

Construction Permits Law, N.J.S.A. 13:1D-29 et seq.

N.J.S.A. 13:1D-29. Definitions

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

- a. "Commissioner" means the State Commissioner for Environmental Protection.
- b. "Construction permit" means and shall include:
 - (1) Approval of plans for the development of any waterfront upon any tidal waterway pursuant to R.S. 12:5-3.
 - (2) A permit for a regulated activity pursuant to "The Wetlands Act of 1970," P.L. 1970, c. 272 (C. 13:9A-1 et seq.).
 - (3) A permit issued pursuant to the "Coastal Area Facility Review Act," P.L. 1973, c. 185 (C. 13:19-1 et seq.)
 - (4) Approval of a structure or alteration within the area which would be inundated by the 100-year design flood of any nondelineated stream or of a change in land use within any delineated floodway or any State administered and delineated flood fringe area, all pursuant to the "Flood Hazard Area Control Act," P.L. 1962, c. 19 (C. 58:16A-50 et seq.) as amended and supplemented.
 - (5) Approval of plans and specifications for the construction changes, improvements, extensions or alterations to any sewer system pursuant to R.S. 58:11-10.

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

- c. "Department" means the Department of Environmental Protection.

N.J.S.A. 13:1D-30. Application for construction permits; review; request for additional information

The department shall promptly review all applications for construction permits. The department shall within 20 working days following the filing of an application for a construction permit, except a permit issued pursuant to the Coastal Area Facility Review Act, P.L. 1973, c. 185 (C. 13:19-1 et seq.), request that the applicant submit additional information to assist it in its review if it deems that such information is necessary. In the event that such information is requested, the application will be construed to be complete when the additional information is received by the department.

N.J.S.A. 13:1D-31. Application for construction permit; approval conditioning or disapproval; time period

The department shall approve, condition or disapprove an application for a construction permit within 90 days following the date that the application is complete, except that this time period may be extended for a 30-day period by the mutual consent of the applicant and the department, provided that the department request the applicant for such an extension at least 15 days prior to the expiration date for the approval, conditioning or disapproval of such an application.

N.J.S.A. 13:1D-32. Failure to take action within time period; application deemed approved

In the event that the department fails to take action on an application for a construction permit within the 90-day period specified herein, then the application shall be deemed to have been approved; provided however, that the time periods specified in P.L. 1973 c. 185 (C. 13:19-1 et seq.) shall apply to applications for construction permits pursuant to the "Coastal Area Facility Review Act," P.L. 1973, c. 185 (C. 13:19-1 et seq.).

N.J.S.A. 13:1D-33. Rules, regulations; "Environmental Services Fund;" fees

- a. The commissioner shall adopt, amend and repeal rules and regulations to implement the provisions of this act. The commissioner shall in accordance with a fee schedule adopted as a rule or regulation establish and charge reasonable fees for the filing and review of any application for a construction permit. The fees imposed hereunder, except as may otherwise be provided by law, shall be deposited in a fund to be known as the "Environmental Services Fund" kept separate and apart from all other State receipts and appropriated only as provided herein. There shall be appropriated annually to the department revenue from such fund sufficient to defray in full the costs incurred in the processing and review of applications for construction permits.
- b. In establishing the fee schedule required pursuant to subsection a. of this section, the commissioner shall not establish a fee in excess of \$30,000 for the filing and review of any application for a construction permit pursuant to R.S. 12:5-3 or the "Coastal Area Facility Review Act," P.L. 1973, c. 185 (C. 13:19-1 et seq.) except that a fee in excess of \$30,000 may be charged if the department documents actual costs in excess of \$30,000 for the review and processing of an application and the estimated cost of determining compliance with the conditions of the permit.

N.J.S.A. 13:1D-34. Monthly bulletin

The commissioner shall publicly distribute, at least monthly, a bulletin, listing the pending applications for construction permits and the status of the review of those applications, including decisions thereon.