

ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION OVERVIEW

Mission and Goals

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; to promote sustainable economic growth; and to preserve and enhance the quality of life for all New Jersey citizens and for future generations.

The Department strives toward its mission by: employing a decision-making process that is open, comprehensive, timely, predictable, and efficient; developing standards to protect human health, the environment, and natural resources; protecting 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 that 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 six environmental areas: Natural Resource Management, Environmental Planning and Science, Land Use Management, 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 also includes several in-but-not-of agencies that receive State appropriations. Among them are the Palisades Interstate Park Commission, the Highlands Water Protection and Planning Council, and the Pinelands Commission.

Budget Highlights

The Fiscal 2010 Budget for the DEP, excluding Debt Service, totals \$327.6 million, a decrease of \$46.8 million or 12.5% under the fiscal 2009 adjusted appropriation of \$374.4 million.

Of the overall \$46.8 million reduction, \$42.5 million is dictated by the annual 4% constitutional dedication of revenues from the Corporation Business Tax. The remaining \$4.3 million reduction is mainly due to reductions in the General Fund subsidy of the Hunters' and Anglers' License Fund (\$1.8 million), which supports the Division of Fish and Wildlife, and in the Water Pollution Control (\$500,000) program, both of which will be replaced with off-budget, dedicated funding sources. Other operating reductions include the elimination of a non-recurring supplemental appropriation (\$1.1 million) in the Nuclear Emergency Response program and a \$500,000 reduction related to the cost of replacing firefighting equipment. In capital construction, an increase of \$6.5 million for flood control projects is largely offset by a \$6.3 million decrease in the annual appropriation for shore protection projects, the funding for which will be supplemented with funds carried forward from prior fiscal years.

DEPARTMENT OF ENVIRONMENTAL PROTECTION SUMMARY OF APPROPRIATIONS BY FUND (thousands of dollars)

Year Ending June 30, 2008					Year Ending June 30, 2010			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2009 Adjusted Approp.	Requested	Recom- mended
GENERAL FUND								
245,229	58,318	4,969	308,516	280,379	Direct State Services	231,011	216,286	216,286
35,947	38,845	1,100	75,892	9,352	Grants-In-Aid	22,161	14,934	14,934
11,216	291	112	11,619	11,429	State Aid	9,358	9,342	9,342
117,024	121,265	-16,589	221,700	94,995	Capital Construction	101,913	77,078	77,078
56,790	---	8,941	65,731	65,730	Debt Service	59,735	42,452	42,452
466,206	218,719	-1,467	683,458	461,885	Total General Fund	424,178	360,092	360,092
PROPERTY TAX RELIEF FUND								
9,828	---	---	9,828	9,828	State Aid	10,000	10,000	10,000
9,828	---	---	9,828	9,828	Total Property Tax Relief Fund	10,000	10,000	10,000
476,034	218,719	-1,467	693,286	471,713	Total Appropriation, Department of Environmental Protection	434,178	370,092	370,092

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SUMMARY OF APPROPRIATIONS BY PROGRAM (thousands of dollars)

Year Ending June 30, 2008					Year Ending June 30, 2010			
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended		2009 Adjusted Approp.	Requested	Recommended
DIRECT STATE SERVICES – GENERAL FUND								
Natural Resource Management								
8,304	---	380	8,684	8,035	Forest Resource Management	7,620	7,120	7,120
39,084	3,800	322	43,206	40,633	Parks Management	31,823	31,823	31,823
15,759	3,438	---	19,197	17,352	Hunters' and Anglers' License Fund	15,014	13,169	13,169
1,885	---	59	1,944	1,943	Shellfish and Marine Fisheries Management	1,775	1,775	1,775
1,390	454	-65	1,779	1,439	Wildlife Management	1,113	1,113	1,113
1,318	40	3,328	4,686	4,500	Natural Resources Engineering	1,158	1,158	1,158
2,528	---	200	2,728	2,728	Palisades Interstate Park Commission	2,928	2,728	2,728
---	---	1,261	1,261	585	Environmental Management – CBT Dedication	---	---	---
<u>70,268</u>	<u>7,732</u>	<u>5,485</u>	<u>83,485</u>	<u>77,215</u>	<i>Subtotal</i>	<u>61,431</u>	<u>58,886</u>	<u>58,886</u>
Science and Technical Programs								
8,157	4,541	-1,402	11,296	10,422	Water Supply	8,453	8,453	8,453
---	19	-19	---	---	Smart Growth Permitting	---	---	---
---	---	---	---	---	Water Monitoring and Standards	---	---	---
13,061	2,846	-57	15,850	15,204	Land Use Regulation	12,690	12,690	12,690
3,148	---	6	3,154	3,079	Office of Science Support	1,322	1,322	1,322
---	---	428	428	428	New Jersey Geological Survey	---	---	---
19,224	1,181	-2,810	17,595	16,933	Environmental Management – CBT Dedication	19,554	13,176	13,176
---	---	382	382	382	Environmental Policy and Planning	1,152	772	772
<u>43,590</u>	<u>8,587</u>	<u>-3,472</u>	<u>48,705</u>	<u>46,448</u>	<i>Subtotal</i>	<u>43,171</u>	<u>36,413</u>	<u>36,413</u>
Site Remediation and Waste Management								
6,042	3,467	-502	9,007	6,788	Solid and Hazardous Waste Management	6,082	5,995	5,995
29,552	17,801	27	47,380	46,785	Remediation Management and Response	31,266	31,266	31,266
13,155	3,537	---	16,692	10,549	Environmental Management – CBT Dedication	11,732	7,906	7,906
<u>48,749</u>	<u>24,805</u>	<u>-475</u>	<u>73,079</u>	<u>64,122</u>	<i>Subtotal</i>	<u>49,080</u>	<u>45,167</u>	<u>45,167</u>
Environmental Regulation								
8,135	1,142	123	9,400	7,800	Radiation Protection	8,092	7,014	7,014
17,327	2,572	-338	19,561	18,341	Air Pollution Control	16,514	16,514	16,514
8,282	7,188	-300	15,170	10,791	Water Pollution Control	8,405	7,905	7,905
3,176	31	-104	3,103	3,102	Public Wastewater Facilities	2,840	2,840	2,840
---	517	900	1,417	1,089	Environmental Management – CBT Dedication	---	---	---
---	1,889	-1,889	---	---	Clean Waters	---	---	---
<u>36,920</u>	<u>13,339</u>	<u>-1,608</u>	<u>48,651</u>	<u>41,123</u>	<i>Subtotal</i>	<u>35,851</u>	<u>34,273</u>	<u>34,273</u>
Environmental Planning and Administration								
2,005	---	111	2,116	2,116	Regulatory and Governmental Affairs	1,595	1,595	1,595
18,887	4	1,366	20,257	20,257	Administration and Support Services	18,344	18,413	18,413
<u>20,892</u>	<u>4</u>	<u>1,477</u>	<u>22,373</u>	<u>22,373</u>	<i>Subtotal</i>	<u>19,939</u>	<u>20,008</u>	<u>20,008</u>
Compliance and Enforcement								
7,836	1,528	561	9,925	8,373	Air Pollution Control	4,516	4,516	4,516
2,468	---	-79	2,389	2,388	Pesticide Control	2,525	2,525	2,525
6,161	---	768	6,929	6,924	Water Pollution Control	6,251	6,251	6,251
1,998	561	-32	2,527	2,526	Land Use Regulation	1,972	1,972	1,972
6,347	---	344	6,691	6,691	Solid and Hazardous Waste Management	6,275	6,275	6,275
---	1,762	2,000	3,762	2,196	Environmental Management – CBT Dedication	---	---	---

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Year Ending June 30, 2008					Year Ending June 30, 2010			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2009 Adjusted Approp.	Requested	Recom- mended
24,810	3,851	3,562	32,223	29,098	<i>Subtotal</i>	21,539	21,539	21,539
245,229	58,318	4,969	308,516	280,379	Total Direct State Services – General Fund	231,011	216,286	216,286
245,229	58,318	4,969	308,516	280,379	TOTAL DIRECT STATE SERVICES	231,011	216,286	216,286
GRANTS-IN-AID – GENERAL FUND								
Natural Resource Management								
---	---	---	---	---	Parks Management	---	---	---
---	15	---	15	---	Natural Resources Engineering	---	---	---
---	15	---	15	---	<i>Subtotal</i>	---	---	---
Science and Technical Programs								
400	---	---	400	400	Water Monitoring and Standards	---	---	---
2,700	2,231	2,000	6,931	952	Environmental Management – CBT Dedication	---	---	---
3,100	2,231	2,000	7,331	1,352	<i>Subtotal</i>	---	---	---
Site Remediation and Waste Management								
8,000	---	---	8,000	8,000	Solid and Hazardous Waste Management	---	---	---
8,000	---	---	8,000	8,000	<i>Subtotal</i>	---	---	---
Environmental Regulation								
24,847	36,599	-900	60,546	---	Environmental Management – CBT Dedication	22,161	14,934	14,934
24,847	36,599	-900	60,546	---	<i>Subtotal</i>	22,161	14,934	14,934
35,947	38,845	1,100	75,892	9,352	Total Grants-In-Aid – General Fund	22,161	14,934	14,934
35,947	38,845	1,100	75,892	9,352	TOTAL GRANTS-IN-AID	22,161	14,934	14,934
STATE AID – GENERAL FUND								
Environmental Planning and Administration								
7,763	291	112	8,166	7,981	Administration and Support Services	6,658	6,642	6,642
7,763	291	112	8,166	7,981	<i>Subtotal</i>	6,658	6,642	6,642
Compliance and Enforcement								
3,453	---	---	3,453	3,448	Water Pollution Control	2,700	2,700	2,700
3,453	---	---	3,453	3,448	<i>Subtotal</i>	2,700	2,700	2,700
11,216	291	112	11,619	11,429	Total State Aid – General Fund	9,358	9,342	9,342
STATE AID – PROPERTY TAX RELIEF FUND								
Environmental Planning and Administration								
9,828	---	---	9,828	9,828	Administration and Support Services	10,000	10,000	10,000
9,828	---	---	9,828	9,828	<i>Subtotal</i>	10,000	10,000	10,000
9,828	---	---	9,828	9,828	Total State Aid – Property Tax Relief Fund	10,000	10,000	10,000
21,044	291	112	21,447	21,257	TOTAL STATE AID	19,358	19,342	19,342

