

## CHAPTER 1 DEPARTMENT ORGANIZATION

### Authority

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

### Source and Effective Date

R.2000 d.364, effective August 7, 2000.  
See: 32 N.J.R. 3291(b).

### Executive Order No. 66(1978) Expiration Date

Chapter 1, Department Organization, expires August 7, 2005.

### 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Subchapter 3, Sulfur in Fuels, and Subchapter 4, Importation of Solid and Liquid Waste from Outside New Jersey, were repealed by R.1980 d.433, effective October 7, 1980.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Subchapter 6, Bureau of Solid Waste Management Procedural Rules, was repealed by R.1987 d.235, effective June 1, 1987.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: 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 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, Counselor 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" means the New Jersey Department of Environmental Protection.

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

### 7:1-1.2 Organization of the Department

(a) The Commissioner is the administrator and head of the Department, and has the duties listed in N.J.S.A. 13:1B-3. The Chief of Staff, two Deputy Commissioners, the Counselor to the Commissioner, the Assistant Commissioner for Management and Budget, the Special Assistant for Dispute Resolution, the Director of the Office of Business and External Affairs, and the Director of Communications report directly to the Commissioner.

(b) The Chief of Staff, who 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 Equal Opportunity, Contract Assistance, and Environmental Equity, which is responsible for the development and implementation of the Department's Equal Opportunity program and of its Environmental Equity policy and procedures;

2. The Office of Information Resources Management (OIRM), which is responsible for managing the Department's information systems needs and for facilitating integration of data to provide internal and external information accessibility, including network services, database management, and geographic information and analysis; and

3. The Office of Dredging and Sediment Technology, which manages dredging policy and permitting of dredging projects.

(c) 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. The Counselor to the Commissioner oversees the following organizational units:

1. The Office of Legislative Affairs, which monitors State and Federal legislation, and coordinates Department testimony on legislation;

2. 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 regarding rulemaking, adjudicatory hearing requests, and final decisions in contested cases. This office also manages requests for public records, subpoenas of Department employees and records, and requests for ethics advice from Department employees, and serves as the central filing point for other communications with legal consequences (such as bankruptcy and tort claim notices); and

3. The Office of Audit, which is responsible for external audits of grants, contracts and leases, as well as internal financial and operational audits of Department programs.

(d) The Office of Dispute Resolution provides a forum other than the administrative and trial courts for resolution of disagreements between affected parties and Department staff regarding Department actions. The Office of Dispute Resolution engages in alternative dispute resolution through mediation, in which the Office acts as an impartial third party to help the affected party and the Department staff reach a joint agreement resolving the issue(s) and setting a course of action. Mediation most often takes place after a Department action has been formally contested and scheduled for an administrative hearing. The affected party may request mediation contemporaneously with its appeal of the Department's action or at any time thereafter in accordance with guidelines available from the Office of Dispute Resolution.

(e) The Office of Business and External Affairs serves as a liaison between the Department and the business community, local, county and State government, and their representatives for the purpose of facilitating understanding of and compliance with Department permitting requirements for urban redevelopment and other economic growth projects.

(f) The Office of Communications includes the Department's Public Information Office, and, in addition, monitors and supports public outreach and education activities, provides centralized communications support, and provides editorial and graphic arts services to the Department.

(g) The Office of State Plan Coordination provides support to the Commissioner in the Commissioner's capacity as a member of the State Planning Commission, and is responsible for coordinating, to the extent allowed by law, the implementation of the aspects of the State Development and Redevelopment Plan relevant to the Department's environmental protection mission and goals.

