

ii. Category 2 fee = $4P(\$250,000) + 2P(\text{construction cost of the applicant's project} - \$250,000)$; or

iii. Category 3 fee = $4P(\text{construction cost of the applicant's project})$.

4. An applicant for a treatment works approval shall pay a minimum fee of \$850.00.

5. The Department shall prepare an annual fee schedule report that will include the following:

i. The coefficient "P" of the fee formula derived from the equation in (a)2i above;

ii. A detailed financial statement showing the estimated budget for the forthcoming fiscal year. The statement shall include a breakdown of the treatment works approval program by account title (for example, print and office supplies, vehicular, and maintenance of vehicles); and

iii. A detailed financial statement of the previous fiscal year's actual expenditures including a breakdown by account titles, total by category of treatment works approval applications reviewed, actual revenue and any credit/deficit to be carried forward to the next fiscal year.

6. The Department shall hold a public hearing concerning the fees to be assessed for the forthcoming fiscal year only when projected fees exceed a 10 percent increase as compared to the previous fiscal year's fees. The Department shall hold the hearing prior to the actual assessment of fees. The Department shall provide public notice of the hearing in the New Jersey Register, DEP Bulletin, and one or more newspapers with general circulation.

7. In those years not requiring a public hearing, publication of the forthcoming fiscal year's coefficient "P" together with a synopsis of the fee schedule report shall appear in the New Jersey Register, the DEP Bulletin and one or more newspapers with general circulation.

8. The annual TWA fee schedule report will be made available on the Department's website at <http://www.nj.gov/dep/dwq/>, at any time after public notice is published in accordance with (a)6 or 7 above, or may be obtained by submitting a request and self addressed 10 inch by 13 inch (minimum size) envelope to:

New Jersey Department of Environmental
Protection
Environmental Regulation
Division of Water Quality
Bureau of Financing and Construction Permits
TWA Fee Report Request
PO Box 425, 3rd floor
Trenton, New Jersey 08625-0425

(b) Requests to extend the expiration date of a valid treatment works approval will be processed in accordance

with N.J.A.C. 7:14A-22.12. The fee for a request for an extension of time is \$200.00.

(c) Request to modify a valid treatment works approval will be processed in accordance with N.J.A.C. 7:14A-22.11. The fee for a request to modify a treatment works approval shall be calculated based upon the construction cost of the project change(s) in accordance with (a)1 through 3 above. If the value of the fee so calculated is less than \$500.00, the applicant shall pay a treatment works approval modification minimum fee of \$500.00.

(d) All fees shall be made payable to the "Treasurer, State of New Jersey—Environmental Services Fund" and shall accompany the application.

(e) Any fee under this section that is subject to N.J.A.C. 7:1L shall be payable in installments in accordance with N.J.A.C. 7:1L.

New Rule, R.2009 d.7, effective January 5, 2009.
See: 40 N.J.R. 1478(a), 41 N.J.R. 142(a).

SUBCHAPTER 23. TECHNICAL REQUIREMENTS FOR TREATMENT WORKS APPROVAL APPLICATIONS

7:14A-23.1 Purpose

The purpose of this subchapter is to establish technical requirements for the approval of the design, construction and operation of domestic and industrial treatment works so that wastes are properly collected, conveyed and treated before discharge to the waters of the State.

Case Notes

Seriousness of polluter's 386 violations and economic benefits obtained by polluter from not complying with permit 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-23.2 Scope

(a) These rules apply to individuals, sewerage authorities, municipalities, governmental agencies, private firms and all persons who propose to design, construct and/or operate any treatment works for the collection, conveyance or treatment of domestic or industrial wastes in the State of New Jersey, and for which a treatment works approval from the Department is required pursuant to N.J.A.C. 7:14A-22.

