

NEW JERSEY STATE LIBRARY

CHAPTER 21

WATER RESOURCE MANAGEMENT

Authority

N.J.S.A. 13:10-1 et seq.

Source and Effective Date

R.1981 d. 366, effective September 10, 1981.
See: 13 N.J.R. 705(b).

Historical Note

All provisions of this chapter were adopted pursuant to authority delegated at N.J.S.A. 13:10-1. Subchapter 7 was adopted effective March 25, 1977 as R.1977 d.107. See: 8 N.J.R. 507(a), 9 N.J.R. 217(b). Amendments to Subchapter 4 became effective April 11, 1979 as R.1979 d.142. See: 10 N.J.R. 310(a), 11 N.J.R. 230(c). This chapter was amended by organizational amendments effective September 10, 1981 as R.1981 d.366. See: 13 N.J.R. 705(b). Subchapter 4 "Procedures for Public Hearings" expired April 10, 1984 pursuant to Executive Order 66(1978). The Department has found the rules to be obsolete and should be removed from the code. New rules will not be adopted.

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SUBCHAPTER 1. GENERAL PROVISIONS

7:21-1.1 Scope

Unless otherwise provided by rule or statute, the following shall constitute the rules of the Department.

7:21-1.2 Construction

(a) These rules shall be liberally construed to permit the council to discharge its statutory functions.

(b) The Department may, upon notice to all parties, in the public interest relax the application of these rules.

7:21-1.3 Practice where rules do not govern

(a) The Department may rescind, amend or expand these rules from time to time, and such new rules shall be filed with the Secretary of State as provided by law.

(b) The Commissioner shall exercise his discretion in respect of any other matters not governed by these rules.

7:21-1.4 Review and approval of contracts

All contracts for water supply entered into or to be entered into by the public water supply systems of the State, in both public and private ownership, shall be submitted to the Department for review and in the case of existing contracts and for review and approval in the case of pending or future contracts.

7:21-1.5 Economic feasibility of water supply plans

If in the judgment of the Department, the water supply plans submitted are such that a determination of the economic feasibility of the project would be helpful in rendering a decision, the matter shall be discussed at the public hearing held on the application filed for approval of the Department, as provided in subchapter 4 (Procedures for public hearings) of this chapter.

7:21-1.6 Violations

(a) The Department staff shall have power to order that any violations be corrected.

(b) If the respondent wishes to contest the order, a hearing shall be requested and held.

(c) If no hearing is requested, the respondent's failure to comply with the order shall be referred to the Attorney General immediately.

SUBCHAPTER 2. DIVERSION OF WATER

7:21-2.1 Financial responsibility

(a) When approving an application for diversion of water, the Department shall require the applicant to submit a financial responsibility statement showing that he is solvent and, further, that he is able to comply with the conditions set forth in the Department's approval because he has the assets so to do.

(b) In the absence of any showing of financial responsibility, the Department shall require from the applicant a performance bond to insure compliance with the conditions under which the approval was given.

(c) In the event of an undertaking of some magnitude by the applicant, the Department shall demand both a financial responsibility statement and a performance bond.

7:21-2.2 Diversion of less than 100,000 gallons

(a) Where an applicant specifies a diversion of less than 100,000 gallons daily, but proposes to install pumping equipment with capacity to divert in excess of that quantity, a well drilling permit may be issued upon proof satisfactory to the Division that actual diversion will not, in fact, exceed 100,000 gallons daily, subject to the condition that a meter shall be installed by the applicant where such diversion is for commercial or industrial purposes and that reports on the quantity of water diverted shall be submitted to the Division quarter-yearly.

(b) In the case of diversions of agricultural purposes, the method of measuring shall be by a meter or other device satisfactory to the Division.

(c) In all cases no subsequent increase in pumping equipment capacity shall be made without prior approval of the Division.

7:21-2.3 Diversion of surface water for private use

Applications for diversion of surface water for private use shall be advertised in a newspaper for a minimum period of one week, but preferably two weeks wherever possible.

SUBCHAPTER 3. PUBLIC HEARINGS

7:21-3.1 Legal representation

A statement shall be included in notices of hearing and letters of transmittal to the effect that, if the applicant or objector is a corporation, private or governmental, it must be represented by an attorney at law of New Jersey.

7:21-3.2 Postponement

Any requests for postponement received later than ten days before the scheduled date of hearing shall not be considered.

7:21-3.3 Hearing before quorum

(a) When applications are advertised for hearing, the notice should include a statement that the parties at interest must notify the Department in advance if they intend to claim right to hearing before a quorum, of Department.

(b) If no reply is received it will be assumed that the parties at interest are agreeable to hearing before less than a quorum of the Department present.

7:21-3.4 Quorum of the Department

Five members of the Department shall constitute a quorum for the conduct of hearings.

SUBCHAPTER 4. (RESERVED)

Historical Note

This subchapter "Procedure for Public Hearings" was adopted pursuant to authority of N.J.S.A. 13:10-1. Amendments were adopted pursuant to authority of N.J.S.A. 13:1B-3, 13:1D-1 et seq. and 58:1-3 and became effective April 11, 1979 as R.1979 d.142. See: 10 N.J.R. 310(a), 11 N.J.R. 230(c). This subchapter expired April 10, 1984 pursuant to Executive Order 66(1978). The Department found these rules to be obsolete and allowed them to expire without re-adoption.

SUBCHAPTER 5. APPLICATIONS

7:21-5.1 Farm irrigation

(a) Applications for diversion permits for crop irrigation must be accompanied by a recommendation from the Agricultural Extension Service as to the optimum rates of application and total amounts of water required by the crops and soil types to which water is to be supplied.