

(c) Nothing in this subchapter shall preclude or deny the right of a local agency to independently implement an IPP or adopt any pretreatment requirements or standards which are more stringent than the requirements in 40 CFR Part 403, 40 CFR chapter I, subchapter N, or the requirements in this subchapter.

7:14A-19.2 Industrial pretreatment program development by local agencies

(a) Any local agency, or combination of treatment works operated by the same local agency, which meets the following criteria shall establish an IPP unless the Department exercises its option to implement the IPP:

1. The treatment works total design flow is greater than five million gallons per day (MGD); and

2. The treatment works receives pollutants from indirect users which pass through or interfere with the operation of the treatment works or are otherwise subject to pretreatment standards.

(b) The Department shall require a local agency, or combination of treatment works operated by the same local agency, with a design flow of five MGD or less to establish an IPP if the nature or volume of industrial influent, treatment process upsets, violations of effluent limitations, contamination of municipal sludge, or other circumstances warrant the establishment of an IPP in order to prevent interference with the treatment works or pass through.

(c) Any local agency required to establish an IPP pursuant to (a) or (b) above shall develop and submit to the Department for approval an IPP in accordance with the requirements of 40 CFR Part 403 and the additional requirements of this subchapter. The local agency required to develop an IPP shall have a pretreatment program compliance schedule incorporated into the NJPDES permit at the time of issuance, re-issuance, or modification of the permit. The compliance schedule shall require the development and submission of an IPP which addresses the requirements of this subchapter no later than one year after receipt of written notification from the Department that such an IPP is required.

7:14A-19.3 Industrial pretreatment program requirements for all local agencies

(a) As specified at N.J.A.C. 7:14A-16.3 and 16.4, the Department may reissue or modify a local agency's NJPDES permit to include IPP requirements as set forth in this subchapter.

(b) All local agencies, including those not required by N.J.A.C. 7:14A-19.2(a) and (b) to establish an IPP, shall comply with the following IPP requirements:

1. All local agencies shall submit a copy of the local sewer use ordinance or rules and regulations, including any amendments, to the Bureau of Pretreatment and

Residuals in the Department at 401 East State Street, PO Box 029, Trenton, NJ 08625-0029;

2. All local agencies shall identify and locate indirect users as specified below:

i. All delegated local agencies shall update their inventory of indirect users at a frequency and diligence adequate to ensure proper identification of indirect users subject to pretreatment standards, appropriate characterization of the nature of their discharges, and correct designation of indirect users as categorical, significant/major, or other regulated. This update shall be completed at a minimum frequency of once per year, and shall be included in the 40 CFR 403 Annual Report required under N.J.A.C. 7:14A-19.6(f).

ii. Non-delegated local agencies shall submit an annual report, which consists of a listing of all indirect users which meet the significant indirect user definition in N.J.A.C. 7:14A-1.2;

3. All local agencies shall develop local limits or demonstrate that such limits are not necessary in accordance with N.J.A.C. 7:14A-19.7;

4. Of the amount of any penalty assessed and collected pursuant to an action brought by a local agency in accordance with N.J.S.A. 58:10A-10, 10 percent shall be deposited in the Wastewater Treatment Operators' Training Account established in accordance with N.J.S.A. 58:10A-14.5 and used to finance the cost of training operators of municipal treatment works. The remainder shall be used by the local agency solely for enforcement purposes and for upgrading municipal treatment works; and

5. Except as otherwise provided in N.J.S.A. 47:1A-3, any records, reports, or other information obtained by a local agency pursuant to this paragraph or N.J.S.A. 58:11-53, including any correspondence relating thereto, shall be available to the public. However, upon a showing satisfactory to the local agency by any person that the making public of any record, report, or information, or a part thereof, other than effluent data, would divulge methods or processes entitled to protection as trade secrets, the local agency shall consider such record, report, or information, or part thereof, to be confidential and access thereto shall be limited to authorized officers or employees of the Department, local agency, and the Federal government.