(b) These rules establish specific criteria and standards for the construction and operation of treatment works. In promulgating these requirements, the Department recognizes that, at times, deviations from these requirements may be

necessary to address specific circumstances. The Department will consider deviations from these design criteria provided that appropriate documentation addressing the need for deviation and justification for the proposed design is submitted with the treatment works approval applications and includes a signed and sealed statement from the design engineer attesting to the treatment works ability to meet the purposes intended.

(c) These rules do not specify any technical standards explicitly for the construction of industrial treatment works due to the high degree of variability of the wastestreams, and treatment process options available to deal with the various pollutants that may be present at an industrial facility. Because of this variability, it would not be prudent to impose specific technical standards on facilities where such standards may not be appropriate. It is the responsibility of the design engineer to design industrial treatment works to meet all applicable Federal, State or local limitations, conditions, and/or requirements, including, but not limited to, the requirements of a facility's NJPDES or NPDES permit. When appropriate, the general technical standards specified in this subchapter for domestic waste treatment and conveyance systems may be used.

(d) The technical standards for those subsurface disposal systems that require a treatment works approval pursuant to N.J.A.C. 7:14A-22.3(a)5 are established in N.J.A.C. 7:9A. The Department will consider deviations from the design criteria in N.J.A.C. 7:9A provided that appropriate documentation addressing the need for deviation and justification for the proposed design are submitted with the treatment works approval application and includes a signed and sealed statement from the design engineer attesting to the adequate design of the treatment works to meet the purposes intended.

Amended by R.2009 d.7, effective January 5, 2009.

See: 40 N.J.R. 1478(a), 41 N.J.R. 142(a).

Added (d).

7:14A-23.3 Projected flow criteria

(a) The values specified below are to be used in computing the projected flow to wastewater conveyance and treatment facilities and when making an application for a treatment works approval pursuant to N.J.A.C. 7:14A-22. The specific measurement unit listed for each category shall be used as the basis for the projected flow. No additional provisions for inflow and infiltration are required. For the purposes of design only, other values, proposed by the design engineer, through actual water usage data, may be accepted at the Department's discretion, with an appropriate safety factor. However, all determination concerning whether or not any specific project requires a treatment works approval and/or sewer ban exemption shall be based upon the projected flow criteria established below. These criteria are not mandated to be used by sewerage authorities as a basis for establishing local user fees and/or connection fees.

Type of Establishment	Measurement Unit	Gallons Per Day
Residential Dwellings (single family home, duplex units, townhouses, condominiums, apartments)		
1 bedroom unit	Per Dwelling	150
2 bedroom unit	Per Dwelling	225
3 bedroom unit or larger	Per Dwelling	300
1 bedroom unit (age restricted)	Per Dwelling	110
2 bedroom unit (age restricted)	Per Dwelling	170
3 bedroom unit (age restricted)	Per Dwelling	225
Transit dwelling units		
Hotels	Bedroom	75
Lodging houses and tourist homes	Bedroom	60
Motels and tourist cabins	Bedroom	60
Boarding houses (max. permitted occupancy)	Boarder	50
Camps		
Campground/mobile rec. vehicle/tent	Site	100
Parked mobile trailer site	Site	200
Children's camps	Bed	50
Labor camps	Bed	40
Day camps—no meals	Person	15
Restaurants (including washrooms and turnover)		
Average restaurant	Seat	35
Bar/cocktail lounges	Seat	20
Fast food restaurant	Seat	15
24 hour service restaurant	Seat	50
Curb service/drive-in restaurant	car space	50
Clubs		
Residential	Member	75
Nonresidential	Member	35
Racquet club	(per court per hour)	80
Bathhouse with shower	Person	25
Bathhouse without shower	Person	10
Institutions (includes staff)		
Hospitals	Bed	175
Assisted living facility	Bed	100
Skilled nursing facility	Bed	75
Other institutions	Bed	125
Schools (includes staff)		
No shower or cafeteria	Student	10
With cafeteria	Student	15
With cafeteria and showers	Student	20
With cafeteria, showers and laboratories	Student	25
Boarding	Student	75
Automobile service stations		
	per filling position	125
Service bays	per bay	50
Mini-market	Sq. Ft.	0.100
Miscellaneous		
Office buildings (gross area)	Sq. Ft.	0.100
Stores and shopping centers (gross area)	Sq. Ft.	0.100
Factories/warehouses (add process wastewater)	Employee	25
with showers, (add process wastewater)	Employee	40
Laundromats	Per machine	580
Bowling alleys	Alley	200
Picnic Parks (restrooms only)	Person	10
Picnic Parks with showers	Person	15
Fairgrounds (based upon average attendance)	Person	5
Assembly halls	Seat	3
Airports (based on passenger use)	Passenger	3
Churches (worship area only)	Seat	3

