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CHAPTER 9

WATER POLLUTION CONTROL

Authority

N.J.S.A. 13:1B-3, 13:1D-9, 58:4A-4.1 et seq., 58:10A-1 et seq. and 58:11A-1 et seq.

Source and Effective Date

R.1996 d.86, effective January 18, 1996.
See: 27 N.J.R. 3519(a), 28 N.J.R. 1201(c).

Executive Order No. 66(1978) Expiration Date

The expiration date for Chapter 9, Water Pollution Control Rules, was extended by gubernatorial directive from January 18, 2001 to January 18, 2002. See: 33 N.J.R. 553(b).

Chapter Historical Note

Chapter 9, Water Pollution Control Rules, was adopted and became effective prior to September 1, 1969.

Subchapter 10, Installation of Sewerage Facilities in Critical Areas, was adopted as new rules by R.1971 d.208, effective January 15, 1972. See: 3 N.J.R. 78(a), 3 N.J.R. 255(b).

Subchapter 9, Sealing of Abandoned Wells, was adopted as new rules by R.1973 d.299, effective October 23, 1973. See: 5 N.J.R. 185(b), 5 N.J.R. 370(b).

Subchapter 11, Allocation of Waste Lands or Point-Source Dischargers, was adopted as new rules by R.1974 d.151, effective June 18, 1974. See: 6 N.J.R. 132(c), 6 N.J.R. 263(b).

Subchapter 4, Surface Water Quality Standards, was adopted as new rules by R.1974 d.310, effective December 2, 1974. See: 6 N.J.R. 302(d), 6 N.J.R. 470(c).

Subchapter 13, Sewer Extension Ban, was adopted as new rules by R.1975 d.302, effective October 16, 1975. See: 7 N.J.R. 147(a), 7 N.J.R. 499(e).

Subchapter 14, Ground Water Quality Standards, was originally adopted by R.1978 d.20, effective January 23, 1978. See: 9 N.J.R. 68(b), 10 N.J.R. 61(a).

Subchapter 15, Grants for Restoring Publicly Owned Freshwater Lakes, was adopted as new rules by R.1980 d.374, effective August 22, 1980. See: 12 N.J.R. 310(a), 12 N.J.R. 575(c).

Subchapter 3, Location of Factory within Watershed, was repealed by R.1980 d.433, effective October 7, 1980. See: 12 N.J.R. 454(b), 12 N.J.R. 643(a).

Subchapter 4, Surface Water Quality Standards, Subchapter 5, Subchapter 8, Treatment of Wastewaters Discharged into Waters of the State, Subchapter 11, Allocation of Waste Loads or Point-Source Dischargers, and Subchapter 14, Ground Water Quality Standards, were repealed by R.1981 d.80, effective March 4, 1981. See: 12 N.J.R. 108(c), 13 N.J.R. 194(b).

Pursuant to Executive Order No. 66(1978), Subchapter 2, Standards for Construction of Individual Subsurface Sewage Disposal Systems, was readopted as R.1983 d.243, effective June 3, 1983. See: 15 N.J.R. 591(a), 15 N.J.R. 1042(a).

Subchapter 10, Installation of Sewerage Facilities in Critical Areas, was repealed by R.1983 d.423, effective October 3, 1983. See: 15 N.J.R. 1155(a), 15 N.J.R. 1654(b).

Pursuant to Executive Order No. 66(1978), Subchapter 13, Sewer Extension Ban, was readopted as R.1984 d.336, effective July 23, 1984. See: 16 N.J.R. 660(a), 16 N.J.R. 2096(a).

Pursuant to Executive Order No. 66(1978), Subchapter 15, Grants for Restoring Publicly Owned Freshwater Lakes, expired on August 22, 1985

Subchapter 15, Grants Restoring Publicly Owned Freshwater Lakes, was adopted as new rules by R.1985 d.717, effective January 21, 1986. See: 17 N.J.R. 2182(a), 18 N.J.R. 163(b).

Subchapter 13, Sewer Extension Ban, was repealed by R.1987 d.445, effective November 2, 1987. See: 18 N.J.R. 2163(a), 19 N.J.R. 2000(b).

Pursuant to Executive Order No. 66(1978), Subchapter 1, Sewer Systems and Wastewater Treatment Plants, expired on April 25, 1985.

Subchapter 1, Sewer Systems and Wastewater Treatment Plants, was adopted as new rules by R.1988 d.205, effective May 2, 1988 as R.1988 d.205. See: 19 N.J.R. 2227(b), 20 N.J.R. 980(a).

Subchapter 2, Standards for Construction of Individual Subsurface Sewage Disposal Systems, was repealed by R.1989 d.450 and recodified to N.J.A.C. 7:9A, effective August 21, 1989, (operative January 1, 1990). See: 20 N.J.R. 1790(a), 21 N.J.R. 2534(a).

Pursuant to Executive Order No. 66(1978), Chapter 9, Water Pollution Control, was readopted as R.1991 d.68, effective January 18, 1991. See: 22 N.J.R. 3297(a), 23 N.J.R. 406(c).

