

ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION OVERVIEW

Mission

Since its establishment in 1970, the core mission of the Department of Environmental Protection has been and will continue to be the protection of the air, waters, land, and natural and historic resources of the State to ensure continued public benefit. The Department's mission is advanced through effective and balanced implementation and enforcement of environmental laws to protect these resources and the health and safety of New Jersey residents.

At the same time, the DEP recognizes the interconnection of the health of the State's environment and its economy; understands how its actions impact economic growth; and knows that environmental stewardship and economic growth are not mutually exclusive goals. The Department will continue to protect New Jersey's environment while playing a positive, key role in the economic growth of the State.

Goals

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 the public trust through sound management and restoration of natural resources and by ensuring public access to the State's parks, forests and wildlife management areas, the waterfront, protected open space, and historic sites; 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 of environmental regulations and conserva-

tion of natural resources; 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.

Organizationally, the DEP has seven major divisions: Natural and Historic Resources, Land Use Management, Water Resource Management, Site Remediation, Climate and Environmental Management, Compliance and Enforcement, and Economic Growth and Green Energy. 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 2012 Budget for the Department of Environmental Protection (DEP), totals \$353.7 million, a decrease of \$38.6 million, or 9.8%, over the fiscal 2011 adjusted appropriation of \$392.3 million. This decrease reflects a \$56.2 million reduction in General Obligation debt service costs and a \$17.4 million increase for constitutionally required program funding, as dictated by the annual 4% constitutional dedication of revenues from the Corporation Business Tax for various environmental purposes.

As part of the Department's transformation plan to effectively carry out its mission, existing funding from various programs has been reallocated to create the Office of Economic Growth and Green Energy.

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

Year Ending June 30, 2010					Year Ending June 30, 2012			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2011 Adjusted Approp.	Requested	Recom- mended
					GENERAL FUND			
217,919	67,365	575	285,859	247,336	Direct State Services	210,986	214,903	214,903
14,934	79,459	-1,639	92,754	19,048	Grants-In-Aid	17,567	20,528	20,528
9,342	116	391	9,849	9,607	State Aid	8,217	8,680	8,680
77,078	110,383	-7,916	179,545	89,659	Capital Construction	92,466	102,741	102,741
60,538	---	-25,352	35,186	35,186	Debt Service	63,038	6,819	6,819
379,811	257,323	-33,941	603,193	400,836	Total General Fund	392,274	353,671	353,671
379,811	257,323	-33,941	603,193	400,836	Total Appropriation, Department of Environmental Protection	392,274	353,671	353,671

SUMMARY OF APPROPRIATIONS BY PROGRAM (thousands of dollars)

Year Ending June 30, 2010					Year Ending June 30, 2012			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2011 Adjusted Approp.	Requested	Recom- mended
					DIRECT STATE SERVICES - GENERAL FUND			
					Natural Resource Management			
7,120	579	836	8,535	7,647	Forest Resource Management	7,024	6,530	6,530
31,823	9,050	42	40,915	32,125	Parks Management	21,978	27,391	27,391
13,561	4,924	-246	18,239	15,912	Hunters' and Anglers' License Fund	13,932	13,532	13,532
1,775	---	213	1,988	1,988	Shellfish and Marine Fisheries Management	846	846	846
1,113	572	-42	1,643	983	Wildlife Management	188	364	364

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2010					Year Ending June 30, 2012			
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended		2011 Adjusted Approp.	Requested	Recommended
1,158	507	5,095	6,760	5,949	Natural Resources Engineering	1,227	1,227	1,227
2,728	---	-24	2,704	2,600	Palisades Interstate Park Commission	2,568	2,568	2,568
---	964	659	1,623	856	Environmental Management - CBT Dedication	---	---	---
59,278	16,596	6,533	82,407	68,060	<i>Subtotal</i>	47,763	52,458	52,458
					Science and Technical Programs			
8,453	5,263	-829	12,887	10,928	Water Supply	8,682	8,504	8,504
12,690	2,689	-644	14,735	14,375	Land Use Regulation	13,513	12,022	12,022
1,322	---	-48	1,274	1,253	Office of Science Support	1,513	250	250
---	---	354	354	354	New Jersey Geological Survey	---	---	---
13,176	2,366	-51	15,491	12,764	Environmental Management - CBT Dedication	15,500	18,112	18,112
772	---	-102	670	670	Environmental Policy and Planning	709	1,905	1,905
36,413	10,318	-1,320	45,411	40,344	<i>Subtotal</i>	39,917	40,793	40,793
					Site Remediation and Waste Management			
5,995	2,627	-316	8,306	5,997	Solid and Hazardous Waste Management	5,957	5,217	5,217
31,266	13,002	-27	44,241	43,249	Remediation Management and Response	32,307	31,357	31,357
7,906	7,322	---	15,228	10,590	Environmental Management - CBT Dedication	9,300	10,867	10,867
45,167	22,951	-343	67,775	59,836	<i>Subtotal</i>	47,564	47,441	47,441
					Environmental Regulation			
7,699	2,587	-308	9,978	6,931	Radiation Protection	6,983	6,263	6,263
16,514	1,098	-356	17,256	17,017	Air Pollution Control	16,951	16,784	16,784
7,905	6,105	-1,021	12,989	9,673	Water Pollution Control	8,175	7,943	7,943
2,840	10	-289	2,561	2,551	Public Wastewater Facilities	2,824	2,781	2,781
---	342	900	1,242	635	Environmental Management - CBT Dedication	---	---	---
---	1,729	-1,729	---	---	Clean Waters	---	---	---
34,958	11,871	-2,803	44,026	36,807	<i>Subtotal</i>	34,933	33,771	33,771
					Environmental Planning and Administration			
1,595	---	-211	1,384	1,384	Regulatory and Governmental Affairs	1,646	1,646	1,646
18,413	244	-378	18,279	17,505	Administration and Support Services	17,338	16,813	16,813
20,008	244	-589	19,663	18,889	<i>Subtotal</i>	18,984	18,459	18,459
					Compliance and Enforcement			
5,072	1,536	-1,201	5,407	4,646	Air Pollution Control	4,642	4,607	4,607
2,525	1,065	-97	3,493	2,614	Pesticide Control	2,664	2,629	2,629
6,251	---	71	6,322	6,271	Water Pollution Control	6,067	5,843	5,843
1,972	423	-57	2,338	2,337	Land Use Regulation	2,047	2,532	2,532
6,275	---	-219	6,056	6,055	Solid and Hazardous Waste Management	6,405	6,370	6,370
---	2,361	600	2,961	1,477	Environmental Management - CBT Dedication	---	---	---
22,095	5,385	-903	26,577	23,400	<i>Subtotal</i>	21,825	21,981	21,981
217,919	67,365	575	285,859	247,336	Total Direct State Services - General Fund	210,986	214,903	214,903
217,919	67,365	575	285,859	247,336	TOTAL DIRECT STATE SERVICES	210,986	214,903	214,903
					GRANTS-IN-AID - GENERAL FUND			
					Natural Resource Management			
---	13	---	13	---	Natural Resources Engineering	---	---	---
---	13	---	13	---	<i>Subtotal</i>	---	---	---

