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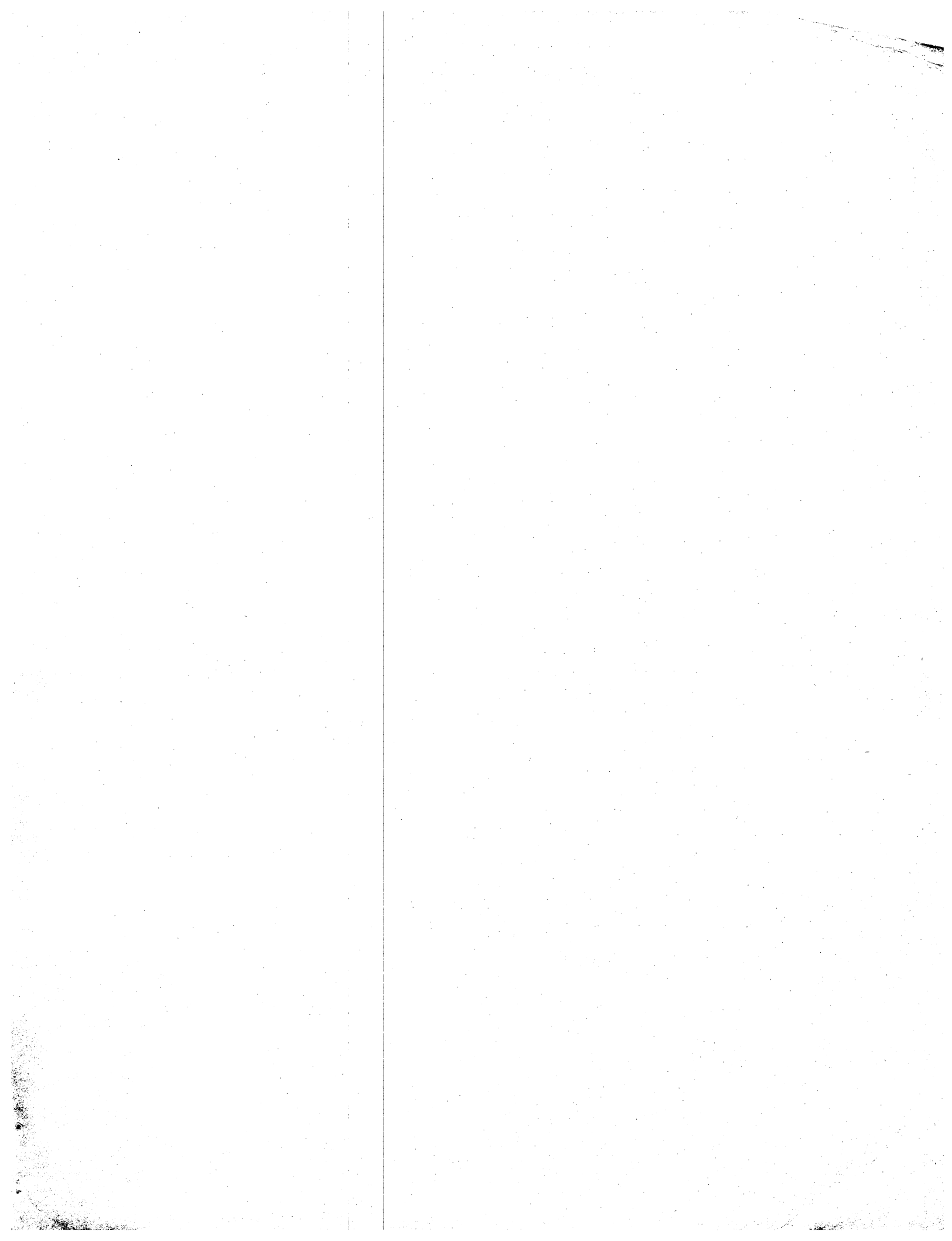
PROPOSED

Statewide Water Quality Management Planning Rules

N.J.A.C. 7:15

September 1988

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ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

Statewide Water Quality Management
Planning

Proposed Repeal: N.J.A.C. 7:15

Proposed New Rules: N.J.A.C. 7:15

Authorized By: Richard T. Dewling, Commissioner,
Department of Environmental Protection

Authority: N.J.S.A. 13:1D-1 et seq., N.J.S.A.
58:10A-1 et seq., and N.J.S.A. 58:11A-1
et seq.

DEP Docket No. 033-88-08

Proposal Number: PRN 1988-461

Public hearings concerning this proposal will be held on:

Thursday, October 20, 1988 at 10:00 A.M.
Auditorium, Haddonfield Borough Hall
242 Kings Highway East (between Haddon Avenue
and Potter Street)
Haddonfield, New Jersey

Monday, October 24, 1988 at 2:00 P.M.
Morris County Extension Office
Rutgers University Cooperative Extension Service
West Hanover Avenue (corner of West Hanover Avenue
and Raynor Road)
Morris Township, New Jersey

Submit written comments by November 10, 1988 to:

Rachel Lehr, Esq.
Division of Regulatory Affairs
Department of Environmental Protection
CN 402
Trenton, NJ 08625

The agency proposal follows:

Summary

The Department of Environmental Protection (the "Department") adopted the present rules, N.J.A.C. 7:15, in 1984. As a result of the Department's experience in implementing that chapter, the Department decided to undertake a comprehensive review of the rules. The Department is now proposing changes and

additions sufficiently extensive to warrant the proposed repeal of the present chapter, concurrently with proposal of the new rules at N.J.A.C. 7:15.

Under the present rules, the Department adopted a Statewide Water Quality Management Program Plan (Statewide WQM Plan) on December 5, 1985. The Statewide WQM Plan, in concert with the new rules, contains the written provisions of the Continuing Planning Process (CPP) conducted by the Department pursuant to the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and N.J.S.A. 13:1D-1 et seq. The proposed rules serve two basic functions. Subchapters 1 through 3 serve the first of these functions, which is to set forth the Department's general regulatory framework for Water Quality Management Planning activities. Subchapters 4 and 5 serve the second basic function of this chapter, which is to prescribe specific policies and procedures concerning wastewater management. Subchapters 4 and 5 supplement other Department rules pertaining to wastewater management, including, but not limited to, New Jersey Pollutant Discharge Elimination System rules (N.J.A.C. 7:14A), sewer system and wastewater treatment plant rules (N.J.A.C. 7:9-1), standards for individual subsurface sewage disposal systems (N.J.A.C. 7:9A), Surface Water Quality Standards (N.J.A.C. 7:9-4), wastewater discharge requirements (N.J.A.C. 7:9-5), Ground Water Quality Standards (N.J.A.C. 7:9-6), and rules concerning financial assistance for wastewater treatment facilities (N.J.A.C. 7:22).

Due to the complexity of the rules, an extended public comment period of 65 days is provided. This extended period is intended to provide adequate time for review and comment and to avoid the necessity to extend the comment period at a later date. Highlights from each subchapter of the proposed rules follow; except where stated otherwise, citations are to the proposed rules rather than to the present rules. The general purpose of the rules is set forth in N.J.A.C. 7:15-1.3.

N.J.A.C. 7:15-1.1 identifies the chapter's general subject matter. The construction section at N.J.A.C. 7:15-1.2 was expanded to promote implementation of the Water Quality Planning Act, Water Pollution Control Act, and N.J.S.A. 13:1D-9; the purpose section at N.J.A.C. 7:15-1.3 was rewritten to emphasize basic provisions of these statutes. The severability section at N.J.A.C. 7:15-1.4 is continued with minor changes. N.J.A.C. 7:15-1.5 defines over 30 new terms (some taken or adapted from Chapter III of the present Statewide WQM Plan), and modifies or deletes many definitions in present N.J.A.C. 7:15-1.5. Policies from Chapter III of the Plan contained in modified form elsewhere in the proposed rules include "Policy on Permitting of Domestic Wastewater Treatment Facilities", "Policy on Wastewater Management Plans", "Policy for Interim Construction, Expansion, Upgrade and Unplanned Wastewater Treatment Facilities" ("Planning Policies" only), and "Policy on Incorporation of 201 Facilities Plans" (see N.J.A.C. 7:15-3.4(k), 4.1 through 4.3, and 5). This reorganization of the Statewide WQM Plan, and its incorporation in this chapter by reference at N.J.A.C. 7:15-2.2(a), serve to simplify the legal structure of the Plan. There is also a public notice in the September 6, 1988 issue of the New Jersey Register of the Department's proposal to repeal Chapter III of the Statewide WQM Plan.

N.J.A.C. 7:15-2.1 and 2.2 identify the Statewide WQM Plan and this chapter as the written provisions of the CPP. N.J.A.C. 7:15-2.1 was rewritten to emphasize CPP components required by the Water Quality Planning Act, the Clean Water Act (33 U.S.C. 1251 et seq.), or Federal regulations at 40 CFR 130.5. As

one means of addressing the Department's statutory supervision, integration, and related responsibilities (N.J.S.A. 58:11A-2, 58:11A-7), N.J.A.C. 7:15-2.2 prohibits areawide WQM Plans from conflicting with specified components of the Statewide WQM Plan and the other provisions of the proposed rules. N.J.A.C. 7:15-2.3 and 2.4 identify WQM planning responsibilities of the Department and designated planning agencies, and were revised to achieve greater consistency with the Water Quality Planning Act, address responsibilities imposed on the Department by 40 CFR 130.5, and withdraw certain responsibilities from designated planning agencies that were not assigned to them by the Water Quality Planning Act.

N.J.A.C. 7:15-3.1 requires that projects, activities, and Department permits be consistent with WQM Plans and this chapter, identifies projects and activities requiring detailed "consistency determination review" (making changes to Table 1 in present N.J.A.C. 7:15-3.1), and identifies Statewide WQM Plan components used in consistency reviews. N.J.A.C. 7:15-3.2 sets forth revised procedures for consistency determination review; the terms "consistent", "not consistent", and "inconsistent" retain their present N.J.A.C. 7:15-3.2 meanings. N.J.A.C. 7:15-3.2(c)4 allows the Department to issue permits in some cases without issuing separate consistency determinations. N.J.A.C. 7:15-3.3 provides for conflict resolution conferences which may also be waived by the Department. N.J.A.C. 7:15-3.4 establishes revised procedures for amending Statewide and areawide WQM Plans. Only the Department can process amendments that address effluent limitations, total maximum daily loads, State or Federal programs, or actions regulated by the Solid Waste Management Act. To expedite amendment of areawide WQM plans, the New Jersey Register notice requirement is eliminated, and a 60 day period is established for endorsements. A special expedited amendment procedure is made available for public schools, health, and correctional facilities, and for treatment works on margins of depicted sewer service areas. N.J.A.C. 7:15-3.5 requires periodic rather than annual review of plans, allows limited changes to plans to be adopted as "revisions" (without advance notice) rather than as "amendments", and provides for certification of areawide plans by the governor or his designee. New provisions at N.J.A.C. 7:15-3.6 and 3.7 set forth policies concerning coordination of WQM planning with programs for the New Jersey Coastal Zone (including the Hackensack Meadowlands District) and Pinelands. New provisions at N.J.A.C. 7:15-3.8 and 3.9 establish a one year time limit for procedural challenges to WQM Plan amendments, and appeal procedures for Departmental decisions made pursuant to this chapter.

Subchapter 4 is new. To ensure long term accountability and responsibility in the operation of specified new or expanded domestic treatment works (DTW), N.J.A.C. 7:15-4.1 allows permits under N.J.A.C. 7:14A for such DTW only if a "governmental entity" or "sewerage agency" is the sole permittee or co-permittee, and is a wastewater management agency identified in an areawide WQM Plan. (The rule's definition of "governmental entity" includes school districts.) N.J.A.C. 7:15-4.2 identifies projects and activities deemed to be not inconsistent with WQM plans and this chapter, including: upgrades of treatment works to improve effluent quality; treatment works whose sole purpose is to abate existing pollution problems; expansions of treatment works to flows permitted on December 5, 1985; "interim" treatment works to be abandoned or incorporated at a definite time into other treatment works; and emergency activities. N.J.A.C. 7:15-4.3 identifies treatment works that require amendments to areawide WQM Plans to be eligible for Department permits, or for financial assistance under the Clean Water Act or N.J.A.C. 7:22. This section also requires that WQM Plan amendments

use existing regional DTW where appropriate, and avoid unsound sewer service area modifications to evade sewer connection bans. N.J.A.C. 7:15-4.4 allows construction in depicted future sewer service areas of individual residential septic systems if future connection is guaranteed, and on the same basis, certain other small DTW (individual wastewater management plans may impose additional requirements; see N.J.A.C. 7:15-5.19). N.J.A.C. 7:15-4.5 limits financial assistance for DTW under the Clean Water Act or N.J.A.C. 7:22 to Wastewater Management Agencies identified in areawide WQM Plans.

The new Subchapter 5 concerns "wastewater management plans", which are short, concise documents, adopted as amendments to areawide WQM Plans, that describe present and future wastewater management at a municipal or regional level. N.J.A.C. 7:15-5.1 identifies WQM Plan amendments requiring preparation or amendment of such wastewater management plans. N.J.A.C. 7:15-5.2 provides that existing wastewater management plans remain in effect and establishes a transition period. N.J.A.C. 7:15-5.3 contains general policies about "wastewater management plan responsibility", which is mainly the duty to submit and periodically update a wastewater management plan for a specific "wastewater management plan area". N.J.A.C. 7:15-5.4 allows designated planning agencies to request such responsibility for their planning areas. Where such responsibility is not so requested, N.J.A.C. 7:15-5.5 through 5.8 assign such responsibility to governmental units in this order: Passaic Valley Sewerage Commissioners (for the statutory district); sewerage and municipal authorities (for statutory districts); joint meetings (for service areas in member municipalities); and municipalities (within their boundaries). Municipalities and municipal authorities that do not perform "sewerage-related functions" are exempt. Criteria in N.J.A.C. 7:15-5.6 assign responsibility for locations within two or more authority districts (giving priority to county utilities authorities and regional sewerage authorities). N.J.A.C. 7:15-5.9 provides that alternative assignments of wastewater management plan responsibility, differing from N.J.A.C. 7:15-5.4 through 5.8, shall be made only by amendments or revisions to areawide WQM Plans, and contains general principles for such assignments. N.J.A.C. 7:15-5.10 through 5.13 identify some possible alternatives: linkages to financial assistance for sewerage facilities or to complete sewer service areas, assignments of joint wastewater management plan responsibility to two or more governmental units, and voluntary assignment of responsibility. N.J.A.C. 7:15-5.11 requires automatic expansion of wastewater management plan areas to include complete sewer service areas. To assist identification of wastewater management plan responsibility, N.J.A.C. 7:15-5.14 requires the Passaic Valley Sewerage Commissioners (PVSC), sewerage and municipal authorities, and joint meetings to submit information about district boundaries and member municipalities.

N.J.A.C. 7:15-5.15 identifies required contents of wastewater management plans in general terms; N.J.A.C. 7:15-5.16 through 5.20 contain specific requirements. N.J.A.C. 7:15-5.16 and 5.17 require descriptions and maps of existing jurisdictions, wastewater service areas, and specific DTW and environmental features. N.J.A.C. 7:15-5.18 requires descriptions and maps of future wastewater service areas and specific DTW necessary to meet anticipated 20 year needs. Wastewater management plans shall provide for cost-effective, environmentally sound wastewater management, including regional management where appropriate, and with certain exceptions shall serve future land uses shown in municipal or county master plans. Under N.J.A.C. 7:15-5.19, wastewater management plans may require connection guarantees and installation of collection

sewers when individual residential septic systems or certain other small DTW are built in sewer service areas. N.J.A.C. 7:15-5.20 contains specifications for text and graphics, and provides that environmental features maps are for informational, not regulatory, purposes. N.J.A.C. 7:15-5.21 prohibits overlap of wastewater management plan areas. N.J.A.C. 7:15-5.22 and 5.23 require those who prepare wastewater management plans to seek comments and endorsements from specified parties, and set forth submission and adoption procedures for wastewater management plans. N.J.A.C. 7:15-5.24 establishes submission schedules for wastewater management plans. Designated planning agencies, PVSC, county utilities authorities, regional sewerage authorities, and multi-county joint meetings shall submit wastewater management plans within one year; other governmental units shall submit wastewater management plans within two to five years depending on location. Updated wastewater management plans shall be submitted at least once every six years from the date of the previous submission. Alternative schedules may be established by amendments or revisions to WQM Plans.

