



February 15, 2012

Assistant Commissioner for Water Resource Management Michele Siekerka
New Jersey Department of Environmental Protection
P.O. Box 402
401 E. State Street, Floor 7
Trenton, New Jersey 08625

Re: New Jersey Drinking Water Quality Institute

Dear Assistant Commissioner Sierkerka,

Delaware Riverkeeper Network wrote to the Department in November 2009 inquiring about comments made by the Chemistry Council of New Jersey regarding the New Jersey Drinking Water Quality Institute (DWQI). We wrote again on March 11, 2011 to ask about the activities of the DWQI and to express our support for the DWQI and the importance of the development of new drinking water standards for PFOA and other chemicals found in New Jersey drinking water. Those two letters are attached. Fred Sickels, Director of Water Supply, responded to our 3.11.2011 letter on May 12, 2011 saying that the Department was in the process of reviewing DWQI recommendations and considering next steps. Since that letter, however, there has been no public disclosure of what the process is or what the actions of the Department have been or will be in regard to setting drinking water quality standards.

We are writing today to reach out to you as the new Assistant Commissioner and Water Resource Management director to bring this critical issue to your attention. We have seen no progress in the development of the new standards that were actively being developed by the DWQI and there have been no public meetings or public discussions about the DWQI and why this important standard-setting body has not met and why its essential work has apparently been suspended.

Hexavalent chromium, perfluorinated chemicals, perchlorate, uranium, gross alpha and radium, were all being worked on by the DWQI. These are known contaminants present in New Jersey drinking water according to Department records and they have substantial human health impacts. A guidance level for PFOA was already in place and, based on reports from the DWQI at public meetings and on their website, a MCL was being developed for recommendation to the Department. To protect New Jersey's public health, we feel it is urgent that an MCL be established for PFOA and the other chemicals that the DWQI was developing recommendations for and that delay endangers the health of the State's residents.

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As you know, the DWQI was established by the 1983 amendments to the New Jersey Safe Drinking Water Act (N.J.S.A. 58:12A1 et seq., P.L. 1983, c. 443) and is therefore an official body with statutory responsibilities. The DWQI is responsible for developing maximum contaminant levels (MCL) or standards for hazardous contaminants in drinking water and recommending these standards to the Department. The standard setting process was established within the 1983 amendments to the New Jersey Safe Drinking Water Act.

We are hoping that in your new position, you will investigate this matter and report on how the duties of the DWQI are being carried out.

We are also waiting for the public release of the report that the Department was to issue on occurrence data for testing done for perfluorinated chemicals (PFOA, PFOS, etc.). This report was expected to be issued in 2010. The public is completely in the dark about the Department's findings. When will this report be issued?

As we stated in other communications and at DWQI public meetings, we have great confidence in the expertise and science-based knowledge of those who carry out the work of the DWQI and point out that the staff and the reports they have published are nationally recognized and used in deliberations across the country and at the federal level. New Jersey's DWQI has been long been a leader in helping other states and the USEPA in their scientific endeavors. That the Department would not use this reservoir of high quality professionals and allow the DWQI to carry out its responsibilities is very troubling. We note that statutory requirements must be met and it seems as if the Department has halted these required activities without any alternate path of progress to set standards for these dangerous contaminants, as required by the Safe Drinking Water Act.

We look forward to hearing from you on these pressing matters.

Thank you in advance for your response.

Sincerely,

Maya van Rossum
the Delaware Riverkeeper

Tracy Carluccio
Deputy Director

Cc: Commissioner Bob Martin, NJDEP
Fred Sickels, Division of Water Supply

Attachment: 11.6.09 letter from DRN to NJDEP
3.11.11 letter from DRN to NJDEP