(h) The Department has two Deputy Commissioners and seven Assistant Commissioners. The Deputy Commissioners provide policy recommendations to the Commissioner. The Assistant Commissioner for Compliance and Enforcement (see (i) below), the Assistant Commissioner for Environmental Regulation (see (j) below), and the Assistant Commissioner for Site Remediation (see (k) below) report to one Deputy Commissioner. The Assistant Commissioner for Natural and Historic Resources (see (l) below), the Assistant Commissioner for Land Use Management (see (m) below), and the Assistant Commissioner for Environmental Planning and Science (see (n) below), report to the other Deputy Commissioner. As noted at (a) above, the Assistant Commissioner for Management and Budget (see (o) below) reports directly to the Commissioner.

(i) The Assistant Commissioner for Compliance and Enforcement implements the Department's overall compliance and enforcement policies and supervises the Department's enforcement programs associated with water pollution; hazardous waste management; solid waste management; release prevention; pesticides and local environmental management; and air pollution. The Assistant Commissioner for Compliance and Enforcement also oversees the issuance and settlement of enforcement documents for the above programs as well as radiation and pollution prevention. The Assistant Commissioner for Compliance and Enforcement supervises the Bureau of Enforcement Services. The Assistant Commissioner for Compliance and Enforcement oversees the following organizational units:

1. Solid and Hazardous Waste Compliance and Enforcement, which includes the Element of Release Prevention;
2. Water Compliance and Enforcement;
3. Air Compliance and Enforcement; and
4. Pesticide Control and Local Environmental Management.

(j) The Assistant Commissioner for Environmental Regulation oversees all of the Department's permit programs other than coastal, wetlands, flood hazard and water supply programs (see (m) below). The Assistant Commissioner for Environmental Regulation is additionally responsible for developing procedural and regulatory changes, as well as non-regulatory studies and outreach efforts, to facilitate the Department's consideration of pollution prevention, protection of critical watersheds, and the State Development and Redevelopment Plan in permit decision-making, and to improve the efficiency of permit reviews while maintaining or improving environmental protection. The Assistant Commissioner for Environmental Regulation oversees the following organizational units:

1. The Air Quality Regulation Program, which is responsible for evaluating facility-wide air pollution control permits for major facilities; reviewing air quality modeling and risk assessments; evaluating applications for new or modified equipment which emit air contaminants; and overseeing the measurement of air contaminant emissions;
2. The Division of Environmental Safety, Health and Analytical Programs, which includes the Office of Quality Assurance and the Radiation Protection Program. The Office of Quality Assurance develops and administers the Department's quality assurance policies and procedures and administers the laboratory certification program. The Radiation Protection Program licenses radiological technologists and users of radioactive materials, assesses exposure to non-ionizing radiation, and administers the radon program;
3. The Office of Pollution Prevention and Permit Coordination, which is responsible for the implementation of the Pollution Prevention Act, including facility-wide permitting and the integration of multimedia pollution prevention into media-specific permit programs. The Office is also responsible for implementation of the Department's Silver and Gold Track Program for Environmental Performance for regulated entities that demonstrate compliance and commitment to enhanced environmental performance;

4. The Division of Solid and Hazardous Waste, which is responsible for permitting facilities that treat, store and/or dispose of hazardous and solid waste. Responsibilities include development of rules, policies and procedures to maintain Federal authorization to implement the Federal Resource Conservation and Recovery Act for hazardous waste management in New Jersey; planning source reduction, recycling and market development activities; administering solid waste planning programs; administering a background disclosure program for persons seeking to obtain certain solid waste permits and licenses; and administering the Department's solid waste financial assistance programs; and

5. The Division of Water Quality, which is responsible for stormwater permitting; reviewing permit applications for construction and operation of wastewater treatment facilities, sanitary sewers and alternative design septic systems; issuing New Jersey Pollutant Discharge Elimination System (NJPDDES) permits for discharges to surface and ground waters; and regulating the discharge of contaminants and toxics into wastewater treatment facilities. The Division is additionally responsible for regulating the management of residuals such as sludge and food wastes; assisting municipalities with planning, design, construction, and management of municipal wastewater treatment and conveyance facilities as well as combined sewer corrective actions; and administering the New Jersey environmental infrastructure finance program.

