

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### OVERVIEW

The mission of the Department of Environmental Protection (DEP) is to protect and improve New Jersey's air, land, water and natural resources, to ensure public health, sustain economic growth, and preserve and enhance the quality of life for all New Jersey citizens and future generations.

The Department strives toward its mission by: employing a decision-making process that is open, comprehensive, timely, predictable and efficient; developing and enforcing reasonable, clear, and scientifically based standards to protect human health, the environment, and natural resources; protecting the public trust through sound management and restoration of natural resources and by ensuring public access to safe local parks, the waterfront, protected open space, and historic and natural resources; enhancing environmental awareness and private stewardship through education, communication and incentives; ensuring the environment and natural resources of all communities receive equal protection and benefits under the Department's regulations and programs; protecting biodiversity and the water supply through land acquisition, enforcement and conservation; promoting sustainable living, including conservation of water, conservation of energy, use of environmentally friendly building materials, promotion of renewable energy, and reduction of waste through recycling and reuse programs; and fostering a work environment that attracts and retains a dedicated, diverse and talented work force.

The DEP is organizationally divided into five environmental areas: Natural Resource Management, Science and Technical Programs, Site Remediation and Waste Management, Environmental Regulation, and Compliance and Enforcement. The Management and Administration program provides department-wide administrative support to the programs. The Department of Environmental Protection also includes the following in-but-not-of agencies: the Palisades Interstate Park Commission, the Highlands Water Protection and Planning Council, and the Pinelands Commission.

#### Budget Highlights

The Fiscal 2006 Budget for the Department of Environmental Protection (DEP), excluding Debt Service, totals \$318.2 million, a decrease of \$60.9 million or 19.1% under the fiscal 2005 adjusted appropriation of \$379.1 million. This is primarily attributable to the decrease in the Corporation Business Tax dedication of \$32.8 million and the elimination of \$18.6 million in grants to municipalities and other entities, which includes the appropriations for Stormwater Management Grants, Statewide Livable Communities, Local Tire Management and Waterloo Village. The remaining reductions in Direct State Services are due to the elimination of non-recurring supplementals and technical funding shifts. Funding for Payment in Lieu of Taxes (PILOT) increased \$500,000 from the fiscal 2005 adjusted appropriation of \$8.5 million.

#### Parks and Forestry

This Budget recommends a total of \$33 million to maintain the 39 parks, eleven forests, three recreation areas, and 57 historic sites and districts overseen by the Division of Parks and Forestry. The Board of Public Utilities continues its commitment for the Urban Forest Energy Efficiency Initiative with \$5 million in fiscal 2006, which will assist in planting over 100,000 trees across New Jersey.

#### Shore Protection, Flood Control, and Dam Repair

The Fiscal 2006 Budget continues to provide \$25 million for shore protection projects from the Realty Transfer Fee dedication. These funds will leverage up to \$56 million in federal funds and \$7.2 million in local funds for beach replenishment projects. The projects planned for fiscal 2006 include beach fills at Belmar to Manasquan, Delaware Bay, Port Monmouth, Lower Cape May Meadows, Absecon Island,

Townsend Inlet/Cape May Inlet, Brigantine Island, Asbury Park to Deal, Cape May City, Long Branch, and Keansburg.

Funding for flood control projects in fiscal 2006 will total \$4.1 million. While this funding represents a decrease of \$3.1 million from fiscal 2005, it is sufficient to fully leverage federal funds available for flood projects (\$27.3 million). Projects planned include the Ramapo River, Green Brook, Mill Brook, Molly Ann Brook, Manish Park, South River, Harrison/Passaic River, Mahwah/Suffern River and Saddle River.

Although this Budget does not appropriate any funding for dam repairs, in 2003 voters approved a \$200 million bond act that will provide up to \$95 million for loans or other forms of assistance to owners of private dams to finance the costs of dam restoration and repair projects. A total of \$15 million will be allocated to the Department to finance the restoration of State-owned dams. State flood control projects will receive \$25 million, and \$15 million will be available for dredging, restoration projects, and cleaning and desnagging projects for privately owned lakes and streams. This bond act also authorizes \$50 million for water resource or wastewater treatment projects.

#### Corporation Business Tax

The constitutional dedication of 4% of the annual revenue raised from the State's Corporation Business Tax (CBT) continues to provide funds to finance the cleanup of privately owned underground storage tanks, remediation of contaminated sites, watershed monitoring and planning, and the Department's administrative costs.

According to current CBT revenue projections, the Department will receive \$71.8 million from the CBT dedication in fiscal 2006. This is a decrease of \$32.8 million from fiscal 2005 funding levels. For fiscal 2006, \$29.4 million will be dedicated to the clean-up of hazardous waste sites, a decrease of \$15.9 million from fiscal 2005. Funding for the remediation of private underground storage tanks and loans and grants for site remediation will total \$23.9 million, a decrease of \$10.9 million from fiscal 2005. Funding available for administrative costs associated with the clean-up of hazardous sites will decrease \$500,000 from fiscal 2005 to \$6.5 million in fiscal 2006. Watershed Management program funding will decrease from \$17.4 million in fiscal 2005 to \$12 million in fiscal 2006, a decrease of \$5.5 million. Funding for stormwater grants will no longer be provided in fiscal 2006.

#### Department Accomplishments

This year, the Department worked to pass the landmark legislation that will preserve almost 400,000 environmentally sensitive acres in the Highlands region, a source of clean drinking water for more than five million of New Jersey's residents. Among the most significant environmental legacies in New Jersey in a generation, these protections will be managed by the Highlands Water Protection and Planning Council that will develop a master plan over the next two years to accommodate growth in the region while protecting critical water supplies and natural resources. In addition, the Department announced the creation of three new State parks in urban areas of Trenton, Paterson, and River Edge (Bergen County), along with plans for a national design competition to assist in the parks' development.

The Department began implementing several initiatives proposed the previous year, placing New Jersey at the national forefront of water policy. The Department adopted the most comprehensive stormwater control regulations in the country, including establishment of 300-foot buffers around more than 6,000 miles of the state's highest quality waterways. In addition, the Department also adopted a new standard, effective in 2006, for arsenic in drinking water that is half the contaminant level permitted by federal law. Finally, the Department adopted protections for another 600 miles of

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high-quality waterways that provide drinking water and serve as critical wildlife habitat.

Continuing efforts to protect New Jersey's communities from toxics, the State developed an interdepartmental Environmental Justice Task Force to help State agencies address the disproportionate impacts of pollution on low-income areas and communities of color. In addition, the Department adopted new regulations reducing mercury emissions from New Jersey's coal-fired power plants, iron and steel

melters, and waste incinerators by 90 percent by the end of 2007. The Department continued programs expediting cleanups of contaminated sites, certifying consultants to oversee cleanup at low-risk sites, thereby freeing departmental resources to focus on sites posing greater environmental concerns. In addition, the State boosted investment in brownfield remediation by almost 40 percent, providing \$45 million up front with ongoing funding of \$15 – 20 million a year for future investments in redevelopment.

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### SUMMARY OF APPROPRIATIONS BY FUND

(thousands of dollars)

Year Ending June 30, 2004						Year Ending June 30, 2006		
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2005 Adjusted Approp.	Requested	Recom- mended
219,133	27,271	5,821	252,225	236,091	Direct State Services	225,524	216,636	216,636
9,250	4,416	3,468	17,134	7,818	Grants-In-Aid	16,250	—	—
4,255	4	—	4,259	4,237	State Aid	12,372	10,072	10,072
140,074	60,217	-5,780	194,511	100,614	Capital Construction	116,453	82,463	82,463
68,053	5	-3,840	64,218	63,180	Debt Service	63,240	28,943	28,943
440,765	91,913	-331	532,347	411,940	Total General Fund	433,839	338,114	338,114
10,453	—	-300	10,153	10,129	Total Property Tax Relief Fund	8,500	9,000	9,000
<b>451,218</b>	<b>91,913</b>	<b>-631</b>	<b>542,500</b>	<b>422,069</b>	<b>GRAND TOTAL</b>	<b>442,339</b>	<b>347,114</b>	<b>347,114</b>

### SUMMARY OF APPROPRIATIONS BY PROGRAM

(thousands of dollars)

Year Ending June 30, 2004						Year Ending June 30, 2006		
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2005 Adjusted Approp.	Requested	Recom- mended
<b>DIRECT STATE SERVICES – GENERAL FUND</b>								
<b>Natural Resource Management</b>								
6,650	—	-2	6,648	6,645	Forest Resource Management	6,921	6,921	6,921
35,375	1,387	-22	36,740	36,247	Parks Management	37,789	37,822	37,822
13,045	688	1,904	15,637	14,908	Hunters' and Anglers' License Fund	13,177	12,500	12,500
1,310	—	55	1,365	1,364	Shellfish and Marine Fisheries Management	1,416	1,416	1,416
348	34	—	382	338	Wildlife Management	348	314	314
1,523	1	2,504	4,028	3,975	Natural Resources Engineering	1,597	1,597	1,597
2,214	—	—	2,214	2,212	Palisades Interstate Park Commission	2,414	2,414	2,414
60,465	2,110	4,439	67,014	65,689	<i>Subtotal</i>	63,662	62,984	62,984
<b>Science and Technical Programs</b>								
6,733	886	-45	7,574	7,426	Water Supply	7,769	7,769	7,769
—	—	—	—	—	Smart Growth Permitting	4,500	—	—
—	—	7	7	5	Water Monitoring and Standards	—	—	—
8,450	1,086	-97	9,439	9,434	Land Use Regulation	12,123	12,174	12,174
2,986	66	-19	3,033	3,031	Science, Research and Technology	3,097	3,097	3,097
—	—	—	—	—	New Jersey Geological Survey	—	—	—
17,267	6,327	-540	23,054	18,492	Environmental Remediation and Monitoring	11,440	11,963	11,963
—	7	549	556	556	Watershed Management	—	—	—
35,436	8,372	-145	43,663	38,944	<i>Subtotal</i>	38,929	35,003	35,003
<b>Site Remediation and Waste Management</b>								
8,700	1	-289	8,412	8,345	Solid and Hazardous Waste Management	9,128	8,064	8,064
30,164	12,216	—	42,380	41,338	Remediation Management and Response	30,489	30,489	30,489

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Year Ending June 30, 2004					Year Ending June 30, 2006			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2005 Adjusted Approp.	Requested	Recom- mended
12,560	2,163	—	14,723	8,079	Environmental Remediation and Monitoring	6,960	6,460	6,460
<i>51,424</i>	<i>14,380</i>	<i>-289</i>	<i>65,515</i>	<i>57,762</i>	<i>Subtotal</i>	<i>46,577</i>	<i>45,013</i>	<i>45,013</i>
<b>Environmental Regulation</b>								
6,034	874	242	7,150	7,110	Radiation Protection	7,768	6,840	6,840
16,391	828	5	17,224	17,026	Air Pollution Control	17,046	17,230	17,230
7,586	2	20	7,608	7,595	Water Pollution Control	7,974	7,974	7,974
2,908	1	-318	2,591	2,591	Public Wastewater Facilities	3,082	3,082	3,082
<i>32,919</i>	<i>1,705</i>	<i>-51</i>	<i>34,573</i>	<i>34,322</i>	<i>Subtotal</i>	<i>35,870</i>	<i>35,126</i>	<i>35,126</i>
<b>Environmental Planning and Administration</b>								
2,153	1	511	2,665	2,664	Regulatory and Governmental Affairs	2,275	2,275	2,275
17,705	1	520	18,226	18,185	Administration and Support Services	18,074	17,600	17,600
<i>19,858</i>	<i>2</i>	<i>1,031</i>	<i>20,891</i>	<i>20,849</i>	<i>Subtotal</i>	<i>20,349</i>	<i>19,875</i>	<i>19,875</i>
<b>Compliance and Enforcement</b>								
5,371	—	-5	5,366	4,107	Air Pollution Control	5,039	4,439	4,439
2,232	—	60	2,292	2,287	Pesticide Control	2,357	2,357	2,357
5,868	3	87	5,958	5,958	Water Pollution Control	6,124	5,824	5,824
1,805	683	-112	2,376	2,340	Land Use Regulation	2,573	1,972	1,972
3,755	16	-194	3,577	3,577	Solid and Hazardous Waste Management	4,044	4,043	4,043
—	—	1,000	1,000	256	Environmental Remediation and Monitoring	—	—	—
<i>19,031</i>	<i>702</i>	<i>836</i>	<i>20,569</i>	<i>18,525</i>	<i>Subtotal</i>	<i>20,137</i>	<i>18,635</i>	<i>18,635</i>
<i>219,133</i>	<i>27,271</i>	<i>5,821</i>	<i>252,225</i>	<i>236,091</i>	<i>Subtotal Direct State Services – General Fund</i>	<i>225,524</i>	<i>216,636</i>	<i>216,636</i>
<i>219,133</i>	<i>27,271</i>	<i>5,821</i>	<i>252,225</i>	<i>236,091</i>	<b>TOTAL DIRECT STATE SERVICES</b>	<b>225,524</b>	<b>216,636</b>	<b>216,636</b>
<b>GRANTS-IN-AID – GENERAL FUND</b>								
<b>Natural Resource Management</b>								
—	3	—	3	—	Forest Resource Management	—	—	—
3,250	—	1,218	4,468	4,421	Parks Management	10,250	—	—
—	4,413	1,700	6,113	—	Natural Resources Engineering	—	—	—
<i>3,250</i>	<i>4,416</i>	<i>2,918</i>	<i>10,584</i>	<i>4,421</i>	<i>Subtotal</i>	<i>10,250</i>	<i>—</i>	<i>—</i>
<b>Science and Technical Programs</b>								
—	—	300	300	300	Water Monitoring and Standards	—	—	—
6,000	—	—	6,000	2,847	Environmental Remediation and Monitoring	6,000	—	—
<i>6,000</i>	<i>—</i>	<i>300</i>	<i>6,300</i>	<i>3,147</i>	<i>Subtotal</i>	<i>6,000</i>	<i>—</i>	<i>—</i>
<b>Environmental Planning and Administration</b>								
—	—	250	250	250	Administration and Support Services	—	—	—
<i>9,250</i>	<i>4,416</i>	<i>3,468</i>	<i>17,134</i>	<i>7,818</i>	<i>Subtotal Grants-In-Aid – General Fund</i>	<i>16,250</i>	<i>—</i>	<i>—</i>
<i>9,250</i>	<i>4,416</i>	<i>3,468</i>	<i>17,134</i>	<i>7,818</i>	<b>TOTAL GRANTS-IN-AID</b>	<b>16,250</b>	<b>—</b>	<b>—</b>
<b>STATE AID – GENERAL FUND</b>								
<b>Site Remediation and Waste Management</b>								
—	—	—	—	—	Solid and Hazardous Waste Management	2,300	—	—

