Publication copy

Plaintiff's Exhibit GGG - JDEP Dam Safety orders (4-2-2003, 5-19-2003, 9-18-2003, 6-1-2004 default)

Source: Superior Court of New Jersey, eCourts, SLM-C-000017-26, Trans ID CHC2026285925; filed by Plaintiff (filed 8/28/2026, eCourts CHC2026285925, Volume 8)

Published by Ronald W. Yarbrough, plaintiff, as part of the public record of Yarbrough v. Lake Centerton Park Homeowners Association, Inc., et al., Superior Court of New Jersey, Chancery Division, Salem County, Docket No. SLM-C-000017-26.

This copy is the filed or produced document with these changes only: black boxes cover (1) names, addresses, telephone numbers and e-mail addresses of persons who are not parties, (2) personal identifiers and financial account numbers (R. 1:38-7), (3) telephone and e-mail contact details, and (4) plaintiff's personal financial information, marked "Redacted: plaintiff's personal financial information". Withheld pages, if any, are replaced by a notice page. The complete document is available from the Court.

EXHIBIT GGG

2003-2004 NJDEP Dam Safety orders (4-2-2003, 5-19-2003, 9-18-2003, 6-1-2004 default)

State of New Jersey

James E. McGreevey
Governor

Department of Environmental Protection
Natural and Historic Resources
Division of Engineering & Construction

Bradley M. Campbell
Commissioner

APR 0 2 2003

Lake Centerton Park Homeowner's Assoc., Inc.
23 Lake Centerton Drive
Pittsgrove, New Jersey 08318

Subject: 2002 Regular Inspection Report
Centerton Lake Dam
NJDEP Dam File No. 35-3
Pittsgrove Township, Salem County

Dear Sir or Madam:

This letter is in reference to the 2002 Regular Dam Safety Inspection Report prepared on your behalf by Russell D. Cipolla, P.E., of All Systems Engineering, L.L.C. for the Centerton Lake Dam in compliance with the New Jersey Dam Safety Standards (N.J.A.C. 7:20-1.11).

The Department has reviewed the above referenced report. Based upon our review, our existing records, and a March 19, 2003 field inspection by this office, Centerton Lake Dam was found to be in a safe condition with repairs necessary. In addition, the following should be included with the recommendations of the 2002 Regular Inspection Report:

1. According to our files, the current Operation and Maintenance Manual (O&M) and Emergency Action Plan (EAP) have not been approved. Please submit updated versions of each for review, including Inundation Mapping. Sample forms in addition to information about the Dam Safety section can be found at: http://www.state.nj.us/dep/damsafety/

2. The normal reservoir elevation, as reported in the 2002 regular inspection report, is 78.60 ft.; however, the most recent Hydrologic & Hydraulic study approved by the Department based all calculations on a 77 ft. spillway crest elevation. The Department's May 2, 1995 letter approved of the Hopewell Valley Engineering Hydrologic & Hydraulic Study and Dam Break Analysis, both last revised February 28, 1995. In view of the above, the Lake Centerton Park Homeowner's Assoc., Inc. should operate the Centerton Lake Dam at a maximum spillway crest elevation of 77 ft. until repairs or modifications are made to safely pass the approved spillway design flood (SDF).

In view of the above, under the provisions of the Safe Dam Act (N.J.S.A. 58:4-1 et seq.), the Lake Centerton Park Homeowner's Assoc., Inc. is hereby ordered to retain the services of a New Jersey licensed professional engineer to perform any necessary studies, and to prepare plans and specifications for the implementation of the recommendations as outlined on pages 10-11 of 36 and page 20 of 36 in the 2002 regular inspection report. Please submit a completed Dam Safety Compliance Schedule Form (attached) to address all recommendations of the 2002 inspection report and the above items to this office by **April 30, 2003**.

Please be reminded that an application must be filed with this office and a permit issued before any repairs or modifications are undertaken. Should you have any questions, please contact Shira Perlis of this office at [redacted]

Sincerely yours,

John H. Moyle
Manager
Bureau of Dam Safety and Flood Control

Enclosure

C: Pittsgrove Township Engineer & Clerk
Salem County Engineer
Russell D. Cipolla, All Systems Engineering, L.L.C.

