



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner

April 24, 2009

Honorable Barbara Buono, Chair
Senate Budget and Appropriations Committee
State House Annex
PO Box 068
Trenton, NJ 08625-0068

Dear Senator Buono:

First I would like to thank you for the time your Committee provided the Department of Environmental Protection to present its Fiscal Year 2010 budget needs. Below I have included the specific responses to questions raised by the Committee's member.

Senator O'Toole asked for the implementation timeframe and schedule for the Licensed Site Professional (LSP) program.

Implementing the LSP program within the Department is structured over the next 24 to 36 months. Initially the focus will involve:

Over the next three months the work will involve developing temporary license applications and determining the application fee and annual fee structure; developing approval and denial criteria for licensure and establishing the required changes to the NJEMS systems.

For months three through six the work will involve developing grant procedures for the Technical Assistance (TAG) program; publishing interim rules for the Licensed Site Remediation Professional Board; establishing and issuing temporary licenses; establishing and constituting the Board appointing its members;

For months six through twelve the work will involve issuing temporary licenses, upgrading the NJEMS computer system, and finalizing presumptive remedies and mandatory timelines and publishing proposed rule changes to ISRA,

Subrogation, CNS and RFS; and finalizing DEP rules and responding to comments on LSRP Board Rules.

For months twelve through twenty four the work will involve developing the LSRP exams; and finalizing the rules responding the comments on DEP Rules; accepting and reviewing permanent license applications and administering exams and issuing permanent licenses, and revoking temporary licenses.

For the full timeline additional details can be found on the Department's website at www.state.nj.us/dep/srp/stakeholders/lsp_timeline.pdf

Senator O'Toole asked about the 20,000 known contaminated hazardous waste sites and how many of those are complicated cleanup actions (that would remain with the Department versus moving forward under the LSP program).

Of the 20,000 known cases, 4,000 to 5,000 are homeowner underground storage tank cases that are not subject to the legislation. Of the 15,000 cases subject to the bill, each site must hire a LSP within 3 years to perform the remediation and may begin to conduct the remediation (without the prior approval of the Department) unless specifically directed otherwise. All 15,000 sites/cases will be screened or inspected by the Department and those that represent a high priority because of environmental conditions or a history of recalcitrance, will receive direct DEP oversight. The criteria for determining which sites/cases receive direct oversight will be based on the process outlined in Section 28 of the bill. It is unclear how many cases meet the criteria at this time. The Department believes the number will end up being in the 100's

Senator O'Toole asked about the specific cleanup status for Ringwood Mines Superfund Site.

The Status Report for the Ringwood Mines cleanup is attached (Attachment I)

Senator Turner asked for an update on the status of the Department's efforts to address the backlog of woodland assessments and how many assessments have been adjusted based on our reviews.

The Department's State Forestry Service (SFS) receives over 4,400 woodland assessment applications each August. Staff reviews the applications for completeness and acknowledges such receipt to both the applicant and the local tax assessor and indicates if the application is sufficient or requires additional information. The Department is 100% compliant with this requirement of the Farmland Assessment Act.

The State Forestry Service is also responsible for the review and approval of the woodland management plans for all properties under the Act. Again, the SFS is 100% compliant with its review of management plans.

The Department is also responsible for annual compliance inspection on one third of the enrolled properties. The SFS has coordinated with local tax assessors to identify priority inspections completing over 600 inspections last year. The inspections have resulted in the notification to over 75 property owners of non-compliance and intent to disallow the application for the last tax year. After receiving this notification, all but five property owners completed the required activities and were determined to be in compliance. The local tax assessors were notified of the five properties that were not in compliance and a recommendation was made to assessor to disqualify the property from the Farmland Program.

Senator Oroho asked for a recap of the Department's fee program revenues and appropriations.

The Department's proposed Fiscal Year 2010 budget of \$213.5 million (less the Palisades Interstate Park Commission) is supported by the General State Fund, Program Fees and Dedicated Revenues in the following amounts

General State Fund	\$ 57.7 million	27.1 %
Program Fees	\$ 68.8 million	32.2 %
Dedicated Revenues	\$ 87.0 million	40.7 %
Total	\$213.5 million	

The difference between the Program Fee and Dedicated Revenues relate to the budgetary structure of the monies and appropriations.

Program Fees that indirectly support the related appropriation levels are anticipated as part of the Schedule 1 revenues and are tied to budget language that recognizes these as general revenues. These program fees include those revenues collected under Water Supply Management, Water Allocation, Well Permits, Well Drillers and Pump Installers, Water and Wastewater Operators, Water Quality (NJPDES), Treatment Works Approval, Stream Encroachment, Waterfront Development, Coastal Area Facilities Review (CAFRA), Coastal Wetlands, Freshwater Wetlands, Air Major – Operating Permits, Air Minor, Solid Waste, Solid Waste Economic Regulation, Solid Waste Recycling, Hazardous Waste, Medical Waste, Radiation X-Ray, Material Source, Non-Ionizing, and Radon Testing, Lab Certification, Pesticides, Toxic Catastrophe Prevention (TCPA), Municipal Wastewater Financing, Underground Storage Tank Regulation

Dedicated Revenues represent those resources that are directly supported by taxes and/or bond fund administrative sources. For each of these programs there is separate budget language that ties the appropriations to the underlying dedicated revenue source. These dedicated revenue sources include the Spill Compensation Fund, Hazardous Discharge Site Cleanup Fund, Hunters & Anglers Fund, 1981 Water Supply Bond Fund, 1996 Dredging and Environmental Cleanup Fund, Community Worker Right to Know Fund, Pollution Prevention Fund, Tideland – School Fund, Endangered Species Tax Checkoff Fund, CBT Watershed, CBT Site Remediation, Safe Drinking Water Fund, Nuclear Emergency Response Fund

Senator Oroho asked for a copy of the 2008 OPRA report.

The 2008 OPRA Report is attached (Attachment II)

Senator Sweeney asked for the Department's criteria on judging concession bids/awards based on qualifications and whether the Department has a process to assess penalties against a concessionaire for the failure to make required payments.

For the operating agreements that the Department has bid out (none were concession contracts, although they're similar in nature), each one has a different set of evaluation criteria based on the type of operation. Some criteria will be consistent (like background information and experience) but the rest are tailored to the specific RFP and operation. The Attorney General's office has reviewed and approved all of our evaluation criteria. The evaluation criteria that was used for Centerton Golf Course is attached (Attachment III).

With regard to penalties, all of our leases and operating agreements give the Department the authority to assess penalties for late payments and we have invoked that clause when payments are late.

Senator Pennachio asked about the requirements needed to reprogram Livable Communities funding.

The Department's funding that was available to support the Livable Communities Program represented individual appropriations in Fiscal Year 2003, 2004, and 2005. The projects funded through each appropriation represented individual project proposals submitted by individual municipalities. The monies that remained (which were not disbursed) have lapsed to the General Fund based on the budgetary direction of the individual fiscal year appropriation's act. Within each act there was no carry forward authority that would allow the continued use of the monies or their reprogramming. Accordingly within this fiscal year the Department has received \$31,089 from

five municipalities as their projects have been closed out. These monies will be lapsed to the General Fund at the end of the fiscal year.

