

RESOLUTION NO. 10 -12

WHEREAS, pursuant to Sections 5(m) and 9 (a) of the New Jersey Environmental Infrastructure Trust Act (N.J.S.A. 58:11B-1 et seq.) (the "Act"), the New Jersey Environmental Infrastructure Trust (the "Trust") is authorized to make and contract to make loans to local government units or public water utilities (the "Borrowers") to finance a portion of the cost of environmental infrastructure projects which may lawfully undertake or acquire and for which they are authorized by law to borrow funds; and

WHEREAS, the Legislature has authorized in P.L. 2009, c.101 S-2887 the expenditure of Trust funds to finance a portion of the allowable costs of the projects of certain Borrowers designated in Sections 2, 3, and 4 of this legislation (constituting the "State Fiscal Year 2010 Project Priority List"); and

WHEREAS, the Borrowers having projects listed in P.L.2009, c.101 S-2887 and in the Trust's Financial Plan submitted to the Legislature in May, 2009 pursuant to N.J.S.A. 58:11B-21 submitted applications to the Trust for Trust loans under the 2009 Environmental Infrastructure Financing Program (as described in the Trust's Financial Plan) to finance a portion of the allowable costs of their environmental infrastructure projects, many of which were certified by the Trust in resolution 09-33 on September 8, 2009; and

WHEREAS, representatives of the Department of Environmental Protection (DEP) and the staff of the Trust have reviewed and evaluated one additional application in accordance with the provisions of N.J.A.C. 7:22-4.13 and 4.46, have advised the Trust that is complete, and have made a recommendation that the application for a Trust loan may be approved by the Trust for funding, and have determined the amount presently constituting the allowable costs which may be financed with a Trust loan; and

WHEREAS, the Commissioner of DEP has provided the Trust with certification that the project is in conformity with P.L. 1985, c.329 the Wastewater Treatment Bond Act of 1985, P.L. 1992, c.88, P.L. 2003, c162 (Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003) the Green Acres, Clean Water, Farmland and Historic Preservation Bond Act), N.J.S.A. 58:12A-2 Et. Seq., and/or P.L. 1981, c.261 and any rules and regulations adopted pursuant thereto.

NOW THEREFORE BE IT RESOLVED THAT the Trust Board of Directors does hereby approve the project application set forth in the attached New Jersey Department of Environmental Protection document certifying the 2009 New Jersey Environmental Infrastructure Financing Program Project document signed by Assistant Commissioner, Nancy Wittenberg and dated February 25, 2010, subject to certification of the project by the Chairman or Vice Chairman of the Trust pursuant to the provisions of Section 4 (a) of P.L. 2009, c101 S2887 as being in conformity with the provisions of the Act and the rules and regulations adopted pursuant thereto.

Adopted Date: February 25, 2010

Motion Made By: Mr. Victor

Motion Seconded By: Ms. Rendeiro

Ayes: 6

Nays: 0

Abstentions: 0



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Regulation

P.O. Box 423

Trenton, New Jersey 08625-0423

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Acting Commissioner

February 24, 2010

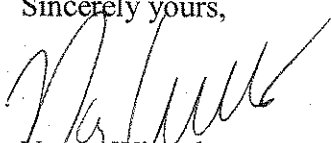
Robert A. Briant, Sr., Chairman
New Jersey Environmental Infrastructure Trust
3131 Princeton Pike, Building 6, Suite 201
Lawrenceville, New Jersey 08648-0440

Dear Mr. Briant:

Enclosed please find a copy of the New Jersey Environmental Infrastructure Financing Program Project Certification for one project that has applied for financing in 2010.

In accordance with the provisions of N.J.A.C. 7:22-4.46, it is hereby recommended that the Trust rely upon this determination in order to certify this project as being in conformity with technical, programmatic, scientific, and budgetary requirements and criteria of P.L. 1985, c.334 (the New Jersey Environmental Infrastructure Trust Act, N.J.S.A. 58:11B-1 et seq.) and any rules and regulations adopted pursuant thereto. As in previous fiscal years' financing, the Department is in part relying on the Trust's evaluation of the financial requirements and criteria to finance this project under the New Jersey Environmental Infrastructure Financing Program.

Sincerely yours,



Nancy Wittenberg
Assistant Commissioner

Enclosures

cc: Nancy Wittenberg, Assistant Commissioner, Environmental Regulation
Maryclaire D'Andrea, Acting Executive Director, NJ Environmental Infrastructure Trust
Richard Nolan, McCarter and English



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE
Governor

BOB MARTIN
Acting Commissioner

KIM GUADAGNO
Lt. Governor

I, Nancy Wittenberg, Assistant Commissioner, Environmental Regulation, New Jersey Department of Environmental Protection, do hereby certify the following project as being in conformity with the provisions of the rules and regulations adopted pursuant to P.L.1985, c.329 (the Wastewater Treatment Bond Act), P.L.1992c.88 (the Green Acres, Clean Water, Farmland and Historic Preservation Bond Act), N.J.S.A. 58:12A-1 et seq., P.L.2003, c162 (Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003) and P.L.1981, c261 (Water Supply Bond Act). Projects that have met the requirements of the American Recovery and Reinvestment Act (ARRA) are so identified.

Table with 3 columns: Local Unit, Project No., Amount. Row 1: Burlington Township, S340712-08, \$594,000. Row 2: Total, \$594,000.

This project has undergone programmatic, technical, environmental and scientific evaluations to determine merit and relevance to the Department's objectives. In addition, in order to ensure the best use of public funds, this project was evaluated to determine the cost effectiveness and whether the project cost is reasonable, applicable and allowable under the program, pursuant to the provisions of N.J.A.C. 7:22-5.1; Determination of Allowable Costs; Fund and Trust.

Date: 2/24/10

Nancy Wittenberg
Assistant Commissioner