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Orig. & (S)Supplemental	Year Ending June 30, 2008				2009 Adjusted Approp.	Year Ending June 30, 2010		
	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended		Requested	Recommended	
CAPITAL CONSTRUCTION								
Natural Resource Management								
---	7,683	-150	7,533	4,351	---	---	---	
---	226	---	226	9	---	---	---	
---	41	---	41	---	---	---	---	
30,790	42,519	-3,328	69,981	28,128	25,000	25,250	25,250	
---	116	---	116	4	---	---	---	
21,924	8,284	-1,261	28,947	11,158	19,554	13,176	13,176	
52,714	58,869	-4,739	106,844	43,650	44,554	38,426	38,426	
Site Remediation and Waste Management								
---	24	---	24	---	---	---	---	
64,310	62,372	-12,000	114,682	51,345	57,359	38,652	38,652	
64,310	62,396	-12,000	114,706	51,345	57,359	38,652	38,652	
Environmental Planning and Administration								
---	---	150	150	---	---	---	---	
---	---	150	150	---	---	---	---	
117,024	121,265	-16,589	221,700	94,995	101,913	77,078	77,078	
DEBT SERVICE								
Environmental Planning and Administration								
56,790	---	8,941	65,731	65,730	59,735	42,452	42,452	
56,790	---	8,941	65,731	65,730	59,735	42,452	42,452	
56,790	---	8,941	65,731	65,730	59,735	42,452	42,452	
476,034	218,719	-1,467	693,286	471,713	434,178	370,092	370,092	

40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

42. NATURAL RESOURCE MANAGEMENT

OBJECTIVES

- To provide recreational, historic, natural, and interpretive facilities.
- To develop recreational lands and facilities, located in balance with population distribution.
- To regulate the recreational use of public lands and minimize natural resource damage.
- To provide safe marina facilities, navigational aids, and other services to the boating public.
- To provide the financial assistance and engineering technology that minimizes potential loss of life and property damage due to flooding.
- 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.
- To manage fish and wildlife resources of the state for long-term biological, economic, and recreational viability.
- 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.
- To preserve open space and support development of parks.
- To provide technical assistance and implement statutory provisions that prevent, minimize or mitigate damage to historic resources.
- 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

- 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 that threatens 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 product conservation and recycling; private non-industrial

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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 42 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.** (Office of Engineering and Construction). Provides financial and technical assistance to local governments for the construction of groins, jetties, bulkheads, sea walls, and beach replenishment under the shore protection program. Performs dam safety inspections and dam construction and reconstruction permit reviews. Manages the dam loan program to achieve compliance with safe dam regulations. Provides financial and technical assistance to local governments for flood control projects, including flood walls, levees, and property buy-outs. Operates and maintains the bayshore floodgate. Dredges and marks 200 miles of navigation channels in the State's tidal inland waterways and large State-controlled lakes for boating safety.
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.
29. **Environmental Management - CBT Dedication.** 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. Beginning in 2007, the dedication is expanded to provide funding for the development and conservation of recreational lands.

EVALUATION DATA

	Actual FY 2007	Actual FY 2008	Revised FY 2009	Budget Estimate FY 2010
PROGRAM DATA				
Forest Resource Management				
Fires (annual)	1,271	1,618	1,800	1,800
Acres lost (annual)	18,888	19,192	11,000	11,000
Acres of prescribed burning	10,458	11,683	18,000	18,000
Parks Management				
State parks and forests				
Total visitors	16,200,000	17,310,600	17,100,000	17,050,000
Total revenue (millions)	\$6.8	\$7.3	\$7.0	\$8.4
Historic sites				
Visitors	759,000	1,086,400	1,050,000	1,025,000
Revenue	\$ 55,000	\$ 78,200	\$ 77,500	\$ 80,000

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	Actual FY 2007	Actual FY 2008	Revised FY 2009	Budget Estimate FY 2010
Green Acres/ Open Space Preservation				
Acres preserved	8,305	10,457	13,000	16,000
Acres preserved since inception of GSPT (a)	173,284	183,741	196,741	212,741
State funding (millions)	\$80.0	\$33.0	\$80.0	\$80.0
County/ Municipal funding (millions)	\$65.0	\$60.0	\$65.0	\$60.0
County/ Municipal dedicated tax revenue (millions)	\$337.4	\$365.0	\$300.0	\$325.0
Non-profit funding (millions)	\$8.2	\$8.4	\$8.0	\$8.0
Hunters' and Anglers' License Fund				
Trout propagated and distributed	770,000	889,181	700,000	700,000
Pheasants reared at game farms	57,573	59,375	55,000	55,000
Other fish propagated and distributed	1,700,000	2,000,000	1,500,000	1,500,000

PERSONNEL DATA

Position Data

Filled Positions by Funding Source

State Supported	633	621	579	576
Federal	6	5	5	---
All Other	308	290	280	277
Total Positions	947	916	864	853

Filled Positions by Program

Forest Resource Management	113	107	104	102
Parks Management	534	519	486	482
Hunters' and Anglers' License Fund	177	167	161	156
Shellfish and Marine Fisheries Management	39	40	39	38
Wildlife Management	17	21	19	19
Natural Resources Engineering	67	62	55	56
Total Positions	947	916	864	853

Notes:

Actual payroll counts are reported for fiscal years 2007 and 2008 as of December, and revised fiscal year 2009 as of January. The Budget Estimate for fiscal year 2010 reflects the number of positions funded. All Other includes positions supported by fees or other dedicated resources previously reported as State Supported.

(a) Garden State Preservation Trust (GSPT)

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2008					Year Ending June 30, 2010			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2009 Adjusted Approp.	Requested	Recom- mended
DIRECT STATE SERVICES								
Distribution by Fund and Program								
8,304	---	380	8,684	8,035	11	7,620	7,120	7,120
39,084	3,800	322	43,206	40,633	12	31,823	31,823	31,823
15,759	3,438	---	19,197	17,352	13	15,014	13,169	13,169
1,885	---	59	1,944	1,943	14	1,775	1,775	1,775
1,390	454	-65	1,779	1,439	20	1,113	1,113	1,113
1,318	40	3,328	4,686	4,500	21	1,158	1,158	1,158
2,528	---	200	2,728	2,728	24	2,928	2,728	2,728
---	---	1,261	1,261	585	29	---	---	---
70,268	7,732	5,485	83,485	77,215	61,431^(a)		58,886	58,886
Distribution by Fund and Object								
Personal Services:								
48,939	928					36,875		
679 ^S	2,212 ^R	2,054	54,812	49,575		345 ^S	34,490	34,490

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Year Ending June 30, 2008					Year Ending June 30, 2010				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available Expended	Prog. Class.	2009 Adjusted Approp.	Requested	Recom-mended		
CAPITAL CONSTRUCTION									
---	2	---	2	1	Sanitary Facilities	12	---	---	---
---	4	---	4	4	Major Maintenance and Improvement Program	12	---	---	---
---	1	---	1	---	Picnic Area Rehabilitation – Various State Parks & Forests	12	---	---	---
---	8	---	8	---	Delaware River Recreational Path, Frenchtown to Milford	12	---	---	---
---	13	---	13	---	Belleplaine State Park – Water Supply Improvement	12	---	---	---
---	16	---	16	---	ADA Development – Statewide	12	---	---	---
---	239	---	239	80	Buildings – Rehabilitation and Renovation	12	---	---	---
---	44	---	44	27	Administrative/Maintenance Facilities–Renovation, Rehabilitation & Maintenance	12	---	---	---
---	8	---	8	7	Asbestos Removal	12	---	---	---
---	16	---	16	---	Overnight Facilities – Development, Rehabilitation, Improvement and Repair	12	---	---	---
---	91	---	91	---	Dam Repairs and Inspections	12	---	---	---
---	42	---	42	15	Health, Safety and Environmental Compliance	12	---	---	---
---	41	167	208	208	Open Space – Local Match	12	---	---	---
---	4	---	4	---	Liberty State Park	12	---	---	---
---	64	---	64	48	Liberty State Park, Boring and Testing	12	---	---	---
---	28	---	28	---	Liberty State Park, Caven Point Pier Renovations	12	---	---	---
21,924	8,284	-1,261	28,947	11,158	Recreational Land Development and Conservation– Constitutional Dedication	29	19,554	13,176	13,176
Palisades Interstate Park Commission									
---	116	---	116	4	Shore Protection Structures– Repairs	24	---	---	---
Division of Fish and Wildlife									
---	194	---	194	9	Dam Repair, Maintenance and Renovation	13	---	---	---
---	8	---	8	---	Pequest Hatchery Water Treatment	13	---	---	---
---	24	---	24	---	Roof Replacement – Fish Hatchery	13	---	---	---
---	39	---	39	---	Storage Buildings – Wildlife Management – Regional	20	---	---	---
---	2	---	2	---	Demolition of Unused Structures	20	---	---	---
Natural Resources Engineering									
---	10	---	10	---	Maintenance Dredging of Shrewsbury River Channel	21	---	---	---
25,000	38,583	-2,810	60,773	23,065	Shore Protection Fund Projects	21	25,000	18,750	18,750
5,790	3,275	-518	8,547	5,060	HR-6 Flood Control	21	---	6,500	6,500
---	651	---	651	3	Dam Repairs	21	---	---	---
122,982	66,616	746	190,344	120,865	Grand Total State Appropriation		105,985	97,312	97,312
OTHER RELATED APPROPRIATIONS									
Federal Funds									
6,530	1,470	---	8,000	1,899	Forest Resource Management	11	6,760	6,880	6,880
37,540									
55 S	6,039	5	43,639	5,950	Parks Management	12	20,640	19,390	19,390
12,055									
48 S	1,366	3	13,472	4,066	Hunters' and Anglers' License Fund	13	11,430	11,815	11,815
3,855									
159 S	541	---	4,555	2,391	Shellfish and Marine Fisheries Management	14	3,790	3,810	3,810

