



## State of New Jersey

Department of Environmental Protection  
P.O. Box 402  
Trenton, New Jersey 08625

PHILIP D. MURPHY  
Governor

CATHERINE R. McCABE  
Acting Commissioner

SHEILA Y. OLIVER  
Lt. Governor

April 27, 2018

The Honorable Eliana Pintor Marin  
c/o Mr. Frank Haines  
Legislative Budget and Finance Officer  
Office of Legislative Services  
State House Annex  
P.O. Box 068  
Trenton, New Jersey 08625-0068

Dear Chairwoman Pintor Marin,

As requested in your April 20, 2018, correspondence, below is the Department of Environmental Protection's response to the question raised by Assemblyman Robert D. Clifton during the April 18, 2018, budget hearing.

Question: Several dams in the state were constructed with private money many years ago and are considered "orphan" dams. The maintenance and repair of these dams are currently the responsibility of local governments. The department also indicated that these dams were most likely required under law to be the responsibility of local governments. Please provide information on whether these dams, which are currently under the purview of local governments, may receive state funding for repairs and maintenance. Also, please provide information on whether funding may be available through grants instead of low interest loans.

Answer: The DEP currently has an inventory of 1,700 dams in the state. Dam ownership is determined based on control of the dam or lake or ownership of the land where the dam and the lake are located. Land ownership is determined by the review of municipal tax maps. At this time, we have disputed ownership issues if a roadway embankment forms the dam and the lake may be under private or public ownership.

The DEP does not assume that dams built under private ownership years ago are now the responsibility of local governments. There have been instances when a municipality has acquired a dam and a lake under tax foreclosure. Under those scenarios the DEP would

require the municipality to comply with the Safe Dam Act. Many municipalities will not foreclose on dams because of the liability associated with owning a dam.

Currently the DEP is aware of only one high hazard dam that could be considered an "orphan" dam. This dam is in Sussex County and is still listed as owned by an estate of an individual who has not paid tax on that property to the municipality for years. Using funds available under the Safe Dam Act, the DEP and the Division of Law are working through the courts to remove this dam. The DEP has no grant funds to rehabilitate dams. The only funding mechanism is the Dam Restoration Loan Program.

If there are any additional questions you or the other Committee members may have on this or other subjects, you are most welcome to contact my office at (609) 292-2885.

Sincerely,

A handwritten signature in blue ink that reads "Catherine R. McCabe". The signature is written in a cursive style.

Catherine R. McCabe  
Acting Commissioner

c: David Ridolfino, Office of Management and Budget  
Aaron Binder, Assembly Democratic Office  
Deborah DePiano, Assembly Republican Office