ENVIRONMENTAL PROTECTION

Orig. & (S)Supple- mental	Year Ending June 30, 2010				2011 Adjusted Approp.	Year Ending June 30, 2012		
	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		Requested	Recom- mended	
---	3,655	-739	2,916	2,128				
---	3,655	-739	2,916	2,128				
14,934	75,791	-900	89,825	16,920				
14,934	75,791	-900	89,825	16,920				
14,934	79,459	-1,639	92,754	19,048				
14,934	79,459	-1,639	92,754	19,048				
Science and Technical Programs								
					Environmental Management - CBT Dedication	---	---	---
					<i>Subtotal</i>	---	---	---
Environmental Regulation								
					Environmental Management - CBT Dedication	17,567	20,528	20,528
					<i>Subtotal</i>	17,567	20,528	20,528
					Total Grants-In-Aid - General Fund	17,567	20,528	20,528
					TOTAL GRANTS-IN-AID	17,567	20,528	20,528
STATE AID - GENERAL FUND								
Site Remediation and Waste Management								
---	---	25	25	22	Remediation Management and Response	---	---	---
---	---	25	25	22	<i>Subtotal</i>	---	---	---
Environmental Planning and Administration								
6,642	116	-405	6,353	6,123	Administration and Support Services	5,517	5,980	5,980
6,642	116	-405	6,353	6,123	<i>Subtotal</i>	5,517	5,980	5,980
Compliance and Enforcement								
2,700	---	771	3,471	3,462	Water Pollution Control	2,700	2,700	2,700
2,700	---	771	3,471	3,462	<i>Subtotal</i>	2,700	2,700	2,700
9,342	116	391	9,849	9,607	Total State Aid - General Fund	8,217	8,680	8,680
9,342	116	391	9,849	9,607	TOTAL STATE AID	8,217	8,680	8,680
CAPITAL CONSTRUCTION								
Natural Resource Management								
---	1,412	---	1,412	246	Parks Management	---	---	---
---	58	---	58	18	Hunters' and Anglers' License Fund	---	---	---
25,250	23,141	-5,257	43,134	30,107	Natural Resources Engineering	31,500	31,500	31,500
13,176	26,340	-659	38,857	10,252	Environmental Management - CBT Dedication	15,500	18,112	18,112
38,426	50,951	-5,916	83,461	40,623	<i>Subtotal</i>	47,000	49,612	49,612
Site Remediation and Waste Management								
38,652	59,340	-2,000	95,992	49,036	Environmental Management - CBT Dedication	45,466	53,129	53,129
38,652	59,340	-2,000	95,992	49,036	<i>Subtotal</i>	45,466	53,129	53,129
Environmental Planning and Administration								
---	92	---	92	---	Administration and Support Services	---	---	---
---	92	---	92	---	<i>Subtotal</i>	---	---	---
77,078	110,383	-7,916	179,545	89,659	TOTAL CAPITAL CONSTRUCTION	92,466	102,741	102,741

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2010					Year Ending June 30, 2012			
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended		2011 Adjusted Approp.	Requested	Recommended
60,538	---	-25,352	35,186	35,186	DEBT SERVICE			
					Environmental Planning and Administration			
					Administration and Support Services	63,038	6,819	6,819
60,538	---	-25,352	35,186	35,186	<i>Subtotal</i>	63,038	6,819	6,819
60,538	---	-25,352	35,186	35,186	TOTAL DEBT SERVICE	63,038	6,819	6,819
379,811	257,323	-33,941	603,193	400,836	<i>Total Appropriation,</i>			
					<i>Department of Environmental Protection</i>	392,274	353,671	353,671

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 forest lands management; forest insect and disease control; forest conservation and education; reforestation and tree improvement; and State lands management.

- 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.

- 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.

- 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.

- 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.

ENVIRONMENTAL PROTECTION

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 was expanded to provide funding for the development and conservation of recreational lands.

EVALUATION DATA

	Actual FY 2009	Actual FY 2010	Revised FY 2011	Budget Estimate FY 2012
PROGRAM DATA				
Forest Resource Management				
Fires (annual)	1,054	833	1,600	1,600
Acres lost (annual)	3,361	2,649	7,000	5,000
Acres of prescribed burning	21,616	2,287	15,000	15,000
Parks Management				
State parks and forests				
Total visitors	17,092,200	18,116,000	17,750,000	18,000,000
Total revenue (millions)	\$7.1	\$7.8	\$7.4	\$7.5
Historic sites				
Visitors	1,090,800	709,000	900,000	901,000
Revenue	\$ 77,600	\$ 108,000	\$ 95,000	\$ 96,000
Green Acres/ Open Space Preservation				
Acres preserved	14,179	7,056	7,000	15,000
Acres preserved since inception of GSPT (a)	197,920	204,976	211,976	226,976
State funding (millions)	\$80.0	\$66.0	\$100.0	\$105.0
County/ Municipal funding (millions)	\$65.0	\$120.0	\$55.0	\$55.0
County/ Municipal dedicated tax revenue (millions)	\$300.0	\$285.0	\$275.6	\$275.0
Non-profit funding (millions)	\$8.0	\$20.0	\$9.0	\$9.0
Hunters' and Anglers' License Fund				
Trout propagated and distributed	952,735	923,019	920,000	920,000
Pheasants reared at game farms	59,360	60,000	60,000	60,000
Other fish propagated and distributed	1,106,839	1,032,200	1,032,200	1,032,200
Natural Resources Engineering				
Shore Protection Fund Projects				
Cubic yards of sand pumped (millions)	3.25	6.50	1.80	2.50
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
State Supported	582	561	516	554
Federal	5	---	---	4
All Other	280	275	267	261
Total Positions	867	836	783	819
Filled Positions by Program				
Forest Resource Management	106	104	94	110
Parks Management	487	464	428	442
Hunters' and Anglers' License Fund	161	156	157	156
Shellfish and Marine Fisheries Management	39	39	39	39

ENVIRONMENTAL PROTECTION

	Actual FY 2009	Actual FY 2010	Revised FY 2011	Budget Estimate FY 2012
Wildlife Management	19	19	14	17
Natural Resources Engineering	55	54	51	55
Total Positions	867	836	783	819

Notes:

Actual payroll counts are reported for fiscal years 2009 and 2010 as of December, and revised fiscal year 2011 as of January. The Budget Estimate for fiscal year 2012 reflects the number of positions funded.

(a) Garden State Preservation Trust (GSPT)

**APPROPRIATIONS DATA
(thousands of dollars)**

Year Ending June 30, 2010					Year Ending June 30, 2012			
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2011 Adjusted Approp.	Requested	Recommended
DIRECT STATE SERVICES								
Distribution by Fund and Program								
7,120	579	836	8,535	7,647	11	7,024	6,530	6,530
31,823	9,050	42	40,915	32,125	12	21,978	27,391	27,391
13,561	4,924	-246	18,239	15,912	13	13,932	13,532	13,532
1,775	---	213	1,988	1,988	14	846	846	846
1,113	572	-42	1,643	983	20	188	364	364
1,158	507	5,095	6,760	5,949	21	1,227	1,227	1,227
2,728	---	-24	2,704	2,600	24	2,568	2,568	2,568
---	964	659	1,623	856	29	---	---	---
59,278	16,596	6,533	82,407	68,060		47,763^(a)	52,458	52,458
Distribution by Fund and Object								
Personal Services:								
37,459	4,383							
392 ^S	2,484 ^R	6,654	51,372	41,830		24,737	29,983	29,983
---	---	---	---	3,812		400 ^S	3,458	3,458
						3,315		
37,851	6,867	6,654	51,372	45,642		28,452	33,441	33,441
5,276	734	253	6,263	5,315		4,980	5,160	5,160
3,264	192	864	4,320	3,994		2,859	3,083	3,083
3,265	120	-155	3,230	3,144		2,570	1,696	1,696
Special Purpose:								
2,259	---	-677	1,582	1,582	11	2,259	2,259	2,259
---	3,486							
---	2,551 ^R	-2,457	3,580	---	12	---	---	---
5,092	---	---	5,092	4,713	12	---	---	---
382	---	---	382	382	12	5,228	5,228	5,228
					20	---	---	---
158	546	---	730	130	20	188	364	364
573	26 ^R	-42	531	471	20	---	---	---
---	---	364	364	363	21	---	---	---
1,158	---	-162	996	996	21	1,227	1,227	1,227
---	15	---						
---	302 ^R	---	317	---	21	---	---	---
---	964	659	1,623	856	29	---	---	---
---	793	1,232	2,025	472		---	---	---

