

Doug O'Malley

For the record, my name is Doug O'Malley, director of Environment, New Jersey. We represent more than 80,000 citizen members and activists across the Garden State. And I first off just wanted to start my comments by thanking Tracey Carluccio and the work of the Delaware Riverkeeper Network. As Tracey just testified, it's through the work of DRKN to, you know, provide, public access. Not only to the public, but also to the Commissioners on the decision made behind closed doors regarding the Gibbstown facility. This is the perfect example of why we need more public transparency. There's also the old saw that if it's not broke don't fix it. And I want to say here too that, you know, this means that the process can be a little messy.

I mean, we just had a, you know, close to a 30 minute delay here. Technology is also sometimes messy. It doesn't work exactly like we want it to. And my heart goes out to Kristen and the DRBC support staff and working to resolve that computer error with YouTube, but it is clearly best to have more access at DRBC meetings, even it requires a little waiting. And that's exactly like democracy. It's a little messy. It's not always efficient, but it's worth it to have more access and not have decisions that are made behind closed doors without knowledge, not only by the public but also the Commissioners. And I think it's critical.

We're looking at these rule changes. To figure out are these truly making decisions more transparent? Are they making it more inclusive for the public and DRBC Commissioners than the ones we currently have? I think the answer clearly is not. And obviously where you sit sometimes determines where you stand on decisions like this. We are in a moment of unprecedented levels of distrust for our government, especially our federal government. We're on the cusp of a government shutdown. Now is not the time in the name of quote unquote efficiencies to move towards a process at DRBC, that work to take items out of the public view and review by the Commission. As we like to say, sunshine is always the best disinfectant. It's not necessarily the most efficient process, but it is very important and I wanted to, ask DRBC to re-examine the rules, to ultimately withdraw them and ensure that you're allowing the same amount of public access for the public as you currently have. Because I don't think these rules meet that standard.

And I want to just emphasize just a couple items here in the proposal. One is that when we talk about "material" and the definition of "material change" and "materially," this is used throughout the proposed rulemaking, yet there's no clear definition available. There's only a bureaucratic explanation. The terminology is not easily understandable and it clouds objectivity. And this ultimately I think is the danger is that we do not want to have spot zoning. We don't want to have the ability for the process to, you know, be interpreted by one individual. We should have clear definitions and then also a reminder that we should not be changing rules that make it harder for the public and the Commission itself and Commissioners to be involved in the process. Let's not roll the clock back here. We ask DRBC to re-examine this process and withdraw this proposal. Thank you very much.