



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
P.O. BOX 402
401 EAST STATE STREET
TRENTON, NJ 08625-0402

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

ADMINISTRATIVE ORDER NO. 2013-06

WHEREAS, by Executive Order No. 104, dated October 27, 2012, Governor Christie declared a State of Emergency as a result of Hurricane Sandy, and authorized and empowered me to waive, suspend or modify any existing rule where its enforcement is detrimental to the public welfare during the pendency of the State of Emergency in accordance with N.J.S.A. App. A:9-45; and

WHEREAS, Executive Order No. 104 remains in effect; and

WHEREAS, widespread damage to public infrastructure that occurred as a result of Hurricane Sandy caused a detriment and burden to the public health, safety and welfare; and

WHEREAS, State, County and Municipal agencies acted and are continuing to act on an emergency basis to take measures necessary to repair or replace public infrastructure due to damage resulting from Hurricane Sandy, activities that require Department action demonstrating regulatory compliance; and

WHEREAS various activities within the State's waterfront, coastal wetlands and coastal waterfront areas are presently exempt from permitting requirements under the Coastal Permit Program Rules at N.J.A.C. 7:7, provided the site and project meet all the criteria in the applicable rules; and

WHEREAS, additional action beyond those exempt activities cited hereinabove is necessary to alleviate the administrative burdens placed on State, County and Municipal agencies for those activities that have been completed, are currently being conducted, or will be conducted to ensure protection of the public health, safety and welfare; and

WHEREAS, I determined that requiring already overburdened State, County and Municipal agencies to comply with the Department's permitting requirements for measures necessary to repair or replace public infrastructure damaged as a result of Hurricane Sandy would be detrimental to public health, safety and welfare; and

WHEREAS, with the approval of the Governor, I signed Administrative Order 2012-13 on November 3, 2012 conditionally waiving the Department's permitting requirements, specifically those contained in the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13, the Coastal Permit Program Rules, N.J.A.C. 7:7, and Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A, as applied to the activities authorized in Administrative Order 2012-13 to be conducted by State, County, and Municipal

agencies, necessary to repair or replace public infrastructure damaged as a result of Hurricane Sandy; and

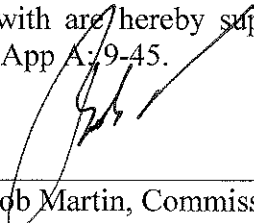
WHEREAS, the Governor gave his prior approval for the activities described in Administrative Order 2012-13 in consultation with the State Director of Emergency Management as required by paragraph 6 of Executive Order 104; and

WHEREAS, State, County and Municipal agencies are continuing to repair or replace public infrastructure damaged as a result of Hurricane Sandy, in accordance with the measures contemplated in Executive Order 104 and Administrative Order 2012-13:

NOW THEREFORE, and with the approval of the Governor, I hereby extend for one hundred eighty (180) days, until October 29, 2013, the date by which, in order to qualify under Administrative Order 2012-13 for the waiver of permitting requirements for authorized activities, a State, County, or Municipal agency shall submit to the Department a comprehensive inventory of damage resulting from Hurricane Sandy and the authorized activities that have been or will be conducted to repair said damage.

THIS ORDER shall take effect immediately, and remain in effect until such time as the state of emergency declared by Executive Order No. 104 has concluded or this Administrative Order is rescinded. Paragraphs 3, 4 and 5 shall survive the conclusion of the emergency and the rescission of this Administrative Order. All other Administrative Orders or portions thereof, including portions of Administrative Order 2012-13, which are inconsistent herewith are hereby superseded or repealed. This Order shall be promulgated in accordance with N.J.S.A. App A:9-45.

Dated: 5/3/13

By: 
Bob Martin, Commissioner

Approved:
Office of the Governor


Charles B. McKenna, Chief Counsel