Social Impact

The Department expects that generally positive social impacts will result from the proposed new rules. The simplified legal structure of the Statewide WQM Plan will be easier to understand and implement. Systematic procedures for evaluating projects and activities for consistency with WQM Plans (proposed N.J.A.C. 7:15-3.1 and 3.2) will promote Plan implementation. Allowing the Department to issue permits without issuing separate consistency determinations (proposed N.J.A.C. 7:15-3.2(c)4) will benefit some permit applicants through faster permit processing.

The general public will benefit from WQM plan amendment procedures that allow public comment on proposed amendments and allow interested persons to propose their own amendments (proposed N.J.A.C. 7:15-3.4). Applicants for WQM plan amendments will benefit from streamlining and simplification of the plan amendment process through elimination of the New Jersey Register notice requirement and the establishment of a 60 day time period for endorsements (proposed N.J.A.C. 7:15-3.4(g)3 and 4). The average time needed to process routine plan amendments will be reduced by about two months. Special amendment procedures will expedite permits for public schools, health care, and correctional facilities, and for treatment works on margins of depicted sewer service areas (proposed N.J.A.C. 7:15-3.4(h)). The benefits received by applicants as a result of these timesavings should be passed on to the general public through lower development costs.

The NJPDES permittee requirement (proposed N.J.A.C. 7:15-4.1) will help to ensure that NJPDES permit provisions are met and that environmental damage is prevented or minimized. Treatment works and wastewater management plan requirements in proposed N.J.A.C. 7:15-4.3 and 7:15-5 should result in more cost-effective, environmentally sound wastewater management, better integrated with municipal and county master plans. Insofar that wastewater management plans promote implementation of master plans, such plans will reinforce positive or negative social impacts of such master plans. Wastewater management plans will assist State and local planning processes by identifying, on a regularly updated basis, existing and proposed sewerage facilities and sewer service areas in most or all of the State. The 20-year horizon for wastewater management plans, the requirement for their updating every six years, and the provisions for their

amendment will minimize their limiting effects on the land supply for uses that need sewer service.

The NJPDES permittee and wastewater management plan requirements may have adverse impacts on some applicants for NJPDES permits. A few applicants may be unable to obtain permits or related WQM Plan amendments because no governmental entity or sewerage agency agrees to be a co-permittee (the proposed rules remove this problem for school districts by adding them to the definition of "governmental entity"), or to submit a wastewater management plan. Some applicants may secure such co-permittees or wastewater management plans only after significant delays or concessions. The general public may feel some of these impacts through higher development costs. Over a five year period, however, the proposed rules should generally satisfy the need for wastewater management plans and should serve to insure the proper long-term operation and maintenance of DTW, thereby providing a positive social benefit to the residents of this State. The Passaic Valley Sewerage Commissioners and many sewerage authorities, municipal authorities, joint meetings, and municipalities will be required to periodically submit wastewater management plans (except where this duty is assumed by designated planning agencies or assigned to other parties with Department consent). The proposed rules minimize the workload by establishing requirements for wastewater management plans that are much less detailed than the requirements for 201 Facilities Plans prepared by many of these governmental units.

Economic Impact

The Department expects positive and negative economic impacts from the proposed new rules. Treatment works and wastewater management plan requirements in proposed N.J.A.C. 7:15-4.3 and 7:15-5 should result in more cost-effective wastewater management. Insofar that wastewater management plans promote implementation of municipal and county master plans, wastewater management plans will reinforce positive or negative economic impacts of such plans. The 20-year horizon for wastewater management plans, the requirement for their updating every six years, and the provisions for their amendment should minimize their limiting effects on the land supply for uses that require sewer service. Insofar that wastewater management plans deny sewer service to lands otherwise eligible for such service, wastewater management plans will limit the land supply available for intensive uses that require sewer service, and affect the location of new development for such uses (by channeling development towards depicted sewer service areas with adequate sewerage capacity, and away from other locations). These limitations and alterations will have complex effects on economic factors such as real property values and tax revenues, public service expenditures, and housing, labor, retail, and other markets.

The Passaic Valley Sewerage Commissioners and many sewerage authorities, municipal authorities, joint meetings, and municipalities will be required to periodically submit wastewater management plans (except where this duty is assumed by designated planning agencies or assigned to other parties with Department consent). The Department estimates that the average cost of preparing a wastewater management plan will be between \$5,000 and \$15,000, and that about 275 wastewater management plans would be prepared over five years in response to the proposal. The estimated total Statewide cost for preparing wastewater management plans should be between \$1.4 million and \$4.1 million over five years, or between \$275,000 and \$825,000 on an annual average basis. In addition, the

Department will require about \$200,000 annually to administer the wastewater management plan program. After the initial five year period, further costs would be incurred to update each wastewater management plan at least once every six years. In most cases, the costs of preparing wastewater management plans will ultimately be borne by sewer users and local taxpayers. Where developers choose to subsidize preparation of wastewater management plans, the cost may be reflected in lower profits and wages in the building industry, in higher prices for new development, and in reduced land prices paid by developers to landowners.

The discussion of "Social Impact" above reviewed expected social impacts of the proposed rules on applicants for Department permits and WQM plan amendments. These social impacts are mainly economic in nature and are noted here by reference; they include positive and adverse economic impacts on various parties. For example, applicants for WQM plan amendments will benefit economically from streamlined and simplified plan amendment procedures in proposed N.J.A.C. 7:15-3.4 (through reduced project delay costs) and some applicants for Department permits will benefit economically from having their projects deemed to be not inconsistent with WQM plans under proposed N.J.A.C. 7:15-4.2 (through reduced project delay costs and exemption from plan requirements). Conversely, the NJPDES permittee and wastewater management plan requirements in proposed N.J.A.C. 7:15-4.1 and 5.1 will have adverse economic impacts on some applicants for NJPDES permits (because their projects are prevented, delayed, or otherwise made more expensive by such requirements). Over a five-year period, the proposed new rules should generally satisfy the need for wastewater management plans, however, and provide a general positive economic benefit. Proposed N.J.A.C. 7:15-4.5 provides that financial assistance for treatment works under the Clean Water Act or N.J.A.C. 7:22 may be awarded only to Wastewater Management Agencies identified in WQM Plans. Such identification is a routine process that generally creates no practical difficulties.

Environmental Impact

The Department expects generally positive environmental impacts from the proposed new rules. Systematic procedures for evaluating projects and activities for consistency with WQM plans (proposed N.J.A.C. 7:15-3.1 and 3.2) will help to ensure that environmental protection requirements in WQM plans are followed. The NJPDES permittee requirement (proposed N.J.A.C. 7:15-4.1) will help to ensure that NJPDES permits provisions are met and that environmental damage is prevented or minimized. Special consistency provisions (proposed N.J.A.C. 7:15-4.2) will expedite permits for treatment works upgrades to improve effluent quality, and for treatment works whose sole purpose is to abate existing pollution problems. The treatment works and wastewater management plan requirements in proposed N.J.A.C. 7:15-4.3 and 7:15-5 should result in more environmentally sound wastewater management. To the extent that wastewater management plans promote implementation of municipal and county master plans, wastewater management plans will reinforce positive or negative environmental impacts of such master plans.

Regulatory Flexibility Statement

Parts of these proposed new rules would apply to many small businesses that seek Department permits, amendments to WQM Plans, or construction of domestic treatment works (DTW). The average amendment procedural cost to a small business of complying with this chapter is expected to be about \$200.00. Most of the costs incurred due to these rules will be incurred by public agencies having wastewater

management plan responsibility. All small business applicants for Department permits will be subject to the provision in proposed N.J.A.C. 7:15-3.1(a) that the Department shall not issue permits for projects or activities that conflict with WQM plans or this chapter. Some such applicants may need the services of professional engineers or other professionals to design acceptable projects and activities. Many such applicants will be required to submit proposals for consistency determination review under proposed N.J.A.C. 7:15-3.2, and will need the services of professional engineers or planners to prepare such submissions.

Small businesses that seek construction of DTW identified in proposed N.J.A.C. 7:15-4.1 will need to secure a governmental entity or sewerage agency NJPDES permittee or co-permittee for that DTW. Small businesses that seek construction of treatment works that are inconsistent with areawide WQM plans, or that apply for amendments to such plans for other reasons, will have to submit information and undertake actions required of applicants by proposed N.J.A.C. 7:15-3.4(g), or follow plan amendment procedures used by designated planning agencies. If a requested amendment requires preparation of a wastewater management plan under proposed N.J.A.C. 7:15-5.1, the small business will have to arrange for an appropriate governmental unit to submit a wastewater management plan. Small businesses that seek construction of certain small DTW in sewer service areas will have to provide connection guarantees required by proposed N.J.A.C. 7:15-4.4(b). Wastewater management plans may extend this guarantee requirement to construction of individual residential septic systems, and may require installation of collection system sewers for use when sewer service becomes available (proposed N.J.A.C. 7:15-5.19). Such installation would require the services of professional engineers.

In developing these proposed new rules, the Department has balanced the need to protect the public health, safety, and general welfare against the adverse economic impact of the rules on small businesses, and has determined that use of different regulatory approaches for small businesses may endanger the public health, safety, and general welfare. Therefore, the rules do not include exemptions or other approaches specifically targeted at small businesses. However, to the extent that small businesses are more likely than large businesses to seek construction of small treatment works that do not trigger requirements in proposed N.J.A.C. 7:15-4.1, 4.3, and 5.1, these sections will have less impact on small businesses than on large businesses. Also, as discussed under "Social Impact" above, the rules include provisions that will benefit many applicants for Department permits and WQM Plan amendments, including many small business applicants.

Full text of the proposed repeal can be found in the New Jersey Administrative Code at N.J.A.C. 7:15.

Full text of the proposed new rules follows:

NOTE: On the following pages, the full text of the proposed new rules is preceded by a table of contents which is not part of the agency proposal, but which is provided as a convenience to the reader.

CHAPTER 15

STATEWIDE WATER QUALITY MANAGEMENT PLANNING

CHAPTER TABLE OF CONTENTS

	PAGE
SUBCHAPTER 1. GENERAL PROVISIONS	
7:15-1.1 Scope	1
7:15-1.2 Construction	2
7:15-1.3 Purpose	2
7:15-1.4 Severability	3
7:15-1.5 Definitions	3
SUBCHAPTER 2. PLANNING REQUIREMENTS	
7:15-2.1 Continuing planning process (CPP)	8
7:15-2.2 Relationship between the Statewide, areawide and county Water Quality Management Plans	10
7:15-2.3 Role of the Department	11
7:15-2.4 Role of designated planning agencies	12
SUBCHAPTER 3. PLAN ASSESSMENT, AMENDMENT AND ADOPTION	
7:15-3.1 Water quality management plan consistency requirements	12
7:15-3.2 Procedures for consistency determination reviews	16
7:15-3.3 Procedures for resolution of conflicts in plan consistency	17
7:15-3.4 Water quality management plan amendment procedures	18
7:15-3.5 Water quality management plan review, revision, and certification	24
7:15-3.6 Coordination with Coastal Zone and Hackensack Meadowlands programs	25
7:15-3.7 Coordination with Pinelands program	25
7:15-3.8 Validity of water quality management plan amendments	26
7:15-3.9 Appeals of Department decisions	26
SUBCHAPTER 4. WATER QUALITY AND WASTEWATER MANAGEMENT POLICIES AND PROCEDURES	
7:15-4.1 Permittees for new or expanded domestic treatment works	27
7:15-4.2 Projects and activities deemed to be not inconsistent with WQM plans and this chapter	28
7:15-4.3 Treatment works not identified in Water Quality Management Plans	28
7:15-4.4 Individual septic systems and other small domestic treatment works in sewer service areas	29
7:15-4.5 Eligibility for financial assistance	30

SUBCHAPTER 5. WASTEWATER MANAGEMENT PLANNING REQUIREMENTS

7:15-5.1	Wastewater management plan requirement for water quality management plan amendments	30
7:15-5.2	Validity of previously adopted or recently prepared wastewater management plans	30
7:15-5.3	Wastewater management plan areas and wastewater management planning responsibility: general statement	31
7:15-5.4	Responsibility of designated planning agencies	31
7:15-5.5	Responsibility of Passaic Valley Sewerage Commissioners	32
7:15-5.6	Responsibility of sewerage authorities and municipal authorities	32
7:15-5.7	Responsibility of joint meetings	33
7:15-5.8	Responsibility of municipalities	34
7:15-5.9	Alternative assignment of wastewater management plan responsibility: general statement	35
7:15-5.10	Wastewater management plan responsibility as condition for financial assistance	37
7:15-5.11	Wastewater management plan responsibility for complete wastewater service area	37
7:15-5.12	Joint wastewater management plan responsibility	37
7:15-5.13	Voluntary establishment of wastewater management plan responsibility	38
7:15-5.14	District boundaries and related information; joint meeting membership	38
7:15-5.15	Contents of wastewater management plans: general statement	39
7:15-5.16	Existing jurisdictions, wastewater service areas, and domestic treatment works	40
7:15-5.17	Mapping of environmental features	42
7:15-5.18	Future wastewater jurisdictions, service areas, and domestic treatment works	43
7:15-5.19	Individual septic systems and other small domestic treatment works in sewer service areas	47
7:15-5.20	Specifications for text and graphics	47
7:15-5.21	Geographic overlap between wastewater management plans prohibited	48
7:15-5.22	Consultation and endorsements for wastewater management plans	48
7:15-5.23	Submission and adoption of wastewater management plans	49
7:15-5.24	Schedule for submission of wastewater management plans	49

CHAPTER 15

STATEWIDE WATER QUALITY MANAGEMENT PLANNING

SUBCHAPTER 1. GENERAL PROVISIONS

7:15-1.1 Scope

(a) This chapter prescribes water quality management policies and procedures established pursuant to the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and N.J.S.A. 13:1D-1 et seq. Specifically, this chapter prescribes policies and procedures concerning the following subjects:

1. The content of the continuing planning process ("CPP") and its relationship to this chapter and the Statewide Water Quality Management ("WQM") Plan;
2. The relationship between the Statewide, areawide, and county water quality management (WQM) plans and this chapter;
3. The role of the Department and designated planning agencies in WQM planning activities;
4. The review of projects and activities for consistency with WQM plans and this chapter, including the issuing of consistency determinations for specified kinds of projects;
5. The preparation, adoption, amendment, revision, and certification of WQM Plans;
6. The adoption of other Department rules, wastewater facilities priority systems and project priority lists, sludge management plans, effluent limitations, wastewater management plans, 201 Facilities Plans, and other documents in WQM Plans;
7. Coordination of WQM planning with Coastal Zone, Hackensack Meadowlands, and Pinelands programs;
8. Mechanisms to resolve conflicts among State agencies, designated planning agencies, applicants, and other parties affected by this chapter;
9. Selected aspects of wastewater management, including NJPDES permittees required for certain new or expanded domestic treatment works; treatment works deemed to be not inconsistent with WQM plans and this chapter; WQM Plan amendment requirements for treatment works not identified in WQM plans; construction of individual septic systems and other small domestic treatment works in future sewer service areas; and eligibility for financial assistance.
10. The identification of WQM plan amendments that require the adoption or amendment of wastewater management plans in areawide WQM plans;

11. The assignment of the duty to prepare and update wastewater management plans to certain sewerage agencies and municipalities, and the establishment of alternative assignments of such wastewater management plan responsibility; and

12. The required contents of wastewater management plans, and schedules and procedures for their submission, adoption, and updating.

7:15-1.2 Construction

This chapter shall be liberally construed to permit the Department to discharge its statutory functions, and to effectuate the provisions of the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., N.J.S.A. 13:1D-9, the Statewide WQM Plan, and the areawide WQM plans.

7:15-1.3 Purpose

(a) The purpose of this chapter is to:

1. Implement the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and N.J.S.A. 13:1D-9;

2. Establish policies, procedures and standards which, wherever attainable, help to restore and maintain the chemical, physical and biological integrity of the waters of the State, including groundwaters, and the public trust therein, to protect public health, to safeguard fish and aquatic life and scenic and ecological values, and to enhance the domestic, municipal, recreational, industrial and other uses of water;

3. Prevent, control, and abate water pollution;

4. Conserve the natural resources of the State, promote environmental protection, and prevent the pollution of the environment of the State;

5. Encourage, direct, supervise and aid areawide WQM planning;

6. Integrate and unify the Statewide and areawide WQM planning processes, and provide for continuing WQM planning;

7. Ensure that projects and activities affecting water quality are developed and conducted in a manner consistent with this chapter and adopted WQM Plans;

8. Coordinate and integrate WQM plans with related Federal, State, regional and local comprehensive land use, functional and other relevant planning activities, programs and policies;

9. Develop and implement water quality programs in concert with other social and economic objectives;

10. Provide opportunities for public participation in the WQM planning process;

11. Prepare, administer, and supervise Statewide, regional and local plans and programs concerning conservation and environmental protection, including plans and programs concerning sewerage facilities;

12. Encourage, direct and aid in coordinating State, regional and local plans and programs concerning conservation and environmental protection, including plans and programs concerning sewerage facilities, in accordance with a unified Statewide plan formulated, approved and supervised by the Department;

13. Supervise sanitary engineering facilities within the State; and

14. Encourage the development of comprehensive regional sewerage facilities that serve the needs of the regional community and that conform to the adopted areawide WQM plan applicable to that region.

