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ENVIRONMENTAL PROTECTION

Payment Schedule for Permit Application Fees

Readoption with Amendments: N.J.A.C. 7:1L

Adopted Repeal: N.J.A.C. 7:1L-2.8

Proposed: June 6, 2005, at 37 N.J.R. 1958(a)

Adopted: _____, by Bradley M. Campbell, Commissioner, Department of
Environmental Protection

Filed: _____ as R. d. , without change.

Authority: N.J.S.A. 13:1D-124

DEP Docket Number: 09-05-04/504

Effective Date:

Expiration Date:

The Department is readopting the Payment Schedule for Permit Application Fees rules at N.J.A.C. 7:1L. The rules implement N.J.S.A. 13:1D-120 through 124 and establish a payment schedule for permit application fees that exceed \$1,000. The rules apply to permits issued under Federal law, or the following State laws: the laws governing waterfront and harbor facilities (N.J.S.A. 12:5-1 through 11); Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq., including without limitation N.J.S.A. 13:1E-5 and 26); Comprehensive Regulated Medical Waste Management Act (N.J.S.A. 13:1E-48.1 through 48.25); the laws governing leaf composting facilities (N.J.S.A. 13:1E-99.21a through 99.21f); Statewide Mandatory Source Separation and Recycling Act (N.J.S.A. 13:1E-99.11 through 99.39, including without limitation 13:1E-99.21a through

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99.21f); Pesticide Control Act of 1971 (N.J.S.A. 13:1F-1 through 18); Industrial Site Recovery Act (N.J.S.A. 13:1K-6 through 13); Toxic Catastrophe Prevention Act (N.J.S.A. 13:1K-19 through 32); Wetlands Act of 1970 (N.J.S.A. 13:9A-1 through 10); Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 through 30); Coastal Area Facility Review Act (N.J.S.A. 13:19-1 through 21); Air Pollution Control Act (N.J.S.A. 26:2C-1 through 19.5); Water Supply Management Act (N.J.S.A. 58:1A-1 through 17); the laws governing well drillers and pump installers (N.J.S.A. 58:4A-5 through 28); Water Pollution Control Act (N.J.S.A. 58:10A-1 through 14.6); the laws governing the underground storage of hazardous substances (N.J.S.A. 58:10A-21 through 37); Safe Drinking Water Act (N.J.S.A. 58:12A-1 through 25); and Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 through 66).

The Department is adopting amendments at N.J.A.C. 7:1L-1.1(c) and the repeal of N.J.A.C. 7:1L-2.8, which provided for a money-back guarantee in the event that the Department did not act on a permit application within the time periods set forth in the rules. The money-back guarantee was not required by the statute and no permit applicant has invoked the guarantee since its inception in 1997.

Summary of Public Comments and Agency Responses:

The proposal was published in the New Jersey Register at 37 N.J.R. 1958(a) on June 6, 2005. The comment period for the proposal closed on August 5, 2005. There was one written comment received, as follows:

1. B. Sachau, Florham Park, New Jersey

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COMMENT: To qualify to use a pay as you go system, which requires tax money to administer, the minimum amount to qualify to use this system should be \$6,000. The developers have money for every other cost. (1)

RESPONSE: At N.J.S.A. 13:1D-122, the Legislature established that a fee of \$1,000 or more is eligible for payment in installments. Accordingly, the Department has no discretion to raise the threshold fee to \$6,000.

Federal Standards Statement

N.J.S.A. 52:14B-4 requires State agencies that adopt, readopt or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. The readopted and repealed rules have not been formulated in accordance with the authority of or in order to implement, comply with or participate in any program established under Federal law. Accordingly, a Federal standards analysis is not required.

Full text of the adoption follows:

(No change from proposal.)