



Sterns & Weinroth, P.C.

REAL ESTATE / TRANSACTIONAL LAW

A L E R T

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WINDOW OF OPPORTUNITY EXISTS TO OBTAIN SEWER EXTENSION APPROVALS FROM NJDEP BEFORE THE DEPARTMENT WITHDRAWS SEWER SERVICE AREA DESIGNATIONS

The NJDEP's Water Quality Management Planning Rules with Amendments were readopted and became effective on July 7, 2008. In accordance with the rules, each County has been designated as the agency required to submit an Updated Wastewater Management Plan for its region on or before April 7, 2009. If a County fails to do so, the areas in its region previously designated as within a wastewater (sewer) service area will be deemed withdrawn. Upon the effective date of the withdrawal, NJDEP will no longer process applications for Treatment Works Approvals ("TWA") in that region.

If you own property for which local development approvals have been granted or will be granted before April 7, 2009, and the property/project is located within an area designated in a previously approved, but not yet updated, Wastewater Management Plan as a "sewer service area", then, between July 7, 2008 and April 6, 2009 you still may apply to NJDEP for a TWA permit (including for sewer extensions) and NJDEP will continue to process and approve such applications. A subsequent withdrawal of the sewer service area designation will not invalidate a TWA permit issued prior to the effective date of the withdrawal.

RECOMMENDATION:

Owners of property/projects with local development approvals that are located in areas currently designated in Wastewater Management Plans as a sewer service area should apply for and push NJDEP to issue a TWA/sewer extension permit on or before April 6, 2009.

For more information, please contact Frank J. Petrino at 609.989.5029, or fpetrino@sternslaw.com.

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