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CHAPTER 1

DEPARTMENT ORGANIZATION

Authority

N.J.S.A. 13:1B-3(d), 13:1B-3(e), 13:1B-5(a),
13:1K-15 et seq., and 52:14B-4(b).

Source and Effective Date

R.1995 d.480, effective August 7, 1995.
See: 27 N.J.R. 2332(a), 27 N.J.R. 3399(b).

Executive Order No. 66(1978) Expiration Date

Chapter 1, Department Organization, expires August 7, 2000.

Chapter Historical Note

Chapter 1, Rules of Practice and Procedure, became effective prior to September 1, 1969.

Subchapter 3, Sulfur in Fuels, was adopted as R.1973 d.326, effective November 21, 1973. See: 5 N.J.R. 404(a).

Subchapter 4, Importation of Solid and Liquid Waste from Outside New Jersey, was adopted as R.1974 d.10, effective February 1, 1974. See: 6 N.J.R. 58(a).

Subchapter 6, Bureau of Solid Waste Management Procedural Rules, was adopted as R.1976 d.296, effective September 20, 1976. See: 8 N.J.R. 460(d).

Subchapter 5, Debarment, Suspension, and Disqualification from Department Contracting, was adopted as R.1976 d.318, effective October 13, 1976. See: 8 N.J.R. 375(b), 8 N.J.R. 510(c).

Subchapter 3, Sulfur in Fuels, and Subchapter 4, Importation of Solid and Liquid Waste from Outside New Jersey, were repealed by R.1980 d.433, effective October 7, 1980. See: 12 N.J.R. 454(b), 12 N.J.R. 643(a).

Subchapter 3, Interim Environmental Cleanup Responsibility Act Rules, was adopted as Emergency New Rules by R.1983 d.649, effective December 30, 1983. See: 16 N.J.R. 151(a).

Subchapter 3, Interim Environmental Cleanup Responsibility Act Rules was adopted as new rules by R.1984 d.81, effective March 5, 1984. See: 16 N.J.R. 151(a), 16 N.J.R. 523(a).

Subchapter 4, Fee Schedule for Environmental Cleanup Responsibility Act, was adopted new rules by R.1985 d.487, effective September 16, 1985, operative October 1, 1985. See: 17 N.J.R. 1622(a), 17 N.J.R. 2260(a).

Pursuant to Executive Order 66(1978), Subchapter 3, Interim Environmental Cleanup Responsibility Act Rules, was readopted as R.1986 d.87, effective March 5, 1986. See: 18 N.J.R. 242(a), 18 N.J.R. 645(a).

Subchapter 7, Hazardous Substance Discharge: Reports and Notice, was adopted as R.1986 d.229, effective June 16, 1986. See: 17 N.J.R. 1826(a), 18 N.J.R. 1272(a).

Subchapter 6, Bureau of Solid Waste Management Procedural Rules, was repealed by R.1987 d.235, effective June 1, 1987. See: 18 N.J.R. 883(a), 19 N.J.R. 928(b).

Subchapter 3, Interim Environmental Cleanup Responsibility Act Rules, and Subchapter 4, Fee Schedule for Environmental Cleanup Responsibility Act, were repealed by R.1987 d.528, effective December 21, 1987, operative January 1, 1988. See: 19 N.J.R. 681(a), 19 N.J.R. 2435(a).

Subchapter 1, General Provisions of the Department of Environmental Protection, was adopted as R.1988 d.403, effective July 25, 1988. See: 20 N.J.R. 2058(a).

Pursuant to Executive Order No. 66(1978), Chapter 1, Rules of Practice and Procedure, was readopted as R.1990 d.457, effective August 15, 1990. Subchapter 2, Emergency Containment and Disposal of Pesticides, was recodified as N.J.A.C. 7:30-11, and Subchapter 7, Hazardous Substance Discharge: Reports and Notices, was recodified as N.J.A.C. 7:1E-5, by R.1990 d.457, effective September 17, 1990. See: 22 N.J.R. 1457(a), 22 N.J.R. 2965(a).