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Year Ending June 30, 2004					Year Ending June 30, 2006		
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	2005 Adjusted Approp.	Requested	Recom- mended
4,255	4	—	4,259	4,237	<b>Environmental Planning and Administration</b>		
					Administration and Support Services		
					6,619	6,619	6,619
—	—	—	—	—	<b>Compliance and Enforcement</b>		
					Water Pollution Control		
					3,453	3,453	3,453
<b>4,255</b>	<b>4</b>	<b>—</b>	<b>4,259</b>	<b>4,237</b>	<b>12,372</b>	<b>10,072</b>	<b>10,072</b>
					<b>Subtotal State Aid – General Fund</b>		
					<b>STATE AID – PROPERTY TAX RELIEF FUND</b>		
					<b>Environmental Planning and Administration</b>		
					Administration and Support Services		
8,000	—	–300	7,700	7,682	8,500	9,000	9,000
					<b>Compliance and Enforcement</b>		
					Water Pollution Control		
2,453	—	—	2,453	2,447	—	—	—
<b>10,453</b>	<b>—</b>	<b>–300</b>	<b>10,153</b>	<b>10,129</b>	<b>8,500</b>	<b>9,000</b>	<b>9,000</b>
					<b>Subtotal State Aid – Property Tax Relief Fund</b>		
<b>14,708</b>	<b>4</b>	<b>–300</b>	<b>14,412</b>	<b>14,366</b>	<b>20,872</b>	<b>19,072</b>	<b>19,072</b>
					<b>TOTAL STATE AID</b>		
					<b>CAPITAL CONSTRUCTION</b>		
					<b>Natural Resource Management</b>		
					Parks Management		
—	9,539	—	9,539	6,587	4,000	—	—
—	2,389	—	2,389	731	—	—	—
—	11	—	11	—	—	—	—
—	158	—	158	14	—	—	—
36,294	20,392	–5,280	51,406	35,570	32,233	29,106	29,106
—	478	500	978	247	—	—	—
<b>36,294</b>	<b>32,967</b>	<b>–4,780</b>	<b>64,481</b>	<b>43,149</b>	<b>36,233</b>	<b>29,106</b>	<b>29,106</b>
					<b>Subtotal</b>		
					<b>Site Remediation and Waste Management</b>		
					Environmental Remediation and Monitoring		
103,780	27,234	–1,000	130,014	57,465	80,220	53,357	53,357
					<b>Environmental Regulation</b>		
					Air Pollution Control		
—	3	—	3	—	—	—	—
					<b>Environmental Planning and Administration</b>		
					Administration and Support Services		
—	13	—	13	—	—	—	—
<b>140,074</b>	<b>60,217</b>	<b>–5,780</b>	<b>194,511</b>	<b>100,614</b>	<b>116,453</b>	<b>82,463</b>	<b>82,463</b>
					<b>Subtotal Capital Construction</b>		
<b>383,165</b>	<b>91,908</b>	<b>3,209</b>	<b>478,282</b>	<b>358,889</b>	<b>379,099</b>	<b>318,171</b>	<b>318,171</b>
					<b>TOTAL APPROPRIATION</b>		

## 40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

### 42. NATURAL RESOURCE MANAGEMENT

#### OBJECTIVES

1. To provide recreational, historic, natural and interpretive facilities.
2. To develop recreational lands and facilities, located in balance with population distribution.
3. To regulate the recreational use of public lands and minimize natural resource damage.
4. To provide safe marina facilities, navigational aids, and other services to the boating public.
5. To provide the financial assistance and engineering technology that minimizes potential loss of life and property damage due to flooding.
6. To manage and protect the state's forest resources. To minimize forest damage from wildfire, insects and disease, and to enhance the public's understanding of sustainable forest resource management.
7. To manage fish and wildlife resources of the state for long-term biological, economic and recreational viability.

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8. To provide for the development of shore protection facilities and improvements, and to minimize personal and property damage resulting from tidal waters of the state.
9. To preserve open space and support development of parks.
10. To provide technical assistance and implement statutory provisions that prevent, minimize or mitigate damage to historic resources.
11. To provide a system of highways, parkway roads, and bridges for the Palisades Interstate Park to facilitate travel through and within the park and ensure safe and efficient movement of traffic.

## PROGRAM CLASSIFICATIONS

11. **Forest Resource Management.** The State Forestry Service manages and protects the rural and urban forest resources of New Jersey. The Forest Fire Service is mandated to prevent, manage and suppress wildfire on or threatening 3.1 million acres of State and private forest and wildlands of New Jersey. The Forest Service promotes forestry by providing both State and federal programs in urban and community forestry; forest products conservation and recycling; private non-industrial forest lands management; forest insect and disease control; forest conservation and education; reforestation and tree improvement; and State lands management.
12. **Parks Management.** Operates, maintains and provides stewardship for 39 State parks, five marinas, 57 historic sites and districts, and other recreational, natural, and interpretive facilities in a clean, safe and non-discriminatory manner; staffs facilities with maintenance, administrative, ranger and seasonal personnel to provide assistance, information, education, and interpretive and protective services to the public; manages properties to ensure the preservation of natural and historic resources while maintaining high quality recreational opportunities; plans for the development and improvement of new facilities and reviews and approves all new construction; provides literature regarding recreational facilities, natural area and historic preservation. Operates and maintains State marinas in a clean, safe and non-discriminatory manner for all boat owners and visitors. Safe moorings are provided for boaters during heavy storms.
13. **Hunters' and Anglers' License Fund.** Manages the wildlife resources of the state through programs of research, regulation, habitat development, land acquisition, law enforcement and public education. Trout and other species of fish, pheasants and quail are reared at State hatcheries and game farms and released throughout the State; public lands

are acquired and maintained for use as wildlife management areas. Regulations regarding hunting and fishing seasons are developed; and licenses, stamps and permits are sold to provide a source of revenue to manage the state's wildlife resources.

14. **Shellfish and Marine Fisheries Management.** Manages the marine shellfish and finfish resources of the state through research, monitoring, habitat protection, licensing and regulatory programs. Clam and oyster grounds are leased to commercial shellfishermen for aquaculture activities. Programs (relay and depuration) also provide for the safe utilization of shellfish from marginally polluted areas. Marine fisheries programs support the effective management of the numerous migratory species on a coastwide basis. An artificial reef program constructs fisheries habitat in ocean areas to enhance productivity, thus providing additional fishing and diving opportunities.
20. **Wildlife Management.** Conducts wildlife research to protect and manage the State's non-game, endangered and problem species. Additional responsibilities include permit review for wildlife possession, bird banding, scientific collection and public information.
21. **Natural Resources Engineering.** Develops, maintains, dredges and marks navigation channels on 200 miles of tidal inland waterways and large State-controlled lakes for the safety and protection of the boating public and industries. Provides financial assistance to local governments with the construction of groins, jetties, bulkheads, sea walls, and beach replenishment under the shore protection program, carries out various dam safety inspections, and administers flood control and harbor cleanup programs.
24. **Palisades Interstate Park Commission.** Operates and maintains existing parks and historic sites in a clean, safe, and non-discriminatory manner for all visitors; plans for the improvement and development of new facilities; maintains highways, bridges, landscaped areas, signs, and traffic lines to ensure the safety of the motoring public. Enforces traffic laws on the Palisades Parkway and all other roads within the Commission's boundaries; polices Commission lands to ensure that park facilities are utilized in accordance with laws, statutes, and Commission regulations; maintains a police court with the powers and jurisdiction of a municipal court with respect to crimes, disorderly conduct, and violations of the motor vehicle and traffic or other laws of the State or of any of the rules and regulations of the Commission.

## EVALUATION DATA

	Actual FY 2003	Actual FY 2004	Revised FY 2005	Budget Estimate FY 2006
<b>PROGRAM DATA</b>				
<b>Forest Resource Management</b>				
Fires (annual) .....	1,180	1,800	1,800	1,800
Acres lost (annual) .....	3,893	10,500	10,500	10,500
Acres of prescribed burning .....	5,667	15,000	20,000	20,000
<b>Parks Management</b>				
State parks and forests .....				
Total visitors .....	14,800,000	15,000,000	15,200,000	15,300,000
Total revenue .....	4,216,000	5,300,000	5,350,000	5,400,000
Historic sites .....				
Visitors .....	390,000	380,000	390,000	400,000
Revenue .....	36,952	— (a)	60,000	65,000

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	Actual FY 2003	Actual FY 2004	Revised FY 2005	Budget Estimate FY 2006
<b>Hunters' and Anglers' License Fund</b>				
Trout propagated and distributed .....	770,000	770,000	770,000	770,000
Pheasants reared at game farms .....	55,000	55,000	60,000	60,000
Other fish propagated and distributed .....	1,250,000	1,900,000	1,900,000	1,900,000

## PERSONNEL DATA

### Position Data

#### Filled Positions by Funding Source

State Supported .....	988	992	985	1,023
Federal .....	6	4	4	5
All Other .....	17	18	18	18
Total Positions .....	1,011	1,014	1,007	1,046

#### Filled Positions by Program

Forest Resource Management .....	107	110	110	121
Parks Management .....	594	579	572	586
Hunters' and Anglers' License Fund .....	197	206	203	204
Shellfish and Marine Fisheries Management .....	35	39	45	43
Wildlife Management .....	21	19	15	13
Natural Resources Engineering .....	57	61	62	79
Total Positions .....	1,011	1,014	1,007	1,046

### Notes:

Actual payroll counts are reported for fiscal years 2003 and 2004 as of December, and revised fiscal year 2005 as of September. The Budget Estimate for fiscal year 2006 reflects the number of positions funded.

(a) The two revenue generating historic sites, Batsto Mansion and Barnegat Lighthouse, were closed for repairs during fiscal 2004.

## APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2004					Year Ending June 30, 2006			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2005 Adjusted Approp.	Requested	Recom- mended
<b>DIRECT STATE SERVICES</b>								
<b>Distribution by Fund and Program</b>								
6,650	—	-2	6,648	6,645	11	6,921	6,921	6,921
35,375	1,387	-22	36,740	36,247	12	37,789	37,822	37,822
13,045	688	1,904	15,637	14,908	13	13,177	12,500	12,500
1,310	—	55	1,365	1,364	14	1,416	1,416	1,416
348	34	—	382	338	20	348	314	314
1,523	1	2,504	4,028	3,975	21	1,597	1,597	1,597
2,214	—	—	2,214	2,212	24	2,414	2,414	2,414
<b>60,465</b>	<b>2,110</b>	<b>4,439</b>	<b>67,014</b>	<b>65,689</b>		<b>63,662</b> <sup>(a)</sup>	<b>62,984</b>	<b>62,984</b>
<b>Distribution by Fund and Object</b>								
Personal Services:								
40,064	—	—	40,064	40,064		43,820	42,681	42,681
245 <sup>S</sup>	571	6,426	47,306	43,913		678 <sup>S</sup>	2,776	2,776
—	—	—	—	2,675		2,487	—	—
<b>40,309</b>	<b>571</b>	<b>6,426</b>	<b>47,306</b>	<b>46,588</b>		<b>46,985</b>	<b>45,457</b>	<b>45,457</b>
4,824	14	-561	4,277	4,277		3,344	3,856	3,856
2,679	91	125	2,895	2,879		2,167	2,260	2,260
3,579	11	-597	2,993	2,991		2,823	3,156	3,156
Special Purpose:								
1,759	—	-1	1,758	1,755	11	1,759	1,759	1,759
—	1,363 <sup>R</sup>	-1,019	344	—	12	—	—	—

