

## Discussion Points

1. The issue of lead in drinking water in schools has been in the forefront of the news recently. According to a DEP press release in early March, the department has developed a water testing regime for the presence of lead in all schools in the Newark public school system.

- **Question:** *What is the cost of this water testing regime and what funding sources are being used? Will the department be implementing this same type of water testing regime throughout the State? If not, why not? And if so, how will it be funded? How many employees in the department are currently working, full time or part-time, to provide assistance to schools to test for lead in the drinking water?*

Response: The Administration recently announced a comprehensive plan to further safeguard students, as well as teachers and school personnel, from the potential of lead contamination in school drinking water and called on the legislature to include an additional \$10 million to his proposed Fiscal Year 2017 budget to support the plan. The funding will support schools in complying with the expanded testing and notification regulations and make the school districts more accountable. The Department of Environmental Protection has been directed to work with its sister agencies to determine the scientifically appropriate protocols to advise schools of how the testing should be performed, according to their particular needs. DEP provides technical assistance to schools in their implementation of EPA guidance and provides other technical support as needed.

- **Question:** *Has the department formulated a plan to quickly address the high lead concentrations in the drinking water in other schools in the State? Is current State funding sufficient to solve this problem? If not, how much is needed? Does the department foresee financial assistance coming from the New Jersey Environmental Infrastructure Trust, the New Jersey Schools Development Authority, the federal government, or other sources? If so, what has the department done so far to facilitate such assistance?*

Response: See response above.

- **Question:** *Is the department undertaking any initiatives, either on its own or in conjunction with other parties, to address the issue of lead in drinking water in residential properties? If so, please describe.*

Response: Homeowners are responsible for water testing and remediation in their homes. Although DEP's regulatory authority is limited to public water supply systems, the Private Well Testing Act does require testing at the time of real estate transfers and for rental units to test and post results every five years.

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2. Last year the department indicated that a request for an extension was made to the Natural Resources Conservation Service (NRCS) for dredging timelines as a result of delays caused by fish spawning/migration.

- **Question: Please provide an update on dredging projects in the State, including an update on coastal lakes projects. For any ongoing or anticipated project in FY17, please identify its location, timeframe, and cost.**

Response: See Attachment 1 – DEP Coastal Lakes Dredging Projects

3. The State and its residents still continue to recover from the effects of the destruction and widespread damage caused by Superstorm Sandy in October 2012.

- **Question: Please provide an update on the progress of the department's Superstorm Sandy related projects. What projects have been completed over the past year, are still in progress, and are planned but have not yet started? Please provide the total project cost, funding sources, and date or estimated date of completion for each identified project.**

Response: See Attachment 2 - DEP Sandy Disaster Funding

- **Question: Please provide an update on the beach restoration and replenishment projects in the State. Please provide a list of any current or ongoing projects completed post-Sandy, and projects anticipated in the new fiscal year. Is the current funding available under the Shore Protection Fund sufficient to cover the State's share of the costs of the projects? Please provide the total project cost, funding sources, and date or estimated date of completion for each project on the list.**

Response: See Attachment 3 – Federal and State Shore Protection Projects. With the current funding of the Shore Protection Fund and financing available through the federal Sandy Appropriation Act, the DEP anticipates having sufficient funding to cover the State's share of the project costs.

- **Question: Please provide an update on the amounts of federal and other funds received by the department during the past year relating to the recovery. How much money has the department received in federal funds? Have all of the department's costs been fully reimbursed by the federal government? If not, why? When does the department expect to be fully reimbursed for these costs?**

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Response: Federal reimbursements are ongoing as expenditures continue to be made and documentation for reimbursement packages assembled. See Attachment 2 - NJDEP Sandy Disaster Funding for reimbursements through April 25, 2016.