Subchapter 1, General Provisions of the Department of Environmental Protection, was repealed and Subchapter 1, General Provisions of the Department of Protection, was adopted as new rules by R.1992 d.441, effective October 9, 1992. See: 24 N.J.R. 4085(a).

Pursuant to Executive Order No. 66(1978), Chapter 1, Rules of Practice and Procedure, was readopted as R.1995 d.480, effective August 7, 1995. See: Source and Effective Date. See, also, section annotations.

N.J.A.C. 7:1-1.2, Procedure to petition for a rule, Subchapter 5, Debarment, Suspension and Disqualification from Department Contracting, and Appendix A, Mapping and Digital Data Standards, were recodified as N.J.A.C. 7:1D, General Practice and Procedure, by administrative change. See: 32 N.J.R. 1796(a).

Law Review and Journal Commentaries

Litigating an Administrative Environmental Case. John R. Tassini, 155 N.J.L.J. 710 (1999).

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SUBCHAPTER 1. GENERAL PROVISIONS

7:1-1.1 Organization of the Department of Environmental Protection

(a) The Commissioner is the administrator and head of the Department of Environmental Protection (Department), and has the duties listed in N.J.S.A. 13:1B-3.

(b) The Counselor to the Commissioner is the Commissioner's legal liaison with the Department of Law and Public Safety. The Counselor advises the Commissioner regarding policy implications of legal issues that arise in connection with the Department's work.

(c) The Office of Dispute Resolution provides a forum other than the administrative and trial courts for resolution of disagreements involving the Department. This forum is intended to reduce or avoid costly and protracted legal proceedings, and establish more meaningful lines of communication among environmental regulators, the regulated

community and other persons affected by Department actions. The Office of Dispute Resolution engages in the following forms of alternative dispute resolution:

1. Facilitation, which involves an informal meeting between the affected party and the Department staff to determine whether the parties can mutually resolve the differences that separate them. The Office of Dispute Resolution's role in facilitation is to structure this informal meeting to focus on the disputed issues and the ultimate goal. The informal meeting usually takes place before the Department's action has been formally contested; and

2. Mediation, which involves an effort by the affected parties to develop a joint resolution of the issue and agree on a future course of action. In mediation, the Office of Dispute Resolution acts as an impartial third party to help the parties explore options for resolution that may not previously have been considered. Mediation frequently takes place after the disputed action has been formally contested and scheduled for an administrative hearing or a trial.

(d) The Chief of Staff is second in command to the Commissioner, coordinates staff functions in the Commissioner's office, is responsible for the day-to-day administration of Department activities, and oversees the following organizational units:

1. The Office of Audit, which provides the Department with external audits of grants, contracts, and leases, and internal financial and operational audits of its programs;

2. The Office of Equal Opportunity and Public Contract Assistance, which is responsible for the development and implementation of the Department's affirmative action program. The office monitors all personnel practices to ensure compliance with equal employment opportunity and affirmative action policies, investigates all complaints of alleged discrimination, and, in the Department's contracting processes, enforces compliance with Federal and State statutes concerning micro, urban, small, and socially and economically disadvantaged businesses; and

3. The Office of Information Resources Management, which is responsible for overseeing all computer management activities, including development of standards and policies, modernization of hardware and software to encourage intersystem compatibility, reviewing and approving procurement requests, and serving as a liaison to state government's central oversight agencies. The Office is also responsible for coordinating the Department's Geographic Information System (GIS), and for developing and publishing mapping and digital data standards, incorporated herein by reference as Appendix A, for the GIS.

(e) The Department has seven Assistant Commissioners, as follows:

1. Enforcement;
2. Environmental Regulation;
3. Legislative and Program Coordination;
4. Management and Budget;
5. Natural and Historic Resources;
6. Policy and Planning; and
7. Site Remediation.