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2008					Year Ending June 30, 2010				
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	Prog. Class.	2009 Adjusted Approp.	Requested	Recommended	
OTHER RELATED APPROPRIATIONS									
2,695	648	---	3,343	649	Wildlife Management	20	2,695	2,695	2,695
<u>425</u>	<u>345</u>	---	<u>770</u>	<u>395</u>	Natural Resources Engineering	21	<u>440</u>	<u>440</u>	<u>440</u>
<u>63,362</u>	<u>10,409</u>	<u>8</u>	<u>73,779</u>	<u>15,350</u>	Total Federal Funds		<u>45,755</u>	<u>45,030</u>	<u>45,030</u>
All Other Funds									
---	5,098	66	6,198	3,054	Forest Resource Management	11	4,330	4,330	4,330
---	1,034 R	140	9,737	3,345	Parks Management	12	6,616	8,658	8,658
---	4,087	131	4,275	769	Hunters' and Anglers' License Fund	13	2,233	2,239	2,239
---	3,915	146	2,404	365	Shellfish and Marine Fisheries Management	14	522	530	530
---	229 R	2	541	286	Wildlife Management	20	321	334	334
---	1,711	---	9,707	3,537	Natural Resources Engineering	21	3,950	4,650	4,650
---	547 R	---	6,830	5,297	Palisades Interstate Park Commission	24	4,864	4,855	4,855
---	166	---	<u>39,207</u>	<u>16,653</u>	Total All Other Funds		<u>22,836</u>	<u>25,596</u>	<u>25,596</u>
---	373 R	---	<u>186,344</u>	<u>152,868</u>	GRAND TOTAL ALL FUNDS		<u>174,576</u>	<u>167,938</u>	<u>167,938</u>
---	5,417	---							
---	4,290 R	---							
---	1,602	---							
---	5,228 R	---							

Notes -- Direct State Services - General Fund

(a) The fiscal year 2008 appropriation has been adjusted for the allocation of salary program, which includes \$167,000 in appropriated receipts, and for the annualized savings from the Early Retirement Incentive program and continued attrition, and the reallocation of procurement efficiencies.

Language Recommendations -- Direct State Services - General Fund

In addition to the amount hereinabove appropriated for Forest Resource Management, an amount not to exceed \$500,000 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 in the Bureau of Forestry.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove for the Green Acres/Open Space Administration account is transferred from the Garden State Preservation Trust to the General Fund, together with an amount not to exceed \$431,000, and is appropriated to the Department of Environmental Protection for Green Acres/Open Space Administration, 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 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.

The unexpended balance at the end of the preceding fiscal year in the Parks Management salary account, not to exceed \$3,000,000, is appropriated, 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.

Of the amount hereinabove for the Hunters' and Anglers' License Fund, the first \$11,000,000 is payable out of that fund and any amount remaining therein and the unexpended balance at the end of the preceding fiscal year of the receipts 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 from the fund 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 waterfowl stamps and 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 in the Endangered Species Tax Check-Off Donations account at the end of the preceding fiscal year, 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 \$3,462,000 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 \$1,158,000 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.

ENVIRONMENTAL PROTECTION

An amount not to exceed \$440,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for the operation and maintenance of the Bayshore Flood Control facility.

In accordance with the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," P.L.2003, c.162, an amount not to exceed \$68,000 is appropriated from the 2003 Dam, Lake, Stream and Flood Control Project Fund-Flood Control account for administrative costs attributable to flood control and an amount not to exceed \$255,000 is appropriated from the 2003 Dam, Lake and Stream Project Revolving Loan Fund-Dam Safety account for administrative costs attributable to dam safety, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Recreational Land Development and Conservation - Constitutional Dedication account, an amount not to exceed five percent of the appropriation shall be allocated for costs associated with the administration of the program pursuant to the amendments effective December 7, 2006 to Article VIII, Section II, paragraph 6 of the State Constitution.

The unexpended balance at the end of the preceding fiscal year in the Recreational Land Development and Conservation - Constitutional Dedication administrative account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Delaware and Raritan Canal Commission such sums as may be collected from permit review fees pursuant to P.L.2007, c.142, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Department of Environmental Protection from penalties collected under the "Safe Dam Act," P.L.1981, c.249 (C.58:4-8.1 et al.) and R.S.58:4-1 et seq., such sums as may be necessary to remove dams that may be abandoned, have disputed ownership, or are not in compliance with current inspection requirements or repair. The unexpended balance at the end of the preceding fiscal year of such receipts are appropriated to the Department of Environmental Protection for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Forest Resource Management, there is appropriated \$800,000 from the Motor Vehicle Commission.

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

The amount hereinabove appropriated for Shore Protection Fund Projects is payable from the receipts of the portion of the realty transfer fee 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 \$1,900,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for repairs to the Bayshore Flood Control facility.

The amounts hereinabove appropriated for Recreational Land Development and Conservation - 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.

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 the DEP. To serve as the 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, groundwater protection programs, water quality monitoring 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 wastewater management, point and nonpoint source pollution control, and the restoration of aquatic habitats.
7. To coordinate the sustainable growth and capacity-based planning policies of the Department and to incorporate these policies into all levels of planning.
8. To collaborate and support environmental justice advocacy groups and to assist DEP programs in integrating environmental justice principles in decision making and developing quality of life initiatives.
9. To collect and analyze ambient water data and develop water quality standards to assess water quality status and trends, to evaluate water-related ecological and public health risks, to classify 700,000 acres of New Jersey coastal waters for safe harvest of molluscan shellfish, and for existing/emerging problem identification.

PROGRAM CLASSIFICATIONS

05. **Water Supply.** Administers the 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.
07. **Water Monitoring and Standards.** Conducts ambient monitoring of freshwater (i.e., rivers and streams, lake and ground water) and marine surface water (i.e., bays and ocean waters) quality on a statewide basis, as well as biological monitoring and targeted assessments in support of Total Maximum Daily Load (TMDL) program. Develops New Jersey's Integrated Water Quality Monitoring and Assessment Report, including the Integrated Waterbodies List. Develops surface water and ground water standards which support the New Jersey Pollutant Discharge Elimination System (NJPDES) and the Site Remediation Programs. Coordinates the development and integration of biological and other criteria. Classifies shellfish growing area waters for shellfish harvesting, and conducts bacteriological and chemical analysis of shellfish for public health protection. Oversees Volunteer Monitoring, Beach Monitoring and Operation Clean Shores programs. 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, these programs protect lives and property from storm and flood damages and administers the allocation of State riparian rights.
18. **Office of Science Support.** The Office of Science Support identifies human-health-based criteria for contaminants that programs can use toward the development of program-specific standards and provides technical support to projects that are highly scientific in nature. The Science Advisory Board (SAB) in the Office of Science Support reviews the quality and relevance of the scientific and technical information being used or proposed as the basis for Department regulations. The SAB also reviews the generic approaches to regulatory science, including guidelines governing the use of scientific and technical information in regulatory decisions, critiques analytic methods such as mathematical modeling, and advises the Department on priority-setting for emerging issues and new approaches/models.
22. **New Jersey Geological Survey.** Maps the geology and topography of the state, assesses offshore beach nourishment sands and dredging, maintains a cooperative water monitoring program with the United States Geological Service (USGS) and reviews plans for underground storage of CO₂, 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, earthquakes and historic fill, investigates groundwater pollution problems, and supports State permitting and municipal programs through geophysical studies, groundwater investigations, and the use of Geographic Information Systems (GIS) technology.
29. **Environmental Management – CBT Dedication.** 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 the 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. **Environmental Policy and Planning.** The Office of Climate Change and Energy facilitates the department-wide effort to address mitigation and adaptation policies related to climate change. This new office will work with other State agencies to develop recommendations to achieve the statewide 2020 and 2050 greenhouse gas limits. This office will also serve as the Department's lead in implementing the provisions of the New Jersey Global Warming Response Act and Global Warming Solutions Fund Act and in developing federal and international initiatives, including federal rulemaking and congressional action. Under the Environmental Justice Program, environmental outreach and education is provided to minority and poor communities, and Environmental Justice principles are integrated into day-to-day decision making and developing quality of life initiatives. The Office of Planning and Sustainable Communities provides professional and environmental planning assistance to internal and external entities, coordinates the sustainable growth and capacity-based planning policies of the Department, and works with internal programs, regional entities and municipalities to incorporate these policies into all levels of planning. Planning for coastal zone management, stormwater management, watershed, water quality, and water supply is included. The Office of Planning and Sustainable Communities also acts as liaison to the Governor's Office of Economic Growth, Smart Growth Policy Council, and the State Planning Commission.

