

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 the State's parks, forests and wildlife management areas, the waterfront, protected open space, and historic sites; enhancing environmental awareness and private stewardship through education, communication and incentives; ensuring that the environment and natural resources of all communities receive equal protection and benefits under the Department's regulations and programs; protecting biodiversity and the water supply through land acquisition, enforcement and conservation; promoting sustainable living, including conservation of water, conservation of energy, use of environmentally friendly building materials, promotion of renewable energy, and reduction of waste through recycling and reuse programs; and fostering a work environment that attracts and retains a dedicated, diverse, and talented work force.

The DEP is organizationally divided into six environmental areas: Natural Resource Management, Environmental Planning and Science, Land Use Management, Site Remediation, Environmental Regulation, and Compliance and Enforcement. The Management and Administration program provides department-wide administrative support to the programs. The Department also includes several

in-but-not-of agencies that receive State appropriations. Among them are the Palisades Interstate Park Commission, the Highlands Water Protection and Planning Council, and the Pinelands Commission.

Budget Highlights

The Fiscal 2011 Budget for the Department of Environmental Protection (DEP), excluding Debt Service, totals \$317.5 million, a decrease of \$9.2 million or 2.8% under the fiscal 2010 adjusted appropriation of \$326.7 million. The \$9.2 million reduction is the net change resulting from \$20.6 million in mandatory growth for constitutionally and statutorily required program funding and \$29.8 million in various budget decreases.

The \$20.6 million in growth is dictated by the annual 4% constitutional dedication of revenues from the Corporation Business Tax (\$14.3 million) and restoration of funding for Shore Protection Fund Projects to its statutorily required appropriation level of \$25 million (\$6.3 million).

The total \$29.8 million in reductions is mainly taken in Parks Management (\$11.6 million), made possible by a cost shift to other resources and by streamlining of operations; Payment in Lieu of Taxes (PILOT) for open space acquisition (\$10 million), which is relocated to the Department of Community Affairs municipal aid budget; and other programs (\$3 million combined for Shellfish Management, Forestry, and Radiation Protection) which will benefit from utilization of non-State resources to fund a portion of their operations.

The Department's independent commissions are also reduced in the fiscal 2011 budget: funding for the Highlands Council is reduced by \$463,000, the Pinelands Commission by \$432,000, and the Palisades Interstate Park Commission by \$310,000.

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

Year Ending June 30, 2009					Year Ending June 30, 2011			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2010 Adjusted Approp.	Requested	Recom- mended
					GENERAL FUND			
235,602	65,273	10,864	311,739	271,354	Direct State Services	215,756	200,285	200,285
22,161	66,999	-900	88,260	7,831	Grants-In-Aid	14,934	17,373	17,373
9,236	287	655	10,178	9,678	State Aid	8,953	8,067	8,067
101,913	132,596	-25,114	209,395	96,760	Capital Construction	77,078	91,794	91,794
59,735	---	---	59,735	59,734	Debt Service	60,538	63,038	63,038
428,647	265,155	-14,495	679,307	445,357	Total General Fund	377,259	380,557	380,557
					PROPERTY TAX RELIEF FUND			
10,000	---	---	10,000	9,719	State Aid	10,000	---	---
10,000	---	---	10,000	9,719	Total Property Tax Relief Fund	10,000	---	---
438,647	265,155	-14,495	689,307	455,076	Total Appropriation, Department of Environmental Protection	387,259	380,557	380,557

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SUMMARY OF APPROPRIATIONS BY PROGRAM (thousands of dollars)

Orig. & (S)Supple- mental	Year Ending June 30, 2009				2010 Adjusted Approp.	Year Ending June 30, 2011		
	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		Requested	Recom- mended	
DIRECT STATE SERVICES - GENERAL FUND								
Natural Resource Management								
7,740	653	855	9,248	8,723	Forest Resource Management	7,009	6,094	6,094
31,658	4,648	8,702	45,008	38,245	Parks Management	31,439	19,806	19,806
15,029	4,171	-234	18,966	16,869	Hunters' and Anglers' License Fund	13,529	13,169	13,169
1,971	2	82	2,055	2,055	Shellfish and Marine Fisheries Management	1,786	686	686
1,218	373	-107	1,484	946	Wildlife Management	1,115	158	158
1,375	200	3,625	5,200	4,907	Natural Resources Engineering	1,167	1,167	1,167
2,728	---	---	2,728	2,666	Palisades Interstate Park Commission	2,704	2,394	2,394
---	676	978	1,654	690	Environmental Management - CBT Dedication	---	---	---
61,719	10,723	13,901	86,343	75,101	Subtotal	58,749	43,474	43,474
Science and Technical Programs								
8,521	5,616	-1,040	13,097	11,547	Water Supply	8,443	8,443	8,443
12,973	2,494	-500	14,967	14,808	Land Use Regulation	12,692	12,638	12,638
2,549	---	-204	2,345	1,440	Office of Science Support	1,322	1,409	1,409
---	---	471	471	471	New Jersey Geological Survey	---	---	---
19,554	793	-790	19,557	16,348	Environmental Management - CBT Dedication	13,176	15,329	15,329
---	---	394	394	394	Environmental Policy and Planning	772	399	399
43,597	8,903	-1,669	50,831	45,008	Subtotal	36,405	38,218	38,218
Site Remediation and Waste Management								
6,308	4,737	-594	10,451	7,830	Solid and Hazardous Waste Management	5,963	5,963	5,963
30,769	14,462	-41	45,190	44,740	Remediation Management and Response	31,342	31,342	31,342
11,732	7,142	---	18,874	12,029	Environmental Management - CBT Dedication	7,906	9,197	9,197
48,809	26,341	-635	74,515	64,599	Subtotal	45,211	46,502	46,502
Environmental Regulation								
8,425	1,646	-232	9,839	7,442	Radiation Protection	7,619	6,034	6,034
16,936	2,597	-1,164	18,369	18,319	Air Pollution Control	16,385	16,385	16,385
8,651	8,707	-160	17,198	12,270	Water Pollution Control	7,835	7,835	7,835
3,318	1	-399	2,920	2,705	Public Wastewater Facilities	2,762	2,762	2,762
---	329	900	1,229	891	Environmental Management - CBT Dedication	---	---	---
---	1,592	-892	700	---	Clean Waters	---	---	---
37,330	14,872	-1,947	50,255	41,627	Subtotal	34,601	33,016	33,016
Environmental Planning and Administration								
1,595	---	-23	1,572	1,568	Regulatory and Governmental Affairs	1,579	1,524	1,524
18,587	1	-25	18,563	18,313	Administration and Support Services	18,090	16,357	16,357
20,182	1	-48	20,135	19,881	Subtotal	19,669	17,881	17,881
Compliance and Enforcement								
6,312	1,552	-467	7,397	5,616	Air Pollution Control	4,353	4,353	4,353
2,586	769	-69	3,286	2,929	Pesticide Control	2,534	2,534	2,534
6,433	6	-205	6,234	6,230	Water Pollution Control	6,137	6,210	6,210
2,103	538	-93	2,548	2,547	Land Use Regulation	1,965	1,965	1,965
6,531	---	96	6,627	6,606	Solid and Hazardous Waste Management	6,132	6,132	6,132

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Year Ending June 30, 2009					Year Ending June 30, 2011			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2010 Adjusted Approp.	Requested	Recom- mended
---	1,568	2,000	3,568	1,210	Environmental Management - CBT Dedication	---	---	---
23,965	4,433	1,262	29,660	25,138	<i>Subtotal</i>	21,121	21,194	21,194
235,602	65,273	10,864	311,739	271,354	Total Direct State Services - General Fund	215,756	200,285	200,285
235,602	65,273	10,864	311,739	271,354	TOTAL DIRECT STATE SERVICES	215,756	200,285	200,285
GRANTS-IN-AID - GENERAL FUND								
Natural Resource Management								
---	---	---	---	---	Parks Management	---	---	---
---	14	---	14	---	Natural Resources Engineering	---	---	---
---	14	---	14	---	<i>Subtotal</i>	---	---	---
Science and Technical Programs								
---	6,439	---	6,439	2,805	Environmental Management - CBT Dedication	---	---	---
---	6,439	---	6,439	2,805	<i>Subtotal</i>	---	---	---
Environmental Regulation								
22,161	60,546	-900	81,807	5,026	Environmental Management - CBT Dedication	14,934	17,373	17,373
22,161	60,546	-900	81,807	5,026	<i>Subtotal</i>	14,934	17,373	17,373
22,161	66,999	-900	88,260	7,831	Total Grants-In-Aid - General Fund	14,934	17,373	17,373
22,161	66,999	-900	88,260	7,831	TOTAL GRANTS-IN-AID	14,934	17,373	17,373
STATE AID - GENERAL FUND								
Environmental Planning and Administration								
6,536	287	-108	6,715	6,343	Administration and Support Services	6,253	5,367	5,367
6,536	287	-108	6,715	6,343	<i>Subtotal</i>	6,253	5,367	5,367
Compliance and Enforcement								
2,700	---	763	3,463	3,335	Water Pollution Control	2,700	2,700	2,700
2,700	---	763	3,463	3,335	<i>Subtotal</i>	2,700	2,700	2,700
9,236	287	655	10,178	9,678	Total State Aid - General Fund	8,953	8,067	8,067
STATE AID - PROPERTY TAX RELIEF FUND								
Environmental Planning and Administration								
10,000	---	---	10,000	9,719	Administration and Support Services	10,000	---	---
10,000	---	---	10,000	9,719	<i>Subtotal</i>	10,000	---	---
10,000	---	---	10,000	9,719	Total State Aid - Property Tax Relief Fund	10,000	---	---
19,236	287	655	20,178	19,397	TOTAL STATE AID	18,953	8,067	8,067
CAPITAL CONSTRUCTION								
Natural Resource Management								
---	3,322	---	3,322	1,028	Parks Management	---	---	---
---	226	---	226	135	Hunters' and Anglers' License Fund	---	---	---
---	41	---	41	---	Wildlife Management	---	---	---

