

(1) Limitations based on N.J.A.C. 7:14A-12 Appendix C shall be used for discharges to FW2-TM (Category 2) waters only when the Department determines that all Surface Water Quality Standards, including antidegradation requirements, will be attained;

(2) Limitations based on N.J.A.C. 7:14A-12 Appendix C shall be used for new sources or expanded direct discharges discharging to a waterbody only after consideration by the Department of the basis for any effluent limitations in place for existing discharges to the waterbody; and

(3) Limitations based on N.J.A.C. 7:14A-12 Appendix C shall be used for new sources or expanded direct discharges discharging to a waterbody only after consideration by the Department of the potential effects of the discharge on downstream high quality waters or rare or endangered species habitat, the effective dilution at the point of discharge, or any other appropriate site specific factors.

iii. Limitations based on N.J.A.C. 7:14A-12 Appendix C shall not be used where the Department determines that insufficient assimilative capacity is available in the receiving waterbody to allow the proposed discharge and to ensure that the Surface Water Quality Standards will be attained.

iv. When limitations based on N.J.A.C. 7:14A-12 Appendix C are requested by an applicant, the Department shall evaluate existing data to determine, if possible, whether the receiving waterbody is currently attaining the Surface Water Quality Standards. Where the waterbody is not currently attaining the SWQS, for the pollutants for which the N.J.A.C. 7:14A-12 Appendix C effluent limitations are requested, such, effluent limitations shall not be used.

v. Effluent limitations developed in accordance with N.J.A.C. 7:14A-13.4 or 13.6 which are more stringent than the limitations based on N.J.A.C. 7:14A-12 Appendix C shall be imposed when such limitations are developed. Limitations based on N.J.A.C. 7:14A-12 Appendix C which have been imposed on each discharge shall be evaluated as a part of the TMDL process for each pollutant or pollutant parameter.

(d) DSW permits shall include effluent limitations based on a WQM Plan adopted in accordance with N.J.A.C. 7:15 unless limitations based on (a), (b), (c)1, or (c)2 above are more stringent.

(e) DSW permits shall include effluent limitations based on existing effluent quality when the Department determines that an effluent limitation is appropriate for the pollutant or pollutant parameter of interest and a limitation has not been established in accordance with (a) through (d) above.

Amended by R.2004 d.47, effective February 2, 2004.
See: 35 N.J.R. 169(a), 35 N.J.R. 1331(a), 36 N.J.R. 813(a).
In (b), added U.S.C. references.

Administrative change.

See: 38 N.J.R. 1445(a).

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

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

In the introductory paragraph of (c), deleted "and N.J.A.C. 7:14A-5.3" preceding "as"; in (c)1, substituted the second occurrence of "standards" for "standard"; and in (c)2, updated the fourth N.J.A.C. reference, deleted "for whole effluent toxicity" preceding "phosphorus" and substituted "standards" for "standard" following "treatment".

7:14A-13.4 Establishment of technology based limitations

(a) The discharge permit shall include technology based effluent limitations to control all toxic pollutants which the Department determines are or may be discharged at a level greater than the level which can be achieved by the technology-based requirements appropriate to the permittee under N.J.A.C. 7:14A-13.3(b)2.

(b) The Department may determine that surrogate limitations established in accordance with N.J.A.C. 7:14A-13.10 will provide controls for one or more of the pollutants identified under (a) above.

(c) In setting case-by-case technology based limitations, the following factors shall be considered:

1. For best practicable control technology (BPT) requirements:

- i. The total cost of application of technology in relation to the effluent reduction benefits to be achieved;
- ii. The age of the equipment and facilities involved;
- iii. The process employed;
- iv. The engineering aspects of the application of various types of control techniques;
- v. Process changes; and
- vi. Non-water quality environmental impacts, including energy requirements.

2. For best conventional pollutant control technology (BCT) requirements:

- i. The reasonableness of the relationship between the costs of attaining a reduction in the pollutant(s) and the benefits derived from the pollutant reduction;
- ii. Cost and level of treatment comparisons between DTWs and a class or category of industrial sources;
- iii. The age of the equipment and facilities involved;
- iv. The process employed;
- v. The engineering aspects of the application of various types of control techniques;
- vi. Process changes; and
- vii. Non-water quality environmental impacts, including energy requirements.

