

13:1D-105

LEGISLATIVE HISTORY CHECKLIST  
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(DEP permit applications--  
categories)

NJSA: 13:1D-105

LAWS OF: 1991 CHAPTER: 423

BILL NO: A4518

SPONSOR(S) Cimino and Collins

DATE INTRODUCED: March 4, 1991

COMMITTEE: ASSEMBLY: Energy and Environment  
SENATE: Environmental Quality

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by  
asterisks

DATE OF PASSAGE: ASSEMBLY: June 20, 1991  
SENATE: January 6, 1992

DATE OF APPROVAL: January 17, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes  
SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG/pp

[FIRST REPRINT]  
ASSEMBLY, No. 4518

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1991

By Assemblymen CIMINO, COLLINS and  
Assemblywoman Cooper

1 AN ACT concerning procedures for the review of applications  
2 filed with the Department of Environmental Protection, and  
3 supplementing Title 13 of the Revised Statutes.

4

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

7 1. Within 120 days of the effective date of this act, the  
8 Department of Environmental Protection shall establish classes  
9 or categories (hereinafter referred to as a "classification  
10 system") for all permits, <sup>1</sup>[licenses, certificates, registrations, or  
11 other similar approvals] as defined pursuant to section 1 of  
12 P.L. , c. (C. )(now before the Legislature as Assembly Bill  
13 No. 4516),<sup>1</sup> issued by the department <sup>1</sup>, authorizing an applicant  
14 to engage in a regulated activity<sup>1</sup>. The classification system  
15 shall be based upon: the nature and complexity of an application  
16 and of the supportive documentation or other information  
17 required therefor; and the nature and magnitude of potential  
18 environmental or health impacts that could result from issuance  
19 of <sup>1</sup>[the permit, license, certificate, registration, or other  
20 similar] a permit<sup>1</sup> approval.

21 2. a. Within 120 days of the effective date of this act, the  
22 department shall <sup>1</sup>[establish a review schedule] adopt guidelines  
23 establishing review schedules<sup>1</sup> for each class or category of  
24 <sup>1</sup>[permit, license, certificate, registration, or other approval]  
25 permit<sup>1</sup> established pursuant to section 1 of this act <sup>1</sup>, which  
26 guidelines shall serve as goals of the department<sup>1</sup> . Review  
27 schedules shall set forth the estimated time required by the  
28 department to review and take final action on an application  
29 therefor. The time-frame established for each permit, license,  
30 certificate, registration or other approval shall correspond to the  
31 scope and complexity of the application; the magnitude of  
32 potential environmental or health impacts; the length of time  
33 needed for public notice or hearing requirements, or afforded to  
34 government agencies, other than the department, to review and  
35 comment on an application prior to final action thereon by the  
36 department; and such other relevant considerations as may affect  
37 the length of time reasonably required for the efficient, effective  
38 and equitable processing of, and the taking of a final action on,

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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AEE committee amendments adopted June 10, 1991.

1 an application. The department may, from time to time, alter  
2 particular review schedules in order to effectuate more efficient,  
3 effective and equitable review of applications.

4 b. The review schedules shall serve as guidelines <sup>1</sup>only<sup>1</sup> for  
5 departmental review of applications for the different classes <sup>1</sup>[of  
6 permits, licenses, certificates, registrations or other approvals]  
7 or categories of permits<sup>1</sup>.

8 c. <sup>1</sup>The department shall adopt an expedited review schedule  
9 for permit applications authorizing remediation or corrective  
10 actions to cleanup or remove pollutants from surface waters or  
11 groundwaters.

12 d.<sup>1</sup> In adopting review schedules, the department may consider  
13 using the following time-frames: over-the-counter or mail  
14 service approvals; 45-day review periods; 90-day review periods;  
15 180-day review periods; and review periods in excess of 180 days;  
16 or such other specific time-frames as the department may deem  
17 appropriate.

18 <sup>1</sup>[d.] e.<sup>1</sup> Nothing in this section shall be deemed to authorize  
19 any change in a review period established by law.

