

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).

Executive Order No. 66(1978) Expiration Date

Chapter 15, Statewide Water Quality Management Planning, expires on September 22, 1999.

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). On October 7, 1980, R.1980 d.433 repealed this text. 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 expired April 2, 1989. Chapter 15, Statewide Water Quality Management Plan was adopted as a new rule 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 amendment. See: 25 N.J.R. 411(a).

Public Notice: Amendments to county and regional water quality management plans. See: 27 N.J.R. 244(c), 391(b), 392(a), 588(b), 769(d), 770(a), 945(b), 1319(b).

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

See section annotations for specific rulemaking activity.

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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 Statewide 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;

2. Establish policies, procedures and standards which, wherever attainable, help to restore and maintain the chemical, physical and biological integrity of the waters of the State, including groundwaters, and the public trust therein, to protect public health, to safeguard fish and aquatic life and scenic and ecological values, and to enhance the domestic, municipal, recreational, industrial and other uses of water;

3. Prevent, control, and abate water pollution;

4. Conserve the natural resources of the State, promote environmental protection, and prevent the pollution of the environment of the State;

5. Encourage, direct, supervise and aid areawide WQM planning;

6. Integrate and unify the Statewide and areawide WQM planning processes, and provide for continuing WQM planning;

7. Ensure that projects and activities affecting water quality are developed and conducted in a manner consistent with this chapter and adopted WQM Plans;

8. Coordinate and integrate WQM plans with related Federal, State, regional and local comprehensive land use, functional and other relevant planning activities, programs and policies;

9. Develop and implement water quality programs in concert with other social and economic objectives;

10. Provide opportunities for public participation in the WQM planning process;

11. Prepare, administer, and supervise Statewide, regional and local plans and programs concerning conservation and environmental protection, including plans and programs concerning sewerage facilities;

12. Encourage, direct and aid in coordinating State, regional and local plans and programs concerning conservation and environmental protection, including plans and programs concerning sewerage facilities, in accordance with a unified Statewide Plan formulated, approved and supervised by the Department;

13. Supervise sanitary engineering facilities within the State; and

14. Encourage the development of comprehensive regional sewerage facilities that serve the needs of the regional community and that conform to the adopted areawide WQM plan applicable to that region.

7:15-1.4 Severability

If any section, subsection, provision, clause, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby and shall remain in full force and effect.

7:15-1.5 Definitions

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

“Actual flow” means the volume of sewage and other wastes that a DTW receives; actual flow shall be determined by the arithmetic average of the metered daily volumes of waste received at a DTW for the preceding period of three consecutive calendar months. Where peak flows have been determined by the Department to be seasonal in nature, the seasonal peak flow period shall be used in determining actual flow.

“Adoption” means the adoption by the Department of Statewide WQM Plans or amendments or revisions thereof and the adoption by the Governor or his designee of areawide plans or amendments or revisions thereof pursuant to this chapter.

“Amendments” means changes to the Statewide and areawide WQM plans that may be proposed and adopted under N.J.A.C. 7:15-3.4.

“Areawide plan” or “areawide WQM plan” means the areawide WQM plan authorized in Section 5 of the Water Quality Planning Act (N.J.S.A. 58:11A-1 et seq.), and Sections 208 and 303 of the Clean Water Act, 33 U.S.C. § 1251 et seq.

“Authority” means a sewerage authority as defined in N.J.S.A. 40:14A-3(5), or a municipal authority as defined in N.J.S.A. 40:14B-3(5).

“Best Management Practices (BMPs)” means the methods, measures, or practices to prevent or reduce the amount of pollution from point or non-point sources, including

structural and nonstructural controls, and operation and maintenance procedures.

“BRC-regulated sewer or water utilities” means sewer utilities or water utilities regulated by the Board of Regulatory Commissioners under N.J.S.A. 48:1-1 et seq. and N.J.A.C. 14:9.

“Commissioner” means the Commissioner of the New Jersey Department of Environmental Protection and Energy or his or her designee.

“Consistency determination” means the written statement by the Department under N.J.A.C. 7:15-3.2, as to whether a project or activity listed in N.J.A.C. 7:15-3.1(b) is consistent with, inconsistent with, or not addressed by, adopted WQM Plans and this chapter.

“Continuing planning process” or “CPP” means the Statewide planning process conducted by the Department of Environmental Protection and Energy as authorized in Section 7 of the Water Quality Planning Act (N.J.S.A. 58:11A-7).

“County utilities authority” means any public body created by a county governing body pursuant to N.J.S.A. 40:14B-4a, or any sewerage authority or county sewer authority reorganized as a county utilities authority pursuant to N.J.S.A. 40:14B-6b.

“County water quality management plan” or “County WQM plan” means a county plan prepared by a county planning board pursuant to Section 5 of the Water Quality Planning Act (N.J.S.A. 58:11A-5).

“CP1 application” means the formal application for a permit from the Department.

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

“Designated area” means an area designated by the Governor as an areawide WQM planning area pursuant to Section 4 of the Water Quality Planning Act (N.J.S.A. 58:11A-4).

“Designated management agency” means an agency designated in an adopted WQM plan to implement one or more of the policies, objectives, and recommendations of that plan.

“Designated planning agency” means an agency designated by the Governor to conduct areawide WQM planning pursuant to Section 4 of the Water Quality Planning Act (N.J.S.A. 58:11A-4).

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, landfill,

excavation, roads, sewers and other infrastructure and any use or change in the use of any building or other structure, or land or extension of use of land. Phased development shall be considered as a single project.

"District" means either or both of the following, depending on the context: the district of a sewerage authority as defined in N.J.S.A. 40:14A-3(6), or the district of a municipal authority as defined in N.J.S.A. 40:14B-3(6). For purposes of N.J.A.C. 7:15-5.14(a)1, 5.16(a)2i and 5.18(i), "district" shall also mean the Passaic Valley Sewerage District.

"Domestic treatment works" or "DTW" means a publicly or privately owned treatment works and shall include a treatment works processing domestic wastes together with any ground water, surface water, storm water or industrial process wastewater that may be present.

"Drawings and/or plans" means those drawings, site plans and/or blueprints prepared by a professional engineer or professional planner, as appropriate, which portray the development specifications of the site project or activity.

"DTW" means domestic treatment works.

"Emergency activities" means activities that are necessary to be performed in response to sudden or unexpected occurrences or conditions, in order to prevent loss of life, personal injury, severe property damage, or severe environmental damage.

"Environmentally sensitive areas" means those areas identified in a Statewide or areawide WQM plan as land areas possessing characteristics or features which are important to the maintenance or improvement of water quality, or to the conservation of the natural resources of the State.

"Freshwater wetlands" means freshwater wetland as defined at N.J.S.A. 13:9B-3 and N.J.A.C. 7:7A-1.

"Governmental entity" means a Federal, state, county or municipal government or school district whose jurisdiction is partially or entirely within New Jersey.

"Industrial/commercial" means any project or activity engaged in manufacturing, production or sales of services or products.

"Industrial treatment works" means an industrial treatment works as defined at N.J.A.C. 7:14A-1.9.

"Interim connection," "interim construction" or "interim expansion" means interim connection, construction or expansion of wastewater facilities as described in N.J.A.C. 7:15-4.2(a)4.

"Joint meeting" means a joint meeting as defined in N.J.S.A. 40:63-69.

"Load allocation" means the portion of a total maximum daily load that is not allocated to a point source of pollution.

"Multi-county joint meeting" means any joint meeting whose membership includes municipalities in two or more counties.

"Municipal authority" means a municipal authority as defined in the Municipal and County Utilities Authorities Law at N.J.S.A. 40:14B-3(5), and shall include a municipal utilities authority created by one or more municipalities and a county utilities authority created by a county.

"Municipal government" means a city, town, borough, village, township or other municipal government created by State law, which has an elected governing body, a chief executive, and municipal public officials including a municipal clerk, tax assessor, and tax collector.

"NJPDES" means the New Jersey Pollutant Discharge Elimination System established in N.J.A.C. 7:14A.

"NJPDES discharge permit" means a permit issued by the Department under N.J.A.C. 7:14A for a discharge to surface water or a discharge to ground water.

"Non-designated area" means an area not designated by the Governor as an areawide WQM planning area pursuant to Section 4 of the Water Quality Planning Act (N.J.S.A. 58:11A-4).

"Non-point source" means a contributing factor to water pollution that cannot be traced to a specific discernible confined and discrete conveyance.

"ORP" means the Office of Regulatory Policy, or its successor, in the Department of Environmental Protection and Energy.

"Passaic Valley Sewerage Commissioners" means the body described by that name under N.J.S.A. 58:14-2.

"Passaic Valley Sewerage District" means the sewerage district now or hereafter described by that name under N.J.S.A. 58:14-1 et seq.

"Point source" means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Process waste water" means process waste water as defined at N.J.A.C. 7:14A-1.9.

“Regional authority” means any sewerage authority created by the governing bodies of two or more municipalities pursuant to N.J.S.A. 40:14A-4(c), or any municipal authority created by the governing bodies of two or more municipalities pursuant to N.J.S.A. 40:14B-5.

“Regional wastewater management plan area” means a wastewater management plan area that includes land in two or more municipalities.

“Revisions” means changes to WQM plans under N.J.A.C. 7:15-3.5 that are necessary for one or more of the purposes set forth at N.J.A.C. 7:15-3.5(b).

“Sewerage agency” means the Passaic Valley Sewerage Commissioners, a sewerage authority, a municipal authority or a joint meeting.

“Sewerage authority” means a sewerage authority created pursuant to the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et seq.

“Significant modification” means a significant alteration, expansion or other change that may reasonably be expected to affect the quantity of flow treated or the quality of the effluent discharged to the waters of the State or to a publicly owned treatment works.

“Site-specific pollution control plan” means a plan that details necessary structures or measures designed to control one or more specified pollutants or sources of pollution from a site.

“State” means the State of New Jersey.

“State Water Quality Inventory Report” means the biennial report prepared by the Department, pursuant to Section 305 of the Clean Water Act, 33 U.S.C. §§ 1251 et seq., which inventories and assesses the quality of surface and ground waters of the State.

“Statewide Water Quality Management Plan” or “Statewide WQM Plan” (formerly known as the Statewide Water Quality Management Program Plan) means the plan that, together with this chapter, directs and coordinates water quality planning and implementation activities for the entire State, and contains the written provisions of the CPP pursuant to Section 7 of the Water Quality Planning Act (N.J.S.A. 58:11A-7).

“Total maximum daily load” means a total maximum daily load formally established pursuant to Section 7 of the Water Quality Planning Act (N.J.S.A. 58:11A-7) and Section 303(d) of the Clean Water Act, 33 U.S.C. §§ 1251 et seq.

“Treatment works” means treatment works as defined at N.J.A.C. 7:14A-1.9.

“Treatment works approval” means an approval issued pursuant to N.J.S.A. 58:10A-6b and N.J.A.C. 7:14A-12.

“201 Facilities Plans” means the plans for wastewater facilities prepared pursuant to Section 201 of the Clean Water Act, 33 U.S.C. §§ 1251 et seq.

“201 Facilities Planning agencies” means those agencies which are responsible for conducting 201 facilities planning, pursuant to Section 201 of the Clean Water Act, 33 U.S.C. §§ 1251 et seq.

“209 Basin Plans” means water resources plans adopted pursuant to Section 209 of the Clean Water Act, 33 U.S.C. §§ 1251 et seq.

“Upgrade” means a modification of a domestic or industrial treatment works to improve the quality of effluent discharged to surface water or ground water.

“USEPA” means the United States Environmental Protection Agency.

“USGS quadrangle map” means any of the set of topographic maps published by the United States Geological Survey at 1:24,000 scale and known as “quadrangles” or “quads”.

“Wasteload allocation” means the portion of a total maximum daily load that is allocated to a point source.

“Wastewater management agency” means a governmental entity or sewerage agency designated in an areawide WQM plan to plan, construct, or operate domestic treatment works.

“Wastewater management plan” or “WMP” means a written and graphic description of existing and future wastewater-related jurisdictions, wastewater service areas, and selected environmental features and treatment works.

“Wastewater management plan area” or “WMP area” means the geographic area for which a governmental unit or other person has “wastewater management plan responsibility” as defined in N.J.A.C. 7:15-5.3(b).

“Wastewater management planning agency” means a governmental unit or other person that has “wastewater management plan responsibility” as defined in N.J.A.C. 7:15-5.3(b).

“Water quality based effluent limitations” means water quality based effluent limitations established pursuant to the Department’s Surface Water Quality Standards (N.J.A.C. 7:9-4), including, but not limited to, wasteload allocations.

“Water quality limited segment” means any segment of a waterway where it is known that water quality does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards, even after the

application of the technology-based effluent limitations required by Sections 301(b) and 306 of the Clean Water Act, 33 U.S.C. §§ 1251 et seq.

“Water quality management plans” or “WQM plans” means the plans prepared pursuant to Sections 208 and 303 of the Clean Water Act, 33 U.S.C. §§ 1251 et seq., and the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., including the Statewide, areawide, and county WQM Plans.

“WMP” means wastewater management plan.

“Work programs and plans” means those documents that detail the specific work activities proposed as part of a water quality management program.

“WQM plan” means water quality management plan.

Administrative Correction: Deleted “domestic” from “Wastewater management plan” definition.

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).

Changed “BPU-regulated” to “BRC-regulated”; deleted “BWQP”, “Commercial unit”, “Director” and “Division”; added “ORP”; updated Department name, wherever mentioned.

SUBCHAPTER 2. PLANNING REQUIREMENTS

7:15-2.1 Continuing planning process (CPP)

(a) The Department shall conduct a continuing planning process (CPP) whose written provisions shall be contained, directly or by reference, in the Statewide WQM Plan and this chapter. In conducting the CPP the Department shall:

1. Integrate and unify the Statewide and areawide water quality management planning processes;
2. Encourage, direct, supervise and aid areawide water quality management planning;
3. Coordinate and integrate WQM plans with related Federal, State, regional and local comprehensive land use, functional and other relevant planning activities, programs and policies;
4. Identify aspects of the CPP that have been delegated to other State, Federal, interstate, or local agencies;
5. Provide opportunities for meaningful public participation in the water quality management planning process;
6. Conduct a Statewide assessment of water quality. (The State Water Quality Inventory Report shall be the principal water quality assessment component of the Statewide WQM Plan.);
7. Establish water quality goals and water quality standards for the waters of the State; and

8. Develop a Statewide implementation strategy to achieve the water quality standards and objectives and meet the requirements of Section 303(e) of the Clean Water Act (33 U.S.C. §§ 1251 et seq.), which shall include, but not be limited to:

- i. The determination of effluent limitations and schedules of compliance at least as stringent as those required by the Clean Water Act (33 U.S.C. §§ 1251 et seq.);
- ii. The identification of water quality limited segments;
- iii. The determination of total maximum daily loads, wasteload allocations, and load allocations for pollutants;
- iv. The incorporation of areawide and county WQM plans, applicable 209 Basin Plans, 201 Facilities Plans, and wastewater management plans;
- v. The amendment and revision of WQM plans, including schedules for such amendment and revision;
- vi. An inventory and ranking of needs, in order of priority, for the construction of wastewater facilities;
- vii. The determination of priorities for the issuance of discharge permits;
- viii. Methods for controlling all residual wastes from any water treatment processing; and
- ix. Adequate authority for intergovernmental cooperation in water quality management activities.

(b) In order to accomplish one or more of the requirements of (a) above, the CPP may also include or otherwise address, but not be limited to, one or more of the following:

1. Identification of existing or potential surface or ground water pollution problems, caused by point or nonpoint sources;
2. Evaluation of programs for water pollution control based upon factors that may include, but not be limited to, technical feasibility; cost-effectiveness; public acceptability; economic, social or environmental impact; or legal, institutional, managerial or financial capability;
3. Technical measures, regulatory programs, or non-regulatory programs for point or nonpoint source water pollution control, protecting water resources, protecting environmentally sensitive areas, or other water quality related issues;
4. Designation of management agencies to implement one or more provisions of WQM plans; and
5. Other measures necessary to implement WQM plans.

Public Notice: The DEP plans to amend the Statewide Management Program Plan.

See: 18 N.J.R. 711(d).

New Rule: 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).

7:15-2.2 Relationship between the Statewide, areawide and county Water Quality Management Plans

(a) The Statewide WQM Plan and this chapter contain the written provisions of the CPP. The Statewide WQM Plan and this chapter direct and coordinate water quality management planning and implementation activities for the entire State and serve as a guide for areawide planning. The Statewide Water Quality Management Plan adopted by the Commissioner on December 5, 1985 and all subsequent amendments and revisions thereto are hereby incorporated by reference into this chapter. This chapter is included within the Statewide WQM Plan.

NOTE: The Statewide Water Quality Management Program Plan may be inspected at the Office of Regulatory Policy, Department of Environmental Protection and Energy, 401 East State Street, Trenton, New Jersey, or the Office of Administrative Law, Quakerbridge Plaza, Building 9, Trenton, New Jersey.

(b) The areawide WQM plan is the basis by which the Department and the designated planning agencies conduct selected water quality management planning activities for a particular "area" or section of the State which has either designated or non-designated area status.

(c) If any elements of any areawide WQM plan conflict with any component of the Statewide WQM Plan identified under N.J.A.C. 7:15-3.1(e) or with this chapter, such elements shall be of no legal effect and shall be superseded by this chapter and the Statewide WQM Plan to the extent that such conflict exists.

(d) All WQM plans shall be consistent with State statutes and rules and to the extent they are not consistent shall have no legal force and effect.

(e) Every county planning board may conduct a county-wide water quality management planning process and prepare a county WQM plan.

1. County WQM plans shall not be in conflict with the Statewide WQM Plan, appropriate areawide WQM plans, or this chapter. If any elements of any county WQM plan conflict with the Statewide WQM Plan, appropriate areawide WQM plans, or this chapter, such elements shall be superseded by the Statewide WQM Plan, areawide WQM plans, or this chapter to the extent that such conflict exists.

2. Each county planning board that prepares or changes a county WQM plan shall transmit a copy of that plan or change to the ORP, and to any designated planning agency whose designated area includes part or all of the subject geographic area.

3. Consistency of projects and activities with county WQM plans shall be required under N.J.A.C. 7:15-3.1 or 3.2, only to the extent that county WQM plans or components thereof are adopted into areawide WQM plans pursuant to N.J.A.C. 7:15-3.4 or 3.5.

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)NOTE, changed Bureau of Water Quality Planning, Division of Water Resources, to Office of Regulatory Policy; in (c), corrected subsection reference; in (e)2, "ORP" was "BWQP".

7:15-2.3 Role of the Department

(a) The Department shall:

1. Conduct a CPP and prepare a Statewide WQM Plan;
2. Prepare areawide WQM plans for non-designated areas;
3. Revise and amend the Statewide WQM Plan as necessary;
4. Coordinate and direct the activities of designated planning agencies;
5. Review and approve areawide work programs;
6. To the maximum extent feasible, act as a resource for designated planning agencies and county planning boards, providing them with technical assistance, and information on best management practices and pollution control technologies;
7. Require the preparation and updating of wastewater management plans, and provide for their review and adoption into areawide WQM Plans;
8. Establish and administer policies, procedures, standards, criteria, and rules for water quality and wastewater management issues;
9. Identify water quality limited segments;
10. Establish total maximum daily loads, wasteload allocations, load allocations, and water quality based effluent limitations;
11. Prepare a biennial State Water Quality Inventory Report, and other reports required from the State under the Clean Water Act, 33 U.S.C. §§ 1251 et seq.;
12. Perform consistency determination reviews, and otherwise ensure that projects and activities affecting water quality do not conflict with WQM plans or this chapter;
13. Delegate aspects and responsibilities of the CPP to other State, Federal, interstate, county or local agencies, and also withdraw or transfer such delegations as necessary; and
14. Make recommendations to the Governor regarding designation of planning agencies and planning areas under N.J.S.A. 58:11A-4.