Type of Establishment	Measurement Unit	Gallons Per Day
Theater (indoor)	Seat	3
Dinner theater	Seat	20
Catering/Banquet Hall	Person	20
Sports stadium	Seat	3
Visitor Center	Visitor	5
Multi-member swimming pool	Person	15

(b) Flow for facilities that have combined uses shall be determined by the summation of all appropriate projected flow values for each use.

(c) The Department recognizes that the table in (a) above may not cover all establishments and facilities, and in particular facilities that require an industrial treatment works approval. In the event that a facility is not covered, the applicant shall propose the projected flow based upon operation of similar facilities or best professional judgment. The Department reserves the right to accept, modify or deny the proposed flow values.

Amended by R.2009 d.7, effective January 5, 2009.

See: 40 N.J.R. 1478(a), 41 N.J.R. 142(a).

In the table in (a), inserted the entries for "1 bedroom unit (age restricted)", "2 bedroom unit (age restricted)", "3 bedroom unit (age restricted)", "Assisted living facility", "Skilled nursing facility" and "Multi-member swimming pool".

Case Notes

Amendments were sufficient to state claims for common-law fraud and state RICO violations. *Maxim Sewerage Corp. v. Monmouth Ridings*, 273 N.J.Super. 84, 640 A.2d 1216 (L.1993).

Amendment failed to state federal RICO claim; "enterprise" requirements. *Maxim Sewerage Corp. v. Monmouth Ridings*, 273 N.J.Super. 84, 640 A.2d 1216 (L.1993).

Absence of allegation of continuing or continued threat of racketeering activity did not bar claim under state statute. *Maxim Sewerage Corp. v. Monmouth Ridings*, 273 N.J.Super. 84, 640 A.2d 1216 (L.1993).

7:14A-23.4 Plans and specifications submitted to the Department with treatment works approval applications

(a) Maps, drawings, plans and profiles submitted as part of a treatment works approval application shall conform to the following:

1. Plans shall be drawn to standard scale and show the entire area of the project, including a general site plan;
2. The name of the New Jersey licensed professional engineer responsible for the design and his or her signature and embossed seal shall appear in the title block of each sheet of the submitted plans;
3. In the event that there is more than one sheet of plans, all shall be bound together and an index provided;
4. Plans shall not exceed 30 inches by 42 inches in size;

5. Streams and wetland areas, if present, shall be clearly indicated;

6. Plans shall show municipal boundaries, property lines, easements and all existing and proposed streets, including the existing and proposed surface elevations at all street intersections where sewer lines are proposed; and

7. All existing and proposed structures, sanitary sewers and combined sewers, both above and below ground, shall be shown and clearly labeled.

(b) Symbols used on submitted drawings shall conform to the following:

1. Existing and future sewers shall be shown by standard conventions;

2. All topographical symbols and conventions used shall conform to those of the United States Geological Survey; and

3. Elevations shown shall meet the following requirements:

i. Elevations of the surfaces of streets shall be placed outside the street lines, opposite their respective locations;

ii. Elevations of sewer inverts shall be shown at intersections, ends of lines, and wherever a change in sewer grade occurs;

iii. The elevation of sewers shall be written close to the point to which they refer, parallel with the sewer lines and between the street lines;

iv. The elevations of surfaces shall be drawn to the nearest 0.1 foot and those of the sewer inverts to the nearest 0.01 foot; and

v. All elevations shall be referenced to the North American Vertical Datum of 1988.

