

**CHAPTER 19
WATER SUPPLY ALLOCATION PERMITS**

Authority

N.J.S.A. 58:1A-1 et seq., 58:2-1 et seq., 58:4A-4 et seq., 58:11-59 et seq., and 58:12A-1 et seq.

Source and Effective Date

R.2000 d.105, effective February 23, 2000.
See: 31 N.J.R. 3893(a), 32 N.J.R. 1013(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 19, Water Supply Allocation Permits, was extended by gubernatorial directive from February 23, 2006 to February 23, 2007. See: 38 N.J.R. 1318(b).

Chapter Historical Note

Chapter 19, Water Supply Allocation Permits, was adopted as R.1981 d.488, effective January 4, 1982. See: 13 N.J.R. 639(a), 14 N.J.R. 42(a).

Subchapter 3, Fee Schedule for Water Supply Allocation Permits, was adopted as R.1982 d.239, effective August 2, 1982. See: 14 N.J.R. 459(a), 14 N.J.R. 834(f). Pursuant to Executive Order No. 66 (1978), Subchapter 3 expired on August 1, 1985.

Subchapter 4, Procedures for Determining, Assessing and Collecting Payments for Water Diversion, was adopted as R.1983 d.400, effective September 19, 1983. See: 15 N.J.R. 276(a), 15 N.J.R. 1577(a).

Subchapter 6, Water Supply Management Act Rules, was adopted as R.1985 d.133, effective March 18, 1985. See: 16 N.J.R. 2399(a), 17 N.J.R. 687(c).

Subchapter 5, Small Water Company Takeover Act Regulations, was adopted as R.1985 d.182, effective April 15, 1985. See: 16 N.J.R. 3380(a), 17 N.J.R. 910(a).

Subchapter 3, Permit Fees, was adopted as new rules by R.1986 d.263, effective July 7, 1986. See: 18 N.J.R. 789(a), 18 N.J.R. 1376(a).

Pursuant to Executive Order No. 66 (1978), Chapter 19, Water Supply Allocation Permits, was readopted as R.1990 d.180, effective February 26, 1990. See: 21 N.J.R. 3594(a), 22 N.J.R. 932(a).

Pursuant to Executive Order No. 66 (1978), Chapter 19, Water Supply Allocation Permits, was readopted as R.1995 d.162, effective February 24, 1994, and Subchapter 8, Areas of Critical Water Supply Concern, was adopted, Subchapter 9, Establishment of Water Surcharge Schedule, was recodified from N.J.A.C. 7:19B-1, Subchapter 10, Powers of the Commissioner During a Water Emergency, was recodified from N.J.A.C. 7:19A-2, Subchapter 11, General Powers of the Department, was recodified from N.J.A.C. 7:19A-3, Subchapter 12, Water Emergency Task Force, was recodified from N.J.A.C. 7:19A-4, Subchapter 13, The Priority-Based Phase System of Water Restrictions, was recodified from N.J.A.C. 7:19A-5, Subchapter 14, Industrial Curtailment Strategy, was recodified from N.J.A.C. 7:19A-6, Subchapter 15, Emergency Water Transfer Pricing, was recodified from N.J.A.C. 7:19A-8, Subchapter 16, Hardship Exemption Procedures, was recodified from N.J.A.C. 7:19A-9, Subchapter 17, Department Orders, was recodified from N.J.A.C. 7:19A-10, and Subchapter 18, Civil Administrative Penalties and Requests for Adjudicatory Hearings, was adopted by R.1995 d.162, effective March 20, 1995. See: 26 N.J.R. 4912(a), 27 N.J.R. 1265(a).

Pursuant to Executive Order No. 66(1978), Chapter 19, Water Supply Allocation Permits, was readopted as R.2000 d.105, effective February 23, 2000. See: Source and Effective Date.

