

Permit Fee Category<sup>1</sup>

	<u>Min Fee Code</u>	<u>Minimum Fee</u>
15. DGW – Initial Individual Permit <sup>2</sup>	GWN	\$6,000
16. DGW – Renewed or Continued Individual Permits <sup>2</sup>	GWE	\$2,750
17. DGW – General Permit (I1, I2 and LSI)	GGN	\$900
18. DGW – General Permit (T1)	GT1	\$450
19. DGW – Operating Landfill Individual Permit	LND	\$6,900
20. Residuals Use or Disposal Operations (unless otherwise listed)	RES	\$10,600
21. Residuals—Food Processors/WTPs <sup>3</sup> Individual Permit	RFP	\$4,000
22. Residuals—Category Z Individual Permit <sup>4</sup>	RTZ	\$2,050
23. Residuals—General Permit (ZG and 4G)	RTG	\$500
24. Residuals—Category 04 Individual Permit <sup>5</sup>	RPH	\$850
25. Residuals—Land Application General Permit (unless otherwise listed)	RSG	\$800
26. Residuals—General Permit Category SXG	RSX	\$750
27. Residuals—General Permit Category S1G	RS1	\$900
28. Residuals—General Permit Category S2G	RS2	\$1,050
29. Residuals—General Permit Category S3G	RS3	\$1,200
30. Residuals—General Permit Category S4G	RS4	\$1,350
31. Residuals—General Permit Categories 10 - 13	RSP	\$1,150
32. Significant Indirect User (SIU) (Pretreatment)	SIU	\$5,750
33. Landfills operating or terminated after January 1, 1982 without an approved closure plan	6	\$2,500
34. Terminated Landfills properly closed or closed prior to January 1, 1982	6	\$500
35. Emergency Permit issued pursuant to N.J.A.C. 7:14A-6.14	7	

<sup>1</sup>For names corresponding to the general permit category see N.J.A.C. 7:14A-6.13(c).

<sup>2</sup>For a domestic or industrial facility issued an individual NJPDES Discharge to Groundwater permit, the minimum fee is \$6,000 for the first five years of that permit, and \$2,750 if the permit is renewed or administratively continued. All other domestic or industrial facilities issued an individual NJPDES Discharge to Groundwater permit shall be assessed a minimum fee of \$2,750.

<sup>3</sup>WTPs refer to potable water treatment plants.

<sup>4</sup>Refers to a Residuals Transfer Facilities individual permit.

<sup>5</sup>Refers to a Residuals—Reed Beds individual permit.

<sup>6</sup>This permit is issued and administered by the Division of Solid and Hazardous Waste.

<sup>7</sup>Fee based on category for type of discharge.

**Administrative correction.**

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

In (c)4, substituted “general permit” for “general plan”; and in (d)li, changed the rating in the table from “21” to “2”.

Public Notice: NJPDES Annual Fee Report, FY 1997.

See: 29 N.J.R. 5105(a).

Public Notice: NJPDES Annual Fee Report, FY 1998.

See: 30 N.J.R. 4078(a).

Public Notice: NJPDES Annual Fee Report, FY 1999.

See: 31 N.J.R. 2977(a).

Public Notice: NJPDES Annual Fee Report, FY 2000.

See: 32 N.J.R. 2131(a).

Public Notice: NJPDES Annual Fee Report, FY 2001.

See: 33 N.J.R. 2345(a).

Amended by R.2002 d.34, effective January 22, 2002.

See: 33 N.J.R. 3636(a), 34 N.J.R. 595(a).

Rewrote the section.

**Administrative correction.**

See: 34 N.J.R. 920(b).

Public Notice: NJPDES Annual Fee Report, FY 2002.

See: 34 N.J.R. 1859(b).

Public Notice: NJPDES Annual Fee Report, FY 2003.

See: 35 N.J.R. 2370(a).

Amended by R.2004 d.47, effective February 2, 2004.

See: 35 N.J.R. 169(a), 35 N.J.R. 1331(a), 36 N.J.R. 813(a).

Rewrote (j).

Public Notice: NJPDES Annual Fee Report, FY 2004.

See: 36 N.J.R. 2947(c).

**Administrative change.**

See: 36 N.J.R. 4131(b).

Public Notice: NJPDES Annual Fee Report, FY2005.

See: 37 N.J.R. 534(a).

Public Notice: Adoption of New Jersey Pollutant Discharge Elimination System (NJPDES); Fiscal Year 2006 Annual Fee Report and Assessment of Fees.

See: 38 N.J.R. 1087(a).

**Administrative correction.**

See: 38 N.J.R. 5153(a).

Public Notice: Adoption and Administrative Changes and Corrections: NJPDES Annual Fee Report, 2007.

See: 39 N.J.R. 381(b).

Public Notice: Adoption: NJPDES Annual Fee Report, FY2008.

See: 40 N.J.R. 813(a).

Amended by R.2009 d.7, effective January 5, 2009.

See: 40 N.J.R. 1478(a), 41 N.J.R. 142(a).

In (a)7, deleted “Discharge Monitoring Reports (DMRs) and/or Monitoring Report Forms” following “on”, deleted the parentheses around “MRFs” and substituted “12-month” for “12 month”; rewrote (b)2ii and (c)li; in the introductory paragraph of (d), deleted “and landfills” following “residuals” and “and (f)” following “(e)”; rewrote (d)l; repealed (f); rewrote (g)li and (j); and repealed Table II.

Public Notice: Adoption: NJPDES Annual Fee Report, FY2009.

See: 41 N.J.R. 680(a).

**Administrative change.**

See: 41 N.J.R. 2789(a).

Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).

