

13:1D-29 et al.

LEGISLATIVE HISTORY CHECKLIST

NJSA 13:1D-29 et al.

Laws of 1975 Chapter 232

Bill No. S 3088

Sponsor(s) Dugan & others

Date Introduced Feb. 27, 1975

Committee: Assembly Agriculture & Environment

Senate Energy, Agriculture & Environment

Amended during passage Yes Amendments during passage denoted by asterisks

Date of passage: Assembly Sept. 29, 1975

Senate June 5, 1975

Date of approval Oct. 23, 1975

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate Yes

Fiscal Note No

Veto message No

Message on signing Yes

Following were printed:

Reports No

Hearings No

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CHAPTER 238 LAWS OF N. J. IS 75

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SENATE, No. 3088

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1975

By Senators DUGAN, McGAHN, DUNN, BUEHLER, BEDELL,
HORN and DWYER

Referred to Committee on Energy, Agriculture and Environment

AN ACT concerning the application for construction permits to the Department of Environmental Protection, supplementing the "Department of Environmental Protection Act of 1970" (P. L. 1970, c. 33, C. 13:1D-1 et seq.), amending sections R. S. 12:5-2, 12:5-3, 58:1-26 and 58:1-27, and repealing section R. S. 12:5-4.

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. (New section) For the purposes of this act, unless the context
2 clearly requires a different meaning, the following terms shall
3 have the following meanings:

4 a. "Commissioner" means the State Commissioner of Environ-
5 mental Protection.

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

7 1. Approval of plans for the development of any waterfront
8 upon any tidal waterway pursuant to R. S. 12:5-3.

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

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

13 4. Approval of a structure within the natural and ordinary high-
14 water mark of any ***[nontidal]*** stream pursuant to R. S. 58:1-26.

15 5. Approval of plans and specifications for the construction
16 ***[of]*** changes, improvements, extensions or alterations to any
17 ***[water purification or treatment plant,]*** sewer system ***[or plant**
18 **for the purification or treatment of sanitary sewage]*** pursuant
19 to R. S. 58:11-10.

19A *"Construction permit" shall not, however, include any ap-*
19B *proval of or permit for an electric generating facility or for a*
19C *petroleum processing or storage facility, including a liquefied*

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

19D *natural gas facility, with a storage capacity of over 50,000 bar-*
 19E *rels.**

20 c. "Department" means the Department of Environmental
 21 Protection.

1 2. (New section) The department shall promptly review all ap-
 2 plications for construction permits. The department ****[may]****
 3 ****shall**** within 20 *working* days following the filing of an
 4 application for a construction permit, except a permit issued
 5 pursuant to the Coastal Area Facility Review Act, P. L. 1973, c. 185
 6 (C. 13:19-1 et seq.), request that the applicant submit additional
 7 information to assist it in its review ****if it deems that such informa-**
 7A **tion is necessary****. In the event that such information is requested,
 8 the application will be construed to be complete when the additional
 9 information is received by the department.

1 3. (New section) The department shall ***[issue]*** *approve**,
 2 condition or ***[deny]*** *disapprove** an application for a construc-
 3 tion permit within 90 days following the date that the application
 4 is complete, except that this time period may be extended *for a*
 5 *30-day period** by the mutual consent of the applicant and the
 6 department*, *provided that the department request the applicant*
 7 *for such an extension at least 15 days prior to the expiration date*
 8 *for the approval, conditioning or disapproval of such an applica-*
 9 *tion**.

1 4. (New section) In the event that the department fails to take
 2 action on *an application for* a construction permit within the
 3 90-day period specified herein, then the application shall be deemed
 4 to have been approved*; *provided, however, that the time periods*
 5 *specified in section 12 of P. L. 1973, c. 185 (C. 13:19-12) shall*
 6 *apply to applications for construction permits pursuant to the*
 7 *Coastal Area Facility Review Act, P. L. 1973, c. 185 (C. 13:19-1*
 8 *et seq.)**.