The expiration date of Chapter 19, Water Supply Allocation Permits, was extended by gubernatorial directive from February 23, 2005 to February 23, 2006. See: 37 N.J.R. 589(b).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 7:19-1.1 Scope and authority
- 7:19-1.2 Construction
- 7:19-1.3 Definitions
- 7:19-1.4 Applicability
- 7:19-1.5 Major and minor permit modifications
- 7:19-1.6 Diversion source categories and requirements
- 7:19-1.7 Unpermitted diversions
- 7:19-1.8 Penalties
- 7:19-1.9 Program information
- 7:19-1.10 General prohibition
- 7:19-1.11 Severability

**SUBCHAPTER 2. PERMIT AND WATER USE
REGISTRATION PROCEDURES; PERMITS-BY-
RULE**

- 7:19-2.1 Scope
- 7:19-2.2 Application requirements for water supply allocation permits
- 7:19-2.3 Application requirements for temporary dewatering permits
- 7:19-2.4 Application requirements for renewal of permits
- 7:19-2.5 Application review
- 7:19-2.6 Opportunity to review application by interested parties
- 7:19-2.7 Public notice and preliminary decision
- 7:19-2.8 The public hearing
- 7:19-2.9 Final staff review and Hearing Officer's Report
- 7:19-2.10 Decision making
- 7:19-2.11 Notification of decision
- 7:19-2.12 Record of decision
- 7:19-2.13 Request for adjudicatory hearing
- 7:19-2.14 Permit conditions
- 7:19-2.15 Procedures for the recalling of a permit for modification or revocation
- 7:19-2.16 Permit cancellation
- 7:19-2.17 Short term water use and dewatering permits-by-rule
- 7:19-2.18 Water use registration requirements
- 7:19-2.19 (Reserved)
- 7:19-2.20 (Reserved)

**SUBCHAPTER 3. FEE SCHEDULE FOR WATER SUPPLY
ALLOCATION PERMITS AND WATER USE
REGISTRATIONS**

- 7:19-3.1 Scope and authority
- 7:19-3.2 Purpose
- 7:19-3.3 Applicability
- 7:19-3.4 Establishment of fee schedule
- 7:19-3.5 Fees for Water Allocation Permits
- 7:19-3.6 Fee schedule
- 7:19-3.7 Payment of annual fee
- 7:19-3.8 Failure to timely submit the annual fee payment

**SUBCHAPTER 4. PROCEDURES FOR DETERMINING,
ASSESSING AND COLLECTING PAYMENTS FOR
EXCESS WATER DIVERSION**

- 7:19-4.1 Scope and authority
- 7:19-4.2 Construction
- 7:19-4.3 Applicability
- 7:19-4.4 Diversion reporting requirements
- 7:19-4.5 Schedule for calculating and making payment of the amount due pursuant to N.J.S.A. 58:2-1 et seq.
- 7:19-4.6 Calculation of fees

- 7:19-4.7 Payment for diversions from wells or percolating water supplies
- 7:19-4.8 Free allowance determination
- 7:19-4.9 Changes in procedure for determining excess diversions
- 7:19-4.10 Appeal procedure
- 7:19-4.11 Procedure on nonpayment of fee

SUBCHAPTER 5. SMALL WATER COMPANY TAKEOVER ACT REGULATIONS

- 7:19-5.1 Purpose
- 7:19-5.2 Definitions
- 7:19-5.3 Construction
- 7:19-5.4 Applicability
- 7:19-5.5 Severability
- 7:19-5.6 Scope
- 7:19-5.7 Departmental action
- 7:19-5.8 Joint public hearing
- 7:19-5.9 Contested case
- 7:19-5.10 Joint takeover order by the Department and BPU
- 7:19-5.11 Acquisition costs
- 7:19-5.12 Compliance with joint order
- 7:19-5.13 Differential rate for customers of small water company for use of service of acquiring entity's system or facilities

SUBCHAPTER 6. WATER SUPPLY MANAGEMENT ACT RULES

- 7:19-6.1 Scope and authority
- 7:19-6.2 Definitions
- 7:19-6.3 Determination of safe or dependable yield
- 7:19-6.4 Unaccounted-for water
- 7:19-6.5 Water conservation
- 7:19-6.6 Rehabilitation
- 7:19-6.7 System pressure and storage
- 7:19-6.8 Interconnections
- 7:19-6.9 Operation of interconnections
- 7:19-6.10 Administrative hearings
- 7:19-6.11 through 7:19-6.14 (Reserved)