See: 41 N.J.R. 4467(a).

In (k), updated the second N.J.A.C. reference.

Public Notice: Adoption: NJPDES Annual Fee Report, FY2010.

See: 42 N.J.R. 552(a).

Public Notice: Adoption: NJPDES Annual Fee Report, FY2011.

See: 43 N.J.R. 748(a).

Readoption of special amendment, R.2011 d.251, effective September 8, 2011.

See: 43 N.J.R. 1077(a), 43 N.J.R. 2581(b).

Provisions of R.2009 d.361 readopted without change.

**Administrative change.**

See: 44 N.J.R. 227(b).

Amended by R.2012 d.095, effective May 7, 2012.

See: 43 N.J.R. 1935(a), 44 N.J.R. 1339(b).

In (k), updated the second N.J.A.C. reference.

Administrative change.

See: 45 N.J.R. 1245(b).

Administrative change.

See: 46 N.J.R. 1688(a).

Administrative change.

See: 47 N.J.R. 1259(b).

Public Notice: Adoption: NJPDES Annual Fee Report, FY2016.

See: 48 N.J.R. 599(b).

#### Case Notes

DEP could issue discharge permit to owner of closed landfill, only if Department had substantial evidential basis for believing that landfill actually was discharging pollutants that might flow or drain into State's waters. *V. Concrete Co. v. Department of Environmental Protection*, 115 N.J. 1, 556 A.2d 761 (1989).

Fee structure for pollutant discharge elimination system permits issued under Water Pollution Control Act did not have to be determined on a permit-specific cost-related basis; graduated fee schedule proportional to the deleterious impact of the permittee's discharge was reasonable; use of a bioassay factor in determining toxicity and calculating the NJPDES fees was neither arbitrary nor unreasonable. *GAF Corp. v. New Jersey Dep't of Environmental Protection*, 214 N.J.Super. 446, 519 A.2d 931 (App.Div.1986).

Fee schedule adopted to recover cost of surface water pollutant discharge permitting system proper as based on aggregate, rather than individual permit, costs; volume-based system for thermal dischargers proper; refunds due industrial users properly limited to credit on behalf of suit parties. *Public Service Electric and Gas Co. v. Dept. of Environmental Protection*, 101 N.J. 95, 501 A.2d 125 (1985).

Former regulation's method of assessing fees for discharges to surface waters invalid as unrelated to legislative policy and not established in a reasonable manner; Department's determination as to excess fee assessment credits supported by substantial credible evidence. *Public Service Electric and Gas Co. v. Dept. of Environmental Protection*, 193 N.J.Super. 676, 475 A.2d 665 (App.Div.1984), affirmed 101 N.J. 95, 501 A.2d 125 (1985).

## SUBCHAPTER 4. PERMIT APPLICATION REQUIREMENTS

### 7:14A-4.1 Purpose and scope

This subchapter sets forth the minimum NJPDES permit application requirements, which apply to all applicants for NJPDES permits, unless otherwise specified.

### 7:14A-4.2 Application requirements

(a) Any person who is engaged in an activity or proposes to commence an activity that requires an individual NJPDES permit pursuant to N.J.A.C. 7:14A-2 shall submit a complete application to the Department in accordance with this subchapter. Any person wishing to be authorized under a general permit shall comply with the application requirements in the applicable general permit. The application forms can be obtained by writing to the address cited in (b) below, or from the Department's web site, <http://www.state.nj.us/dep/dwq/>.

(b) Once an applicant has complied with N.J.A.C. 7:14A-4.3(a)13, requiring submittal of the application to the local

agency or sewerage entity and municipality, the applicant shall submit two copies of all NJPDES permit applications to:

New Jersey Department of Environmental  
Protection  
Bureau of Permit Management  
Division of Water Quality  
PO Box 029  
Trenton, NJ 08625-0029  
Attn: Administrative Review Unit

(c) It is the duty of any person who is or will be an operating entity for any part of a facility which includes a discharge or activity regulated pursuant to this chapter to obtain a NJPDES permit. When a facility or activity is owned by one or more persons, but is currently operated by another person, it is the operating entity's duty to obtain a NJPDES permit. However, the property owner (record owner of fee title interest) shall sign the "Property Owner's Certification" in the NJPDES-1 Form for all DGW permits.

(d) Whenever pursuant to (c) above, more than one person is required to obtain an individual NJPDES permit for one or more discharges or activities at a specific site, the Department may issue a single permit and may list all of these persons as permittees. Such a permit may identify permit conditions that apply to one or more of those permittees.

(e) The schedule for submission of applications (or requests for authorization under a general permit) is as follows:

1. Any person proposing a new facility or activity, which requires a NJPDES permit pursuant to N.J.A.C. 7:14A-2.4 and is not exempt pursuant to N.J.A.C. 7:14A-2.5, shall submit an application at least 180 days before the date on which the activity is proposed to commence, unless an alternative date has been established by the Department. The schedule for submitting an application for certain stormwater discharges is set forth in N.J.A.C. 7:14A-24.4 and 25.4.

2. For general permits, alternate dates for submitting requests for authorization may be specified under the terms of the applicable general permits.

3. Any person planning to continue discharging after the expiration date of an existing NJPDES permit shall file an application for renewal or a request for authorization under a general permit at least 180 calendar days prior to the expiration of the existing permit, unless:

i. Otherwise required under (e)4 below;

ii. The existing permit is a general permit that provides for automatic renewal of authorization when that general permit is renewed (see N.J.A.C. 7:14A-6.13(d)9), or that provides for retroactive renewal of authorization after a new request for authorization is submitted or granted under the renewed general permit; or

iii. The existing permit is an individual permit where: