



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/DEP/OPRA.

Requestor Information

First Name:	TRACY	MI	Last Name	CARLUCCIO
Company:				
Mailing Address: DELEWARE RIVER KEEPER 300 POND ST, 2ND FL				
City:	Bristol	State:	PA	Zip: 19007
			Email:	drkn@delewareriverkeeper.org
Business Telephone:	(215) 369-1188	Extension		
Facsimile Telephone:	(215) 369-1181			

State Use Only

Tracking #	94319
Received Date	07/12/2010
Access Method	On-site access, visit, copy
<p>All matters relating to the response and access of any records identified for this request should be directed to:</p> <p>NJDEP – Office of Record Access 401 East State Street PO Box 442 Trenton, New Jersey 08625-0442 Tele #: (609) 341-3121 Fax #: (609) 292-1177</p>	

Record Request Details:

Dear Custodian, As per the OPRA and FOA Act, NJ Stat 47:1a-1.1 and 5 USC, Delaware Riverkeeper Network requests a copy of the ...report on 33 community water systems that will be handed over to the Drinking Water Quality Institute, according to Larry Hajna, a spokesman for DEP' (NJ Spotlight, "Contaminant in NJ Drinking water linked to ADHD", by Tom Johnson, 7.2.10). Please also supply all relevant raw data reports.

Disposition Notes	Record Request Response	
<p>This request has been denied pursuant to N.J.S.A. 47:1A-1. See Addendum Disposition Notes below for further information.</p>	In Progress	- Open
	Filled	- Closed
	Denied	- Closed X
	Partial	- Closed
<p>Addendum Disposition Notes: This request has been denied on the basis that the requested records are deliberative pursuant to N.J.S.A. 47:1A-1.1. Requested records are in draft form and cannot be released. Please re-submit this request in a few weeks when the records are completed. Contact the Office of Record Access with any questions.</p>		
	Custodian Signature	Date
		07/16/2010

Access to Government Records Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)

Information Regarding the Requested Records		
If your request is in reference to a single facility, please provide the name of the facility, and the name of the operator name of the facility:	Facility Name:	
	Operator Name:	
Please provide the owner name the facility or parcel of land:	Owner Name:	
If your request is in reference to a specific parcel of land, please provide the street address, block, lot and property owner of the parcel of land: (Note: if the property in question is over multiple blocks and lots, please list all in the description field below)	Street Address 1:	
	Street Address 2:	
	Block:	Lot:
If your request is in reference to a facility, site or parcel of land, please provide the Municipality and County where the facility, site or parcel of land is located:	County:	
	Municipality:	
If the request is in reference to a particular permit issued by NJDEP, please provide the type of permit and any identifying numbers such as permit, incident or case numbers. (i.e. Fishing, Hunting, Hazardous Waste, Solid Waste, Land Use, NJPDES, Pesticides, Stream Encroachment, TWA, UST, Water Allocation)	List Permit Type:	List ID Numbers:
If your request is in reference to an individual, please provide the individual's name and type, and if the individual is a DEP employee, your relationship with the individual:	Individual's name:	
	Type of Individual:	
	Relationship:	
If the an individual was specified above, the individual was DEP Licensed, please specify the license type the individual holds:	License Type:	

The New Jersey Department of Environmental Protection has responded to your submitted Open Public Records Act (OPRA) record request. The following information will help you understand the response and your next available actions.

Tracking #: This is the Department's assigned Tracking # to your OPRA record request, which should be used in all corresponding matters.

Record Request Response:

- **In Progress** – Based on the nature of the request, the records sought, and/or the manner to which the records may exist, the Department requires additional time to investigate and respond to the request.
- **Filled** – Based on the information provided in your request, the Department was able to investigate and respond to your record request.
- **Denied** – Based on the nature of the request and/or the records sought, the Department has denied your request pursuant to a specific exemption(s) cited in N.J.S.A. 47:1A-1 seq.
- **Partial** – The Department has identified both responsive government records and records being denied based on the nature of the request and/or the records sought, that do not meet the definition of a government record pursuant to a specific exemption(s) cited in N.J.S.A. 47:1A-1 seq.

Disposition Notes: Provides detailed information concerning the Department's response to your request.

Accessing Records: Dependent on the volume of records and your interest, there are four (4) methods available to access the responsive government records:

- **File Review** – Schedule a file review with the Department to directly access the records and take notes or tag records of interest for copying. Copying can be performed by either the onsite Department of Treasury's DEP Copying Unit at State duplication fee costs or by the requester employing a Copy Vendor Service. If there are records stored in archives, a five-day processing period will be included prior to scheduling a review.
- **Copy Request** – All records of interest will be copied by the onsite Department of Treasury's DEP Copying Unit at State duplication fee costs unless a Copy Vendor Service is employed.
- **Fax Request** – Based on the number of pages, the Department faxes the responsive records.
- **Web Access** – The responsive records can be accessed directly through the Department's web site. Web address will be provided.

Access to Government Records Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)

1. The fees for duplication of a government record are specified below. We will notify you of any special charges, special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the State of New Jersey and mailed to the address specified below.

Hard Copies: Letter & Legal size = \$0.03 per page
Oversized Maps = \$5.00 per map

Electronic Records: Compact Discs (CDs) = \$9.77 per CD
Diskettes = \$0.55 per diskette

- An extraordinary time service fee will be applied to all copy jobs where time is expended preparing the records to be copied (removing staples, bindings, etc) and reassembling the records. The fee will be based on the direct salary costs of the individual making the copies.
2. Pursuant to OPRA (C.47:1A-5C), whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the public agency may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies.

The Department charges \$48/Hr Fee for Extra-Ordinary Time (EOT) Service Charges. If a request is applicable for an EOT charge, the Requester will be notified of such and payment of the charge must be received prior to access of the subject records. Please note, based on the nature of a request and the records being sought, if the record request processing time is over the Department's normal request processing time, the Department may assess an EOT charge. Being that there is no manner for the Department to ascertain the charge prior to the time being incurred, the Department will notify the Requester in its response to a record request and payment must occur prior to accessing records.

3. By law, the Department must notify you that it grants or denies a request for access to government records within seven business days after the custodian of the record requested receives the request, provided that the record is currently available and not in storage. If the record requested is not currently available or is in storage, the custodian will advise you within seven business days when the record can be made available and the estimated cost. You may agree with the custodian to extend the time for making records available, or granting or denying your request.
4. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.
5. If the Department was unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form.
6. Except as otherwise provided by law or by agreement with the requester, if the custodian of the record requested fails to respond to you within seven business days of receiving a request form, the failure to respond will be considered a denial of your request.
7. **Resolution of Disputed Findings:**

In the event that a requester does not agree with the Department's record response, the requester should:

No Records - Reexamined the request details to evaluate if all of the information was provided that could aid the Department in locating records. The Department's ability to identify records of interest is in direct correlation to matching the Department information with the information provided on the request. Such important identifiers are Facility/Site Name, Address, Case #, Permit #, Block/Lot.

Denial - If your request for access to a government record has been denied or unfilled within the time permitted by law, you have a right to challenge the decision by the Department to deny access. The Department denies access to records only when those records do not meet the definition of a government record and/or public access is not allowed pursuant to the law. At your option, you may either:

- a. Contact the Office of Record Access to re-visit the matter or provide further explanation.
- b. Institute a proceeding in the Superior Court of New Jersey
- c. File a complaint in writing with the Government Records Council (GRC). You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The Council can also respond to other questions about the law.

8. Information provided on this form may be subject to disclosure under the Open Public Records Act.

Access to Government Records Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)

Revised Addendum Disposition Notes: NONE