



Brilliant Environmental Services, LLC (*Brilliant*) is a full-service environmental consulting and contracting firm, integrating today's technologies for tomorrow's solutions. Headquartered in New Jersey, *Brilliant* specializes in investigation, remediation, brownfields redevelopment, and underground storage tank services. *Brilliant* is the underground storage tank compliance expert.



New additional testing proposed for the Private Well Testing Act (PWTa) may impede real estate transactions and add about \$300 to the PWTa water test.

NJ Department of Environmental Protection is proposing amendments to the Private Well Testing Act rules and proposes to amend the Private Well Testing Act rules at N.J.A.C. 7:9E to require testing of private wells subject to sale or lease for perfluorononanoic acid (PFNA), PFOA, and PFOS. This is a link to the NJDEP website: <https://www.nj.gov/dep/rules/notices/20190401a.html>

The proposal was published in the New Jersey Register dated April 1, 2019. A copy of the proposal is available from: <http://www.nj.gov/dep/rules/proposals/20190401a.pdf>

Here are the problems associated with this proposal which will impact the sale of all real estate sales with potable wells as their drinking water source:

- There are no commercial labs in NJ certified for this parameter yet. Although several NJ labs have applied for this certification, most of these “applied” labs still do not have the equipment to run this analysis and have not begun the certification process.

- Certification will be lengthy from the NJDEP for these labs to attain certification – a year or more.
- There is not enough capacity with the current labs that are certified to handle the additional volume of samples generated by the PWTA. The out-of-state labs currently contracted to perform PFOA analysis are already at capacity with samples generated from the Public Water Systems and Non-Transient Non-Community Water Systems.
- Turn-around-time for PFNA results will be lengthy from out-of-state labs and place many real estate deals in jeopardy where time is of the essence.
- NJDEP just implemented comprehensive and expensive changes to the PWTA in September of 2018 and in March of this year. This already raised the average cost of a PWTA test to about \$700. This new additional test will add another \$300 to the PWTA raising the average cost of a PWTA water test to about \$1,000. This places an unfair burden to consumers with the cost of this test driven high due to the lack of competition and capacity.

Recommendations:

- The NJDEP should wait 1 year to review results from this year's sampling of Non-Transient Non-Community water systems and Public Water Suppliers to get an idea of how widespread and where this contaminant is found. After reviewing the data from 2019, an informed decision can then be made about the implementation into the PWTA.
- Wait 1 year before implementing the requirement for PFNA analysis under the PWTA to allow New Jersey labs to attain certification and handle the additional volume of work generated by the PWTA. It will also allow for more competition, allow for more rapid turn-around-time for results, and lower the price of this analysis to the public.

A public hearing(s) concerning the proposal is scheduled as follows:

Wednesday, May 15, 2019 2:00 P.M.

Department of Environmental Protection

401 East State Street

Trenton, NJ 08625

1st floor, Public Hearing room

Written comments may be submitted electronically by May 31, 2019

at <http://www.nj.gov/dep/rules/comments>; or in hard copy to:

Ryan H. Knapick, Esq.

ATTN: DEP Docket No. 02-19-03

Office of Legal Affairs

Department of Environmental Protection

401 East State Street, 7th Floor

Mail Code 401-04L; PO Box 402

Trenton, NJ 08625-0402

Please express your opinion to the NJDEP by attending the meeting or submitting written comments!

SRRA Quietly Turns 10 on May 7th

The Site Remediation Reform Act (SRRA) turned 10 on May 7th...what do you think? The enactment of SRRA on May 7, 2009, signed by then Governor Corzine, changed the landscape of Site Remediation in New Jersey and created the Licensed Site Remediation Professional (LSRP) Program. 10 years later there are over 700 LSRPs and more than 13,500 Response Action Outcomes (RAO) have been issued. Two press releases highlighted this anniversary, one from the Site Remediation Program at NJDEP and one from the Site Remediation Professional Licensing Board. Copies of the releases are below.

[NJDEP - 10th Anniversary of the Site Remediation Reform Act](#)

[Site Remediation Licensing Board Celebrates 10th Anniversary](#)

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