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CHAPTER 1C

7:1C-1.14 (Reserved)

NINETY-DAY CONSTRUCTION PERMITS

Authority

N.J.S.A. 13:1D-9 and 13:1D-29 et seq., specifically 13:1D-33.

Source and Effective Date

R.1995 d.356, effective June 12, 1995.
See: 27 N.J.R. 998(a), 27 N.J.R. 2599(a).

Executive Order No. 66(1978) Expiration Date

Chapter 1C, Ninety-Day Construction Permits, expires on June 12, 2000.

Chapter Historical Note

All provisions of this chapter were filed November 18, 1975 as R.1975 d.347 to become effective December 22, 1975. See: 7 N.J.R. 548(a). Revisions became effective March 10, 1976 as R.1976 d.180. See: 8 N.J.R. 180(a). Further revisions were filed and became effective June 3, 1977 as R.1977 d.200. See: 9 N.J.R. 321(a). Further revisions were filed and became effective October 18, 1977 as R.1977 d.390. See: 8 N.J.R. 505(c), 9 N.J.R. 513(c). Further amendments became effective February 14, 1980 as R.1980 d.75. See: 11 N.J.R. 432(b), 12 N.J.R. 113(d). Further amendments were filed and became effective July 11, 1980 as R.1980 d.312. See: 12 N.J.R. 178(b), 12 N.J.R. 462(b). Further amendments became effective February 6, 1981 as R.1981 d.48. See: 12 N.J.R. 455(a), 13 N.J.R. 128(b). Further amendments became effective June 4, 1981 as R.1981 d.187. See: 13 N.J.R. 123(c), 13 N.J.R. 334(b). Further amendments became effective December 21, 1981 as R.1981 d.473. See: 13 N.J.R. 564(a), 13 N.J.R. 943(b). This subchapter expired pursuant to Executive Order 66(1978) on June 30, 1983. New rules became effective June 17, 1985 as R.1985 d.316. See: 16 N.J.R. 3243(a), 17 N.J.R. 1544(a). Pursuant to Executive Order No. 66(1978) Chapter 7:1C was readopted as R.1990 d.343, effective June 15, 1990. See: 22 N.J.R. 73(a), 22 N.J.R. 2143(c). Chapter 7:1C was readopted as R.1995 d.356, effective June 12, 1995. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

Cross References

Flood control, projects exposing deposits of acid-producing soils, see N.J.A.C. § 7:13-3.7.

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SUBCHAPTER 1. 90-DAY CONSTRUCTION PERMIT RULES

7:1C-1.1 Purpose

This chapter implements P.L. 1975, Chapter 232 (N.J.S.A. 13:1D-29 et seq.), to secure timely decisions by the Department of Environmental Protection on construction permit applications as defined therein, to assure adequate public notice of procedures thereunder, and to continue effective administration of the substantive provisions of other laws.

7:1C-1.2 Definitions

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

“Act” means N.J.S.A. 13:1D-29 et seq.

“Applicant” means any person requesting a construction permit who has submitted an application to the Department.

“Application form” means the permit application form required and provided by the appropriate agency.

“Appropriate agency” means:

1. The Land Use Regulation Program, CN 401, Trenton, NJ 08625 for:

i. Approval of plans for the development of any waterfront upon any tidal or navigable waterway pursuant to N.J.S.A. 12:5-3 (Waterfront Development Permit);

ii. Permits for a regulated activity under the Wetlands Act of 1970, P.L. 1970, c.272 (N.J.S.A. 13:9A-1 et seq.);

iii. Permits issued pursuant to the Coastal Area Facility Review Act, P.L. 1993, c.190 (N.J.S.A. 13:19-1 et seq.); and

iv. Stream encroachment permits under N.J.S.A. 58:16A-50 et seq.

2. The Division of Water Quality, CN 029, Trenton, NJ 08625 for:

i. A treatment works approval for the construction, change, improvement, alteration or extension of sanitary sewage collection and treatment systems issued pursuant to N.J.S.A. 58:10A-1 et seq. and N.J.A.C. 7:14A-22.

"Commissioner" means the Commissioner of the New Jersey Department of Environmental Protection.

