

CHAPTER 14A

POLLUTANT DISCHARGE ELIMINATION SYSTEM

Authority

N.J.S.A. 13:1B-3 et seq., 13:1D-1 et seq., 13:1E-1 et seq., 26:2C-1 et seq., 58:10-23.11 et seq., 58:10A-1 et seq., 58:11-49 et seq., 58:11-64 et seq., 58:11A-1 et seq. and 58:12A-1 et seq.

Source and Effective Date

R.1997 d.107, effective February 5, 1997.
See: 28 N.J.R. 380(a), 28 N.J.R. 2779(a), 28 N.J.R. 3494(a), 28 N.J.R. 3858(a), 28 N.J.R. 4697(a), 28 N.J.R. 5028(a), 29 N.J.R. 1704(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 14A, Pollutant Discharge Elimination System, was extended by gubernatorial directive from December 5, 2007 to June 5, 2008. See: 40 N.J.R. 150(a).

Chapter Historical Note

Chapter 14A, Pollutant Discharge Elimination System, was adopted as R.1981 d.84, effective March 6, 1981. See: 12 N.J.R. 569(f), 13 N.J.R. 194(c). Subchapter 4, Additional Requirements for an Industrial Waste Management Facility, was adopted as R.1981 d.373, effective October 8, 1981. See: 12 N.J.R. 569(f), 13 N.J.R. 705(a).

Pursuant to Executive Order No. 66(1978), Chapter 14A was re-adopted as R.1983 d.260, effective June 8, 1983. See: 15 N.J.R. 606(a), 15 N.J.R. 1094(c). Subchapter 14, Oil and Grease Effluent Limitations, was adopted as R.1984 d.234, effective July 2, 1984. See: 15 N.J.R. 1313(b), 16 N.J.R. 1746(b). Subchapter 8, Public Comment and Notice Procedures, was amended by R.1988 d.59, effective February 1, 1988. See: 19 N.J.R. 1869(a), 20 N.J.R. 269(a).

Pursuant to Executive Order No. 66(1978), Chapter 14A was re-adopted as R.1989 d.339, effective June 2, 1989. See 21 N.J.R. 707(a), 21 N.J.R. 1883(a). Petition for Rulemaking: Notice of Receipt of and Action on a Petition for Rulemaking. See: 23 N.J.R. 222(a), 23 N.J.R. 622(b). Public Notice: Opportunity for interested party review of rule amendments. See: 25 N.J.R. 411(a).

Appendix F, Values for Determination of NJPDES Permit Toxic Effluent Limitations, was repealed by R.1993 d.59, effective February 1, 1993. See: 24 N.J.R. 344(b), 25 N.J.R. 547(a). Public Notice: Revocation of NJPDES/SIU permits. See: 24 N.J.R. 491(a), 25 N.J.R. 600(a).

Subchapter 12, Requirements for a Treatment Works Approval, was repealed by R.1994 d.278, effective June 6, 1994. See: 25 N.J.R. 3282(a), 26 N.J.R. 2413(b). Prior to repeal, Subchapter 12 was amended by R.1987 d.445, effective November 2, 1987. See: 19 N.J.R. 2006(b); R.1987 d.458, effective November 16, 1987. See: 19 N.J.R. 2152(a); R.1989 d.339, effective July 3, 1989. See: 21 N.J.R. 707(a), 21 N.J.R. 1883(a); R.1989 d.436, effective August 21, 1989. See: 21 N.J.R. 819(a), 21 N.J.R. 2530(c); R.1990 d.444, effective September 4, 1990. See: 21 N.J.R. 2240(c), 22 N.J.R. 2754(a); Administrative Correction. See: 23 N.J.R. 3325(b); and R.1993 d.59, effective February 1, 1993. See: 24 N.J.R. 344(b), 25 N.J.R. 547(a). Subchapter 22, Treatment Works Approvals, Sewer Bans, Sewer Ban Exemptions; and Subchapter 23, Technical Requirements for Treatment Works Approval Applications, were adopted as R.1994 d.278, effective June 6, 1994. See: 25 N.J.R. 3282(a), 26 N.J.R. 2413(b).

The expiration date of Chapter 14A, Pollutant Discharge Elimination System, was extended by gubernatorial directive from June 2, 1994 to June 2, 1995; June 2, 1995 to June 2, 1996; June 2, 1996 to December 2, 1996; and December 2, 1996 to May 5, 1997. See: 26 N.J.R.

2462(a), 27 N.J.R. 2390(a), 28 N.J.R. 3330(b), and 29 N.J.R. 126(b), respectively.

