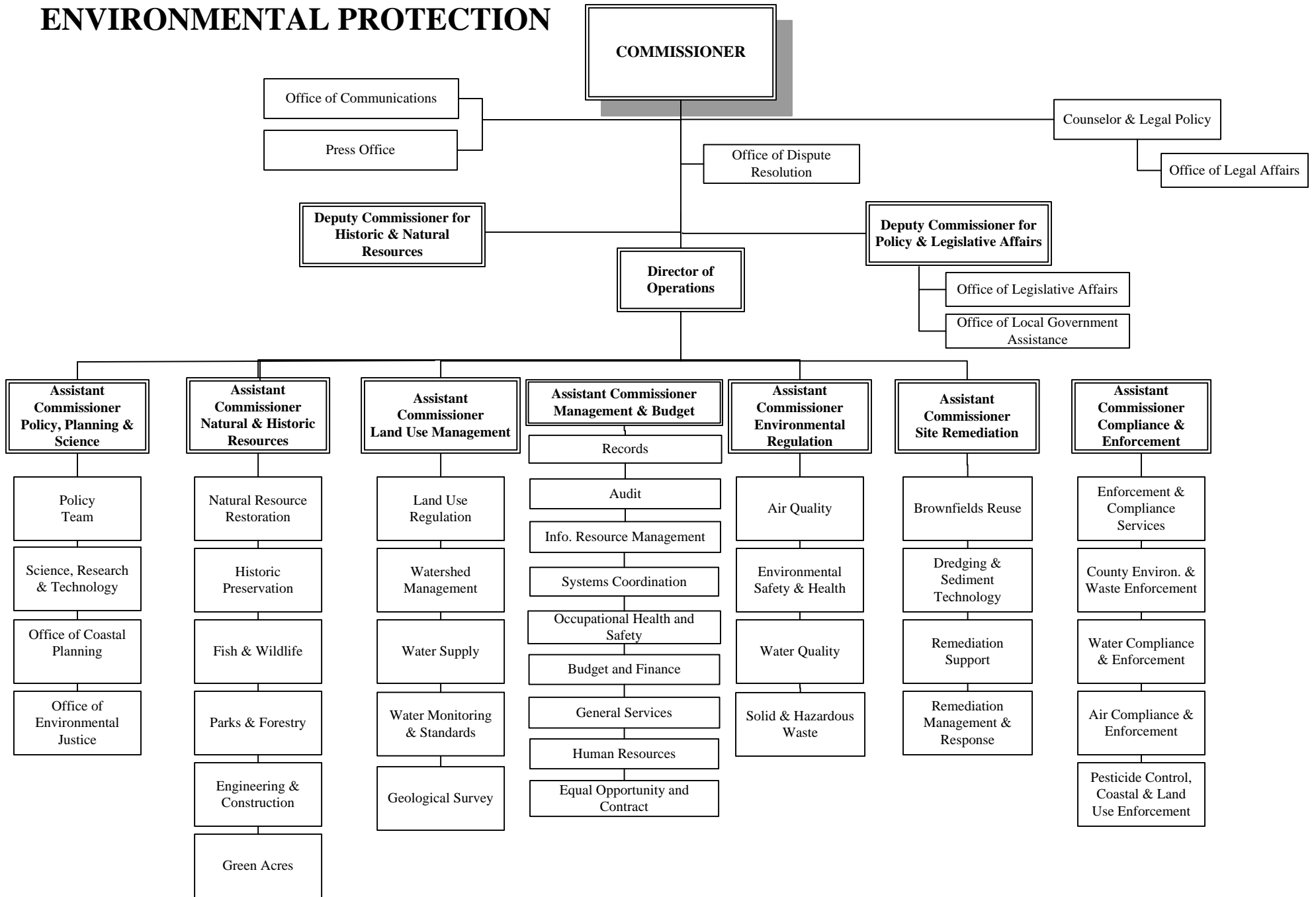


ENVIRONMENTAL PROTECTION



In-But-Not-Of Agencies



ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION OVERVIEW

Mission and Goals

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

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

The DEP is organizationally divided into six environmental areas: Natural Resource Management, Science and Technical Programs, Land Use, Site Remediation and Waste Management, Environmental Regulation, and Compliance and Enforcement. The Management and Administration program provides department-wide administrative support to the programs. The Department of Environmental Protection also includes 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 2009 Budget for the Department of Environmental Protection, excluding Debt Service, totals \$361.4 million, a decrease of \$62.4 million or 14.7% under the fiscal 2008 adjusted appropriation of \$423.8 million.

Of the overall \$62.4 million reduction, \$31.5 million is dictated by the annual 4% constitutional dedication of revenues from the Corporation Business Tax and \$9.4 million is attributable to the elimination of non-recurring supplemental appropriations, including an \$8 million General Fund advance to the State Recycling Fund pursuant to the "Recycling Enhancement Act," P.L. 2007, c.311.

Most of the remaining budget reduction, or \$16.2 million of the remaining \$21.4 million, is in the area of Natural Resources Management. Approximately \$9.6 million has been reduced from the operational budgets of the DEP's Divisions of Parks and Forestry and Fish and Wildlife. A further \$6.6 million for flood control projects and forest fire service operations has been cut from the General Fund supported budget but will be replaced with off-budget, dedicated funding sources.

In addition, the Department will attain \$2.8 million in savings through other streamlining efforts and management efficiencies. Furthermore, State Aid for administration of the County Environmental Health Act program will be reduced by \$753,000, or 20%. Aside from the reductions undertaken by the DEP, General Fund savings were also generated from reduced funding of the

following in-but-not-of agencies: the Highlands Water Protection and Planning Council (\$600,000), the Pinelands Commission (\$780,000), and the Lake Hopatcong Commission (\$400,000).

Department Accomplishments

New Jersey's coastline, a national treasure, provides relief to residents from the state's densely populated areas and contributes to New Jersey's growing tourism industry. Cognizant of the increasing importance of providing widespread access to our shoreline, the DEP adopted a new rule on November 7, 2007 to strengthen the Department's existing public access requirements so as to better protect the shore and expand its public usage. The rule, published in the December 17, 2007 New Jersey Register, not only sets forth specific public access requirements for the Shore Protection Program and the Green Acres' program funding, but also provides a new special area rule for protecting tidal waterways and their shores. These rule changes enforce the Public Trust Doctrine, which states that public rights to tidal waterways and their shores are held by the State in trust for the benefit of all, allowing the public to fully enjoy these lands and waters for a variety of uses, including bathing, swimming, sunbathing, and walking along the tidal waterway and its shore. To further emphasize the importance of public accessibility to shorelines, the DEP released an interactive coastal access web page that provides a map of public access points with information about New Jersey's Atlantic Ocean beach access sites and their associated fees.

The protection of the Highlands Region and its valuable water supplies continues to be a top priority. The Department has worked closely with the Highlands Council staff since their first meeting in December 2004. The draft Regional Master Plan, released in 2006 and revised in 2007, is designed to protect vital resources in the Highlands Region. This is the product of extensive work between the Council and the DEP staff, as the Department provided a multitude of data, documents, and technical expertise to assist with the final preparation and production of the Plan.

The New Jersey Flood Mitigation Task Force was established in response to incidents of extreme flooding endured by New Jersey over the past few years. The Department's membership in the task force helped craft recommendations to mitigate future effects of flooding. On November 5, 2007, the DEP adopted comprehensive new rules that implement the Flood Hazard Area Control Act to minimize flood damage and protect residents living in chronic flood areas. These rules clarify and reorganize New Jersey's regulations to limit new development in flood plains, require larger buffers around surface waters, stipulate that floor elevations and roadway surfaces be set one foot above the state's flood elevation in flood hazard areas, and simplify mapping requirements for communities. Moreover, these rules streamline the permitting process for environmentally-responsible stream cleanings and the relocation and reconstruction of damaged buildings.

The Department's Division of Watershed Management has proposed significant amendments to the Water Quality Management Planning (WQMP) rules to better dictate where sanitary sewers are allowed. These amendments will simplify the application process and delineate sewer service area boundaries that reflect environmental concerns and constraints (e.g., water supply, habitat protection, and avoidance of high hazard areas). In anticipation of the spring 2008 adoption of the new rules, the Department has worked collaboratively with county agencies to exchange environmental data and other technical information and assist them in preparing plans and applications.

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The Division of Water Supply is currently completing updates to the NJ Water Supply Plan, scheduled for release in early 2008. The Plan includes information about existing water supplies, water deficits, stressed aquifers, projected future potable water demands, and options for meeting the demands necessary for the Governor's economic growth and redevelopment initiatives. The NJ Water Supply Plan will be used by programs within and outside the DEP, such as the Office of Smart Growth Plan Endorsement.

New Jersey has established itself as a national leader in addressing global warming with its commitment to reduce greenhouse gas (GHG) emissions. It is the third state in the nation to establish GHG reduction goals through legislation and the first to mandate a long-term reduction goal - to reduce GHG emissions below 80% of 2006 levels by 2050. Furthermore, the DEP is upholding the State's participation in the Regional Greenhouse Gas Initiative by developing proposals with the Legislature to reduce GHG emitted from energy generation. Following both Executive Order #54 in February 2007 and the enactment of the "Global Warming Response Act," P.L.2007, c.112, the Department has begun to create an emissions inventory system to track New Jersey's progress in reducing GHGs. Likewise, the DEP is working with other State entities to make the much needed revisions to the State's Energy Master Plan and to develop strategies in achieving the State's short- and long-term mandates for overall GHG reductions.

Beginning in January 2008, the DEP has been undertaking various comprehensive natural resource baseline studies of the ocean environment as recommended by the Blue Ribbon Panel on Development of Wind Turbine Facilities in Coastal Waters. These studies are highly rigorous in nature and are designed to set a scientifically sound baseline for ocean-based natural resources (e.g., birds, marine turtles, and marine mammals) to ensure their protection. This initiative for a comprehensive assessment of the ocean's ecosystem puts New Jersey ahead of other states in the effort to provide important data for sound policymaking. As such, this will

inform the Board of Public Utilities in their concurrent offshore wind competitive grant solicitation to support the finance and development of an offshore wind pilot project.

As part of the State's commitment to non-lethal black bear management, the DEP is aggressively enforcing the bear feeding ban through proper garbage management, increased education and outreach, and increased non-lethal bear control. Funds have also been committed towards DNA studies specific to tracking and monitoring the movement of aversively-conditioned bears. These research projects are designed to evaluate the success of non-lethal control techniques, the effect of proper garbage management, and the accuracy of bear population estimates. Outreach activities have included public service announcements and literature distributed at formal programs to approximately 16,500 residents across 18 counties.

