

ASSEMBLY, No. 1444

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

SYNOPSIS

Excludes permit applications for construction of certain pipelines and related infrastructure from eligibility for automatic approval if DEP fails to take action on application within 90 days.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1444 KARABINCHAK

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1 AN ACT concerning certain construction permits issued by the
2 Department of Environmental Protection and amending
3 P.L.1975, c.232.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. Section 1 of P.L.1975, c.232 (C.13:1D-29) is amended to
9 read as follows:

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

13 a. "Commissioner" means the State Commissioner of
14 Environmental Protection.

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

16 (1) Approval of plans for the development of any waterfront
17 upon any tidal waterway pursuant to R.S. 12:5-3.

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

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

22 (4) Approval of a structure or alteration within the area which
23 would be inundated by the 100 year design flood of any
24 nondelineated stream or of a change in land use within any
25 delineated floodway or any State administered and delineated flood
26 fringe area, all pursuant to the "Flood Hazard Area Control Act,"
27 P.L.1962, c.19 (C.58:16A-50 et seq.) as amended and
28 supplemented.

29 (5) Approval of plans and specifications for the construction
30 changes, improvements, extensions or alterations to any sewer
31 system pursuant to R.S. 58:11-10.

32 "Construction permit" shall not, however, include any approval
33 of or permit for :

34 (1) an electric generating facility **[or for]** ;

35 (2) a petroleum processing or storage facility, including a
36 liquefied natural gas facility, with a storage capacity of over 50,000
37 barrels ; or

38 (3) a pipeline or other line for the transportation or transmission
39 of natural gas or petroleum products, or any infrastructure related
40 thereto.

41 c. "Department" means the Department of Environmental
42 Protection.

43 (cf: P.L.1979, c.359, s.8)
44

45 2. This act shall take effect immediately.

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.

STATEMENT

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This bill would amend P.L.1975, c.232 (C.13:1D-29 et seq.), commonly referred to as the “90-Day Law,” to exclude permit applications for the construction of natural gas or petroleum product pipelines, and related infrastructure, from eligibility for automatic approval if the Department of Environmental Protection (DEP) fails to take action on an application within 90 days. Related infrastructure includes, but need not be limited to, compressor stations and transmission corridor projects.

The “90-Day Law” governs permits generally referred to as waterfront development permits, coastal wetlands permits, Coastal Area Facility Review Act or “CAFRA” permits, stream encroachment or flood hazard area permits, and treatment works approvals, and sets forth timeframes to be followed by the DEP when processing applications for these permits.

Currently, the law provides that the DEP must approve, conditionally approve, or disapprove an application for a construction permit within 90 days following the date that the application is deemed complete. If the DEP fails to take action on an completed application within 90 days, it will be deemed to have been approved.