

CHAPTER 15

WATER QUALITY MANAGEMENT PLANNING

Authority

N.J.S.A. 13:1D-1 et seq., 58:10A-1 et seq., and 58:11A-1 et seq.

Source and Effective Date

R.1994 d.525, effective September 22, 1994.
See: 26 N.J.R. 3106(a), 26 N.J.R. 4182(c).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 15, Water Quality Management Planning, was extended by gubernatorial directive from May 25, 2006 to January 31, 2007. See: 38 N.J.R. 2691(a).

Chapter Historical Note

The original text of this chapter (Industrial Pollution Control Financing Law) was adopted pursuant to N.J.S.A. 13:1B-3 and 13:1D-1 et seq. and was filed and became effective on September 25, 1974 as R.1974 d.268. See: 6 N.J.R. 394(b). The text was repealed by R.1980 d.433 on October 7, 1980. See: 12 N.J.R. 454(b), 12 N.J.R. 643(a). Chapter 15, Water Quality Management Planning and Implementation Process, was adopted by R.1984 d.110, effective April 2, 1984. See: 15 N.J.R. 765(b), 16 N.J.R. 1988(a). Pursuant to Executive Order No. 66(1978), Chapter 15, Water Quality Management Planning and Implementation Process, expired April 2, 1989.

Chapter 15, Statewide Water Quality Management Plan was adopted as new rules by R.1989 d.517, effective October 2, 1989. See: 20 N.J.R. 2198(a), 20 N.J.R. 2478(a), 21 N.J.R. 3099(a).

Petition for Rulemaking: Requesting amendment to the process for review and amendment of Areawide Water Quality Management Plans and associated permits. See: 21 N.J.R. 3183(b).

Public Notice: Amendment to the Statewide Water Quality Management Program Plan. See: 21 N.J.R. 3184(a).

Public Notice: Opportunity for interested party review for rule amendments. See: 25 N.J.R. 411(a).

Pursuant to Executive Order No. 66(1978), Chapter 15, Water Quality Management Planning, was readopted as R.1994 d.525. See: Source and Effective Date.

The Executive Order No. 66(1978) expiration date for Chapter 15, Water Quality Management Planning, was extended by gubernatorial directive from September 22, 1999 to September 22, 2000. See: 31 N.J.R. 3087(a).

The Executive Order No. 66(1978) expiration date for Chapter 15, Water Quality Management Planning, was extended by gubernatorial directive from September 22, 2000 to April 30, 2001. See: 32 N.J.R. 3830(a).

The Executive Order No. 66(1978) expiration date for Chapter 15, Water Quality Management Planning, was extended by gubernatorial directive from April 30, 2001 to April 30, 2002. See: 33 N.J.R. 1588(a).

In accordance with N.J.S.A. 52:14B-5.1d, Chapter 15, Water Quality Management Planning, expiration date was extended by gubernatorial directive from April 30, 2002 to April 30, 2004. See: 34 N.J.R. 1021(a).

In accordance with N.J.S.A. 52:14B-5.1d, Chapter 15, Water Quality Management Planning, expiration date was extended by gubernatorial directive from April 30, 2004 to October 29, 2005. See: 36 N.J.R. 2762(a).

In accordance with N.J.S.A. 52:14B-5.1d, Chapter 15, Water Quality Management Planning, expiration date was extended by gubernatorial

directive from October 29, 2005 to November 29, 2005. See: 37 N.J.R. 4535(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 15, Water Quality Management Planning, was extended by gubernatorial directive from November 29, 2005 to May 25, 2006. See: 38 N.J.R. 293(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 7:15-1.1 Scope
- 7:15-1.2 Construction
- 7:15-1.3 Purpose
- 7:15-1.4 Severability
- 7:15-1.5 Definitions

SUBCHAPTER 2. PLANNING REQUIREMENTS

- 7:15-2.1 Continuing planning process (CPP)
- 7:15-2.2 Relationship between the Statewide, areawide and county Water Quality Management Plans
- 7:15-2.3 Role of the Department
- 7:15-2.4 Role of designated planning agencies

SUBCHAPTER 3. PLAN ASSESSMENT, AMENDMENT AND ADOPTION

- 7:15-3.1 Water quality management plan consistency requirements
- 7:15-3.2 Procedures for consistency determination reviews (Reserved)
- 7:15-3.3 Water quality management plan amendment procedures
- 7:15-3.4 Water quality management plan review, revision, and certification
- 7:15-3.5 Coordination with Coastal Zone and Hackensack Meadowlands programs
- 7:15-3.6 Coordination with Pinelands program
- 7:15-3.7 Validity of water quality management plan amendments
- 7:15-3.8 Appeals of Department decisions

