

-----Original Message-----

From: Lisa Jackson [<mailto:Lisa.Jackson@dep.state.nj.us>]

Sent: Wednesday, April 02, 2008 6:41 PM

To: Nj Peer

Cc: Catherine Tormey; Jeff Ruch

Subject: Re: Permit Efficiency Task Force

Dear Mr. Wolfe:

This is in response to your email to me dated March 25, 2008 concerning Administrative Order No. 2008-06 and the DEP Permit Efficiency Review Task Force that my Order convenes. Your email requests that all meetings of the Task Force be publicly noticed and open to the public; that all documents and communications of the Task Force be publicly available; that the public be given an opportunity to provide input on any Task Force recommendations, including via formal notice and comment; and that Task Force members be constrained from having any other business pending before the Department.

As clearly stated in AO 2008-06, the Task Force is purely an advisory group that I have convened to evaluate DEP's permitting programs in order to provide me with recommendations for process improvements as well as identification of other changes that will advance sustainable development projects that can meet important state policy goals. Key to their charge is that any changes the Task Force recommends must maintain public health and protection of the environment.

I fully intend to seek input from the public on recommendations the Task Force will provide. Necessarily, this can only occur once the Task Force has completed its analysis and compiled the group's thoughts and recommendations. At that time, I will determine how to most effectively seek and obtain input from the public. This will likely include use of the Internet and other media to post the group's recommendations and various forums to accept comment from the interested public.

The Task Force has no regulatory authority and is being convened solely for advisory purposes. The result of their work will be presented to the public and I expect healthy debate to follow. But ultimately, I, along with my staff, will determine which recommendations, if any, to accept.

If those recommendations require changes to law or regulations, that may only be accomplished through the legislative or rulemaking processes that are each subject to their own rigorous and thorough public input requirements. Thus, the public will be afforded ample and appropriate opportunity for input.

The members of the Task Force serve in their individual capacities. Together with the limited advisory role and the high level analysis they have been asked to perform, I do not consider it necessary or reasonable to restrict members of the Task Force or their respective employers from having other business before the Department. I am confident that the high-caliber individuals who have agreed to serve on the Task Force will do so with distinction and in a manner that respects the work of the Task Force above and beyond any business their respective employers may have before the Department.

Thank you.

>>> Bill Wolfe <bill_wolfe@comcast.net> 3/25/2008 10:48:52 AM >>>

Dear Commissioner Jackson:

I request that all deliberations of the Permit Efficiency Task Force created by your Administrative Order 2008-006 be open to the public; that the process be transparent and participatory; and that the highest ethical standards are adhered to.

I note that the Order itself is silent on these critical issues.

Accordingly, I request that you issue an amended Order or Guidance that mandates the following:

- 1) all information considered by the Task Force and all of the Department's communications, review, and deliberations on Task Force recommendations and work products be "public records" pursuant to OPRA;
- 2) all meeting of the Task Force shall be public noticed 15 days in advance on the DEP website, DEP Bulletin and newspapers.

3) all meetings of the Task Force shall be open to the public and held in the DEP Trenton Headquarters or other accessible public building.

4) all meetings of the Task Force shall provide for meaningful public input and opportunity for participation in the deliberations.

5) The Task Force recommendations shall be subject to formal public notice and comment procedures. A minimum 30 day formal written comment period shall be established for public comment on the Task Force's recommendations.

6) All members of the Task Force shall be subject to conflict of interest standards. Members (and their firms and clients) and shall be precluded from having any contracts, pending regulatory approvals, or financial relationships with the Department.

Thank you for you prompt and favorable consideration of this request.

Sincerely.,

Bill Wolfe, Director
NJ Public Employees for Environmental Responsibility
609-397-8213