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CHAPTER 9

WATER POLLUTION CONTROL

Authority

N.J.S.A. 13:1B-3, 13:1D-9, 58:4A-4.1 et seq.,
58:10A-1 et seq. and 58:11A-1 et seq.

Source and Effective Date

R.1996 d.86, effective January 18, 1996.
See: 27 N.J.R. 3519(a), 28 N.J.R. 1201(c).

Executive Order No. 66(1978) Expiration Date

Chapter 9, Water Pollution Control, expires on January 18, 2001.

Chapter Historical Note

All provisions of Chapter 9 became effective prior to September 1, 1969.

1971 Revisions: Subchapter 10, Installation of Sewerage Facilities in Critical Areas, was adopted as new rules effective January 15, 1972 as R.1971 d.208. See: 3 N.J.R. 78(a), 3 N.J.R. 255(b).

1973 Revisions: Subchapter 9, Sealing of Abandoned Wells, was adopted as new rules effective October 23, 1973 as R.1973 d.299. See: 5 N.J.R. 185(b), 5 N.J.R. 370(b).

1974 Revisions: Subchapter 11, Allocation of Waste Lands or Point-Source Dischargers, was adopted as new rules effective June 18, 1974 as R.1974 d.151. See: 6 N.J.R. 132(c), 6 N.J.R. 263(b). Subchapter 4, Surface Water Quality Standards, was adopted as new rules and amendments were made to Subchapter 7 by R.1974 d.310, effective December 2, 1974. See: 6 N.J.R. 302(d), 6 N.J.R. 470(c).

1975 Revisions: Subchapter 13, Sewer Extension Ban, was adopted as new rules effective October 16, 1975 as R.1975 d.302. See: 7 N.J.R. 147(a), 7 N.J.R. 499(e).

1977 Revisions: Amendments became effective December 16, 1977 as R.1977 d.477. See: 9 N.J.R. 461(a), 10 N.J.R. 10(c).

1978 Revisions: Amendments to Chapter 9 became effective January 23, 1978 as R.1978 d.19 and R.1978 d.21. See: 9 N.J.R. 311(a), 10 N.J.R. 60(a), 9 N.J.R. 115(b), 10 N.J.R. 61(b). Subchapter 14 concerning ground water quality standards was originally adopted and codified by R.1978 d.20, effective January 23, 1978. See: 9 N.J.R. 68(b), 10 N.J.R. 61(a). Further revisions to Chapter 9 became effective June 1, 1978 as R.1978 d.102. See: 10 N.J.R. 146(d). Amendments were adopted as R.1978 d.161, effective June 1, 1978; R.1978 d.182, effective July 1, 1978, and R.1978 d.231, effective August 10, 1978. See: 10 N.J.R. 237(b); 10 N.J.R. 279(b); 10 N.J.R. 328(c).

1979 Revisions: Amendments became effective March 29, 1979 as R.1979 d.129. See: 11 N.J.R. 9(b), 11 N.J.R. 230(a). Further amendments became effective July 19, 1979 as R.1979 d.282. See: 10 N.J.R. 476(a), 11 N.J.R. 374(c).

1980 Revisions: Section 1.98 was repealed by R.1980 d.182, effective April 25, 1980. See: 12 N.J.R. 108(b), 12 N.J.R. 313(c). Subchapter 15, Grants for Restoring Publicly Owned Freshwater Lakes, was adopted as new rules effective August 22, 1980 as R.1980 d.374. See: 12 N.J.R. 310(a), 12 N.J.R. 575(c). The original text of Subchapter 3, Location of Factory within Watershed, was repealed by R.1980 d.433, effective October 7, 1980. See: 12 N.J.R. 454(b), 12 N.J.R. 643(a).

