

TITLE 7

ENVIRONMENTAL PROTECTION

CHAPTER 1

DEPARTMENT ORGANIZATION

Authority

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

Source and Effective Date

R.2010 d.198, effective August 24, 2010.
See: 42 N.J.R. 2243(b).

Chapter Expiration Date

Chapter 1, Department Organization, expires on August 24, 2015.

Chapter Historical Note

Chapter 1, Rules of Practice and Procedure, was adopted and 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Subchapter 3, Sulfur in Fuels, and Subchapter 4, Importation of Solid and Liquid Waste from Outside New Jersey, were repealed by R.1980 d.433, effective October 7, 1980.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Subchapter 6, Bureau of Solid Waste Management Procedural Rules, was repealed by R.1987 d.235, effective June 1, 1987.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 Environmental 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: 27 N.J.R. 2332(a), 27 N.J.R. 3399(b).

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).

Chapter 1, Department Organization, was repealed and Chapter 1, Department Organization, was adopted as new rules by R.2000 d.364, effective August 7, 2000. See: 32 N.J.R. 3291(b).

Chapter 1, Department Organization, was readopted as R.2005 d.293, effective August 5, 2005. See: 37 N.J.R. 3336(a). Chapter 1, Department Organization, expired on August 5, 2010.

Petition for Rulemaking. See: 39 N.J.R. 2546(b), 3413(a).

Petition for Rulemaking. See: 41 N.J.R. 3319(a), 4127(a).

Petition for Rulemaking. See: 42 N.J.R. 523(b).

Chapter 1, Department Organization, was adopted as new rules by R.2010 d.198, effective August 24, 2010. See: Source and Effective Date.

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 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.

"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; and
4. Office of Communications.

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

1. Climate and Environmental Management;
2. Compliance and Enforcement;
3. Economic Development and Green Energy;
4. Land Use Management;
5. Natural and Historic Resources;
6. Site Remediation; and
7. Water Resource Management.

(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.

(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
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
PO Box 402
Trenton, NJ 08625-0402

(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