3. For best available technology (BAT) requirements for toxic pollutants and non-conventional pollutants:

- i. The age of the equipment and facilities involved;
- ii. The process employed;
- iii. The engineering aspects of the application of various types of control techniques;
- iv. Process changes; and
- v. Non-water quality environmental impacts, including energy requirements.

(d) The Department shall set a permit limit for a conventional pollutant at a level more stringent than the best conventional pollutant control technology, or a limit for a nonconventional pollutant which shall not be subject to modification under Section 301(c) or (g) of the Federal Act, where either (d)1 or 2 below apply. The permit fact sheet required by N.J.A.C. 7:14A-15.8 shall set forth the basis for the limitation, including a finding that compliance with the limitation will result in the BAT level of control of the toxic or hazardous pollutant discharges identified, and a finding that it would be economically or technically infeasible to directly limit the toxic or hazardous pollutant(s).

1. Effluent limitations guidelines specify the pollutant as a surrogate for a toxic or hazardous pollutant; or

2. The limitation reflects the BAT level of control of the discharge of one or more toxic or hazardous pollutants which are present in a waste stream, and a specific BAT limitation upon the toxic or hazardous pollutant(s) is not feasible for economic or technical reasons. The permit shall identify which toxic or hazardous pollutants are intended to be controlled by the use of the limitation.

(e) The Department shall set a permit limit for a conventional pollutant at a level more stringent than best conventional pollutant control technology when:

1. Effluent limitations guidelines specify the pollutant as an indicator for a hazardous substance; or

2. The limitation reflects best available technology level of control of the discharge of one or more hazardous substances which are present in a waste stream, and a specific best available technology limitation upon the hazardous substance(s) is not feasible for economic or technical reasons. The permit shall identify which hazardous substances are intended to be controlled by the use of the limitation. The statement of basis under N.J.A.C. 7:14A-15.7 or the permit fact sheet required by N.J.A.C. 7:14A-15.8 and 40 CFR Part 124.56 shall set forth the basis for the limitation, including a finding that compliance with the limitation will result in the best available technology level of control of the hazardous substances identified in the discharge, and a finding that it would be economically or technically infeasible to directly limit the hazardous substance(s).

(f) The Department shall not set a more stringent limit under (d) or (e) above if the method of treatment required to comply with the limit differs from that which would be required if the toxic pollutants or hazardous substances controlled by the limitation were limited directly.

(g) Toxic pollutants identified under (d) above shall be subject to the provisions of N.J.A.C. 7:14A-11.2 concerning establishing permit conditions.

(h) (Reserved)

(i) Technology based treatment requirements shall be applied prior to or at the point of discharge.

(j) Technology based treatment requirements cannot be satisfied through the use of non-treatment techniques such as flow augmentation and instream mechanical aerators. However, these techniques may be considered as an acceptable method of achieving ambient water quality standards on a case-by-case basis when:

1. The technology based treatment requirements applicable to the discharge are not sufficient to meet the ambient water quality standards;

2. The discharger waives any opportunity to request a variance under section 301(c), (g), or (h) of the Federal Act; and

3. The discharger demonstrates that such a technique is the preferred environmental and economic method to achieve the ambient water quality standards after consideration of alternatives such as advanced waste treatment, recycle and reuse, land disposal, changes in operating methods, and other available options.

(k) Except as provided below, technology based effluent limitations imposed in permits shall not be adjusted for pollutants in the intake water.

1. Upon request of the discharger, technology based effluent limitations or standards shall be adjusted to reflect credit for pollutants in the discharger's intake water if:

i. The applicable effluent standards specifically provide that they may be applied on a net basis; or

ii. The discharger demonstrates that the control system it proposes or uses to meet applicable technology based limitations and standards would, if properly installed and operated, meet the effluent limitations and standards in the absence of pollutants in the intake water;

2. The permit includes conditions requiring:

i. The permittee to conduct additional monitoring (for example, for flow and concentration of pollutants) as necessary to determine continued eligibility for and compliance with any such adjustments; and

ii. The permittee to notify the Department if eligibility for an adjustment under this section may no longer be applicable. In that case, the permit shall be modified accordingly under N.J.A.C. 7:14A-16.4(b)8;

3. Credit for generic pollutants such as biochemical oxygen demand (BOD) or total suspended solids (TSS) shall not be granted unless the permittee demonstrates that the constituents of the generic measure in the effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere;

4. Credit shall be granted only to the extent necessary to meet the applicable limitation or standard, up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine continued eligibility for credits and compliance with permit limits;

5. Credit shall be granted only if the discharger demonstrates that the intake water is drawn from the same body

of water into which the discharge is made. For the purposes of this provision, same body of water means any hydrologically connected waterbody provided chemical characteristics are essentially identical. Chemical characteristics may be evaluated on a parameter by parameter basis; and

6. The discharge of raw water clarifier sludge generated from the treatment of intake water shall not be adjusted for pollutants in the intake water.