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2010					Year Ending June 30, 2012				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2011 Adjusted Approp.	Requested	Recommended	
GRANTS-IN-AID									
Distribution by Fund and Program									
---	13	---	13	---	21	---	---	---	---
					Natural Resources Engineering				
---	13	---	13	---	Total Grants-in-Aid				
Distribution by Fund and Object									
Grants:									
---	13 ^R	---	13	---	21	---	---	---	---
					Significant Hazard Dams Grants/Loans				
CAPITAL CONSTRUCTION									
Distribution by Fund and Program									
---	1,412	---	1,412	246	12	---	---	---	---
					Parks Management				
---	58	---	58	18					
					Hunters' and Anglers' License Fund				
25,250	23,141	-5,257	43,134	30,107	21	31,500	31,500	31,500	31,500
					Natural Resources Engineering				
13,176	26,340	-659	38,857	10,252	29	15,500	18,112	18,112	18,112
					Environmental Management - CBT Dedication				
38,426	50,951	-5,916	83,461	40,623	47,000		49,612	49,612	49,612
					Total Capital Construction				
Distribution by Fund and Object									
Bureau of Parks									
---	2	---	2	2	12	---	---	---	---
					Parks Improvements				
---	25	---	25	22					
					Historic Preservation/Renovation - Buildings, Structures and Monuments				
---	1,260	---	1,260	157	12	---	---	---	---
					Capital Improvements for State Parks, Forests, Historic Sites, Wildlife Areas				
---	111	---	111	65	12	---	---	---	---
					Buildings - Rehabilitation and Renovation				
---	14	---	14	---	12	---	---	---	---
					Dam Repairs and Inspections				
13,176	26,340	-659	38,857	10,252	29	15,500	18,112	18,112	18,112
					Recreational Land Development and Conservation- Constitutional Dedication				
Division of Fish and Wildlife									
---	58	---	58	18	13	---	---	---	---
					Dam Repair, Maintenance and Renovation				
Natural Resources Engineering									
18,750	22,034	-4,099	36,685	25,830	21	25,000	25,000	25,000	25,000
					Shore Protection Fund Projects				
6,500	459	-1,158	5,801	4,277	21	6,500	6,500	6,500	6,500
					HR-6 Flood Control				
---	648	---	648	---	21	---	---	---	---
					Dam Repairs				
97,704	67,560	617	165,881	108,683	94,763		102,070	102,070	102,070
					Grand Total State Appropriation				
OTHER RELATED APPROPRIATIONS									
Federal Funds									
6,880					11	6,880	6,880	6,880	6,880
					Forest Resource Management				
1,800 ^S	1,200	---	9,880	2,393	12	31,890	27,390	27,390	27,390
					Parks Management				
19,390	15,941	1	36,482	15,950	13	10,820	12,330	12,330	12,330
					Hunters' and Anglers' License Fund				
1,150 ^S	1,205	1	13,021	5,230					
					Shellfish and Marine Fisheries Management				
3,810					14	4,045	4,320	4,320	4,320
					Wildlife Management				
125 ^S	1,209	---	5,144	3,332					
					Natural Resources Engineering				
2,695	528	---	3,223	527	21	5,460	5,460	5,460	5,460
					Total Federal Funds				
440					60,275		57,380	57,380	57,380
20 ^S	351	---	811	426	60,275		57,380	57,380	57,380
48,125	20,434	2	68,561	27,858	60,275		57,380	57,380	57,380

ENVIRONMENTAL PROTECTION

Orig. & (S) Supplemental	Year Ending June 30, 2010				Prog. Class.	2011 Adjusted Approp.	Year Ending June 30, 2012		
	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended			Requested	Recommended	
OTHER RELATED APPROPRIATIONS									
All Other Funds									
---	4,321 3,283 R	-85	7,519	7,407	Forest Resource Management	11	19,093	2,625	2,625
---	3,225 5,733 R	5	8,963	5,426	Parks Management	12	8,790	6,671	6,671
---	3,330 356 R	2	3,688	1,875	Hunters' and Anglers' License Fund	13	2,208	2,308	2,308
---	1,811 515 R	103	2,429	434	Shellfish and Marine Fisheries Management	14	441	401	401
---	196 288 R	---	484	295	Wildlife Management	20	330	365	365
---	7,122 8,929 R	---	16,051	5,766	Natural Resources Engineering	21	6,480	5,613	5,613
---	1,334 5,089 R	---	6,423	5,488	Palisades Interstate Park Commission	24	4,867	4,570	4,570
---	<u>45,532</u>	<u>25</u>	<u>45,557</u>	<u>26,691</u>	<i>Total All Other Funds</i>		<u>42,209</u>	<u>22,553</u>	<u>22,553</u>
145,829	133,526	644	279,999	163,232	GRAND TOTAL ALL FUNDS		197,247	182,003	182,003

Notes -- Direct State Services - General Fund

- (a) The fiscal year 2011 appropriation has been adjusted for the allocation of salary program, which includes \$136,000 in appropriated receipts, and for the reallocation of statewide savings.
- (b) Reflects reallocation of resources from the Highlands Permitting program beginning in fiscal 2012.

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, in addition to the amount hereinabove appropriated for Forest Resource Management, an amount not to exceed \$2,275,000 is appropriated from the Global Warming Solutions Fund, established pursuant to section 6 of P.L.2007, c.340 (C.26:2C-50), for the Forest Management and Community Forestry Programs, 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, 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 \$336,000, 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.

In addition to the amount hereinabove appropriated for Parks Management, an amount not to exceed \$4,400,000 is appropriated from the Shade Tree and Community Forest Preservation License Plate Fund, established pursuant to section 12 of P.L.1996, c.135 (C.39:3-27.81), for the operation and maintenance of State parks and forests.

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 for the same purpose.

Of the amount hereinabove for the Hunters' and Anglers' License Fund, the first \$11,500,000 is appropriated 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 for the same purpose. 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 for the same purpose. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

In addition to the amount hereinabove appropriated for Shellfish and Marine Fisheries Management, an amount not to exceed \$1,100,000 is appropriated from balances in the Nuclear Emergency Response account for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$4,442,000 is appropriated 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 appropriated from the capital construction appropriation for HR-6 Flood Control for costs attributable to the operation and administration of the State Flood Control Program, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$440,000 is appropriated 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 for the same purpose, 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, and any unexpended balance at the end of the preceding fiscal year are appropriated for the same purpose, 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 \$500,000 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.

Of the amount hereinabove appropriated for the Recreational Land Development and Conservation - Constitutional Dedication account, an amount not to exceed \$310,000 is appropriated to the Palisades Interstate Park Commission for costs associated with the capital improvement of recreational land, subject to the approval of the Director of the Division of Budget and Accounting.

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.

ENVIRONMENTAL PROTECTION

5. To coordinate and implement the State's Coastal Management Program toward achieving the goals of healthy coastal ecosystems; effective management of ocean and estuarine resources; meaningful public access to and use of tidal waterways and their shores; sustained and revitalized water dependent uses; coastal open space; safe, healthy and well-planned coastal communities and regions; coordinated coastal decision-making, comprehensive planning and research; coordinated public education and outreach.
6. To develop and coordinate water quality management planning functions, including wastewater management, point and nonpoint source pollution control, and to implement the watershed restoration program in order to restore the integrity of New Jersey's water resources by preventing, abating and controlling water pollution to achieve the goal of fishable and swimmable water statewide.
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.
10. To coordinate programs that reduce greenhouse gas emissions that cause climate change and to work to help New Jersey adapt to climate-related impacts that are unavoidable.
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. The Division also 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.

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 (NJPDDES) 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.
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, Total Daily Maximum Load (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.
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 Planning and Sustainable Communities acts as liaison to the Governor's Office of Economic Growth, Smart Growth Policy

ENVIRONMENTAL PROTECTION

Council, and the State Planning Commission. The office 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 Climate and Energy facilitates the department-wide effort to address mitigation

and adaptation policies related to climate change. This office serves 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.

EVALUATION DATA

	Actual FY 2009	Actual FY 2010	Revised FY 2011	Budget Estimate FY 2012
PROGRAM DATA				
Water Monitoring and Standards				
Ambient Marine Water:				
Water samples analyzed	12,000	9,504	13,241	13,241
Shellfish bed acres open	78%	78%	76%	76%
Shellfish bed acres seasonal	3%	3%	5%	5%
Shellfish bed acres condemned	11%	16%	10%	10%
Shellfish bed acres specially restricted	8%	3%	9%	9%
Land Use Regulation				
Tidelands:				
Grant applications approved	50	154	140	150
New licenses	200	200	300	600
License renewals	500	2,000	800	800
Statements of No Interest (SNI) issued	25	30	24	24
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
State Supported	22	13	13	13
Federal	36	31	27	23
All Other	434	435	425	429
Total Positions	492	479	465	465
Filled Positions by Program				
Water Supply	141	139	134	136
Water Monitoring and Standards	43	41	40	43
Land Use Regulation	173	168	161	139
Office of Science Support	22	13	13	13
New Jersey Geological Survey	18	16	16	16
Environmental Management - CBT Dedication	61	57	57	71
Drinking Water State Revolving Fund	6	6	6	6
Environmental Policy and Planning	28	39	38	41
Total Positions	492	479	465	465

Notes:

Actual payroll counts are reported for fiscal years 2009 and 2010 as of December and revised fiscal year 2011 as of January. The Budget Estimate for fiscal year 2012 reflects the number of positions funded.