# ENVIRONMENTAL PROTECTION

Year Ending June 30, 2004					Year Ending June 30, 2006				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2005 Adjusted Approp.	Requested	Recom- mended	
<b><u>DIRECT STATE SERVICES</u></b>									
4,683	—	—	4,683	4,562	Green Acres / Open Space Administration	12	4,683	4,683	4,683
11	—	—	11	11	Liberty State Park Commission	12	11	11	11
108	—	68	176	176	Natural Lands Trust	12	114	114	114
3	—	-3	—	—	Natural Areas Council	12	3	3	3
79	—	—	79	79	Wildlife Monitoring – West Nile Virus	20	79	79	79
269	34 <sup>R</sup>	—	303	259	Endangered Species Tax Check-Off Donations	20	269	235	235
—	—	353	353	352	Bayshore Flood Control	21	—	—	—
1,254	—	-6	1,248	1,247	Dam Safety	21	1,319	1,319	1,319
908	26	-346	588	513	Additions, Improvements and Equipment	—	106	52	52
<b><u>GRANTS-IN-AID</u></b>									
<b>Distribution by Fund and Program</b>									
—	3	—	3	—	Forest Resource Management	11	—	—	—
3,250	—	1,218	4,468	4,421	Parks Management	12	10,250	—	—
—	4,413	1,700	6,113	—	Natural Resources Engineering	21	—	—	—
<b>3,250</b>	<b>4,416</b>	<b>2,918</b>	<b>10,584</b>	<b>4,421</b>	<b>Total Grants-in-Aid</b>	<b>—</b>	<b>10,250</b>	<b>—</b>	<b>—</b>
<b>Distribution by Fund and Object</b>									
Grants:									
—	3	—	3	—	Statewide Community Forestry Program	11	—	—	—
3,250	—	1,218	4,468	4,421	Statewide Livable Communities	12	10,000	—	—
—	—	—	—	—	Waterloo Village	12	250	—	—
—	3	—	3	—	Barnegat Bulkhead Project	21	—	—	—
—	2	—	2	—	Ocean Gate Bulkhead Project	21	—	—	—
—	1,283	600	1,883	—	High Hazard Dams Grant/Loan	21	—	—	—
—	1,195	—	1,195	—	Hurricane Floyd Damaged Dams Grant/Loans	21	—	—	—
—	1,914	—	1,914	—	Significant Hazard Dams Grants/Loans	21	—	—	—
—	16 <sup>R</sup>	1,100	3,030	—	Significant Hazard Dams Grants/Loans	21	—	—	—
<b><u>CAPITAL CONSTRUCTION</u></b>									
<b>Distribution by Fund and Program</b>									
—	9,539	—	9,539	6,587	Parks Management	12	4,000	—	—
—	2,389	—	2,389	731	Hunters' and Anglers' License Fund	13	—	—	—
—	11	—	11	—	Shellfish and Marine Fisheries Management	14	—	—	—
—	158	—	158	14	Wildlife Management	20	—	—	—
36,294	20,392	-5,280	51,406	35,570	Natural Resources Engineering	21	32,233	29,106	29,106
—	478	500	978	247	Palisades Interstate Park Commission	24	—	—	—
<b>36,294</b>	<b>32,967</b>	<b>-4,780</b>	<b>64,481</b>	<b>43,149</b>	<b>Total Capital Construction</b>	<b>—</b>	<b>36,233</b>	<b>29,106</b>	<b>29,106</b>
<b>Distribution by Fund and Object</b>									
<b>Bureau of Parks</b>									
—	—	—	—	—	Parks Improvements	12	2,000	—	—
—	—	—	—	—	Liberty Science Center	12	2,000	—	—
—	4,277	610	4,887	4,167	Historic Preservation/Renovation – Buildings, Structures and Monuments	12	—	—	—
—	214	-60	154	59	Sanitary Facilities	12	—	—	—
—	21	—	21	18	Picnic Area Rehabilitation – Various State Parks & Forests	12	—	—	—

# ENVIRONMENTAL PROTECTION

Year Ending June 30, 2004					Year Ending June 30, 2006				
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	Prog. Class.	2005 Adjusted Approp.	Requested	Recommended	
<b>CAPITAL CONSTRUCTION</b>									
—	49	—	49	15	Barnegat Lighthouse Exterior Coating	12	—	—	—
—	260	—	260	198	Liberty State Park – Liberty Walkway	12	—	—	—
—	35	—	35	—	Delaware River Recreational Path, Frenchtown to Milford	12	—	—	—
—	27	—	27	—	Shore Stabilization – Cape May Point	12	—	—	—
—	43	—	43	—	Belleplain State Park – Water Supply Improvement	12	—	—	—
—	80	—	80	—	ADA Development – Statewide	12	—	—	—
—	197	—	197	95	Buildings – Rehabilitation and Renovation	12	—	—	—
—	550	–482	68	67	Site Areas/Facilities – Development, Rehabilitation and Repair	12	—	—	—
—	120	–68	52	31	Administrative/Maintenance Facilities–Renovation, Rehabilitation & Maintenance	12	—	—	—
—	27	—	27	27	Asbestos Removal	12	—	—	—
—	226	—	226	186	Overnight Facilities – Development, Rehabilitation, Improvement and Repair	12	—	—	—
—	22	—	22	2	Recreational Areas – Development, Rehabilitation, Improvement and Repair	12	—	—	—
—	8	—	8	—	Day Use Areas – Development, Rehabilitation, Improvement and Repair	12	—	—	—
—	11	—	11	2	Demolition of Unused Structures	12	—	—	—
—	2,008	—	2,008	726	Dam Repairs and Inspections	12	—	—	—
—	413	—	413	355	Health, Safety and Environmental Compliance	12	—	—	—
—	73	—	73	32	Road, Bridge and Parking Area Repairs	12	—	—	—
—	20	—	20	—	Open Space – Local Match	12	—	—	—
—	25	—	25	25	Waterloo Village Urgent Needs	12	—	—	—
—	652	—	652	557	Liberty State Park	12	—	—	—
—	71	—	71	—	Liberty State Park, Boring and Testing	12	—	—	—
—	29	—	29	25	Underground Storage Tanks	12	—	—	—
—	81	—	81	—	Liberty State Park, Caven Point Pier Renovations	12	—	—	—
<b>Palisades Interstate Park Commission</b>									
—	134	—	134	61	Sanitary Facilities – Various Locations	24	—	—	—
—	2	—	2	2	Parkway Improvements	24	—	—	—
—	126	—	126	11	Bridge and Pedestrian Overpass Repairs	24	—	—	—
—	216	—	216	153	Building Life/Safety and Code Compliance – Repairs	24	—	—	—
—	—	500	500	20	Shore Protection Structures Repairs	24	—	—	—
<b>Division of Fish and Wildlife</b>									
—	2,344	—	2,344	731	Dam Repair, Maintenance and Renovation	13	—	—	—
—	1	—	1	—	Pequest Road Repair	13	—	—	—
—	7	—	7	—	Dioxin Disposal – Freshwater Fisheries Lab	13	—	—	—
—	13	—	13	—	Pequest Hatchery Water Treatment	13	—	—	—
—	24	—	24	—	Roof Replacement – Fish Hatchery	13	—	—	—





# ENVIRONMENTAL PROTECTION

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Receipts in excess of the amount anticipated from fees and permit receipts from the use of State park and marina facilities, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for Parks Management, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from police court, stands, concessions and self-sustaining activities operated or supervised by the Palisades Interstate Park Commission, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated.

The amount hereinabove for the Hunters' and Anglers' License Fund is payable out of that Fund and any amount remaining therein and the unexpended balance at the end of the preceding fiscal year in the Hunters' and Anglers' License Fund, together with any receipts in excess of the amount anticipated, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Pursuant to section 2 of P.L.1993, c.303 (C.23:3-1f) there are appropriated such sums as may be necessary to offset revenue losses associated with the issuance of free hunting and fishing licenses to active members of the New Jersey State National Guard and disabled veterans. The amount to be appropriated shall be certified by the Division of Fish and Wildlife and is subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Endangered Species Tax Check-Off Donations account is payable out of receipts, and the unexpended balances at the end of the preceding fiscal year, in the Endangered Species Tax Check-Off Donations account, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

An amount not to exceed \$2,376,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for costs attributable to planning, operation, and administration of the shore protection program, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$436,000 is allocated from the capital construction appropriation for HR-6 Flood Control for costs attributable to the operation and administration of the State Flood Control Program, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$397,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for the operation and maintenance of the Bayshore Flood Control facility.

An amount not to exceed \$161,000 is allocated from the Dam, Lake, Stream Bond Fund-Flood Control account in accordance with the Dam, Lake, Stream and Wastewater Treatment Project Bond Act of 2003, P.L. 2003, c.162, for costs attributable to flood control, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$390,000 is allocated from the Dam, Lake, Stream Bond Fund-Dam Safety account in accordance with the Dam, Lake, Stream and Wastewater Treatment Project Bond Act of 2003, P.L. 2003, c.162, for costs attributable to dam safety, subject to the approval of the Director of the Division of Budget and Accounting.

## Language Recommendations — Grants-In-Aid – General Fund

Loan repayments received from dam rehabilitation projects pursuant to P.L.1999, c.347 are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

## Language Recommendations — Capital Construction

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), of the amounts appropriated for improvements in State parks, the Department of Environmental Protection may enter into a contract with the Waterloo Foundation for the Arts for improvements to existing State-owned structures or for the construction of new facilities at Waterloo Village.

The amount hereinabove appropriated for Shore Protection Fund Projects is payable from the receipts of the portion of the realty transfer tax directed to be credited to the Shore Protection Fund pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1).

An amount not to exceed \$500,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for repairs to the Bayshore Flood Control facility.

## 40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

### 43. SCIENCE AND TECHNICAL PROGRAMS

#### OBJECTIVES

1. To assure a safe and dependable supply of water.
2. To undertake technical activities, applied scientific research, policy analysis, and technology evaluation associated with human and ecological exposure to toxic substances, as well as other critical environmental issues identified by DEP. To serve as DEP's primary unit for environmental assessment, risk analysis, and evaluation of innovative technologies and cutting-edge environmental management strategies. These activities are designed to meet the Department's information and problem-solving needs, and to identify current scientific needs which warrant the Department's attention, as well as to proactively identify scientific issues and environmental problems before they become crises.
3. To map, research, and interpret scientific information on the State's geology and groundwater resources. This information supports the Department's and other government agencies' regulatory and planning activities and provides the business community and the public with the geologic and hydrologic information needed to address environmental concerns and make economic decisions.
4. To develop and coordinate implementation of watershed management programs, ground water protection programs, and water supply management, development, conservation and protection plans.
5. To develop and coordinate the implementation of the Coastal Zone Management and the National Estuary programs, including the Delaware, NY/NJ Harbor and Barnegat Bay Estuaries.

6. To develop and coordinate water quality management planning functions, including water quality standards, wastewater management, point and nonpoint source pollution control and the restoration of aquatic habitats.

## PROGRAM CLASSIFICATIONS

05. **Water Supply.** Administers New Jersey Private Well Testing Act and the federal and State Safe Drinking Water programs, the Well Permit program, and the Water Allocation program to ensure a safe and reliable water supply. Also administers the Drought Management Program. As part of the Safe Drinking Water program, administers the Drinking Water State Revolving Fund (DWSRF) which includes a financing program for water supply projects, along with set asides for capacity development, training for licensed operators, and source water assessment and delineation activities.
06. **Smart Growth Permitting.** The Division of Smart Growth, created pursuant to P.L.2004, c.89, provides for the expediting of certain State permits in smart growth areas and provides for the creation of expedited permit mechanisms, such as permits-by-rule and general permits. The Department is required to determine the completeness of each application and take action on those permits on an expedited basis (generally within 45 days).
07. **Water Monitoring and Standards.** Conducts ambient statewide freshwater quality monitoring (rivers and streams, lake and ground water), ambient marine surface water quality monitoring, biological monitoring, and targeted assessments in support of Total Maximum Daily Load (TMDL) and New Jersey Pollutant Discharge Elimination System (NJPDES) permit issuance. Develops New Jersey's Integrated Water Quality Monitoring and Assessment Report, including the Integrated Waterbodies List. Develops surface water and ground water standards. Coordinates the development and integration of biological criteria into State water quality standards. Manages the Lakes Grant Assistance program. Classifies shellfish growing area waters for shellfish harvesting, and conducts bacteriological and chemical analysis of shellfish for public health protection. Develops, operates, and maintains water quality database systems for both government and public data dissemination.
15. **Land Use Regulation.** Protects and manages the State's land and water resources through the implementation of the Coastal Area Facility Review Act (CAFRA), the Waterfront Development Law, the Coastal Wetlands Act of 1970, the Flood Hazard Area Control Act, the Freshwater Wetlands Protection Act, the Highlands Water Protection and Planning Act, and the federal consistency provisions of the Federal Coastal Zone Management Act. In addition to the resource protection mandates of these statutes, provisions of these programs have been established to protect lives and property from storm and flood damages throughout the state.
18. **Science, Research and Technology.** Provides a fundamental scientific foundation for a wide range of departmental policies, actions and standard setting activities. Develops scientific information and innovative management strategies by performing environmental assessments and risk analyses, scientific investigations and technical assessments of toxic and carcinogenic contaminants, human health and ecological risk assessments, water quality assessments, applied research and technical evaluations, comprehensive review and assessment of the current state of scientific knowledge on specific issues, scientific connections for dealing with cross-media contaminants, new economically-based environ-

mental management approaches, innovative technologies for remediation of hazardous waste sites, and effective risk communication techniques. Identifies emerging environmental strategies and issues and develops them for departmental implementation. Provides technical expertise toward the development of human health criteria for toxic contaminant standards in potable water, ground water, surface water and soil. Fosters the growth and acceptance of innovative environmental and energy technology products and services in New Jersey by implementing the New Jersey Energy and Environmental Technology and Reciprocity Cooperation initiative. Serves as DEP's lead program for the implementation of the New Jersey Greenhouse Gas/Climate Change Action Plan, as primary liaison with New Jersey Board of Public Utilities regarding environmental implications of BPU's renewable energy and energy conservation programs in fulfillment of DEP's role as environmental consultant to the BPU, as established in the Electric Discount and Energy Competition Act, and provides expertise to DEP in areas of environmental economics and sustainability.