(f) The Assistant Commissioner for Enforcement oversees overall Department enforcement policies and generally supervises the Department's enforcement programs associated with the following: water pollution; coastal and land use management; hazardous waste management; solid waste management; and air pollution. The Assistant Commissioner for Enforcement also manages the issuance and settlement of enforcement documents for radiation; pesticides; noise; toxic release; discharge prevention; laboratory quality assurance; and Right-to-Know. The Assistant Commissioner for Enforcement implements and generally supervises Operation Clean Shores, the Cooperative Coastal Monitoring Program, the Adopt-a-Beach program, the Water Watch program and the County Environmental Health Act. A summary of the major organizational units overseen by the Assistant Commissioner for Enforcement follows:

1. The Division of Enforcement Field Operations, is directly responsible for enforcement associated with hazardous waste management, solid waste management, air pollution control, water pollution control, and safe drinking water. The Division also oversees enforcement policy and issues and settles enforcement documents for the pesticide, radiation, noise, toxic release, discharge prevention, Right-to-Know and laboratory quality assurance programs;

2. The Coastal and Land Use Enforcement Management Unit is responsible for enforcement matters involving freshwater and coastal wetlands, coastal area facility review, waterfront development, stream encroachment and dam safety. This unit also provides coordination with the State Police, Marine Bureau, and the Department's Division of Fish, Game and Wildlife;

3. The Office of Enforcement Coordination is responsible for assuring that a uniform enforcement policy is implemented throughout the Department. The office is also responsible for developing and reviewing enforcement provisions of regulations, handling economic issues related to enforcement cases for all programs listed above, and managing Enforcement's computer system. The office also supervises the Department's County Environmental Health Act program, Operation Clean Shores, the Adopt-a-Beach program, Phase III of the Sewage Infrastructure Improvement Act program, the Cooperative Coastal Monitoring program, and the Water Watch program.

(g) The Assistant Commissioner for Environmental Regulation oversees the Department's permit programs. Environmental Regulation is responsible for making permit decisions that carry out the purposes and requirements of the enabling legislation and regulations; conducting reviews of permit applications in a manner which promotes meaningful public input; developing procedural and regulatory changes, as well as non-regulatory studies and outreach efforts, to consider in the Department's permit decision-making pollution prevention, protection of critical watersheds, and the Interim State Plan; helping permit applicants to comply with applicable requirements and promptly informing applicants when their applications are incomplete or when compliance does not appear to be possible; and finding opportunities to improve efficiency of permit reviews while maintaining or improving environmental protection, eliminating procedures and requirements which do not lead to greater environmental protection, and consolidating the reviews of multiple permits for individual facilities or projects. The Assistant Commissioner for Environmental Regulation also oversees the following organizational units:

1. The Office of Permit Information and Assistance, which provides general information about the State's environmental regulations, including information about what kinds of permits are needed for various projects, and guidance which permit applicants can use to ensure that their applications are administratively and technically complete. The office also coordinates permit review processes for complex or multi-permitted projects; prevents duplication of efforts; enhances communication between Department staff, applicants and the public; and provides guidance on permit requirements, issues, and likely time frames for decision-making;

2. The Air Quality Regulation Program, which includes bureaus which: evaluate facility-wide air pollution control permits for major facilities; review air quality modeling and risk assessments which predict ground level air contaminant concentrations and their health effects; evaluate applications for new or modified equipment which emit air contaminants; and oversee the measurement of air contaminant emissions from stationary sources;