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Year Ending June 30, 2009					Year Ending June 30, 2011			
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended		2010 Adjusted Approp.	Requested	Recommended
25,000	42,089	-12,724	54,365	31,628	Natural Resources Engineering	25,250	31,500	31,500
---	112	-112	---	---	Palisades Interstate Park Commission	---	---	---
19,554	18,031	-978	36,607	10,082	Environmental Management - CBT Dedication	13,176	15,329	15,329
44,554	63,821	-13,814	94,561	42,873	<i>Subtotal</i>	38,426	46,829	46,829
					Site Remediation and Waste Management			
---	24	---	24	---	Publicly-Funded Site Remediation	---	---	---
57,359	68,601	-11,300	114,660	53,829	Environmental Management - CBT Dedication	38,652	44,965	44,965
57,359	68,625	-11,300	114,684	53,829	<i>Subtotal</i>	38,652	44,965	44,965
					Environmental Planning and Administration			
---	150	---	150	58	Administration and Support Services	---	---	---
---	150	---	150	58	<i>Subtotal</i>	---	---	---
101,913	132,596	-25,114	209,395	96,760	TOTAL CAPITAL CONSTRUCTION	77,078	91,794	91,794
					DEBT SERVICE			
					Environmental Planning and Administration			
59,735	---	---	59,735	59,734	Administration and Support Services	60,538	63,038	63,038
59,735	---	---	59,735	59,734	<i>Subtotal</i>	60,538	63,038	63,038
59,735	---	---	59,735	59,734	TOTAL DEBT SERVICE	60,538	63,038	63,038
438,647	265,155	-14,495	689,307	455,076	<i>Total Appropriation,</i>			
					<i>Department of Environmental Protection</i>	387,259	380,557	380,557

40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT 42. NATURAL RESOURCE MANAGEMENT

OBJECTIVES

- To provide recreational, historic, natural, and interpretive facilities.
- To develop recreational lands and facilities, located in balance with population distribution.
- To regulate the recreational use of public lands and minimize natural resource damage.
- To provide safe marina facilities, navigational aids, and other services to the boating public.
- To provide the financial assistance and engineering technology that minimizes potential loss of life and property damage due to flooding.
- To manage and protect the State's forest resources. To minimize forest damage from wildfire, insects and disease, and to enhance the public's understanding of sustainable forest resource management.
- To manage fish and wildlife resources of the state for long-term biological, economic, and recreational viability.
- To provide for the development of shore protection facilities and improvements, and to minimize personal and property damage resulting from tidal waters of the state.
- To preserve open space and support development of parks.
- To provide technical assistance and implement statutory provisions that prevent, minimize or mitigate damage to historic resources.
- To provide a system of highways, parkway roads, and bridges for the Palisades Interstate Park to facilitate travel through and within the park and ensure safe and efficient movement of traffic.

PROGRAM CLASSIFICATIONS

- Forest Resource Management.** The State Forestry Service manages and protects the rural and urban forest resources of New Jersey. The Forest Fire Service is mandated to prevent, manage, and suppress wildfire that threatens 3.1 million acres of State and private forest and wildlands of New Jersey. The Forest Service promotes forestry by providing both State and federal programs in urban and community forestry; forest product conservation and recycling; private non-industrial forest lands management; forest insect and disease control; forest conservation and education; reforestation and tree improvement; and State lands management.
- Parks Management.** Operates, maintains, and provides stewardship for 42 State parks, five marinas, 57 historic sites and districts, and other recreational, natural, and interpretive facilities in a clean, safe and non-discriminatory manner; staffs facilities with maintenance, administrative, ranger, and seasonal personnel to provide assistance, information, education, and interpretive and protective services to the

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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 2008	Actual FY 2009	Revised FY 2010	Budget Estimate FY 2011
Forest Resource Management				
Fires (annual)	1,618	1,054	1,600	1,650
Acres lost (annual)	19,192	3,361	9,500	10,000
Acres of prescribed burning	11,683	21,616	18,000	18,000
Parks Management				
State parks and forests				
Total visitors	17,310,600	17,092,200	17,100,000	17,500,000
Total revenue (millions)	\$7.3	\$7.1	\$7.1	\$7.1
Historic sites				
Visitors	1,086,400	1,090,800	1,100,000	1,150,000
Revenue	78,200	77,600	80,000	80,000
Green Acres/ Open Space Preservation				
Acres preserved	10,457	14,179	16,000	15,500
Acres preserved since inception of GSPT (a)	183,741	197,920	213,920	229,420
State funding (millions)	\$33.0	\$80.0	\$80.0	\$80.0
County/ Municipal funding (millions)	\$60.0	\$65.0	\$60.0	\$60.0
County/ Municipal dedicated tax revenue (millions)	\$365.0	\$300.0	\$325.0	\$339.0
Non-profit funding (millions)	\$8.4	\$8.0	\$8.0	\$8.0
Hunters' and Anglers' License Fund				
Trout propagated and distributed	889,181	952,735	920,000	920,000
Pheasants reared at game farms	59,375	59,360	60,000	60,000
Other fish propagated and distributed	2,000,000	1,106,839	1,032,200	1,032,200

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	Actual FY 2008	Actual FY 2009	Revised FY 2010	Budget Estimate FY 2011
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
State Supported	621	582	559	537
Federal	5	5	---	---
All Other	290	280	279	281
Total Positions	916	867	838	818
Filled Positions by Program				
Forest Resource Management	107	106	103	100
Parks Management	519	487	464	452
Hunters' and Anglers' License Fund	167	161	158	160
Shellfish and Marine Fisheries Management	40	39	39	38
Wildlife Management	21	19	19	13
Natural Resources Engineering	62	55	55	55
Total Positions	916	867	838	818

Notes:

Actual payroll counts are reported for fiscal years 2008 and 2009 as of December, and revised fiscal year 2010 as of January. The Budget Estimate for fiscal year 2011 reflects the number of positions funded.

(a) Garden State Preservation Trust (GSPT)

APPROPRIATIONS DATA
(thousands of dollars)

Year Ending June 30, 2009					Year Ending June 30, 2011				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2010 Adjusted Approp.	Requested	Recommended	
<u>DIRECT STATE SERVICES</u>									
Distribution by Fund and Program									
7,740	653	855	9,248	8,723	11	7,009	6,094	6,094	
31,658	4,648	8,702	45,008	38,245	12	31,439	19,806	19,806	
15,029	4,171	-234	18,966	16,869	13	13,529	13,169	13,169	
1,971	2	82	2,055	2,055	14	1,786	686	686	
1,218	373	-107	1,484	946	20	1,115	158	158	
1,375	200	3,625	5,200	4,907	21	1,167	1,167	1,167	
2,728	---	---	2,728	2,666	24	2,704	2,394	2,394	
---	676	978	1,654	690	29	---	---	---	
61,719	10,723	13,901	86,343	75,101		58,749 ^(a)	43,474	43,474	
Distribution by Fund and Object									
Personal Services:									
39,823	1,796	11,472	55,739	47,610		34,354	21,057	21,057	
360 ^S	2,288 ^R					360 ^S			
---	---	---	---	3,604		2,969	3,315	3,315	
40,183	4,084	11,472	55,739	51,214		37,683	24,372	24,372	
5,109	23	986	6,118	5,623		5,276	4,943	4,943	
2,872	5	1,392	4,269	4,109		2,916	2,859	2,859	
3,278	21	120	3,419	3,340		3,241	2,624	2,624	
Special Purpose:									
2,759	---	-1,093	1,666	1,666	11	2,259	2,259	2,259	
---	2,474								
---	2,033 ^R	-1,052	3,455	---	12	---	---	---	
4,925	---	---	4,925	4,743	12	5,092	5,092	5,092	

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Year Ending June 30, 2009					Year Ending June 30, 2011				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2010 Adjusted Approp.	Requested	Recom- mended	
OTHER RELATED APPROPRIATIONS									
---	6,171 12,530 ^R	---	18,701	11,610	Natural Resources Engineering	21	4,650	6,415	6,415
---	1,534 5,213 ^R	---	6,747	5,413	Palisades Interstate Park Commission	24	5,018	5,135	5,135
---	<u>51,775</u>	<u>378</u>	<u>52,153</u>	<u>30,600</u>	Total All Other Funds		<u>36,300</u>	<u>42,772</u>	<u>42,772</u>
<u>152,612</u>	<u>135,240</u>	<u>468</u>	<u>288,320</u>	<u>162,966</u>	GRAND TOTAL ALL FUNDS		<u>178,505</u>	<u>181,605</u>	<u>181,605</u>

Notes -- Direct State Services - General Fund

- (a) The fiscal year 2010 appropriation has been adjusted for the allocation of salary program, the annualized savings from continued attrition, and the reallocation of management and procurement efficiencies.
- (b) State matching funds for Wildlife Habitat Federal Grants will be allocated in fiscal year 2011 from available resources in the Bureau of Forestry, Bureau of Parks and the Division of Fish and Wildlife.

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.

In addition to the amount hereinabove appropriated for Forest Resource Management, an amount not to exceed \$590,000 is appropriated from the Shade Tree and Community Forest Preservation License Plate Fund, established pursuant to section 12 of P.L.1996, c.135 (C.39:3-27.81), for the operation and maintenance of the Forest Resource Education Center and State Nursery.

