

5. A permit application or request for authorization shall be submitted to the Director within 60 days of notice, unless a later submission date is requested and approved by the Director, for:

i. A stormwater discharge which the Director or the EPA Regional Administrator determines that the discharge contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States (see (a)1v above); and

ii. A stormwater discharge subject to (c)1v above.

6. Facilities with existing NJPDES permits for stormwater discharges associated with industrial activity shall maintain existing permits. Facilities with permits for stormwater discharges associated with industrial activity which expire on or after May 18, 1992 shall submit a new application in accordance with the requirements of N.J.A.C. 7:14A-4 and (c) above 180 days before the expiration of such permits.

7. The Director shall issue or deny individual permits (or authorization under general permits) for discharges composed entirely of stormwater under this section in accordance with the following schedule:

i. The Director shall issue or deny individual permits (or authorization under general permits) for stormwater discharges associated with industrial activity no later than April 1, 1994, or for new sources or existing sources which did not submit a complete NJPDES permit application or request for authorization by April 1, 1993, one year after receipt of a complete NJPDES permit application or request for authorization (unless the general permit specifies a shorter time period);

ii. The Director shall issue or deny permits for large or medium municipal separate storm sewer systems by the deadlines contained in 40 CFR 122.26(e)(7)(ii) and (iii), which are incorporated into this chapter by reference.

(f) The following concerns petitions:

1. Any operating entity for a municipal separate storm sewer system may petition the Director to require a separate NJPDES permit for any discharge into the municipal separate storm sewer system.

2. Any person may petition the Director to require a NJPDES permit for a point source discharge which is composed entirely of stormwater which contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States.

3. The owner of or operating entity for a municipal separate storm sewer system may petition the Director to reduce the Census estimates of the population served by such separate system to account for stormwater discharged to combined sewers as defined by 40 CFR 35.2005(b)(11) that is treated in a publicly owned treatment works. In municipalities in which combined sewers

are operated, the Census estimates of population may be reduced proportional to the fraction, based on estimated lengths, of the length of combined sewers over the sum of the length of combined sewers and municipal separate storm sewers where an applicant has submitted the NJPDES permit number associated with each discharge point and a map indicating areas served by combined sewers and the location of any combined sewer overflow discharge point.

4. Any person may petition the Director for the designation of a large or medium municipal separate storm sewer system as defined by paragraph 4 of the definitions of "large municipal separate storm sewer system" or "medium municipal separate storm sewer system" in N.J.A.C. 7:14A-1.2.

5. The Director shall make a final determination on any petition received under this section within 90 days after receiving the petition.

(g) The following concerns discharges composed entirely of stormwater under Section 402(p)(6) of the Federal Act. Any operating entity for a point source required to obtain a permit under (a)8 above shall submit an application for an individual permit, or a request for authorization under a general permit, in accordance with the following requirements.

1. The operating entity shall submit an application or request for authorization in accordance with the following deadlines:

i. A discharge which the Director determines to contribute to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States shall submit an application or request for authorization to the Director within 180 days of receipt of notice, unless a later submission date is requested and approved by the Director; or

ii. All other discharges shall submit an application or request for authorization to the Director no later than August 7, 2001.

2. The operating entity shall submit an application or request for authorization in accordance with the following requirements, unless otherwise modified by the Director:

i. An individual application for non-municipal discharges shall meet the requirements contained in (c)1 above.

ii. Applications for municipal separate storm sewer discharges shall meet the requirements contained in (d) above.

iii. Requests for authorization under a general permit issued by the Director shall meet the requirements contained in N.J.A.C. 7:14A-6.13(d).

(h) When "quantitative data" for a pollutant are required in an individual NJPDES permit application for a stormwa-

ter discharge, the applicant shall collect samples in accordance with N.J.A.C. 7:14A-4.4(b) (also see (c)1i(6) above) and the following requirements:

1. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inch and at least 72 hours from the previously measurable (greater than 0.1 inch) storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area;

2. A flow-weighted composite shall be taken for either the entire discharge or for the first three hours of the discharge as follows:

i. The flow-weighted composite sample for a stormwater discharge may consist of:

(1) Continuous sampling;

(2) A combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge; with each aliquot being separated by a minimum period of fifteen minutes; or