N:\SHARED\NHRG\Damsafe\DATABASE\03letter\35003srp3d.doc

New Jersey Dam Safety Compliance Schedule Form

Dam Name:	Owner:	Owners Engineering Firm:
Centerton Lake Dam	Address:	Name:
File No:	Address:	Address:
35-3	Address:	Address:
	Phone:	Address:
	Email:	Phone:

The purpose of this form is to allow the dam owner, through consultation with their engineer, to establish a time line for addressing the deficiencies identified in the inspection report for the dam and bringing the dam into compliance with the New Jersey Dam Safety Standards, N.J.A.C. 7:20-1.1 et seq.

Proposed time frame for submission of required information and implementation of recommended repairs:
(Checked sections must be completed. However, the Dam Safety Section reserves the right to require additional dates and/or information as needed.)

☑ **Performance of maintenance and repairs not requiring approval from the Dam Safety Section** (Such work includes grass mowing, brush removal, debris removal, filling of animal burrows, minor concrete repairs, minor gate repairs, filling of areas of minor surface erosion, etc. The Dam Safety Section must be notified upon completion of these activities.)

Work to be completed no later than: _____

☑ **Engineering Report / Studies** (This work includes any required hydrologic and hydraulic analysis, structural analysis, alternative analysis, geotechnical investigations or dam breach analysis that may be recommended by your engineer and/or required by the Dam Safety Section.)

Studies to be submitted for review no later than: _____

☑ **Permit Application:** (A permit application must be submitted for any construction activity at the dam. The permit application must address all deficiencies as identified in the inspection report and the subsequent engineering report / studies.)

Permit application to be submitted no later than _____ months after the date of the Dam Safety Section's approval of any required studies. (Please provide date if no studies are required.)

☑ Construction to start no later than _____ months after the date of issuance of the permit by the Dam Safety Section.

☑ **Operation and Maintenance Plan (O&M):** (An O&M is required for all dams. O&M's should be submitted with the permit application or sooner if possible. Existing O&M's may need to be updated if a dam is being rehabilitated. Please indicate if an O&M has already been submitted and approved.)

O&M to be submitted no later than: _____

☑ **Emergency Action Plan (EAP):** (EAPs are required for all high and significant hazard dams and should be submitted as soon as possible. Existing EAPs should be reviewed on a yearly basis and revised as necessary. Please indicate if an EAP has already been submitted and approved.)

EAP to be submitted no later than: _____

The dates provided above will be reviewed by the Dam Safety Section to determine if the schedule is acceptable to achieve compliance with the Dam Safety Standards. Requests for extensions to the accepted time frames outlined above must be submitted to this office in writing along with appropriate justification and will be considered on its merits on a case by case basis.

Signed: Dam Owner _____ Date _____ Signed: Owner's Engineer _____ Date _____

Additional information including Dam Safety Section forms, standards and inspection guidelines as well and EAP guidelines and a sample O&M is available at www.state.nj.us/dep/nhr/engineering/damsafety or contact this office via e-mail at Damsafety@dep.state.nj.us or telephone at [redacted] Please submit the completed form to: NJDEP, Dam Safety Section, P.O. Box 419, Trenton, NJ 08625

State of New Jersey
Department of Environmental Protection
Natural and Historic Resources
Division of Engineering & Construction

James E. McGreevey
Governor

Bradley M. Campbell
Commissioner

MAY 19 2003

Lake Centerton Park Homeowner's Assoc., Inc.
Attn: Cliff Wheaton
23 Lake Centerton Drive
Pittsgrove, New Jersey 08318

Subject: 2002 Regular Inspection Report
Centerton Lake Dam
NJDEP Dam File No. 35-3
Pittsgrove Township, Salem County

Dear Mr. Wheaton:

This letter is to acknowledge receipt of your e-mail correspondence to the Dam Safety Section, dated April 30, 2003, indicating that you have contacted six companies regarding the repairs outlined in the 2002 Regular Dam Safety Inspection Report prepared by All Systems Engineering, and that you will be providing this office with the timing for making the repairs when all quotes are received by you for the Centerton Lake Dam located within Pittsgrove Township, Salem County.