22. **New Jersey Geological Survey.** Maps the geology and topography of the State, assesses offshore mineral resources and dredging, maintains a cooperative water monitoring program with the United States Geological Service (USGS) and reviews plans for underground storage of gas, oil and chemical disposal wells. The program also evaluates the supply potential and water quality of the State's aquifers, maintains a statewide geohydrologic database, maps aquifer recharge and wellhead protection areas, investigates groundwater pollution problems, and supports other State and municipal programs through geophysical studies, groundwater investigations, and the use of Geographic Information Systems (GIS) technology.
29. **Environmental Remediation and Monitoring.** Since 1996, 4% of the revenue annually derived from the tax imposed by the Corporation Business Tax Act (P.L.1945, c.162) has been dedicated to the department. A portion of this dedication has been used for the following purposes: watershed-based water resource planning and management, financing the cost of water quality point and nonpoint source pollution monitoring, nonpoint source pollution prevention projects, TMDL development and implementation, as well as lake restoration and grants. Conducts planning on watershed management, water quality, water supply, coastal zone management, nonpoint source control, stormwater management and other planning requirements associated with the federal Clean Water Act and New Jersey Water Quality Planning Act. Also administers the National Estuary Program and federal Section 604(b) water quality management planning and Section 319(h) nonpoint source grant programs.
80. **Drinking Water State Revolving Fund.** Set asides provided by the Drinking Water State Revolving Fund, including program administration, small system technical assistance, capacity development, operator certification, and source water protection activities. See related program classification 05 for further details.
90. **Watershed Management.** Conducts planning on watershed management, water quality, water supply, coastal zone management, stormwater management and planning requirements associated with the federal Clean Water Act. Conducts environmental impact statement reviews, acts as liaison with the State Planning Commission, and implements the State Development and Redevelopment Plan within the Department.

# ENVIRONMENTAL PROTECTION

## EVALUATION DATA

	Actual FY 2003	Actual FY 2004	Revised FY 2005	Budget Estimate FY 2006
<b>PROGRAM DATA</b>				
<b>Water Monitoring and Standards</b>				
Ambient Marine Water:				
Water Samples Analyzed .....	20,000	19,000	18,000	18,000
Percent of shellfish bed acres open .....	78%	78%	78%	78%
Percent of shellfish bed acres seasonal .....	3%	4%	4%	3%
Percent of shellfish bed acres condemned .....	11%	10%	10%	10%
Percent of shellfish bed acres specially restricted .....	8%	8%	8%	8%
<b>Land Use Regulation</b>				
Tidelands:				
Tidelands appraisals .....	240	260	245	280
Tidelands inspections (inquiries-search) .....	320	280	280	300
<b>PERSONNEL DATA</b>				
<b>Position Data</b>				
Filled Positions by Funding Source				
State Supported .....	390	410	455	518
Federal .....	51	58	57	53
All Other .....	16	12	13	177
Total Positions .....	457	480	525	748
Filled Positions by Program				
Water Supply .....	125	138	156	169
Smart Growth Permitting .....	—	—	—	165
Water Monitoring and Standards .....	40	48	48	49
Land Use Regulation .....	137	137	153	202
Science, Research and Technology .....	30	33	34	36
New Jersey Geological Survey .....	25	22	22	21
Environmental Remediation and Monitoring .....	38	60	66	70
Drinking Water State Revolving Fund .....	11	12	12	6
Watershed Management .....	51	30	34	30
Total Positions .....	457	480	525	748

### Notes:

Actual payroll counts are reported in fiscal years 2003 and 2004 as of December, and revised fiscal year 2005 as of September. The Budget Estimate for fiscal year 2006 reflects the number of positions funded.

## APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2004					Year Ending June 30, 2006			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2005 Adjusted Approp.	Requested	Recom- mended
<b><u>DIRECT STATE SERVICES</u></b>								
<b>Distribution by Fund and Program</b>								
6,733	886	-45	7,574	7,426	05	7,769	7,769	7,769
—	—	—	—	—	06	4,500	—	—
—	—	7	7	5	07	—	—	—
8,450	1,086	-97	9,439	9,434	15	12,123	12,174	12,174
2,986	66	-19	3,033	3,031	18	3,097	3,097	3,097
17,267	6,327	-540	23,054	18,492	29	11,440	11,963	11,963
—	7	549	556	556	90	—	—	—
<b>35,436</b>	<b>8,372</b>	<b>-145</b>	<b>43,663</b>	<b>38,944</b>		<b>38,929</b> <sup>(a)</sup>	<b>35,003</b>	<b>35,003</b>
<b>Total Direct State Services</b>								

# ENVIRONMENTAL PROTECTION

Year Ending June 30, 2004					Year Ending June 30, 2006				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2005 Adjusted Approp.	Requested	Recom- mended	
<b><u>DIRECT STATE SERVICES</u></b>									
<b>Distribution by Fund and Object</b>									
Personal Services:									
6,391	—	698	7,089	7,089		8,074	8,245	8,245	
<i>6,391</i>	<i>—</i>	<i>698</i>	<i>7,089</i>	<i>7,089</i>		<i>8,074</i>	<i>8,245</i>	<i>8,245</i>	
68	—	-25	43	43		42	47	47	
1,305	—	-81	1,224	1,222		1,582	1,410	1,410	
85	—	-31	54	54		68	50	50	
Special Purpose:									
1,267	20 <sup>R</sup>	—	1,287	1,286					
					05	1,348	1,348	1,348	
1,424	—	—	1,424	1,361	05	1,512	1,512	1,512	
943	—	—	943	859	05	1,005	1,005	1,005	
43	—	-43	—	—	05	43	43	43	
58	—	—	58	58	05	58	58	58	
2,251	865 <sup>R</sup>	—	3,116	3,116	05	2,339	2,339	2,339	
—	—	—	—	—	06	4,500 <sup>S</sup>	—	—	
12	—	-8	4	4	15	12	12	12	
2,114	1,086 <sup>R</sup>	—	3,200	3,198	15	2,676	2,676	2,676	
786	—	-167	619	618	15	632	632	632	
—	—	—	—	—	15	2,166 <sup>S</sup>	2,166	2,166	
604	—	-2	602	602	18	604	604	604	
558	60 <sup>R</sup>	—	618	618	18	577	577	577	
250	—	—	250	248	18	250	250	250	
13,347	—	—	—	—					
3,920 <sup>S</sup>	6,327	-540	23,054	18,492	29	11,440	11,963	11,963	
10	14	54	78	76		1	66	66	
<b><u>GRANTS-IN-AID</u></b>									
<b>Distribution by Fund and Program</b>									
—	—	300	300	300	07	—	—	—	
6,000	—	—	6,000	2,847	29	6,000	—	—	
<b>6,000</b>	<b>—</b>	<b>300</b>	<b>6,300</b>	<b>3,147</b>		<b>6,000</b>	<b>—</b>	<b>—</b>	
<b>Distribution by Fund and Object</b>									
Grants:									
—	—	300	300	300	07	—	—	—	
6,000	—	—	6,000	2,847	29	6,000	—	—	
<b>41,436</b>	<b>8,372</b>	<b>155</b>	<b>49,963</b>	<b>42,091</b>		<b>44,929</b>	<b>35,003</b>	<b>35,003</b>	
<b><u>OTHER RELATED APPROPRIATIONS</u></b>									
<b>Federal Funds</b>									
23,700	203	—	23,903	2,228	05	23,700	22,200	22,200	
3,500	236	—	3,736	2,832	07	4,250	4,750	4,750	
6,850	1,841	-36	8,655	3,068	15	8,413	8,081	8,081	

# ENVIRONMENTAL PROTECTION

Year Ending June 30, 2004					Year Ending June 30, 2006				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2005 Adjusted Approp.	Requested	Recommended	
<b>OTHER RELATED APPROPRIATIONS</b>									
1,100	—	—	1,110	421	Science, Research and Technology	18	1,250	1,280	1,280
10 <sup>S</sup>	—	—	325	164	New Jersey Geological Survey	22	350	350	350
325	—	—	12,627	6,403	Watershed Management	90	7,508	6,484	6,484
10,610	1,867	150	<u>50,356</u>	<u>15,116</u>	<b>Total Federal Funds</b>		<u>45,471</u>	<u>43,145</u>	<u>43,145</u>
<b>46,095</b>	<b>4,147</b>	<b>114</b>			<b>All Other Funds</b>				
—	347	—	802	318	Water Supply	05	5,446	5,978	5,978
—	455 <sup>R</sup>	—	—	—	Smart Growth Permitting	06	—	20,000	20,000
—	28	—	28	—	Water Monitoring and Standards	07	—	—	—
—	508	—	717	—	Land Use Regulation	15	1,547	1,723	1,723
—	209 <sup>R</sup>	—	—	—	Science, Research and Technology	18	—	—	—
—	1,587	—	1,937	251	New Jersey Geological Survey	22	—	—	—
—	350 <sup>R</sup>	—	21	21	Drinking Water State Revolving Fund	80	3,178	2,852	2,852
—	21	—	4,038	4,038	Watershed Management	90	—	—	—
—	4,038 <sup>R</sup>	—	659	220	<b>Total All Other Funds</b>		<u>10,171</u>	<u>30,553</u>	<u>30,553</u>
—	659	—	8,202	4,848	<b>GRAND TOTAL ALL FUNDS</b>		<u>100,571</u>	<u>108,701</u>	<u>108,701</u>
—	8,202	—	108,521	62,055					
<b>87,531</b>	<b>20,721</b>	<b>269</b>							

## Notes — Direct State Services – General Fund

- (a) The fiscal year 2005 appropriation has been adjusted for the allocation of salary program, which includes \$86,000 in appropriated receipts.
- (b) Water supply project expenditures for the Drinking Water State Revolving Fund are reflected off budget.

## Language Recommendations — Direct State Services – General Fund

The amounts hereinabove for the Administrative Costs Water Supply Bond Act of 1981 – Management; Watershed and Aquifer; and Planning and Standards accounts are appropriated from the “Water Supply Bond Act of 1981,” P.L.1981, c.261, together with an amount, not to exceed \$427,000, for costs attributable to administration of water supply programs, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the Safe Drinking Water Fund an amount not to exceed \$800,000 to administer the Private Well Testing Program.

The amount hereinabove for the Safe Drinking Water Fund account is appropriated from receipts received pursuant to the “Safe Drinking Water Act,” P.L.1977, c.224 (C.58:12A-1 et seq.), for administration of the Safe Drinking Water program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Hazardous Waste Research account is appropriated from interest earned by the New Jersey Spill Compensation Fund for research on the prevention and the effects of discharge of hazardous substances on the environment and organisms, on methods of pollution prevention and recycling of hazardous substances, and on the development of improved cleanup, removal and disposal operations, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Environmental Remediation and Monitoring program classification shall be provided from revenue received from the Corporation Business Tax, pursuant to the “Corporation Business Tax Act (1945),” P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Water Resources Monitoring and Planning-Constitutional Dedication special purpose account is appropriated to be used in a manner consistent with the requirements of the constitutional dedication.

Notwithstanding any law to the contrary, funds shall be made available from the Water Resources Monitoring and Planning-Constitutional Dedication special purpose account to support nonpoint source pollution and watershed management programs, consistent with the constitutional dedication, within the Department of Environmental Protection in the amounts of \$1,536,000 for Water Monitoring and Standards, \$1,392,000 for New Jersey Geological Survey, \$157,000 for Watershed Management, \$500,000 for Forestry Management, and \$900,000 for Water Quality – Stormwater Management, and \$540,000 transferred to support the Conservation Cost Share program in the Department of Agriculture on or before September 1, 2005.

Notwithstanding the provisions of the “Spill Compensation and Control Act,” P.L.1976, c.141 (C.58:10-23.11 et seq.) and the “Safe Drinking Water Act,” P.L.1977, c.224 (C.58:12A-1 et seq.), the Commissioner of the Department of Environmental Protection may utilize from the funds appropriated from those sources hereinabove such sums as the Commissioner may determine as necessary to broaden the Department’s research efforts to address emerging environmental issues.

In addition to the federal funds amount hereinabove for the Water Supply program classification, such additional sums that may be received from the federal government for the Drinking Water State Revolving Fund program are appropriated.

Receipts in excess of those anticipated for Water Allocation Fees are appropriated to the Department of Environmental Protection for expansion of the Water Supply program, subject to the approval of the Director of the Division of Budget and Accounting.

## Language Recommendations — Grants-In-Aid – General Fund

The unexpended balance at the end of the preceding fiscal year in the Stormwater Management Grants account is appropriated.

Of the amount hereinabove appropriated for the Stormwater Management Grants program, such sums as are necessary or required may be transferred to the Water Resources Monitoring and Planning – Constitutional Dedication special purpose account, subject to the approval of the Director of the Division of Budget and Accounting.

## 40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

### 44. SITE REMEDIATION AND WASTE MANAGEMENT

#### OBJECTIVES

1. To remediate sites contaminated by hazardous substances and pollutants to protect human health and the environment, and to restore contaminated areas of the state for beneficial use.
2. To identify the universe of potential remediation sites, including currently known and suspected discharge sites, regulated underground storage tank sites, industrial establishments as defined by Industrial Site Recovery Act (ISRA), non-operating landfills, and Resource Conservation and Recovery Act (RCRA) facilities, and rank such sites for cleanup and closure in accordance with applicable regulations.
3. To rank sites, in order of their imminent risk to human health and the environment, and in those cases when the responsible party is either unknown or unable to perform the cleanup, utilize public funds to remediate the worst sites first.
4. To coordinate responses and take immediate action when major discharges of hazardous substances and pollutants endanger human health and the environment, especially water supplies.
5. To respond to emergency discharges of hazardous substances and pollutants throughout the state and enable the public to report environmental emergencies to the Department's communication center via toll-free access.
6. To maximize the use of private-party funds and require responsible parties to either conduct remedial work with Department oversight or to pay the Department for performing remedial work using public funds.
7. To develop and implement clear, consistent and predictable regulations on site remediation for use by the regulated community and the Department, and ensure that technically, geologically and scientifically justified cleanup objectives are met.
8. To implement a statewide solid waste planning process that emphasizes source reduction, recycling, and market development activities. To conduct comprehensive reviews of permit applications for solid waste, hazardous waste, recycling and composting facilities and landfill closures.
9. To compensate persons affected by hazardous substance discharges through the Spill Compensation Fund environmental claims program, the Sanitary Landfill Contingency Fund claims program, and loans and grants, administered in conjunction with the Economic Development Authority, from the Hazardous Discharge Site Remediation Fund and Underground Storage Tank Fund.