7:15-1.4 Severability

If any section, subsection, provision, clause, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby and shall remain in full force and effect.

7:15-1.5 Definitions

The following words and terms as used in this chapter shall have the following meanings, unless the context clearly indicates otherwise.

"Actual flow" means the volume of sewage and other wastes that a DTW receives; actual flow shall be determined by the arithmetic average of the metered daily volumes of waste received at a DTW for the preceding period of three consecutive calendar months. Where peak flows have been determined by the Department to be seasonal in nature, the seasonal peak flow period shall be used in determining actual flow.

"Adoption" means the adoption by the Department of Statewide WQM Plans or amendments or revisions thereof and the adoption by the Governor or his designee of areawide plans or amendments or revisions thereof pursuant to this chapter.

"Amendments" means changes to the Statewide and areawide WQM plans that may be proposed and adopted under N.J.A.C. 7:15-3.4.

"Areawide plan" or "areawide WQM plan" means the areawide WQM plan authorized in Section 5 of the Water Quality Planning Act (N.J.S.A. 58:11A-1 et seq.), and Sections 208 and 303 of the Clean Water Act, 33 U.S.C. 1251 et seq.

"Authority" means a sewerage authority as defined in N.J.S.A. 40:14A-3(5), or a municipal authority as defined in N.J.S.A. 40:14B-3(5).

"Best Management Practices (BMPs)" means the methods, measures, or practices to prevent or reduce the amount of pollution from point or

non-point sources, including structural and nonstructural controls, and operation and maintenance procedures.

"BWQP" means the Bureau of Water Quality Planning in the Division of Water Resources.

"Commissioner" means the Commissioner of the New Jersey Department of Environmental Protection or his or her designee.

"Consistency determination" means the written statement by the Department under N.J.A.C. 7:15-3.2, as to whether a project or activity listed in N.J.A.C. 7:15-3.1(b) is consistent, not inconsistent, or inconsistent with adopted WQM Plans and this chapter.

"Continuing planning process" or "CPP" means the Statewide planning process conducted by the Department of Environmental Protection as authorized in Section 7 of the Water Quality Planning Act (N.J.S.A. 58:11A-7).

"County utilities authority" means any public body created by a county governing body pursuant to N.J.S.A. 40:14B-4a, or any sewerage authority or county sewer authority reorganized as a county utilities authority pursuant to N.J.S.A. 40:14B-6b.

"County water quality management plan" or "County WQM plan" means a county plan prepared by a county planning board pursuant to Section 5 of the Water Quality Planning Act (N.J.S.A. 58:11A-5).

"CPl application" means the formal application for a permit from the Department.

"Department" means the New Jersey Department of Environmental Protection.

"Designated area" means an area designated by the Governor as an areawide WQM planning area pursuant to Section 4 of the Water Quality Planning Act (N.J.S.A. 58:11A-4).

"Designated management agency" means an agency designated in an adopted WQM plan to implement one or more of the policies, objectives, and recommendations of that plan.

"Designated planning agency" means an agency designated by the Governor to conduct areawide WQM planning pursuant to Section 4 of the Water Quality Planning Act (N.J.S.A. 58:11A-4).

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, landfill, excavation, roads, sewers and other infrastructure and any use or change in the use of any building or other structure, or land or extension of use of land. Phased development shall be considered as a single project.

"Director" means the Director of the Division of Water Resources.

"District" means either or both of the following, depending on the context: the district of a sewerage authority as defined in N.J.S.A. 40:14A-3(6), or the district of a municipal authority as defined in N.J.S.A. 40:14B-3(6). For purposes of N.J.A.C. 7:15-5.14(a)1, 5.16(a)2i and 5.18(i), "district" shall also mean the Passaic Valley Sewerage District.

"Division" means the Division of Water Resources in the New Jersey Department of Environmental Protection.

"Domestic treatment works" or "DTW" means a publicly or privately owned treatment works and shall include a treatment works processing domestic wastes together with any ground water, surface water, storm water or industrial process wastewater that may be present.

"Drawings and/or plans" means those drawings, site plans and/or blueprints prepared by a professional engineer or professional planner, as appropriate, which portray the development specifications of the site project or activity.

"DTW" means "domestic treatment works".

"Emergency activities" means activities that are necessary to be performed in response to sudden or unexpected occurrences or conditions, in order to prevent loss of life, personal injury, severe property damage, or severe environmental damage.

"Environmentally sensitive areas" means those areas identified in a Statewide or areawide WQM plan as land areas possessing characteristics or features which are important to the maintenance or improvement of water quality, or to the conservation of the natural resources of the State.

"Freshwater wetlands" means freshwater wetland as defined at N.J.S.A. 13:9B-3 and N.J.A.C. 7:7A-1.

"Governmental entity" means a federal, state, county or municipal government or school district whose jurisdiction is partially or entirely within New Jersey.

"Industrial/commercial" means any project or activity engaged in manufacturing, production or sales of services or products.

"Industrial treatment works" means industrial treatment works as defined at N.J.A.C. 7:14A-1.9.

"Interim connection", "interim construction" or "interim expansion" means interim connection, construction or expansion of wastewater facilities as described in N.J.A.C. 7:15-4.2(a)4.

"Joint meeting" means a joint meeting as defined in N.J.S.A. 40:63-69.

"Load allocation" means the portion of a total maximum daily load that is not allocated to a point source of pollution.

"Major modification" means a significant alteration, expansion or other change that may reasonably be expected to affect the quantity of flow treated or the quality of the effluent discharged to the waters of the State or to a publicly owned treatment works.

"Multi-county joint meeting" means any joint meeting whose membership includes municipalities in two or more counties.

"Municipal authority" means a municipal authority as defined in the Municipal and County Utilities Authorities Law at N.J.S.A. 40:14B-3(5), and shall include a municipal utilities authority created by one or more municipalities and a county utilities authority created by a county.

"Municipal government" means a city, town, borough, village, township or other municipal government created by State law, which has an elected governing body, a chief executive, and municipal public officials including a municipal clerk, tax assessor, and tax collector.

"NJPDFS" means the New Jersey Pollutant Discharge Elimination System established in N.J.A.C. 7:14A.

"NJPDDES discharge permit" means a permit issued by the Department under N.J.A.C. 7:14A for a discharge to surface water or a discharge to ground water.

"Non-designated area" means an area not designated by the Governor as an areawide WQM planning area pursuant to Section 4 of the Water Quality Planning Act (N.J.S.A. 58:11A-4).

"Non-point source" means a contributing factor to water pollution that cannot be traced to a specific discernible confined and discrete conveyance.

"Passaic Valley Sewerage Commissioners" means the body described by that name under N.J.S.A. 58:14-2.

"Passaic Valley Sewerage District" means the sewerage district now or hereafter described by that name under N.J.S.A. 58:14-1 et seq.

"Point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Process waste water" means process waste water as defined at N.J.A.C. 7:14A-1.9.

"Regional sewerage authority" means any sewerage authority created by the governing bodies of two or more municipalities pursuant to N.J.S.A. 40:14A-4(c).

"Regional wastewater management plan area" means a wastewater management plan area that includes land in two or more municipalities.

"Revisions" means changes to WQM plans under N.J.A.C. 7:15-3.5 that are necessary for one or more of the purposes set forth at N.J.A.C. 7:15-3.5(a).

"Sewerage agency" means the Passaic Valley Sewerage Commissioners, a sewerage authority, a municipal authority or a joint meeting.

"Sewerage authority" means a sewerage authority created pursuant to the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et seq.

"Site-specific pollution control plan" means a plan that details necessary structures or measures designed to control one or more specified pollutants or sources of pollution from a site.

"State" means the State of New Jersey.

"State Water Quality Inventory Report" means the biennial report prepared by the Department, pursuant to Section 305 of the Clean Water Act, 33 U.S.C. 1251 et seq., which inventories and assesses the quality of surface and ground waters of the State.

"Statewide Water Quality Management Plan" or "Statewide WQM Plan" (formerly known as the Statewide Water Quality Management Program Plan) means the plan that, together with this chapter, directs and coordinates water quality planning and implementation activities for the entire State, and contains the written provisions of the CPP pursuant to Section 7 of the Water Quality Planning Act (N.J.S.A. 58:11A-7).

"Total maximum daily load" means a total maximum daily load formally established pursuant to Section 7 of the Water Quality Planning Act (N.J.S.A. 58:11A-7) and Section 303(d) of the Clean Water Act, 33 U.S.C. 1251 et seq.

"Treatment works" means treatment works as defined at N.J.A.C. 7:14A-1.9.

"Treatment works approval" means an approval issued pursuant to N.J.S.A. 58:10A-6b and N.J.A.C. 7:14A-12.

"201 Facilities Plans" means the plans for wastewater facilities prepared pursuant to Section 201 of the Clean Water Act, 33 U.S.C. 1251 et seq.

"201 Facilities Planning agencies" means those agencies which are responsible for conducting 201 facilities planning, pursuant to Section 201 of the Clean Water Act, 33 U.S.C. 1251 et seq.

"209 Basin Plans" means water resources plans adopted pursuant to Section 209 of the Clean Water Act, 33 U.S.C. 1251 et seq.

"Upgrade" means a modification of a domestic or industrial treatment works to improve the quality of effluent discharged to surface water or ground water.

"USEPA" means the United States Environmental Protection Agency.

"USGS quadrangle map" means any of the set of topographic maps published by the United States Geological Survey at 1:24,000 scale and known as "quadrangles" or "quads".

"Wasteload allocation" means the portion of a total maximum daily load that is allocated to a point source.

"Wastewater management agency" means a governmental entity or sewerage agency designated in an areawide WQM Plan to plan, construct, or operate domestic treatment works.

"Wastewater management plan" or "WMP" means a written and graphic description of existing and future wastewater-related jurisdictions, wastewater service areas, and selected environmental features and domestic treatment works.

"Wastewater management plan area" or "WMP area" means the geographic area for which a governmental unit or other person has "wastewater management plan responsibility" as defined in N.J.A.C. 7:15-5.3(b).

"Water quality based effluent limitations" means water quality based effluent limitations established pursuant to the Department's Surface Water Quality Standards (N.J.A.C. 7:9-4), including, but not limited to, wasteload allocations.

"Water quality limited segment" means any segment of a waterway where it is known that water quality does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards, even after the application of the technology-based effluent limitations required by Sections 301(b) and 306 of the Clean Water Act, 33 U.S.C. 1251 et seq.

"Water quality management plans" or "WQM plans" means the plans prepared pursuant to Sections 208 and 303 of the Clean Water Act, 33 U.S.C. 1251 et seq., and the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., including the Statewide, areawide, and county WQM Plans.

"WMP" means wastewater management plan.

"Work programs and plans" means those documents that detail the specific work activities proposed as part of a water quality management program.

"WQM plan" means water quality management plan.

SUBCHAPTER 2. PLANNING REQUIREMENTS

7:15-2.1 Continuing planning process (CPP)

(a) The Department shall conduct a continuing planning process (CPP) whose written provisions shall be contained, directly or by reference, in the Statewide WQM Plan and this chapter. In conducting the CPP the Department shall:

1. Integrate and unify the Statewide and areawide water quality management planning processes;

2. Encourage, direct, supervise and aid areawide water quality management planning;

3. Coordinate and integrate WQM plans with related Federal, State, regional and local comprehensive land use, functional and other relevant planning activities, programs and policies;

4. Identify aspects of the CPP that have been delegated to other State, Federal, interstate, or local agencies;

5. Provide opportunities for meaningful public participation in the water quality management planning process;

6. Conduct a Statewide assessment of water quality. (The State Water Quality Inventory Report shall be the principal water quality assessment component of the Statewide WQM Plan.);

7. Establish water quality goals and water quality standards for the waters of the State; and

8. Develop a Statewide implementation strategy to achieve the water quality standards and objectives and meet the requirements of Section 303(e) of the Clean Water Act (33 U.S.C. 1251 et seq.), which shall include, but not be limited to:

i. The determination of effluent limitations and schedules of compliance at least as stringent as those required by the Clean Water Act (33 U.S.C. 1251 et seq.);

ii. The identification of water quality limited segments;

iii. The determination of total maximum daily loads, wasteload allocations, and load allocations for pollutants;

iv. The incorporation of areawide and county WQM plans, applicable 209 Basin Plans, 201 Facilities Plans, and wastewater management plans;

v. The amendment and revision of WQM plans, including schedules for such amendment and revision;

vi. An inventory and ranking of needs, in order of priority, for the construction of wastewater facilities;

vii. The determination of priorities for the issuance of discharge permits;

viii. Methods for controlling all residual wastes from any water treatment processing; and

ix. Adequate authority for intergovernmental cooperation in water quality management activities.

(b) In order to accomplish one or more of the requirements of (a) above, the CPP may also include or otherwise address, but not be limited to, one or more of the following:

1. Identification of existing or potential surface or ground water pollution problems, caused by point or nonpoint sources;

2. Evaluation of programs for water pollution control based upon factors that may include, but not be limited to, technical feasibility; cost-effectiveness; public acceptability; economic, social, or environmental impact; or legal, institutional, managerial or financial capability;

3. Technical measures, regulatory programs, or non-regulatory programs for point or nonpoint source pollution control, protecting water resources, protecting environmentally sensitive areas, or other water quality related issues;

4. Designation of management agencies to implement one or more provisions of WQM plans; and

5. Other measures necessary to implement WQM plans.

7:15-2.2 Relationship between the Statewide, areawide and county Water Quality Management Plans

(a) The Statewide WQM Plan and this chapter contain the written provisions of the CPP. The Statewide Plan and this chapter direct and coordinate water quality management planning and implementation activities for the entire State and serve as a guide for areawide planning. The Statewide Water Quality Management Program Plan adopted by the Commissioner on December 5, 1985 and all subsequent amendments and revisions thereto are hereby incorporated by reference into this chapter. This chapter is included within the Statewide WQM Plan.

NOTE: The Statewide Water Quality Program Plan may be inspected at the Bureau of Water Quality Planning, Division of Water Resources, Department of Environmental Protection, 401 East State Street, Trenton, New Jersey, or the Office of Administrative Law, Quakerbridge Plaza, Building 9, Trenton, New Jersey.

(b) The areawide WQM Plan is the basis by which the Department and the designated planning agencies conduct selected water quality management planning activities for a particular "area" or section of the State which has either designated or non-designated area status.

(c) If any elements of any areawide WQM plan conflict with any component of the Statewide WQM Plan identified under N.J.A.C. 7:15-3.1(f) or with this chapter, such elements shall be of no legal effect and shall be superseded by this chapter and the Statewide WQM Plan to the extent that such conflict exists.

(d) All WQM plans shall be consistent with State statutes and rules and to the extent they are not consistent shall have no legal force and effect.

(e) Every county planning board may conduct a county-wide water quality management planning process and prepare a county WQM plan.

1. County WQM plans shall not be in conflict with the Statewide WQM Plan, appropriate areawide WQM plans, or this chapter. If any elements of any county WQM plan conflict with the Statewide WQM Plan, appropriate areawide WQM plans, or this chapter, such elements shall be superseded by the Statewide WQM Plan, areawide WQM Plans, or this chapter to the extent that such conflict exists.

2. Each county planning board that prepares or changes a county WQM plan shall transmit a copy of that plan or change to the BWQP, and to any designated planning agency whose designated area includes part or all of the subject geographic area.

3. Consistency of projects and activities with county WQM plans shall be required under N.J.A.C. 7:15-3.1 or 3.2, only to the extent that county WQM plans or components thereof are adopted into areawide WQM plans pursuant to N.J.A.C. 7:15-3.4 or 3.5.