The Site Remediation Program reinforces the licensing of prospective owners of child care facilities by issuing No Further Action (NFA) letters to the applicants and by certifying that drinking water in those facilities meets all safety standards. These efforts help applicants fulfill the Physical Plant Requirement rule adopted in 2006 by the Department of Children and Families. Similarly, the DEP is working with the New Jersey Economic Development Authority in the implementation of the Child Care Facility Grant Program that provides up to \$1,500 to prospective owners for completing the Preliminary Assessment necessary for an NFA determination. Other program accomplishments in 2007 include the publicly-funded cleanup of 33 specific areas and 16 entire sites, the issuance of nearly 3,600 NFA determinations and the commitment of over \$39 million of Hazardous Discharge Site Remediation funding for investigation and/or remediation of 113 project sites. The DEP designated five Brownfield Development Areas in 2007, for a total of 31 sites (492 acres), which will become future locations for commerce, retail, residence, and other uses.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SUMMARY OF APPROPRIATIONS BY FUND

(thousands of dollars)

Year Ending June 30, 2007					Year Ending June 30, 2009			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	2008 Adjusted Approp.	Requested	Recom- mended	
GENERAL FUND								
241,208	45,044	7,640	293,892	277,371	Direct State Services	249,653	230,046	230,046
27,165	17,240	-750	43,655	4,744	Grants-In-Aid	35,947	19,481	19,481
11,066	140	155	11,361	11,203	State Aid	11,369	9,236	9,236
116,767	114,270	-9,118	221,919	99,251	Capital Construction	117,024	92,611	92,611
64,664	---	-1	64,663	64,663	Debt Service	56,790	59,735	59,735
460,870	176,694	-2,074	635,490	457,232	Total General Fund	470,783	411,109	411,109
PROPERTY TAX RELIEF FUND								
9,500	---	---	9,500	9,068	State Aid	9,828	10,000	10,000
9,500	---	---	9,500	9,068	Total Property Tax Relief Fund	9,828	10,000	10,000
470,370	176,694	-2,074	644,990	466,300	Total Appropriation, Department of Environmental Protection	480,611	421,109	421,109

ENVIRONMENTAL PROTECTION

SUMMARY OF APPROPRIATIONS BY PROGRAM (thousands of dollars)

Year Ending June 30, 2007					Year Ending June 30, 2009			
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	2008 Adjusted Approp.	Requested	Recommended	
DIRECT STATE SERVICES - GENERAL FUND								
Natural Resource Management								
7,087	---	607	7,694	7,694	Forest Resource Management	8,540	7,740	7,740
38,491	3,287	-926	40,852	39,582	Parks Management	40,514	31,658	31,658
15,475	2,512	-95	17,892	15,841	Hunters' and Anglers' License Fund	15,538	14,669	14,669
1,504	---	395	1,899	1,899	Shellfish and Marine Fisheries Management	1,971	1,971	1,971
661	207	188	1,056	642	Wildlife Management	1,403	1,218	1,218
1,682	---	3,472	5,154	5,114	Natural Resources Engineering	1,375	1,375	1,375
2,464	---	64	2,528	2,528	Palisades Interstate Park Commission	2,728	2,728	2,728
---	---	316	316	316	Environmental Management - CBT Dedication	---	---	---
<u>67,364</u>	<u>6,006</u>	<u>4,021</u>	<u>77,391</u>	<u>73,616</u>	<i>Subtotal</i>	<u>72,069</u>	<u>61,359</u>	<u>61,359</u>
Science and Technical Programs								
7,976	3,280	-894	10,362	10,021	Water Supply	8,521	8,521	8,521
13,380	2,959	-638	15,701	14,960	Land Use Regulation	13,585	12,973	12,973
3,145	---	-98	3,047	3,047	Science, Research and Technology	3,274	2,749	2,749
---	---	428	428	428	New Jersey Geological Survey	---	---	---
16,338	311	-1,857	14,792	14,457	Environmental Management - CBT Dedication	19,224	17,189	17,189
<u>40,839</u>	<u>6,550</u>	<u>-3,059</u>	<u>44,330</u>	<u>42,913</u>	<i>Subtotal</i>	<u>44,604</u>	<u>41,432</u>	<u>41,432</u>
Site Remediation and Waste Management								
6,836	2,550	-265	9,121	7,881	Solid and Hazardous Waste Management	6,308	6,308	6,308
41,979	14,963	-446	56,496	55,764	Remediation Management and Response	30,769	30,769	30,769
7,715	3,612	1,000	12,327	9,791	Environmental Management - CBT Dedication	13,155	10,314	10,314
<u>56,530</u>	<u>21,125</u>	<u>289</u>	<u>77,944</u>	<u>73,436</u>	<i>Subtotal</i>	<u>50,232</u>	<u>47,391</u>	<u>47,391</u>
Environmental Regulation								
8,194	636	-271	8,559	7,498	Radiation Protection	8,416	7,347	7,347
17,034	2,176	-602	18,608	18,535	Air Pollution Control	17,901	17,901	17,901
8,193	3,843	-134	11,902	10,049	Water Pollution Control	8,651	8,651	8,651
3,140	1	267	3,408	3,377	Public Wastewater Facilities	3,318	3,318	3,318
---	331	900	1,231	717	Environmental Management - CBT Dedication	---	---	---
---	1,200	-1,200	---	---	Clean Waters	---	---	---
<u>36,561</u>	<u>8,187</u>	<u>-1,040</u>	<u>43,708</u>	<u>40,176</u>	<i>Subtotal</i>	<u>38,286</u>	<u>37,217</u>	<u>37,217</u>
Environmental Planning and Administration								
2,338	---	-287	2,051	2,051	Regulatory and Governmental Affairs	2,120	1,595	1,595
15,659	4	4,767	20,430	20,426	Administration and Support Services	19,877	18,587	18,587
<u>17,997</u>	<u>4</u>	<u>4,480</u>	<u>22,481</u>	<u>22,477</u>	<i>Subtotal</i>	<u>21,997</u>	<u>20,182</u>	<u>20,182</u>
Compliance and Enforcement								
6,057	800	67	6,924	5,403	Air Pollution Control	4,761	4,812	4,812
2,419	---	-27	2,392	2,388	Pesticide Control	2,586	2,586	2,586
5,968	---	741	6,709	6,709	Water Pollution Control	6,433	6,433	6,433
2,029	929	-225	2,733	2,733	Land Use Regulation	2,103	2,103	2,103
5,444	---	393	5,837	5,837	Solid and Hazardous Waste Management	6,582	6,531	6,531

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Year Ending June 30, 2007					Year Ending June 30, 2009			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2008 Adjusted Approp.	Requested	Recom- mended
---	1,443	2,000	3,443	1,683	Environmental Management - CBT Dedication	---	---	---
21,917	3,172	2,949	28,038	24,753	<i>Subtotal</i>	22,465	22,465	22,465
241,208	45,044	7,640	293,892	277,371	Total Direct State Services - General Fund	249,653	230,046	230,046
241,208	45,044	7,640	293,892	277,371	TOTAL DIRECT STATE SERVICES	249,653	230,046	230,046
GRANTS-IN-AID - GENERAL FUND								
Natural Resource Management								
---	63	---	63	---	Forest Resource Management	---	---	---
---	19	---	19	---	Natural Resources Engineering	---	---	---
---	82	---	82	---	<i>Subtotal</i>	---	---	---
Science and Technical Programs								
400	---	---	400	400	Water Monitoring and Standards	400	---	---
5,000	1,424	---	6,424	4,194	Environmental Management - CBT Dedication	2,700	---	---
5,400	1,424	---	6,824	4,594	<i>Subtotal</i>	3,100	---	---
Site Remediation and Waste Management								
---	---	---	---	---	Solid and Hazardous Waste Management	8,000	---	---
---	---	---	---	---	<i>Subtotal</i>	8,000	---	---
Environmental Regulation								
21,765	15,734	-900	36,599	---	Environmental Management - CBT Dedication	24,847	19,481	19,481
21,765	15,734	-900	36,599	---	<i>Subtotal</i>	24,847	19,481	19,481
Environmental Planning and Administration								
---	---	150	150	150	Administration and Support Services	---	---	---
---	---	150	150	150	<i>Subtotal</i>	---	---	---
27,165	17,240	-750	43,655	4,744	Total Grants-In-Aid - General Fund	35,947	19,481	19,481
27,165	17,240	-750	43,655	4,744	TOTAL GRANTS-IN-AID	35,947	19,481	19,481
STATE AID - GENERAL FUND								
Environmental Planning and Administration								
7,613	140	155	7,908	7,750	Administration and Support Services	7,916	6,536	6,536
7,613	140	155	7,908	7,750	<i>Subtotal</i>	7,916	6,536	6,536
Compliance and Enforcement								
3,453	---	---	3,453	3,453	Water Pollution Control	3,453	2,700	2,700
3,453	---	---	3,453	3,453	<i>Subtotal</i>	3,453	2,700	2,700
11,066	140	155	11,361	11,203	Total State Aid - General Fund	11,369	9,236	9,236

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2007					Year Ending June 30, 2009			
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended		2008 Adjusted Approp.	Requested	Recommended
9,500	---	---	9,500	9,068	STATE AID - PROPERTY TAX RELIEF FUND			
Environmental Planning and Administration								
					Administration and Support Services	9,828	10,000	10,000
9,500	---	---	9,500	9,068	<i>Subtotal</i>	9,828	10,000	10,000
9,500	---	---	9,500	9,068	<i>Total State Aid - Property Tax Relief Fund</i>	9,828	10,000	10,000
20,566	140	155	20,861	20,271	TOTAL STATE AID	21,197	19,236	19,236
CAPITAL CONSTRUCTION								
Natural Resource Management								
9,000	1,865	---	10,865	2,890	Parks Management	---	---	---
---	231	---	231	5	Hunters' and Anglers' License Fund	---	---	---
---	1	---	1	1	Shellfish and Marine Fisheries Management	---	---	---
---	107	---	107	22	Wildlife Management	---	---	---
30,555	40,715	-3,569	67,701	23,829	Natural Resources Engineering	30,790	25,000	25,000
---	356	---	356	240	Palisades Interstate Park Commission	---	---	---
---	---	9,286	9,286	1,006	Environmental Management - CBT Dedication	21,924	17,189	17,189
39,555	43,275	5,717	88,547	27,993	<i>Subtotal</i>	52,714	42,189	42,189
Site Remediation and Waste Management								
---	24	---	24	---	Publicly-Funded Site Remediation	---	---	---
77,212	70,971	-14,835	133,348	71,258	Environmental Management - CBT Dedication	64,310	50,422	50,422
77,212	70,995	-14,835	133,372	71,258	<i>Subtotal</i>	64,310	50,422	50,422
116,767	114,270	-9,118	221,919	99,251	TOTAL CAPITAL CONSTRUCTION	117,024	92,611	92,611
DEBT SERVICE								
Environmental Planning and Administration								
64,664	---	-1	64,663	64,663	Administration and Support Services	56,790	59,735	59,735
64,664	---	-1	64,663	64,663	<i>Subtotal</i>	56,790	59,735	59,735
64,664	---	-1	64,663	64,663	TOTAL DEBT SERVICE	56,790	59,735	59,735
470,370	176,694	-2,074	644,990	466,300	<i>Total Appropriation, Department of Environmental Protection</i>	480,611	421,109	421,109

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.