#### PROGRAM CLASSIFICATIONS

19. **Publicly-Funded Site Remediation.** Conducts a program to remediate sites contaminated by hazardous substances where

a responsible party cannot be identified or is unable or unwilling to voluntarily participate. These activities are supported by federal (Superfund) funds.

23. **Solid and Hazardous Waste Management.** Provides leadership, planning, education, and financial and technical assistance to the state's citizens and businesses to help them manage their waste responsibly. Regulates the generation, storage, collection, transportation, processing, treatment, and disposal of solid and hazardous wastes. Regulations and standards are implemented and monitored through on-site construction inspections, design reviews, data collection, and permit issuance. Administers the federal Resource Conservation and Recovery Act of 1976 (RCRA). Develops and implements programs to attain statewide recycling goals, and to reduce the quantities of waste generated. Monitors the solid waste collection industry to promote effective competition and to prohibit anti-competitive practices. Regulates and oversees mergers, acquisitions, and long-term financing arrangements of the solid waste utility industry. The Office of Dredging and Sediment Technology is responsible for evaluating and permitting all coastal dredging projects and is committed to the beneficial reuse of dredged material.
27. **Remediation Management and Response.** Conducts a statewide program to oversee the remediation of sites by private parties under the State's voluntary cleanup program and risk-based cleanup program and to remediate those sites for which a responsible party cannot be identified or is either unable or unwilling to voluntarily participate. Provides oversight to ensure that appropriate standards and technical requirements are met. The State Spill Compensation and Control Act, ISRA, Underground Storage of Hazardous Substances Act and the Water Pollution Control Act authorize the Department to oversee these projects. The program also provides management assistance and coordination of remedial activities at National Priority List Hazardous Site-Cleanups where the projects are led by the federal Environmental Protection Agency, Department of Defense, or Department of Energy.
29. **Environmental Remediation and Monitoring.** Since 1996, 4% of the revenue annually derived from the tax imposed by the Corporation Business Tax Act (P.L.1945, c.162) has been dedicated to the Department. A portion of this dedication has been used to provide loans or grants to upgrade, replace or close underground storage tanks, including the costs of remediation, and to finance the cost of remediating hazardous substance discharges. Beginning in fiscal 2005, the dedication is expanded to include the provision of loans and grants for site remediation redevelopment, pursuant to a November 2003 amendment to the State Constitution.

# ENVIRONMENTAL PROTECTION

## EVALUATION DATA

	Actual FY 2003	Actual FY 2004	Revised FY 2005	Budget Estimate FY 2006
<b>PROGRAM DATA</b>				
<b>Solid and Hazardous Waste Management</b>				
Annual tonnage of solid waste:				
Generated statewide	17,800,000	18,800,000	19,300,000	19,700,000
Generated per capita (lbs./person/day)	11.60	12.20	12.60	12.80
Recycled statewide	9,700,000	10,200,000	10,300,000	10,300,000
Recycled per capita (lbs./person/day)	6.30	6.60	6.71	6.71
% reduction in solid waste stream due to recycling	54.5%	54.2%	53.5%	52.3%
Annual tonnage of hazardous waste generated statewide				
Disposed	92,600	89,000	161,000	125,000
Incinerated	54,014	71,000	107,000	89,000
	38,586	18,000	54,000	36,000
<b>Remediation Management and Response</b>				
ISRA:				
Negative declarations	609	500	500	500
Remedial action workplan approvals	11	15	11	11
Remediations monitored	1,601	1,600	1,600	1,600
Remediations completed	609	500	500	500
Discharge Response Element:				
Emergency responses	964	1,000	1,000	1,000
Remediations monitored	3,311	3,000	3,000	3,000
Remediations completed	2,211	2,000	2,000	2,000
Responsible Party Cleanup Element:				
Remedial action workplan approvals	61	75	75	75

## PERSONNEL DATA

### Position Data

#### Filled Positions by Funding Source

State Supported	582	578	591	606
Federal	42	41	34	33
All Other	—	11	11	11 (a)
<b>Total Positions</b>	<b>624</b>	<b>630</b>	<b>636</b>	<b>650</b>

#### Filled Positions by Program

Solid and Hazardous Waste Management	133	127	130	133
Remediation Management and Response	405	413	383	387
Environmental Remediation and Monitoring	86	90	123	130
<b>Total Positions</b>	<b>624</b>	<b>630</b>	<b>636</b>	<b>650</b>

### Notes:

Actual payroll counts are reported for fiscal years 2003 and 2004 as of December, and revised fiscal year 2005 as of September. The Budget Estimate for fiscal year 2006 reflects the number of positions funded.

(a) Beginning in fiscal 2004 positions funded from Natural Resource Damage recoveries are displayed.

## APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2004					Year Ending June 30, 2006				
Orig. & Supplemental	Reapp. & Recpts.	Transfers & Emergencies	Total Available	Total Expended	Prog. Class.	2005 Adjusted Approp.	Requested	Recommended	
<b>DIRECT STATE SERVICES</b>									
<b>Distribution by Fund and Program</b>									
8,700	1	-289	8,412	8,345					
					Solid and Hazardous Waste Management	23	9,128	8,064	8,064
30,164	12,216	—	42,380	41,338	Remediation Management and Response	27	30,489	30,489	30,489
12,560	2,163	—	14,723	8,079	Environmental Remediation and Monitoring	29	6,960	6,460	6,460
<b>51,424</b>	<b>14,380</b>	<b>-289</b>	<b>65,515</b>	<b>57,762</b>	<b>Total Direct State Services</b>		<b>46,577 (a)</b>	<b>45,013</b>	<b>45,013</b>



# ENVIRONMENTAL PROTECTION

Year Ending June 30, 2004					Year Ending June 30, 2006			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2005 Adjusted Approp.	Requested	Recom- mended
<b><u>DIRECT STATE SERVICES</u></b>								
<b>Distribution by Fund and Object</b>								
Personal Services:								
14,884	2,556 <sup>R</sup>	-3,184	14,256	14,256		14,195	15,843	15,843
<i>14,884</i>	<i>2,556</i>	<i>-3,184</i>	<i>14,256</i>	<i>14,256</i>		<i>14,195</i>	<i>15,843</i>	<i>15,843</i>
251	—	-27	224	215		302	274	274
3,526	—	65	3,591	3,428		3,861	3,613	3,613
353	—	-32	321	315		516	495	495
Special Purpose:								
338	1 <sup>R</sup>	-69	270	270				
1,014	—	—	1,014	949	23	348	348	348
—	—	2,945	2,945	2,779	23	1,064	— <sup>(b)</sup>	— <sup>(b)</sup>
17,385	8,581 <sup>R</sup>	—	25,966	25,966	27	—	—	—
795	262 <sup>R</sup>	—	1,057	1,057	27	17,637	16,637	16,637
6,740	—	—	14,723	8,079	27	868	868	868
5,820 <sup>S</sup>	2,163	—	14,723	8,079	29	6,960	6,460	6,460
318	817	13	1,148	448		826	475	475
<b><u>STATE AID</u></b>								
<b>Distribution by Fund and Program</b>								
—	—	—	—	—	23	2,300	—	—
—	—	—	—	—		<b>2,300</b>	—	—
<b>Distribution by Fund and Object</b>								
State Aid:								
—	—	—	—	—	23	2,300	—	—
<b><u>CAPITAL CONSTRUCTION</u></b>								
<b>Distribution by Fund and Program</b>								
103,780	27,234	-1,000	130,014	57,465	29	80,220	53,357	53,357
<b>103,780</b>	<b>27,234</b>	<b>-1,000</b>	<b>130,014</b>	<b>57,465</b>		<b>80,220</b>	<b>53,357</b>	<b>53,357</b>
<b>Distribution by Fund and Object</b>								
<b>Site Remediation</b>								
51,400	—	—	84,474	19,695	29	45,350	29,431	29,431
5,840 <sup>S</sup>	27,234	—	84,474	19,695	29	45,350	29,431	29,431
38,770	—	-1,000	41,655	37,770	29	17,435	11,963	11,963
3,885 <sup>S</sup>	—	—	41,655	37,770	29	17,435	11,963	11,963
3,885 <sup>S</sup>	—	—	3,885	—	29	17,435	11,963	11,963
<b>155,204</b>	<b>41,614</b>	<b>-1,289</b>	<b>195,529</b>	<b>115,227</b>		<b>129,097</b>	<b>98,370</b>	<b>98,370</b>

# ENVIRONMENTAL PROTECTION

Year Ending June 30, 2004					Year Ending June 30, 2006				
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Total Expended	Prog. Class.	2005 Adjusted Approp.	Requested	Recommended	
<b>OTHER RELATED APPROPRIATIONS</b>									
<b>Federal Funds</b>									
450 <sup>S</sup>	21,058	—	21,508	21,070	Publicly-Funded Site Remediation	19	30,500	30,450	30,450
2,395	3	—	2,398	2,050	Solid and Hazardous Waste Management	23	2,395	2,395	2,395
42,805					Remediation Management and Response	27	<u>10,055</u>	<u>7,185</u>	<u>7,185</u>
200 <sup>S</sup>	3,792	529	47,326	4,712	<b>Total Federal Funds</b>		<b>42,950</b>	<b>40,030</b>	<b>40,030</b>
<u>45,850</u>	<u>24,853</u>	<u>529</u>	<u>71,232</u>	<u>27,832</u>					
<b>All Other Funds</b>									
—	36	—	40	—	Publicly-Funded Site Remediation	19	—	—	—
255	4 <sup>R</sup>	—	329	19	Solid and Hazardous Waste Management	23	1,091	847	847
—	2,316 <sup>R</sup>	—	2,316	860	Remediation Management and Response	27	<u>18,697</u>	<u>18,217</u>	<u>18,217</u>
<u>255</u>	<u>2,430</u>	<u>—</u>	<u>2,685</u>	<u>879</u>	<b>Total All Other Funds</b>		<b>19,788</b>	<b>19,064</b>	<b>19,064</b>
<u>201,309</u>	<u>68,897</u>	<u>-760</u>	<u>269,446</u>	<u>143,938</u>	<b>GRAND TOTAL ALL FUNDS</b>		<b>191,835</b>	<b>157,464</b>	<b>157,464</b>

### Notes — Direct State Services – General Fund

- (a) The fiscal year 2005 appropriation has been adjusted for the allocation of salary program, which includes \$28,000 in appropriated receipts.
- (b) Funding for administrative costs associated with the State recycling programs is provided in the base appropriation for Solid and Hazardous Waste Management beginning in fiscal 2006.

### Language Recommendations — Direct State Services – General Fund

The amount hereinabove for the Office of Dredging and Sediment Technology is appropriated from the “1996 Dredging and Containment Facility Fund,” created pursuant to section 18 of P.L.1996, c.70, the “Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Bond Act of 1996,” together with an amount not to exceed \$247,000 for the administration of the Dredging and Sediment Technology program, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the Sanitary Landfill Facility Contingency Fund such sums as may be required to carry out the provisions of the “Sanitary Landfill Facility Closure and Contingency Fund Act,” P.L.1981, c.306 (C.13:1E-100 et seq.).

In addition to site specific charges, the amounts hereinabove for the Remediation Management and Response program classification, excluding the Hazardous Discharge Site Cleanup Fund – Responsible Party and the Underground Storage Tanks accounts, are appropriated from the New Jersey Spill Compensation Fund, in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), together with an amount not to exceed \$6,539,000, for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Discharge Site Cleanup Fund – Responsible Party account is appropriated from responsible party cost recoveries deposited in the Hazardous Discharge Site Cleanup Fund, together with an amount not to exceed \$9,362,000, for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the federal funds amount for the Publicly-Funded Site Remediation program classification, such additional sums that may be received from the federal government for the Superfund Grants program are hereby appropriated.

The amount hereinabove appropriated for the Environmental Remediation and Monitoring program classification shall be provided from revenue received from the Corporation Business Tax, pursuant to the “Corporation Business Tax Act (1945),” P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Cleanup Projects Administrative Costs – Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from Solid Waste Utility Regulation, are appropriated to the Solid and Hazardous Waste Management program classification for costs incurred to develop an economic competition model, and to oversee the State’s recycling efforts and other solid waste program activities.

There is appropriated from the Clean Communities Program Fund such sums as may be available to meet the following requirements: 1) 25% of the estimated annual balance up to \$4,000,000, as determined by the Director of the Division of Budget and Accounting, to the State Recycling Fund established pursuant to section 5 of P.L.1981, c.278 (C.13:1E-96); 2) \$300,000 of the estimated annual balance to the Department of Environmental Protection for an organization under contract with the department which meets the requirements pursuant to subsection d. of section 6 of P.L. 2002, c.128 (C.13:1E-218); and 3) the balance, as determined by the Director of the Division of Budget and Accounting, of the Clean Communities Program Fund established pursuant to section 5 of P.L. 2002, c.128 (C.13:1E-217) for the purposes set forth in subsections a., b., c. and d. of that section.

Receipts derived from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances

Receipts deposited to the Resource Recovery Investment Tax Fund and the Solid Waste Services Tax Fund are appropriated.

