



**Annual Report**  
**Open Public Records Act**  
**July 2003**

New Jersey Department of Environmental Protection  
Office of the Records Custodian

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State of New Jersey  
James E. McGreevey, Governor

Department of Environmental Protection  
Bradley M. Campbell, Commissioner

Counselor and Legal Policy Advisor  
Dante Dipirro

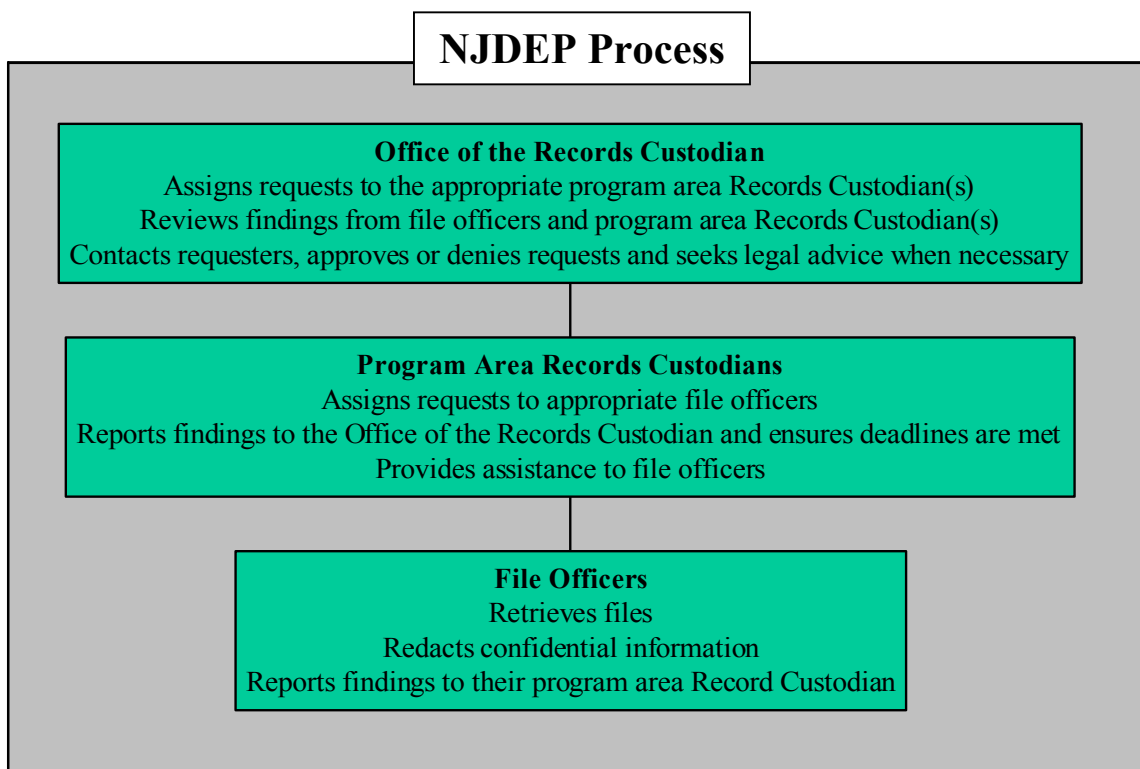
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# I. Introduction

The Open Public Records Act (OPRA) took effect on July 7, 2002. It establishes strict timeframes for providing access to New Jersey government records. Access must be provided within 7 business days except access to bills, vouchers and contracts must be immediate. If a record is in storage or archives, the agency must identify a time for the records to be made available.

In order to process requests within the strict timeframes, the New Jersey Department of Environmental Protection (NJDEP) created the Office of the Record Custodian (ORC) with a central staff of 9 employees. The ORC oversees all of the Department's OPRA activities and policy decisions. The NJDEP also assigned 10 Records Custodians and back ups in the various program areas of the Department along with approximately 150 file officers. The NJDEP not only puts it in writing to those submitting requests regarding whether or not records were located, but also attempts to inform all requesters by phone. The below chart illustrates the organizational structure and the related duties of NJDEP staff to comply with the directives of the Open Public Records Act:



The NJDEP's OPRA process has proven efficient, effective and responsive. This report provides statistical information related to the handling of OPRA requests by the NJDEP and the state generally. The NJDEP has received 7,665 OPRA requests during its first year, which is in fact more than 60% of requests submitted to all state agencies.

# OPRA Outreach

Throughout the past year the Office of the Records Custodian (ORC) has provided presentations on the Open Public Records Act (OPRA) to both staff within the Department and outside organizations. Below is a listing of some of the presentations given by the ORC:

**County Environmental Health Act Officials, 9/16/02**

Presentation of how the DEP processes OPRA requests to county officials.

**Water Environment Association, 10/29/02**

Provided a presentation on the Department's implementation and use of OPRA.

**Office of Information Resource Management / OPRA Overviews, 1/22/03**

Update to Department employees on OPRA and program statistics.

**PEP Workshop, 3/27/03**

General presentation on OPRA and the Department's process.

