



State of New Jersey  
**Department of Environmental Protection**  
**GOVERNMENT RECORDS REQUEST FORM**



**IMPORTANT NOTICE**

Please read this entire form carefully as it contains important information concerning the response to your record request, accessing records, disputing denials, and your rights concerning government records. For further information, access [WWW.NJ.GOV/DEP/OPRA](http://WWW.NJ.GOV/DEP/OPRA).

**Requestor Information**


First Name:	MARK	MI	Last Name	LAGERKVIST
Company:	NEW JERSEY WATCHDOG			
Mailing Address:	331 NEWMAN SPRINGS RD., #143			
City:	Red Bank	State:	NJ	Zip: 07701 Email: [REDACTED]
Business Telephone:	[REDACTED]	Extension		
Facsimile Telephone:	()-			

**State Use Only**

Tracking #	93900
Received Date	06/28/2010
Access Method	On-site access, visit, copy
All matters relating to the response and access of any records identified for this request should be directed to: <b>NJDEP – Office of Record Access</b> <b>401 East State Street</b> <b>PO Box 442</b> <b>Trenton, New Jersey 08625-0442</b> <b>Tele #: (609) 341-3121</b> <b>Fax #: (609) 292-1177</b>	

**Record Request Details:**

The following Global Warming Solutions Fund records: Bank Statements, Journals, Ledgers, Transfer Appropriations, Transfer Budgets and Audit Reports. Plus the results of the Regional Greenhouse Gas Initiative's (RGGI) first eight carbon auctions \_ including the names of all bidders, the price of each bid and the quantity and type of allowances sold to each successful bidder. Please notify me by email or telephone when the records are ready for inspection.

Disposition Notes	Record Request Response	
Based on this record request, responsive records were located. Contact us at 609-341-3121 to schedule access. Some records are exempt pursuant to N.J.S.A. 47:1A-1 and not subject to public access. See Addendum Disposition Notes for further information.	In Progress	- Open
	Filled	- Closed
	Denied	- Closed
	Partial	- Closed <input checked="" type="checkbox"/>
<b>Addendum Disposition Notes:</b> ORA-01422: exact fetch returns more than requested number of rows	 07/13/2010 Date	
	<b>Custodian Signature</b>	

## Access to Government Records Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)

1. The fees for duplication of a government record are specified below. We will notify you of any special charges, special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the State of New Jersey and mailed to the address specified below.

**Hard Copies:** Pages 1 through 10 = \$0.75 per page  
Pages 11 through 20 = \$0.50 per page  
Pages 21 on = \$0.25 per page

**Electronic Records:** Compact Discs (CDs) = \$9.77 per CD  
Diskettes = \$ 0.55 per diskette

**Over-sized Maps:** = \$5.00 per map

2. 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.

The Department charges \$48/Hr Fee for Extra-Ordinary Time (EOT) Service Charges. If a request is applicable for an EOT charge, the Requester will be notified of such and payment of the charge must be received prior to access of the subject records. Please note, based on the nature of a request and the records being sought, if the record request processing time is over the Department's normal request processing time, the Department may assess an EOT charge. Being that there is no manner for the Department to ascertain the charge prior to the time being incurred, the Department will notify the Requester in its response to a record request and payment must occur prior to accessing records.

3. By law, the Department must notify you that it grants or denies a request for access to government records within seven business days after the custodian of the record requested receives the request, provided that the record is currently available and not in storage. If the record requested is not currently available or is in storage, the custodian will advise you within seven business days when the record can be made available and the estimated cost. You may agree with the custodian to extend the time for making records available, or granting or denying your request.
4. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.
5. If the Department was unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form.
6. Except as otherwise provided by law or by agreement with the requester, if the custodian of the record requested fails to respond to you within seven business days of receiving a request form, the failure to respond will be considered a denial of your request.
7. **Resolution of Disputed Findings:**

In the event that a requester does not agree with the Department's record response, the requester should:

**No Records** - Reexamined the request details to evaluate if all of the information was provided that could aid the Department in locating records. The Department's ability to identify records of interest is in direct correlation to matching the Department information with the information provided on the request. Such important identifiers are Facility/Site Name, Address, Case #, Permit #, Block/Lot.

**Denial** - If your request for access to a government record has been denied or unfilled within the time permitted by law, you have a right to challenge the decision by the Department to deny access. The Department denies access to records only when those records do not meet the definition of a government record and/or public access is not allowed pursuant to the law. At your option, you may either:

- a. Contact the Office of Record Access to re-visit the matter or provide further explanation.
- b. Institute a proceeding in the Superior Court of New Jersey
- c. File a complaint in writing with the Government Records Council (GRC). You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at [grc@dca.state.nj.us](mailto:grc@dca.state.nj.us), or at their web site at [www.state.nj.us/grc](http://www.state.nj.us/grc). The Council can also respond to other questions about the law.

8. Information provided on this form may be subject to disclosure under the Open Public Records Act.

**Revised Addendum Disposition Notes:** Responsive records have been identified for your "GWS Fund records" request item and available for access. The request item for "RGGI Auction records" has been denied because New Jersey does not have documents responsive to your request in its possession. Further, even if the documents requested were in the possession of NJDEP, this request item would be subject to exemptions provided by OPRA for records that if provided would give an advantage to competitors or bidders in the ongoing RGGI auction process. As such they are confidential pursuant to N.J.S.A. 47:1A-1.1. This requested items would also be subject to confidentiality as trade secrets and/or proprietary commercial/financial pursuant to N.J.S.A. 47:1A-1.1, and based on and an expectation of privacy for certain information pertaining to the bidders of the auction. N.J.S.A. 47:1A-1. Finally, balancing the interests of the ten Signatory States to the Memorandum of Understanding for RGGI and the potential harm to the performance of the auctions against the

**Access to Government Records Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)**

private right to access and disclosure of such documents, the private right to access would be outweighed by the public interest in confidentiality of any records maintained by RGGI Inc. Please note that there is publically available information that might be of interest on RGGI Inc.'s website at [www.rggi.org/co2-auctions/market\\_monitor](http://www.rggi.org/co2-auctions/market_monitor).