



January 23, 2014

Commissioner Bob Martin
New Jersey Department of Environmental Protection
P.O. Box 402
401 E. State Street, Floor 7
Trenton, New Jersey 08625

Re: Perfluorinated Chemicals, including PFNA, in New Jersey communities

Dear Commissioner Martin,

On July 25 and August 23, 2013 Delaware Riverkeeper Network sent you letters regarding our continuing concerns about New Jersey water supply contamination caused by perfluorinated chemicals (PFCs), an issue we have been communicating with the Department about since 2006. We write today because we have not yet received a response to the requests in those letters and want to encourage the Department to take action.

We also submitted a letter and comments to NJDEP Bureau of Case Management on December 20 regarding "Perfluorinated Compounds Work Plan, West Deptford, New Jersey, Plant; Prepared for Solvay Specialty Polymers USA, LLC by Integral Consulting Inc., November 15, 2013" as a named stakeholder in the Solvay sampling plan review. As we stated in our comments regarding Solvay's sampling plan, we urge the Department to help Paulsboro and other communities whose water may be affected by insisting that Solvay produce a thorough and valid work plan to understand the distribution, fate, and exposures of PFCs so that the pollution can be cleaned up by the company. Our understanding is that process is ongoing and not yet complete.

We reiterate all of our requests in both letters (attached), particularly the need for further and broader sampling for PFCs by the Department as part of a new Occurrence Study. This is especially urgent because of the new sampling results from Paulsboro that show even higher levels of PFNA in raw and finished water in their water system. We consider it very important that the Department conduct sampling to identify the extent of exposure of the public and the environment to contamination from PFCs – other drinking water supplies could be contaminated, including private wells, and this information is needed right away to protect people. We consider it

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urgent that action be taken to stop PFC releases and to clean up PFC contamination. Most immediately, clean drinking water needs to be provided to affected communities.

The raw water sampled in 2009 at 96 ng/L in Paulsboro and the even more shocking level of 140 ng/L in raw water and 150 ng/L in finished water in the Paulsboro drinking water system (Items # 2954 and 2966 respectively, NJDEP database entitled "OPRA NJDEP WQ Copy of PFC all data dated 12-10-2013" received 12.17.2013 through Delaware Riverkeeper Network OPRA request) make it very clear that the presence of PFNA, and other PFCs, is an enduring issue that needs to be fully addressed by the Department. We understand it is the responsibility of the State to advise and guide Paulsboro and its residents. The State should provide a place for people to call so they can get answers to their questions about drinking water and the potential health effects of PFNA on themselves and their families.

Obviously interim treatment measures or the provision of replacement water are urgently critical to eliminate PFCs, particularly the high levels of PFNA, from the Paulsboro community's drinking water now.

We add to our prior requests that in addition to the Department's site remediation efforts which require sampling by Solvay to investigate PFC releases that the Department modifies Solvay's air quality and water discharge permits to require monitoring for PFCs, if this action has not already been taken by the Department. This will provide the information needed to take the next needed step – the removal of PFCs from Solvay's effluent discharges and air emissions.

At this critical time, while people are drinking water that is contaminated with PFNA and other PFCs, we have two additional suggestions that could help ensure that residents get clean water sooner rather than later in the interest of protecting public health.

First, we suggest that the Department add PFCs, including PFNA, to the Environmental Hazardous Substance list of compounds requiring reporting under the New Jersey Community Right to Know Act, N.J.A.C. 7:1G. We do not believe Solvay is exempt under the regulations and this family of chemicals is not currently listed. The Department has identified human health and environmental impacts that result from the use of PFCs, including PFNA. We know PFNA was released by Solvay's facility in large quantities since at least 1985 (by Solvay and previous owners) and it is persistent in the environment because it does not degrade. The high levels found in Paulsboro's drinking water are direct proof of that.

Listing of PFNA, and other PFCs, as a hazardous substance will require reporting to the Department of the properties, use and release of the compounds which will help to provide crucial data about its presence and use and will make important information about these chemicals available to the public and the work force. It will also provide pollution prevention reporting and oversight in handling of the compounds.

The listing fits into the Department's objectives of gathering information to inform permit decision making, establishing permit limits for specific chemicals and prioritizing the Department's pollution

prevention efforts.¹ The data from reports is used by the Department to identify geographic areas where hazardous releases and discharges are occurring and where pollution may be concentrated, an analysis that would help in tracking PFCs to affected communities. This data can then also be linked with health outcomes.² **The listing may also provide access to State funding that could be used to fund a treatment system for Paulsboro in the near term so residents don't have to wait for clean water.**

Second, we request that the Department take further action immediately by adopting Class II A Interim Specific groundwater criteria for PFCs, including PFNA, in the region affected by the releases from the Solvay facility as per Ground Water Quality Standards (GWQS), N.J.A.C. 7:9C. Since the current Administration shut down New Jersey's Drinking Water Quality Institute in 2010, there is no other way to establish a safe water standard that can be used to design treatment systems that will remove PFCs, including PFNA, from drinking water that has been polluted by PFCs.

According to the Department's website, standards are included in the [Interim Ground Water Quality Criteria Table](#). The Department generally establishes new ground water quality criteria through amendments to or re-adoption of the GWQS rules. However, the GWQS rules at N.J.A.C. 7:9C-1.7(c) allows the Department to establish new ground water quality criteria on an interim basis. The Department may [establish interim specific ground water quality criteria](#) for constituents that are not listed on Appendix Table 1 when sufficient health-based information is available to derive a criterion and practical quantization limit (PQL) in accordance with the methodologies or risk assessment approach discussed in N.J.A.C. 7:9C-1.7(c) 2, 3 and 4.”³ That health based information is currently available to the Department for PFCs, including PFNA.

The sampling results from Paulsboro and other water supplies in the region require immediate action. Quickly setting a valid interim groundwater standard to protect residents who are drinking contaminated water could provide an interim standard for treatment purposes. We request the Department take this action immediately for the benefit of public health and the environment.

Delaware Riverkeeper Network's suggested actions by the Department can put in motion a process to address PFC contamination of the environment and drinking water. Many of these actions will apply to all of New Jersey and some will have a more focused result in the Solvay-affected region that has been contaminated by PFNA and other PFCs. We request the Department respond to our letters and consider our suggestions.

Thank you for your prompt consideration of these matters.

Sincerely,

¹ NJDEP, Industrial Pollution in New Jersey: A Trends Analysis of Materials Accounting Data, 1994 to 2004”, Spring 2007, Section D, p. 10.

² NJDEP, Industrial Pollution in New Jersey: A Trends Analysis of Materials Accounting Data, 1994 to 2004”, Spring 2007, Section D, p. 12.

³ <http://www.state.nj.us/dep/wms/bwqsa/gwqs.htm>

Maya K. von Rossum Tracy Carluccio

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the Delaware Riverkeeper

Tracy Carluccio
Deputy Director

cc: Acting Deputy Commissioner Michelle Siekerka

Attachment: July 25, 2013 letter to NJDEP from DRN
August 23, 2013 letter to NJDEP from DRN