

**NEW JERSEY DEPARTMENT OF AGRICULTURE
STATE SOIL CONSERVATION COMMITTEE
Chapter 251, PL 1975 as amended,
Administrative Policies Bulletin**

<u>Administrative Bulletin:</u> 2015-3.0	<u>Effective Date:</u> December 14, 2015
<u>Subject:</u> Permit Extension Act - Application Certification	<u>From:</u> Frank Minch, Executive Secretary

1.01 PURPOSE

To provide guidance relative to Soil Erosion and Sediment Control Plan Certification in conjunction with the ending of the Permit Extension Act, N.J.S.A. 40:550-136.1 et seq.

1.02 SUMMARY

The Permit Extension Act (Act) automatically extended most government agency approvals which had expired or were schedule to expire on or after January 7, 2007 until July 1, 2010. Subsequent amendments have extended the Act until December 31, 2015 with an additional six month tolling period.

The following policy shall apply to recertification of soil erosion and sediment control plans which had been extended by the Act and will expire between December 31, 2015 and June 30, 2016.

Applications covered under the Permit Extension Act must be reviewed on a case-by-case basis to establish their specific expiration date in conjunction with the tolling period established by the Act. In general, applications will fall into one of the three categories provided.

1. **Category 1:** if there were more than six months remaining on the certification as of January 1, 2007, the certification will automatically expire on June 30, 2016.
2. **Category 2:** if there were less than six months remaining on the certification as of January 1, 2007, the certification will expire on December 31, 2015 plus the time remaining on the certification.
3. **Category 3:** if the original expiration date is after June 30, 2016, the Permit Extension Act **does not** apply. The original expiration date remains the same.

1.03 PROCEDURE

Owner/applicants of eligible projects must be contacted in writing advising that certification of the soil erosion and sediment control plan for the project will expire. The date of expiration must be provided consistent with the tolling period category. The letter shall state that the applicant may request recertification of the project for an additional three and one half years by the following procedure:

1. Complete and sign:
 - i. A Standard Request for Recertification (*no changes to plan or ownership*); or
 - ii. A new Application for Soil Erosion and Sediment Control Plan Certification. (*minor changes to plan or ownership*)

The district shall use the same application number and update all records to indicate the recertification date and any changes in the application.

2. A review fee will not be required if there are no changes in the project ownership or to the originally certified plan, however, an administrative recertification fee reflecting the costs of services will be required. Where such administrative fee has not been formally established and included in the approved district fee schedule, the district shall establish and secure SSCC approval prior to implementation.
3. Submission of additional inspection fees, based upon the number of lot(s), building(s), acre(s) or hours of inspections required for the remaining lots, buildings, or acres to be developed on the project. Such additional fees shall be in accordance with the SSCC approved district fee schedule. Any remaining inspection fees for the project shall be credited.

An accounting of services rendered shall be provided to the owner/applicant. Any remaining inspection fees for the application will be credited.

Upon receipt of the above listed requirements, the district shall recertify the soil erosion and sediment control plan in accordance with N.J.S.A. 4:24-45.

A major revision (*as defined at N.J.A.C. 2:90-1.2*) by the owner/applicant shall constitute a new submission and includes appropriate review/certification/inspection fees, forms and documentation. All revisions to the soil erosion and sediment control plans shall meet the current Standards for Soil Erosion and Sediment Control in New Jersey.

All recertifications shall be approved by the District Board of Supervisors at a duly noticed public meeting. A written notice of recertification shall be distributed to the applicant, municipal construction official/engineer and others parties who may require such notification.

Authorization to Discharge Stormwater shall remain in effect without additional fees for the term of recertification; however, a new submission will result in the requirement for a new Authorization to Discharge Stormwater and fee through the DEP e-permit process.

Failure of the owner/applicant to request recertification in accordance with tolling provision dates shall result in expiration of the soil erosion and sediment control plan certification.

Any construction activity on a project with an expired soil erosion and sediment control plan certification shall be deemed a violation and a Stop Construction Order shall be issued by the district in accordance with N.J.S.A. 4:24-47 and N.J.A.C. 2:90-1.13 (d) and (e).

This policy shall be publicly posted and shall be made available to all applicants who are notified of expiration of plan certification.

SAMPLE PERMIT EXTENSION ACT LETTER
(District letterhead)

251 Application Number
Project Name
Project Owner
Block/Lot
Address

Dear (Project Owner),

The Soil Erosion and Sediment Control Plan Certification for the above referenced property was extended as a result of the New Jersey Permit Extension Act. Please be advised that the certification of this project will expire on xx/xx/xxxx. To remain in compliance with the Soil Erosion and Sediment Control Act, you must have your Soil Erosion and Sediment Control Plan recertified by the District no later than xx/xx/xxxx.

The District will extend the certification for this project for an additional 3 ½ year period subject to submission of the following:

1. A completed and signed Request for Recertification where no changes have occurred to the original application; or
2. A completed and signed Application for Soil Erosion and Sediment Control Plan Certification where minor changes have occurred including but not limited to ownership. Soil Erosion and Sediment Control Plans must be submitted for review.
3. An audit of your project account has been conducted. A balance of \$ _____ for recertification processing and additional inspection fees is due, based on the number of units/buildings/acres remaining on the project in accordance with the current District fee schedule.

Major revisions (as defined at N.J.A.C. 2:90-1.2) to this project will require the submission of a new application package and appropriate fees. A new Stormwater Discharge Permit (5G3) may be required.

If we receive no response by xx/xx/xxxx, plan certification will expire. Any construction activity after that date will result in the issuance of a Stop Work Order by the District (N.J.S.A. 4:24-47)

Please contact this office should you have any questions.

Sincerely,

District Manager

Enclosures

C: Construction Code Official