1981 Revisions: Amendments which deleted Subchapter 4, Surface Water Quality Standards, Subchapter 5, and Subchapter 8, Treatment of Wastewaters Discharged into Waters of the State, (but recodified sections 8.4 through 8.43 as N.J.A.C. 7:9-5.11), Subchapter 11, Allocation of Waste Loads or Point-Source Dischargers, (but recodified

portions of the text at N.J.A.C. 7:9-5), and Subchapter 14, Ground Water Quality Standards, (but recodified portions of the text at 7:9-6), and substituted new text, were adopted as R.1981 d.80, effective March 4, 1981. See: 12 N.J.R. 108(c), 13 N.J.R. 194(b). Further amendments became effective July 9, 1981 as R.1981 d.224. See: 12 N.J.R. 639(b), 13 N.J.R. 402(a).

1982 Revisions: Amendments became effective September 7, 1982 as R.1982 d.298. See: 14 N.J.R. 504(a), 14 N.J.R. 979(a).

1983 Revisions: Subchapter 2 was readopted pursuant to Executive Order No. 66(1978), effective June 3, 1983 as R.1983 d.243. See: 15 N.J.R. 591(a), 15 N.J.R. 1042(a). Further amendments became effective October 3, 1983 as R.1983 d.423 and repealed the text of subchapter 10, Installation of Sewerage Facilities in Critical Areas, as duplicative of current review procedures conducted by local boards of health and the Pinelands Commission. See: 15 N.J.R. 1155(a), 15 N.J.R. 1654(b).

1984 Revisions: Subchapter 13, Sewer Extension Ban, was readopted effective July 23, 1984 with amendments effective August 6, 1984 as R.1984 d.336. See: 16 N.J.R. 660(a), 16 N.J.R. 2096(a).

1985 Revisions: Amendments which deleted the text of Subchapters 4 and 5 and adopted new text became effective May 20, 1985 as R.1985 d.249. See: 16 N.J.R. 3080(a), 17 N.J.R. 1270(a). Subchapter 15, Grants for Restoring Publicly Owned Freshwater Lakes, expired on August 22, 1985 and new rules were adopted pursuant to Executive Order No. 66(1987) effective January 21, 1986 as R.1985 d.717. See: 17 N.J.R. 2182(a), 18 N.J.R. 163(b). Amendments became effective September 3, 1985 as R.1985 d.466. See: 17 N.J.R. 1625(a), 17 N.J.R. 2109(a).

1987 Revisions: Subchapter 13, Sewer Extension Ban, was repealed effective November 2, 1987 as R.1987 d.445. See: 18 N.J.R. 2163(a), 19 N.J.R. 2000(b).

1988 Revisions: Subchapter 1 expired, pursuant to Executive Order No. 66(1978), on April 25, 1985 and was adopted as new rules effective May 2, 1988 as R.1988 d.205. See: 19 N.J.R. 2227(b), 20 N.J.R. 980(a).

1989 Revisions: Subchapter 2, Standards for Construction of Individual Subsurface Sewage Disposal Systems, was repealed by R.1989 d.450 and replaced by N.J.A.C. 7:9A, effective August 21, 1989, (operative January 1, 1990). See: 20 N.J.R. 1790(a), 21 N.J.R. 2534(a).

1991 Revisions: Pursuant to Executive Order No. 66(1978), Chapter 9, Water Pollution Control, was readopted as R.1991 d.68, effective January 18, 1991. See: 22 N.J.R. 3297(a), 23 N.J.R. 406(c). Notice of petition to amend New Jersey Pollution Discharge Elimination System permits. See: 23 N.J.R. 236(a), 23 N.J.R. 622(b).

1993 Revisions: Subchapter 6, Ground Water Quality Standards, was repealed and replaced by new rules by R.1993 d.73, effective February 1, 1993. See: 24 N.J.R. 181(a), 25 N.J.R. 464(a). Subchapter 4 was recodified to N.J.A.C. 7:9B-1 by R.1993 d.610, effective December 6, 1993. See: 24 N.J.R. 3983(a), 24 N.J.R. 4471(a), 25 N.J.R. 404(a), 25 N.J.R. 5569(a). Public Notice: Opportunity for interested party review for rule amendment. See: 25 N.J.R. 411(a).