SUBCHAPTER 4. WATER QUALITY AND WASTEWATER MANAGEMENT POLICIES AND PROCEDURES

- 7:15-4.1 (Reserved)
- 7:15-4.2 Projects and activities deemed to be consistent with WQM plans and this chapter
- 7:15-4.3 Treatment works not identified in Water Quality Management Plans
- 7:15-4.4 Individual subsurface sewage disposal systems and other small domestic treatment works in sewer service areas
- 7:15-4.5 Eligibility for financial assistance

SUBCHAPTER 5. WASTEWATER MANAGEMENT PLANNING REQUIREMENTS

- 7:15-5.1 Wastewater management plan requirement for water quality management plan amendments
- 7:15-5.2 Validity of previously adopted or submitted wastewater management plans
- 7:15-5.3 Wastewater management planning agencies, wastewater management plan areas and wastewater management plan responsibility: general statement
- 7:15-5.4 Responsibility of designated planning agencies
- 7:15-5.5 Responsibility of Passaic Valley Sewerage Commissioners
- 7:15-5.6 Responsibility of sewerage authorities and municipal authorities
- 7:15-5.7 Responsibility of joint meetings
- 7:15-5.8 Responsibility of municipalities
- 7:15-5.9 Alternative assignment of wastewater management plan responsibility: general statement
- 7:15-5.10 Wastewater management plan responsibility as condition for financial assistance

- 7:15-5.11 Wastewater management plan responsibility for complete wastewater service area
- 7:15-5.12 Joint wastewater management plan responsibility
- 7:15-5.13 Voluntary establishment of wastewater management plan responsibility
- 7:15-5.14 District boundaries and related information; joint meeting membership
- 7:15-5.15 Contents of wastewater management plans; general statement
- 7:15-5.16 Existing jurisdictions, wastewater service areas, and treatment works
- 7:15-5.17 Mapping of environmental features
- 7:15-5.18 Future wastewater jurisdictions, service areas, and domestic treatment works
- 7:15-5.19 Individual subsurface sewage disposal systems and other small domestic treatment works in sewer service areas
- 7:15-5.20 Specifications for text and graphics
- 7:15-5.21 Geographic overlap between wastewater management plans prohibited
- 7:15-5.22 Consultation and consent for wastewater management plans
- 7:15-5.23 Schedule for submission of wastewater management plans

SUBCHAPTER 6. WATER QUALITY LIMITED SURFACE WATERS

- 7:15-6.1 Purpose and scope
- 7:15-6.2 Identification of water quality limited segments
- 7:15-6.3 Ranking of water quality limited segments
- 7:15-6.4 Public process

SUBCHAPTER 7. TOTAL MAXIMUM DAILY LOADS

- 7:15-7.1 Purpose and scope
- 7:15-7.2 General information and public process
- 7:15-7.3 General technical requirements for TMDL development
- 7:15-7.4 Development of basic TMDLs
- 7:15-7.5 Development of complex TMDLs
- 7:15-7.6 Development of wasteload allocations and load allocations
- 7:15-7.7 Margin of safety and reserve capacity

SUBCHAPTER 8. DISCHARGES TO GROUND WATER OF LESS THAN 20,000 GALLONS PER DAY AND LESS THAN 2,000 GALLONS PER DAY

- 7:15-8.1 Purpose and scope
- 7:15-8.2 Withdrawal of general service area designations

SUBCHAPTER 9. WATERSHED MANAGEMENT GRANTS

- 7:15-9.1 Scope and purpose
- 7:15-9.2 Project Priority System and Project Priority Award List
- 7:15-9.3 Pre-application procedures
- 7:15-9.4 Application procedures for grants for watershed management activities
- 7:15-9.5 Project priority award process
- 7:15-9.6 Administration and performance of grants
- 7:15-9.7 Project changes: amendment of grant agreement
- 7:15-9.8 Noncompliance

SUBCHAPTER 1. GENERAL PROVISIONS

7:15-1.1 Scope

(a) This chapter prescribes water quality management policies and procedures established pursuant to the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and N.J.S.A. 13:1D-1 et seq. Specifically, this chapter prescribes policies and procedures concerning the following subjects:

1. The content of the continuing planning process ("CPP") and its relationship to this chapter and the State-wide Water Quality Management ("WQM") Plan;
2. The relationship between the Statewide, areawide, and county water quality management (WQM) plans and this chapter;
3. The role of the Department and designated planning agencies in WQM planning activities;
4. The review of projects and activities for consistency with WQM plans and this chapter, including the issuing of consistency determinations for specified kinds of projects;
5. The preparation, adoption, amendment, revision, and certification of WQM plans;
6. The adoption of other Department rules, wastewater facilities priority systems and project priority lists, sludge management plans, effluent limitations, wastewater management plans, 201 Facilities Plans, and other documents in WQM Plans;
7. Coordination of WQM planning with Coastal Zone, Hackensack Meadowlands, and Pinelands programs;
8. Mechanisms to resolve conflicts among State agencies, designated planning agencies, applicants, and other parties affected by this chapter;
9. Selected aspects of wastewater management, including treatment works deemed to be consistent with WQM plans and this chapter; WQM Plan amendment requirements for treatment works not identified in WQM plans; construction of individual subsurface sewage disposal systems and other small domestic treatment works in future sewer service areas; and eligibility for financial assistance.
10. The identification of WQM plan amendments that require the adoption or amendment of wastewater management plans in areawide WQM plans;
11. The assignment of the duty to prepare and update wastewater management plans to certain sewerage agencies and municipalities, and the establishment of alternative assignments of such wastewater management plan responsibility; and
12. The required contents of wastewater management plans, and schedules and procedures for their submission, adoption, and updating.

Administrative Correction to (a)9: Changed "septic" to "subsurface sewage disposal".

See: 22 N.J.R. 2001(b).

Amended by R.1993, d.59, effective February 1, 1993.

See: 24 N.J.R. 344(b), 25 N.J.R. 547(a).

In (a)9, deleted reference to NJPDES permittees required for certain domestic treatment works.

7:15-1.2 Construction

This chapter shall be liberally construed to permit the Department to discharge its statutory functions, and to effectuate the provisions of the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., N.J.S.A. 13:1D-9, the Statewide WQM Plan, and the areawide WQM plans.

7:15-1.3 Purpose

(a) The purpose of this chapter is to:

1. Implement the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and N.J.S.A. 13:1D-9;

In (b), substituted "(b)6" for "(b)5" in 1 through 4, added a new 5, and reclassified former 5 as 6 and substituted "5" for "4" preceding "above"; in (g), added the third sentence in 3.

Public Notice: Amendments to county and regional water quality management plans.

See: 36 N.J.R. 1611(b), 1611(c), 2085(a), 2940(a), 2940(b), 3436(a), 3436(b), 3437(a), 3591(a), 3591(b), 4178(a), 4542(b), 4846(a), 4846(b), 4848(b), 5165(a), 5168(a), 5170(a), 5171(a), 5458(b), 5458(c).

Public Notice: Amendment to county and regional water quality management plans.

See: 37 N.J.R. 141(b), 907(b), 1235(a), 1888(a), 1888(b), 2704(a).

Public Notice: Amendments to county and regional water quality management plans.

See: 38 N.J.R. 3324(a), 3324(b), 3672(b), 3672(c), 3673(a), 4252(a), 4509(a), 4756(a), 4756(b), 4757(a), 5414(a).

Public Notice: Amendments to county and regional water quality management plans.

See: 39 N.J.R. 109(b), 260(a), 699(a), 699(b).

Case Notes

Where Department of Environmental Protection failed to act within 60 days upon county's petition to amend water quality management plan, builder had continuing right to seek legal recourse so long as Department failed to act. *Toll Bros., Inc. v. State, Dept. of Environmental Protection*, 242 N.J.Super. 519, 577 A.2d 845 (A.D.1990).

Failure to timely act on application to amend does not require automatic approval. *Toll Bros., Inc. v. State, Dept. of Environmental Protection*, 242 N.J.Super. 519, 577 A.2d 845 (A.D.1990).

Interested party may bring action to compel Department of Environmental Protection to act. *Toll Bros., Inc. v. State, Dept. of Environmental Protection*, 242 N.J.Super. 519, 577 A.2d 845 (A.D.1990).

7:15-3.5 Water quality management plan review, revision, and certification

(a) The Department and the designated planning agencies shall periodically review Statewide and areawide WQM Plans in order to propose appropriate amendments under N.J.A.C. 7:15-3.4, and to prepare appropriate revisions under this section.

(b) The Department and the designated planning agencies shall prepare revisions to Statewide and areawide WQM Plans under this section whenever such revisions are necessary to:

1. Correct, clarify, or update erroneous, unclear, or outdated statements in Statewide and areawide WQM Plans regarding:

i. Development and wastewater treatment facilities existing at the time of the most recently adopted areawide WQM plan or amendment affecting the site; or

ii. Proposed projects, provided that all other Department approvals were received, in full compliance with applicable regulations, at the time of the most recently adopted areawide WQM plan or amendment affecting the site;