The Department acknowledges that Lake Centerton Park Homeowner's Assoc., Inc. is in the process of retaining the services of a New Jersey licensed professional engineer to perform any necessary studies, and to prepare plans and specifications for the implementation of the recommendations as outlined on pages 10-11 of 36 and page 20 of 36 in the 2002 regular inspection report. However, by no later than **June 16, 2003**, you must provide this office with a proposed Dam Safety Compliance Schedule Form schedule to complete the repairs. Any further delays to this submittal must be approved by the Department.

Please be reminded that an application must be filed with this office and a permit issued before any repairs or modifications are undertaken. Should you have any questions, please contact Shira R. Perlis of this office at [redacted]

Sincerely yours,

John H. Moyle
Manager
Bureau of Dam Safety and Flood Control

C: Pittsgrove Township Engineer & Clerk
Salem County Engineer
Russell D. Cipolla, All Systems Engineering, L.L.C.

N:\SHARED\NHRG\Damsafe\DATABASE\03letter\35003srp3b.doc

SLM-C-000017-26 08/28/2026 Pg 23 of 35 Trans ID: CHC2026285925

Attn: Cliff Wheaton
23 Lake Centerton Drive
Pittsgrove, New Jersey 08318

Subject: June 23, 2003 letter, 2003 O&M and EAP
Centerton Lake Dam
NJDEP Dam File No. 35-3
Pittsgrove Township, Salem County

Dear Mr. Wheaton:

This letter is in reference to the Operation and Maintenance Manual (O&M) prepared by Hopewell Valley Engineering, P.C. on September 30, 1994 and revised in June, 2003 and the 2003 Emergency Action Plan (EAP) both submitted under your cover letter received by the Dam Safety Section on June 23, 2003 and the Department's May 19, 2003 letter, for the Centerton Lake Dam located within Pittsgrove Township, Salem County.

Upon review of the above mentioned documents, the Dam Safety Section presents the following comments:

1. O&M

The following list contains some of the sections that require editing:

- A table must show the inspection schedule for the first 10 years, noting that subsequent inspections shall follow the same format. Regular inspections are required every two years, and formal inspections are required every ten years for Class II dams. It should be noted that all inspections will be performed between March and May or between September and November.
- A list of Designated Inspectors must be included.
- A list of required inspection equipment for routine O&M procedures and Inspections must be included.

E-Mail Address: DamSafety@dep.state.nj.us
Internet Address: www.state.nj.us/dep/damsafety
Mailing Address: 501 East State Street, P.O. Box 419, Trenton, NJ 08625

New Jersey is an Equal Opportunity Employer
Recycled Paper

- The responsibilities of each entity should be edited to correspond with those listed in the Guidelines for developing an EAP. For example, the Dam Owner/Operator is responsible for reporting termination of an emergency situation on-site at the dam; this is not included in your submitted EAP.
- In the Emergency Notification Directory, the 24-hr phone number for NJ-DSS should be [redacted]
- On the Notification Form A, page 2-7, the File # should be included with the Name of the Dam.
- The procedure for installing and removing the gates (referenced on page 2-2 as the method for emergency drawdown), as detailed in the February 28, 1995 O&M, should be restated in the EAP.
- In the Emergency Condition Identification Section, page [redacted]
  - Note that a Dam Advisory Condition is a situation where an unusual problem or situation has occurred, but a failure of the dam is not imminent.
  - Pages 2-8 and 2-9 are identical and this section is missing Sections for Dam Emergency Condition and Dam Breach Condition.
- Please refer to Attachment C of the Guidelines for a Sample Surveillance Checklist, which is different from a Visual Observation Checklist. The Sample Surveillance Checklist will help to evaluate whether or not the dam is in an emergency condition.
- In Section IV of your submitted EAP, the list of contractors that may be contacted during an emergency condition for equipment, materials, and repairs should included sources for all important materials and equipment listed on page 4-1.

Please refer to the O&M and EAP Guidelines and Sample Documents, as posted on the Department's website: http://www.state.nj.us/dep/damsafety/forms.htm. All sections of your EAP must correspond with those listed in the posted Guidelines, including Appendices. The EAP Guidelines have been attached to this letter.