7:15-2.3 Role of the Department

(a) The Department shall:

1. Conduct a CPP and prepare a Statewide WQM Plan;
2. Prepare areawide WQM plans for non-designated areas;
3. Revise and amend the Statewide WQM Plan as necessary;
4. Coordinate and direct the activities of designated planning agencies;
5. Review and approve areawide work programs;
6. To the maximum extent feasible, act as a resource for designated planning agencies and county planning boards, providing them with technical assistance, and information on best management practices and pollution control technologies;
7. Require the preparation and updating of wastewater management plans, and provide for their review and adoption into areawide WQM plans;
8. Establish and administer policies, procedures, standards, criteria, and rules for water quality and wastewater management issues;
9. Identify water quality limited segments;
10. Establish total maximum daily loads, wasteload allocations, load allocations, and water quality based effluent limitations;
11. Prepare a biennial State Water Quality Inventory Report, and other reports required from the State under the Clean Water Act, 33 U.S.C. 1251 et seq.;

12. Perform consistency determination reviews, and otherwise ensure that projects and activities affecting water quality do not conflict with WQM Plans or this chapter;

13. Delegate aspects and responsibilities of the CPP to other State, Federal, interstate, county or local agencies, and also withdraw or transfer such delegations as necessary; and

14. Make recommendations to the Governor regarding designation of planning agencies and planning areas under N.J.S.A. 58:11A-4.

7:15-2.4 Role of designated planning agencies

(a) The designated planning agencies shall:

1. Prepare, revise, and amend the areawide WQM plans for their designated areas;

2. Fulfill all responsibilities assigned to them under this chapter, the Statewide WQM Plan, the areawide WQM plan, their charter, any grant agreement, approved work program, and any agreement with the State;

3. Carry out other responsibilities as agreed with or assigned by the Department under N.J.A.C. 7:15-2.3; and

4. Ensure that the areawide WQM plan shall not be in conflict with any component of this chapter or the Statewide WQM Plan and shall not otherwise conflict with State statutes and duly promulgated rules.

(b) The Department and the designated planning agencies shall coordinate their work in shared river basins or sub-basins, and shall refer any conflicts concerning such coordination to the Commissioner for his mediation.

(c) If a previously designated area becomes a non-designated area as a result of action by the Governor, the Department shall conduct areawide water quality management planning for that area.

SUBCHAPTER 3. PLAN ASSESSMENT, AMENDMENT AND ADOPTION

7:15-3.1 Water quality management plan consistency requirements

(a) All projects and activities affecting water quality shall be developed and conducted in a manner that does not conflict with this chapter or WQM plans. The Commissioner shall not undertake, nor shall he or she authorize through the issuance of a permit, any project or activity that conflicts with applicable sections of a WQM plan or with this chapter. For purposes of N.J.A.C. 7:15-3.1 through 3.3, "permit" includes permits, approvals, certifications, and similar actions.

(b) The Department shall not grant permits for the following projects and activities before a formal consistency determination review under N.J.A.C. 7:15-3.2 has been completed:

1. New surface water or ground water discharges, or existing surface or ground water discharges proposing major modifications, that require individual NJPDES discharge permits under N.J.A.C. 7:14A and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.;

2. Treatment works that require treatment works approvals under N.J.A.C. 7:14A-12 and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.;

3. Actions regulated by the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq.;

4. Actions that require Type "B" wetland permits under N.J.A.C. 7:7-2.2;

5. Construction of the following new solid waste facilities, other than hazardous waste facilities and minor expansions of solid waste facilities, regulated by N.J.A.C. 7:26:

i. New sanitary landfills other than vertical expansions;

ii. New solid waste transfer stations;

iii. New solid waste composting or co-composting facilities over one acre, but excluding leaf composting facilities;

iv. New resource recovery facilities and new solid waste materials recovery facilities; and

v. New solid waste incinerators and thermal destruction facilities;

6. Sanitary landfill closures where leachate collection and control is required under N.J.A.C. 7:26;

7. Construction of new hazardous waste facilities regulated by N.J.A.C. 7:26;

8. Waterfront development activities regulated under N.J.S.A. 12:5-3, for residential developments of 25 units or greater, and for industrial, commercial, and mixed use (including residential) developments having wastewater flows of 20,000 gallons per day or more; extensions or modifications to existing projects when the cumulative total for the project is greater than 24 units, or greater than or equal to 20,000 gallons per day;

9. Construction of 50 or more realty improvements regulated under the Realty Improvement Sewerage and Facilities Act, N.J.S.A. 58:11-23 et seq.; and

10. Adoption or amendment of environmental health ordinances to control water pollution under the County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq.

(c) The following projects and activities do not require a formal consistency determination review under N.J.A.C. 7:15-3.2, but shall still not conflict with WQM plans:

1. Approved and non-approved water supply connections regulated by the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq.;
2. Construction or repair of dams regulated by N.J.S.A. 58:4-2 et seq.;
3. Well drilling regulated by N.J.S.A. 58:4A-14 et seq.;
4. Actions regulated by the Air Pollution Control Act (1954), N.J.S.A. 26:2C-9.2;
5. Renewals or modifications of existing permitted activities that do not propose major modifications, as determined by the Department;
6. Actions that require Type "A" wetland permits under N.J.A.C. 7:7-2.2;
7. Stream encroachments regulated under the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.;
8. Waterfront development activities regulated under N.J.S.A. 12:5-3, other than those identified in (b)8 above;
9. Water lowering regulated under N.J.S.A. 23:5-29 or N.J.S.A. 58:4-9;
10. Construction or operation of water systems regulated by the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq.;
11. Diversion of surface or ground waters regulated by the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.;
12. Activities that require freshwater wetlands permits, open water fill permits, or transition area waivers under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.;
13. Discharges that require water quality certifications under N.J.S.A. 58:10A-5.b and Section 401 of the Clean Water Act, 33 U.S.C. 1251 et seq.;
14. Actions regulated by N.J.A.C. 7:26 other than actions identified in (b)5 and 6 above and actions pertaining to hazardous waste, including:
 - i. Collection and haulage of solid waste;
 - ii. Operation of solid waste facilities;
 - iii. Permit renewals for solid waste facilities not proposing major expansions;
 - iv. Vertical expansions of sanitary landfills;

v. Construction of new solid waste composting and co-composting facilities under one acre;

vi. Construction of new leaf composting facilities;

vii. Sanitary landfill closure where leachate collection and control is not required; and

viii. Disruption of sanitary landfills, where such disruption does not require construction of new sanitary landfills or treatment and disposal of leachate;

15. Hazardous waste activities regulated by N.J.A.C. 7:26 but not identified in (b) 7 above, including collection and haulage of hazardous waste, operation of hazardous waste facilities, and permit renewals for hazardous waste facilities not proposing major modifications;

16. Removal or remedial actions performed by the Department or by Federal agencies, or by their agents, under the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. 9601 et seq., or other statutes authorizing Department or Federal removal or remedial actions for hazardous substances; and

17. Any other activity regulated by the Department but not identified in (b) above or deemed to be not inconsistent under N.J.A.C. 7:15-4.2.

(d) The Department shall conduct the consistency determination review or other consistency review for a Department permit concurrently with the Department's review of the permit application. The Department shall not issue the permit if the Department finds the project or activity to be inconsistent with a WQM plan or this chapter.

(e) At the request of any person who intends to apply for a Department permit, the Department shall informally discuss with such person the consistency of such person's proposed project or activity with WQM plans and this chapter. Information provided by the Department in such discussions is for guidance only, and is not binding on the Department.

(f) Except as expressly provided in this chapter or in an areawide WQM plan, the only components of the Statewide WQM Plan that shall be used in performing consistency determination reviews and other consistency reviews are the following:

1. This chapter; and

2. Statewide Sludge Management Plans, District Sludge Management Plans, and sludge management rules that are promulgated or approved by the Department pursuant to N.J.S.A. 13:1E-1 et seq.

(g) Interested parties may comment on the consistency of Department permits with WQM plans and this chapter through the appropriate draft or

final permit public review and comment process. Such comments shall be taken into consideration prior to the issuance of a final permit.

7:15-3.2 Procedures for consistency determination reviews

(a) Requests for consistency determination review shall, where applicable, include but not be limited to the following information:

1. A narrative description of the project, including county and municipality, lot and block, type of development or activity, number of dwelling units, anticipated population, anticipated wastewater flow, availability and identification of existing treatment works, proposals for new treatment works (include proposed owner and operator of treatment works, and, for DTW, permittees under N.J.A.C. 7:15-4.1), and location of discharge;

2. A United States Geological Survey quadrangle map showing the approximate boundaries of the project site and discharge location; and

3. Drawings and/or plans which illustrate the description under (a)1 above.

(b) Based upon potential negative water quality impacts of the project, the Department may require the narrative description under (a)1 above to also include potential water quality impacts and a site-specific pollution control plan. Amendments to areawide WQM plans may also expressly require such inclusion for specific categories of projects in specific geographic areas.

(c) The Department shall perform consistency determination reviews in accordance with the following procedure:

1. Upon receipt of a complete request for consistency determination review, and, where a Department permit is sought, a complete permit application, the Department shall review the appropriate WQM plan and this chapter to determine whether the project or activity is consistent with the written provisions of the plan and this chapter. This review shall include, but not be limited to, the following plan components where applicable:

- i. Population forecasts;

- ii. Wastewater flow projections;

- iii. Availability of DTW;

- iv. Identification of appropriate DTW;

- v. Identification of appropriate wastewater service area;

- vi. Identification of appropriate project management agency;

- vii. Use of Best Management Practices for pollution control;

- viii. Identification of areas suitable or unsuitable for development with consideration of environmentally sensitive areas; and

ix. Other water quality based policies, goals, objectives, or recommendations.

2. The Department shall complete this review within 90 days of receipt of a complete request for consistency determination review and, where a Department permit is sought, a complete permit application.

3. Upon completion of the review, the Department shall, except as provided in (c)4 below, issue a consistency determination. This determination shall state that the project or activity is either consistent, not inconsistent, or inconsistent with the WQM plan and this chapter.

i. A project or activity shall be determined to be consistent if it is in accordance with the written provisions of the WQM plan and this chapter.

ii. If the WQM plans and this chapter do not contain provisions precluding a project or activity, then this shall be interpreted to mean that the project or activity is not inconsistent. A finding of not inconsistent is equivalent in effect to a finding of consistent.

iii. A finding of inconsistent means that the project or activity is in conflict with the written provisions of a WQM plan or this chapter.

4. If the Department finds a project or activity to be consistent or not inconsistent, then the Department may issue a statement of this finding to the applicant or may issue the permit without issuing a written consistency determination.

5. Except as provided in (c)6 below, all Department findings made for Department permits under (c)4 above shall be valid only for the permit application for which the consistency determination review was sought.

6. If a project or activity requires more than one Department permits, and if the Department makes a finding under (c)4 above for one of those permits, that finding shall be valid for the remaining Department permits unless:

i. The project or activity has ceased to be consistent or not inconsistent, because of an amendment made to the WQM plan or this chapter after the initial finding; or

ii. The Department denies a permit in response to comments received under N.J.A.C. 7:15-3.1(g).

7. If the Department finds a project or activity to be inconsistent, then the Department shall notify the applicant in writing of the reasons for this finding. The applicant may request a resolution of the conflict. The conflict resolution procedure is presented in N.J.A.C. 7:15-3.3.

7:15-3.3 Procedures for resolution of conflicts in plan consistency

(a) The following procedures shall be followed where the Department has found a proposed project or activity to be inconsistent with a WQM plan or this chapter, and the applicant chooses to resolve the conflict.

1. The applicant may formally request a resolution of conflict by writing to the BWQP within 30 days of receipt of notification. This request shall include, but not be limited to:

- i. Description of project;
- ii. Description of conflict; and
- iii. Proposed resolution of conflict.

2. The applicant shall meet with the BWQP within a reasonable period of time to examine and resolve mutual differences in a resolution conference.

3. As a result of the resolution conference, the applicant may either revise his or her project or activity to conform with the WQM plan and this chapter, seek an amendment to the WQM plan under N.J.A.C. 7:15-3.4 or appeal the decision under N.J.A.C. 7:15-3.9.

4. The Department may waive the requirement for a conflict resolution conference in cases where the Department determines that such a conference would be unlikely to be useful.

7:15-3.4 Water quality management plan amendment procedures

(a) The Department and the designated planning agencies shall propose amendments to the Statewide and areawide WQM Plans whenever such amendments are necessary or desirable. Amendments may be proposed for various reasons, such as to implement or comply with applicable State or Federal law; respond to new circumstances; improve the economic, social, or environmental impact of WQM plans; or resolve issues disclosed through the consistency review or conflict resolution procedure.

(b) Procedures for amendment of the Statewide WQM Plan are as follows:

1. Water quality related provisions in present and future rules adopted by the Department shall be considered to be part of the Statewide WQM Plan. Such provisions may not be adopted, amended, or repealed through the WQM plan amendment process under (b)4 below.

2. Priority systems, intended use plans and project priority lists for wastewater facilities that are developed by the Department and accepted by the United States Environmental Protection Agency (USEPA) pursuant to USEPA regulations, or that otherwise are developed by the Department under N.J.A.C. 7:22, shall be considered to be part of the Statewide WQM Plan. Such priority systems and project priority lists shall be adopted or revised in accordance with USEPA regulations and N.J.A.C. 7:22, as appropriate, and shall not be adopted or revised through the WQM plan amendment process under (b)4 below.

3. Statewide Sludge Management Plans, District Sludge Management Plans and sludge management rules that are promulgated or approved by the Department pursuant to N.J.S.A. 13:1E-1 et seq. shall be considered to be part of the Statewide WQM Plan. Such plans and rules shall be promulgated, revised, updated or approved in accordance with N.J.S.A. 13:1E-1 et seq., and

shall not be promulgated, revised, updated, or approved through the WQM plan amendment process under (b)4 below.

4. Components of the Statewide WQM Plan other than (b)1 through 3 above may be amended by using the procedure specified in (g) below, except that the Commissioner shall render the final decision identified in (g)9 below.

(c) Areawide WQM plans for designated areas may be amended by designated planning agencies pursuant to their approved procedures for plan amendment. The Department may amend the areawide WQM plan for any non-designated area, pursuant to the procedures under (g) below. Amendments or provisions thereof for any areawide WQM plan whose specific purpose or effect is to address projects or activities covered by (i) and (j) below, or that are either proposed, constructed, operated or conducted by the State or Federal government, or that are regulated by the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.), shall be processed only by the Department, regardless of whether the areawide WQM plan is for a designated area or a non-designated area.

(d) Procedures for plan amendment developed by the designated planning agencies shall be consistent with this section and approved by the Department. Such procedures shall include, but need not be limited to, provisions that:

1. Allow any interested person to submit to the designated planning agency written, documented petitions to amend the areawide WQM plan;

2. Provide for review by the Department of all proposed amendments prior to public notice;

3. Allow the Department to identify parties that shall be requested to endorse proposed amendments, such parties being in addition to any parties identified by the designated planning agency;

4. Provide for publication of public notice of proposed amendments in a newspaper of general circulation in the designated area; and

5. Provide for adequate public comment periods and opportunities for public hearings before the designated planning agency decides whether to approve an amendment.

(e) Every designated planning agency shall, within 90 days of the effective date of this subchapter, submit for Department approval plan amendment procedures that have been revised for consistency with this section. Such procedures shall identify the newspaper in which public notices of plan amendments shall be published. All plan amendment procedures that the Department approved before that effective date, but that are not revised and approved by the Department as being consistent with this section, shall become void 180 days after that effective date.

(f) Within 15 days of approving an amendment, a designated planning agency shall submit to the BWQP a copy of the amendment, together with background information for that amendment. WQM plan amendments approved by

designated planning agencies are valid only upon the subsequent adoption of such amendments by the Governor or his designee.

(g) Except as provided in (h) below, the Department procedure for amendment of areawide WQM plans is as follows:

1. For amendments which are the Department's responsibility under (c) above, any interested person may petition the Department to amend the areawide WQM plan, or the Department may propose to amend the areawide WQM plan on the Department's own initiative. Requests for amendments shall be submitted in writing to the Bureau of Water Quality Planning (BWQP), Division of Water Resources, CN 029, Trenton, New Jersey 08625.

2. Requests for amendments shall include, but need not be limited to, a detailed description of the proposed amendment, including documentation substantiating the need for the amendment and other documentation as determined by the Department. Within a reasonable period of time, not to exceed 180 days of receiving such requests, the Department shall review such requests and shall either:

i. Disapprove the amendment request, and return it to the applicant; or

ii. Return the amendment request to the applicant for additional information or other necessary changes; or

iii. Decide to proceed further with the amendment request.

3. The Department shall notify the applicant in writing of its decision under (g)2 above. If the Department's decision is to proceed further with the amendment request under (g)2iii above, then the applicant shall request endorsements under (g)4 below, and shall give public notice by publication in a newspaper of general circulation at the applicant's expense. The Department shall maintain a list identifying the newspaper that shall be used for this purpose in each planning area. In cases where such Department decisions include a requirement for a non-adversarial public hearing, the public notice shall provide at least 15 days notice of the hearing.