SUBCHAPTER 7. PROCEDURES FOR CONTRACT REVIEW AND APPROVAL

- 7:19-7.1 Purpose and scope
- 7:19-7.2 Applicability
- 7:19-7.3 Procedures for contract approval
- 7:19-7.4 Appeal procedure

SUBCHAPTER 8. AREAS OF CRITICAL WATER SUPPLY CONCERN

- 7:19-8.1 Scope and authority
- 7:19-8.2 Designation of areas of critical water supply concern
- 7:19-8.3 Management of water allocations within areas of critical water supply concern
- 7:19-8.4 Water Supply Critical Area I
- 7:19-8.5 Water Supply Critical Area II
- 7:19-8.6 Base allocation transfers
- 7:19-8.7 Base allocation and water supply allocation credit transfer procedure
- 7:19-8.8 Adjudicatory hearings

SUBCHAPTER 9. ESTABLISHMENT OF WATER SURCHARGE SCHEDULE

- 7:19-9.1 Scope and authority
- 7:19-9.2 Purpose
- 7:19-9.3 Establishment of the water emergency surcharge schedule
- 7:19-9.4 Submission of the water emergency surcharge schedule; quarterly report
- 7:19-9.5 Collection of the emergency water surcharge; water emergency fund
- 7:19-9.6 Exemption from the water emergency surcharge schedule

SUBCHAPTER 10. POWERS OF THE COMMISSIONER DURING A WATER EMERGENCY

- 7:19-10.1 Scope
- 7:19-10.2 Restrictions and requirements placed on water purveyors
- 7:19-10.3 Requirements placed on departments and agencies within State government

SUBCHAPTER 11. GENERAL POWERS OF THE DEPARTMENT

- 7:19-11.1 Scope
- 7:19-11.2 Water purveyor emergency response plans and teams
- 7:19-11.3 Interconnection tests
- 7:19-11.4 Large user contingency plans
- 7:19-11.5 Other water use information
- 7:19-11.6 Drought warning requirements

SUBCHAPTER 12. WATER EMERGENCY TASK FORCE

- 7:19-12.1 Scope
- 7:19-12.2 Membership; meetings

SUBCHAPTER 13. THE PRIORITY-BASED PHASE SYSTEM OF WATER RESTRICTIONS

- 7:19-13.1 Scope
- 7:19-13.2 Agricultural activities
- 7:19-13.3 Phase I: Available water supply levels determined to be below normal
- 7:19-13.4 Phase II: Severity; substantial threat to the public health and welfare
- 7:19-13.5 Phase III: Further rationing required
- 7:19-13.6 Phase IV: Disaster stage

SUBCHAPTER 14. INDUSTRIAL CURTAILMENT STRATEGY

- 7:19-14.1 Scope
- 7:19-14.2 Procedure for the selective curtailment during a water emergency situation
- 7:19-14.3 Basis of selective curtailment
- 7:19-14.4 Submission of water supply information

SUBCHAPTER 15. EMERGENCY WATER TRANSFER PRICING

- 7:19-15.1 General pricing procedures
- 7:19-15.2 Criteria for pricing
- 7:19-15.3 Price resolution process

SUBCHAPTER 16. HARDSHIP EXEMPTION PROCEDURES

- 7:19-16.1 Application procedures for hardship exemption from the ban on adjustable water uses
- 7:19-16.2 Application procedures for hardship exemption from the requirements of water rationing

SUBCHAPTER 17. DEPARTMENT ORDERS

- 7:19-17.1 Requirements for Departmental orders issued during a water emergency
- 7:19-17.2 Appeal procedure

SUBCHAPTER 18. CIVIL ADMINISTRATIVE PENALTIES AND REQUESTS FOR ADJUDICATORY HEARINGS

- 7:19-18.1 Authority and purpose
- 7:19-18.2 Procedures for assessment, settlement and payment of civil administrative penalties for violations
- 7:19-18.3 Procedures to request an adjudicatory hearing to contest an administrative order and/or a notice of civil administrative penalty assessment; procedures for conducting adjudicatory hearings
- 7:19-18.4 Civil administrative penalty determination; general
- 7:19-18.5 Civil administrative penalties for failure to allow lawful entry and inspection
- 7:19-18.6 Civil administrative penalties for submitting inaccurate or false information