

## COMMUNITY AFFAIRS

(a)

### NEW JERSEY HISTORIC TRUST

#### Notice of Readoption

#### Historic Preservation Revolving Loan Program

#### Readoption: N.J.A.C. 5:102

Authorized By: Janet Foster, Chair, New Jersey Historic Trust.

Authority: N.J.S.A. 13:1B-15.111.

Effective Date: May 15, 2017.

New Expiration Date: May 15, 2024.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 5:102, the rules implementing the Historic Preservation Revolving Loan Program were scheduled to expire on June 17, 2017. These rules set forth the procedures for the award of loans on a competitive basis for historic preservation projects, for the preservation, improvement, restoration, rehabilitation or acquisition of historic properties owned by county and municipal governments, and by tax-exempt nonprofit organizations. Current loans with outstanding balances are governed by these rules.

The Department has reviewed this chapter and finds that it continues to be necessary and appropriate for the purpose for which it was adopted, which is the implementation of the revolving loan program, and is, therefore, readopting the chapter without change. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c, these rules are readopted and shall continue in effect for a seven-year period.

## ENVIRONMENTAL PROTECTION

(b)

### NEW JERSEY WATER SUPPLY AUTHORITY

#### Schedule of Rates, Charges, and Debt Service

#### Assessments for the Sale of Water from the Raritan Basin System

#### Adopted Amendments: N.J.A.C. 7:11-2.3, 2.4, 2.5, and 2.6

Proposed: January 3, 2017, at 49 N.J.R. 9(a).

Adopted: May 24, 2017, by the New Jersey Water Supply Authority, Bob Martin, Chair, and Commissioner, Department of Environmental Protection.

Filed: May 25, 2017, as R.2017 d.126, **without change**.

Authority: N.J.S.A. 58:1B-1 et seq., specifically 58:1B-7.

DEP Docket Number: 11-16-12.

Effective Date: June 19, 2017.

Operative Date: July 1, 2017.

Expiration Date: February 12, 2023.

The New Jersey Water Supply Authority (Authority) is adopting amendments to the Schedule of Rates, Charges, and Debt Service Assessments for the Sale of Water from the Raritan Basin System. In accordance with N.J.A.C. 7:11-2.14(a)4, Procedures for rate adjustments, the Authority held a pre-public hearing meeting with the Authority's contractual water customers to present and explain the proposed adjustments to the rate schedule embodied in these rules. Notice of the pre-public hearing meeting was provided to the contractual water customers, the Secretary of State, and interested parties including the Division of the Ratepayer Advocate and the Board of Public Utilities. The meeting was held on January 6, 2017, at the Authority's Administration Building in Clinton, New Jersey. There were four members of the public in attendance. A representative of Middlesex Water Company, a representative of the East Brunswick Water and

Sewer Utility, and a representative of the Delaware and Raritan Canal Watch asked questions regarding various capital projects. A Warren County freeholder inquired about the Authority's source water protection fund and the legislation under which the Authority is permitted to draw water from the Delaware basin, and raised the idea of compensation to Highlands Area landowners who by preserving land in the Highlands Area, contribute to the Delaware basin water quality. Staff responded to the comments and questions at the hearing.

Notice of the proposed rate adjustments and public hearing was published in The Hunterdon County Democrat, The Times, and the Star Ledger on December 29, 2016. In addition, on December 27, 2016, a direct mailing of the notice of public hearing was made to the water users and all interested parties on the Authority's mailing list.

A public hearing concerning these amendments was held on February 3, 2017, at the Authority's Administration Building in Clinton, New Jersey to provide interested persons the opportunity to present testimony. No members of the public attended. The 60-day comment period on the proposal ended on March 4, 2017. Three individuals submitted written comments during the comment period. In accordance with the Authority's rules, the public hearing record closed on March 10, 2017.

#### Summary of Hearing Officer's Recommendation and Agency

##### Response:

Authority Board member, Ellsworth Havens, served as the hearing officer at the February 3, 2017, public hearing. Mr. Havens recommended that the proposed amendments be adopted with no changes. The Authority accepts the recommendation.

Interested persons may inspect a copy of the hearing record in accordance with applicable law by contacting:

Attn: Docket Number 11-16-12

Office of Legal Affairs

Department of Environmental Protection

401 East State Street, 7th Floor

Mail Code 401-4L

PO Box 402

Trenton, New Jersey 08625

#### Summary of Public Comments and Agency Responses:

The following person(s) timely submitted comments on the notice of proposal:

1. DeStefano, Dante; New Jersey American Water Company
2. Neely, Lou; East Brunswick Township
3. Smith, Ed; Warren County Freeholder

The following is a summary of the comments and the Authority's responses. The number(s) in parentheses after each comment identifies the respective commenters listed above.

1. COMMENT: The proposed rate increases are supported because the capital improvements that will be funded by the rates are important. (2)

RESPONSE: The Authority acknowledges the comment in support of the rate increases.

2. COMMENT: The commenter requested information to support specific budget line items in the Authority's budget in order to undertake its own review of the Authority's budget to ensure that the adopted charges reflect the Authority's actual operating and capital needs. (1)

RESPONSE: The Authority responded to the request and provided relevant background information directly to the commenter.

3. COMMENT: The Basis and Background document states that the Source Water Protection Fund Component of the Rate is used to protect the quality and quantity of waters in the Raritan Basin System. The Raritan Basin System includes the intake at Bulls Island on the Delaware River. All of Warren County's rivers and tributaries drain into the Delaware River. The Warren County Planning Department estimates that Warren County's land area comprises 5.3 percent of the entire Delaware River Basin north of Trenton and 35.85 percent of New Jersey's portion of the basin north of Trenton. Because all of Warren County's water drains into the Delaware River and consists of 35.85 percent of New Jersey's component of the water intake at Bulls Island, it would seem appropriate that an equivalent percentage of the Source Water Protection Fund be allocated to water protection activities in