There are appropriated from the New Jersey Spill Compensation Fund such sums as may be required for cleanup operations, adjusters and paying approved claims for damages in accordance with the provisions of P.L.1976, c.141 (C.58:10–23.11 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

## Language Recommendations — Capital Construction

The amounts hereinabove appropriated for Hazardous Substance Discharge Remediation – Constitutional Dedication, Private Underground Storage Tank Remediation – Constitutional Dedication, and Hazardous Substance Discharge Remediation Loans and Grants – Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the “Corporation Business Tax Act (1945),” P.L. 1945, c.162 (C.54:10A–1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

Of the amount hereinabove appropriated for Hazardous Substance Discharge Remediation – Constitutional Dedication, such sums as necessary, as determined by the Director of the Division of Budget and Accounting, shall be made available for site remediation costs associated with State–owned properties and State–owned underground storage tanks.

All natural resource damages recovered by the State shall be deposited in the Hazardous Discharge Site Cleanup Fund established pursuant to section 1 of P.L.1985, c.247 (C.58:10–23.34), and are appropriated for the direct and indirect costs of restoration and associated consulting and legal services.

Funds made available for the remediation of the discharges of hazardous substances pursuant to the amendments effective December 4, 2003, to Article VIII, Section II, paragraph 6 of the State Constitution and appropriated hereinabove, shall be allocated to the Economic Development Authority’s Hazardous Discharge Site Remediation Fund and the Department of Treasury’s Brownfield Site Reimbursement Fund, subject to the approval of the Director of the Division of Budget and Accounting.

## 40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

### 45. ENVIRONMENTAL REGULATION

#### OBJECTIVES

1. To monitor and report on the biological, chemical and physical quality of surface waters, ground waters and sediments in the State so as to evaluate the effectiveness of existing regulatory programs in protecting and improving New Jersey’s water quality. To monitor New Jersey Pollutant Discharge Elimination System (NJPDES) permit compliance.
2. To carry out the purposes and requirements of enabling legislation and regulations.
3. To conduct reviews of permit applications and to promote meaningful public input.
4. To assist permittees in complying with applicable permit requirements and inform them of compliance issues.
5. To improve the efficiency of the permit review process while maintaining or improving protection of the environment, to eliminate procedures and requirements that do not lead to greater environmental protection, and to consolidate the reviews of multiple permits for individual facilities or projects.
6. To improve and protect water quality with available Environmental Infrastructure Financing Program funds.
7. To establish and maintain policies and procedures for the generation, compilation, review and use of data of documented quality, as required by the United States Environmental Protection Agency (USEPA).
8. To certify the analytical capabilities of laboratories performing analyses in response to the State’s environmental programs.
9. To provide a comprehensive program to prevent releases of petroleum products and hazardous substances by providing information regarding these releases in the community and the workplace.

#### PROGRAM CLASSIFICATIONS

01. **Radiation Protection.** Licenses, registers and inspects owners of machine sources, naturally occurring or accelerator–produced radioactive materials, and non–ionizing sources of radiation. Inspects mammography facilities under contract with the Food and Drug Administration. Licenses x–ray technologists, nuclear medicine technologists, and radon testers and mitigators. Determines exposure pathways and environmental or health impact of sources of radiation and provides direction on remediation. Provides emergency planning and response and monitoring around nuclear power plant sites. Tracks shipments of large quantities of radioactive materials through New Jersey. Establishes and maintains policies and procedures for the generation, compilation, review and the use of data of documented quality, as required by the USEPA. Reviews data submitted to the Department to verify its quality and determine its usability. Certifies the analytical capabilities of laboratories performing analyses in response to the State’s environmental programs.
02. **Air Pollution Control.** Protects and enhances the air environment. Provides overall air quality management to attain the health based ambient air quality standards and visibility goals. Coordinates air quality planning to ensure compliance with State and federal requirements. Conducts ambient air monitoring, emission inventory development, and air pollution control rule development. Participates in the air pollution control aspects of the motor vehicle inspection and maintenance programs. Reviews construction plans for new and modified stationary sources of potential air pollution and issues permits for construction and operation; validates tax exemption claims for air pollution control equipment; oversees the conduct of periodic stack tests to determine air contaminant emission rates; oversees continuous emission monitoring of stacks; reviews and conducts air quality modeling studies of major new sources of air contamination; reviews and restricts the health risk of toxic air contaminant

# ENVIRONMENTAL PROTECTION

emissions from stationary sources; and reviews and issues facility-wide operating permits for major existing sources of air pollution. Provides program coordination in compliance with State and federal mandates to attain air quality standards. Conducts air monitoring, planning and analysis, as well as motor vehicle pollution control projects and the development of regulations.

**Release Prevention.** Implements and ensures compliance with New Jersey's Community Right To Know and Superfund Amendments and Reauthorization Act (SARA) Title III programs which gather information on the use, storage and release of toxic chemicals in the State and make information available to the public. Implements and ensures compliance with the Toxic Catastrophe Prevention Act to identify companies which handle extraordinarily hazardous substances and ensure that procedures are in place to prevent devastating accidental chemical releases. The Discharge Prevention Containment and Countermeasures (Oil Spill Prevention) program reduces the possibility of hazardous spills through plan submittals and compliance/investigative procedures. The Pollution Prevention program analyzes pollution prevention plans submitted by operators of priority industrial facilities. These plans document how operators plan to reduce the release of hazardous substances into the environment.

**08. Water Pollution Control.** Administers the NJPDES program to protect New Jersey's surface and ground water by assuring proper treatment and disposal of wastewater (and its residuals) and stormwater from various types of facilities and activities, including the generation, monitoring, and beneficial management of sludge and sludge derived products. To accomplish this, the program issues permits which impose requirements to limit and/or prevent the discharge of pollutants into waters of

the State. The regulated facilities vary widely in size from small uses such as campgrounds, schools, and shopping centers to larger industrial and municipal wastewater discharges. Implements Treatment Works Approval program to regulate the construction of wastewater collection, conveyance, and treatment facilities.

**09. Public Wastewater Facilities.** Administers the New Jersey Environmental Infrastructure Financing program along with the New Jersey Environmental Infrastructure Trust, an independent State financing authority. The program provides loans to local government units for the construction of environmental infrastructure facilities through the Clean Water State Revolving Fund, with funds made available under the federal Clean Water Act and various State bond acts. The projects eligible for financial assistance include water and wastewater treatment plant upgrades or improvements, facilities for the beneficial reuse and treatment of sewage sludge, collection and conveyance facilities, on-site system rehabilitation, infiltration/inflow correction, combined sewer overflow and interconnection/cross-connection abatement, and nonpoint source projects (such as land acquisition, brownfield remediation, well sealing, and landfills).

**16. Water Monitoring and Planning.** Federal funds for regulating the discharge of contaminants/toxics from wastewater treatment facilities and the management of residuals, the management of sludge, and the issuance of stormwater permits.

**70. Clean Waters.** Administrative costs provided by the Clean Water State Revolving Fund, which provides loans to local government units for the construction of environmental infrastructure treatment facilities. See related program classification 09 for further details.

## EVALUATION DATA

PROGRAM DATA	Actual FY 2003	Actual FY 2004	Revised FY 2005	Budget Estimate FY 2006
<b>Radiation Protection</b>				
X-ray machines inspected . . . . .	6,236	5,429	6,334	7,000
X-ray machine violations (% of inspected) . . . . .	30%	30%	26%	29%
Homes tested for radon . . . . .	40,000	40,000	55,000	55,000
Homes mitigated for radon . . . . .	3,000	3,000	3,500	3,500
Lung cancers avoided . . . . .	137	137	140	140
<b>Release Prevention</b>				
Toxic Catastrophe Prevention				
Inspections . . . . .	120	130	150	150
Accident investigations . . . . .	2	2	2	2
Right To Know				
Information requests . . . . .	1,600	1,500	2,000	2,000
Audits for facilities . . . . .	1,000	1,000	1,000	1,000
Notice of violations . . . . .	200	80	200	200
<b>PERSONNEL DATA</b>				
<b>Position Data</b>				
Filled Positions by Funding Source				
State Supported . . . . .	473	495	518	533
All Other . . . . .	41	37	36	38
Total Positions . . . . .	514	532	554	571

# ENVIRONMENTAL PROTECTION

	Actual FY 2003	Actual FY 2004	Revised FY 2005	Budget Estimate FY 2006
Filled Positions by Program				
Radiation Protection .....	83	89	93	93
Air Pollution Control .....	171	168	173	178
Release Prevention .....	49	64	65	70
Water Pollution Control .....	134	133	145	147
Public Wastewater Facilities .....	54	55	55	59
Clean Waters .....	23	23	23	24
Total Positions .....	514	532	554	571

**Notes:**

Actual payroll counts are reported for fiscal years 2003 and 2004 as of December, and revised fiscal year 2005 as of September. The Budget Estimate for fiscal year 2006 reflects the number of positions funded.

### APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2004					Year Ending June 30, 2006				
Orig. & (S)Supple- mental	Reapp. & (R)Repts.	Transfers & (E)Emer- gencies	Total Available	Expended		2005 Prog. Adjusted Class. Approp.	Requested	Recom- mended	
<b><u>DIRECT STATE SERVICES</u></b>									
<b>Distribution by Fund and Program</b>									
6,034	874	242	7,150	7,110	Radiation Protection	01	7,768	6,840	6,840
16,391	828	5	17,224	17,026	Air Pollution Control	02	17,046	17,230	17,230
7,586	2	20	7,608	7,595	Water Pollution Control	08	7,974	7,974	7,974
2,908	1	-318	2,591	2,591	Public Wastewater Facilities	09	3,082	3,082	3,082
<b>32,919</b>	<b>1,705</b>	<b>-51</b>	<b>34,573</b>	<b>34,322</b>	<b>Total Direct State Services</b>		<b>35,870<sup>(a)</sup></b>	<b>35,126</b>	<b>35,126</b>
<b>Distribution by Fund and Object</b>									
Personal Services:									
18,423	—	208	18,631	18,631	Salaries and Wages		20,614	20,530	20,530
<b>18,423</b>	<b>—</b>	<b>208</b>	<b>18,631</b>	<b>18,631</b>	<b>Total Personal Services</b>		<b>20,614</b>	<b>20,530</b>	<b>20,530</b>
245	—	—	245	245	Materials and Supplies		198	218	218
3,841	—	-13	3,828	3,828	Services Other Than Personal		3,276	3,344	3,344
238	—	-46	192	191	Maintenance and Fixed Charges		232	250	250
Special Purpose:									
1,317	—	—	1,317	1,317	Nuclear Emergency Response	01	2,283	2,283	2,283
838 <sup>S</sup>	874	—	3,029	2,997	Quality Assurance – Lab		928 <sup>S</sup>	2,283	2,283
1,658	—	-202	1,456	1,456	Certification Programs	01	1,641	1,641	1,641
1,789	202 <sup>R</sup>	—	1,991	1,991	Pollution Prevention	02	1,803	1,803	1,803
827	—	-76	751	751	Toxic Catastrophe Prevention	02	1,128	1,128	1,128
1,051	—	—	1,051	966	Worker and Community Right to Know Act	02	1,087	1,087	1,087
2,516	400 <sup>R</sup>	—	2,916	2,916	Oil Spill Prevention	02	2,607	2,607	2,607
176	229	78	483	350	Additions, Improvements and Equipment		73	235	235
<b><u>CAPITAL CONSTRUCTION</u></b>									
<b>Distribution by Fund and Program</b>									
—	3	—	3	—	Air Pollution Control	02	—	—	—
<b>—</b>	<b>3</b>	<b>—</b>	<b>3</b>	<b>—</b>	<b>Total Capital Construction</b>		<b>—</b>	<b>—</b>	<b>—</b>
<b>Distribution by Fund and Object</b>									
Air Quality Regulation									
—	3	—	3	—	Air Pollution Monitoring Equipment	02	—	—	—
<b>32,919</b>	<b>1,708</b>	<b>-51</b>	<b>34,576</b>	<b>34,322</b>	<b>Grand Total State Appropriation</b>		<b>35,870</b>	<b>35,126</b>	<b>35,126</b>

# ENVIRONMENTAL PROTECTION

Orig. & (S)Supplemental	Year Ending June 30, 2004			Total Available	Expended	Prog. Class.	2005 Adjusted Approp.	Year Ending June 30, 2006	
	Reapp. & (R)Recpts.	Transfers & (E)Emergencies						Requested	Recommended
<b>OTHER RELATED APPROPRIATIONS</b>									
<b>Federal Funds</b>									
500	75	—	575	423	Radiation Protection	01	500	500	500
6,217	156	—	6,373	3,595	Air Pollution Control	02	4,991	4,915	4,915
57,600	—	—	57,600	—	Public Wastewater Facilities (b)	09	57,600	57,600	57,600
705									
18 <sup>S</sup>	124	—	847	610	Water Monitoring and Planning	16	710	710	710
<u>65,040</u>	<u>355</u>	<u>—</u>	<u>65,395</u>	<u>4,628</u>	<b>Total Federal Funds</b>		<u>63,801</u>	<u>63,725</u>	<u>63,725</u>
<b>All Other Funds</b>									
—	393	—	721	484	Radiation Protection	01	337	1,448	1,448
—	328 <sup>R</sup>	—	721	484	Air Pollution Control	02	1,504	1,643	1,643
—	408	66	474	409	Public Wastewater Facilities	09	—	—	—
—	29	4	33	33					
—	20								
—	2,675 <sup>R</sup>	—	2,695	2,695	Clean Waters	70	2,400	2,363	2,363
—	3,853	70	3,923	3,621	<b>Total All Other Funds</b>		<u>4,241</u>	<u>5,454</u>	<u>5,454</u>
<u>97,959</u>	<u>5,916</u>	<u>19</u>	<u>103,894</u>	<u>42,571</u>	<b>GRAND TOTAL ALL FUNDS</b>		<u>103,912</u>	<u>104,305</u>	<u>104,305</u>

## Notes — Direct State Services – General Fund

- (a) The fiscal year 2005 appropriation has been adjusted for the allocation of salary program, which includes \$66,000 in appropriated receipts.
- (b) Program expenditures for the Clean Water State Revolving Fund are reflected off budget in the Wastewater Treatment Fund.