(c) All delegated local agencies (DLAs) shall comply with the following IPP requirements:

1. All DLAs shall notify indirect users of the responsibilities required in the DLA's rules and regulations or sewer use ordinance as soon as possible but no later than 30 days from the determination that such indirect users are subject to regulation under the IPP. This notice shall not preclude the DLA from taking any enforcement action against an indirect user;

2. All DLAs shall issue an IPP permit to indirect users, as required by the DLA's NJPDES permit;

3. All DLAs shall perform compliance monitoring and inspections of indirect users, as required by the DLA's NJPDES permit;

4. All DLAs shall review and respond to violations of an IPP permit or the sewer use ordinance/rules and regulations, within 60 days of receipt of the compliance information generated by indirect users or the DLA;

5. All DLAs shall take enforcement actions based upon indirect users' noncompliance in accordance with the approved Enforcement Response Plan (ERP). In the absence of an approved ERP, the enforcement action shall be taken in accordance with the IPP as approved;

6. All DLAs shall develop and maintain a data management system which includes an indirect user inventory, characterization of the nature of indirect user discharges, compliance status, permit status, and enforcement actions. The DLA shall retain for a minimum of five years records of its monitoring activities and results (whether or not such activities are required by the DLA's NJPDES permit) and shall make such records available to EPA and the Department upon request;

7. All DLAs shall sample their treatment works and sludges as specified below:

i. Perform, at least once per year, an analysis for those priority pollutants listed in N.J.A.C. 7:14A-4, Appendix A, Tables II and III, of the discharge from, and inflow to, the municipal treatment works; and

ii. Perform, at least once per year, a priority pollutant scan on the sludge produced at the municipal treatment works. This analysis must be completed on those parameters listed in the Sludge Quality Assurance Regulations, N.J.A.C. 7:14C. The sludge samples shall be collected to coincide with the influent and effluent monitoring for priority pollutants required in (c)7i above;

8. All DLAs shall comply with the public participation and notification requirements in N.J.A.C. 7:14A-19.10;

9. All DLAs shall notify their significant indirect users (SIUs) in writing, in accordance with 40 CFR 403.8(f)(2)(iii), of the SIUs' obligation to comply with applicable requirements under Subtitles C and D of the Resource Conservation and Recovery Act (RCRA);

10. All DLAs shall secure and maintain sufficient resources and qualified personnel, in accordance with 40 CFR 403.8(f)(3), to carry out the program implementation procedures described in this subchapter;

11. All DLAs shall submit annual reports required by N.J.A.C. 7:14A-19.6(c) and (f); and

12. Of the penalty amount collected through the issuance of a summons pursuant to N.J.S.A. 58:10A-10.4, 10 percent shall be paid to the municipality or municipalities in which the municipal court retains jurisdiction for use for court purposes, with the remainder to be retained by the DLA.

Administrative correction.

See: 29 N.J.R. 3822(a).

Amended N.J.A.C. references.

Amended by R.1999 d.164, effective May 17, 1999.

See: 31 N.J.R. 200(a), 31 N.J.R. 1320(a).

In (c)7ii, changed N.J.A.C. reference.

7:14A-19.4 Enforcement response plans

(a) A delegated local agency shall develop and implement an enforcement response plan in accordance with this section. The plan shall contain detailed procedures describing how a delegated local agency shall investigate and respond to instances of indirect user noncompliance. The plan shall, at a minimum:

1. Describe how the delegated local agency shall investigate instances of noncompliance;

2. Describe the types of escalating enforcement responses the delegated local agency shall take in response to all anticipated types of indirect user violations and the time frames within which responses shall take place;

3. Identify (by title) the official(s) responsible for each type of response;

4. Adequately reflect the delegated local agency's primary responsibility to enforce all applicable pretreatment requirements and standards as detailed in 40 CFR 403.8(f)(1) and (f)(2), and the delegated local agency's approved pretreatment program and amendments; and

5. Contain noncompliance and nature of violation criteria and responses as set forth in the plan contained in Appendix A of this subchapter, incorporated hereby by reference, which denotes the minimum requirements.

(b) A delegated local agency may develop an enforcement response plan in tabular format for easy reference, such as the enforcement response plan set forth in Appendix A.

(c) The enforcement response plan shall be included within the rules and regulations or sewer use ordinance of a delegated local agency.

(d) The enforcement response plan shall include or shall incorporate by reference all mandatory penalties, settlement restrictions, uniform penalty policies and other requirements applicable to the Department in accordance with N.J.A.C. 7:14-8.1(f), including, without limitation, the civil administrative penalty determination procedure specified in N.J.A.C. 7:14-8.16.

(e) The development of the ERP in accordance with this section shall not preclude a DLA from initiating other available enforcement responses where violations are not specifically identified in the ERP.