Senator Haines asked for the listing of projects (CWSRF, DWSRF and Wildland Fire Management) being funded through the economic stimulus program.

As the Department finalizes its listing of the Clean Water and Drinking Water projects that will be supported by the ARRA funding it will post the specific projects on the State' website www.recovery.nj.gov

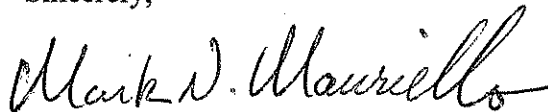
Relative to the Wildland Fire Management projects the listing of 8 projects pending federal review and approval are detailed in Attachment IV.

Senator Haines asked about the basis for allocating the Garden State Preservation Trust (GSPT) funding.

The allocation of funding between the Green Trust and Farmland Preservation was established in statute at the time the GSPT was established.

If I can provide any further information, please let me know.

Sincerely,



Mark N. Mauriello
Acting Commissioner

- c: ✓ David J. Rosen, Legislative Budget and Finance Officer
R. David Rousseau, Treasury
Charlene Holzbaur, Office of Management and Budget
Pat Gillespie, Governor's Office
Marilyn Davis, Governor's Office

**Ringwood Mine Landfill Superfund Site
April 2009 Update**

- Residential Property - Remedial Investigations and Geophysical Investigations --- the Residential RI effort has restarted after a long delay by the Attorneys representing residents. The Attorneys would not allow further work on the private residential properties until geophysical investigations were completed for properties threatened by potential future sinkholes. The attorneys have given NJDEP approval to restart preparation of Workplans for RI's on the residential properties. To date, 9 additional residential properties have been inspected and RI workplans are being prepared for those properties. NJDEP expects to have completed Property Specific Work Plans for Remedial Investigation for 12 residential properties out of the 45 located at the Superfund site by mid-May 2009. Accordingly, the start of RI fieldwork on those 12 properties is planned for this Summer 2009. The Borough of Ringwood signed a MOU with NJDEP in September of 2007 to conduct these Geophysical Studies in the residential neighborhood. Phase I of Geophysical fieldwork is complete on approximately 6 or 7 properties. The Borough of Ringwood submitted the Phase I report to the NJDEP on May 19, 2008. No new sinkhole threats were identified on these properties. The two properties on Van Dunk Lane that were previously evacuated due to void concerns beneath the homes remain abandoned and unsafe for occupancy. The Phase I report recommends additional geophysical investigations on selected properties and roadways in the community. On May 20, 2008 the NJDEP faxed a response letter to Ringwood Borough directing them to proceed with the additional work recommended in the Phase I Report. Phase II of the Geophysical work is underway now. A second issue that is prohibiting start of the Residential RI effort is that residential waterlines are all "PVC" lines and the Borough has no drawings that show where the lines are located. One residential line was hit during the geophysical investigations and the entire community lost water and fire protection for more than 10 hours. This is a concern of the residents and NJDEP cannot allow our contractors to conduct any intrusive investigations on these properties until this waterline issue is resolved. The Borough of Ringwood Public Works is working on ways to resolve this issue.
- Ford/Arcadis -- Removal Action Work Efforts --- Removal Action work ceased in April 2008 and ARCADIS and the Construction Contractors for FORD demobilized from the site. Paint Sludge and contaminated soils were excavated and removed from all 12 Sludge Removal (SR) Areas. However, only 4 of the 12 SR Areas have been restored and replanted. Restoration of the remaining SR Areas cannot proceed until the "background Arsenic" issue is resolved. FORD contends that Arsenic contamination found in post-excavation soil samples from various SR Areas is not related to Ford's paint sludges or other Ford wastes disposed at the site. FORD believes that the Arsenic contamination is from past mining operations and is "naturally occurring" in soils. A background soils and mine tailings investigation was recently completed by FORD to attempt to demonstrate their contention on this matter. The agencies (EPA, NJDEP, NJGS and USGS) are currently reviewing this Background Arsenic Report. NJDEP did

conduct some sampling of Paint Sludges, soils and Mine Tailings and we found that *both the Paint Sludges and Mine Tailings do contain Arsenic.*

- Solid Waste on Borough Property -- Municipal Solid Waste/Refuse mixed with non-hazardous soils remain in the SR-6 Removal Action Area. The Department contracted with Clean Venture Inc. to remove the piles from the site and dispose properly offsite. These piles have been removed. NJDEP and the USEPA believe that these wastes are the Borough's responsibility. *NJDEP issued an Administrative Consent Order to the Borough of Ringwood and Ford on 3/4/08 directing them to take action to remove the non-hazardous Solid Waste that is in and around the SR-6 area.* The Borough refused to do the work, contending that the soil piles were hazardous. Ford offered to pay for half of the cost to dispose of the soil/solid waste piles. NJDEP intends to seek cost recovery from the Borough and Ford to pay for the work that Clean Venture completed at SR-6. All solid wastes, tires and scrap metal have been removed from the SR-6 area.
- Supplemental RI Efforts in Non-Residential Areas -- FORD/Arcadis is also continuing with Supplemental RI work on the 3 major disposal areas used by FORD in the 1960s. These areas are the Peter's Mine Pit Area, the Cannon Mine Pit Area and the O'Connor Disposal Area. NJDEP is reviewing and commenting on RI submittals from FORD/ARCADIS. To date, low-level Ground Water contamination is present in the vicinity of the Peter's Mine Pit (**benzene and phthalates**), the Cannon Mine Pit (**phthalates**), and the O'Connor Disposal area (**arsenic**).
- Arsenic Source Investigation --- Ford/Arcadis recently completed sample collection and laboratory analysis of Mine Tailing, Magnetite Ore, Soils and Sludge in an effort to determine if Arsenic contamination that has been found in some of the SR Areas is coming from Paint Sludges or Mine Tailings/Natural Ores. Arcadis has prepared and submitted a draft report for this work. NJDEP, USEPA, NJGS, USGS and the consultant for Edison Wetlands Assoc. facilitated the development of the scope of work for this study, and are now all reviewing the results of the investigation.
- Biota Study --- The Biota Study efforts were completed in 2007. Verbal results of the study were presented to the community at a Public Meeting in November of 2007. *All game species are safe for community consumption.* The agencies did caution the community on consumption of Wild Carrots since some of the carrots did have elevated Lead concentrations. NJDEP indicated publicly that we would be rescinding the Consumption Advisory for Squirrels that we issued in January of 2007, but we were going to wait for the Biota Study Report to be finalized before formally removing the advisory. The Biota Study Report is still in preparation by NJDHSS/ATSDR and will be incorporated into the Final Public Health Assessment, which is scheduled to be complete in about 3 – 4 months. **The Community Advisory Group in Ringwood has requested that USEPA conduct additional, more rigorous BIOTA Studies for the site.** USEPA is currently evaluating this request.
- Community Advisory Group Meetings --- A CAG has been established and is being facilitated by an independent 3rd party facilitator hired by EPA, but selected by the

Community. The meetings are going well and occur once per month. NJDEP representatives have been attending each meeting as appointed Liaisons to the CAG. Other agencies are also appointed Liaisons to the CAG. NJDEP will continue to attend these meetings as resources permit in the future.