1994 Revisions: Subchapter 1, Sewer Systems and Wastewater Treatment Plants, was repealed by R.1994 d.278, effective June 6, 1994. See: 25 N.J.R. 3282(a), 26 N.J.R. 2413(b). See, now, N.J.A.C. 7:14A-22 and 23.

1996 Revisions: Pursuant to Executive Order No. 66(1978), Chapter 9 was readopted as R.1996 d.86, effective January 18, 1996. See: Source and Effective Date.

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SUBCHAPTERS 1 THROUGH 4. (RESERVED)

SUBCHAPTER 5. WASTEWATER DISCHARGE REQUIREMENTS

7:9-5.1 Scope of rules

(a) Unless otherwise provided by rule or statute, this subchapter shall constitute the rules of the Department of Environmental Protection concerning matters of policy with respect to the protection and enhancement of surface waters of the State, disinfection, and minimum treatment requirements pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.

(b) This subchapter shall apply to effluent limitations and other requirements applicable to discharges into the surface waters of the State.

Petition for Rulemaking.
See: 23 N.J.R. 222(a).

Responsibilities of the Department of Environmental Protection in review of mausoleum construction plans; concurrent State and municipal jurisdiction over mausoleum construction. Cedar Park Cemetery v. Hayes, 132 N.J.Super. 572, 334 A.2d 386 (Law Div.1975).

Former regulation set forth the objective of the Water Resources Division to integrate and promote modern sanitary sewerage throughout the State. Cedar Park Cemetery v. Hayes, 132 N.J.Super. 572, 334 A.2d 386 (Law Div.1975).

7:9-5.2 Construction

These rules shall be liberally construed to permit the Department and its various divisions to discharge its statutory functions.

7:9-5.3 Definitions

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

“BOD” means biochemical oxygen demand.

“COD” means chemical oxygen demand.

“Commissioner” means the Commissioner of the Department of Environmental Protection.

“Department” means the New Jersey Department of Environmental Protection.

“Discharge” means the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a pollutant into the waters of the State or onto land or into wells from which it might flow or drain into said waters.

“Discharger” means any person, corporation, municipality, sewerage authority or other legal entity, who causes, suffers, or allows any discharge.

“Disinfection” means the removal, destruction or inactivation of pathogenic and indicator organisms.

“EC50” means the median effective concentration of a toxic substance. Generally, this is a statistical estimate of the concentration that has a specified adverse effect on 50 percent of the test organisms under specified test conditions, based on the results of an acute bioassay.

“Lake, pond, or reservoir” means any impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water, excluding sedimentation control and stormwater retention/detention basins.

“LC50” means the median lethal concentration of a toxic substance. Generally, this is a statistical estimate of the concentration that has a specified effect on 50 percent of the test organisms under specified test conditions, based on the results of an acute bioassay.

“Level of treatment” means the degree of waste removal and accompanying residual wastewater effluent to be attained by any discharger.

“MG/L” means milligrams per liter.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, grease, sewage sludge, munition, chemical waste, biological material, radioactive substance, thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, or agricultural waste or other residue discharged or otherwise entering into the waters of the State.

“TOC” means total organic carbon.

“Toxic substance” means those substances, or combination of substances, which upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly through food chains, will, on the basis of information available to the Department, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformation in such organisms or their offspring.

“Water quality standards” means the designated uses and the physical, chemical, biological and esthetic characteristics of a water body as described by ambient water quality criteria, set forth in N.J.A.C. 7:9-4.

7:9-5.4 Statements of policy

(a) The following are general statements of policy:

1. It shall be unlawful for any person to discharge any pollutant into waters of the State, except in conformity with a valid permit issued by the Commissioner or by the Administrator of the United States Environmental Protection Agency.