**Environmental Air Compliance Audit Seminar, Rutgers University, 3/25/03**

Provided a seminar on OPRA procedures and exceptions for the University's professional continuing education course.

**Association of Government Accountants / Public Administration Conference, 5/9/03**

The ORC was invited to give a presentation and participate on a panel discussion with the Government Records Council to the Association of Government Accountants and the Association of Public Administration officials.

**Review of Development Permits and Approvals, Rutgers University, 6/10/03**

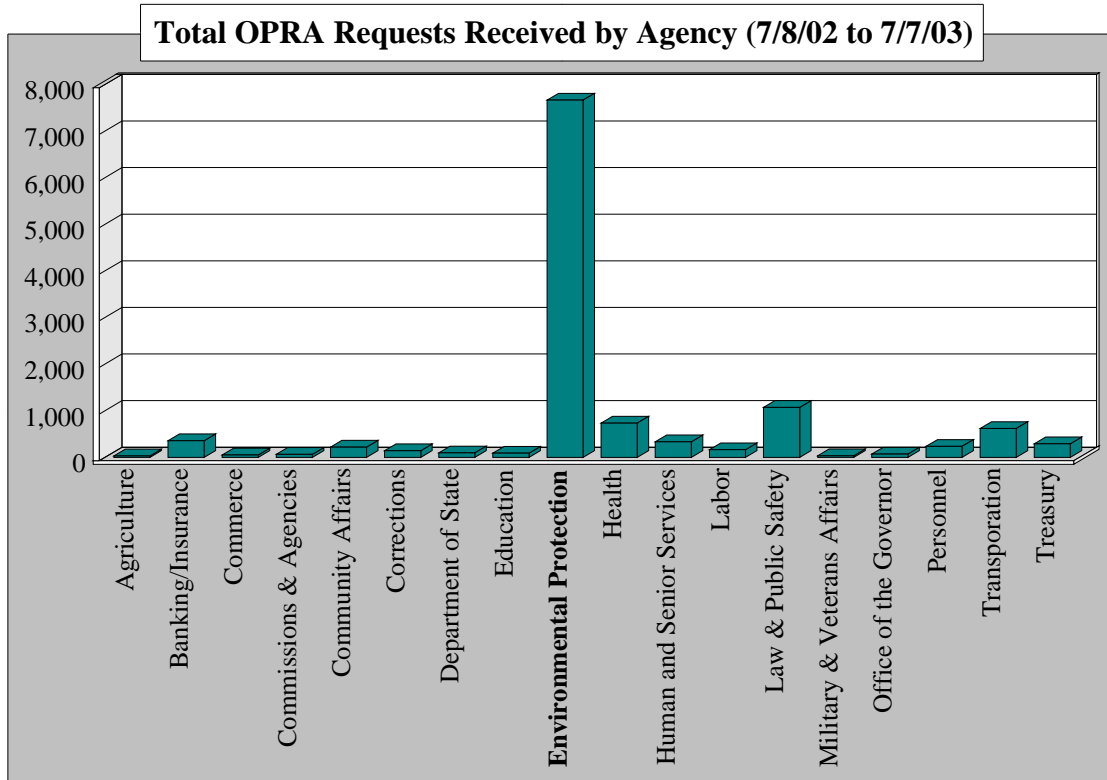
The ORC was invited back to Rutgers to provide a seminar on OPRA procedures and exceptions for another of the University's professional continuing education courses.

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## **II. Statistics for All State Agencies**