In addition to the amount hereinabove appropriated for Forest Resource Management, an amount not to exceed \$325,000 is appropriated from the Global Warming Solutions Fund, established pursuant to section 6 of P.L.2007, c.340 (C.26:2C-50), for the Community Forestry program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove for the Green Acres/Open Space Administration account is transferred from the Garden State Preservation Trust to the General Fund, together with an amount not to exceed \$485,000, and is appropriated to the Department of Environmental Protection for Green Acres/Open Space Administration, subject to the approval of the Director of the Division of Budget and Accounting.

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

In addition to the amount hereinabove appropriated for Parks Management, an amount not to exceed \$10,000,000 is appropriated from the Shade Tree and Community Forest Preservation License Plate Fund, established pursuant to section 12 of P.L.1996, c.135 (C.39:3-27.81), for the operation and maintenance of State parks and forests.

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

Of the amount hereinabove for the Hunters' and Anglers' License Fund, the first \$11,500,000 is appropriated out of that fund and any amount remaining therein and the unexpended balance at the end of the preceding fiscal year of the receipts in the Hunters' and Anglers' License Fund, together with any receipts in excess of the amount anticipated, are appropriated. 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.

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

An amount not to exceed \$4,442,000 is 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.

ENVIRONMENTAL PROTECTION

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

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

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

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

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

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

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

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

Language Recommendations -- Capital Construction

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

An amount not to exceed \$1,400,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for repairs to the Bayshore Flood Control facility.

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

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

40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

43. SCIENCE AND TECHNICAL PROGRAMS

OBJECTIVES

1. To assure a safe and dependable supply of water.
2. To undertake technical activities, applied scientific research, policy analysis, and technology evaluation associated with human and ecological exposure to toxic substances, as well as other critical environmental issues identified by the DEP. To serve as the DEP's primary unit for environmental assessment, risk analysis, and evaluation of innovative technologies and cutting-edge environmental management strategies. These activities are designed to meet the Department's information and problem-solving needs, and to identify current scientific needs which warrant the Department's attention, as well as to proactively identify scientific issues and environmental problems before they become crises.
3. To map, research, and interpret scientific information on the state's geology and groundwater resources. This information supports the Department's and other government agencies' regulatory and planning activities and provides the business community and the public with the geologic and hydrologic information needed to address environmental concerns and make economic decisions.
4. To develop and coordinate implementation of watershed management programs, groundwater protection programs, water quality monitoring and water supply management, development, conservation, and protection plans.
5. To develop and coordinate the implementation of the Coastal Zone Management and the National Estuary programs, including the Delaware, NY/NJ Harbor and Barnegat Bay Estuaries.
6. To develop and coordinate water quality management planning functions, including wastewater management, point and nonpoint source pollution control, and the restoration of aquatic habitats.
7. To coordinate the sustainable growth and capacity-based planning policies of the Department and to incorporate these policies into all levels of planning.
8. To collaborate and support environmental justice advocacy groups and to assist DEP programs in integrating environmental justice principles in decision making and developing quality of life initiatives.
9. To collect and analyze ambient water data and develop water quality standards to assess water quality status and trends, to evaluate water-related ecological and public health risks, to classify 700,000 acres of New Jersey coastal waters for safe harvest of molluscan shellfish, and for existing/emerging problem identification.

PROGRAM CLASSIFICATIONS

05. **Water Supply.** Administers the New Jersey Private Well Testing Act and the federal and State Safe Drinking Water programs, the Well Permit program, and the Water Allocation program to ensure a safe and reliable water supply. Also administers the Drought Management Program. As part of the Safe Drinking Water program, administers the Drinking Water State Revolving Fund (DWSRF), which includes a financing program for water supply projects, along with set asides for capacity development, training for licensed operators, and source water assessment and delineation activities.
07. **Water Monitoring and Standards.** Conducts ambient monitoring of freshwater (i.e., rivers and streams, lake and ground water) and marine surface water (i.e., bays and ocean waters) quality on a statewide basis, as well as biological monitoring and targeted assessments in support of Total Maximum Daily Load (TMDL) program. Develops New Jersey's Integrated Water Quality Monitoring and Assessment Report, including the Integrated Waterbodies List. Develops surface water and ground water standards which support the New Jersey Pollutant Discharge Elimination System (NJPDES) and the Site Remediation Programs. Coordinates the development and integration of biological and other criteria. Classifies shellfish growing area waters for shellfish harvesting, and conducts bacteriological and chemical analysis of shellfish for public health protection. Oversees Volunteer Monitoring, Beach Monitoring and Operation Clean Shores programs. Develops, operates, and maintains water quality database systems for both government and public data dissemination.
15. **Land Use Regulation.** Protects and manages the State's land and water resources through the implementation of the Coastal Area Facility Review Act (CAFRA), the Waterfront Development Law, the Coastal Wetlands Act of 1970, the Flood Hazard Area Control Act, the Freshwater Wetlands Protection Act, the Highlands Water Protection and Planning Act, and the federal consistency provisions of the federal Coastal Zone Management Act. In addition to the resource protection mandates of these statutes, these programs protect lives and property from storm and flood damages and administers the allocation of State riparian rights.
18. **Office of Science Support.** The Office of Science Support identifies human-health-based criteria for contaminants that programs can use toward the development of program-specific standards and provides technical support to projects that are highly scientific in nature. The Science Advisory Board (SAB) in the Office of Science Support reviews the quality and relevance of the scientific and technical information being used or proposed as the basis for Department regulations. The SAB also reviews the generic approaches to regulatory science, including guidelines governing the use of scientific and technical information in regulatory decisions, critiques analytic methods such as mathematical modeling, and advises the Department on priority-setting for emerging issues and new approaches/models.
22. **New Jersey Geological Survey.** Maps the geology and topography of the state, assesses offshore beach nourishment sands and dredging, maintains a cooperative water monitoring program with the United States Geological Service (USGS) and reviews plans for underground storage of CO₂, gas, oil, and chemical disposal wells. The program also evaluates the supply potential and water quality of the state's aquifers, maintains a statewide geohydrologic database, maps aquifer recharge and wellhead protection areas, earthquakes and historic fill, investigates groundwater pollution problems, and supports State permitting and municipal programs through geophysical studies, groundwater investigations, and the use of Geographic Information Systems (GIS) technology.
29. **Environmental Management - CBT Dedication.** Since 1996, 4% of the revenue annually derived from the tax imposed by the Corporation Business Tax Act (P.L.1945, c.162) has been dedicated to the Department. A portion of this dedication has been used for the following purposes: watershed-based water resource planning and management, financing the cost of water quality point and nonpoint source pollution monitoring, nonpoint source pollution prevention projects, TMDL development and implementation, as well as lake restoration and grants. Conducts planning on watershed management, water quality, water supply, coastal zone management, nonpoint source control, stormwater management, and other planning requirements associated with the federal Clean Water Act and the New Jersey Water Quality Planning Act. Also administers the National Estuary Program and federal Section 604(b) water quality management planning and Section 319(h) nonpoint source grant programs.
80. **Drinking Water State Revolving Fund.** Set asides provided by the Drinking Water State Revolving Fund, including program administration, small system technical assistance, capacity development, operator certification, and source water protection activities. See related program classification 05 for further details.
90. **Environmental Policy and Planning.** The Office of Planning and Sustainable Communities acts as liaison to the Governor's Office of Economic Growth, Smart Growth Policy Council, and the State Planning Commission. The office provides professional and environmental planning assistance to internal and external entities, coordinates the sustainable growth and capacity-based planning policies of the Department, and works with internal programs, regional entities and municipalities to incorporate these policies into all levels of planning. Planning for coastal zone management, stormwater management, watershed, water quality, and water supply is included. The Office of Climate Change and Energy facilitates the department-wide effort to address mitigation and adaptation policies related to climate change. This office serves as the Department's lead in implementing the provisions of the New Jersey Global Warming Response Act and Global Warming Solutions Fund Act and in developing federal and international initiatives, including federal rulemaking and congressional action. Under the Environmental Justice Program, environmental outreach and education is provided to minority and poor communities, and Environmental Justice principles are integrated into day-to-day decision making and developing quality of life initiatives.

ENVIRONMENTAL PROTECTION

EVALUATION DATA

	Actual FY 2008	Actual FY 2009	Revised FY 2010	Budget Estimate FY 2011
PROGRAM DATA				
Water Monitoring and Standards				
Ambient Marine Water:				
Water samples analyzed	13,000	12,000	12,000	11,000
Shellfish bed acres open	78%	78%	78%	78%
Shellfish bed acres seasonal	3%	3%	3%	3%
Shellfish bed acres condemned	11%	11%	16%	16%
Shellfish bed acres specially restricted	8%	8%	3%	3%
Land Use Regulation				
Tidelands:				
Grant applications approved	154	50	154	154
New licenses	231	200	200	200
License renewals	284	500	2,000	800
Statements of No Interest (SNI) issued	17	25	30	30
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
State Supported	36	22	13	13
Federal	38	36	31	31
All Other	454	434	434	431
Total Positions	528	492	478	475
Filled Positions by Program				
Water Supply	148	141	138	139
Water Monitoring and Standards	47	43	41	41
Land Use Regulation	186	173	169	168
Office of Science Support	30	22	13	13
New Jersey Geological Survey	19	18	16	16
Environmental Management - CBT Dedication	64	61	56	57
Drinking Water State Revolving Fund	5	6	6	6
Environmental Policy and Planning	29	28	39	35
Total Positions	528	492	478	475

Notes:

