



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866**

Senator Richard J. Codey  
Senate President  
New Jersey Senate, State House  
Post Office Box 099  
Trenton, NJ 08625-0099

Assemblyman Joseph J. Roberts, Jr.  
Assembly Speaker  
New Jersey Assembly  
Brooklawn Shopping Plaza  
Route 130 and Browning Road  
Brooklawn, New Jersey 08030-2797

Re: Bills A2867 and S1919 ("Permit Extension Act of 2008")

Dear Sirs:

I am writing to express concerns regarding two identical bills, Assembly No. 2867 and Senate No. 1919, which were recently introduced in the New Jersey legislature. These bills would enact the "Permit Extension Act of 2008." This proposed legislation is of serious concern to the U.S. Environmental Protection Agency (EPA) because it may conflict with federal and state environmental laws and regulations.

As you know, the proposed law would, with certain exceptions, automatically suspend until December 31, 2012, if not later, the expiration dates of a wide variety of permits and other approvals issued by state or local government entities in New Jersey. The law would apply to, for example, wetlands permits, pollutant discharge elimination system permits issued pursuant to the Water Pollution Control Act, water quality management plans approved under the Water Quality Planning Act, approvals granted under the Safe Drinking Water Act, as well as many other types of permits and approvals that may relate to environmental matters. The proposed law would thus purport to override aspects of a number of state laws and regulations, some of which are elements of federally-approved state environmental programs.

I am concerned that if enacted, this law might be inconsistent with a number of federal environmental laws - for example, the Clean Water Act - and could undermine part of the basis for EPA's delegation, authorization or approval of a variety of New Jersey environmental programs. It is also possible that the law could interfere with EPA's ability to provide grant monies to the state. In order to receive state revolving funds, for example, New Jersey must demonstrate that it has a state-level review process

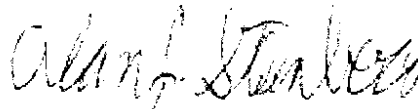
that is equivalent to the National Environmental Policy Act (NEPA) -- the permit extensions provided for by the proposed law could undermine that equivalency.

The bills do contain an exception concerning permits issued by the federal government or other permits "of which the duration of effect or the date or terms of its expiration are specified or determined by or pursuant to law or regulation of the federal government or any of its agencies or instrumentalities." This exception, however, is unclear and may be too narrow.

Consequently, I urge that before any action is taken on these bills, the New Jersey legislature and executive branch carefully analyze how the proposed law would square with federal environmental laws, with the various state laws and regulations upon which EPA's past delegations, authorizations and approvals have been predicated, and with all relevant Memoranda of Agreement and other agreements between EPA and the State concerning the implementation of environmental programs. I request that you or your representatives inform me of the results of that analysis and give EPA an opportunity to discuss the matter further with you before these bills move forward.

Thank you for your consideration. If you have any questions, please let me know or have your staff contact Peter Brandt, Chief of the Intergovernmental and Community Affairs Branch, at 212-637-3654.

Sincerely,



Alan J. Steinberg  
Regional Administrator

cc: Assemblyman John F. McKeon  
Chair, Assembly Environment and Solid Waste Committee

Assemblyman Jerry Green  
Chair, Assembly Housing and Local Government Committee

Senator Raymond J. Lesniak  
Chair, Senate Economic Growth Committee