(3) A combination of a minimum of three sample aliquots taken for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes;

ii. Applicants submitting permit applications for stormwater discharges under this section may collect flow-weighted composite samples using different protocols with respect to the time duration between the collection of sample aliquots, subject to the approval of the Department;

iii. A minimum of one grab sample may be taken for stormwater discharges from holding ponds or other impoundments with a retention period greater than 24 hours;

iv. For a flow-weighted composite sample, only one analysis of the composite of aliquots is required;

v. For stormwater discharge samples taken from discharges associated with industrial activities, quantitative data must be reported for the grab sample taken during the first thirty minutes (or as soon thereafter as practicable) of the discharge for all pollutants requiring analysis under (c) above; and

vi. For all stormwater permit applicants taking flow-weighted composites, quantitative data must be reported for all pollutants requiring analysis under (c) above except pH, temperature, cyanide, total phenols, chlorine produced oxidants, oil and grease, fecal coliform, and fecal streptococcus; and

3. The Department may allow or establish appropriate site-specific sampling procedures or requirements, including sampling locations, the season in which the sampling takes place, the minimum duration between the previous measurable storm event and the storm event sampled, the minimum or maximum level of precipitation required for an appropriate storm event, the form of precipitation sampled (snow melt or rain fall), protocols for collecting samples that may differ from protocols for collecting samples under 40 C.F.R. 136, and additional time for submitting data on a case-by-case basis.

(i) The operating entity for a large or medium municipal storm sewer system or a municipal separate storm sewer system or a municipal separate storm sewer that has been designated by the Department or the Regional Administrator under (a)1v above shall submit an annual report by the anniversary of the date of the issuance of the permit for such system. The report shall include the information required under 40 C.F.R. 122.42(c), which is incorporated into this chapter by reference.

(j) Appendix A and Appendix B to this subchapter, incorporated herein by reference, contain two final general permits that the Department has issued for stormwater discharges associated with industrial activity. The inclusion of these two general permits within this subchapter does not affect the status or requirements of other general permits that the Department issued prior to or after May 5, 1997.

#### 7:14A-11.6 Federal criteria and standards for DSW permits

(a) The following Federal criteria and standards apply to DSW permits:

1. The criteria and standards for the imposition of technology-based treatment requirements in DSW permits shall be as set forth in 40 C.F.R. 125, Subpart A;

2. The criteria for issuance of a permit to aquaculture projects shall be as set forth in 40 C.F.R. 125, Subpart B;

3. The criteria and standards for determining fundamentally different factors shall be as set forth in 40 C.F.R. 125, Subpart D;

4. The criteria and standards for determining alternative effluent limitations for the thermal component of a discharge shall be as set forth in 40 C.F.R. 125, Subpart H;

5. The criteria applicable to cooling water intake structures shall be as set forth in 40 C.F.R. 125, Subpart I, when the USEPA adopts these criteria;

6. The criteria and standards for best management practices for ancillary industrial activities shall be as set forth in 40 C.F.R. 125, Subpart K;

7. The criteria and standards for imposing conditions for the disposal of sewage sludge shall be as set forth in 40 C.F.R. 125, Subpart L; and

8. The criteria for ocean discharges shall be as set forth in 40 C.F.R. 125, Subpart M.

(b) Whenever the provisions elsewhere in this chapter are more stringent than the criteria and standards referenced in this section, the more stringent provisions elsewhere in this chapter shall apply.

#### 7:14A-11.7 Variances and modifications under the State and Federal acts

(a) Any discharger may request a variance from effluent limitations by filing a request by the close of the public comment period established pursuant to N.J.A.C. 7:14A-15.10 as follows:

1. A variance under N.J.A.C. 7:9B-1.8 or 1.9 for achieving water quality based effluent limitations. An applicant shall follow the procedures in N.J.A.C. 7:9B-1.8 or 1.9.

2. A variance under Section 316(a) of the Federal Act for the thermal component of any discharge. A copy of the request submitted to USEPA pursuant to 40 C.F.R. 125, Subpart H, shall be submitted simultaneously to the Department as required under 40 C.F.R. 125. Such request shall be determined in accordance with N.J.A.C. 7:14A-11.11.