2. It shall be unlawful for any person to build, install, modify or operate any facility for the collection, treatment or discharge of any pollutant, except after approval by the Department pursuant to regulations adopted by the Commissioner.

3. The protection and enhancement of the quality and function of the waters of this State into which effluents are discharged is a principal concern of the Department when considering the approval of permits to discharge or the designs of proposed facilities for the collection, treatment or discharge of pollutants.

4. The minimum level of treatment required for any wastewater must be such that discharges will meet ef-

fluent limitations established pursuant to N.J.A.C. 7:9-5.8 (where applicable) or Sections 301, 306 and 307 of the Federal Clean Water Act, whichever are more stringent, and shall not cause any of the provisions contained in N.J.A.C. 7:9-4.1 et seq. to be contravened.

5. No discharger shall have the privilege of using the entire theoretical capacity of a surface water to receive waste discharges.

6. The policies for interstate waters are:

i. The minimum level of treatment for wastewater treatment facilities that discharge treatment wastewater to the Delaware River, including freshwater and saline water tidal tributaries to the Delaware River and Delaware Bay, shall be as established in N.J.A.C. 7:9-5.8 (where applicable) or pursuant to Sections 301, 306 and 307 of the Federal Clean Water Act whichever is more stringent.

ii. The minimum level of treatment of wastewater treatment facilities that discharge treated wastewaters to waters under the jurisdiction of the Interstate Sanitation Commission in the New Jersey-New York Metropolitan area shall be as established in N.J.A.C. 7:9-5.8 (where applicable) or in accordance with the current Interstate Sanitation Commission's Water Quality Regulations (and subsequent revisions), or in accordance with Sections 301, 306 and 307 of the Federal Clean Water Act, whichever is more stringent.

(b) The following are statements of policy concerning disinfection of wastewater:

1. All wastewaters that could contain pathogenic organisms shall receive continuous year round disinfection prior to their discharge into waters of the State.

i. For those portions of the New York Harbor area where seasonal disinfection was allowed under the wastewater disinfection requirements contained in “Treatment of Wastewater Discharged into Surface Waters of the State” as adopted in March 1981, compliance with the provisions of paragraph 1 above is not required until the provisions of Section 2.05(b) of the Interstate Sanitation Commission's Water Quality Regulations (as amended) become effective on July 1, 1986. In the interim the wastewater disinfection requirements of the 1981 regulations, regarding seasonal disinfection, will remain in effect.

ii. The Department may consider applications to undertake scientific studies for the purposes of evaluating the effectiveness of existing and/or proposed disinfection practices. Such studies, including any participating discharges, must be approved in advance by the Department.

2. In order to maintain adequate disinfection of all treated wastewaters while protecting both human health and the aquatic biota from the deleterious effects of

chlorine and its disinfection by-products, the Department requires the efficient use of chlorine when it is used as a disinfectant.

3. The Department encourages the use of alternatives to chlorination for disinfection provided that the following can be demonstrated:

- i. The alternative method is effective in the removal of viable pathogens and indicators of pathogenic organisms; and
- ii. The alternative method is safe and will have a less deleterious effect on the health of humans who may ingest or come into contact with waters receiving these discharges than chlorination would; and
- iii. The alternative method will have a less deleterious effect on the aquatic environment, including its biota, than chlorination would and will not result in a contravention of prevailing surface water quality standards.

4. Dechlorination may be required to protect or attain the designated uses set forth in N.J.A.C. 7:9-4.12 and 4.13.

5. Unless it can be demonstrated that a disinfectant and its by-products are nonpersistent, the disinfectant and its by-product shall be considered to be persistent for purposes of determining water quality based effluent limitations.

Correction: N.J.A.C. 7:9-5.4(a)1i and ii should have been codified as N.J.A.C. 7:9-5.4(b)1i and ii.
See: 17 N.J.R. 1759(c).