(l) The development of technology based effluent limitations shall incorporate alternative effluent limitations or standards where warranted by fundamentally different factors under N.J.A.C. 7:14A-11.7(b)1.

(m) Technology based effluent limitations shall be established under this section for solids, sludges, filter backwash, and other pollutants removed in the course of treatment or control of wastewaters in the same manner as for other pollutants.

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

7:14A-13.6 Calculation of water quality based limitations

(a) When the Department determines pursuant to N.J.A.C. 7:14A-13.5 that a discharge causes, has the reasonable potential to cause, or contributes to an excursion above a Surface Water Quality Standard, a water quality based effluent limitation for each pollutant or pollutant parameter including WET, shall be determined in accordance with the USEPA TSD, as amended and/or supplemented, unless the permittee demonstrates that none of the methods in the TSD are applicable and that an alternative method will result in a water quality based effluent limitation that ensures compliance with the Surface Water Quality Standards.

(b) Water quality based effluent limitations for CPOs may be adjusted to address chlorine demand when the Department determines that such an adjustment is appropriate after review of additional information submitted in accordance with N.J.A.C. 7:14A-4.3(e). The adjustment for chlorine demand shall be applied only within the approved regulatory mixing zone as defined in the Surface Water Quality Standards at N.J.A.C. 7:9B.

Amended by R.2009 d.7, effective January 5, 2009.
See: 40 N.J.R. 1478(a), 41 N.J.R. 142(a).
Added (b).

7:14A-13.7 Determination of water quality based effluent limitations based on narrative criteria

(a) Where the Department has not established a numerical water quality criterion for a specific chemical pollutant but has determined that such a pollutant is present in an effluent at a concentration that causes, has the reasonable potential to cause, or contributes to an excursion or potential excursion above a narrative criterion in the Surface Water Quality Standards, the Department shall:

1. Establish effluent limitations using a calculated numeric criterion utilizing the best available scientific information and developed in accordance with N.J.A.C. 7:9B-1.6(c)4iii; or
2. Establish effluent limitations on a surrogate parameter (for example, whole effluent toxicity) for the pollutant of interest, in accordance with N.J.A.C. 7:14A-13.10, provided:
 - i. The permit identifies which pollutants are intended to be controlled by the use of the effluent limitation;
 - ii. The fact sheet sets forth the basis for the limit, including a finding that compliance with the effluent limit on the surrogate parameter will result in controls on the pollutant of concern which are sufficient to attain

and maintain applicable Surface Water Quality Standards;

iii. The permit requires the effluent and ambient monitoring necessary to show that during the term of the permit the limit on the surrogate parameter continues to attain and maintain applicable Surface Water Quality Standards; and

iv. The permit shall be reopened and limitations on the base parameters included therein if the limits on the surrogate parameter no longer attain and maintain applicable Surface Water Quality Standards.

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

7:14A-13.8 Calculation of effluent limitations using existing effluent quality

(a) Effluent limitations based on existing effluent quality shall be calculated according to the following procedure:

1. The maximum projected effluent concentration shall be calculated in accordance with the statistical method contained in the USEPA TSD, as amended and/or supplemented, unless the permittee demonstrates that the method in the TSD is not applicable and that an alternative statistical method more accurately estimates the maximum projected effluent concentrations.

i. The following conditions apply:

(1) If at least 10 data points are available, a site specific coefficient of variation shall be determined.

(2) If fewer than 10 data points are available, the permit shall require monitoring and include a reopener clause to include existing effluent quality limitations based on 10 or more data points.