(b) A discharger which is not a POTW may request a variance from otherwise applicable effluent limitations under any of the following statutory or regulatory provisions within the time period specified in this subsection:

1. A request for a variance based on the presence of fundamentally different factors from those on which the effluent limitation guideline was based shall be submitted as follows:

i. For a request for a variance from best practicable control technology currently available (BPT), by the close of the public comment period established under N.J.A.C. 7:14A-15.10.

ii. For a request for a variance from best available technology economically achievable (BAT) and/or best conventional pollutant control technology (BCT), by no later than 180 days after the date on which an effluent limitation guideline is published in the Federal Register for a request based on an effluent limitation guideline promulgated on or after February 4, 1987.

iii. Any request for a variance made under this paragraph shall explain how the requirements of 40 C.F.R. 125, Subpart D have been met.

2. A request for a variance from the BAT requirements of Section 301(b)(2)(F) of the Federal Act for non-conventional pollutants (ammonia; chlorine; color; iron;

total phenols (4AAP) and any other pollutant which the Administrator lists under Section 301(g)(4) of the Federal Act) pursuant to Section 301(c) of the Federal Act because of the economic capability of the owner or operating entity, or pursuant to Section 301(g) of the Federal Act shall be submitted as follows:

i. For those requests for a variance from an effluent limitation based upon an effluent limitation guideline a requester shall submit:

(1) An initial request to the Regional Administrator and to the Department, stating the name of discharger, the permit number, the outfall number(s), the applicable effluent guideline, and whether the discharger is requesting a Section 301(c) or Section 301(g) modification or both. This request shall be filed not later than 270 days after promulgation of an applicable effluent limitation guideline for guidelines promulgated after December 27, 1977; and

(2) A complete request no later than the close of the public comment period established under N.J.A.C. 7:14A-15.10, demonstrating that the requirements of N.J.A.C. 7:14A-15.13 and the applicable requirements of 40 C.F.R. 125 have been met. Notwithstanding this provision, the complete request under section 301(g) shall be filed 180 days before the Department is required to make a final decision (unless the Department establishes a shorter or longer period).

ii. For those requests for a variance from effluent limitations not based on effluent limitation guidelines, the request need only comply with (b)2i(2) above, and need not be preceded by an initial request under (b)2i(1) above.

3. A request for a modification, under Section 302(b)(2) of the Federal Act, of water quality related effluent limitations developed by the USEPA under Section 302(a) of the Federal Act shall be submitted by the close of the public comment period established under N.J.A.C. 7:14A-15.10 on the permit for which the modification is being sought.

4. A request for a modification of effluent limitations which are more stringent than the BAT based limitations established in accordance with N.J.A.C. 7:14A-13.4 shall be submitted by the close of the public comment period established under N.J.A.C. 7:14A-15.10 on the permit for which the modification is being sought. For a modification requested under this paragraph, the relief and procedures in N.J.A.C. 7:9B-1.8 or 1.9 shall apply.

(c) Notwithstanding the time period requirements in (a) and (b) above, the Department may send notification before a draft permit is issued under N.J.A.C. 7:14A-15.6 that the draft permit will likely contain limitations which are eligible for variances. In the notice, the Department may require as a condition of consideration of any potential variance re-

quest submission a request explaining how the requirements of 40 C.F.R. 125 applicable to the variance have been met and may require submission of such a request within a specified reasonable time after receipt of the notice. The notice may be sent before the permit application has been submitted. The draft or final permit may contain the alternative limitations which may become effective upon granting of the variance.

(d) A discharger who cannot file a complete request required under (a)1, (b)2i(2), 2ii or 4 above may request a one time extension. The extension may be granted or denied at the discretion of the Department. If the extension request is denied, the Department shall state the reason(s) for the denial. An extension shall be limited to:

1. Twelve months for a variance requested under (a)1 or (b)4; or
2. Six months for a variance requested under (b)2i(2) or 2ii.

#### 7:14A-11.8 Decisions on variances

(a) The Department may grant or deny a request for a variance for the thermal component of a discharge under Section 316(a) of the Federal Act.

(b) The Department may deny, forward to the Regional Administrator with a written concurrence, or submit to USEPA without recommendation a completed request for:

1. A variance based on the economic capability of the applicant under Section 301(c) of the Federal Act; and
2. A variance based on water quality related effluent limitations under Section 302(b)(2) of the Federal Act.

(c) The Department may deny or forward to the Regional Administrator with a written concurrence a completed request for:

1. A variance based on the presence of "fundamentally different factors" from those on which an effluent limitation guideline was based; and
2. A variance based on certain water quality factors under section 301(g) of the Federal Act.