# OPRA Requests Received

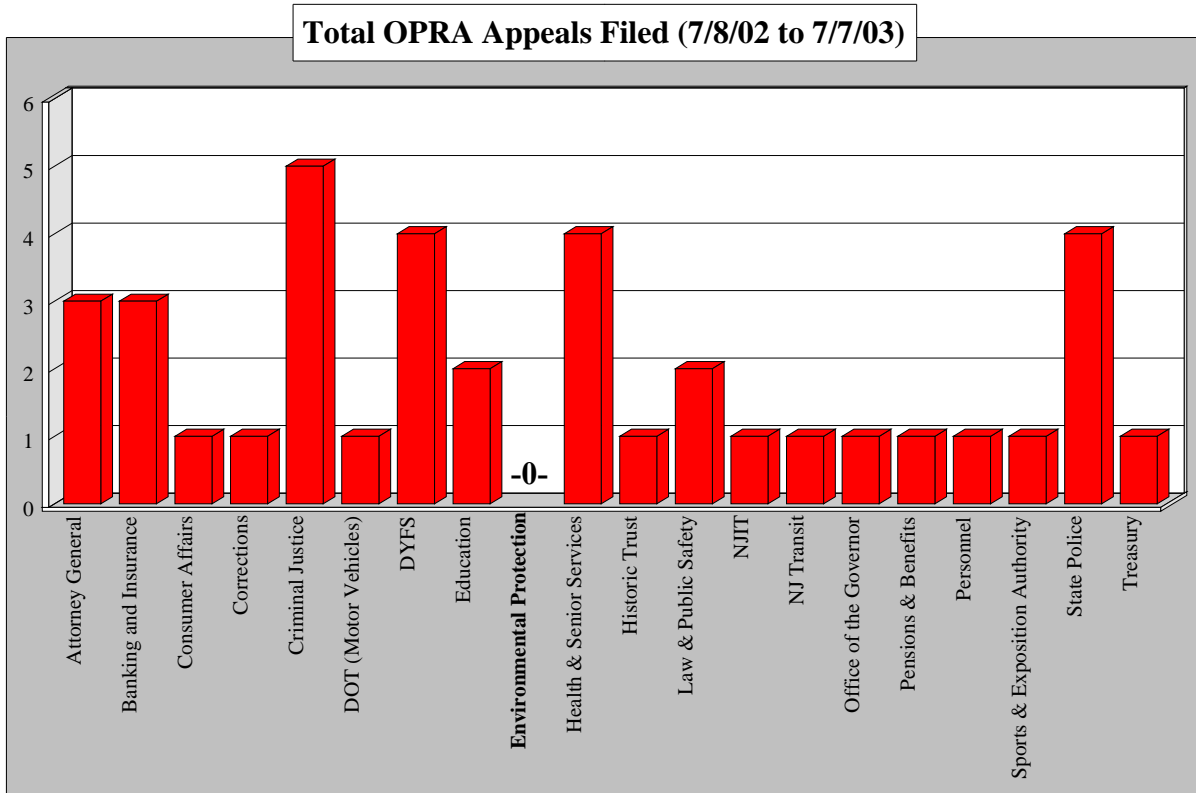
The following chart and table illustrate the number of OPRA requests that all New Jersey state agencies have received between 7/8/02 & 7/7/03. The NJDEP has received 7,665 OPRA requests during its first year, which is the majority of all requests. In fact, more than half (62.37%) of all OPRA requests to a state agency were submitted to the NJDEP.



Department	Number of Requests	Percentage
<b>Environmental Protection</b>	<b>7,665</b>	<b>62.37 %</b>
Law & Public Safety	1,073	8.73 %
Health	735	5.98 %
Transportation	620	5.05 %
Banking/Insurance	358	2.91 %
Human and Senior Services	336	2.73 %
Treasury	293	2.38 %
Personnel	237	1.93 %
Community Affairs	222	1.81 %
Labor	165	1.34 %
Corrections	143	1.16 %
Department of State	97	0.79 %
Education	90	0.73 %
Office of the Governor	70	0.57 %
Commissions & Agencies	66	0.54 %
Commerce	52	0.42 %
Military & Veterans Affairs	35	0.28 %
Agriculture	32	0.26 %
<b>Total</b>	<b>12,289</b>	

# Appeals Filed

The chart and table below represent the total number of appeals filed for requests made to state departments or agencies between 7/8/02 & 7/7/03. Because an appeal has been filed does not mean the appeal was resolved in the requesters favor. No appeals have been filed for requests that had been submitted to the NJDEP.



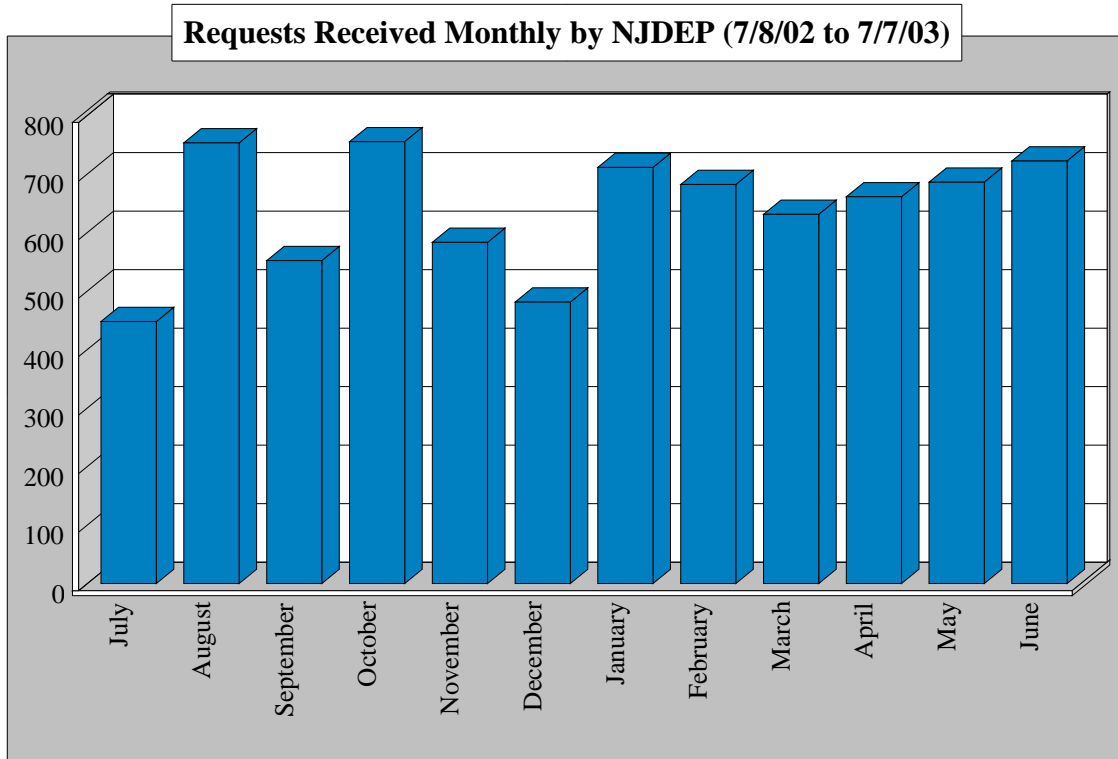
State Agency	# of Appeals
<b>Environmental Protection</b>	<b>0</b>
Consumer Affairs	1
Corrections	1
DOT (Motor Vehicles)	1
Historic Trust	1
NJIT	1
NJ Transit	1
Office of the Governor	1
Pensions & Benefits	1
Personnel	1
Sports & Exposition Authority	1
Treasury	1
Education	2
Law & Public Safety	2
Attorney General	3
Banking and Insurance	3
DYFS	4
Health & Senior Services	4
State Police	4
Criminal Justice	5
<b>Total</b>	<b>38</b>