7:15-2.4 Role of designated planning agencies**(a) The designated planning agencies shall:**

1. Prepare, revise, and amend the areawide WQM plans for their designated areas;
2. Fulfill all responsibilities assigned to them under this chapter, the Statewide WQM Plan, the areawide WQM plan, their charter, any grant agreement, approved work program, and any agreement with the State;
3. Carry out other responsibilities as agreed with or assigned by the Department under N.J.A.C. 7:15-2.3; and
4. Ensure that the areawide WQM plan shall not be in conflict with any component of this chapter or the Statewide WQM Plan and shall not otherwise conflict with State statutes or duly promulgated rules.

(b) The Department and the designated planning agencies shall coordinate their work in shared river basins or sub-basins, and shall refer any conflicts concerning such coordination to the Commissioner for his mediation.

(c) If a previously designated area becomes a non-designated area as a result of action by the Governor, the Department shall conduct areawide water quality management planning for that area.

SUBCHAPTER 3. PLAN ASSESSMENT, AMENDMENT AND ADOPTION

7:15-3.1 Water quality management plan consistency requirements

(a) All projects and activities affecting water quality shall be developed and conducted in a manner that does not conflict with this chapter or adopted WQM plans. The Commissioner shall not undertake, nor shall he or she authorize through the issuance of a permit, any project or activity that conflicts with applicable sections of an adopted WQM plan or with this chapter. For purposes of N.J.A.C. 7:15-3.1 and 3.2, "permit" includes permits, approvals, certifications, and similar actions. The Department shall conduct the consistency determination review or other consistency review for a Department permit concurrently with the Department's review of the permit application. The Department shall not issue the permit if the Department finds the project or activity to be inconsistent with a WQM plan or this chapter.

(b) The Department shall not grant permits for the following projects and activities before a formal consistency determination review under N.J.A.C. 7:15-3.2 has been completed:

1. New surface water or ground water discharges, or existing surface or ground water discharges proposing significant modifications, that require individual NJPDES discharge permits under N.J.A.C. 7:14A and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.;

2. Treatment works that require treatment works approvals under N.J.A.C. 7:14A-12 and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.;

3. Actions regulated by the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq.;

4. Actions that require Type "B" wetland permits under N.J.A.C. 7:7-2.2;

5. Construction of the following new solid waste facilities, other than hazardous waste facilities and minor expansions of solid waste facilities, regulated by N.J.A.C. 7:26:

i. New sanitary landfills other than vertical expansions;

ii. New solid waste composting or co-composting facilities over one acre, but excluding leaf composting facilities;

iii. New resource recovery facilities and new solid waste materials recovery facilities; and

iv. New solid waste incinerators and thermal destruction facilities;

6. Sanitary landfill closures where leachate collection and control is required under N.J.A.C. 7:26;

7. Construction of new hazardous waste facilities regulated by N.J.A.C. 7:26;

8. Waterfront development activities regulated under N.J.S.A. 12:5-3, for residential developments of 25 units or greater, and for industrial, commercial, and mixed use (including residential) developments having wastewater flows of 20,000 gallons per day or more; extensions or modifications to existing projects when the cumulative total for the project is greater than 24 units, or greater than or equal to 20,000 gallons per day;

9. Construction of 50 or more realty improvements regulated under the Realty Improvement Sewerage and Facilities Act, N.J.S.A. 58:11-23 et seq.; and

10. Adoption or amendment of environmental health ordinances to control water pollution under the County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq.;

(c) The following projects and activities do not require a formal consistency determination review under N.J.A.C. 7:15-3.2, but shall still not conflict with WQM plans:

1. Approved and non-approved water supply connections regulated by the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq.;

2. Construction or repair of dams regulated by N.J.S.A. 58:4-2 et seq.;
3. Well drilling regulated by N.J.S.A. 58:4A-14 et seq.;
4. Actions regulated by the Air Pollution Control Act (1954), N.J.S.A. 26:2C-9.2;
5. Renewals or modifications of existing permitted activities that do not propose significant modifications, as determined by the Department;
6. Actions that require Type "A" wetland permits under N.J.A.C. 7:7-2.2;
7. Stream encroachments regulated under the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.;
8. Waterfront development activities regulated under N.J.S.A. 12:5-3, other than those identified in (b)8 above;
9. Water lowering regulated under N.J.S.A. 23:5-29 or N.J.S.A. 58:4-9;
10. Construction or operation of water systems regulated by the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq.;
11. Diversion of surface or ground waters regulated by the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.;
12. Activities that require freshwater wetlands permits, open water fill permits, or transition area waivers under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.;
13. Discharges that require water quality certifications under N.J.S.A. 58:10A-5.b and Section 401 of the Clean Water Act, 33 U.S.C. §§ 1251 et seq.;
14. Actions regulated by N.J.A.C. 7:26 other than actions identified in (b)5 and 6 above and actions pertaining to hazardous waste, including:
 - i. Collection and haulage of solid waste;
 - ii. Operation of solid waste facilities;
 - iii. Permit renewals for solid waste facilities not proposing major expansions;
 - iv. Vertical expansions of sanitary landfills;
 - v. Construction of new solid waste transfer stations;
 - vi. Construction of new solid waste composting and co-composting facilities under one acre;
 - vii. Construction of new leaf composting facilities;
 - viii. Sanitary landfill closure where leachate collection and control is not required; and
 - ix. Disruption of sanitary landfills, where such disruption does not require construction of new sanitary landfills or treatment and disposal of leachate;

15. Hazardous waste activities regulated by N.J.A.C. 7:26 but not identified in (b)7 above, including collection and haulage of hazardous waste, operation of hazardous waste facilities, and permit renewals for hazardous waste facilities not proposing major modifications; and

16. Any other activity regulated by the Department but not identified in (b) above or deemed to be consistent under N.J.A.C. 7:15-4.2.

(d) At the request of any person who intends to apply for a Department permit, the Department shall informally discuss with such person the consistency of such person's proposed project or activity with WQM plans and this chapter. Information provided by the Department in such discussions is for guidance only, and is not binding on the Department.

(e) Except as expressly provided in this chapter or in an areawide WQM plan, the only components of the Statewide WQM Plan that shall be used in performing consistency determination reviews and other consistency reviews are the following:

1. This chapter, exclusive of those portions of the Statewide WQM Plan incorporated by reference, but not codified in this chapter; and

2. Statewide Sludge Management Plans, District Sludge Management Plans, and sludge management rules that are promulgated or approved by the Department pursuant to N.J.S.A. 13:1E-1 et seq.

(f) Interested parties may comment on the consistency of Department permits with WQM plans and this chapter through the appropriate draft or final permit public review and comment process. Such comments shall be taken into consideration prior to the issuance of a final permit.

(g) At the request of any applicant whose proposed project or activity has been found by the Department to be inconsistent with a WQM plan or this chapter, the Department may informally discuss with that applicant the possible actions which that applicant might take to attempt to resolve the conflict. Such actions may include revising the project or activity to conform with the WQM plan and this chapter, seeking an amendment to the WQM plan under N.J.A.C. 7:15-3.4, or appealing the Department's finding under N.J.A.C. 7:15-3.9(g). The applicant may take such actions without regard to the existence or absence of a discussion or a request for a discussion under this subsection. Information provided by the Department in such discussions is for guidance only, and is not binding on the Department or the designated planning agencies. If the project or activity is in a designated area, the Department shall invite the designated planning agency to participate in the discussion.

Administrative Correction to (a) and (a)5.

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), transferred text from (d) regarding "consistency determination review" and denial of permit for inconsistency with WQM plan. Deleted (d) and redesignated existing (e) through (h) as (d) through (g).

7:15-3.2 Procedures for consistency determination reviews

(a) Requests for consistency determination review shall, where applicable, include but not be limited to the following information:

1. A narrative description of the project, including county and municipality, lot and block, type of development or activity, number of dwelling units, anticipated population, anticipated wastewater flow, availability and identification of existing treatment works, proposals for new treatment works (include proposed owner and operator of treatment works, and location of discharge);

2. A United States Geological Survey quadrangle map showing the approximate boundaries of the project site and discharge location; and

3. Drawings and/or plans which illustrate the description under (a)1 above.

(b) Based upon potential negative water quality impacts of the project, the Department may require the narrative description under (a)1 above to also include potential water quality impacts and a site-specific pollution control plan. In most cases, the Department intends that requirements for such inclusion shall be established through amendments to areawide WQM plans. Any areawide WQM plan that establishes such requirements shall specify the categories of projects that are subject to the requirements, the pollutants or sources of pollution that shall be addressed, and the geographic region in which the requirements apply, if that region is less than the entire designated area or non-designated area.

(c) The Department shall perform consistency determination reviews in accordance with the following procedures:

1. Upon receipt of a complete request for consistency determination review and a complete permit application, the Department shall review the appropriate WQM plan and this chapter to determine whether the project or activity is consistent with the written provisions of the plan and this chapter. This review shall include, but not be limited to, the following plan components where applicable:

- i. Population forecasts;
- ii. Wastewater flow projections;
- iii. Availability of DTW;
- iv. Identification of appropriate DTW;
- v. Identification of appropriate wastewater service area;
- vi. Identification of appropriate project management agency;

- vii. Use of Best Management Practices for pollution control;

- viii. Identification of areas suitable or unsuitable for development with consideration of environmentally sensitive areas; and

- ix. Other water quality based policies, goals, objectives, or recommendations.

2. The Department shall complete this review within 90 days of receipt of a complete request for consistency determination review and a complete permit application. This time period may be extended for a one time only 30 day period by the mutual consent of the applicant and the Department.

3. Upon completion of the review, the Department shall, except as provided in (c)4 below, issue a consistency determination. This determination shall state that the project or activity is either consistent with, inconsistent with, or not addressed by, the WQM plan and this chapter.

- i. A project or activity shall be determined to be consistent if it is in accordance with the written provisions of the WQM plan and this chapter.

- ii. If the WQM plans and this chapter do not contain provisions precluding a project or activity, then this shall be interpreted to mean that the project or activity is not addressed. A finding of "not addressed" is equivalent in effect to a finding of consistent.

- iii. A finding of inconsistent means that the project or activity is in conflict with the written provisions of a WQM plan or this chapter.

4. If the Department finds that a project or activity is consistent or not addressed, then the Department may issue a statement of this finding to the applicant or may issue the permit without issuing a written consistency determination.

5. Except as provided in (c)6 below, all Department findings made for Department permits under (c)4 above shall be valid only for the permit application for which the consistency determination review was sought.

6. If a project or activity requires two or more Department permits, and if the Department makes a finding under (c)4 above for one of those permits, that finding shall be valid for the remaining Department permits unless:

- i. The project or activity has become inconsistent, because of an amendment made to the WQM plan or this chapter after the initial finding; or

- ii. The Department denies a permit in response to comments received under N.J.A.C. 7:15-3.1(f).

7. If the Department finds a project or activity to be inconsistent, then the Department shall notify the applicant in writing of the reasons for this finding. The applicant may request an informal discussion of the conflict under N.J.A.C. 7:15-3.1(g).

Administrative Correction to (b): Changed pollutants to pollution. 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)1, deleted reference to DTW permittees under N.J.A.C. 7:15-4.1; in (c)6ii and (c)7, corrected subsection references.

7:15-3.3 (Reserved)

7:15-3.4 Water quality management plan amendment procedures

(a) The Department and the designated planning agencies shall propose amendments to the Statewide and area-wide WQM Plans whenever such amendments are necessary or desirable. Amendments may be proposed for various reasons, such as to implement or comply with applicable State or Federal law; respond to new circumstances; improve the economic, social, or environmental impact of WQM plans; or resolve issues disclosed through the consistency review procedure.

(b) Procedures for amendment of the Statewide WQM Plan are as follows:

1. Water quality related provisions in present and future rules adopted by the Department shall be considered to be part of the Statewide WQM Plan. Such provisions may not be adopted, amended, or repealed through the WQM plan amendment process under (b)4 below.

2. Priority systems, intended use plans and project priority lists for wastewater facilities that are developed by the Department and accepted by the United States Environmental Protection Agency (USEPA) pursuant to USEPA regulations, or that otherwise are developed by the Department under N.J.A.C. 7:22, shall be considered to be part of the Statewide WQM Plan. Such priority systems and project priority lists shall be adopted or revised in accordance with USEPA regulations and N.J.A.C. 7:22, as appropriate, and shall not be adopted or revised through the WQM plan amendment process under (b)4 below.

3. Statewide Sludge Management Plans, District Sludge Management Plans and sludge management rules that are promulgated or approved by the Department pursuant to N.J.S.A. 13:E-1 et seq. shall be considered to be part of the Statewide WQM Plan. Such plans and rules shall be promulgated, revised, updated or approved in accordance with N.J.S.A. 13:1E-1 et seq., and shall not be promulgated, revised, updated, or approved through the WQM plan amendment process under (b)4 below.

4. Components of the Statewide WQM Plan other than (b)1 through 3 above may be amended by using the procedure specified in (g) below, except that the Commissioner shall render the final decision identified in (g)9 below.

(c) Areawide WQM plans for designated areas may be amended by designated planning agencies pursuant to their approved plan amendment procedures. The Department may amend the areawide WQM plan for any non-designated area, pursuant to the procedures under (g) below. Amendments or provisions thereof for any areawide WQM plan whose specific purpose or effect is to address projects or activities covered by (i) and (j) below, or that are either proposed, constructed, operated or conducted by the State or Federal government, or that are regulated by the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.), shall be processed only by the Department, regardless of whether the areawide WQM Plan is for a designated area or a non-designated area. By the mutual consent of the Department and the designated planning agency, the Department may also process all other amendments to an areawide WQM plan for a designated area.

(d) Plan amendment procedures developed by the designated planning agencies shall be consistent with this section and approved by the Department. Such procedures shall include, but need not be limited to, provisions that:

1. Allow any interested person to submit to the designated planning agency written, documented petitions to amend the areawide WQM Plan;
2. Provide for review by the Department of all proposed amendments prior to public notice;
3. Allow the Department to identify governmental entities, sewerage agencies, and BRC-regulated sewer or water utilities that shall be requested to issue written statements of consent for proposed amendments, such parties being in addition to any governmental entities, sewerage agencies, and BRC-regulated sewer or water utilities identified by the designated planning agency;
4. Provide for publication of public notice of proposed amendments in the New Jersey Register and in a newspaper of general circulation in the designated area; and
5. Provide for adequate public comment periods and opportunities for public hearings before the designated planning agency decides whether to approve an amendment.

(e) Every designated planning agency shall, by December 1, 1989, submit for Department approval plan amendment procedures that have been revised for consistency with this section. Such procedures shall identify the newspaper in which public notices of plan amendments shall be published. All plan amendment procedures that the Department approved before October 2, 1989, but that are not revised and approved by the Department as being consistent with this section, shall become void on March 31, 1990. If a plan amendment procedure becomes void in this manner, the Department shall immediately provide to the designated planning agency a plan amendment procedure that is consistent with this section, and that shall be used by the designated planning agency until a plan amendment procedure is submitted by the designated planning agency and approved by the Department under this subsection.

(f) Within 15 days of approving an amendment, a designated planning agency shall submit to the ORP a copy of the amendment, together with background information for that amendment. WQM plan amendments approved by designated planning agencies are valid only upon the subsequent adoption of such amendments by the Governor or his designee.

(g) Except as provided in (h) below, the Department procedure for amendment of areawide WQM plans is as follows:

1. For amendments which are the Department's responsibility under (c) above, any interested person may petition the Department to amend the areawide WQM plan, or the Department may propose to amend the areawide WQM plan on the Department's own initiative. Requests for amendments shall be submitted in writing to the Office of Regulatory Policy, Department of Environmental Protection and Energy, CN 029, Trenton, New Jersey 08625.

2. Requests for amendments shall include, but need not be limited to, a detailed description of the proposed amendment, including documentation substantiating the need for the amendment and other documentation as determined by the Department. Within 90 days of receiving such requests, the Department shall review such requests and shall either:

- i. Disapprove the amendment request, and return it to the applicant; or

- ii. Return the amendment request to the applicant for additional information or other necessary changes. If the applicant then submits a revised amendment request, the Department shall, within 90 days of receiving the revised amendment request, review such request and render a decision under (g)2i above, this subparagraph, or (g)2iii below; or

- iii. Decide to proceed further with the amendment request.

3. The Department shall notify the applicant and the applicable designated planning agency, if any, in writing of its decision under (g)2 above. If the Department's decision is to proceed further with the amendment request under (g)2iii above, then this notification shall include the public notice that shall be given for the proposed amendment. The applicant shall request written statements of consent under (g)4 below, and shall give public notice by publication in a newspaper of general circulation at the applicant's expense. The Department shall maintain a list identifying the newspaper that shall be used for this purpose in each planning area. The public notice shall also be published in the New Jersey Register. In cases where such Department decisions include a requirement for a non-adversarial public hearing, the public notice shall provide at least 30 days notice of the hearing.

4. Requirements concerning written statements of consent for plan amendments are as follows:

- i. As part of each notification of a decision under (g)2iii above, the Department may identify a list of governmental entities, sewerage agencies, and BRC-regulated sewer or water utilities that may be affected by, or otherwise have a substantial interest in, approval of the proposed amendment, and that shall be asked to issue written statements of consent for the proposed amendment. Within 15 days of receiving such notification, the applicant shall submit by certified mail (return receipt requested) a copy of the proposed amendment to these parties, with a request that they issue written statements of consent for the proposed amendment within 60 days of their receipt of the request.

- ii. A written statement of consent shall include a statement that the party concurs with, or does not object to, the proposed amendment. Tentative, preliminary, or conditional statements shall not be considered to be statements of consent. A statement of consent by a governmental unit shall be in the form of a resolution by that unit's governing body. If the party objects in writing to the proposed amendment, the party shall state all reasons for objection in writing.

- iii. The applicant shall promptly forward to the ORP a copy of all written statements of consent and other written comments received, and a copy of all requests for consent (with return receipts) sent to parties that did not provide written statements of consent or other written comments within 60 days of their receipt of such requests.

- iv. Where a party identified under (g)4i above denies a request for a written statement of consent or does not issue a written statement of consent, the reasons therefor, if known on the basis of reasonably reliable information, shall be considered in making decisions under (g)8 and 9 below.

5. When the Department proposes to amend the areawide plan on its own initiative, the Department shall give public notice by publication in a newspaper of general circulation in the planning area, shall send copies of the public notice to the applicable designated planning agency, if any, and may hold a public hearing or request written statements of consent as if the Department were an applicant under (g)3 and 4 above. The public notice shall also be published in the New Jersey Register.

6. Interested persons, including, but not limited to, those from whom written statements of consent are requested under (g)4i or 5 above, may submit written comments to the ORP within 30 days of the date of the public notice. Interested persons may request that the public comment period be extended up to 30 additional days, and such extensions may be granted to the extent they appear necessary. Requests for such extensions shall be submitted in writing to the ORP within 30 days of the date of the public notice.

