

1. The application shall consist of a complete application form, the fee required by N.J.A.C. 7:1C-1.5, and other materials of a format and content as specified by rules or checklist for individual permit programs.

2. Any inaccurate material which could affect the outcome of a permit decision or falsification of information submitted shall be cause for rejection of the application at any time during the review procedure, or voiding a permit approved before the misinformation was discovered.

Amended by R.1989 d.436, effective August 21, 1989.
See: 21 N.J.R. 819(a), 21 N.J.R. 2530(c).

(a)1: deleted "construction permit Standard" from form designation.

Amended by R.1995 d.356, effective July 3, 1995.

See: 27 N.J.R. 998(a), 27 N.J.R. 2599(a).

In (a)1 substituted "application form" for "and acknowledged DEP Application Form CP-1"; and substituted "checklist" for "otherwise".

7:1C-1.5 Fees

(a) Fees shall be charged for the review of any application for a construction permit in accordance with the following schedule:

1. - 4. (Reserved)

5. Treatment works approval fees shall be calculated as follows:

i. Applicants for a treatment works approval shall be categorized based on the construction costs of their projects as follows:

(1) Category 1 includes projects where the construction costs are greater than \$1,000,000;

(2) Category 2 includes projects where the construction costs are greater than \$250,000 but are less than or equal to \$1,000,000.

(3) Category 3 includes projects where the construction costs are less than or equal to \$250,000.

ii. Fees for treatment works approvals shall be based upon the coefficient "P" where:

EB

(1)
$$P = \frac{EB}{T1 + 2(T2) + 4(T3) + 1,500,000(N1) + 500,000(N2)}$$

(2) "EB" = the estimated budget for the Department's treatment works approval program for the forthcoming fiscal year;

(3) "T1" = the sum of the construction costs for all projects in Category 1 from the prior fiscal year;

(4) "T2" = the sum of the construction costs for all projects in Category 2 from the prior fiscal year;

(5) "T3" = the sum of the construction costs for all projects in Category 3 from the prior fiscal year;

(6) "N1" = the total number of projects in Category 1 from the prior fiscal year; and

(7) "N2" = the total number of projects in Category 2 from the prior fiscal year.

iii. All applicants for a treatment works approval shall pay one of the following fees based upon the category in which the project falls as determined by (a)5i above:

(1) Category 1 fee = $4P(\$250,000) + 2P(\$750,000) + P(\text{construction cost of the applicant's project} - \$1,000,000)$;

(2) Category 2 fee = $4P(\$250,000) + 2P(\text{construction cost of the applicant's project} - \$250,000)$; or

(3) Category 3 fee = $4P(\text{construction cost of the applicant's project})$.

iv. An applicant for a treatment works approval shall pay a minimum fee of \$850.00.

v. The Department shall prepare an annual fee schedule report which will include the following:

(1) The coefficient "P" of the fee formula derived from the equation in (a)5ii above;

(2) A detailed financial statement showing the estimated budget for the forthcoming fiscal year. The statement shall include a breakdown of the treatment works approval program by account title (for example, print and office supplies, vehicular, and maintenance of vehicles); and

(3) A detailed financial statement of the previous fiscal year's actual expenditures including a breakdown by account titles, total by category of permits reviewed, actual revenue and any credit/deficit to be carried forward to the next fiscal year.

vi. The Department shall hold a public hearing concerning the fees to be assessed for the forthcoming fiscal year only when projected fees exceed 10 percent increase as compared to the previous fiscal year's fees. The Department shall hold the hearing prior to the actual assessment of fees. The Department shall provide public notice of the hearing in the New Jersey Register, DEP Bulletin, and several newspapers with general circulation.

vii. In those years not requiring a public hearing, publication of the forthcoming fiscal year's coefficient "P" together with a synopsis of the annual fee schedule report shall appear in the New Jersey Register, DEP Bulletin and several newspapers with general circulation.

viii. The annual fee schedule report may be obtained, at any time after public notice is published in accordance with (a)5vi or vii above, by submitting a request and self addressed 10 inch by 13 inch (minimum size) envelope to:

New Jersey Department of Environmental
Protection
Environmental Regulation
Division of Water Quality
Bureau of Financing and Construction Permits
Annual Report Request
PO Box 425, 3rd Floor
Trenton, New Jersey 08625-0425

(b) Extensions of time for issued treatment works approvals will be granted in accordance with N.J.A.C. 7:14A-22.12. The fee for a request for an extension of time is \$200.00.

(c) (Reserved)

(d) For the purposes of this section, a modification to an issued permit will be processed for modified projects which will not result in a significant change in the scale, use, or impact of the project as approved. The determination as to what constitutes a significant change is within the sole discretion of the Department and will be based on a review of the original application file and the new information submitted by the applicant. A change that will cause less environmental impact than the original project will not constitute a "significant change." Significant changes generally include, but are not limited to, increased clearing, grading, filling or impervious coverage, reduction in buffers and a change in foot print location.