4. Requirements concerning endorsement of plan amendments are as follows:

i. As part of each notification of a decision under (g)2iii above, the Department may identify a list of parties that may be affected by, or otherwise have a substantial interest in, approval of the proposed amendment, and that shall be asked to endorse the proposed amendment. Within 15 days of receiving such notification, the applicant shall submit by certified mail (return receipt requested) a copy of the proposed amendment to these parties, with a request that they endorse the proposed amendment within 60 days of their receipt of the request.

ii. An endorsement shall include a statement that the party concurs with, or does not object to, the proposed amendment. Tentative, preliminary, or conditional statements shall not be considered to be endorsements. An

endorsement by a governmental unit shall be in the form of a resolution by that unit's governing body.

iii. The applicant shall promptly forward to the BWQP a copy of all endorsements and comments received, and a copy of all requests for endorsement (with return receipts) sent to parties that did not provide endorsements or comments within 60 days of their receipt of such requests.

iv. Where a party identified under (g)4i above denies or does not act on an endorsement, the reasons, if known, for that refusal or inaction shall be considered in making decisions under (g)8 and 9 below.

5. When the Department proposes to amend the areawide plan on its own initiative, the Department shall give public notice by publication in a newspaper of general circulation in the planning area, and may hold a public hearing or request endorsements as if the Department were an applicant under (g)3 and 4 above.

6. Interested parties, including, but not limited to, those from which endorsements are requested under (g)4i or 5 above, may submit written comments to the BWQP within 30 days of the date of the public notice. Interested parties may request that the public comment period be extended up to 30 additional days, and such extensions may be granted to the extent they appear necessary. Requests for such extensions shall be submitted in writing to the BWQP within 30 days of the date of the public notice.

7. Parties may also request that the Department hold a non-adversarial public hearing; such requests shall be submitted in writing to the BWQP within 30 days of the date of the public notice. If there is significant interest, as determined by the Department, in holding a public hearing, then a public hearing will be held within 45 days of the date on which the public comment period was to have ended. A public notice providing at least 15 days notice of the hearing will be published in two newspapers of general circulation and mailed to each person who responded to the initial public notice or was requested to endorse the amendment, and the public comment period will be extended until 15 days after the hearing. Except when the Department proposes to amend areawide WQM plans on its own initiative, the applicant shall, at the applicant's expense, provide for publication and mailing of the public notice, secure a court stenographer, and provide three copies of a verbatim transcript of the hearing to the BWQP.

8. If any data, information or arguments submitted during the public comment period or in response to a request for an endorsement appear to raise substantial new questions concerning a proposed plan amendment, the Department may:

i. Reopen or extend the public comment period to give interested persons an opportunity to comment on the information or arguments submitted;

ii. Disapprove the proposed amendment and, where applicable, return it to the applicant;

iii. Return the amendment request to the applicant for necessary changes and reproposal under this section; or

iv. Prepare a new proposed plan amendment, appropriately modified, for proposal under this section.

9. Except where the Department has already disapproved or returned the proposed amendment under (g)8 above, the Governor or his designee shall render a final decision on the amendment within 60 days of the end of the public comment period or, if a public hearing is held, within 60 days of the public hearing. The Governor or his designee shall either:

i. Adopt the amendment as proposed;

ii. Adopt the proposed amendment with minor changes that do not effectively destroy the value of the public notice; or

iii. Disapprove the proposed amendment and, where applicable, return it to the applicant.

10. The Department shall provide written notification of the decision of the Governor or his designee to the applicant where applicable, and to each person who submitted comments or requested notice of the final decision.

11. The Department shall retain the administrative record for WQM Plan amendments for the following periods of time:

i. For each amendment adopted under (g)9 above, a period of not less than three years from the effective date of the amendment.

ii. For each proposed amendment disapproved or returned under (g)2, 8, or 9 above, a period of not less than one year from the date of disapproval or return.

(h) For amendments identified in (h)3 below, the Department may modify the plan amendment procedure specified in (g) above in the manner set forth in (h)1 and 2 below. Except as provided in (h)1 and 2 below, the entire procedure specified in (g) above remains applicable to such amendments.

1. In lieu of the endorsement requirements in (g)3 and 4 above, the Department shall identify a list of potentially affected or interested parties that shall receive notice of the proposed amendment, but that need not be asked to endorse the proposed amendment. Within five days of receiving such a list, the applicant shall submit by certified mail (return receipt requested) to these parties a copy of the proposed amendment, and a copy of the public notice that will be published in a newspaper pursuant to (g)3 above. The applicant shall promptly forward to the BWQP a copy of all letters (with return receipts) sent to these parties under this paragraph. For sewers and pumping stations identified in (h)3ii below, endorsements are still required from owners or operators of affected DTW.

2. Instead of the 30 day period specified for these actions in (g)6 and 7 above, interested parties may take the following actions within 10 working days of the date of the public notice:

i. Submit written comments on the proposed amendment to the BWQP;

ii. Submit written requests that the public comment period be extended up to 30 additional days; or

iii. Submit written requests that the Department hold a non-adversarial public hearing.

3. The modifications set forth in (h)1 and 2 above shall be available only for amendments whose sole purpose is to address the following projects:

i. Schools, health care facilities, or correctional facilities, if such schools or facilities are publicly owned or operated; or

ii. New sewers or pumping stations to serve a project or activity that is partially within a future sewer service area depicted in an areawide WQM plan, if such sewers or pumping stations would convey wastewater from such project or activity to the existing DTW whose sewer service area is depicted in that WQM plan, and if a resolution of endorsement is received from the owner or operator of that DTW. If a project or activity is partially or entirely within two or more depicted sewer service areas, the new sewers or pumping stations may convey wastewater to one or more such existing DTW, provided that resolutions of endorsement are received from the owners or operators of the affected DTW in each of the sewer service areas.

iii. Notwithstanding (h)3ii above, the modifications set forth in (h)1 and 2 above shall not be available for sewers or pumping stations whose construction would violate N.J.A.C. 7:14A-12.21, or that would convey wastewater to DTW whose capacity must by statute, rule or other legal requirement be reserved for other projects or activities. The Department may require the applicant to provide proof from the owner or operator of DTW that would receive the conveyed flow that capacity is available for the applicant's project or activity. This paragraph applies whether treatment works approvals are sought for both construction and operation, or for construction only, of sewers or pumping stations.

(i) Effluent limitations, including, but not limited to, water quality based effluent limitations, and schedules of compliance established in accordance with N.J.A.C. 7:15-3.1 as NJPDES permit conditions under N.J.A.C. 7:14A-8.6 shall be considered to be part of the areawide WQM plans. NJPDES permit conditions shall be modified only through the procedures specified in the Department's New Jersey Pollutant Discharge Elimination System rules (N.J.A.C. 7:14A), in accordance with applicable Department rules, and shall not be modified through the WQM plan amendment process under (c) or (g) above. This subsection, however, shall not preclude the adoption of effluent limitations or schedules of compliance in areawide WQM plans under (c) or (g) above, prior to the establishment of such effluent limitations or compliance schedules as new or revised NJPDES permit conditions.

(j) Total maximum daily loads, wasteload allocations, load allocations, and listings of water quality limited segments established by the United States Environmental Protection Agency (USEPA) pursuant to 40 CFR 130.7(d) shall be considered to be part of areawide WQM plans, but the Governor or his designee may adopt more stringent requirements in such plans pursuant to the procedures in (g) above. The Governor or his designee may also adopt these

WQM plan elements under (g) above in the absence of USEPA action to establish such elements.

(k) Water quality management planning related documentation in present and future 201 Facilities Plans that are approved by the Department and USEPA after May 31, 1975 shall constitute amendments to areawide WQM plans. This documentation may include, but is not limited to: selected facilities alternative, future design capacity and flows, treatment levels, sewer service areas, septage management areas, sludge and septage management and disposal plans, environmental constraints mapping, identification of management agencies, and grant conditions. Itemized abstracts of the appropriate documentation shall be available at the Division of Water Resources. Water quality management planning related documentation in 201 Facilities Plans completed on or prior to May 31, 1975 may be adopted into areawide WQM plans on a case-by-case basis under (c) or (g) above.

7:15-3.5 Water quality management plan review, revision, and certification

(a) The Department and the designated planning agencies shall periodically review Statewide and areawide WQM Plans in order to propose appropriate amendments under N.J.A.C. 7:15-3.4, and to prepare appropriate revisions under this section.

(b) The Department and the designated planning agencies shall prepare revisions to Statewide and areawide WQM Plans under this section whenever such revisions are necessary to:

1. Correct, clarify, or update erroneous, unclear, or outdated statements in Statewide and areawide WQM Plans;
2. Transfer or assign wastewater management plan responsibility under N.J.A.C. 7:15-5.13; or
3. Revise schedules for submission of wastewater management plans under N.J.A.C. 7:15-5.24(g).

(c) The documents that are automatically adopted into the Statewide or areawide WQM Plans under N.J.A.C. 7:15-3.4(b)1 through 3, (i), and (j) shall not be revised under this section.

(d) The procedure for revision of Statewide and areawide WQM plans is as follows:

1. The Governor or his designee shall adopt revisions to areawide WQM plans and the Commissioner shall adopt revisions to the Statewide WQM Plan. Such revisions shall take effect immediately, unless the adoption notice specifies otherwise.
2. The Department shall, on an annual basis, make publicly available a list of adopted revisions to WQM plans. Under N.J.A.C. 7:15-3.4, interested parties may submit petitions to amend WQM plans to repeal or modify such revisions.

(e) Designated planning agencies shall revise areawide WQM Plans in accordance with procedures established by such agencies and approved by the Department. All revisions to areawide WQM plans are valid only upon their adoption by the Governor or his designee.

(f) The Governor or his designee shall certify adopted WQM Plans in accordance with United States Environmental Protection Agency regulations.

7:15-3.6 Coordination with Coastal Zone and Hackensack Meadowlands programs

(a) In accordance with N.J.A.C. 7:7E-1.2(g), the Department's Rules on Coastal Resources and Development, N.J.A.C. 7:7E, including, but not limited to, provisions concerning the Hackensack Meadowlands Development Commission at N.J.A.C. 7:7E-1.5(a) and 7:7E-3.43, shall provide the basic policy direction for WQM planning in the New Jersey Coastal Zone defined at N.J.A.C. 7:7E-1.2(b), including, but not limited to, the Hackensack Meadowlands District described in N.J.S.A. 13:17-4.

(b) In accordance with N.J.A.C. 7:15-3.4(b)1, the water quality related provisions of N.J.A.C. 7:7E, including but not limited to N.J.A.C. 7:7E-8.4, are part of the Statewide WQM Plan.

(c) Under N.J.A.C. 7:7E-8.4 and Section 307(f) of the Coastal Zone Management Act, 33 U.S.C. 1451 et seq., the Department's Coastal Management Program incorporates by reference all requirements established by or pursuant to the Clean Water Act, 33 U.S.C. 1251 et seq., including all requirements contained in this chapter and in WQM plans.

(d) For WQM plan amendments relating to the Hackensack Meadowlands District, the consultation requirement in N.J.S.A. 13:17-9(c) shall be met as follows:

1. For amendments processed under N.J.A.C. 7:15-3.4(b)4 or (c), the Hackensack Meadowlands Development Commission shall be requested to endorse such amendments under N.J.A.C. 7:15-3.4(g)3 and 4 or N.J.A.C. 7:15-3.4(d)3, as appropriate.

2. For other amendments to WQM plans under N.J.A.C. 7:15-3.4(b)1 through (b)3, (i), (j), or (k) that automatically incorporate Department or USEPA actions taken through rulemaking proceedings or water pollution control programs, the consultation requirement in N.J.S.A. 13:17-9(c) shall be addressed, as necessary, through those rulemaking proceedings or programs, and shall not be independently addressed under this section.

7:15-3.7 Coordination with Pinelands program

(a) In accordance with N.J.S.A. 13:18A-8, 16 U.S.C. 471i(f), and the "Water Resources Planning" element (page 221) of the "Surface and Groundwater Resources Program" contained in Chapter Seven of the Comprehensive Management Plan adopted by the Pinelands Commission on November 21, 1980, comments shall be sought from the Pinelands Commission on proposed WQM plan amendments pertaining to the Pinelands Area defined at N.J.S.A. 13:18A-11 or the Pinelands National Reserve defined at 16 U.S.C. 471i(c), to ensure that such amendments are consistent with the intent and programs of the Pinelands

Protection Act, N.J.S.A. 13:18A-1 et seq., and section 502 of the National Parks and Recreation Act of 1978, 16 U.S.C. 471i.

(b) For WQM plan amendments processed under N.J.A.C. 7:15-3.4(b)4 or (c), the Department shall seek comments from the Pinelands Commission before making the decision required by N.J.A.C. 7:15-3.4(g)2 or 7:15-3.4(d)2, as appropriate.

(c) For other amendments to WQM plans under N.J.A.C. 7:15-3.4(b)1 through (b)3, (i), (j), or (k) that automatically incorporate Department or USEPA actions taken through rulemaking proceedings or water pollution control programs, any need to seek comments from the Pinelands Commission shall be addressed, as necessary, through those rulemaking proceedings or programs, and shall not be independently addressed under this section.

7:15-3.8 Validity of water quality management plan amendments

(a) No WQM plan amendment hereafter adopted by the Governor or his designee is valid unless adopted in substantial compliance with this chapter. A proceeding to contest any WQM plan amendment on the ground of noncompliance with the procedural requirements of this chapter shall be commenced within one year from the adoption date of the amendment.

(b) A proceeding to contest any WQM plan amendment adopted by the Governor or his designee prior to the effective date of this subchapter, on the ground of noncompliance with the procedural requirements of this chapter as it existed prior to that effective date, shall be commenced within one year from the effective date of this subchapter.

7:15-3.9 Appeals of Department decisions

(a) Within 20 calendar days from the conflict resolution conference held pursuant to N.J.A.C. 7:15-3.3, or from receipt by the applicant of a written notification from the Department of the decision of the Department made pursuant to N.J.A.C. 7:15-3.3(a)4, 3.4(g)2i or ii or 8ii through iv, the applicant may request an adjudicatory hearing to contest the finding of inconsistency or other Department decision by submitting a written request to the Department which shall include the following information:

1. The name, address, and telephone number of the applicant and its authorized representative if any;

2. The applicant's factual position on each question alleged to be at issue, its relevance to the Department's decision, specific reference to contested factors as well as suggested revised or alternative provisions;

3. Information supporting the applicant's factual position and copies of other written documents relied upon to support the request for a hearing;

4. An estimate of the time required for the hearing (in days and/or hours); and

5. A request, if necessary, for a barrier-free hearing location for disabled persons.

(b) A hearing request not received within 20 days after the conflict resolution conference or after receipt by the applicant of a written notification from the Department of the decision of the Department, shall be denied.

(c) During the pendency of the review and hearing on a Department decision made pursuant to this chapter, the challenged Department decision shall remain in full force and effect, unless a stay is granted by the Director upon formal request by the applicant.

(d) If the appellant fails to include all the information required by (a) above, the Department may deny the hearing request.

(e) If it grants the request for a hearing, the Department shall file the request for a hearing with the Office of Administrative Law. The hearing shall be held before an administrative law Judge and in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(f) Appeals of decisions made by designated planning agencies under this subchapter shall be made to a court of competent jurisdiction.

SUBCHAPTER 4. WATER QUALITY AND WASTEWATER MANAGEMENT POLICIES AND PROCEDURES

7:15-4.1 Permittees for new or expanded domestic treatment works

(a) After December 5, 1985, the Department shall not, except as provided in (c) below, issue a permit under N.J.A.C. 7:14A for the following new or expanded DTW unless a governmental entity or sewerage agency is either the sole permittee or co-permittee under N.J.A.C. 7:14A for that DTW, and is identified as a Wastewater Management Agency in an areawide WQM Plan:

1. DTW that, using subsurface sewage disposal systems or any other means, serve more than one property, dwelling unit, commercial unit, or other premises, whether or not such DTW require NJPDES discharge permits; and

2. Any other DTW that require NJPDES discharge permits.

(b) For purposes of this section, a "new or expanded DTW" means:

1. A DTW that was not in existence or under construction on or before December 5, 1985; or

2. A DTW whose actual or proposed capacity exceeds the capacity identified for that DTW in the areawide WQM Plan that was in effect on December 5, 1985.

(c) This section does not apply to the following new or expanded DTW:

1. Sewers or pumping stations; or

2. New or expanded DTW whose only new or expanded components handle sludge only, except as may be required in N.J.A.C. 7:14C.