(3) The 95 percent confidence interval and the 95 percent probability basis shall be used.

ii. Effluent data generated during a documented facility upset, or other unusual event which has been identified and appropriately remedied by the permittee, may be eliminated when determining effluent limitations based on existing effluent quality;

2. The maximum daily limitation shall be set equal to the maximum projected effluent concentration; and

3. The average monthly limitation shall be calculated from the maximum daily limitation according to the procedure described in N.J.A.C. 7:14A-13.6, using the sampling frequency required in the discharge permit. If the required sampling frequency is once per month or less, an average monthly limitation may be eliminated for that pollutant or pollutant parameter.

(b) Where an interim effluent limitation is required in accordance with N.J.A.C. 7:14A-13.11 for the time period prior to the effective date of a final effluent limitation, limitations

reflecting existing effluent quality shall be calculated in accordance with (a) above.

7:14A-13.9 Seasonal effluent limitations

(a) Seasonal water quality based effluent limitations for continuous discharges may be developed in accordance with the following:

1. The permittee shall submit the necessary water quality studies that address any effects or potential effects on nutrient cycling and potential or actual adverse biological impacts in other waterbody segments related to nutrients.

2. The seasonal limitations shall be developed from a seasonal TMDL or a seasonal site specific allocation for the specific pollutant(s) or pollutant parameter(s) which addresses critical conditions applicable to each season for which an effluent limitation is requested.

3. Seasonal water quality based effluent limitations shall be developed only for the following parameters and groups of parameters and only insofar as the warm weather limitations cannot be achieved due to decreases in biological treatment efficiency during cold weather:

- i. Parameters affecting dissolved oxygen dynamics in the receiving stream;
- ii. Nutrients, including phosphorus and nitrogen; and
- iii. Ammonia-N, to protect against toxic effects in the receiving water.

4. Except as specified at (a)5 below, seasonal water quality based effluent limitations shall be developed for two seasons in each year.

5. Seasonal WLAs or site specific allocations may be developed for shorter periods of time including more than two seasons, when the United States Geological Survey provides a reliable estimate of applicable stream design flows from a gauging station located in the vicinity of the discharge location.

7:14A-13.10 Surrogate effluent limitations

(a) Surrogate limitations may be included in a discharge permit in accordance with the following:

1. The permittee shall submit a written request to the Department which includes the specific parameter(s) to be used as a surrogate and specifically lists the base parameter(s) for which the surrogate parameter is requested;

2. The request shall include a detailed report demonstrating that the requested surrogate parameter is a reliable, precise and accurate surrogate. This report shall include, at a minimum, effluent data demonstrating the relationship, including the value(s) of the surrogate parameter(s) corre-

sponding to the limitation(s) for the base parameter(s), between the proposed surrogate(s) and the parameters for which the surrogate is requested;

3. Where the Department approves the use of a surrogate, the fact sheet for the draft permit shall set forth the basis for the limit, including a finding that compliance with the effluent limit for the surrogate parameter shall result in controls on the pollutant of interest which are sufficient to attain the applicable effluent limitations. The permit shall identify which pollutants are intended to be controlled by the use of the surrogate limitation;

4. If the permit includes a limitation for the surrogate parameter(s) with a basis separate from the use of the parameter as a surrogate, the surrogate limitation(s) may be included in addition to any limitation for the surrogate parameter based on technology, water quality concerns, or effluent standards;

5. Where an effluent limitation is being imposed on a delegated local agency in accordance with N.J.S.A. 58:10A-7b(3) for categorical or other pollutants, the permittee may request the use of surrogate parameters in accordance with the following additional requirements:

i. Where a delegated local agency has requested that whole effluent toxicity be considered as the surrogate parameter for a limitation calculated for a toxic pollutant, the Department may presume that, subsequent to the effective date of the whole effluent toxicity limitation, compliance with the water quality based whole effluent toxicity limitation satisfies the report submittal requirements specified in (a)2 above;

ii. Upon its determination that the requested surrogate parameter is an appropriate and reliable surrogate, the Department shall include in the discharge permit effluent limitations for both the surrogate parameter(s) and the base parameter(s). Compliance with the base parameter(s) shall be determined based on compliance with the surrogate parameter; and

iii. The permit shall require that, if the surrogate parameter is exceeded, the effluent limitations covered by the surrogate shall become effective upon notification by the Department, unless the permittee demonstrates that the base parameters were not exceeded at the time that the surrogate parameter was exceeded. The permit may also include procedures for re-establishment of the use of a surrogate parameter;