- Question:** *What progress has the department made so far in securing the necessary easements for federal beach restoration and replenishment projects? Please provide a breakdown of the number of easements acquired voluntarily and those acquired through litigation and the number of outstanding easements yet to be acquired. When are the remaining easements expected to be secured? What has been the total cost so far and what is the projected total cost of acquiring any outstanding easements? Last year the Shore Protection Fund advanced the funding for acquisitions and litigation costs related to the acquisition of easements. Has the Shore Protection Fund been reimbursed for these costs? If so, from what source? If not, when is reimbursement expected?*

Response: Following Superstorm Sandy, the State needed 2,889 easements to cover all projects. To date, the DEP and Attorney General’s Office, in cooperation with local governments, have acquired 2,558 easements voluntarily. The remaining 331 easements require condemnation actions to be filed against 197 property owners. To date, the DEP and Attorney General’s Office have filed 74 condemnation actions in court. The following table summarizes the outstanding easements needed:

<b>Project Name</b>	<b>Easements Needed</b>	<b>Condemnation Actions Filed</b>
Absecon Island	11	9
Great Egg Inlet to Townsends Inlet	2	2
Long Beach Island	37	37
Manasquan to Barnegat (North Ocean)	168	47

For the North Ocean County project, DEP is prioritizing easement acquisition from Mantoloking through Seaside Park, which the DEP expects to complete by May 31, 2016. If successful, DEP anticipates the Army Corps to advertise the bidding for this area in summer 2016. DEP anticipates completing all remaining property acquisition in Pt. Pleasant, Bay Head, and Berkeley by the end of this year.

The total amount expended to date for the State’s efforts to secure easements is \$3,802,026. Efforts are ongoing, and there is no estimate of the total costs at this time. The Shore Protection Fund has advanced the funding for these costs and will be

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reimbursed by USACE or HUD-CDBG funds depending on the location of the easements. DEP is currently preparing documentation for reimbursement packages.

4. The Superstorm Sandy Blue Acres Buyout program purchases flood-prone properties. Last year the department indicated that it had spent \$76 million of the \$300 million in federal disaster recovery funds, and that 281 properties had been acquired and 181 properties were demolished. A January 2016 DEP press release states that the Blue Acres program secured funding to purchase 797 properties statewide and that of 724 offers extended to homeowners, 543 have been accepted and closings have been completed on 439 properties.

- **Question:** *Please provide an update on the progress of the department’s Superstorm Sandy Blue Acres Buyout Program. Please provide an updated list of the total number of properties acquired and properties demolished, identified by municipality. Please provide the amount spent to date and projected to be spent, and an updated number of properties anticipated to be acquired through the end of the program.*

Response: See Attachment 4 - Blue Acre Acquisition and Demolition Summary for the updated list of approved and pending acquisitions by municipality. The total amount committed and spent to date is as follows:

<b>Buyouts Funding Status</b>						
					<b>Available Funding</b>	<b>Expended / Committed Offers Made As of 4/25/16</b>
Blue Acres HMGP Available Funding (100%)					\$ 169.1	\$ 149.0
CDBG Funding - Blue Acres Buyouts					\$ 100.0	\$ 14.3
<sup>(1)</sup> USDA (NRCS) - Blue Acres Lawrence Twp					\$ -	\$ -
2007/2009 Bond Fund - Available Funding					\$ 23.3	\$ 7.7
				<b>Total</b>	<b>\$ 292.4</b>	<b>\$ 171.0</b>

The \$292.4 million identified above is estimated to cover the acquisition of approximately 1100 properties.

- **Question:** *Please provide an update on the total amount of federal funds received to date by the department for the Superstorm Sandy Blue Acres Buyout Program. How much in federal funding remain for use and how much has already been*

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***committed? Of the amount committed, how much has been expended? Have any State Acquisition Blue Acres Funds been utilized for additional buyouts or to match the federal funds received? How much bond money is currently available? Please list all the projects, by municipality, that have been completed using the Blue Acres funding from the 2007 and 2009 bond acts.***

Response: To date, \$269.1 million of federal funding has been identified for the Buyout program. These funds will be used to complete acquisitions in the towns listed on Attachment 4. Of the \$269.1 million in federal funds, \$122.1 million has been expended or is under contract pending closing. Additionally, there has been 198 offers made, which equates to \$41.2 million from federal funding. State Blue Acres bond funds have also been used for buyouts. A total of \$23.3 million of bond funds has been identified for the Buyouts program, \$5.5 million has been spent or under contract to date, and \$17.8 million remains. Attachment 4 indicates the municipalities where bond funds are being used.