1 5. (New section) The commissioner ***[may]*** *shall* adopt,
 2 amend and repeal rules and regulations to implement the provi-
 3 sions of this act. The commissioner ***[may]*** *shall* in accordance
 4 with a fee schedule adopted as a rule or regulation establish and
 5 charge *reasonable* fees for the filing and review of any applica-
 6 tion for a construction permit. *The fees imposed hereunder, ex-*
 7 *cept as may otherwise be provided by law, shall be deposited in*
 8 *a fund to be known as the "Environmental Services Fund," kept*
 9 *separate and apart from all other State receipts and appropriated*
 10 *only as provided herein.** There shall be appropriated annually
 11 to the department revenue from such ***[fees]*** *fund** sufficient to
 12 defray in full the costs incurred in the processing and review of
 13 applications for construction permits.

1 6. (New section) The commissioner shall publically distribute,
2 at least monthly, a bulletin, listing the pending applications for
3 construction permits and the status of the review of those applica-
4 tions, including decisions thereon.

1 7. R. S. 12:5-2 is amended to read as follows:

2 12:5-2. The [board] *Department of Environmental Protection*
3 may, by appropriate action in any court, prevent the encroachment
4 or trespass upon the waterfront of any of the [navigable]
5 ***[tidal]*** *navigable** waters of this State or bounding thereon,
6 or upon the riparian lands of this State, and compel the removal
7 of any such encroachment or trespass, and restrain, prevent and
8 remove any construction, erection or accretion injurious to the
9 flow of any such waters, which may be detrimental to the proper
10 navigation thereof and the maintenance and improvement of com-
11 merce thereon.

1 8. R. S. 12:5-3 is amended to read as follows:

2 12:5-3. All plans for the development of any water front upon
3 any [navigable] ***[tidal]*** *navigable** water or stream of this
4 State or bounding thereon, which is contemplated by any person
5 or municipality, in the nature of individual improvement or de-
6 velopment or as a part of a general plan which involves the con-
7 struction or alteration of a dock, wharf, pier, bulkhead, bridge,
8 pipe line, cable, or any other similar or dissimilar waterfront de-
9 velopment shall be first submitted to the [board] *Department of*
10 *Environmental Protection*. No such development or improvement
11 shall be commenced or executed without the approval of the
12 [board] *Department of Environmental Protection* first had and
13 received, or as hereinafter in this chapter provided.

1 9. R. S. 58:1-26 is amended to read as follows:

2 58:1-26. No structure **or alteration** within the natural and
3 ordinary high-water mark of any ***[nontidal]*** stream shall be
4 made by any public authority or private person or corporation
5 without [notice to the commission] *application to and approval*
6 *by the Department of Environmental Protection*, and in no case
7 without complying with such conditions as the [commission] *de-*
8 *partment* may prescribe for preserving the channel and providing
9 for the flow of water therein to safeguard the public against
10 danger from the waters impounded or affected by such structure
11 **or alteration**, and this prohibition shall apply to any renewal
12 of existing structures **or alterations**. No such approval by the
13 [commission] *department* shall impair or affect any property
14 rights, otherwise existing, which might be invaded by the construc-
14A tion or maintenance of any such structure **or alteration**.

15 The [commission] *department* may, whenever in its judgment
16 public safety so requires, [and after a hearing either on its own
17 motion or upon complaint,] make and serve an order directing
18 any person, corporation, officer or board constructing, maintaining
19 or using any such structure **or alteration** in any of the waters
20 of this State to remove or repair it within such reasonable time
21 and in such manner as shall be specified in the order, and every
22 such person, corporation, officer or board shall obey, observe and
23 comply with the order and with the conditions prescribed by the
24 [commission] *department* for preserving the channels of streams
25 and for safeguarding the public against danger from waters im-
26 pounded by structures **or alterations** hereinbefore referred to.

27 Every person, corporation, officer or board failing, omitting or
28 neglecting so to do, or who constructs or reconstructs any such
29 structure **or alteration** in any of the waters aforesaid without
30 [submitting to the commission] *the approval of the department of*
31 *plans therefor* [and obtaining its approval thereof], or who fails
32 to remove, construct or reconstruct the same in accordance with
33 the plans so approved shall forfeit to this State not less than
34 \$250.00 or more than \$1,000.00 for each and every offense. Every
35 violation of any such order, direction or requirement shall be a
36 separate and distinct offense, and, in case of a continuing violation,
37 every day's continuance thereof shall be and be deemed to be a
38 separate and distinct offense. If such a continuing violation shall
39 have continued for more than 7 consecutive days, an additional
40 penalty not exceeding \$1,000.00 per day may be imposed for the
41 eighth and each succeeding day; and if it shall have continued for
42 more than 14 consecutive days, a further additional penalty
43 not exceeding \$1,000.00 per day may be imposed for the fifteenth
44 and each succeeding day.

