

ENVIRONMENTAL PROTECTION

Notice of Permit Extension Act Provisions

Take notice that, pursuant to the “Permit Extension Act of 2008” (Act), P.L. 2008, c. 78, approvals, as defined in section 3 of the Act, including any Department authorization in the form of a permit, approval, license, certification, waiver, letter of interpretation, agreement, center designation, or any other executive or administrative decision, except for administrative consent orders, which expire during the period of January 1, 2007 through July 1, 2010, are hereby extended through July 1, 2010. This Act automatically extends any approvals granted by the Department of Environmental Protection, including, but not limited to, those issued under the authority of the following statutes:

- (A) Waterfront Development Law, N.J.S.A. 12:5-1 et seq.
- (B) Wetlands Act of 1970, N.J.S.A. 13:9A-10 et seq.
- (C) Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.
- (D) Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq.
- (E) Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.
- (F) Well Drilling Permits, N.J.S.A. 58:4A-5 et seq.
- (G) Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.
- (H) The Realty Improvement Sewerage and Facilities Act (1954), N.J.S.A. 58:11-23 et seq.; and N.J.S.A. 58:11-25.1 et seq.
- (I) Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.
- (J) Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq.
- (K) Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.

Nothing in the Act shall have the effect of extending:

1. any permit or approval issued within an environmentally sensitive area as defined in the Act;
2. any permit or approval within an environmentally sensitive area issued pursuant to the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq.;
3. any permit or approval issued pursuant to the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., except where work has commenced, in any phase or section of the development, on any site improvement, as defined in paragraph (1) of subsection a. of section 41 of the Municipal Land Use Law, N.J.S.A. 40:55D-53 or on any buildings or structures; or
4. any coastal center designated pursuant to the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq., that as of March 15, 2007 (a) had not submitted an application for plan endorsement to the State Planning Commission, and (b) was not in compliance with the provisions of the Coastal Zone Management rules at N.J.A.C. 7:7E-5B.6;
5. any permit or approval issued pursuant to federal assumption or delegation.

The Act shall not affect any administrative consent order issued by the Department in effect or issued during the extension period, nor shall it be construed to extend any approval in connection with a resource recovery facility as defined in N.J.S.A. 13:1E-137.

Nothing in the Act shall affect the ability of the Commissioner of the Department to revoke or modify a specific permit or approval, or extension thereof pursuant to the Act, when that specific permit or approval contains language authorizing the modification or revocation of the permit or approval by the Department.

In the event that any approval tolled pursuant to the Act is based upon connection to a sanitary sewer system, the approval's extension shall be contingent upon the availability of sufficient capacity, on the part of the treatment facility, to accommodate the development whose approval has been extended. If sufficient capacity is not available, those permit holders whose approvals have been extended shall have priority with regard to the further allocation of gallonage over those approval holders who have not received approval of a hookup prior to the date of enactment of the Act. Priority regarding the distribution of further gallonage to any permit holder who has received the extension of an approval pursuant to the Act shall be allocated in order of the granting of the original approval of the connection.

Further, nothing in the Act shall be deemed to extend the obligation of any wastewater management planning agency to submit a wastewater management plan or plan update, or the obligation of a municipality to submit a wastewater management plan or plan update, pursuant to the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq. and the Water Quality Management Planning rules, N.J.A.C. 7:15, adopted by the Department effective July 7, 2008.

Nothing in the Act shall be construed or implemented in such a way as to modify any requirement of law that is necessary to retain federal delegation to, or assumption by, the State of any authority to implement a federal law or program.

Finally, nothing in the Act shall be deemed to extend or purport to extend any permit or approval issued by the government of the United States or any agency or instrumentality thereof, or to any permit or approval by whatever authority issued of which the duration or effect or the date or terms of its expiration are specified or determined by or pursuant to law or regulation of the federal government or any of its agencies or instrumentalities.

Additional information regarding the applicability of the Act is available on the Department's website, <http://www.state.nj.us/dep/> (see link to Permit Extension Act).

If the Department's Permit Extension Act website does not address the particular circumstances of a permit holder or applicant, questions may be submitted in writing to NJ Department of Environmental Protection, Office of Permit Coordination and Environmental Review, P.O. Box 423, Trenton, New Jersey 08625-0423, by phone at (609) 292-3600, or at <http://www.nj.gov/dep/opppc/permitcoor.htm>