ENVIRONMENTAL PROTECTION

EVALUATION DATA

	Actual FY 2007	Actual FY 2008	Revised FY 2009	Budget Estimate FY 2010
PROGRAM DATA				
Water Monitoring and Standards				
Ambient Marine Water:				
Water samples analyzed	16,000	13,000	12,000	12,000
Shellfish bed acres open	78%	78%	78%	78%
Shellfish bed acres seasonal	3%	3%	3%	3%
Shellfish bed acres condemned	11%	11%	11%	16%
Shellfish bed acres specially restricted	8%	8%	8%	3%
Land Use Regulation				
Tidelands:				
Inquiries	316	465	465	465
Appraisals	325	325	325	325
Grant applications approved	76	154	154	154
New licenses	499	231	231	231
License renewals	695	284	730	730
Statements of No Interest (SNI) issued	17	17	8	8
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
State Supported	40	36	22	11
Federal	48	38	35	32
All Other	453	454	431	451
Total Positions	541	528	488	494
Filled Positions by Program				
Water Supply	155	148	141	138
Water Monitoring and Standards	48	47	42	39
Land Use Regulation	188	186	171	171
Office of Science Support (a)	34	30	22	11
New Jersey Geological Survey	20	19	18	16
Environmental Management – CBT Dedication	63	64	61	64
Drinking Water State Revolving Fund	6	5	6	5
Environmental Policy and Planning (a)	27	29	27	50
Total Positions	541	528	488	494

Notes:

Actual payroll counts are reported for fiscal years 2007 and 2008 as of December and revised fiscal year 2009 as of January. The Budget Estimate for fiscal year 2010 reflects the number of positions funded. All Other includes positions supported by fees or other dedicated resources previously reported as State Supported.

(a) Reflects reorganization of the Division of Science and Research into the Office of Climate Change and Energy.

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2008					Year Ending June 30, 2010			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Total Expended	2009 Prog. Class.	Adjusted Approp.	Requested	Recom- mended
DIRECT STATE SERVICES								
Distribution by Fund and Program								
8,157	4,541	-1,402	11,296	10,422	05	8,453	8,453	8,453
---	19	-19	---	---	06	---	---	---
13,061	2,846	-57	15,850	15,204	15	12,690	12,690	12,690
3,148	---	6	3,154	3,079	18	1,322 (a)	1,322	1,322
---	---	428	428	428	22	---	---	---
19,224	1,181	-2,810	17,595	16,933	29	19,554	13,176	13,176
---	---	382	382	382	90	1,152 (a)	772	772
43,590	8,587	-3,472	48,705	46,448	43,171 (b)		36,413	36,413
					Total Direct State Services			

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2008					Year Ending June 30, 2010				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2009 Prog. Class.	Adjusted Approp.	Requested	Recom- mended
<u>DIRECT STATE SERVICES</u>									
Distribution by Fund and Object									
Personal Services:									
9,634	---	2,300	11,934	11,934	Salaries and Wages		8,926	8,682	8,682
<u>9,634</u>	<u>---</u>	<u>2,300</u>	<u>11,934</u>	<u>11,934</u>	Total Personal Services		<u>8,926</u>	<u>8,682</u>	<u>8,682</u>
68	---	-5	63	63	Materials and Supplies		65	50	50
2,126	---	924	3,050	3,049	Services Other Than Personal		1,521	1,561	1,561
82	---	115	197	197	Maintenance and Fixed Charges		109	128	128
Special Purpose:									
---	111			---	Water Supply	05	---	---	---
2,165	3,094 R	-2,907	298	---	Administrative Costs Water				
	19 R	---	2,184	2,184	Supply Bond Act of 1981 -				
					Management	05	2,269	2,269	2,269
1,649	---	---	1,649	1,582	Administrative Costs Water				
					Supply Bond Act of 1981 -				
					Watershed and Aquifer	05	1,728	1,728	1,728
312	---	---	312	281	Administrative Costs Water				
					Supply Bond Act of 1981 -				
					Planning and Standards	05	324	324	324
---	1,311 R	-950	361	---	Well Permits, Well Driller,				
					Pump Installer Licenses	05	---	---	---
43	---	-23	20	20	Water/Wastewater Operators				
					Licenses	05	43	43	43
2,333	4 R	---	2,337	2,223	Safe Drinking Water Fund	05	2,433	2,433	2,433
---	19	-19	---	---	Division of Smart Growth	06	---	---	---
---	3								
---	61 R	-35	29	---	Wetlands	15	---	---	---
---	739	-154	585	---	Stream Encroachment	15	---	---	---
12	---	-8	4	4	Tidelands Resource Council	15	---	---	---
2,849	2,043 R	---	4,892	4,891	Tidelands Peak Demands	15	3,132	3,132	3,132
580	---	-149	431	431	Office of Permit Information				
					and Assistance	15	---	---	---
2,188	---	92	2,280	2,280	Highlands Permitting	15	2,264	2,264	2,264
75 S	---	---	75	---	New Jersey Coastal and Ocean				
					Protection Council	18	---	---	---
250	---	---	250	250	Hazardous Waste Research	18	250	250	250
19,224	1,181	-2,810	17,595	16,933	Water Resources Monitoring				
					and Planning - Constitutional				
					Dedication	29	19,554	13,176	13,176
---	---	---	---	---	Office of Climate Change and				
					Energy	90	553	373	373
---	2	157	159	126	Additions, Improvements and				
					Equipment		---	---	---
<u>GRANTS-IN-AID</u>									
Distribution by Fund and Program									
400	---	---	400	400	Water Monitoring and Standards	07	---	---	---
2,700	2,231	2,000	6,931	952	Environmental Management -				
					CBT Dedication	29	---	---	---
<u>3,100</u>	<u>2,231</u>	<u>2,000</u>	<u>7,331</u>	<u>1,352</u>	Total Grants-in-Aid		<u>---</u>	<u>---</u>	<u>---</u>
Distribution by Fund and Object									
Grants:									
400	---	---	400	400	Lake Hopatcong Commission	07	---	---	---
---	281	2,000	2,281	2	Stormwater Management				
					Grants	29	---	---	---
<u>2,700</u>	<u>1,950</u>	<u>---</u>	<u>4,650</u>	<u>950</u>	Watershed Restoration Projects	29	<u>---</u>	<u>---</u>	<u>---</u>
<u>46,690</u>	<u>10,818</u>	<u>-1,472</u>	<u>56,036</u>	<u>47,800</u>	Grand Total State Appropriation		<u>43,171</u>	<u>36,413</u>	<u>36,413</u>

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2008					Year Ending June 30, 2010				
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Total Expended	Prog. Class.	2009 Adjusted Approp.	Requested	Recommended	
OTHER RELATED APPROPRIATIONS									
Federal Funds									
22,200	-166	---	22,034	1,734	Water Supply (c)	05	65,354	22,500	22,500
4,750					Water Monitoring and Standards	07	4,450	4,900	4,900
50 ^S	169	-12	4,957	3,030	Land Use Regulation	15	8,050	8,050	8,050
10,050	1,156	---	11,206	3,591	Office of Science Support	18	1,550	1,550	1,550
1,590	1	---	1,591	417	New Jersey Geological Survey	22	390	920	920
370					Environmental Policy and Planning	90	8,215	6,598	6,598
5 ^S	4	---	379	142	Total Federal Funds		88,009	44,518	44,518
6,275	-499	474	6,250	4,058	All Other Funds				
45,290	665	462	46,417	12,972	Water Supply	05	5,586	5,938	5,938
	418				Water Monitoring and Standards	07	---	---	---
---	83 ^R	620	1,121	715	Land Use Regulation	15	2,947	2,930	2,930
---	24	---	24	---	Office of Science Support	18	---	---	---
	1,491				Drinking Water State Revolving Fund	80	3,200	3,200	3,200
---	215 ^R	---	1,706	33	Environmental Policy and Planning	90	1,839	2,786	2,786
---	938	---	2,938	2,174	Total All Other Funds		13,572	14,854	14,854
---	2,000 ^R	---	2,938	2,174	GRAND TOTAL ALL FUNDS		144,752	95,785	95,785
---	112	---	3,397	3,396					
---	3,285 ^R	---	---	---					
---	---	---	---	---					
---	8,566	620	9,186	6,318					
91,980	20,049	-390	111,639	67,090					

Notes -- Direct State Services -- General Fund

- (a) Reflects reorganization of the Division of Science and Research into the Office of Climate Change and Energy.
- (b) The fiscal year 2009 appropriation has been adjusted for the allocation of salary program, which includes \$130,000 in appropriated receipts, and for the annualized savings from the Early Retirement Incentive program and continued attrition.
- (c) 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 appropriated 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 \$166,000, for costs attributable to administration of water supply programs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated 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.), together with an amount not to exceed \$1,272,000, 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 discharges 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 appropriated for the Environmental Management – CBT Dedication 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 the provisions of any law or regulation to the contrary, funds appropriated in the Water Resources Monitoring and Planning– Constitutional Dedication special purpose account shall be made available 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 Forest Resource Management, and \$790,000 transferred to the Department of Agriculture to support the Conservation Cost Share program, at a level of \$540,000, and the Conservation Assistance Program, at a level of \$250,000, on or before September 1, 2009.