- ***Question: Does the department anticipate receiving additional federal funding related to recovery, rebuilding, property acquisitions, and buyouts in FY17 and beyond? Are the currently available funds and anticipated future federal funding sufficient to meet the demand? Does the Superstorm Sandy Blue Acres Buyout program have a "waiting list?" If so, how many properties are on it and in which municipalities? What is the estimated cost to acquire these properties?***

Response: Should any additional federal funding become available to the State, DEP would expect strong consideration to be given to allocating such funding to the Sandy Blue Acres program given the demonstrated benefits and considerable success it has had to date and given continuing demand. That said, the State would have to evaluate the competing needs for any additional federal funding at the time to determine what reallocation would have the greatest impact for recovering families and communities. The pending projects on Attachment 4 represent the outstanding demand for this program at this time.

- ***Question: Does the department anticipate using a portion of the Corporation Business Tax revenues in FY17 for Blue Acres purposes? If so, how much?***

Response: There is no immediate need to use CBT for Blue Acres purposes since DEP is still drawing down federal funds.

- ***Question: How many employees in the DEP's Office of Green Acres are currently working, full-time or part-time, on Sandy-related buyouts of flood-***

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***damaged or flood-prone properties? What percentage of the office staff does this constitute? How did the reallocation of staff time to Sandy buyouts affect the ability of the office to perform its duties with respect to the implementation of the Green Acres program?***

Response: DEP assigns 28 full-time and part-time staff from the Green Acres program to work on Sandy-related buyouts, which represents 62% of total office staff. In addition, the DEP also employs 30 full-time staff in the Blue Acres program on a 2-year contract term. Providing resources for Sandy Blue Acres buyouts has not impacted our ability to complete Green Acres projects. Management will continue to prioritize those projects that are the most active and in need of attention, including projects made possible with the CBT funding.

5. The Hazard Mitigation Grant Program (HMGP) Elevation Program is a Federal Emergency Management Agency (FEMA) funded reimbursement program designed to assist homeowners in Sandy-affected communities with the elevation of their primary single-family residences to meet requirements of the flood insurance risk maps and State and local regulation ordinances. The department assumed administration of the HMGP Program from the Department of Community Affairs.

- ***Question: How much funding did the State receive from FEMA for this program? How many applications did the State receive from homeowners for this program? How many homes have been elevated through the program to date? Are there any outstanding applications? If so, how many?***

Response: DEP expects to receive \$14.8 million for the elevation program, of which \$7.8 million has been spent to date. Reimbursement to the State from FEMA for HMGP spending is coordinated through the Office of Emergency Management in the Department of Law and Public Safety. The State initially received 6,533 applications to the elevation program, of which 4,391 elevation applications overlapped with RREM. If the RREM applications were compliant, those applications received RREM funding rather than elevation program funding. In addition, several applicants voluntarily withdrew their elevation program applications. As of April 18, 2016, 110 homeowners have been reimbursed for completed elevations, and there are 181 additional active applications that represent homeowners whose elevations are still underway.

- ***Question: After all the federal funding for this program has been exhausted what other assistance, if any, is the State offering to homeowners who want to elevate their homes to meet requirements of the flood insurance risk maps?***

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Response: FEMA provides funding on an annual basis through its Flood Mitigation Assistance grant program to the State and local governments to assist with efforts, such as elevations, to alleviate flooding impacts. The State and local governments regularly apply for funding under this program.