20 3. Within 120 days from the effective date of this act, the  
21 department shall identify for each class <sup>1</sup>[of permit, license,  
22 certificate, registration or other approval] or category of  
23 permit<sup>1</sup> the administrative level within the department  
24 responsible for the review of, and the taking of final action on, an  
25 application therefor, which shall include the identity of each  
26 division, bureau or other agency, and <sup>1</sup>[the job titles of all  
27 persons, involved therewith] the name and business address and  
28 telephone number of the employee designated by each division,  
29 bureau or other agency to provide information on applications  
30 filed with the department<sup>1</sup>.

31 4. a. Within 150 days from the effective date of this act, the  
32 department shall publish in the New Jersey Register the  
33 classification <sup>1</sup>[system, the review schedules therefor] and review  
34 schedule guidelines adopted pursuant to sections 1 and 2 of this  
35 act<sup>1</sup>, the identity of the administrative levels involved in the  
36 review, and the methodologies or factors used in establishing the  
37 classification system and review schedules. Copies of the  
38 information required to be published in the New Jersey Register  
39 shall, as soon as practicable, be provided to the Speaker of the  
40 General Assembly and the Assembly Energy and Environment  
41 Committee, and the Senate President and the Senate  
42 Environmental Quality Committee, or the successor to the  
43 Assembly or Senate committee.

44 b. A change in any information required to be published  
45 pursuant to subsection a. of this section shall be published in the  
46 New Jersey Register within 30 days following adoption of the  
47 change.

48 <sup>1</sup>c. Classification and review schedule guidelines adopted in

1 accordance with this act shall not, for purposes of adoption, be  
2 subject to the notice and publication requirements of the  
3 "Administrative Procedure Act," P.L.1968, c.412, (C.52:14B-1 et  
4 seq.).<sup>1</sup>

5 5. a. Not later than February 1 of each year for three  
6 consecutive years, beginning on February 1 next following the  
7 first full year of implementation of the review schedules adopted  
8 pursuant to section 2 of this act, the department shall submit to  
9 the Speaker of the General Assembly and the Assembly Energy  
10 and Environment Committee, and to the President of the Senate  
11 and the Senate Environmental Quality Committee, or the  
12 successor to the Assembly or Senate committee, a report on the  
13 disposition of all applications filed in the preceding year for  
14 which review schedules have been established pursuant to section  
15 2 of this act. The report shall contain the following information  
16 for each class or category of permit, certificate, registration,  
17 license or other approval for which application was made, and the  
18 review schedule therefor:

19 (1) the number of applications filed with the department;

20 (2) the number of completed applications reviewed by the  
21 department, and the average number of days required from the  
22 date of filing of an application to determine the applications  
23 completeness;

24 (3) the number of completed applications on which the  
25 department took final action within the time-frame allotted in  
26 the review schedule;

27 (4) the number of completed applications on which the  
28 department failed to take final action within the time-frame  
29 established therefor, and the average number of days in excess of  
30 that time-frame required for the taking of final action thereon;

31 (5) the number of completed applications on which the  
32 department failed to take final action within the time-frames of  
33 the review schedules, where the cause of delay was the result of  
34 an applicant's failure to provide in a timely manner additional  
35 information required by the department, a failure of a  
36 governmental agency, other than the department, to comment or  
37 take final action on the application within the time allotted  
38 therefor, or for such other reasons (identify) as are beyond the  
39 control of the department.

40 b. The report shall also contain <sup>1</sup>[a critical] an<sup>1</sup> assessment of  
41 the review schedules or procedures, including:

42 (1) identification of any special problems, including  
43 administrative bottlenecks or manpower or other resources,  
44 hampering the achievement of review schedule guidelines:

45 (2) evaluation of the adequacy of existing review schedules in  
46 promoting an efficient, effective and equitable processing of  
47 applications;

48 (3) identification of any changes made in review schedules

1 during the preceding year and the reasons therefor, and of any  
2 significant management initiatives taken by the department to  
3 improve the review process; and

4 (4) such recommendations for simplifying, expediting or  
5 otherwise improving the review process as the department  
6 determines will best promote more efficient, effective and  
7 equitable review processes.