(f) All delegated local agencies shall submit to the Department an ERP in accordance with (a) above no later than March 20, 1999.

(g) Notwithstanding the time frame provided by (f) above for submissions, this subchapter as amended effective January 19, 1999 shall apply to any violation occurring on or after January 19, 1999.

Amended by R.1999 d.32, effective January 19, 1999.
See: 30 N.J.R. 1356(a), 31 N.J.R.157(a).

In (a)5, deleted "The delegated agency shall be in violation of this subsection only if it fails to take action in accordance with the minimum requirements in Appendix A" from the end; rewrote (d); in (f), substituted "no later than March 20, 1999" for "by November 1, 1997"; and added (g).

7:14A-19.5 Enforcement requirements in an industrial pretreatment program

(a) All delegated local agencies shall, at a minimum, include in their sewer use ordinance or rules and regulations the following enforcement and penalty provisions:

1. The ability to issue an order in accordance with N.J.S.A. 58:10A-10a(1);
2. The ability to bring a civil action, including injunctive relief, in accordance with N.J.S.A. 58:10A-10a(2) and 58:11-55(b);
3. The ability to petition the county prosecutor or Attorney General to bring a criminal action in accordance with N.J.S.A. 58:10A-6.i. and 58:10A-10a(5);
4. The ability to issue a civil administrative penalty in accordance with N.J.S.A 58:10A-10.5;
5. The ability to bring an action for a civil penalty in accordance with N.J.S.A. 58:10A-10a(4);
6. The ability to issue a summons in accordance with N.J.S.A. 58:10A-10.4;
7. The ability to assess a penalty for each violation that causes a violator to be, or continue to be, a significant noncomplier as defined at N.J.A.C. 7:14-8.2;
8. The ability to assess a penalty for each serious violation as defined at N.J.A.C. 7:14-8.2;
9. The ability to assess a penalty in accordance with N.J.A.C. 7:14-8.16;
10. The ability to assess a penalty for submitting inaccurate or false information in accordance with N.J.A.C. 7:14-8.6; and
11. The ability to assess a penalty for failure to properly conduct monitoring or sampling activities or to submit discharge monitoring reports/self-monitoring reports, or other pretreatment monitoring reports in accordance with N.J.A.C. 7:14-8.9(c), (d) and (e).

(b) All delegated local agencies shall include in their sewer use ordinance or rules and regulations procedural and substantive requirements regarding:

1. Notice of a penalty assessment and notice of the opportunity to request an administrative hearing on the assessment of a civil administrative penalty in accordance with N.J.S.A. 58:10A-10.5 and N.J.A.C. 7:14-8.4;
2. Opportunity to file exceptions, objections, and replies to the head of the delegated local agency in accordance with N.J.S.A. 58:10A-10.6;
3. Issuance of a final decision or order in accordance with N.J.S.A. 58:10A-10.6 and 10.7;
4. Appeal of a civil administrative penalty, the payment of interest, the collection of the civil administrative penalty and other procedures in accordance with N.J.S.A. 58:10A-10.8; and
5. Civil administrative penalty settlement restrictions in accordance with N.J.A.C. 7:14-8.3(e).

(c) All delegated local agencies shall, by March 20, 1999, submit to the Department a sewer use ordinance or rules and regulations which include those provisions specified in (a) and (b) above, as well as the provisions of the enforcement response plan required by N.J.A.C. 7:14A-19.4(a) through (e).

(d) Notwithstanding the time frame provided by (c) above for submissions, this subchapter as amended effective January 19, 1999 shall apply to any violation occurring on or after January 19, 1999.

Amended by R.1999 d.32, effective January 19, 1999.
See: 30 N.J.R. 1356(a), 31 N.J.R. 157(a).

In (b), added an N.J.A.C. reference in 1, deleted "the posting of bond or security" following "administrative penalty" at the beginning of 4 and added 5; and added (c) and (d).

