

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION IS SCHEDULED TO BE PUBLISHED IN THE APRIL 4, 2011 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
DAM SAFETY**

Dam Safety Standards

Readoption without Amendments: N.J.A.C. 7:20

Proposed: October 18, 2010 at 42 N.J.R. 2359(a)

Adopted: March 3, 2011 by Bob Martin, Commissioner,
Department of Environmental Protection

Filed: March 3, 2011 as R. **without change**

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

DEP Docket Number: 07-10-09

Effective Date: March 3, 2011

Expiration Date: March 3, 2016

The New Jersey Department of Environmental Protection (Department) is readopting without amendments the Dam Safety Standards at N.J.A.C. 7:20. The Dam Safety Standards implement the Safe Dam Act, N.J.S.A. 58:4-1 et seq. and govern the design, construction, inspection, operation, maintenance, modifications and repair of dams in New Jersey which raise the water height of a stream by more than five feet. Certain dams in the pinelands area are exempt from these rules so long as they do not pose a security or safety concern (see N.J.S.A. 58:4-1). The primary objective of these rules is to ensure the protection of areas below dams from the consequences of their failure.

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The proposal of the readoption without amendments was published in the New Jersey Register at 42 N.J.R. 2359(a) on October 18, 2010. The comment period closed on December 17, 2010.

Summary of Public Comments and Agency Responses:

No comments were received.

Federal Standards Statement

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. (P.L. 1995, c. 65), require State agencies which adopt, readopt or amend State regulations that exceed any Federal standards or requirements include in the rulemaking document a Federal Standards Analysis. N.J.A.C. 7:20 is not promulgated under the authority of, or in order to implement, comply with or participate in any program established under Federal law or under State statute that incorporates or refers to Federal law, Federal standards or Federal requirements. Accordingly, Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. do not require a Federal standards analysis.

Full text of the readopted rules may be found in the New Jersey Administrative Code at N.J.A.C. 7:20.

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Based on consultation with staff, I hereby certify that the above statements, including the Comparison with Federal Law statement addressing the requirements of Executive Order 27 (1994), permit the public to understand accurately and plainly the purposes and expected consequences of this readoption. I hereby authorize this adoption.

Date

Bob Martin, Commissioner
Department of Environmental Protection