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CHAPTER 14D

DETERMINATION OF ENVIRONMENTAL BENEFIT
OF THE REUSE OF FURTHER TREATED
EFFLUENT IN INDUSTRIAL FACILITIES

Authority

N.J.S.A. 54:10A-5.31 and 5.32 and 54:32B-8.36.

Source and Effective Date

R.2002 d.304, effective August 16, 2002.
See: 34 N.J.R. 3290(a).

Chapter Expiration Date

Chapter 14D, Determination of Environmental Benefit of the Reuse of Further Treated Effluent in Industrial Facilities, expires on January 4, 2003.

Chapter Historical Note

Chapter 14D, Determination of Environmental Benefit of the Reuse of Further Treated Effluent in Industrial Facilities, was adopted as Special New Rules by R.2002 d.304, effective August 16, 2002 (to expire January 4, 2003). See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

7:14D-1.1 Purpose and applicability

(a) This chapter establishes the requirements and procedures by which the Department will determine whether treatment equipment or conveyance equipment purchased for an industrial facility for purposes of reusing further treated effluent in an industrial process will, in its operation, and considered in conjunction with the reuse of the further treated effluent that results from that operation, result in an environmental benefit to the water resources of the State.

(b) This chapter applies to treatment equipment or conveyance equipment that is or will be operated exclusively within the State.

(c) An applicant who is issued a determination of environmental benefit (DEB) under this chapter may submit the DEB to the Director of the Division of Taxation, N.J. Department of Treasury, for purposes of claiming a corporate tax credit pursuant to N.J.S.A. 54:10A-5.31 and/or of obtaining a sales tax refund pursuant to N.J.S.A. 54:32B-8.36.

7:14D-1.2 Definitions

When used in this chapter, the following words and terms have the following meanings, unless the context clearly indicates otherwise.

“Applicant” means the person who purchases treatment equipment or conveyance equipment on behalf of an industrial facility and who submits an application to the Department for a determination of environmental benefit under this chapter.

“Conveyance equipment” means any equipment, including, but not limited to, pipes, pumps and/or other appurtenances, that is used exclusively to transport effluent to the facility in which the treatment equipment has been or is to be installed and any equipment that is used exclusively to transport further treated effluent to an industrial facility for reuse in an industrial process. This does not include any conveyance equipment used to transport wastewater.

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

“DEB” means the determination of environmental benefit issued by the Department under this chapter.

“Effluent” means the liquid that results from treatment by either a domestic or an industrial wastewater treatment facility in accordance with a New Jersey Pollutant Discharge Elimination System (NJPDES) permit issued under N.J.A.C. 7:14A.

“Further treated effluent” means effluent that is subjected to additional treatment for the purpose of reusing the effluent in an industrial process.

“Industrial facility” means a facility where an industrial process takes place.

“Industrial process” means any manufacturing process including, but not limited to, such processes as power generation, paper production and oil refining. An industrial process does not include recreational activities, such as dust control at athletic fields.

“Person” means an individual, corporation, partnership or owner or operator of an industrial facility or an agent or employee thereof. “Person” shall also mean a responsible official.

"Pollutant" means pollutant as that term is defined in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

"Responsible official" means one of the following:

1. For a corporation:
 - i. A president, secretary, treasurer or vice-president of the corporation, who is in charge of a principal business function;
 - ii. Any other person who performs similar policy or decision-making functions for the corporation; or
 - iii. A duly authorized representative of the person in 1i or 1ii above, if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for the determination of environmental benefit, and either:
 - (1) The facilities, for which the representative is responsible, employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - (2) The delegation of authority to the representative is approved in writing in advance by the Department; or

2. For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

"Treatment equipment" means any equipment that is used exclusively to treat effluent from a wastewater treatment facility, which effluent would otherwise have been legally discharged into waters of the State, for purposes of reuse in an industrial process.

"Wastewater" means untreated liquid waste from either a domestic or an industrial source. For purposes of this chapter, wastewater also includes the wastewater that results from the reuse of further treated effluent in an industrial process.

"Wastewater treatment facility" means a facility that treats wastewater to reduce the levels of pollutants contained in the wastewater.

7:14D-1.3 Construction and severability

(a) This chapter shall be liberally construed to permit the Department to effectuate the purposes of N.J.S.A. 54:10A-5.31 and 5.32 and N.J.S.A. 54:32B-8.36.

(b) If any subchapter, section, subsection, provision, clause or portion of this chapter and the application thereof to any person is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter and the application thereof to other persons or circumstances shall not be affected thereby, and shall remain in full force and effect.

SUBCHAPTER 2. APPLICATION PROCESS

7:14D-2.1 Application requirements

(a) An applicant should refer to the web page for the Division of Water Quality in the Department at www.state.nj.us/dep/dwq or write to the address at (b) below for guidance in applying for a DEB.

(b) An applicant seeking a determination of environmental benefit (DEB) shall submit to the Department a complete application, with original signature, as described in this section to:

Director's Office
Division of Water Quality
N.J. Department of Environmental Protection
PO Box 29
401 East State Street
Trenton, NJ 08625-0029
Attn: Reuse Tax Incentives Program

(c) A complete application shall consist of the following:

1. A DEB application form obtained from the Department at the address in (b) above or at the web page address at (a) above, certified in accordance with (d) below. The DEB application form shall include the following information:

- i. The name and mailing address of the applicant;
- ii. A brief description of the effluent reuse project;
- iii. The name and location of each wastewater treatment facility from which the effluent originates or will originate;
- iv. The name and location of each industrial facility to which the further treated effluent is or will be conveyed for reuse;
- v. A list of all applicable Federal, State, and local permits and/or approvals required for construction and/or operation of the treatment equipment or conveyance equipment, along with the issuance date of each permit; and
- vi. The date or anticipated date of purchase of the treatment equipment or conveyance equipment;

2. A report describing each specific industrial process for which the further treated effluent is or will be reused, including the following:

- i. The physical and functional aspects of the treatment equipment or conveyance equipment;
- ii. The location of any site at which the wastewater that results from the reuse of the further treated effluent is or will be discharged;