### **III. Statistics for NJDEP**



# Requests Received Monthly

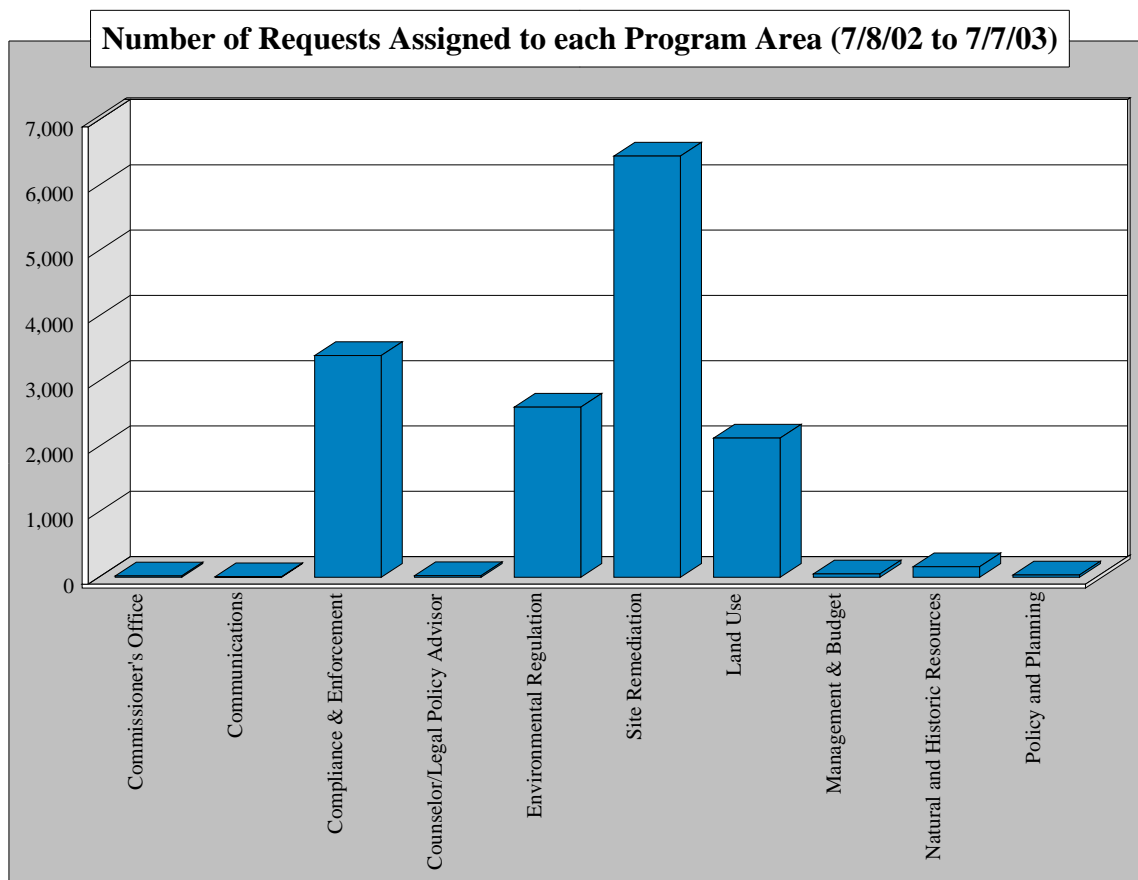
The following chart and table illustrate the number of requests submitted to the NJDEP by month between 7/8/02 & 7/7/03. The average number of requests received for this time period is 639 requests per month or about 32 requests per business day.



