

(f) (Reserved)

(g) The annual fee for discharges by a significant indirect user to a domestic treatment works is calculated by using the following Environmental Impact in the annual fee formula:

1. The Environmental Impact of a discharge by a significant indirect user (SIU) to a domestic treatment works (DTW) is derived by applying the formula:

$$\text{Environmental Impact} = (\text{Total Pollutant Load})$$

i. Total Pollutant Load is the sum of each limited pollutant's average loading (in kilograms per day) for the selected 12-month period, as determined in accordance with N.J.A.C. 7:14A-3.1(a)7, multiplied by its associated risk factor as listed in Table I below.

(1) Any pollutant listed in Table I will be deleted from the Total Pollutant Load, if reported as non-detectable in all samples for the monitoring period. When any of the pollutants listed in Table I is detected at least once in the monitoring period, the Department shall calculate the Total Pollutant Load using one-half the reported minimum detection limit for pollutant concentrations.

(h) The fees for exemptions for certain types of residual use or disposal operations shall be assessed as follows:

1. Permit exemptions or Letters of Land Application Management Approvals authorizing the land application of sludge-derived products at specific sites in accordance with a Department-approved distribution program shall be assessed a fee of \$250.00 for the duration of the permit exemption or Letter of Land Application Management Approval. The Department will not consider a request for a permit exemption or Letter of Land Application Management Approval complete unless the request is accompanied by the fee; and

2. General distribution permit exemptions providing Department approval of a sludge derived product distribution program which is not directly regulated for residuals handling through an individual NJPDES permit shall be assessed a fee of \$2,700 for the duration of the exemption. The Department will not consider a request for a permit

exemption complete unless the request is accompanied by the fee.

(i) (Reserved)

(j) For NJPDES Permit No. NJ0088323 (referred to as the category 5G3 "construction activity" stormwater general permit), there is no annual or minimum fee. The fee for projects that disturb less than 5.0 acres is \$450.00. The fee for projects that disturb 5.0 acres or more is \$650.00. Except as set forth in (j)1 or 2 below, the fee shall be paid to the New Jersey Department of the Treasury, and submitted to the address set forth on the request for authorization form when the request for authorization is submitted to the Department.

1. For a project that the New Jersey Department of Transportation (NJDOT) is constructing or proposes to construct for which a stormwater discharge is regulated under this general permit, the fee of \$450.00 or \$600.00, as applicable, shall be paid to the Department.

2. For a project that a Federal governmental entity is constructing or proposes to construct for which a stormwater discharge is regulated under this general permit, a fee in the amount set forth in the Soil Erosion and Sediment Control Act (N.J.S.A 4:24-39 et seq.) fee schedule for the appropriate County Soil Conservation District shall be made payable to the "Treasurer, State of New Jersey." The fee will be allocated to address the Department's administrative and enforcement responsibilities, the Department of Agriculture's administrative costs, and the appropriate Soil Conservation District's review and inspection activities.

(k) The fee for discharges to groundwater required for conducting remediation, as defined by N.J.A.C. 7:26E, of contaminated sites, and for any NJPDES discharge to groundwater permits issued by the Site Remediation Program, is calculated and billed through requirements specified in N.J.A.C. 7:26C-4.5.

(l) The Department shall assess, where applicable, the fee for laboratory certification pursuant to the schedule set forth at N.J.A.C. 7:18.

(m) 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.

Table I
RISK CATEGORIES

Risk Factor 10 ⁰	10 ¹	10 ²	10 ³	10 ⁴	10 ⁵
			SURFACE WATER		
TDS	TSS	Tin	Styrene	Arsenic	Lead
Chloride	Phosphorus	Aluminum	Nickel	Beryllium	Mercury
Sulfate	Phtahalic	Antimony	Copper	Asbestos	Cadmium
Fluoride	Acid	Barium	Silver	Acid fraction compounds	Chromium-hex
Iron	Sulfide	Chromium-trivalent	Cobalt	Base-Neutral Compounds	Pesticides
	Molybdenum	Oil & Grease	Ammonia	Volatile Organics	PCBs
	Bismuth	Surfactants	Cyanide		PBB
	Manganese	N(nitrite, nitrate	Selenium		
	Zinc	Kjeldhal, diss & Total)			
		Oxidizable Matter			
		Petroleum			
		Hydrocarbons			