7:9-5.5 Use of indicators of pollution levels

In applying the minimum treatment requirements of N.J.A.C. 7:9-5.8, the Department may use TOC or COD in place of, or in combination with, BOD when, in the Department's judgement, it would be more appropriate to use them as indicators of pollution levels.

7:9-5.6 Dilute industrial process wastewater

For dilute industrial process wastewater, the percent BOD (or other indicator) reduction, as set forth in N.J.A.C. 7:9-5.8, may be modified, upon request, provided it has been demonstrated to the satisfaction of the Department that the highest degree of waste treatment determination to be practicable by the Department will be applied.

Case Notes

Denial of discharge permit by Department of Environmental Protection was not precluded by department's failure to specify precise amount of pollutant that would be discharged. Matter of Vineland Chemical Co. (Vichem), 243 N.J.Super. 285, 579 A.2d 343 (A.D.1990) certification denied 127 N.J. 323, 604 A.2d 598.

7:9-5.7 Effluent standards

(a) The effluent standard for toxic discharges is that, at a minimum, no effluent shall be more toxic than an LC50, or an EC50, (based on daphnid immobilization) of 50 percent (by volume), as determined by acute definitive bioassay(s) conducted in conformance with N.J.A.C. 7:9-18, using the approved representative species considered to be the most sensitive to the discharge, as designated by the Department.

(b) The effluent standard for phosphorus discharged to freshwater lakes, ponds, reservoirs, or tributaries to these waterbodies is that, at a minimum, no effluent shall contain more than 1.0 mg/l total phosphorus (as P), as a monthly average, unless the discharger(s) to such a waterbody can demonstrate that a less stringent requirement will not result in a violation of the Surface Water Quality Standards (N.J.A.C. 7:9-4) or that the control of point sources alone, in the absence of effective nonpoint source controls, will not result in a significant reduction of phosphorus loadings to the waterbody.

Administrative Correction: Sentence omitted from (b).
See: 23 N.J.R. 2166(a).

7:9-5.8 Minimum Treatment Requirements

These minimum treatment requirements apply to all discharges where effluent limitations based upon water quality studies acceptable to the Department have not been developed and are required by N.J.A.C. 7:9-4.5(e)4 or 4.6(a). These requirements are not water quality based effluent limitations. In the case where a water quality study has been accepted and approved by the Department, and water quality based effluent limitations have been established by the Department based upon the study, then the minimum treatment requirements shall no longer apply, unless required by another regulatory agency. Requests to modify existing NJPDES permits containing minimum treatment requirements shall be submitted to the Department in writing in accordance with N.J.A.C. 7:14A-2.12.

Watershed	Classifications	% BOD ₅ Removal ¹	BOD ₅ Maximum (mg/l) ²	Discharge Type
Atlantic Coastal Plain	FW2, SE1	95	15	All
	SC	85	30	Domestic or Domestic in combination with Industrial
Delaware River Basin	SC	85	—	Industrial
	FW2, SE1, SE2	90	25	All
	Main Stem—All Zones	As set forth in Water Quality Standards for the Delaware River Basin; Resolution 67-7 of the DRBC; April 26, 1967 and subsequent revisions	—	All
Hackensack River Basin	FW2, SE1	90	25	All
	SE2, SE3	85	30	All
Passaic River Basin (including Newark Bay)	FW2	90	25	All
	SE2, SE3	85	30	All
Raritan River Basin (including Raritan Bay and	FW2	90	—	All
	SE1	85	—	All

Watershed	Classifications	% BOD ₅ Removal ¹	BOD ₅ Maximum (mg/l) ²	Discharge Type
Sandy Hook Bay)				
Wallkill River Basin	FW2	95	15	All
Hudson River, Kill Van Kull, and Arthur Kill Basins	FW2, SE2, SE3	85	—	All

¹ Minimum percent reduction as a monthly average.

² Maximum monthly average.

Amended by R.1992 d.219, effective May 18, 1992.

See: 23 N.J.R. 1493(a), 24 N.J.R. 1884(a).

