

7:14A-21.11 Violations; closing off of use of sewerage connections

**SUBCHAPTER 22. TREATMENT WORKS APPROVALS, SEWER BANS, SEWER BAN EXEMPTIONS**

- 7:14A-22.1 General policy and purpose
- 7:14A-22.2 Scope
- 7:14A-22.3 Activities for which a treatment works approval is required
- 7:14A-22.4 Activities for which a treatment works approval is not required
- 7:14A-22.5 Treatment works approval
- 7:14A-22.6 Information and submission requirements for general industrial treatment works approvals
- 7:14A-22.7 Requirements for preliminary review of applications for treatment works approval—stage I
- 7:14A-22.8 Requirements for construction, installation, or modification of treatment works—Stage II
- 7:14A-22.9 Stage II “construction only” treatment works approvals
- 7:14A-22.10 Requirements for stage III treatment works approval applications
- 7:14A-22.11 Modifications and revocations of treatment works approvals
- 7:14A-22.12 Extensions of time for treatment works approvals
- 7:14A-22.13 Administrative requirements for wastewater holding tanks (non-industrial)
- 7:14A-22.14 Temporary wastewater hauling/diversion
- 7:14A-22.15 Requirements for flow equalization tanks
- 7:14A-22.16 Capacity assurance program
- 7:14A-22.17 Sewer ban imposition
- 7:14A-22.18 Procedures and effective date for the imposition of a sewer connection ban
- 7:14A-22.19 General policy and procedure for sewer connection ban exemptions
- 7:14A-22.20 Activities which do not require an exemption from the Department
- 7:14A-22.21 Application procedures for obtaining a sewer connection ban exemption from the Department
- 7:14A-22.22 Sewer ban exemption criteria
- 7:14A-22.23 Delegation
- 7:14A-22.24 Requests for adjudicatory hearings

**SUBCHAPTER 23. TECHNICAL REQUIREMENTS FOR TREATMENT WORKS APPROVAL APPLICATIONS**

- 7:14A-23.1 Purpose
- 7:14A-23.2 Scope
- 7:14A-23.3 Projected flow criteria
- 7:14A-23.4 Plans and specifications submitted to the Department with treatment works approval applications
- 7:14A-23.5 Engineering design reports to be submitted to the Department with treatment works approval applications
- 7:14A-23.6 Sanitary sewer design
- 7:14A-23.7 Inverted siphons
- 7:14A-23.8 Manholes
- 7:14A-23.9 Outfalls
- 7:14A-23.10 Wastewater pumping stations
- 7:14A-23.11 Submersible wastewater pumps
- 7:14A-23.12 Dry wells and wet wells
- 7:14A-23.13 Wastewater treatment plants
- 7:14A-23.14 Measuring, recording, and sampling requirements at treatment plants
- 7:14A-23.15 Screening and comminution
- 7:14A-23.16 Grit removal equipment
- 7:14A-23.17 Settling tanks
- 7:14A-23.18 Chemical coagulation
- 7:14A-23.19 Trickling filters
- 7:14A-23.20 Rotating biological contactors
- 7:14A-23.21 Activated sludge
- 7:14A-23.22 Intermittent sand filters
- 7:14A-23.23 Chlorination
- 7:14A-23.24 Dechlorination
- 7:14A-23.25 Ultraviolet disinfection
- 7:14A-23.26 Anaerobic sludge digestion and management

- 7:14A-23.27 Sludge pumps
- 7:14A-23.28 Drying beds for residuals
- 7:14A-23.29 Residual dewatering lagoons
- 7:14A-23.30 Mechanical dewatering of residuals
- 7:14A-23.31 Stabilization residuals
- 7:14A-23.32 Storage of residuals or septage; and septage handling
- 7:14A-23.33 New treatment methods and technologies
- 7:14A-23.34 Closure requirements for wastewater treatment units

**SUBCHAPTER 24. ADDITIONAL REQUIREMENTS FOR CERTAIN STORMWATER DISCHARGES**

- 7:14A-24.1 Scope
- 7:14A-24.2 Stormwater discharges for which a NJPDES permit is required under this subchapter; exemptions
- 7:14A-24.3 Petitions
- 7:14A-24.4 Deadlines to apply for NJPDES permit for stormwater discharges
- 7:14A-24.5 Requests for information about stormwater discharges associated with industrial activity
- 7:14A-24.6 “Permanent No Exposure” of industrial activities and materials to stormwater
- 7:14A-24.7 Permit application requirements for stormwater discharges associated with industrial activity or small construction activity, and for certain other stormwater DSW
- 7:14A-24.8 Sample collection procedures for individual stormwater DSW permit applications
- 7:14A-24.9 Monitoring requirements for certain stormwater discharges
- 7:14A-24.10 Additional requirements for stormwater discharges associated with construction activity

**SUBCHAPTER 25. MUNICIPAL STORMWATER REGULATION PROGRAM**

- 7:14A-25.1 Scope
- 7:14A-25.2 Identifying municipalities, public complexes, and highways or other thoroughfares regulated under the small MS4 program
- 7:14A-25.3 Assignment of municipalities to Tier A or Tier B
- 7:14A-25.4 Deadlines to apply for NJPDES permits for small MS4s
- 7:14A-25.5 Applying for a NJPDES permit for a small MS4
- 7:14A-25.6 Content of NJPDES permits for small MS4s
- 7:14A-25.7 Sharing of responsibility to implement control measures for a small MS4
- 7:14A-25.8 Tier B Municipal Stormwater General Permit
- 7:14A-25.9 Individual NJPDES permit applications for small MS4s
- 7:14A-25.10 Requirements for large and medium municipal separate storm sewer discharges

**SUBCHAPTER 1. ABBREVIATIONS, ACRONYMS, AND DEFINITIONS**

**7:14A-1.1 Abbreviations and acronyms**

(a) As used in this chapter, the following abbreviations and acronyms shall have the following meaning:

- “ACR” means acute to chronic ratio.
- “AM” means additional measure.
- “BAT” means best available technology.
- “BCT” means best conventional technology.
- “BOD” means biochemical oxygen demand.