8 6. This act shall take effect immediately.

9

10

11

#### ENVIRONMENT

12

13 Requires DEP to adopt categories and schedules for reviewing  
14 written applications.

ASSEMBLY, No. 4518  
STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1991

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By Assemblymen CIMINO and COLLINS

1 AN ACT concerning procedures for the review of applications  
2 filed with the Department of Environmental Protection, and  
3 supplementing Title 13 of the Revised Statutes.

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

7 1. Within 120 days of the effective date of this act, the  
8 Department of Environmental Protection shall establish classes  
9 or categories (hereinafter referred to as a "classification  
10 system") for all permits, licenses, certificates, registrations, or  
11 other similar approvals issued by the department. The  
12 classification system shall be based upon: the nature and  
13 complexity of an application and of the supportive documentation  
14 or other information required therefor; and the nature and  
15 magnitude of potential environmental or health impacts that  
16 could result from issuance of the permit, license, certificate,  
17 registration, or other similar approval.

18 2. a. Within 120 days of the effective date of this act, the  
19 department shall establish a review schedule for each class or  
20 category of permit, license, certificate, registration, or other  
21 approval established pursuant to section 1 of this act. Review  
22 schedules shall set forth the estimated time required by the  
23 department to review and take final action on an application  
24 therefor. The time-frame established for each permit, license,  
25 certificate, registration or other approval shall correspond to the  
26 scope and complexity of the application; the magnitude of  
27 potential environmental or health impacts; the length of time  
28 needed for public notice or hearing requirements, or afforded to  
29 government agencies, other than the department, to review and  
30 comment on an application prior to final action thereon by the  
31 department; and such other relevant considerations as may affect  
32 the length of time reasonably required for the efficient, effective  
33 and equitable processing of, and the taking of a final action on,  
34 an application. The department may, from time to time, alter  
35 particular review schedules in order to effectuate more efficient,  
36 effective and equitable review of applications.

37 b. The review schedules shall serve as guidelines for  
38 departmental review of applications for the different classes of  
39 permits, licenses, certificates, registrations or other approvals.

40 c. In adopting review schedules, the department may consider  
41 using the following time-frames: over-the-counter or mail

1 (3) the number of completed applications on which the  
2 department took final action within the time-frame allotted in  
3 the review schedule;

4 (4) the number of completed applications on which the  
5 department failed to take final action within the time-frame  
6 established therefor, and the average number of days in excess of  
7 that time-frame required for the taking of final action thereon;

8 (5) the number of completed applications on which the  
9 department failed to take final action within the time-frames of  
10 the review schedules, where the cause of delay was the result of  
11 an applicant's failure to provide in a timely manner additional  
12 information required by the department, a failure of a  
13 governmental agency, other than the department, to comment or  
14 take final action on the application within the time allotted  
15 therefor, or for such other reasons (identify) as are beyond the  
16 control of the department.

17 b. The report shall also contain a critical assessment of the  
18 review schedules or procedures, including :

19 (1) identification of any special problems, including  
20 administrative bottlenecks or manpower or other resource  
21 problems, hampering the achievement of review schedule  
22 guidelines;

23 (2) evaluation of the adequacy of existing review schedules in  
24 promoting an efficient, effective and equitable processing of  
25 applications;

26 (3) identification of any changes made in review schedules  
27 during the preceding year and the reasons therefor, and of any  
28 significant management initiatives taken by the department to  
29 improve the review process; and

30 (4) such recommendations for simplifying, expediting or  
31 otherwise improving the review process as the department  
32 determines will best promote more efficient, effective and  
33 equitable review processes.