Deleted 4-hour requirement and replaced with a 30-day average; changed the BOD₅ minimum treatment requirements for the concentrations of 40 mg/L to 30 mg/L for consistency with Federal requirements.

SUBCHAPTER 6. GROUND WATER QUALITY STANDARDS

7:9-6.1 Scope of subchapter

(a) Unless otherwise provided by statute, the following shall constitute the rules of the Department of Environmental Protection and Energy concerning ground water classification, designated uses of ground water, and ground water quality criteria and constituent standards, pursuant to the Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.) and the Water Quality Planning Act (N.J.S.A. 58:11A-1 et seq.).

(b) This subchapter shall provide the basis for protection of ambient ground water quality, through the establishment of constituent standards for ground water pollutants. These constituent standards are applicable to the development of: ground water protection standards pursuant to the New Jersey Pollutant Discharge Elimination System (NJPDES; N.J.A.C. 7:14A); ground water cleanup standards and compliance levels beyond the boundaries of a contaminated site pursuant to applicable regulatory programs; and other requirements and regulatory actions applicable to discharges that cause or may cause pollutants to enter the ground waters of the State, including nonpoint and diffuse sources regulated by the Department. Other relevant laws through which the Ground Water Quality Standards may be applied include, but are not limited to, the Spill Compensation and Control Act (N.J.S.A. 58:10-23.11 et seq.), the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.), the Environmental Cleanup Responsibility Act (N.J.S.A. 13:1K-6 et seq.), the Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.), the Realty Improvement Sewerage and Facilities Act (N.J.S.A. 58:11-23 et seq.), and the Pesticide Control Act of 1971 (N.J.S.A. 13:1F-1 et seq.).

(c) This subchapter shall be the Department's primary basis for setting numerical criteria for limits on discharges to ground water and standards for ground water cleanups.

Case Notes

Private home septic system installed in violation of regulation; violation does not give rise to private cause of action for damages. *Jalowiecki v. Leuc*, 182 N.J.Super. 22, 440 A.2d 21 (App.Div.1981).

7:9-6.2 Policies

(a) It is the policy of this State to restore, enhance and maintain the chemical, physical and biological integrity of its waters, 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.

(b) Discharges to ground water that subsequently discharges into surface waters shall not be permitted by the applicable regulatory program if such discharges would cause a contravention of surface water quality standards applicable to those surface waters. That is, those discharges must achieve compliance with both these standards and the surface water quality standards (N.J.A.C. 7:9-4).

(c) When existing ground water quality does not meet the constituent standards determined pursuant to N.J.A.C. 7:9-6.7, 6.8 and 6.9(a) and (b), due to human activities, the Department shall, after a review of relevant and available scientific and technical data, determine in the context of the applicable regulatory programs the management actions necessary (including, but not limited to, the requirement of remedial actions) to restore or enhance ground water quality pursuant to the policies of this subchapter.

(d) The Department shall not approve discharges or activities posing a significant risk of discharges, within the jurisdiction of and subject to regulation by the Pinelands Commission, that would contravene the rules of the Pinelands Commission with regard to the protection of ground water or surface water quality.

Case Notes

Standards for Total Suspended Solids set by Federal and State regulations; fine assessed appropriate for permit level violations. *Lentine Aggregates v. Dept. of Environmental Protection*, 4 N.J.A.R. 117 (1981), affirmed per curiam Dkt. No. A-3424-80 (App.Div.1982).

7:9-6.3 Construction

This subchapter shall be liberally construed to permit the Department to implement its statutory functions.

7:9-6.4 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings:

"ACL" means alternative concentration limit.

"Agricultural water" means water used for crop production, livestock, horticulture and silviculture.

"Alternative concentration limit" (ACL) means a constituent standard or narrative description of actions, discharge

controls and water quality requirements that is less stringent than the ground water quality requirements of N.J.A.C. 7:9-6.7, 6.8 and 6.9(a) and (b), due to a Departmental determination pursuant to NJPDES regulations (N.J.A.C. 7:14A-6.15(e)2). In order to approve an ACL, the Department must find that the relevant constituent standard(s) cannot be achieved through technologically practicable means.