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 appropriated 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, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection to offset the costs of the Water Supply program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the individual amounts anticipated for Coastal Area Facility Review Act, Freshwater Wetlands, Stream Encroachment, Waterfront Development, and Wetlands fees, and the unexpended balance at the end of the preceding year of such receipts, are appropriated for administrative costs associated with Land Use Regulation, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year, of the amounts appropriated pursuant to P.L.2004, c.71 from the Water Supply Fund established in Section 14 of the “Water Supply Bond Act of 1981,” P.L.1981, c.261, is appropriated to the Department of Environmental Protection to be used for water supply demonstration projects consistent with the “Water Supply Bond Act of 1981,” P.L.1981, c.261, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amounts anticipated for Well Permits/Well Drillers/Pump Installers Licenses, and the unexpended balances at the end of the preceding year of such receipts, are appropriated to the Department of Environmental Protection for the Water Supply Program and for the Private Well Testing Program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from fees from the Water and Wastewater Operators Licensing Program, and the unexpended balances at the end of the preceding year of such receipts, are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated pursuant to section 9 of P.L.2007, c.340 (C.26:2C–53), from the Global Warming Solutions Fund, established pursuant to section 6 of P.L.2007, c.340 (C.26:2C–50), such sums as may be deposited to the fund to carry out the provisions of the Global Warming Solutions Fund and the “Global Warming Response Act,” P.L.2007, c.112, (C.26:2C–37 et seq.).

All receipts from any voluntary greenhouse gas offsets program implemented by the Department of Environmental Protection are appropriated to the Department of Environmental Protection for the costs of administering the program.

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.

The unexpended balance at the end of the preceding fiscal year in the Watershed Restoration Projects account is appropriated.

There is appropriated to the Lake Hopatcong Commission such sums as may be collected from a boat registration surcharge, or other fees as may be authorized pursuant to separate legislation, for the purposes of continuing operations of the Commission.

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 with development potential, and Resource Conservation and Recovery Act (RCRA) facilities, for cleanup and closure in accordance with applicable regulations.
3. Determine the imminent risk of sites to human health and the environment consistent with legislated mandates 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 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.

ENVIRONMENTAL PROTECTION

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. Promotes the reuse of non-operating landfills, the Landfill Unit provides oversight of landfill remediation, closure and redevelopment through the melding and implementation of solid waste regulations and technical requirements for site remediation. 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 both the State's mandated and voluntary cleanup programs. 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. Provides management assistance and coordination of remedial activities at National Priorities List Site-Cleanups where the projects are led by the federal Environmental Protection Agency, Department of Defense, or Department of Energy. Provides an around-the-clock response program for chemical, biological, radiological, nuclear, and explosive (CBRNE) emergencies. Also operates an around-the-clock communication center, which is the point of initial notification for events and the key point of contact/ communication for many State agencies. The program also reviews preliminary assessment and site investigation reports to determine the approval of child care/ educational facility licenses and conducts periodic inspections of those facilities in the State.

29. **Environmental Management - CBT Dedication.** 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 was expanded to include the provision of loans and grants for site remediation redevelopment of brownfields, pursuant to a November 2003 amendment to the State Constitution.

EVALUATION DATA

	Actual FY 2007	Actual FY 2008	Revised FY 2009	Budget Estimate FY 2010
PROGRAM DATA				
Solid and Hazardous Waste Management				
Annual tonnage of solid waste:				
Generated statewide	21,555,981	22,685,327	23,500,000	24,000,000
Generated per capita (lbs./person/day)	13.30	14.77	15.30	15.62
Recycled statewide	11,406,773	12,401,485	12,900,000	13,300,000
Recycled per capita (lbs./person/day)	6.90	8.07	8.40	8.66
Reduction in solid waste stream due to recycling	52.9%	54.7%	55.5%	56.0%
Annual tonnage of hazardous waste generated statewide				
Disposed	75,985	75,985	75,985	75,985
Incinerated	34,167	34,167	34,167	34,167
Remediation Management and Response				
Responsible Party Remediation:				
ISRA negative declarations	236	227	300	300
ISRA remedial action workplan approvals	2	2	10	10
ISRA remediations monitored	1,612	1,355	1,400	1,400
ISRA remediations completed	236	258	300	300
Voluntary cleanup - remediations monitored	7,008	7,605	7,600	7,000
Voluntary cleanup - remediations completed	3,069	3,259	4,000	4,000
Remedial Response:				
Remedial action workplan approvals	59	64	60	60
Remediation Support:				
Emergency responses total deployments	1,331	1,668	1,350	1,350
Child Care Facilities inspected	84	1,492	1,600	1,600

ENVIRONMENTAL PROTECTION

	Actual FY 2007	Actual FY 2008	Revised FY 2009	Budget Estimate FY 2010
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
Federal	20	20	19	13
All Other	582	585	555	562
Total Positions	602	605	574	575
Filled Positions by Program				
Solid and Hazardous Waste Management	92	92	81	78
Remediation Management and Response	381	377	364	358
Environmental Management – CBT Dedication	129	136	129	139
Total Positions	602	605	574	575

Notes:

Actual payroll counts are reported for fiscal years 2007 and 2008 as of December and revised fiscal year 2009 as of January. The Budget Estimate for fiscal year 2010 reflects the number of positions funded. All Other includes positions supported by fees or other dedicated resources previously reported as State Supported.

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2008					Year Ending June 30, 2010				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2009 Prog. Adjusted Class. Approp.	Requested	Recom- mended	
					<u>DIRECT STATE SERVICES</u>				
					Distribution by Fund and Program				
6,042	3,467	-502	9,007	6,788	Solid and Hazardous Waste Management	23	6,082	5,995	5,995
29,552	17,801	27	47,380	46,785	Remediation Management and Response	27	31,266	31,266	31,266
13,155	3,537	---	16,692	10,549	Environmental Management – CBT Dedication	29	11,732	7,906	7,906
48,749	24,805	-475	73,079	64,122	Total Direct State Services		49,080 ^(a)	45,167	45,167
					Distribution by Fund and Object				
					Personal Services:				
15,544	5,275 ^R	-2,508	18,311	15,321	Salaries and Wages		14,834	14,333	14,333
---	---	---	---	2,990	Employee Benefits		---	---	---
15,544	5,275	-2,508	18,311	18,311	Total Personal Services		14,834	14,333	14,333
166	---	38	204	199	Materials and Supplies		219	165	165
1,866	---	195	2,061	2,059	Services Other Than Personal		2,512	3,177	3,177
389	---	8	397	397	Maintenance and Fixed Charges		592	516	516
					Special Purpose:				
---	1,234	-1,024	2,215	---	Solid and Hazardous Waste Management	23	---	---	---
375	2,005 ^R	---	603	602	Office of Dredging and Sediment Technology	23	405	405	405
---	---	12	12	12	Local Tire Management Program	23	---	---	---
---	---	2,902	2,902	2,468	Remediation Management and Response	27	---	---	---
16,215	9,128 ^R	---	25,343	25,343	Hazardous Discharge Site Cleanup Fund – Responsible Party	27	17,465	17,465	17,465
---	3,129	---	3,129	3,129	Passaic River Cleanup Litigation	27	---	---	---
919	---	27	946	946	Underground Storage Tanks	27	916	916	916
13,155	1,425	---	14,580	9,870	Cleanup Projects Administrative Costs – Constitutional Dedication	29	11,732	7,906	7,906

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2008					Year Ending June 30, 2010			
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2009 Adjusted Approp.	Requested	Recommended
DIRECT STATE SERVICES								
---	1,112	---	2,112	679				
	1,000 ^R							
120	269	-125	264	107	29	---	---	---
						405	284	284
GRANTS-IN-AID								
Distribution by Fund and Program								
8,000	---	---	8,000	8,000	23	---	---	---
8,000	---	---	8,000	8,000		---	---	---
Distribution by Fund and Object								
Grants:								
8,000 ^S	---	---	8,000	8,000	23	---	---	---
CAPITAL CONSTRUCTION								
Distribution by Fund and Program								
---	24	---	24	---	19	---	---	---
64,310	62,372	-12,000	114,682	51,345	29	57,359	38,652	38,652
64,310	62,396	-12,000	114,706	51,345		57,359	38,652	38,652
Distribution by Fund and Object								
Site Remediation								
---	24	---	24	---	19	---	---	---
27,770	62,372	---	90,142	26,805	29	24,769	16,691	16,691
36,540	---	-12,000	24,540	24,540	29	32,590	21,961	21,961
121,059	87,201	-12,475	195,785	123,467		106,439	83,819	83,819
OTHER RELATED APPROPRIATIONS								
Federal Funds								
30,450	436	---	30,886	438	19	30,450	40,450	40,450
2,395	---	---	2,395	1,272	23	2,395	2,395	2,395
6,755					27			
750 ^S	6,139	144	13,788	7,477		10,523	5,700	5,700
40,350	6,575	144	47,069	9,187		43,368	48,545	48,545
All Other Funds								
---	15	---	15	---	19	---	---	---
---	---	---	---	---	23	1,899	2,472	2,472
---	39	---	2,138	1,976	27	20,090	19,726	19,726
---	2,099 ^R	---			29	1,000	1,000	1,000
---	2,153	---	2,153	1,976		22,989	23,198	23,198
161,409	95,929	-12,331	245,007	134,630		172,796	155,562	155,562

Notes -- Direct State Services - General Fund

- (a) The fiscal year 2009 appropriation has been adjusted for the allocation of salary program, which includes \$549,000 in appropriated receipts, and for the annualized savings from the Early Retirement Incentive program and continued attrition.