3. The Division of Solid and Hazardous Waste. With respect to hazardous waste, the Division is responsible for tracking and reporting requirements for hazardous waste; developing regulations necessary to implement the program; developing legislation, regulations, rules, policies and procedures to enable New Jersey to maintain Federal authorization to implement the Federal Resource Conservation and Recovery Act hazardous waste management program for New Jersey; and performing a technical review of applications and issuing permits to regulate the treatment, storage and disposal of hazardous waste. With respect to solid waste, the Division is responsible for reviewing permit applications for energy recovery facilities, large-scale municipal solid waste compost projects, new and expanded landfills, landfill disruptions, transfer

stations, incinerators, materials recovery facilities, vegetative compost facilities, and recycling centers; reviewing and approving closure plans for landfills, and the use of funds from the Sanitary Landfill Facility Contingency Fund (except for the payment of claims against the Fund, which is handled by the Environmental Claims Administration under the Assistant Commissioner for Site Remediation); planning source reduction, recycling and market development activities; administering statewide solid waste planning programs; coordinating the county solid waste planning process; planning for special waste materials such as contaminated soils and asbestos; implementation of the rules governing regulated medical waste; planning statewide sludge management; administering a background disclosure program for persons seeking to obtain certain solid waste permits and licenses; overseeing tariffs and rates for solid waste collection and disposal; reviewing certain transactions in the solid waste industry; issuing registrations to solid waste haulers, haulage vehicles and facilities, as well as licenses to solid waste utilities; and administering the Department's solid waste financial assistance programs;

4. The Land Use Regulation Program, which administers the programs associated with the Waterfront Development Act, the Wetlands Act of 1970, the Coastal Area Facility Review Act, the Flood Hazard Area Control Act (stream encroachment), the Freshwater Wetlands Protection Act, the Riparian Lands (Tidelands) Management Program, the Coastal Zone Management Plan, the Water Quality Certificate Program and the Federal Consistency Program;

5. The Office of Pollution Prevention, which is responsible for implementing the Pollution Prevention Act, and for developing the following: a pilot program to design single facility-wide permits for a set of facilities; a framework for industry to report reductions in the use and generation of hazardous substances; a systematic approach to integrate multimedia pollution prevention into existing media-specific permit programs; and policy initiatives to coordinate media-specific permit programs while emphasizing multimedia source reduction;

6. The Division of Water Quality, which is responsible for stormwater permitting, amendments to water quality management plans, and variance requests. The Division includes bureaus responsible for: implementing the sewer connection ban program and reviewing permit applications for construction and operation of wastewater treatment facilities, sanitary sewers and alternate design septic systems; issuing New Jersey Pollutant Discharge Elimination System (NJPDES) permits for discharges from industrial wastewater treatment facilities to surface waters, from industrial dischargers to municipal facilities, from municipal wastewater treatment facilities to surface waters, and from municipal and industrial treatment systems for process wastewater to groundwater; and **regulating** the discharge of contaminants and toxics into wastewater treatment facilities and regulating the management of

residuals such as sludge and food wastes; assisting municipalities with planning, design, construction, management and administration of municipal wastewater treatment and conveyance of facilities, and with combined sewer corrective actions; and administering the New Jersey Wastewater Treatment Financing Program, a State revolving loan fund; and

7. The Water Supply Element, which is responsible for programs that assure adequate and safe water supplies.

(h) The Assistant Commissioner for Legislative and Program Coordination oversees the following organizational units;

1. Legislative and Intergovernmental Affairs, which tracks State and Federal legislation and coordinates development of the Department's positions and testimony on legislation; serves as a liaison with local governments; and coordinates State and local environmental protection activities through technical and financial assistance to municipal environmental commissions;

2. Communications, which includes the Department's Public Information Office; monitors and supports public participation activities throughout the Department; provides editorial and design guidance to the Department in producing publications; provides centralized communications support within the Department and to other State, local, county and regional agencies; and provides writing and graphic arts services for the Department; and

3. The Office of Legal Affairs, which, pursuant to Executive Order No. 6(1990), is the legal liaison with the Division of Law in the Department of Law and Public Safety, and with the Office of Administrative Law. In that capacity, the office manages the preparation of the Department's regulations for proposal and adoption, the Commissioner's final decisions adopting, modifying or rejecting initial decisions rendered by Administrative Law Judges in administrative appeals, and requests for legal advice from the Division of Law. The office also manages the responses to requests for adjudicatory hearings in contested cases, manages requests for copies of public records, and receives all subpoenas of Department employees and records. In addition, the office organizes the agenda for the Commissioner's periodic legal affairs meetings. The office includes the Department's Ethics Liaison Officer and Administrative Practice Officer.

