

CHAPTER 22

FINANCIAL ASSISTANCE PROGRAMS FOR ENVIRONMENTAL INFRASTRUCTURE FACILITIES

Authority

Water Conservation Bond Act of 1969 (P.L. 1969, c.127); the Clean Waters Bond Act of 1976 (P.L. 1976, c.92); the Natural Resources Bond Act of 1980 (P.L. 1980, c.70); the Wastewater Treatment Bond Act of 1985 (P.L. 1985, c.329); the Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989 (P.L. 1989, c.181); the Pinelands Infrastructure Trust Bond Act of 1985 (P.L. 1985, c.306); the Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992 (P.L. 1992, c.88); the Dam, Lake, Stream, Flood Control, Water Resources and Wastewater Treatment Bond Act of 2003 (P.L. 2003, c.162); the Water Supply Bond Act of 1981 (P.L. 1981, c.261); N.J.S.A. 13:1D-1 et seq.; N.J.S.A. 58:1A-1 et seq.; N.J.S.A. 58:10A-1 et seq.; N.J.S.A. 58:11A-1 et seq.; and N.J.S.A. 58:12A-1 et seq.; and Executive Order No. 215(1989) authorizing the Department of Environmental Protection to provide assistance for the construction of environmental infrastructure projects, as to N.J.A.C. 7:22-2, 3, 5, 6, 7, 8, 9 and 10, and the New Jersey Environmental Infrastructure Trust Act (N.J.S.A. 58:11B-1 et seq.); the Stormwater Management and Combined Sewer Overflow Abatement Bond Act Amendments (P.L. 1997, c.225); the Water Supply Bond Act Amendments (P.L. 1997, c.223); and the Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992 (P.L. 1992, c.88); and the Dam, Lake, Stream, Flood Control, Water Resources and Wastewater Treatment Bond Act of 2003 (P.L. 2003, c.162) authorizing the New Jersey Environmental Infrastructure Trust to provide financial assistance for the construction of environmental infrastructure projects as to N.J.A.C. 7:22-4, 5 and 9.

Source and Effective Date

R.2006 d.22, effective December 8, 2005.  
See: 37 N.J.R. 2645(a), 38 N.J.R. 139(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 22, Financial Assistance Programs for Environmental Infrastructure Facilities, expires on June 6, 2011. See: 43 N.J.R. 84(a).

Chapter Historical Note

Chapter 22, Construction Grants for Wastewater Treatment Facilities, was adopted as R.1977 d.356, effective September 21, 1977. See: 9 N.J.R. 262(a), 9 N.J.R. 465(b).

Subchapters 1 and 2 were repealed and Subchapter 2, Matching Grant Procedures and Requirements, and Subchapter 8, Minimum Standards of Conduct for Officers, Employees, Agents and Members of Wastewater Utilities, were adopted as new rules by R.1987 d.38, effective January 5, 1987. See: 18 N.J.R. 1869(a), 19 N.J.R. 77(a).

Subchapter 3, Fund Procedures and Requirements, was adopted as R.1987 d.37, effective January 5, 1987. See: 18 N.J.R. 1875(a), 19 N.J.R. 84(a).

Subchapter 4 was repealed and Subchapter 4, Wastewater Treatment Trust Procedures and Requirements, was adopted as new rules by R.1987 d.40, effective January 5, 1987. See: 18 N.J.R. 1883(a), 19 N.J.R. 95(a).

Subchapter 5, Determination of Allowable Costs: Fund and Trust, was adopted as R.1987 d.39, effective January 5, 1987. See: 18 N.J.R. 1891(a), 19 N.J.R. 105(a).

Subchapter 6, Pinelands Procedures and Requirements, was adopted as R.1987 d.41, effective January 5, 1987. See: 18 N.J.R. 1644(a), 19 N.J.R. 110(a).

Subchapter 7, Determination of Allowable Costs: Pinelands, was adopted as R.1987 d.208, effective May 4, 1987. See: 18 N.J.R. 1904(a), 19 N.J.R. 766(a).

Subchapter 9, Awarding Contracts for State Assisted Projects to Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals, was adopted as R.1988 d.263, effective June 6, 1988. See: 19 N.J.R. 1604(a), 20 N.J.R. 1287(a).

Subchapter 10, Environmental Assessment Requirements for State Assisted Wastewater Treatment Facilities, was adopted as R.1989 d.53, effective January 17, 1989. See: 20 N.J.R. 1983(a), 21 N.J.R. 179(a).