1 10. R. S. 58:1-27 is amended to read as follows:

2 58:1-27. Any action to recover a penalty under section 58:1-26
3 of this Title may be brought in any court of competent jurisdiction
4 [on order of the commission and] *by the Department of Environ-*
5 *mental Protection* in the name of the State. In any such action all
6 penalties incurred up to the time of commencing the same may be
7 sued for and recovered therein and the commencement of an action
8 to recover such penalty shall not be, or be held to be, a waiver of
9 the right to recover any other penalty. All moneys recovered in
10 any such action, together with the costs recovered therein, shall
11 be paid into the State Treasury [by the commission] to the credit
12 of the general fund.

1 11. R. S. 12:5-4 is repealed.

1 12. (New section) Any application filed prior to the effective
2 date of this act shall not be affected by the provisions of this act;
3 provided, however, the applicant may elect to resubmit his applica-
4 tion subsequent to the effective date hereof.

1 *13. *There is hereby appropriated to the Department of En-*
2 *vironmental Protection for the purposes of this act the receipts*
3 *deposited in the Environmental Services Fund during the fiscal*
4 *year 1975-1976.**

1 ***[13.]*** *14.* This act shall take effect 60 days following adop-
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SENATE, No. 3088

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43 \$1,000.00 per day may be imposed for the fifteenth and each suc-
44 ceeding day.

1 10. R. S. 58:1-27 is amended to read as follows:

2 58:1-27. Any action to recover a penalty under section 58:1-26
3 of this Title may be brought in any court of competent jurisdiction
4 **[on order of the commission and]** *by the Department of Environ-*
5 *mental Protection* in the name of the State. In any such action all
6 penalties incurred up to the time of commencing the same may be
7 sued for and recovered therein and the commencement of an action
8 to recover such penalty shall not be, or be held to be, a waiver of
9 the right to recover any other penalty. All moneys recovered in
10 any such action, together with the costs recovered therein, shall
11 be paid into the State Treasury **[by the commission]** to the credit
12 of the general fund.

1 11. R. S. 12:5-4 is repealed.

1 12. (New section) Any application filed prior to the effective
2 date of this act shall not be affected by the provisions of this act;
3 provided, however, the applicant may elect to resubmit his applica-
4 tion subsequent to the effective date hereof.

1 13. This act shall take effect 60 days following adoption.

STATEMENT

This bill requires the Department of Environmental Protection to promptly process and review applications for construction permits.

SENATE ENERGY, AGRICULTURE AND
ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 3088

with Senate committee amendments

STATE OF NEW JERSEY

DATED: APRIL 21, 1975

This bill provides for the approval, conditioning or disapproval of a construction permit within 90 days of the completion of an application, unless the time period is extended by mutual consent of the applicant and the department. If the department fails to act in 90 days, the application shall be deemed to have been approved.

The commissioner may in accordance with a fee schedule adopted by him charge fees for the filing and review of any application for a construction permit. The fees are to be deposited in an "Environmental Services Fund" to be utilized for annual appropriations to defray in full the costs incurred in the processing and review of applications for construction permits.

Construction permits include applications for the approval of developments (1) on tidal water fronts, (2) on wetlands, (3) in the coastal area and (4) in the natural and ordinary high-water mark of any stream and (5) applications for the approval of plans for any sewer system.

Any application filed prior to the effective date of this act shall not be affected by the provisions of this act; provided, however, that the applicant may elect to resubmit his application subsequent to the effective date hereof.

SENATE COMMITTEE AMENDMENTS TO
SENATE, No. 3088

STATE OF NEW JERSEY

ADOPTED MAY 5, 1975

Amend page 1, section 1, line 14, after "any", omit "nontidal".

Amend page 1, section 1, line 15, after "construction", omit "of".

Amend page 1, section 1, line 16, after "any", omit "water".

Amend page 1, section 1, line 17, omit "purification or treatment plant,".

Amend page 1, section 1, lines 17-18, after "system", omit "or plant for the purification or treatment of sanitary sewage".

