

August 17, 2006

The Honorable Jon S. Corzine  
Office of the Governor  
State House  
Post Office Box 001  
Trenton, New Jersey 08625

Dear Governor Corzine:

On behalf of Public Employees for Environmental Responsibility, I am writing to urge you to task Inspector General Cooper with a thorough investigation of the recent mercury poisoning of children who attended the Kiddie Kollege day-care center in Franklin, New Jersey.

Inspector General Cooper played a key role in developing credible and much needed reform recommendations for the troubled Schools Construction Corporation. We urge you to redeploy the Inspector General's (IG) Office to address similar policy and management challenges, and a transparent and open reform process, arising out of Kiddie Kollege situation.

The IG should expand the scope of the current Attorney General's criminal investigation to address not only potential criminal actions at that site, but the performance of all state agencies with a role in this matter. Upon conclusion of the investigation, we ask that the Inspector General submit a report to you, within 60 days, that provides detailed findings of fact and recommendations for reforms to prevent this outrageous situation from occurring elsewhere in the future.

Recent press reports have disclosed the fact that in addition to the series of government oversight failures that led to the poisoning at the Kiddie Kollege site, that more than 1800 additional contaminated sites were deleted from the Department of Environmental Protection's (DEP) "Known Contaminated Site List" (KCSL) or list of cases "awaiting assignment" within DEP. How and why this occurred needs to be examined.

We request that the Inspector General's investigation consider the statutory framework for site remediation and State policies with respect to redevelopment incentives and remediation of contaminated sites. In addition, we urge the IG to investigate the adequacy of the DEP –

- Implementing regulations;

- Remedial priority system;
- Case management system;
- Data management systems;
- Compliance monitoring;
- Inspection and enforcement policies and procedures;
- Cleanup program technical requirements; and
- Staffing, resources, and management in protecting public health and the environment from risks associated with toxic waste sites.

We especially request that the IG to focus on the current DEP “voluntary cleanup program” and the 1993 “ISRA” and 1997 “Brownfields” statutory amendments (and associated DEP regulatory changes) enacted to privatize, reduce the cost, and limit DEP oversight and public involvement in the remediation of contaminated sites.

To assist the IG in framing the scope of the investigation, we offer the attached DEP site remediation program evaluation “Vulnerability Assessment”. This evaluation was conducted as an internal program management review in February 2002 at the request of former DEP Commissioner Bradley Campbell.

As you now, on June 1 and June 15, 2006, the Assembly Judiciary and Environment Committees held joint oversight hearings as a result of a series of failures in DEP’s site remediation program. A report by Inspector General Cooper could assist the Administration in responding to anticipated legislative oversight and help develop a legislative reform agenda.

We are available to work with your staff in advancing this important initiative and look forward to your timely approval of our requests.

Sincerely,

Bill Wolfe, Director  
New Jersey PEER

Enclosure: DEP Site Remediation Program “Vulnerability Assessment” (February 2002)