Actual payroll counts are reported for fiscal years 2008 and 2009 as of December and revised fiscal year 2010 as of January. The Budget Estimate for fiscal year 2011 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, 2009					Year Ending June 30, 2011			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2010 Adjusted Approp.	Requested	Recom- mended
DIRECT STATE SERVICES								
Distribution by Fund and Program								
8,521	5,616	-1,040	13,097	11,547	05	8,443	8,443	8,443
12,973	2,494	-500	14,967	14,808	15	12,692	12,638	12,638
2,549	---	-204	2,345	1,440	18	1,322	1,409	1,409
---	---	471	471	471	22	---	---	---
19,554	793	-790	19,557	16,348	29	13,176	15,329	15,329
---	---	394	394	394	90	772	399	399
43,597	8,903	-1,669	50,831	45,008	36,405^(a)		38,218	38,218
					Total Direct State Services			

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2009					Year Ending June 30, 2011			
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2010 Adjusted Approp.	Requested	Recommended
<u>DIRECT STATE SERVICES</u>								
Distribution by Fund and Object								
Personal Services:								
10,035	---	1,787	11,822	11,182		8,702	8,580	8,580
					Salaries and Wages			
<u>10,035</u>	<u>---</u>	<u>1,787</u>	<u>11,822</u>	<u>11,182</u>	<u>8,702</u>		<u>8,580</u>	<u>8,580</u>
65	---	-4	61	45	50		36	36
					Materials and Supplies			
1,521	25	1,613	3,159	3,118	1,454		1,730	1,730
					Services Other Than Personal			
109	---	-24	85	83	128		75	75
					Maintenance and Fixed Charges			
Special Purpose:								
---	297	-2,732	826	---	05	---	---	---
					Water Supply			
2,269	---	---	2,269	2,262	2,300		2,300	2,300
					Administrative Costs Water Supply Bond Act of 1981 - Management			
1,728	---	---	1,728	1,686	1,729		1,729	1,729
					Administrative Costs Water Supply Bond Act of 1981 - Watershed and Aquifer			
324	---	---	324	288	324		324	324
					Administrative Costs Water Supply Bond Act of 1981 - Planning and Standards			
---	361	-1,036	554	---	05	---	---	---
					Well Permits, Well Driller, Pump Installer Licenses			
43	---	---	75	38	43		43	43
					Water/Wastewater Operators Licenses			
2,433	434 R	---	2,867	2,867	2,445		2,445	2,445
					Safe Drinking Water Fund			
---	29	-15	45	---	15	---	---	---
					Wetlands			
---	583	-483	100	---	15	---	---	---
					Stream Encroachment			
3,002	1,796 R	---	4,798	4,798	3,132		3,132	3,132
					Tidelands Peak Demands			
2,264	---	-23	2,241	2,241	2,299		2,245	2,245
					Highlands Permitting			
250	---	---	250	---	250		250	250
					Hazardous Waste Research			
19,554	793	-790	19,557	16,348	13,176		15,329	15,329
					Water Resources Monitoring and Planning - Constitutional Dedication			
---	---	---	---	---	90	373	---	---
					Office of Climate Change and Energy			
---	32	38	70	52	---		---	---
					Additions, Improvements and Equipment			
<u>GRANTS-IN-AID</u>								
Distribution by Fund and Program								
---	6,439	---	6,439	2,805	---		---	---
					Environmental Management - CBT Dedication			
<u>---</u>	<u>6,439</u>	<u>---</u>	<u>6,439</u>	<u>2,805</u>	<u>---</u>		<u>---</u>	<u>---</u>
					Total Grants-in-Aid			
Distribution by Fund and Object								
Grants:								
---	2,739	---	2,739	855	---		---	---
					Stormwater Management Grants			
<u>---</u>	<u>3,700</u>	<u>---</u>	<u>3,700</u>	<u>1,950</u>	<u>---</u>		<u>---</u>	<u>---</u>
					Watershed Restoration Projects			
<u>43,597</u>	<u>15,342</u>	<u>-1,669</u>	<u>57,270</u>	<u>47,813</u>	<u>36,405</u>		<u>38,218</u>	<u>38,218</u>
					Grand Total State Appropriation			

OTHER RELATED APPROPRIATIONS

Federal Funds

22,200								
197 S	15	---	22,412	1,813	05	65,654	33,500	33,500
					Water Supply (b)			
4,450	141	---	4,591	3,323	4,900		4,300	4,300
					Water Monitoring and Standards			
8,050	769	---	8,819	2,081	8,050		8,050	8,050
					Land Use Regulation			
1,550								
250 S	618	---	2,418	1,166	1,550		1,550	1,550
					Office of Science Support			

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2009					Year Ending June 30, 2011				
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Total Expended		2010 Prog. Class.	Adjusted Approp.	Requested	Recommended
OTHER RELATED APPROPRIATIONS									
390	---	---	390	120	New Jersey Geological Survey	22	920	450	450
6,597					Environmental Policy and Planning	90	6,598	6,385	6,385
<u>25^S</u>	<u>-968</u>	<u>252</u>	<u>5,906</u>	<u>4,053</u>	Total Federal Funds		<u>87,672</u>	<u>54,235</u>	<u>54,235</u>
43,709	575	252	44,536	12,556	All Other Funds				
	407				Water Supply	05	6,107	6,289	6,289
---	149 ^R	485	1,041	497	Water Monitoring and Standards	07	---	---	---
---	25	---	25	2	Land Use Regulation	15	3,080	3,136	3,136
	1,673				Office of Science Support	18	---	---	---
---	426 ^R	-10	2,089	310	Drinking Water State Revolving Fund	80	3,200	5,005	5,005
	764				Environmental Policy and Planning	90	1,800	700	700
---	25 ^R	---	789	613	Total All Other Funds		<u>14,187</u>	<u>15,130</u>	<u>15,130</u>
---	4	---	3,435	3,435	GRAND TOTAL ALL FUNDS		<u>138,264</u>	<u>107,583</u>	<u>107,583</u>
---	3,431 ^R	---	1,554	1,554					
---	1,554 ^R	---	8,933	6,411					
<u>---</u>	<u>8,458</u>	<u>475</u>	<u>8,933</u>	<u>6,411</u>					
87,306	24,375	-942	110,739	66,780					

Notes -- Direct State Services - General Fund

- (a) The fiscal year 2010 appropriation has been adjusted for the allocation of salary program, which includes \$44,000 in appropriated receipts, and for the annualized savings from continued attrition and the reallocation of management and procurement 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 - 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 \$228,000, 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 \$1,313,000, for administration of the Safe Drinking Water program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

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

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

Notwithstanding the provisions of any law or regulation to the contrary, funds appropriated in the Water Resources Monitoring and Planning- Constitutional Dedication special purpose account shall be made available to support nonpoint source pollution and watershed management programs, consistent with the constitutional dedication, within the Department of Environmental Protection in the amounts of \$1,536,000 for Water Monitoring and Standards, \$1,392,000 for New Jersey Geological Survey, \$157,000 for Watershed Management, \$500,000 for Forest Resource Management, and \$790,000 transferred to the Department of Agriculture to support the Conservation Cost Share program, at a level of \$540,000, and the Conservation Assistance Program, at a level of \$250,000, on or before September 1, 2010.

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

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

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

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

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

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

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

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

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

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

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

There is appropriated to the Lake Hopatcong Commission such sums as may be collected from a boat registration surcharge, or other 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 implement the requirements of the Site Remediation Reform Act, which will result in many non-publicly funded site remediation projects being performed by Licensed Site Remediation Professionals (LSRP) with Site Remediation Program audits of the work performed. Fiscal 2011 will be the first full year of implementation, and participation in the LSRP program will continue on a voluntary basis until 2012.
2. To remediate sites contaminated by hazardous substances and pollutants to protect human health and the environment, and to restore contaminated areas of the state for beneficial use.
3. To identify the universe of potential remediation sites, including currently known and suspected discharge sites, regulated underground storage tank sites, industrial establishments as defined by Industrial Site Recovery Act (ISRA), non-operating landfills with development potential, and Resource Conservation and Recovery Act (RCRA) facilities, for cleanup and closure in accordance with applicable regulations.
4. Determine the imminent risk of sites to human health and the environment consistent with legislated mandates and, in those cases when the responsible party is either unknown or unable to perform the cleanup, utilize public funds to remediate the worst sites first.
5. To coordinate responses and take immediate action when discharges of hazardous substances and pollutants endanger human health and the environment, especially water supplies.
6. To respond to emergency discharges of hazardous substances and pollutants throughout the state and enable the public to report environmental emergencies to the Department's communication center via toll-free access.
7. To maximize the use of private-party funds and require responsible parties to either conduct remedial work with Department oversight or to pay the Department for performing remedial work using public funds.
8. To develop and implement clear, consistent, and predictable regulations on site remediation for use by the regulated community and the Department, and ensure that technically, geologically, and scientifically justified cleanup objectives are met.
9. To implement a statewide solid waste planning process that emphasizes source reduction, recycling, and market development activities. To conduct comprehensive reviews of permit applications for solid waste, hazardous waste, recycling and composting facilities, and landfill closures.
10. To compensate persons affected by hazardous substance discharges through the Spill Compensation Fund environmental claims program, the Sanitary Landfill Contingency Fund claims program, and loans and grants, administered in conjunction with the Economic Development Authority, from the Hazardous Discharge Site Remediation Fund and Underground Storage Tank Fund.