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2010					Year Ending June 30, 2012				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	2011 Prog. Class.	2011 Adjusted Approp.	Requested	Recom- mended	
DIRECT STATE SERVICES									
Distribution by Fund and Program									
8,453	5,263	-829	12,887	10,928	05	8,682	8,504	8,504	
12,690	2,689	-644	14,735	14,375	15	13,513	12,022	12,022	
1,322	---	-48	1,274	1,253	18	1,513	250	250	

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2010					Year Ending June 30, 2012			
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2011 Adjusted Approp.	Requested	Recommended
DIRECT STATE SERVICES								
---	---	354	354	354	22	---	---	---
13,176	2,366	-51	15,491	12,764	29	15,500	18,112	18,112
772	---	-102	670	670	90	709	1,905	1,905
36,413	10,318	-1,320	45,411	40,344		39,917^(a)	40,793	40,793
Distribution by Fund and Object								
Personal Services:								
8,682	---	1,824	10,506	10,506		9,659	9,153	9,153
Salaries and Wages								
8,682	---	1,824	10,506	10,506		9,659	9,153	9,153
50	---	-14	36	36		36	26	26
1,561	---	652	2,213	2,213		1,730	1,996	1,996
128	---	-38	90	90		71	67	67
Special Purpose:								
---	326				05	---	---	---
2,269	3,058 ^R	-2,638	746	---				
	93 ^R	---	2,362	2,361				
1,728	---	---	1,728	1,590	05	2,373	2,373	2,373
324	---	---	324	302	05	1,784	1,784	1,784
---	454				05	334	---	---
---	752 ^R	-599	607	---	05	---	---	---
43	13	---	291	105	05	43	43	43
2,433	235 ^R	---	2,760	2,502	05	2,503	2,503	2,503
---	327 ^R	-51	345	---	15	---	---	---
---	396 ^R							
---	45				15	---	---	---
---	15 ^R	-45	15	---	15	3,220	3,220	3,220
3,132	2,222 ^R	---	5,354	5,354	15	2,414	---	---
2,264	---	-321	1,943	1,943	18	250	250	250
250	---	---	250	228	29	15,500	18,112	18,112
13,176	2,366	-51	15,491	12,764	90	---	---	---
373	---	-52	321	321	90	---	---	---
---	---	---	---	---	90	---	1,266	1,266
---	16	13	29	29		---	---	---
GRANTS-IN-AID								
Distribution by Fund and Program								
---	3,655	-739	2,916	2,128	29	---	---	---
Environmental Management - CBT Dedication								
---	3,655	-739	2,916	2,128		---	---	---
Total Grants-in-Aid								
Distribution by Fund and Object								
Grants:								
---	1,905	---	1,905	1,117	29	---	---	---
Stormwater Management Grants								

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2010					Year Ending June 30, 2012				
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	Prog. Class.	2011 Adjusted Approp.	Requested	Recommended	
---	1,750	-739	1,011	1,011	GRANTS-IN-AID				
<u>36,413</u>	<u>13,973</u>	<u>-2,059</u>	<u>48,327</u>	<u>42,472</u>	Watershed Restoration Projects	29	---	---	
					Grand Total State Appropriation		<u>39,917</u>	<u>40,793</u>	<u>40,793</u>
OTHER RELATED APPROPRIATIONS									
Federal Funds									
65,654	1	---	65,655	1,845	Water Supply (c)	05	33,500	33,200	33,200
4,900	325	---	5,225	3,055	Water Monitoring and Standards	07	4,300	4,350	4,350
8,050	688	---	8,738	2,051	Land Use Regulation	15	10,250	11,050	11,050
1,550	205	---	1,755	680	Office of Science Support	18	1,550	1,550	1,550
920	---	---	920	142	New Jersey Geological Survey	22	450	420	420
<u>6,598</u>	<u>2,993</u>	<u>252</u>	<u>9,843</u>	<u>7,916</u>	Environmental Policy and Planning	90	<u>6,885</u>	<u>6,985</u>	<u>6,985</u>
					Total Federal Funds		<u>56,935</u>	<u>57,555</u>	<u>57,555</u>
All Other Funds									
---	86	---	156	91	Water Supply	05	5,841	5,636	5,636
---	70 ^R	---	23	7	Water Monitoring and Standards	07	---	---	---
---	1,216	---	1,934	81	Land Use Regulation	15	3,467	3,219	3,219
---	718 ^R	---	182	---	Office of Science Support	18	---	2,030	2,030
---	2,100 ^R	---	2,282	2,224	New Jersey Geological Survey	22	300	300	300
---	291 ^R	---	291	291	Drinking Water State Revolving Fund	80	5,005	4,260	4,260
---	35	---	3,143	3,142	Environmental Policy and Planning	90	<u>1,830</u>	<u>1,830</u>	<u>1,830</u>
---	1,478 ^R	---	1,480	1,479					
<u>---</u>	<u>9,309</u>	<u>---</u>	<u>9,309</u>	<u>7,315</u>	Total All Other Funds		<u>16,443</u>	<u>17,275</u>	<u>17,275</u>
<u>124,085</u>	<u>27,494</u>	<u>-1,807</u>	<u>149,772</u>	<u>65,476</u>	GRAND TOTAL ALL FUNDS				
							<u>113,295</u>	<u>115,623</u>	<u>115,623</u>

Notes -- Direct State Services - General Fund

- (a) The fiscal year 2011 appropriation has been adjusted for the allocation of salary program, which includes \$284,000 in appropriated receipts, and for the reallocation of statewide savings.
- (b) Reflects reallocation of resources from the Highlands Permitting program to various DEP programs beginning in fiscal 2012.
- (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 and Watershed and Aquifer accounts are appropriated from the "Water Supply Bond Act of 1981," P.L.1981, c.261, together with an amount not to exceed \$89,000, 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 \$1,247,000, 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

ENVIRONMENTAL PROTECTION

Watershed Management, \$500,000 for Forest Resource Management, and \$790,000 for 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, 2011.

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 for the same purpose.

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.

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.

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.

In addition to the amount hereinabove appropriated for the Office of Science Support, an amount not to exceed \$2,030,000 is appropriated from the Hazardous Discharge Site Cleanup Fund 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 unexpended balance at the end of the preceding fiscal year in the Stormwater Management Grants account is appropriated for the same purpose.

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

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

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

40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

44. SITE REMEDIATION AND WASTE MANAGEMENT

OBJECTIVES

1. To implement the requirements of the Site Remediation Reform Act, which will result in many non-publicly funded site remediation projects being performed by Licensed Site Remediation Professionals (LSRP) with Site Remediation Program audits of the work performed. Fiscal 2011 will be the first full year of implementation, and participation in the LSRP program will continue on a voluntary basis until May 2012.
2. 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.
3. 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 the 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.
4. 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.
5. To coordinate responses and take immediate action when discharges of hazardous substances and pollutants endanger human health and the environment, especially water supplies.
6. 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.
7. 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.

8. 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.
9. 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. To implement the Electronic Management Waste Act.
10. To compensate persons affected by hazardous substance discharges through the Spill Compensation Fund environmental claims program, the Sanitary Landfill Contingency Fund claims program, and loans and grants, administered in conjunction with the Economic Development Authority, from the Hazardous Discharge Site Remediation Fund and Underground Storage Tank Fund.