7:15-4.2 Projects and activities deemed to be not inconsistent with WQM plans and this chapter

(a) The following treatment works are deemed to be not inconsistent with WQM plans and this chapter:

1. Upgrades of domestic or industrial treatment works, including upgrades accomplished through construction of new treatment works at the same location. However, where levels of treatment are specified in areawide WQM Plans, upgrades that are not designed to achieve such treatment levels shall be deemed to be not inconsistent only if such upgrades are in accordance with approved compliance schedules that provide for the future achievement of such treatment levels, and that are included in NJPDES discharge permits, court orders, or Department enforcement documents such as administrative orders or administrative consent orders.

2. Treatment works whose sole purpose is to abate an existing pollution problem, if such treatment works are required by the Department.

3. Expansions of domestic or industrial treatment works up to flows identified in areawide WQM plans, or to flows allowed in permits under N.J.A.C. 7:14A that were in effect on December 5, 1985, whichever are higher.

4. Interim construction or interim expansion of, or interim connection with, domestic or industrial treatment works that are required by law to be abandoned or incorporated at a definite time into other treatment works:

- i. That are under construction;

- ii. For which contracts or Federal or State financial assistance have been awarded for construction; or

- iii. Whose construction is required by court order or Department order, or by a consent agreement to which the Department is a party.

(b) The initial performance of emergency activities, including, but not limited to, emergency activities allowed by emergency permits issued pursuant to N.J.A.C. 7:14A-2.2, is deemed to be not inconsistent with the WQM plans and this chapter. The Department may require the results of an emergency activity to be removed or modified after such initial performance, in order to obtain conformance with a WQM plan or this chapter.

7:15-4.3 Treatment works not identified in Water Quality Management Plans

(a) Except as provided in N.J.A.C. 7:15-4.2 or 4.4, the following treatment works are considered to be inconsistent with the areawide WQM plan, and shall require an amendment to that plan to be eligible for treatment works approvals, NJPDES discharge permits, or financial assistance under the Clean Water Act, U.S.C. 1251 et seq., or under N.J.A.C. 7:22:

1. New domestic or industrial treatment works, or expansions of existing domestic or industrial treatment works, if such new treatment works or expansions are not identified in the existing areawide WQM plan, are not sewers or pumping stations, require a NJPDES discharge permit, and would:

i. Directly discharge to surface waters, or onto the land surface (for example, spray irrigation or overland flow facilities); or

ii. Have a design capacity of 2000 gallons per day or larger.

2. New DTW that would conflict with or be outside of future sewer service areas depicted in the areawide WQM plan.

(b) The provisions of (a) above apply whether treatment works approvals are sought for both construction and operation, or for construction only, of treatment works.

(c) This section does not apply to the following treatment works:

1. Activities identified under N.J.A.C. 7:14A-12.4 as not requiring treatment works approval;

2. Treatment works components that handle sludge only; or

3. Industrial treatment works that do not handle process waste water or domestic wastes.

(d) In preparing amendments to areawide WQM plans, the following policies shall be adhered to:

1. Existing regional DTW shall be used where appropriate. Expansion or upgrading of existing regional DTW is generally preferable to construction of additional DTW that would produce additional direct discharges to surface water at new locations.

2. Where a sewer connection ban is in effect under N.J.A.C. 7:14A-12.21 on a DTW, the sewer service area for that DTW shall not be altered unless such alteration would, even in the absence of the sewer connection ban, be cost-effective, environmentally sound, and feasible from the engineering standpoint.

7:15-4.4 Individual septic systems and other small domestic treatment works in sewer service areas

(a) Subject to the provisions of (b) below and of N.J.A.C. 7:15-5.19, depiction of sewer service areas in wastewater management plans or elsewhere in areawide WQM plans shall not be construed to prohibit the lawful construction in such areas of the following DTW:

1. Individual septic systems for individual residences pursuant to N.J.A.C. 7:9A; or

2. Other DTW that would have a design capacity of less than 2,000 gallons per day, and use either subsurface sewage disposal systems or other sewage disposal systems that would not directly discharge to surface water or onto the land surface.

(b) DTW identified in (a) above shall be constructed in depicted sewer service areas only if adequate guarantees are provided before such

construction that the depicted sewer service will be used when it becomes available, and that any discharge to ground water will then be discontinued.

7:15-4.5 Eligibility for financial assistance

Financial assistance under the Clean Water Act, U.S.C. 1251 et seq., or under N.J.A.C. 7:22, for planning, design, or construction of DTW shall be awarded only to Wastewater Management Agencies identified in a Statewide or areawide WQM Plan.

SUBCHAPTER 5. WASTEWATER MANAGEMENT PLANNING REQUIREMENTS

7:15-5.1 Wastewater management plan requirement for water quality management plan amendments

(a) If a proposed WQM plan amendment under N.J.A.C. 7:15-3.4(c) or (g) includes a DTW not identified in the existing WQM plan, or includes an expansion of an existing DTW above the capacity identified in the existing WQM plan, or modifies a wastewater service area delineation in the existing WQM plan, the Governor or his designee shall adopt that amendment only if the amendment otherwise complies with this chapter and consists of, or includes, a wastewater management plan (WMP), or an amendment to a wastewater management plan, that identifies such DTW, expansion, or modified delineation.

(b) The requirement in (a) above applies only to:

1. Wastewater service area modifications that directly affect 10 or more acres, or the disposition of 20,000 gallons or more per day of wastewater; or

2. DTW that require a NJPDES discharge permit, and that:

i. Directly discharge to surface waters, or onto the land surface (e.g., spray irrigation or overland flow facilities); or

ii. Have a design capacity of 20,000 gallons per day or larger.

7:15-5.2 Validity of previously adopted or recently prepared wastewater management plans

(a) Wastewater management plans adopted between June 1, 1985 and the effective date of this subchapter shall remain in effect as wastewater management plans in the appropriate areawide WQM plans without the need for further adoption procedures.

(b) The Governor or his designee may, under N.J.A.C. 7:15-3.4, adopt any wastewater management plan that meets the requirements of the former "Policy on Wastewater Management Plans" that was part of the Statewide WQM Plan that the Department adopted on December 5, 1985, but that does not meet the procedural or substantive requirements of this subchapter, if a draft of that wastewater management plan was submitted to the Department prior to the effective date of this chapter.

7:15-5.3 Wastewater management plan areas and wastewater management planning responsibility: general statement

(a) A "wastewater management plan area" ("WMP area") is the geographic area for which a governmental unit or other person has "wastewater management planning responsibility" as defined in (b) below.

(b) N.J.A.C. 7:15-5.4 through 5.8 identify governmental units that have "wastewater management plan responsibility" ("WMP responsibility") for the wastewater management plan areas specified in those sections, unless alternative assignments of wastewater management plan responsibility are established under N.J.A.C. 7:15-5.9. "Wastewater management plan responsibility" means the duty to:

1. Prepare, submit, and periodically update a wastewater management plan for the wastewater management plan area; and

2. Provide comments on proposed amendments to wastewater management plans under N.J.A.C. 7:15-5.23(c).

(c) Wastewater management plans shall be prepared, submitted, and periodically updated only by the governmental units or other persons that have wastewater management plan responsibility for the corresponding wastewater management plan areas. Such governmental units or other persons shall submit wastewater management plans in accordance with the procedures specified in N.J.A.C. 7:15-5.23(a) or (b), as appropriate, and in accordance with the schedule specified in N.J.A.C. 7:15-5.24. A governmental unit or other person may meet its responsibility to prepare and submit wastewater management plans by submitting wastewater management plans prepared by another party on behalf of that governmental unit or person.

(d) N.J.A.C. 7:15-5.4 through 5.13 apply notwithstanding any statements about wastewater planning responsibility contained in management agency designations or WQM Plans, or amendments thereto, issued or adopted before the effective date of this subchapter.

(e) The identification under this subchapter of wastewater management plan areas and assignments of wastewater management plan responsibility does not, by itself, establish or change the designations of 201 facilities planning areas or 201 facilities planning agencies. Such designations may be established or modified only by specific provisions for that purpose in amendments to areawide WQM plans under N.J.A.C. 7:15-3.4, including but not limited to provisions in wastewater management plans under N.J.A.C. 7:15-5.18(h).

7:15-5.4 Responsibility of designated planning agencies

A designated planning agency shall have wastewater management plan responsibility for a wastewater management plan area consisting of all or part of its designated area, if the governing body of that agency adopts and submits to the BWQP a resolution requesting such responsibility within 60 calendar days of the effective date of this subchapter. In wastewater management plan areas identified in such resolutions, no other governmental

units shall have wastewater management plan responsibility under N.J.A.C. 7:15-5.5 through 5.8.

7:15-5.5 Responsibility of Passaic Valley Sewerage Commissioners

The Passaic Valley Sewerage Commissioners have wastewater management plan responsibility for a wastewater management plan area consisting of the entire Passaic Valley Sewerage District. No other governmental unit shall have such responsibility for any part of that District under N.J.A.C. 7:15-5.6 through 5.8.

7:15-5.6 Responsibility of sewerage authorities and municipal authorities

(a) Except as provided in (b) or (e) below or in N.J.A.C. 7:15-5.4 or 5.5, every sewerage authority and every municipal authority has wastewater management plan responsibility for a wastewater management plan area consisting of that authority's entire district.

(b) A municipal authority does not have wastewater management plan responsibility if that municipal authority does not perform sewerage-related functions in at least part of its district, and does not request wastewater management plan responsibility. Except as provided in (c) below, a municipal authority performs "sewerage-related functions" if it:

1. Owns, leases, constructs, operates, or maintains sewerage facilities, or is a party to a contract providing for or relating to sewerage facilities;
2. Regulates the construction or use of sewerage facilities;
3. Is a permittee or co-permittee under N.J.A.C. 7:14A for a DTW, or has applied to be such a permittee or co-permittee;
4. Seeks WQM plan amendments for sewerage facilities;
5. Receives or seeks to receive Federal or State financial assistance for sewerage facilities; or
6. Is required by statute, rule, contract, court order, Department order, consent agreement, or other legal obligation to perform any of the activities listed in (b)1 through 5 above.

(c) The activities listed in (b)1 through 6 above shall not be considered "sewerage-related functions" if such activities are:

1. Performed solely to carry out the municipal authority's water supply, solid waste, chemical or hazardous waste, or hydroelectric power functions; or
2. Pertain solely to sewage that arises on property owned or leased by the municipal authority, and that is conveyed to sewerage facilities not owned, leased, operated, or maintained by the municipal authority.

(d) The Department may, at any time, send a letter to any municipal authority, requesting that authority to declare in writing to the BWQP whether or not that authority performs any of the sewerage-related functions listed under (b) and (c) above, and whether or not that authority requests wastewater management plan responsibility. If that authority does not make such a declaration within 90 calendar days of receipt of the letter, the Department shall, in the absence of information to the contrary, presume that the authority performs sewerage-related functions or requests wastewater management plan responsibility.

(e) Where there is overlap between the districts of two or more authorities that would otherwise have wastewater management plan responsibility for their entire districts under this section, wastewater management plan responsibility in the overlap is assigned by the following criteria:

1. If only one of the authorities is a county utilities authority, only that county utilities authority has wastewater management plan responsibility in the overlap.

2. If none of the authorities is a county utilities authority, and if only one of the authorities is a regional sewerage authority, only that regional sewerage authority has wastewater management plan responsibility in the overlap.

3. If both of the conditions in (e)1 or 2 above are not met, and if only one of the authorities owns, leases, operates, or maintains a DIW that requires a NJPDES permit, and that is located within or serves all or part of the overlap, then only that authority has wastewater management plan responsibility in the overlap.

4. If none of the conditions in (e)1, 2, or 3 above is met, arrangements shall be made under N.J.A.C. 7:15-5.9 to assign wastewater management plan responsibility in the overlap to a single governmental unit.

(f) For purposes of (e) above, "overlap" exists when the district of one authority is partially or completely within, or identical to, the district of one or more other authorities.

(g) When wastewater management plan responsibility is assigned under (e) above to an authority or other governmental unit that also has wastewater management plan responsibility outside the overlap, the entire geographic area for which the authority or other governmental unit has wastewater management plan responsibility shall constitute a single wastewater management plan area.

7:15-5.7 Responsibility of joint meetings

(a) Except as provided in (b) below, every joint meeting has wastewater management plan responsibility for a wastewater management plan area consisting of the entirety of all municipalities that are members of that joint meeting.

(b) No joint meeting has wastewater management plan responsibility for any location that:

1. Is within a wastewater management plan area for which another governmental unit has wastewater management plan responsibility under N.J.A.C. 7:15-5.4 through 5.6; or

2. Does not generate sewage that is received by any sewerage facilities owned, leased, operated, or maintained by the joint meeting, and is not projected to generate such sewage in the 20 year projection period of the wastewater management plan.

7:15-5.8 Responsibility of municipalities

(a) Except as provided in (e) below, every municipality that performs sewerage-related functions in at least part of the municipality has wastewater management plan responsibility for a wastewater management plan area consisting of the entire municipality.

(b) Except as provided in (c) below, a municipality performs "sewerage-related functions" if the municipality either:

1. Owns, leases, constructs, operates, or maintains any sewerage facilities, under N.J.S.A. 40:63-1 et seq. or other statutes;

2. Is a party to a contract providing for or relating to sewerage facilities under N.J.S.A. 40:63-1 et seq., 40:14A-23, 40:14B-49, 58:27-1 et seq., or other statutes;

3. Has an ordinance under N.J.S.A. 40:63-6 that provides for, establishes, or alters a general system of sewerage;

4. Has an ordinance under N.J.S.A. 40:63-52 requiring buildings to be connected with sewers;

5. Has an ordinance under N.J.S.A. 40:55D-37 requiring approval of either subdivisions or site plans or both;

6. Has a zoning ordinance under N.J.S.A. 40:55D-62 that includes standards for the provision of sewerage facilities;

7. Has a master plan under N.J.S.A. 40:55D-28 that includes a utility service plan element for sewerage and waste treatment;

8. Has a capital improvements program under N.J.S.A. 40:55D-30 that includes sewerage projects;

9. Has an ordinance under N.J.S.A. 40:56-1 for undertaking sewerage improvements as local improvements;

10. Has a sewerage district under N.J.S.A. 40:63-32 through 40 or N.J.S.A. 40A:18-1 et seq.;

11. Has granted an unexpired franchise to a public utility to provide sewerage service regulated under N.J.S.A. 48:1-1 et seq.;

12. Has an ordinance regulating sewerage facilities under N.J.S.A. 40:48-2;

13. Is a permittee or co-permittee under N.J.A.C. 7:14A for DTW, or has applied to be such a permittee or co-permittee;

14. Seeks WQM plan amendments for DTW;

15. Receives or seeks to receive Federal or State financial assistance for DTW; or

16. Is required by statute, rule, contract, court order, Department order, consent agreement, or other legal obligation to perform any of the activities, or adopt any of the ordinances, plans, or other programs, listed in (b)1 through 15 above.

(c) The activities listed in (b)1, 2, 8, 13, 14, and 15 above shall not be considered "sewerage-related functions" if they:

1. Pertain solely to sewage that arises on property owned or leased by the municipality, and that is conveyed to sewerage facilities not owned, leased, operated, or maintained by that municipality; or

2. Are performed by the municipality solely through the agency of an authority or joint meeting.

(d) The Department may, at any time, send a letter to any municipality, requesting that municipality to declare in writing to the BWQP whether or not that municipality performs any sewerage-related functions as discussed under (b) and (c) above. If that municipality does not make such a declaration within 90 calendar days of receipt of the letter, the Department shall, in the absence of information to the contrary, presume that the municipality performs sewerage-related functions.

(e) No municipality has wastewater management plan responsibility in any wastewater management plan area for which another governmental unit has wastewater management plan responsibility under N.J.A.C. 7:15-5.4 through 5.7.

7:15-5.9 Alternative assignment of wastewater management plan responsibility: general statement

(a) Alternative assignments of wastewater management plan responsibility, different from those set forth in N.J.A.C. 7:15-5.4 through 5.8, shall be made and subsequently changed if and only if such alternative assignments or changes thereto are adopted as amendments to areawide WQM plans under N.J.A.C. 7:15-3.4(c) or (g), or as revisions to WQM Plans under N.J.A.C. 7:15-5.13 and N.J.A.C. 7:15-3.5. Amendments or revisions that change alternative assignments may establish different alternative assignments, or may restore wastewater management plan responsibilities set forth in N.J.A.C. 7:15-5.4 through 5.8.

(b) N.J.A.C. 7:15-5.10 through 5.13 identify some but not necessarily all of the alternative assignments of wastewater management plan responsibility that may be adopted as WQM Plan amendments or revisions under (a) above.

(c) Except if specifically provided otherwise in the amendment or revision under (a) above, any wastewater management plan responsibility assigned to a governmental unit under (a) above is in addition to, and does not diminish, any wastewater management plan responsibility which that governmental unit already has under N.J.A.C. 7:15-5.4 through 5.8 or this section.