"Construction cost" means the project cost, not including financing or insurance charges, of that portion of a project which is subject to review for a construction permit.

"Construction permit" means:

1. Approval of plans for the development of any waterfront upon any tidal or navigable waterway pursuant to N.J.S.A. 12:5-3;
2. A permit for a regulated activity pursuant to "The Wetlands Act of 1970," P.L. 1970, c.272 (N.J.S.A. 13:9A-1 et seq.);
3. A permit issued pursuant to the Coastal Area Facility Review Act, P.L. 1993, c.190 (N.J.S.A. 13:19-1 et seq.);
4. A permit issued pursuant to the "Flood Hazard Area Control Act," N.J.S.A. 58:16A-50 et seq. and the "Flood Hazard Area Control Regulations," N.J.A.C. 7:13; and
5. A treatment works approval for the construction, change, improvement, alteration or extension of sanitary sewage collection and treatment systems issued pursuant to N.J.S.A. 58:10A-1 et seq. and N.J.A.C. 7:14A-22.

Note: "Construction permit" does not include any approval of or a permit for an electric generating facility or for a petroleum processing or storage facility, including a liquefied natural gas facility, with a storage capacity of over 50,000 barrels.

"Department" means the New Jersey Department of Environmental Protection.

"DEP Bulletin" means the official publication of the Department of Environmental Protection required by N.J.S.A. 13:1D-34, listing the status of pending construction permit applications.

"Person" means corporations, companies, associations, societies, firms, partnerships, and joint stock companies, as well as individuals, owners or operators of a domestic or industrial treatment works, the State, and all political subdivisions of the State or any agencies or instrumentalities thereof.

"Structure" means any assembly of materials above or below the surface of land or water, including but not limited to buildings, fences, dams, pilings, breakwaters, fills, levees, bulkheads, dikes, jetties, embankments, causeways, culverts, pipes, pipelines, roads, railroads, bridges and the facilities of any utility or governmental agency. Trees or other vegetation shall not be considered to be structures.

"Treatment works approval" means an approval issued pursuant to N.J.S.A. 58:10A-6 or N.J.A.C. 7:14A-22.

Amended by R.1977 d.200, effective June 3, 1977.

See: 9 N.J.R. 321(a).

Amended by R.1980 d.75, effective February 14, 1980.

See: 11 N.J.R. 432(b), 12 N.J.R. 113(d).

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

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

"Appropriate agency", "Construction permit", and "Person" revised. "Treatment works approval" added.

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

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

Addresses corrected at "appropriate agency."

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.1995 d.356, effective July 3, 1995.

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

Substituted a definition of "Application form" for "Application"; and corrected citations.

7:1C-1.3 Pre-application procedure and requirements

(a) A pre-application review is an optional service especially recommended for major development. During this review the Department will discuss the apparent strengths and weaknesses of the proposed development, as well as the procedures and policies that would apply to the particular development. The conference is intended to provide guidance and does not constitute a commitment of approval or denial of a permit for the proposed development. However, if the appropriate agency determines that the proposed project is exempt from the permit requirement, the agency shall issue a written statement of such finding which shall bind the agency. The written statement issued as a result of a pre-application review shall be based solely on the information submitted by the applicant pursuant to (a)1 below. Therefore, this written statement will not constitute an exemption letter, issued pursuant to N.J.A.C. 7:7-2.1(e), certifying that a development is exempt from the requirements of CAFRA.

1. A request for a pre-application review shall be made in writing and shall include a conceptual proposal of the proposed development, including a written description of the site and the proposed development including the dimensions, number, and uses of proposed structures, as well as a tax lot and block designation of the site.

(b) Prior to submitting an application to the Department, the applicant shall, if required by the appropriate agency, notify the following local agencies of intent to file an application by mailing them the completed application form, and shall obtain an acknowledgement of receipt of notification by certified mail return receipt requested:

1. Municipal clerk;
2. Municipal environmental commission, if any;
3. County environmental commission, if there is no municipal environmental commission;
4. Municipal planning board;
5. If applicable, those agencies which are required to be notified in accordance with the provisions of N.J.A.C. 7:13-4.2.