Amend page 1, section 1, line 19, after "58:11-10.", insert new paragraph:

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

Amend page 2, section 2, line 3, after "20", insert "working".

Amend page 2, section 3, line 1, after "shall", omit "issue", insert "approve".

Amend page 2, section 3, line 1, after "or", omit "deny", insert "disapprove".

Amend page 2, section 3, line 4, after "extended", insert "for a 30-day period".

Amend page 2, section 3, line 5, after "department", insert ", 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".

Amend page 2, section 4, line 2, after "on", insert "an application for".

Amend page 2, section 4, line 3, after "approved", insert "; provided, however, that the time periods specified in section 12 of P. L. 1973, c. 185 (C. 13:19-12) 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.)".

Amend page 2, section 5, line 1, omit "may", insert "shall".

Amend page 2, section 5, line 3, omit "may", insert "shall".

Amend page 2, section 5, line 4, after "charge", insert "reasonable".

Amend page 2, section 5, line 5, after "permit.", insert "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.".

Amend page 2, section 5, line 7, omit "fees", insert "fund".

Amend page 2, section 7, line 4, omit "tidal", insert "navigable".

Amend page 2, section 8, line 3, omit "tidal", insert "navigable".

Amend page 3, section 9, line 2, after "structure", insert "or alteration".

Amend page 3, section 9, line 3, after "of any", omit "nontidal".

Amend page 3, section 9, line 10, after "structure", insert "or alteration".

Amend page 3, section 9, line 11, after "structures", insert "or alterations".

Amend page 3, section 9, line 14, after "structure", insert "or alteration".

Amend page 3, section 9, line 19, after "structure", insert "or alteration".

Amend page 3, section 9, line 25, after "structures", insert "or alterations".

Amend page 3, section 9, line 29, after "structure", insert "or alteration".

Amend page 4, section 12, line 4, after line 4, insert:

"13. There is hereby appropriated to the Department of Environmental Protection for the purposes of this act the receipts deposited in the Environmental Services Fund during the fiscal year 1975-1976.".

Amend page 4, section 13, line 1, omit "13.", insert "14.".

[ASSEMBLY REPRINT]
SENATE, No. 3088
[OFFICIAL COPY REPRINT]

with Assembly committee amendments adopted July 30, 1975

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1975

By Senators DUGAN, McGAHN, DUNN, BUEHLER, BEDELL,
HORN and DWYER

Referred to Committee on Energy, Agriculture and Environment

AN ACT concerning the application for construction permits to the Department of Environmental Protection, supplementing the "Department of Environmental Protection Act of 1970" (P. L. 1970, c. 33, C. 13:1D-1 et seq.), amending sections R. S. 12:5-2, 12:5-3, 58:1-26 and 58:1-27, and repealing section R. S. 12:5-4.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. (New section) For the purposes of this act, unless the context
2 clearly requires a different meaning, the following terms shall
3 have the following meanings:

4 a. "Commissioner" means the State Commissioner of Environ-
5 mental Protection.

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

7 1. Approval of plans for the development of any waterfront
8 upon any tidal waterway pursuant to R. S. 12:5-3.

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

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

13 4. Approval of a structure within the natural and ordinary high-
14 water mark of any ***[nontidal]*** stream pursuant to R. S. 58:1-26.

15 5. Approval of plans and specifications for the construction
16 ***[of]*** changes, improvements, extensions or alterations to any
17 ***[water purification or treatment plant,]*** sewer system ***[or plant**
18 **for the purification or treatment of sanitary sewage]*** pursuant
19 to R. S. 58:11-10.

19A **"Construction permit" shall not, however, include any ap-*
19B *proval of or permit for an electric generating facility or for a*
19C *petroleum processing or storage facility, including a liquefied*

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

19D *natural gas facility, with a storage capacity of over 50,000 bar-*
 19E *rels.**

20 c. "Department" means the Department of Environmental
 21 Protection.

1 2. (New section) The department shall promptly review all ap-
 2 plications for construction permits. The department ****[may]****
 3 ****shall**** within 20 *working* days following the filing of an
 4 application for a construction permit, except a permit issued
 5 pursuant to the Coastal Area Facility Review Act, P. L. 1973, c. 185
 6 (C. 13:19-1 et seq.), request that the applicant submit additional
 7 information to assist it in its review ***if it deems that such informa-*
 7A *tion is necessary***. In the event that such information is requested,
 8 the application will be construed to be complete when the additional
 9 information is received by the department.

