

13:1D-114

LEGISLATIVE HISTORY CHECKLIST
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(DEP-Permit
Management Staff)

NJSA: 13:1D-114

LAWS OF: 1991 CHAPTER: 417

BILL NO: A4511

SPONSOR(S) Doria & Others

DATE INTRODUCED: March 4, 1991

COMMITTEE: ASSEMBLY: Energy & Environment
SENATE: Land Use

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

See newspaper clippings--attached

KBG/bas

[FIRST REPRINT]
ASSEMBLY, No. 4511

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1991

By Assemblymen DORIA, FRANKS and Assemblywoman Cooper

1 AN ACT ¹[creating a Permit management Staff in] requiring¹ the
2 Department of Environmental Protection ¹ to prepare and
3 provide to the Legislature certain information on permit
4 applications,¹ and supplementing Title 13 of the Revised
5 Statutes.
6

7 BE IT ENACTED *by the Senate and General Assembly of the*
8 *State of New Jersey:*

9 ¹[1. There is created in the Department of Environmental
10 Protection the Permit Management Staff. The duties and
11 functions of the Permit Management Staff shall be to:

12 a. Provide the Commissioner of Environmental Protection with
13 data, reports, and other relevant information concerning
14 permit-related activities of the various divisions, bureaus,
15 agencies, offices, and other administrative units of the
16 department;

17 b. Ensure that accurate records on the progress of permit
18 application reviews, matters under review by the Office of
19 Administrative Law, and enforcement actions are maintained by
20 the various divisions, bureaus, agencies, offices, and other
21 administrative units of the department for review by the
22 commissioner;

23 c. Ensure that project management teams are established
24 when necessary by the various divisions, bureaus, agencies,
25 offices, and other administrative units of the department to
26 coordinate and manage permit-related activities of or among
27 those divisions, bureaus, agencies, offices, and other
28 administrative units;

29 d. Review any proposed regulations of the department and its
30 various divisions, bureaus, agencies, offices, and other
31 administrative units to ensure consistency and to maximize
32 achievement of environmental goals and policies of the State,
33 including, but not limited to, goals and policies encouraging and
34 promoting pollution prevention and facility-wide permitting;

35 e. Promote where practicable and feasible the coordinated
36 review of all permit applications submitted to the various
37 divisions, bureaus, agencies, offices, and other administrative
38 units of the department that relate to the same project or
39 regulated activity; and

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:

¹ Assembly AEE committee amendments adopted June 10, 1991.

1 f. Perform such other responsibilities concerning
2 permit-related activities that may be assigned to it by the
3 commissioner.

4 For the purposes of this act, "permit" means any permit,
5 license, certificate, or written approval, or any renewal thereof,
6 issued by the department, or any division, bureau, agency, office,
7 or other administrative unit thereof, pursuant to: R.S.12:5-1 et
8 seq.; P.L.1975, c.232 (C.13:1D-29 et seq.); the "Solid Waste
9 Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.); section 17
10 of P.L.1975, c.326 (C.13:1E-26); the "Comprehensive Regulated
11 Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1
12 et al.); P.L.1989, c.151 (C.13:1E-99.21a et al.); the "New Jersey
13 Statewide Mandatory Source Separation and Recycling Act,"
14 P.L.1987, c.102 (C.13:1E-99.11 et al.); the "Pesticide Control Act
15 of 1971," P.L.1971, c.176 (C.13:1F-1 et seq.); the "Environmental
16 Cleanup Responsibility Act," P.L.1983, c.330 (C.13:1K-6 et seq.);
17 the "Toxic Catastrophe Prevention Act," P.L.1985, c.403
18 (C.13:1K-19 et seq.); "The Wetlands Act of 1970," P.L.1970,
19 c.272 (C.13:9A-1 et seq.); the "Freshwater Wetlands Protection
20 Act," P.L.1987, c.156 (C.13:9B-1 et seq.); the "Coastal Area
21 Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.); the
22 "Air Pollution Control Act (1954)," P.L.1954, c.212 (C.26:2C-1 et
23 seq.); section 13 of P.L.1967, c.106 (C.26:2C-9.2); the "Water
24 Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et seq.);
25 section 10 of P.L.1947, c.377 (C.58:4A-14); the "Water Pollution
26 Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.); P.L.1986,
27 c.102 (C.58:10A-21 et seq.); the "Safe Drinking Water Act,"
28 P.L.1977, c.224 (C.58:12A-1 et seq.); the "Flood Hazard Area
29 Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.); or the federal
30 "Resource Conservation and Recovery Act of 1976," as amended
31 and supplemented, 42 U.S.C. §6901 et seq. "Permit" shall also
32 mean any other permit, license, certificate, or written approval,
33 or any renewal thereof, issued by the department, or any division,
34 bureau, agency, office, or other administrative unit thereof,
35 pursuant to law that the Commissioner of Environmental
36 Protection or the Permit Management Staff determines to be
37 subject to the provisions of this act.]¹

