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ADOPTIONS SECTION

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF RESILIENCE ENGINEERING & CONSTRUCTION

BUREAU OF DAM SAFETY

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 13:1D-1 et seq.

Authorized By: Shawn M. LaTourette, Commissioner, Department of Environmental Protection.

Effective Dates: October 29, 2024, Readoption;
December 2, 2024, Technical Changes.

New Expiration Date: October 29, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the Dam Safety Standards (Standards) at N.J.A.C. 7:20 are readopted and shall continue in effect for a seven-year period. The Standards were scheduled to expire on December 15, 2024. 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-5.1.c(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 that raise the water height of a stream by more than five feet. Certain dams in the 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, 2.4(b), and 2.4(c) to update address, website, and office title information for the Bureau of Dam Safety.

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

SUBCHAPTER 1. APPLICATION PROCEDURE; DESIGN CRITERIA FOR DAM CONSTRUCTION; DAM INSPECTION PROCEDURE

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.

...

"Bureau" means the Bureau of Dam Safety in the Department of Environmental Protection.

...

[“Division” means the Division of Dam Safety and Flood Control in the Department of Environmental Protection.]

...

SUBCHAPTER 2. CIVIL ADMINISTRATIVE PENALTIES; REQUESTS FOR ADJUDICATORY HEARINGS; ACTIONS BY THE DEPARTMENT TO REPAIR AND MITIGATE

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) (No change.)

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

New Jersey Department of Environmental Protection

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

501 E. State Street

Mail Code 501-01A

PO Box 420

Trenton, New Jersey 08625-0420

(c) The written request shall include all information required by the "Adjudicatory Hearing Request Checklist and Tracking Form" available from the [Division] **Bureau** of Dam Safety [and Flood Control], 501 E. State Street, Mail Code 501-01A, [P.O.] **PO** Box 420, Trenton, NJ

08625-0420 and on the Department's website at [www.state.nj.us/dep/damsafety]

<https://dep.nj.gov/wlm/drec/dam-safety/>, as follows:

1. – 8. (No change.)

(d)-(f) (No change.)