

WATER POLLUTION CONTROL ACT

N.J. STATE LIBRARY
P.O. BOX 520
TRENTON, NJ 08675-0520
CHAPTER 14

WATER POLLUTION CONTROL ACT

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., 58:11A-1 et seq., 58:12A-1 et seq.

Source and Effective Date

R.1999 d.163, effective April 26, 1999.
See: 31 N.J.R. 508(b), 31 N.J.R. 636(a), 31 N.J.R. 1314(b).

Executive Order No. 66(1978) Expiration Date

Chapter 14, Water Pollution Control Act, expires on April 26, 2004.

Chapter Historical Note

Chapter 14, Water Pollution Control Act, was adopted as R.1977 d.268, effective July 27, 1977. See: 9 N.J.R. 259(a), 9 N.J.R. 418(c).

Subchapter 7, Ocean Dumping Alternative Development, was adopted as R.1977 d.458, effective December 2, 1977. See: 9 N.J.R. 460(b), 10 N.J.R. 10(b).

Subchapter 8, Assessment of Civil Administrative Penalties, was adopted as R.1979 d.111, effective March 15, 1979. See: 10 N.J.R. 533(a), 11 N.J.R. 173(c).

Subchapter 4, Sludge Quality Assurance, was adopted as R.1979 d.419, effective October 18, 1979. See: 11 N.J.R. 274(d), 11 N.J.R. 544(e).

Subchapter 5, Statewide Management of Septage Disposal, was adopted as R.1980 d.277, effective June 23, 1980. See: 12 N.J.R. 111(c), 12 N.J.R. 462(a).

Subchapter 1, General Provisions, and Subchapter 3, NJPDES Permits, were repealed, and Subchapter 2, Approval of Facilities for Prevention, Collection, Treatment or Discharge of Pollutants, was recodified as N.J.A.C. 7:14A-12 by R.1981 d.84, effective March 6, 1981. See: 12 N.J.R. 569(f), 13 N.J.R. 194(c).

Subchapter 2, Construction of Wastewater Treatment Facilities, was adopted as R.1982, d.338, effective October 18, 1982. See: 14 N.J.R. 75(a), 14 N.J.R. 1155(b), 15 N.J.R. 440(b).

Pursuant to Executive Order No. 66(1978), Subchapter 8, Assessment of Civil Administrative Penalties, was readopted as R.1984 d.189, effective May 21, 1984. See: 16 N.J.R. 181(b), 16 N.J.R. 1225(a).

Pursuant to Executive Order No. 66(1978), Subchapter 5, Statewide Management of Septage Disposal, expired on June 23, 1985.

Subchapter 8, Assessment of Civil Administrative Penalties, was repealed and Subchapter 8, Civil Administrative Penalties and Requests for Adjudicatory Hearings, was adopted as new rules by R.1988 d.380, effective August 1, 1988. See: 20 N.J.R. 455(a), 20 N.J.R. 1884(a).

Pursuant to Executive Order No. 66(1978), Chapter 14, Water Pollution Control Act, was readopted as R.1989 d.282, effective April 27, 1989, and Subchapter 7, Ocean Dumping Alternative Development, was repealed by R.1989 d.282, effective June 5, 1989. See: 21 N.J.R. 373(a), 21 N.J.R. 1530(a).

Petition for Rulemaking. See: 23 N.J.R. 622(b) and (c).

Public Notice: Opportunity for interested party review for rule amendment. See: 25 N.J.R. 411(a).

Pursuant to Executive Order No. 66(1978), Chapter 14, Water Pollution Control Act, was readopted as R.1994 d.256, effective April 27, 1994. See: 26 N.J.R. 1038(a), 26 N.J.R. 2459(a).

Pursuant to Executive Order No. 66(1978), Subchapter 2, Construction of Wastewater Treatment Facilities, and Subchapter 8, Civil Administrative Penalties and Requests for Adjudicatory Hearings, were readopted as R.1999 d.163, effective April 26, 1999, and Appendix D, Wording of Financial Assurance Documents, was recodified as Appendix A by R.1999 d.163, effective May 17, 1999. See: 31 N.J.R. 508(b), 31 N.J.R. 1314(b). See, also, section annotations.

Pursuant to Executive Order No. 66(1978), Subchapter 4, Sludge Quality Assurance, was readopted as R.1999 d.164, effective April 26, 1999, and Subchapter 4, Sludge Quality Assurance, was recodified as N.J.A.C. 7:14C and Appendix A, DEP Laboratory Methods, Appendix B, Domestic Wastewater Sludge Report, Appendix C, Priority Pollutants, Appendix A-1, Sludge Report, Appendix A-2, Heavy Metals and Selected Chemical Parameters, Appendix A-3, Toxic Organic Compounds, Appendix A-4, Industrial Process Wastewater Sludge Report, Appendix A-5, Pretreatment Facilities Fact Profile, Appendix B-1, Heavy Metals and Toxic Organic Compounds, Appendix B-2, Toxic Pollutants, and Appendix C, Separation of Liquid and Solid Phases for Analysis of Inorganic and Organic Components, were repealed by R.1999 d.164, effective May 17, 1999. See: 31 N.J.R. 200(a), 31 N.J.R. 1320(a).

Law Review and Journal Commentaries

Limitations on state agency authority to adopt environmental standards more stringent than federal standards: Policy considerations and interpretive problems. Jerome M. Organ, 54 Md.L.Rev. 1373 (1995). WESTLAW cite: 54 MDLR 1373.