(d) The Department shall reopen or revoke and reissue a permit, after final action by the USEPA, for a variance from water quality based effluent limitations under N.J.A.C. 7:9B-1.8 or 1.9.

(e) If the USEPA approves the variance, the Department shall prepare a draft permit incorporating the variance. Any public notice of a draft permit for which a variance or modification has been approved or denied shall identify the applicable procedures for appealing that determination under 40 C.F.R. 124.64, or under N.J.A.C. 7:14A-17.2 if the variance was denied or partially denied by the Department.

#### 7:14A-11.9 Procedures for variances

(a) A request for a variance is filed under N.J.A.C. 7:14A-11.7 shall be processed as follows:

1. If, at the time that a request for a variance is submitted, the Department has received an application for issuance or renewal of a permit but has not yet prepared a draft permit, the Department may:

i. Prepare a draft permit for public notice incorporating the Department's decision on the variance request; or

ii. If the variance determination will cause significant delay in issuing the permit, separate the variance request from the permit application and process the permit application.

2. If, at the time that a request for a variance is submitted the Department has published public notice of the draft permit but has not issued a final permit, the Department may:

i. Stay administrative proceedings concerning the draft permit and prepare a new draft permit incorporating the Department's decision on the variance request; or

ii. If the variance determination will cause significant delay in issuing the permit, separate the variance request from the draft permit and issue the final permit.

3. If the final permit has been issued and a variance request has been separated from a draft permit pursuant to (a)1 or 2 above, the Department may subsequently prepare a new draft permit for public notice incorporating the Department's decision on the variance request.

(b) The Department may grant a stay of an effluent limitation(s) until a decision on a variance is made in accordance with the following:

1. For a request under Section 301(g), effluent limitations shall not be stayed unless:

i. In the judgment of the Department, the stay or variance sought will not result in the discharge of pollutants in quantities which may be reasonably anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistence in the environment, acute toxicity, chronic toxicity, or synergistic propensities;

ii. In the judgment of the Department, there is a substantial likelihood that the discharger will succeed on the merits of its appeal; and

iii. The discharger files a bond or appropriate security as deemed necessary by the Department to assure timely compliance with the requirements from which a variance is sought in the event that the appeal is unsuccessful.

(c) All monitoring shall be performed in accordance with the monitoring requirements contained in N.J.A.C. 7:14A-6.5 and monitoring results submitted to the Department on forms as specified by and available from the Department.

**7:14A-14.2 Monitoring frequency requirements for direct surface water discharges**

(a) A monitoring schedule for parameters included in a DSW permit shall be established as provided in Tables 14-1 through 14-4 below. Tables 14-2 and 14-4 establish monitoring frequencies for parameters in DSW permits that are either monitored and limited, or monitored only. Tables 14-1 and 14-3 establish monitoring frequencies in DSW permits that are monitored and limited.

Table 14-1

Toxic Metals and Organic Compounds and Whole Effluent Toxicity Monitoring Frequency Requirements Applicable to Industrial Facilities

Parameter	All Major Facilities	All Minor Facilities
Toxic Metals <sup>(2)</sup> and Cyanide	1/Month ((G) for cyanide) ((C) for toxic metals) <sup>(1)</sup>	1/Month ((G) for cyanide) ((C) for toxic metals) <sup>(1)</sup>
Toxic Organic Compounds <sup>(3)</sup>	1/Month (G) for volatile organic compounds ((C) for all other compounds) <sup>(1)</sup>	1/Quarter (G) for volatile organic compounds ((C) for all other compounds) <sup>(1)</sup>
Whole Effluent Toxicity	1/Quarter	1/Quarter

Footnotes:

C = Composite sample.  
G = Grab sample.

- For composite sampling, the applicable composite time period will be specified in the permit.
- A full listing of all toxic metals can be found in N.J.A.C. 7:14A-4, Appendix A, Table III.
- A full listing of all toxic organic compounds can be found in N.J.A.C. 7:14A-4, Appendix A, Table II.