- Ground Water Monitoring --- Ford/Arcadis conducts periodic ground water sampling to monitor the quality throughout the site. Several new Monitor Wells have been installed at the 3 major disposal areas. The most recent ground water sampling results were submitted to NJDEP and USEPA on 2/25/08 in a report. Ground water contamination is present in the Bedrock aquifer downgradient of the Peter's Mine Pit. Primary contaminants include low levels of Benzene and Phthalates. It also appears that low level Phthalate contamination of ground water is present in downgradient wells of the Cannon Mine Pit, however, newer bedrock wells just recently installed have not yet been sampled. Shallow ground water in the O'Connor Disposal Area shows low levels of Arsenic and Lead contamination. Ground water monitoring is ongoing.
- Sally's Pond -- Ringwood State Park --- On April 30th, 2008 NJDEP collected samples of sediments from Sally's Pond in Ringwood State Park for metals analysis. The Pond is directly downstream of the Superfund Site. Ringwood Community members expressed a concern about ongoing Dam Reconstruction work on Sally's Pond that is being done by the NJDEP Dam Safety Program. The community is concerned about the release of contaminated sediments downstream of the Dam work and exposure of residents to pond sediments. The results of our testing of the sediment were very similar to past results of sampling done by ARCADIS for Ford and did not show any significant levels of contamination in the Pond sediments.
- Local Politics --- A new Mayor and Council came into office in January 2008. NJDEP, DCA and NJDHSS representatives met with the new administration for briefings on the site issues in January 2008. Two of the new Council members are sitting on the CAG.
- Ringwood Borough Landfill --- a new issue/concern raised by CAG members in May/June 2008 regards the Borough's closed Municipal Solid Waste Landfill that abuts several residential homes on Van Dunk Lane. The residents are concerned about gases emanating from the landfill vent pipes, which are located in their back yards. The residents also believe that buried wastes extend onto their properties. This landfill has been closed since 1981. NJDEP sampled the landfill gas vents in mid-July 2008. The results of this sampling did not indicate that methane gas was threatening the nearby residential homes, according the Bureau of Solid Waste Enforcement. The Department reported these results to the CAG on September 23, 2008 and no further action is warranted on this closed landfill at this time. If the Department finds that buried waste do extend onto residential properties when we conduct the property specific RI work, then action may be warranted at that time.

NJ Department of Environmental Protection

Open Public Records Act



2008 Annual Report

It is a great pleasure to present the New Jersey Department of Environmental Protection's Open Public Records Act Annual Report for 2008. This report memorializes the extraordinary challenge the Department addresses in responding to OPRA requests. As detailed in the report, the Department has spent more than \$18 million in processing 69,098 requests we received in the six years since OPRA was implemented. The Department receives over 63 percent of all OPRA requests submitted to state agencies.

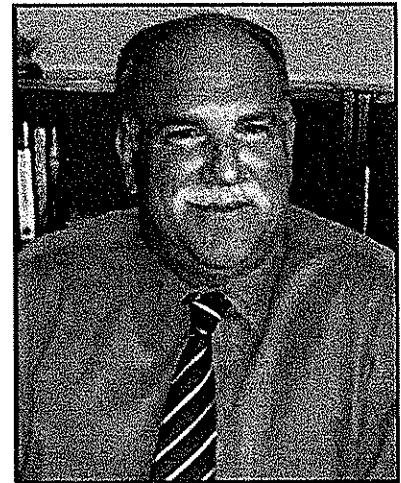
The importance of the Department's records to the environmental and economic health of the State is readily apparent with almost 97 percent of the requests received from consultants, legal firms, and commercial/industrial entities for commercial purposes, such as property and business transactions as well as development and redevelopment projects.

The Department continually strives to improve the accessibility of our records through our online Data Miner systems that provide dynamic real-time environmental data and the Geographic Information Systems data. Both systems can be accessed through the Department's Record Access Program's Web portal at www.nj.gov/dep/opra/.

The Department's commitment to being open and accountable is clearly evident; only 16 of the 69,098 record responses issued in the past 6 years were challenged. As detailed in the report, the New Jersey Government Records Council and New Jersey Superior Court upheld all of the challenged Department's OPRA request responses with the exception of 1 that stemmed from the misinterpretation of the request. These numbers show that while there are times when the Department must withhold confidential and privileged information pursuant to OPRA, the Department is committed to providing as much information as possible. We understand that by making more information public, more stakeholders can evaluate it and provide feedback, so we can more effectively fulfill our mandated responsibilities.

If you have any questions about this report, please contact the Office of Record Access at (609) 341-3121.

Mark N. Mauriello
Acting Commissioner



A Message From

Mark N. Mauriello
Acting Commissioner

"We understand that by making more information public, more stakeholders can evaluate it and provide feedback, so we can more effectively fulfill our mandated responsibilities."

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State of New Jersey
Department of Environmental Protection
Office of Record Access
Matthew J. Coefer, Chief Records Custodian
March 2009

Introduction

The Open Public Records Act took effect on July 8, 2002. This Act defined what is a government recordⁱ and established timeframes for providing access to state and local government documents. OPRA also identified 24 exceptionsⁱⁱ to the definition of a government record, thereby restricting access to certain types of public recordsⁱⁱⁱ.

The Department fulfills requests within 7 business days as stipulated by the Act and its intent. However, if the nature of the request requires clarification or the volume of the responsive records require additional time for investigation or evaluation for any privilege records, the Department will work with the requester to establish an extension of time for response or access that will not disrupt Department operations. Similarly, if a record is in storage or archived, the Department informs the requester and sets a date by which it will be made available.

Unlike many state agencies, the Department created a singular office to receive all submitted OPRA record requests, review them for administrative completeness, refer them to the appropriate program areas, coordinate program responses and record access, and provide a single point contact for the requester. The Office of Record Access, formerly the Office of the Records Custodian, employs a staff of 13 to coordinate OPRA activities with the 10 program area's Assistant Commissioner Records Custodians (ACRCs) and 104 File Officers addressing 11 NJDEP building locations throughout the state.

Each program area designated ACRC refers record requests to the various File Officers within the program and coordinates the program's responses to record requests with the Office of Record Access. The various staff designated as program area's File Officers function either full-time or part-time in responding to record requests, coordinating the preparation of responsive records for file reviews, copy jobs and faxing.

To support the efficient handling of record requests, the Department created an OPRA Tracking System that all Record Custodians and File Officers access, update their activities, and produces the Government Record Request Forms. To facilitate online access, the Department's Record Access Program's Web site, www.nj.gov/dep/opra, provides easy online record request submission, OPRA information, and links to up-to-date NJDEP electronic environmental data.