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

PROGRAM CLASSIFICATIONS

11. **Forest Resource Management.** The State Forestry Service manages and protects the rural and urban forest resources of New Jersey. The Forest Fire Service is mandated to prevent, manage, and suppress wildfire 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.
12. **Parks Management.** Operates, maintains, and provides stewardship for 42 State parks, five marinas, 57 historic sites and districts, and other recreational, natural, and interpretive facilities in a clean, safe, and non-discriminatory manner; staffs facilities with maintenance, administrative, ranger, and seasonal personnel to provide assistance, information, education, and interpretive and protective services to the public; manages properties to ensure the preservation of natural and historic resources while maintaining high quality recreational opportunities; plans for the development and improvement of new facilities and reviews and approves all new construction; provides literature regarding recreational facilities, natural area, and historic preservation. Operates and maintains State marinas in a clean, safe, and non-discriminatory manner for all boat owners and visitors. Safe moorings are provided for boaters during heavy storms.
13. **Hunters' and Anglers' License Fund.** Manages the wildlife resources of the State through programs of research, regulation, habitat development, land acquisition, law enforcement, and public education. Trout and other species of fish, pheasants, and quail are reared at State hatcheries and game farms and released throughout the state; public lands are acquired and maintained for use as wildlife management areas. Regulations regarding hunting and fishing seasons are developed; and licenses, stamps, and permits are sold to provide a source of revenue to manage the State's wildlife resources.
14. **Shellfish and Marine Fisheries Management.** Manages the marine shellfish and finfish resources of the state through

research, monitoring, habitat protection, licensing, and regulatory programs. Clam and oyster grounds are leased to commercial shellfishermen for aquaculture activities. Programs (relay and depuration) also provide for the safe utilization of shellfish from marginally polluted areas. Marine fisheries programs support the effective management of the numerous migratory species on a coastwide basis. An artificial reef program constructs fisheries habitat in ocean areas to enhance productivity, thus providing additional fishing and diving opportunities.

20. **Wildlife Management.** Conducts wildlife research to protect and manage the State's non-game, endangered, and problem species. Additional responsibilities include permit review for wildlife possession, bird banding, scientific collection, and public information.
21. **Natural Resources Engineering.** (Office of Engineering and Construction). Provides financial and technical assistance to local governments for the construction of groins, jetties, bulkheads, sea walls, and beach replenishment under the shore protection program. Performs dam safety inspections and dam construction and reconstruction permit reviews. Manages the dam loan program to achieve compliance with safe dam regulations. Provides financial and technical assistance to local governments for flood control projects, including flood walls, levees, and property buy-outs. Operates and maintains the bayshore floodgate. Dredges and marks 200 miles of navigation channels in the State's tidal inland waterways and large State-controlled lakes for boating safety.
24. **Palisades Interstate Park Commission.** Operates and maintains existing parks and historic sites in a clean, safe, and non-discriminatory manner for all visitors; plans for the improvement and development of new facilities; maintains highways, bridges, landscaped areas, signs, and traffic lines to ensure the safety of the motoring public. Enforces traffic laws on the Palisades Parkway and all other roads within the Commission's boundaries; polices Commission lands to ensure that park facilities are utilized in accordance with laws, statutes, and Commission regulations; maintains a police court with the powers and jurisdiction of a municipal court with respect to crimes, disorderly conduct, and violations of the motor vehicle and traffic or other laws of the State or of any of the rules and regulations of the Commission.
29. **Environmental Management - CBT Dedication.** Since 1996, 4% of the revenue annually derived from the tax imposed by the Corporation Business Tax Act (P.L.1945, c.162) has been dedicated to the Department. Beginning in 2007, the dedication is expanded to provide funding for the development and conservation of recreational lands.

EVALUATION DATA

PROGRAM DATA	Actual FY 2006	Actual FY 2007	Revised FY 2008	Budget Estimate FY 2009
Forest Resource Management				
Fires (annual)	2,367	1,271	1,800	1,800
Acres lost (annual)	2,716	18,888	10,500	10,500
Acres of prescribed burning	17,270	10,458	20,000	20,000
Parks Management				
State parks and forests				
Total visitors	16,975,700	16,200,000	16,800,000	16,800,000
Total revenue (millions)	\$6.9	\$6.8	\$6.9	\$6.9

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	Actual FY 2006	Actual FY 2007	Revised FY 2008	Budget Estimate FY 2009
Historic sites				
Visitors	760,000	759,000	760,000	760,000
Revenue	\$34,000	\$55,000	\$55,000	\$55,000
Green Acres / Open Space Preservation				
Acres preserved since inception of GSPT (a)	137,740	164,979	173,284	193,877
Annual acres preserved	27,239	8,305	20,593	15,000
State funding (millions)	\$108.3	\$80.0	\$80.0	\$80.0
County/ Municipal funding (millions)	\$59.4	\$65.0	\$65.0	\$80.0
County/ Municipal dedicated tax revenue (millions)	\$301.4	\$337.4	\$301.4	\$350.0
Non-profit funding (millions)	\$12.0	\$8.2	\$8.2	\$12.0
Hunters' and Anglers' License Fund				
Trout propagated and distributed	770,000	770,000	700,000	700,000
Pheasants reared at game farms	60,000	57,573	64,000	55,000
Other fish propagated and distributed	2,000,000	1,700,000	1,500,000	1,500,000

PERSONNEL DATA

Position Data

Filled Positions by Funding Source

State Supported	660	633	619	529
Federal	6	6	5	5
All Other	326	308	293	292
Total Positions	992	947	917	826

Filled Positions by Program

Forest Resource Management	116	113	106	105
Parks Management	551	534	516	422
Hunters' and Anglers' License Fund	192	177	170	167
Shellfish and Marine Fisheries Management	43	39	43	45
Wildlife Management	16	17	22	22
Natural Resources Engineering	74	67	60	65
Total Positions	992	947	917	826

Notes:

Actual payroll counts are reported for fiscal years 2006 and 2007 as of December and revised fiscal year 2008 as of January.

The Budget Estimate for fiscal year 2009 reflects the number of positions funded. All Other includes positions supported by fees or other dedicated resources previously reported as State Supported.

(a) Garden State Preservation Trust (GSPT)

APPROPRIATIONS DATA (thousands of dollars)

Orig. & (S)Supple- mental	Year Ending June 30, 2007				Prog. Class.	2008 Adjusted Approp.	Year Ending June 30, 2009	
	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Total Expended			Requested	Recom- mended
DIRECT STATE SERVICES								
Distribution by Fund and Program								
7,087	---	607	7,694	7,694	11	8,540	7,740	7,740
38,491	3,287	-926	40,852	39,582	12	40,514	31,658	31,658
15,475	2,512	-95	17,892	15,841	13	15,538	14,669	14,669
1,504	---	395	1,899	1,899	14	1,971	1,971	1,971
661	207	188	1,056	642	20	1,403	1,218	1,218
1,682	---	3,472	5,154	5,114	21	1,375	1,375	1,375
2,464	---	64	2,528	2,528	24	2,728	2,728	2,728
---	---	316	316	316	29	---	---	---
67,364	6,006	4,021	77,391	73,616		72,069^(a)	61,359	61,359
Distribution by Fund and Object								
Personal Services:								
48,796	977					47,608		
290 ^S	1,398 ^R	1,759	53,220	48,652		300 ^S	36,991	36,991

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2007					Year Ending June 30, 2009			
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2008 Adjusted Approp.	Requested	Recommended
CAPITAL CONSTRUCTION								
Distribution by Fund and Object								
Bureau of Parks								
---	66	---	66	11	12	---	---	---
---	128	---	128	56				
9,000	---	---	9,000	2,078				
---	39	---	39	37				
---	10	---	10	10				
---	9	---	9	8				
---	74	---	74	35				
---	43	---	43	30				
---	203	---	203	160				
---	526	---	526	307				
---	3	---	3	3				
---	25	---	25	20				
---	15	---	15	7				
---	24	---	24	24				
---	30	---	30	---				
---	2	---	2	2				
---	108	---	108	17				
---	85	---	85	53				
---	254	---	254	2				
---	84	---	84	---				
---	35	---	35	28				
---	66	---	66	2				
---	8	---	8	---				
---	28	---	28	---				
---	---	9,286	9,286	1,006				
Palisades Interstate Park Commission								
---	240	---	240	240				
---	116	---	116	---				
Division of Fish and Wildlife								
---	194	---	194	---				
---	13	---	13	5				
---	24	---	24	---				
						21,924	17,189	17,189

