

CHAPTER 1L
PAYMENT SCHEDULE FOR PERMIT APPLICATION FEES

Authority

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

Source and Effective Date

R.2005 d.362, effective September 28, 2005.
See: 37 N.J.R. 1958(a), 37 N.J.R. 4226(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 1L, Payment Schedule for Permit Application Fees, expires on March 27, 2011. See: 42 N.J.R. 2355(a).

Chapter Historical Note

Chapter 1L, Payment Schedule for Permit Application Fees, was adopted as R.1995 d.205, effective April 17, 1995. See: 26 N.J.R. 3922(a), 27 N.J.R. 1576(b).

Pursuant to Executive Order No. 66(1978), Chapter 1L, Payment Schedule for Permit Application Fees, was readopted as R.2000 d.198, effective April 17, 2000. See: 32 N.J.R. 624(a), 32 N.J.R. 1803(a).

Chapter 1L, Payment Schedule for Permit Application Fees, was readopted by R.2005 d.362, effective September 28, 2005. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 7:1L-1.1 Purpose and applicability
- 7:1L-1.2 Definitions

SUBCHAPTER 2. PAYMENT SCHEDULES

- 7:1L-2.1 Payment of permit application fees in installments
- 7:1L-2.2 Notice by the Department
- 7:1L-2.3 Payment of fees in contested cases
- 7:1L-2.4 Payment of fees when permit review is discontinued
- 7:1L-2.5 Effect of non-payment of fees
- 7:1L-2.6 Permit conditioned on payment of fee
- 7:1L-2.7 Action for nonpayment
- 7:1L-2.8 (Reserved)

SUBCHAPTER 1. GENERAL PROVISIONS

7:1L-1.1 Purpose and applicability

(a) This chapter institutes a system for the payment of permit application fees in installments. The amount of each installment is one-third of the total fee. The due dates for the installments are based upon the Department's completion of its duties and responsibilities at specific stages of the application review process.

(b) This chapter applies to any application for a permit for which the permit application fee is more than \$1,000, except as provided in (c) and (d) below. If an applicant submits applications for more than one permit, the applicability of this

chapter is based on the permit application fee for each permit, and not upon the aggregate of the permit application fees for all of the permits.

(c) This chapter does not apply to any license or certification fee.

(d) This chapter does not apply to the payment of a permit application fee if:

1. Another applicable provision of this title provides for the permit application fee to be payable in installments based on milestones in the permit process; and
2. The fee for a given milestone under that other provision of this title is less than the installment would be payable under N.J.A.C. 7:1L-2.1.

(e) This chapter does not apply to a fee for an application to renew or modify a New Jersey Pollutant Discharge Elimination System permit under N.J.A.C. 7:14A.

Amended by R.1997 d.66, effective September 2, 1997. See: 28 N.J.R. 242(a), 29 N.J.R. 3817(b).

Inserted new (c), and recodified (c) through (e) as (d) through (f). Amended by R.2005 d.362, effective November 7, 2005. See: 37 N.J.R. 1958(a), 37 N.J.R. 4226(a).

Deleted former (c); recodified former (d)-(f) as (c)-(e).

7:1L-1.2 Definitions

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

“Applicant” means the person in whose name a permit is to be issued.

“Completed application” means an application containing all of the information designated on the checklist adopted by the Department under N.J.S.A. 13:1D-101, for the class or category of permit for which an application is made.

“Department” means the Department of Environmental Protection.

“Final action” means a decision to issue a permit, deny a permit, or conditionally issue a permit.

“License or certification fee” means any fee, assessment or other charge imposed by the Department in connection with the licensing or certification of any member of a regulated profession or occupation, or any person seeking to become a member of a regulated profession or occupation.

“Member of a regulated profession or occupation” means any person subject to regulation by licensure or certification by the Department pursuant to any law of this State.

“Permit” means any permit, registration or license issued by the Department, establishing the regulatory and manage-

ment requirements for an ongoing regulated activity as authorized by federal law or the following State laws, as such laws are amended and supplemented:

1. The laws governing waterfront and harbor facilities, N.J.S.A. 12:5-1 through 11;
2. The 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;
3. The Comprehensive Regulated Medical Waste Management Act, N.J.S.A. 13:1E-48.1 through 48.25;
4. The laws governing leaf composting facilities, N.J.S.A. 13:1E-99.21a through 99.21f;
5. The 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 99.21f;
6. The Pesticide Control Act of 1971, N.J.S.A. 13:1F-1 through 18;
7. The Industrial Site Recovery Act, N.J.S.A. 13:1K-6 through 13;
8. The Toxic Catastrophe Prevention Act, N.J.S.A. 13:1K-19 through 32;
9. The Wetlands Act of 1970, N.J.S.A. 13:9A-1 through 10;
10. The Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 through 30;
11. The Coastal Area Facility Review Act, N.J.S.A. 13:19-1 through 21;
12. The Air Pollution Control Act, N.J.S.A. 26:2C-1 through 19.5;
13. The Water Supply Management Act, N.J.S.A. 58:1A-1 through 17;
14. The laws governing well drillers and pump installers, N.J.S.A. 58:4A-5 through 28;
15. The Water Pollution Control Act, N.J.S.A. 58:10A-1 through 14.6;
16. The laws governing the underground storage of hazardous substances, N.J.S.A. 58:10A-21 through 37;
17. The Safe Drinking Water Act; N.J.S.A. 58:12A-1 through 25; and
18. The Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 through 66.

“Permit application fee” or “fee” means any fee, assessment or other charge imposed by the Department for a permit.

“Person” means any individual or entity.

SUBCHAPTER 2. PAYMENT SCHEDULES

7:1L-2.1 Payment of permit application fees in installments

(a) If the fee for a permit application is more than \$1,000, the applicant seeking the permit may pay the fee in accordance with the schedule set forth in (a)1, 2 and 3 below:

1. One-third of the total fee at the time the applicant files the application for the permit.
2. One-third of the total fee within 20 calendar days after the date specified in the notice under N.J.A.C. 7:1L-2.2, stating that the application for the permit is a “completed application”; and
3. One-third of the total fee within 20 calendar days after the date specified in the notice under N.J.A.C. 7:1L-2.2, stating that the Department has taken final action on the permit application. The due date of this final installment may be postponed in accordance with N.J.A.C. 7:1L-2.3.

7:1L-2.2 Notice by the Department

(a) After the Department determines that an application for a permit is a “completed application,” the Department shall send written notice of this determination to the applicant. In the notice, the Department shall:

1. Certify that it has completed administrative review of the application;
2. State that it has determined that the application is a “completed application”;
3. State the amount of the fee installment that is due; and
4. State the date on which the fee installment is due. The due date is 20 calendar days after the date the notice is mailed to the applicant.

(b) If an application becomes a “completed application” by operation of N.J.S.A. 13:1D-30, 13:1D-102(b), or any other law that deems an application complete if the Department fails to notify the applicant of deficiencies in the application within a specified time, the Department shall send written notice to the applicant. In the notice, the Department shall:

1. Certify that the application has become a “completed application” by operation of law; and
2. State the amount of the fee installment that is due; and
3. State the date on which the fee installment is due. The due date is 20 calendar days after the date the notice is mailed to the applicant.

(c) After the Department determines the final action to be taken on a permit, the Department shall send written notice of the action to the applicant, specifying therein the date on