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**PUBLIC NOTICES****Reporter**

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ENVIRONMENTAL PROTECTION &gt; OFFICE OF THE COMMISSIONER

**Text****Notice of Extension of Certain State, Municipal, and Other Public Entity Permits, Approvals, and Deadlines in Accordance with the Permit Extension Act of 2020**

**Take notice** that, in accordance with the Permit Extension Act of 2020 (the "Permit Extension Act" or "Act"), P.L. 2020, c. 53, signed by Governor Murphy on July 1, 2020, the term of certain governmental permits, approvals, and deadlines that were due to expire on March 9, 2020, or the specified period following it, were extended, provided the holder of the permit or approval registers the affected permit or approval with the Department of Environmental Protection (Department) as specified below. This registration requirement applies to specified permits, approvals, and deadlines from a broad range of State and local entities--not just the Department. If the holder fails to register the permit or approval, the extension granted under the law will not apply. A summary of the Act, the approvals extended by the Act, and exceptions to the extensions provided by the Act is provided below.

In accordance with the Act, any government approval subject to the automatic suspension of the running period of such approval for the COVID-19 extension period must be registered with the Department by October 8, 2020 (30 days after the date of publication of this notice in the New Jersey Register). The running period of any approval not registered within 30 days of the date of publication of this notice shall not be suspended for the COVID-19 extension period. Holders of an approval asserted to be covered by the Act shall register such approval by providing information specified at [www.nj.gov/dep/pea2020](http://www.nj.gov/dep/pea2020).

**The Permit Extension Act of 2020**

The Permit Extension Act of 2020 extends the term of certain governmental permits, approvals, and deadlines during what it is referred to as the "COVID-19 extension period," in order to prevent the abandonment of approved projects and activities, and the waste of public and private resources that would result if such projects and activities were required to repeat the application and approval process. The extension will allow projects to be ready to quickly resume when it is safe to restart normal business and government activity. Particularly, for any government approval subject to the Permit Extension Act that was in existence on March 9, 2020, the running of the period of approval is automatically suspended for the COVID-19 extension period, with certain exceptions specified in the Act. The COVID-19 extension period is defined as the period beginning March 9, 2020, and continuing for as long as the public health emergency declared by Governor Murphy, pursuant to the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq., is in effect. The Act extends the government approval at least six months beyond the conclusion of the COVID-19 extension period, provided the approval was validly issued, the term of such approval was unexpired as of March 9, 2020, and the recipient of the approval has registered the approval within the 30-day period after the publication date of this notice.

The accommodations provided by the Permit Extension Act of 2020 supplement actions taken by Governor Murphy by way of Executive Order and by the Department to address the impacts of COVID-19. For a listing of the Governor's Executive Orders, see [http://nj.gov/infobank/eo/056murphy/approved/eo\\_archive.html](http://nj.gov/infobank/eo/056murphy/approved/eo_archive.html). For information on actions taken by the Department to address issues related to COVID-19, see <http://www.nj.gov/dep/covid19regulatorycompliance/>.

The following summary of the Permit Extension Act of 2020 is provided for information purposes only. Please refer to P.L. 2020, c. 53 for further information.

**Approvals Extended by the Act**

The Act extends the following approvals, subject to the exceptions and limitations specified below, provided the approvals were validly issued and term of the approval had not expired as of March 9, 2020:

- Any approval of a soil erosion and sediment control plan granted by a local soil conservation district under the authority

- Any approval or a soil erosion and sediment control plan granted by a local soil conservation district under the authority conferred by N.J.S.A. 4:24-22 et seq.;
- Waterfront development permit issued pursuant to N.J.S.A. 12:5-1 et seq.;
- Permit issued pursuant to The Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq.;
- Permit issued pursuant to the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.;
- Approval of an application for development granted by the Delaware and Raritan Canal Commission pursuant to the Delaware and Raritan Canal State Park Law of 1974, N.J.S.A. 13:13A-1 et seq.;
- Permit issued pursuant to the Hackensack Meadowlands Reclamation and Development Act, N.J.S.A. 13:17-1 et seq.;
- Approval of an application for development granted by the Pinelands Commission and determination of municipal and county plan conformance pursuant to the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq. Note: All underlying municipal, county, [page=1683] and State permits or approvals within the regional growth areas, villages, and towns, designated in the comprehensive management plan prepared and adopted by the Pinelands Commission pursuant to section 7 of the Pinelands Protection Act, N.J.S.A. 13:18A-8, are extended;
- Permit issued and center designations pursuant to the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq.;
- Septic approval granted pursuant to Title 26 of the Revised Statutes;
- Permit granted pursuant to N.J.S.A. 27:7-1 et seq., or any supplement thereto;
- Right-of-way permit issued by the Department of Transportation pursuant to paragraph (3) of subsection (h) of N.J.S.A. 27:1A-5;
- Approval granted by a sewerage authority pursuant to the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et seq.;
- Approval granted by a municipal authority pursuant to the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq.;
- An agreement with a municipality, county, municipal authority, sewerage authority, or other governmental authority for the use or reservation of sewerage capacity;
- Approval issued by a county planning board pursuant to Chapter 27 of Title 40 of the Revised Statutes;
- Preliminary and final approval granted in connection with an application for development pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.;
- Permit granted pursuant to the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq.;
- Plan endorsement and center designations pursuant to the State Planning Act, N.J.S.A. 52:18A-196 et seq.;
- Permit or certification issued pursuant to the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.;
- Permit granted authorizing the drilling of a well pursuant to N.J.S.A. 58:4A-5 et seq.;
- Certification or permit granted, exemption from a sewerage connection ban granted, wastewater management plan approved, and pollution discharge elimination system permit pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.;
- Certification granted pursuant to The Realty Improvement Sewerage and Facilities Act (1954), N.J.S.A. 58:11-23 et seq.;
- Certification or approval granted pursuant to N.J.S.A. 58:11-25.1 et seq.;
- Certification issued and water quality management plan approved pursuant to the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.;
- Approval granted pursuant to the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq.;
- Permit issued pursuant to the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.; and
- Any municipal, county, regional, or State approval or permit granted under the general authority conferred by State law, rule, or regulation, or any other government authorization of any development application or any permit related thereto, whether that authorization is in the form of a permit, approval, license, certification, permission, determination, interpretation, exemption, variance, exception, waiver, letter of interpretation, no further action letter, agreement, or any other executive or administrative decision that allows a development or governmental project to proceed.