BOD	TDS	1,1 Dichloroethylene	INDIRECT USERS	Beryllium	Carbon
TSS	Iron	Copper	Nickel	1,1,1-Trichloroethane	Tetrachloride
COD	Antimony	Zinc	Silver	Lead	Mercury
Oil & Grease	Bismuth	Chromium-Trivalent	Asbestos	Arsenic	Cadmium
	Tin	Barium	Cobalt	Bis(2-ethylhexyl)phthalate	Chromium, hex
	Manganese	Cyanide	Selenium	Dichlorodifluoromethane	Total
	Inorganic	Dimethyl phthalate	Benzene	Trichlorofluoromethane	Pesticides
	Sulfur	Surfactants	1,2-Dichloroethane	Total ToxicOrganics **	PCBs
	Compounds	Petroleum	Chloroform	Volatile Organics *	Dioxin
		Hydrocarbons	Ethylbenzene	TVOS as in N.J.A.C. 7:27-17.3	
			1,2,4-Trichlorobenzene	**	
		Total Toxic Metals **	Naphthalene	Chlorobenzene	
		Nitrogen Compounds/	Vinyl Chloride	Toluene	
		Ammonia	Base Neutral	1,2-Trans-Dichloroethylene	
		Phenols	Compounds *	Trichloroethylene	
			Acid Extractable Compounds		
			1,1,2,2-Tetrachloroethane		
			Bromoethane		
			1,2-Dichloropropane		
			1,1-Dichloroethane		
			1,1,2-Trichloroethane		
			Dichlorobenzene		
			Di-n-butyl		
			Pthalate		
			Anthracene		
			Tetrachloroethylene		
			Pentachlorophenol		
			Butyl Benzyl phthalate		
			Di-n-octyl Phthalate		

* Unlisted
 ** Not Itemized

Table II
 (Reserved)

Table III
 Minimum Fees

<u>Permit Fee Category¹</u>	<u>Min Fee Code</u>	<u>Minimum Fee</u>
1. Major DSW Domestic Treatment Works (DTW) – Individual Permit	MMJ	\$11,150
2. Minor DSW Domestic Treatment Works (DTW) – Individual Permit	MMI	\$4,200
3. Combined Sewer Overflow – Individual Permit Component or General Permit	CSO	\$9,450
4. Major Industrial DSW – Individual Permit	IMJ	\$9,950
5. Minor Industrial DSW – Individual Permit	IMI	\$4,200
6. General Permit – Industrial DSW, DGW or both (unless otherwise listed)	IGN	\$2,300
7. Industrial Stormwater – Individual Permit	IST	\$4,100
8. Stormwater – Basic Industrial General Permit (5G2)	SBG	\$800
9. Municipal Stormwater—Tier B General Permit (R10)	STB	\$500
10. Municipal Stormwater—Tier A General Permit (R9)		
(population range 0-1,000)	SA1	\$600
(population range 1,001-5,000)	SA2	\$1,050
(population range 5,001-10,000)	SA3	\$2,000
(population range 10,001-15,000)	SA4	\$3,000
(population range 15,001-20,000)	SA5	\$4,050
(population range 20,001-25,000)	SA6	\$5,250
(population range 25,000+)	SA7	\$9,000
11. Municipal Stormwater—Public Complex General Permit (R11)		
(population range 1,000-2,999)	SP1	\$900
(population range 3,000-5,999)	SP2	\$1,500
(population range 6,000-8,999)	SP3	\$2,600
(population range 9,000+)	SP4	\$3,600
12. Municipal Stormwater – Highway Agency General Permit (R12)		
(mileage range 0-9)	SH1	\$550
(mileage range 10-199)	SH2	\$2,450
(mileage range 200-399)	SH3	\$5,100
(mileage range 400+)	SH4	\$9,800

Permit Fee Category ¹	Min Fee Code	Minimum Fee
13. DGW – Initial Individual Permit ²	GWN	\$6,000
14. DGW – Renewed or Continued Individual Permits ²	GWE	\$2,750
15. DGW – General Permit (I1, I2 and LSI)	GGN	\$900
16. DGW – General Permit (T1)	GT1	\$450
17. DGW – Operating Landfill Individual Permit	LND	\$6,900
18. Residuals Use or Disposal Operations (unless otherwise listed)	RES	\$10,600
19. Residuals—Food Processors/WTPs ³ Individual Permit	RFP	\$4,000
20. Residuals—Category Z Individual Permit ⁴	RTZ	\$2,050
21. Residuals—General Permit (ZG and 4G)	RTG	\$500
22. Residuals—Category 04 Individual Permit ⁵	RPH	\$850
23. Residuals—Land Application General Permit (unless otherwise listed)	RSG	\$800
24. Significant Indirect User (SIU) (Pretreatment)	SIU	\$5,750
25. Landfills operating or terminated after January 1, 1982 without an approved closure plan	⁶	\$2,500
26. Terminated Landfills properly closed or closed prior to January 1, 1982	⁶	\$500
27. Emergency Permit issued pursuant to N.J.A.C. 7:14A-6.14	⁷	

¹For names corresponding to the general permit category see N.J.A.C. 7:14A-6.13(c).