7. Interested persons may also request that the Department hold a non-adversarial public hearing; such requests shall be submitted in writing to the ORP within 30 days of the date of the public notice. If there is significant interest, as determined by the Department, in holding a public hearing, then a public hearing will be held. A public notice providing at least 30 days notice of the hearing will be published in the New Jersey Register and in two newspapers of general circulation, and will be mailed to the applicable designated planning agency, if any, and to each party who was requested to issue a written statement of consent for the amendment. The public comment period will be extended until 15 days after the hearing. Except when the Department proposes to amend areawide WQM plans on its own initiative, the applicant shall, at the applicant's expense, mail the public notice, provide for publication of the public notice in two newspapers, secure a court stenographer, and provide three copies of a verbatim transcript of the hearing to the ORP.

8. If any data, information or arguments submitted during the public comment period or in response to a request for written statement of consent appear to raise substantial new questions concerning a proposed plan amendment, the Department may:

i. Reopen or extend the public comment period for no more than 30 additional days to give interested persons an opportunity to comment on the information or arguments submitted;

ii. Disapprove the proposed amendment and, where applicable, return it to the applicant;

iii. Return the amendment request to the applicant for necessary, substantial changes. If the applicant then submits a revised amendment request, the Department shall review such request in the same manner as a revised amendment request submitted under (g)2ii above; or

iv. Prepare a new proposed plan amendment, appropriately modified, for proposal under this section.

9. Except where the Department has already disapproved or returned the proposed amendment under (g)8 above, the Governor or his designee shall render a final decision on the amendment. The Governor or his designee shall either:

i. Adopt the amendment as proposed;

ii. Adopt the proposed amendment with minor changes that do not effectively destroy the value of the public notice; or

iii. Disapprove the proposed amendment and, where applicable, return it to the applicant.

10. The Department shall provide written notification of the decision of the Governor or his designee to the

applicant where applicable. Notice of the final decision shall also be published in the New Jersey Register.

11. The Department shall retain the administrative record for WQM Plan amendments for the following periods of time:

i. For each amendment adopted under (g)9 above, a period of not less than three years from the effective date of the amendment.

ii. For each proposed amendment disapproved or returned under (g)2, 8, or 9 above, a period of not less than one year from the date of disapproval or return.

(h) For amendments identified in (h)3 below, the Department shall modify the plan amendment procedure specified in (g) above in the manner set forth in (h)1 and 2 below. Except as provided in (h)1 and 2 below, the entire procedure specified in (g) above remains applicable to such amendments.

1. In lieu of the consent requirements in (g)3 and 4 above, the Department shall identify a list of potentially affected or interested parties that shall receive notice of the proposed amendment, but that need not be asked to consent to the proposed amendment. Such parties shall include the applicable designated planning agency, if any. Within five days of receiving such a list, the applicant shall submit by certified mail (return receipt requested) to these parties a copy of the proposed amendment and a copy of the public notice that will be published pursuant to (g)3 above. The applicant shall promptly forward to the ORP a copy of all letters (with return receipts) sent to these parties under this paragraph. For sewers and pumping stations identified in (h)3ii below, written statements of consent are still required from owners or operators of affected DTW.

2. Instead of the 30 day period specified for these actions in (g)6 and 7 above, interested persons may take the following actions within 10 working days of the date of the public notice:

i. Submit written comments on the proposed amendment to the ORP;

ii. Submit written requests to the ORP that the Department extend the public comment period up to 30 additional days; or

iii. Submit written requests to the ORP that the Department hold a non-adversarial public hearing.

3. The modifications set forth in (h)1 and 2 above shall be used only for amendments whose sole purpose is to address the following projects:

i. Schools, health care facilities, or correctional facilities, if such schools or facilities are publicly owned or operated; or

ii. New sewers or pumping stations to serve a project or activity that is partially within a future sewer

service area depicted in an areawide WQM plan, if such sewers or pumping stations would convey wastewater from such project or activity to the existing DTW whose sewer service area is depicted in that WQM plan, and if a resolution of consent is received from the owner or operator of that DTW. If a project or activity is partially or entirely within two or more depicted sewer service areas, the new sewers or pumping stations may convey wastewater to one or more such existing DTW, provided that resolutions of consent are received from the owners or operators of the affected DTW in each of the sewer service areas. This subparagraph shall apply only to wastewater service area modifications of less than 10 acres.

iii. Notwithstanding (h)3ii above, the modifications set forth in (h)1 and 2 above shall not be used for sewers or pumping stations whose construction would violate N.J.A.C. 7:14A-12.21, or that would convey wastewater to DTW whose capacity must by statute, rule or other legal requirement be reserved for other projects or activities. The Department may require the applicant to provide proof from the owner or operator of DTW that would receive the conveyed flow that capacity is available for the applicant's project or activity. This paragraph applies whether treatment works approvals are sought for both construction and operation, or for construction only, of sewers or pumping stations.

(i) Effluent limitations, including, but not limited to, water quality based effluent limitations, and schedules of compliance established in accordance with N.J.A.C. 7:15-3.1 as NJPDES permit conditions under N.J.A.C. 7:14A-8.6 shall be considered to be part of the areawide WQM plans. NJPDES permit conditions shall be modified only through the procedures specified in the Department's New Jersey Pollutant Discharge Elimination System rules (N.J.A.C. 7:14A), in accordance with applicable Department rules, and shall not be modified through the WQM plan amendment process under (c) or (g) above. This subsection, however, shall not preclude the adoption of effluent limitations or schedules of compliance in areawide WQM plans under (g) above, prior to the establishment of such effluent limitations or compliance schedules as new or revised NJPDES permit conditions.

(j) Total maximum daily loads, wasteload allocations, load allocations, and listings of water quality limited segments established by the United States Environmental Protection Agency (USEPA) pursuant to 40 CFR 130.7(d) shall be considered to be part of areawide WQM plans, but the Governor or his designee may adopt more stringent requirements in such plans pursuant to the procedures in (g) above. The Governor or his designee may also adopt these WQM plan elements under (g) above in the absence of USEPA action to establish such elements.

(k) Water quality management planning related documentation in present and future 201 Facilities Plans that are approved by the Department and USEPA after May 31, 1975 shall constitute amendments to areawide WQM plans. This documentation may include, but is not limited to: selected facilities alternative, future design capacity and flows, treatment levels, sewer service areas, septage management areas, sludge and septage management and disposal plans, environmental constraints mapping, identification of management agencies, and grant conditions. Itemized abstracts of the appropriate documentation shall be available at the Division of Water Resources. Water quality management planning related documentation in 201 Facilities Plans completed on or prior to May 31, 1975 may be adopted into areawide WQM plans on a case-by-case basis under (c) or (g) above.

(l) In preparing amendments to areawide WQM plans, the following policies shall be adhered to:

1. Existing regional DTW shall be used where such use is cost-effective, environmentally sound, and feasible from an engineering standpoint. Expansion or upgrading of existing regional DTW is generally preferable to construction of additional DTW that would produce additional direct discharges to surface water at new locations.

2. Where a sewer connection ban is in effect under N.J.A.C. 7:14A-12.21 on a DTW, the sewer service area for that DTW shall not be altered unless such alteration would, even in the absence of the sewer connection ban, be cost-effective, environmentally sound, and feasible from the engineering standpoint.

Public Notice: To designate the City of Asbury Park as the Wastewater Facilities Planning agency.

See: 17 N.J.R. 2690(a).

Public Notice: To eliminate Totowa Borough's West End Sewage Treatment Plant (STP) converting it to a pumping station.

See: 17 N.J.R. 2690(b).

Public Notice: To provide sewer service to the Eastampton Farms subdivision, Eastampton Township, Burlington County and to provide sewer service to the Cedarwood development in Harrison Township, Gloucester County.

See: 17 N.J.R. 2690(c).

Public Notice: The elimination of Totowa Borough's West End Sewage Treatment Plant for the expansion of Evesham Municipal Utility Authority's Sewage Treatment Plant.

See: 17 N.J.R. 2690(e).

Public Notice: Expand plant capacity of the Sussex County Municipal Utilities to 2.5 million gallons per day.

See: 18 N.J.R. 112(b).

Public Notice: Amendment to the Cape May County Water Quality Management Plan which implements the on-site water disposal systems program.

See: 18 N.J.R. 858(b).

Public Notice: Amendment to the Sussex County Water Quality Management Plan to provide for the construction and operation of a new wastewater treatment plant.

See: 18 N.J.R. 1715(a).

Public Notice: Amendment to the Mercer County Water Quality Management Plan entitled "An Amendment Concerning the Application of Wetlands Policy".

See: 18 N.J.R. 1842(b).

Public Notice: The amendment to the Northeast Water Quality Management Plan was adopted.

- See: 18 N.J.R. 1964(a).
Public Notice: The amendment providing for the elimination of the existing Butler Bloomingdale Wastewater Treatment Plant was adopted.
- See: 18 N.J.R. 1964(b).
Public Notice: The amendment to increase the Passaic Valley Sewage Authority's Treatment Facility's permitted flow has been adopted.
- See: 18 N.J.R. 1964(c).
Public Notice: Amendment to the Northeast Water Quality Management Plan has been submitted for approval. This amendment is to allow 1.2 acres of wetlands encroachment for the development of Pension Office Park located in Bernards Township, Somerset County.
- See: 18 N.J.R. 1964(d).
Public Notice: Amendment to allow for the expansion of the Maple Shade Water Pollution Control Plant was adopted.
- See: 18 N.J.R. 1964(e).
Public Notice: An amendment to allow the filling of 35,300 square feet of wetlands for two road crossings and gravel driveway easements for the proposed Windsor Forest subdivision in Washington Township, Gloucester County has been adopted.
- See: 18 N.J.R. 1964(f).
Public Notice: Amendment allowing the expansion of the sewer service area of Warren County to include the Washington Valley Golf course.
- See: 18 N.J.R. 1964(g).
Public Notice: To inform the public that an amendment has been proposed for the WQM Plan.
- See: 18 N.J.R. 1965(a).
Public Notice: To expand the Township of Lower Municipal Authority's sewer service area.
- See: 18 N.J.R. 2138(a).
Public Notice: Allow for the expansion of the Cooper River Interceptor into Berlin Township and Berlin Borough.
- See: 18 N.J.R. 2138(b).
Public Notice: To expand the Verona Sewage Treatment Plant's sewer service area to accept a small portion of Caldwell and Essex Fells.
- See: 19 N.J.R. 466(a).
Public Notice: To provide for a Wastewater Management Plan identifying the utilization of individual subsurface systems for wastewater treatment within Upper Township.
- See: 19 N.J.R. 465(e).
Public Notice: To allow the expansion of its existing advanced wastewater treatment facility located in Bedminster Township, Somerset County.
- See: 19 N.J.R. 569(c).
Public Notice: To expand the sewer service area in Galloway Township to include Block 891, Lots 3.01, 3.02, 4, 5, 6 and 9, excluding environmentally sensitive areas from the proposed Hampton Inn development.
- See: 19 N.J.R. 569(d).
Public Notice: To incorporate West Milford's Wastewater Management Plan (1986) into the WQM Plan.
- See: 19 N.J.R. 888(b).
Public Notice: Permit the construction of a detention basin outlet structure in wetlands for the Washington Valley Golf Course development known as Fairway Estates-Fairway Mews in Washington Township, Warren County.
- See: 19 N.J.R. 888(e).
Public Notice: Allow for the expansion of a sewer service area in Burlington Township to include the proposed Neck Road development, Block 142, Lot 3.06. The project site will be served by an existing sewer main.
- See: 19 N.J.R. 888(d).
Public Notice: Provides for a Wastewater Management Plan for West Windsor Township.
- See: 19 N.J.R. 1109(c).
Public Notice: Addresses the expansion of the existing Chatham Glen Sewage Treatment Plant from .12 million gallons per day to .155 mgd to provide treatment for additional growth as part of a Mount Laurel settlement.
- See: 19 N.J.R. 1109(b).
Public Notice: Addresses the expansion of the Edgewater Sewage Treatment Plant from 3.0 million gallons per day (mgd) to 6.0 mgd to handle the expected growth of the Borough.
- See: 19 N.J.R. 1109(a).
Public Notice: Permit abandonment of the Bedens Brook, Bedens Brook Country Club, Sleepy Hollow and Burnt Hill treatment plants.
- See: 19 N.J.R. 1109(d).
Public Notice: To include a revised and updated version of Map 4-3, the Tri-County sewer service area map.
- See: 19 N.J.R. 1238(a).
Public Notice: To allow the filling of less than one acre of wetlands for two road crossings for the proposed Sturbridge Woods subdivision located in Voorhees Township, Camden County.
- See: 19 N.J.R. 1238(b).
Public Notice: To adopt "An Amendment Concerning the Application of Wetlands Policy (Section 4.5.1., Point Source Control: Functional Programs and Agencies)" which would provide for the filling of 4.01 acres of wetlands and a mitigation program at the site of Princeton South at Lawrenceville, Lawrence Township, Mercer County.
- See: 19 N.J.R. 1239(a).
Public Notice: To adopt "An Amendment Concerning the Application of Wetlands Policy for Horizon Center, Hamilton Township" which would provide for the filling of wetlands of Edges Brook for the construction of a roadway within the proposed development.
- See: 19 N.J.R. 1239(b).
Public Notice: Allow the new treatment plants to serve the Lakeland Parks Shopping Center, the Metropolitan Developers retail stores, Conway Corporation, and Brass Castle stores as well as a new Musconetcong Basin treatment plant and new Pohatcong Creek treatment plant.
- See: 19 N.J.R. 1239(c).
Public Notice: To adopt an amendment concerning the Application of Wetlands Policy for Willow Wood, Hamilton Township (Water Quality Management Plan Section 4.5.1).
- See: 19 N.J.R. 1457(a).
Public Notice: To expand the sewer service area of the Linpro Utilities Company in Plainsboro Township so that it may serve the Plainsboro-West Windsor Middle School on Grovers Mill Road also located in Plainsboro Township.
- See: 19 N.J.R. 1457(b).
Public Notice: Incorporate the New Hanover Wastewater Management Plan into the Tri-County Water Quality Management Plan.
- See: 19 N.J.R. 1575(b).
Public Notice: To allow a new industrial treatment facility known as Chatsworth Receiving Station (Ocean Spray Cranberries) located in Woodland Township, Burlington County.
- See: 19 N.J.R. 1575(a).
Public Notice: To allow the filling of 2.85 acres of wetlands for a road located in Bernards Township, Somerset County for the Cedars Development.
- See: 19 N.J.R. 1574(b).
Public Notice: Amendment to the Northeast Water Quality Management Plan.
- See: 20 N.J.R. 1296(d).
Public Notice: Amendment to the Lower Raritan/Middlesex County Water Quality Management Plan.
- See: 20 N.J.R. 1297(c).
Public Notice: Amendment to the Tri-County Water Quality Management Plan.
- See: 20 N.J.R. 1297(d).
Public Notice: Amendment to the Atlantic County Water Quality Management Plan.
- See: 21 N.J.R. 1748(a).
Public Notice: Amendment to Lower Raritan/Middlesex County Water Quality Management Plan.
- See: 21 N.J.R. 1748(b).
Public Notice: Amendment to the Monmouth County Water Quality Management Plan.
- See: 21 N.J.R. 1748(c).
Public Notice: Amendment to the Ocean County Water Quality Management Plan.
- See: 21 N.J.R. 1748(d).
Public Notice: Amendment to the Atlantic County Water Quality Management Plan.
- See: 21 N.J.R. 1913(b).
Public Notice: Amendment to the Northeast Water Quality Management Plan.

See: 21 N.J.R. 1913(c).
 Public Notice: Amendment to the Upper Raritan Water Quality Management Plan.
 See: 21 N.J.R. 1913(d).
 Public Notice: Amendment to the Mercer County Water Quality Management Plan.
 See: 21 N.J.R. 2132(a).
 Public Notice: Amendment to the Northeast Water Quality Management Plan.
 See: 21 N.J.R. 2132(b).
 Public Notice: Amendment to the Northeast Water Quality Management Plan.
 See: 21 N.J.R. 2132(c).
 Public Notice: Amendment to the Upper Delaware Water Quality Management Plan.
 See: 21 N.J.R. 2133(a).
 Public Notice: Amendment to the Upper Raritan Water Quality Management Plan.
 See: 21 N.J.R. 2134(a).
 Public Notice: Amendment to the Upper Raritan Water Quality Management Plan.
 See: 21 N.J.R. 2134(b).
 Public Notice: Amendment to the Upper Raritan Water Quality Management Plan.
 See: 21 N.J.R. 2134(c).
 Public Notice: Amendment to the Tri-County Water Quality Management Plan.
 See: 21 N.J.R. 2134(d).
 Public Notice: Amendment to Atlantic County Water Quality Management Plan (Egg Harbor Township).
 See: 21 N.J.R. 2404(a).
 Public Notice: Amendment to Atlantic County Water Quality Management Plan (Somers Point).
 See: 21 N.J.R. 2404(b).
 Public Notice: Amendment to Tri-County Water Quality Management Plan (Moorestown).
 See: 21 N.J.R. 2404(c).
 Public Notice: Amendment to Tri-County Water Quality Management Plan (Monroe Township).
 See: 21 N.J.R. 2404(d).
 Public Notice: Amendment to the Mercer County Water Quality Management Plan (Hopewell Township).
 See: 21 N.J.R. 3029(a).
 Public Notice: Amendment to the Tri-County Water Quality Management Plan (Winslow Township).
 See: 21 N.J.R. 3029(b).
 New Rule, 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).
 Public Notice: Amendment to the Ocean County Water Quality Management Plan.
 See: 21 N.J.R. 3183(c).
 Public Notice: Amendment to the Cape May County Water Quality Management Plan.
 See: 21 N.J.R. 3185(a).
 Public Notice: Amendment to the Sussex County Water Quality Management Plan.
 See: 21 N.J.R. 3319(c).
 Public Notice: Public Hearing on amendment to Northeast Water Quality Management Plan.
 See: 21 N.J.R. 3319(d).
 Public Notice: Amendment to the Atlantic County Water Quality Management Plan.
 See: 21 N.J.R. 3557(b).
 Public Notice: Amendment to the Atlantic County Water Quality Management Plan.
 See: 21 N.J.R. 3558(a).
 Public Notice: Amendment to the Upper Delaware Water Quality Management Plan.
 See: 21 N.J.R. 3559(a).
 Public Notice: Amendment to the Ocean County Water Quality Management Plan.
 See: 21 N.J.R. 3559(b).
 Public Notice: Amendment to the Tri-County Water Quality Management Plan.

