

ASSEMBLY, No. 2123

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 30, 2012

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Concerns membership of Drinking Water Quality Institute and responsibilities of DEP related to institute.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning the Drinking Water Quality Institute and
2 amending and supplementing P.L.1983, c.443.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 10 of P.L.1983, c.443 (C.58:12A-20) is amended to
8 read as follows:

9 10. a. There is established in the department the Drinking
10 Water Quality Institute. The institute shall comprise **[15]** 18
11 members as follows: the Commissioner of Environmental
12 Protection, the Commissioner of Health and Senior Services , and
13 the Chairman of the Water Supply Advisory Council, the Director
14 of the Division of Water Resources in the department, the Director
15 of the Office of Science and Research in the department and the
16 Director of the Office of Occupational and Environmental Health in
17 the Department of Health and Senior Services , all of whom shall
18 serve ex officio; and **[nine]** 12 appointed members, three of whom
19 shall represent the water purveyors, at least one of which has as its
20 primary water source an underground source; three of whom shall
21 represent the academic scientific community **[and]** ; three of
22 whom, having professionally recognized academic qualifications
23 and backgrounds in environmental health and safety issues shall
24 represent the public **[,]** ; and three of whom, having professionally
25 recognized academic qualifications and backgrounds in
26 environmental health and safety issues, shall represent the
27 commercial and industrial community , with one of each group of
28 three set forth hereinbefore to be appointed by the Governor, the
29 President of the Senate and the Speaker of the General Assembly.
30 Of the members first appointed, three shall serve for terms of three
31 years, three for terms of two years and three for terms of one year.
32 Thereafter, all terms shall be for three years. Each member shall
33 serve for the term of **[his]** appointment and until **[his]** a successor
34 shall have been appointed and qualified. Any vacancy shall be
35 filled in the same manner as the original appointment for the
36 unexpired term only. Any member of the institute may be removed
37 by the appointing authority, for cause, after public hearing.

38 b. Members of the institute shall serve without compensation,
39 but the institute may, within the limits of funds appropriated or
40 otherwise made available to it for such purposes, reimburse its
41 members for necessary expenses incurred in the discharge of their
42 official duties.

43 c. The institute shall meet at such times and places as may be
44 determined by its chairman **[, who]** . The chairman shall be

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 designated by the Governor but shall not be one of the six ex officio
2 members . A majority of the membership of the institute shall
3 constitute a quorum for the transaction of business. Action may be
4 taken and motions and resolutions adopted by the institute at any
5 meeting by the affirmative vote of a majority of the full
6 membership of the institute.

7 d. The institute shall make recommendations for the
8 implementation of the Drinking Water Quality Program by the
9 department. These recommendations shall consist of:

10 (1) The development of a list of contaminants for which testing
11 shall be required;

12 (2) The development of maximum contaminant levels;

13 (3) The development of appropriate testing techniques to
14 measure maximum contaminant levels;

15 (4) The development of testing frequencies;

16 (5) The review of all activities undertaken pursuant to the "Safe
17 Drinking Water Act" and any amendments or supplements thereto.

18 e. The Drinking Water Quality Institute shall have the
19 authority to call to its assistance and avail itself of the services of
20 the employees of any State, county or municipal department, board,
21 commission or agency that may be required and made available for
22 such purposes.

23 (cf: P.L.1983, c.443, s.10)

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25 2. (New section) Of the three members of the Drinking Water
26 Quality Institute representing the commercial and industrial
27 community first appointed pursuant to subsection a. of section 10 of
28 P.L.1983, c.443 (C.58:12A-20), one shall serve for a term of three
29 years, one for a term of two years, and one for a term of one year.
30 Thereafter, all terms shall be for three years.

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32 3. (New section) a. Prior to the initiation of any work
33 related to the development of recommendations required pursuant to
34 subsection d. of section 10 of P.L.1983, c.443 (C.58:12A-20), the
35 Department of Environmental Protection, in consultation with the
36 Drinking Water Quality Institute, shall develop, and make available
37 to the public on its Internet website, a prioritized workplan, which
38 shall include, but need not be limited to, the tasks, priorities, and a
39 schedule or the dates of action and votes. The prioritized workplan
40 shall be updated and disseminated at least on a semi-annual basis,
41 and no later than two weeks after any changes are made to the
42 workplan, including the priorities or dates of action and votes.