“Antidegradation” means a policy to ensure that existing ground water quality (that currently is of higher quality than the water quality criteria in N.J.A.C. 7:9-6.7) is not degraded to the criteria by discharges, but rather remains at a better quality ranging from natural quality at the most stringent, to a limited allowance for degradation at the least stringent. “Nondegradation” is the most stringent case of the antidegradation policy. It prohibits any degradation of ground water quality below existing background water quality by a discharge.

“Antidegradation limit” is the numerical expression (in terms of a concentration or level of a constituent in ground water) of the antidegradation policy.

“Applicable regulatory program” means any of the Department’s programs which implement the regulations issued pursuant to the statutes cited in N.J.A.C. 7:9-6.1(b) or in any other regulations that specifically cite this subchapter.

“Aquifer” means a saturated geologic formation(s) or unit(s) which is sufficiently permeable to transmit water to a pumping well in usable and economic quantities. The upper level of an unconfined aquifer may vary over time; “aquifer” applies to the full saturated zone at any time.

“Aquitard” means a hydrogeologic confining unit(s) that exhibits limited permeability, bounding one or more aquifers, that does not readily yield water to wells or springs, but may serve as a storage unit for ground water and may release this water to adjacent ground water units or surface waters. Such confining units are further defined and listed in N.J.A.C. 7:9-6.5(f)1 or may be established through reclassification under N.J.A.C. 7:9-6.10.

“Background water quality” means the concentration of constituents in ground water which is determined to exist directly upgradient of a discharge but not influenced by the discharge, or is otherwise representative of such concentration of constituents as determined using methods and analyses consistent with the requirements of N.J.A.C. 7:14A-6.15(h)7.

“Classification area” means the geographic extent (lateral and vertical) of a geologic formation(s) or unit(s) wherein ground water is classified for designated uses, as described in N.J.A.C. 7:9-6.5.

“Classification exception area” means an area within which one or more constituent standards and designated uses are suspended in accordance with N.J.A.C. 7:9-6.6.

“Constituent” means a specific chemical substance (that is, element or compound) or water quality parameter (for example, temperature, odor, color).

“Constituent standard” means the required maximum level or concentration or the required range of levels or concentrations (as applicable) for a constituent in a classification area, as established in N.J.A.C. 7:9-6.7, 6.8 and 6.9(a) and (b). The constituent standards shall be the basis for the Department’s regulation of ground water quality effects of past, present or future discharges to ground water or the land surface, pursuant to applicable authorities as defined in N.J.A.C. 7:9-6.1.

“Conventional water supply treatment” means the chemical and physical treatment of ground water supplies for microbiological contaminants and undesirable naturally occurring substances resulting in treated water that meets all the primary and secondary standards for those constituents stipulated by the New Jersey Safe Drinking Water Act regulations (N.J.A.C. 7:10-12).

“Criteria” means ground water quality criteria.

“Department” means the New Jersey Department of Environmental Protection and Energy.

“Designated use” means a present or potential use of ground water which is to be maintained, restored and enhanced within a ground water classification area, as determined by N.J.A.C. 7:9-6.5. Designated uses may include any human withdrawal of ground water (for example, for potable, agricultural and industrial water), the discharge of ground water to surface waters of the State which support human use or ecological systems, or the direct support of ecological systems.

“Discharge” means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of a pollutant at any time into the waters of the State, onto land or into wells from which it might flow or drain into said waters, or into waters or onto lands outside the jurisdiction of the State, which pollutant enters the waters of the State. “Discharge” includes, without limitation, the release of any pollutant into a municipal treatment works.

“Discharger” means any person, corporation, municipality, government agency or authority or other legal entity, who causes or allows a discharge, either through action or omission.