See: 21 N.J.R. 3559(c).
 Public Notice: Proposed amendment to the Sussex County Water Quality Management Plan.
 See: 22 N.J.R. 66(a).
 Public Notice: Proposed amendment to the Ocean County and Tri-County Water Quality Management Plan.
 See: 22 N.J.R. 66(b).
 Public Notice: Proposed amendment to the Sussex County Water Quality Management Plan.
 See: 22 N.J.R. 66(d).
 Public Notice: Amendment to the Tri-County Water Quality Management Plan.
 See: 22 N.J.R. 563(a).
 Public Notice: Amendment to the Tri-County Water Quality Management Plan.
 See: 22 N.J.R. 563(b).
 Public Notice: Amendment to the Sussex County Water Quality Management Plan.
 See: 22 N.J.R. 671(c).
 Public Notice: Amendment to the Upper Delaware Water Quality Management Plan.
 See: 22 N.J.R. 671(d).
 Public Notice: Amendment to the Upper Delaware Water Quality Management Plan.
 See: 22 N.J.R. 671(b).
 Public Notice: Amendment to the Mercer County Water Quality Management Plan.
 See: 22 N.J.R. 862(c).
 Public Notice: Amendment to the Monmouth County Water Quality Management Plan.
 See: 22 N.J.R. 862(d).
 Public Notice: Amendment to the Northeast Water Quality Management Plan.
 See: 22 N.J.R. 863(a).
 Public Notice: Amendment to the Ocean County Water Quality Management Plan.
 See: 22 N.J.R. 863(b).
 Public Notice: Amendment to the Upper Raritan Water Quality Management Plan.
 See: 22 N.J.R. 863(c).
 Public Notice: Amendment to the Atlantic County Water Quality Management Plan.
 See: 22 N.J.R. 1161(a).
 Public Notice: Amendment to the Atlantic County Water Quality Management Plan.
 See: 22 N.J.R. 1161(b).
 Public Notice: Proposed amendment to the Upper Raritan Water Quality Management Plan.
 See: 22 N.J.R. 1161(d).
 Public Notice: Proposed amendment to the Mercer County Water Quality Management Plan.
 See: 22 N.J.R. 1161(c).
 Public Notice: Amendment to the Atlantic County Water Quality Management Plan.
 See: 22 N.J.R. 1275(b).
 Public Notice: Amendment to the Tri-County Water Quality Management Plan for Gloucester County.
 See: 22 N.J.R. 1386(a).
 Public Notice: Amendment to the Tri-County Water Quality Management Plan for Jackson Township.
 See: 22 N.J.R. 1386(b).
 Public Notice: Amendment to the Tri-County Water Quality Management Plan for Mullica River Basin.
 See: 22 N.J.R. 1386(c).
 Public Notice: Amendment to the Tri-County Water Quality Management Plan for Ocean County.
 See: 22 N.J.R. 1386(d).
 Public Notice: Amendment to the Tri-County Water Quality Management Plan for Shamong Township.
 See: 22 N.J.R. 1386(e).
 Public Notice: Amendment to the Tri-County Water Quality Management Plan for Stafford Township.
 See: 22 N.J.R. 1386(f).

Public Notice: Amendment to the Tri-County Water Quality Management Plan for Warren County.
See: 22 N.J.R. 1387(a).
Public Notice: Amendment to the Tri-County Water Management Plan located in Harrison Township.
See: 22 N.J.R. 1632(e).
Public Notice: Amendment to the Lower Raritan/Middlesex County Water Quality Management Plan in Plainsboro Township.
See: 22 N.J.R. 1633(f).
Public Notice: Amendment to the Lower Raritan/Middlesex County Water Quality Management Plan in South Brunswick Township.
See: 22 N.J.R. 1633(a).
Public Notice: Amendment to the Ocean County and Tri-County Quality Management Plans in Plumstead Township.
See: 22 N.J.R. 1633(b).
Public Notice: Amendment to the Sussex County Water Quality Management Plan in Sussex County.
See: 22 N.J.R. 1633(c).
Public Notice: Amendment to the Tri-County Water Quality Management Plan in Evesham Township.
See: 22 N.J.R. 1785(b).
Public Notice: Amendment to the Upper Raritan, Northeast and Lower Raritan/Middlesex County Water Quality Management Plans.
See: 22 N.J.R. 1785(a).
Public Notice: Adoption of a Wastewater Management Plan for Allamuchy Township.
See: 22 N.J.R. 1948(c).
Public Notice: Amendment to the Tri-County Water Quality Management Plan in Bordentown Township.
See: 22 N.J.R. 1949(a).
Public Notice: Amendment to the Cape May Water Quality Management Plan.
See: 22 N.J.R. 1949(c).
Public Notice: Expansion of the Evesham Township (Kings Grant Sewage Treatment Plant) Burlington County.
See: 22 N.J.R. 1949(b).
Public Notice: New wastewater treatment plant to serve the High Point Country Club.
See: 22 N.J.R. 1947(d).
Public Notice: Amendment for Lafayette Township Wastewater Management Plan.
See: 22 N.J.R. 1948(a).
Public Notice: Amendment to transfer an eight acre parcel of land in the City of Vineland to the City of Millville sewer Utility service area.
See: 22 N.J.R. 1948(d).
Public Notice: Incorporate Wanaque Borough's Wastewater Management Plan into the Northeast WQM Plan.
See: 22 N.J.R. 1948(b).
Public Notice: Pass through Grant Program.
See: 22 N.J.R. 2041(b).
Public Notice: Expansion of the Gloucester County Utility Authority's sewer service.
See: 22 N.J.R. 2042(c).
Public Notice: Changes to Roxbury Township Wastewater Treatment Plan.
See: 22 N.J.R. 2042(b).
Public Notice: Changes to the Upper Delaware Water Quality Management Plan.
See: 22 N.J.R. 2042(a).
Public Notice: Changes to Clinton Township Wastewater Management Plan.
See: 22 N.J.R. 2188(a).
Public Notice: Updated Montgomery Township Wastewater Management Plan.
See: 22 N.J.R. 2188(c).
Public Notice: Adopt a Wastewater Management Plan for Manville Borough, Somerset County.
See: 22 N.J.R. 2188(b).
Public Notice: Amendment to the Bedminster Township Sewage Treatment Plan.
See: 22 N.J.R. 2365(c).
Public Notice: Amendment to the Cape May County wastewater Treatment Plan.
See: 22 N.J.R. 2365(b).

Public Notice: Amendment to the Princeton Township and Princeton Borough wastewater Treatment Plan.
See: 22 N.J.R. 2365(a).
Public Notice: Amendment to Mercer County Water Quality Management Plan.
See: 22 N.J.R. 2606(c).
Public Notice: Amendment to Moorestown Township Wastewater Management Plan.
See: 22 N.J.R. 2606(e).
Public Notice: Amendment to Ocean County Water Quality Management Plan.
See: 22 N.J.R. 2606(d).
Public Notice: Amendment to the Northeast Water Quality Management Plan for the Northwest Bergen County.
See: 22 N.J.R. 3054(c).
Public Notice: Amendment to expand the sewer service area of the Evesham Municipal Utility Authority.
See: 22 N.J.R. 3055(a).
Public Notice: Amendment to the Wastewater Management Plan for Greenwich Township, Warren County.
See: 22 N.J.R. 3055(b).
Public Notice: Amendment to the Monmouth County Water Quality Management Plan.
See: 22 N.J.R. 3054(b).
Public Notice: Amendment to the Sussex County Water Quality Management Plan.
See: 22 N.J.R. 3054(d).
Public Notice: Amendment to the Lower Delaware Water Quality Management Plan in the City of Vineland.
See: 22 N.J.R. 3165(d).
Public Notice: Amendment to the Upper Delaware Water Quality Management Plan in Warren County.
See: 22 N.J.R. 3255(b).
Public Notice: Amendment to the Upper Raritan Water Quality Management Plan in Montgomery Township.
See: 22 N.J.R. 3255(c).
Public Notice: Amendment to the Upper Raritan Water Quality Management Plan in Roxbury Township.
See: 22 N.J.R. 3255(d).
Public Notice to amend the Atlantic County Water Quality Management Plan.
See: 22 N.J.R. 3403(d).
Public Notice to amend the Tri-County Water Quality Management Plan in Burlington Township.
See: 22 N.J.R. 3405(b).
Public Notice to amend the Mercer County Water Quality Management Plan.
See: 22 N.J.R. 3404(b).
Public Notice to amend the Monmouth County Water Quality Management Plan.
See: 22 N.J.R. 3404(c).
Public Notice to amend the Lower Raritan/Middlesex County Water Quality Management Plan.
See: 22 N.J.R. 3404(a).
Public Notice to amend the Water Quality Management Plan in Sparta Township.
See: 22 N.J.R. 3405(a).
Public Notice to amend the Water Quality Management Plan in Harmony Township, Warren County.
See: 22 N.J.R. 3405(c).
Public Notice to amend a Wastewater Management Plan for Warren Township.
See: 22 N.J.R. 3404(d).
Public Notice to amend the Water Quality Management Plan in Cape May County.
See: 22 N.J.R. 3592(a).
Public Notice to amend the Water Quality Management Plan in Woodstown Borough.
See: 22 N.J.R. 3592(b).
Public Notice to amend a Wastewater Management Plan for the Borough of Far Hills.
See: 22 N.J.R. 3646(d).
Public Notice to adopt a Wastewater Management Plan for Manville Borough.

See: 22 N.J.R. 3646(c).
 Public Notice to amend the Wastewater Management Plan for Moorestown Township.
 See: 22 N.J.R. 3646(e).
 Public Notice to adopt a Wastewater Management Plan for Oakland Borough.
 See: 22 N.J.R. 3646(b).
 Public Notice to amend the Statewide Water Quality Management Planning rules in Sussex County.
 See: 22 N.J.R. 3647(a).
 Public Notice to allow for expansion of the Medford Lakes Borough sewer service area.
 See: 22 N.J.R. 3882(c).
 Public Notice to amend the Holmdel Corporate Office Center Water Quality Management Plan.
 See: 22 N.J.R. 3882(b).
 Public Notice to allow for expansion of the Koelle Boulevard Sewage Treatment Plant in Secaucus.
 See: 22 N.J.R. 3882(a).
 Public Notice to expand the Bordentown Township sewer service area.
 See: 23 N.J.R. 128(c).
 Public Notice to amend the Northeast Water Quality Management Plan for Caldwell Borough.
 See: 23 N.J.R. 126(c).
 Public Notice to amend sand and gravel mining operations in Fairfield Township, Cumberland County.
 See: 23 N.J.R. 127(c).
 Public Notice to adopt a Wastewater Management Plan for Tewksbury Township, Hunterdon County.
 See: 23 N.J.R. 128(a).
 Public Notice to propose a seventh and eighth grade school in Manalapan Township.
 See: 23 N.J.R. 128(b).
 Public Notice to incorporate the Northwest Bergen County Utilities Authority Wastewater Management Plan.
 See: 23 N.J.R. 126(b).
 Public Notice to amend the Water Quality Management Plan in Sussex County.
 See: 23 N.J.R. 127(b).
 Public Notice to amend the Upper Delaware Water Quality Management Plan in Greenwich Township, Warren County.
 See: 23 N.J.R. 127(a).
 Public Notice to amend the Sussex County Water Quality Management Plan in Jefferson Township.
 See: 23 N.J.R. 222(d).
 Public Notice to amend the Upper Delaware Water Quality Management Plan in Blairstown Township, Warren County.
 See: 23 N.J.R. 222(b).
 Public Notice to amend the Upper Delaware Water Quality Management Plan in Harmony Township, Warren County.
 See: 23 N.J.R. 222(c).
 Public Notice to amend the Lower Raritan/Middlesex County Water Quality Management Plan.
 See: 23 N.J.R. 317(a).
 Public Notice to amend the Lower Raritan/Middlesex County Water Quality Management Plan.
 See: 23 N.J.R. 317(b).
 Public Notice to amend the Upper Delaware Water Quality Management Plan.
 See: 23 N.J.R. 316(c).
 Public Notice to amend the Atlantic County Water Quality Management Plan.
 See: 23 N.J.R. 622(d).
 Public Notice to amend the Cape May County Water Quality Management Plan.
 See: 23 N.J.R. 622(e).
 Public Notice to amend the Water Quality Management Plan in Cumberland County.
 See: 23 N.J.R. 622(f).
 Public Notice to amend the Upper Delaware Water Quality Management Plan.
 See: 23 N.J.R. 623(a).
 Public Notice to amend the Upper Raritan Water Quality Management Plan.

See: 23 N.J.R. 623(b).
 Public Notice to amend the Burlington County Tri-County Quality Management Plan.
 See: 23 N.J.R. 778(c).
 Public Notice to amend the Caldwell Borough Water Quality Management Plan.
 See: 23 N.J.R. 777(d).
 Public Notice to amend the Morris County Water Quality Management Plan.
 See: 23 N.J.R. 778(d).
 Public Notice to amend the Northeast Water Quality Management Plan.
 See: 23 N.J.R. 777(b).
 Public Notice to amend the Somerset County Water Quality Management Plan.
 See: 23 N.J.R. 778(b).
 Public Notice to amend the Sussex County Water Quality Management Plan.
 See: 23 N.J.R. 778(a).
 Public Notice to amend the Monmouth County Water Quality Management Plan.
 See: 23 N.J.R. 910(c).
 Public Notice to amend the Northeast Water Quality Management Plan in Oakland.
 See: 23 N.J.R. 910(b).
 Public Notice to amend the Tri-County Water Quality Management Plan in Winslow Township.
 See: 23 N.J.R. 909(c).
 Public Notice to amend the Tri-County Water Quality Management Plan in Winslow Township.
 See: 23 N.J.R. 910(a).
 Public Notice to amend the water quality management plan in Florham Park.
 See: 23 N.J.R. 1033(b).
 Public Notice to amend the water quality management plan in Manalapan Township.
 See: 23 N.J.R. 1033(d).
 Public Notice to amend the water quality management plan in Morris County.
 See: 23 N.J.R. 1034(a).
 Public Notice to amend the water quality management plan in Pequannock River Basin.
 See: 23 N.J.R. 1033(c).
 Public Notice to amend the water quality management plan in Essex and Union Counties.
 See: 23 N.J.R. 1202(c).
 Public Notice to amend the water quality management plan in Hunterdon County.
 See: 23 N.J.R. 1202(d).
 Public Notice to amend the water quality management plan in Monmouth County.
 See: 23 N.J.R. 1203(d).
 Public Notice to amend the water quality management plan in Monmouth County.
 See: 23 N.J.R. 1204(a).
 Public Notice to amend the water quality management plan in Ocean County.
 See: 23 N.J.R. 1204(b).
 Public Notice to amend the water quality management plan in Phillipsburg.
 See: 23 N.J.R. 1203(b).
 Public Notice to amend the water quality management plan in Upper Raritan.
 See: 23 N.J.R. 1203(c).
 Public Notice to amend the water quality management plan in Warren County.
 See: 23 N.J.R. 1203(a).
 Public Notice: Amend the Mercer County Water Quality Management Plan.
 See: 23 N.J.R. 1466(d).
 Public Notice: Amend the Water Quality Management Plan in Salem County.
 See: 23 N.J.R. 1466(c).

Public Notice: Amend the Northeast Water Quality Management Plan in Secaucus Town.
 See: 23 N.J.R. 1465(c).
 Public Notice: Amend the Sussex County Water Quality Management Plan.
 See: 23 N.J.R. 1466(a).
 Public Notice: Amend the Upper Delaware Water Quality Management Plan in Warren County.
 See: 23 N.J.R. 1466(b).
 Public Notice: Amend the Raritan/Middlesex Water Quality Management Plan.
 See: 23 N.J.R. 1706(e).
 Public Notice: Amend the Northeast Water Quality Management Plan in Ringwood Borough.
 See: 23 N.J.R. 1706(d).
 Public Notice: Amend the Sussex County Water Quality Management Plan.
 See: 23 N.J.R. 1706(f).
 Public Notice: Amend the Harrison Township, Gloucester County Tri-County Water Quality Management Plan.
 See: 23 N.J.R. 1829(c).
 Public Notice: Amend the Lower Delaware Water Quality Management Plan.
 See: 23 N.J.R. 1829(d).
 Public Notice: Amend the Cape May Water Quality Management Plan.
 See: 23 N.J.R. 1830(a).
 Public Notice: Amend the Lower Raritan/Middlesex County Water Quality Management Plan.
 See: 23 N.J.R. 1968(b).
 Public Notice: Amend the Princeton Township, Mercer County Water Quality Management Plan.
 See: 23 N.J.R. 1968(c).
 Public Notice: Amend the Washington Township, Morris County Water Quality Management Plan.
 See: 23 N.J.R. 1968(d).
 Public Notice: Amend the water quality management plan in Holmdel Township.
 See: 23 N.J.R. 2061(d).
 Public Notice: Amend the sewage treatment plan in Waterford Township.
 See: 23 N.J.R. 2062(b).
 Public Notice: Amend the regional sewage treatment plan in West Deptford Township.
 See: 23 N.J.R. 2062(c).
 Public Notice: Amend the Tri-County Water Quality Management Plan in Winslow Township.
 See: 23 N.J.R. 2062(a).
 Public Notice: Allow the expansion of the Bedminster Township wastewater treatment plant.
 See: 23 N.J.R. 2189(c).
 Public Notice: Identify a discharge to groundwater treatment facility in Clinton Township.
 See: 23 N.J.R. 2190(a).
 Public Notice: Amend the Lower Delaware Water Quality Management Plan in Deerfield Township.
 See: 23 N.J.R. 2188(b).
 Public Notice: Amendment to the Tri-County Water Quality Management Plan in Fort Dix and McGuire Air Force Base.
 See: 23 N.J.R. 2189(a).
 Public Notice: Amendment to propose designation the site of Due Process Golf Course, in Colts Neck.
 See: 23 N.J.R. 2187(d).
 Public Notice: Expansion of the Cumberland County to expand its on-site groundwater disposal system in Hopewell Township.
 See: 23 N.J.R. 2188(c).
 Public Notice: Amend the Ocean County Water Quality Management Plan in Jackson Township.
 See: 23 N.J.R. 2188(a).
 Public Notice: Amendment to adopt a wastewater management plan in Readington Township, Borough of Lebanon.
 See: 23 N.J.R. 2190(b).
 Public Notice: Amendment to expand the sewer service area of Phillipsburg.
 See: 23 N.J.R. 2189(b).

Public Notice: Amend the Upper Raritan Water Quality Management Plan in Tewksbury Township.
 See: 23 N.J.R. 2189(d).
 Public Notice: Amendment to develop a new on-site groundwater disposal system in West Milford Township.
 See: 23 N.J.R. 2190(c).
 Public Notice: Amend the Cape May County Water Quality Management Plan.
 See: 23 N.J.R. 2428(a).
 Public Notice: Amend the Essex and Union Counties Northeast water quality management plan.
 See: 23 N.J.R. 2429(b).
 Public Notice: Amend the Frelinghuysen Township, Warren County, Upper Delaware water quality management plan.
 See: 23 N.J.R. 2429(d).
 Public Notice: Amend the Haleyville Elementary School, Lower Delaware water quality management plan.
 See: 23 N.J.R. 2429(e).
 Public Notice: Amend the Harrison Township, Tri-County water quality management plan.
 See: 23 N.J.R. 2430(a).
 Public Notice: Amend the Egg Harbor Township, Ocean County water quality management plan.
 See: 23 N.J.R. 2428(d).
 Public Notice: Amend the Mansfield Township, Tri-County water quality management plan.
 See: 23 N.J.R. 2430(c).
 Public Notice: Amend the Monmouth County water quality management plan.
 See: 23 N.J.R. 2428(e).
 Public Notice: Amend the Mount Holly Sewage Authority, Tri-County water quality management plan.
 See: 23 N.J.R. 2430(b).
 Public Notice: Amend the Pequannock River Basin, Northeast water quality management plan.
 See: 23 N.J.R. 2429(a).
 Public Notice: Amend the Raritan Township, Upper Raritan water quality management plan.
 See: 23 N.J.R. 2529(c).
 Public Notice: Amend the Mount Olive Township, Upper Raritan water quality management plan.
 See: 23 N.J.R. 2545(b).
 Public Notice: Amend the Ocean Township, Ocean County water quality management plan.
 See: 23 N.J.R. 2545(d).
 Public Notice: Amend the Upper Raritan and Upper Delaware water quality management plan.
 See: 23 N.J.R. 2545(c).
 Public Notice: New on-site groundwater disposal system in Sparta Township, Sussex County.
 See: 23 N.J.R. 2784(d).
 Public Notice: New on-site groundwater disposal system in Randolph Township, Morris County.
 See: 23 N.J.R. 2784(c).
 Public Notice: To amend the wastewater management plan for Washington Township, Mercer County.
 See: 23 N.J.R. 2784(b).
 Public Notice: To amend the Hardyston Township wastewater management plan in Sussex County.
 See: 23 N.J.R. 2882(b).
 Public Notice: Amend the Mansfield Township Wastewater Management Plan.
 See: 23 N.J.R. 3180(a).
 Public Notice: To adopt a wastewater management plan for the Pequannock, Lincoln Park and Fairfield sewerage authority.
 See: 23 N.J.R. 3179(c).
 Public Notice: Amend the tri-county water quality management plan for Fort Dix and McGuire Air Force Base.
 See: 23 N.J.R. 3387(d).
 Public Notice: Amend the Upper Raritan water quality management plan in Hillsboro Township.
 See: 23 N.J.R. 3387(a).