(d) In deciding whether or not to establish or change alternative assignments of wastewater management plan responsibility under (a) above, consideration shall be given, but not be limited to, the following general principles:

1. The Department shall generally support amendments or transfers that:
 - i. Establish regional wastewater management plan areas;
 - ii. Encourage the development and management of cost-effective, environmentally sound wastewater facilities and wastewater management, including comprehensive regional sewerage facilities and management where appropriate;
 - iii. Assign, to a governmental unit that will have long-term responsibility to own or operate a DTW that will require a NJPDES discharge permit, the wastewater management plan responsibility for the entire area that is projected to generate sewage that will be conveyed to that governmental unit's DTW;
 - iv. Assign wastewater management plan responsibility to governmental units rather than to private persons; or
 - v. Prevent or eliminate geographic overlap of wastewater management plan areas.
2. The Department shall generally oppose amendments or transfers that:
 - i. The Department considers to be contrary to one or more of the principles expressed in (d)1 above;
 - ii. Remove wastewater management plan responsibility from a governmental unit or private person, unless another governmental unit or private person already has or receives wastewater management plan responsibility for the subject geographic area;
 - iii. Include part of a municipality in a wastewater management plan area, but leave the remainder of the municipality outside any wastewater management plan area;
 - iv. Assign wastewater management plan responsibility, for all or part of a designated planning area, to a designated planning agency that does not

request such responsibility, except where such assignment is necessary to resolve wastewater management problems that cannot be satisfactorily resolved at other levels;

v. Assign wastewater management plan responsibility, for all or part of a county, to a county planning board that does not request such responsibility; or

vi. Assign wastewater management plan responsibility to the Department, except as a last resort.

(e) The Department may determine that a governmental unit identified under N.J.A.C. 7:15-5.4 through 5.8 is unable to exercise wastewater management plan responsibility effectively. Upon the adoption of such a determination in an amendment to an areawide WQM plan under (a) above, N.J.A.C. 7:15-5.4 through 5.8 shall be administered without regard to the existence of such governmental unit, or other assignments of wastewater management plan responsibility may be made in the amendment. Such a determination may be rescinded in a subsequent amendment to an areawide WQM plan.

7:15-5.10 Wastewater management plan responsibility as condition for financial assistance

A WQM plan amendment under N.J.A.C. 7:15-5.9 may assign wastewater management plan responsibility to a governmental unit, for the wastewater management plan area identified in that amendment, as a condition of that governmental unit's being eligible to apply for or receive a grant, loan, or other financial assistance for wastewater facilities, if such financial assistance is subject to Department certification or approval.

7:15-5.11 Wastewater management plan responsibility for complete wastewater service area

(a) A WQM plan amendment under N.J.A.C. 7:15-5.9 may assign wastewater management plan responsibility to a governmental unit that is, or has applied to be, a permittee or co-permittee under N.J.A.C. 7:14A for a DTW that requires a NJPDES discharge permit, or that owns, leases, or seeks a WQM plan amendment for such a DTW, for the entire area that generates sewage conveyed to that DTW, or that is projected to generate such sewage in the 20 year projection period of the wastewater management plan.

(b) Every governmental unit or other person that has wastewater management plan responsibility for a wastewater management plan area automatically assumes wastewater management plan responsibility for any additional 20-year sewer service area identified in the wastewater management plan for that wastewater management plan area under N.J.A.C. 7:15-5.18(c)4, upon adoption of that wastewater management plan by the Governor or his designee.

7:15-5.12 Joint wastewater management plan responsibility

A WQM plan amendment under N.J.A.C. 7:15-5.9 may assign joint wastewater management plan responsibility for a unified wastewater management plan area

to two or more governmental units that would otherwise have wastewater management plan responsibility for separate but contiguous wastewater management plan areas.

7:15-5.13 Voluntary establishment of wastewater management plan responsibility

(a) With the consent of the Department and of the parties making and receiving the transfer, wastewater management plan responsibility for all or part of a wastewater management plan area may be transferred from one governmental unit or private person to another.

(b) With the consent of the Department and of the party receiving the assignment, wastewater management plan responsibility may be assigned to a governmental unit or private person for a wastewater management plan area for which no other party has wastewater management plan responsibility under this subchapter.

(c) Transfers or assignments of wastewater management plan responsibility under (a) or (b) above do not require WQM Plan amendments under N.J.A.C. 7:15-3.4, but shall be adopted as WQM Plan revisions under N.J.A.C. 7:15-3.5.

(d) This section shall not be construed to prevent wastewater management plan responsibility from being transferred or assigned by WQM plan amendment under N.J.A.C. 7:15-5.9 and N.J.A.C. 7:15-3.4. Such transfers or assignments may be made without the consent of the affected parties.

7:15-5.14 District boundaries and related information; joint meeting membership

(a) To assist the identification of wastewater management plan responsibility under N.J.A.C. 7:15-5.5 through 5.8, the following information shall be submitted in writing to the BWQP within 120 calendar days of the effective date of this subchapter:

1. The Passaic Valley Sewerage Commissioners, every sewerage authority, and every municipal authority shall:

- i. List each municipality that is entirely within their district;
- ii. List each municipality, if any, that is partially within their district; and
- iii. Submit a map depicting the boundaries of the district within any municipality listed under (a)lii above, using 1:24,000, United States Geological Survey quadrangle maps as a base.

2. Every sewerage authority and every municipal authority shall also:

- i. Identify the date when each municipality listed under (a)li or ii above became part of the district of that authority; and

ii. Identify the statute under which the authority was created and the date, if any, when the authority was reorganized under N.J.S.A. 40:14B-6.

3. Every joint meeting shall list the municipalities that are members of that joint meeting.

(b) Whenever a new authority or joint meeting is created, or an existing authority is reorganized under N.J.S.A. 40:14B-6, or the district of an existing authority is modified, or an additional municipality becomes a member of an existing joint meeting, such authority or joint meeting shall, by letter to the BWQP, provide or update the information required under (a) 2 or 3 above within 120 calendar days of such event.

(c) The Department may at any time request the Passaic Valley Sewerage Commissioners or any authority or joint meeting to update information provided under (a) or (b) above, and such governmental units shall submit such information in writing to the BWQP within 120 calendar days of receiving such request.

(d) To assist the identification of wastewater management plan responsibility, the Department may consult other sources of information, including but not limited to resolutions or ordinances filed in the office of the Secretary of State under N.J.S.A. 40:14A-4 or 40:14B-7.

(e) If an authority or joint meeting cannot identify with reasonable certainty the boundaries of its district or other information required under (a) through (c) above, the authority or joint meeting shall make a written declaration to that effect to the BWQP, and shall provide its best estimate. Such estimates, together with any other information obtained under (d) above, shall suffice to define the geographic scope of wastewater management plan responsibility under N.J.A.C. 7:15-5.6 or 5.7.

(f) The Department may exempt a municipal authority from the requirements of this section if that authority makes the declaration identified in N.J.A.C. 7:15-5.6(d).

7:15-5.15 Contents of wastewater management plans: general statement

(a) Each wastewater management plan shall consist of written descriptions and maps of existing and future wastewater-related jurisdictions and wastewater service areas, and of selected environmental features. A wastewater management plan shall also include written descriptions and maps of specified categories of existing and future DTW, if such DTW presently exist or are necessary to meet anticipated wastewater management needs. More specific requirements for these written descriptions and maps are set forth in N.J.A.C. 7:15-5.16 through 5.20.

(b) In accordance with N.J.A.C. 7:15-5.16 through 5.20, each wastewater management plan shall address all types of DTW and all methods of wastewater disposal, including but not limited to surface water discharges and ground water discharges, to the extent that such DTW and methods of wastewater disposal presently exist or are necessary to meet anticipated wastewater management needs.

7:15-5.16 Existing jurisdictions, wastewater service areas, and domestic treatment works

(a) Each wastewater management plan shall include maps of existing wastewater jurisdictions, existing wastewater service areas, and any existing DTW in the categories specified in (a)3 or 5 below. These maps shall depict the following information:

1. The existing boundaries of the wastewater management plan area;
2. The boundaries, within the wastewater management plan area, or within any 20-year sewer service area identified under N.J.A.C. 7:15-5.18(c)4, of the following:
 - i. Any existing districts, and the existing franchise areas for sewerage service of any public utilities; and
 - ii. Any areas within the Hackensack Meadowlands District defined at N.J.S.A. 13:17-4, the Pinelands Area defined at N.J.S.A. 13:18A-11, the Pinelands National Reserve defined at 16 U.S.C. 471i(c), or the "coastal area" described in N.J.S.A. 13:19-4.
3. The location, within or outside the wastewater management plan area, of each existing DTW, if any, that is not a sewer or a pumping station, but that receives sewage that arises within or is conveyed into or through the wastewater management plan area, if such DTW requires a NJPDES discharge permit and:
 - i. Directly discharges to surface waters, or onto the land surface (for example, spray irrigation or overland flow facilities); or
 - ii. Has a design capacity of 2,000 gallons per day or larger, and stores or disposes of sewage by any means;
4. The location of each existing discharge to surface or ground water from each DTW mapped within the wastewater management plan area under (a)3 above, and the location of any overflow discharges of sewage within the wastewater management plan area;
5. The location of each existing pumping station and major interceptor and trunk sewer, if any, within the wastewater management plan area;
6. Except as provided under (a)9 below, the present sewer service area, within or outside the wastewater management plan area, for each DTW mapped within the wastewater management plan area under (a)3 above, distinguishing the separate area served by each DTW;
7. Except as provided under (a)9 below, the present sewer service area, within the wastewater management plan area, for each DTW mapped outside the wastewater management plan area under (a)3 above, distinguishing the separate area served by each DTW;
8. Any areas within the wastewater management plan area that presently are served only by either or both of the following:

i. Individual septic systems for individual residences; or

ii. Other DTW that have a design capacity of less than 20,000 gallons per day, use either subsurface sewage disposal systems or other sewage disposal systems that have no direct discharge to surface water or onto the land surface and do not have aggregate service areas mapped under (a)9 below;

9. The requirements in (a)6 and 7 above do not apply to DTW that are mapped under (a)3ii above, but that have a design capacity of less than 20,000 gallons per day. However, if two or more such DTW, on a single lot or on two or more adjacent lots, in combination have a design capacity of 20,000 gallons per day or larger, the aggregate service area of such DTW shall be depicted and distinguished from other areas mapped under (a)6 through 8 above.

(b) Each wastewater management plan shall provide the following information, in narrative, outline, or tabular form, for each existing DTW mapped within the wastewater management plan area under (a)3 above:

1. Name and owner of the DTW;

2. Name of any other governmental unit or corporation, if any, responsible for operating the DTW;

3. Location of the DTW within municipality, county, and WQM planning area, and within any district;

4. NJPDES discharge permit number, and latitude and longitude, for any discharges from the DTW;

5. Name of NJPDES permittee and any co-permittee under N.J.A.C. 7:14A for any discharges from the DTW;

6. Name and classification, under N.J.A.C. 7:9-4 and N.J.A.C. 7:9-6, of any surface and ground waters receiving any discharges from the DTW;

7. Estimate of existing residential population served by the DTW within and outside the wastewater management plan area, including any major seasonal fluctuations;

8. Actual flow of wastewater received by the DTW, in millions of gallons per day (MGD), expressed as total flow, as estimated flow arising within and outside the wastewater management plan area, and as estimated flow attributed to each of the following sources: residential, commercial, industrial, and infiltration/inflow; and

9. Existing design capacity and treatment process of the DTW.

(c) Each wastewater management plan shall include the following information, in narrative, outline, or tabular form, for each existing DTW mapped outside the wastewater management plan area under (a)3 above:

1. Name and owner of the DTW;

2. Estimate of existing residential population served by the DTW within the wastewater management plan area, including any major seasonal fluctuations; and

3. Estimated average flow of wastewater conveyed to the DTW from the wastewater management plan area, in millions of gallons per day expressed as total flow and as estimated flow attributed to each of the following sources: residential, commercial, industrial, and infiltration/inflow.

(d) Each wastewater management plan shall state whether or not there are combined sewers in the wastewater management plan area.

(e) For purposes of (a), (b) and (c) above, "existing" or "present" means existing or present at the time the particular wastewater management plan is being prepared or updated, as the case may be.

7:15-5.17 Mapping of environmental features

(a) Each wastewater management plan shall include mapping of each of the following environmental features in the wastewater management plan area, and in any additional sewer service area identified in that wastewater management plan under N.J.A.C. 7:15-5.18(c)4:

1. Coastal wetlands that have been mapped by the Department under the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq.;

2. Other freshwater and estuarine wetlands, based on the following information sources, in order of preference:

i. Maps prepared by the Department under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-25c;

ii. On-site delineations verified by the United States Army Corps of Engineers, the United States Fish and Wildlife Service, the Pinelands Commission, or the Department, if such verified delineations are made readily available to the governmental unit or other person with wastewater management plan responsibility;

iii. National Wetlands Inventory maps prepared by the United States Fish and Wildlife Service;

3. Flood prone areas, based on the following information sources in order of preference:

i. Delineations of flood hazard areas made by the Department under the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., where such delineations exist;

ii. Delineations of flood hazard areas by the Federal Emergency Management Agency under the National Flood Insurance Program, 42 U.S.C. 4001-4128;

iii. Within the New Jersey Coastal Zone identified in the Department's Rules on Coastal Resources and Development, N.J.A.C. 7:7E, the 10-foot

contour line as specified in N.J.A.C. 7:7E-8.19, where flood hazard areas have been delineated by neither the Department nor the Federal Emergency Management Agency;

4. Public open space and recreation areas that include at least 10 acres of undeveloped land, including:

i. National recreation areas, wildlife refuges, and historical parks administered by the United States Department of the Interior;

ii. State and interstate parks, forests, wildlife management areas, natural areas, and recreation areas administered by the Department or the Palisades Interstate Park Commission; and

iii. County and municipal parks, reservations, preserves, and other conservation or recreation areas;

5. River areas designated under the New Jersey Wild and Scenic Rivers Act, N.J.S.A. 13:8-45 et seq., or the Federal Wild and Scenic Rivers Act, 16 U.S.C. 1278 et seq.;

6. Category One Waters designated in the Department's Surface Water Quality Standards, N.J.A.C. 7:9-4, based on the Department's maps of such waters; and

7. Surface waters, as mapped on USGS quadrangle maps.

7:15-5.18 Future wastewater jurisdictions, service areas, and domestic treatment works

(a) In accordance with the provisions of this section, each wastewater management plan shall include a description of wastewater service areas and DTW necessary to meet anticipated wastewater management needs over a 20-year period.

1. Each wastewater management plan shall provide for cost-effective, environmentally sound wastewater management, including existing or new comprehensive regional DTW or regional management where appropriate. Upgrading or expansion of existing regional DTW is generally preferable to construction of additional DTW that would produce additional direct discharges to surface water at new locations.

2. On a case-by-case basis, the Department may require governmental units or other persons that have wastewater management plan responsibility to examine specific wastewater management alternatives as part of the preparation of the wastewater management plan. The Department may require such examination to include analysis of critical economic, social, environmental, or institutional factors pertaining to such alternatives.

(b) Where municipal or county master plans have been adopted and are in effect under N.J.S.A. 40:55D-28 or N.J.S.A. 40:27-2, wastewater service areas and DTW shall, to the maximum extent practicable, be identified in such a manner as to provide adequate wastewater service for the future land uses shown in such master plans, and to be consistent with any sewerage provisions

in such master plans. The wastewater management plan shall list all of the municipal and county master plans on which the wastewater management plan is based. However, the requirements of this subsection are subject to the following qualifications and exceptions:

1. Due regard shall be given to any substantial differences between dates associated with future land uses shown in such master plans and the dates corresponding with the 20-year periods required by this section.

2. If, for particular locations, a zoning ordinance or variance under articles 8 or 9 of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., allows land development that would generate more wastewater than would the development shown in such master plans, then for some or all of those locations the wastewater management plan may be based on the zoning ordinance or variance rather than on such master plans.

3. If, for particular locations, preliminary or final subdivision or site plan approvals under article 6 of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., have allowed land development that would generate more wastewater than would the development shown in such master plans, then for those locations the wastewater management plan shall be based on such approvals rather than on such master plans.

4. Wastewater management plans relating to the New Jersey Coastal Zone, the Hackensack Meadowlands District, the Pinelands Area, or the Pinelands National Reserve are subject to the requirements of N.J.A.C. 7:15-3.6 or 3.7, as appropriate.

5. The wastewater management plan may be inconsistent with such master plans for other compelling reasons, provided that the wastewater management plan specifically identifies such inconsistencies and sets forth such reasons with adequate documentation.