7:14A-19.6 Additional requirements for delegated local agencies

(a) Each permitted facility discharging into the municipal treatment works of a delegated local agency, other than a facility discharging only stormwater or non-contact cooling water, shall be inspected by the delegated local agency at least once a year. The Department may also inspect a facility required to be inspected by a delegated local agency. Exemption of stormwater facilities from the provisions of this subsection shall not apply to any permitted facility discharging or receiving stormwater runoff having come into contact with a hazardous discharge site on the Federal National Priorities List adopted by the EPA pursuant to the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. §§ 9601 et seq., or any other hazardous discharge site included by the Department on the master list for hazardous discharge site cleanups adopted pursuant to N.J.S.A. 58:10-23.16. An inspection required under this subsection shall be conducted within six months following a permittee's submission of an application for a

permit, permit renewal or issuance of a permit for a new facility, except that if for any reason, a scheduled inspection cannot be made, the inspection shall be rescheduled to be performed within 30 days of the originally scheduled inspection or in the case of a temporary shutdown, of resumed operation. Inspections shall include:

1. A representative sampling of the effluent for each permitted facility, except that in the case of facilities that are not major facilities or significant indirect users, sampling pursuant to this paragraph shall be conducted at least once every three years. Collection of a representative sampling is required to complete an inspection but does not necessarily have to be conducted concurrently with the inspection;
2. An analysis of all collected samples by a laboratory certified by the Department;
3. An evaluation of the maintenance record of the permittee's treatment equipment;
4. An evaluation of the permittee's sampling techniques;
5. A random check of written summaries of test results, prepared by the certified laboratory, providing the test results for the immediately preceding 12-month period, signed by a responsible official of the certified laboratory, certifying the accuracy of the test results. This random check can be completed by reviewing the test results at the permitted facility, and/or through review of test results previously submitted by the permitted facility to the delegated local agency;
6. An inspection of the permittee's sample storage facilities and techniques if the sampling is normally performed by the permittee; and
7. An evaluation, at least once every two years, of each significant indirect user (as defined by the delegated local agency) in order to determine the need for a plan to control slug discharges. For purposes of this paragraph, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. If the delegated local agency decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
 - i. A description of discharge practices, including non-routine batch discharges;
 - ii. A description of stored chemicals;
 - iii. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition at N.J.A.C. 7:14A-21.2, with procedures for follow-up written notification within five days; and

iv. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(b) In addition to the inspection requirements of (a) above, all delegated local agencies shall inspect any permittee which meets the significant noncomplier definition at N.J.A.C. 7:14A-1.2. The inspection under this subsection shall be conducted within 60 days of receipt of the discharge monitoring report or self-monitoring report that initially results in the permittee's being identified as a significant noncomplier. The inspection shall include a random check of written summaries of test results, prepared by the certified laboratory providing the test results for the immediately preceding 12-month period signed by a responsible official of the certified laboratory, certifying the accuracy of the test results. A copy of each summary shall be maintained by the permittee. The inspection shall be for the purpose of determining compliance and shall only be performed once each calendar year. A delegated local agency is not required to make an inspection hereunder if an inspection has been made pursuant to (a) above within six months of the period within which an inspection is required to be conducted under this subsection.

(c) A delegated local agency shall submit a "Clean Water Enforcement Act" (CWEA) annual report to the Department by February 1 of each year. The CWEA annual report shall include, at a minimum, the information under N.J.S.A. 58:10A-14.2, including all supplements and amendments thereto.

(d) In addition to the information required in the CWEA annual report under (c) above, delegated local agencies shall also include the following information in the CWEA annual report:

1. The number of indirect users which met the significant non-compliance definition during the calendar year and, by the close of the calendar year, had achieved compliance; and
2. The number of indirect users which had met the significant non-compliance criteria during the prior reporting year which have achieved compliance in the reporting period for which the annual report is being prepared.

(e) The information required in (c) and (d) above shall be submitted on forms provided by the Department.

(f) All delegated local agencies shall submit to the Department a "40 CFR Part 403" annual report which describes their pretreatment program activities. This report must contain, at a minimum, the information required under 40 CFR 403.12(i), including all supplements and amendments thereto. This report shall be submitted by the date specified in the delegated local agency's NJPDES permit.

Administrative correction.

See: 29 N.J.R. 3822(a).

Renumbered (d)i and (d)ii as (d)1 and (d)2.

