
BISGAIER HOFF

Attorneys At Law A Limited Liability Company

Bisgaier Hoff Upcoming Events

Representatives of Bisgaier Hoff will be available to answer your questions at this year's 63rd Annual Atlantic Builders Convention being held at the Atlantic City Convention Center from March 28-30, 2012. Stop by Booth 832 and see us.

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New Jersey Department of Environmental Protection Approves Waiver Rule

On March 8, 2012 the New Jersey Department of Environmental Protection ("NJDEP") finally adopted its waiver rule ("NJDEP Waiver Rule") ([Click for NJDEP Waiver Rule](#)) and so notified the regulated public. This follows from Governor Christie's January 20, 2010 executive mandate to New Jersey's administrative agencies to implement "Common Sense Principles" for state rules and regulations that will "energize and encourage a competitive economy to benefit businesses and ordinary citizens" ([Click to see Executive Order No. 2](#)).

Do not rush to submit your waiver applications, though, as the NJDEP Waiver Rule, which will be published in the New Jersey Register on April 2, 2012, does not allow acceptance by NJDEP of any requests for waiver until August 1, 2012. The purpose of the delay is described in the 355-page Rule Adoption (comprised mostly of the vast number of public comments) ([Click to see Rule Adoption](#)) as providing time for NJDEP to develop an electronic system for the waiver requests and the posting of related information.

As that date approaches and applications are drafted, please keep in mind that all applicants will be required to demonstrate at least one of the following prerequisites:

1. There is a public emergency that has been declared;
2. Conflicting rules (between Federal and State agencies) are adversely impacting a project or preventing activity from proceeding;
3. A net environmental benefit would be achieved; or
4. Undue hardship is being imposed by the rule requirement(s).

Unfortunately, there is no timeframe within which the NJDEP must act on a waiver request and the waiver requests will be reviewed, granted or denied on a case-by-case basis by the NJDEP's technical staff, subject to approval by the Commissioner.

News from Bisgaier Hoff, LLC - NJDEP Waiver Rule

For more information, contact Jim Kozachek, Esq. at 856-795-0150.