



For Immediate Release
March 18, 2011

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Delaware Riverkeeper Network
Questions New Jersey Department of Environmental Protection
About Public Drinking Water Protections

Bristol, PA – Delaware Riverkeeper Network submitted a letter to New Jersey Department of Environmental Protection (DEP) out of mounting concern about how critical water quality issues are being addressed by the State.

Under the New Jersey Safe Drinking Water Act (N.J.S.A. 58:12A1 et seq., P.L. 1983, c. 443), New Jersey's Drinking Water Quality Institute (DWQI) is charged with developing drinking water protections. The DWQI is responsible for developing maximum contaminant levels (MCL) or standards for hazardous contaminants in drinking water and recommending these standards to DEP's Commissioner. The standard setting process was established within the 1983 amendments to the New Jersey Safe Drinking Water Act.

For 28 years the DWQI has been carrying out a considered process that scientifically analyzes data to develop safe standards, protecting New Jersey's residents. Many drinking water standards have been developed and adopted over the years and the scientific research and protective actions taken by the Institute have been nationally recognized for the quality and thoroughness of its scientists and policy advisors.

However, for some unexplained reason, no public meetings of the DWQI have occurred since September 2010. Several crucially important drinking water standards are under development and studies of the health impacts of certain contaminants are underway by the DWQI but there has been no public reporting of progress for the last six months, which is very unusual and a break in normal procedures. DRN wrote DEP Commissioner Bob Martin to ask why.

“At their last meeting, the DWQI reported on perflourinated chemicals (PFOA, PFOS, etc.), hexavalent chromium, perchlorate, uranium, gross alpha and radium – all extremely toxic materials that require urgent action. Yet for six months there has been no public reporting of progress to develop controls on these pollutants in public drinking water”, said Tracy Carluccio, Deputy Director of Delaware Riverkeeper Network.

Continued Carluccio, “In addition, DEP is apparently sitting on a report about PFOA they found in new tests in public drinking water supplies. We filed a new records request on March 11 for the report in an effort to disclose what the public should know about dangerous perflourinated chemicals in their drinking water. We want to know what’s going on and believe the public has a right to know.”

There has been no response yet to DRN’s letter dated March 11, 2011. **A copy of the letter and an attachment to that letter follow:**

March 11, 2011

Commissioner Bob Martin
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 Commissioner Martin,

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 expressed our support and our active participation in the public process that is employed by the DWQI to develop the drinking water quality standards for the State. A copy of that letter is attached. We continue to be concerned about the Chemistry Council’s unfounded criticism of DWQI process for developing drinking water quality standards that we have heard at DWQI meetings and in the comments they made in 2009, addressed in our attached letter.

We filed an OPRA and a FOIA today, March 11, 2011 regarding any further communications on this. We also re-filed an OPRA for a report prepared by NJDEP on occurrence data for testing done for perfluorinated chemicals (PFOA, PFOS, etc.) that we originally filed July 7, 2010.

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 you as NJDEP Commissioner. The standard setting process was established within the 1983 amendments to the New Jersey Safe Drinking Water Act.

We regularly attend DWQI public meetings and attended the last meeting in September, 2010. Reports at that meeting made it clear that the Institute is very busy with several important initiatives at the subcommittee and full Institute level. We heard four subcommittee reports among other reports. Hexavalent chromium, perfluorinated chemicals, perchlorate, uranium, gross alpha and radium, were all reported on since there are active projects underway regarding testing and, in some cases, risk assessments and MCL's being developed.

We are perplexed as to why there has been no public meeting noticed or planned of the DWQI yet this year. We are very interested in the upcoming subcommittee reports regarding progress on these items. The website says it was updated March 7, 2011 yet there are no meetings listed under "Upcoming meetings" and no newly posted reports on the issues addressed at the September 2010 DWQI meeting. A news report on NJN News this week noted that there are no public meetings announced of the DWQI. There usually is a meeting of the full DWQI noticed by now. Has there been a change in the operation of the DWQI?

We are very concerned as a member of the interested public that there seems to be a halt to the DWQI public process. We note that New Jersey's Safe Drinking Water Quality Act attaches statutory requirements to the DWQI that must be met. We have great confidence in the high quality of expertise and science-based knowledge of those who serve at the DWQI and we fully support the Institute's deliberations and process for protecting New Jersey residents' health by establishing safe drinking water standards. The professionalism and nationally recognized quality work that has been accomplished by the Institute is a source of pride for New Jersey and our State's public health benefits because of the carefully developed standards they adopt.

We respectfully request disclosure as to how the Department is meeting the responsibilities of the DWQI under the Act. And we ask, what is the current public process regarding the important work of the Institute? Delaware Riverkeeper Network requests a response to our inquiry about the DWQI and its current activities and the public reporting of progress on these critical water quality issues.

