June 8, 2016

Frank Haines
Office of Legislative Services
State House Annex
P.O. Box 068
Trenton, New Jersey 08625-0068

Dear Mr. Haines:

As requested by Senator Sarlo in his letter to Commissioner Martin, dated May 18, 2016, the Department of Environmental Protection is providing responses to requests for additional information from the Senate Budget and Appropriations Committee.

Senator Sarlo
- To date, the State of New Jersey has spent a total of $4,202,621 to cover all costs, including legal fees to outside counsel, to pursue eminent domain actions to acquire necessary easements for shore protection projects.

Senator Greenstein
- Since April 2014, the Drinking Water Quality Institute’s (DWQI) full committee has met five times. Much of the technical work of DWQI, however, is accomplished by its three subcommittees: Health Effects; Testing; and Treatment. These subcommittees meet much more frequently as data is gathered and analyzed and reports are prepared for presentation to the full DWQI. There have been numerous subcommittee meetings but we do not keep count of the number. There is no set frequency of meetings for the full DWQI. Meetings are held based on the progress of the subcommittees’ work. Going forward, the goal is for the DWQI full committee to meet at least twice a year.

Senator Smith
- The purpose of the Private Well Testing Act (PWTA) is to evaluate lead in ground water, while the purpose of the State Drinking Water Act and federal Lead and Copper Rule are to identify any high levels of lead or copper that may exist in the distribution system.

The New Jersey Ground Water Quality Standard (GWQS) of 5 parts per billion (ppb) is used as the reference concentration for PWTA since the source water quality is being measured and will not travel through a treatment system before the groundwater enters the home.
The State Drinking Water Act and federal Lead and Copper Rule require Public Water Systems to sample at “high-risk” outlets (versus collecting a random sample), to better ensure that high levels of lead or copper are detected and that treatment provides adequate and uniform levels of health protection throughout the distribution system. Tap water monitoring for lead and copper is used to assess the effectiveness of corrosion control treatment or source water treatment. Water systems take samples from many different sites and ninety (90) percent of the results must be below the action level of 15 ppb.

- The Private Underground Storage Remediation Fund balance is a result of the application review process between DEP and the Economic Development Authority (EDA). Regarding the backlog of new funding request applications, pursuant to the Act, DEP is obligated to approve applications for both new and existing funding requests. The Act gives priority to requests to remediate immediate environmental concern situations and regulated petroleum underground storage tanks. DEP and EDA, as policy, prioritize supplemental funding for existing applications. Therefore, the new unregulated petroleum underground storage tank applications are reviewed in the order in which they are received.

- DEP continues to work on an update to the New Jersey Statewide Water Supply Plan (Plan). Because the most recent Plan was created 20 years ago, the process of updating the Plan has been far more complicated than it would have been had updates been issued on a timely basis by previous administrations.

Broadly, the Plan will address the key initiatives needed to ensure that the State of New Jersey has an adequate supply of potable water to meet its needs through the proper management of all of the State’s water resources. More specifically, among the policy issues that will be addressed in the Plan update are the availability and condition of surface water resources, the need to address New Jersey’s aging water infrastructure, and projections of future water needs and how to ensure that the supply meets the demand. The process of identifying and addressing all of the policy issues and of consulting with the large universe of stakeholders is complex and time consuming. Therefore, DEP is unable to provide, at this time, a definite deadline for completion of the updated Plan.

- The most recent Natural Resource Damages (NRD) complaint to be filed was the Pfister matter on August 29, 2008. No NRD case has been referred to outside counsel since the MTBE litigation in 2007. There are two NRD matters still pending that involve outside counsel: Hercules, which is undergoing final settlement discussions; and the MTBE litigation, which includes multiple defendants.

**Senator Ruiz**

School districts are responsible for sampling for lead and any remediation that may be needed. In the case of Newark Public Schools (NPS), DEP has been working closely with the New Jersey Department of Education (DOE), the New Jersey Department of Health
(DOH), NPS, the Newark Mayor’s Office and Newark health officials to provide technical support and guidance.

At Governor Christie’s direction, DOE is developing regulations to require every public school district in the State that uses a public water supply to test for lead at all of its drinking and food preparation water outlets. The Governor has further directed that schools make available to parents and the public the results of those tests.

The United States Environmental Protection Agency (EPA) has produced a comprehensive document that provides schools with detailed information about lead in school drinking water. That document, “3Ts for Reducing Lead in Drinking Water in Schools” is available on EPA’s website, and DEP recommends that school district administrators consult this document as they prepare to undertake the testing directed by the Governor.

If you have any additional questions, please contact me at your convenience at 609.292.6877.

Sincerely,

[Signature]

John P. Gray, Esq.
Deputy Chief of Staff

cc: Dave Ridolfino, Office of Management and Budget
    Eugene Lepore, Senate Democratic Office
    Christopher Emigholz, Senate Republican Office
    Neha Mehta, Office of Legislative Services
    Adrienne Kreipke, Director, DEP Budget and Finance Operations