

SUBCHAPTER 5 GENERAL PROVISIONS FOR GENERAL PERMITS

7:45-5.1 Promulgation of general permits

- (a) A general permit is a permit established by rulemaking that applies to specific types of projects, as identified by the Commission. By promulgating a general permit pursuant to N.J.S.A. 13:13A-14e, the Commission indicates that it approves the type of project covered by the general permit, provided that the person undertaking the project obtains authorization from the Commission's Executive Director and meets the requirements of the general permit and the authorization.
- (b) The Commission will promulgate a general permit only if the Commission determines that the category of projects covered by the general permit will conform to the purposes of the Act, the Master Plan, and these rules.
- (c) Each general permit shall contain a specific description of the type of project to which it applies, including:
 - 1. Limits on any single project authorized under the General Permit. At a minimum, these limits shall include:
 - i. The maximum amount of impervious surface;
 - ii. The maximum extent to which an area may be disturbed;
 - iii. The maximum size of structure that may be constructed; and
 - iv. The type of structure that may be constructed; and
 - 2. A description of the geographic area to which the general permit applies.

7:7A-5.2 Using a general permit to authorize specific projects

- (a) To apply for authorization under a general permit, an applicant shall submit the following:
 - 1. An application form. The application form requires basic information regarding the applicant and the proposed project, such as the name and address of the applicant and any designated agents, the specific location of the project, other types of governmental permits that may be required of the applicant for the project, and a brief description of the proposed project. The application form can be found on the Commission's website at www.dandrcanal.com.
 - 2. A site plan to scale, depicting the layout of any proposed structures and the square footage of all existing and proposed impervious surface.
 - 3. A survey of the property.
 - 4. Architectural elevations of all existing and proposed structures on the project site, if applicable.
- (b) Within 30 days after the date that an application for a general permit authorization for a project is received in the Commission's office, the Commission's Executive Director shall review the application to determine if all the items required for a complete application have been submitted, and take one of the following actions:
 - 1. Notify the applicant in writing of any additional information required for a complete application;
 - 2. Notify the applicant in writing that the project is not authorized under a general permit; or
 - 3. Issue the general permit authorization for the project with conditions, if any, in accordance with N.J.A.C. 7:45-5.3, and notify in writing:
 - i. The applicant or his or her agent;
 - ii. the appropriate municipal and county approving agencies; and
 - iii. All persons who specifically requested notice.

- (c) Within 30 days from the date the additional information required under (b)1 above is received in the Commission office, the Commission's Executive Director shall take one of the following actions:
1. Notify the applicant in writing of any further information that is needed for a complete application;
 2. Notify the applicant in writing that the project is not authorized under a general permit; or
 3. Issue the general permit authorization for the project with conditions, if any, in accordance with N.J.A.C. 7:45-5.3, and notify in writing:
 - i. The applicant or his or her agent;
 - ii. the appropriate municipal and county approving agencies; and
 - iii. All persons who specifically requested notice.
- (d) The Commission's Executive Director shall prepare a report that summarizes the relevant facts about the application and makes a determination of completeness, denial, or authorization, and shall provide the report to the applicant.
- (e) If no action is taken by the Commission's Executive Director on an application for authorization under a general permit within 30 days from the Commission's receipt of the application, then the application for authorization is deemed complete.
- (f) If no action is taken by the Commission's Executive Director on an application for authorization under a general permit within 10 days from the application's being deemed complete under (e) above, then the application is deemed approved. This default approval is subject to any applicable conditions set forth in this section for activities covered by the application.
- (g) Except for (h) below, a general permit authorization shall remain valid for five years from the date of the authorization and shall not be extended.
- (h) A general permit authorization shall lapse if the municipal permits or approval for the authorized project expire, lapse, or are revoked within the five-year period.
- (i) The Commission's Executive Director shall deny an application for a general permit authorization and require an application for an individual approval if the Executive Director finds that additional conditions added under N.J.A.C. 7:45-5.3(c) will not be sufficient to ensure compliance with the Act, the Master Plan and this chapter.
- (j) The limits on disturbance in each general permit apply to the entire site upon which the particular project authorized under the general permit occurs. An applicant shall not segment a project by applying for general permit authorization for one portion of the project and applying for an individual approval for another portion of the project. Similarly, an applicant shall not segment a project by separately applying for general permit authorizations for different portions of the same project.
- (k) Unless otherwise made a condition of the general permit in accordance with N.J.A.C. 7:45-5.3(c), the limits on disturbance under a general permit apply to total disturbance, including both temporary and permanent disturbances.
- (l) If a project is not authorized under a general permit or combination of general permits, an applicant must obtain an individual approval for the project.

7:45-5.3 Conditions that apply to all general permit authorizations

- (a) A person undertaking a project under a general permit authorization shall comply with:
 - 1. The standard conditions for all general permits set forth at (b) below;
 - 2. The conditions established for the specific general permit set forth at N.J.A.C. 7:45-6; and
 - 3. Any project-specific conditions imposed in accordance with (c) below.
- (b) The following standard conditions apply to all general permits:
 - 1. The project shall not adversely affect properties that are listed or are eligible for listing on the New Jersey or National Register of Historic Places.
 - 2. The project will not violate the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., or the implementing rules at N.J.A.C. 7:7A; and
 - 3. The project will not violate the Flood Hazard Area Control Act, N.J.S.A. 58:16A- 50 et seq., or implementing rules at N.J.A.C. 7:13.
- (c) The Executive Director of the Commission may impose project-specific conditions in order for a particular project to be authorized under a general permit.

7:45-5.4 Use of multiple general permit authorizations

- (a) The Commission's Executive Director may authorize multiple projects under one or more general permits on a single site provided that:
 - 1. The conditions of each general permit are complied with;
 - 2. The total disturbance and/or size of the projects located on that site shall be calculated cumulatively to ensure that the limits of each general permit are met; and
 - 3. No authorization under General Permit 2, issued in accordance with N.J.A.C. 7:45-6.2, shall be approved if the cumulative impervious surface area of the project and projects authorized since January 11, 1980 is 800 square feet or more.

7:45-5.5 Modification of a general permit authorization

- (a) If the holder of a general permit authorization proposes a change to the project for which a general permit authorization was issued, the holder shall submit a request for modification in writing and shall include sufficient information for the Commission's Executive Director to adequately review and consider the modification request. A holder of a general permit authorization may request:
 - 1. A minor modification under (b) below; or
 - 2. A major modification under (c) below.
- (b) The following is a minor modification that may be made to any authorization issued under a general permit:
 - 1. Correction of a typographical error that does not affect the terms of the authorization issued under the general permit.
- (c) Any modification other than described at (b) above shall constitute a major modification. To obtain approval for a major modification, a holder of an authorization shall meet the same substantive and procedural standards that would apply to an application for authorization under a general permit, except that the application need only to address the portions of the authorization affected by the proposed modification. Portions of the authorization that are not affected by the proposed modification are not subject to further review, or other procedures that would apply to an application for a new general permit authorization.