7:14A-19.7 Development of local limits by local agencies

(a) All local agencies shall perform a headworks analysis in order to develop local limits or demonstrate that local limits are not necessary. The headworks analysis and, if necessary, development of local limits shall:

1. Be conducted in accordance with the Guidance Manual on the Development and Implementation of Lo-

cal Discharge Limitations under the Pretreatment Program (December 1987, USEPA Office of Water Enforcement), including all supplements and amendments thereto; and

2. Ensure compliance with the following minimum environmental protection criteria:

- i. The numerical effluent limitations in the local agency's NJPDES permit;
- ii. The local agency's process inhibition and upset criteria;
- iii. The local agency's worker health and safety protection criteria;
- iv. The sludge quality criteria for a chosen method(s) of sludge management; and
- v. The limitations in the local agency's Air Pollution Control permit, where applicable.

Administrative correction.
 Sec: 29 N.J.R. 3822(a).
 Amended N.J.A.C. references.

7:14A-19.11 Enforcement action for failure to implement or enforce an approved industrial pretreatment program

The Department may take enforcement action against a delegated local agency pursuant to N.J.A.C. 7:14-8.17 for

failure to implement the conditions of an approved industrial pretreatment program and any subsequent amendments thereto or enforce the conditions of an approved industrial pretreatment program, including the approved enforcement response plan, and any subsequent amendments thereto in accordance with N.J.A.C. 7:14-8.

Amended by R.1999 d.32, effective January 19, 1999.
 Sec: 30 N.J.R. 1356(a), 31 N.J.R. 157(a).
 Rewrote the section.

APPENDIX A

ENFORCEMENT RESPONSE PLAN

Unauthorized Discharges

Noncompliance

1. Discharge without a permit (Permit required)

Nature of the Violation
 No harm to POTW environment
 Harm to POTW/environment (IU meets SNC criteria under 40 CFR Part 403.8(f)(2)(vii))
 Noncompliance with order to submit application
 Failure to submit application prior to 180 days of expiration of current permit
 Failure to apply continues after notice by the POTW
 Failure to notify in advance of new introductions of pollutants or significant change in existing pollutants

Enforcement Responses
 NOV with application form, if needed
 Take action to halt activity

Time Frame
 60 days

Personnel

2. Failure to renew

Seek penalty

6 months

3. Discharge outside scope of application/permit

NOV

60 days

Seek penalty

6 months

NOV with permit application to be modified

60 days

Discharge Limit Violation

1. Exceedance of local or Federal standard (permit limit)

Individual or monthly non-serious violation
 Serious violation (individual or monthly)

NOV; compliance response/corrective action plan, if needed

60 days from receipt

Seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.16

6 months

2. Exceedance of local or Federal standard (permit limit) (continued)

Significant Noncompliance (IU meets SNC criteria under 40 CFR Part 403)

Public notice

Annually, but not later than 60 days after 403 annual report submitted to NJDEP.
 6 months

Significant noncompliance (IU meets SNC criteria in NJWPCA, under N.J.S.A. 58:10A-3.w.)

Seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.16

Monitoring and Reporting Violations

1. Reporting violation

Late, 5 or more days after due date (but complete)

NOV, seek penalty, including at least mandatory minimum penalty for overdue effluent parameter information, if any, in accordance with N.J.A.C. 7:14-8.9 (note: Penalty waived if complete report is received within 10 days of receipt of the NOV)

6 months

<u>Noncompliance</u>	<u>Nature of the Violation</u>	<u>Enforcement Responses</u>	<u>Time Frame</u>	<u>Personnel</u>
	Late 31 days or more after due date (but complete)	Public notice, NOV, and seek penalty, including at least mandatory minimum penalty for overdue effluent parameter information, if any, in accordance with N.J.A.C. 7:14-8.9 (note: Penalty waived if complete report is received within 10 days of receipt of NOV)	Public notice in accordance with approved program Penalty within 6 months	
	Incomplete for effluent parameter omission	Seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.9 Public notice	6 months Annually	
	Incomplete for data omission (IU meets SNC criteria under 40 CFR Part 403)			
	Incomplete for effluent parameter omission (IU meets SNC criteria under NJWPCA)	Public notice and seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.9 and N.J.A.C. 7:14-8.16(a)	Public notice in accordance with approved program Penalty within 6 months	
	Incomplete for other omissions (IU meets SNC criteria under NJWPCA)	Public notice and seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.16	Public notice in accordance with approved program Penalty within 6 months	
	Incomplete for other omissions Falsification	NOV Seek penalty or refer to county prosecutor	60 days 60 days	
2. Failure to adhere to compliance schedules (in control document, permit, AO/ACO, letter of agreement)	Missed milestone by less than 30 days	NOV, seek penalty (note: penalty may be waived if final compliance is met by due date)	6 months	
	Missed milestone by more than 30 days (IU meets SNC criteria under 40 CFR Part 403)	NOV, seek penalty, public notice (note: penalty may be waived if final compliance is met by due date)	6 months	
3. Failure to notify	Failure to meet final compliance date Failure to report spill or changed discharge	NOV, seek penalty NOV; seek penalty where necessary	6 months NOV w/in 60 days of discovery; penalty no later than 6 months of discovery	
4. Failure to monitor correctly	Incorrect sample location, incorrect sample type, incorrect sample collection techniques, or incorrect sample analysis	NOV, with proper resampling, including sample analysis	60 days	
5. Failure to report additional monitoring	POTW inspection finds additional files	NOV with request to submit additional monitoring data	60 days	
<u>Other Permit Violations</u>				
1. Wastestreams are diluted to achieve discharge limits	Dilution	NOV, seek penalty	NOV—60 days; penalty—6 months	