The following provides detailed information concerning the Department's OPRA processing for the reporting period of July 2, 2002 to June 30, 2008.

ⁱ The definition of a government record is any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of official business or has been received in the course of official business.

ⁱⁱ See: <http://www.state.nj.us/grc/laws/>

ⁱⁱⁱ See: <http://www.state.nj.us/grc/public/exempt/>

Statistics for NJDEP

The importance of the NJDEP's records to the economic growth and commerce of the state can clearly be identified in comparing the NJDEP to other state agencies and analyzing the type of requesters that submit OPRA records requests to the NJDEP. The NJDEP's records are vital to development and redevelopment projects, property and business transactions, farm and open space preservation, and recreational purposes.

State Agencies Comparison		
State Agency	6 Years	
	7/2/02-6/30/08	Percentage
Environmental Protection	69,098	63.33%
Law & Public Safety	6,223	5.70%
Health & Senior Services	6,179	5.66%
Corrections	4,855	4.46%
Transportation	3,931	3.60%
Treasury	3,717	3.41%
Banking & Insurance	3,458	3.17%
Community Affairs	2,009	1.84%
Personnel	1,960	1.80%
Labor	1,900	1.74%
Human Services	1,820	1.67%
Education	1,605	1.47%
State	528	.48%
Governor, Office of	459	.42%
Agriculture	397	.36%
Commissions & Agencies	383	.35%
Commerce Commission	256	.24%
Children & Families	170	.16%
Military & Veterans Affairs	145	.13%
Public Advocate	10	.01%
TOTAL:	109,103	100.00%

Categorizing NJDEP OPRA Requesters		
Requester Type	6 Years	
	7/2/02-6/30/08	Percentage
Consultant	52,832	76.46%*
Legal Firm	11,940	17.28%*
Commercial/Industrial	1,900	2.75%*
Individual Citizen	947	1.37%
Government Agency	560	.81%
Watchdog Group	387	.56%
Press Agency	276	.40%
Data Service Provider	187	.27%*
Other	69	.10%
TOTAL:	69,098	100.00%

* 96.76% is for commercial use

The NJDEP has continually seen an increase in the number of OPRA record requests submitted from year to year. For the past several years, the NJDEP received approximately 1,000 requests per month.

Yearly Breakdown of OPRA Request Numbers						
Month	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
	7/2/02 – 7/6/03	7/7/03 – 7/6/04	7/7/04 – 7/6/05	7/7/05 – 7/6/06	7/7/06 – 7/6/07	7/7/07 – 6/30/08
July	419	599	748	726	771	958
August	753	610	1,118	1,208	1,192	1,324
September	551	738	894	1,044	1,030	1,189
October	735	833	822	1,116	1,079	1,308
November	583	647	1,015	1,013	1,047	1,057
December	481	817	896	975	806	996
January	710	778	964	1,140	1,110	1,254
February	682	1,021	1,156	1,074	926	1,265
March	630	1,006	1,131	1,183	1,201	1,282
April	660	871	1,039	1,043	952	1,140
May	684	734	1,084	1,180	1,119	1,275
June	719	908	1,086	974	1,165	1,116
July	109	123	190	69	247	0
TOTAL:	7,716	9,685	12,143	12,745	12,645	14,164
Percentage Increase from prior year	N/A	26%	25%	5%	-.8%	12%

Note: Some changes to reporting criteria may have slightly shifted requests to other months and changed the monthly numbers reported in previous Annual Reports.

The NJDEP receives over 95 percent of OPRA requests through Web submissions.

Method of Submitting OPRA Requests to NJDEP						
Method	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
	7/2/02 – 7/6/03	7/7/03 – 7/6/04	7/7/04 – 7/6/05	7/7/05 – 7/6/06	7/7/06 – 7/6/07	7/7/07 – 6/30/08
Hardcopy	788	620	572	779	651	617
Web	6,928	9,065	11,571	11,966	11,994	13,547
TOTAL	7,716	9,685	12,143	12,745	12,645	14,164
% Submitted via Web	90%	94%	95%	94%	95%	96%

Location of Requesters

Over 78 percent of the OPRA record requests received by the NJDEP are from requesters within the state. The NJDEP receives over 21 percent of OPRA record requests from requesters outside of New Jersey. These requesters benefit from accessing the NJDEP's records but, unlike New Jersey's taxpayers, do not bear any of the costs incurred in administering the NJDEP's OPRA program. This equates to over \$700,000 per fiscal year.

Period: July 2, 2002 to June 30, 2008

State	Total
New Jersey	54,342
Pennsylvania	6,684
New York	3,206
Massachusetts	661
Maryland	536
Connecticut	463
Texas	438
California	319
Illinois	289
Virginia	236
Colorado	223
Delaware	205
Georgia	166
Florida	164
Washington, DC	151
Ohio	149
Michigan	137
Tennessee	77
Kentucky	76
New Hampshire	70
North Carolina	60
Maine	47
Arkansas	36
Indiana	32
Rhode Island	31
Washington	31
Missouri	27
South Carolina	25

State & Countries	Total
Wisconsin	25
Oregon	21
Kansas	19
Arizona	18
Louisiana	17
Minnesota	16
Vermont	14
Oklahoma	13
West Virginia	12
Utah	9
Nevada	8
Indonesia	6
Alabama	6
Alaska	5
Idaho	5
Nebraska	3
Iowa	3
Mississippi	3
Germany	2
South Dakota	2
North Dakota	2
Hawaii	2
Portugal	1
Trinidad & Tobago	1
Australia	1
New Mexico	1
Italy	1
France	1

Type of Request	Total	Percentage
In State	54,342	78.64%
Out of State	14,756	21.36%
Total Requests	69,098	

NJDEP Program Assignments

The NJDEP's Office of Record Access receives all submitted OPRA record requests, reviews them for administrative completeness, and assigns them to the appropriate NJDEP program area based on the records being sought. However, a single request may be assigned to multiple program areas. The following table provides a summary of OPRA request assignments to the various program areas within NJDEP.