Public Notice: Amend the Upper Delaware and Upper Raritan water quality management plans in West Amwell Township, Hunterdon County.

See: 23 N.J.R. 3387(b).

Public Notice: Amend the Mercer County water quality management plan in Borough of Hopewell, Mercer County.

See: 23 N.J.R. 3386(d).

Public Notice: Amend the Mercer County water quality management plan in the Borough of Pennington, Mercer County.

See: 23 N.J.R. 3386(c).

Public Notice: Amend the Ocean County water quality management plan in Stafford Township.

See: 23 N.J.R. 3387(e).

Public Notice: Amend the Sussex County water quality management plan in Sussex County.

See: 23 N.J.R. 3387(c).

Public Notice: Amend the Atlantic County water quality management plan in Mullica Township, Atlantic County.

See: 23 N.J.R. 3535(b).

Public Notice: Amend the Northeast water quality management plan in West Milford Township, Passaic County.

See: 23 N.J.R. 3535(c).

Public Notice: Amend the Lower Delaware water quality management plan in Cumberland County.

See: 23 N.J.R. 3658(c).

Public Notice: Amend the Upper Raritan water quality management plan in Readington Township.

See: 23 N.J.R. 3658(b).

Public Notice: Amend the Tri-County water quality management plan in Elk Township, Gloucester County.

See: 23 N.J.R. 3826(c).

Public Notice: Amend the Sussex County water quality management plan in Fredon Township.

See: 23 N.J.R. 3826(a).

Public Notice: Amend the Monmouth County water quality management plan.

See: 23 N.J.R. 3626(b).

Public Notice: Amend the Northeast water quality plan in Florham Park.

See: 24 N.J.R. 147(c).

Public Notice: Amend the Monmouth County water quality management plan in Wall Township.

See: 24 N.J.R. 148(a).

Public Notice: Amend the Lower Raritan/Middlesex County water quality management plan in Monroe Township and parts of Cranbury Township.

See: 24 N.J.R. 148(b).

Public Notice: Amend the Lower Delaware water quality management plan in Hopewell Township, Cumberland County.

See: 24 N.J.R. 148(c).

Public Notice: Amend the Tri-County water quality management plan in Easthampton, Hainesport, Mount Holly, Lumberton and Westhampton Townships.

See: 24 N.J.R. 149(a).

Public Notice: Amend the Lower Delaware water quality management plan in Oldmans Township, Salem County.

See: 24 N.J.R. 149(b).

Public Notice: Amend the Upper Delaware water quality management plan in Harmony Township.

See: 24 N.J.R. 149(c).

Public Notice: Amend the Upper Raritan water quality management plan.

See: 24 N.J.R. 149(d).

Public Notice: Amend the Tri-County water quality management plan in Logan Township, Gloucester County.

See: 24 N.J.R. 655(a).

Public Notice: Amend the Lower Delaware water quality management plan in Upper Pittsgrove Township, Salem County.

See: 24 N.J.R. 654(c).

Public Notice: Amend the Tri-County water quality management plan in Winslow Township, Camden County.

See: 24 N.J.R. 655(b).

Public Notice: Sussex County water quality management in Sparta Township.

See: 24 N.J.R. 867(b).

Public Notice: Upper Delaware water quality management in Franklin Township.

See: 24 N.J.R. 867(c).

Public Notice: Upper Raritan water quality management in Somerset Township.

See: 24 N.J.R. 867(d).

Public Notice: Amend the Lower Delaware water quality management plan in Deerfield Township, Cumberland County.

See: 24 N.J.R. 1123(e).

Public Notice: Amend the Upper Raritan water quality management plan in Clinton Township.

See: 24 N.J.R. 1123(d).

Public Notice: Amend the Ocean County water quality management plan in Jackson Township.

See: 24 N.J.R. 1123(b).

Public Notice: Amend the Sussex County water quality management plan in the Borough of Hopatcong.

See: 24 N.J.R. 1124(a).

Public Notice: Amend the Ocean County water quality management plan in Stafford Township.

See: 24 N.J.R. 1123(a).

Public Notice: Amend the Upper Raritan water quality management plan in Hillsborough Township.

See: 24 N.J.R. 1123(c).

Public Notice: Amend the Northeast water quality management plan in West Caldwell Township.

See: 24 N.J.R. 1643(d).

Public Notice: Amend the Upper Delaware water quality management plan in Franklin Township.

See: 24 N.J.R. 2082(b).

Public Notice: Amend the Sussex water quality management plan in Jefferson Township.

See: 24 N.J.R. 2081(c).

Public Notice: Amend the Mercer County water quality management plan in the Borough of Hopewell.

See: 24 N.J.R. 2082(c).

Public Notice: Amend the Sussex water quality management plan in Frankford Township.

See: 24 N.J.R. 2081(d).

Public Notice: Amend the Northeast and Sussex water quality management plans in Jefferson Township.

See: 24 N.J.R. 2082(a).

Public Notice: Amend the Northeast water quality management plan in Chatham Township.

See: 24 N.J.R. 2299(c).

Public Notice: Amend the Monmouth County water quality management plan in Township of Holmdel.

See: 24 N.J.R. 2300(a).

Public Notice: Amend the Lower Delaware water quality management plan in the City of Millville, Cumberland County.

See: 24 N.J.R. 2301(a).

Public Notice: Amend the Tri-County water quality management plan in Logan Township.

See: 24 N.J.R. 2300(c).

Public Notice: Amend the Northeast water quality management plan in Pompton Lakes.

See: 24 N.J.R. 2631(d).

Public Notice: Amend the Sussex water quality management plan in Wantage Township.

See: 24 N.J.R. 2740(a).

Public Notice: Amend the Mercer County water quality management plan in Washington Township.

See: 24 N.J.R. 2739(d).

Public Notice: Amend the Mercer County water quality management plan in Hightstown Borough.

See: 24 N.J.R. 2739(c).

Public Notice: Amend the Tri-County water quality management plan in City of Bordentown.

See: 24 N.J.R. 2739(b).

Public Notice: Amend the Cape May County water quality management plan in Lower Township.

See: 24 N.J.R. 2958(b).

Public Notice: Amend the Upper Raritan water quality management plan in Bedminster Township, Borough of Far Hills and Bernards.
See: 24 N.J.R. 2957(a).

Public Notice: Amend the Lower Delaware water quality management plan in the City of Millville.
See: 24 N.J.R. 2958(a).

Public Notice: Amend the Monmouth County water quality management plan in the Borough of Tinton Falls.
See: 24 N.J.R. 2957(c).

Public Notice: Amend the Tri-County water quality management plan in West Deptford Township in Gloucester County.
See: 24 N.J.R. 2957(d).

Public Notice: Amend the Monmouth County water quality management plan in Colts Neck.
See: 24 N.J.R. 3177(b).

Public Notice: Amend the Monmouth County water quality management plan in the Township of Middletown, the Boroughs of Atlantic Highlands and Highlands.
See: 24 N.J.R. 3177(a).

Public Notice: Amend the Monmouth County water quality management plan in Marlboro Township.
See: 24 N.J.R. 3442(a).

Public Notice: Amend the Monmouth County water quality management plan in Holmdel Township.
See: 24 N.J.R. 3422(b).

Public Notice: Amend the Sussex water quality management plan in Frankford Township.
See: 24 N.J.R. 3442(c).

Public Notice: Amend the Sussex water quality management plan in Montague Township.
See: 24 N.J.R. 3442(d).

Public Notice: Amend the Ocean County water quality management plan for Great Adventure.
See: 24 N.J.R. 3441(c).

Public Notice: Amend the Northeast water quality plan in Chatham Township.
See: 24 N.J.R. 3562(b).

Public Notice: Amend the Northeast water quality plan in Floram Park.
See: 24 N.J.R. 3562(c).

Public Notice: Amend the Sussex water quality management plan in Sparta Township.
See: 24 N.J.R. 3562(a).

Public Notice: Amend the Northeast water quality plan in Cliffside Park, Fort Lee, Washington Township and Rockleigh Borough.
See: 24 N.J.R. 3768(a).

Public Notice: Amend the Tri-County water quality management plan in Moorestown Township and Mount Laurel.
See: 24 N.J.R. 3769(a).

Public Notice: Amend the Monmouth County water quality management plan for the Boroughs of Belmar, South Belmar, Spring Lake, Spring Lake Heights, Sea Girt, Manasquan, Brielle and Township of Wall.
See: 24 N.J.R. 3768(c).

Public Notice: Amend the Northeast water quality plan for Pompton Lakes Borough.
See: 24 N.J.R. 3768(b).

Public Notice: Amend the Monmouth County water quality management plan for the Boroughs of Belmar, South Belmar, Spring Lake, Spring Lake Heights, Sea Girt, Manasquan, Brielle and Township of Wall.
See: 24 N.J.R. 3768(c).

Public Notice: Amend the Northeast water quality plan for Pompton Lakes Borough.
See: 24 N.J.R. 3768(b).

Public Notice: Amend the Monmouth County water quality management plan in Freehold and Farmingdale Boroughs, Howell Township, Freehold Township and western Wall Township.
See: 24 N.J.R. 4421(b).

Public Notice: Amend the Monmouth County water quality management plan in Colts Neck Township.
See: 24 N.J.R. 4422(a).

Public Notice: Invalidation of restrictions on development of freshwater wetlands pursuant to *New Jersey Chapter of the National Associa-*

tion of Industrial and Office Parks v. New Jersey Department of Environmental Protection, 241 N.J.Super. 145, certif. den. 122 N.J. 374 (1990).

See: 24 N.J.R. 4421(a).

Public Notice: Amend the Northeast quality management plan: Shops at Primrose Brook.
See: 24 N.J.R. 4420(a).

Public Notice: Amend the Tri-County water quality management plan in West Deptford Township.
See: 25 N.J.R. 600(c).

Public Notice: Amend the Ocean County water quality management plan in Stafford Township.
See: 25 N.J.R. 601(a).

Public Notice: Amend the Upper Delaware water quality management plan in the Town of Phillipsburg, Borough of Alpha, Pohatcong Township and Lopatcong Township.
See: 25 N.J.R. 600(b).

Public Notice: Amend the Monmouth County water quality management in Marlboro Township.
See: 25 N.J.R. 722(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 (d), (g) and (h), "written statement(s) of consent" were "endorsement(s)" or "endorse". Added subsection (l); consistency revisions throughout.

Public Notice: Amend the Sussex water quality management plan in Sussex Borough and Hardyston Township.
See: 25 N.J.R. 1287(a).

Public Notice: Amend the Lower Raritan/Middlesex County water quality management plan.
See: 25 N.J.R. 1286(b).

Public Notice: Amend the Cape May County water quality management plan in Middle Township.
See: 25 N.J.R. 1284(b).

Public Notice: Amend the Upper Raritan water quality management plan in the Borough of Peapack and Gladstone.
See: 25 N.J.R. 1286(c).

Public Notice: Amend the Monmouth County water quality management plan in the Township of Colts Neck.
See: 25 N.J.R. 1286(a).

Public Notice: Amend the Tri-County water quality management plan in the Moorestown Township.
See: 25 N.J.R. 1580(b).

Public Notice: Amend the Upper Raritan water quality management plan transferring management to Somerset County Board of Chosen Freeholders.
See: 25 N.J.R. 1580(a).

Public Notice: Amend the Sussex water quality management plan in Sparta Township.
See: 25 N.J.R. 1579(b).

Public Notice: Amend the Northeast water quality management plans in Wanaque Borough.
See: 25 N.J.R. 1579(c).

Public Notice: Amend the Tri-County water quality management plan in the Medford Township.
See: 25 N.J.R. 1783(a).

Public Notice: Amend the Upper Delaware water quality management plan in Blairstown Township.
See: 25 N.J.R. 1782(b).

Public Notice: Amend the Sussex County water quality management plans in Jefferson Township.
See: 25 N.J.R. 1781(b).

Public Notice: Amend the Upper Delaware water quality management plan in Lopatcong Township.
See: 25 N.J.R. 1782(a).

Public Notice: Amend the Ocean County water quality management plan in Plumstead Township.
See: 25 N.J.R. 2595(c).

Public Notice: Amend the Monmouth County water quality management plan in Millstone Township.
See: 25 N.J.R. 2596(a).

Public Notice: Amend the Monmouth County water quality management plan in Wall Township.
See: 25 N.J.R. 2596(b).

Public Notice: Amend the Tri-County water quality management plan in City and Township of Bordentown.

See: 25 N.J.R. 2772(b).

Public Notice: Amend the Northeast water quality management plan in Wanaque Borough.

See: 25 N.J.R. 2774(c).

Public Notice: Amend the Mercer County water quality management plan in West Windsor Township.

See: 25 N.J.R. 2774(b).

Public Notice: Amend the Mercer County water quality management plan in East Windsor Township.

See: 25 N.J.R. 2774(a).

Public Notice: Amend the Tri-County water quality management plan in Bordentown Township.

See: 25 N.J.R. 2772(c).

Public Notice: Amendment to Sussex County Water Quality Management Plan.

See: 25 N.J.R. 3242(b).

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

See: 25 N.J.R. 3563(b), 3563(c), 3866(b), 3866(c), 3866(d), 3866(e).

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

See: 25 N.J.R. 4335(a), 4336(a), 4518(b).

Public Notice: Amendment to Sussex County Water Quality Management Plan.

See: 25 N.J.R. 4675(d).

Public Notice: Amendments to Northeast Water Quality Management Plan.

See: 25 N.J.R. 4961(b), 5363(d).

Public Notice: Amendments to regional water quality management plans.

See: 25 N.J.R. 6063(c), 6064(a).

Public Notice: Amendments to county water quality management plans.

See: 26 N.J.R. 258(c), 258(d), 258(e).

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

See: 26 N.J.R. 858(c), 1161(b), 1161(c), 1251(c), 1252(a), 1723(d), 1724(a), 1886(a), 1886(b), 1886(c), 1887(a), 2149(b), 2150(b), 2151(a), 2151(b), 2483(a), 2484(a), 2484(b), 2485(b), 2676(c), 2677(a), 2807(c), 2812(a), 3215(d), 3489(a), 3897(b), 4103(b), 4218(b), 4218(c), 4450(b), 4834(d).

Public Notice: Amendments to county water quality management plans.

See: 27 N.J.R. 244(c), 391(b), 392(a), 588(b), 770(a), 945(b), 1319(b), 1478(a).

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;
2. Transfer or assign wastewater management plan responsibility under N.J.A.C. 7:15-5.13; or
3. Revise schedules for submission of wastewater management plans under N.J.A.C. 7:15-5.23(g).

(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 3, (i), and (j) 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).

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.

(b) In accordance with N.J.A.C. 7:15-3.4(b)1, the water quality related provisions of N.J.A.C. 7:7E, including but not limited to N.J.A.C. 7:7E-8.4, are part of the Statewide WQM Plan.

(c) Under N.J.A.C. 7:7E-8.4 and Section 307(f) of the Coastal Zone Management Act, 33 U.S.C. §§ 1451 et seq., the Department's Coastal Management Program incorporates by reference all requirements established by or pursuant to the Clean Water Act, 33 U.S.C. §§ 1251 et seq., including all requirements contained in this chapter and in WQM plans.

(d) For WQM plan amendments relating to the Hackensack Meadowlands District, the consultation requirement in N.J.S.A. 13:17-9(c) shall be met as follows:

1. For amendments processed under N.J.A.C. 7:15-3.4(b)4 or (c), the Hackensack Meadowlands Development Commission shall be requested to issue written statements of consent for such amendments under N.J.A.C. 7:15-3.4(g)3 and 4 or N.J.A.C. 7:15-3.4(d)3, as appropriate.

2. For other amendments to WQM plans under N.J.A.C. 7:15-3.4(b)1 through (b)3, (i), (j), or (k) that automatically incorporate Department or USEPA actions taken through rulemaking proceedings or water pollution control programs, the consultation requirement in N.J.S.A. 13:17-9(c) shall be addressed, as necessary, through those rulemaking proceedings or programs, and shall not be independently addressed under this section.

Administrative Correction to (d)2: Corrected spelling of pollution. 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), corrected cross-references. In (d)1, "issue written statement of consent" was "endorse".

7:15-3.7 Coordination with Pinelands program

(a) In accordance with N.J.S.A. 13:18A-8, 16 U.S.C. § 471i(f), and the "Water Resources Planning" element (page 221) of the "Surface and Groundwater Resources Program" contained in Chapter Seven of the Comprehensive Management Plan adopted by the Pinelands Commission on November 21, 1980, comments shall be sought from the Pinelands Commission on proposed WQM plan amendments pertaining to the Pinelands Area defined at N.J.S.A. 13:18A-11 or the Pinelands National Reserve defined at 16 U.S.C. § 471i(c), to ensure that such amendments are consistent with the intent and programs of the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq., and section 502 of the National Parks and Recreation Act of 1978, 16 U.S.C. § 471i.

(b) For WQM plan amendments processed under N.J.A.C. 7:15-3.4(b)4 or (c), the Department shall seek comments from the Pinelands Commission before making the decision required by N.J.A.C. 7:15-3.4(g)2 or 7:15-3.4(d)2, as appropriate.

(c) For other amendments to WQM plans under N.J.A.C. 7:15-3.4(b)1 through (b)3, (i), (j), or (k), that automatically incorporate Department or USEPA actions taken through rulemaking proceedings or water pollution control programs, any need to seek comments from the Pinelands Commission shall be addressed, as necessary, through those rulemaking proceedings or programs, and shall not be independently addressed under this section.

7:15-3.8 Validity of water quality management plan amendments

(a) No WQM plan amendment hereafter adopted by the Governor or his designee is valid unless adopted in substantial compliance with this chapter. A proceeding to contest any WQM plan amendment on the ground of noncompliance with the procedural requirements of this chapter shall be commenced within one year from the adoption date of the amendment.

(b) A proceeding to contest any WQM plan amendment adopted by the Governor or his designee prior to October 2, 1989, on the ground of noncompliance with the procedural requirements of this chapter as it existed prior to October 2, 1989, shall be commenced by October 2, 1990.