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2007					Year Ending June 30, 2009				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2008 Adjusted Approp.	Requested	Recommended	
CAPITAL CONSTRUCTION									
---	3	---	3	3					
					20	---	---	---	
---	85	---	85	3	20	---	---	---	
---	19	---	19	16	20	---	---	---	
Shellfish and Marine Fisheries Management									
---	1	---	1	1	14	---	---	---	
Natural Resources Engineering									
---	10	---	10	---	21	---	---	---	
25,000	34,416	-3,173	56,243	17,671	21	25,000	25,000	25,000	
5,555	5,638	-396	10,797	6,158	21	5,790	---	---	
---	651	---	651	---	21	---	---	---	
106,919	49,363	9,738	166,020	101,609	Grand Total State Appropriation		124,783	103,548	103,548
OTHER RELATED APPROPRIATIONS									
Federal Funds									
6,465									
50 ^S	2,868	---	9,383	3,077	11	6,530	6,760	6,760	
35,352	4,615	---	39,967	4,614	12	37,540	34,640	34,640	
12,815									
474 ^S	1,516	3	14,808	5,358	13	12,155	11,430	11,430	
3,505									
80 ^S	739	---	4,324	2,213	14	4,025	3,790	3,790	
1,630									
51 ^S	-29	---	1,652	984	20	2,695	2,695	2,695	
390									
30 ^S	322	---	742	360	21	425	440	440	
60,842	10,031	3	70,876	16,606	Total Federal Funds		63,370	59,755	59,755
All Other Funds									
---	3,869								
---	3,274 ^R	193	7,336	2,363	11	4,330	4,330	4,330	
---	3,151								
---	4,742 ^R	70	7,963	3,936	12	6,640	6,616	6,616	
---	3,888								
---	187 ^R	157	4,232	354	13	1,478	1,473	1,473	
---	1,166								
---	536 ^R	197	1,899	439	14	523	522	522	
---	109								
---	388 ^R	---	497	337	20	372	364	364	
---	4,531								
---	5,156 ^R	---	9,687	4,323	21	3,820	3,950	3,950	
---	2,009								
---	5,122 ^R	---	7,131	5,527	24	4,629	4,385	4,385	
---	38,128	617	38,745	17,279	Total All Other Funds		21,792	21,640	21,640
167,761	97,522	10,358	275,641	135,494	GRAND TOTAL ALL FUNDS		209,945	184,943	184,943

Notes -- Direct State Services - General Fund

(a) The fiscal year 2008 appropriation has been adjusted for the allocation of salary program, which includes \$242,000 in appropriated receipts, and for the reallocation of management efficiencies.

Language Recommendations -- Direct State Services - General Fund

In addition to the amount hereinabove appropriated for Forest Resource Management, an amount not to exceed \$500,000 shall be made available from the Water Resources Monitoring and Planning-Constitutional Dedication special purpose account, to support nonpoint source pollution and watershed management programs in the Bureau of Forestry.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove for the Green Acres/Open Space Administration account is transferred from the Garden State Preservation Trust to the General Fund, together with an amount not to exceed \$419,000, 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.

ENVIRONMENTAL PROTECTION

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

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

Of the amount hereinabove for the Hunters' and Anglers' License Fund, the first \$11,000,000 is payable out of that fund and any amount remaining therein and the unexpended balance at the end of the preceding fiscal year of the receipts in the Hunters' and Anglers' License Fund, together with any receipts in excess of the amount anticipated, are appropriated. If receipts to that fund are less than anticipated, the appropriation from the fund shall be reduced proportionately.

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

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

An amount not to exceed \$3,166,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for costs attributable to planning, operation, and administration of the shore protection program, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$1,158,000 is allocated from the capital construction appropriation for HR-6 Flood Control for costs attributable to the operation and administration of the State Flood Control Program, subject to the approval of the Director of the Division of Budget and Accounting.

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

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

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

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

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

There is appropriated to the Department of Environmental Protection from penalties collected under the "Safe Dam Act," P.L. 2005, c.228 (C.58:4-6 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.

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

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

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

Language Recommendations -- Capital Construction

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

An amount not to exceed \$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.

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, ground water protection programs, water quality monitoring and water supply management, development, conservation, and protection plans.
5. To develop and coordinate the implementation of the Coastal Zone Management and the National Estuary programs, including the Delaware, NY/NJ Harbor, and Barnegat Bay Estuaries.
6. To develop and coordinate water quality management planning functions, including wastewater management, point and nonpoint source pollution control, and the restoration of aquatic habitats.
7. To coordinate the sustainable growth and capacity-based planning policies of the Department and to incorporate these policies into all levels of planning.
8. To collaborate and support environmental justice advocacy groups and to assist DEP programs in integrating environmental justice principles in decision making and developing quality of life initiatives.
9. To collect and analyze ambient water data and develop water quality standards to assess water quality status and trends, to evaluate water-related ecological and public health risks, to classify 700,000 acres of NJ coastal waters for safe harvest of molluscan shellfish, and for existing/emerging problem identification.

PROGRAM CLASSIFICATIONS

05. **Water Supply.** Administers the New Jersey Private Well Testing Act and the federal and State Safe Drinking Water programs, the Well Permit program, and the Water Allocation program to ensure a safe and reliable water supply. Also administers the Drought Management Program. As part of the Safe Drinking Water program, administers the Drinking Water State Revolving Fund (DWSRF) which includes a financing program for water supply projects, along with set asides for capacity development, training for licensed operators, and source water assessment and delineation activities.

07. **Water Monitoring and Standards.** Conducts ambient monitoring of freshwater (i.e., rivers and streams, lake and ground water) and marine surface water 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. Coordinates the development and integration of biological criteria into State water quality standards, which support the New Jersey Pollutant Discharge System (NJPDES) and the Site Remediation Programs. Classifies shellfish growing area waters for shellfish harvesting, and conducts bacteriological and chemical analysis of shellfish for public health protection. Oversees Volunteer Monitoring, Beach Monitoring and Operation Clean Shores programs. Develops, operates, and maintains water quality database systems for both government and public data dissemination.
15. **Land Use Regulation.** Protects and manages the State's land and water resources through the implementation of the Coastal Area Facility Review Act (CAFRA), the Waterfront Development Law, the Coastal Wetlands Act of 1970, the Flood Hazard Area Control Act, the Freshwater Wetlands Protection Act, the Highlands Water Protection and Planning Act, and the federal consistency provisions of the federal Coastal Zone Management Act. In addition to the resource protection mandates of these statutes, these programs protect lives and property from storm and flood damages.
18. **Science, Research and Technology.** Provides a fundamental scientific foundation for a wide range of departmental policies, actions, and standard setting activities. Develops scientific information and innovative environmental management strategies by performing environmental assessments and risk analyses, scientific investigations and technical assessments of toxic and carcinogenic contaminants, human health and ecological studies and risk assessments, water quality studies and assessments, applied research and technical evaluations, comprehensive review and assessment of the current state of scientific knowledge on specific issues, scientific connections for dealing with cross-media contaminants, new economically-based environmental management approaches, innovative technologies for remediation of hazardous waste sites, and effective risk communication techniques. Identifies emerging environmental issues and develops them for departmental consideration. Provides technical expertise toward the development of human health criteria and analytical capabilities for toxic contaminant standards in potable water, ground water, surface water, and soil. Serves as the DEP's lead program for the implementation of the Regional Greenhouse Gas Initiative. Acts as the primary liaison with the New Jersey Board of Public Utilities (BPU) regarding environmental implications of the BPU's renewable energy and energy conservation programs in fulfillment of the DEP's role as environmental consultant to the BPU, as established in the Electric Discount and Energy Competition Act. Provides expertise to the DEP in areas of environmental economics and sustainability.
22. **New Jersey Geological Survey.** Maps the geology and topography of the state, assesses offshore mineral resources and dredging, maintains a cooperative water monitoring program with the United States Geological Service (USGS)

ENVIRONMENTAL PROTECTION

and reviews plans for underground storage of gas, oil, and chemical disposal wells. The program also evaluates the supply potential and water quality of the state's aquifers, maintains a statewide geohydrologic database, maps aquifer recharge and wellhead protection areas, investigates groundwater pollution problems, and supports other State and municipal programs through geophysical studies, groundwater investigations, and the use of Geographic Information Systems (GIS) technology.

29. **Environmental Management - CBT Dedication.** Since 1996, 4% of the revenue annually derived from the tax imposed by the Corporation Business Tax Act (P.L.1945, c.162) has been dedicated to the Department. A portion of this dedication has been used for the following purposes: watershed-based water resource planning and management, financing the cost of water quality point and nonpoint source pollution monitoring, nonpoint source pollution prevention projects, TMDL development and implementation, as well as lake restoration and grants. Conducts planning on watershed management, water quality, water supply, coastal zone

management, nonpoint source control, stormwater management, and other planning requirements associated with the federal Clean Water Act and the New Jersey Water Quality Planning Act. Also administers the National Estuary Program and federal Section 604(b) water quality management planning and Section 319(h) nonpoint source grant programs.

80. **Drinking Water State Revolving Fund.** Set asides provided by the Drinking Water State Revolving Fund, including program administration, small system technical assistance, capacity development, operator certification, and source water protection activities. See related program classification 05 for further details.

90. **Watershed Management.** Conducts planning on watershed management, water quality, water supply, coastal zone management, stormwater management, and planning requirements associated with the federal Clean Water Act. Conducts environmental impact statement reviews, acts as liaison with the State Planning Commission, and implements the State Development and Redevelopment Plan within the Department.

EVALUATION DATA

	Actual FY 2006	Actual FY 2007	Revised FY 2008	Budget Estimate FY 2009
PROGRAM DATA				
Water Monitoring and Standards				
Ambient Marine Water:				
Water samples analyzed	17,500	16,000	16,000	16,000
Shellfish bed acres open	78%	78%	78%	78%
Shellfish bed acres seasonal	4%	3%	3%	3%
Shellfish bed acres condemned	11%	11%	11%	11%
Shellfish bed acres specially restricted	8%	8%	8%	8%
Land Use Regulation				
Tidelands:				
Inquiries	406	316	300	300
Appraisals	325	325	325	325
Grant applications approved	208	76	100	100
New licenses	363	499	500	500
License renewals	341	695	650	650
Statements of No Interest (SNI) issued	8	17	17	17
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
State Supported	42	40	35	24
Federal	53	48	38	36
All Other	467	453	456	457
Total Positions	562	541	529	517
Filled Positions by Program				
Water Supply	157	155	148	149
Water Monitoring and Standards	47	48	47	45
Land Use Regulation	194	188	189	182
Science, Research and Technology	33	34	29	24
New Jersey Geological Survey	22	20	19	19
Environmental Management - CBT Dedication	65	63	63	63
Drinking Water State Revolving Fund	9	6	5	6
Watershed Management	35	27	29	29
Total Positions	562	541	529	517

Notes:

Actual payroll counts are reported for fiscal years 2006 and 2007 as of December and revised fiscal year 2008 as of January. The Budget Estimate for fiscal year 2009 reflects the number of positions funded. All Other includes positions supported by fees or other dedicated resources previously reported as State Supported.