Notice of petition to amend New Jersey Pollution Discharge Elimination System permits. See: 23 N.J.R. 236(a), 23 N.J.R. 622(b).

Subchapter 6, Ground Water Quality Standards, was repealed and new rules were adopted by R.1993 d.73, effective February 1, 1993. See: 24 N.J.R. 181(a), 25 N.J.R. 464(a).

Subchapter 4 was recodified to N.J.A.C. 7:9B-1 by R.1993 d.610, effective December 6, 1993. See: 24 N.J.R. 3983(a), 24 N.J.R. 4471(a), 25 N.J.R. 404(a), 25 N.J.R. 5569(a).

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

Subchapter 1, Sewer Systems and Wastewater Treatment Plants, was repealed by R.1994 d.278, effective June 6, 1994. See: 25 N.J.R. 3282(a), 26 N.J.R. 2413(b). See, now, N.J.A.C. 7:14A-22 and 23.

Pursuant to Executive Order No. 66(1978), Chapter 9 was readopted as R.1996 d.86, effective January 18, 1996. See: Source and effective date.

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Source and Effective Date

R.1998 d.39, effective January 5, 1998.
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SUBCHAPTER 1. (RESERVED)

SUBCHAPTER 2. LAKE RESTORATION FUNDS

Authority

P.L. 1996, c.70, Section 2.

7:9-2.1 Scope and construction

This subchapter sets forth the rules governing grants and loans to assist local governmental units and private lake associations or owners of private lakes or similar organizations for lake restoration projects pursuant to the Port of New Jersey revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996, P.L. 1996, c.70, Section 2.

7:9-2.2 Purpose

(a) The purposes of this subchapter are as follows:

1. To set forth the criteria for grant and loan eligibility; and
2. To establish policies and procedures for distribution of funds to State agencies, local governments or similar organizations, or private lake associations or similar organizations for Phase I Diagnostic-Feasibility Studies and for Phase II Implementation Activities, as described in P.L. 1996, c.70, Section 2.

7:9-2.3 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Applicant” means the governmental agency which has jurisdiction over or controls access to the freshwater lake, or the governmental agency which is representing the private owner with this jurisdiction or control.

“Center” means a compact form of development with a core, as defined in the “State Development and Redevelopment Plan.” Centers can range in scale from Urban Center, Regional Center, Town, Village, or Hamlet.

“Commissioner” means the Commissioner of the New Jersey Department of Environmental Protection.

“Department” means the Department of Environmental Protection.

SUBCHAPTERS 7 THROUGH 8. (RESERVED)

SUBCHAPTER 9. SEALING OF ABANDONED WELLS

7:9-9.1 General provisions

(a) The filling and sealing of an abandoned well in accordance with the following specifications will be accepted as in compliance with the provisions of N.J.S.A. 58:4A-4.1. A well may not be sealed by a proposed alternate method unless first approved in writing by the Bureau of Water Supply Planning and Management of the Division of Water Resources.

(b) No person, partnership or corporation may engage in the sealing of a well unless his qualifications and experience have been approved in writing by the Bureau of Water Supply Planning and Management of the division. Depending upon the qualifications of a contractor, the bureau may limit a contractor to the sealing of only certain types of wells (for example rock wells, single cased wells and the like). All sealing operations shall be under the immediate supervision of a person possessing a valid New Jersey well drillers license.

(c) The use of dynamite in well-sealing operations is expressly prohibited unless authorized in writing by the Bureau of Water Supply Planning and Management of the division.

(d) The following types of wells may not be sealed until the contractor has submitted a drawing with description of method proposed, which must be approved in writing by the Bureau of Water Supply Planning and Management of the division:

1. Wells drilled in areas where saltwater intrusion is imminent (for example beach communities);
2. Wells which have already been affected by saltwater intrusion or any other contaminants;
3. Gravel-packed wells deriving water from one or more aquifer. The aquifers of the State are those water bearing formations or beds recognized as such by the division. Some formations may contain more than one aquifer. If in doubt, contact the Bureau of Water Supply Planning and Management of the division.

(e) The contractor shall return to the well no sooner than 24 hours after sealing to allow time for settlement. The remaining space at the top of the well shall then be filled with concrete and the top formed so as to create a concrete slab at least six inches thick above the top of the casing, with a diameter at least two feet greater than the outer casing.

(f) After well has been sealed, a detailed description of the well and method used for sealing shall be submitted to the Bureau of Water Supply Planning and Management of the division.

As amended, R.1977 d.477, eff. December 16, 1977.
See: 9 N.J.R. 461(a), 10 N.J.R. 10(c).

7:9-9.2 Rock wells

(a) The regulations concerning single cased rock wells are:

1. Clear well of pump, pipe and all obstructions.
2. That portion of a well which is uncased in rock shall be filled only with sterilized coarse gravel or crushed stone to within 10 to 20 feet of the bottom of the casing and sealed off with an impermeable plug of sterilized packing materials. The open hole above the plug and the space within the casing shall then be sealed with concrete, cement grout or neat cement which shall be introduced through a pipe discharging at the bottom of the space to be filled in order to prevent dilution of the sealing material.
3. If geologic and hydrologic conditions make it unadvisable to use gravel or crushed stone in the uncased hole, the entire well shall be sealed as described in paragraph 2 of this subsection.