- “BPJ” means best professional judgment.
- “BPT” means best practical control technology.
- “BMP” means best management practices.
- “BR” means baseline report.
- “C1” means Category One waters.
- “C2” means Category Two waters.
- “CBOD” means carbonaceous biochemical oxygen demand.
- “CI” means confidence interval.
- “CCC” means the criteria continuous concentration.
- “CERCLA” means Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.
- “CFR” means the Code of Federal Regulations.
- “CMC” means the criteria maximum concentration.
- “COD” means chemical oxygen demand.
- “CPO” means chlorine produced oxidants.
- “CSO” means combined sewer overflow.
- “CV” means coefficient of variation.
- “CWA” means the Federal Act or the Clean Water Act.
- “CWEA” means the Clean Water Enforcement Act, P.L. 1990, c.28; N.J.S.A. 58:10A-1 et seq.
- “DAC” means Discharge Allocation Certificate.
- “DEP” means the New Jersey Department of Environmental Protection.
- “DGW” means Discharge to Ground Water.
- “DLA” means delegated local agency.
- “DMR” means Discharge Monitoring Report.
- “DOC” means dissolved organic carbon.
- “DRBC” means the Delaware River Basin Commission.
- “DSW” means Discharge to Surface Water.
- “DTW” means domestic treatment works.
- “ECRA” means Environmental Cleanup Responsibility Act.
- “EC50” means the median effective concentration resulting in at least 50 percent mortality to the test species.
- “EDP” means effective date of permit.
- “ERP” means enforcement response plan.
- “FSOD” means first stage oxygen demand.
- “FW” means freshwater.
- “GIS” means Geographic Information System.
- “GPD” means gallons per day.
- “GWQS” means the Ground Water Quality Standards as defined in N.J.A.C. 7:9-6.
- “IC” means the inhibition concentration.
- “IPP” means industrial pretreatment program.
- “ISRA” means Industrial Site Recovery Act.
- “ITW” means industrial treatment works.
- “IWMF” means industrial waste management facility.
- “kg/day” means kilograms per day.
- “LA” means load allocation.
- “LC50” means the median lethal concentration resulting in at least 50 percent mortality to the test species.
- “LLAMA” means Letter of Land Application Management Approval.
- “LTA” means long term average effluent concentration.
- “MA1CD10” means the minimum average one day flow with a statistical recurrence interval of ten years.
- “MA30CD5” means the minimum average 30 consecutive day flow with a statistical recurrence interval of five years.
- “MA7CD10” means the minimum average seven consecutive day flow with a statistical recurrence interval of 10 years.
- “MCL” means maximum contaminant level.
- “MDL” means method detection level.
- “MF” means membrane filter technique.
- “MGD” means million gallons per day.
- “mg/L” means milligrams per liter.
- “ml/L” means milliliters per liter.
- “MOA” means Memorandum of Agreement.
- “MOU” means Memorandum of Understanding.
- “MPN” means most probable number.
- “MRF” means Monitoring Report Form.
- “MS4” means municipal separate storm sewer system.
- “MSWLF” means a municipal solid waste landfill as defined in 40 CFR part 258.2.
- “NBOD” means nitrogenous biochemical oxygen demand.

- “NCCW” means non-contact cooling water.
- “N.J.A.C.” means New Jersey Administrative Code.
- “NJPDES” means the New Jersey Pollutant Discharge Elimination System.
- “N.J.S.A.” means New Jersey Statutes Annotated.
- “NOAEC” means no observed adverse effect concentration.
- “NOEC” means no observable effect concentration.
- “NPDES” means the National Pollutant Discharge Elimination System.
- “NT” means non-trout waters.
- “OEP” means the Office of Environmental Planning.
- “OM” means optional measure.
- “PL” means the general surface water classification applied to Pinelands Waters.
- “POTW” means publicly owned treatment works.
- “PPSNC” means pretreatment program significant noncompliance.
- “PQL” means practical quantification level.
- “PVSC” means Passaic Valley Sewerage Commissioners.
- “RCRA” means Resource Conservation and Recovery Act.
- “RFA” means Request For Authorization under a general NJPDES permit.
- “SBR” means Statewide Basic Requirement.
- “SC” means the general surface water classification applied to coastal saline waters.
- “SDWA” means the Federal or State Safe Drinking Water Acts (P. L. 95-523, as amended by P. L. 95-1900; 42 U.S.C. §§ 300f et seq. and N.J.S.A. 58:12A-1 et seq., respectively).
- “SE” means the general surface water classification applied to saline waters of estuaries.
- “SESCP” means soil erosion and sediment control plan.
- “SIC” means Standard Industrial Classification.
- “SIU” means significant indirect user.
- “SNC” means significant non-compliance.
- “SOD” means sediment oxygen demand.
- “SSMP” means Statewide Sludge Management Plan.
- “TDS” means total dissolved solids.
- “TKN” means total Kjeldahl nitrogen.
- “TM” means trout maintenance.
- “TMDL” means total maximum daily load.
- “TOC” means total organic carbon.
- “TP” means trout production.
- “TSD” means the USEPA Technical Support Document (See USEPA TSD).
- “TSS” means total suspended solids.
- “TTO” means total toxic organics.
- “TUA” means toxic units acute.
- “TUC” means toxic units chronic.
- “TWA” means Treatment Works Approval.
- “TWTDS” means treatment works treating domestic sewage.
- “UIC” means Underground Injection Control program.
- “ug/L” means micrograms per liter.
- “USEPA” or “EPA” means the United States Environmental Protection Agency.
- “USEPA TSD” means the USEPA Technical Support Document for Water Quality Based Toxics Control, (EPA/505/2-90-001), March 1991.
- “USDA” means the United States Department of Agriculture.
- “USDA-NRCS” means the United States Department of Agriculture—Natural Resources Conservation Service.
- “USDW” means underground source of drinking water.
- “USGS” means United States Geological Survey.
- “USNRC” means the United States Nuclear Regulatory Commission.
- “UST” means underground storage tank.
- “VOC” means volatile organic compounds.
- “WET” means whole effluent toxicity.
- “WLA” means wasteload allocation.
- “WQBEL” means water quality based effluent limitation.
- “WQM plan” means Water Quality Management plan.
- “WSC” means Written Statement of Consent.