Month	Number of Requests
July	448
August	753
September	552
October	755
November	583
December	481
January	711
February	682
March	631
April	661
May	686
June	722
<b>Total</b>	<b>7,665</b>

# Assignment of Requests

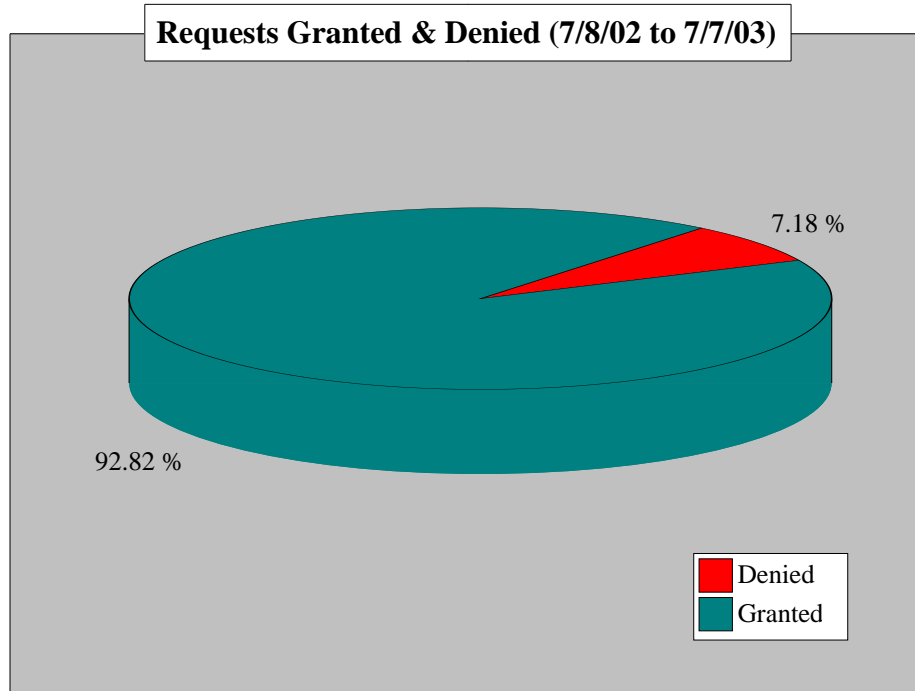
Each request received is assigned to the Record Custodian(s) in the appropriate program area(s). The NJDEP received a total of 7,665 OPRA requests between 7/8/02-7/7/03. However, multiple programs must often respond to a single OPRA request. For example, a request for all Department records for a given site may require file searches by a number of program areas (Site Remediation, Land Use, etc.). As a result, NJDEP's programs actually handled 14,877 "requests" over this time period. By way of example, our Site Remediation program was involved in 6,449 of the 7,665 requests submitted to the Department (i.e. over 80%). The bar chart below is based on the 7,665 request figure; it shows the number of requests assigned to each program area. The table below is based on the 14,877 "requests" figure; it shows the percentages handled by each of the programs based on that figure.



Program Area	Number of Requests Assigned	Percentage
Site Remediation	6,449	43.35 %
Compliance & Enforcement	3,394	22.81 %
Environmental Regulation	2,604	17.50 %
Land Use	2,131	14.32 %
Natural and Historic Resources	161	1.08 %
Management & Budget	51	0.34 %
Policy and Planning	34	0.23 %
Counselor/Legal Policy Advisor	25	0.17 %
Commissioner's Office	20	0.13 %
Communications	8	0.05 %
<b>Total</b>	<b>14,877</b>	<b>100.00 %</b>

# Requests Granted & Denied

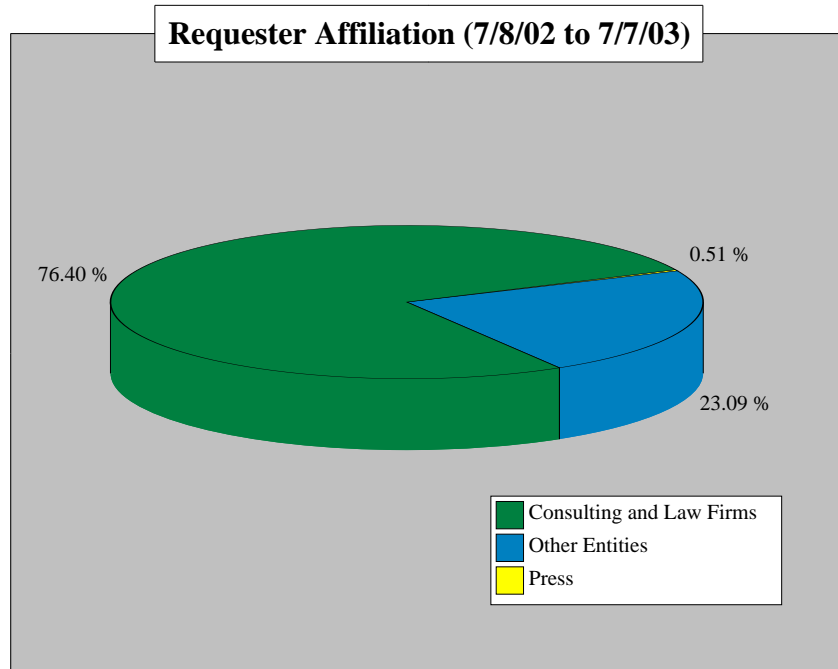
The following chart and table illustrate the number of requests granted and denied out of the 7,665 requests received by the Department. A request is marked "denied" for any of the following reasons: the request was improperly submitted, incomplete or subject to an exception. A request is considered "granted" when the file search is completed and the requester has been notified. The chart below shows that 93% of all requests were granted.



