

SENATE, No. 528

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senator BASSANO

1 AN ACT concerning construction permits and amending P.L.1975,
2 c.232.

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

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7 1. Section 1 of P.L.1975, c.232 (C.13:1D-29) is amended to read
8 as follows:

9 1. For the purposes of this act, unless the context clearly requires
10 a different meaning, the following terms shall have the following
11 meanings:

12 a. "Commissioner" means the [State] Commissioner of
13 Environmental Protection.

14 b. "Construction permit" means and shall include:

15 (1) Approval of plans for the development of any waterfront upon
16 any tidal waterway pursuant to R.S.12:5-3 [.] ;

17 (2) A permit for a regulated activity pursuant to "The Wetlands Act
18 of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.) [.] ;

19 (3) A permit issued pursuant to the "Coastal Area Facility Review
20 Act," P.L.1973, c.185 (C.13:19-1 et seq.) ;

21 (4) Approval of a structure or alteration within the area which
22 would be inundated by the 100 year design flood of any nondelineated
23 stream or of a change in land use within any delineated floodway or
24 any State administered and delineated flood fringe area, all pursuant
25 to the "Flood Hazard Area Control Act," P.L.1962, c.19
26 (C.58:16A-50 et seq.) as amended and supplemented [.] ;

27 (5) Approval of plans and specifications for the construction
28 changes, improvements, extensions or alterations to any sewer system
29 pursuant to R.S.58:11-10 [.] ;

30 (6) Certification of water supply and sewerage facilities for 50 or
31 more realty improvements pursuant to the "The Realty Improvement
32 Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et
33 seq.); and

34 (7) The following approvals connected with the discharge of

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 pollutants issued pursuant to the "Water Pollution Control Act,"
2 P.L.1977, c.74 (C.58:10A-1 et seq.):

3 (a) approval of a work plan for the execution of a water quality
4 study;

5 (b) approval of a water quality study;

6 (c) approval and issuance of a draft New Jersey Pollution Discharge
7 Elimination System (NJPDES) Permit or a draft Discharge Allocation
8 Certificate (DAC);

9 (d) approval and issuance of a final NJPDES permit or final DAC
10 following the close of public hearings and close of comment period;
11 and

12 (e) issuance of a final NJPDES permit, following the approval and
13 issuance of a final DAC.

14 "Construction permit" shall not, however, include any approval of
15 or permit for an electric generating facility or for a petroleum
16 processing or storage facility, including a liquefied natural gas facility,
17 with a storage capacity of over 50,000 barrels.

18 c. "Department" means the Department of Environmental
19 Protection.

20 (cf: P.L.1979, c.359, s.8)

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22 2. Section 3 of P.L.1975, c.232 (C.13:1D-31) is amended to read
23 as follows:

24 3. The department shall approve, condition or disapprove an
25 application for a construction permit within 90 days following the date
26 that the application is complete, except that this time period may be
27 extended for a 30-day period by the mutual consent of the applicant
28 and the department, provided that the department request the applicant
29 for such an extension at least 15 days prior to the expiration date for
30 the approval, conditioning or disapproval of such an application. For
31 those construction permits issued pursuant to P.L.1977, c.74
32 (C.58:10A-1 et seq.) for approval of a work plan for the execution of
33 a water quality study, or for issuance of a final NJPDES permit,
34 following the approval and issuance of a final DAC, the department
35 shall take action on a request for approval of a work plan and request
36 for issuance of a final NJPDES permit, following the approval and
37 issuance of a final DAC for the permit, within 30 days following its
38 submittal.

39 (cf: P.L.1975, c.232, s.3)

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41 3. Section 4 of P.L.1975, c.232 (C.13:1D-32) is amended to read
42 as follows:

43 4. In the event that the department fails to take action on an
44 application for a construction permit within the 90-day or other time
45 period specified herein, then the application shall be deemed to have
46 been approved; provided, however, that the time periods specified in

1 P.L.1973, c.185 (C.13:19-1 et seq.) shall apply to applications for
2 construction permits pursuant to the "Coastal Area Facility Review
3 Act," P.L.1973, c.185 (C.13:19-1 et seq.) , and provided that the time
4 period specified in section 3 of P.L.1975, c.232 (C.13:1D-31) shall
5 apply to requests for approval of a work plan under the NJPDES
6 program and to requests for issuance of a final NJPDES permit,
7 following the approval and issuance of a final DAC .
8 (cf: P.L.1993, c.190, s.22)

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10 4. This act shall take effect immediately.

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13 STATEMENT

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15 This bill would require the Department of Environmental Protection
16 to take action within 90 days of the application being complete on
17 construction permits for certifications of water supply and sewerage
18 facilities of 50 or more realty improvements required pursuant to the
19 "The Realty Improvement Sewerage and Facilities Act (1954),"
20 P.L.1954, c.199 (C.58:11-23 et seq.), and within 30 days for certain
21 other components of construction permit approvals connected with the
22 discharge of pollutants issued pursuant to the "Water Pollution
23 Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.).

24 Specifically, the department would be required to approve the work
25 plan for the execution of a water quality study within 30 days of the
26 application being complete and issue a final NJPDES permit within 30
27 days of the final approval and issuance of the final Discharge
28 Allocation Certificate (DAC) for those approvals connected with the
29 discharge of pollutants. The other elements of the approvals, the
30 approval of a water quality study, approval and issuance of the draft
31 DAC and the approval and issuance of a final DAC, each would have
32 90 day time periods for DEP approval.

33 Currently, the department takes up to 2.3 years to issue and review
34 NJPDES discharge to surface water permits. This bill would assure
35 timely decisions on NJPDES realty improvement certifications and
36 departmental action within 330 days, or 11 months, on NJPDES
37 permits issued pursuant to the discharge of pollutant requirements
38 under the Water Pollution Control Act.

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43 Requires DEP to approve certain construction permit work plans and
44 NJPDES permits within certain specified time frames.