(i) The Assistant Commissioner for Management and Budget oversees the Department's administrative, financial, contracting, personnel and central services activities. As such, the Assistant Commissioner provides executive guidance to the following organizational units:

1. The Division of Financial Management and General Services, which budgets and manages the Department's finances; manages purchasing and contract administration; and provides printing, mailing and general support services to the Department;

2. The Division of Personnel, which provides recruitment, placement, job classification, payroll processing, compensation administration, job specification development, counseling, and employee and health benefits services;

3. The Office of Employee Relations, which implements a comprehensive labor-management relations policy in the Department, administers all collective bargaining agreements covering unionized Department employees, and provides Department management with advice concerning the interpretation and application of labor contracts and of State and Federal statutes governing public employment; and

4. The Office of Occupational Health and Safety, which provides assistance in promoting a safe and healthy workplace environment. The office also collects and correlates medical, safety and industrial hygiene data to provide a comprehensive program of safety and health.

(j) The Assistant Commissioner for Natural and Historic Resources directly supervises the following organizational units:

1. The Division of Fish, Game and Wildlife, which is responsible for management of marine fisheries; freshwater fisheries, wildlife management, and endangered and threatened nongame species. The division also is responsible for enforcing statutes and regulations concerning wildlife resources and their habitats; education; providing wildlife information; performing laboratory services which monitor wildlife diseases; and reviewing the impacts of various types of development on wildlife;

2. The Division of Parks and Forestry, which is responsible for natural lands management, historic preservation, management of the forest environment, and management of state parks;

3. The Green Acres Program, which provides planning assistance and low-interest loans and grants to municipalities and counties for open space acquisition and recreational development projects, and provides matching grants to nonprofit organizations for open space acquisition projects. The program also serves as the Department's land acquisition agent in purchasing land for state parks, forests and wildlife management areas. The program also prepares and updates the Statewide Comprehensive Outdoor Recreation Plan, and manages all Federal funds granted to New Jersey for open space preservation and recreational development; and

4. The Engineering and Construction Program, which includes offices responsible for the following: planning and designing shore protection projects, conducting waterway maintenance, and overseeing the development of the State's Shore Protection Plan; regulating the construction and maintenance of dams to ensure their safety; removing derelict barges and scows and debris along the Hudson River and the Newark Bay area; and flood plain management.

(k) The Assistant Commissioner for Policy and Planning is principally responsible for: working in concert with the Department's programs to formulate and implement policy and management initiatives for the Department as a whole; providing a forum for the free exchange of information and ideas in developing a cohesive foundation for environmental policy; coordinating with the various programs of the Department to identify priorities and apply resources so as to achieve policy and management goals as efficiently and effectively as possible; providing science and technical information to the Department; coordinating efforts on the setting of standards and complex contamination issues that cross environmental media lines; and acting as the Department's research and development branch. The Assistant Commissioner for Policy and Planning directly supervises the following organizational units:

1. The Office of Environmental Planning, which is responsible for the Department's Environmental Master Plan. The office is responsible for stormwater management planning, water supply planning, ground water planning, coastal planning, water quality management planning reform, water quality management plan issuance, stream classifications, surface water and ground water quality standards, the Whippany pilot project, and Phases I and II of the Sewage Infrastructure Improvement Act program;

2. The Office of Air Quality Management, which is responsible for monitoring of the State's air quality, evaluation of stationary, mobile and natural source emissions, control of air pollution from mobile sources, development of air quality regulations, and coordination and implementation of the State's responsibilities under the Federal Clean Air Act;

