

Good morning Working Group Members,

DEEP and DECD have carefully considered the comments and issues raised during our last Working Group meeting. First, this process only works with your participation, guidance, and advice. Second, we are and will continue to be committed to a collaborative process for developing the conceptual components of the regulations prior to offering draft regulations for public comment. DEEP will not commit to the Working Group being an approval process for the regulatory language. The Working Group cannot replace the typical public review and comment process and it cannot supplant DEEP's requirement to draft the regulations.

That said, DEEP is committed to sharing questions, problems, and ideas during the drafting process. Our group will continue to meet monthly until the release-based regulations are adopted. We need to continue our collaboration for the betterment of the outcome. Obviously, we all share the desire to implement change that protects the environment and public health, while at the same time removing unnecessary barriers to economic development.

DECD and DEEP also heard some concerns over the timeframe for the Working Group to review and mold its Subcommittees' concept papers into advice and feedback over the four months suggested at our last working group meeting. In retrospect, our message to you may not have been as clear as it ought to have been. Four months is a considerable amount of time to provide advice, but the schedule provided lacked clarity on process. There are two important points that should be added to this dialog:

1. DEEP and DECD anticipate the advice and feedback process will be iterative. This means that the Working Group can still provide advice on topics that it has already commented on in the past as new information comes into consideration.
2. DEEP will provide its feedback on the concept papers. The Working Group can serve a more complete role if DEEP provides its timely feedback on the concept papers, which we commit to do.

As to the procedural aspects of this process, we suggest a few additional points for your consideration:

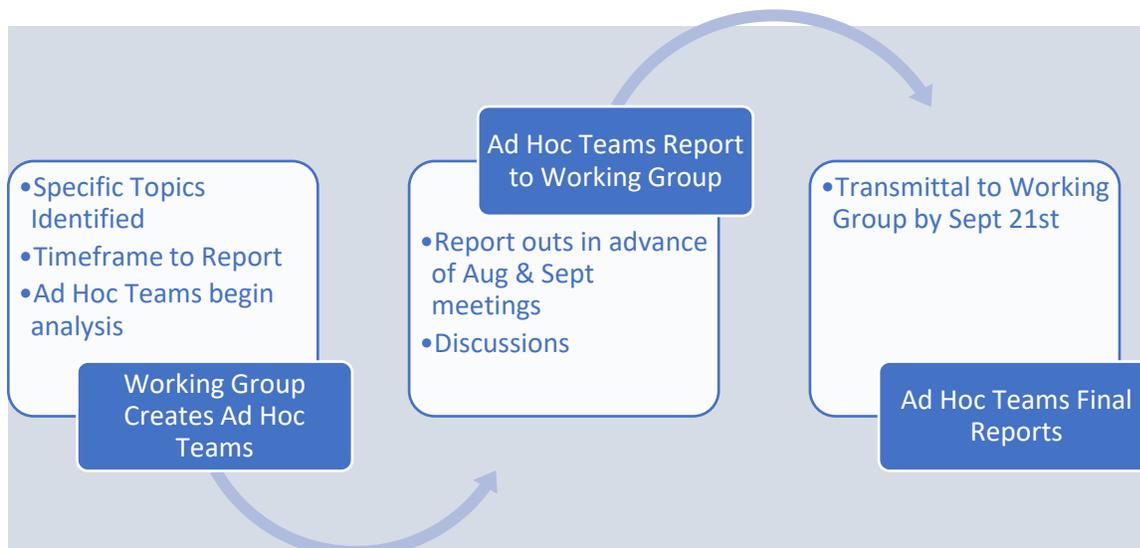
- The Working Group may want to immediately stand up Ad Hoc Teams to review each Subcommittee's concept papers and report its advice to the Working Group. These Ad Hoc Teams should be composed of a cross-section of the Working Group membership and not be Subcommittee members of the topic they are reviewing.
- Working Group members should review the concept papers before the July 13th meeting and provide suggestions for additional Ad Hoc Topic Teams to tackle discrete issues, so the formation of additional groups can be discussed.

Finally, DECD and DEEP suggest an additional two weeks for the Working Group to finalize its initial and first set of advice and feedback to DEEP on drafting the release-based regulations. This would provide the Working Group with a total of 20 weeks to review concept papers and provide advice and feedback to DEEP on these topics. Below, please find additional graphical representations of the 20 week review and advice process that should be finalized at the June 8th meeting.

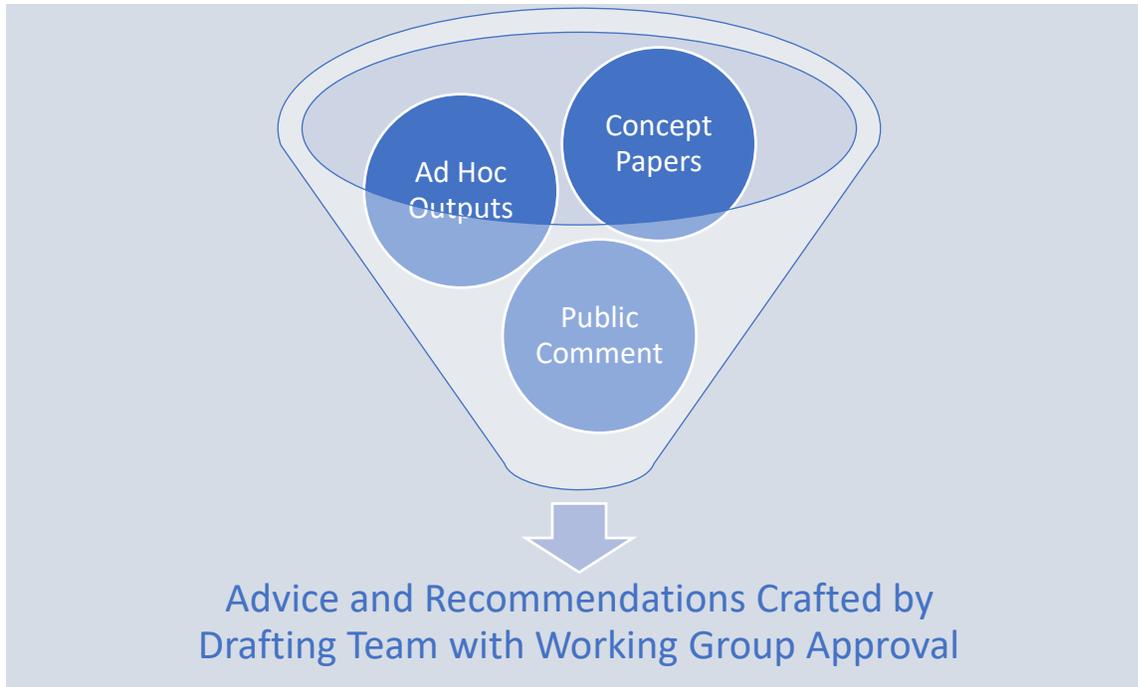
Transparency – Meetings Show Formulation of Advice and Feedback



Analysis – Small Teams Tackle Discrete Topics (topic and gap analysis)



Production – Working Group and Drafting Team Weave Together Concept Papers and Ad Hoc Teams’ Outputs



If anyone has any procedural suggestions, please email either of us, so we can make the most of our time before the concept papers are submitted on June 11th.

Thank you for your on-going service.

Sincerely,

Katie and David