6. As amended by the voters of the State on November 4, 2014, the State Constitution dedicates four percent of Corporation Business Tax revenues for open space, farmland and historic preservation, water programs, public and private site remediation, and underground storage tank programs for FY16 through FY19, and further increases this annual dedication to six percent commencing in FY20. Specifically, with regard to open space, farmland, and historic preservation, for FY16 through FY19, of the four percent Corporation Business Tax dedication, the State Constitution dedicates annually 71 percent for open space, farmland, and historic preservation purposes.

The proposed budget allocates these funds through three appropriations: Parks Management, \$19.97 million; Recreational Land Development and Conservation, \$13.93 million; and Open Space, Farmland and Historic Preservation, \$37.48 million. The proposed budget also contains language (budget pg. D-118) that would allocate 60.5% of the Open Space, Farmland and Historic Preservation appropriation to the department, and provides that the commissioner "shall establish, implement and oversee a program to provide funding, including loans or grants, for the preservation, including acquisition, development and stewardship, of lands for recreation and conservation purposes, including lands that protect water supplies and lands that have incurred flood or storm damage or are likely to do so, or that may buffer or protect other properties from flood or storm damage, subject to the approval of the Director of the Division of Budget and Accounting."

- **Question:** *Please provide the department's thoughts on the implementation of this constitutional dedication. How does the department anticipate implementing this budgetary language? What role, if any, does the department see the Garden State Preservation Trust having in the implementation of this funding? Will the department continue the State's existing program for the acquisition and development of lands for recreation and conservation purposes by the State, local government units, and nonprofit organizations? If not, what changes does the department envision? How does the department anticipate allocating the funding between the State, local government units, and nonprofit organizations? Please provide a breakdown of the department's anticipated use of this dedicated funding for acquisition, development, and stewardship of lands for recreation and conservation purposes.*

Response: DEP will continue to follow the same process and procedures for this program that we do today. We will continue to invite applications from local governments and non-profits and will continue to work with willing sellers who wish

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to sell their land to the State. This has been a successful system since the inception of the program, regardless of the changing funding sources and/or amounts.

The Garden State Preservation Trust (GSPT) Act and the existing Green Acres regulations continue to direct the GSPT to review and approve our recommendations for funding.

All of our acquisition and park development activities will continue. As we have done since 1998, the funding made available to Green Acres will be divided up among the programs as follows: 50% for grants and loans to local government; 40% for direct State acquisitions and 10% for grants to non-profit organizations. All funds will be used for acquisition or development.

7. The State Constitution previously dedicated a portion of Corporation Business Tax revenue for the development of lands for recreation and conservation purposes. The FY15 appropriations act included an appropriation "Recreational Land Development and Conservation – Constitutional Dedication" in the amount of \$16.01 million. The FY16 appropriations act and the proposed FY17 appropriation is \$13.93 million.

- **Question:** *Please provide a list of projects that were funded by this appropriation in FY15 and FY16 and that are anticipated to be funded in FY17. For each project, please provide its location and cost.*

Response: See Attachment 5 – Summary of CBT Projects

8. The State Constitution provides that the dedication of Corporation Business Tax revenue for the diesel retrofit program would end on June 30, 2015. Last year the department responded that it had completed the majority of retrofits; however, retrofitting for the final sector, publically owned on-road and off-road equipment, was 30% complete.

- **Question:** *Please provide an update on the current status of the diesel retrofit program. Did the department expend the entire program funding by January 1, 2016? If not, what is the unexpended balance as of that date and estimated completion date of the remaining retrofits?*

Response: There currently is \$44m obligated for approved retrofits. All remaining approved retrofits must be completed by December 31, 2016 and the Department expects to have all of these retrofits reimbursed by June 2017. DEP is still determining the remaining balance, since the program is still ongoing with reimbursements.



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9. New Jersey's numerous estuarine and riverine communities experience significant flooding and storm surge events from hurricanes, tropical storms, and nor'easters. These events repeatedly affect homes, businesses, communities, and the environment.