Total Number of Assignments

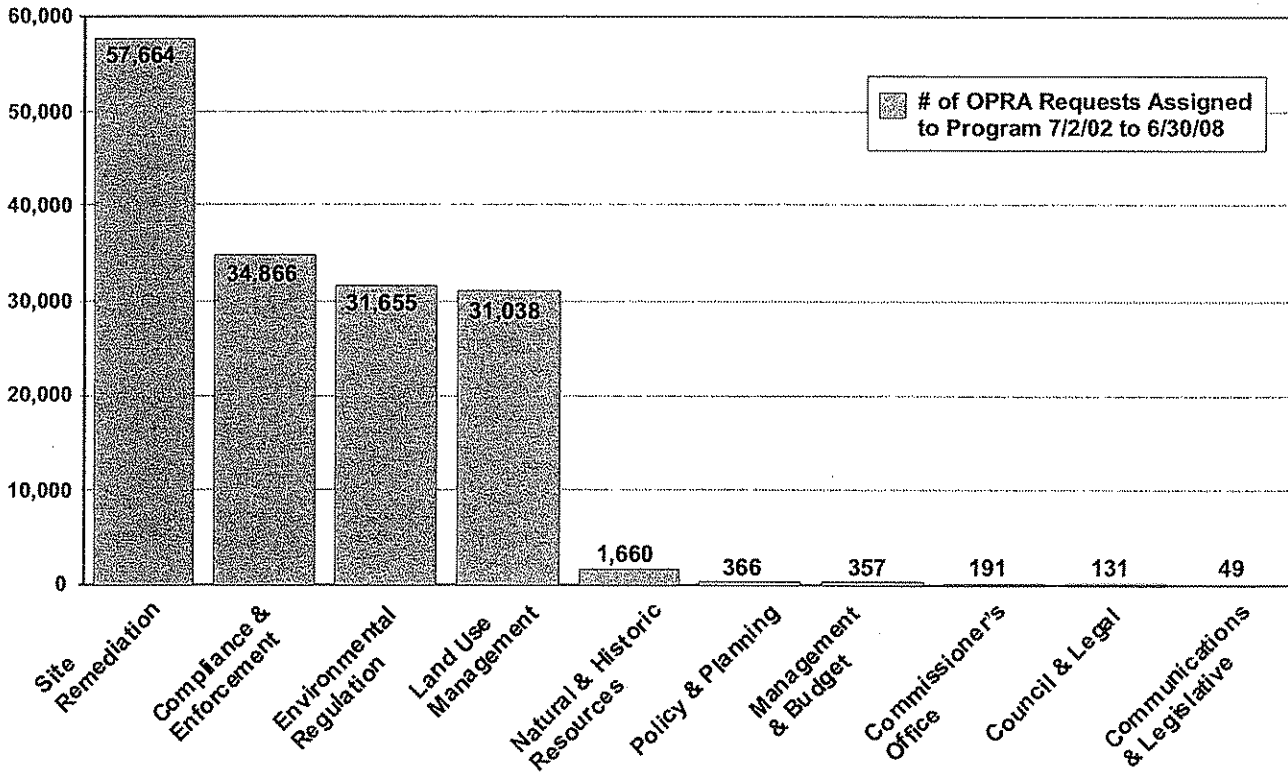
Program Area	Year 1 7/2/02-7/6/03	Year 2 7/7/03-7/6/04	Year 3 7/7/04-7/6/05	Year 4 7/7/05-7/6/06	Year 5 7/7/06-7/6/07	Year 6 7/7/07-6/30/08	TOTAL Assignments
Site Remediation	6,378	8,463	10,308	10,509	10,485	11,521	57,664
Compliance & Enforcement	3,333	5,246	6,604	6,284	5,874	7,525	34,866
Environmental Regulation	2,561	4,419	5,938	6,270	5,618	6,849	31,655
Land Use Management	2,092	4,508	6,248	6,496	5,654	6,040	31,038
Natural & Historic Resources	149	316	347	320	247	281	1,660
Policy & Planning	28	62	75	81	74	46	366
Management & Budget	48	40	96	59	49	65	357
Commissioner's Office	18	29	48	23	34	39	191
Council & Legal	17	16	25	20	17	36	131
Communications & Legislative	7	8	9	11	8	6	49
Number of Assignments	14,631	23,107	29,698	30,073	28,060	32,408	157,977
Number of OPRA Requests	7,716	9,685	12,143	12,745	12,645	14,164	69,098

Program Assignment Percentages

The following table identifies the percentage of program area assignments based on the record requests received, reviewed and assigned to the various program areas within NJDEP.

Program Area	# of OPRA Requests 7/2/02-6/30/08	# of OPRA Requests not Assigned *	# of OPRA Requests Assigned	# of OPRA Requests Assigned to Program 7/2/02-6/30/08	% of Requests Received by Program
Site Remediation	69,098	3,130	65,968	57,664	87%
Compliance & Enforcement	69,098	3,130	65,968	34,866	53%
Environmental Regulation	69,098	3,130	65,968	31,655	48%
Land Use Management	69,098	3,130	65,968	31,038	47%
Natural & Historic Resources	69,098	3,130	65,968	1,660	2.5%
Policy & Planning	69,098	3,130	65,968	366	0.6%
Management & Budget	69,098	3,130	65,968	357	0.5%
Commissioner's Office	69,098	3,130	65,968	191	0.3%
Council & Legal	69,098	3,130	65,968	131	0.2%
Communications & Legislative	69,098	3,130	65,968	49	0.07%

* Requests are not assigned to program areas due to being an invalid OPRA request, duplicate request, being closed by the requester, or being denied by the NJDEP after clarification was sought.

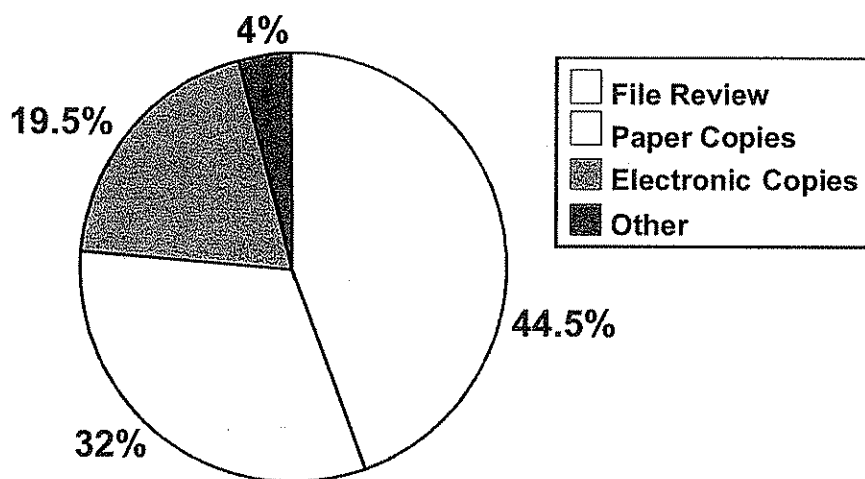


Accessing NJDEP Records

The following table identifies the Access Method preferred by requesters upon submitting an OPRA request. However, the method of accessing the NJDEP's government records is directly related to the number of responsive records, the cost of copying, and the media in which the NJDEP maintains the records. Normally, if the number of responsive records is large, requesters schedule file reviews and tag the records of interest for copying, thereby reducing the copying costs. If the responsive records are fewer than 25 pages, the NJDEP will fax the records to the requester. Electronic records are provided either on CD, DVD, or e-mailed depending on the size of the electronic file(s).