Amended by R.2004 d.47, effective February 2, 2004.  
 See: 35 N.J.R. 169(a), 1331(a), 36 N.J.R. 813(a).  
 Added "AM", "MS4", "OM", "SBR".  
 Administrative change.  
 See: 38 N.J.R. 1445(a).

### 7:14A-1.2 Definitions

As used in this chapter, the following words and terms shall have the following meanings:

"Abandoned well" means a well whose use has been discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.

"Acidizing" means the injection of acid through the borehole or well into a formation to increase permeability and porosity by dissolving the acid-soluble portion of the rock constituents.

"Action levels" means permit conditions which are not effluent limitations but require a permittee to act if breached.

"Actual flow" means the volume of sewage and other wastes which a treatment works receives. Actual flow shall be determined by the arithmetic average of the metered daily volumes of waste received at a treatment works for the preceding period of three consecutive calendar months. Where peak flows have been determined by the Department to be seasonal in nature, the seasonal peak flow period shall be used in determining actual flow.

"Acute to chronic ratio" means the ratio of the acute toxicity of an effluent or a toxicant to its chronic toxicity. It is used as a factor for estimating chronic toxicity on the basis of acute toxicity data, or for estimating acute toxicity on the basis of chronic toxicity data.

"Acute toxicity" means a lethal or severe adverse sublethal effect (for example, immobilization of daphnids) to an organism exposed to a toxic substance for a relatively short period of time. Acute toxicity is measured by short-term bioassays, generally of 48 or 96 hour duration.

"Adequate conveyance capacity" means:

1. In the downstream sewers, the peak dry weather flow does not exceed 80 percent of the depth of the pipe and the peak wet weather flow does not result in overflows or discharges from any unpermitted discharge location; and

2. In downstream pumping stations with two pumps, peak dry weather flow shall be handled by one pump, and in pumping stations with more than two pumps, peak dry weather flow shall be handled with the largest pump out of service, and the peak wet weather flow does not result in any overflow or discharge from any unpermitted discharge location.

"Administratively" means those procedures used by the Department in conducting normal business operations.

"Administratively continued" means the procedure used by the Department to extend the time period for a permit, authorization, or approval beyond the administrative expiration date of that permit, authorization, or approval.

"Administrator" means the Administrator of the United States Environmental Protection Agency (USEPA) or an authorized representative.

"Affected person" means a person who has asserted (and not waived or withdrawn) a confidentiality claim covering information submitted to the Department.

"Affected sewerage entity" means any public or private sewerage authority, municipal utilities authority, joint meeting, State agency, county, municipality, or other entity which owns or operates any sewage treatment plant or sewage collection system, into which a treatment works will discharge; or which has jurisdiction to treat or convey sewage or other wastewater in the service area in which the proposed treatment works are to be located.

"Agricultural land," for the purpose of N.J.A.C. 7:14A-20, means land on which a food crop, a feed crop, or a fiber crop is grown. This includes range land and land used as pasture.

"Agronomic rate" means the whole residual application rate on a dry weight basis designed:

1. To provide the amount of nitrogen or other nutrients needed by the food crop, feed crop, fiber crop, cover crop or vegetation grown on the land;
2. To minimize the amount of nitrogen or other nutrients from residual and all other fertilizer sources that passes below the root zone of the crop or vegetation grown on the land to the ground water or that runs off to surface waters; and
3. To provide the amount of calcium or magnesium oxides capable of neutralizing soil acidity.

"Algaecide" means chemical agents which have the capacity to destroy or otherwise control phytoplankton (algae) in water.

"Aliquot" means an individual sample of specified volume used to make up a total composite sample.

"Ambient study" means a water quality, biological, mixing zone, or other study conducted to determine the existing physical, chemical, or biological conditions in a waterbody, existing effects of a discharge or other activity on the physical, chemical, or biological conditions in a waterbody, and/or to predict the potential physical, chemical, or biological effects of a discharge or other activity on a waterbody.

"Anadromous fish" means fish that spend most of their life in saline waters and migrate to fresh waters to spawn.

“Critical biological periods” means those time periods when significant portions of the biological community may be adversely affected by discharge activities, including reproductive periods or periods of stress resulting from non-biotic factors such as elevated temperature.

“Critical conditions” means the combination of those ambient conditions when the ambient water quality standards are more likely to be violated, such as elevated temperature or low flow periods.

“Cumulative pollutant loading rate” means the maximum amount of a pollutant listed in 40 CFR 503.13 that can be applied to an area of land.

“Cumulative substance” means a substance that may be bioaccumulated within an organism to concentrations that exert a toxic effect on that organism or render it unfit for consumption.

