



# State of New Jersey

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

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### **Permit Extension Act 2020 – Extension of eligible Department of Environmental Protection permits and approvals during the Public Health Emergency**

- On July 1, 2020, the Legislature approved the Permit Extension Act of 2020 (PEA), retroactive to March 9, 2020.
- In accordance with the PEA, the Department published notice of in the New Jersey Register (NJR) on September 8, 2020
  - The notice can be found at 52 N.J.R. 1682(b).
  - A link to the law can be found at [https://www.njleg.state.nj.us/2020/Bills/PL20/53\\_.PDF](https://www.njleg.state.nj.us/2020/Bills/PL20/53_.PDF)
- Under the PEA, the period of validity of any eligible Department permit or approval that was in existence on March 9, 2020, and which was registered by October 8, 2020, was suspended for the COVID-19 extension period, with certain exceptions specified in the PEA.
- Under the PEA, eligible permittees were required to register permit/approval information with the Department by October 8, 2020, to receive the benefit of the extension period; the Department reviewed that information against the criteria provided in the PEA to determine whether each approval was extended. If an approval was not registered by October 8, 2020, even if it otherwise meets the criteria provided in the PEA, it's period of validity is not extended under the PEA.
  - The Department has posted a listed of approved registration requests on its website at <https://www.nj.gov/dep/covid19regulatorycompliance/>
- The COVID-19 extension period is defined in the PEA as the period beginning March 9, 2020, and continuing for as long as the public health emergency declared by the Governor pursuant to the "Emergency Health Powers Act," N.J.S.A. 26:13-1 et seq. is in effect. The public health emergency was lifted on June 4, 2021.
  - This means the running of a registered approval's period of validity was suspended beginning on March 9, 2020, and began running again June 4, 2021.
    - For example, if on March 9, 2020, a registered approval was on day 30 of its period of validity, then on June 4, 2021, the permit's period of validity began running again beginning on day 30 of its period of validity.
- Importantly, the PEA specifies that "the tolling period provided for herein shall extend the government approval at least six months beyond the conclusion of the COVID-19 extension period." Accordingly, the Department will extend approvals for six months beyond the extension period except where statutory or regulatory requirements dictate additional time be provided.

- This means that if a registered approval has less than six months left in its period of validity on March 9, 2020, then on June 4, 2021, it has six months left in its period of validity unless statutory or regulatory requirements require additional time.
- For example, if on March 9, 2020, a registered approval has 14 days left in its period of validity, on June 4, 2021, rather than having 14 days left in its period of validity, the permit would have six months left in its period of validity unless statutory or regulatory requirements require additional time.