Pursuant to Executive Order No. 66(1978), Chapter 22, Construction Grants for Wastewater Treatment Facilities, was readopted as R.1992 d.42, effective December 27, 1991. As a part of R.1992 d.42, Chapter 22, Construction Grants for Wastewater Treatment Facilities, was renamed Financial Assistance Programs for Wastewater Treatment Facilities, effective January 21, 1992. See: 23 N.J.R. 3282(a), 24 N.J.R. 246(a).

Pursuant to Executive Order No. 66(1978), Chapter 22, Financial Assistance Programs for Wastewater Treatment Facilities, was readopted as R.1995 d.494, effective August 11, 1995. See: 27 N.J.R. 1536(a), 27 N.J.R. 3403(a).

Chapter 22, Financial Assistance Programs for Wastewater Treatment Facilities, was renamed Financial Assistance Programs for Environmental Infrastructure Facilities; Subchapter 4, Wastewater Treatment Trust Procedures and Requirements, was renamed Environmental Infrastructure Trust Procedures and Requirements; Subchapter 8, Minimum Standards of Conduct for Officers, Employees, Agents and Members of Wastewater Utilities, was renamed Minimum Standards of Conduct for Officers, Employees, Agents and Members of Authorities Participating in State Financial Assistance Programs for Environmental Infrastructure Facilities; and Subchapter 10, Environmental Assessment Requirements for State Assisted Wastewater Treatment Facilities, was renamed Environmental Assessment Requirements for State Assisted Environmental Infrastructure Facilities, by R.1998 d.407, effective August 3, 1998. See: 30 N.J.R. 1144(a), 30 N.J.R. 2863(a).

Pursuant to Executive Order No. 66(1978), Chapter 22, Financial Assistance Programs for Environmental Infrastructure Facilities, was readopted as R.2000 d.284, effective June 12, 2000. See: 32 N.J.R. 363(a), 32 N.J.R. 2426(b).

Chapter 22, Financial Assistance Programs for Environmental Infrastructure Facilities, was readopted as R.2006 d.22, effective December 8, 2005. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. (RESERVED)

SUBCHAPTER 2. MATCHING GRANT PROCEDURES AND REQUIREMENTS

- 7:22-2.1 Scope and construction
- 7:22-2.2 Definitions
- 7:22-2.3 State matching grants
- 7:22-2.4 Pre-application procedures
- 7:22-2.5 Application procedures
- 7:22-2.6 Use and disclosure of information
- 7:22-2.7 Evaluation of application
- 7:22-2.8 Supplemental information
- 7:22-2.9 Department approval/disapproval
- 7:22-2.10 Amount of a grant
- 7:22-2.11 State share
- 7:22-2.12 Grant agreement
- 7:22-2.13 Effect of the grant award
- 7:22-2.14 Eligibility and criteria
- 7:22-2.15 Allowable project costs
- 7:22-2.16 Unused funds
- 7:22-2.17 Fraud and other unlawful or corrupt practices
- 7:22-2.18 Grant conditions

- 7:22-2.19 Administration and performance of grants
- 7:22-2.20 Access
- 7:22-2.21 State payment
- 7:22-2.22 Assignment
- 7:22-2.23 Publicity and signs
- 7:22-2.24 Debarment
- 7:22-2.25 Project changes and grant modifications
- 7:22-2.26 Formal grant amendments
- 7:22-2.27 Administrative grant changes
- 7:22-2.28 Other changes
- 7:22-2.29 Noncompliance
- 7:22-2.30 Notice of noncompliance
- 7:22-2.31 Withholding of funds
- 7:22-2.32 Stop-work orders
- 7:22-2.33 Termination of grants
- 7:22-2.34 Rescission of grants
- 7:22-2.35 Administrative order of enforcement
- 7:22-2.36 Administrative hearings
- 7:22-2.37 Severability