## Language Recommendations — Direct State Services – General Fund

The amount hereinabove for the Nuclear Emergency Response account is payable from receipts received pursuant to the assessments of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.), and the unexpended balances at the end of the preceding fiscal year in the Nuclear Emergency Response account, together with receipts in excess of the amount anticipated, not to exceed \$1,094,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There is allocated from the Commercial Vehicle Enforcement Fund, established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75), such sums as may be necessary to fund the costs of the regulation of the Diesel Exhaust Emissions program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Pollution Prevention account is appropriated from receipts received pursuant to the “Pollution Prevention Act,” P.L.1991, c.235 (C.13:1D-35 et seq.), for administration of the Pollution Prevention program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of the “Worker and Community Right to Know Act,” P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know Act account is payable out of the Worker and Community Right to Know Fund, and the receipts in excess of the amount anticipated, not to exceed \$245,000, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Oil Spill Prevention account is payable out of the New Jersey Spill Compensation Fund, and the receipts in excess of those anticipated, not to exceed \$1,248,000, from the New Jersey Spill Compensation Fund for the Oil Spill Prevention program are appropriated, in accordance with the provisions of P.L.1990, c.76 (C.58:10-23.11f2 et seq.), P.L.1990, c.78 (C.58:10-23.11d1 et seq.), and P.L.1990, c.80 (C.58:10-23.11f1), subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from fees and permit receipts from the Title V Operating Permits are appropriated.

Any funds received by the New Jersey Environmental Infrastructure Trust from any State agency to offset the Trust’s annual operating expenses are appropriated.

In addition to the federal funds amount for the Public Wastewater Facilities program classification, such additional sums that may be received from the federal government for the Clean Water State Revolving Fund program are appropriated.

# ENVIRONMENTAL PROTECTION

## 40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

### 46. ENVIRONMENTAL PLANNING AND ADMINISTRATION

#### OBJECTIVES

1. To develop administrative policy, evaluate performance, and coordinate program activities.
2. To support activities related to departmental planning, auditing, and legislative services.
3. To support a communication program which imparts the Department's mission to the public and to encourage public participation in decision-making.
4. To support the Department and its objectives in terms of the control of personnel, financial resources, general services, information systems, and equipment.

legislation. Develops and executes public information, environmental education and communications strategies for the Department's programs. Serves as liaison to the Legislature as well as county and municipal governmental officials.

99. **Administration and Support Services.** Sets policies and develops short and long range plans and strategies; coordinates with governmental agencies; and provides legislative review and legal analysis. Provides general support services including personnel, payroll, purchasing, data processing, printing, information technology, e-government applications, training and organizational development, program evaluation, and property control. Also provides financial management, including budget and accounting services, as well as fiscal control and financial monitoring of all General Fund monies, federal funds, bond funds and tax accounts.

#### PROGRAM CLASSIFICATIONS

26. **Regulatory and Governmental Affairs.** Coordinates the proposal and adoption of environmental rules and regulations. Serves as central point of contact regarding State and federal

#### EVALUATION DATA

	Actual FY 2003	Actual FY 2004	Revised FY 2005	Budget Estimate FY 2006
<b>PROGRAM DATA</b>				
<b>Administration and Support Services</b>				
Male Minority .....	219	222	226	232
Male Minority % .....	6.6	6.7	6.8	7.0
Female Minority .....	266	271	279	288
Female Minority % .....	8.1	8.1	8.4	8.6
Total Minority .....	485	493	505	520
Total Minority % .....	14.7	14.8	15.2	15.6
<b>PERSONNEL DATA</b>				
<b>Position Data</b>				
Filled Positions by Funding Source				
State Supported .....	306	310	304	349
All Other .....	5	5	6	6
Total Positions .....	311	315	310	355
Filled Positions by Program				
Regulatory and Governmental Affairs .....	39	42	42	46
Administration and Support Services .....	272	273	268	309
Total Positions .....	311	315	310	355

**Notes:**

Actual payroll counts are reported for fiscal years 2003 and 2004 as of December, and revised fiscal year 2005 as of September. The Budget Estimate for fiscal year 2006 reflects the number of positions funded.

#### APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2004					Year Ending June 30, 2006				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	2005 Prog. Class.	Adjusted Approp.	Requested	Recom- mended	
<b>DIRECT STATE SERVICES</b>									
<b>Distribution by Fund and Program</b>									
2,153	1	511	2,665	2,664	Regulatory and Governmental Affairs	26	2,275	2,275	2,275
17,705	1	520	18,226	18,185	Administration and Support Services	99	18,074	17,600	17,600

# ENVIRONMENTAL PROTECTION

Year Ending June 30, 2004					Year Ending June 30, 2006			
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2005 Adjusted Approp.	Requested	Recommended
<b>19,858</b>	<b>2</b>	<b>1,031</b>	<b>20,891</b>	<b>20,849</b>	<b>DIRECT STATE SERVICES</b>			
<b>Total Direct State Services</b>						<b>20,349</b> <sup>(a)</sup>	<b>19,875</b>	<b>19,875</b>
<b>Distribution by Fund and Object</b>								
Personal Services:								
15,862	—	790	16,652	16,651		16,844	16,867	16,867
Salaries and Wages								
<b>15,862</b>	<b>—</b>	<b>790</b>	<b>16,652</b>	<b>16,651</b>		<b>16,844</b>	<b>16,867</b>	<b>16,867</b>
<b>Total Personal Services</b>								
152	—	-21	131	130		117	100	100
Materials and Supplies								
975	—	408	1,383	1,383		1,000	1,003	1,003
Services Other Than Personal								
258	—	-119	139	139		267	255	255
Maintenance and Fixed Charges								
Special Purpose:								
—	—	25	25	25	26	—	—	—
Hackensack Riverkeeper								
—	—	25	25	25	26	—	—	—
NJ Audubon Society								
1,500	—	—	1,500	1,500	99	1,500	1,500	1,500
New Jersey Environmental Management System								
98	—	-98	—	—	99	98	98	98
Affirmative Action and Equal Employment Opportunity								
1,013	2	21	1,036	996		523	52	52
Additions, Improvements and Equipment								
<b>GRANTS-IN-AID</b>								
<b>Distribution by Fund and Program</b>								
—	—	250	250	250	99	—	—	—
Administration and Support Services								
<b>—</b>	<b>—</b>	<b>250</b>	<b>250</b>	<b>250</b>		<b>—</b>	<b>—</b>	<b>—</b>
<b>Total Grants-in-Aid</b>								
<b>Distribution by Fund and Object</b>								
Grants:								
—	—	250	250	250	99	—	—	—
Black Fly Treatment – Delaware River								
<b>STATE AID</b>								
<b>Distribution by Fund and Program</b>								
12,255	4	-300	11,959	11,919	99	15,119	15,619	15,619
Administration and Support Services								
4,255	4	—	4,259	4,237		6,619	6,619	6,619
<i>(From General Fund)</i>								
8,000	—	-300	7,700	7,682		8,500	9,000	9,000
<i>(From Property Tax Relief Fund)</i>								
<b>12,255</b>	<b>4</b>	<b>-300</b>	<b>11,959</b>	<b>11,919</b>		<b>15,119</b>	<b>15,619</b>	<b>15,619</b>
<b>Total State Aid</b>								
4,255	4	—	4,259	4,237		6,619	6,619	6,619
<i>(From General Fund)</i>								
8,000	—	-300	7,700	7,682		8,500	9,000	9,000
<i>(From Property Tax Relief Fund)</i>								
<b>Distribution by Fund and Object</b>								
State Aid:								
1,301	—	—	1,301	1,283	99	1,515	1,515	1,515
Mosquito Control, Research, Administration and Operations								
8,000	—	-300	7,700	7,682	99	8,000	9,000	9,000
Payment In Lieu of Taxes (PTRF)						500 <sup>S</sup>		
—	—	—	—	—	99	2,000	2,000	2,000
Administration and Operations of the Highlands Council								
2,954	—	—	2,954	2,954	99	3,104	3,104	3,104
Administration, Planning and Development Activities of the Pinelands Commission								
—	4	—	4	—	99	—	—	—
Grants to Local Environmental Commissions								



# ENVIRONMENTAL PROTECTION

Year Ending June 30, 2004					Year Ending June 30, 2006			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2005 Adjusted Approp.	Requested	Recom- mended
<b>CAPITAL CONSTRUCTION</b>								
<b>Distribution by Fund and Program</b>								
—	13	—	13	—	99	—	—	—
					Administration and Support Services			
—	13	—	13	—	<b>Total Capital Construction</b>			
<b>Distribution by Fund and Object</b>								
<b>Administrative Operations</b>								
—	6	—	6	—	99	—	—	—
					New Jersey Environmental Management System			
—	7	—	7	—	99	—	—	—
					Mosquito Control Equipment			
<b>32,113</b>	<b>19</b>	<b>981</b>	<b>33,113</b>	<b>33,018</b>	<b>Grand Total State Appropriation</b>		<b>35,468</b>	<b>35,494</b>
<b>OTHER RELATED APPROPRIATIONS</b>								
<b>68,053</b>	<b>5</b>	<b>-3,840</b>	<b>64,218</b>	<b>63,180</b>	<b>Total Debt Service</b>		<b>63,240</b>	<b>28,943</b>
<b>Federal Funds</b>								
150	—	—	150	—	26	150	150	150
					Regulatory and Governmental Affairs			
3,250	—	—	3,250	—	99	3,250	2,500	2,500
297 <sup>S</sup>	564	—	4,111	677	<b>Total Federal Funds</b>		<b>3,400</b>	<b>2,650</b>
<b>3,697</b>	<b>564</b>	<b>—</b>	<b>4,261</b>	<b>677</b>	<b>All Other Funds</b>			
<b>Regulatory and Governmental Affairs</b>								
—	149	—	149	60	26	—	—	—
					Regulatory and Governmental Affairs			
—	1,407	—	1,407	—	99	175	175	175
					Administration and Support Services			
—	173 <sup>R</sup>	1,925	3,505	850	<b>Total All Other Funds (b)</b>		<b>175</b>	<b>175</b>
<b>103,863</b>	<b>2,317</b>	<b>-934</b>	<b>105,246</b>	<b>97,785</b>	<b>GRAND TOTAL ALL FUNDS</b>		<b>102,283</b>	<b>67,262</b>

**Notes — Direct State Services – General Fund**

- (a) The fiscal year 2005 appropriation has been adjusted for the allocation of salary program.
- (b) The funding and positions for the Board of Commissioners of Pilotage are transferred to the Department of Transportation, pursuant to P.L. 2004, c.72.

**Language Recommendations — State Aid – General Fund**

Receipts derived from permit fees issued by the Pinelands Commission on behalf of the Department of Environmental Protection, pursuant to a memorandum of agreement between the Pinelands Commission and the Department of Environmental Protection, are hereby appropriated to the Pinelands Commission.

The unexpended balance at the end of the preceding fiscal year in the Mosquito Control, Research, Administration and Operations aid account is appropriated subject to the approval of the Director of the Division of Budget and Accounting.

**Language Recommendations — State Aid – Property Tax Relief Fund**

If the amount appropriated herein for Payment in Lieu of Taxes is insufficient to compensate municipalities for land owned by the State for conservation and recreation purposes, as determined according to the formula for payments in lieu of taxes in the "Garden State Preservation Trust Act" P.L.1999, c.152 (C.13:8C-1 et seq.) such additional sums as are necessary are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection d. of section 29 of P.L.1999, c.152 (C.13:8C-29) or subsection d. of section 30 of P.L.1999, c.152 (C.13:8C-30), or any other law to the contrary, all payments to municipalities in lieu of taxes for lands acquired by the State for recreation and conservation purposes shall be retained by the municipality and not apportioned in the same manner as the general tax rate of the municipality.

# ENVIRONMENTAL PROTECTION

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## 40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

### 47. COMPLIANCE AND ENFORCEMENT

#### OBJECTIVES

1. To protect public health and improve the environment by ensuring compliance with the State's rules and regulations concerning coastal and land use, air pollution, water resources, solid and hazardous waste, and pesticides.
2. To assure consistency in enforcement policies, protocols and actions taken by the Department.
3. To provide compliance assistance to all businesses, with a special emphasis on small businesses and local governments.
4. To augment the Department's enforcement, inspection and monitoring activities under the County Environmental Health Act by strengthening agreements with local health agencies to enforce environmental regulations.
5. To improve the quality of the State's beaches through cooperation with the Departments of Correction and Health and the Army Corps of Engineers in programs which reduce floatable debris and monitor ocean water quality.
6. To inspect, monitor, and report on the quality of surface and groundwater discharges in the State.
7. To protect the public and the environment from any hazards resulting from the production, use, sale, storage or other activities related to pesticides.
8. To perform regular comprehensive underground storage tank inspections in order to protect ground water resources from gasoline and other contamination by reducing the number of leaking tanks.