1 3. (New section) The department shall **[issue]** *approve*,
 2 condition or **[deny]** *disapprove* an application for a construc-
 3 tion permit within 90 days following the date that the application
 4 is complete, except that this time period may be extended *for a*
 5 *30-day period* by the mutual consent of the applicant and the
 6 department*, *provided that the department request the applicant*
 7 *for such an extension at least 15 days prior to the expiration date*
 8 *for the approval, conditioning or disapproval of such an applica-*
 9 *tion**.

1 4. (New section) In the event that the department fails to take
 2 action on *an application for* a construction permit within the
 3 90-day period specified herein, then the application shall be deemed
 4 to have been approved*; *provided, however, that the time periods*
 5 *specified in section 12 of P. L. 1973, c. 185 (C. 13:19-12) shall*
 6 *apply to applications for construction permits pursuant to the*
 7 *Coastal Area Facility Review Act, P. L. 1973, c. 185 (C. 13:19-1*
 8 *et seq.)**.

1 5. (New section) The commissioner **[may]** *shall* adopt,
 2 amend and repeal rules and regulations to implement the provi-
 3 sions of this act. The commissioner **[may]** *shall* in accordance
 4 with a fee schedule adopted as a rule or regulation establish and
 5 charge *reasonable* fees for the filing and review of any applica-
 6 tion for a construction permit. *The fees imposed hereunder, ex-*
 7 *cept as may otherwise be provided by law, shall be deposited in*
 8 *a fund to be known as the "Environmental Services Fund," kept*
 9 *separate and apart from all other State receipts and appropriated*
 10 *only as provided herein.** There shall be appropriated annually
 11 to the department revenue from such **[fees]** *fund* sufficient to
 12 defray in full the costs incurred in the processing and review of
 13 applications for construction permits.

1 6. (New section) The commissioner shall publically distribute,
2 at least monthly, a bulletin, listing the pending applications for
3 construction permits and the status of the review of those applica-
4 tions, including decisions thereon.

1 7. R. S. 12:5-2 is amended to read as follows:

2 12:5-2. The **[board]** *Department of Environmental Protection*
3 may, by appropriate action in any court, prevent the encroachment
4 or trespass upon the waterfront of any of the **[navigable]**
5 ***[tidal]*** **navigable** waters of this State or bounding thereon,
6 or upon the riparian lands of this State, and compel the removal
7 of any such encroachment or trespass, and restrain, prevent and
8 remove any construction, erection or accretion injurious to the
9 flow of any such waters, which may be detrimental to the proper
10 navigation thereof and the maintenance and improvement of com-
11 merce thereon.

1 8. R. S. 12:5-3 is amended to read as follows:

2 12:5-3. All plans for the development of any water front upon
3 any **[navigable]** ***[tidal]*** **navigable** water or stream of this
4 State or bounding thereon, which is contemplated by any person
5 or municipality, in the nature of individual improvement or de-
6 velopment or as a part of a general plan which involves the con-
7 struction or alteration of a dock, wharf, pier, bulkhead, bridge,
8 pipe line, cable, or any other similar or dissimilar waterfront de-
9 velopment shall be first submitted to the **[board]** *Department of*
10 *Environmental Protection*. No such development or improvement
11 shall be commenced or executed without the approval of the
12 **[board]** *Department of Environmental Protection* first had and
13 received, or as hereinafter in this chapter provided.

1 9. R. S. 58:1-26 is amended to read as follows:

2 58:1-26. No structure **or alteration** within the natural and
3 ordinary high-water mark of any ***[nontidal]*** stream shall be
4 made by any public authority or private person or corporation
5 without **[notice to the commission]** *application to and approval*
6 *by the Department of Environmental Protection*, and in no case
7 without complying with such conditions as the **[commission]** *de-*
8 *partment* may prescribe for preserving the channel and providing
9 for the flow of water therein to safeguard the public against
10 danger from the waters impounded or affected by such structure
11 **or alteration**, and this prohibition shall apply to any renewal
12 of existing structures **or alterations**. No such approval by the
13 **[commission]** *department* shall impair or affect any property
14 rights, otherwise existing, which might be invaded by the construc-
14A tion or maintenance of any such structure **or alteration**.

