control and review by the PUC, and I am not objecting to placing the health aspects under the new Department of Environmental Protection."

He added he also was not objecting to those provisions to eliminate the criminal elements in the industry.

"But I see no reason to put the business of collecting garbage under utility control," said Crabel.

Crabel said he wants to place the dump owners under PUC. The Senate minority leader contends the monopoly problem has become so great in the state because garbage collectors are mostly dump owners whose power lies in the fact they control most of the available dumping sites.

Crabel talked about the legislation's "weak points" with Gov. Cahill last Thursday during a leadership meeting in a Governor's spokesman

GARBAGE INDUSTRY: OZZARD WANTS

By LINDA LAMENDOLA

William E. Ozzard, who took the oath yesterday as president of the Public Utilities Commission, said he believes regulation of the garbage industry in New Jersey — allegedly infiltrated by organized crime — should be placed in his department.

But, he added, he was assuming a "hands off" position until the Governor and Legislature reached their own decision.

Gov. William T. Cahill, whose first official act yesterday as Governor was to participate in the swearing in of

the former state senators, said he hasn't yet "taken a position on that matter yet."

Cahill indicated, however, that he would have a statement on the subject at a later date.

Ozzard noted, a few minutes before taking the oath of office in the Governor's executive office in Trenton, that "it makes sense" for the PUC to assume regulatory control of the industry.

"Our department is already set up for licensing; we have the equipment and the staff, and we would be ready to go into operation immediately," he said.

Ozzard pointed out that gar-

bage collection and disposal is an indispensable service that can be coupled in the public interest in the same manner as water, gas, electricity and telephones, which now come under PUC control.

Recently U.S. Attorney Frederick B. Lacey asserted that the garbage industry in New Jersey should be placed under PUC regulations.

Municipalities throughout the state last year protested over the mounting costs of garbage collection and disposal services.

And, a Bergen County Grand Jury, charging a lack of competition in the garbage industry, recommended also

last April that the PUC regulate the industry after its investigation into the methods and costs of garbage collection.

The Assembly last year approved a package of bills sponsored by Assemblyman Peter Moraites (D-Bergen) that would have placed regulation of the industry and its rates, under the PUC. It did not pass the Senate.

Moraites has reintroduced the measures for the 1970 session.

Sen. Milton A. Walder (R-Essex) who chaired a number of public hearings on the garbage industry, has reintroduced a package of bills

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regulatory role for PUC

that would place regulation of the industry in the department of health.

Gov. Cahill said he was "very happy" that the swearing in ceremony of the former state senator from Somerset County was "the first official act I have the honor of participating in as Governor."

"No other event would give me more personal pleasure than to see Bill Ozzard, an old and trusted friend, sworn in as President of the Public Utilities Commission," Cahill told a group of about 25 persons witnessing the ceremony.

Meanwhile, yesterday, Rob-

ert L. Clifford, 45, who will head the banking and insurance department, took the oath of office in Morristown at 9:30 yesterday morning.

Clifford is a Morristown lawyer with experience in handling auto negligence cases.

The department is expected to be split into separate banking and insurance departments with Clifford to head the Insurance Department. James Cox-Brady 3d of Far Hills is reportedly Cahill's choice for banking commissioner.

A bill which would divide the department of banking and insurance into its major

components was introduced Tuesday. The real estate commission, now under the jurisdiction of the department, would be placed under the new insurance department.

The bill appropriates \$60,000 to finance the transfer, of which \$38,000 would be used to pay the salary of the new banking commissioner.

This Friday, Edmund T. Hume will be sworn in as commissioner of community affairs in Newark. Hume, 49, was mayor of Maplewood and worked for the Bell Telephone Co. for the past 28 years. The ceremony will be held at 4 p.m. in the Hotel Robert Treat.