3. The Department acknowledges that Lake Centerton Park Homeowner's Assoc., Inc. is evaluating repair or construction of a new dam and that following approval from the Department of the Hydrologic & Hydraulic Study (H&H) which will be submitted by Dr. Joe Orlins of the Rowan University Engineering Department, the Lake Centerton Park Homeowner's Assoc., Inc. will be requesting bids from contractors for the proposed work on the dam. However, the Department's May 19, 2003 letter required you to provide this office with a proposed Dam Safety Compliance Schedule Form to complete the repairs as outlined on pages 10-11 of 36 and page 20 of 36 in the 2002 regular inspection report by June 16, 2003.

SLM-C-000017-26 08/28/2026 Pg 24 of 35 Trans ID: CHC2026285925

referral of this matter to the New Jersey Attorney General's Office for adjudication. Be advised that violations of the Safe Dam Act may result in the assessment of penalties of up to $5,000 for each violation. Each day during which a violation(s) continues constitutes an additional, separate, and distinct offense.

Please be reminded that an application must be filed with this office and a permit issued before any repairs or modifications are undertaken. Should you have any questions, please contact Shira R. Perlis of this office at [redacted]

Sincerely yours,

John H. Moyle, Manager
Bureau of Dam Safety and Flood Control

enc: EAP Guidelines

C: Pittsgrove Township Engineer & Clerk
Salem County Engineer
Hopewell Valley Engineering, P.C., P.O. Box 710, Pennington, NJ 08534
Russell D. Cipolla, All Sustems Engineering, L.L.C

35003srp3c.doc

SRP
9/17/03

SLM-C-000017-26 08/28/2026 Pg 25 of 35 Trans ID: CHC2026285925

of the embankments.

- Fill in sinkholes adjacent to the east and west spillway timber bulkheads and on west downstream embankment.
- Replace and compact the soil in sinkholes along the main timber bulkhead at lake.
- Seal off areas of timber bulkhead which may be allowing seepage to occur.
- Repair the deteriorated eastern and western timber bulkhead that forms the approach channel with pressure treated lumber. The deteriorated timber is allowing soil seepage and has created a void space behind the bulkhead.
- Replace all deteriorated vertical bulkhead timbers and walers in the east and west bulkheads with pressure treated lumber.
- Fill in the scour holes that have formed in front of the timber gates and cutoff wall along the east bulkhead and just beyond the timber floor of the spillway adjacent to the stilling basin. Fill with coarse sand and gravel then protect with 18 inches of stone rip-rap.
- Using pressure treated [redacted]er, block out between the western most 12"x12" spillway support pilings and the first ro[redacted]ile along the west bulkhead to prevent future lateral movement due to decay. Do the s[redacted]or the second 12"x12" support pile in from the east corner.
- Using pressure treated [redacted]ber, replace deteriorated 8"x8" knee braces that provide lateral support to vertical post[redacted]h supports the timber gates.
- The timber floor imme[redacted]ly downstream of the timber gates has separated (approximately 1"-2") allowing scour t[redacted]ur beneath the floor (measured 15-18" deep). The separated floor is priarily between the[redacted]er two pile bents and extends approximately 3-4 feet behind the timber gates. The voi[redacted]ce should be filled with a coarse sand and new pressure treated boards attached to the [redacted]ng floor to prevent future scour.
- The timber gate posts [redacted]d be thoroughly saturated with a timber preservative and the post tops coated with a tar t[redacted]o protect and reduce the rate of decay.
- Clean and paint the 12[redacted]l channel on top of the spillway with an exterior resistance paint.
- Repair erosion along c[redacted]ear bulkheads & widen crest.
- Tighten all loose bridg[redacted]ber.
- Replace deteriorated diagonal cross-bracing at west pile bent.
- The site must be monitored for the appearance of any sinkholes in the east and west bulkhead/embankment interfaces and along the main timber bulkhead at the lake.
- The site must be monitored during periods of heavy rainfall at the downstream east and west embankments near the bulkheads for leaks and piping of soils.

Inundation map included in 2003 EAP is identical to the one provided in the 1995 Dam Break Analysis which was approved (see tab in correspondence packet).

