

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE AUGUST 16, 2021 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

WATER RESOURCE MANAGEMENT

Notice of Readoption

Division of Water Supply and Geoscience

Water Supply Loan Programs

Readoption: N.J.A.C. 7:1A

Authority: N.J.S.A. 58:1A-1, 13:1B-1 et seq., 58:12A-1 et seq., and 13:1D-1 et seq.; and Water Supply Bond Act of 1981, P.L. 1981, c. 261, as amended by P.L. 1983, c. 355.

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

Effective Date: July 20, 2021.

New Expiration Date: July 20, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the Water Supply Loan Program rules at N.J.A.C. 7:1A are readopted and shall continue in effect for a seven-year period. The rules were scheduled to expire on September 8, 2021. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 104, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, and, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 104, this notice of readoption is timely filed.

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The Department of Environmental Protection (Department) has reviewed these rules and has determined that the rules should be readopted 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 Water Supply Loan Program rules establish consolidated loan application procedures, minimum standards of conduct for borrowers, and performance standards for work funded under the water supply loan programs, in accordance with the Water Supply Bond Act of 1981, as amended by P.L. 1983, c. 355, and the Water Supply Replacement Trust Act, N.J.S.A. 58:12A-22 et seq. The bond acts funded State or local projects for the rehabilitation or repair of antiquated, obsolete, damaged, or inadequately operating publicly owned water supply facilities; the interconnection of unconnected or inadequately connected water supply systems; and the planning, design, acquisition, and construction of State water supply facilities, as well as local projects for planning, designing, and constructing water supply facilities to address contamination problems.

The loan program implemented through the rules at N.J.A.C. 7:1A was superseded by the Drinking Water State Revolving Fund (DWSRF) program in 1998. That program was established under the 1996 amendments to the Federal Safe Drinking Water Act (42 U.S.C. §§ 300f et seq.). The DWSRF program is administered pursuant to the Federal rules at 40 CFR Parts 9 and 35 and the Department's Financial Assistance Programs for Environmental Infrastructure Facilities rules at N.J.A.C. 7:22-3.

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All loan agreements made pursuant to N.J.A.C. 7:1A have been executed and the moneys disbursed. The projects for which the loans were issued have been constructed. Readoption continues the rules in effect while those loan agreements remain in force and repayment is made.