“Daily” means every calendar day including weekends and holidays.

“Daily discharge” means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant expressed in designated units, calculated over the day.

“Daily monitoring” means monitoring conducted every calendar day, including weekends and holidays.

“Day” means an operating day or 24-hour period.

“Delegated local agency” means a local agency with an industrial pretreatment program approved by the Department.

“DEP Bulletin” means the publication issued by the Department designed to provide public notice of certain Department actions.

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

“Designated use” means those surface water or ground water uses, both existing and potential, that have been established by the Department for waters of the State.

“Design flow” means the average daily volume of wastewater which a domestic treatment works was designed to treat or convey, or the maximum permissible volume of flow to a domestic treatment works as established by a NJPDES permit or a treatment works approval, whichever is most stringent.

“Designated project area” means the portions of the waters of the State within which the permittee or permit applicant plans to confine the cultivated species, using a method or plan

of operation (including, but not limited to, physical confinement) which, on the basis of reliable scientific evidence, is expected to ensure that specific individual organisms comprising an aquacultural crop will enjoy increased growth attributable to the discharge of pollutants, and be harvestable within a defined geographic area.

“Diadromous fish” means fish that spend most of their life in one type of water, either fresh or saline, and migrate to the other type to spawn.

“Diffuser” means a device which is attached to the outfall pipe to improve the mixing of the effluent with the receiving water.

“Dike” means an embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids or other materials.

“Direct discharge” means a discharge to surface water. A direct discharge includes any discharge through a separate storm sewer that does not lead to a DTW.

“Director” means the Director of the Department’s Division of Water Quality, its predecessor or successor, or an authorized representative.

“Discharge” means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a pollutant into the waters of the State, onto land or into wells from which the pollutant might flow or drain into such waters, or into waters or onto lands outside the jurisdiction of the State which pollutant enters the waters of the State, and shall include the release of any pollutant into a municipal treatment works. A leak into a secondary containment system which does not involve a release into the waters or lands of this State is not a “discharge” for purposes of applying the rules under this chapter to violations of the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:11-49 et seq. and the rules promulgated pursuant thereto, N.J.A.C. 7:14B.

“Discharge Allocation Certificate” or DAC means the certificate issued by the Department which designates the quantity and quality of pollutants which may be discharged by any person planning to undertake any activity which will result in a discharge to surface water or a substantial modification in a discharge to surface water.

“Discharge Monitoring Report” means the EPA’s uniform national form, as amended, for the reporting of self-monitoring results by permittees, and includes Baseline Reports.

“Discharger” means any person, corporation, municipality, sewerage authority or other entity, who causes or allows any discharge.

“Discharge to surface water” or “DSW” means a direct discharge to surface water as defined in N.J.A.C. 7:9B. DSW does not include a discharge to a DTW.

“Disinfection” means the removal, destruction, or inactivation of pathogenic and indicator organisms.

“Disposal” means the storage, treatment, utilization, processing, resource recovery of, or the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste into or on any land or water so that the solid or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

“Disposal well” means a well used for the disposal of waste into a subsurface stratum.

“Dissolved metal” means that concentration of metal that passes through a 0.45 µm membrane filter.

“District Sludge Management Plan” means the formalized document developed by a Solid Waste Management District under the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., or its designated or delegated lead planning agency(ies) for submission to the State for certification as mandated in the Solid Waste Management Act. The Plan is adopted by the District and approved by the State. The District Sludge Management Plan is comprised of all forms in Appendix K of the Statewide Sludge Management Plan and is divided into four documents: an Inventory and Strategy Document, an Alternatives Document, a Selection Document, and an Implementation Document. For the purposes of the Statewide Sludge Management Plan, the District Sludge Management Plan shall also include the sludge management plans prepared by a sludge generator directed by the Department to plan in the event of District failure to plan.

“Domestic pollutant” means a pollutant which results from the discharge of household, commercial or other wastes from bathrooms, toilet facilities, home laundries and kitchens which are predominantly the result of natural human waste elimination associated with bodily function and food preparation.

“Domestic septage” means either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives process wastewater and does not include grease removed from a grease trap.

“Domestic sewage” means waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

“Domestic treatment works” or “DTW” means all publicly owned treatment works as well as any privately owned treatment works processing primarily domestic wastewater and pollutants together with any ground water, surface water, stormwater or process wastewater that may be present.

“Domestic wastewater” means the liquid waste or liquid borne wastes discharged into a domestic treatment works.

“Draft permit” means a publicly noticed document indicating the Department’s intent to issue, deny, modify, revoke and reissue, revoke, or reissue a permit.

“Dredged spoil” means sediments, known as spoil, removed during dredging operations.

“Drilling mud” means a heavy suspension used in drilling an injection well, introduced down the drill pipe and through the drill bit.

“Dry weight basis” means calculated on the basis of having been dried at 105 degrees Celsius until reaching a constant mass (that is, essentially 100 percent solids content).

“EC<sub>50</sub>” means the median effective concentration of a toxic substance expressed as a statistical estimate of the concentration that has a specified adverse effect on 50 percent of the test organisms under specified test conditions, based on the results of an acute bioassay.

“Effective date of a UIC program” means the date that a State UIC program is approved or established by the Administrator.

“Effluent concentrations consistently achievable through proper operations and maintenance” means:

1. For a given pollutant parameter, the 95th percent value for the 30-day average effluent quality achieved by a treatment works in a period of at least two years, excluding values attributable to upsets, bypasses, operational errors, or other unusual conditions; and
2. A seven-day average value equal to the product of the value derived under paragraph 1 of this definition, multiplied by 1.5.