43 b. (1) Prior to the department adopting any chemical risk
44 assessment, including any guidelines or policies for evaluating the
45 toxicity of chemicals or health evaluation of a chemical that will be
46 used in the regulatory process, the department shall first send out to
47 the general public, via electronic correspondence and on the
48 department's Internet website in addition to any other appropriate

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1 means, a call for information on the chemical or chemicals of
2 concern. The length of time for any information to be submitted
3 under the call for information shall be for no less than 30 days and
4 may be extended at the discretion of the department. Any person
5 may submit materials to the department during the call for
6 information.

7 (2) The department shall review literature, data, and the
8 information submitted by the public during the “call for
9 information” period. In its review, the department shall evaluate all
10 the submissions that meet and comply with good laboratory
11 practices standards and quality standards, as used by the United
12 States Environmental Protection Agency, or guidance documents
13 developed by that agency if applicable. After the review, the
14 department shall inform the public, via electronic correspondence
15 and on the department’s Internet website, if the department intends
16 to proceed with the development of a draft chemical risk
17 assessment.

18 (3) Upon the development of a draft chemical risk assessment,
19 the department shall provide for a public comment period, of at
20 least 30 days, prior to initiating any rulemaking procedure or
21 adopting any chemical risk assessment, including any guidelines or
22 policies for evaluating the toxicity of chemicals or health evaluation
23 of a chemical that will be used in the regulatory process.

24 (4) If a draft chemical risk assessment is revised after a public
25 comment period, pursuant to paragraph (3) of this subsection, the
26 department shall:

27 (a) notify any person who submitted materials to the
28 department during the “call for information” or the public comment
29 period that the draft chemical risk assessment has been revised; and

30 (b) provide for a public comment period, of at least 30 days, for
31 the public to review and comment on the revised draft chemical risk
32 assessment.

33 The department shall hold a public hearing on the revised draft
34 chemical risk assessment, or shall meet with interested stakeholder
35 groups to respond to their concerns.

36 (5) In any case where a chemical risk assessment, including any
37 guidelines or policies for evaluating the toxicity of chemicals or
38 health evaluation of a chemical, is being proposed, developed, or
39 prepared pursuant to any other law or rule or regulation, the
40 requirements of this subsection shall not authorize a delay or
41 postponement of any other responsibilities carried out by the
42 department, or the institute as applicable, under such law or rule or
43 regulation.

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45 4. This act shall take effect immediately.

STATEMENT

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This bill would change the membership and responsibilities of the Drinking Water Quality Institute, by adding three members and establishing new requirements with regard to any chemical risk assessment adopted by the Department of Environmental Protection (DEP).

Under the bill, the institute would have 18 members instead of 15, with three new members who, having professionally recognized academic qualifications and backgrounds in environmental health and safety issues, would represent the commercial and industrial community.

Existing law requires the institute to make recommendations for the implementation of the Drinking Water Quality Program by the DEP, including: (1) the development of a list of contaminants for which testing is be required; (2) the development of maximum contaminant levels; (3) the development of appropriate testing techniques to measure maximum contaminant levels; (4) the development of testing frequencies; and (5) the review of all activities undertaken pursuant to the “Safe Drinking Water Act.” This bill would place new requirements on the DEP related to the responsibilities of the institute.

The bill would require that, prior to the initiation of any work related to the development of recommendations by the institute, the DEP in consultation with the institute must develop, and make available to the public on its website, a prioritized workplan, which would include, but need not be limited to, the tasks, priorities, and a schedule or the dates of action and votes. The prioritized workplan would be updated and disseminated at least on a semi-annual basis, and no later than two weeks after any changes are made to the workplan.

This bill would also require the DEP to solicit information from the public and establish a public process prior to the DEP adopting any chemical risk assessment, including any guidelines or policies for evaluating the toxicity of chemicals, or health evaluation of a chemical that will be used in the regulatory process.

The requirements under this bill would not authorize a delay or postponement of any other responsibilities carried out by the DEP, or the institute as applicable, under any other law or rule or regulation.