34 6. This act shall take effect immediately.  
35  
36

### 37 STATEMENT

38  
39 This bill directs the Department of Environmental Protection  
40 (DEP) to adopt classes or categories for each permit, license,  
41 certificate, registration, or other similar approval issued by the  
42 department for which an application is required, as well as review  
43 schedules therefor. The bill identifies various factors required to  
44 be considered by the department in establishing a classification  
45 system and review schedule for each such permit, license,  
46 certificate, registration or other approval. The factors include  
47 the nature and complexity of the application and review process,  
48 and the magnitude of potential environmental health impacts

ASSEMBLY ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4518

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 6, 1991

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Assembly Bill No. 4518, with committee amendments, is reported favorably by the Assembly Energy and Environment Committee.

This bill directs the Department of Environmental Protection (DEP) to establish a class or category for each permit or group of like-permits issued by the department, and a review for completion of a technical review an application for each class or category of permit. The review schedules shall be in the nature of guidelines, and shall serve as department goals. The bill also requires the department to file annual reports on applications filed and reviewed by the department in the preceding calendar year. The reports are to be filed with the appropriate legislative committees for three successive years. The reports shall also contain an assessment of application review problems, and the department's recommendations for further improving the department's review processes.

Sections 1 and 2 of the bill identify some of the factors to be used in establishing classes or categories of permits, and appropriate schedules for the technical review of permit applications. Section 3 of the bill requires the department to identify the administrative level responsible for the review and taking of final action on an application, including the identity of the responsible agency and the name of a contact person in each departmental agency who is to provide information on pending applications.

The committee amendments require the department:

- (1) to designate one contact person within each departmental agency to provide information on applications filed therewith; and
- (2) to establish an expedited review process for surface water or groundwater remediation or corrective actions.

The remaining amendments are largely of a clarifying nature.



SENATE LAND USE MANAGEMENT  
AND REGIONAL AFFAIRS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 4518

STATE OF NEW JERSEY

DATED: DECEMBER 12, 1991

The Senate Land Use Management and Regional Affairs Committee favorably reports Assembly Bill No. 4518 [1R].

Assembly Bill No. 4518 [1R] directs the Department of Environmental Protection to establish a class or category for each permit or group of like-permits issued by the department, and a review for completion of a technical review of an application for each class or category of permit. The review schedules shall be in the nature of guidelines, and shall serve as department goals. The bill also requires the department to file annual reports on applications filed and reviewed by the department in the preceding calendar year. The reports are to be filed with the appropriate legislative committees for three successive years. The reports shall also contain an assessment of application review problems, and the department's recommendations for further improving the department's review processes.

Sections 1 and 2 of the bill identify some of the factors to be used in establishing classes or categories of permits, and appropriate schedules for the technical review of permit applications. Section 2 of the bill also requires the department to establish an expedited review process for surface water or groundwater remediation or corrective actions. Section 3 of the bill requires the department to identify the administrative level responsible for the review and taking of final action on an application, including the identity of the responsible agency and the name of a contact person in each departmental agency who is to provide information on pending applications.

Assembly Bill No. 4518 [1R] is identical to Senate Bill No. 3633.

LEGISLATIVE FISCAL ESTIMATE TO

[FIRST REPRINT]

ASSEMBLY, No. 4518

STATE OF NEW JERSEY

DATED: August 1, 1991

Assembly Bill No. 4518 (1R) of 1991 directs the Department of Environmental Protection to establish a class or category for each permit or group of like-permits it issues, and a review schedule for completion of a technical review of an application for each class or category of permit. The review schedules should be in the nature of guidelines, and should serve as department goals. The bill also requires the department to file annual reports on applications filed and reviewed in the preceding calendar year. The reports are to be filed with the appropriate legislative committees for three successive years and should contain an assessment of application review problems as well as the department's recommendations for further improving its review processes. Last, the bill directs the department to establish an expedited review process for surface water or groundwater remediation or corrective actions.

The Office of Legislative Services estimates that the bill will have no fiscal impact because the department has sufficient staff and resources to achieve the bill's objectives.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.