PROGRAM CLASSIFICATIONS

19. **Publicly-Funded Site Remediation.** Conducts a program to remediate sites contaminated by hazardous substances where a responsible party cannot be identified or is unable or unwilling to voluntarily participate. These activities are supported by federal (Superfund) funds.
23. **Solid and Hazardous Waste Management.** Provides leadership, planning, education, and financial and technical assistance to the state's citizens and businesses to help them manage their waste responsibly. Regulates the generation, storage, collection, transportation, processing, treatment, and disposal of solid and hazardous wastes and closure of facilities. 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, such as the Electronic Waste Recycling program, to attain statewide recycling goals and to reduce the quantities of waste generated. Monitors the solid waste collection industry to promote effective competition and to prohibit anti-competitive practices. Regulates and oversees mergers, acquisitions, and long-term financing arrangements of the solid waste utility industry. The landfill unit promotes the reuse of non-operating landfills, providing 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 the State's mandated cleanup program. Provides oversight to ensure that appropriate standards and technical requirements are met. The State Spill Compensation and Control Act, Industrial Site Recovery Act, 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. Many of the above activities will be modified to meet the criteria of the Site Remediation Reform Act, which establishes a Licensed Site Remediation Professional Program, with the Department's role shifting to include more project auditing responsibility and less case management.
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

PROGRAM DATA	Actual FY 2009	Actual FY 2010	Revised FY 2011	Budget Estimate FY 2012
Solid and Hazardous Waste Management				
Annual tonnage of solid waste:				
Generated statewide	21,645,234	22,106,476	21,645,234	21,645,234
Generated per capita (lbs./person/day)	14.09	14.39	14.09	14.09
Recycled statewide	12,402,470	13,070,268	12,900,000	12,900,000
Recycled per capita (lbs./person/day)	8.08	8.51	8.40	8.40
Reduction in solid waste stream due to recycling	57.3%	59.1%	59.6%	59.6%
Annual tonnage of hazardous waste generated statewide	101,935	159,373	82,567	82,567
Disposed	67,348	142,329	54,552	54,552
Incinerated	34,587	17,044	28,015	28,015

ENVIRONMENTAL PROTECTION

	Actual FY 2009	Actual FY 2010	Revised FY 2011	Budget Estimate FY 2012
Remediation Management and Response				
Responsible Party Remediation:				
ISRA negative declarations	240	190	250	250
ISRA remedial action workplan approvals	5	56	25	25
ISRA remediations monitored	1,483	1,379	1,400	1,400
ISRA remediations completed	230	190	250	250
Voluntary cleanup - remediations monitored	7,025	7,248	7,000	7,000
Voluntary cleanup - remediations completed	4,683	4,073	4,000	4,000
Remedial Response:				
Remedial action workplan approvals	50	242	100	100
Remediation Support:				
Emergency responses total deployments	1,273	901	1,350	1,350
Child Care Facilities inspected	1,606	1,126	250	150

PERSONNEL DATA

Position Data

Filled Positions by Funding Source

Federal	19	13	13	13
All Other	565	550	541	541
Total Positions	584	563	554	554

Filled Positions by Program

Solid and Hazardous Waste Management	81	79	76	75
Remediation Management and Response	371	348	346	344
Environmental Management - CBT Dedication	132	136	132	135
Total Positions	584	563	554	554

Notes:

Actual payroll counts are reported for fiscal years 2009 and 2010 as of December and revised fiscal year 2011 as of January. The Budget Estimate for fiscal year 2012 reflects the number of positions funded.

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2010					Year Ending June 30, 2012			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Total Expended	Prog. Class.	2011 Adjusted Approp.	Requested	Recom- mended
<u>DIRECT STATE SERVICES</u>								
Distribution by Fund and Program								
5,995	2,627	-316	8,306	5,997				
					23	5,957	5,217	5,217
31,266	13,002	-27	44,241	43,249	27	32,307	31,357	31,357
7,906	7,322	---	15,228	10,590	29	9,300	10,867	10,867
45,167	22,951	-343	67,775	59,836		47,564^(a)	47,441	47,441
Distribution by Fund and Object								
Personal Services:								
14,333	5,713 ^R	-2,460	17,586	14,417		15,173	14,543	14,543
---	---	---	---	3,169		---	---	---
14,333	5,713	-2,460	17,586	17,586		15,173	14,543	14,543
165	---	8	173	140		170	153	153
3,177	---	-553	2,624	2,624		2,853	3,068	3,068
516	---	-7	509	378		436	384	384
Special Purpose:								
---	582	-38	2,307	---	23	---	---	---
405	1,763 ^R	---	685	685	23	424	424	424

ENVIRONMENTAL PROTECTION

Orig. & (S)Supple- mental	Year Ending June 30, 2010					Year Ending June 30, 2012			
	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		Prog. Class.	2011 Adjusted Approp.	Requested	Recom- mended
---	---	2,734	2,734	2,587					
17,465	6,868 ^R	---	24,333	24,333					
916	---	-27	889	889					
7,906	4,682	---	12,588	9,758					
---	1,640	---	2,640	832					
---	1,000 ^R	---	2,640	832					
284	423	---	707	24					
<u>DIRECT STATE SERVICES</u>									
					27	---	---	---	---
					27	18,000	18,000	18,000	18,000
					27	950	---	---	---
					29	9,300	10,867	10,867	10,867
					29	---	---	---	---
						258	2	2	2
<u>STATE AID</u>									
Distribution by Fund and Program									
---	---	25	25	22	27	---	---	---	---
---	---	25	25	22		---	---	---	---
Distribution by Fund and Object									
Special Purpose:									
---	---	25	25	22	27	---	---	---	---
<u>CAPITAL CONSTRUCTION</u>									
Distribution by Fund and Program									
38,652	59,340	-2,000	95,992	49,036	29	45,466	53,129	53,129	53,129
38,652	59,340	-2,000	95,992	49,036		45,466	53,129	53,129	53,129
Distribution by Fund and Object									
Site Remediation									
16,691	59,340	---	76,031	29,075	29	19,633	22,942	22,942	22,942
---	---	---	---	---	29	---	16,603	16,603	16,603
21,961	---	-2,000	19,961	19,961	29	25,833	13,584	13,584	13,584
83,819	82,291	-2,318	163,792	108,894		93,030	100,570	100,570	100,570
OTHER RELATED APPROPRIATIONS									
Federal Funds									
40,450	-119	---	40,331	---	19	25,450	25,450	25,450	25,450
2,395	3	---	2,398	1,033	23	2,395	2,395	2,395	2,395
5,700	---	---	5,700	---	27	7,450	7,400	7,400	7,400
5,569 ^S	1,463	---	12,732	6,284		35,295	35,245	35,245	35,245
54,114	1,347	---	55,461	7,317		35,295	35,245	35,245	35,245
All Other Funds									
---	621	---	921	628	23	3,694	3,787	3,787	3,787
	300 ^R	---	921	628					

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2010					Year Ending June 30, 2012				
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	Prog. Class.	2011 Adjusted Approp.	Requested	Recommended	
OTHER RELATED APPROPRIATIONS									
---	11,995 ⁹⁸ R	3	12,096	11,625	27	26,872	27,556	27,556	
---	---	---	---	---	29	<u>1,000</u>	---	---	
---	<u>13,014</u>	<u>3</u>	<u>13,017</u>	<u>12,253</u>	<u>31,566</u>		<u>31,343</u>	<u>31,343</u>	
137,933	96,652	-2,315	232,270	128,464	<u>159,891</u>		<u>167,158</u>	<u>167,158</u>	
					GRAND TOTAL ALL FUNDS				

Notes -- Direct State Services - General Fund

(a) The fiscal year 2011 appropriation has been adjusted for the allocation of salary program, which includes \$938,000 in appropriated receipts, and for the reallocation of statewide savings.

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 \$287,000 for the administration of the Dredging and Sediment Technology program, subject to the approval of the Director of the Division of Budget and Accounting.

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 \$7,995,000 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 \$11,736,000 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 amount hereinabove, there is appropriated to the Hazardous Discharge Site Cleanup Fund - Responsible Party account such additional sums, as necessary, received from cost recoveries and from the Licensed Site Remediation Professionals fees and deposited in the Hazardous Discharge Site Cleanup Fund, for the cleanup of hazardous waste sites and the costs associated with the "Site Remediation Reform Act," 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 for the same purpose.

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 and County Environmental Health Act agencies 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.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any other law to the contrary, monies 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.