Administrative Correction to (b).

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

Administrative Correction to (b): incorporated omitted correction made at 22 N.J.R. 2001(b).

See: 25 N.J.R. 547(a).

7:15-3.9 Appeals of Department decisions

(a) Within 20 calendar days from the receipt by the applicant of a written notification from the Department of the decision of the Department made pursuant to N.J.A.C. 7:15-3.4(g)2i or ii or 8ii through iv, the applicant may request an adjudicatory hearing to contest the Department decision by submitting a written request to the Department, addressed to the Office of Legal Affairs, ATTENTION: Adjudicatory Hearing Requests, Department of Environmental Protection and Energy, CN 402, Trenton, New Jersey 08625-0402. The request shall include the following information:

1. The name, address, and telephone number of the applicant and its authorized representative if any;
2. The applicant's factual position on each question alleged to be at issue, its relevance to the Department's decision, specific reference to contested factors as well as suggested revised or alternative provisions;
3. Information supporting the applicant's factual position and copies of other written documents relied upon to support the request for a hearing;
4. An estimate of the time required for the hearing (in days and/or hours); and
5. A request, if necessary, for a barrier-free hearing location for disabled persons.

(b) A hearing request not received within 20 days after receipt by the applicant of a written notification from the Department of the decision of the Department, shall be denied.

(c) During the pendency of the review and hearing on a Department decision made pursuant to this chapter, the challenged Department decision shall remain in full force and effect, unless a stay is granted by the Department upon formal request by the applicant.

(d) If the appellant fails to include all the information required by (a) above, the Department may deny the hearing request.

(e) If it grants the request for a hearing, the Department shall file the request for a hearing with the Office of Administrative Law. The hearing shall be held before an administrative law judge and in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. If the subject of the hearing is a proposed amendment to the areawide WQM plan for a designated area, the Department shall provide notice of the hearing to the designated planning agency for that area.

(f) Appeals of decisions made by designated planning agencies under this subchapter shall be made to a court of competent jurisdiction.

(g) An appeal of a decision made by the Department pursuant to N.J.A.C. 7:15-3.1 or 3.2 shall be made in accordance with the statutes and rules that govern the permit that is the subject of the decision. Such an appeal shall not be governed by (a) through (e) above.

(h) If the subject of a Department decision identified under (a) above is a proposed amendment to the areawide WQM plan for a designated area, the designated planning agency for that area may request an adjudicatory hearing to contest the Department decision, regardless of whether or not the applicant requests such a hearing. Such requests shall be governed by (a) through (e) above, and the designated planning agency shall be treated in the same manner as an "applicant" for purposes of those subsections.

Administrative Correction in (b): Changed "or" to "of".

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

Administrative change in (a).

See: 23 N.J.R. 3325(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 (c), deleted reference to Director (Division of Water Resources).

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

Notice of Rule Invalidation: See 23 N.J.R. 2346(b).

Validity of co-permittee requirements in N.J.A.C. 7:15-4.1 affected by decision in *New Jersey Builders Association v. Helen Fenske, Acting Commissioner, New Jersey Department of Environmental Protection*, Dkt. No. A-2367-89T1 (App. Div. June 18, 1991). (Note: Decision effective date stayed until September 15, 1991.)

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

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

Section was "Permittees for new or expanded domestic treatment works".

7:15-4.2 Projects and activities deemed to be consistent with WQM plans and this chapter

(a) The following treatment works are deemed to be consistent with WQM plans and this chapter:

1. Upgrades of domestic or industrial treatment works, including upgrades accomplished through construction of new treatment works at the same location, that do not exceed existing flows and do not exceed flows identified in areawide WQM plans. However, where levels of treatment are specified in areawide WQM Plans, upgrades that are not designed to achieve such treatment levels shall be deemed to be consistent only if such upgrades are in accordance with approved compliance schedules that provide for the future achievement of such treatment levels, and that are included in NJPDES discharge permits, court orders, or Department enforcement documents such as administrative orders or administrative consent orders.

2. Treatment works whose sole purpose is to abate an existing pollution problem, if such treatment works are required by the Department or USEPA.

3. Removal or remedial actions performed or required by the Department or by Federal agencies or by their agents, under the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. §§ 9601 et seq., or other statutes authorizing Department or Federal removal or remedial actions for hazardous substances.

4. Interim construction or interim expansion of, or interim connection with, domestic or industrial treatment works that are required by law to be abandoned or incorporated at a definite time into other treatment works:

- i. That are under construction;

- ii. For which contracts have been awarded for construction; or

- iii. Whose construction is required by court order or Department order, or by a consent agreement to which the Department is a party.

SUBCHAPTER 4. WATER QUALITY AND WASTEWATER MANAGEMENT POLICIES AND PROCEDURES

7:15-4.1 (Reserved)

Administrative Correction to (c)3i and ii.

(b) The initial performance of emergency activities, including, but not limited to, emergency activities allowed by emergency permits issued pursuant to N.J.A.C. 7:14A-2.2, is deemed to be consistent with the WQM plans and this chapter. The Department may require the results of an emergency activity to be removed or modified after such initial performance, in order to obtain conformance with a WQM plan or this chapter.

Administrative Correction to (a)3: Changed "on" to "or".
See: 22 N.J.R. 2001(b).

7:15-4.3 Treatment works not identified in Water Quality Management Plans

(a) Except as provided in N.J.A.C. 7:15-4.2 or 4.4, the following treatment works are considered to be inconsistent with the areawide WQM plan, and shall require an amendment to that plan to be eligible for treatment works approvals, NJPDES discharge permits, or financial assistance under the Clean Water Act, U.S.C. §§ 1251 et seq., or under N.J.A.C. 7:22.

1. New domestic or industrial treatment works, or expansions of existing domestic or industrial treatment works, if such new treatment works or expansions are not identified in the existing areawide WQM plan, are not sewers or pumping stations, and would:
 - i. Directly discharge to surface waters, or onto the land surface (for example, spray irrigation or overland flow facilities); or
 - ii. Have a design capacity of 2000 gallons per day or larger.

2. New DTW that would conflict with or be outside of future sewer service areas depicted in the areawide WQM plan.

(b) The provisions of (a) above apply whether treatment works approvals are sought for both construction and operation, or for construction only, of treatment works.

(c) This section does not apply to the following treatment works:

1. Activities identified under N.J.A.C. 7:14A-12.4 as not requiring treatment works approval;
2. Treatment works components that handle sludge only;
3. Industrial treatment works that do not handle process waste water or sanitary sewage; or
4. DTW that meet the criteria in N.J.A.C. 7:15-5.18(c)6ii, if such DTW would provide service only in:
 - i. Areas depicted under N.J.A.C. 7:15-5.18(c)6 in adopted wastewater management plans; or

- ii. Areas identified as "on-site ground water disposal areas", or identified by substantially equivalent names, in wastewater management plans that are adopted or in effect under N.J.A.C. 7:15-5.2.

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

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

Deleted (d), concerning preparation of amendments to WQM plans.

7:15-4.4 Individual subsurface sewage disposal systems and other small domestic treatment works in sewer service areas

(a) Subject to the provisions of (b) and (c) below and of N.J.A.C. 7:15-5.19, depiction of future sewer service areas in wastewater management plans or elsewhere in areawide WQM plans shall not be construed to prohibit the lawful construction in such areas of the following DTW:

1. Individual subsurface sewage disposal systems for individual residences pursuant to N.J.A.C. 7:9A; or

2. Other DTW that would have a design capacity of less than 2,000 gallons per day, and use either subsurface sewage disposal systems or other sewage disposal systems that would not directly discharge to surface water or onto the land surface.

(b) DTW identified in (a) above shall be constructed in depicted sewer service areas only if legally enforceable guarantees are provided before such construction that the depicted sewer service will be used when it becomes available, and that any discharge to ground water will then be discontinued.

(c) DTW that are identified in a(2) above and that require treatment works approval shall not be constructed in the depicted sewer service area of a DTW on which a sewer connection ban is in effect under N.J.A.C. 7:14A-12.21, unless such construction would, even in the absence of the sewer connection ban, be cost-effective, environmentally sound, and feasible from the engineering standpoint.

7:15-4.5 Eligibility for financial assistance

Financial assistance under the Clean Water Act, 33 U.S.C. §§ 1251 et seq., or under N.J.A.C. 7:22, for planning, design, or construction of DTW shall be awarded only to Wastewater Management Agencies identified in a Statewide or areawide WQM Plan.

SUBCHAPTER 5. WASTEWATER MANAGEMENT PLANNING REQUIREMENTS

7:15-5.1 Wastewater management plan requirement for water quality management plan amendments

(a) If a proposed WQM plan amendment under N.J.A.C. 7:15-3.4(c) or (g) includes a DTW not identified in the

existing WQM plan, or includes an expansion of an existing DTW above the capacity identified in the existing WQM plan, or modifies a wastewater service area delineation in the existing WQM plan, the Governor or his designee shall adopt the amendment only if the amendment otherwise complies with this chapter and consists of, or includes, a wastewater management plan (WMP), or an amendment to a wastewater management plan, that identifies such DTW, expansion, or modified delineation.

(b) The requirement in (a) above applies only to:

1. Wastewater service area modifications that directly affect 10 or more acres, or the disposition of 20,000 gallons or more per day of wastewater; or

2. DTW that requires a NJPDES discharge permit, and that:

i. Directly discharge to surface waters, or onto the land surface (e.g., spray irrigation or overland flow facilities); or

ii. Have a design capacity of 20,000 gallons per day or larger.

(c) The requirement in (a) above does not apply to WQM plan amendments whose specific purpose or effect is to address projects or activities that are either proposed, constructed, operated or conducted by the State or Federal government, or that are regulated by the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.), or that are identified in N.J.A.C. 7:15-3.4(h)3.

Case Notes

Department of Environmental Protection's local waste water management plan regulations do not exceed statutory authority. *New Jersey Builders Ass'n v. Fenske*, 249 N.J.Super. 60, 591 A.2d 1362 (A.D.1991).

7:15-5.2 Validity of previously adopted or submitted wastewater management plans

(a) Wastewater management plans adopted between June 1, 1985 and October 2, 1989 shall remain in effect as wastewater management plans in the appropriate areawide WQM plans without the need for further adoption procedures.

(b) The Governor or his designee may, under N.J.A.C. 7:15-3.4, adopt any wastewater management plan that meets the requirements of the former "Policy on Wastewater Management Plans" that was part of the Statewide WQM Plan that the Department adopted on December 5, 1985, but that does not meet the procedural or substantive requirements of this subchapter, if a draft of that wastewater management plan was submitted to the Department prior to October 2, 1989.

Administrative Correction: Added the correct effective date. See: 22 N.J.R. 2001(b).

7:15-5.3 Wastewater management planning agencies, wastewater management plan areas and wastewater management plan responsibility: general statement

(a) A "wastewater management planning agency" ("WMP agency") is a governmental unit or other person that has "wastewater management plan responsibility" as defined in (b) below. A "wastewater management plan area" ("WMP area") is the geographic area for which a wastewater management planning agency has "wastewater management planning responsibility".

(b) N.J.A.C. 7:15-5.4 through 5.8 identify governmental units that have "wastewater management plan responsibility" ("WMP responsibility") for the wastewater management plan areas specified in those sections, unless alternative assignments of wastewater management plan responsibility are established under N.J.A.C. 7:15-5.9, "Wastewater management plan responsibility" means the duty to:

1. Prepare, submit, and periodically update a wastewater management plan for the wastewater management plan area; and

2. Provide comments on proposed amendments to wastewater management plans under N.J.A.C. 7:15-3.4.

(c) Wastewater management plans shall be prepared, submitted, and periodically updated only by the wastewater management planning agencies for the corresponding wastewater management plan areas. Such wastewater management planning agencies shall submit wastewater management plans as requests to amend areawide WQM plans in accordance with the procedures specified in N.J.A.C. 7:15-3.4, and in accordance with the schedule specified in N.J.A.C. 7:15-5.23. A wastewater management planning agency may meet its responsibility to prepare and submit wastewater management plans by submitting wastewater management plans prepared by another party on behalf of that wastewater management planning agency.

(d) N.J.A.C. 7:15-5.4 through 5.13 apply notwithstanding any statements about wastewater planning responsibility contained in management agency designations or WQM Plans, or amendments thereto, issued or adopted before the effective date of this subchapter.

(e) The identification under this subchapter of wastewater management plan areas and assignments of wastewater management plan responsibility does not, by itself, establish or change the designations of 201 facilities planning areas or 201 facilities planning agencies. Such designations may be established or modified only by specific provisions for that purpose in amendments to areawide WQM plans under N.J.A.C. 7:15-3.4, including but not limited to provisions in wastewater management plans under N.J.A.C. 7:15-5.18(i). The identification of wastewater management plan areas under this subchapter does not establish or change the designation of "planning areas" as defined in N.J.A.C. 7:22-10.1.

(f) Except for wastewater management plans identified in N.J.A.C. 7:15-5.2(a), wastewater management plans and amendments thereof are valid only upon their adoption by the Governor or his designee as amendments to areawide WQM plans under N.J.A.C. 7:15-3.4.

7:15-5.4 Responsibility of designated planning agencies

A designated planning agency shall have wastewater management plan responsibility for a wastewater management plan area consisting of all or part of its designated area, if the governing body of that agency adopts and submits to the Department a resolution requesting such responsibility by December 1, 1989. In wastewater management plan areas identified in such resolutions, no other governmental units shall have wastewater management plan responsibility under N.J.A.C. 7:15-5.5 through 5.8.

Administrative Correction: Effective date by December 1, 1989.

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).

"Department" was "BWQP".

7:15-5.5 Responsibility of Passaic Valley Sewerage Commissioners

The Passaic Valley Sewerage Commissioners have wastewater management plan responsibility for a wastewater management plan area consisting of the entire Passaic Valley Sewerage District. No other governmental unit shall have such responsibility for any part of that District under N.J.A.C. 7:15-5.6 through 5.8.

7:15-5.6 Responsibility of sewerage authorities and municipal authorities

(a) Except as provided in (b) or (e) below or in N.J.A.C. 7:15-5.4 or 5.5, every sewerage authority and every municipal authority has wastewater management plan responsibility for a wastewater management plan area consisting of that authority's entire district.

(b) A municipal authority does not have wastewater management plan responsibility if that municipal authority does not perform sewerage-related functions in at least part of its district, and does not request wastewater management plan responsibility. Except as provided in (c) below, a municipal authority performs "sewerage-related functions" if it:

1. Owns, leases, constructs, operates, or maintains sewerage facilities, or is a party to a contract providing for or relating to sewerage facilities;
2. Regulates the construction or use of sewerage facilities;
3. Is a permittee or co-permittee under N.J.A.C. 7:14A for a DTW, or has applied to be such a permittee or co-permittee;
4. Seeks WQM plan amendments for sewerage facilities;

5. Receives or seeks to receive Federal or State financial assistance for sewerage facilities; or

6. Is required by statute, rule, contract, court order, Department order, consent agreement, or other legal obligation to perform any of the activities listed in (b)1 through 5 above.

(c) The activities listed in (b)1 through 6 above shall not be considered "sewerage-related functions" if such activities are:

1. Performed solely to carry out the municipal authority's water supply, solid waste, chemical or hazardous waste, or hydroelectric power functions; or
2. Pertain solely to sewage that arises on property owned or leased by the municipal authority, and that is conveyed to sewerage facilities not owned, leased, operated, or maintained by the municipal authority.

(d) The Department may, at any time, send a letter to any municipal authority, requesting that authority to declare in writing to the ORP whether or not that authority performs any of the sewerage-related functions listed under (b) and (c) above, and whether or not that authority requests wastewater management plan responsibility. If that authority does not make such a declaration within 90 calendar days of receipt of the letter, the Department shall, in the absence of information to the contrary, presume that the authority performs sewerage-related functions or requests wastewater management plan responsibility.

(e) Where there is overlap between the districts of two or more authorities that would otherwise have wastewater management plan responsibility for their entire districts under this section, wastewater management plan responsibility in the overlap is assigned by the following criteria:

1. If only one of the authorities is a county utilities authority, only that county utilities authority has wastewater management plan responsibility in the overlap.
2. If none of the authorities is a county utilities authority, and if only one of the authorities is a regional authority, only that regional authority has wastewater management plan responsibility in the overlap.
3. If both of the conditions in (e)1 or 2 above are not met, and if only one of the authorities owns, leases, operates, or maintains a DTW that requires a NJDPES permit, and that is located within or serves all or part of the overlap, then only that authority has wastewater management plan responsibility in the overlap.
4. If none of the conditions in (e)1, 2, or 3 above is met, arrangements shall be made under N.J.A.C. 7:15-5.9 to assign wastewater management plan responsibility in the overlap to a single governmental unit.

(f) For purposes of (e) above, "overlap" exists when the district of one authority is partially or completely within, or identical to, the district of one or more other authorities.

(g) When wastewater management plan responsibility is assigned under (e) above to an authority or other governmental unit that also has wastewater management plan responsibility outside the overlap, the entire geographic area for which the authority or other governmental unit has wastewater management plan responsibility shall constitute a single wastewater management plan area.

Administrative Correction in (e)4: Changed "of" to "or".

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 (d), "ORP" was "BWQP".

7:15-5.7 Responsibility of joint meetings

(a) Except as provided in (b) below, every joint meeting has wastewater management plan responsibility for a wastewater management plan area consisting of the entirety of all municipalities that are members of that joint meeting.

(b) No joint meeting has wastewater management plan responsibility for any location that:

1. Is within a wastewater management plan area for which another governmental unit has wastewater management plan responsibility under N.J.A.C. 7:15-5.4 through 5.6; or
2. Does not generate sewage that is received by any sewerage facilities owned, leased, operated, or maintained by the joint meeting, and is not projected to generate such sewage in the 20 year projection period of the wastewater management plan.

7:15-5.8 Responsibility of municipalities

(a) Except as provided in (c) below, every municipality that performs sewerage-related functions in at least part of the municipality has wastewater management plan responsibility for a wastewater management plan area consisting of the entire municipality.

(b) Except as provided in (c) below, a municipality performs "sewerage-related functions" if the municipality either:

1. Owns, leases, constructs, operates, or maintains any sewerage facilities, under N.J.S.A. 40:63-1 et seq. or other statutes;
2. Is a party to a contract providing for or relating to sewerage facilities under N.J.S.A. 40:63-1 et seq., 40:14A-23, 40:14B-49, 58:27-1 et seq., or other statutes;
3. Has an ordinance under N.J.S.A. 40:63-6 that provides for, establishes, or alters a general system of sewerage;

4. Has an ordinance under N.J.S.A. 40:63-52 requiring buildings to be connected with sewers;

5. Has an ordinance under N.J.S.A. 40:55D-37 requiring approval of either subdivisions or site plans or both;

6. Has a zoning ordinance under N.J.S.A. 40:55D-62 that includes standards for the provision of sewerage facilities;

7. Has a master plan under N.J.S.A. 40:55D-28 that includes a utility service plan element for sewerage and waste treatment;

8. Has a capital improvements program under N.J.S.A. 40:55D-30 that includes sewerage projects;

9. Has an ordinance under N.J.S.A. 40:56-1 for undertaking sewerage improvements as local improvements;

10. Has a sewerage district under N.J.S.A. 40:63-32 through 40 or N.J.S.A. 40A:18-1 et seq.;

11. Has granted an unexpired franchise to a public utility to provide sewerage service regulated under N.J.S.A. 48:1-1 et seq.;

12. Has an ordinance regulating sewerage facilities under N.J.S.A. 40:48-2;

13. Is a permittee or co-permittee under N.J.A.C. 7:14A for DTW, or has applied to be such a permittee or co-permittee;

14. Seeks WQM plan amendments for DTW;

15. Receives or seeks to receive Federal or State financial assistance for DTW; or

16. Is required by statute, rule, contract, court order, Department order, consent agreement, or other legal obligation to perform any of the activities, or adopt any of the ordinances, plans, or other programs, listed in (b)1 through 15 above.