PROGRAM CLASSIFICATIONS

19. **Publicly-Funded Site Remediation.** Conducts a program to remediate sites contaminated by hazardous substances where a responsible party cannot be identified or is unable or unwilling to voluntarily participate. These activities are supported by federal (Superfund) funds.
23. **Solid and Hazardous Waste Management.** Provides leadership, planning, education, and financial and technical assistance to the state's citizens and businesses to help them manage their waste responsibly. Regulates the generation, storage, collection, transportation, processing, treatment, and disposal of solid and hazardous wastes and closure of facilities. Regulations and standards are implemented and monitored through on-site construction inspections, design reviews, data collection, and permit issuance. Administers the federal Resource Conservation and Recovery Act of 1976 (RCRA). Develops and implements programs, such as the Electronic Waste Recycling program, to attain statewide recycling goals and to reduce the quantities of waste generated. Monitors the solid waste collection industry to

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promote effective competition and to prohibit anti-competitive practices. Regulates and oversees mergers, acquisitions, and long-term financing arrangements of the solid waste utility industry. The landfill unit promotes the reuse of non-operating landfills, providing oversight of landfill remediation, closure and redevelopment through the melding and implementation of solid waste regulations and technical requirements for site remediation. The Office of Dredging and Sediment Technology is responsible for evaluating and permitting all coastal dredging projects and is committed to the beneficial reuse of dredged material.

27. **Remediation Management and Response.** Conducts a statewide program to oversee the remediation of sites by private parties under the State's mandated cleanup program. Provides oversight to ensure that appropriate standards and technical requirements are met. The State Spill Compensation and Control Act, 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. Many of the above activities will be modified to meet the criteria of the Site Remediation Reform Act, which establishes a Licensed Site Remediation Professional Program, with the Department's role shifting to include more project auditing responsibility and less case management.

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

EVALUATION DATA

	Actual FY 2008	Actual FY 2009	Revised FY 2010	Budget Estimate FY 2011
PROGRAM DATA				
Solid and Hazardous Waste Management				
Annual tonnage of solid waste:				
Generated statewide	22,685,327	21,645,234	20,562,973	19,534,825
Generated per capita (lbs./person/day)	14.77	14.09	13.39	12.72
Recycled statewide	12,401,485	12,402,470	11,782,583	11,193,454
Recycled per capita (lbs./person/day)	8.07	8.08	7.67	7.28
Reduction in solid waste stream due to recycling	54.7%	57.3%	57.3%	57.3%
Annual tonnage of hazardous waste generated statewide				
Disposed	110,152	101,935	91,741	82,567
Incinerated	75,985	67,348	60,613	54,552
	34,167	34,587	31,128	28,015
Remediation Management and Response				
Responsible Party Remediation:				
ISRA negative declarations	227	240	300	300
ISRA remedial action workplan approvals	2	5	10	10
ISRA remediations monitored	1,355	1,483	1,400	1,400
ISRA remediations completed	258	230	300	300
Voluntary cleanup - remediations monitored	7,605	7,025	7,000	7,000
Voluntary cleanup - remediations completed	3,259	4,683	4,000	4,000
Remedial Response:				
Remedial action workplan approvals	64	50	56	100
Remediation Support:				
Emergency responses total deployments	1,668	1,273	1,350	1,350
Child Care Facilities inspected	1,492	1,606	1,200	1,370
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
Federal	20	19	13	13
All Other	585	565	548	557
Total Positions	605	584	561	570

ENVIRONMENTAL PROTECTION

	Actual FY 2008	Actual FY 2009	Revised FY 2010	Budget Estimate FY 2011
Filled Positions by Program				
Solid and Hazardous Waste Management	92	81	78	80
Remediation Management and Response	377	371	351	353
Environmental Management - CBT Dedication	136	132	132	137
Total Positions	605	584	561	570

Notes:

Actual payroll counts are reported for fiscal years 2008 and 2009 as of December and revised fiscal year 2010 as of January. The Budget Estimate for fiscal year 2011 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, 2009					Year Ending June 30, 2011				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2010 Adjusted Approp.	Requested	Recom- mended	
<u>DIRECT STATE SERVICES</u>									
Distribution by Fund and Program									
6,308	4,737	-594	10,451	7,830	Solid and Hazardous Waste Management	23	5,963	5,963	5,963
30,769	14,462	-41	45,190	44,740	Remediation Management and Response	27	31,342	31,342	31,342
11,732	7,142	---	18,874	12,029	Environmental Management - CBT Dedication	29	7,906	9,197	9,197
48,809	26,341	-635	74,515	64,599	Total Direct State Services		45,211 (a)	46,502	46,502
Distribution by Fund and Object									
Personal Services:									
15,075	6,135 R	-3,006	18,204	14,893	Salaries and Wages		14,436	14,804	14,804
---	---	---	---	3,311	Employee Benefits		---	---	---
15,075	6,135	-3,006	18,204	18,204	Total Personal Services		14,436	14,804	14,804
219	---	-25	194	159	Materials and Supplies		165	170	170
2,512	---	1,169	3,681	3,662	Services Other Than Personal		3,120	2,853	2,853
592	---	-177	415	414	Maintenance and Fixed Charges		516	436	436
Special Purpose:									
---	2,215 R	-1,960	2,532	---	Solid and Hazardous Waste Management	23	---	---	---
390	241 R	---	631	631	Office of Dredging and Sediment Technology	23	410	410	410
---	---	833	833	795	Local Tire Management Program	23	---	---	---
---	---	2,610	2,610	2,582	Remediation Management and Response	27	---	---	---
16,931	8,173 R	---	25,104	25,104	Hazardous Discharge Site Cleanup Fund - Responsible Party	27	17,465	17,465	17,465
953	---	-40	913	912	Underground Storage Tanks	27	909	909	909
11,732	4,710	---	16,442	11,236	Cleanup Projects Administrative Costs - Constitutional Dedication	29	7,906	9,197	9,197
---	1,432 R	---	2,432	793	Private Underground Tank Administrative Costs - Constitutional Dedication	29	---	---	---
405	158	-39	524	107	Additions, Improvements and Equipment		284	258	258
<u>CAPITAL CONSTRUCTION</u>									
Distribution by Fund and Program									
---	24	---	24	---	Publicly-Funded Site Remediation	19	---	---	---
57,359	68,601	-11,300	114,660	53,829	Environmental Management - CBT Dedication	29	38,652	44,965	44,965

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Orig. & (S)Supplemental	Year Ending June 30, 2009				Total Available	Expended	Prog. Class.	Year Ending June 30, 2011		
	Reapp. & (R)Recpts.	Transfers & (E)Emergencies						2010 Adjusted Approp.	Requested	Recommended
57,359	68,625	-11,300	114,684	53,829	CAPITAL CONSTRUCTION					
<i>Total Capital Construction</i>						38,652	44,965	44,965		
Distribution by Fund and Object										
Site Remediation										
---	24	---	24	---	Hazardous Site Mitigation - Statewide	19	---	---	---	
24,769	68,601	---	93,370	33,996	Hazardous Substance Discharge Remediation - Constitutional Dedication	29	16,691	19,417	19,417	
32,590	---	-11,300	21,290	19,833	Hazardous Substance Discharge Remediation Loans & Grants - Constitutional Dedication	29	21,961	25,548	25,548	
106,168	94,966	-11,935	189,199	118,428	<i>Grand Total State Appropriation</i>		83,863	91,467	91,467	
OTHER RELATED APPROPRIATIONS										
Federal Funds										
30,450	156	---	30,606	156	Publicly-Funded Site Remediation	19	40,450	25,450	25,450	
2,395	---	---	2,395	1,147	Solid and Hazardous Waste Management	23	2,395	2,395	2,395	
5,555					Remediation Management and Response	27	5,700	6,450	6,450	
750 ^S	2,107	---	8,412	3,485	<i>Total Federal Funds</i>		48,545	34,295	34,295	
39,150	2,263	---	41,413	4,788	All Other Funds					
---	15	---	15	---	Publicly-Funded Site Remediation	19	---	---	---	
---	---	---	---	---	Solid and Hazardous Waste Management	23	3,172	3,194	3,194	
---	161	---	6,584	5,902	Remediation Management and Response	27	26,025	27,347	27,347	
---	6,423 ^R	---	---	---	Environmental Management - CBT Dedication	29	1,000	1,000	1,000	
---	---	---	---	---	<i>Total All Other Funds</i>		30,197	31,541	31,541	
145,318	103,828	-11,935	237,211	129,118	GRAND TOTAL ALL FUNDS		162,605	157,303	157,303	

Notes -- Direct State Services - General Fund

(a) The fiscal year 2010 appropriation has been adjusted for the allocation of salary program, which includes \$88,000 in appropriated receipts, the annualized savings from continued attrition, and the reallocation of management and procurement efficiencies.

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 \$284,000 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 \$8,239,000 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 \$10,584,000 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.

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In addition to the amount hereinabove, there is appropriated to the Hazardous Discharge Site Cleanup Fund - Responsible Party account such additional sums, as necessary, received from cost recoveries and from the Licensed Site Remediation Professionals fees and deposited in the Hazardous Discharge Site Cleanup Fund, for the cleanup of hazardous waste sites and the costs associated with the Site Remediation Reform Act, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Underground Storage Tanks account shall be credited against responsible party cost recoveries deposited in the Hazardous Discharge Site Cleanup Fund for administration of the Underground Storage Tanks program, 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 and County Environmental Health Act agencies for costs incurred to oversee the State's recycling efforts and other solid waste program activities.

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

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.) or any other law to the contrary, the monies appropriated to the Department of Environmental Protection from the Clean Communities Program Fund shall be provided by the Department to the Clean Communities Council pursuant to a contract between the Department and the Clean Communities Council to implement the requirements of the Clean Communities Program pursuant to subsection d. of section 6 of P.L.2002, c.128 (C.13:1E-218).