<u>Noncompliance</u>	<u>Nature of the Violation</u>	<u>Enforcement Responses</u>	<u>Time Frame</u>	<u>Personnel</u>
2. Continuing failure to halt or prevent a discharge which caused or causes imminent endangerment to human health, welfare, or the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B)	Refusal to discontinue activity upon notification	Take physical (effective) action or seek court order to halt discharge	2 days max.	
3. Failure to maintain in good working order and properly operate, any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit	Violation of operating requirements	NOV	60 days	
4. Entry denial	Entry denied or consent withdrawn. Copies of records denied	NOV, seek penalty	6 months	
5. Inadequate record keeping	POTW inspector finds files incomplete or missing	NOV	60 days	

Administrative correction.

See: 29 N.J.R. 3822(a).

In 1, under "Nature of the Violation", inserted "(1U meets SNC criteria under 40 CFR Part 403.8(f)(2)(vii))".

Amended by R.1999 d.32, effective January 19, 1999.

See: 30 N.J.R. 1356(a), 31 N.J.R. 157(a).

Rewrote the Appendix.

7:14A-20.2 Applicability

(a) This subchapter applies to:

1. Any person who prepares residual that is applied to the land, any person who applies residual to the land, residual applied to the land, and the land on which residual is applied;

2. The closure of sewage sludge surface disposal sites; and

3. The operating entity of any treatment works treating domestic sewage, including residual transfer stations, or of any residual-only facility, whether or not the treatment works is otherwise required to obtain a NJPDES permit unless all requirements implementing standards for residual use or disposal applicable to the treatment works are included in a permit issued under the authority of the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., or the New Jersey Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq.

(b) The requirements in N.J.A.C. 7:14A-20.7 do not apply when:

1. Bulk material derived from sewage sludge is applied to the land if the sewage sludge from which the bulk material is derived is generated under a NJPDES permit and meets the pollutant concentrations in 40 CFR 503.13(b)3, the Class A pathogen requirements in 40 CFR 503.32(a), and one of the vector attraction reduction requirements in 40 CFR 503.33(b)1 through 8; or

2. A material derived from sewage sludge is sold or given away in a bag or other container to be applied to the land if the sewage sludge from which the material is

SUBCHAPTER 20. STANDARDS FOR THE USE OR DISPOSAL OF RESIDUAL

7:14A-20.1 Purpose

(a) This subchapter establishes:

1. Permit application requirements and standards, which consist of general requirements, pollutant limits, management practices, frequency of monitoring requirements, recordkeeping and operational standards, for residual applied to the land or the land to which residual is applied in conformance with 40 CFR Part 503, unless otherwise specifically stated;

2. Permit application requirements and standards for the closure of sewage sludge surface disposal sites;

3. Permit application requirements and standards for residual transfer stations; and

4. Permit application and case-by-case permitting requirements for residual use and disposal practices consistent with 40 CFR Parts 122, 123 and 124.

derived is generated under a NJPDES permit and meets the pollutant concentrations in 40 CFR 503.13(b)3, the Class A pathogen requirements in 40 CFR 503.32(a), and one of the vector attraction reduction requirements in 40 CFR 503.33(b)1 through 8.