Language Recommendations -- Direct State Services – General Fund

The amount hereinabove appropriated 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 Development Bond Act of 1996,” together with an amount not to exceed \$280,000 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 \$6,722,000 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 \$10,437,000 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 and the Remediation Management and Response 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 Management – CBT Dedication 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, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Solid and Hazardous Waste Management program classification for costs incurred to oversee the State’s recycling efforts and other solid waste program activities.

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

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.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), monies hereinabove appropriated to the Department of Environmental Protection from the Clean Communities Program Fund shall be provided by the Department to the Clean Communities Council pursuant to a contract between the Department and the Clean Communities Council to implement the requirements of the Clean Communities Program pursuant to subsection d. of section 6 of P.L.2002, c.128 (C.13:1E-218).

There is hereby appropriated from the Petroleum Underground Storage Tank Remediation, Upgrade, and Closure Fund an amount not to exceed \$1,000,000 for costs associated with the Department’s administration of the loan and grant program for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances pursuant to the amendments effective December 8, 2005 to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Private Underground Tank Administrative Costs – Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Passaic River Cleanup Litigation account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Department of Environmental Protection from those facilities submitting environmental assessments required for licensing pursuant to subsection f. of section 7 of P.L.2006, c.47 (C.9:3A-7) and section 5 of P.L.1983, c.492 (C.30:5B-5) such sums as may be collected to offset the Department’s cost related to the environmental inspection of day-care facilities.

Notwithstanding the provisions of any other law or regulation to the contrary, there is appropriated from the New Jersey Spill Compensation Fund an amount of \$6,000,000 for the direct and indirect costs of legal and consulting services associated with litigation related to the Passaic River Cleanup. Future cost recoveries from this litigation, not to exceed \$12,000,000, shall be reimbursed to the New Jersey Spill Compensation Fund, 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 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.

Notwithstanding any other law to the contrary, there is appropriated from the Sanitary Landfill Facility Contingency Fund \$3,000,000 to the Department of Human Services for sewer and water plant upgrades at the Senator Garrett W. Hagedorn Gero-Psychiatric

ENVIRONMENTAL PROTECTION

Hospital, \$500,000 to the Department of Human Services for the closure of a sewage plant and wells at the North Jersey Development Center, and \$1,200,000 to the Division of Juvenile Justice within the Department of Law and Public Safety for septic system improvements at the Regional Community Home in the Pinelands, subject to the approval of the Director of the Division of Budget and Accounting.

All natural resource and other associated 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: direct and indirect costs of remediation, restoration, and clean up; costs for consulting, expert, and legal services incurred in pursuing claims for damages; and grants to local governments and nonprofit organizations to further implement restoration activities of the Office of Natural Resource Restoration.

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 hereinabove appropriated, shall be allocated to the Economic Development Authority's Hazardous Discharge Site Remediation Fund and the Department of the 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, consistent with scientific protocols and as required by the federal government.
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. Responsible for maintaining the capability to respond and provide technical assistance during radiological emergencies. Certifies and inspects businesses and individuals that conduct radon testing and mitigation. 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, administers the Low Emission Vehicle Program, and identifies and implements, where appropriate, programs to reduce emissions of diesel exhaust. 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 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. Monitors 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

ENVIRONMENTAL PROTECTION

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.
29. **Environmental Management – CBT Dedication.** 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. Beginning in 2006, the dedication was expanded to provide grants for the costs of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines and to provide funds for other measures to reduce human exposure to emissions.
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

	Actual FY 2007	Actual FY 2008	Revised FY 2009	Budget Estimate FY 2010
PROGRAM DATA				
Radiation Protection				
X-ray machines inspected	5,660	6,144	5,700	5,700
X-ray machine violations (% of inspected)	20%	15%	20%	20%
Homes tested for radon	58,800	46,200	42,000	42,000
Homes mitigated for radon	3,000	2,900	2,800	2,800
Lung cancers avoided	140	140	140	140
Release Prevention				
Toxic Catastrophe Prevention				
Inspections	180	255	118	150
Accident investigations	1	---	1	1
Right To Know				
Information requests	2,904	3,341	3,000	3,000
Audits for facilities	914	1,089	1,275	1,275
Administrative Orders	255	244	650	650
Public Wastewater Facilities				
Capitalized funding provided for municipal				
infrastructure improvement projects (in millions)	\$ 520.0	\$ 310.0	\$ 215.0	\$ 640.0
Municipal infrastructure improvement projects funded	92	68	33	75
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
All Other	532	519	497	484
Total Positions	532	519	497	484

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	Actual FY 2007	Actual FY 2008	Revised FY 2009	Budget Estimate FY 2010
Filled Positions by Program				
Radiation Protection	85	82	78	77
Air Pollution Control	165	160	155	149
Release Prevention	60	59	60	59
Water Pollution Control	140	133	125	122
Public Wastewater Facilities	54	53	47	46
Environmental Management – CBT Dedication	7	11	11	11
Clean Waters	21	21	21	20
Total Positions	532	519	497	484

Notes:

Actual payroll counts are reported for fiscal years 2007 and 2008 as of December and revised fiscal year 2009 as of January. The Budget Estimate for fiscal year 2010 reflects the number of positions funded. All Other includes positions supported by fees or other dedicated resources previously reported as State Supported.

APPROPRIATIONS DATA
(thousands of dollars)

Year Ending June 30, 2008					Year Ending June 30, 2010				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2009 Adjusted Approp.	Requested	Recommended	
DIRECT STATE SERVICES									
Distribution by Fund and Program									
8,135	1,142	123	9,400	7,800	Radiation Protection	01	8,092	7,014	7,014
17,327	2,572	-338	19,561	18,341	Air Pollution Control	02	16,514	16,514	16,514
8,282	7,188	-300	15,170	10,791	Water Pollution Control	08	8,405	7,905	7,905
3,176	31	-104	3,103	3,102	Public Wastewater Facilities	09	2,840	2,840	2,840
---	517	900	1,417	1,089	Environmental Management – CBT Dedication	29	---	---	---
---	1,889	-1,889	---	---	Clean Waters	70	---	---	---
36,920	13,339	-1,608	48,651	41,123	Total Direct State Services		35,851 (a)	34,273	34,273
Distribution by Fund and Object									
Personal Services:									
20,041	---	2,405	22,446	22,445	Salaries and Wages		20,051	19,980	19,980
20,041	---	2,405	22,446	22,445	Total Personal Services		20,051	19,980	19,980
255	---	-46	209	207	Materials and Supplies		231	175	175
4,908	---	82	4,990	4,990	Services Other Than Personal		3,667	3,335	3,335
203	---	29	232	232	Maintenance and Fixed Charges		276	235	235
Special Purpose:									
2,410	---	---	4,621	3,021	Nuclear Emergency Response	01	2,490	2,490	2,490
1,069 ^S	1,142	---	4,621	3,021			1,078 ^S		
1,743	---	-44	1,699	1,699	Quality Assurance – Lab Certification Programs	01	1,721	1,721	1,721
---	71	---	71	---	Air Pollution Control	02	---	---	---
1,497	195 ^R	---	1,692	1,692	Pollution Prevention	02	1,549	1,549	1,549
1,173	---	-272	901	901	Toxic Catastrophe Prevention	02	1,043	1,043	1,043
1,057	394 ^R	---	1,451	1,450	Worker and Community Right to Know Act	02	1,097	1,097	1,097
---	1,343 ^R	-215	1,128	---	Air Pollution Monitoring and Control Programs	02	---	---	---
2,564	454 ^R	---	3,018	3,018	Oil Spill Prevention	02	2,648	2,648	2,648
---	1,847	---	4,378	---	Water Pollution Control	08	---	---	---
---	5,334 ^R	-2,803	4,378	---	Diesel Risk Mitigation Fund		---	---	---
---	517	900	1,417	1,089	Administrative Costs – Constitutional Dedication	29	---	---	---
---	1,889 ^R	-1,889	---	---	State Revolving Fund – Administrative Costs	70	---	---	---