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

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, future cost recoveries from this litigation, not to exceed \$12,000,000, shall be reimbursed to the New Jersey Spill Compensation Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law or regulation to the contrary, there is appropriated from the Hazardous Discharge Site Cleanup Fund an amount of \$6,000,000 for the direct and indirect costs of legal and consulting services associated with litigation related to the Passaic River Cleanup, subject to the approval of the Director of the Division of Budget and Accounting.

Language Recommendations -- Capital Construction

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

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

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

Funds made available for the remediation of the discharges of hazardous substances pursuant to the amendments effective December 4, 2003, to Article VIII, Section II, paragraph 6 of the State Constitution and hereinabove appropriated, shall be 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.

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40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

45. ENVIRONMENTAL REGULATION

OBJECTIVES

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

PROGRAM CLASSIFICATIONS

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

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09. **Public Wastewater Facilities.** Administers the New Jersey Environmental Infrastructure Financing program along with the New Jersey Environmental Infrastructure Trust, an independent State financing authority. The program provides loans to local government units for the construction of environmental infrastructure facilities through the American Recovery and Reinvestment Act of 2009 and the Clean Water State Revolving Fund, with funds made available under the federal Clean Water Act and various State bond acts. The projects eligible for financial assistance include water and wastewater treatment plant upgrades or improvements, facilities for the beneficial reuse and treatment of sewage sludge, collection and conveyance facilities, on-site system rehabilitation, infiltration/inflow correction, combined sewer overflow and interconnection/cross-connection abatement, and nonpoint source projects (such as land acquisition, brownfield remediation, well sealing, and landfills).

16. **Water Monitoring and Planning.** Federal funds for

regulating the discharge of contaminants/toxics from wastewater treatment facilities and the management of residuals, the management of sludge, and the issuance of stormwater permits.

29. **Environmental Management - CBT Dedication.** Since 1996, 4% of the revenue annually derived from the tax imposed by the Corporation Business Tax Act (P.L.1945, c.162) has been dedicated to the Department. Beginning in 2006, the dedication was expanded to provide grants for the costs of air pollution control equipment to reduce particulate matter emissions from diesel-powered engines and to provide funds for other measures to reduce human exposure to emissions.

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

EVALUATION DATA

	Actual FY 2008	Actual FY 2009	Revised FY 2010	Budget Estimate FY 2011
PROGRAM DATA				
Radiation Protection				
X-ray machines inspected	6,144	5,553	3,902	4,300
X-ray machine violations (% of inspected)	15%	23%	20%	20%
Homes tested for radon	46,200	39,000	42,000	44,000
Homes mitigated for radon	2,900	2,800	2,800	3,000
Lung cancers avoided	140	140	140	140
Release Prevention				
Toxic Catastrophe Prevention				
Inspections	255	151	150	150
Accident investigations	---	1	1	1
Right To Know				
Information requests	3,341	2,578	3,000	3,000
Audits for facilities	1,089	1,503	1,275	1,275
Administrative Orders	244	200	200	200
Public Wastewater Facilities				
Capitalized funding provided for municipal				
infrastructure improvement projects (in millions)	\$ 310.0	\$ 330.9	\$ 780.0	\$ 400.0
Municipal infrastructure improvement projects funded	68	74	170	70
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
All Other	519	499	482	481
Total Positions	519	499	482	481
Filled Positions by Program				
Radiation Protection	82	79	77	76
Air Pollution Control	160	156	147	144
Release Prevention	59	59	58	59
Water Pollution Control	133	125	123	125
Public Wastewater Facilities	53	48	45	42
Environmental Management - CBT Dedication	11	11	11	11
Clean Waters	21	21	21	24
Total Positions	519	499	482	481

Notes:

Actual payroll counts are reported for fiscal years 2008 and 2009 as of December and revised fiscal year 2010 as of January. The Budget Estimate for fiscal year 2011 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, 2009					Year Ending June 30, 2011				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2010 Adjusted Approp.	Requested	Recommended	
DIRECT STATE SERVICES									
Distribution by Fund and Program									
8,425	1,646	-232	9,839	7,442	01	7,619	6,034	6,034	
16,936	2,597	-1,164	18,369	18,319	02	16,385	16,385	16,385	
8,651	8,707	-160	17,198	12,270	08	7,835	7,835	7,835	
3,318	1	-399	2,920	2,705	09	2,762	2,762	2,762	
---	329	900	1,229	891					
---	1,592	-892	700	---	29	---	---	---	
---					70	---	---	---	
37,330	14,872	-1,947	50,255	41,627		34,601^(a)	33,016	33,016	
Distribution by Fund and Object									
Personal Services:									
21,103	---	1,832	22,935	22,934		19,856	18,443	18,443	
21,103	---	1,832	22,935	22,934		19,856	18,443	18,443	
232	---	-37	195	184		175	183	183	
3,827	---	1,463	5,290	5,079		3,107	3,654	3,654	
276	---	-69	207	207		235	193	193	
Special Purpose:									
2,490					01	2,490	2,490	2,490	
1,078 ^S	1,646	---	5,214	2,849		685 ^S			
1,817	---	-148	1,669	1,638	01	1,721	1,721	1,721	
1,549	305 ^R	---	1,854	1,854	02	1,549	1,549	1,549	
1,213	---	-186	1,027	990	02	1,038	1,038	1,038	
1,097	534 ^R	---	1,631	1,629	02	1,097	1,097	1,097	
---	1,130	-1,130	---	---	02	---	---	---	
2,648	611 ^R	---	3,259	3,259	02	2,648	2,648	2,648	
---	4,379				08	---	---	---	
---	4,327 ^R	-3,841	4,865	---		---	---	---	
---	329	900	1,229	891	29	---	---	---	
---	1,592 ^R	-892	700	---	70	---	---	---	
---	19	161	180	113		---	---	---	
GRANTS-IN-AID									
Distribution by Fund and Program									
22,161	60,546	-900	81,807	5,026	29	14,934	17,373	17,373	
22,161	60,546	-900	81,807	5,026		14,934	17,373	17,373	
Distribution by Fund and Object									
Grants:									
22,161	60,546	-900	81,807	5,026	29	14,934	17,373	17,373	
59,491	75,418	-2,847	132,062	46,653		49,535	50,389	50,389	

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2009					Year Ending June 30, 2011				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2010 Adjusted Approp.	Requested	Recom- mended	
OTHER RELATED APPROPRIATIONS									
Federal Funds									
500	38	100	638	446	Radiation Protection	01	500	500	500
6,448					Air Pollution Control	02	6,750	6,750	6,750
2,025 ^S	672	---	9,145	4,849	Public Wastewater Facilities ^(b)	09	188,147	86,000	86,000
28,000	---	---	28,000	---	Water Monitoring and Planning	16	145	145	145
<u>110</u>	<u>20</u>	<u>---</u>	<u>130</u>	<u>97</u>	Total Federal Funds		<u>195,542</u>	<u>93,395</u>	<u>93,395</u>
<u>37,083</u>	<u>730</u>	<u>100</u>	<u>37,913</u>	<u>5,392</u>					
All Other Funds									
---	161	---	590	448	Radiation Protection	01	2,892	3,539	3,539
---	281	---			Air Pollution Control	02	2,835	3,278	3,278
---	135 ^R	561	977	705	Water Pollution Control	08	2,300	2,300	2,300
---	29	---	29	---	Public Wastewater Facilities	09	1,729	2,024	2,024
---	3	---	3	---	Clean Waters	70	1,200	3,450	3,450
---	704	892	3,047	2,882	Total All Other Funds		<u>10,956</u>	<u>14,591</u>	<u>14,591</u>
---	<u>3,193</u>	<u>1,453</u>	<u>4,646</u>	<u>4,035</u>	GRAND TOTAL ALL FUNDS		<u>256,033</u>	<u>158,375</u>	<u>158,375</u>
<u>96,574</u>	<u>79,341</u>	<u>-1,294</u>	<u>174,621</u>	<u>56,080</u>					

Notes -- Direct State Services - General Fund

- (a) The fiscal year 2010 appropriation has been adjusted for the allocation of salary program, the annualized savings from continued attrition, and the reallocation of management and procurement efficiencies.
- (b) Program expenditures for the Clean Water State Revolving Fund are reflected off budget in the Wastewater Treatment Fund.

Language Recommendations -- Direct State Services - General Fund

The amount hereinabove appropriated for the Nuclear Emergency Response account is payable from receipts received pursuant to the assessments of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.), and the unexpended balances at the end of the preceding fiscal year in the Nuclear Emergency Response account, together with receipts in excess of the amount anticipated, not to exceed \$685,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

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

The amount hereinabove appropriated for the Pollution Prevention account is payable from receipts received pursuant to the "Pollution Prevention Act," P.L.1991, c.235 (C.13:1D-35 et seq.), together with an amount not to exceed \$618,000, 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 \$619,000, 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 \$1,208,000, 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 provisions of subsection b. of section 1 of P.L.2005, c.202 (C.58:11B-10.2) or any other law or regulation to the contrary, in addition to the amount anticipated to the General Fund from the Environmental Infrastructure Financing Program Administrative Fee, there is appropriated \$2,024,000 to the Department of Environmental Protection for associated administrative and operating expenses, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Diesel Risk Mitigation Fund - Constitutional Dedication, an amount not to exceed \$1,150,000 shall be appropriated for costs associated with the administration of the program pursuant to the amendments effective

ENVIRONMENTAL PROTECTION

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

	Actual FY 2008	Actual FY 2009	Revised FY 2010	Budget Estimate FY 2011
PROGRAM DATA				
Administration and Support Services				
Affirmative Action Data				
Male Minority	262	247	257	267
Male Minority %	8.1	8.3	8.2	8.2
Female Minority	294	278	268	275
Female Minority %	9.1	9.3	9.2	9.3
Total Minority	556	525	525	542
Total Minority %	17.2	17.6	17.4	17.5
Open Public Records Act (OPRA) Data				
Number of OPRA requests received	14,164	12,437	15,000	15,000
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
State Supported	288	260	245	245
All Other	31	31	30	31
Total Positions	319	291	275	276