**SUBCHAPTER 3. FUND PROCEDURES AND REQUIREMENTS**

- 7:22-3.1 Scope
- 7:22-3.2 Construction of rules
- 7:22-3.3 Purpose
- 7:22-3.4 Definitions
- 7:22-3.5 Bond Act Funds
- 7:22-3.6 Terms of the Fund loans
- 7:22-3.7 Criteria for project loan priority
- 7:22-3.8 Eligibility for State and Federal funding
- 7:22-3.9 Project bypassing
- 7:22-3.10 Pre-application procedures
- 7:22-3.11 Application procedures
- 7:22-3.12 Use and disclosure of information
- 7:22-3.13 Evaluation of application
- 7:22-3.14 Supplemental information
- 7:22-3.15 Fund loan agreement
- 7:22-3.16 Fund loan award and closing
- 7:22-3.17 Loan conditions
- 7:22-3.18 Administration and performance of loan
- 7:22-3.19 Project changes and loan modifications
- 7:22-3.20 Fund loan agreement amendments
- 7:22-3.21 Administrative loan changes
- 7:22-3.22 Other changes
- 7:22-3.23 Access
- 7:22-3.24 State disbursement
- 7:22-3.25 Assignment
- 7:22-3.26 Unused funds
- 7:22-3.27 Publicity and signs
- 7:22-3.28 Land acquisition
- 7:22-3.29 Project initiation
- 7:22-3.30 Project performance
- 7:22-3.31 Allowable project costs
- 7:22-3.32 Preaward costs
- 7:22-3.33 Force account work
- 7:22-3.34 Planning and design
- 7:22-3.35 Infiltration/inflow for wastewater treatment facilities
- 7:22-3.36 Reserve capacity
- 7:22-3.37 Value engineering for wastewater treatment facilities
- 7:22-3.38 Fraud and other unlawful or corrupt practices
- 7:22-3.39 Debarment
- 7:22-3.40 Noncompliance
- 7:22-3.41 Notice of noncompliance
- 7:22-3.42 Withholding of funds
- 7:22-3.43 Stop-work orders
- 7:22-3.44 Termination of loans
- 7:22-3.45 Administrative hearings
- 7:22-3.46 Severability

**SUBCHAPTER 4. ENVIRONMENTAL INFRASTRUCTURE TRUST PROCEDURES AND REQUIREMENTS**

- 7:22-4.1 Scope
- 7:22-4.2 Construction of rules

- 7:22-4.3 Purpose
- 7:22-4.4 Definitions
- 7:22-4.5 Trust funds and accounts
- 7:22-4.6 Terms of the loans from the Trust
- 7:22-4.7 Criteria for project loan priority
- 7:22-4.8 Eligibility for State and Federal funding
- 7:22-4.9 Project bypassing
- 7:22-4.10 Pre-application procedures
- 7:22-4.11 Application procedures
- 7:22-4.12 Use and disclosure of information
- 7:22-4.13 Evaluation of application
- 7:22-4.14 Supplemental information
- 7:22-4.15 Trust loan agreement
- 7:22-4.16 Trust loan award and closing
- 7:22-4.17 Loan conditions
- 7:22-4.18 Administration and performance of loan
- 7:22-4.19 Project changes and loan modifications
- 7:22-4.20 Trust loan agreement amendments
- 7:22-4.21 Administrative loan changes
- 7:22-4.22 Other changes
- 7:22-4.23 Access
- 7:22-4.24 Trust disbursement
- 7:22-4.25 Assignment
- 7:22-4.26 Unused funds
- 7:22-4.27 Publicity and signs
- 7:22-4.28 Land acquisition
- 7:22-4.29 Project initiation
- 7:22-4.30 Project performance
- 7:22-4.31 Allowable project costs
- 7:22-4.32 Preaward costs
- 7:22-4.33 Force account work
- 7:22-4.34 Planning and design
- 7:22-4.35 Infiltration/inflow for wastewater treatment facilities
- 7:22-4.36 Reserve capacity
- 7:22-4.37 Value engineering for wastewater treatment facilities
- 7:22-4.38 Fraud and other unlawful or corrupt practices
- 7:22-4.39 Debarment
- 7:22-4.40 Noncompliance
- 7:22-4.41 Notice of noncompliance
- 7:22-4.42 Withholding of funds
- 7:22-4.43 Stop-work orders
- 7:22-4.44 Termination of loans
- 7:22-4.45 Administrative hearings
- 7:22-4.46 Assistance in the administration of Trust rules
- 7:22-4.47 Interim loans
- 7:22-4.48 Severability

**SUBCHAPTER 5. ALLOWABLE COSTS: FUND AND TRUST**

- 7:22-5.1 Purpose
- 7:22-5.2 Applicability
- 7:22-5.3 Definitions
- 7:22-5.4 Costs related to subagreements
- 7:22-5.5 Mitigation
- 7:22-5.6 Publicly owned small and on-site wastewater treatment systems
- 7:22-5.7 Real property
- 7:22-5.8 Equipment, materials and supplies
- 7:22-5.9 Industrial and Federal users of wastewater treatment facilities
- 7:22-5.10 Infiltration/inflow and reserve capacity
- 7:22-5.11 Miscellaneous costs
- 7:22-5.12 Allowance for planning and design
- 7:22-5.13 Planning and design costs for Level 3 projects
- 7:22-5.14 Waivers

**SUBCHAPTER 6. PINELANDS PROCEDURES AND REQUIREMENTS**

- 7:22-6.1 Scope
- 7:22-6.2 Construction of rules
- 7:22-6.3 Purpose
- 7:22-6.4 Definitions
- 7:22-6.5 Pinelands Infrastructure Trust Fund