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2008					Year Ending June 30, 2010			
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	Prog. Class.	2009 Adjusted Approp.	Requested	Recommended
---	153	245	398	379	DIRECT STATE SERVICES			
					Additions, Improvements and Equipment			
						---	---	---
					GRANTS-IN-AID			
					Distribution by Fund and Program			
24,847	36,599	-900	60,546	---	Environmental Management – CBT Dedication			
					29	22,161	14,934	14,934
<u>24,847</u>	<u>36,599</u>	<u>-900</u>	<u>60,546</u>	<u>---</u>	Total Grants-in-Aid			
						<u>22,161</u>	<u>14,934</u>	<u>14,934</u>
					Distribution by Fund and Object			
					Grants:			
24,847	36,599	-900	60,546	---	Diesel Risk Mitigation Fund – Constitutional Dedication			
					29	22,161	14,934	14,934
<u>61,767</u>	<u>49,938</u>	<u>-2,508</u>	<u>109,197</u>	<u>41,123</u>	Grand Total State Appropriation			
						<u>58,012</u>	<u>49,207</u>	<u>49,207</u>
					OTHER RELATED APPROPRIATIONS			
					Federal Funds			
500	---	---	500	258	Radiation Protection			
					01	500	500	500
6,448	1,603	-78	7,973	5,173	Air Pollution Control			
					02	8,148	6,750	6,750
65,000	---	---	65,000	---	Public Wastewater Facilities (b)			
					09	189,400	28,000	28,000
510	23	12	545	125	Water Monitoring and Planning			
					16	110	145	145
<u>72,458</u>	<u>1,626</u>	<u>-66</u>	<u>74,018</u>	<u>5,556</u>	Total Federal Funds			
						<u>198,158</u>	<u>35,395</u>	<u>35,395</u>
					All Other Funds			
---	172	---	455	307	Radiation Protection			
	283 ^R				01	465	3,605	3,605
---	284	---	953	672	Air Pollution Control			
	151 ^R	518			02	2,445	3,028	3,028
---	---	---	---	---	Water Pollution Control			
					08	4,900	4,900	4,900
---	2	---	2	---	Public Wastewater Facilities			
	7				09	1,592	1,729	1,729
---	1,343 ^R	1,889	3,239	2,534	Clean Waters			
	2,242	2,407	4,649	3,513	70	1,112	1,200	1,200
<u>134,225</u>	<u>53,806</u>	<u>-167</u>	<u>187,864</u>	<u>50,192</u>	Total All Other Funds			
						<u>10,514</u>	<u>14,462</u>	<u>14,462</u>
					GRAND TOTAL ALL FUNDS			
						<u>266,684</u>	<u>99,064</u>	<u>99,064</u>

Notes -- Direct State Services – General Fund

- (a) The fiscal year 2009 appropriation has been adjusted for the allocation of salary program, the annualized savings from the Early Retirement Incentive program and continued attrition, and the reallocation of procurement efficiencies.
- (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 appropriated 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 \$685,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated 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 appropriated for the Pollution Prevention account is payable from receipts received pursuant to the "Pollution Prevention Act," P.L.1991, c.235 (C.13:1D-35 et seq.), together with an amount not to exceed \$645,000, 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 appropriated 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 \$551,000, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove appropriated 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 \$1,302,000, 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

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(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.

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.

Receipts in excess of those anticipated from Air Permitting Minor Source Fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection for expansion of the Air Pollution Control program, and for County Environmental Health Act agencies to inspect non-major source facilities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision of subsection b. of section 1 of P.L.2005, c.202 (C.58:11B-10.2) or any law or regulation to the contrary, in addition to the amount anticipated to the General Fund from the Environmental Infrastructure Financing Program Administrative Fee, there is appropriated \$1,729,000 to the Department of Environmental Protection for associated administrative and operating expenses, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Diesel Risk Mitigation Fund – Constitutional Dedication, an amount not to exceed \$1,150,000 shall be appropriated for costs associated with the administration of the program pursuant to the amendments effective December 8, 2005, to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Diesel Risk Mitigation Fund Administrative Costs – Constitutional Dedication account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

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

The amount hereinabove appropriated for the Diesel Risk Mitigation Fund – 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. The unexpended balance at the end of the preceding fiscal year in the Diesel Risk Mitigation Fund – Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, funds hereinabove appropriated from the Diesel Risk Mitigation Fund – Constitutional Dedication account may be used to reimburse the owner of a regulated vehicle or regulated equipment as defined by section 2 of P.L.2005, c.219 (C.26:2C-8.27) for the cost of repowering or rebuilding a diesel engine if repowering or rebuilding results in a reduction of fine particle diesel emissions from that engine as approved by the Department of Environmental Protection and in accordance with rules adopted pursuant thereto. Any reimbursement shall be subject to conditions and limitations provided in P.L.2005, c.219 (C.26:2C-8.26 et seq.) and rules adopted pursuant thereto and shall not exceed the amount of the lowest priced retrofit device on the State Contract at the prescribed best available retrofit technology level for the subject vehicle or equipment type.

Funds appropriated from the Diesel Risk Mitigation Fund – Constitutional Dedication account, not to exceed a total of \$5,000,000 may be used to reimburse the owner of a regulated school bus as defined by section 2 of P.L.2005, c.219 (C.26:2C-8.27) for the cost of installing Best Available Retrofit Technology, as approved by the Department of Environmental Protection and in advance of regulations requiring Best Available Retrofit Technology on school buses, in accordance with reimbursement conditions and limitations provided in P.L.2005, c.219 (C.26:2C-8.26 et seq.) and rules adopted pursuant thereto.

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.
5. To increase transparency and encourage public understanding of the DEP, and provide the public with timely information through outreach and access to the Department, through the Open Public Records Act.

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 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. 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. Also receives and processes Open Public Records Act requests.

ENVIRONMENTAL PROTECTION

EVALUATION DATA

	Actual FY 2007	Actual FY 2008	Revised FY 2009	Budget Estimate FY 2010
PROGRAM DATA				
Administration and Support Services				
Affirmative Action Data				
Male Minority	262	262	266	268
Male Minority %	7.9	8.1	8.2	8.2
Female Minority	304	294	300	304
Female Minority %	9.2	9.1	9.2	9.3
Total Minority	566	556	566	572
Total Minority %	17.1	17.2	17.4	17.5
Open Public Records Act (OPRA) Data				
Number of OPRA requests received	12,362	14,326	14,326	15,000
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
State Supported	298	288	261	255
All Other	31	31	31	31
Total Positions	329	319	292	286
Filled Positions by Program				
Regulatory and Governmental Affairs	32	30	24	23
Administration and Support Services	297	289	268	263
Total Positions	329	319	292	286

Notes:

Actual payroll counts are reported for fiscal years 2007 and 2008 as of December, and revised fiscal year 2009 as of January. The Budget Estimate for fiscal year 2010 reflects the number of positions funded. All Other includes positions supported by fees or other dedicated resources previously reported as State Supported.

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2008					Year Ending June 30, 2010				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Total Expended	Prog. Class.	2009 Adjusted Approp.	Requested	Recom- mended	
<u>DIRECT STATE SERVICES</u>									
Distribution by Fund and Program									
2,005	---	111	2,116	2,116	Regulatory and Governmental Affairs	26	1,595	1,595	1,595
18,887	4	1,366	20,257	20,257	Administration and Support Services	99	18,344	18,413	18,413
20,892	4	1,477	22,373	22,373	Total Direct State Services		19,939 ^(a)	20,008	20,008
Distribution by Fund and Object									
Personal Services:									
17,973	---	1,730	19,703	19,703	Salaries and Wages		17,206	17,103	17,103
17,973	---	1,730	19,703	19,703	Total Personal Services		17,206	17,103	17,103
96	---	-41	55	55	Materials and Supplies		102	265	265
1,055	---	-121	934	934	Services Other Than Personal		905	963	963
170	---	-10	160	160	Maintenance and Fixed Charges		228	179	179
Special Purpose:									
1,500	---	---	1,500	1,500	New Jersey Environmental Management System	99	1,400	1,400	1,400
98	---	-98	---	---	Affirmative Action and Equal Employment Opportunity	99	98	98	98
---	4	17	21	21	Additions, Improvements and Equipment		---	---	---

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2008					Year Ending June 30, 2010			
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2009 Adjusted Approp.	Requested	Recommended
STATE AID								
Distribution by Fund and Program								
17,591	291	112	17,994	17,809	Administration and Support Services	99	16,658	16,642
7,763	291	112	8,166	7,981	(From General Fund)		6,658	6,642
9,828	---	---	9,828	9,828	(From Property Tax Relief Fund)		10,000	10,000
17,591	291	112	17,994	17,809	Total State Aid		16,658	16,642
7,763	291	112	8,166	7,981	(From General Fund)		6,658	6,642
9,828	---	---	9,828	9,828	(From Property Tax Relief Fund)		10,000	10,000
Distribution by Fund and Object								
State Aid:								
1,515	291	---	1,806	1,621	Mosquito Control, Research, Administration and Operations	99	1,410	1,410
9,500	---	---	9,828	9,828	Payment In Lieu of Taxes (PTRF)	99	10,000	10,000
328 ^S	---	---	3,000	3,000	Administration and Operations of the Highlands Council	99	2,400	2,400
3,000	---	112	3,360	3,360	Administration, Planning and Development Activities of the Pinelands Commission	99	2,848	2,832
3,248	---	---	---	---	CAPITAL CONSTRUCTION			
Distribution by Fund and Program								
---	---	150	150	---	Administration and Support Services	99	---	---
---	---	150	150	---	Total Capital Construction		---	---
Distribution by Fund and Object								
Administrative Operations								
---	---	150	150	---	Mosquito Control Equipment	99	---	---
38,483	295	1,739	40,517	40,182	Grand Total State Appropriation		36,597	36,650
OTHER RELATED APPROPRIATIONS								
56,790	---	8,941	65,731	65,730	Total Debt Service		59,735	42,452
Federal Funds								
150	---	---	150	---	Regulatory and Governmental Affairs	26	150	150
2,300	---	---	2,636	285	Administration and Support Services	99	2,350	2,450
50 ^S	286	---	2,786	285	Total Federal Funds		2,500	2,600
2,500	286	---	---	---	All Other Funds			
---	63	---	63	5	Regulatory and Governmental Affairs	26	---	---
---	2,106	---	3,207	2,146	Administration and Support Services	99	114	120
---	117 ^R	984	3,270	2,151	Total All Other Funds		114	120
---	2,286	984	112,304	108,348	GRAND TOTAL ALL FUNDS		98,946	81,822
97,773	2,867	11,664	---	---			81,822	81,822

Notes -- Direct State Services -- General Fund

(a) The fiscal year 2009 appropriation has been adjusted for the allocation of salary program, the annualized savings from the Early Retirement Incentive program and continued attrition, and the reallocation of procurement efficiencies.