Pursuant to Executive Order No. 66(1978), Subchapter 22, Treatment Works Approvals, Sewer Bans, Sewer Ban Exemptions; and Subchapter 23, Technical Requirements for Treatment Works Approval Applications, of Chapter 14A were re-adopted as R.1997 d.107, effective February 5, 1997. See: Source and Effective Date. As a part of R.1997 d.107, effective May 5, 1997, Subchapter 1, General Information, was repealed and a new Subchapter 1, Abbreviations, Acronyms, and Definitions, was adopted; Subchapter 2, General Requirements for the NJPDES Permit, was repealed and a new Subchapter 2, General Program Requirements, was adopted; Subchapter 3, Additional Requirements Applicable to Discharges to Surface Water (DSW), was repealed and a new Subchapter 3, Determination of Permit Fees, was adopted; Subchapter 4, Additional Requirements for an Industrial Waste Management Facility, was repealed and a new Subchapter 4, Permit Application Requirements, was adopted; Subchapter 5, Additional Requirements for Underground Injection Control Program (UIC), was repealed; Subchapter 6, Additional Requirements for Discharges to Groundwater (DGW), was repealed and a new Subchapter 6, Conditions Applicable to All NJPDES Permits, was adopted; Subchapter 7, Procedures for Decision Making, was repealed and a new Subchapter 7, Requirements for Discharges to Ground Water (DGW), was adopted; Subchapter 8, Public Comment and Notice Procedures, was repealed and a new Subchapter 8, Additional Requirements for Underground Injection Control (UIC) Program, was adopted; Subchapter 9, Specific Procedures Applicable to Discharges to Surface Water (DSW), was repealed and a new Subchapter 9, Ground Water Monitoring Requirements for Sanitary Landfills, was adopted; Subchapter 10, Filing Requirements For NJPDES Permits, was repealed and a new Subchapter 10, Ground Water Monitoring Requirements for Hazardous Waste Facilities, was adopted; Subchapter 11, Public Access to Information and Requirements for Department Determination of Confidentiality, was repealed and a new Subchapter 11, Procedures and Conditions Applicable to NJPDES-DSW Permits, was adopted; Subchapter 12, Effluent Standards Applicable to Direct Discharges to Surface Water and Indirect Discharges to Domestic Treatment Works was adopted; Subchapter 13, Additional Requirements For DTWS, Local Agencies and Their Users, was repealed and a new Subchapter 13, Effluent Limitations for DSW Permits, was adopted; Subchapter 14, Oil and Grease Effluent Limitations, was repealed and a new Subchapter 14, Monitoring Frequency Requirements Applicable to DSW and SIU Permits, was adopted; Subchapter 15, Procedures for Decision Making—NJPDES Permit Processing Requirements; Subchapter 16, Transfer, Modification, Revocation and Reissuance, Renewal, Suspension, and Revocation of Existing Permits; Subchapter 17, Procedures for Decision Making—Adjudicatory Hearings and Stays of Permit Conditions; Subchapter 18, Public Access to Information and Requirements for Determination of Confidentiality; Subchapter 19, Pretreatment Program Requirements for Local Agencies; Subchapter 20, Standards for the Use or Disposal of Residual; and Subchapter 21, Requirements for Indirect Users, were adopted; and Appendix A, Average Ambient Water Temperature; Appendix B, Permit Application Testing Requirements; Appendix C, Criteria for Determining a Concentrated Animal Feeding Operation; Appendix D, Criteria for Determining a Concentrated Aquatic Animal Production Facility; Appendix E, Primary Industry Categories; Appendix G, Modified Equation for Determining "Area of Review"; and Appendix H, Schedule of Monitoring, were repealed.

Administrative change. See: 34 N.J.R. 1902(a).

In accordance with N.J.S.A. 52:14B-5.1d, Chapter 14A, Pollution Discharge Elimination System, expiration date was extended by gubernatorial directive from February 5, 2002 to February 5, 2004. See: 34 N.J.R. 1022(c)

In accordance with N.J.S.A. 52:14B-5.1d, Chapter 14A, Pollutant Discharge Elimination System, expiration date was extended by gubernatorial directive from February 5, 2004 to February 5, 2006. See: 36 N.J.R. 1191(b).

Subchapter 5, Wastewater Discharge Requirements, was recodified from N.J.A.C. 7:9-5.1, 5.3 and 5.7 as 7:14A-5.1, 5.2 and 5.3, respectively, by administrative change. See: 37 N.J.R. 3648(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 14A, Pollutant Discharge Elimination System, was extended by gubernatorial directive from February 5, 2006 to May 5, 2007. See: 38 N.J.R. 1318(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 14A, Pollutant Discharge Elimination System, was extended by gubernatorial directive from May 5, 2007 to December 5, 2007. See: 39 N.J.R. 2248(b).

Research Note

The Water Quality Regulations of the Interstate Environmental Commission appear as Appendix A to Title 7.