Research Note

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

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. (RESERVED)

SUBCHAPTER 2. CONSTRUCTION OF WASTEWATER TREATMENT FACILITIES

- 7:14-2.1 Construction procedures
- 7:14-2.2 Record drawings; collector sewers, interceptor sewers and force mains
- 7:14-2.3 Permits
- 7:14-2.4 Easements/rights-of-way
- 7:14-2.5 Field layout (baseline and monuments)
- 7:14-2.6 Engineer design activities: plan scale and plan updating
- 7:14-2.7 Construction, overhead and profit factors for Extra Work compensation
- 7:14-2.8 Payments to contractors
- 7:14-2.9 Mobilization: unit price contracts for sewer construction
- 7:14-2.10 Bid items for sewer pipe installation
- 7:14-2.11 Reasonable minimum unit prices
- 7:14-2.12 Payment widths, trench backfill and roadway paving for Federally funded sewer projects
- 7:14-2.13 Excavation material unacceptable or conditionally acceptable for reuse as trench backfill
- 7:14-2.14 Construction equipment costs compensation for extra work
- 7:14-2.15 Substantial and final completion of pipe projects; contractor's guarantees

SUBCHAPTERS 3 THROUGH 7. (RESERVED)
 SUBCHAPTER 8. CIVIL ADMINISTRATIVE PENALTIES
 AND REQUESTS FOR ADJUDICATORY
 HEARINGS

- 7:14-8.1 Authority and purpose
- 7:14-8.2 Definitions
- 7:14-8.3 Procedures for assessment, payment and settlement of civil administrative penalties, and affirmative defenses
- 7:14-8.3A Public comment on interim enforcement limits
- 7:14-8.4 Procedures to request an adjudicatory hearing to contest an administrative order, a notice of civil administrative penalty assessment or a notice of civil administrative cost assessment; procedures for conducting adjudicatory hearings
- 7:14-8.5 Civil administrative penalty determination
- 7:14-8.6 Civil administrative penalty for submitting inaccurate or false information
- 7:14-8.7 Civil administrative penalty for failure to allow lawful entry and inspection
- 7:14-8.8 Civil administrative penalty for conducting unapproved activities
- 7:14-8.9 Civil administrative penalty for failure to properly conduct monitoring or sampling under the Water Pollution Control Act or the New Jersey Underground Storage of Hazardous Substances Act
- 7:14-8.10 Civil administrative penalty for failure to pay a fee
- 7:14-8.11 (Reserved)
- 7:14-8.12 Civil administrative penalty for violation of whole effluent toxicity limitations
- 7:14-8.13 Civil administrative penalty for economic benefit
- 7:14-8.14 Civil administrative penalty for failing to comply with an information request or administrative subpoena, and the destruction of records
- 7:14-8.15 (Reserved)
- 7:14-8.16 Civil administrative penalty determination for indirect dischargers
- 7:14-8.17 Enforcement actions for failure to implement an approved industrial pretreatment program
- 7:14-8.18 Severability

APPENDIX A. WORDING OF FINANCIAL ASSURANCE DOCUMENTS

APPENDIX B THROUGH B-2. (RESERVED)

APPENDIX B-3. POLLUTANTS THAT ARE INHIBITORY TO BIOLOGICAL TREATMENT PROCESSES

APPENDIX C THROUGH D. (RESERVED)

SUBCHAPTER 1. (RESERVED)

SUBCHAPTER 2. CONSTRUCTION OF WASTEWATER TREATMENT FACILITIES

7:14-2.1 Construction procedures

The Department shall require and adhere to the procedures identified in this subchapter. Actions or procedures by owners, permittees, consultants, contractors, or other persons affected by this subchapter which are not in accordance with this subchapter shall not be acceptable to the Department. Where applicable, the Department may grant a waiver from any requirement of this subchapter upon presentation of written justification by the owner, permittee, consultant or contractor.

Amended by R.1999 d.163, effective May 17, 1999.

See: 31 N.J.R. 508(b), 31 N.J.R. 1314(b).

Substituted references to the Department for references to the Division and substituted references to this subchapter for references to this chapter throughout.

7:14-2.2 Record drawings; collector sewers, interceptor sewers and force mains

(a) The owner shall be responsible for the preparation of all record drawings required for sewer lines. This responsibility may be delegated to the owner's representative with adequate compensation for this service.

(b) This responsibility shall not be delegated or transferred to the contractor. The contractor shall assist the owner/engineer, by providing record information, when requested, during the progress of the work.

7:14-2.3 Permits

(a) Federal, State, county and municipal permits required as a result of the construction activity within the delineated site shall be obtained by the owner and associated fees shall be paid by the owner. In addition, permits required for construction activities on railroad properties shall be obtained by the owner.

(b) Exceptions to this section shall be a permit to use explosives for rock excavation and such other permits which by law are required to be obtained by the contractor.

(c) The owner shall make every reasonable effort to identify permits and fees and costs required as a result of the construction activity in effect 60 days prior to the receipt of construction bids. This responsibility may be delegated to the owner's engineer with adequate compensation for this service. The engineer shall be held harmless from any penalty or action resulting from the failure to obtain a permit where every reasonable effort has been made by the engineer to obtain such permits. Conditions made a part of any permit shall be imposed upon the contractor as described in the contract or bid documents. Additional costs associated with a permit resulting from the construction activity which is beyond that stipulated in the contract shall be the responsibility of the contractor.

(d) Whenever necessary or appropriate the contractor shall assist the owner in the acquisition of permits.

(e) The Department may intercede and assist in the resolution of any problems resulting from the acquisition of any permits.

7:14-2.4 Easements/rights-of-way

An interruption of construction or an extension of contract time may be a basis for a claim by a contractor for additional cost when such interruption or extension is caused by the owner's inability to obtain an easement/right-of-way. Claims shall include any reasonable cost incurred by the contractor and shall be reviewed and approved by the owner prior to submission to the Department. The Department may approve all, any portion, or deny the cost for eligibility for projects funded under the Grant Program.