



City of Garfield

New Jersey

July 17, 2024

Dear Garfield Residents,

I write this letter to clarify a recent article that was posted on Northjersey.com. On July 8, 2024, the City of Garfield did file a lawsuit against DOW Chemical Company and other defendants at the recommendation of our special legal counsel. Sometime in 2015 or 2016, the chemical known as 1,4 Dioxane was detected in the City's UCMR3 (2012-2016) testing, which included quarterly testing of the wells and Points of Entry. This specific testing is for unregulated contaminants. The State sent the City a letter on May 18th, 2016 with guidelines to be followed. In compliance with these guidelines, five quarters of testing were completed and the results were sent to the State for review. No further correspondence was received on the results and no further concerns were sent by the State regarding our results related to the 1,4 Dioxane chemical. These results were listed, as required, in the 2018 Consumer Confidence Report on page 7 of 10 under additional testing and reported to our customers.

The USEPA has also included the City of Garfield in their UCMR4 testing from 2017 to 2021 and Garfield did not receive any correspondence related to our 1,4 Dioxane levels. UCMR5 testing is currently underway.

In September 2021, the New Jersey Drinking Water Quality Institute recommended to the New Jersey Department of Environmental Protection ("DEP"), a Maximum Contaminant Level ("MCL") of 0.33 ppb for 1,4-dioxane in drinking water, which was accepted by DEP in December 2021. Following this, DEP initiated the stakeholder engagement in anticipation of rulemaking to establish and implement an MCL for 1,4-dioxane. The stakeholder process is ongoing. Once the stakeholder process is complete, it is anticipated that DEP will issue a final MCL for 1,4-dioxane.

With this being said, despite the filing of this lawsuit, I would like to assure residents that our water currently meets all New Jersey standards and there is no current state or federal enforceable regulatory drinking water standard for 1,4-dioxane that requires a drinking water supplier to remove a water supply from service if 1,4-dioxane is detected. However, as regulatory standards evolve, the City may be required to install treatment at some point in the future which will be very expensive.

The City's intent in filing the lawsuit, which is similar to a lawsuit filed by the State of New Jersey was to take a proactive approach on addressing this forever chemical should it become a regulated contaminant and New Jersey standards change. If the City is required to install filtration, the associated costs should be paid for by the corporations who are responsible for 1,4-dioxane in drinking water supplies and not taxpayers. Moreover, notwithstanding regulatory limits, the defendants do not have the legal right to put any amount of 1,4-dioxane in our drinking water supplies and we will fight to ensure that we are always supplying the cleanest water possible.

In 2021, the City previously filed a similar lawsuit related to the levels of Per- and polyfluoroalkyl chemicals (PFAS) which were detected in our water system. At the conclusion of the lawsuit, and as a result of being proactive in this scenario as well, the City will be receiving funds for compensatory damages. Beginning in 2021, residents were notified about the exceedance of PFAS levels. Notifications

have ceased as the City has installed Granular Activated Carbon filters at all of our points of entry which are successful in treating these forever chemicals. The City received correspondence from the State regarding the closure of the Administrative Consent Order (ACO) executed between Garfield Water Department and NJDEP related to PFAS.

The USEPA and NJDEP are constantly reviewing their drinking water standards to safeguard the public and have consistently reduced the acceptable levels of chemicals in drinking water.

The City of Garfield anticipated the evolution of PFAS regulations which allowed us to complete the appropriate filtration systems prior to the final enactment of the regulations and now fully complies with all regulatory requirements. It is the City's intent to do the same in response to 1,4-dioxane.

Garfield is at the forefront of ensuring the protecting the public with its unwavering commitment to public safety of its residents. Again, the water served by the City currently meets all federal and state drinking water regulations and the goal of the lawsuit is to force the corporations responsible for 1,4-dioxane to pay for costs to filter their chemical from our drinking water supplies as they do not have the legal right to put any level of 1,4-dioxane in our drinking water and because state and federal regulations may require the installation of filtration in the future.

Link to State press release regarding dioxane contamination lawsuit: [AG Platkin, NJDEP, and Division of Consumer Affairs Announce 1,4-Dioxane Contamination Lawsuit - New Jersey Office of Attorney General \(njoag.gov\)](#)

Link to notice on compliance with NJDEP ACO regarding PFAS: [The Official Website of The City of Garfield, NJ - News \(garfieldnj.org\)](#)

Sincerely,

Erin Nora Delaney

MPA, RMC, CMC

City Manager/City Clerk