



State of New Jersey
Department of Environmental Protection
GOVERNMENT RECORDS REQUEST FORM



IMPORTANT NOTICE

Please read this entire form carefully as it contains important information concerning the response to your record request, accessing records, disputing denials, and your rights concerning government records. For further information, access WWW.NJ.GOV/DEPI/OPRA.

Record Request Details:

I request an opportunity to conduct a file review and copy the following public records: 1. The current draft of the Camden Dust Study, including the original "draft" version that was posted on the DEP website and later taken down and is currently not available. 2. Technical review comments on the draft Camden Dust study submitted to the Department by Environ Corp representing Holcim (St Lawrence Cement). These comments are discussed in a May 27, 2009 email from DEP Assistant Commissioner Nancy Wittenberg to DEP office of Policy, Planning and Science Director Jeanne Herb. These comments are further discussed in a May 26, 2009 email from Brian S. Montag, of K&L Gates LLP to Wittenberg. 3. All communications (correspondence, letters, emails, phone call notes, and meeting notes, etc) between the Department and Holcim, St. Lawrence cement, Environ Corp and Brian S. Montag regarding Holcim, the St. Lawrence cement facility (permit and enforcement) and the draft Camden Dust Study. 4. Meeting invitation, meeting agenda, meeting notes, list of meeting participants, and all documents relevant to and discussed during a June 2, 2009 meeting between the Department (represented by Commissioner Mauriello, AC Wittenberg, AC for Enforcement Skacel, and Director Herb) and Brian S. Montag and others regarding the draft Camden Dust study.

6/2/09 Request




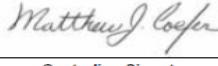
6/11 Initial Denial



7/17 Reversal



Disposition Notes	Record Request Response	
Responsive records to your request have been identified w/ some records exempt from access as describe below. Note the processing of this request incurred Extra-Ordinary Time Service charges (See 3rd Page #2). Contact the Office to obtain further details.	In Progress - Open	
	Filled - Closed	
	Denied - Closed	
	Partial - Closed	X
Addendum Disposition Notes: Request Item # 1: This part of the request has been denied on the basis that the requested records are deliberative pursuant to N.J.S.A. 47:1A-1.1. Inadvertently, a draft copy of the Camden Dust Study was posted to the Department's website without being finalized and subsequently removed. The Study is still under progress and the draft is continually being modified. Upon finalization, the Study will be made public. Contact the Office of Record Access with any questions. Item # 2: This part of the request has been denied on the basis that the review comments are part of the deliberative process and the requested records are deliberative pursuant to N.J.S.A. 47:1A-1.1. The comments would be considered once the Study has been finalized. Item # 3: Responsive records located w/ some records exempt as being deliberative and Attorney-Client Privilege pursuant to N.J.S.A. 47:1A-1.1 and not subject to public access. Item # 4: Responsive records located.	 06/11/2009 Custodian Signature Date	

Disposition Notes	Record Request Response	
Responsive records to your request have been identified w/ some records exempt from access as describe below. Note the processing of this request incurred Extra-Ordinary Time Service charges (See 3rd Page #2). Contact the Office to obtain further details.	In Progress - Open	
	Filled - Closed	
	Denied - Closed	
	Partial - Closed	X
Addendum Disposition Notes: See Revised Addendum" disposition on Page 3.	 07/17/2009 Custodian Signature Date	

Fine print on page 3 

Revised Addendum Task Description: Request Item # 1: The NJDEP has re-evaluated its position that the 10/6/08 Draft Camden Dust Study that was inadvertently posted to the NJDEP's website is deliberative. The NJDEP will make available this draft and the 5/26/09 unsolicited comments from Environ Corporation. A 3/09 draft and the current working draft are considered deliberative pursuant to N.J.S.A. 47:1A-1.1. 2. The NJDEP has re-evaluated its position that the 5/26/09 unsolicited comments from Environ Corporation are deliberative and will be making available these comments. Item # 3: Responsive records located w/ some records exempt as being deliberative and Attorney-Client Privilege pursuant to N.J.S.A. 47:1A-1.1 and not subject to public access (These records have already been faxed. Item # 4 Responsive records located. (These records have already been faxed).

Note: According to DEP, the response for Item #3 should not have cited Attorney-Client privilege because there is no attorney client relationship between DEP and Holcim/St. Lawrence Cement.