

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF LEGAL AFFAIRS**

Notice of Action on Petition for Rulemaking

Department Organization; N.J.A.C. 7:1

Request for amendments requiring disclosure of Department senior staff members' scheduled meetings with non-departmental entities and individuals, and records related to such meetings; and repeal of portions of rule describing function of Department's Press Office

Petitioner: Public Employees for Environmental Responsibility


Take notice that the Department of Environmental Protection (Department) has determined to refer for further deliberation the petition for rulemaking filed on July 27, 2009 by Jeff Ruch, Executive Director of the Public Employees for Environmental Responsibility (petitioner), seeking amendment of the Department Organization rules, N.J.A.C. 7:1. The petitioner identifies itself as "a national support group for professionals in state and federal agencies." A notice of receipt of the petition was published in the New Jersey Register on September 8, 2009. See 41 N.J.R. 3319(a).

The petitioner requested that the Department promulgate rules requiring disclosure of certain Department senior staff members' scheduled meetings with non-Department governmental entities and individuals and records related to such meetings, and to make these records available through the OPRA process and on the Department's website. The petitioner further requested that the Department repeal the portion of the Department Organization rules at N.J.A.C. 7:1-1.2(f)3 that describes the Press Office as the single point of contact between the Department and the media because the Petitioner claims that it restricts the free flow of public information and chills free speech rights of Department employees.

After a thorough review of the petition, the Department has determined that additional time is required to consider the petition in order to further explore the feasibility and practicality of implementing the requested disclosure and web posting in an accurate and timely way and to further examine the potential policy implications of some aspects of the petition.

As required by N.J.A.C. 1:30-4.2, a copy of this notice has been mailed to the petitioner. The Department will subsequently mail to the petitioner and file with the Office of Administrative Law a notice of action on the petition.

9/25/09
DATE


Mark N. Mauriello
Acting Commissioner



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner

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September 25, 2009

Jeff Ruch, Executive Director
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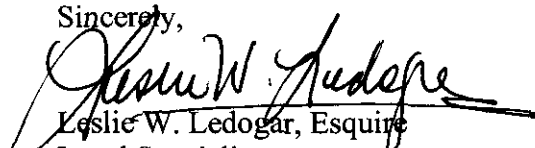
Re: Petition for Rulemaking
Notice of Action on Petition for Rulemaking
Department Organization rules; N.J.A.C. 7:1

Petitioner: Public Employees for Environmental Responsibility

Dear Mr. Wolfe:

Enclosed please find a copy of the notice of action regarding the above-captioned petition for rulemaking that the Department has filed with the Office of Administrative Law for publication. We anticipate that the notice of action will be published in the November 2, 2009 New Jersey Register. Should there be any changes between the attached notice and the notice as published in the New Jersey Register, the published version will govern.

Sincerely,


Leslie W. Ledogar, Esquire
Legal Specialist

c: Janis Hoagland, Director
Office of Legal Affairs
Christine Piatek, DAG
Division of Law
DEP Docket File R09-051