(c) Each wastewater management plan shall include maps of future wastewater service areas, and of specified categories of future DTW, that are necessary to meet anticipated wastewater management needs at the end of the 20-year period. These maps shall depict the following:

1. The location, within or outside the wastewater management plan area, of each existing, expanded, or new DTW, if any, that would not be a sewer or a pumping station, but that would receive sewage that would arise within or be conveyed into or through the wastewater management plan area, if such DTW would require a NJPDES discharge permit and:

i. Directly discharge to surface waters, or onto the land surface (for example, spray irrigation or overland flow facilities); or

ii. Have a design capacity of 20,000 gallons per day or larger, and store or dispose of sewage by any means;

2. The location of each discharge to surface or ground water from each DTW mapped within the wastewater management plan area under (c)1 above;

3. The location of each existing, expanded, or new pumping station and major interceptor and trunk sewer, if any, that would convey sewage within the wastewater management plan area;

4. The sewer service area, within or outside the wastewater management plan area, for each DTW mapped within the wastewater management plan area under (c)1 above, distinguishing the separate area to be served by each DTW;

5. The sewer service area, within the wastewater management plan area, for each DTW mapped outside the wastewater management plan area under (c)1 above, distinguishing the separate area to be served by each DTW; and

6. The area, if any, within the wastewater management plan area that would be served only by either or both of the following:

i. Individual septic systems for individual residences; or

ii. Other DTW that would have a design capacity of less than 20,000 gallons per day, and use either subsurface disposal systems or other sewage disposal systems that would have no discharge to surface water.

(d) For each DTW mapped within the wastewater management plan area under (c)1 above, each wastewater management plan shall further identify the future DTW that are necessary to meet wastewater management needs by providing, in narrative, outline, or tabular form, the following information applicable to such DTW at the end of the 20-year period:

1. Owner and, where known, name of the DTW;

2. Name of any other governmental unit or corporation, if any, to be responsible for operating the DTW;

3. Location of the DTW within municipality, county, and WQM planning area, and within any existing district;

4. Latitude and longitude, and, where known, NJPDES permit number for any discharges from the DTW;

5. Name of present or proposed NJPDES permittee and any co-permittee for any discharges from the DTW;

6. Name and present classification, under N.J.A.C. 7:9-4 and N.J.A.C. 7:9-6, of any surface and ground waters that would receive any discharges from the DTW;

7. Estimate of residential population to be served by the DTW within and outside the wastewater management plan area, including any major seasonal fluctuations;

8. Estimated average flow of wastewater to be received by the DTW, in millions of gallons per day expressed as total flow, as flow arising within and outside the wastewater management plan area, and as flow attributed to each of the following sources: residential, commercial, industrial, and infiltration/inflow; and

9. Design capacity of the DTW.

(e) For each DTW mapped outside the wastewater management plan area under (c)1 above, each wastewater management plan shall further identify the future DTW that are necessary to meet wastewater management needs by providing, in narrative, outline, or tabular form, the following information applicable to such DTW at the end of the 20-year period:

1. Owner and, where known, name of the DTW;
2. Estimate of residential population to be served by the DTW within the wastewater management plan area, including any major seasonal fluctuations; and
3. Estimated average flow of wastewater to be conveyed to the DTW from the wastewater management plan area, in millions of gallons per day expressed as total flow and as flow attributed to each of the following sources: residential, commercial, industrial, and infiltration/inflow.

(f) There shall be a reasonable relationship, consistent with (b) above, between sewer service areas identified under (c)4 and 5 above and residential population estimates under (d)7 and (e)2 above. Wastewater flow estimates under (d)8 and (e)3 above shall be based on, and reasonably related to, these sewer service areas and residential population estimates. Where actual, accurate gauging is available for a sewer system already in existence, such gauging shall be used as a basis for such flow estimates, with an allowance for future changes in wastewater flow. The average domestic flow from new residences, exclusive of other flow such as industrial flow, commercial flow, and infiltration/inflow, shall be assumed to be 65 gallons per capita per 24-hour period, except that values different than 65 gallons may be considered for this purpose when supported by adequate engineering data.

(g) Design capacities identified under (d)10 above shall be adequate to accommodate these wastewater flow estimates under (d)8 and (e)3 above. Notwithstanding any design capacity identified in an adopted wastewater management plan, the Department may, in the administration of N.J.A.C. 7:14A or N.J.A.C. 7:22, require a different design capacity in order to accommodate peak wastewater flows or implement other requirements of sound engineering practice.

(h) A wastewater management plan may identify specific changes to assignments of wastewater management plan responsibility under N.J.A.C. 7:15-5.9, or specific changes to 201 facilities planning responsibilities. Such changes shall take effect upon adoption of the wastewater management plan under N.J.A.C. 7:15-5.23. A wastewater management plan may suggest the establishment, modification, or elimination of districts or franchise areas under N.J.S.A. 40:14A-1 et seq., 40:14B-1 et seq., 58:14-1 et seq., or 48:1-1 et seq., but such districts or franchise areas shall be established, modified or eliminated only in the manner provided by law. Inclusion of such suggestions in an adopted wastewater management plan does not, by itself, accomplish such establishment, modification, or elimination.

7:15-5.19 Individual septic systems and other small domestic treatment works in sewer service areas

(a) In sewer service areas depicted under N.J.A.C. 7:15-5.18(c)4 or 5, a wastewater management plan may require the construction of some or all of the DTW identified in N.J.A.C. 7:15-4.4(a)1 or 2 to be accompanied by construction of collection system sewers that would be used when the depicted sewer service becomes available. This requirement shall exist only if it is specifically stated in the wastewater management plan.

(b) A wastewater management plan shall require that some or all individual septic systems for individual residences can be constructed in depicted sewer service areas only if adequate guarantees are provided before such construction that use of such septic systems will be discontinued when the depicted sewer service becomes available.

(c) A wastewater management plan shall not apply requirements under (a) or (b) above to individual septic systems that do not require certifications from the Department under N.J.S.A. 58:11-25.1 or individual permits from the Department under N.J.A.C. 7:14A, unless that wastewater management plan includes adequate arrangements for enforcement of such requirements by one or more substate governmental units.

(d) Estimated wastewater flows under N.J.A.C. 7:15-5.18(d)8 and (e)3 shall include flows that would be received if use of DTW identified in N.J.A.C. 7:15-4.4(a)1 and 2 is discontinued when depicted sewer service becomes available.

7:15-5.20 Specifications for text and graphics

(a) Wastewater management plans should be concise, using the minimum feasible narrative and mapping. All pages, tables, and figures in wastewater management plans shall be legible and numbered.

(b) All maps in wastewater management plans shall use 1:24,000 scale United States Geological Survey quadrangle maps as a base, except that other maps at other scales may be provided as supplements. Each wastewater management plan shall include the following main maps at 1:24,000 scale:

1. A map depicting the existing boundaries of the wastewater management plan area and the existing DTW and service areas identified under N.J.A.C. 7:15-5.16(a)3 through 9;

2. A map depicting future DTW and service areas identified at the end of the 20-year period under N.J.A.C. 7:15-5.18(c)1 through 6. The existing boundaries of the wastewater management plan area shall also be depicted on that map; and

3. One or more maps depicting the existing boundaries of the wastewater management plan area, and the environmental features identified under N.J.A.C. 7:15-5.17. This map shall also state that development in areas mapped as wetlands, flood prone areas, or designated river areas may be subject to special regulation under Federal or State statutes or rules, and that interested persons should check with the Department for the latest

information. Depiction of environmental features shall be for general information purposes only, and shall not be construed to define the legal geographic jurisdiction of such statutes or rules.

(c) Any other mapping required by N.J.A.C. 7:15-5.16 through 5.18 may be included on one or more of the main maps listed in (b) above, or on other 1:24,000 scale maps.

7:15-5.21 Geographic overlap between wastewater management plans prohibited

(a) After the effective date of this subchapter, the Governor or his designee shall not adopt a wastewater management plan that maps, under N.J.A.C. 7:15-5.18(c)1 or 4, any DTW or sewer service area outside the existing wastewater management plan area for that wastewater management plan, so long as that DTW or sewer service area is within a separate wastewater management plan area for which a separate, adopted wastewater management plan is in effect.

(b) To avoid geographic overlap prohibited by (a) above, existing assignments of wastewater management plan responsibility may be changed under N.J.A.C. 7:15-5.9, and adopted wastewater management plans may be amended or repealed under N.J.A.C. 7:15-3.4.

7:15-5.22 Consultation and endorsements for wastewater management plans

(a) Every governmental unit or other person that prepares a wastewater management plan or amendment thereof shall, during such preparation, notify and seek comments from, and offer to confer with:

1. All governmental units that have regulatory or planning jurisdiction over wastewater or land use in that wastewater management plan area, or in any additional sewer service area identified or being considered for identification under N.J.A.C. 7:15-5.16(a)6 or 5.18(c)4. Such governmental units may include, but not be limited to: designated planning agencies, governmental units or other persons that have wastewater management plan responsibility, county planning boards, municipal governing bodies and planning boards, sewerage authorities, municipal authorities, joint meetings, the Passaic Valley Sewerage Commissioners, the Hackensack Meadowlands Development Commission, the Pinelands Commission, and the Delaware River Basin Commission, as appropriate.

2. All governmental units and public utilities, and all vendors of wastewater treatment systems or services under the "New Jersey Wastewater Treatment Privatization Act", N.J.S.A. 58:27-1 et seq., that:

- i. Own, lease, operate, or maintain DTW that receive wastewater that arises within, or that is conveyed into or through, that wastewater management plan area, or in any additional sewer service area identified or being considered for identification under N.J.A.C. 7:15-5.16(a)6 or 5.18(c)4;

- ii. Are parties to contracts for such DTW;

- iii. Are permittees or co-permittees under N.J.A.C. 7:14A for such DTW;

or

iv. Are projected in a draft or previously adopted wastewater management plan for that wastewater management plan area to perform activities listed in (a)2i, ii or iii above.

3. The criteria in (a)2i through iv above are exclusive of collection facilities for sewage that arises only on nonresidential property owned or leased by the governmental unit, public utility, or vendor.

(b) Under N.J.A.C. 7:15-3.4(g)4, the Department shall generally require endorsements for wastewater management plans to be requested from, at a minimum, the governing bodies of each of the governmental units that are required to be notified under (a) above.

(c) Wastewater management plans relating to the New Jersey Coastal Zone, the Hackensack Meadowlands District, the Pinelands Area, or the Pinelands National Reserve are also subject to the requirements of N.J.A.C. 7:15-3.6 or 3.7, as appropriate.

7:15-5.23 Submission and adoption of wastewater management plans

(a) A governmental unit or other person that has wastewater management plan responsibility, but that is not a designated planning agency or the Department, shall submit wastewater management plans or amendments thereof to the appropriate designated planning agency or to the BWQP, and petition the designated planning agency or the Department, as appropriate, to amend the areawide WQM plan to incorporate the wastewater management plans or amendments thereof in accordance with N.J.A.C. 7:15-3.4.

(b) If a designated planning agency or the Department has wastewater management plan responsibility, then that designated planning agency or the Department shall propose amendments to the areawide WQM plan to incorporate wastewater management plans or amendments thereof in accordance with N.J.A.C. 7:15-3.4.

(c) Governmental units or other persons that do not have wastewater management plan responsibility may nevertheless prepare amendments to wastewater management plans and seek their adoption as amendments to areawide WQM plans under N.J.A.C. 7:15-3.4. Any governmental unit or other person that has wastewater management plan responsibility for the affected area shall be requested to endorse such amendments under N.J.A.C. 7:15-3.4(g)3 or 4, and has the duty to provide comments in response to such requests. In deciding whether to adopt such amendments, the comments, if any, received in response to such requests shall be given particular consideration.

(d) Except for wastewater management plans identified in N.J.A.C. 7:15-5.2(a), wastewater management plans and amendments thereof are valid only upon their adoption by the Governor or his designee as amendments to areawide WQM plans under N.J.A.C. 7:15-3.4.

7:15-5.24 Schedule for submission of wastewater management plans

(a) Each governmental unit or other person that has wastewater management plan responsibility shall periodically prepare and submit wastewater management plans in accordance with N.J.A.C. 7:15-5.23(a) or (b),

as appropriate. The first such submission shall be made in accordance with the schedule established in (b) through (e) below. Thereafter, an updated wastewater management plan shall be submitted at least once every six years from the date of the previous submission. Alternative schedules for submission of wastewater management plans may be established and changed under (f) below.

(b) The following governmental units shall submit wastewater management plans within 12 months of the effective date of this subchapter or of the creation of the governmental unit, whichever is later, if such units have wastewater management plan responsibility under N.J.A.C. 7:15-5.4 through 5.7:

1. Designated planning agencies;
2. The Passaic Valley Sewerage Commissioners;
3. County utilities authorities;
4. Regional sewerage authorities; and
5. Multi-county joint meetings.

(c) Other sewerage authorities, municipal authorities, joint meetings, and municipalities that have wastewater management plan responsibility under N.J.A.C. 7:15-5.6 through 5.8 shall submit wastewater management plans during the period specified in the following table or within 12 months of the creation of the governmental unit, whichever is later:

Table I

Wastewater Management Plan Submission Schedule

Location of Wastewater Management Plan	Period of Submission
Burlington, Cape May, Middlesex, Ocean, Passaic, and Union Counties	12 to 24 months after the effective date of this subchapter
Atlantic, Morris, Salem, Sussex, and Warren Counties	24 to 36 months after the effective date of this subchapter
Bergen, Essex, Gloucester, Hunterdon, and Monmouth Counties	36 to 48 months after the effective date of this subchapter
Camden, Cumberland, Hudson, Mercer, and Somerset Counties	48 to 60 months after the effective date of this subchapter

(d) Notwithstanding the schedule in (b) and (c) above, if an entire wastewater management plan area is already addressed by one or more

wastewater management plans identified in N.J.A.C. 7:15-5.2, the governmental unit that has wastewater management plan responsibility for that wastewater management plan area under N.J.A.C. 7:15-5.4 through 5.8 shall submit an updated wastewater management plan for that wastewater management plan area 60 to 72 months after the effective date of this subchapter, or within 12 months of the creation of the governmental unit, whichever is later.

(e) Each WQM plan amendment or WQM plan revision that makes or changes alternative assignments of wastewater management plan responsibility under N.J.A.C. 7:15-5.9 shall include a schedule for submission of the corresponding wastewater management plan. This requirement does not apply to automatic expansions of wastewater management plan areas under N.J.A.C. 7:15-5.11(b).

(f) Alternative schedules for submission of wastewater management plans, different from those set forth under (a) through (e) above, shall be established and subsequently changed only if such alternative schedules or changes thereto are adopted as amendments to areawide WQM plans under N.J.A.C. 7:15-3.4, or as revisions to WQM plans under (g) below. Amendments or revisions that change alternative schedules may establish different alternative schedules, or, where reasonable, may restore schedules set forth under (a) through (e) above. Reasons that may justify the establishment or changing of alternative schedules include, but are not limited to:

1. Coordination of wastewater management plans with the preparation of municipal or county master plans under N.J.S.A. 40:55D-28 or N.J.S.A. 40:27-2, or with reexaminations under N.J.S.A. 40:55D-89;
2. Coordination between adjacent wastewater management plan areas;
3. The need for additional time to perform specific examinations required under N.J.A.C. 7:15-5.18(a)2;
4. Coordination of wastewater management plans with the schedules of the NJPDES program or of financial assistance programs under N.J.A.C. 7:22; and
5. The need to stagger the submission of wastewater management plans so that the Department can better manage its corresponding workload under N.J.A.C. 7:15-3.4.

(g) With the consent of the Department and of the governmental unit or other person that has wastewater management plan responsibility, an alternative schedule for submission of wastewater management plans may be established and changed by a WQM plan revision under N.J.A.C. 7:15-3.5, rather than by a WQM plan amendment under N.J.A.C. 7:15-3.4.

(h) The Department may at any time request a governmental unit or other person that has wastewater management plan responsibility to submit written reports on the progress that such unit or other person is making in meeting its wastewater management plan responsibility. Such unit or person shall submit such reports to the BWQP within 90 calendar days of receiving such requests.

(i) Each wastewater management plan that updates one or more already existing wastewater management plan shall include:

1. Updated maps and descriptions of the then existing wastewater jurisdictions, service areas, and facilities under N.J.A.C. 7:15-5.16;
2. Updated maps of environmental features under N.J.A.C. 7:15-5.17; and
3. Updated maps and descriptions of future wastewater jurisdictions, service areas, and facilities under N.J.A.C. 7:15-5.18, with due regard to changes in factors discussed in that section, such as adoption of new or amended municipal or county master plans.