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**CHAPTER 23**  
**ADMINISTRATION OF LAKE RESTORATION**  
**PROJECTS**

**Authority**  
 N.J.S.A. 58:10A-1 and 58:11A-1.

**Source and Effective Date**  
 R.2002 d.410, effective November 20, 2002.  
 See: 34 N.J.R. 2399(a), 34 N.J.R. 4436(a).

**Chapter Expiration Date**  
 Chapter 23, Administration of Lake Restoration Projects, expires on November 20, 2007.

**Chapter Historical Note**  
 Chapter 23, Flood Control Bond Grants, was adopted as R.1979 d.202, effective June 22, 1979. See: 11 N.J.R. 121(a), 11 N.J.R. 277(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Flood Control Bond Grants, was readopted as R.1984 d.277, effective June 18, 1984. See: 16 N.J.R. 668(a), 16 N.J.R. 1765(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Flood Control Bond Grants, was readopted as R.1989 d.348, effective June 9, 1989. See: 21 N.J.R. 1051(a), 21 N.J.R. 1903(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Flood Control Bond Grants, was readopted as R.1994 d.308, effective May 27, 1994. See: 26 N.J.R. 1334(a), 26 N.J.R. 2599(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Flood Control Bond Grants, expired on May 27, 1999.

Chapter 23, Administration of Lake Restoration Projects, recodified and renamed from 7:9-15, Grants for Restoring Publicly Owned Freshwater Lakes, was readopted as R.2002 d.410, effective November 20, 2002. See: Source and effective date. See, also, section annotations.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**7:23-1.1 Scope of rules**

Unless otherwise provided by rule or statute, the following shall constitute the rules of the Department of Environmental Protection concerning policies and procedures for grants and loans to assist State agencies, local governments or similar organizations, or private lake associations or similar organizations, in carrying out the restoration of freshwater lakes pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the Water Quality Planning Act, N.J.S.A 58:11A-1 et seq.

Amended by R.2002 d. 410, effective December 16, 2002.  
 See: 34 N.J.R. 2399(a), 34 N.J.R. 4436(a).

Inserted "and loans" following "for grants", "State agencies, local governments or similar organizations, or private lake associations or similar organizations" following "to assist" and deleted "publicly owned" following "restoration of".

**7:23-1.2 Construction**

This subchapter shall be liberally construed to permit the department and its various divisions to discharge their statutory functions.

**7:23-1.3 Purpose**

(a) This chapter is promulgated for the following purposes:

1. To set forth grant and loan eligibility; and
2. To establish policies and procedures for distribution of funds to State agencies, local governments or similar organizations, or private lake associations or similar organizations for Phase I Diagnostic-feasibility studies and for Phase II Implementation activities.

Amended by R.2002 d. 410, effective December 16, 2002.  
 See: 34 N.J.R. 2399(a), 34 N.J.R. 4436(a).

In (a), substituted "chapter" for "subchapter" in the introductory paragraph, inserted "and loan" preceding "eligibility" in 1 and rewrote 2.

**7:23-1.4 Definitions**

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

"Applicant" means the governmental agency which has jurisdiction over or controls access to the freshwater lake, or the governmental agency which is representing the private owner with this jurisdiction or control.

"Center" means a compact form of development with a core, as defined in the State Development and Redevelopment Plan. Centers range in size from Urban Center, Regional Center, Town, Village, to Hamlet.

"Commissioner" means the Commissioner of the Department.

"Department" means the Department of Environmental Protection.

"EPA" means the United States Environmental Protection Agency.

"Freshwater lake" means any inland pond, reservoir, impoundment, or other similar body of water that has recreational value, that exhibits no oceanic and tidal influences, and that has a total dissolved solids concentration of less than one percent.

"Phase I Diagnostic-Feasibility Study" means a two-part study to determine a lake's current condition and to develop possible methods for lake restoration and protection. The two parts of this study are the diagnosis of water quality conditions, to include determination of pollutant loading

sources, and the development of a feasible management/restoration plan which would address water quality conditions at the lake.