ENVIRONMENTAL PROTECTION

	Actual FY 2008	Actual FY 2009	Revised FY 2010	Budget Estimate FY 2011
Filled Positions by Program				
Regulatory and Governmental Affairs	30	24	23	23
Administration and Support Services	289	267	252	253
Total Positions	319	291	275	276

Notes:

Actual payroll counts are reported for fiscal years 2008 and 2009 as of December, and revised fiscal year 2010 as of January. The Budget Estimate for fiscal year 2011 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, 2009					Year Ending June 30, 2011				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2010 Prog. Adjusted Class. Approp.	Requested	Recom- mended	
					<u>DIRECT STATE SERVICES</u>				
					Distribution by Fund and Program				
1,595	---	-23	1,572	1,568	Regulatory and Governmental Affairs	26	1,579	1,524	1,524
18,587	1	-25	18,563	18,313	Administration and Support Services	99	18,090	16,357	16,357
20,182	1	-48	20,135	19,881	Total Direct State Services		19,669^(a)	17,881	17,881
					Distribution by Fund and Object				
					Personal Services:				
17,447	---	81	17,528	17,528	Salaries and Wages		16,853	15,218	15,218
17,447	---	81	17,528	17,528	Total Personal Services		16,853	15,218	15,218
104	---	29	133	125	Materials and Supplies		265	244	244
905	---	-42	863	690	Services Other Than Personal		874	854	854
228	---	-87	141	141	Maintenance and Fixed Charges		179	165	165
					Special Purpose:				
---	---	69	69	---	Office of the Records Custodian - Open Public Records Act	99	---	---	---
1,400	---	---	1,400	1,397	New Jersey Environmental Management System	99	1,400	1,400	1,400
98	---	-98	---	---	Affirmative Action and Equal Employment Opportunity	99	98	---	---
---	1	---	1	---	Additions, Improvements and Equipment		---	---	---
					<u>STATE AID</u>				
					Distribution by Fund and Program				
16,536	287	-108	16,715	16,062	Administration and Support Services	99	16,253	5,367	5,367
6,536	287	-108	6,715	6,343	<i>(From General Fund)</i>		6,253	5,367	5,367
10,000	---	---	10,000	9,719	<i>(From Property Tax Relief Fund)</i>		10,000	---	---
16,536	287	-108	16,715	16,062	Total State Aid		16,253	5,367	5,367
6,536	287	-108	6,715	6,343	<i>(From General Fund)</i>		6,253	5,367	5,367
10,000	---	---	10,000	9,719	<i>(From Property Tax Relief Fund)</i>		10,000	---	---
					Distribution by Fund and Object				
					State Aid:				
1,518	287	-101	1,704	1,437	Mosquito Control, Research, Administration and Operations	99	1,346	1,346	1,346
10,000	---	---	10,000	9,719	Payment In Lieu of Taxes (PTRF)	99	10,000	---(b)	---(b)

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2009					Year Ending June 30, 2011				
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	Prog. Class.	2010 Adjusted Approp.	Requested	Recommended	
2,400	---	-7	2,393	2,288					
2,618	---	---	2,618	2,618					
STATE AID									
					Administration and Operations of the Highlands Council	99	2,315	1,852	1,852
					Administration, Planning and Development Activities of the Pinelands Commission	99	2,592	2,169	2,169
CAPITAL CONSTRUCTION									
Distribution by Fund and Program									
---	150	---	150	58	Administration and Support Services	99	---	---	---
---	150	---	150	58	Total Capital Construction		---	---	---
Distribution by Fund and Object									
Administrative Operations									
---	150	---	150	58	Mosquito Control Equipment	99	---	---	---
36,718	438	-156	37,000	36,001	Grand Total State Appropriation		35,922	23,248	23,248
OTHER RELATED APPROPRIATIONS									
59,735	---	---	59,735	59,734	Total Debt Service		60,538	63,038	63,038
Federal Funds									
150	---	---	150	---	Regulatory and Governmental Affairs	26	150	150	150
2,350					Administration and Support Services	99	2,450	2,450	2,450
240 ^S	332	---	2,922	392	Total Federal Funds		2,600	2,600	2,600
2,740	332	---	3,072	392					
All Other Funds									
---	58	---	58	31	Regulatory and Governmental Affairs	26	---	---	---
---	11,000				Administration and Support Services	99	120	96	96
---	103 ^R	1,041	12,144	9,786	Total All Other Funds		120	96	96
---	11,161	1,041	12,202	9,817	GRAND TOTAL ALL FUNDS		99,180	88,982	88,982
99,193	11,931	885	112,009	105,944					

Notes -- Direct State Services - General Fund

- The fiscal year 2010 appropriation has been adjusted for the allocation of salary program, the annualized savings from continued attrition, and the reallocation of management and procurement efficiencies.
- The State Aid appropriation for Payment In Lieu of Taxes (PTRF) has been moved to the Department of Community Affairs effective in fiscal 2011.

Language Recommendations -- Direct State Services - General Fund

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

Language Recommendations -- State Aid - General Fund

Receipts derived from permit fees 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.

40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

47. COMPLIANCE AND ENFORCEMENT

OBJECTIVES

- To protect public health and improve the environment by ensuring compliance with the State's rules and regulations concerning coastal and land use, air pollution, water resources, solid and hazardous waste, and pesticides.
- To assure consistency in enforcement policies, protocols, and actions taken by the Department.
- To provide compliance assistance to all businesses, with a special emphasis on small businesses and local governments.

ENVIRONMENTAL PROTECTION

4. To augment the Department's enforcement, inspection, and monitoring activities under the County Environmental Health Act by strengthening agreements with local health agencies to enforce environmental regulations.
5. To improve the quality of the state's beaches through cooperation with the Department of Corrections, the Department of Health and Senior Services, and the United States Army Corps of Engineers in programs that reduce floatable debris and monitor ocean water quality.
6. To inspect, monitor, and report on the quality of surface and groundwater discharges in the state.
7. To protect the public and the environment from any hazards resulting from the production, use, sale, storage, or other activities related to pesticides.
8. To perform regular comprehensive underground storage tank inspections in order to protect ground water resources from gasoline and other contamination by reducing the number of leaking tanks.

PROGRAM CLASSIFICATIONS

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

facilities; prevention and correction of non-compliance conditions through a multifaceted compliance assistance program, including outreach, education, and a Discharge Monitoring Report guidance manual; issuance of administrative and judicial enforcement actions for chronic or significant violations; and investigation of complaints relating to water resources. Monitors compliance with all permits issued under the New Jersey Pollutant Discharge Elimination System (NJPDES) for surface water, ground water, and indirect discharges to Publicly-Owned Treatment Works. Formal enforcement actions are also issued for violations in the Water Allocation Program and against State-certified laboratories that fail to comply with the laboratory certification program requirements.

15. **Land Use Regulation.** Conducts investigations and site inspections required for compliance with State regulations and permits issued pursuant to the Highlands Water Protection and Planning Act, Freshwater Wetlands Protection Act, the Flood Hazard Area Control Act, the Coastal Area Facility Review Act, the Wetlands Act of 1970, the Dam Safety Act, and the Waterfront Development and Riparian Lands statutes. Responding to reports of alleged violations of the above statutes, the program advises individuals how to achieve and/or maintain compliance.
23. **Solid and Hazardous Waste Management.** Manages and conducts compliance and enforcement activities to ensure that solid waste, hazardous waste, regulated medical waste, and used oil are collected, stored, transported, recycled, and disposed of in an environmentally acceptable manner. Assures compliance with federal Resource Conservation and Recovery Act (RCRA) regulations, the New Jersey Solid Waste Management Act, and the Solid Waste Utility Control Act. Activities include such compliance assistance functions as environmental audits, grace periods, and supplemental environmental projects as well as conventional inspections, investigations, transporter and regulated medical waste generator licensing, and, when necessary, formal enforcement actions.
29. **Environmental Management - CBT Dedication.** Since 1996, 4% of the revenue annually derived from the tax imposed by the Corporation Business Tax Act (P.L.1945, c.162) has been dedicated to the Department. A portion of this dedication is used to provide loans or grants to upgrade, replace or close underground storage tanks, including the costs of remediation, and to finance the cost of remediating hazardous substance discharges. Beginning in fiscal 2004, the dedication was expanded to include the implementation of the Underground Storage Tank (UST) Inspection Program.