Disposition	Number of Requests	Percentage
Granted	7,115	92.82 %
Denied	550	7.18 %
<b>Total</b>	<b>7,665</b>	<b>100.00 %</b>

# Requester Affiliation

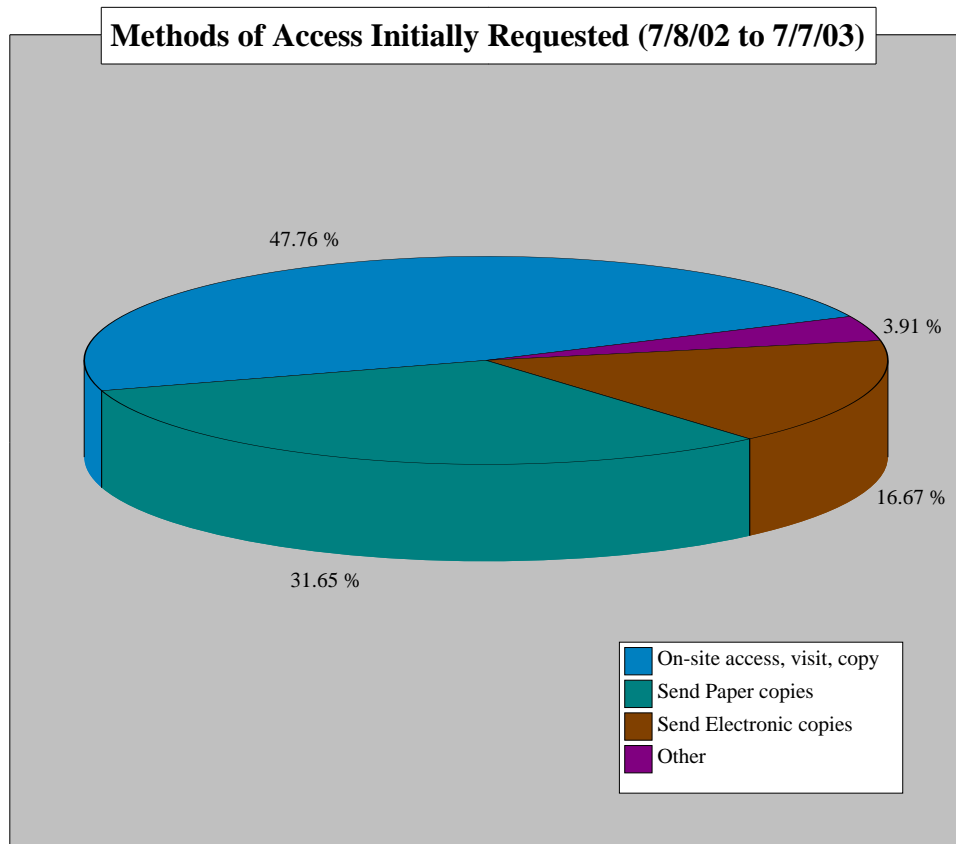
Approximately 76% of all requests submitted were submitted by consulting and law firms. Most of the 7,665 requests received by the Department between 7/8/02 & 7/7/03 were for the purpose of due diligence and phase-1 environmental reviews. Because requesters do not always provide affiliation information, the actual number of requests submitted by consulting and law firms is most likely higher than what is shown on the chart and table below.



Affiliation	# of Requests	Percentage
Consulting and Law Firms	5,856	76.40 %
Other Entities	1,770	23.09 %
Press	39	0.51 %
<b>Total</b>	<b>7,665</b>	<b>100.00 %</b>

# Methods of Access

Requesters are given several choices on how they wish to receive access to a government record: in-person review (reviews the documents at a NJDEP office); purchase paper of copies; purchase of electronic copies; or other access method. The following chart and table illustrate what the requesters chose between 7/8/02 & 7/7/03. As the below chart shows, almost half elected to come into review their requested documents at the NJDEP's offices.

