

CHAPTER 6

OFFICE OF ENVIRONMENTAL SERVICES MATCHING GRANTS PROGRAM FOR LOCAL ENVIRONMENTAL AGENCIES

Authority

N.J.S.A. 13:1H-1 et seq. and 13:1H-8 et seq.

Source and Effective Date

R.2000 d.498, effective November 16, 2000.
See: 32 N.J.R. 3520(a), 32 N.J.R. 4446(a).

Executive Order No. 66(1978) Expiration Date

Chapter 6, Office of Environmental Services Matching Grants Program for Local Environmental Agencies, expires on November 16, 2005.

Chapter Historical Note

Chapter 6, Boating Regulations, was adopted and became effective prior to September 1, 1969. Pursuant to Executive Order No. 66(1978), Chapter 6 expired on December 19, 1988.

Chapter 6, Boating Regulations, was adopted as emergency new rules by R.1989 d.244 and d.245, effective April 12, 1989. See: 21 N.J.R. 1157(a); 21 N.J.R. 1157(b). The provisions of R.1989 d.244 and d.245 were readopted as R.1989 d.351 and d.352, effective June 9, 1989. See: 21 N.J.R. 1157(a), 21 N.J.R. 1856(a); 21 N.J.R. 1157(b), 21 N.J.R. 1856(b).

Chapter 6, Boating Regulations, was repealed by R.1994 d.205, effective April 18, 1984. See: 26 N.J.R. 744(a), 26 N.J.R. 1673(a).

Chapter 6, Office of Environmental Services Matching Grants Program for Local Environmental Agencies, was originally codified in Title 7 as Chapter 5, Office of Environmental Services Matching Grants Program for Local Environmental Agencies. Chapter 5 was adopted as by R.1990 d.577, effective November 19, 1990. See: 22 N.J.R. 2392(a), 22 N.J.R. 3505(a).

Pursuant to Executive Order No. 66(1978), Chapter 5, Office of Environmental Services Matching Grants Program for Local Environmental Agencies, was readopted as R.1995 d.646, effective November 16, 1995, and Appendix A, Model Resolution Recommending Approval of Application for Funding Under the OES Matching Grant Program, was repealed by R.1995 d.646, effective December 18, 1995. See: 27 N.J.R. 3264(a), 27 N.J.R. 5014(a).

Pursuant to Executive Order No. 66(1978), Chapter 5, Office of Environmental Services Matching Grants Program for Local Environmental Agencies, was readopted as R.2000 d.498, effective November 16, 2000, and Chapter 5 was recodified as N.J.A.C. 7:6 by R.2000 d.498, effective December 18, 2000. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL INFORMATION

7:6-1.1 Scope and authority

This chapter constitutes the rules of the Environmental Services Program (ESP) in the Department of Environmental Protection for the ESP Matching Grants Program for Local Environmental Agencies, providing for the award of grants to such agencies in accordance with the Environmental Aid Act (Act), N.J.S.A. 13:1H-1 et seq.

Amended by R.2000 d.498, effective December 18, 2000.
See: 32 N.J.R. 3520(a), 32 N.J.R. 4446(a).

7:6-1.2 Construction

This chapter shall be liberally construed to allow the Department to fully effectuate the purposes of the Act.

7:6-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Act” means the Environmental Aid Act, P.L. 1972, c.49 as amended by P.L. 1975, c.334, N.J.S.A. 13:1H-1 et seq.

“Applicant” means the local environmental agency that submits an application for a matching grant in accordance with these rules.

“Department” means the Department of Environmental Protection.

“ESP” means the Environmental Sciences Program in the Department.

“ESP Matching Grants” means grants awarded by the ESP to local environmental agencies in accordance with the Act.

"Governing body" means, in the case of a county or municipal environmental commission, the elected board, council, or committee of a county or municipality to which an environmental commission is accountable and by which any appropriation to the environmental commission must be approved. In the case of a soil conservation district, the governing body means the district board.

"Grant recipient" means the local environmental agency applicant named in a project agreement whose application has been approved for funding under the ESP Matching Grants Program.

"Local environmental agency" means either a municipal environmental commission certified by ordinance, joint environmental commission established by two or more municipalities, county environmental commission or soil conservation district certified by the State.

"Local government unit" means a county, municipality or soil conservation district.

"National Environmental Performance Partnership System (NEPPS)" means the document which describes the joint United States Environmental Protection Agency and Department System that emphasizes results-based management through the development of long-term environmental goals, milestones and use of environmental indicators as measures of progress.

"Personal property" means capital-type goods, capable of being reused in the future, such as equipment and machinery. It does not include such items as office supplies, computer software and other consumable goods.

"Program" means the ESP Matching Grants Program.

"Project agreement" means a document executed by the Department and the grant recipient which provides grant assistance for a project approved by ESP.

"Statewide Development and Redevelopment Plan" means the Plan adopted pursuant to the State Planning Act, N.J.S.A. 52:18A-196, et seq. The plan in effect as of January 5, 1998 was adopted on June 12, 1992.

Amended by R.1995 d.646, effective December 18, 1995.
See: 27 N.J.R. 3264(a), 27 N.J.R. 5014(a).
Amended by R.2000 d.498, effective December 18, 2000.
See: 32 N.J.R. 3520(a), 32 N.J.R. 4446(a).
Rewrote the section.

7:6-1.4 Severability

If any subchapter, section, subsection, clause or portion of this chapter, or the application thereof to any person, is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the subchapter section, subsection, provision, clause portion or application directly involved in the controversy in which such judgment shall have been rendered and it shall not affect or impair the remainder of this chapter or the application thereof to other persons.

SUBCHAPTER 2. ELIGIBILITY FOR ESP MATCHING GRANTS

7:6-2.1 Eligible applicants

Local environmental agencies are eligible to submit applications for ESP Matching Grants.

Amended by R.2000 d.498, effective December 18, 2000.
See: 32 N.J.R. 3520(a), 32 N.J.R. 4446(a).

7:6-2.2 Eligible projects and costs

(a) The following projects qualify for ESP Matching Grants through the Program:

1. Natural and environmental resources inventories or portions thereof including, but not limited to, identification of stream corridors, water quality, wetlands, floodplains, forestry resources, steep slopes, important open spaces, scenic areas, wildlife habitat, cultural features and potential public recreation and conservation lands;

2. New and updated planning studies and reports describing strategies to protect natural and environmental resources including, but not limited to, plans for the creation, protection or preservation of greenways; open spaces; stream corridors; ground water resources and well head protection areas; forestry or scenic resources; urban, suburban and rural trails or bikeways;

3. Preparation of draft ordinances or master plan amendments to protect natural and environmental resources for referral to a municipal or county governing body;

4. Projects designed to educate or to disseminate information to the public concerning environmental resources including, but not limited to, projects which individuals, public institutions and business entities can undertake to protect the environment;

5. Projects that would assist the Department in obtaining information or environmental indicators that will help measure progress towards the environmental goals established in the National Environmental Performance Partnership System (NEPPS); and

6. Projects designed to inventory the quality of life factors in all aspects of the environment in an urban setting.

(b) The following items are eligible for funding by the Program, when incurred in implementing qualifying projects listed in (a) above:

1. Costs of materials, supplies and reproduction for reports, policy recommendations, draft ordinances, publications, maps, diagrams and other similar documents;