6. The permit shall require the monitoring necessary to demonstrate that during the term of the permit the limit on the surrogate parameter continues to attain and maintain applicable effluent limitations. The permit shall require monitoring of the surrogate parameter and may also require monitoring of the base parameter(s) covered by the surrogate parameter;

7. The permit shall be reopened and modified to include limitations on the base parameter(s) if the Department determines that the surrogate parameter(s) no longer ensure attainment of the applicable effluent limitations for the base parameter(s); and

8. The Department, upon its own initiative, may include a limitation for a surrogate parameter irrespective of

a request by the affected permittee provided the fact sheet sets forth the basis for the limit, including a finding that compliance with the effluent limit on the surrogate parameter will result in controls on the pollutant of concern that are sufficient to attain the applicable effluent limitations and the permit conditions in (a)5 and 6 above are satisfied.

comprehensive toxicity identification/ reduction phase specified in (a)6 above. If the permittee selects this option, a project work plan approved by the Department shall be submitted in lieu of the project work plan specified in (a)7 above. This option shall be limited to permittees with discharges to non-tidal, freshwater receiving waters where a regulatory mixing zone of a defined size and shape has been established for the discharge. The study shall be completed and submitted to the Department for evaluation within two years of selecting this alternative.

i. Where the results of an instream verification study definitively demonstrate that there are no existing or potential adverse impacts from the discharge, the Department shall determine that the permittee is exempt from the requirements of (a)6 above.

ii. If the data submitted for this study are deemed insufficient by the Department to make a determination that there are no existing or potential adverse impacts from the discharge, the permittee shall initiate the comprehensive toxicity identification and reduction evaluation requirements of (a)6 above within 90 days of notification by the Department that the instream verification study was insufficient to make a determination.

iii. The instream verification study shall be completed in accordance with the approved project work plan. Evaluation of the instream data may also require completion of a mixing zone study.

7:14A-13.18 Inclusion of action levels for water quality based effluent limitations

(a) Where the Department has developed water quality based effluent limitations utilizing a chemical equilibrium which includes non-limited pollutants or pollutant parameters which control the chemical equilibrium, action levels for the controlling pollutants or pollutant parameters equal to the values used in the chemical equilibrium calculation shall be included in the permit as permit monitoring conditions.

(b) For ammonia-N limitations, action levels shall be determined and included for pH and may be included for temperature, alkalinity or hardness.

(c) For those metals where the applicable criterion is dependent on hardness, an action level shall be included for hardness.

(d) If the discharge is not in conformance with the applicable action level for a period of time not to exceed the duration of the applicable criterion, the permittee shall take the specific actions stipulated in the discharge permit. These actions may require the permittee to:

1. Collect the necessary instream data during the period of the non-conformance to determine if the instream criteria were exceeded during the period of non-conformance; and

2. Prepare and submit with the monthly DMR, a report which details the frequency and duration of any non-conformance with the action levels as set forth in the permit and includes all instream and effluent data collected during periods of non-conformance.

(e) If the action levels set forth in the permit are exceeded more frequently than once in any monthly monitoring period, the action levels shall be re-evaluated and, if necessary, the effluent limitations associated with those action levels shall be recalculated. The permit shall be reopened and modified to include the updated effluent limitations and the associated action levels. The permit shall be reopened and modified to adjust the action levels and/or the effluent limitations if monitoring data demonstrate that the discharge causes, contributes, or has the reasonable potential to cause or contribute to an exceedance of the surface water quality standards at N.J.A.C. 7:9B.

(f) The following concern whole effluent toxicity (WET) action levels:

1. Action levels for acute WET shall be established as follows:

i. When the Department determines that an acute WET WQBEL is the appropriate limit in accordance with N.J.A.C. 7:14A-13.5 and 13.6, and is less stringent than an existing and effective WET effluent limitation of an $LC50 \geq 50$ percent, the Department shall include the WQBEL in the renewal permit, but retain the $LC50 \geq 50$ percent as an action level.

ii. When the Department determines that the discharge from a facility does not cause or have the reasonable potential to cause an excursion above the Surface Water Quality Standard for WET, as determined by N.J.A.C. 7:14A-13.5, and the permit contains an existing and effective WET effluent limitation of an $LC50 \geq 50$ percent, the Department shall retain this value as an action level in the renewal permit.

iii. When the Department determines that a chronic WET WQBEL is the appropriate limit in accordance with N.J.A.C. 7:14A-13.5 and 13.6 and the permit contains an existing and effective WET effluent limitation of an $LC50 \geq 50$ percent, the Department shall not include a WET action level in the renewal permit.

iv. An action level for WET established in a permit may be carried forward into a renewal permit as a permit condition, unless a more stringent WQBEL is included in the permit.

