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ENVIRONMENTAL PROTECTION

LAND USE MANAGEMENT

DIVISION OF LAND USE REGULATION

Freshwater Wetlands Protection Act Rules

Application Fees

Notice of Administrative Correction

N.J.A.C. 7:7A-18.1

Authorized By: Catherine R. McCabe, Acting Commissioner, Department of Environmental Protection.

Authority: N.J.S.A. 13:9B-1 et seq., and 58:10A-1 et seq.

Take notice that the Office of Administrative Law (OAL) discovered an error in the text of the N.J.A.C. 7:7A-18.1(f) Table 18.1, Application Fees. On June 20, 2016, the Department of Environmental Protection (Department) proposed amendments to N.J.A.C. 7:7A-18.1 (then codified as N.J.A.C. 7:7A-11.1) to change the final table in Table A, Additional application fee for stormwater review if a project is a “major development” pursuant to the Stormwater Management Rules (see N.J.A.C. 7:8-1.2), to add a footnote setting a maximum fee and adding a fee for the modification of previously reviewed stormwater calculations (see 48 N.J.R. 1014(a) (June 2016 Proposal)). On May 1, 2017, a subsequent rulemaking by the Department proposed additional amendments to then-existing N.J.A.C. 7:7A-11.1. These proposed amendments

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included recodifying the section as N.J.A.C. 7:7A-18.1, several substantial and technical changes, and changing the name of the table from Table A to Table 18.1, but the final section of the table was not changed (see 49 N.J.R. 834(a) (May 2017 Proposal)).

As of the date of publication, the Department had not yet adopted the June 2016 Proposal rulemaking, so the changes proposed therein could not be included in the May 2017 Proposal. Effective July 17, 2017 (see 49 N.J.R. 2246(a) (July 2017 Adoption)), the Department adopted the June 2016 Proposal rulemaking, with no change from the proposal to then-codified N.J.A.C. 7:7A-11.1(g) Table A. Effective December 18, 2017 (see 49 N.J.R. 3849(a) (December 2017 Adoption)), the Department adopted the May 2017 Proposal rulemaking, with no change from the proposal to now recodified N.J.A.C. 7:7A-18.1(f) Table 18.1. However, the December 2017 Adoption neglected to incorporate the text of the then-effective July 2017 Adoption changes at N.J.A.C. 7:7A-18.1(f) Table 18.1, final section, which, as indicated above, added a footnote setting a maximum fee and a fee for the modification of previously reviewed stormwater calculations. This language should have been administratively added to the December 2017 Adoption, but inadvertently was not. As the Department properly proposed and adopted all of the changes discussed above and has not proposed the deletion of the footnote or new fee, the footnote and fee need to be administratively reinserted into the final section of N.J.A.C. 7:7A-18.1(f) Table 18.1.

This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

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Full text of the corrected rule follows (additions indicated in boldface **thus**):

SUBCHAPTER 18. APPLICATION FEES

7:7A-18.1 Application fees

(a) – (e) (No change.)

(f) The fees for applications under this chapter are set forth in Table 18.1 below:

Table 18.1

APPLICATION FEES

...

Additional application fee for stormwater review if a project is a “major development” pursuant to the Stormwater Management Rules (see N.J.A.C. 7:8-1.2)

	Fee ¹
...	
Modification of previously reviewed stormwater calculations	Thirty percent of the original stormwater fee

¹ **The additional application fee for stormwater review set forth in this table shall not exceed \$20,000.**