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APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2007					Year Ending June 30, 2009				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2008 Adjusted Approp.	Requested	Recom- mended	
<u>DIRECT STATE SERVICES</u>									
Distribution by Fund and Program									
7,976	3,280	-894	10,362	10,021	05	8,521	8,521	8,521	
13,380	2,959	-638	15,701	14,960	15	13,585	12,973	12,973	
3,145	---	-98	3,047	3,047	18	3,274	2,749	2,749	
---	---	428	428	428	22	---	---	---	
16,338	311	-1,857	14,792	14,457	29	19,224	17,189	17,189	
40,839	6,550	-3,059	44,330	42,913	44,604^(a)		41,432	41,432	
Distribution by Fund and Object									
Personal Services:									
10,584	129	1,654	12,367	12,361	10,104		10,035	10,035	
Salaries and Wages									
<i>10,584</i>	<i>129</i>	<i>1,654</i>	<i>12,367</i>	<i>12,361</i>	<i>10,104</i>		<i>10,035</i>	<i>10,035</i>	
30	---	18	48	44	68		65	65	
1,596	113	597	2,306	2,306	2,126		1,721	1,721	
132	6	-6	132	132	82		109	109	
Special Purpose:									
---	2,856 ^R	-2,745	111	---	05	---	---	---	
2,111	94 ^R	-21	2,184	2,184	2,269		2,269	2,269	
1,545	57 ^R	-6	1,596	1,596	1,728		1,728	1,728	
255	17 ^R	---	272	272	324		324	324	
43	---	-17	26	26	43		43	43	
58	---	50	108	108	---		---	---	
2,368	---	-39	2,329	2,111	2,433		2,433	2,433	
---	3 ^R	---	3	---	---		---	---	
---	996 ^R	-259	737	---	---		---	---	
12	---	-10	2	2	12		---	---	
2,701	1,960 ^R	115	4,776	4,776	3,002		3,002	3,002	
647	---	-201	446	445	600		---	---	
2,169	---	-326	1,843	1,843	2,264		2,264	2,264	
---	---	---	---	---	75 ^S		---	---	
250	---	---	250	250	250		250	250	
16,338	311	-1,857	14,792	14,457	19,224		17,189	17,189	
---	8	-6	2	---	---		---	---	
<u>GRANTS-IN-AID</u>									
Distribution by Fund and Program									
400	---	---	400	400	07	400	---	---	
5,000	1,424	---	6,424	4,194	2,700		---	---	
5,400	1,424	---	6,824	4,594	3,100		---	---	

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Year Ending June 30, 2007					Year Ending June 30, 2009				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2008 Adjusted Approp.	Requested	Recommended	
GRANTS-IN-AID									
Distribution by Fund and Object									
Grants:									
400	---	---	400	400	Lake Hopatcong Commission	07	400	---	---
---	1,424	---	1,424	1,144	Stormwater Management Grants	29	---	---	---
5,000	---	---	5,000	3,050	Watershed Restoration Projects	29	2,700	---	---
46,239	7,974	-3,059	51,154	47,507	Grand Total State Appropriation		47,704	41,432	41,432
OTHER RELATED APPROPRIATIONS									
Federal Funds									
22,200	124	---	22,324	2,058	Water Supply (b)	05	22,200	22,200	22,200
5,250	-495	---	4,755	2,427	Water Monitoring and Standards	07	4,982	4,450	4,450
10,575	1,576	---	12,151	2,885	Land Use Regulation	15	10,050	10,050	10,050
1,465					Science, Research and Technology	18	1,590	1,550	1,550
204 ^S	165	---	1,834	785	New Jersey Geological Survey	22	375	390	390
350	23	---	373	135	Watershed Management	90	6,275	6,275	6,275
6,387	172	424	6,983	4,740	Total Federal Funds		45,472	44,915	44,915
46,431	1,565	424	48,420	13,030	All Other Funds				
---	381	---	1,006	605	Water Supply	05	5,715	5,456	5,456
---	625 ^R	---	59	36	Water Monitoring and Standards	07	---	---	---
---	59	---	1,414	---	Land Use Regulation	15	3,852	4,290	4,290
---	1,389	---	997	58	Science, Research and Technology	18	2,000	---	---
---	25 ^R	---	3,052	3,052	Drinking Water State Revolving Fund	80	4,450	4,000	4,000
---	977	---	102	26	Watershed Management	90	---	---	---
---	20 ^R	---	6,630	3,777	Total All Other Funds		16,017	13,746	13,746
---	8	---	106,204	64,314	GRAND TOTAL ALL FUNDS		109,193	100,093	100,093
---	3,044 ^R	---							
---	102	---							
---	6,630	---							
92,670	16,169	-2,635							

Notes -- Direct State Services - General Fund

- (a) The fiscal year 2008 appropriation has been adjusted for the allocation of salary program, which includes \$448,000 in appropriated receipts, and for the reallocation of management efficiencies.
- (b) Water supply project expenditures for the Drinking Water State Revolving Fund are reflected off budget.

Language Recommendations -- Direct State Services - General Fund

The amounts hereinabove appropriated for the Administrative Costs Water Supply Bond Act of 1981 - Water Supply Management, Watershed and Aquifer, and Planning and Standards accounts are appropriated from the "Water Supply Bond Act of 1981," P.L.1981, c.261, together with an amount not to exceed \$149,000, 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 \$1,279,000, 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 discharge of hazardous substances on the environment and organisms, on methods of pollution prevention and recycling of hazardous substances, and on the development of improved cleanup, removal and disposal operations, subject to the approval of the Director of the Division of Budget and Accounting.

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

Notwithstanding the provisions of any law or regulation to the contrary, funds appropriated in the Water Resources Monitoring and Planning - Constitutional Dedication special purpose account shall be made available to support nonpoint source pollution and watershed management programs, consistent with the constitutional dedication, within the Department of Environmental Protection in the amounts of \$1,536,000 for Water Monitoring and Standards, \$1,392,000 for New Jersey Geological Survey, \$157,000 for Watershed Management, \$500,000 for Forestry Management, and \$790,000 transferred to the Department of Agriculture or any entity succeeding to the duties and functions of the Department of Agriculture, pursuant to separate legislation, 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, 2008.

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

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

Receipts in excess of those anticipated for Water Allocation Fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection to offset the costs of the Water Supply program, subject to the approval of the Director of the Division of Budget and Accounting.

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

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

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

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

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

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

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

40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

44. SITE REMEDIATION AND WASTE MANAGEMENT

OBJECTIVES

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

ENVIRONMENTAL PROTECTION

PROGRAM CLASSIFICATIONS

19. **Publicly-Funded Site Remediation.** Conducts a program to remediate sites contaminated by hazardous substances where a responsible party cannot be identified or is unable or unwilling to voluntarily participate. These activities are supported by federal (Superfund) funds.
23. **Solid and Hazardous Waste Management.** Provides leadership, planning, education, and financial and technical assistance to the state's citizens and businesses to help them manage their waste responsibly. Regulates the generation, storage, collection, transportation, processing, treatment, and disposal of solid and hazardous wastes. Regulations and standards are implemented and monitored through on-site construction inspections, design reviews, data collection, and permit issuance. Administers the federal Resource Conservation and Recovery Act of 1976 (RCRA). Develops and implements programs to attain statewide recycling goals and to reduce the quantities of waste generated. Monitors the solid waste collection industry to promote effective competition and to prohibit anti-competitive practices. Regulates and oversees mergers, acquisitions, and long-term financing arrangements of the solid waste utility industry. Promoting the reuse of non-operating landfills, the Landfill Unit provides oversight of landfill remediation, closure, and redevelopment through the melding and implementation of solid waste regulations and technical requirements for site remediation. The Office of Dredging and Sediment Technology is responsible for evaluating and permitting all coastal dredging projects and is committed to the beneficial reuse of dredged material.
27. **Remediation Management and Response.** Conducts a statewide program to oversee the remediation of sites by

private parties under both the State's mandated and voluntary cleanup programs. Provides oversight to ensure that appropriate standards and technical requirements are met. The State Spill Compensation and Control Act, ISRA, Underground Storage of Hazardous Substances Act, and the Water Pollution Control Act authorize the Department to oversee these projects. Provides management assistance and coordination of remedial activities at National Priorities List Site-Cleanups where the projects are led by the federal Environmental Protection Agency, Department of Defense, or Department of Energy. Provides an around-the-clock response program for chemical, biological, radiological, nuclear, and explosive (CBRNE) emergencies. Also operates an around-the-clock communication center which is the point of initial notification for events and the key point of contact/communication for many State agencies. The program also reviews preliminary assessment and site investigation reports to determine the approval of child care/ educational facility licenses and conducts periodic inspections of those facilities in the state.

29. **Environmental Management - CBT Dedication.** Since 1996, 4% of the revenue annually derived from the tax imposed by the Corporation Business Tax Act (P.L.1945, c.162) has been dedicated to the Department. A portion of this dedication has been used to provide loans or grants to upgrade, replace, or close underground storage tanks, including the costs of remediation, and to finance the cost of remediating hazardous substance discharges. Beginning in fiscal 2005, the dedication was expanded to include the provision of loans and grants for site remediation redevelopment of brownfields, pursuant to a November 2003 amendment to the State Constitution.

EVALUATION DATA

PROGRAM DATA	Actual FY 2006	Actual FY 2007	Revised FY 2008	Budget Estimate FY 2009
Solid and Hazardous Waste Management				
Annual tonnage of solid waste:				
Generated statewide	20,700,000	21,555,981	23,000,000	24,000,000
Generated per capita (lbs./person/day)	13.10	13.30	13.40	13.60
Recycled statewide	10,500,000	11,406,773	12,200,000	13,200,000
Recycled per capita (lbs./person/day)	6.80	6.90	7.20	7.40
Reduction in solid waste stream due to recycling	50.9%	52.9%	53.0%	55.0%
Annual tonnage of hazardous waste generated statewide				
Disposed	75,127	110,152	92,640	92,640
Incinerated	50,834	75,985	63,410	63,410
	24,293	34,167	29,230	29,230
Remediation Management and Response				
Responsible Party Remediation:				
ISRA negative declarations	314	236	300	300
ISRA remedial action workplan approvals	---	2	10	10
ISRA remediations monitored	1,550	1,612	1,500	1,500
ISRA remediations completed	314	236	300	300
Voluntary cleanup - remediations monitored	5,737	7,008	7,000	7,000
Voluntary cleanup - remediations completed	3,692	3,069	3,000	3,000
Remedial Response:				
Remedial action workplan approvals	72	59	60	60
Remediation Support:				
Emergency responses total deployments	1,259	1,331	1,350	1,350
Child Care Facilities inspected	---	84	1,700	1,900

ENVIRONMENTAL PROTECTION

	Actual FY 2006	Actual FY 2007	Revised FY 2008	Budget Estimate FY 2009
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
Federal	26	20	20	19
All Other	616	582	583	582
Total Positions	642	602	603	601
Filled Positions by Program				
Solid and Hazardous Waste Management	122	92	94	91
Remediation Management and Response	392	381	374	375
Environmental Management - CBT Dedication	128	129	135	135
Total Positions	642	602	603	601

Notes:

Actual payroll counts are reported for fiscal years 2006 and 2007 as of December and revised fiscal year 2008 as of January. The Budget Estimate for fiscal year 2009 reflects the number of positions funded. All Other includes positions supported by fees or other dedicated resources previously reported as State Supported.