(c) The general requirements in N.J.A.C. 7:14A-20.7(b)1 and the management practices in N.J.A.C. 7:14A-20.7(b)2 do not apply when:

1. Bulk residual is applied to the land, if the bulk residual meets the pollutant concentrations in 40 CFR 503.13(b)3, the Class A pathogen requirements in 40 CFR 503.32(a), and one of the vector attraction reduction requirements in 40 CFR 503.33(b)1 through (8). However, the Department may apply any or all of the general requirements in N.J.A.C. 7:14A-20.7(b)1 and the management practices in N.J.A.C. 7:14A-20.7(b)2 to the bulk residual on a case-by-case basis as described at N.J.A.C. 7:14A-20.5(a)3;

2. Bulk material derived from residual is applied to the land if the derived bulk material meets the pollutant concentrations in 40 CFR 503.13(b)3, the Class A pathogen requirements in 40 CFR 503.32(a), and one of the vector attraction reduction requirements in 40 CFR 503.33(b)1 through (8). However, the Department may apply any or all of the general requirements in N.J.A.C. 7:14A-20.7(b)1 and the management practices in N.J.A.C. 7:14A-20.7(b)2 to the bulk material on a case-by-case basis as described at N.J.A.C. 7:14A-20.5(a)3;

3. Residual is sold or given away in a bag or other container for application to the land if the residual sold or given away in a bag or other container for application to the land meets the pollutant concentrations in 40 CFR 503.13(b)3, the Class A pathogen requirements in 40 CFR 503.32(a), and one of the vector attraction reduction requirements in 40 CFR 503.33(b)1 through (8);

4. A material derived from residual is sold or given away in a bag or other container for application to the land if the derived material meets the pollutant concentrations in 40 CFR 503.13(b)3, the Class A pathogen requirements in 40 CFR 503.32(a), and one of the vector attraction reduction requirements in 40 CFR 503.33(b)1 through (8).

(d) References in this subchapter to 40 CFR Part 122, Part 258, 503.13, 503.15, 503.17(a), 503.32 and 503.33, with the exception of requirements for domestic septage, incorporate such Federal requirements by reference including future supplements and amendments to these requirements. All other references in this subchapter to 40 CFR Part 503 incorporate such Federal requirements by reference as they existed as of May 5, 1997.

(e) Where the Statewide Sludge Management Plan (SSMP) and this subchapter conflict, the provisions of this subchapter shall control.

Administrative correction.
See: 29 N.J.R. 3822(a).
Amended N.J.A.C. references.

7:14A-20.3 Relationship to other regulations

(a) This subchapter does not establish:

1. Standards for the firing of residual in an incinerator which receives an air pollution control permit pursuant to N.J.A.C. 7:27;

2. Requirements for the use or disposal of residual determined to be hazardous in accordance with 40 CFR Part 261 and N.J.A.C. 7:26G;

3. Requirements for the use or disposal of residual with a concentration of polychlorinated biphenyls (PCBs) equal to or greater than 50 milligrams per kilogram of total solids (dry weight basis) in accordance with 40 CFR Part 761;

4. Standards for the co-disposal of residual in a municipal solid waste landfill which receives a permit pursuant to 40 CFR Part 258 or N.J.A.C. 7:26; or

5. Standards for the disposal of residual in a sanitary landfill, as defined at N.J.A.C. 7:26, which receives a permit pursuant to N.J.A.C. 7:26.

Administrative correction.
See: 29 N.J.R. 3822(a).
Amended N.J.A.C. references.

7:14A-20.4 Special definitions

The following words and terms have specific meanings when used in this subchapter: "agricultural land," "final cover," "forest," "liner," "lower explosive limit for methane gas," "pasture," "permitting authority," "pollutant limit," "public contact site," "range land" and "runoff." The applicable definitions are set forth at N.J.A.C. 7:14A-1.2.

7:14A-20.5 Establishing limitations, standards and other permit conditions

(a) The Department shall establish conditions in each NJPDES permit for the use or disposal of residual, as required on a case-by-case basis, to provide for and ensure compliance with all applicable requirements of the Federal and State Acts and the regulations promulgated thereunder, as follows:

1. The Department shall include standards for residual use or disposal in each NJPDES permit unless those standards have been included in a permit issued under the appropriate provisions of the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., or the New Jersey Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq. If any applicable standard for residual use or disposal is promulgated and that standard is more stringent than any limitation on the pollutant or practice in the permit, the Department may initiate proceedings under N.J.A.C. 7:14A-16.4 to modify or revoke and reissue the permit to conform to the standard for residual use or disposal.