The Department applied for \$321 million in funding under the U.S. Department of Housing and Urban Development's (HUD) National Disaster Resilience Competition (NDRC). In January 2016 New Jersey was awarded a \$15 million grant to support the creation of a "Regional Resiliency Planning Grant Program" to help regions and communities that experience significant flooding to undergo a comprehensive planning process to identify and address vulnerabilities due to increased flooding risk, and for work with university partners to develop a toolkit of best practices for communities to assess their flooding risks and develop resilient building codes and plans.

- **Question:** *Please provide a description of how the department intends to use this funding. Please identify the department's partners in this program.*

Response: While it was announced the State would receive a \$15 million NDRC award, HUD has yet to publish the NDRC Federal Register Notice to outline how the money may be spent. HUD awarded funding to New Jersey for planning grants and development of a toolkit, but the Notice must be published and analyzed before the State can detail how the funding will be used and which partners may be included.

- **Question:** *Did the department receive information from HUD as to why the State received \$15 million in response to its \$321 million request? If so, please explain.*

Response: New Jersey was one of only 13 out of 67 eligible applicants to receive any award through NDRC. After the award was announced, the State participated in a debrief meeting with HUD, at which HUD showed New Jersey's score sheets. HUD indicated that New Jersey submitted a strong application, but the critical area the State lost points was where HUD reduced DEP's \$62.5 million in direct leverage to just \$1.7 million because the balance is subject to appropriations by future State Legislatures, not guaranteed.

10. P.L. 2015, c.270, signed into law on January 19, 2016, amended the "Flood Hazard Area Control Act" to require the department to update delineations of flood hazard areas and floodplains in the State, which would result in an expenditure increase over a 15-year time period. The legislation requires the department to update its delineations of flood hazard areas at least once every 15 years, within the limits of the funds appropriated or otherwise made available therefor, and to prioritize the preparation of updates based upon flood risk.

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- **Question:** *Has the department established a timeline for updating the delineations of flood hazard areas and floodplains in the State? If so, please describe this timeline. Have certain areas been given priority status due to their flood risk status? If so, which areas?*

Response: In New Jersey, there are approximately 5,000 miles of streams that could be delineated. Over the last 5 years, DEP and FEMA have updated mapping for the Delaware, Passaic, Hackensack, Ramapo, Wanaque and the Pompton Rivers. As part of our plan with FEMA, DEP has identified and prioritized approximately 2,000 miles of streams that need to be restudied. Priority was determined based upon the population density surrounding the flood source coupled with the level, accuracy, and age of the effective modeling. See Attachment 6 – “New Jersey State Stream By Priority.”

- **Question:** *What are the total estimated costs to the department for the delineations of flood hazard areas and floodplains in the State over the next 15 years? How much is expected to be spent in FY17? Does the department expect a portion of the costs for delineating flood hazard areas and floodplains to be covered by federal funds? If so, how much and through which funds? Would the federal funds require a State match? If so, please provide the amount and source of anticipated funding for the State match.*

Response: Based upon FEMA blue book values and recent mapping costs submitted by consultants for FEMA, DEP assumes a cost of \$11,000 per mile for detailed modeling and \$14,000 per mile for Digital Flood Insurance Rate Map (DFIRM) Database/Production work. Based upon these FEMA values, 2,000 miles of delineations will cost approximately \$50,000,000. Again, based upon FEMA's values, there is an additional 3,000 miles of smaller streams to be mapped. Costs based on FEMA's values for the additional 3,000 miles would be an additional \$75,000,000. This \$125 million cost does not include the coastal areas, which FEMA is currently studying.

11. As a regulatory agency the department charges fees across a broad range of activities, e.g., air pollution monitoring, solid waste regulation, waterfront development. In some cases the revenue from fees and permits directly support the costs of environmental regulation and enforcement, and the department is in some cases authorized by law to adjust fees by regulation. In instances where state law is clear that fees are intended to cover the costs of regulatory and enforcement activities, it should be incumbent upon the department to review fee revenue and costs, and periodically adjust fees as appropriate so the revenue they generate is commensurate with costs.