APPROPRIATIONS DATA (thousands of dollars)

Orig. & (S)Supple- mental	Year Ending June 30, 2007				Total Available Expended		Prog. Class.	2008 Adjusted Approp.	Year Ending June 30, 2009	
	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total	Expended					Requested	Recom- mended
DIRECT STATE SERVICES										
Distribution by Fund and Program										
6,836	2,550	-265	9,121	7,881	Solid and Hazardous Waste Management	23	6,308	6,308	6,308	6,308
41,979	14,963	-446	56,496	55,764	Remediation Management and Response	27	30,769	30,769	30,769	30,769
7,715	3,612	1,000	12,327	9,791	Environmental Management - CBT Dedication	29	13,155	10,314	10,314	10,314
56,530	21,125	289	77,944	73,436	Total Direct State Services		50,232 ^(a)	47,391	47,391	47,391
Distribution by Fund and Object										
Personal Services:										
14,725	6,855 ^R	-2,645	18,935	15,609	Salaries and Wages		16,262	15,075	15,075	15,075
---	---	---	---	3,325	Employee Benefits		---	---	---	---
14,725	6,855	-2,645	18,935	18,934	Total Personal Services		16,262	15,075	15,075	15,075
205	---	10	215	215	Materials and Supplies		166	219	219	219
3,597	---	137	3,734	3,734	Services Other Than Personal		1,866	2,512	2,512	2,512
727	---	-246	481	481	Maintenance and Fixed Charges		389	592	592	592
Special Purpose:										
---	265	-1,099	1,234	---	Solid and Hazardous Waste Management	23	---	---	---	---
355	214 ^R	---	569	569	Office of Dredging and Sediment Technology	23	390	390	390	390
---	3	---	3	---	Recycling of Solid Waste	23	---	---	---	---
---	---	3,223	3,223	2,759	Remediation Management and Response	27	---	---	---	---
16,322	7,757 ^R	-90	23,989	23,989	Hazardous Discharge Site Cleanup Fund - Responsible Party	27	16,931	16,931	16,931	16,931
12,000	---	---	12,000	12,000	Passaic River Cleanup Litigation	27	---	---	---	---
884	---	-7	877	877	Underground Storage Tanks	27	953	953	953	953
7,715	3,143	---	10,858	9,433	Cleanup Projects Administrative Costs - Constitutional Dedication	29	13,155	10,314	10,314	10,314
---	469	1,000	1,469	358	Private Underground Tank Administrative Costs - Constitutional Dedication	29	---	---	---	---

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 \$241,000 for the administration of the Dredging and Sediment Technology program, subject to the approval of the Director of the Division of Budget and Accounting.

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

In addition to site specific charges, the amounts hereinabove for the Remediation Management and Response program classification, excluding the Hazardous Discharge Site Cleanup Fund - Responsible Party and the Underground Storage Tanks accounts, are appropriated from the New Jersey Spill Compensation Fund, in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), together with an amount not to exceed \$6,161,000 for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Discharge Site Cleanup Fund - Responsible Party account is appropriated from responsible party cost recoveries deposited in the Hazardous Discharge Site Cleanup Fund, together with an amount not to exceed \$10,970,000 for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

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

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

Receipts in excess of the amount anticipated from Solid Waste Utility Regulation, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Solid and Hazardous Waste Management program classification for costs incurred to oversee the State's recycling efforts and other solid waste program activities.

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

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

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

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

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

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

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

Language Recommendations -- Capital Construction

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

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

ENVIRONMENTAL PROTECTION

All natural resource and other associated damages recovered by the State shall be deposited in the Hazardous Discharge Site Cleanup Fund established pursuant to section 1 of P.L.1985, c.247 (C.58:10-23.34), and are appropriated for: direct and indirect costs of remediation, restoration, and clean up; costs for consulting, expert, and legal services incurred in pursuing claims for damages; and grants to local governments and nonprofit organizations to further implement restoration activities of the Office of Natural Resource Restoration.

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

40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

45. ENVIRONMENTAL REGULATION

OBJECTIVES

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

PROGRAM CLASSIFICATIONS

01. **Radiation Protection.** Licenses, registers, and inspects owners of machine sources, naturally occurring or accelerator-produced radioactive materials, and non-ionizing sources of radiation. Responsible for maintaining the capability to respond and provide technical assistance during radiological emergencies. Certifies and inspects businesses and individuals that conduct radon testing and mitigation. Inspects mammography facilities under contract with the Food and Drug Administration. Licenses x-ray technologists, nuclear medicine technologists, and radon testers and mitigators. Determines exposure pathways and environmental or health impact of sources of radiation and provides direction on remediation. Provides emergency planning and response and monitoring around nuclear power plant sites. Tracks shipments of large quantities of radioactive materials through New Jersey. Establishes and maintains policies and

procedures for the generation, compilation, review and the use of data of documented quality, as required by the USEPA. Reviews data submitted to the Department to verify its quality and determine its usability. Certifies the analytical capabilities of laboratories performing analyses in response to the State's environmental programs.

02. **Air Pollution Control.** Protects and enhances the air environment. Provides overall air quality management to attain the health based ambient air quality standards and visibility goals. Coordinates air quality planning to ensure compliance with State and federal requirements. Conducts ambient air monitoring, emission inventory development, and air pollution control rule development. Participates in the air pollution control aspects of the motor vehicle inspection and maintenance programs, administers the Low Emission Vehicle Program, and identifies and implements, where appropriate, programs to reduce emissions of diesel exhaust. Reviews construction plans for new and modified stationary sources of potential air pollution and issues permits for construction and operation; validates tax exemption claims for air pollution control equipment; oversees the conduct of periodic stack tests to determine air contaminant emission rates; oversees continuous emission monitoring of stacks; reviews and conducts air quality modeling studies of major new sources of air contamination; reviews and restricts the health risk of toxic air contaminant emissions from stationary sources; and reviews and issues facility-wide operating permits for major existing sources of air pollution. Provides program coordination in compliance with State and federal mandates to attain air quality standards. Conducts air monitoring, planning and analysis, as well as motor vehicle pollution control projects and the development of regulations.

Release Prevention. Implements and ensures compliance with New Jersey's Community Right To Know and Superfund Amendments and Reauthorization Act (SARA) Title III programs, which gather information on the use, storage, and release of toxic chemicals in the state and make information available to the public. Monitors compliance with the Toxic Catastrophe Prevention Act to identify companies which handle extraordinarily hazardous substances and ensure that procedures are in place to prevent devastating accidental chemical releases. The Discharge Prevention Containment and Countermeasures (Oil Spill Prevention) program reduces the possibility of hazardous spills through plan submittals and 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)

ENVIRONMENTAL PROTECTION

and stormwater from various types of facilities and activities, including the generation, monitoring, and beneficial management of sludge and sludge derived products. To accomplish this, the program issues permits which impose requirements to limit and/or prevent the discharge of pollutants into waters of the state. The regulated facilities vary widely in size from small uses such as campgrounds, schools, and shopping centers to larger industrial and municipal wastewater discharges. Implements Treatment Works Approval program to regulate the construction of wastewater collection, conveyance, and treatment facilities.

09. **Public Wastewater Facilities.** Administers the New Jersey Environmental Infrastructure Financing program along with the New Jersey Environmental Infrastructure Trust, an independent State financing authority. The program provides loans to local government units for the construction of environmental infrastructure facilities through the Clean Water State Revolving Fund, with funds made available under the federal Clean Water Act and various State bond acts. The projects eligible for financial assistance include water and wastewater treatment plant upgrades or improvements, facilities for the beneficial reuse and treatment of sewage sludge, collection and conveyance facilities, on-site system

rehabilitation, infiltration/inflow correction, combined sewer overflow and interconnection/cross-connection abatement, and nonpoint source projects (such as land acquisition, brownfield remediation, well sealing, and landfills).

16. **Water Monitoring and Planning.** Federal funds for regulating the discharge of contaminants/toxics from wastewater treatment facilities and the management of residuals, the management of sludge, and the issuance of stormwater permits.
29. **Environmental Management - CBT Dedication.** Since 1996, 4% of the revenue annually derived from the tax imposed by the Corporation Business Tax Act (P.L.1945, c.162) has been dedicated to the Department. Beginning in 2006, the dedication was expanded to provide grants for the costs of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines and to provide funds for other measures to reduce human exposure to emissions.
70. **Clean Waters.** Administrative costs provided by the Clean Water State Revolving Fund, which provides loans to local government units for the construction of environmental infrastructure treatment facilities. See related program classification 09 for further details.

EVALUATION DATA

	Actual FY 2006	Actual FY 2007	Revised FY 2008	Budget Estimate FY 2009
PROGRAM DATA				
Radiation Protection				
X-ray machines inspected	6,822	5,660	5,800	6,300
X-ray machine violations (% of inspected)	25%	20%	20%	20%
Homes tested for radon	57,671	58,800	59,000	60,000
Homes mitigated for radon	3,277	3,000	3,200	3,300
Lung cancers avoided	140	140	140	140
Release Prevention				
Toxic Catastrophe Prevention				
Inspections	148	180	270	270
Accident investigations	2	1	1	2
Right To Know				
Information requests	3,003	2,904	3,000	3,000
Audits for facilities	1,012	914	1,000	1,000
Administrative Orders (a)	---	255	300	300
Public Wastewater Facilities				
Capitalized funding provided for municipal				
infrastructure improvement projects (in millions)	\$ 481.5	\$ 520.0	\$ 440.0	\$ 440.0
Municipal infrastructure improvement projects funded	47	92	50	50
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
All Other	563	532	518	519
Total Positions	563	532	518	519
Filled Positions by Program				
Radiation Protection	91	85	84	84
Air Pollution Control	179	165	159	160
Release Prevention	68	60	58	58
Water Pollution Control	145	140	133	133
Public Wastewater Facilities	54	54	51	51
Environmental Management - CBT Dedication	---	7	11	11
Clean Waters	26	21	22	22
Total Positions	563	532	518	519

ENVIRONMENTAL PROTECTION

Notes:

Actual payroll counts are reported for fiscal years 2006 and 2007 as of December and revised fiscal year 2008 as of January. The Budget Estimate for fiscal year 2009 reflects the number of positions funded. All Other includes positions supported by fees or other dedicated resources previously reported as State Supported.