2. Transfer or assign wastewater management plan responsibility under N.J.A.C. 7:15-5.13;

3. Revise schedules for submission of wastewater management plans under N.J.A.C. 7:15-5.23(g);

4. Provide for the following substantive changes in Statewide and areawide WQM plans where the Department determines no significant individual or cumulative impacts will occur to environmentally sensitive areas or other natural resources (such as water supplies) due to the proposed revision (individually or in combination with past revisions in the area), that the changes are consistent with N.J.A.C. 7:15-3.6 and 3.7, and that certain directly affected municipal and county agencies and other interests as identified by the Department have been provided an opportunity to review and comment on the proposed revision:

i. Any increase in flow (including both increased loadings and no increased loadings) from industrial treatment works where no change in service area or discharge type (for example, discharge to surface water or ground water) is proposed and the discharge is not to a waterbody segment for which a TMDL has been proposed or adopted under N.J.A.C. 7:15-7. The Department may process such revisions prior to or simultaneously with a NJPDES permit for the same change in flow;

ii. The transfer of sewer service area from one domestic treatment works to another, provided that the approved sewer service areas in the areawide WQM plan are currently contiguous in the area to be transferred, neither domestic treatment works is subject to a sewer connection ban, the proposed revision includes only areas currently designated for sewer service, both the sending and receiving wastewater management planning agencies concur with the proposed revision, and no new or expanded treatment works other than sewer line extensions is proposed as part of the revision;

iii. Any increase of 20,000 gpd or less in planned wastewater flow to an on-site NJPDES-permitted discharge to ground water for a school or public institution, using the same general type of treatment works (for example, direct discharge to ground water, spray irrigation);

iv. Any change in the estimated wastewater flow (see N.J.A.C. 7:15-5.16(b)8) or design capacity (see N.J.A.C. 7:15-5.16(b)9) to a NJPDES-permitted discharge to ground water from less than 20,000 gpd to more than 20,000 gpd, provided (b)4v below is satisfied and the same general type of treatment works is proposed;

v. Expansion of a future sewer service area to contiguous lots, where the expansion involves less than 100 acres, contributes less than 8,000 gallons per day of additional wastewater flow, and does not create a significantly new pattern of sewer development such that a significant potential or incentive is created for additional

revisions or amendments to open new areas to sewered development; or

5. Provide for any modification in an adopted regional stormwater management plan that does not require an amendment under N.J.A.C. 7:15-3.4(b)5.

(c) The documents that are automatically adopted into the Statewide or areawide WQM Plans under N.J.A.C. 7:15-3.4(b)1 through 4, and 7:15-3.4(i) shall not be revised under this section.

(d) The procedure for revision of Statewide and areawide WQM plans is as follows:

1. The Governor or his designee shall adopt revisions to areawide WQM plans and the Commissioner shall adopt revisions to the Statewide WQM Plan. Such revisions shall take effect immediately, unless the adoption notice specifies otherwise.

2. The Department shall, on an annual basis, make publicly available a list of adopted revisions to WQM plans. Under N.J.A.C. 7:15-3.4, interested persons may submit petitions to amend WQM plans to repeal or modify such revisions.

(e) Designated planning agencies shall revise areawide WQM Plans in accordance with procedures established by such agencies and approved by the Department. All revisions to areawide WQM plans are valid only upon their adoption by the Governor or his designee.

(f) The Governor or his designee shall certify adopted WQM Plans in accordance with United States Environmental Protection Agency regulations.

Administrative Correction to (b)3: Changed 5.24(g) to 5.23(g).

See: 22 N.J.R. 2001(b).

Amended by R.1997 d.108, effective May 5, 1997.

See: 28 N.J.R. 729(a), 28 N.J.R. 2779(a), 28 N.J.R. 3494(a), 28 N.J.R. 3858(a), 29 N.J.R. 2142(a).

Added (b)1i and ii; added (b)4; and in (c), amended N.J.A.C. references.

Amended by R.2004 d.48, effective February 2, 2004.

See: 35 N.J.R. 119(a), 35 N.J.R. 1328(a), 36 N.J.R. 670(a).

In (b), added 5.

Public Notice: Revisions to the Water Quality Management Plans for Calendar Year 2004.

See: 37 N.J.R. 795(a).

Public Notice: Revisions to the Water Quality Management Plans for calendar year 2005.

See: 38 N.J.R. 1231(a).

7:15-3.6 Coordination with Coastal Zone and Hackensack Meadowlands programs

(a) In accordance with N.J.A.C. 7:7E-1.2(h), the Department's Rules on Coastal Zone Management, N.J.A.C. 7:7E, including, but not limited to, provisions concerning the Hackensack Meadowlands Development Commission at N.J.A.C. 7:7E-1.5(a) and 7:7E-3.45, shall provide the basic policy direction for WQM planning in the New Jersey Coastal Zone defined at N.J.A.C. 7:7E-1.2(b), including, but not limited to, the Hackensack Meadowlands District described in N.J.S.A. 13:17-4.