Access Method	Year 1 7/2/02-7/6/03	Year 2 7/7/03-7/6/04	Year 3 7/7/04-7/6/05	Year 4 7/7/05-7/6/06	Year 5 7/7/06-7/6/07	Year 6 7/7/07-6/30/08
File Review	3,695	4,870	6,079	5,106	5,193	5,790
Paper Copies	2,446	2,944	3,688	4,752	4,359	3,934
Electronic Copies	1,272	1,622	1,932	2,225	2,636	3,797
Other	303	249	444	662	457	643
TOTAL	7,716	9,685	12,143	12,745	12,645	14,164

Access Method	Total # 7/2/02-6/30/08	Total % 7/2/02-6/30/08
File Review	30,733	44.5%
Paper Copies	22,123	32%
Electronic Copies	13,484	19.5%
Other	2,758	4%
TOTAL	69,098	100%



OPRA Expenditures

The NJDEP receives no additional funding to operate its OPRA response program. The following chart identifies the costs of managing OPRA from inception and resource startup to the end of Fiscal Year 2008. The NJDEP has expended over \$18 million processing OPRA record requests.

Fiscal Year	Based Salary Costs	Salary Additive	Fringe Rate	Indirect Rate	Total Salary Costs	Non Salary Costs	Total Costs
2002	\$7,563.69	25.16%	25.85%	26.96%	\$13,953.03	\$139,365.00	\$153,318.03
2003	\$1,432,825.38	24.50%	24.15%	26.19%	\$2,589,928.59	\$1,492.22	\$2,591,420.81
2004	\$1,406,173.89	23.00%	29.15%	26.21%	\$2,602,328.68	\$58,410.55	\$2,660,739.23
2005	\$1,547,133.17	23.00%	33.25%	26.21%	\$2,941,216.19	\$48,752.69	\$2,989,968.88
2006	\$1,738,542.10	23.00%	32.75%	26.21%	\$3,294,406.89	\$72,757.11	\$3,367,164.00
2007	\$1,679,548.09	23.00%	34.75%	21.24%	\$3,140,461.01	\$59,931.63	\$3,200,392.64
2008	\$1,727,157.49	23.00%	33.15%	21.24%	\$3,195,491.79	\$123,512.67	\$3,319,004.46
Total OPRA Costs:							\$18,282,008.05

Note: The inclusion of non-salary costs and other OPRA-related costs resulted in changes to the past fiscal year amounts reported in previous Annual Reports.

Even though the number of OPRA records requests has continually increased over the years, the NJDEP's efficiency has reduced the average cost per request.

Fiscal Year	Total Costs	# of OPRA Requests Received	NJDEP Costs Per Request
2002	\$153,318.03	N/A	N/A
2003	\$2,591,420.81	7,716	\$335.85
2004	\$2,660,739.23	9,685	\$274.73
2005	\$2,989,968.88	12,143	\$246.23
2006	\$3,367,164.00	12,745	\$264.19
2007	\$3,200,392.64	12,645	\$253.10
2008	\$3,319,004.46	14,164	\$234.33
TOTAL	\$18,142,643.05	69,098	\$262.56 Average Cost Per Request



Copying Services

The New Jersey Department of Treasury's Print Shop maintains a DEP Copying Unit at the main NJDEP Building and copies most of the records requested from the NJDEP, with the exception of very small numbers of responsive records from field office and satellite locations. The majority of requesters use Treasury's copying services and the state copying rate is 75 cents per page for the first 10 pages, 50 cents for the next 10 pages, and 25 cents per page thereafter. **The NJDEP receives no money for any copy jobs completed by the Department of Treasury.**

Treasury normally produces the records and issues an invoice to the requester within 10 business days of receiving the records. Requesters do have the option of employing a copy vendor service, which unlike the state may charge for time and labor, to receive the copies faster.

Copying Information

	Year 1 7/2/02-7/6/03	Year 2 7/7/03-7/6/04	Year 3 7/7/04-7/6/05	Year 4 7/7/05-7/6/06	Year 5 7/7/06-7/6/07	Year 6 7/7/07-6/30/08
Treasury						
# of Copy Jobs	862	1,216	648	1,770	2,638	2,712
* Amount Invoiced	\$185,082	\$296,825	\$334,960	\$425,282	\$415,127	\$ 413,002

	Year 1 7/2/02-7/6/03	Year 2 7/7/03-7/6/04	Year 3 7/7/04-7/6/05	Year 4 7/7/05-7/6/06	Year 5 7/7/06-7/6/07	Year 6 7/7/07-6/30/08
NJDEP						
# of Copy Jobs	543	454	331	214	100	194
* Amount Invoiced	\$23,437	\$18,584	\$19,112	\$11,459	\$5,311	\$12,302
Amount Collected	\$21,659	\$18,423	\$19,014	\$11,459	\$5,087	\$12,302

Note: The above dollar amount is the amount invoiced and not the amount collected. Requesters who authorize copy jobs but later refuse to pay (for example, requesters needing the records one day may not need them the next in matters such as settlements between two parties) and copying errors reduces the actual amount collected by Treasury and NJDEP. Both Treasury and the NJDEP do not provide copies until the copying costs have been paid.

Extraordinary Time Service Charges

Pursuant to OPRA (C.47:1A-5Cⁱ & C.47:1A-5Dⁱⁱ), a state agency may impose a special service charge when the agency must make an extraordinary expenditure of time and effort to fulfill a request to access government records. If a request is applicable for an extraordinary time (EOT) service charge, the requester will be notified, and payment of the charge must be received before access of the subject records. The NJDEP current extraordinary time rate is \$48/hour.

The impact of the number of OPRA requests received by NJDEP has resulted in the NJDEP creating very efficient processes to handle OPRA requests. The normal processing time per OPRA requests is approximately 2 hours. The bulk of the OPRA requests received by the NJDEP fall into this normal processing time. As such, the NJDEP is unable to recover large amounts of money through the assessment of extraordinary time service charges.

The occurrence of the special charge is directly related to the broad nature of a request that may involve multiple NJDEP program areas or the nature of the media that the responsive records are maintained in such as electronic mail, which creates additional search, review and production time factors.

The following table identifies the number of requests that had extraordinary time service charges assessed either through the amount of time expended during the investigation of responsive records or from the time required to collect and produce the requested records.

# of Requests	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
	7/2/02-7/6/03	7/7/03-7/6/04	7/7/04-7/6/05	7/7/05-7/6/06	7/7/06-7/6/07	7/7/07-6/30/08
EOT Charges Assessed	N/A*	N/A*	58	1217	921	1612
EOT Charges Paid	N/A*	N/A*	0	582	536	904

* No extraordinary time rate was applied during the initial 2½ years because of the NJDEP's focus on establishing the resources and processes to address OPRA after the implementation of the Act and then the time needed to derive the extraordinary time hourly rate.

As identified in the table above, many requesters decline authorizing extraordinary time activities, thereby never accessing the responsive records.

ⁱ Pursuant to OPRA (C.47:1A-5C), whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the public agency may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies.

ⁱⁱ Pursuant to OPRA (C.47:1A-5d), the NJDEP will charge a special charge that shall be reasonable and shall be based on the cost for any extensive use of information technology, or for the labor cost of personnel providing the service, that is actually incurred by the NJDEP or attributable to the NJDEP for the programming, clerical, and supervisory assistance required, or both, if a request is for a copy of a record: in a medium not routinely used by the agency; not routinely developed or maintained by an agency; or requiring a substantial amount of manipulation or programming of information technology.