38 ¹[2. At the direction of the Permit Management Staff, each
39 division, bureau, agency, office, or other administrative unit of
40 the] 1. The¹ Department of Environmental Protection ¹[involved
41 in the review of permit applications]¹ shall compile information
42 and maintain records concerning ¹[any permit-related activity
43 under the jurisdiction of that division, bureau, agency, office, or
44 other administrative unit, for review by the Commissioner of
45 Environmental Protection or the Permit Management Staff. Such
46 records shall include] the review of, and actions taken on, permit
47 applications filed with the department, including¹ , but ¹[need]¹
48 not ¹[be]¹ limited to, the following information:

49 ¹[a.] (1)¹ the number of permit applications received;

50 ¹[b.] (2)¹ the number of permits issued, modified, and denied;

- 1 ¹[c.] (3)¹ the number of permit applications pending;
- 2 ¹[d.] (4)¹ the number of permit applications deemed complete
- 3 but not issued, modified, or denied;
- 4 ¹[e. the status of each permit application;]¹
- 5 ¹[f.] (5)¹ the status of all permit applications related to the
- 6 same project or regulated activity undertaken, conducted, or
- 7 engaged in by the ¹[permit]¹ applicant;
- 8 ¹[g.] (6)¹ the average period of time that elapses between the
- 9 receipt of a permit application and ¹[its first] an administrative
- 10 review ¹of the application¹ for completeness;
- 11 ¹[h.] (7)¹ the average period of time that elapses between
- 12 ¹[the first] an administrative¹ review of a permit application for
- 13 completeness and its being deemed complete;
- 14 ¹[i.] (8)¹ the average period of time that elapses between a
- 15 permit application being deemed complete and the issuance,
- 16 modification, or denial of the permit;
- 17 ¹[j.] (9)¹ the average total period of time that elapses
- 18 between the receipt of a permit application and the issuance,
- 19 modification, or denial of the permit; and
- 20 ¹[k.] (10)¹ the number of personnel in each permit program
- 21 assigned to review each type of permit.

22 ¹To the extent practicable, the information required under this

23 section shall be provided by class or category of permit, as

24 established pursuant to section 1 of P.L. , c. (C.)

25 (pending in the Legislature as Assembly Bill No. 4518).

26 For purposes of this act:

27 "Permit" shall have the same meaning as in section 1 of P.L. ,

28 C.) (C.) (pending in the Legislature as Assembly Bill

29 No. 4516).

30 "Administrative review" means a review to determine if all of

31 the information identified on a checklist, which is required for a

32 permit application to be deemed complete, have been submitted

33 to the department.¹

34 ¹[3.] 2.¹ a. The ¹[Permit Management Staff] Department of

35 Environment Protection¹ shall prepare, and submit to the Senate

36 Environmental Quality Committee and the Assembly Energy and

37 Environment Committee, or their successors as designated

38 respectively by the President of the Senate and the Speaker of

39 the General Assembly, a ¹[quarterly] semi-annual¹ report. The

40 report shall include, for each type of permit issued by the

41 ¹[Department of Environmental Protection and its various

42 divisions, bureaus, agencies, offices, and other administrative

43 units] department¹ during the reporting period, summaries of the

44 records required to be maintained pursuant to section ¹[2] 1¹ of

45 this act, and any other statistical or other type of information

46 deemed pertinent by the ¹[Permit Management Staff]

47 department¹ to evaluate the effectiveness of the permit review

48 capabilities and performance of the department and its various

49 divisions, bureaus, agencies, offices, and other administrative

50 units. The report shall also identify recurring problems in the

1 permitting process and procedures, citing any particular types of
2 permits that are chronically subject to significant delays and
3 backlogs and describing¹[, if possible,]¹ the causes thereof;
4 suggest possible solutions to those recurring problems; provide an
5 evaluation and analysis of the permit data and information
6 collected and set forth in the report; and make recommendations
7 for appropriate legislative or administrative action.

8 b. The ¹[Permit Management Staff] department¹ shall make
9 copies of each ¹[quarterly] semi-annual¹ report available to the
10 public ¹[at] for a charge not to exceed¹ the cost of reproduction.

11 c. The first report prepared by the ¹[Permit Management
12 Staff] department¹ pursuant to this act shall ¹[reflect
13 departmental activity as set forth in section 1 of this act for the
14 preceding year] be submitted to the respective legislative
15 committees not later than July 15, 1992, and shall include
16 information for that period January 1 through June 30, 1992 as
17 well as, to the maximum extent practicable, comparable
18 information for the six month period, beginning July 1 through
19 December 31, 1991. All subsequent reports shall be submitted to
20 the legislative committees not later than the 15th day of the
21 month next following the end of each six month period¹.

22 ¹[4. The Department of Environmental Protection may, in
23 accordance with a schedule adopted by regulation pursuant to the
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
25 seq.), assess a surcharge on any fee collectible from a permit
26 applicant pursuant to law. The amount of any such surcharge
27 shall be based upon, and shall not exceed, the estimated
28 reasonable cost of administering, staffing, and equipping the
29 Permit Management Staff. Any such surcharge collected shall be
30 deposited into an account for allocation to the Permit
31 Management Staff for the purposes of funding the Permit
32 Management Staff and effectuating this act.]¹

33 ¹[5.] 3.¹ This act shall take effect ¹[immediately] on the 60th
34 day following enactment¹.