“Effluent data” means with reference to any source of discharge of any pollutant:

1. Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of any pollutant which has been discharged by the source (or of any pollutant resulting from any discharge from the source), or any combination of the foregoing;

“Grit and screenings” means solid waste generated during the preliminary treatment of domestic sewage in a treatment works. Grit includes sand, gravel, cinders or other materials with a high specific gravity. Screenings include relatively large materials such as rags typically removed by mechanical screening of domestic wastewater prior to primary or secondary treatment at a DTW.

“Hazardous pollutant” means:

1. Any toxic pollutant;
2. Any hazardous substance as defined by the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11; or
3. Any substance regulated as a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136 et seq.; or
4. Any substance the use or manufacture of which is prohibited under the Federal Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.; or
5. Any substance identified as a known carcinogen by the International Agency for Research on Cancer; or
6. Any hazardous waste designated pursuant to the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. or the Federal Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq.

“Hazardous substance” means any substance designated under 40 CFR 116 pursuant to Section 311 of the Federal Act, the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., or Section 4 of the State Act.

“Hazardous waste” means any waste that is defined or identified as a hazardous waste pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., N.J.A.C. 7:26G, or 40 CFR Part 261.

“Headworks analysis” means a mathematical method used to determine the maximum allowable loading of a pollutant at the “headworks” or influent to the treatment plant.

“Heating oil” means any grade of petroleum product including, but not limited to, No. 1, 2, 4 (light and heavy), 5 (light and heavy), and fuel oils, diesel and kerosene or any grade or type used to heat residential buildings.

“Holding time” means the length of the time from collection of the sample until the time of initiation of the analysis.

“Hydraulic jump” means the sudden passage of water in an open channel from low depth to high depth, during which the velocity changes from supercritical ( $Fr > 1$ ) to subcritical ( $Fr < 1$ ), where  $Fr$  stands for Froude Number.

“Hypolimnion” means the lower region of a stratified waterbody that extends from the thermocline to the bottom of

the waterbody, and is isolated from circulation with the upper waters, thereby receiving little or no oxygen from the atmosphere.

“Illicit connection” means, for purposes of N.J.A.C. 7:14A-25 only, any physical or non-physical connection that discharges the following to a municipal separate storm sewer system (unless that discharge is authorized under a NJPDES permit other than the NJPDES permit for discharges from that system):

1. Domestic sewage;
2. Non-contact cooling water, process wastewater, or other industrial waste (other than stormwater); or
3. Any category of non-stormwater discharges that a permittee for the MS4 identifies as a source or significant contributor of pollutants pursuant to 40 C.F.R. 122.26(d)(2)(iv)(B)(1) or 122.34(b)(3)(iii).

Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

“Important species” means species that are commercially valuable (for example, within the top ten species landed, by dollar value); recreationally valuable; threatened or endangered; critical to the organization and/or maintenance of the ecosystem; or other species necessary in the food web for the well-being of the species identified in this definition.

“Impoundment” means a body of water confined by a dam, dike, floodgate, or other barrier.

“Incineration” means the combustion of organic or inorganic matter, or both, at high temperatures in an enclosed device.

“Income” means all sources of revenue from wherever derived, including wages, retirement benefits, consultant fees, interest, and stock dividends.

“Incorporated place” means the District of Columbia, or a city, town, township, or village that is incorporated under the laws of the State in which it is located.

“Indirect discharge” means any discharge, excluding any discharges by municipal collection systems, into any domestic treatment works.

“Indirect user” means an entity with an indirect discharge.

“Individual subsurface sewage disposal system” means a system for the disposal of sewage into the ground, which is designed and constructed to treat sanitary sewage in a manner that will retain most of the settleable solids in a septic tank and discharge the liquid effluent to a disposal field.

“Industrial pollutants” means non-domestic pollutants, including but not limited to, those pollutants regulated under Section 307(a), (b) or (c) of the Federal Act.

“Industrial pretreatment program” means a program designed to regulate the introduction of pollutants into a local agency’s treatment works from any nondomestic source.

“Industrial Pretreatment Program Permit” or “IPP Permit” means authorization, license, or equivalent control document issued by a delegated local agency to implement the requirements of the IPP. An IPP Permit includes a letter of agreement entered into between a delegated local agency and a user of its municipal treatment works, setting effluent limitations and other conditions on the user of the agency’s municipal treatment works.

“Industrial treatment works” means a treatment works which treats primarily process wastewater and/or industrial pollutants as determined by the percentage of process wastewater, or mass loading of BOD, COD or suspended solids in the wastewater flow. Industrial treatment works shall also include any treatment works, whether publicly or privately owned, which treats primarily wastewater or leachate from a municipal solid waste facility or a potable water treatment plant. This definition shall include SIU pretreatment works.

“Industrial waste” means non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act.

“Industrial wastewater treatment system” means any structure or structures by means of which industrial liquid waste or sludges are subjected to any treatment process.

“Industrial water supply” means water used for processing or cooling.

“Infiltration percolation lagoon” means a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to transmit pollutants to the subsurface and which is not an injection well.

“Inhibition concentration” means that concentration of effluent which produces the specified inhibition effect in a chronic whole effluent toxicity test. An IC<sub>25</sub> is the concentration of effluent which produces an inhibition of 25 percent for the monitored effect as compared to the control.

“Injection well” means a well, septic system, subsurface disposal bed, cavity, tube or pipe, or any structure used to deliver fluids directly to a point below the ground surface.

“Injection zone” means a geological formation, group of formations, or part of a formation receiving fluids through a well.