Currently, the NJDEP tracks the extraordinary time service charges in a memo field within its OPRA Tracking System and manually issues an invoice once the requester authorizes the special charges. This process results in an inability to easily acquire a dollar amount of the extraordinary time charges assessed or incurred. In the near future, the NJDEP will be tracking and issuing invoices through a NJDEP assessment system that will not only provide better reporting capabilities but automatically issue invoices and collect payments through the Department of Treasury's systems.

The following table provides the amount of special charges collected, which is recorded. The increase in Fiscal Year 2008 is related to better NJDEP time management on OPRA activities and several litigation cases involving the NJDEP where opposing parties are using OPRA for discovery purposes and submitting a multitude of requests that involve large amounts of responsive records over numerous NJDEP program areas.

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
# of Requests	7/2/02-7/6/03	7/7/03-7/6/04	7/7/04-7/6/05	7/7/05-7/6/06	7/7/06-7/6/07	7/7/07-6/30/08
EOT Amount Collected	N/A*	N/A*	N/A*	\$19,849	\$28,676	\$65,684

OPRA Requests Denials

OPRA contains 24 exemptions restricting access to certain records. Pursuant to these exemptions, a state agency may deny an entire record request or partially deny a portion of the responsive records. The following table identifies the number and percentage of denials issued by the NJDEP from the inception of OPRA until the end of fiscal year 2008.

FY	# of Denials	# of OPRA Requests	% of Denials
2003 (7/2/02 – 7/6/03)	376	7,716	4.9 %
2004 (7/7/03 – 7/6/04)	39	9,685	0.4 %
2005 (7/7/04 – 7/6/05)	11	12,143	0.1 %
2006 (7/7/05 – 7/6/06)	55	12,745	0.4 %
2007 (7/7/06 – 7/6/07)	68	12,645	0.5 %
2008 (7/7/07 – 6/30/08)	32	14,164	0.2 %
TOTAL:	581	69,098	0.8%

Note: In the first year, many requesters were inappropriately using OPRA for requests for information.

Partial denials refer to some portion of the responsive records to a submitted records request being exempt from disclosure pursuant to OPRA. A Partial Denial can be as little as a part of a sentence on a page being denied or entire document(s). In such cases, the NJDEP redacts that privileged portion and provides the remainder of the record(s). The NJDEP preserves the requester's right to challenge a denial to access records by notifying the requester on the NJDEP's Government Records Request Form response, providing a privilege log, or maintaining a redacted record in the public file with the identified exemption cited.

Appeals

OPRA permits a requester who believes he or she has been illegally denied access to a public record to appeal a state agency decision by filing a complaint with the New Jersey Government Records Council, or file suit in New Jersey Superior Court to challenge the decision and compel disclosure.

The Government Records Council has received **1,422** Denial of Access complaints from July 2, 2002 to June 30, 2008 involving state agencies and municipalities. Even though the NJDEP has received **over 63 percent** of all OPRA requests submitted to state agencies (**69,098 requests**), only **14 people** filed appeals against the NJDEP, which were not later withdrawn. This amounted to **1 percent** of the Government Records Council's universe of complaints from the inception of OPRA to June 30, 2008.

The following table identifies the number and percentage of appeals in response to NJDEP government record request responses.

# of Government Records Council Appeals	Year 1 7/2/02-7/6/03	Year 2 7/7/03-7/6/04	Year 3 7/7/04-7/6/05	Year 4 7/7/05-7/6/06	Year 5 7/7/06-7/6/07	Year 6 7/7/07-6/30/08
Government Records Council	1	3	0	4	2	4
Superior Court	1	0	0	0	0	1
Total Appeals #	2	3	0	4	2	5
# of Requests	7,716	9,685	12,143	12,745	12,645	14,164
% of Appeals v. Requests	.03%	.03%	0%	.03%	.02%	.04%

Note: The table above does not reflect 7 appeals that were filed, but later withdrawn.

Total Appeals 7/2/02 - 6/30/08	Appeals Pending
16	4

Appeals Completed	NJDEP Favorable	Not NJDEP Favorable
12	11	1 *

* The NJDEP responded to an OPRA request that another state agency maintains the responsive records. However, in responding to the Government Records Council Denial of Access Complaint, the evidence of record indicated that although the Custodian's initial response of no records resulted in a denial of access, the Custodian did eventually provide all records responsive to the Complainant's request. Additionally, the evidence of record shows that both the Custodian and staff misinterpreted the Complainant's OPRA request to be for only one record: a NJDOP Department of Personnel - Universal Job Analysis Questionnaire versus related records. Therefore, it was concluded that the Custodian's actions do not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances. However, the Custodian's unlawful denial of access appears negligent and heedless since he is vested with the legal responsibility of granting and denying access in accordance with the law.

**Centerton Golf Course Request for Proposals
Internal Evaluation Criteria**

Each evaluation shall consist of two separate rankings: one based on non-monetary criteria and another based on the bidder's monetary proposal.

I. NON-MONETARY PROPOSAL (250 points total)

1. Operational Management Plan, including the following: (100 points total)

- A. Staffing Plan (15 points)
Whether the staffing plan is consistent with, and can satisfy the Operational Management Plan.
- B. Hours of Operation (15 points)
Whether the proposed golf course hours of operation and months of operation sufficiently make the golf course available to the public.
- C. Fee Schedule (10 points)
Whether the fee schedule for memberships and course usage is comparable to other courses within a 50 mile radius.
- D. Course Maintenance Plan (20 points total)
 - i. Whether the irrigation plan is consistent with the restrictions on water usage. **(10 points)**
 - ii. Whether the course maintenance plan complies with the turf cultivation and management practices established by the United States Golf Association. **(10 points)**
- E. Equipment Plan (including golf carts and irrigation equipment) (15 points total)
 - i. Whether the bidder is able to provide a sufficient amount of equipment within the time frame to have the golf course operational, as set forth in the Request for Proposal. **(5 points)**
 - ii. Whether the equipment plan is consistent with the Operational Management Plan. **(5 points)**

- iii. Whether the bidder has demonstrated that it will be able to provide irrigation equipment necessary to maintain the golf course. **(5 points)**

F. Pro Shop (10 points total)

- i. Are the proposed business hours of the pro shop consistent with the proposed hours the golf course will be open? **(3 points)**
- ii. Has the bidder demonstrated that it will be able to open the pro shop at the same time it opens the golf course for business and will have the necessary inventory at that time? **(3 points)**
- iii. Is the proposed merchandise consistent with the merchandise sold at other pro shops at golf courses of similar size and scope? **(4 points)**

G. Improvement Plan (15 points)

Has the bidder set forth a reasonable plan to address the existing deficiencies in the buildings and parking lot?

