September 11, 2020

New Jersey Permit Extension Act Registration for Permits Open Until October 8, 2020

The Permit Extension Act of 2020, signed by Gov. Murphy on July 1, 2020, extends the term of certain governmental permits, approvals and deadlines that were due to expire on March 9, 2020, or the specified period following March 9, 2020. Under the act, the affected permit or approval must be registered with the Department of Environmental Protection (DEP). The registration requirement applies to specified permits, approvals and deadlines from more than just the DEP; such requirement also applies to a broad range of permits and approvals issued by state and local entities. **Applicants have until October 8, 2020, to register their permit, approval or deadline by providing information specified at** www.nj.gov/dep/pea2020, **or it will not be extended.**

The following summary of the act is provided for information purposes only. Please refer to P.L. 2020, c. 53 for further information. Note that no extension resulting from the act may reduce the time period of any approval valid as of March 9, 2020, nor does the act extend the period of any governmental approval that expired prior to March 9, 2020.

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 the term of the approval had not expired as of March 9, 2020:

- 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.
- Any approval of 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.
- 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.
- 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.
- 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, 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.
- 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.
- Approval issued by a county planning board pursuant to Chapter 27 of Title 40 of the Revised Statutes.
- 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.
- 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 time frame 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 the 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 U.S.C. § 71i.
- 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 state or federal government.
- Any coastal center designated pursuant to the Coastal Area Facility Review Act.
- 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.

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