3. Program Coordination, which coordinates the Department's review and issuance of comments on all environmental impact statements for major projects required by the National Environmental Policy Act and the Governor's Executive Order on environmental assessment;

4. The Policy Team, which develops long-term Department-wide policy and planning strategies in coordination with other areas of the Department, interested outside organizations and the regulated community;

5. The Division of Science and Research, which provides scientific and technical information to the Department, coordinates efforts on the setting of standards and complex contamination issues that cross environmental media lines, and acts as the Department's research and development branch, providing a scientific basis for the Department's regulatory, enforcement and legislative actions. The Division also includes the New Jersey Geological Survey, which is responsible for characterizing ground water resources; mapping and evaluating aquifers; providing technical assistance in geophysics including delineation of ground water contamination; maintaining a satellite Geographic Information System office and hydrogeologic database; constructing geologic maps; and

locating and evaluating mineral resources and naturally occurring hazards. The Division also includes the Water Monitoring Management Unit, which is responsible for conducting ambient surface and groundwater monitoring, industrial pretreatment compliance monitoring, intensive water quality surveys, lake classification management, and associated data management; co-authoring a field procedures manual for water data management and water investigations; classifying shellfish growing areas; operating the Southern Regional Laboratory to support the classification program and provide laboratory support for Department water monitoring programs and other agencies (such as the USEPA, Delaware River Basin Commission, Food and Drug Administration); and administering a shellfish resource recovery program;

6. Division of Environmental Safety, Health and Analytical Programs, which contains the following subunits:

i. Laboratories and Quality Assurance, which is responsible for generating environmental data in the Department's environmental laboratories and assuring that all environmental data generated or collected by the Department are valid. The Laboratories and Quality Assurance element consists of three bureaus. The Office of Quality Assurance develops and administers the Department's quality assurance policies and procedures; administers the laboratory certification program; administers the Department's analytical services agreements; inspects laboratories; and assists the Department's laboratories in environmental, chemical and analytical research. The Bureau of Radiological and Inorganic Analytical Services and the Bureau of Organic Analytical Services provide litigation-quality environmental and radiological sample analysis; provide applied research support for other Department programs; and assist local agencies and other states in identifying and characterizing sources of pollution;

ii. Pesticide Control, which enforces laws and regulations regarding pesticides; investigates and conducts inspections to ensure that pesticides are used safely and properly; administers certification examinations; registers pesticide applicators, dealers, businesses and products; performs technical evaluations and environmental monitoring; and maintains and supports data management needs;

iii. Radiation Protection, which licenses users of radioactive materials; addresses radioactively contaminated sites; assesses exposure to non-ionizing radiation; administers the radon program and certifies radon testing and mitigation firms; maintains the environmental surveillance for nuclear power plants and serves as the lead State agency for emergencies at nuclear facilities; and registers x-ray producing machines and licenses radiological technologists; and

iv. Release Prevention, which gathers information on the use, storage and release of toxic chemicals to the environment; identifies companies that handle extraor-

dinarily hazardous substances and works to ensure that procedures are in place to prevent the occurrence of devastating accidental chemical releases; and works to reduce the possibility of spills of hazardous substances, and to mitigate the consequences of spills that do occur; and

7. The Office of Innovative Technology and Marketing Development, which is responsible for developing an environmental management scheme designed to create an industrial policy that promotes the growth and use of green technologies for New Jersey. The office uses environmental protection as a tool for economic development where opportunities exist and are appropriate.

(l) The Assistant Commissioner for Site Remediation directly supervises the following organizational units:

1. The Division of Publicly Funded Site Remediation, which includes units responsible for implementing and monitoring cleanup plans at sites being remediated with public funds; conducting remedial activities for contaminated sites where public funds are being expended; overseeing the remediation of sites that require ground water dischargers by private parties; and providing contracting, program development, geologic, technical and scientific support to the Department's site remediation programs.