Notwithstanding the provisions of any other law or regulation to the contrary, future cost recoveries from litigation related to the Passaic River cleanup, not to exceed \$24,000,000, shall be reimbursed first to the New Jersey Spill Compensation Fund in the amount of \$12,000,000 and second to the Hazardous Discharge Site Cleanup Fund in the amount of \$12,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law or regulation to the contrary, there is appropriated from the Hazardous Discharge Site Cleanup 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, 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, are appropriated for site remediation costs associated with State-owned properties and State-owned underground storage tanks.

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 appropriated 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.
10. To protect the public and radiation workers from unnecessary radiation exposure.
11. To protect the public health, safety and security of the residents of New Jersey.

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. Has regulatory authority for all radioactive material licensing. 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. Quality Assurance 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

ENVIRONMENTAL PROTECTION

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 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 American Recovery and Reinvestment Act of 2009 and 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

PROGRAM DATA	Actual FY 2009	Actual FY 2010	Revised FY 2011	Budget Estimate FY 2012
Radiation Protection				
X-ray machines inspected	5,553	6,188	3,778	4,000
X-ray machine violations (% of inspected)	23%	15%	20%	20%
Homes tested for radon	39,000	46,900	44,000	45,000
Homes mitigated for radon	2,800	2,800	3,000	3,000
Lung cancers avoided	140	140	140	140
Release Prevention				
Toxic Catastrophe Prevention				
Inspections	151	137	130	130
Accident investigations	1	2	1	1
Right To Know				
Information requests	2,578	2,427	3,000	3,000
Audits for facilities	1,503	1,298	1,275	1,275
Administrative Orders	200	292	200	200

ENVIRONMENTAL PROTECTION

	Actual FY 2009	Actual FY 2010	Revised FY 2011	Budget Estimate FY 2012
Public Wastewater Facilities				
Capitalized funding provided for municipal infrastructure improvement projects (in millions)	\$ 330.9	\$ 726.7	\$ 354.0	\$ 500.0
Municipal infrastructure improvement projects funded	74	181	108	100
Environmental Management - CBT Dedication				
Diesel-Powered Engine Retrofit Installation				
School Bus				
Installations approved	4,725	2,711	16	---
Cost encumbered (in millions)	\$ 6.35	\$ 2.20	\$ 1.20	---
Installations completed	1,144	4,325	1,624	---
Municipal Solid Waste Vehicle				
Installations approved	1,598	104	78	---
Cost encumbered (in millions)	\$ 10.20	\$ 2.70	\$ 1.50	---
Installations completed	528	607	293	---
Commercial Bus				
Installations approved	---	---	2,148	250
Cost encumbered (in millions)	---	---	\$ 24.50	\$ 2.85
Installations completed	---	---	200	1,800
Public Trucks and Off-road Vehicle				
Installations approved	---	---	500	3,500
Cost encumbered (in millions)	---	---	\$ 5.20	\$ 36.30
Installations completed	---	---	500	2,500

PERSONNEL DATA

Position Data

Filled Positions by Funding Source

All Other	499	483	464	464
Total Positions	499	483	464	464

Filled Positions by Program

Radiation Protection	79	77	73	74
Air Pollution Control	156	148	143	142
Release Prevention	59	57	56	56
Water Pollution Control	125	123	120	120
Public Wastewater Facilities	48	46	42	39
Environmental Management - CBT Dedication	11	11	8	10
Clean Waters	21	21	22	23
Total Positions	499	483	464	464

Notes:

Actual payroll counts are reported for fiscal years 2009 and 2010 as of December and revised fiscal year 2011 as of January. The Budget Estimate for fiscal year 2012 reflects the number of positions funded.

APPROPRIATIONS DATA
(thousands of dollars)

Year Ending June 30, 2010					Year Ending June 30, 2012				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Total Expended	2011 Prog. Class.	2011 Adjusted Approp.	Requested	Recom- mended	
DIRECT STATE SERVICES									
Distribution by Fund and Program									
7,699	2,587	-308	9,978	6,931	01	6,983	6,263	6,263	
16,514	1,098	-356	17,256	17,017	02	16,951	16,784	16,784	
7,905	6,105	-1,021	12,989	9,673	08	8,175	7,943	7,943	
2,840	10	-289	2,561	2,551	09	2,824	2,781	2,781	
---	342	900	1,242	635	29	---	---	---	
---	1,729	-1,729	---	---	70	---	---	---	
34,958	11,871	-2,803	44,026	36,807	Total Direct State Services	34,933 ^(a)	33,771	33,771	

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2010					Year Ending June 30, 2012				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2011 Adjusted Approp.	Requested	Recommended	
DIRECT STATE SERVICES									
Distribution by Fund and Object									
19,980	---	929	20,909	20,909					
						19,465	18,871	18,871	
<u>19,980</u>	<u>---</u>	<u>929</u>	<u>20,909</u>	<u>20,909</u>		<u>19,465</u>	<u>18,871</u>	<u>18,871</u>	
175	---	-22	153	153		183	150	150	
3,335	---	283	3,618	3,464		3,654	3,834	3,834	
235	---	-43	192	191		181	186	186	
2,490									
685 ^S	2,586	---	5,761	2,737	01	2,531	2,531	2,531	
						685 ^S			
1,721	---	-152	1,569	1,567					
						1,815	1,815	1,815	
1,549	496 ^R	---	2,045	2,045	02	1,579	1,579	1,579	
1,043	---	-62	981	981	02	1,003	968	968	
1,097	489 ^R	---	1,586	1,586	02	1,128	1,128	1,128	
---	110 ^R	---	110	---	02	---	---	---	
2,648	---	---	2,648	2,527	02	2,709	2,709	2,709	
---	2,365								
---	3,697 ^R	-2,919	3,143	---	08	---	---	---	
---	342	900	1,242	635	29	---	---	---	
---	1,729 ^R	-1,729	---	---	70	---	---	---	
---	57	12	69	12		---	---	---	
GRANTS-IN-AID									
Distribution by Fund and Program									
14,934	75,791	-900	89,825	16,920	29	17,567	20,528	20,528	
<u>14,934</u>	<u>75,791</u>	<u>-900</u>	<u>89,825</u>	<u>16,920</u>		<u>17,567</u>	<u>20,528</u>	<u>20,528</u>	
Distribution by Fund and Object									
14,934	75,791	-900	89,825	16,920					
						17,567	20,528	20,528	
<u>14,934</u>	<u>75,791</u>	<u>-900</u>	<u>89,825</u>	<u>16,920</u>		<u>17,567</u>	<u>20,528</u>	<u>20,528</u>	
49,892	87,662	-3,703	133,851	53,727		52,500	54,299	54,299	
OTHER RELATED APPROPRIATIONS									
Federal Funds									
500	---	200	700	523	01	500	500	500	
6,750	2,133	---	8,883	6,943	02	10,150	10,150	10,150	
188,147	---	---	188,147	---	09	86,000	86,000	86,000	
145	---	---	145	77	16	145	125	125	
<u>195,542</u>	<u>2,133</u>	<u>200</u>	<u>197,875</u>	<u>7,543</u>		<u>96,795</u>	<u>96,775</u>	<u>96,775</u>	
All Other Funds									
---	134	---	2,590	901	01	2,854	3,628	3,628	
	2,456 ^R								
---	288	604	1,011	804	02	2,545	2,453	2,453	
---	119 ^R	---	150	71	08	3,350	3,650	3,650	
---	150 ^R	---							

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2010					Year Ending June 30, 2012				
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	Prog. Class.	2011 Adjusted Approp.	Requested	Recommended	
OTHER RELATED APPROPRIATIONS									
---	6	---	6	---	Public Wastewater Facilities	09	2,024	2,024	2,024
---	175	---	---	---	Clean Waters	70	3,450	3,330	3,330
---	1,211 ^R	1,729	3,115	3,038	<i>Total All Other Funds</i>	---	<u>14,223</u>	<u>15,085</u>	<u>15,085</u>
---	<u>4,539</u>	<u>2,333</u>	<u>6,872</u>	<u>4,814</u>	GRAND TOTAL ALL FUNDS	---	<u>163,518</u>	<u>166,159</u>	<u>166,159</u>
<u>245,434</u>	<u>94,334</u>	<u>-1,170</u>	<u>338,598</u>	<u>66,084</u>					

Notes -- Direct State Services - General Fund

- (a) The fiscal year 2011 appropriation has been adjusted for the allocation of salary program, which includes \$163,000 in appropriated receipts, and for the reallocation of statewide savings.
- (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 \$774,000, 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 \$606,000, 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 \$376,000, 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 \$1,136,000, from the New Jersey Spill Compensation Fund for the Oil Spill Prevention program are appropriated, in accordance with the provisions of P.L.1990, c.76 (C.58:10-23.11f2 et seq.), P.L.1990, c.78 (C.58:10-23.11d1 et seq.), and P.L.1990, c.80 (C.58:10-23.11f1), subject to the approval of the Director of the Division of Budget and Accounting.