“Interference” means:

1. Inhibiting or disrupting the operation of a DTW or its treatment processes so as to contribute to, or cause a violation of any condition of a State or Federal permit;

2. Discharging industrial process wastewater which, in combination with existing domestic flows, is of such quantity and/or quality as to exceed the treatment process design capacity; or

3. Preventing the use or disposal of sludge produced by the DTW in accordance with Section 405 of the Federal Act, the Federal Resource Conservation and Recovery Act (42 U.S.C. §§ 3251 et seq.), the Federal Clean Air Act (42 U.S.C. §§ 7401 et seq.), the Federal Toxic Substances Control Act (15 U.S.C. §§ 2601 et seq.), the Marine Protection, Research and Sanctuaries Act (33 U.S.C. §§ 1401 et seq. and 16 U.S.C. §§ 1431 et seq.), Sections 2, 4 and 6 of the State Act, and any regulations, criteria, or guidelines developed pursuant thereto, including, but not limited to, N.J.A.C. 7:14A-20, and the Statewide Sludge Management Plan.

“Intermittent stream” means a stream with a MA7CD10 flow of less than one-tenth (0.1) cubic foot per second.

“Interstate agency” means an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states.

“Irreparable harm” means significant undesirable effects occurring after the date of permit issuance which cannot be reversed after cessation or modification of the discharge.

“Joint meeting” means the meeting or assembly of the members of the governing bodies or boards of the several municipalities having authority to make and enter into contracts for the construction jointly of the works or improvements authorized by N.J.S.A. 40:63-70.

“Lake, pond, or reservoir” means any impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water, excluding sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater. Lakes, ponds, and reservoirs are characterized by a long term or permanent downgradient restriction of surface water flow from the impoundment and areas of quiescent water within the body of the impoundment. Lakes, ponds, and reservoirs are frequently characterized by greater water depths within the impoundment than either the upgradient or downgradient surface water flow and by shallow water lateral edges containing emergent or submerged plant species. For regulatory purposes, the upgradient boundary of a lake, pond, impoundment, or reservoir shall be considered to be the point at which areas of greater depth and relatively quiescent water can be differentiated from the upgradient surface water input into the impoundment under average flow conditions.

“Landfill” see sanitary landfill.

“Land application” means the controlled discharge of pollutants onto or into the surface soil horizon in such a

“Water quality management plans” or “WQMPs” means the plans prepared pursuant to Sections 208 and 303 of the Federal Act and the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., including the Statewide, areawide, and county WQM plans.

“Water quality standards” means the physical, chemical, biological and esthetic characteristics of a water body as described by State water quality criteria, N.J.A.C. 7:9B, or the water quality which would result from existing discharges under design conditions, whichever is more stringent as determined by the Department.

“Waters of the State” means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Weekly” means every seventh day (the same day each week) and a normal operating day, unless otherwise specified in the permit. A normal operating day shall be a period of time reasonably representative of normal operating conditions, on which a representative sample of the discharge may be obtained.

“Weekly monitoring” means monitoring conducted at a minimum of once every seven calendar day period.

“Well” means a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

“Well injection” means the subsurface emplacement of fluids through an injection well.

“Well log” means a log obtained from a well showing such information as relative location and depth of soils horizons and geologic units indicating textural and other petrologic characteristics. Well logs may also show geophysical properties such as resistivity, radioactivity, spontaneous potential and acoustic velocity as in function of depth.

“Well monitoring” means the measurement by on-site instruments or laboratory methods of the quality of water in a well.

“Well plug” means a watertight and gastight seal installed in a borehole or well to prevent movement of fluids.

“Well record” means a concise statement of the available data regarding a well, such as a scout ticket; a full history or day-by-day account of a well, from the day the well was surveyed to the day production ceased.

“Well stimulation” means several processes used to clean the well bore, enlarge channels, and increase pore space in the interval to be injected thus making it possible for wastewater to move more readily into the formation, and includes surging, jetting, blasting, acidizing, or hydraulic fracturing.

“Wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions commonly known as hydrophytic vegetation. The Department shall evaluate the parameters of hydrology, soils, and vegetation to determine the presence and extent of wetlands.

“Whole effluent toxicity” or “WET” means the aggregate toxic effect of an effluent measured by a toxicity test.

“Working hours” means the established core operation hours of the Department, including but not limited to 8:00 A.M. through 5:00 P.M., Monday through Friday.

“Written statement of consent” means a Departmental form or a resolution by a governmental entity (as specified by the Department for the action requested) signed by an authorized representative of the governmental entity, which expresses that entity’s acknowledgment of an application submitted to the Department for approval.

“Zone” means the general surface water classification applied to the mainstem Delaware River and Delaware Bay.

“Zone of saturation” means saturated zone.

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

In “Hazardous waste”, amended N.J.A.C. references; Changed “Level of pollutant concentration actually achieved” to “Level of pollutant control actually achieved”, and added reference to nonconventional pollutants; in “Medium municipal separate storm sewer system”, in 1, inserted “(As of May 5, 1997, only Elizabeth, Jersey City, and Paterson are listed)”, and in 2, inserted “(As of May 5, 1997, no New Jersey counties are listed)”; in “Operating entity”, deleted reference to “operator error”; in “Significant indirect user”, amended N.J.A.C. references; in “Surface impoundment”, changed “wastes containing free liquids” to “wastes containing free liquids”; and deleted “Total suspended solids concentrations achievable with waste stabilization ponds”.  
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).

Added “Cesspool”, “Illicit connection”, “Small municipal separate storm sewer system”, “Stormwater discharge (or stormwater DSW) associated with construction activity”; rewrote “Connection”, “Co-permittee”, Interstate agency”, “Large municipal separate storm sewer system”, “Medium municipal separate storm sewer system”, “Municipality”, “Municipal separate storm sewer”, “Stormwater”, “Stormwater discharge associated with industrial activity”; deleted “Run-off” for purposes of N.J.A.C. 7:14A-10 only, and “Run-on”.

