

SENATE, No. 314

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator SCOTT

1 AN ACT concerning the issuance of environmental permits for major
2 new projects and supplementing Title 52 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. This act shall be known and may be cited as the "New Jersey
8 Business and Economic Development Act."

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10 2. As used in this act:

11 "Environmental permit" means any permit, license, certificate, or
12 written approval, or any renewal thereof, issued by the Department of
13 Environmental Protection, or any division, bureau, agency, office, or
14 other administrative unit thereof, pursuant to: R.S.12:5-1 et seq.;
15 P.L.1975, c.232 (C.13:1D-29 et seq.); the "Solid Waste Management
16 Act," P.L.1970, c.39 (C.13:1E-1 et seq.); section 17 of P.L.1975,
17 c.326 (C.13:1E-26); the "Comprehensive Regulated Medical Waste
18 Management Act," P.L.1989, c.34 (C.13:1E-48.1 et al.); P.L.1989,
19 c.151 (C.13:1E-99.21a et al.); the "New Jersey Statewide Mandatory
20 Source Separation and Recycling Act," P.L.1987, c.102
21 (C.13:1E-99.11 et al.); the "Pesticide Control Act of 1971," P.L.1971,
22 c.176 (C.13:1F-1 et seq.); the "Environmental Cleanup Responsibility
23 Act," P.L.1983, c.330 (C.13:1K-6 et seq.); the "Toxic Catastrophe
24 Prevention Act," P.L.1985, c.403 (C.13:1K-19 et seq.); "The Wetlands
25 Act of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.); the "Freshwater
26 Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et seq.); the
27 "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et
28 seq.); the "Air Pollution Control Act (1954)," P.L.1954, c.212
29 (C.26:2C-1 et seq.); section 13 of P.L.1967, c.106 (C.26:2C-9.2); the
30 "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et
31 seq.); section 10 of P.L.1947, c.377 (C.58:4A-14); the "Water
32 Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.);
33 P.L.1986, c.102 (C.58:10A-21 et seq.); the "Safe Drinking Water
34 Act," P.L.1977, c.224 (C.58:12A-1 et seq.); the "Flood Hazard Area
35 Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.); or the federal

1 "Resource Conservation and Recovery Act of 1976," as amended and
2 supplemented, 42 U.S.C. §6901 et seq.;

3 "Major new project" means a project that involves the investment
4 of at least \$10,000,000.00 and that would create or maintain at least
5 25 manufacturing jobs in the State;

6 "Project" means the construction of a new facility or building, or
7 the renovation, expansion, enlargement, or alteration of an existing or
8 abandoned facility or building.

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10 3. a. There is created in the Department of Commerce, Energy and
11 Economic Development an Office of New Project Permitting. The
12 office shall be under the immediate supervision of a chief, who shall be
13 a person qualified by training, experience, or both, to direct the work
14 of the office. The chief shall administer the work of the office under
15 the direction and supervision of the commissioner and shall perform
16 such other functions as the commissioner may prescribe. The office
17 shall be within the Division of Economic Development in the
18 department.

19 b. The chief may employ such professional, technical, research and
20 clerical staff as may be necessary within the limits of available
21 appropriations. The chief may also employ consultants from time to
22 time as may be necessary for particular projects.

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24 4. It shall be the function of the Office of New Project Permitting
25 to issue environmental permits for major new projects. An applicant
26 for a permit from the office shall submit an application on a form
27 prescribed by the office. The office shall approve or disapprove the
28 application for the permit within six months of its initial submittal to
29 the office.

30 In reviewing and issuing permits, the office shall implement the
31 statutory requirements of the law authorizing the issuance of the
32 environmental permit, but the office is not obligated to adhere to any
33 procedural or unnecessary substantive requirements in the law or its
34 implementing regulations that would necessarily result in the office
35 being unable to issue the permit within the six month timeframe as
36 provided in this section.

37 The office may impose fees for its issuance of environmental
38 permits as is necessary and that do not exceed the fees that are
39 authorized for each particular environmental permit.

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41 5. The Office of New Project Permitting shall adopt, pursuant to
42 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
43 seq.), and rules and regulations necessary to effectuate the purposes
44 of this act.

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46 6. This act shall take effect immediately.

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STATEMENT

This bill would create the Office of New Project Permitting within the State Department of Commerce, Energy and Economic Development. The office would be empowered to issue environmental permits to any person proposing to invest at least \$10 million in a project in the State which project will result in the creation or maintenance of at least 25 manufacturing jobs. The office would be required to act on the permit within six months of its initial submission.

Creates the Office of New Project Permitting in the Department of Commerce, Energy and Economic Development to issue environmental permits for certain projects.