2. Mobilization and Implementation Plan (50 points total)

- A. Whether the proposal shows that the bidder will be able to have the golf course operational within the 30-day timeframe and otherwise meet the obligations in the Operating Agreement. **(20 points)**
- B. Whether the proposal demonstrates that the bidder has sufficient personnel (number and qualifications) to fulfill the goals in its mobilization and implementation plan. **(15 points)**
- C. Whether the proposal shows that the bidder's plan for the purchase and distribution of equipment, inventory, supplies, materials, etc. is sufficient to satisfy the Operational Management plan and to meet the deadline of having the golf course operational within 30 days after February 1, 2009. **(15 points)**

3. Experience (50 points total)

- A. Has the bidder managed other golf courses of similar scope and size? **(10 points)**
- B. If so, how many? **(10 points)**

- C. Does the information provided (including information obtained from references and outside sources) demonstrate that the bidder will be able to meet the obligations set forth in the Request for Proposal and the Operating Agreement? **(30 points)**

4. **Financial Viability and Organizational History (50 points total)**

- A. Has the bidder demonstrated it is financially viable to run a golf course in a manner that is acceptable to DEP? **(10 points)**
- B. Is the bidder's financial viability consistent with its plans and proposals for the golf course? **(10 points)**
- C. Has the bidder demonstrated that it is a successful business based on its responses to the questions set forth in Section 4.4.2 of the Request for Proposal? **(30 points)**

II. MONETARY PROPOSAL

Each monetary proposal should consist of two numbers: a base annual rent and a threshold amount of annual gross revenue, above which the Operator will be required to remit fifteen (15) percent to the Department ("threshold amount").

For each proposal, calculate the amount of money that would be owed to the Department in one year using the monthly fee and a threshold amount, which is equalized for evaluation purposes by deducting the proposed threshold amount from a standard gross revenue figure of One Million (\$1,000,000) Dollars ("standard gross revenue").

For example, if the bidder submits a monetary proposal consisting of a base annual rent of Thirty Six Thousand (\$36,000) Dollars and a threshold amount of One Hundred Thousand (\$100,000) Dollars, the amount of money owed to the Department for one year using the standard gross revenue of \$1,000,000 would be One Hundred and Seventy One Thousand (\$171,000) Dollars. That is, Thirty Six Thousand (\$36,000) Dollars plus One Hundred and Thirty-Five Thousand (\$135,000) Dollars, arrived at by multiplying the amount of gross revenue above the threshold amount ($\$1,000,000 - 100,000 = \$900,000$) by the fifteen (15%) percent ($\$900,000 * .15 = \$135,000$).

Once a one-year figure has been calculated for each individual proposal, rank the proposals in order from highest to lowest in a separate list.

**Wildland Fire Management
American Recovery and Reinvestment Act**

The following are the eight New Jersey projects currently under consideration by the US Department of Agriculture in the competitive grant process:

Hazard Fuel Mitigation and Ecosystem Restoration – Three projects are proposed to reduce the hazardous level of forest fuels through forest thinning treatments. The projects will be conducted in Peaslee Wildlife Management Area (WMA) located in Cumberland County and in the East Plains fireshed located in Ocean and Burlington Counties. The Oswego Road and Garden State Parkway projects in the East Plains fireshed propose to use forest thinning to create a fuel break along the established rights-of-way to protect adjacent communities from the dangers of wildfire. The Peaslee WMA project will use forest thinning to reduce wildfire hazard and restore habitat for rare, early successional plant and animal species. **Stimulus funding requested: \$400,000 for contractual services to implement the wildfire hazard reduction management plans.**

Hazard Tree Assessment and Removal - Project proposed will fund an assessment of hazardous trees located along roadways and trails, recreational sites, campgrounds and cabin sites and other facility locations in the following State Parks and Forests: Allaire SP, Monmouth County, Stokes SF and High Point SP, Sussex County, Brendan T. Byrne SF, Burlington County, Bass River SF, Burlington and Ocean Counties and Wharton SF covering parts of Camden, Burlington and Atlantic Counties. The areas prioritized are those hard hit by gypsy moth, gouty oak gall, canker worm and orange striped oak worm covering 219,000 acres of State property. Dead and dying trees that pose a threat to human safety will be removed and the useable wood will be utilized/marketed to stimulate New Jersey's forest product market. **Stimulus funding requested: \$750,000 for contractual services for the assessment and tree removal.**

NJ Community Stewardship Incentive Program – Small Business – Project proposed will provide funds for the improvement of New Jersey's Urban and Community Forest health through a competitive grant program to New Jersey's 137 communities that have an approved community forest management plan and are in active status. A list of eligible communities may be obtained by contacting the Department of Environmental Protection's Community Forestry Program by calling 609 292-2532. Approved practices will include projects for tree planting and maintenance, hazard tree identification and mitigation, and updating existing management plans. The project will create and sustain private sector jobs by requiring the grant recipients to hire small businesses in the tree care and forestry industries to accomplish on-the-ground projects. **Stimulus funding requested: \$1,105,000 for grants to communities with an approved management plan.**

Ballanger Creek Enhancement – Project funds would be dedicated to the establishment of grasslands habitat as well as to enhance wetland habitats in the Mullica River Watershed. Ballanger Creek feeds into the Mullica River estuarine system. The project site is located in Burlington County. The surrounding forested habitat is mostly unfragmented and comprised of pine-oak woodlands and emergent saltwater marsh. Restoration of the creek and field would enhance suitable habitat for a potential array of species of wildlife including, migratory songbirds, colonial water birds, raptors and other non-target species. Warm season grasses provide wildlife food and help stabilize critical watersheds and related ecosystems. **Stimulus funding requested: \$195,240 for the enhancement of 21.6 acres of this critical watershed ecosystem.**

Tree Seedling Survival Project – Project funding is requested to support the production of tree and shrub species recommended for use in wetland habitat restoration projects by the State's best management practice manuals. Projects will include improvements to the State Forest Nursery, which produces native tree seedlings for reforestation, afforestation and forest restoration projects statewide. Funding will be provided to local contractors for selected projects that will improve the survival rate of seedlings as well as support the establishment of a seed orchard to supply locally grown native tree seed. **Stimulus funding requested: \$150,000 for contractual services.**

Wood Energy Market Development – Project funds would be awarded as grants and modeled on the New Jersey Forest Service Asian Long-Horned Beetle (ALB) eradication project. Infested and host species trees were harvested and chipped to produce 15,000 tons of woodchips. The woodchips were utilized for energy production at a 30 mw resource recovery plant located within the quarantined area. This project would seek to create a partnership between various State agencies, County resource recovery facilities and woodchip producers to promote the utilization of biomass energy from projects such as; hazard fuel reduction thinning, insect and disease control harvests and urban forest tree maintenance projects. Resource recovery plants with sufficient capacities are located in Camden, Essex, Gloucester, Union and Warren Counties and would be targeted with a goal to produce 180 mw of electricity from biomass. Grants would be awarded through participating counties to provide woodchip transportation incentives to producers as materials could be hauled from greater distances, as well as biomass utilization incentives for resource recovery facilities that may have to pay higher permitting and handling costs. **Stimulus funding would provide \$475,000 for grants to participating partners.**