SLM-C-000017-26 08/28/2026 Pg 26 of 35 Trans ID: CHC2026285925

James E. McGreevey
Governor

State of New Jersey
Department of Environmental Protection
Natural and Historic Resources
Division of Engineering & Construction

Bradley M. Campbell
[redacted]

JUN 0 1 2004

Lake Centerton Park Homeowner's Assoc., Inc.
Attn: Cliff Wheaton
23 Lake Centerton Drive
Pittsgrove, New Jersey 08318

Subject: February 2004 O&M and EAP
Centerton Lake Dam
NJDEP Dam File No. 35-3
Pittsgrove Township, Salem County

Dear Mr. Wheaton:

This letter is in reference to the Operation and Maintenance Manual (O&M) prepared by Russell D. Cipolla, P.E., of All Systems Engineering, L.L.C. in February 2004 and the February 2004 Emergency Action Plan (EAP) both submitted under your cover letter received by the Dam Safety Section on March 4, 2004 for the Centerton Lake Dam located within Pittsgrove Township, Salem County.

Upon review of the above mentioned documents, the Dam Safety Section presents the following comments:

1. **O&M**

- The Schedule of Inspection and Maintenance (as noted on page 21) must include a formal inspection once every ten years, as per the New Jersey Dam Safety Standards (N.J.A.C. 7:20-1.11(d)). You must submit a revised schedule to this office by **June 28, 2004.**

2. **EAP**

- The Response column of the Surveillance Checklist (Attachment C) must be filled in. A sample is attached to this correspondence. The purpose of this is to help evaluate whether or not the dam is in an emergency condition, and what the proper response is for varying conditions that may be found during surveillance. If the Response column is not filled in appropriately for the Dam, then this Checklist will not be useful.

In addition, the Department is in the process of updating and transferring all of the Significant Hazard EAPs to an electronic format. The Department has adopted this plan of action in order to better track the data in each plan and to more quickly access the information in case of an emergency. At this time, the Department will require both the paper and electronic versions of the text portion of the EAP.

The Department understands the work involved in obtaining the above information and we appreciate your assistance. Kindly, be aware that an investment in the electronic version of the EAP text will be a great time saver over the life of the dam for both the dam owner and the Department.

The above items should be addressed and revisions to the EAP and O&M submitted by **June 28, 2004. You may submit only the revised pages as opposed to entire copies of each document.** An electronic version of the text must be submitted within 30 days of the approval of the EAP document.

Please note that once these items are addressed and a revised EAP and O&M are resubmitted, additional revisions and/or clarifications may be necessary.

In addition, the Department's April 2, 2003 and May 19, 2003 letters required you to provide this office with a proposed Dam Safety Compliance Schedule Form to complete the repairs as outlined on pages 10-11 of 36 and page 20 of 36 in the 2002 regular inspection report by June 16, 2003. This was not received and subsequently, via the Department's September 18, 2003 letter, the Lake Centerton Park Homeowner's Assoc., Inc. was ordered to either submit a Dam Safety Compliance Schedule Form for all outstanding repairs and studies or provide this office with a plan to temporarily lower the lake until all of the required repairs are addressed by October 15, 2003. As of the date of this letter, neither the required schedule nor a plan to temporarily lower the lake have been received by this office.

Also, in the Department's September 18, 2003 letter, the Lake Centerton Park Homeowner's Assoc., Inc. was informed that failure to comply with the Department's order to address all outstanding items would result in the referral of this matter to the New Jersey Attorney General's Office for adjudication. Be advised that violations of the Safe Dam Act may result in the assessment of penalties of up to $5,000 for each violation. Each day during which a violation(s) continues constitutes an additional, separate, and distinct offense.

In view of the above, under the provisions of the Safe Dam Act (N.J.S.A. 58:4-1 et. seq.), if neither a Dam Safety Compliance Schedule Form including an aggressive schedule for all outstanding repairs and studies nor a plan to temporarily lower the lake until all of the required repairs are addressed is received by this office by **June 28, 2004**, this matter may be referred to the New Jersey Attorney General's Office for adjudication.

Please be reminded that an application must be filed with this office and a permit issued before any repairs or modifications are undertaken. Should you have any questions, please contact Shira R. Perlis of this office at [redacted]

Sincerely,

John H. Moyle, P.E., Manager
Bureau of Dam Safety and Flood Control

Enclosure: Sample Surveillance Checklist

C: Pittsgrove Township Engineer & Clerk
Salem County Engineer
Russell D. Cipolla, All Systems Engineering, L.L.C

35003srp4b.doc

SLM-C-000017-26 08/28/2026 Pg 29 of 35 Trans ID: CHC2026285925

urveillance Checklist