(a) No data available prior to fiscal 2007.

APPROPRIATIONS DATA
(thousands of dollars)

Year Ending June 30, 2007					Year Ending June 30, 2009				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Total Expended	Prog. Class.	2008 Adjusted Approp.	Requested	Recommended	
<u>DIRECT STATE SERVICES</u>									
Distribution by Fund and Program									
8,194	636	-271	8,559	7,498	01	8,416	7,347	7,347	
17,034	2,176	-602	18,608	18,535	02	17,901	17,901	17,901	
8,193	3,843	-134	11,902	10,049	08	8,651	8,651	8,651	
3,140	1	267	3,408	3,377	09	3,318	3,318	3,318	
---	331	900	1,231	717	29	---	---	---	
---	1,200	-1,200	---	---	70	---	---	---	
36,561	8,187	-1,040	43,708	40,176		38,286 (a)	37,217	37,217	
Distribution by Fund and Object									
Personal Services:									
19,827	1,386	1,088	22,301	22,301		21,037	21,103	21,103	
19,827	1,386	1,088	22,301	22,301		21,037	21,103	21,103	
301	---	-89	212	212		255	232	232	
4,416	---	574	4,990	4,990		4,908	4,792	4,792	
529	---	-298	231	231		203	276	276	
Special Purpose:									
2,306					01	2,490			
1,201 ^S	635	-2	4,140	3,079		1,069 ^S	2,490	2,490	
1,703	---	-91	1,612	1,612	01	1,817	1,817	1,817	
---	1,144 ^R	-1,074	70	---	02	---	---	---	
1,497	137 ^R	-6	1,628	1,628	02	1,549	1,549	1,549	
1,144	---	-284	860	860	02	1,213	1,213	1,213	
1,071	217 ^R	-77	1,211	1,210	02	1,097	1,097	1,097	
2,566	652 ^R	-2	3,216	3,215	02	2,648	2,648	2,648	
---	2,456 ^R	-609	1,847	---	08	---	---	---	
---	331	900	1,231	717	29	---	---	---	
---	1,200 ^R	-1,200	---	---	70	---	---	---	
---	29	130	159	121		---	---	---	
<u>GRANTS-IN-AID</u>									
Distribution by Fund and Program									
21,765	15,734	-900	36,599	---	29	24,847	19,481	19,481	
21,765	15,734	-900	36,599	---		24,847	19,481	19,481	
Distribution by Fund and Object									
Grants:									
21,765	15,734	-900	36,599	---	29	24,847	19,481	19,481	
58,326	23,921	-1,940	80,307	40,176		63,133	56,698	56,698	

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2007							Year Ending June 30, 2009	
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2008 Adjusted Approp.	Requested	Recom- mended
OTHER RELATED APPROPRIATIONS								
Federal Funds								
500	34	---	534	313	01	500	500	500
10,165	2,954	---	13,119	6,679	02	6,448	6,448	6,448
44,035	---	---	44,035	---	09	65,000	28,000	28,000
<u>710</u>	<u>28</u>	<u>---</u>	<u>738</u>	<u>103</u>	16	<u>110</u>	<u>110</u>	<u>110</u>
<u>55,410</u>	<u>3,016</u>	<u>---</u>	<u>58,426</u>	<u>7,095</u>		<u>72,058</u>	<u>35,058</u>	<u>35,058</u>
All Other Funds								
---	172	---	576	426	01	454	1,529	1,529
---	404 ^R	---						
---	165	---						
---	121 ^R	481	767	510	02	4,233	3,745	3,745
---	8 ^R	---	8	8	08	3,300	3,300	3,300
---	5	---	5	4	09	1,889	1,592	1,592
---	10	---						
---	844 ^R	699	1,553	1,553	70	1,432	1,760	1,760
<u>---</u>	<u>1,729</u>	<u>1,180</u>	<u>2,909</u>	<u>2,501</u>		<u>11,308</u>	<u>11,926</u>	<u>11,926</u>
<u>113,736</u>	<u>28,666</u>	<u>-760</u>	<u>141,642</u>	<u>49,772</u>		<u>146,499</u>	<u>103,682</u>	<u>103,682</u>

Notes -- Direct State Services - General Fund

- (a) The fiscal year 2008 appropriation has been adjusted for the allocation of salary program, which includes \$256,000 in appropriated receipts, and reallocation of management efficiencies.
- (b) Program expenditures for the Clean Water State Revolving Fund are reflected off budget in the Wastewater Treatment Fund.

Language Recommendations -- Direct State Services - General Fund

The amount hereinabove appropriated for the Nuclear Emergency Response account is payable from receipts received pursuant to the assessments of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.), and the unexpended balances at the end of the preceding fiscal year in the Nuclear Emergency Response account, together with receipts in excess of the amount anticipated, not to exceed \$1,078,000, 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 \$630,000, 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 \$548,000, 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 \$1,147,000, 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.

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

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

Notwithstanding the provision of subsection b. of section 1 of P.L. 2005, c.202 (C.58:11B-10.2) or any law or regulation to the contrary, in addition to the amount anticipated to the General Fund from the Environmental Infrastructure Financing Program Administrative Fee, there is appropriated \$1,592,000 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.

ENVIRONMENTAL PROTECTION

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

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

The amount hereinabove appropriated for the Diesel Risk Mitigation Fund - Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L. 1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Diesel Risk Mitigation Fund - Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

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

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

PROGRAM DATA	Actual FY 2006	Actual FY 2007	Revised FY 2008	Budget Estimate FY 2009
Administration and Support Services				
Affirmative Action Data				
Male Minority	250	262	265	270
Male Minority %	7.3	7.9	8.0	8.1
Female Minority	299	304	309	314
Female Minority %	8.6	9.2	9.3	9.4
Total Minority	549	566	574	584
Total Minority %	15.9	17.1	17.3	17.5
Open Public Records Act (OPRA) Data				
Number of OPRA requests received	12,392	12,362	12,350	12,350

ENVIRONMENTAL PROTECTION

	Actual FY 2006	Actual FY 2007	Revised FY 2008	Budget Estimate FY 2009
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
State Supported	306	298	281	284
All Other	34	31	32	32
Total Positions	340	329	313	316
Filled Positions by Program				
Regulatory and Governmental Affairs	37	32	31	27
Administration and Support Services	303	297	282	289
Total Positions	340	329	313	316

Notes:

Actual payroll counts are reported for fiscal years 2006 and 2007 as of December, and revised fiscal year 2008 as of January. The Budget Estimate for fiscal year 2009 reflects the number of positions funded. All Other includes positions supported by fees or other dedicated resources previously reported as State Supported.

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2007					Year Ending June 30, 2009			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Total Expended	Prog. Class.	2008 Adjusted Approp.	Requested	Recom- mended
<u>DIRECT STATE SERVICES</u>								
Distribution by Fund and Program								
2,338	---	-287	2,051	2,051				
					26	2,120	1,595	1,595
15,659	4	4,767	20,430	20,426				
					99	19,877	18,587	18,587
<u>17,997</u>	<u>4</u>	<u>4,480</u>	<u>22,481</u>	<u>22,477</u>		<u>21,997</u> ^(a)	<u>20,182</u>	<u>20,182</u>
Distribution by Fund and Object								
Personal Services:								
15,045	---	4,663	19,708	19,708		19,078	17,447	17,447
<u>15,045</u>	<u>---</u>	<u>4,663</u>	<u>19,708</u>	<u>19,708</u>		<u>19,078</u>	<u>17,447</u>	<u>17,447</u>
116	---	-25	91	90		96	104	104
1,079	---	-69	1,010	1,010		1,055	905	905
159	---	9	168	166		170	228	228
Special Purpose:								
1,500	---	---	1,500	1,500				
					99	1,500	1,400	1,400
98	---	-98	---	---				
					99	98	98	98
---	4	---	4	3				
<u>GRANTS-IN-AID</u>								
Distribution by Fund and Program								
---	---	150	150	150				
					99	---	---	---
<u>---</u>	<u>---</u>	<u>150</u>	<u>150</u>	<u>150</u>		<u>---</u>	<u>---</u>	<u>---</u>
Distribution by Fund and Object								
Grants:								
---	---	150	150	150				
					99	---	---	---

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2007					Year Ending June 30, 2009				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2008 Adjusted Approp.	Requested	Recommended	
STATE AID									
Distribution by Fund and Program									
17,113	140	155	17,408	16,818	Administration and Support Services	99	17,744	16,536	16,536
7,613	140	155	7,908	7,750	(From General Fund)		7,916	6,536	6,536
9,500	---	---	9,500	9,068	(From Property Tax Relief Fund)		9,828	10,000	10,000
17,113	140	155	17,408	16,818	Total State Aid		17,744	16,536	16,536
7,613	140	155	7,908	7,750	(From General Fund)		7,916	6,536	6,536
9,500	---	---	9,500	9,068	(From Property Tax Relief Fund)		9,828	10,000	10,000
Distribution by Fund and Object									
State Aid:									
1,515	140	---	1,655	1,497	Mosquito Control, Research, Administration and Operations	99	1,518	1,518	1,518
9,500	---	---	9,500	9,068	Payment In Lieu of Taxes (PTRF)	99	9,500 ^S	10,000	10,000
3,000	---	5	3,005	3,005	Administration and Operations of the Highlands Council	99	3,000	2,400	2,400
3,098	---	150	3,248	3,248	Administration, Planning and Development Activities of the Pinelands Commission	99	3,398	2,618	2,618
35,110	144	4,785	40,039	39,445	Grand Total State Appropriation		39,741	36,718	36,718
OTHER RELATED APPROPRIATIONS									
64,664	---	-1	64,663	64,663	Total Debt Service		56,790	59,735	59,735
Federal Funds									
150	---	---	150	---	Regulatory and Governmental Affairs	26	150	150	150
2,400	---	---	---	---	Administration and Support Services	99	2,300	2,350	2,350
702 ^S	83	---	3,185	151					
3,252	83	---	3,335	151	Total Federal Funds		2,450	2,500	2,500
All Other Funds									
---	76 ^R	---	86	22	Regulatory and Governmental Affairs	26	---	---	---
---	3,457 ^R	---	---	---	Administration and Support Services	99	149	114	114
---	117 ^R	1,049	4,623	3,847					
---	3,660	1,049	4,709	3,869	Total All Other Funds		149	114	114
103,026	3,887	5,833	112,746	108,128	GRAND TOTAL ALL FUNDS		99,130	99,067	99,067

Notes -- Direct State Services - General Fund

(a) The fiscal year 2008 appropriation has been adjusted for the allocation of salary program and reallocation of management efficiencies.