Table 14-2

Conventional and Non-Conventional Parameters Monitoring Frequency Requirements Applicable to Industrial Facilities

Parameter	All Major Facilities	All Minor Facilities
COD, DOC, TOC, BOD, CBOD, NBOD, Dissolved Oxygen, TSS, TDS, FSOD, Settleable Solids	1/Month (G) <sup>(1)</sup>	1/Month (G) <sup>(1)</sup>
Phosphorus, Nitrogen (all forms), Oil and Grease and/or Petroleum Hydrocarbons, Alkalinity, Hardness	2/Month (C or G) <sup>(1, 2)</sup>	1/Month (G) <sup>(1, 2)</sup>
pH, Temperature	2/Month (G)	1/Month (G)
CPO: (if used or added)	1/Week (G)	1/Month (G)
(if not used or added)	1/Month (G)	1/Quarter (G)
Bacterial Indicators	1/Month (G)	1/Month (G)

Table 14-4

Conventional and Nonconventional Parameters Monitoring Frequency Requirements Applicable to Domestic Treatment Works

Parameter	Effluent Flow (MGD)							
	<0.05	0.05 - 0.1	>0.1 - 0.5	>0.5 - 1.0	>1.0 - 5.0	>5.0 - 10	>10 - 15	> 15.00
BOD, CBOD, NBOD, FSOD, TOC, COD, TSS, TDS, Phosphorus, Nitrogen (all forms), Alkalinity, Hardness, Color, and any other parameter that can be composite sampled	1/month (G)	2/month 4 hr (C)	2/month 6 hr (C)	3/month 6 hr (C)	1/week 24 hr (C)	2/week 24 hr (C)	3/week 24 hr (C)	1/day 24 hr (C)
Dissolved Oxygen	1/month (G)	2/month (G)	2/month (G)	3/month (G)	1/week (G)	2/week (G)	3/week (G)	1/day (G)
pH, CPO, Settleable solids,	1/day	1/day	1/day	1/day	2/day	3/day	3/day	6/day

Footnotes:

C = Composite sample.  
G = Grab sample.

- Grab samples shall be collected for the parameters listed below except that composite samples shall be collected when the frequency of monitoring is greater than 1/month. When composite samples are required, the composite time period will be specified in the permit.
  - Chemical oxygen demand (COD);
  - Biochemical oxygen demand (BOD), including CBOD, NBOD, and FSOD;
  - Total or dissolved organic carbon (TOC or DOC);
  - Solids, including total suspended solids (TSS) and total dissolved solids (TDS);
  - All nutrients, including ammonia-N, total kjeldhal nitrogen, nitrite, nitrate, and phosphorus fractions; and
  - Alkalinity or hardness.
- Grab samples shall be collected for the following parameters:
  - Temperature;
  - pH;
  - Chlorine produced oxidants (CPO);
  - Dissolved oxygen;
  - Settleable solids;
  - Oil and grease and/or petroleum hydrocarbons; and
  - Bacterial indicators, including fecal coliform, total coliform, streptococci, or enterococci

Table 14-3

Toxic Metals and Organic Compounds and Whole Effluent Toxicity Monitoring Frequency Requirements Applicable to Domestic Treatment Works

Parameter	All Major Facilities	All Minor Facilities
Toxic Metals <sup>(1)</sup> and Cyanide	1/Month (G) for cyanide (24 hr (C) for Toxic Metals)	1/Month <sup>(3)</sup>
Toxic Organic Compounds <sup>(2)</sup>	1/Month ((G) for volatile organic compounds) (24 hr (C) for all other compounds) <sup>(3)</sup>	1/Quarter ((G) for volatile organic compounds)
Whole Effluent Toxicity	1/Quarter	1/Quarter

Footnotes:

C = Composite sample.  
G = Grab sample.

- A full listing of all toxic metals can be found in N.J.A.C. 7:14A-4, Appendix A, Table III.
- A full listing of all organic toxic compounds can be found in N.J.A.C. 7:14A-4, Appendix A, Table II.
- For cyanide sampling, grab samples shall be taken. The required sample type( based on flow in MGD) for toxic metals and all toxic organic compounds, except volatile organic compounds, for minor facilities is:
  - Grab sample for a flow less than 0.05 MGD;
  - Four-hour composite sample for a flow of 0.05 up to and including 0.1 MGD;
  - Six-hour composite sample for a flow greater than 0.1 up to and including 1.0 MGD.