2. The Division of Responsible Party Site Remediation, which includes units responsible for evaluating sites to determine the existence of contamination; overseeing the cleanup of major contaminated waste sites as conducted by responsible parties; implementing the Industrial Site Recovery Act and the Underground Storage of Hazardous Substances Act; undertaking emergency activities related to discharges of hazardous substances and wastes; and developing and maintaining a master list of contaminated waste sites in the State; and

3. The Environmental Claims Administration, which administers the New Jersey Spill Compensation Fund to provide compensation to individuals and businesses that have suffered damages from the discharge of petroleum products or other hazardous substances, and processes claims against the Sanitary Landfill Facility Contingency fund for damages resulting from the operation or closure of a sanitary landfill.

(m) Persons seeking information from the Department may contact the appropriate program listed above. In addition, the following sources of information are available:

1. To inspect, copy or obtain a copy of any public record required to be made available under N.J.S.A. 47:1A-1, Examination and Copies of Public Records, please contact:

Department of Environmental Protection
Office of Legal Affairs
Attention: Public Records Requests
401 East State Street
CN 402
Trenton, New Jersey 08625-0402

2. Publications, press releases, notices of public hearings and other forums, scientific studies, and a variety of other information is available at the DEP Public Access Center, 401 East State Street, 1st Floor, Trenton, New Jersey. Besides visiting the Public Access Center in person weekdays from 9:00 A.M. to 5:00 P.M., the public may make inquiries by calling (609) 777-DEP3, or by writing the center at:

Public Access Center
Department of Environmental Protection
401 East State Street
CN 402
Trenton, New Jersey 08625-0402

3. To obtain information concerning the types of permits required for a project, timing of permit reviews, and instructions for completing permit applications, please contact:

Office of Permit Information and Assistance
Department of Environmental Protection
401 East State Street
CN 401
Trenton, New Jersey 08625-0401

4. The DEP Bulletin is an information service provided by the Department. In compliance with the Rules and Regulations Governing 90-Day Construction Permits (N.J.A.C. 7:1C), this semi-monthly publication contains a list of 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 Statewide General permits, Open Water Fill permits, Stream Encroachment permits, Tidal Wetlands permits, Waterfront Development permits, and Treatment Works Approvals. 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. Persons desiring to subscribe to the DEP Bulletin should contact:

Department of Environmental Protection
Documents Distribution Center
CN 402
Trenton, New Jersey 08625-0402
(609) 292-1553

5. Subpoenas seeking the production of Department records and/or testimony from Department employees shall be served upon the Department at the following address:

Department of Environmental Protection
 Office of Legal Affairs
 401 East State Street
 PO Box 402
 Trenton, New Jersey 08625-0402

Amended by R.1995 d.480, effective September 5, 1995.
 See: 27 N.J.R. 2332(a), 27 N.J.R. 3399(b).
 Amended by R.1996 d.462, effective October 7, 1996.
 See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).

7:1-1.2 Effect of delegation of authority

(a) No provision of this Title 7 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 this Title 7 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 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.

New Rule: R.1992 d.473, effective December 7, 1992.
 See: 23 N.J.R. 3276(a), 24 N.J.R. 4365(a).
 Administrative change.
 See: 32 N.J.R. 1796(a).

7:1-1.3 Definitions

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

“Commissioner” means the Commissioner of the Department.

“Delegee” means any 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” means the New Jersey Department of Environmental Protection.

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

New Rule: R.1992 d.473, effective December 7, 1992.
 See: 23 N.J.R. 3276(a), 24 N.J.R. 4365(a).
 Amended by R.1995 d.480, effective September 5, 1995.
 See: 27 N.J.R. 2332(a), 27 N.J.R. 3399(b).
 Administrative change.
 See: 32 N.J.R. 1796(a).

7:1-1.4 (Reserved)

Administrative change.
 See: 32 N.J.R. 1796(a).