(c) The activities listed in (b) above shall not be considered "sewerage-related functions" if they:

1. Pertain solely to sewage that arises on property owned or leased by the municipality, and that is conveyed to sewerage facilities not owned, leased, operated, or maintained by that municipality;
2. Are performed by the municipality solely through the agency of an authority or joint meeting; or
3. Pertain solely to stormwater.

(d) The Department may, at any time, send a letter to any municipality, requesting that municipality to declare in writing to the ORP whether or not that municipality performs any sewerage-related functions as discussed under (b) and (c) above. If that municipality does not make such a declaration within 90 calendar days of receipt of the letter, the Department shall, in the absence of information to the contrary, presume that the municipality performs sewerage-related functions.

(e) No municipality has wastewater management plan responsibility in any wastewater management plan area for which another governmental unit has wastewater management plan responsibility under N.J.A.C. 7:15-5.4 through 5.7.

Administrative Correction to (d): Corrected spelling of declare.

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 (d), "ORP" was "BWQP".

7:15-5.9 Alternative assignment of wastewater management plan responsibility: general statement

(a) Alternative assignments of wastewater management plan responsibility, different from those set forth in N.J.A.C. 7:15-5.4 through 5.8, shall be made and subsequently changed if and only if such alternative assignments or changes thereto are adopted as amendments to areawide WQM plans under N.J.A.C. 7:15-3.4(c) or (g), or as revisions to WQM Plans under N.J.A.C. 7:15-5.13 and N.J.A.C. 7:15-3.5. Amendments or revisions that change alternative assignments may establish different alternative assignments, or may restore wastewater management plan responsibilities set forth in N.J.A.C. 7:15-5.4 through 5.8.

(b) N.J.A.C. 7:15-5.10 through 5.13 identify some but not necessarily all of the alternative assignments of wastewater management plan responsibility that may be adopted as WQM Plan amendments or revisions under (a) above.

(c) Except if specifically provided otherwise in the amendment or revision under (a) above, any wastewater management plan responsibility assigned to a governmental unit under (a) above is in addition to, and does not diminish, any wastewater management plan responsibility which that governmental unit already has under N.J.A.C. 7:15-5.4 through 5.8 or this section.

(d) In deciding whether or not to establish or change alternative assignments of wastewater management plan responsibility under (a) above, consideration shall be given, but not be limited to, the following general principles:

1. The Department shall generally support amendments or revisions that:

- i. Establish regional wastewater management plan areas;
- ii. Encourage the development and management of cost-effective, environmentally sound wastewater facilities and wastewater management, including comprehensive regional sewerage facilities and management where appropriate;
- iii. Assign, to a governmental unit that will have long-term responsibility to own or operate a DTW that will require a NJPDES discharge permit, the wastewater management plan responsibility for the entire area

that is projected to generate sewage that will be conveyed to that governmental unit's DTW;

iv. Assign wastewater management plan responsibility to governmental units rather than to private persons; or

v. Prevent or eliminate geographic overlap of wastewater management plan areas.

2. The Department shall generally oppose amendments or revisions that:

i. The Department considers to be contrary to one or more of the principles expressed in (d)1 above;

ii. Remove wastewater management plan responsibility from a governmental unit or private person, unless another governmental unit or private person already has or receives wastewater management plan responsibility for the subject geographic area;

iii. Include part of a municipality in a wastewater management plan area, but leave the remainder of the municipality outside any wastewater management plan area;

iv. Assign wastewater management plan responsibility, for all or part of a designated planning area, to a designated planning agency that does not want such responsibility at the time the amendment is proposed, except where such assignment is necessary to resolve wastewater management problems that cannot satisfactorily be resolved at other levels;

v. Assign wastewater management plan responsibility, for all or part of a county, to a county planning board that does not request such responsibility; or

vi. Assign wastewater management plan responsibility to the Department, except as a last resort.

(e) The Department may determine that a governmental unit identified under N.J.A.C. 7:15-5.4 through 5.8 is unable to exercise wastewater management plan responsibility effectively. Upon the adoption of such a determination in an amendment to an areawide WQM plan under (a) above, N.J.A.C. 7:15-5.4 through 5.8 shall be administered without regard to the existence of such governmental unit, or other assignments of wastewater management plan responsibility may be made in the amendment. Such a determination may be rescinded in a subsequent amendment to an areawide WQM plan.

7:15-5.10 Wastewater management plan responsibility as condition for financial assistance

A WQM plan amendment under N.J.A.C. 7:15-5.9 may assign wastewater management plan responsibility to a governmental unit, for the wastewater management plan area identified in that amendment, as a condition of that governmental unit's being eligible to apply for or receive a grant, loan, or other financial assistance for wastewater facilities, if

such financial assistance is subject to Department certification or approval.

7:15-5.11 Wastewater management plan responsibility for complete wastewater service area

(a) A WQM plan amendment under N.J.A.C. 7:15-5.9 may assign wastewater management plan responsibility to a governmental unit that is, or has applied to be, a permittee or co-permittee under N.J.A.C. 7:14A for a DTW that requires a NJPDES discharge permit, or that owns, leases, or seeks a WQM plan amendment for such a DTW, for the entire area that generates sewage conveyed to that DTW, or that is projected to generate such sewage in the 20 year projection period of the wastewater management plan.

(b) Every wastewater management planning agency automatically assumes wastewater management plan responsibility for any additional sewer service area identified in that wastewater management planning agency's wastewater management plan under N.J.A.C. 7:15-5.18(c)4, upon adoption of that wastewater management plan by the Governor or his designee.

7:15-5.12 Joint wastewater management plan responsibility

A WQM plan amendment under N.J.A.C. 7:15-5.9 may assign joint wastewater management plan responsibility for a unified wastewater management plan area to two or more governmental units that would otherwise have wastewater management plan responsibility for separate but contiguous wastewater management plan areas.

7:15-5.13 Voluntary establishment of wastewater management plan responsibility

(a) With the consent of the Department and of the parties making and receiving the transfer, wastewater management plan responsibility for all or part of a wastewater management plan area may be transferred from one governmental unit or private person to another.

(b) With the consent of the Department and of the party receiving the assignment, wastewater management plan responsibility may be assigned to a governmental unit or private person for a wastewater management plan area for which no other party has wastewater management plan responsibility under this subchapter.

(c) Transfers or assignments of wastewater management plan responsibility under (a) or (b) above do not require WQM Plan amendments under N.J.A.C. 7:15-3.4, but shall be adopted as WQM Plan revisions under N.J.A.C. 7:15-3.5.

(d) This section shall not be construed to prevent wastewater management plan responsibility from being transferred or assigned by WQM plan amendment under N.J.A.C. 7:15-5.9 and N.J.A.C. 7:15-3.4. Such transfers or assignments may be made without the consent of the affected parties.

7:15-5.14 District boundaries and related information; joint meeting membership

(a) To assist the identification of wastewater management plan responsibility under N.J.A.C. 7:15-5.5 through 5.8, the following information shall be submitted in writing to the Department by January 30, 1990:

1. The Passaic Valley Sewerage Commissioners, every sewerage authority, and every municipal authority shall:

i. List each municipality that is entirely within their district;

ii. List each municipality, if any, that is partially within their district; and

iii. Submit a map depicting the boundaries of the district within any municipality listed under (a)1i above, using 1:24,000, United States Geological Survey quadrangle maps as a base.

2. Every sewerage authority and every municipal authority shall also:

i. Identify the date when each municipality listed under (a)1i or ii above became part of the district of that authority; and

ii. Identify the statute under which the authority was created and the date, if any, when the authority was reorganized under N.J.S.A. 40:14B-6.

3. Every joint meeting shall list the municipalities that are members of that joint meeting.

(b) Whenever a new authority or joint meeting is created, or an existing authority is reorganized under N.J.S.A. 40:14B-6, or the district of an existing authority is modified, or an additional municipality becomes a member of an existing joint meeting, such authority or joint meeting shall, by letter to the ORP, provide or update the information required under (a)2 or 3 above within 120 calendar days of such event.

(c) The Department may at any time request the Passaic Valley Sewerage Commissioners or any authority or joint meeting to update information provided under (a) or (b) above, and such governmental units shall submit such information in writing to the ORP within 120 calendar days of receiving such request.

(d) To assist the identification of wastewater management plan responsibility, the Department may consult other sources of information, including but not limited to resolutions or ordinances filed in the office of the Secretary of State under N.J.S.A. 40:14A-4 or 40:14B-7.

(e) If an authority or joint meeting cannot identify with reasonable certainty the boundaries of its district or other information required under (a) through (c) above, the authority or joint meeting shall make a written declaration to that effect to the ORP, and shall provide its best estimate. Such estimates, together with any other information obtained under (d) above, shall suffice to define the geographic scope of wastewater management plan responsibility under N.J.A.C. 7:15-5.6 or 5.7.

(f) The Department may exempt a municipal authority from the requirements of this section if that authority makes the declaration identified in N.J.A.C. 7:15-5.6(d).

Administrative Correction to (a).

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 (d), "Department" was "BWQP"; in (b), (c) and (e), "ORP" was "BWQP".

7:15-5.15 Contents of wastewater management plans; general statement

(a) Each wastewater management plan shall consist of written descriptions and maps of existing and future wastewater-related jurisdictions and wastewater service areas, and of selected environmental features. A wastewater management plan shall also include written descriptions and maps of specified categories of existing and future treatment works, if such treatment works presently exist or are necessary to meet anticipated wastewater management needs. More specific requirements for these written descriptions and maps are set forth in N.J.A.C. 7:15-5.16 through 5.20.

(b) In accordance with N.J.A.C. 7:15-5.16 through 5.20, each wastewater management plan shall address all types of DTW and all methods of domestic wastewater disposal, including but not limited to surface water discharges and ground water discharges, to the extent that such DTW and methods of domestic wastewater disposal presently exist or are necessary to meet anticipated wastewater management needs. In accordance with N.J.A.C. 7:15-5.16 and 5.20, each wastewater management plan shall provide information about specified categories of existing industrial treatment works.

7:15-5.16 Existing jurisdictions, wastewater service areas, and treatment works

(a) Each wastewater management plan shall include maps of existing wastewater jurisdictions, existing wastewater service areas, and any existing treatment works in the categories specified in (a)3 or 5 below. These maps shall depict the following information:

1. The existing boundaries of the wastewater management plan area;
2. The boundaries, within the wastewater management plan area, or within any 20-year sewer service area identified under N.J.A.C. 7:15-5.18(c)4, of the following:
 - i. Any existing districts, and the existing franchise areas for sewerage service of any public utilities; and
 - ii. Any areas within the Hackensack Meadowlands District defined at N.J.S.A. 13:17-4, the Pinelands Area defined at N.J.S.A. 13:18A-11, the Pinelands National Reserve defined at 16 U.S.C. § 471i(c), or the "coastal area" described in N.J.S.A. 13:19-4.

3. The location, within or outside the wastewater management plan area, of each existing treatment works, if any, that is not a sewer or a pumping station, but that receives wastewater that arises within or is conveyed into or through the wastewater management plan area, if such treatment works is:

- i. A DTW that directly discharges to surface waters, or onto the land surface (for example, spray irrigation or overland flow facilities);
- ii. A DTW that has a design capacity of 2,000 gallons per day or larger, and stores or disposes of sewage by any means; or
- iii. An industrial treatment works that requires a NJPDES discharge permit and that handles process waste water or sanitary sewage.

4. The location of each existing discharge to surface or ground water from each treatment works mapped within the wastewater management plan area under (a)3 above, and the location of any overflow discharges of sewage within the wastewater management plan area;

5. The location of each existing pumping station and major interceptor and trunk sewer, if any, within the wastewater management plan area;

6. Except as provided under (a)9 below, the present sewer service area, within or outside the wastewater management plan area, for each:

- i. Each DTW mapped within the wastewater management plan area under (a)3 above, distinguishing the separate area served by each DTW; and
- ii. Each industrial treatment works that is mapped within the wastewater management plan area under (a)3 above, and that serves property other than the property on which the industrial treatment works is located, distinguishing the separate area served by each industrial treatment works.

7. Except as provided under (a)9 below, the present sewer service area, within the wastewater management plan area, for:

- i. Each DTW mapped outside the wastewater management plan area under (a)3 above, distinguishing the separate area served by each DTW; and
- ii. Each industrial treatment works that is mapped outside the wastewater management plan area under (a)3 above, and that serves property other than the property on which the industrial treatment works is located, distinguishing the separate area served by each industrial treatment works.

8. Any areas within the wastewater management plan area that, as regards DTW, are presently served only by either or both of the following:

i. Individual subsurface sewage disposal systems for individual residences; or

ii. Other DTW that have a design capacity of less than 20,000 gallons per day, use either subsurface sewage disposal systems or other sewage disposal systems that have no direct discharge to surface water or onto the land surface and do not have aggregate service areas mapped under (a)9 below;

9. The requirements in (a)6 and 7 above do not apply to DTW that are mapped under (a)3ii above, but that have a design capacity of less than 20,000 gallons per day. However, if two or more such DTW, on a single lot or on two or more adjacent lots, in combination have a design capacity of 20,000 gallons per day or larger, the aggregate service area of such DTW shall be depicted and distinguished from other areas mapped under (a)6 through 8 above.

(b) Each wastewater management plan shall provide the following information, in narrative, outline, or tabular form, for each existing treatment works or each existing DTW, as appropriate, mapped within the wastewater management plan area under (a)3 above:

1. Name and owner of the treatment works;
2. Name of any other governmental unit or corporation, if any, responsible for operating the DTW;
3. Location of the treatment works within municipality, county, and WQM planning area, and within any district;
4. NJPDES discharge permit number, if any, for any discharges from the treatment works;
5. Name of NJPDES permittee and any co-permittee under N.J.A.C. 7:14A for any discharges from the DTW;
6. Name and classification, under N.J.A.C. 7:9-4 and N.J.A.C. 7:9-6, of any surface and ground waters receiving any discharges from the treatment works;
7. Estimate of existing residential population served by the treatment works within and outside the wastewater management plan area, disaggregated by municipality and including any major seasonal fluctuations;
8. Actual flow of wastewater received by the treatment works, in millions of gallons per day (MGD), expressed as total flow, as estimated flow arising within and outside the wastewater management plan area, and as estimated flow, disaggregated by municipality and attributed to each of the following sources: residential, commercial, industrial, and infiltration/inflow; and
9. Existing design capacity of the DTW.

(c) Each wastewater management plan shall include the following information, in narrative, outline, or tabular form, for each existing treatment works mapped outside the wastewater management plan area under (a)3 above:

1. Name and owner of the treatment works;
 2. Estimate of existing residential population served by the treatment works within the wastewater management plan area, disaggregated by municipality and including any major seasonal fluctuations; and
 3. Estimated average flow of wastewater conveyed to the treatment works from the wastewater management plan area, in millions of gallons per day, disaggregated by municipality and expressed as total flow and as estimated flow attributed to each of the following sources: residential, commercial, industrial, and infiltration/inflow.
- (d) For a particular treatment works, the Department may waive the disaggregation of flow by municipality or land use under (b)8 and (c)3 above, if it is demonstrated to the satisfaction of the Department that such disaggregation would require data not readily available for that treatment works.

(e) Each wastewater management plan shall state whether or not there are combined sewers in the wastewater management plan area.

(f) For purposes of (a), (b) and (c) above, "existing" or "present" means existing or present at the time the particular wastewater management plan is being prepared or updated, as the case may be.

7:15-5.17 Mapping of environmental features

(a) Each wastewater management plan shall include mapping of each of the following environmental features in the wastewater management plan area, and in any additional sewer service area identified in that wastewater management plan under N.J.A.C. 7:15-5.18(c)4:

1. Coastal wetlands that have been mapped by the Department under the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq.;
2. Other freshwater and estuarine wetlands, based on maps prepared by the Department under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-25c, or if such Department maps are not available, the National Wetlands Inventory maps prepared by the United States Fish and Wildlife Service;
3. Flood prone areas, based on the following information sources in order of preference:
 - i. Delineations of flood hazard areas made by the Department under the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., where such delineations exist;
 - ii. Delineations of flood hazard areas by the Federal Emergency Management Agency under the National Flood Insurance Program, 42 U.S.C. §§ 4001-4128;

4. Public open space and recreation areas that include at least 10 acres of undeveloped land, including:

- i. National recreation areas, wildlife refuges, and historical parks administered by the United States Department of the Interior;
 - ii. State and interstate parks, forests, wildlife management areas, natural areas, and recreation areas administered by the Department or the Palisades Interstate Park Commission; and
 - iii. County and municipal parks, reservations, preserves, and other conservation or recreation areas;
5. River areas designated under the New Jersey Wild and Scenic Rivers Act, N.J.S.A. 13:8-45 et seq., or the Federal Wild and Scenic Rivers Act, 16 U.S.C. §§ 1278 et seq.;
 6. Category One Waters, trout production waters, and trout maintenance waters designated in the Department's Surface Water Quality Standards, N.J.A.C. 7:9-4, based on the Department's maps of such waters; and
 7. Surface waters, as mapped on USGS quadrangle maps.

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

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

Deleted (a)3iii, concerning 10-foot contour line specified in repealed N.J.A.C. 7:7E-8.19.

7:15-5.18 Future wastewater jurisdictions, service areas, and domestic treatment works

(a) In accordance with the provisions of this section, each wastewater management plan shall include a description of wastewater service areas and DTW necessary to meet anticipated wastewater management needs over a 20-year period. A wastewater management plan may also include such descriptions for shorter or longer periods.

1. Each wastewater management plan shall provide for cost-effective, environmentally sound wastewater management, including existing or new comprehensive regional DTW or regional management where appropriate. Upgrading or expansion of existing regional DTW is generally preferable to construction of additional DTW that would produce additional direct discharges to surface water at new locations.

2. On a case-by-case basis, the Department may require wastewater management planning agencies to examine specific wastewater management alternatives as part of the preparation of the wastewater management plan. The Department may require such examination to include analysis of critical economic, social, environmental, or institutional factors pertaining to such alternatives.

(b) Subject to the requirements, qualifications, and exceptions listed in (b)3 through 8 below, wastewater service areas and DTW shall, to the maximum extent practicable, be identified in such a manner as to provide adequate wastewater service for:

1. Land uses allowed in zoning ordinances that have been adopted and are in effect under N.J.S.A. 40:55D-62; or

2. Future land uses shown in municipal or county master plans that have been adopted and are in effect under N.J.S.A. 40:55D-28 or N.J.S.A. 40:27-2. If such master plans are used, wastewater service areas and DTW shall, to the maximum extent practicable, be identified in a manner consistent with any sewerage provisions in such master plans.

