

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JANUARY 16, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

ENVIRONMENTAL PROTECTION

ENGINEERING AND CONSTRUCTION PROGRAM

Notice of Readoption

Dam Safety Standards

Readoption with Technical Changes: N.J.A.C. 7:20

Authority: N.J.S.A. 58:4-1 et seq. and N.J.S.A. 13:1D-1 et seq.

Authorized By: Bob Martin, Commissioner, Department of Environmental Protection.

Effective Date: December 15, 2017

New Expiration Date: December 15, 2024

Take notice that, pursuant to N.J.S.A. 52:14B-5.1, the Dam Safety Standards (the Standards) at N.J.A.C. 7:20 are readopted and shall continue in effect for a seven-year period. The Standards had been scheduled to expire on March 3, 2018. The Department of Environmental Protection (Department) has reviewed the Standards and has determined that they should be readopted with technical changes discussed below because they are necessary, reasonable and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1c(1), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

The Standards implement the Safe Dam Act (the Act), N.J.S.A. 58:4-1 et seq., and govern the design, construction, inspection, operation, maintenance, modification and repair of dams in New Jersey which raise the water height of a stream by more than five feet. Certain dams in the

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Pinelands area are exempt from the Standards so long as they do not pose a security or safety concern (see N.J.S.A. 58:4-1). The primary objective of the Standards is to ensure the protection of areas below dams from the consequences of their potential failure. Dams and their appurtenant structures are required to be inspected and maintained on a regular basis in order to determine if repairs or modifications are necessary to protect life and property.

The Standards are readopted with technical changes at N.J.A.C. 7:20-1.2, 1.5(d)1, 2.4(a), 2.4(b), and 2.4(c) to update address and office title information for the Division of Dam Safety and Flood Control and the Office of Legal Affairs.

Full text of the technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

7:20-1.2 Definitions

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

...

"Division" means the Division of [Engineering and Construction] **Dam Safety and Flood Control** in the Department of Environmental Protection.

...

7:20-1.5 General application procedures

(a) – (c) (No change.)

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(d) Appeal procedures; permit denials

1. An applicant for a dam permit may request in writing an administrative hearing from the Department within 15 days of receipt of the decision by the Department to deny the application.

The request for a hearing shall be sent to the **New Jersey Department of Environmental Protection**, Office of Legal Affairs, ATTENTION: Adjudicatory Hearing Requests,

[Department of Environmental Protection, CN 402,] **401 East State Street, Floor 7, Mail Code 401-04L, P.O. Box 402**, Trenton, New Jersey 08625-0402.

2. (No change.)

(e) (No change.)

7:20-2.4 Procedures to request an adjudicatory hearing to contest an administrative order and/or a notice of civil administrative penalty assessment; procedures for conducting adjudicatory hearings

(a) To request an adjudicatory hearing to contest an administrative order and/or a notice of civil administrative penalty assessment issued pursuant to the Safe Dam Act, the person to whom the administrative order and/or notice of civil administrative penalty assessment was issued, shall within 20 days of receipt of the order and/or notice submit an original written request for an adjudicatory hearing to:

New Jersey Department of Environmental Protection

Office of Legal Affairs

Attention: Adjudicatory Hearing Requests

401 East State Street, **Floor 7**

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Mail Code 401-04L

P.O. Box 402

Trenton, New Jersey 08625-0402

(b) A complete copy of the request shall be submitted to the [Bureau] **Division** of Dam Safety and Flood Control at:

New Jersey Department of Environmental Protection

[Bureau] **Division** of Dam Safety and Flood Control

501 E. State Street

Mail Code 501-01A

P.O. Box [419] **420**

Trenton, New Jersey 08625-[0419] **0420**

(c) The written request shall include all information required by the "Adjudicatory Hearing Request Checklist and Tracking Form" available from the [Bureau] **Division** of Dam Safety and Flood Control, 501 E. State Street, **Mail Code 501-01A**, P.O. Box [419] **420**, Trenton, NJ 08625-[0419] **0420** and on the Department's website at www.state.nj.us/dep/damsafety, as follows:

1. – 8. (No change.)

(d) – (f) (No change)