²For a domestic or industrial facility issued an individual NJPDES Discharge to Groundwater permit, the minimum fee is \$6,000 for the first five years of that permit, and \$2,750 if the permit is renewed or administratively continued. All other domestic or industrial facilities issued an individual NJPDES Discharge to Groundwater permit shall be assessed a minimum fee of \$2,750.

³WTPs refer to potable water treatment plants.

⁴Refers to a Residuals Transfer Facilities individual permit.

⁵Refers to a Residuals—Reed Beds individual permit.

⁶This permit is issued and administered by the Division of Solid and Hazardous Waste.

⁷Fee based on category for type of discharge.

Administrative correction.

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

In (c)4, substituted “general permit” for “general plan”; and in (d)1i, changed the rating in the table from “21” to “2”.

Public Notice: NJPDES Annual Fee Report, FY 1997.

See: 29 N.J.R. 5105(a).

Public Notice: NJPDES Annual Fee Report, FY 1998.

See: 30 N.J.R. 4078(a).

Public Notice: NJPDES Annual Fee Report, FY 1999.

See: 31 N.J.R. 2977(a).

Public Notice: NJPDES Annual Fee Report, FY 2000.

See: 32 N.J.R. 2131(a).

Public Notice: NJPDES Annual Fee Report, FY 2001.

See: 33 N.J.R. 2345(a).

Amended by R.2002 d.34, effective January 22, 2002.

See: 33 N.J.R. 3636(a), 34 N.J.R. 595(a).

Rewrote the section.

Administrative correction.

See: 34 N.J.R. 920(b).

Public Notice: NJPDES Annual Fee Report, FY 2002.

See: 34 N.J.R. 1859(b).

Public Notice: NJPDES Annual Fee Report, FY 2003.

See: 35 N.J.R. 2370(a).

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).

Rewrote (j).

Public Notice: NJPDES Annual Fee Report, FY 2004.

See: 36 N.J.R. 2947(c).

Administrative change.

See: 36 N.J.R. 4131(b).

Public Notice: NJPDES Annual Fee Report, FY2005.

See: 37 N.J.R. 534(a).

Public Notice: Adoption of New Jersey Pollutant Discharge Elimination System (NJPDES); Fiscal Year 2006 Annual Fee Report and Assessment of Fees.

See: 38 N.J.R. 1087(a).

Administrative correction.

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

Public Notice: Adoption and Administrative Changes and Corrections: NJPDES Annual Fee Report, 2007.

See: 39 N.J.R. 381(b).

Public Notice: Adoption: NJPDES Annual Fee Report, FY2008.

See: 40 N.J.R. 813(a).

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

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

In (a)7, deleted “Discharge Monitoring Reports (DMRs) and/or Monitoring Report Forms” following “on”, deleted the parentheses around “MRFs” and substituted “12-month” for “12 month”; rewrote (b)2ii and (c)1i; in the introductory paragraph of (d), deleted “and landfills” following “residuals” and “and (f)” following “(e)”; rewrote (d)1; repealed (f); rewrote (g)1i and (j); and repealed Table II.

Public Notice: Adoption: NJPDES Annual Fee Report, FY2009.

See: 41 N.J.R. 680(a).

Administrative change.

See: 41 N.J.R. 2789(a).

Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).

See: 41 N.J.R. 4467(a).

In (k), updated the second N.J.A.C. reference.

Public Notice: Adoption: NJPDES Annual Fee Report, FY2010.

See: 42 N.J.R. 552(a).

Public Notice: Adoption: NJPDES Annual Fee Report, FY2011.

See: 43 N.J.R. 748(a).

Readoption of special amendment, R.2011 d.251, effective September 8, 2011.

See: 43 N.J.R. 1077(a), 43 N.J.R. 2581(b).

Provisions of R.2009 d.361 readopted without change.

Case Notes

DEP could issue discharge permit to owner of closed landfill, only if Department had substantial evidential basis for believing that landfill actually was discharging pollutants that might flow or drain into State’s waters. *V. Concrete Co. v. Department of Environmental Protection*, 115 N.J. 1, 556 A.2d 761 (1989).

Fee structure for pollutant discharge elimination system permits issued under Water Pollution Control Act did not have to be determined on a permit-specific cost-related basis; graduated fee schedule proportional to the deleterious impact of the permittee’s discharge was reasonable; use of a bioassay factor in determining toxicity and calculating the NJPDES fees was neither arbitrary nor unreasonable. *GAF Corp. v. New Jersey Dep’t of Environmental Protection*, 214 N.J.Super. 446, 519 A.2d 931 (App.Div.1986).