“Phase II Implementation Project” means the implementation of any water quality improvement process(es) which have been recommended by a Phase I Diagnostic-Feasibility Study.

“Private lake” means a lake owned by a private lake association or similar organization, or a lake to which access is not provided to the general public.

“Public lake” means a lake to which public access is provided through publicly owned contiguous land so that any person has the same opportunity to enjoy nonconsumptive privileges and benefits of the lake as any other person.

“State-owned lake” means a lake owned by the State of New Jersey.

“State Development and Redevelopment Plan” means the Plan adopted pursuant to the State Planning Act, N.J.S.A. 52:18A-196 et seq.

Amended by R.2002 d. 410, effective December 16, 2002.

See: 34 N.J.R. 2399(a), 34 N.J.R. 4436(a).

Rewrote the section.

#### 7:23-1.5 Funding eligibility

(a) To be eligible for grant funding for a public lake, the lake for which the application is being submitted shall meet the definition of public lake as defined at N.J.A.C. 7:23-1.4;

(b) To be eligible for grant funding for a State-owned lake, the lake for which the application is being submitted shall meet the definition of “State-owned lakes” at N.J.A.C. 7:23-1.4.

(c) To be eligible for loan funding for a privately owned lake, the lake for which the application is being submitted shall meet the definition of “private lake” at N.J.A.C. 7:23-1.4.

Amended by R.2002 d.410, effective December 16, 2002.

See: 34 N.J.R. 2399(a), 34 N.J.R. 4436(a).

Rewrote the section.

#### 7:23-1.6 Types of assistance

(a) Subject to the availability of funds, the Department will administer the following types of grants pursuant to this chapter for public lakes:

1. Subject to the availability of funds, approved Phase I Diagnostic-Feasibility Studies will be funded through the Department pursuant to the following formulas:

i. If an EPA grant is awarded for the project, a maximum of 70 percent of allowable costs shall be funded by EPA; a maximum of fifteen percent of allowable costs shall be funded by the Department; and the remainder of the costs shall be funded by the applicant.

ii. If no EPA grant is awarded for the project, a maximum of 50 percent of allowable costs shall be funded by the Department and the remainder of the costs shall be funded by the applicant.

2. Subject to the availability of funds, approved Phase II Implementation activities will be funded through the Department pursuant to the following formulas:

i. If an EPA grant is awarded for the project, a maximum of 50 percent of allowable costs shall be funded by EPA; a maximum of 40 percent of allowable costs shall be funded by the Department; and the remainder shall be funded by the applicant.

ii. If no EPA grant is awarded for the project, a maximum of 75 percent of allowable costs shall be funded by the Department and the remainder of the costs shall be funded by the applicant.

3. In the event that legislation is enacted appropriating funds for a specific lake restoration project which indicates that a different funding formula shall be used, that funding formula designated by the legislature shall apply.

(b) Subject to the availability of funds, the Department shall administer the following types of grants pursuant to this chapter for State-owned lakes:

1. For Phase I Diagnostic-Feasibility Studies, 100 percent of allowable costs shall be funded by the Department; and

2. For Phase II Implementation Projects, 100 percent of allowable costs shall be funded by the Department.

(c) Subject to the availability of funds, the Department shall administer the following types of loans pursuant to this chapter for private lakes:

1. For Phase I Diagnostic-Feasibility Studies, a maximum 50 percent of allowable costs shall be funded by the Department and the remainder of the costs shall be funded by the applicant; and

2. For Phase II Implementation Projects, a maximum 75 percent of allowable costs shall be funded by the Department and the remainder shall be funded by the applicant.

Amended by R.1987 d.447, effective November 2, 1987.

See: 19 N.J.R. 909(a), 19 N.J.R. 2000(a).

(a)ii maximum raised from 50 to 75 percent.

Amended by R.2002 d.410, effective December 16, 2002.

See: 34 N.J.R. 2399(a), 34 N.J.R. 4436(a).

Rewrote the section.