(c) The horizontal distances and stationing between manholes, grades in percent and sewer sizes and materials shall be shown for all proposed sewer lines.

(d) All sewer appurtenances, such as manholes, siphons and pumping stations shall be designated on the plans by appropriate symbols and referenced by a legend.

(e) Plans labeled preliminary are not acceptable for review unless a note is added to each sheet submitted stating that the plans are final with respect to sanitary sewer design.

(f) Plans submitted for treatment works that are already constructed shall show the "as-built" conditions (as determined through field investigation) and the title block of each sheet shall include the term "as-built."

(g) Profiles and construction details shall meet the following requirements:

1. Profiles shall indicate all manholes, pumping stations, sanitary, combined or industrial sewer lines, concrete encasements, sleeves, and any significant crossings such as storm sewers, potable water lines or utility lines.

2. In the case of stream crossings, elevations of stream beds, normal flow lines and the type of sewer pipe with the length of concrete encasement, as required by N.J.A.C. 7:14A-23.6(b), shall be indicated.

3. The size and gradients of sewers, surface elevations and sewer inverts shall be shown at or between each manhole.

4. Profiles of gravity and forced sewer lines shall be drawn to standard scale with all symbols indicated in the legend.

5. Detail drawings of all sewer appurtenances, such as manholes, drop manholes, inspection chambers, siphons, pumping stations, force main connections into manholes and other related items shall accompany the general sewer system plans.

6. For sewage treatment plants, in addition to all other requirements, the plans shall contain the following:

- i. A general plan showing site boundaries including areas reserved for future expansions;
- ii. All buildings or building lots within 500 feet of the plant property;
- iii. A detail plan of the various units and structures which comprise the plant; and
- iv. Detail plans showing a flow diagram, and longitudinal and transverse sections sufficient to explain the construction of each unit including hydraulic gradient.

(h) Specifications for the construction of treatment works shall be directly applicable to the engineering (including hydraulic) features of the proposed project and shall meet the following minimum requirements:

1. Detailed information shall be included on the construction methods and materials proposed for use so as to provide the construction contractor with the specific details necessary to satisfy the project design; and

2. Specifications shall address the following:

- i. The quality of materials and workmanship;
- ii. The operating characteristics and equipment rating;

iii. Allowable infiltration/exfiltration and the testing procedures to be followed;

iv. Requirements for all mechanical and electrical equipment necessary for the treatment works; and

v. A program for maintaining the operation of existing sewerage systems during construction.

7:14A-23.5 Engineering design reports to be submitted to the Department with treatment works approval applications

(a) Engineering reports required to be submitted pursuant to N.J.A.C. 7:14A-22.8 for domestic treatment systems shall, at a minimum, include:

1. A complete description of the selected waste treatment system;

2. For the modification of an existing system which has not previously been granted a treatment works approval, the capacities of the existing units and a brief description of the operation of each, and a statement concerning which units are existing and which are proposed at the time of the application. If there exists a previously issued treatment works approval for the subject facility, the date of issuance and the TWA number shall be provided;

3. The basis and computations for the projected wastewater flow;

4. Hydraulic profiles of the flow of wastewater through the system;

5. A unit by unit mass balance for all discharge parameters;

6. The ultimate disposal location of all effluent;

7. The basis and computations for average and peak flow requirements;

8. The expected composition of the influent and effluent from the treatment system including the average, maximum and minimum values of the pollutant parameters specified in the facility's NJPDES permit;

9. An evaluation of the quantity and quality of any and all residuals generated and projected to be generated, including a hydraulic profile and unit by unit mass balance for the flow of residuals through the system;