The Waiver Rule

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By Peter J. Gallagher

We write to let you know about an important decision from the Appellate Division that will impact New Jersey developers and other businesses. On March 21, 2013, the Appellate Division rejected a challenge to the so-called Waiver Rule (N.J.A.C. 7:1B-1.1, et seq.), which allows the New Jersey Department of Environmental Protection ("DEP") to waive certain environmental regulations on a case-by-case basis.