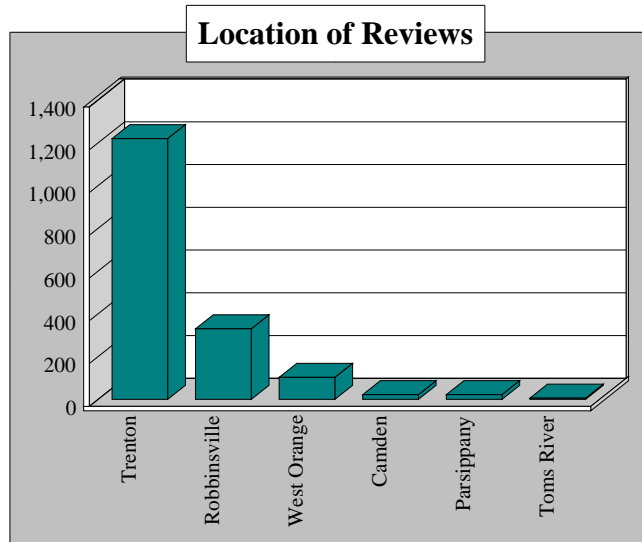


Access Method	Number of Requests	Percentage
On-site access, visit, copy	3,661	47.76 %
Send Paper copies	2,426	31.65 %
Send Electronic copies	1,278	16.67 %
Other	300	3.91 %
<b>Totals:</b>	<b>7,665</b>	<b>100.00 %</b>

# In-Person Reviews

In-person reviews are an efficient way to provide requesters access for requests that generate large numbers of records. Requesters come to our offices and conduct their own file review. The table and chart below show the number of file reviews scheduled at all of NJDEP's main offices between 7/8/02 & 7/7/03. In all, the Department had scheduled 1,702 file reviews. It should be noted requesters often schedule a single file review for multiple requests. It is possible that a single file review can represent a dozen or more requests.

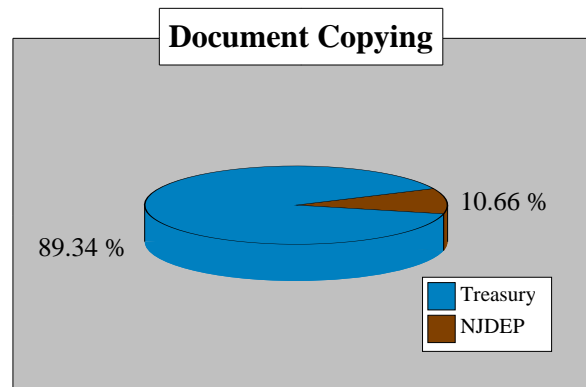
Location	# of In-Person Reviews
Trenton	1,219
Robbinsville	330
West Orange	103
Camden	22
Parsippany	22
Toms River	6
<b>Total</b>	<b>1,702</b>



# Document Copying

Most copy jobs are sent to the Treasury Print Shop located within the 401 building. Treasury has a staff of 3 full time employees making copies. The Treasury Print Shop collected \$185,081.69 in copying fees. The copy rate is \$.75 for one through ten pages, \$.50 for eleven through twenty pages and \$.25 for every page thereafter. Occasionally and for special circumstances the ORC and the program areas will complete copy jobs internally. The chart below shows that Treasury collected nearly 90% of all revenue. In all, over 1,200 copy jobs have been processed between 7/8/02 & 7/7/03.

Agency	Revenue
Treasury	\$185,081.69
NJDEP	\$22,084.16
<b>Total</b>	<b>\$207,165.85</b>

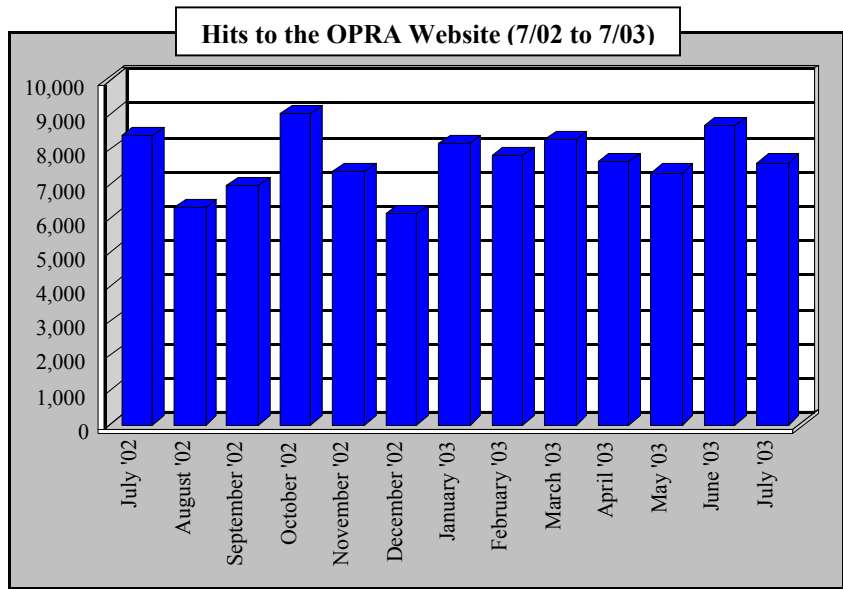


# OPRA and Internet Access

Through the NJDEP's OPRA website, an individual can easily submit an OPRA request online. Also, in order to provide information to our constituents, the Department developed a number of interactive reports that supply the user with "real-time" data. These online reports provide immediate access to records and information regarding Air Emissions, Water Discharges, Permit Status, and Compliance & Enforcement. The Department is continuing to develop new reports and is also working to enhance the site, making it easier to use.