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

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 provisions of subsection b. of section 1 of P.L.2005, c.202 (C.58:11B-10.2) or any other 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 \$2,024,000 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.

ENVIRONMENTAL PROTECTION

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.

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.

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.

PROGRAM CLASSIFICATIONS

26. **Regulatory and Governmental Affairs.** Coordinates the proposal and adoption of environmental rules and regulations.

EVALUATION DATA

	Actual FY 2009	Actual FY 2010	Revised FY 2011	Budget Estimate FY 2012
PROGRAM DATA				
Administration and Support Services				
Affirmative Action Data				
Male Minority	247	257	243	244
Male Minority %	8.3	8.2	8.4	8.5
Female Minority	278	268	265	266
Female Minority %	9.3	9.2	9.2	9.3
Total Minority	525	525	508	510
Total Minority %	17.6	17.4	17.6	17.8
Open Public Records Act (OPRA) Data				
Number of OPRA requests received	12,437	11,440	12,000	12,000
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
State Supported	260	250	228	228
All Other	31	29	29	30
Total Positions	291	279	257	258
Filled Positions by Program				
Regulatory and Governmental Affairs	24	24	24	24
Administration and Support Services	267	255	233	234
Total Positions	291	279	257	258

Notes:

Actual payroll counts are reported for fiscal years 2009 and 2010 as of December, and revised fiscal year 2011 as of January. The Budget Estimate for fiscal year 2012 reflects the number of positions funded.

ENVIRONMENTAL PROTECTION

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2010					Year Ending June 30, 2012			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2011 Adjusted Approp.	Requested	Recom- mended
<u>DIRECT STATE SERVICES</u>								
Distribution by Fund and Program								
1,595	---	-211	1,384	1,384	26	1,646	1,646	1,646
18,413	244	-378	18,279	17,505	99	17,338	16,813	16,813
20,008	244	-589	19,663	18,889	18,984^(a)		18,459	18,459
Distribution by Fund and Object								
Personal Services:								
17,103	---	-287	16,816	16,200	16,327		15,804	15,804
<i>17,103</i>	<i>---</i>	<i>-287</i>	<i>16,816</i>	<i>16,200</i>	<i>16,327</i>		<i>15,804</i>	<i>15,804</i>
265	---	-146	119	119	244		196	196
963	---	8	971	971	854		908	908
179	---	-66	113	112	159		151	151
Special Purpose:								
---	242	---	242	87	99		---	---
1,400	---	---	1,400	1,400	99	1,400	1,400	1,400
98	---	-98	---	---	99	---	---	---
---	2	---	2	---	---		---	---
<u>STATE AID</u>								
Distribution by Fund and Program								
6,642	116	-405	6,353	6,123	99	5,517	5,980	5,980
6,642	116	-405	6,353	6,123	5,517		5,980	5,980
Distribution by Fund and Object								
State Aid:								
1,410	116	-20	1,506	1,463	99	1,346	1,346	1,346
2,400	---	-145	2,255	2,167	99	1,852	2,315	2,315
2,832	---	-240	2,592	2,493	99	2,319	2,319	2,319
<u>CAPITAL CONSTRUCTION</u>								
Distribution by Fund and Program								
---	92	---	92	---	99	---	---	---
---	92	---	92	---	---		---	---
Distribution by Fund and Object								
Administrative Operations								
---	92	---	92	---	99	---	---	---
26,650	452	-994	26,108	25,012	24,501		24,439	24,439

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2010					Year Ending June 30, 2012			
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2011 Adjusted Approp.	Requested	Recommended
OTHER RELATED APPROPRIATIONS								
60,538	---	-25,352	35,186	35,186	<i>Total Debt Service</i>		6,819	6,819
Federal Funds								
150	---	---	150	---	Regulatory and Governmental Affairs	26	150	150
2,450					Administration and Support Services	99	2,450	2,450
485 ^S	390	---	3,325	442	<i>Total Federal Funds</i>		2,600	2,600
<u>3,085</u>	<u>390</u>	<u>---</u>	<u>3,475</u>	<u>442</u>	All Other Funds			
---	13 ^R	---	13	13	Regulatory and Governmental Affairs	26	---	---
---	10,155				Administration and Support Services	99	---	---
---	88 ^R	1,120	11,363	10,480	<i>Total All Other Funds</i>		80	80
---	<u>10,256</u>	<u>1,120</u>	<u>11,376</u>	<u>10,493</u>	<i>GRAND TOTAL ALL FUNDS</i>		<u>90,231</u>	<u>33,938</u>
<u>90,273</u>	<u>11,098</u>	<u>-25,226</u>	<u>76,145</u>	<u>71,133</u>				<u>33,938</u>

Notes -- Direct State Services - General Fund

(a) The fiscal year 2011 appropriation has been adjusted for the allocation of salary program and the reallocation of statewide savings.

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 for the same purpose, 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 imposed 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 for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

47. COMPLIANCE AND ENFORCEMENT

OBJECTIVES

- 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.
- To undertake innovative but consistent and predictable enforcement policies, protocols and actions employing a holistic perspective to deliver high compliance, environmentally beneficial behaviors and outcomes leading to sustainability.
- To employ strong enforcement as well as compliance assistance and incentives, responding appropriately and with common sense to the great variety of actors affecting the environment.
- To augment the Department's compliance and enforcement-related activities by leveraging our limited resources through partnerships, especially through County Environmental Health Act grant agreements with local health agencies.
- 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.

- To inspect, monitor, and report on the quality of surface and groundwater discharges in the state.
- To protect the public and the environment from any hazards resulting from the production, use, sale, storage, or other activities related to pesticides.
- 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

- 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.
- 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

ENVIRONMENTAL PROTECTION

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 (NJPDDES) 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. 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 was expanded to include the implementation of the Underground Storage Tank (UST) Inspection Program.

EVALUATION DATA

	Actual FY 2009	Actual FY 2010	Revised FY 2011	Budget Estimate FY 2012
PROGRAM DATA				
Air Pollution Control				
Investigations and inspections	5,580	3,739	3,500	3,500
Pesticide Control				
Investigations and inspections	653	707	700	700
Pesticide products regulated	12,924	13,026	12,800	12,800
Pesticide licenses and permits	17,533	18,028	17,700	17,700
Water Pollution Control				
Inspections	4,555	4,364	4,500	4,500
Clean Shores:				
Miles of beaches cleaned	129	68	120	120
Tons of debris removed	1,857	1,700	1,900	1,900
Land Use Regulation				
Investigations and inspections	1,044	999	800	800
Solid and Hazardous Waste Management				
Hazardous waste annual inspections	2,245	2,367	2,100	2,200
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
Federal	17	18	17	18
All Other	307	301	286	300
Total Positions	324	319	303	318
Filled Positions by Program				
Air Pollution Control	65	61	60	61
Pesticide Control	35	36	35	36

ENVIRONMENTAL PROTECTION

	Actual FY 2009	Actual FY 2010	Revised FY 2011	Budget Estimate FY 2012
Water Pollution Control	91	88	83	82
Land Use Regulation (a)	26	25	24	32
Solid and Hazardous Waste Management	89	91	84	91
Environmental Management - CBT Dedication	18	18	17	16
Total Positions	324	319	303	318

Notes:

Actual payroll counts are reported for fiscal years 2009 and 2010 as of December and revised fiscal year 2011 as of January. The Budget Estimate for fiscal year 2012 reflects the number of positions funded. All Other includes positions supported by fees or other dedicated resources previously reported as State Supported.

(a) Reflects reallocation of staff from Highlands Permitting program in fiscal 2012.