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- **Question:** *Please list all fees assessed by the department that were increased or decreased in FY15 and FY16, the amount of each such fee before and after the increase or decrease, the percentage increase or decrease, the reason(s) for the increase or decrease, and the revenue generated by each fee before and after the revision. Please provide a similar listing of any fees that the department plans to increase or decrease in FY17 and the same information with respect to each.*

Response: Fees in the air pollution, land use, laboratory certification, and hazardous site program were adjusted in varying amounts, mostly after years of being held at the same rate. Fee adjustments in these programs were consistent with the legislative intent that certain fees paid by the regulated community cover actual costs. Actual costs of regulated programs have gone up largely because of increased pension payments and costs attributable to regulated programs that are recovered through fringe assessments.

12. The State holds the natural resources of New Jersey in trust for the benefit of its citizens. The department's stated goal in implementing the State's natural resource restoration program is to redress the injuries resulting from hazardous discharges to natural resources and the ecological and economic services they provide, through the restoration of those natural resources and compensation for the economic and ecological losses to the citizens of New Jersey. Statutory and common law provide the department with the authority to investigate and require the restoration of injured natural resources. Last year, in response to an Office of Legislative Services discussion point the department provided a list of 10 court-filed actions containing natural resource damage claims.

- **Question:** *Please provide an update on the 10 court-filed actions containing natural resource damage claims from last year, including damage figures, if available.*

Response: See Attachment 7 - NRD Actions. Because damage figures have not been submitted to the courts in some cases, this list does not contain damage figures unless a matter has settled, or a settlement figure for natural resource damages has been submitted for court approval.

- **Question:** *Please provide a list of all new unsettled or unresolved environmental contamination cases or administrative actions in which the State has asserted in court hearings, arguments, or documents, or in administrative hearings, public records, or public documents, a claim for Natural Resource Damages (NRD) and Natural Resource Restoration Costs (NRRC). For each such case or other action, please provide the names of the parties, the amounts in NRD and NRRC asserted by the State, the county and municipality in which the*

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***contamination at issue occurred, damage figures, and, if applicable, the name of the contaminated facility or property.***

Response: The DEP has not filed any new environmental contamination cases or administrative actions in which the State has asserted a claim for Natural Resource Damages and Natural Resource Restoration Costs. The Attorney General’s Office continues to pursue NRD and cost recovery cases already filed and continually works with the DEP to evaluate new cases for possible suit.

- **Question:** *What other environmental settlement funds has the department received in FY16, or does it anticipate receiving in the future? Please describe. How will the monies from the settlement funds be allocated or used?*

Response: To date, for FY 2016, the Department has posted a net recovery, after attorney’s fees, of \$29,773,398 in four Natural Resource Damage settlements that were received for unspecified natural resource damages. The balance available will be used for natural resource restoration projects consistent with the FY 2016 Appropriations Act. Below is a breakdown of FY 2016 MTBE settlements.

Description	FY2016 Settlements YTD	Attorney Fees	Project Balance
MTBE – Vitol	\$2,150,000	\$430,000	\$1,720,000
MTBE – Lyondell	\$13,798,007	\$3,104,608	\$10,693,398
MTBE – El Paso Energy	\$20,000,000	\$4,000,000	\$16,000,000
MTBE – Duke Energy	\$1,700,000	\$340,000	\$1,360,000
Totals	\$37,648,007	\$7,874,608	\$29,773,398

The Department also expects \$794,000 in FY 2016 for Schenk, a cost recovery matter that is close to settlement.