EVALUATION DATA

	Actual FY 2008	Actual FY 2009	Revised FY 2010	Budget Estimate FY 2011
PROGRAM DATA				
Air Pollution Control				
Investigations and inspections	6,200	5,580	4,500	4,000
Pesticide Control				
Investigations and inspections	815	653	700	700
Pesticide products regulated	12,755	12,924	12,700	12,700
Pesticide licenses and permits	17,546	17,533	17,500	17,500
Water Pollution Control				
Inspections	4,928	4,555	4,000	4,500

ENVIRONMENTAL PROTECTION

	Actual FY 2008	Actual FY 2009	Revised FY 2010	Budget Estimate FY 2011
Clean Shores:				
Miles of beaches cleaned	113	129	120	120
Tons of debris removed	2,066	1,857	1,900	1,900
Land Use Regulation				
Investigations and inspections	1,060	1,044	790	608
Solid and Hazardous Waste Management				
Hazardous waste annual inspections	2,406	2,245	2,150	2,100

PERSONNEL DATA

Position Data

Filled Positions by Funding Source

Federal	19	17	17	18
All Other	331	307	303	304
Total Positions	350	324	320	322

Filled Positions by Program

Air Pollution Control	70	65	63	61
Pesticide Control	36	35	36	36
Water Pollution Control	97	91	88	89
Land Use Regulation	29	26	25	26
Solid and Hazardous Waste Management	98	89	91	92
Environmental Management - CBT Dedication	20	18	17	18
Total Positions	350	324	320	322

Notes:

Actual payroll counts are reported for fiscal years 2008 and 2009 as of December and revised fiscal year 2010 as of January. The Budget Estimate for fiscal year 2011 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, 2009					Year Ending June 30, 2011			
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Total Expended	2010 Prog. Class.	Adjusted Approp.	Requested	Recommended
<u>DIRECT STATE SERVICES</u>								
Distribution by Fund and Program								
6,312	1,552	-467	7,397	5,616	02	4,353	4,353	4,353
2,586	769	-69	3,286	2,929	04	2,534	2,534	2,534
6,433	6	-205	6,234	6,230	08	6,137	6,210	6,210
2,103	538	-93	2,548	2,547	15	1,965	1,965	1,965
6,531	---	96	6,627	6,606	23	6,132	6,132	6,132
---	1,568	2,000	3,568	1,210	29	---	---	---
23,965	4,433	1,262	29,660	25,138		21,121^(a)	21,194	21,194
Distribution by Fund and Object								
Personal Services:								
17,843	---	18	17,861	17,861		16,570	16,648	16,648
17,843	---	18	17,861	17,861		16,570	16,648	16,648
73	---	65	138	137		84	110	110
2,688	---	---	---	---		---	---	---
1,500 ^S	1,500	-686	5,002	3,278		2,797	2,779	2,779
833	---	-187	646	646		642	629	629
Special Purpose:								
---	769 ^R	-417	352	---	04	---	---	---
1,028	538 ^R	---	1,566	1,566	15	1,028	1,028	1,028
---	1,568	2,000	3,568	1,210	29	---	---	---

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2009					Year Ending June 30, 2011				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2010 Adjusted Approp.	Requested	Recom- mended	
---	58	469	527	440	<u>DIRECT STATE SERVICES</u>				
					Additions, Improvements and Equipment				
						---	---	---	
					<u>STATE AID</u>				
					Distribution by Fund and Program				
2,700	---	763	3,463	3,335	08	2,700	2,700	2,700	
<u>2,700</u>	<u>---</u>	<u>763</u>	<u>3,463</u>	<u>3,335</u>	Total State Aid		<u>2,700</u>	<u>2,700</u>	
					Distribution by Fund and Object				
					State Aid:				
					County Environmental Health Act				
2,700	---	763	3,463	3,335	08	2,700	2,700	2,700	
<u>26,665</u>	<u>4,433</u>	<u>2,025</u>	<u>33,123</u>	<u>28,473</u>	Grand Total State Appropriation		<u>23,821</u>	<u>23,894</u>	
<u>OTHER RELATED APPROPRIATIONS</u>									
					Federal Funds				
1,802	17	---	1,819	1,791	02	2,000	2,000	2,000	
571	15	---	586	453	04	570	550	550	
500 ^S	486	---	986	986	08	700	1,000	1,000	
600	93	---	693	93	15	600	600	600	
<u>2,500</u>	<u>---</u>	<u>---</u>	<u>2,500</u>	<u>2,110</u>	23	2,500	2,500	2,500	
<u>5,973</u>	<u>611</u>	<u>---</u>	<u>6,584</u>	<u>5,433</u>	Total Federal Funds		<u>6,370</u>	<u>6,650</u>	
					All Other Funds				
					Air Pollution Control				
---	958	---	3,158	70	02	1,510	840	840	
---	2,200 ^R	---	---	---	Pesticide Control				
					04	600	600	600	
					Water Pollution Control				
---	1,774	---	2,499	806	08	795	795	795	
---	847 ^R	-122	250	---	Land Use Regulation				
---	250 ^R	---	5	---	15	711	665	665	
					Solid and Hazardous Waste Management				
---	3	---	---	---	23	3	3	3	
---	2 ^R	---	---	---	Total All Other Funds		<u>3,619</u>	<u>2,903</u>	
<u>32,638</u>	<u>11,078</u>	<u>1,903</u>	<u>45,619</u>	<u>34,782</u>	GRAND TOTAL ALL FUNDS		<u>33,810</u>	<u>33,447</u>	

Notes -- Direct State Services - General Fund

(a) The fiscal year 2010 appropriation has been adjusted for the allocation of salary program, the annualized savings from continued attrition, and the reallocation of management and procurement efficiencies.

Language Recommendations -- Direct State Services - General Fund

Notwithstanding the provisions of any law or regulation to the contrary, receipts deposited into the Coastal Protection Trust Fund pursuant to P.L.1993, c.168 (C.39:3-27.47 et seq.) are appropriated in the amount of \$480,000 for the cleanup or maintenance of beaches or shores, the amount of \$150,000 for the cost of providing monitoring, surveillance and enforcement activities for the Cooperative Coastal Monitoring Program, the amount of \$7,500 for the implementation of the "New Jersey Adopt a Beach Act," P.L.1992, c.213 (C.13:19-22 et seq.), and the amount of \$112,500 for a program of grants for the operation of a sewage pump-out boat and the construction of sewage pump-out devices for marine sanitation devices and portable toilet emptying receptacles at public and private marinas and boatyards in furtherance of the provisions of P.L.1988, c.117 (C.58:10A-56 et seq.). Receipts deposited into the Coastal Protection Trust Fund in excess of \$750,000, but not to exceed \$1,000,000, will be distributed proportionately among the programs listed above. Receipts deposited into the Coastal Protection Trust Fund in excess of \$1,000,000 are appropriated to finance emergency shore protection projects and the cleanup of discharges into the ocean, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for Pesticide Fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection, 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 accounts are payable from receipts derived from the sales, grants, leases, licensing, and rentals of State riparian lands. If receipts are less than anticipated, the appropriation shall be reduced proportionately. In addition, there is appropriated an amount not to exceed \$3,622,000 from the same source for other administrative costs, including legal services, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of any law or regulation to the contrary, with regard to the fee-related appropriations provided hereinabove, the Commissioner of the Department of Environmental Protection shall obtain concurrence from the Director of the Division of Budget and Accounting before altering fee schedules or any other revenue-generating mechanism under the Department's purview.
- Notwithstanding the provisions of the "Environmental Fee Accountability Act of 1991," P.L.1991, c.426 (C.52:27B-20.1 et seq.) and P.L.1991, c.427 (C.13:1D-9.1 et seq.), all revenues from fees and fines collected by the Department of Environmental Protection, unless otherwise herein dedicated, shall be deposited into the State General Fund without regard to their specific dedication.
- Notwithstanding the provisions of any law or regulation to the contrary, of the Federal Fund amounts hereinabove appropriated for the programs included in the Performance Partnership Grant Agreement with the United States Environmental Protection Agency, the Department of Environmental Protection is authorized to reallocate the appropriations, in accordance with the Grant Agreement and subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any law or regulation to the contrary, of the amounts appropriated for site remediation, the Department of Environmental Protection may enter into a contract with the United States Environmental Protection Agency (EPA) to provide the State's statutory matching share for EPA-led Superfund remedial actions pursuant to the State Superfund Contract.
- Receipts in excess of \$7,210,000 anticipated for Air Pollution, Clean Water Enforcement, Land Use, Solid Waste, and Hazardous Waste fines, not to exceed \$1,500,000, and the unexpended balance at the end of the preceding fiscal year are appropriated for the expansion of compliance, enforcement, and permitting efforts in the Department, subject to the approval of the Director of the Division of Budget and Accounting.
- Receipts in excess of the amount anticipated from New Jersey Pollutant Discharge Elimination System/Stormwater Permits, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection to offset the costs of the Water Pollution Control Program, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any law or regulation to the contrary, of the amounts hereinabove appropriated for water resource evaluation studies and monitoring, the Department of Environmental Protection may enter into contracts with the United States Geological Survey to provide the State's match to joint funding agreements for water resource evaluation studies and monitoring analyses.
- Of the amount hereinabove appropriated for the Hazardous Substance Discharge Remediation Loans and Grants - Constitutional Dedication account, an amount not to exceed \$2,000,000 shall be allocated for costs associated with the State Underground Storage Tank Inspection Program, pursuant to the amendments effective December 4, 2003, to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Underground Storage Tank Inspection Program account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any other law to the contrary, of the amounts hereinabove appropriated for environmental restoration and mitigation, the Department of Environmental Protection may enter into agreements with the United States Army Corps of Engineers to provide the State's matching share to any federally authorized restoration or mitigation projects.
- Of the amounts hereinabove appropriated for the Quality Assurance - Lab Certification Programs account, Administration and Support Services, Environmental Policy and Planning, and Office of Science Support, the first \$5,000,000 is payable out of the Hazardous Discharge Site Cleanup Fund, subject to the approval of the Director of the Division of Budget and Accounting.
- Receipts in excess of a total of \$7,600,000 anticipated for Solid Waste Utility Regulation, Water Allocation, New Jersey Pollutant Discharge Elimination System/Stormwater Permits, Coastal Area Facility Review Act, Freshwater Wetlands, Stream Encroachment, Waterfront Development, Wetlands, Well Permits/Well Drillers/Pump Installers Licenses, Water and Wastewater Operators Licensing Program, Air Permitting Minor Source, and Pesticide fees are appropriated for information technology enhancements in the Department of Environmental Protection, subject to the approval of the Director of the Division of Budget and Accounting.