Language Recommendations -- State Aid - General Fund

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

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

Language Recommendations -- State Aid - Property Tax Relief Fund

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

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

40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

47. COMPLIANCE AND ENFORCEMENT

OBJECTIVES

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

PROGRAM CLASSIFICATIONS

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

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

15. **Land Use Regulation.** Conducts investigations and site inspections required for compliance with State regulations and permits issued pursuant to the Highlands Water Protection 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 is expanded to include the implementation of the Underground Storage Tank (UST) Inspection Program.

ENVIRONMENTAL PROTECTION

EVALUATION DATA

	Actual FY 2006	Actual FY 2007	Revised FY 2008	Budget Estimate FY 2009
PROGRAM DATA				
Air Pollution Control				
Investigations and inspections	5,009	6,500	6,200	6,200
Pesticide Control				
Investigations and inspections	722	963	800	800
Pesticide products regulated	12,337	12,462	12,400	12,400
Pesticide licenses and permits	17,078	17,226	17,000	17,000
Water Pollution Control				
Inspections	5,280	4,500	4,500	4,500
Clean Shores:				
Miles of beaches cleaned	138	135	120	120
Tons of debris removed	2,702	2,430	2,300	2,300
Land Use Regulation				
Investigations and inspections	2,300	1,835	1,750	1,500
Solid and Hazardous Waste Management				
Hazardous waste annual inspections	2,311	2,397	2,000	2,000

PERSONNEL DATA

Position Data

Filled Positions by Funding Source

Federal	14	20	19	19
All Other	319	337	328	331
Total Positions	333	357	347	350

Filled Positions by Program

Air Pollution Control	77	73	70	70
Pesticide Control	39	37	35	35
Water Pollution Control	99	97	96	97
Land Use Regulation	33	32	29	30
Solid and Hazardous Waste Management	75	104	97	98
Environmental Management - CBT Dedication	10	14	20	20
Total Positions	333	357	347	350

Notes:

Actual payroll counts are reported for fiscal years 2006 and 2007 as of December and revised fiscal year 2008 as of January. The Budget Estimate for fiscal year 2009 reflects the number of positions funded. All Other includes positions supported by fees or other dedicated resources previously reported as State Supported.

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2007					Year Ending June 30, 2009				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Total Expended	Prog. Class.	2008 Adjusted Approp.	Requested	Recom- mended	
DIRECT STATE SERVICES									
Distribution by Fund and Program									
6,057	800	67	6,924	5,403	Air Pollution Control	02	4,761	4,812	4,812
2,419	---	-27	2,392	2,388	Pesticide Control	04	2,586	2,586	2,586
5,968	---	741	6,709	6,709	Water Pollution Control	08	6,433	6,433	6,433
2,029	929	-225	2,733	2,733	Land Use Regulation	15	2,103	2,103	2,103
5,444	---	393	5,837	5,837	Solid and Hazardous Waste Management	23	6,582	6,531	6,531
---	1,443	2,000	3,443	1,683	Environmental Management - CBT Dedication	29	---	---	---
21,917	3,172	2,949	28,038	24,753	Total Direct State Services		22,465^(a)	22,465	22,465
Distribution by Fund and Object									
Personal Services:									
17,258	---	1,222	18,480	18,480	Salaries and Wages		18,021	17,843	17,843
17,258	---	1,222	18,480	18,480	Total Personal Services		18,021	17,843	17,843
149	---	-4	145	143	Materials and Supplies		182	73	73

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2007					Year Ending June 30, 2009			
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2008 Adjusted Approp.	Requested	Recommended
DIRECT STATE SERVICES								
1,627								
1,500 ^S	797	-512	3,412	1,912		2,722	2,688	2,688
502	---	141	643	643		512	833	833
881	929 ^R	-107	1,703	1,703				
---	1,443	2,000	3,443	1,683				
---	3	209	212	189				
STATE AID								
Distribution by Fund and Program								
3,453	---	---	3,453	3,453	08	3,453	2,700	2,700
3,453	---	---	3,453	3,453		3,453	2,700	2,700
Distribution by Fund and Object								
State Aid:								
3,453	---	---	3,453	3,453				
					08	3,453	2,700	2,700
25,370	3,172	2,949	31,491	28,206		25,918	25,165	25,165
OTHER RELATED APPROPRIATIONS								
Federal Funds								
1,802	265	---	2,067	2,038	02	1,802	1,802	1,802
740	11	---	751	448	04	570	571	571
1,000	34	---	1,034	34	08	---	---	---
600	301	---	901	335	15	600	600	600
2,500	72	---	2,572	2,136	23	2,500	2,500	2,500
6,642	683	---	7,325	4,991		5,472	5,473	5,473
All Other Funds								
---	685	---	1,105	650	02	520	520	520
---	420 ^R	---	8	8	04	---	---	---
---	8 ^R	---						
---	2,069	-197	2,867	959	08	1,890	1,890	1,890
---	995 ^R	---	12	12	15	668	689	689
---	12 ^R	---	1	---	23	---	---	---
---	1 ^R	---						
---	4,190	-197	3,993	1,629		3,078	3,099	3,099
32,012	8,045	2,752	42,809	34,826		34,468	33,737	33,737

Notes -- Direct State Services - General Fund

(a) The fiscal year 2008 appropriation has been adjusted for the allocation of salary program, which includes \$68,000 in appropriated receipts, and for the reallocation of management efficiencies.

Language Recommendations -- Direct State Services - General Fund

Receipts deposited into the Coastal Protection Trust Fund pursuant to P.L.1993, c.168 (C.39:3-27.47 et seq.) are appropriated in an amount not to exceed \$540,000 for the cleanup or maintenance of beaches or shores, an amount not to exceed \$180,000 for the cost of providing monitoring, surveillance and enforcement activities for the Cooperative Coastal Monitoring Program, an amount not to exceed \$45,000 for the implementation of the "New Jersey Adopt a Beach Act," P.L.1992, c.213 (C.13:19-22 et seq.), and an amount not to exceed \$135,000 for a program of grants for the operation of a sewage pump-out boat and the construction of sewage pump-out devices for marine sanitation devices and portable toilet emptying receptacles at public and private marinas and boatyards in furtherance of the provisions of P.L.1988, c.117 (C.58:10A-56 et seq.). Receipts collected in excess of \$900,000 up to \$1,000,000 are also appropriated and distributed proportionately pursuant to P.L.1993, (c.39:3-27.47 et seq.). Receipts deposited to the Coastal Protection Trust Fund in excess of \$1,000,000 are appropriated to finance emergency shore protection projects and the cleanup of discharges into the ocean.

Receipts in excess of the amount anticipated for Pesticide Fees are appropriated to the Department of Environmental Protection, subject to the approval of the Director of the Division of Budget and Accounting.

ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION

- The amounts hereinabove appropriated for the Tidelands Peak Demands account are payable from receipts derived from the sales, grants, leases, licensing, and rentals of State riparian lands. If receipts are less than anticipated, the appropriation shall be reduced proportionately. In addition, there is appropriated an amount not to exceed \$3,626,000 from the same source for other administrative costs, including legal services, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of any law or regulation to the contrary, with regard to the fee-related appropriations provided hereinabove, the Commissioner of the Department of Environmental Protection shall obtain concurrence from the Director of the Division of Budget and Accounting before altering fee schedules or any other revenue-generating mechanism under the Department's purview.
- Notwithstanding the provisions of the "Environmental Fee Fund Accountability Act of 1991," P.L.1991, c.426 (C.52:27B-20.1 et seq.) and P.L.1991, c.427 (C.13:1D-9.1 et seq.), all revenues from fees and fines collected by the Department of Environmental Protection, unless otherwise herein dedicated, shall be deposited into the State General Fund without regard to their specific dedication.
- Notwithstanding the provisions of any law or regulation to the contrary, of the Federal Fund amounts hereinabove appropriated for the programs included in the Performance Partnership Grant Agreement with the United States Environmental Protection Agency, the Department of Environmental Protection is authorized to reallocate the appropriations, in accordance with the Grant Agreement and subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any law or regulation to the contrary, of the amounts appropriated for site remediation, the Department of Environmental Protection may enter into a contract with the United States Environmental Protection Agency (EPA) to provide the State's statutory matching share for EPA-led Superfund remedial actions pursuant to the State Superfund Contract.
- Receipts in excess of \$7,210,000 anticipated for Air Pollution, Clean Water Enforcement, Land Use, Solid Waste, and Hazardous Waste fines, not to exceed \$1,500,000, and the unexpended balance at the end of the preceding fiscal year are appropriated for the expansion of compliance, enforcement, and permitting efforts in the Department, subject to the approval of the Director of the Division of Budget and Accounting.
- Receipts in excess of the amount anticipated from New Jersey Pollutant Discharge Elimination System/Stormwater Permits, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection to offset the costs of the Water Pollution Control Program, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of P.L. 1954, c.48 (C.52:34-6 et seq.) or any law or regulation to the contrary, of the amounts hereinabove appropriated for water resource evaluation studies and monitoring, the Department of Environmental Protection may enter into contracts with the United States Geological Survey to provide the State's match to joint funding agreements for water resource evaluation studies and monitoring analyses.
- Of the amount hereinabove appropriated for the Hazardous Substance Discharge Remediation Loans and Grants-Constitutional Dedication account, an amount not to exceed \$2,000,000 shall be allocated for costs associated with the State Underground Storage Tank Inspection Program, pursuant to the amendments effective December 4, 2003, to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Underground Storage Tank Inspection Program account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any other law to the contrary, of the amounts hereinabove appropriated for environmental restoration and mitigation, the Department of Environmental Protection may enter into agreements with the United States Army Corps of Engineers to provide the State's matching share to any federally authorized restoration or mitigation projects.