15 The [commission] *department* may, whenever in its judgment
16 public safety so requires, [and after a hearing either on its own
17 motion or upon complaint,] make and serve an order directing
18 any person, corporation, officer or board constructing, maintaining
19 or using any such structure **or alteration** in any of the waters
20 of this State to remove or repair it within such reasonable time
21 and in such manner as shall be specified in the order, and every
22 such person, corporation, officer or board shall obey, observe and
23 comply with the order and with the conditions prescribed by the
24 [commission] *department* for preserving the channels of streams
25 and for safeguarding the public against danger from waters im-
26 pounded by structures **or alterations** hereinbefore referred to.

27 Every person, corporation, officer or board failing, omitting or
28 neglecting so to do, or who constructs or reconstructs any such
29 structure **or alteration** in any of the waters aforesaid without
30 [submitting to the commission] *the approval of the department of*
31 *plans therefor* [and obtaining its approval thereof], or who fails
32 to remove, construct or reconstruct the same in accordance with
33 the plans so approved shall forfeit to this State not less than
34 \$250.00 or more than \$1,000.00 for each and every offense. Every
35 violation of any such order, direction or requirement shall be a
36 separate and distinct offense, and, in case of a continuing violation,
37 every day's continuance thereof shall be and be deemed to be a
38 separate and distinct offense. If such a continuing violation shall
39 have continued for more than 7 consecutive days, an additional
40 penalty not exceeding \$1,000.00 per day may be imposed for the
41 eighth and each succeeding day; and if it shall have continued for
42 more than 14 consecutive days, a further additional penalty
43 not exceeding \$1,000.00 per day may be imposed for the fifteenth
44 and each succeeding day.

1 10. R. S. 58:1-27 is amended to read as follows:

2 58:1-27. Any action to recover a penalty under section 58:1-26
3 of this Title may be brought in any court of competent jurisdiction
4 [on order of the commission and] *by the Department of Environ-*
5 *mental Protection* in the name of the State. In any such action all
6 penalties incurred up to the time of commencing the same may be
7 sued for and recovered therein and the commencement of an action
8 to recover such penalty shall not be, or be held to be, a waiver of
9 the right to recover any other penalty. All moneys recovered in
10 any such action, together with the costs recovered therein, shall
11 be paid into the State Treasury [by the commission] to the credit
12 of the general fund.

1 11. R. S. 12:5-4 is repealed.

1 12. (New section) Any application filed prior to the effective
2 date of this act shall not be affected by the provisions of this act;
3 provided, however, the applicant may elect to resubmit his applica-
4 tion subsequent to the effective date hereof.

1 **13. There is hereby appropriated to the Department of En-
2 vironmental Protection for the purposes of this act the receipts
3 deposited in the Environmental Services Fund during the fiscal
4 year 1975-1976.**

1 **[13.]* *14.** This act shall take effect 60 days following adop-
2 tion.

ASSEMBLY COMMITTEE AMENDMENTS TO

SENATE, No. 3088

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED JULY 30, 1975

Amend page 2, section 2, line 2, after "department", omit "may"
insert "shall".

Amend page 2, section 2, line 7, after "review", insert "if it deems
that such information is necessary".

FROM THE OFFICE OF THE GOVERNOR

OCTOBER 23, 1975

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan-Byrne today signed into law a bill designed to speed state action on requests for new construction and thereby stimulate the economy.

The measure, S-3088, sponsored by Senator James P. Dugan, D-Hudson, requires the Department of Environmental Protection to act within 90 days on applications for construction permits.

Byrne pointed out that the measure fulfills a commitment he made during the gubernatorial campaign in 1973.

"During the course of this bill's passage through the Legislature, I asked the Department to anticipate its passage and to gear up for its implementation," said the Governor. "As a result, the Department already is in substantial compliance with it."

Senator Dugan said the measure will provide a stimulus to the state's economy, particularly in the construction industry.

He praised the efforts of Assemblyman John P. Doyle, D-Ocean, who worked for passage of the bill in the Assembly.

Although the bill requires departmental action within 90 days, it provides for a 30-day extension upon the mutual consent of the department and the applicant.

Exempted from the new law are applications for electric generating facilities or for petroleum processing or storage facilities.

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