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Governor Issues Executive Order Extending DEP Filing Deadlines

May 4, 2020

On May 2, 2020, Governor Murphy issued Executive Order (E.O.) No. 136 extending certain DEP filing deadlines. The E.O., taking note of DEP's current staffing limitations, directed the following:

- The deadlines imposed by the 90 day Construction Permit Law for the processing of CAFRA, Waterfront Development, Flood Hazard Area Control Act, Coastal Wetlands Act[1] and Treatment Works Approvals are tolled as of March 9, 2020, the date on which the State's public health emergency was declared. The E.O. indicates that DEP shall nevertheless continue to review all applications within applicable timeframes "to the maximum extent practicable".
- The April 20, 2020 deadline for the submission of registration forms for persons engaged in soil and fill recycling services under the recently enacted "Dirty Dirt Law" is extended for a period of 60 days after the end of the current public health emergency. This extension should allow DEP to further clarify the scope of the bill, which it so far has not done.
- Numerous municipal and industry reporting requirements relating to recycling activities have been relaxed.

DEP staff has so far been doing a good job of processing 90 day permit applications within the statutory deadlines to the extent possible, so this will hopefully continue to be the case. The E.O., however, will allow the Department to process applications without worrying about triggering the automatic approval provisions of the 90 Day Law if the statutory deadlines are not met.

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Footnote

[1] Freshwater Wetland Protection Act permit applications are not subject to the 90 Day Law deadlines.

Practices

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