(k) The Assistant Commissioner for Site Remediation oversees the Department programs responsible for evaluating potentially contaminated sites; overseeing the cleanup of contaminated sites conducted by responsible parties as well as the cleanup of sites with public funds; 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 maintaining a master list of contaminated waste sites in the State. The Assistant Commissioner for Site Remediation additionally oversees the administration of the New Jersey Spill Compensation Fund and the processing of claims against the Sanitary Landfill Facility Contingency Fund. The Assistant Commissioner oversees the following organizational units:

1. The Division of Publicly Funded Site Remediation, which implements and monitors cleanup plans at sites remediated with public funds and also provides program contracting, development, geologic, technical and scientific support to the Department's site remediation programs; and
2. The Division of Responsible Party Site Remediation, which oversees the remediation of contaminated sites conducted by responsible parties; implements the Industrial Site Recovery Act and the underground storage tank program, and also is responsible for undertaking emergency response activities related to the discharge of hazardous substances.

(l) The Assistant Commissioner for Natural and Historic Resources supervises organizational units responsible for fish, wildlife, and endangered and threatened nongame species management; natural lands, forest, and State parks management; historic preservation; open space acquisition and outdoor recreational development projects; shore protection; and dam safety. The Assistant Commissioner for Natural and Historic Resources oversees the following organizational units:

1. The Division of Fish and Wildlife, which manages and enforces regulations concerning New Jersey's wildlife, endangered and nongame species, and marine and freshwater fisheries;
2. The Division of Parks and Forestry, which is responsible for natural lands management, historic preservation, forest management, forest fire service and management of State parks;
3. The Green Acres Program, which purchases land for State parks, forests, and wildlife management areas, and provides funds to municipalities, counties, and non-profit organizations for open space acquisition and/or outdoor recreational development projects;
4. The Engineering and Construction Program, which oversees shore protection projects, waterway maintenance, dam safety, and flood plain management; and
5. The Office of Natural Resource Restoration, which provides assessments of injuries to New Jersey's natural resources associated with oil or other hazardous substance releases and performs restoration of those resources in conjunction with other State or Federal agencies and responsible parties.

(m) The Assistant Commissioner for Land Use Management oversees permitting and enforcement involving freshwater and coastal wetlands, coastal area facility review, waterfront development, and flood hazard area control (stream encroachment). The Assistant Commissioner additionally oversees programs that assure adequate and safe water supplies. The Assistant Commissioner for Land Use Management oversees the following organizational units:

1. Land Use Regulation, Compliance and Enforcement, which includes the Bureau of Coastal Regulation (coastal wetlands and Coastal Area Facility Review Act (CAFRA) permitting), the Bureau of Inland Regulation (freshwater wetlands and flood hazard area permitting), the Bureau of Tidelands Management, and the Bureau of Regional Enforcement; and
2. The Water Supply Administration, which includes the Bureau of Water Allocation (water resources management, and well permitting and regulation) and the Bureau of Safe Drinking Water (water supply loans and program support, water quality evaluation, and safe drinking water permits).

(n) The Assistant Commissioner for Environmental Planning and Science is responsible for providing scientific and technical information to the Department as well as conducting environmental planning and data assessment and developing environmental indicators in collaboration with Department programs. The Assistant Commissioner for Environmental Planning and Science supervises watershed management and coastal planning; environmental impact statements and assessments; and the development of regional mobile air pollution and non-point source water pollution control strategies. The Assistant Commissioner for Environmental Planning and Science oversees the following organizational units:

1. The Division of Watershed Management, which includes the Office of Water Monitoring Management and five regional Watershed Management Bureaus. The Office of Water Monitoring Management is responsible for conducting chemical and biological monitoring of surface and ground water, lake management, and shellfish growing water monitoring and classification. Each of the Watershed Management Bureaus is responsible for watershed management activities for its designated area and, in addition, has lead responsibility for a particular technical and regulatory function for the entire State (for example, modeling and total maximum daily load development, surface and ground water quality standards). The Watershed Management Bureaus are the Atlantic Coastal Bureau (including the Barnegat Bay Watershed/Estuary Program); the Upper Delaware/Walkill Bureau; the Lower Delaware River Bureau (including the Delaware Estuary Program); the Northeast Bureau (including the Whippany River Watershed Project and the NY/NJ Harbor Estuary Program); and the Raritan Bureau;
2. The Office of Air Quality Management, which monitors air quality, evaluates stationary, mobile and natural sources of air pollution, and develops air quality regulations;
3. The Office of Coastal Planning and Program Coordination, which is liaison with Federal, State, and regional entities involved in coastal, estuarine and/or ocean management and coordinates the Department's review of environmental impact statements for major projects under the National Environmental Policy Act; and
4. The Division of Science, Research and Technology, which provides scientific and technical information to the Department's programs. The Environmental Assessment and Risk Analysis Element provides human health and ecological risk and impacts assessments. The Office of Innovative Technology and Market Development disseminates information about and fosters implementation of innovative environmental technologies. The New Jersey Geological Survey (NJGS) provides geology and ground water resource mapping and information.

(o) The Assistant Commissioner for Management and Budget oversees the Department's administrative, financial, contracting, human resources, and central services activities. The Assistant Commissioner oversees the following organizational units:

1. Budget and Finance;
2. Financial Operations;
3. General Services;
4. Management and Budget Systems Coordination;
5. The Division of Human Resources Management; and
6. Occupational Health and Safety.

### 7:1-1.3 Communicating with the Department

(a) Persons seeking information from the Department may contact the appropriate offices and programs described at N.J.A.C. 7:7-1.2. The Department publishes a guide to its offices, programs, and staff, entitled Easy Access, which is available from the Department's Office of Communications at (609) 777-3373 and can also be found at the Department's web site, [www.state.nj.us/dep](http://www.state.nj.us/dep).

(b) Requests for inspection, copying, or obtaining 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, should be submitted to:

Department of Environmental Protection  
Office of Legal Affairs  
Attention: Public Records Request  
401 East State Street  
PO Box 402  
Trenton, NJ 08625-0402

(c) Publications, press releases, notices of public hearings and other forums, scientific studies, and a variety of other information is maintained and made available at the DEP Public Access Center, 401 East State Street, 1st Floor, Trenton, New Jersey. The Public Access Center is open weekdays from 9:00 A.M. to 5:00 P.M., and its staff is available by telephone at (609) 777 DEP3. Written inquiries should be submitted to:

Public Access Center  
Department of Environmental Protection  
401 East State Street  
PO Box 402  
Trenton, NJ 08625-0402

(d) Information concerning the types of permits required for a project, timing of permit reviews, and instructions for completing permit applications may be obtained from:

Office of Pollution Prevention and Permit Coordination  
Department of Environmental Protection  
401 East State Street  
PO Box 423  
Trenton, NJ 08625-0423

(e) 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 individual and general permits, general groundwater petroleum products cleanup permits, NJPDES permits, solid waste facility permits, flood hazard area control (stream encroachment) permits, tidal wetlands permits, treatment works approvals, and waterfront development permits. 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. The DEP Bulletin is available at municipal clerks' offices and county planning board offices. Annual subscriptions (24 issues) are available to individuals for a \$50.00 fee. Persons interested in subscribing to the DEP Bulletin should contact:

Department of Environmental Protection  
Documents Distribution Center  
PO Box 420  
Trenton, NJ 08625-0420  
(609) 292-1553

(f) Subpoenas for the production of Department records and/or testimony from Department employees must 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, NJ 08625-0402

### 7:1-1.4 Effect of delegation of authority

(a) No provision of Title 7 of the New Jersey Administrative Code 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 Title 7 of the New Jersey Administrative Code 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.