Administrative corrections.  
See: 36 N.J.R. 4133(a).

Administrative correction.  
See: 37 N.J.R. 1517(a), 37 N.J.R. 4245(a).

Administrative corrections and changes.  
See: 38 N.J.R. 1445(a).

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

**Case Notes**

Flow monitoring; requirement for surface water discharge permit. Public Interest Research Group of New Jersey v. Yates Industries, Inc., D.N.J.1991, 757 F.Supp. 438, reconsideration denied in part, granted in part 790 F.Supp. 511.

Citation to upset definition; pollutant discharger not entitled to upset defense to permit limit exceedances which occurred prior to inclusion of upset provision in discharge permit; burden of proof of upset on discharger. Student Public Interest Research Group of New Jersey v. P.D. Oil & Chemical Storage, Inc., 627 F.Supp. 1074 (D.N.J.1986).

Regulation defining "connection" was inapplicable to a regional or local sewerage authority established pursuant to N.J.S.A 40:14-1 et seq., and had nothing to do with connection fees as therein prescribed. Nestle USA-Beverage Division, Inc. v. Manasquan River Regional Sewerage Authority, 330 N.J.Super. 510, 750 A.2d 157 (N.J.Super.A.D. 2000).

Citation to definitions of thermal, municipal and industrial discharges. Public Service Electric and Gas Co. v. Dept. of Environmental Protection, 101 N.J. 95, 501 A.2d 125 (1985).

Corporation officer held personally responsible for administrative penalty assessment when company violates water pollution law during irregularly scheduled operation. Department of Environmental Protection v. Port Norris Oyster Company, Inc. and Weaton, 97 N.J.A.R.2d (EPE) 12.

Sewage treatment plant properly denied penalty waiver; "upset". Septembers on the Hill, Inc. v. DEPE, 94 N.J.A.R.2d (EPE) 165.

Piercing corporate veil not necessary; officers liable as "responsible corporate officials". Department of Environmental Protection v. Engineered Precision Casting Co., 93 N.J.A.R.2d (EPE) 87.

Evidence was sufficient to establish unlawful discharge of pollutants. Salem Packing Company v. New Jersey Department of Environmental Protection, 92 N.J.A.R.2d (EPE) 270.

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## SUBCHAPTER 2. GENERAL PROGRAM REQUIREMENTS

### 7:14A-2.1 Purpose and scope

(a) This chapter establishes the regulatory framework under the authority of N.J.S.A. 58:10A-1 et seq., 58:11A-1 et seq., 58:11-49 et seq., 58:10-23.11 et seq., 58:11-18.10 et seq., 13:1D-1 et seq., 13:1E-1 et seq., 58:4A-5, 58:4A-4.1, 58:12A-1 et seq. 42 U.S.C. §§ 300F et seq., and 33 U.S.C. §§ 1251 et seq., within which the Department regulates the discharge of pollutants to the surface and ground waters of the State.

(b) The Department may, at its discretion, revoke a NJPDES-SIU permit if the permittee meets the exemption criteria of (a) above.

(c) A permittee may request revocation of an individual NJPDES-SIU permit by submitting to the Department a certification by an authorized representative of the permittee stating the date and describing in detail when and why the permittee became eligible for an exemption pursuant to (a) above.

(d) The Department shall revoke the NJPDES-SIU permit if the permittee establishes pursuant to (c) above that the permittee qualifies for an exemption under (a) above.

(e) The terms and conditions of the individual NJPDES-SIU permit, including, but not limited to, the requirement to file a timely application for permit renewal, remain in full force and effect unless and until such permit is revoked consistent with the procedures in N.J.A.C. 7:14A-16.

(f) If an individual NJPDES-SIU permit is revoked pursuant to this section, the user may continue to discharge and shall comply with any pretreatment requirements of the local agency and this subchapter.

**7:14A-21.10 Establishing conditions and effluent limitations for an individual NJPDES-SIU permit issued by the Department**

(a) Effluent limitations for NJPDES-SIU permits shall be developed for the applicable pollutants based on one or more of the following:

1. Applicable or relevant categorical pretreatment standards under 40 CFR Chapter I, Subchapter N, calculated and/or adjusted if applicable in accordance with N.J.A.C. 7:14A-21.4;
2. Local limits developed in accordance with N.J.A.C. 7:14A-19.7;
3. In the absence of local limits developed by the local agency in accordance with N.J.A.C. 7:14A-19.7, limitations will be calculated by the Department to prevent pass through or interference at the receiving local agency's treatment works using the Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program, USEPA, (December 1987);
4. Limitations based upon performance of existing and proposed wastewater pretreatment units; and
5. Minimum requirements for all indirect users of local agencies specified in N.J.A.C. 7:14A-21.2.

(b) In addition to effluent limitations, the individual NJPDES-SIU permit shall contain the following conditions, requirements and/or provisions, as applicable:

1. Reporting and filing requirements in accordance with N.J.A.C. 7:14A-21.3;
2. Slug discharge control plan requirements as specified in N.J.A.C. 7:14A-19.6(a)7;
3. Residuals management requirements pursuant to N.J.A.C. 7:14A-6.15;
4. Treatment Works Approval requirements such as proper maintenance and operation of the pretreatment system and, licensed operator requirements in accordance with N.J.A.C. 7:14A-22;
5. Compliance schedule pursuant to N.J.A.C. 7:14A-6.4(a); and
6. Bypass provisions pursuant to N.J.A.C. 7:14A-21.6.