13. In 2013, the Christie Administration announced the Liberty State Park Ferry Slip Restoration Project would reconstruct the severely damaged ferry slips at Liberty State Park, which are essential in transporting State residents and tourists to and from Ellis Island and the Statue of Liberty. The project would rebuild the historic Central Railroad New Jersey (CRRNJ) Terminal Ferry Slips and dredge the area to provide boat access into and adjacent to the slips and docks. The FY15 budget estimated \$18.4 million and the FY16 budget estimated \$19 million for the Ferry Slip Restoration Project. The FY17 budget does not appropriate any funds for this project.

In November 2015, the department made public a report, “The Future of Liberty State Park: Creating a World Class Destination.” That report included a number of development projects

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or new revenue-producing activities at Liberty State Park that would significantly change the existing character and uses at the park.

- **Question:** *Please explain the changes to this budget line item for the Ferry Slip Restoration Project from FY15 to FY17. Please provide an update on the total project cost and describe any work completed or in progress.*

Response: On September 19, 2013, a \$23 million agreement for the renovation of three ferry piers at the Liberty State Park Terminal building was signed between the Port Authority of New York and New Jersey and the DEP. At that time, DEP expected approximately \$4 million of these funds to be committed during FY14, and the balance of the agreement, \$18.4 million was reflected in the FY15 Budget. The FY16 Budget updated this amount to reflect a delay in the project's timing. Design work commenced during FY15 and is ongoing. We expect approximately \$1.2 million to be expended on the design and reimbursed by the Port Authority during FY16. The FY17 Budget reflects the indefinite postponement of the project due to lack of additional Port Authority funding.

- **Question:** *Is the department currently pursuing any of the proposals contained in the report issued in November 2015? If so, which ones? How much will any such projects cost and how would they be funded? How much additional revenue is anticipated, if any, if the development proposals are implemented?*

Response: No.

14. The collection and disposal of electronic waste has become an important environmental issue in the technology age. According to county and local officials, electronics manufacturers are failing to provide free and convenient recycling of electronics as required by law. Due to the falling prices for electronic waste, many counties and municipalities that previously provided for recycling of electronic waste without assistance from manufacturers have had to reduce or curtail their collection and recycling programs. When local collection and recycling programs are terminated, more electronic waste is likely to be dumped illegally, or illegally disposed at solid waste facilities.

- **Question:** *What does the department recommend to reduce the financial pressure placed on counties and municipalities caused by the current situation? What should the State do to properly fund and manage this environmental program? What actions has the State taken to require the electronics manufacturers to provide for free and convenient collection as required by the law?*

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Response: The DEP is currently engaging with stakeholders to formulate recommendations on this issue.

15. In August 2015, President Obama and EPA announced the Clean Power Plan, in order to reduce carbon pollution from power plants. Although the U.S. Supreme Court has stayed implementation of the U.S. Environmental Protection Agency's (EPA) Clean Power Plan pending judicial review, some states are beginning to study how to formulate a preliminary compliance plan; other states, including New Jersey, are challenging the EPA's authority to issue the Clean Power Plan; and still other states are contemplating employing both response strategies simultaneously.

- **Question:** *Assuming the courts uphold the plan, if New Jersey opted to pursue the third strategy, what would be the estimated compliance planning costs and litigation costs for the State in FY17 and FY18?*

Response: Until the United States Supreme Court rules on this matter, the DEP is not expending resources to develop and implement plans under the Clean Power Plan.

16. The issue of mosquito-borne diseases has been in the news recently. Mosquitoes can cause tremendous impacts on human health, as well as the health of dogs, horses and other domestic and wild animals.

- **Question:** *What amount, from what specific sources, does the FY 2017 budget appropriate to the department for mosquito control purposes? How does this compare, by specific source, to FY 2016 funding? Are State and county mosquito control efforts sufficiently funded and staffed?*

Response: The Budget continues to recommend a line item appropriation of \$1,346,000 for Mosquito Control, Research, Administration, and Operations in FY17, the same as FY16. The DEP continues to closely monitor mosquito-related issues, DEP believes the proposed funding level provides the resources DEP needs to manage mosquito control efforts and support county operations.