1. (Reserved)

2. The fee for a request to modify a treatment works approval shall be calculated based on the construction cost of the project change(s) in accordance with (a)5i through iii above. If the value of the fee so calculated is less than \$500.00, the applicant shall pay a treatment works approval modification minimum fee of \$500.00.

(e) The Department may also charge additional fees to engage such essential expertise as may be necessary for the processing and review of large scale and complex projects. The applicant will be consulted before imposition of such fees.

(f) Where a public hearing is conducted, the cost thereof, including but not limited to court reporter attendance fees, transcript costs, hearing officer fees and hearing room rental, shall be borne by the applicant unless otherwise determined by the Department for good cause shown.

(g) All fees shall be paid by check, made payable to the "Treasurer, State of New Jersey—Environmental Services Fund" and shall accompany the application.

(h) - (j) (Reserved)

(k) Any fee under this section that is subject to N.J.A.C. 7:1L shall be payable in installments in accordance with N.J.A.C. 7:1L.

Amended by R.1976 d.76, effective March 10, 1976.

See: 8 N.J.R. 180(a).

Amended by R.1981 d.187, effective June 4, 1981.

See: 13 N.J.R. 123(c), 13 N.J.R. 334(b).

(a) substantially amended; (b): "\$50.00" was "\$25.00"; (c): "50 percent" was "25 percent".

(g): New text substituted for old.

Amended by R.1981 d.473, effective December 21, 1981.

See: 13 N.J.R. 564(a), 13 N.J.R. 943(b).

(g): deleted text concerning no maximum fee and substituted text requiring \$10,000 maximum fee with exceptions for permit applications.

Amended by R.1989 d.436, effective August 21, 1989.

See: 21 N.J.R. 819(a), 21 N.J.R. 2530(c).

Old (a)5 concerning "wastewater allocation permit" fees replaced with new (a)5 on "treatment works approval" fees. In (b), "treatment works approvals" replaced "Wastewater Allocation Permits" regarding exception nonapplication; in (b)1, categories 1-3 added; in (c), "subject to a minimum fee of \$100" added.

Amended by R.1990 d.343, effective July 16, 1990.

See: 22 N.J.R. 731(a), 22 N.J.R. 2143(c).

New fee schedule for smaller projects.

Amended by R.1993 d.111, effective March 1, 1993.

See: 24 N.J.R. 2768(a), 25 N.J.R. 924(a).

Permit fees specified at (a), text at (c) deleted and new text added at (c) and (d) and (h) through (l).

Amended by R.1994 d.337, effective July 5, 1994.

See: 26 N.J.R. 787(a), 26 N.J.R. 2789(a).

Amended by R.1994 d.379, effective July 18, 1994.

See: 26 N.J.R. 913(a), 26 N.J.R. 1561(a), 26 N.J.R. 2920(a).

Amended by R.1995 d.205, effective April 17, 1995.

See: 26 N.J.R. 3922(a), 27 N.J.R. 1576(b).

Added (k).

Amended by R.1995 d.356, effective July 3, 1995.

See: 27 N.J.R. 998(a), 27 N.J.R. 2599(a).

Made changes throughout the section.

Amended by R.2000 d.428, effective October 16, 2000.

See: 32 N.J.R. 864(a), 32 N.J.R. 3784(b).

Rewrote (a), (b) and (d).

Amended by R.2003 d.60, effective February 3, 2003.

See: 34 N.J.R. 74(a), 35 N.J.R. 632(a).

Rewrote the section.

Amended by R.2004 d.19, effective January 5, 2004.

See: 35 N.J.R. 1802(a), 36 N.J.R. 172(b).

In (a)4, amended the dollar amounts in ii through v.

Amended by R.2006 d.21, effective January 3, 2006.

See: 37 N.J.R. 2636(a), 38 N.J.R. 134(a).

Rewrote (a)4; in (a)5iv, increased fee from \$450.00 to \$850.00; in (a)5viii, rewrote address; rewrote (b) and (d).

Amended by R.2007 d.340, effective November 5, 2007.

See: 38 N.J.R. 3950(a), 39 N.J.R. 4573(a).

Reserved (a)4, (c) and (d)1; in the introductory paragraph of (d), substituted "and a" for the comma following "buffers" and deleted ", and a change in the hydraulics of a stream" following "location"; and reserved (h) through (j).

7:1C-1.6 DEP Bulletin

(a) The Department shall publish in the "DEP Bulletin", a report of the receipt of each new application and each agency action on applications currently before it. An annual subscription for the DEP Bulletin will be distributed free of charge to each of the municipalities, each of the county planning boards, and each New Jersey public depository. All other interested persons shall pay an annual subscription fee of \$50.00 per subscription requested to cover printing and mailing costs. Publication in the "DEP Bulletin", constitutes constructive notice to all interested persons of Department actions on construction permits.