**7:14A-21.11 Violations; closing off of use of sewerage connections**

The Department or the local agency may, in instances of indirect user non-compliance, take such steps as may be necessary to seal or close off connections from the local agency to the indirect user until it is satisfied that adequate measures have been taken to prevent the recurrence of non-compliance in accordance with N.J.S.A. 58:11-56.

**SUBCHAPTER 22. TREATMENT WORKS APPROVALS, SEWER BANS, SEWER BAN EXEMPTIONS**

**Source and Effective Date**

R.1994 d.278, effective June 6, 1994.  
See: 25 N.J.R. 3282(a), 26 N.J.R. 2413(b).

**7:14A-22.1 General policy and purpose**

(a) It is the purpose of this subchapter to:

1. Establish when a treatment works approval permit is required from the Department;
2. Establish the administrative requirements for treatment works approval applications;
3. Establish the criteria for the imposition of sewer connection bans;
4. Restrict the approval of additional sewer connections, by means of a sewer connection ban, in circumstances when untreated or partially treated wastewater is being discharged in substantial non-compliance with a NPDES or NJPDES permit, or circumstances when inadequate conveyance capacity exists in a collection/conveyance system;
5. Establish criteria for exemptions from sewer connection bans; and

6. Establish a mechanism for actions by local and regional sewerage authorities to provide for adequate sewage conveyance and treatment facilities within their sewer service areas, and to ensure that sewage generating facilities are located within the appropriate sewer service area as determined by the applicable water quality management plans.

(b) The performance of sewerage facilities, which are generally owned and operated by local and regional sewerage authorities, is dependent, in part, on how they are managed as well as upon controls exercised over the issuance of local approvals and additional sewage connection permits. Adequate monitoring and prudent management of such facilities is essential in order to prevent violations of their NJPDES permits or overflows of conveyance systems. It is the responsibility of the sewerage authority and/or treatment plant owner/operator to implement timely corrective actions and to ensure that additional connections to the treatment works do not result in such occurrences. Whenever the participating municipalities and sewerage authorities fail in this responsibility, the Department may take whatever action that it deems necessary to assure compliance, including, but not limited to, ceasing the issuance of treatment works approval permits and/or the imposition of a sewer connection ban.

#### Case Notes

Seriousness of polluter's 386 violations and economic benefits obtained by polluter together with evidence that penalty would not jeopardize polluter's continued operation, warranted statutory maximum penalty for violations of permit, subject to reduction to reflect actions and inaction of federal and state enforcement agencies. *Pirg v. Powell Duffryn Terminals, Inc.*, D.N.J.1989, 720 F.Supp. 1158, affirmed in part, reversed in part 913 F.2d 64, rehearing denied, certiorari denied 111 S.Ct. 1018, 498 U.S. 1109, 112 L.Ed.2d 1100.

#### 7:14A-22.2 Scope

(a) Pursuant to N.J.S.A. 58:10A-6, no person shall build, install, modify or operate any facility (including any sewer extension as defined in this chapter) for the collection, conveyance, treatment or discharge of any industrial or domestic wastewater except in conformance with this subchapter.

(b) In a sewer connection ban area, any project involving the construction, operation or modification of a connection, including the modification of a building's projected flow, may not be undertaken except in conformance with this subchapter.

(c) In addition to any action expressly authorized by this chapter, the Department shall have the authority to pursue other remedial actions and may take enforcement actions under the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and impose fines or penalties in accordance with the Civil Administrative Penalty Rules, N.J.A.C. 7:14-8, or other applicable statute for failure to comply with the terms, conditions, and requirements of this subchapter.

(d) These rules shall be liberally construed to permit the Department and its various agencies to administer their statutory functions.

(e) The Department may, upon notice to all parties and in the public interest, delegate, in accordance with N.J.A.C. 7:14A-22.23, the application of these rules.

(f) The technical standards for the design and construction of treatment works are contained in N.J.A.C. 7:14A-23.

(g) When a treatment works is not required to obtain an approval from the Department pursuant to this subchapter, the treatment works is nonetheless required to conform with any applicable requirements of this subchapter and N.J.A.C. 7:14A-23, Technical Requirements for Treatment Works Approvals.

(h) The Department shall determine within 20 working days of the issuance of a final NJPDES permit or NJPDES permit modification, whether the discharger shall be required to obtain approval in accordance with the subchapter.

(i) No person shall permit, approve or otherwise allow the construction, installation, modification or operation of any facility or activity that violates the terms, conditions and requirements of this subchapter.

Amended by R.1997 d.107, effective May 5, 1997.

See: 28 N.J.R. 380(a), 28 N.J.R. 2779(a), 28 N.J.R. 3494(a), 28 N.J.R. 3858(a), 28 N.J.R. 4697(a), 28 N.J.R. 5028(a), 29 N.J.R. 1704(a). Deleted (j).

#### 7:14A-22.3 Activities for which a treatment works approval is required

(a) Except as provided in N.J.A.C. 7:14A-22.4, no person shall engage in any of the following activities except in conformance with a valid treatment works approval from the Department:

1. Building, installing, modifying, or operating any treatment works including, but not limited to, sewer extensions, sewer interceptors, domestic and industrial wastewater treatment systems, holding tanks, equalization tanks and wastewater treatment and recycling systems.

2. Building, installing, modifying or operating any sewer line, pumping station or force main which serves more than two buildings or will convey 8,000 gallons per day or more of flow to a treatment works.

i. Increasing the projected flow in an existing sewer line by 8,000 gallons per day or more shall require a treatment works approval permit, irrespective of whether or not additional sewer line construction is involved;