The below chart and table illustrate the number of hits to the NJDEP's OPRA website between July 2002 and July 2003. The NJDEP's OPRA website has received nearly 100,000 hits in the past year. This works out to about 400 hits per workday.

Month	Website Hits
July '02	8,402
August '02	6,309
September '02	6,949
October '02	9,040
November '02	7,350
December '02	6,123
January '03	8,180
February '03	7,830
March '03	8,284
April '03	7,659
May '03	7,323
June '03	8,712
July '03	7,626
<b>Total</b>	<b>99,787</b>



A variety of useful information can be obtained on our website including:

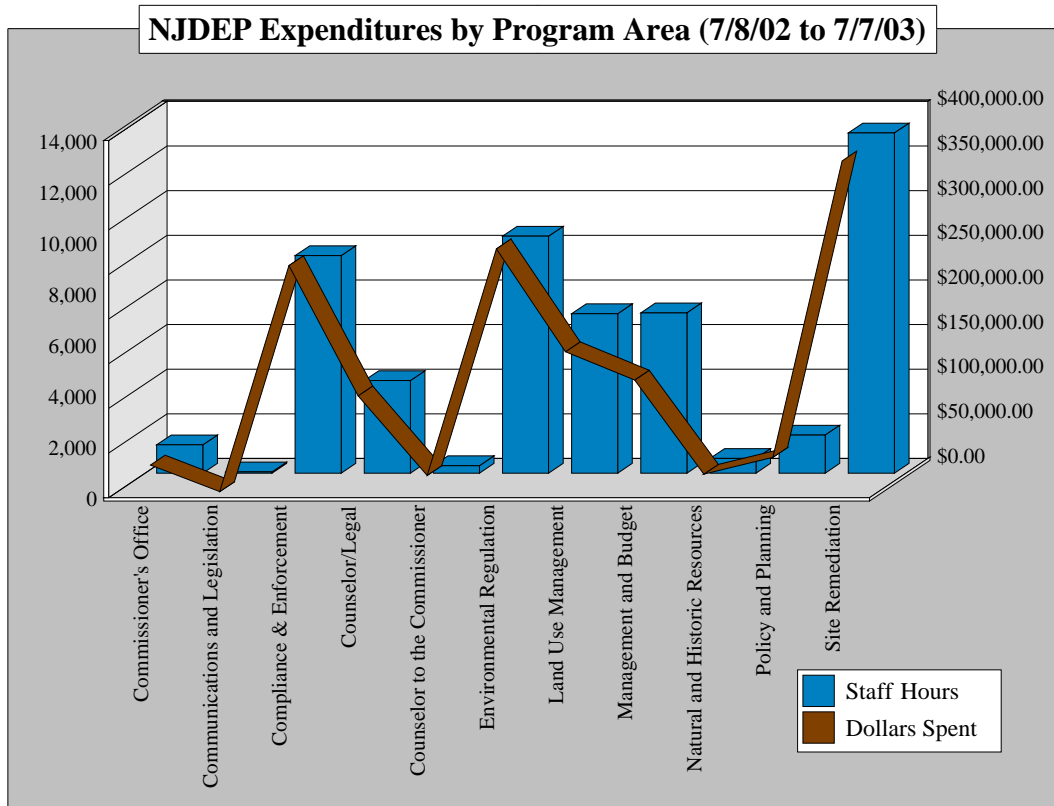
- NJDEP's Online Reports (discussed above)
- NJDEP's Most Requested Info
- NJDEP's OPRA Request Forms
- A Copy of the Open Public Record Act
- NJDEP OPRA Rule Proposal
- NJDEP Regulations
- New Jersey Environmental Digital Library
- Geographic Information Systems (GIS) Data
- NJDEP Application Forms

All information listed above can be accessed through our website at:

[www.nj.gov/dep/opra](http://www.nj.gov/dep/opra)

# Expenditures

The following chart and table illustrates the Department's expenditures for administering the Open Public Records Act between 7/8/02 & 7/7/03. Expenditures are shown by program area. The Department spent a total of \$1,404,203.61 not including equipment, supplies, etc. Because no appeals had been filed the Department spent \$0 in legal expenses.



Assistant Commissioner Program Area	Dollars Spent	Staff Hours
Site Remediation	\$371,650.57	13,334.40
Environmental Regulation	\$273,151.99	9,291.40
Compliance & Enforcement	\$254,431.06	8,527.90
Land Use Management	\$157,960.95	6,246.80
Management and Budget	\$126,235.25	6,278.60
Counselor/Legal	\$108,512.12	3,628.20
Policy and Planning	\$39,702.02	1,493.40
Commissioner's Office	\$31,131.15	1,108.70
Natural and Historic Resources	\$20,821.56	578.00
Counselor to the Commissioner	\$19,310.34	294.00
Communications and Legislation	\$1,296.60	50.50
<b>Total</b>	<b>\$1,404,203.61</b>	<b>50,831.90</b>