Parameter	Effluent Flow (MGD)							
	<0.05	0.05 - 0.1	>0.1 - 0.5	>0.5 - 1.0	>1.0 - 5.0	>5.0 - 10	>10 - 15	> 15.00
Temperature	(G)	(G)	(G)	(G)	(G)	(G)	(G)	(G)
Bacterial Indicator (limit imposed)	1/month (G)	1/month (G)	2/month (G)	2/month (G)	4/month (G)	8/month (G)	8/month (G)	1/day (G)
Bacterial Indicator (no limit imposed)	1/month (G)	1/month (G)	1 month (G)	1 month (G)	1 month (G)	1 month (G)	1 month (G)	1 month (G)
Oil and Grease (any petroleum based component)	1/month (G)	1/month (G)	2/month (G)	2/month (G)	1/week (G)	2/week (G)	2/week (G)	2/week (G)
Oil and Grease (no petroleum based component)	1/quarter (G)	1/quarter (G)	1/quarter (G)	1/quarter (G)	1/month (G)	1/month (G)	2/month (G)	2/month (G)

Footnotes: C = Composite sample. G = Grab sample.

(b) The monitoring frequency for any parameter or group of parameters will be increased for a specific discharger if the Department determines that increased monitoring frequency is appropriate based on factors such as effluent variability, non-compliance history, or other site specific factors. The Department shall describe the reasons for the increased monitoring in the draft permit fact sheet.

(c) The monitoring frequency for any parameter or group of parameters will be decreased when:

1. An existing discharge permit specifies less frequent monitoring than is specified in this section, the reduced monitoring frequency will be continued in the renewed permit provided the discharger has demonstrated consistent compliance with the specified parameters;

2. A permit specifies conditions for monitoring frequency reduction and the permittee complies with all conditions; or

3. A permittee requests a reduction in compliance monitoring frequency during the time that the permittee is engaged in a watershed TMDL study in cooperation with the Department and/or other dischargers and the Department considers the change warranted. The monitoring frequency reduction will be effected as a major modification of the discharge permit in accordance with N.J.A.C. 7:14A-16.4(b)7xi. This provision does not affect the Department's authority to require ambient monitoring as part of the permit application or as a permit condition.

(d) Notwithstanding any reduction in monitoring frequency established pursuant to (c) above, whenever a Discharge Monitoring Report shows that an effluent limitation has been exceeded, the applicable monitoring frequency shall be adjusted as follows:

1. A permittee shall adjust monitoring to monthly for serious violations in accordance with N.J.A.C. 7:14A-6.8(c).

2. For violations which are not serious violations the permittee shall, upon written notice from the Department, resume the monitoring frequency established immediately preceding the frequency reduction and reporting schedule unless the permittee can demonstrate to the satisfaction of the Department that the exceedence was caused by an upset, bypass or laboratory error as provided for in N.J.A.C. 7:14A-6.11.

(e) General permits and individual stormwater discharge permits are exempt from the requirements of this section unless the fact sheet for the draft general or stormwater discharge permit contains a summary of the basis for imposing monitoring in accordance with N.J.A.C. 7:14A-15.8(a)4.

#### 7:14A-14.3 Monitoring frequency requirements for NJPDES-SIU permits

(a) This section establishes monitoring requirements for SIU permits issued by the Department. Monitoring frequency for each parameter shall be determined based on the following factors:

1. The permittee's compliance history;
2. The impact of the discharge on the receiving local agency's treatment process, discharge and/or sludge quality or potential for endangerment to public health or to the local agency employee's health or safety;
3. The volume (or mass) of the discharge(s);
4. Production variations (variability of the discharge); and
5. Any Federal or local requirements regarding significant indirect users.

(b) Monitoring frequency shall be reduced if a permittee submits a written request to the Department demonstrating that compliance for the affected parameter(s) has been achieved for a minimum period of one year. Monitoring frequency shall be reduced as follows:

1. From weekly to monthly;
2. From twice monthly to monthly;
3. From monthly to quarterly; or
4. From quarterly to semi-annually.

(c) Notwithstanding (b) above, in accordance with 40 CFR 403.12(g), whenever a permittee becomes aware of a permit violation, the permittee shall resample within one month unless the monitoring schedule established in the permit requires sampling sooner, in which case the permittee shall resample in accordance with such monitoring schedule. Upon written notice from the Department, the permittee shall resume the former, more frequent monitoring and reporting schedule unless the permittee demonstrates that the exceedence was caused by an upset, bypass or laboratory error as provided for in N.J.A.C. 7:14A-6.11.