APPROPRIATIONS DATA
(thousands of dollars)

Year Ending June 30, 2010					Year Ending June 30, 2012				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	2011 Prog. Class.	Adjusted Approp.	Requested	Recommended	
<u>DIRECT STATE SERVICES</u>									
Distribution by Fund and Program									
5,072	1,536	-1,201	5,407	4,646	Air Pollution Control	02	4,642	4,607	4,607
2,525	1,065	-97	3,493	2,614	Pesticide Control	04	2,664	2,629	2,629
6,251	---	71	6,322	6,271	Water Pollution Control	08	6,067	5,843	5,843
1,972	423	-57	2,338	2,337	Land Use Regulation (a)	15	2,047	2,532	2,532
6,275	---	-219	6,056	6,055	Solid and Hazardous Waste Management	23	6,405	6,370	6,370
---	2,361	600	2,961	1,477	Environmental Management - CBT Dedication	29	---	---	---
22,095	5,385	-903	26,577	23,400	Total Direct State Services		21,825^(b)	21,981	21,981
Distribution by Fund and Object									
Personal Services:									
16,732	---	241	16,973	16,973	Salaries and Wages		17,254	17,402	17,402
16,732	---	241	16,973	16,973	Total Personal Services		17,254	17,402	17,402
84	---	15	99	99	Materials and Supplies		110	96	96
3,053	---	---	---	---	Services Other Than Personal		2,779	2,800	2,800
556 ^S	1,500	-1,670	3,439	2,681	Maintenance and Fixed Charges		615	616	616
642	---	-8	634	634	Special Purpose:				
---	239	---	---	---	Pesticide Control	04	---	---	---
---	823 ^R	-185	877	---	Tidelands Peak Demands	15	1,067	1,067	1,067
1,028	423 ^R	---	1,451	1,450	Underground Storage Tank Inspection Program - Constitutional Dedication	29	---	---	---
---	2,361	600	2,961	1,477	Additions, Improvements and Equipment		---	---	---
---	39	104	143	86					
<u>STATE AID</u>									
Distribution by Fund and Program									
2,700	---	771	3,471	3,462	Water Pollution Control	08	2,700	2,700	2,700
2,700	---	771	3,471	3,462	Total State Aid		2,700	2,700	2,700
Distribution by Fund and Object									
State Aid:									
2,700	---	771	3,471	3,462	County Environmental Health Act	08	2,700	2,700	2,700
24,795	5,385	-132	30,048	26,862	Grand Total State Appropriation		24,525	24,681	24,681

ENVIRONMENTAL PROTECTION

Orig. & (S)Supple- mental	Year Ending June 30, 2010				Year Ending June 30, 2012				
	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2011 Adjusted Approp.	Requested	Recom- mended	
OTHER RELATED APPROPRIATIONS									
Federal Funds									
2,000	78	---	2,078	1,977	Air Pollution Control	02	2,500	2,500	2,500
570	---	---	570	438	Pesticide Control	04	550	550	550
700	---	---	813	642	Water Pollution Control	08	1,632	1,000	1,000
113 ^S	---	---	866	273	Land Use Regulation	15	600	600	600
600	266	---	2,714	2,282	Solid and Hazardous Waste Management	23	2,500	2,500	2,500
<u>2,500</u>	<u>214</u>	<u>---</u>	<u>7,041</u>	<u>5,612</u>	Total Federal Funds		<u>7,782</u>	<u>7,150</u>	<u>7,150</u>
<u>6,483</u>	<u>558</u>	<u>---</u>	<u>7,041</u>	<u>5,612</u>	All Other Funds				
---	3,104	---	3,774	1,400	Air Pollution Control	02	840	840	840
---	670 ^R	---	---	---	Pesticide Control	04	600	600	600
---	266	---	916	568	Water Pollution Control	08	695	695	695
---	752 ^R	-102	250	---	Land Use Regulation	15	665	732	732
---	250	---	9	---	Solid and Hazardous Waste Management	23	3	3	3
---	5	---	4,949	1,968	Total All Other Funds		<u>2,803</u>	<u>2,870</u>	<u>2,870</u>
---	4 ^R	---	4,949	1,968	GRAND TOTAL ALL FUNDS				
<u>---</u>	<u>5,051</u>	<u>-102</u>	<u>42,038</u>	<u>34,442</u>			<u>35,110</u>	<u>34,701</u>	<u>34,701</u>
<u>31,278</u>	<u>10,994</u>	<u>-234</u>	<u>42,038</u>	<u>34,442</u>			<u>35,110</u>	<u>34,701</u>	<u>34,701</u>

Notes -- Direct State Services - General Fund

- (a) Reflects reallocation of resources from the Highlands Permitting program in fiscal 2012.
- (b) The fiscal year 2011 appropriation has been adjusted for the allocation of salary program, which includes \$39,000 in appropriated receipts, and for the reallocation of statewide savings.

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.) shall be allocated in the following priority order and are appropriated in the amount of \$485,000 for the cleanup or maintenance of beaches or shores, the amount of \$90,000 for a program of grants for the operation of a sewage pump-out boat and the construction of sewage pump-out devices for marine sanitation devices and portable toilet emptying receptacles at public and private marinas and boatyards in furtherance of the provisions of P.L.1988, c.117 (C.58:10A-56 et seq.), the amount of \$65,000 for the cost of providing monitoring, surveillance and enforcement activities for the Cooperative Coastal Monitoring Program, and the amount of \$10,000 for the implementation of the "New Jersey Adopt a Beach Act," P.L.1992, c.213 (C.13:19-22 et seq.). Receipts deposited into the Coastal Protection Trust Fund in excess of \$650,000, but not to exceed \$1,000,000, will be distributed proportionately among the programs listed above in accordance with P.L.1993, c.168 (C.39:3-27.47 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, subject to the approval of the Director of the Division of Budget and Accounting.

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 for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Department of Environmental Protection, pursuant to the Environmental Enforcement Enhancement Act (P.L. 2007, c.246) all penalties, fines, recoveries of costs, and interest deposited to the Cooperative Coastal Monitoring, Restoration and Enforcement Fund, established pursuant to P.L. 2007, c.246 (C.13:19-18), for the costs of coastal restoration projects, providing aircraft overflights for coastal monitoring and surveillance, and enforcement activities conducted by the Department, subject to the approval of the Director of the Division of Budget and Accounting.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The amounts hereinabove appropriated for the Tidelands Peak Demands accounts 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 \$3,441,000 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.

ENVIRONMENTAL PROTECTION

- 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 for the same purpose, 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.
- In the event that revenues are received in excess of the amount of revenues anticipated from Solid Waste Utility Regulation, Water Allocation, New Jersey Pollutant Discharge Elimination System/Stormwater Permits, Coastal Area Facility Review Act, Freshwater Wetlands, Stream Encroachment, Waterfront Development, Wetlands, Well Permits/Well Drillers/Pump Installers Licenses, Water and Wastewater Operators Licensing Program, Air Permitting Minor Source, and Pesticide fees, if the amounts of such unanticipated revenues exceed \$7,800,000, the amounts of such unanticipated revenues in excess of \$7,800,000 are appropriated for information technology enhancements in the Department of Environmental Protection, 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, an amount not to exceed \$6,778,736 from the Global Warming Solutions Fund is appropriated to the Department of Environmental Protection, to pay for the costs of replanting trees and impacts of the deforestation from the New Jersey Turnpike Authority’s roadway widening project from Interchange 6 to Interchange 9. Of this amount, \$4,176,300 shall be granted by the Department of Environmental Protection to the Townships of Robbinsville, East Windsor and Hamilton in accordance with the Stipulation of Settlement between the Townships of Robbinsville, East Windsor and Hamilton and the Department, \$423,233 shall be granted by the Department of Environmental Protection to the Township of Chesterfield in accordance with the Stipulation of Settlement between the Township of Chesterfield and the Department, \$1,067,089 shall be granted by the Department of Environmental Protection to the Township of Cranbury in accordance with the Stipulation of Settlement between the Township of Cranbury and the Department, and \$1,112,114 shall be granted by the Department of Environmental Protection to the Township of Mansfield in accordance with the Stipulation of Settlement between the Township of Mansfield and the Department.