

CHAPTER 24A**DAM RESTORATION AND INLAND WATERS
PROJECTS LOAN PROGRAM****Authority**

N.J.S.A. 13:1D-9 et seq. and 58:4-1 et seq.; 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 Project Bond Act of 2003, P.L. 2003 c. 162.

Source and Effective Date

R.2005 d.301, effective August 11, 2005.
See: 37 N.J.R. 999(a), 37 N.J.R. 3342(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 24A, Dam Restoration and Inland Waters Projects Loan Program, expires on February 7, 2011. See: 42 N.J.R. 2177(a).

Chapter Historical Note

Chapter 24A, Dam Restoration and Inland Waters Projects Loan Program, was adopted as R.1995 d.117, effective March 6, 1995. See: 26 N.J.R. 2228(a), 27 N.J.R. 895(a).

Pursuant to Executive Order No. 66(1978), Chapter 24A, Dam Restoration and Inland Waters Projects Loan Program, was readopted as R.2000 d.119, effective February 25, 2000. See: 31 N.J.R. 3898(a), 32 N.J.R. 1015(a).

Chapter 24A, Dam Restoration and Inland Waters Projects Loan Program, was readopted as R.2005 d.301, effective August 11, 2005. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS**7:24A-1.1 Scope and construction**

(a) The following constitute the rules governing loans to assist local government units, private lake associations or similar organizations, and owners of private dams for dam restoration and inland waters projects pursuant to the Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992, P.L. 1992, c. 88 and dam restoration projects pursuant to the Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003, P.L. 2003, c. 162. These rules prescribe the procedures, minimum standards for the conduct of borrowers, and standards for obtaining loans.

(b) These rules shall be liberally construed to permit the Department to effectuate the purposes of the Act.

Amended by R.2005 d.301, effective September 6, 2005.
See: 37 N.J.R. 999(a), 37 N.J.R. 3342(a).

In (a), added "and dam restoration projects pursuant to the Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003, P.L. 2003, c. 162" following "P.L. 1992 c. 88".

7:24A-1.2 Purposes

(a) These rules are promulgated for the following purposes:

1. To implement the purposes and objectives of 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 Project Bond Act of 2003, P.L. 2003, c. 162;

2. To establish policies and procedures for the administration of funds appropriated pursuant to the Act for the purpose of making loans for dam restoration and inland waters projects;

3. To protect the public and the State of New Jersey by ensuring that funds appropriated are spent in a proper manner and for the intended purposes;

4. To ensure that the distribution and use of funds is consistent with the laws and policies of the State of New Jersey;

5. To establish minimum standards of conduct to prevent conflicts of interest and ensure proper administration of loans; and

6. To establish accounting procedures for the administration of loans.

Amended by R.2005 d.301, effective September 6, 2005.
See: 37 N.J.R. 999(a), 37 N.J.R. 3342(a).

In (a)1, added "and the Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003, P.L. 2003, c. 162" following "P.L. 1992 c. 88".

7:24A-1.3 Project eligibility

(a) Any local government unit with a proposed dam restoration or inland waters project as defined in N.J.A.C. 7:24A-1.7 is eligible to apply for loan under this chapter. Any private lake association or similar organization or any owner of a private dam with a proposed project is eligible to apply for loan as a co-applicant with a local government unit.

(b) To be eligible for a loan in any loan period, a proposed dam restoration or inland waters project, as defined in N.J.A.C. 7:24A-1.7, must satisfy the following criteria:

1. The proposed design of a dam restoration project must meet all requirements of the Dam Safety Standards, N.J.A.C. 7:20, including the development of an Operation and Maintenance Manual and Emergency Action Plan. The Operation and Maintenance Manual and Emergency Action Plan are not required to be completed at the time of application but must be completed as a condition of the loan award agreement;

2. A dredging or lake restoration project at a site where the dam impounding the lake is not in compliance with the Dam Safety Standards, N.J.A.C. 7:20, shall not be eligible unless the Department has awarded a loan for dam restoration pursuant to this chapter or the applicant provides with its application proof of other funding dedicated to the necessary dam repairs;

3. The project shall be an independent and complete project;

4. The project shall not be excessively expensive; and

5. The project shall not conflict with any other State projects.

(c) Inland waters projects are not eligible for loans from the 2003 Dam, Lake and Stream Project Revolving Loan Fund.

Amended by R.2005 d.301, effective September 6, 2005.
See: 37 N.J.R. 999(a), 37 N.J.R. 3342(a).
Added (c).

7:24A-1.4 Project phases

(a) The application phase of a dam restoration or inland waters project shall consist of the following:

1. Pre-application conference;
2. Application submittal;
3. Review of application;
4. Priority ranking of project; and
5. Notice of qualification.

(b) The development phase of a dam restoration or inland waters project shall consist of the following:

1. Pre-loan conference;
2. Submittal and review of the materials required under N.J.A.C. 7:24A-3.2; and
3. Preparation and execution of the loan award agreement.

(c) The implementation phase of a dam restoration or inland waters project shall consist of the completion of the project in accordance with the terms of the loan award agreement and the requirements of this chapter.

7:24A-1.5 Legislative appropriations

Funding of loans shall be conditioned upon the appropriation by the legislature of funds from the 1992 Dam Restoration and Clean Water Trust Fund pursuant to the Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992, P.L. 1992, c. 88, the 2003 Dam, Lake and Stream Project Revolving Loan Fund pursuant to the Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003, P.L. 2003, c. 162, and subsequent bond acts.

Amended by R.2005 d.301, effective September 6, 2005.
See: 37 N.J.R. 999(a), 37 N.J.R. 3342(a).

Added "the 2003 Dam, Lake and Stream Project Revolving Loan Fund pursuant to the Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003, P.L. 2003, c. 162" following "P.L. 1992 c. 88".

7:24A-1.6 Severability

If any section, subsection, provision, clause or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these rules shall not be affected thereby.