Thank you in advance for your response.

Sincerely,

Maya van Rossum
the Delaware Riverkeeper

Tracy Carluccio
Deputy Director

Cc: Branden Johnson, NJDEP Bureau of Safe Drinking Water for NJ Drinking Water Quality Institute

Attachment: 11.6.09 letter from DRN to NJDEP

Letter from November 2009:

November 6, 2009

Mark N. Mauriello
Office of the Commissioner
NJ Department of Environmental Protection
401 E. State Street

7th floor, East Wing
P.O. Box 402
Trenton, New Jersey 08625-0402

Re: New Jersey Drinking Water Quality Institute

Dear Commissioner Mauriello,

Delaware Riverkeeper Network is concerned about comments from the Chemistry Council of New Jersey regarding the regulatory process of the Drinking Water Quality Institute (DWQI). The Chemistry Council has questioned the transparency and the validity of the DWQI rulemaking process. They have stated on more than one occasion that they do not consider the DWQI's public input process to be sufficiently open in the development of new drinking water standards and have cast doubt on the efficacy of the scientific analysis and research procedures that the Department of Environmental Protection (the Department) employs when proposing new Maximum Contaminant Level (MCL) recommendations.

We disagree. As you know, the DWQI was established by the New Jersey Safe Drinking Water Act in 1983. The Institute is responsible for developing and recommending MCLs for substances of potential health concern that are found in drinking water to the Department. The considered process that the Institute follows is science-based, thorough and transparent. There is also a public input process that we take part in and consider to be sufficient and important.

We regularly visit the Division of Water Supply website for updates, for historic documents, and to learn about decision making processes. We also read minutes of meetings of the DWQI and its subcommittees, and have attended DWQI meetings in the past based on noticed agenda items on the website.

Our PFOA Coalition submitted comment to the Department on two occasions this year regarding actions taken by the Department and DuPont regarding PFOA. The Department's Office of Science website posted a report in August that addressed some of the issues in our first letter of April 28. We filed a second letter addressing that report on September 18. We consider the public "response" on the website to some of our concerns to be an appropriate open method of providing feedback. While we still have unanswered questions and look forward to further discussions and information, we have been able to communicate our concerns to the Department directly, as well as to the DWQI through its deliberative process.

We also have verbally commented at the DWQI meeting and note that there is the opportunity for public comment at the meetings. We also plan to participate in the Department's public comment period once an MCL for PFOA is proposed. All of these opportunities for public input are considered by us to be invaluable and to provide a means of participating over an extended period of time in the MCL development process, which is historically a lengthy one.

The Chemistry Council's criticism that there is not enough opportunity for the regulated community to have input is just not borne out by the facts. They, in fact, have taken part in DWQI public comment periods when we have also been at meetings, and they can comment at any time as we have done on specific issues, such as the development of a PFOA standard. And certainly the regulated community should not have any more accessibility to the decision making bodies than the public. The matter of public health regarding drinking water truly requires the public's input and an open and fair level playing field when it comes to stakeholder inputs.

We are also very concerned about what seems to be an effort by the Chemistry Council to request that the new DEP Science Advisory Board interfere in the DWQI process. The development of a Science Advisory Board is underway but the mission and membership of this Board is unclear at this time. We are concerned that too much oversight and power will be pooled into the hands of a Board that may be weighted towards the regulated community rather than to the needs of the public and the environment.

Adding to our concerns is the abolishment of the Department's Division of Science, Research and Technology. This action removed an important group that served New Jersey and the Department. This Division was all about conducting its work based on science and employed technical and scientific methods to reach outcomes that protected the public. The brain power and reservoir of talent that this Division represented, working from a scrupulously unbiased perspective, should have remained in place to fulfill the need for science-based decisions regarding environmental and public health protection. The lack of this Division's oversight and the new undefined Science Advisory Board may add up to a bad outcome for the public. The issues of water quality need to be decided based on public health and environmental factors.

The Chemistry Council's criticisms and jockeying for position over the DWQI, the abolishment of the Division of Science, Research and Technology, and the advent of the poorly defined and unclear mission of the new Science Advisory Board add up to a tangible threat to science-based decision making that will directly affect the public's health and the environment. We ask that the Department consider the re-instatement of the Division of Science, Research and Technology, and that the Science Advisory Board not be given any oversight powers over the DWQI or Department decisions. We also counter the claims of the Chemistry Council that there is not opportunity for meaningful public input into DWQI processes. Special favor should not be granted to the regulated community.

Thank you for considering our concerns.

Sincerely,

Maya K. van Rossum
the Delaware Riverkeeper

Tracy Carluccio
Deputy Director

CC: Mark Robson, Chair, DWQI

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