35 36 37 ENVIRONMENT

38
39 Requires DEP to compile and report certain information
40 concerning permit application reviews and approvals.

1 Permit Management Staff. Any such surcharge collected shall be
2 deposited into an account for allocation to the Permit
3 Management Staff for the purposes of funding the Permit
4 Management Staff and effectuating this act.

5 5. This act shall take effect immediately.
6
7

8 STATEMENT
9

10 This bill would create in the Department of Environmental
11 Protection a Permit Management Staff. The duties and functions
12 of the Permit Management Staff would be to: (1) provide the
13 Commissioner of Environmental Protection with data, reports,
14 and other relevant information concerning permit-related
15 activities of the various divisions, bureaus, agencies, offices, and
16 other administrative units of the department; (2) ensure that
17 accurate records on the progress of permit application reviews,
18 matters under review by the Office of Administrative Law, and
19 enforcement actions are maintained by the various divisions,
20 bureaus, agencies, offices, and other administrative units of the
21 department for review by the commissioner; (3) ensure that
22 project management teams are established when necessary by the
23 various divisions, bureaus, agencies, offices, and other
24 administrative units of the department to coordinate and manage
25 permit-related activities of or among those divisions, bureaus,
26 agencies, offices, and other administrative units; (4) review any
27 proposed regulations of the department and its various divisions,
28 bureaus, agencies, offices, and other administrative units to
29 ensure consistency and to maximize achievement of
30 environmental goals and policies of the State, including, but not
31 limited to, goals and policies encouraging and promoting pollution
32 prevention and facility-wide permitting; (5) promote where
33 practicable and feasible the coordinated review of all permit
34 applications submitted to the various divisions, bureaus, agencies,
35 offices, and other administrative units of the department that
36 relate to the same project or regulated activity; and (6) perform
37 such other responsibilities concerning permit-related activities
38 that may be assigned to it by the commissioner.

39 The bill would also authorize the Permit Management Staff to
40 require any division, bureau, agency, office, or other
41 administrative unit of the department to compile information and
42 maintain certain records concerning any permit-related activity
43 under the jurisdiction of that division, bureau, agency, office, or
44 other administrative unit, for review by the commissioner or the
45 Permit Management Staff.

46 The bill would also require the Permit Management Staff to
47 submit a quarterly report to two legislative committees that
48 would summarize and analyze statistical information important
49 to evaluating the effectiveness of the permit review capabilities

1 and performance of the department and its various divisions,
2 bureaus, agencies, offices, and other administrative units.

3 Finally, the bill would authorize the department to assess a
4 surcharge on permit fees to fund the Permit Management Staff
5 and to effectuate the act.

6

7

8

ENVIRONMENT

9

10 Creates Permit Management Staff in DEP.

ASSEMBLY ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4511

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 6, 1991

Assembly Bill No. 4511, with committee amendments, is reported favorably by the Assembly Energy and Environment Committee.

This bill requires the Department of Environmental Protection on a semi-annual basis to prepare and submit to the appropriate legislative committees numerical data on the department's review of permit applications filed under designated environmental laws. The information is to be provided by class or category of permit, and shall include the number of applications received, and the time required to review the applications for completeness and to take final actions thereon. The report to the legislative committees shall include an evaluation of the application review capabilities and performance of the department; the identification of any recurrent problems; and an enumeration of any recommendations by the department for legislative or administrative actions.

The committee amendments delete the provisions establishing a Permit Management Staff, and change the reporting requirements from a quarterly to a semi-annual basis. The remaining amendments are, otherwise, mainly of a clarifying nature.

SENATE LAND USE MANAGEMENT
AND REGIONAL AFFAIRS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 4511

STATE OF NEW JERSEY

DATED: DECEMBER 12, 1991

The Senate Land Use Management and Regional Affairs Committee favorably reports Assembly Bill No. 4511 (1R).

This bill would require the Department of Environmental Protection on a semi-annual basis to prepare and submit to the appropriate legislative committees numerical data on the department's review of permit applications filed under designated environmental laws. The information is to be provided by class or category of permit, and shall include the number of applications received, and the time required to review the applications for completeness and to take final actions thereon. The report to the legislative committees shall include an evaluation of the application review capabilities and performance of the department; the identification of any recurrent problems; and an enumeration of any recommendations by the department for legislative or administrative actions.

This bill is identical to Senate Bill No. 3626.

LEGISLATIVE FISCAL ESTIMATE TO

[FIRST REPRINT]

ASSEMBLY, No. 4511

STATE OF NEW JERSEY

DATED: July 11, 1991

Assembly Bill No. 4511 (1R) of 1991 requires the Department of Environmental Protection on a semi-annual basis to prepare and submit to the appropriate legislative committees numerical data on the department's review of permit applications filed under designated environmental laws. The information is to be provided by class or category of permit, and should include the number of applications received and the time required to review the applications for completeness and to take final actions thereon. The report to the legislative committees should include an evaluation of the application review capabilities and performance of the department; the identification of any recurrent problems; and an enumeration of any recommendations by the department for legislative or administrative 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.