Language Recommendations -- Direct State Services -- General Fund

The unexpended balance at the end of the preceding fiscal year in the Office of the Records Custodian Open Public Records Act account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

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 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 hereinabove appropriated for Payment in Lieu of Taxes is insufficient to compensate municipalities for land owned by the State for recreation and conservation 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 for the program, 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 law or regulation 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.

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 Department of Corrections, the Department of Health and Senior Services, and the United States Army Corps of Engineers in programs that 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. Conducts investigations based on citizen complaints of air pollution. 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 New Jersey. 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. Formal enforcement actions are also issued for violations in the Water Allocation Program and against State-certified laboratories that 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 and 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 solid waste, hazardous waste, regulated medical 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, the New Jersey Solid Waste Management Act, and the Solid Waste Utility Control Act.

ENVIRONMENTAL PROTECTION

Activities include such compliance assistance functions as environmental audits, grace periods, and supplemental environmental projects as well as conventional inspections, investigations, transporter and regulated medical waste generator licensing, and, when necessary, formal enforcement actions.

29. **Environmental Management – CBT Dedication.** 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 is 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.

EVALUATION DATA

	Actual FY 2007	Actual FY 2008	Revised FY 2009	Budget Estimate FY 2010
PROGRAM DATA				
Air Pollution Control				
Investigations and inspections	6,500	6,200	5,580	5,580
Pesticide Control				
Investigations and inspections	963	815	800	800
Pesticide products regulated	12,462	12,755	12,500	12,500
Pesticide licenses and permits	17,226	17,546	17,300	17,300
Water Pollution Control				
Inspections	4,500	4,928	4,555	4,500
Clean Shores:				
Miles of beaches cleaned	135	113	120	120
Tons of debris removed	2,430	2,066	2,300	2,300
Land Use Regulation				
Investigations and inspections	1,835	1,060	860	860
Solid and Hazardous Waste Management				
Hazardous waste annual inspections	2,397	2,406	2,100	2,100
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
Federal	20	19	17	18
All Other	337	331	308	302
Total Positions	357	350	325	320
Filled Positions by Program				
Air Pollution Control	73	70	65	63
Pesticide Control	37	36	35	35
Water Pollution Control	97	97	90	88
Land Use Regulation	32	29	25	27
Solid and Hazardous Waste Management	104	98	91	88
Environmental Management – CBT Dedication	14	20	19	19
Total Positions	357	350	325	320

Notes:

Actual payroll counts are reported for fiscal years 2007 and 2008 as of December and revised fiscal year 2009 as of January. The Budget Estimate for fiscal year 2010 reflects the number of positions funded. All Other includes positions supported by fees or other dedicated resources previously reported as State Supported.

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2008					Year Ending June 30, 2010			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2009 Adjusted Approp.	Requested	Recom- mended
DIRECT STATE SERVICES								
Distribution by Fund and Program								
7,836	1,528	561	9,925	8,373	Air Pollution Control	02	4,516	4,516
2,468	---	-79	2,389	2,388	Pesticide Control	04	2,525	2,525
6,161	---	768	6,929	6,924	Water Pollution Control	08	6,251	6,251
1,998	561	-32	2,527	2,526	Land Use Regulation	15	1,972	1,972
6,347	---	344	6,691	6,691	Solid and Hazardous Waste Management	23	6,275	6,275
---	1,762	2,000	3,762	2,196	Environmental Management – CBT Dedication	29	---	---
24,810	3,851	3,562	32,223	29,098	Total Direct State Services		21,539^(a)	21,539
								21,539

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Year Ending June 30, 2008					Year Ending June 30, 2010				
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	Prog. Class.	2009 Adjusted Approp.	Requested	Recommended	
DIRECT STATE SERVICES									
Distribution by Fund and Object									
Personal Services:									
17,184	---	1,635	18,819	18,819		16,976	16,732	16,732	
					Salaries and Wages				
<i>17,184</i>	<i>---</i>	<i>1,635</i>	<i>18,819</i>	<i>18,819</i>		<i>16,976</i>	<i>16,732</i>	<i>16,732</i>	
182	---	-28	154	153		73	84	84	
					Materials and Supplies				
2,722						2,629	3,053	3,053	
3,250 ^S	1,501	-1,253	6,220	4,720		833	642	642	
512	---	66	578	578					
					Services Other Than Personal				
					Maintenance and Fixed Charges				
Special Purpose:									
960	561 ^R	---	1,521	1,521	15	1,028	1,028	1,028	
					Tidelands Peak Demands				
---	1,762	2,000	3,762	2,196					
					Underground Storage Tank Inspection Program - Constitutional Dedication	29	---	---	---
---	27	1,142	1,169	1,111		---	---	---	
					Additions, Improvements and Equipment				
STATE AID									
Distribution by Fund and Program									
3,453	---	---	3,453	3,448	08	2,700	2,700	2,700	
					Water Pollution Control				
<i>3,453</i>	<i>---</i>	<i>---</i>	<i>3,453</i>	<i>3,448</i>		<i>2,700</i>	<i>2,700</i>	<i>2,700</i>	
					<i>Total State Aid</i>		<i>2,700</i>	<i>2,700</i>	<i>2,700</i>
Distribution by Fund and Object									
State Aid:									
3,453	---	---	3,453	3,448	08	2,700	2,700	2,700	
					County Environmental Health Act				
28,263	3,851	3,562	35,676	32,546		24,239	24,239	24,239	
					<i>Grand Total State Appropriation</i>		<i>24,239</i>	<i>24,239</i>	<i>24,239</i>
OTHER RELATED APPROPRIATIONS									
Federal Funds									
1,802	---	78	1,880	1,870	02	1,802	2,000	2,000	
					Air Pollution Control				
570	15	---	585	483	04	571	570	570	
					Pesticide Control				
486 ^S	---	---	486	---	08	---	700	700	
					Water Pollution Control				
600	496	---	1,096	497	15	600	600	600	
					Land Use Regulation				
2,500	9	---	2,509	2,103	23	2,500	2,500	2,500	
					Solid and Hazardous Waste Management				
<i>5,958</i>	<i>520</i>	<i>78</i>	<i>6,556</i>	<i>4,953</i>		<i>5,473</i>	<i>6,370</i>	<i>6,370</i>	
					<i>Total Federal Funds</i>		<i>6,370</i>	<i>6,370</i>	
All Other Funds									
---	455	---	2,475	1,518	02	520	670	670	
					Air Pollution Control				
---	2,020 ^R	---	---	---	04	600	600	600	
					Pesticide Control				
---	1,939	1,007 ^R	2,800	1,032	08	900	1,000	1,000	
					Water Pollution Control				
---	---	---	---	---	15	689	711	711	
					Land Use Regulation				
---	1	---	3	---	23	3	3	3	
					Solid and Hazardous Waste Management				
---	5,424	-146	5,278	2,550		2,712	2,984	2,984	
					<i>Total All Other Funds</i>		<i>2,984</i>	<i>2,984</i>	
<i>34,221</i>	<i>9,795</i>	<i>3,494</i>	<i>47,510</i>	<i>40,049</i>		<i>32,424</i>	<i>33,593</i>	<i>33,593</i>	
					<i>GRAND TOTAL ALL FUNDS</i>		<i>33,593</i>	<i>33,593</i>	

Notes -- Direct State Services - General Fund

(a) The fiscal year 2009 appropriation has been adjusted for the allocation of salary program, the annualized savings from the Early Retirement Incentive program and continued attrition, and the reallocation of procurement efficiencies.

Language Recommendations -- Direct State Services - General Fund

Notwithstanding the provisions of any law or regulation to the contrary, 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 \$240,000 for the cost of providing monitoring, surveillance and enforcement activities for the Cooperative Coastal Monitoring Program, an amount not to exceed \$10,000 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

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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 into 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.

Receipts in excess of the amount anticipated for Pesticide Fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection, subject to the approval of the Director of the Division of Budget and Accounting.

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The amounts hereinabove appropriated for the Tidelands Peak Demands account are payable from receipts derived from the sales, grants, leases, licensing, and rentals of State riparian lands. If receipts are less than anticipated, the appropriation shall be reduced proportionately. In addition, there is appropriated an amount not to exceed \$3,622,000 from the same source for other administrative costs, including legal services, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, with regard to the fee-related appropriations provided hereinabove, 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 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 herein dedicated, shall be deposited into the State General Fund without regard to their specific dedication.

Notwithstanding the provisions of any law or regulation to the contrary, of the Federal Fund amounts hereinabove 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 law or regulation 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.

Receipts in excess of \$7,210,000 anticipated for Air Pollution, Clean Water Enforcement, Land Use, Solid Waste, and Hazardous Waste fines, not to exceed \$1,500,000, and the unexpended balance at the end of the preceding fiscal year 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 the amount anticipated from New Jersey Pollutant Discharge Elimination System/Stormwater Permits, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection to offset the costs of the Water Pollution Control Program, 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 or regulation to the contrary, of the amounts hereinabove 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.

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 hereinabove appropriated for environmental restoration and mitigation, the Department of Environmental Protection may enter into agreements with the United States Army Corps of Engineers to provide the State's matching share to any federally authorized restoration or mitigation projects.