Law Review And Journal Commentaries

Discharge Permit Rules Encourage Prevention. Robert J. Curley, Francis X. Journick, Jr., 135 N.J.L.J. No. 8, S14 (1993).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. ABBREVIATIONS, ACRONYMS, AND DEFINITIONS

- 7:14A-1.1 Abbreviations and acronyms
- 7:14A-1.2 Definitions

SUBCHAPTER 2. GENERAL PROGRAM REQUIREMENTS

- 7:14A-2.1 Purpose and scope
- 7:14A-2.2 Liberal construction and severability
- 7:14A-2.3 Incorporation by reference
- 7:14A-2.4 Activities that require a NJPDES permit
- 7:14A-2.5 Exemptions
- 7:14A-2.6 Conflict of interest
- 7:14A-2.7 Permit duration and renewal
- 7:14A-2.8 Administrative continuation of permits
- 7:14A-2.9 Enforcement action
- 7:14A-2.10 Subpoenas
- 7:14A-2.11 Duty to provide information
- 7:14A-2.12 Ambient water quality studies
- 7:14A-2.13 Specific criteria for concentrated animal feeding operations
- 7:14A-2.14 Specific criteria for concentrated aquatic animal production facilities

SUBCHAPTER 3. DETERMINATION OF PERMIT FEES

- 7:14A-3.1 Fee schedule for NJPDES permittees and applicants

SUBCHAPTER 4. PERMIT APPLICATION REQUIREMENTS

- 7:14A-4.1 Purpose and scope
- 7:14A-4.2 Application requirements
- 7:14A-4.3 Application information requirements
- 7:14A-4.4 Additional application requirements for discharges to surface water
- 7:14A-4.5 Specific technical application requirements for direct discharges to surface water
- 7:14A-4.6 Additional application requirements for significant indirect users
- 7:14A-4.7 Additional application requirements for Discharges to Ground Water
- 7:14A-4.8 Additional application requirements for specific DSW discharges
- 7:14A-4.9 Signatory requirements for permit applications and reports
- 7:14A-4.10 Technical requirements for NJPDES-DSW applications (Reserved)

APPENDIX A. PERMIT APPLICATION TESTING REQUIREMENTS/POLLUTANT LISTINGS

SUBCHAPTER 5. WASTEWATER DISCHARGE REQUIREMENTS

- 7:14A-5.1 Scope of rules
- 7:14A-5.2 Definitions
- 7:14A-5.3 Effluent standards

SUBCHAPTER 6. CONDITIONS APPLICABLE TO ALL NJPDES PERMITS

- 7:14A-6.1 Purpose and scope
- 7:14A-6.2 General conditions applicable to all permittees
- 7:14A-6.3 Establishing permit conditions
- 7:14A-6.4 Schedules of compliance
- 7:14A-6.5 Monitoring
- 7:14A-6.6 Recordkeeping
- 7:14A-6.7 Notice requirements for facility alterations and additions
- 7:14A-6.8 Reporting monitoring results
- 7:14A-6.9 Signatory requirements for DMR and BR
- 7:14A-6.10 Noncompliance reporting
- 7:14A-6.11 Affirmative defenses
- 7:14A-6.12 Operation, maintenance, and emergency conditions
- 7:14A-6.13 General permits
- 7:14A-6.14 Emergency permits
- 7:14A-6.15 Residuals management
- 7:14A-6.16 Pretreatment requirements for local agencies
- 7:14A-6.17 Adjustment of DSW limitations for alternative disposal of pollutants

SUBCHAPTER 7. REQUIREMENTS FOR DISCHARGES TO GROUND WATER (DGW)

- 7:14A-7.1 Purpose
- 7:14A-7.2 Requirement to discharge in compliance with a valid NJPDES permit
- 7:14A-7.3 Scope and applicability
- 7:14A-7.4 Exemptions
- 7:14A-7.5 Authorization of discharges to ground water by permit-by-rule
- 7:14A-7.6 Ground Water Protection Program (GWPP)
- 7:14A-7.7 Ground water sampling procedures and statistical analysis requirements
- 7:14A-7.8 Required response to contravention of ground water quality standards
- 7:14A-7.9 General requirements for applications for discharge to groundwater permit
- 7:14A-7.10 Additional requirements for applications for NJPDES-DGW permits for surface impoundments
- 7:14A-7.11 Additional requirements for applications for NJPDES-DGW permits for spray irrigation
- 7:14A-7.12 Additional requirements for applications for NJPDES-DGW permits for overland flow
- 7:14A-7.13 Additional requirements for applications for NJPDES-DGW permits for infiltration/percolation lagoons
- 7:14A-7.14 Additional requirements for applications for NJPDES-DGW permits for residual surface impoundments
- 7:14A-7.15 Additional requirements for applications for NJPDES-DGW permits for disposal of dredged spoil

SUBCHAPTER 8. ADDITIONAL REQUIREMENTS FOR UNDERGROUND INJECTION CONTROL (UIC) PROGRAM

- 7:14A-8.1 Purpose and scope
- 7:14A-8.2 Classification of injection wells
- 7:14A-8.3 Prohibition of unauthorized injection
- 7:14A-8.4 Prohibition of movement of fluid into underground sources of drinking water
- 7:14A-8.5 Authorization of injection into Class V wells by permit-by-rule