(b) The regulations concerning double or multiple cased rock wells are:

1. Clear well of pump, pipe and all other obstructions and where possible remove all inner casings.
2. Procedure then shall be as under subsection (a) of this section except that any remaining casing shall be sealed as in a single cased well.

7:9-9.3 Sand and gravel wells

(a) The regulations concerning single-cased sand and gravel wells are:

1. Clear well of pump, pipe and all obstructions:
 - i. Where only one aquifer has been screened the screen shall be filled with sterilized sand or gravel which shall not extend above the top of the screen;
 - ii. Where two or more aquifers have been screened, only the lowermost screen shall be filled with sterilized sand or gravel. The remainder of the well and all upper screens shall be sealed as described below in paragraphs 2 and 3 of this subsection.
2. The casing and screen (where not filled with sand or gravel as described in paragraph 1 of this subsection) shall be filled with a sterilized clay slurry weighing not less than 14 pounds per gallon, cement grout, or neat cement. Concrete may not be used in a screened interval but may be used within the casing. All of the above-mentioned

sealing materials shall be introduced through a pipe discharging at the bottom of the space to be filled in order to prevent dilution of the sealing material.

3. If preferred in large diameter wells, casing and upper screens may be filled from the top with dry clay free of lumps larger than $\frac{3}{4}$ inch diameter, in lifts not higher than five feet, and each lift tamped with the proper drilling tool.

(b) The rules concerning double or multiple cased wells with no gravel pack, or gravel packed in the first water bearing formation only are:

1. Clear well of pump, pipe and all other obstructions and remove as much inner casing as possible.

2. The screened portion shall be filled with sterilized sand or gravel which shall not extend above the top of the screen.

3. All remaining casing and annular spaces shall be filled as described in N.J.A.C. 7:9-9.3(a)2.

(c) The rules concerning double or multiple cased wells with gravel packed, screened below the first water bearing formation but tapping only one aquifer are:

1. Clear well of pump, and all other obstructions and remove as much inner casing as possible.

2. If gravel pack within annular space(s) between casing(s) does not extend from the screened formation to the aquifer above and is at least 20 feet below the next aquifer, the contractor may fill the screen with sand or gravel and seal the well and annular space as described in N.J.A.C. 7:9-9.3(a)2.

3. If gravel within annular space(s) extends to within 20 feet of the next water bearing formation, either of the two methods described below are acceptable:

i. Place packer at the top of the screen, and inject a nontoxic chemical grout under pressure into the screen and surrounding gravel pack below the packer and at least 20 feet vertically into the gravel pack occupying the annular space(s) between casings. If preferred, this section may be filled with sterilized coarse gravel prior to grout injection in order to reduce the amount of grout needed. After the grout has set, the remaining casing and annular space(s) shall be sealed as described in N.J.A.C. 7:9-9.3(a)2.

ii. If preferred the screen and casing may be filled with sterilized sand to a point between the screen and next overlying aquifer but at least 20 feet below the next aquifer. The inner casing(s) then shall be perforated or ripped at this point, a packer inserted, and nontoxic chemical grout injected under pressure below the packer into the surrounding gravel pack so that the annular space(s) between casings is sealed for a vertical distance at least 20 feet between the screen and the next aquifer. After the grout has set the remaining casing and annular space(s) shall be sealed as described in N.J.A.C. 7:9-9.3(a)2.

7:9-9.4 Test wells

(a) An unused test well shall be considered an abandoned well and shall be sealed as described in the previous sections unless it is to be used for observation purposes in which case permission must be granted in writing by the Bureau of Water Control of the Division.

(b) If the casing of a test well is to be removed, the open hole shall be filled with a sterilized clay slurry weighing not less than 14 pounds per gallon, cement grout, neat cement or concrete, which shall be introduced from the bottom of the spaces to be filled. In unconsolidated formations, the sealing material shall be introduced into the bottom of the hole while the casing is pulled so as to prevent the uncased hole from caving. The producing zone, or uncased hole in a rock shall be filled with sterilized gravel or crushed stone. However, in rock wells where zones of poor-quality water were encountered or where geologic and hydrologic conditions make it inadvisable to use gravel or crushed stone, the entire hole shall be sealed.

SUBCHAPTERS 10 THROUGH 14. (RESERVED)

SUBCHAPTER 15. GRANTS FOR RESTORING PUBLICLY OWNED FRESHWATER LAKES

7:9-15.1 Scope of rules

Unless otherwise provided by rule or statute, the following shall constitute the rules of the Department of Environmental Protection concerning policies and procedures for grants to assist local government in carrying out the restoration of publicly owned freshwater lakes pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.

7:9-15.2 Construction

This subchapter shall be liberally construed to permit the department and its various divisions to discharge their statutory functions.

7:9-15.3 Purpose

(a) This subchapter is promulgated for the following purposes:

1. To set forth grant eligibility; and
2. To establish policies and procedures for distribution of funds to local governments for Phase I Diagnostic-feasibility studies and for Phase II Implementation activities.