



EXECUTIVE OFFICE: 295 Pierson Avenue, Edison, NJ 08837
MAILING ADDRESS: P.O. Box 2098, Edison, NJ 08818
PHONE: (732) 494-5616 FAX: (732) 494-4723



May 7, 2009

Janis E. Hoagland, Esq.
NJ Department of Environmental Protection
Attn: DEP Docket Number 02-09-02/548
P.O. Box 402
Trenton, NJ 08625

Dear Ms. Hoagland:

I am contacting you on behalf of the approximately 50,000 members of the New Jersey Association of REALTORS® (NJAR®) to express concerns over the New Jersey Department of Environmental Protection (DEP) proposal to amend the Private Well Testing Act (PWTA) rules in Volume 41, Number 6 of the *New Jersey Register*.

After reviewing the proposed amendment to N.J.A.C. 7:9E-2.1, which adds perchlorate to the list of chemicals tested for under the PWTA, NJAR® has serious concerns about the costs associated with the testing required to check perchlorate levels. According to the Economic Impact Statement in the rule proposal, adding perchlorate to the list of chemicals checked for under the PWTA will add 15% to 30% to the cost of testing associated with this law. Furthermore, any remediation necessary to correct perchlorate levels can cost a maximum of \$4,000 with additional maintenance costs as high as \$1,200 a year according to the proposal.

NJAR® has received numerous phone calls regarding this proposal over concerns with the effects it will have on the affordability of housing. NJAR® fears that if adopted, this rule proposal will continue the reputation our state has developed for being one of the most expensive places to live and conduct real estate transactions. NJAR® recommends that if the DEP is concerned about the presence of perchlorate in well water and believes that the cost of testing is "small when compared to average real estate closing costs...", as stated in the Housing Affordability Impact Statement, then the DEP should work with the State Legislature to identify a funding mechanism so those conducting real estate transactions are not burdened with an additional cost by the State of New Jersey.

I thank you for taking the time to consider our comments on behalf of the 50,000 REALTORS® in New Jersey as well as those selling or buying homes in our State. If you need, please feel free to contact me at (732) 494-4720 or dtomson@njar.com.

Sincerely,

Douglas M. Tomson
Director of Legislative Affairs

cc: Acting Commissioner Mark N. Mauriello, NJ Department of Environmental Protection