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## Return to “Normal”? New Jersey Acts to Undo COVID-19 Pandemic Extensions Impacting NJDEP Regulation

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*New Jersey Governor Phil Murphy Signs Executive Order Allowing Extended Rule-Making Deadlines at NJDEP to Expire and Setting Deadlines for Soil and Fill Recycling Activities and A-901 Licensing*

[Executive Order \(EO\) 263](#), effective September 17, 2021, provides for the expiration of extensions of New Jersey Department of Environmental Protection (NJDEP) rule-making deadlines that were instituted in [EO 127 \(2020\)](#) due to the COVID-19 pandemic. EO 127 provided an extension for any rules or emergency rules that would have otherwise expired during the public health emergency for 90 days following the end of the public health emergency. The public health emergency ended on June 4, 2021, as discussed below. EO 263 provides, in relevant part: “All rules of the DEP...that were scheduled to expire prior to the effective date of this Order but were extended pursuant to Executive Order No. 127...shall expire on the effective date of this Order.”

### What You Need to Know:

- The public health emergency ended on June 4, 2021, but a state of emergency remains in New Jersey.
- The tolling of timeframes governing public notice, review, or final action on NJDEP applications has ended.
- The extension of deadlines for public comment on applications for certain NJDEP permits and approvals has ended.
- Extensions of NJDEP rule-making deadlines have expired.
- There are new deadlines for complying with N.J.S.A. 13:1E-127.1, the Dirty Dirt law.

Additionally, EO 263 provides deadlines for complying with N.J.S.A. 13:1E-127.1, the so-called “Dirty Dirt Law,” in light of the termination of the public health emergency on June 4, 2021. Under the Dirty Dirt Law, signed by Governor Murphy on January 21, 2020, any business that does not already have a solid waste A-901 license and engages in, or otherwise provides, “soil and fill recycling services” is required to register with the NJDEP and obtain an A-901 license. EO 136 extended, among other things, the timeframes required for persons involved in soil and fill recycling services to register and submit A-901 license applications to the NJDEP.

Pursuant to EO 263, the new deadlines for complying with N.J.S.A. 13:1E-127.1, are as follows:

1. **October 14, 2021** - Any business concern wishing to engage in Soil and Fill Recycling Services that did not already possess an A-901 License on January 21, 2020 must submit a Registration form to the NJDEP;
2. **January 13, 2022** - Soil and Fill Recycling Services must cease if business concern does not possess a valid A-901 License; and
3. **April 15, 2022** - A valid and complete A-901 License application must be submitted to the New Jersey Office of the Attorney General.

### ***Governor Murphy Signs Legislation and Executive Order Ending COVID-19 Public Health Emergency***

On June 4, 2021, Governor Murphy signed legislation (A5820/S3866) and an executive order effectively ending the COVID-19 Public Health Emergency. The legislation provided that the majority of executive orders issued pursuant to the public health emergency would expire 30 days from enactment but excepted specific executive orders which will be in force until January 1, 2022. Accordingly, [EO 136 \(2020\)](#), which tolled timeframes governing public notice, review, or final action on applications for, or renewals of permits, registrations, plans, petitions, licenses, rates, and other approvals under statutes administered by the NJDEP, expired on July 4, 2021. Immediately after signing the legislation Governor Murphy signed [EO 244](#), ending the COVID-19 Public Health Emergency but specifying that the State of Emergency remains in New Jersey.

### ***Other Rollbacks of COVID-19 Pandemic Extensions Applicable to NJDEP Matters***

NJDEP Commissioner LaTourette issued Administrative Order (AO) 2021-12, effective June 17, 2021, which repealed [AO 2020-06](#) and thereby ended the extension of deadlines for public comment on applications for certain NJDEP permits and approvals, including CAFRA, wetland, flood hazard, water quality and water supply, and solid and hazardous waste programs.

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