#### **Soil and Fill Recycling Registration, Application, or Licensing Requirements**

In accordance with the Act, the running of the period of any registration, application, or licensing requirement or timeframe imposed pursuant to N.J.S.A. 13:1E-127.1 et seq., applicable to a person who performs soil and fill recycling services related to road or bridge construction activities, is suspended as of March 9, 2020. The calculation of any registration, application filing, and licensing dates, and the requirements related thereto, shall resume on the 60th day after the conclusion of the COVID-19 extension period.

#### **Exceptions to Extension of the Approvals Subject to the Act**

The Permit Extension Act does not extend:

- The time period of any government approval that expired before March 9, 2020;
- Any permit or approval issued by the government of the United States or any agency or instrumentality thereof, or any permit or approval for which the duration of, or date or terms of its expiration are specified or determined by law or regulation of the Federal government or its agencies or instrumentalities;
- Any permit or approval issued pursuant to the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq., if the extension would result in a violation of Federal law, or any State rule or regulation requiring approval by the Secretary of the Interior pursuant to 16

in a violation of Federal law, or any State rule or regulation requiring approval by the Secretary of the Interior pursuant to 16 U.S.C. § 711;

- Any permit or approval issued within the preservation area of the Highlands Region, defined at N.J.S.A. 13:20-3;
- Any permit or approval issued by the Department of Transportation pursuant to Title 27 of the Revised Statutes or under the general authority conferred by State law, other than a right-of-way permit issued pursuant to paragraph (3) of subsection (h) of N.J.S.A. 27:1A-5 or a permit granted pursuant to N.J.S.A. 27:7-1 et seq., or any supplement thereto;
- Any permit or approval issued pursuant to the Flood Hazard Area Control Act, except (a) where work has commenced, in any phase or section of the development, on any site improvement as defined in paragraph (1) of subsection a. of section 41 of the Municipal Land Use Law, N.J.S.A. 40:55D-53, or on any buildings or structures; or (b) where the permit or approval authorizes work on real property owned by the government or the Federal government;
- Any coastal center designated pursuant to the Coastal Area Facility Review Act; or
- Any permit or approval within the Highlands planning area located in a municipality subject to the Highlands Water Protection and Planning Act, that has adopted in accordance with a Highlands Water Protection and Planning Council conformance approval, a Highlands master plan element, a Highlands land use ordinance, or an environmental resource inventory, except that the provisions of this paragraph shall not apply to any permit or approval within a Highlands center designated by the Highlands Water Protection and Planning Council, notwithstanding the adoption by the municipality of a Highlands master plan element, a Highlands land use ordinance, or an environmental resource inventory.

#### **Actions Not Affected by the Act**

- The Permit Extension Act does not affect any administrative consent order issued by the Department in effect or issued during the COVID-19 extension period, nor does it extend any approval in connection with a resource recovery facility as defined in section 2 of N.J.S.A. 13:1E-137.
- The Act does not affect the ability of the Department to revoke or modify a specific permit or approval or extension thereof pursuant to the Act, when that specific permit or approval, or the Commissioner's underlying statutory or regulatory authority contains language authorizing the modification or revocation of the permit or approval by the Department.
- In the event that any approval tolled pursuant to the Act is based upon the connection to a sanitary sewer system, the approval's extension shall be contingent upon the availability of sufficient capacity on the part of the treatment facility to accommodate the development whose approval has been extended. If sufficient capacity is not available, those permit holders whose approvals have been extended shall have priority with regard to the further allocation of gallonage over those approval holders who have not received approval of a hookup prior to March 9, 2020. Priority regarding the distribution of further gallonage to any permit holder who has received the extension of an approval pursuant to the Act shall be allocated in order of the granting of the original approval of the connection.
- The Act does not toll any approval issued under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., in connection with an application for development involving a residential use where, [page=1684] subsequent to the expiration of the permit, but prior to March 9, 2020, an amendment has been adopted to the master plan and the zoning ordinance to rezone the property to industrial or commercial use when the permit was issued for residential use.
- The Act does not modify any requirement of law that is necessary to retain Federal delegation to, or assumption by, the State of the authority to implement a Federal law or program.
- The Act does not extend the obligation of any wastewater management planning agency to submit a wastewater management plan or plan update, or the obligation of a municipality to submit a wastewater management plan or plan update, pursuant to the Water Quality Planning Act and the Water Quality Management Planning rules, N.J.A.C. 7:15.

No extension resulting from the Act shall reduce the time period of any approval valid as of March 9, 2020. The Act does not extend the time period of any governmental approval that expired prior to March 9, 2020. Subsequent to the receipt of requests for registration, the Department will publish on its website a list of approvals determined to be extended by the Act.