3. The wastewater management plan shall list all of the zoning ordinances, municipal master plans, or county master plans on which the wastewater management plan is based. If any zoning ordinance is used, the documentation for the wastewater management plan shall include a copy of the map of the districts in that ordinance, and of the regulations in that ordinance which specify the type, density, and intensity of land use allowed in each district. If any master plan is used, documentation for the wastewater management plan shall include a copy of the map of proposed future land uses contained in that master plan, a copy of any text in the master plan which is needed to interpret the map, and a copy of any provisions in the master plan that address sewerage and waste treatment.

4. Due regard shall be given to the degree of likelihood that land development allowed in zoning ordinances will occur in the 20-year period, and to any substantial differences between dates associated with future land uses shown in master plans and the dates on which the 20-year periods end.

5. If, for particular locations, a zoning variance under article 9 of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., allows land development that would generate more wastewater than would the development allowed in the zoning ordinance or shown in the master plan, then for some or all of those locations the wastewater management plan may be based on the zoning variance rather than on the zoning ordinance or the master plan.

6. If, for particular locations, preliminary or final subdivision or site plan approvals under article 6 of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., have allowed land development that would generate more wastewater than would the development allowed in the zoning ordinance or shown in the master plan, then for those locations the wastewater management plan shall be based on such approvals rather than on the zoning ordinance or the master plan.

7. Wastewater management plans relating to the New Jersey Coastal Zone, the Hackensack Meadowlands District, the Pinelands Area, or the Pinelands National Reserve are subject to the requirements of N.J.A.C. 7:15-3.6 or 3.7, as appropriate.

8. The wastewater management plan may be inconsistent with zoning ordinances or master plans for other compelling reasons, provided that the wastewater management plan specifically identifies such inconsistencies and sets forth such reasons with adequate documentation.

(c) Each wastewater management plan shall include maps of future wastewater service areas, and of specified categories of future DTW, that are necessary to meet anticipated wastewater management needs at the end of the 20-year period, and at the end of any shorter or longer period identified under (a) above. These maps shall depict the following:

1. The location, within or outside the wastewater management plan area, of each existing, expanded, or new DTW, if any, that would not be a sewer or a pumping station, but that would receive sewage that would arise within or be conveyed into or through the wastewater management plan area, if such DTW would require a NJPDES discharge permit and:

i. Directly discharge to surface waters, or onto the land surface (for example, spray irrigation or overland flow facilities); or

ii. Have a design capacity of 20,000 gallons per day or larger, and store or dispose of sewage by any means;

2. The location of each discharge to surface or ground water from each DTW mapped within the wastewater management plan area under (c)1 above;

3. The location of each existing, expanded, or new pumping station and major interceptor and trunk sewer, if any, that would convey sewage within the wastewater management plan area;

4. The sewer service area, within or outside the wastewater management plan area, for each DTW mapped within the wastewater management plan area under (c)1 above, distinguishing the separate area to be served by each DTW;

5. The sewer service area, within the wastewater management plan area, for each DTW mapped outside the wastewater management plan area under (c)1 above, distinguishing the separate area to be served by each DTW;

6. The area, if any, within the wastewater management plan area that would be served only by either or both of the following:

i. Individual subsurface sewage disposal systems for individual residences; or

ii. Other DTW that would have a design capacity of less than 20,000 gallons per day, and use either subsurface disposal systems or other sewage disposal systems that would have no direct discharge to surface water or onto the land surface; and

7. The area, if any, within the wastewater management plan area that would be served only by either or both of the following:

i. Individual subsurface sewage disposal systems for individual residences; or

ii. Other DTW that would have a design capacity of less than 2,000 gallons per day, and use either subsurface disposal systems or other sewage disposal systems that would have no direct discharge to surface water or onto the land surface.

(d) For each DTW mapped within the wastewater management plan area under (c)1 above, each wastewater management plan shall further identify the future DTW that are necessary to meet wastewater management needs by providing, in narrative, outline, or tabular form, the following information applicable to such DTW at the end of the 20-year period, and at the end of any shorter or longer period identified under (a) above:

1. Owner and, where known, name of the DTW;

2. Name of any other governmental unit or corporation, if any, to be responsible for operating the DTW;

3. Location of the DTW within municipality, county, and WQM planning area, and within any existing district;

4. Where known, NJPDES permit number for any discharges from the DTW;

5. Name of present or proposed NJPDES permittee and any co-permittee for any discharges from the DTW;

6. Name and present classification, under N.J.A.C. 7:9-4 and N.J.A.C. 7:9-6, of any surface and ground waters that would receive any discharges from the DTW;

7. Estimate of residential population to be served by the DTW within and outside the wastewater management plan area, disaggregated by municipality and including any major seasonal fluctuations; and

8. Estimated average flow of wastewater to be received by the DTW, in millions of gallons per day, disaggregated by municipality and expressed as total flow, as flow arising within and outside the wastewater management plan area, and as flow attributed to each of the following sources: residential, commercial, and industrial.

(e) For each DTW mapped outside the wastewater management plan area under (c)1 above, each wastewater management plan shall further identify the future DTW that are necessary to meet wastewater management needs by providing, in narrative, outline, or tabular form, the following information applicable to such DTW at the end of the 20-year period, and at the end of any shorter or longer period identified under (a) above:

1. Owner and, where known, name of the DTW;

2. Estimate of residential population to be served by the DTW within the wastewater management plan area, disaggregated by municipality and including any major seasonal fluctuations; and

3. Estimated average flow of wastewater to be conveyed to the DTW from the wastewater management plan area, in millions of gallons per day, disaggregated by municipality and expressed as total flow and as flow attributed to each of the following sources: residential, commercial and industrial.

(f) The wastewater management plan shall document the basis for the estimated flows attributed to residential, commercial, and industrial sources under (d)8 and (e)3 above. Where actual, accurate gauging is available for a sewer system already in existence, such gauging shall be used in preparing these flow estimates, with an allowance for future changes in wastewater flow. There shall be a reasonable relationship between these flow estimates and sewer service areas identified under (c)4 and 5 above. There shall be a reasonable relationship, consistent with (b) above, between these sewer service areas and residential, population estimates under (d)7 and (e)2 above. The average domestic flow from new development, exclusive of industrial flows, shall be calculated utilizing the projected flow criteria found at N.J.A.C. 7:14A-23.3. In instances where future specific residential dwelling types are unknown, the residential flow calculation may be computed using 75 gallons per capita per day. No additional provisions for inflow and infiltration shall be made as the above flows include allowances for inflow and infiltration.

(g) Unless expressly stated otherwise in the wastewater management plan, disaggregations of estimated flows by municipality and land use under (d)8 and (e)3 above shall serve only to document the basis for estimates of total flow under those paragraphs, and shall not constitute legally enforceable flow allocations to those municipalities or land uses.

(h) If the Department has waived under N.J.A.C. 7:15-5.16(d) the disaggregation by municipality or land use of existing flow to a DTW, then the disaggregation of estimated flow by municipality or land use under (d)8 and (e)3 above shall be limited to disaggregation of future changes in wastewater flow to that DTW.

(i) A wastewater management plan may identify specific changes to assignments of wastewater management plan responsibility under N.J.A.C. 7:15-5.9, or specific changes to 201 facilities planning responsibilities. Such changes shall take effect upon adoption of the wastewater management plan under N.J.A.C. 7:15-3.4. A wastewater management plan may suggest the establishment, modification, or elimination of districts or franchise areas under N.J.S.A. 40:14A-1 et seq., 40:14B-1 et seq., 58:14-1 et seq., or 48:1-1 et seq., but such districts or franchise areas shall be established, modified or eliminated only in the manner provided by law. Inclusion of such suggestions in an adopted wastewater management plan does not, by itself, accomplish such establishment, modification, or elimination.

Administrative Correction to (e)3 and (f).

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

Administrative Correction to (f): incorporated omitted correction made at 22 N.J.R. 2001(b).

See: 25 N.J.R. 547(a).

Amended by R.1994 d.278, effective June 6, 1994.

See: 25 N.J.R. 3282(a), 26 N.J.R. 2413(b).

7:15-5.19 Individual subsurface sewage disposal systems and other small domestic treatment works in sewer service areas

(a) In sewer service areas depicted under N.J.A.C. 7:15-5.18(c)4 or 5, a wastewater management plan may

require the construction of DTW identified in N.J.A.C. 7:15-4.4(a)1 or 2 to be accompanied by construction of collection system sewers that would be used when the depicted sewer service becomes available. This requirement shall exist only if it is specifically stated in the wastewater management plan.

(b) A wastewater management plan shall require that individual subsurface sewage disposal systems for individual residences can be constructed in depicted sewer service areas only if legally enforceable guarantees are provided before such construction that use of such systems will be discontinued when the depicted sewer service becomes available.

(c) A wastewater management plan shall not apply requirements under (a) or (b) above to individual subsurface sewage disposal systems that do not require certifications from the Department under N.J.S.A. 58:11-25.1 or individual permits from the Department under N.J.A.C. 7:14A, unless that wastewater management plan includes adequate arrangements for enforcement of such requirements by one or more substate governmental units.

(d) Estimated wastewater flows under N.J.A.C. 7:15-5.18(d)8 and (e)3 shall include flows that will be received when use of DTW identified in N.J.A.C. 7:15-4.4(a)1 and 2 is discontinued when depicted sewer service becomes available.

Administrative Correction to (b): Deleted septic.

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

7:15-5.20 Specifications for text and graphics

(a) Wastewater management plans should be concise, using the minimum feasible narrative and mapping. All pages, tables, and figures in wastewater management plans shall be legible and numbered.

(b) All maps in wastewater management plans shall use 1:24,000 scale United States Geological Survey quadrangle maps as a base, except that other maps at other scales may be provided as supplements. Each wastewater management plan shall include the following main maps at 1:24,000 scale:

1. A map depicting the existing boundaries of the wastewater management plan area and the existing treatment works and service areas identified under N.J.A.C. 7:15-5.16(a)3 through 9;

2. A map depicting future DTW and service areas identified at the end of the 20-year period under N.J.A.C. 7:15-5.18(c)1 through 6 and a corresponding map for any shorter or longer period identified under N.J.A.C. 7:15-5.18(a). Wherever feasible, the boundaries of future service areas shall coincide with recognizable geographic or political features. The existing boundaries of the wastewater management plan area shall also be depicted on any map under this paragraph; and

3. One or more maps depicting the existing boundaries of the wastewater management plan area, and the environmental features identified under N.J.A.C. 7:15-5.17. This map shall also state that development in areas mapped as wetlands, flood prone areas, or designated river areas may be subject to special regulation under Federal or State statutes or rules, and that interested persons should check with the Department for the latest information. Depiction of environmental features shall be for general information purposes only, and shall not be construed to define the legal geographic jurisdiction of such statutes or rules.

(c) Any other mapping required by N.J.A.C. 7:15-5.16 through 5.18 may be included on one or more of the main maps listed in (b) above, or on other 1:24,000 scale maps.

7:15-5.21 Geographic overlap between wastewater management plans prohibited

(a) After the effective date of this subchapter, the Governor or his designee shall not adopt a wastewater management plan that maps, under N.J.A.C. 7:15-5.18(c)1 or 4, any DTW or sewer service area outside the existing wastewater management plan area for that wastewater management plan, so long as that DTW or sewer service area is within a separate wastewater management plan area for which a separate, adopted wastewater management plan is in effect.

(b) To avoid geographic overlap prohibited by (a) above, existing assignments of wastewater management plan responsibility may be changed under N.J.A.C. 7:15-5.9, and adopted wastewater management plans may be amended or repealed under N.J.A.C. 7:15-3.4.

7:15-5.22 Consultation and consent for wastewater management plans

(a) Every wastewater management planning agency that prepares a wastewater management plan, and every governmental unit or other person that prepares an amendment to a wastewater management plan, shall, during such preparation, notify and seek comments from and offer to confer with:

1. All governmental units that have regulatory or planning jurisdiction over wastewater or land use in that wastewater management plan area, or in any additional sewer service area identified or being considered for identification under N.J.A.C. 7:15-5.16(a)6 or 5.18(c)4. Such governmental units shall include, but not be limited to: designated planning agencies, wastewater management planning agencies, county planning boards, municipal governing bodies and planning boards, sewerage authorities, municipal authorities, joint meetings, the Passaic Valley Sewerage Commissioners, the Hackensack Meadowlands Development Commission, the Pinelands Commission, and the Delaware River Basin Commission, as appropriate.

2. All governmental units and public utilities, and all vendors of wastewater treatment systems or services under the "New Jersey Wastewater Treatment Privatization Act", N.J.S.A. 58:27-1 et seq., that:

- i. Own, lease, operate, or maintain DTW that receive wastewater that arises within, or that is conveyed into or through, that wastewater management plan area, or in any additional sewer service area identified or being considered for identification under N.J.A.C. 7:15-5.16(a)6 or 5.18(c)4;

- ii. Are parties to contracts for such DTW;

- iii. Are permittees or co-permittees under N.J.A.C. 7:14A for such DTW; or

- iv. Are projected in a draft or previously adopted wastewater management plan for that wastewater management plan area to perform activities listed in (a)2 i, ii or iii above.

3. The criteria in (a)2 i through iv above are exclusive of collection facilities for sewage that arises only on nonresidential property owned or leased by the governmental unit, public utility, or vendor.

(b) Under N.J.A.C. 7:15-3.4(d)3 and (g)4, written statements of consent for wastewater management plans shall generally be requested from, at a minimum, the governing bodies of each of the governmental entities and sewerage agencies that are required to be notified under (a) above.

(c) Wastewater management plans relating to the New Jersey Coastal Zone, the Hackensack Meadowlands District, the Pinelands Area, or the Pinelands National Reserve are also subject to the requirements of N.J.A.C. 7:15-3.6 or 3.7, as appropriate.

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

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

In (b): "written statements of consent" was "endorsements".

7:15-5.23 Schedule for submission of wastewater management plans

(a) Each wastewater management planning agency shall periodically prepare and submit wastewater management plans as requests to amend areawide WQM plans under N.J.A.C. 7:15-3.4. The first such submission shall be made in accordance with the schedule established in (b) through (e) below. Thereafter, an updated wastewater management plan shall be submitted at least once every six years from the date of the previous submission. Alternative schedules for submission of wastewater management plans may be established and changed under (f) or (g) below. Early submissions of wastewater management plans may also be made under (j) below.

(b) The following governmental units shall submit wastewater management plans by October 2, 1990 or within 12 months after the creation of the governmental unit, whichever is later, if such units have wastewater management plan responsibility under N.J.A.C. 7:15-5.4 through 5.7:

1. Designated planning agencies;
2. The Passaic Valley Sewerage Commissioners;
3. County utilities authorities;
4. Regional authorities; and
5. Multi-county joint meetings.

(c) Other sewerage authorities, municipal authorities, joint meetings, and municipalities that have wastewater management plan responsibility under N.J.A.C. 7:15-5.6 through 5.8 shall submit wastewater management plans during the period specified in the following table or within 12 months of the creation of the governmental unit, whichever is later:

Location of Wastewater Management Plan	Period of Submission
Burlington, Cape May, Middlesex, Ocean, Passaic, and Union Counties	October 3, 1990 through October 2, 1991
Atlantic, Morris, Salem, Sussex, and Warren Counties	October 3, 1991 through October 2, 1992
Bergen, Essex, Gloucester, Hunterdon, and Monmouth Counties	October 3, 1992 through October 2, 1993
Camden, Cumberland, Hudson, Mer- cer, and Somerset Counties	October 3, 1993 through October 2, 1994

(d) Notwithstanding the schedule in (b) and (c) above, if an entire wastewater management plan area is already addressed by one or more wastewater management plans identified in N.J.A.C. 7:15-5.2, the governmental unit that has wastewater management plan responsibility for that wastewater management plan area under N.J.A.C. 7:15-5.4 through 5.8 shall submit an updated wastewater management plan for that wastewater management plan area between October 3, 1994 through October 2, 1995, or within 12 months of the creation of the governmental unit, whichever is later.

(e) Each WQM plan amendment or WQM plan revision that makes or changes alternative assignments of wastewater management plan responsibility under N.J.A.C. 7:15-5.9 shall include a schedule for submission of the corresponding wastewater management plan. This requirement does not apply to automatic expansions of wastewater management plan areas under N.J.A.C. 7:15-5.11(b).

(f) Alternative schedules for submission of wastewater management plans, different from those set forth under (a) through (e) above, shall be established and subsequently changed only if such alternative schedules or changes there-to are adopted as amendments to areawide WQM plans under N.J.A.C. 7:15-3.4, or as revisions to WQM plans under (g) below. Amendments or revisions that change

alternative schedules may establish different alternative schedules, or, where reasonable, may restore schedules set forth under (a) through (e) above. Reasons that may justify the establishment or changing of alternative schedules include, but are not limited to:

1. Coordination of wastewater management plans with the preparation of municipal or county master plans under N.J.S.A. 40:55D-28 or N.J.S.A. 40:27-2, or with reexaminations under N.J.S.A. 40:55D-89;
2. Coordination between adjacent wastewater management plan areas;
3. The need for additional time to perform specific examinations required under N.J.A.C. 7:15-5.18(a)2;
4. Coordination of wastewater management plans with the schedules of the NJPDES programs or of financial assistance programs under N.J.A.C. 7:22; and
5. The need to stagger the submission of wastewater management plans so that the Department can better manage its corresponding workload under N.J.A.C. 7:15-3.4.

(g) With the consent of the Department and the wastewater management planning agency, an alternative schedule for submission of wastewater management plans may be established and changed by a WQM plan revision under N.J.A.C. 7:15-3.5, rather than by a WQM plan amendment under N.J.A.C. 7:15-3.4.

(h) The Department may at any time request a wastewater management planning agency to submit written reports on the progress that such agency is making in meeting its wastewater management plan responsibility. Such agency shall submit such reports to the ORP within 90 calendar days of receiving such requests.

(i) Each wastewater management plan that updates one or more already existing wastewater management plan shall comply with N.J.A.C. 7:15-5.20 and include:

1. Updated maps and descriptions of the then existing wastewater jurisdictions, service areas, and facilities under N.J.A.C. 7:15-5.16;
2. Updated maps of environmental features under N.J.A.C. 7:15-5.17; and
3. Updated maps and descriptions of future wastewater jurisdictions, service areas, and facilities under N.J.A.C. 7:15-5.18, with due regard to changes in factors discussed in that section, such as adoption of new or amended zoning ordinances or municipal or county master plans.

(j) At the written request of a person who seeks a WQM plan amendment that requires a wastewater management plan under N.J.A.C. 7:15-5.1(a), a wastewater management planning agency may submit a wastewater management plan at any time prior to the period when such submission is

required under (b) through (g) above. The establishment of an alternative schedule under (f) or (g) above is not required for such early submission.

Administrative Correction to Table 1 and (d): Inserted correct dates.
See: 22 N.J.R. 2001(b).

Administrative Correction to (d): incorporated omitted correction made at 22 N.J.R. 2001(b).

See: 25 N.J.R. 547(a).

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

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

In (h), "ORP" was "BWQP".

Case Notes

Staggering submission dates does not give rise to equal protection complaint. *New Jersey Builders Ass'n v. Fenske*, 249 N.J.Super. 60, 591 A.2d 1362 (A.D.1991).

Staggered submission plan is not unconstitutional taking of property. *New Jersey Builders Ass'n v. Fenske*, 249 N.J.Super. 60, 591 A.2d 1362 (A.D.1991).