Fee schedule adopted to recover cost of surface water pollutant discharge permitting system proper as based on aggregate, rather than individual permit, costs: volume-based system for thermal dischargers proper: refunds due industrial users properly limited to credit on behalf of suit parties. *Public Service Electric and Gas Co. v. Dept. of Environmental Protection*, 101 N.J. 95, 501 A.2d 125 (1985).

Former regulation's method of assessing fees for discharges to surface waters invalid as unrelated to legislative policy and not established in a reasonable manner; Department's determination as to excess fee assessment credits supported by substantial credible evidence. *Public Service Electric and Gas Co. v. Dept. of Environmental Protection*, 193 N.J. Super. 676, 475 A.2d 665 (App.Div.1984), affirmed 101 N.J. 95, 501 A.2d 125 (1985).

SUBCHAPTER 4. PERMIT APPLICATION REQUIREMENTS

7:14A-4.1 Purpose and scope

This subchapter sets forth the minimum NJPDES permit application requirements, which apply to all applicants for NJPDES permits, unless otherwise specified.

7:14A-4.2 Application requirements

(a) Any person who is engaged in an activity or proposes to commence an activity that requires an individual NJPDES permit pursuant to N.J.A.C. 7:14A-2 shall submit a complete application to the Department in accordance with this subchapter. Any person wishing to be authorized under a general permit shall comply with the application requirements in the applicable general permit. The application forms can be obtained by writing to the address cited in (b) below, or from the Department's web site, <http://www.state.nj.us/dep/dwg/>.

(b) Once an applicant has complied with N.J.A.C. 7:14A-4.3(a)13, requiring submittal of the application to the local agency or sewerage entity and municipality, the applicant shall submit two copies of all NJPDES permit applications to:

New Jersey Department of Environmental
Protection
Bureau of Permit Management
Division of Water Quality
PO Box 029
Trenton, NJ 08625-0029
Attn: Administrative Review Unit

(c) It is the duty of any person who is or will be an operating entity for any part of a facility which includes a discharge or activity regulated pursuant to this chapter to obtain a NJPDES permit. When a facility or activity is owned by one or more persons, but is currently operated by another person, it is the operating entity's duty to obtain a NJPDES permit. However, the property owner (record owner of fee title interest) shall sign the "Property Owner's Certification" in the NJPDES-1 Form for all DGW permits.

(d) Whenever pursuant to (c) above, more than one person is required to obtain an individual NJPDES permit for one or more discharges or activities at a specific site, the Department may issue a single permit and may list all of these persons as permittees. Such a permit may identify permit conditions that apply to one or more of those permittees.

(e) The schedule for submission of applications (or requests for authorization under a general permit) is as follows:

1. Any person proposing a new facility or activity, which requires a NJPDES permit pursuant to N.J.A.C. 7:14A-2.4 and is not exempt pursuant to N.J.A.C. 7:14A-2.5, shall submit an application at least 180 days before the date on which the activity is proposed to commence, unless an alternative date has been established by the Department. The schedule for submitting an application for certain stormwater discharges is set forth in N.J.A.C. 7:14A-24.4 and 25.4.

2. For general permits, alternate dates for submitting requests for authorization may be specified under the terms of the applicable general permits.

3. Any person planning to continue discharging after the expiration date of an existing NJPDES permit shall file an application for renewal or a request for authorization under a general permit at least 180 calendar days prior to the expiration of the existing permit, unless:

i. Otherwise required under (e)4 below;

ii. The existing permit is a general permit that provides for automatic renewal of authorization when that general permit is renewed (see N.J.A.C. 7:14A-6.13(d)9), or that provides for retroactive renewal of authorization after a new request for authorization is submitted or granted under the renewed general permit; or

iii. The existing permit is an individual permit where:

(1) The permittee has been notified by the Department prior to submitting a renewal application pursuant to N.J.A.C. 7:14A-2.7 that the permit qualifies for expedited permit renewal under N.J.A.C. 7:14A-16.3(h), and elects to participate; or

(2) The permittee has a stormwater only permit and is approved by the Department for expedited permit renewal.

4. (Reserved)

5. If the Department revokes the industrial pretreatment program of a delegated local agency, the Department will notify each affected facility or activity that discharges under that industrial pretreatment program of the deadline for submitting an application for an individual NJPDES-SIU permit from the Department.

6. All existing facilities or activities which require an individual NJPDES-SIU permit due to promulgation of new Categorical Pretreatment Standards under 40 CFR