#### PROGRAM CLASSIFICATIONS

02. **Air Pollution Control.** Conducts investigations to determine compliance with the Air Pollution Control Act at regulated facilities. Issues enforcement documents and tracks, records and reports on associated administrative activities to ensure compliance. Develops enforcement cases, processes violations, assesses penalties and negotiates compliance schedules for these programs.
04. **Pesticide Control.** Regulates the manufacture, distribution, storage, sale, possession, and use of pesticides. Conducts complaint investigations and routine inspections. Compliance assistance and pollution prevention activities are performed through training and outreach. Promotes reducing the use of pesticides through practical pest control techniques known as "Integrated Pest Management" (IPM). Enforces requirements for IPM in public, private, and charter schools in NJ. Enforces farm worker pesticide safety requirements at agricultural establishments. All pesticide products sold in the state are registered with this program. Pesticide applicators and dealers are certified and licensed, and permits are issued for mosquito/fly control and aquatic pesticide use. Monitoring and evaluation of pesticide hazards and laboratory analysis of pesticide samples are also conducted.

08. **Water Pollution Control.** Responsible for providing compliance assistance, conducting monitoring and investigations, and issuing enforcement actions in support of the water programs. A particular focus is placed on inspections of wastewater dischargers and community drinking water supply facilities; prevention and correction of non-compliance conditions through a multifaceted compliance assistance program including outreach, education, and a Discharge Monitoring Report guidance manual; issuance of administrative and judicial enforcement actions for chronic or significant violations; and investigation of complaints relating to water resources. Monitors compliance with all permits issued under the New Jersey Pollutant Discharge Elimination System (NJPDES) for surface water, ground water and indirect discharges to Publicly-Owned Treatment Works (POTW's). Formal enforcement actions are also issued for violations in the Water Allocation Program and against State certified laboratories which fail to comply with the laboratory certification program requirements.

15. **Land Use Regulation.** Conducts investigations and site inspections required for compliance with State regulations and permits issued pursuant to the Highlands Water Protection & Planning Act, Freshwater Wetlands Protection Act, the Flood Hazard Area Control Act, the Coastal Area Facility Review Act, the Wetlands Act of 1970, the Dam Safety Act, and the Waterfront Development and Riparian Lands statutes. Responding to reports of alleged violations of the above statutes, the program advises individuals how to achieve and/or maintain compliance.

23. **Solid and Hazardous Waste Management.** Manages and conducts compliance and enforcement activities to ensure that hazardous waste and used oil are collected, stored, transported, recycled, and disposed of in an environmentally acceptable manner. Assures compliance with federal Resource Conservation and Recovery Act (RCRA) regulations. Activities include such compliance assistance functions as environmental audits, grace periods, and supplemental environmental projects as well as conventional inspections and investigations, and when necessary, formal enforcement actions.

29. **Environmental Remediation and Monitoring.** Since 1996, 4% of the revenue annually derived from the tax imposed by the Corporation Business Tax Act (P.L.1945, c.162) has been dedicated to the Department. A portion of this dedication has been used to provide loans or grants to upgrade, replace or close underground storage tanks, including the costs of remediation, and to finance the cost of remediating hazardous substance discharges. Beginning in fiscal 2004, the dedication is expanded to include the implementation of the Underground Storage Tank (UST) Inspection Program.

# ENVIRONMENTAL PROTECTION

## EVALUATION DATA

	Actual FY 2003	Actual FY 2004	Revised FY 2005	Budget Estimate FY 2006
<b>PROGRAM DATA</b>				
<b>Air Pollution Control</b>				
Investigations and inspections .....	5,600	6,500	6,500	6,500
<b>Pesticide Control</b>				
Investigations and inspections .....	800	800	800	800
Pesticide products regulated .....	12,266	11,800	11,800	11,800
Pesticide licenses and permits .....	17,056	17,000	17,000	17,000
<b>Water Pollution Control</b>				
Inspections .....	4,576	4,576	4,500	4,500
Clean Shores:				
Miles of beaches cleaned .....	145	145	125	135
Tons of debris removed .....	2,428	2,500	2,400	2,400
<b>Land Use Regulation</b>				
Investigations and inspections .....	1,218	1,800	2,000	2,100
<b>Solid and Hazardous Waste Management</b>				
Hazardous waste annual inspections .....	1,996	2,010	2,100	2,100

## PERSONNEL DATA

### Position Data

#### Filled Positions by Funding Source

State Supported .....	289	295	306	324
Federal .....	12	15	14	12
All Other .....	5	5	5	4
<b>Total Positions</b> .....	<b>306</b>	<b>315</b>	<b>325</b>	<b>340</b>

#### Filled Positions by Program

Air Pollution Control .....	75	75	73	80
Pesticide Control .....	40	38	37	40
Water Pollution Control .....	93	97	104	101
Land Use Regulation .....	31	33	36	33
Solid and Hazardous Waste Management .....	67	72	73	74
Environmental Remediation and Monitoring .....	—	—	2	12
<b>Total Positions</b> .....	<b>306</b>	<b>315</b>	<b>325</b>	<b>340</b>

### Notes:

Actual payroll counts are reported for fiscal years 2003 and 2004 as of December, and revised fiscal year 2005 as of September. The Budget Estimate for fiscal year 2006 reflects the number of positions funded.

## APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2004					Year Ending June 30, 2006				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2005 Adjusted Approp.	Requested	Recom- mended	
<b><u>DIRECT STATE SERVICES</u></b>									
<b>Distribution by Fund and Program</b>									
5,371	—	-5	5,366	4,107	Air Pollution Control	02	5,039	4,439	4,439
2,232	—	60	2,292	2,287	Pesticide Control	04	2,357	2,357	2,357
5,868	3	87	5,958	5,958	Water Pollution Control	08	6,124	5,824	5,824
1,805	683	-112	2,376	2,340	Land Use Regulation	15	2,573	1,972	1,972
3,755	16	-194	3,577	3,577	Solid and Hazardous Waste Management	23	4,044	4,043	4,043
—	—	1,000	1,000	256	Environmental Remediation and Monitoring	29	—	—	—
<b>19,031</b>	<b>702</b>	<b>836</b>	<b>20,569</b>	<b>18,525</b>	<b>Total Direct State Services</b>		<b>20,137<sup>(a)</sup></b>	<b>18,635</b>	<b>18,635</b>
<b>Distribution by Fund and Object</b>									
Personal Services:									
15,188	—	-605	14,583	14,583	Salaries and Wages		15,872	15,724	15,724

# ENVIRONMENTAL PROTECTION

Year Ending June 30, 2004					Year Ending June 30, 2006				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2005 Adjusted Approp.	Requested	Recommended	
<b>DIRECT STATE SERVICES</b>									
15,188	—	-605	14,583	14,583		15,872	15,724	15,724	
90	—	14	104	104		126	131	131	
1,024	—	263	2,751	1,494		1,390			
1,464 <sup>S</sup>	—					1,500 <sup>S</sup>	1,417	1,417	
369	—	30	399	398		390	407	407	
816	681 <sup>R</sup>	—	1,497	1,497	15	856	856	856	
—	—	1,000	1,000	256		—	—	—	
80	21	134	235	193	29	—	—	—	
<b>STATE AID</b>									
<b>Distribution by Fund and Program</b>									
2,453	—	—	2,453	2,447	08	3,453	3,453	3,453	
—	—	—	—	—		3,453	3,453	3,453	
2,453	—	—	2,453	2,447		—	—	—	
<b>2,453</b>	<b>—</b>	<b>—</b>	<b>2,453</b>	<b>2,447</b>		<b>3,453</b>	<b>3,453</b>	<b>3,453</b>	
—	—	—	—	—		3,453	3,453	3,453	
2,453	—	—	2,453	2,447		—	—	—	
<b>Distribution by Fund and Object</b>									
State Aid:									
—	—	—	—	—	08	3,453	3,453	3,453	
2,453	—	—	2,453	2,447	08	—	—	—	
<b>21,484</b>	<b>702</b>	<b>836</b>	<b>23,022</b>	<b>20,972</b>		<b>23,590</b>	<b>22,088</b>	<b>22,088</b>	
<b>OTHER RELATED APPROPRIATIONS</b>									
<b>Federal Funds</b>									
1,802	14	—	1,816	1,316	02	1,802	1,802	1,802	
750	—	—	—	—	04	850	740	740	
87 <sup>S</sup>	21	—	858	564	08	1,000	1,000	1,000	
1,000	1	—	1,001	1	15	600	600	600	
500	487	36	1,023	527	23	1,886	1,886	1,886	
1,886	174	—	2,060	1,719		—	—	—	
<b>6,025</b>	<b>697</b>	<b>36</b>	<b>6,758</b>	<b>4,127</b>		<b>6,138</b>	<b>6,028</b>	<b>6,028</b>	
<b>All Other Funds</b>									
—	15	—	15	—	02	—	600	600	
—	1,378	—	—	—	08	1,170	1,455	1,455	
—	1,807 <sup>R</sup>	-126	3,059	1,147	15	753	1,372	1,372	
—	3,200	-126	3,074	1,147		1,923	3,427	3,427	
27,509	4,599	746	32,854	26,246		31,651	31,543	31,543	

## Notes — Direct State Services – General Fund

(a) The fiscal year 2005 appropriation has been adjusted for the allocation of salary program.

## Language Recommendations — Direct State Services – General Fund

Receipts deposited into the Coastal Protection Trust Fund pursuant to P.L.1993, c.168 (C.39:3–27.47 et seq.) are appropriated in an amount not to exceed \$600,000 for the cleanup or maintenance of beaches or shores, an amount not to exceed \$200,000 for the cost of providing monitoring, surveillance and enforcement activities for the Cooperative Coastal Monitoring Program, an amount not to exceed \$50,000 for the implementation of the “New Jersey Adopt a Beach Act,” P.L.1992, c.213 (C.13:19–22 et seq.), and an amount not to exceed \$150,000 for a program of grants for the operation of a sewage pump-out boat and the construction of sewage pump-out devices for marine sanitation devices and portable toilet emptying receptacles at public and private marinas and boatyards in furtherance of the provisions of P.L.1988, c.117 (C.58:10A–56 et seq.). Receipts deposited to the Coastal Protection Trust Fund in excess of \$1,000,000 are appropriated to finance emergency shore protection projects and the cleanup of discharges into the ocean.

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

The amounts hereinabove for the Tidelands Peak Demands account are appropriated from receipts derived from the sales, grants, leases, licensing, and rentals of State riparian lands, together with an amount not to exceed \$2,361,000, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding any other law, the Commissioner of the Department of Environmental Protection shall obtain concurrence from the Director of the Division of Budget and Accounting before altering fee schedules or any other revenue-generating mechanism under the department’s purview.

Notwithstanding the provisions of the “Environmental Fee Fund Accountability Act of 1991,” P.L.1991, c.426 (C.52:27B–20.1 et seq.) and P.L.1991, c.427 (C.13:1D–9.1 et seq.), all revenues from fees and fines collected by the Department of Environmental Protection, unless otherwise dedicated herein, shall be deposited into the State General Fund without regard to their specific dedication.

Notwithstanding any other provisions in this act, of the Federal Fund amounts appropriated for the programs included in the Performance Partnership Grant Agreement with the United States Environmental Protection Agency, the Department of Environmental Protection is authorized to reallocate the appropriations, in accordance with the Grant Agreement and subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34–6 et seq.) or any other law to the contrary, of the amounts appropriated for site remediation, the Department of Environmental Protection may enter into a contract with the United States Environmental Protection Agency (EPA) to provide the State’s statutory matching share for EPA-led Superfund remedial actions pursuant to the State Superfund Contract (SSC).

Notwithstanding any other law to the contrary, any grants awarded during the fiscal year ending June 30, 2005, or during any preceding fiscal year, by the Department of Environmental Protection, or its predecessors, from the proceeds of bonds issued pursuant to P.L.1969, c.127; P.L.1976, c.92; P.L.1980, c.70; P.L.1981, c.261; P.L.1985, c.329; P.L.1989 c.181 or P.L.1992, c.88 or other grants awarded pursuant to other grant programs administered by the Department, shall not be considered to be impaired by a structured financing transaction undertaken by a governmental entity which is authorized by section 10 of P.L.1999, c.157 (C.52:31C–10) as amended by section 1 of P.L.2000, c.54, to undertake such transactions, nor shall any State interest created by the award of any such grant be determined to be so impaired by a structured financing transaction undertaken by any local governmental entity pursuant to section 10 of P.L.1999, c.157. Any such grant, and any provisions, covenants and conditions contained in the award thereof, shall not (i) limit, restrict or impair the rights of the local governmental entity to transfer or encumber its facilities or assets for purposes of entering into a structured financing transaction pursuant to that section, (ii) be violated by the completion of a structured financing transaction undertaken pursuant to that section and (iii) cause the Department of Environmental Protection to rescind or annul any grant, or undertake any other enforcement actions, including the revocation of any permit or license granted, in response to a structured financing transaction undertaken pursuant to that section.

Receipts in excess of the amount anticipated for Air Pollution, Clean Water Enforcement, Land Use, Solid Waste, and Hazardous Waste fines, not to exceed \$1,500,000, are appropriated for the expansion of compliance, enforcement and permitting efforts in the department, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated for the Stormwater Management Program are appropriated to the Department of Environmental Protection for expansion of the Stormwater Management Program to meet new federal mandates relating to the regulation of municipal stormwater management, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L. 1954, c.48 (c.52:34–6 et seq.) or any law to the contrary, of the amounts appropriated for water resource evaluation studies and monitoring, the Department of Environmental Protection may enter into contracts with the United States Geological Survey to provide the State’s match to joint funding agreements for water resource evaluation studies and monitoring analyses.

Of the amount hereinabove appropriated for the Hazardous Substance Discharge Remediation Loans and Grants–Constitutional Dedication account, an amount not to exceed \$2,000,000 shall be allocated for costs associated with the State Underground Storage Tank Inspection Program, pursuant to the amendments effective December 4, 2003, to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Underground Storage Tank Inspection Program account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.