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N.J.A.C. 7:1

DEPARTMENT ORGANIZATION

Statutory authority: N.J.S.A. 13:1B-3d, 13:1B-3e, 13:1B-5a, and 52:14B-4(b)

Date last amended: August 10, 2017

For regulatory history and effective dates see the New Jersey Administrative Code

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SUBCHAPTER 1. GENERAL PROVISIONS

7:1-1.1 Mission

(a) The Department's core mission is and will continue to be the protection of the air, waters, land, and natural and historic resources of the State to ensure continued public benefit. The Department's mission is advanced through effective and balanced implementation and enforcement of environmental laws to protect these resources and the health and safety of New Jersey's residents. At the same time, it is crucial to understand how actions of the Department can impact the State's economic growth, to recognize the interconnection of the health of New Jersey's environment and its economy, and to appreciate that environmental stewardship and positive economic growth are not mutually exclusive goals: the Department will continue to protect the environment while playing a key role in positively impacting the economic growth of the State.

(b) In order to implement the Mission, at (a) above, the Commissioner has issued a DEP Vision and Priorities statement, which is available at www.nj.gov/dep/about.html. The Vision and Priorities build on the principles set forth in Governor Christie's Executive Orders 1 through 4 (January 20, 2010), available at www.state.nj.us/infobank/circular/eoindex.htm.

7:1-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

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“Commissioner” means the Commissioner of the Department of Environmental Protection.

“Delegee” means the Chief of Staff, Chief Advisor to the Commissioner, any Deputy or Assistant Commissioner, Director, or other individual within the Department, or any organizational unit within the Department, to whom or to which any power, duty or authority of the Commissioner or the Department has been delegated.

“Department” or “DEP” means the New Jersey Department of Environmental Protection.

“Organizational unit” means any division, office, bureau or other entity within the Department.

7:1-1.3 Organization of the Department

(a) The Commissioner is the head of the Department. The Department consists of such offices and other organizational units as are allowed by law and as are necessary to carry out the Department's statutory mandates.

(b) The following organizational units are established under the Commissioner:

1. Deputy Commissioner;
2. Chief of Staff;
3. Chief Advisor to the Commissioner;
4. Office of Communications and Public Affairs; and

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5. Strategic Communications.

(c) The following organizational units are established under the Commissioner and are headed by Assistant Commissioners:

1. Air Quality, Energy, and Sustainability;
2. Compliance and Enforcement;
3. Engineering and Construction;
4. Land Use Management;
5. Natural and Historic Resources; and
6. Site Remediation and Waste Management Program.

(d) Further detail regarding the Department's organizational units is available on the Department's website, www.nj.gov/dep/about.html.

7:1-1.4 Communicating with the Department

(a) Persons seeking information from the Department may contact the appropriate organizational units identified at N.J.A.C. 7:1-1.3. The Department also makes available extensive information and search tools on its website (www.nj.gov/dep), including news releases, opportunities for public participation, rulemaking documents, and data and reports.

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(b) Requests for inspection, copying, or obtaining a copy of any government record under N.J.S.A. 47:1A-1 et seq. (Open Public Records Act) should be submitted to:

Department of Environmental Protection

Office of Record Access

401 East State Street

Mail Code 401-06Q

PO Box 442

Trenton, NJ 08625-0442

E-mail: records.custodian@dep.state.nj.us

Website: www.state.nj.us/dep/opra

(c) Information concerning the types of permits required for a project, timing of permit review, and instructions for completing permit applications may be obtained from the individual program authorized to issue the type of permit required, if known, or:

Department of Environmental Protection

Office of Permit Coordination and Environmental Review

401 East State Street

Mail Code: 401-07J

PO Box 402

Trenton, NJ 08625-0402

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(d) The Department publishes the DEP Bulletin, which is a semi-monthly publication listing the construction permit applications recently filed or acted upon by the Department. Using the DEP Bulletin, interested persons can determine the status of Coastal Area Facility Review Act (CAFRA) permits, Federal consistency activity permits, freshwater wetlands individual and general permits, open water fill permits, NJPDES permits, solid waste facility permits, flood hazard area control (stream encroachment) permits, tidal wetlands permits, treatment works approvals, and waterfront development permits. The DEP Bulletin also includes a calendar of events of interest, a schedule of public hearings (which, however, does not constitute an official notice of a hearing), and a list of Environmental Impact Statements acted upon.

1. The DEP Bulletin is available on the Department's website at www.nj.gov/dep/bulletin.
2. Publication in the DEP Bulletin constitutes constructive notice to all interested persons of Department actions on construction permits.

(e) Subpoenas for the production of Department records and/or testimony from Department employees must be served upon the Department at the following address:

Department of Environmental Protection
Office of Legal Affairs
401 East State Street, Seventh Floor
Mail Code 401-04L

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PO Box 402

Trenton, NJ 08625-0402

7:1-1.5 Effect of delegation of authority

(a) No provision of Title 7 of the New Jersey Administrative Code or of any other rules of the Department which delegates any power, duty or authority of the Department or the Commissioner to any delegee shall be construed to limit the power or authority of the Commissioner over the delegated subject matter. Without limiting the generality of the foregoing, the Commissioner may take any action for which responsibility has been delegated to a delegee, with the same force and effect as if such responsibility had not been delegated. Such actions include, without limitation, the grant or denial of an application for a permit; revocation of a permit; action on any other application to the Department; or the issuance of an administrative order, administrative consent order, directive, notice of violation, or penalty assessment.

(b) The election to exercise any delegated power, duty or authority shall be solely within the discretion of the Commissioner.

(c) No provision of this section shall be construed as affecting any substantive or procedural provisions of Title 7 of the New Jersey Administrative Code or of any other rules of the Department, except to the extent that any such provision delegates any power, duty, or authority of the Department or the Commissioner to any delegee. No provision of

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this section shall be construed as affecting the right of any person to an administrative hearing under [N.J.S.A. 52:14B-10](#), or administrative review under [N.J.S.A. 52:14B-12](#).