2. If two out of six consecutive acute WET tests demonstrate that the effluent exceeds the acute WET action level, the permittee shall initiate a toxicity reduction evaluation in accordance with N.J.A.C. 7:14A-13.17.

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

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

Added (f).

7:14A-13.19 Antibalancing

(a) Except as provided for under Section 402(o) of the Federal Act (33 U.S.C. § 1342(o)), when a permit is modified, renewed or reissued, all effluent limitations or standards shall be at least as stringent as the final and effective effluent limitations or standards in the previous permit.

7:14A-13.20 Limitations for non-continuous discharges

(a) In addition to applicable requirements specified in N.J.A.C. 7:14A-13.2 through 13.19, discharges which are not continuous shall be specifically described and limited by one or more of the following measures, as appropriate:

1. Frequency (for example, a discharge shall not occur more often than once every three weeks);
2. Total mass (for example, a discharge shall not exceed 100 kilograms of zinc and 200 kilograms of copper per batch discharge);
3. Maximum rate of discharge of pollutants during the discharge event (for example, the discharge shall not exceed two kilograms of zinc per minute);
4. Maximum concentration of pollutants (for example, the concentration shall not exceed one milligram per liter of zinc); and
5. Prohibition or limitation of specified pollutants by mass, concentration, or other appropriate measure (for example, a discharge shall not contain more than 0.1 mg/L of zinc at any time or more than 250 grams of zinc in any batch discharge).

7:14A-13.21 Implementation of water quality based effluent limitations

(a) The implementation procedures in (b) through (e) below shall be utilized by the Department as a process to incorporate water quality based effluent limitations in discharge permits to ensure compliance with the Surface Water Quality Standards.

(b) Whole effluent toxicity shall be incorporated in discharge permits where a water quality based whole effluent toxicity limitation is required in accordance with N.J.A.C. 7:14A-13.5, water quality based whole effluent toxicity limitations shall be determined and incorporated into the discharge permit in accordance with N.J.A.C. 7:14A-13.6. The permit may include a schedule to achieve compliance with the water quality based limit.

1. Where a water quality based whole effluent toxicity limitation is not required, the discharge permit may still include a whole effluent toxicity action level in accordance with N.J.A.C. 7:14A-13.18(f).

(c) Limitations for new sources, new discharges, or expanded direct discharges shall be established as follows:

1. Water quality based limitations for chemical specific parameters shall be incorporated into the discharge permit as required by N.J.A.C. 7:14A-13.5. Chemical specific limitations shall become effective on the effective date of the permit.

2. If a permittee/applicant qualifies in accordance with N.J.A.C. 7:14A-13.3 for limitations based on N.J.A.C. 7:14A-12 Appendix C for a specific pollutant, limitations for that pollutant may be incorporated into the discharge permit. The limitations shall become effective on the effective date of the permit. The effluent limitations shall be re-evaluated when a TMDL is adopted for the affected waterbody.

3. Where a water quality based whole effluent toxicity limitation is required in accordance with N.J.A.C. 7:14A-13.6, the water quality based limitation shall be incorporated into the discharge permit. The Department may include a compliance schedule not to exceed three years for water quality based whole effluent toxicity limitations.

4. Where a water quality based whole effluent toxicity limitation is not required, the discharge permit may still include a whole effluent toxicity action level in accordance with N.J.A.C. 7:14A-13.18(f).

(d) For site remediation discharges, the site remediation effluent standards at N.J.A.C. 7:14A-12 Appendix B shall be incorporated into the discharge permit unless a water quality based effluent limit is determined in accordance with N.J.A.C. 7:14A-13.5 and 13.6 or the discharge qualifies in accordance with N.J.A.C. 7:14A-13.3(c)5 for limitations based on N.J.A.C. 7:14A-12 Appendix C. The limitations shall become effective on the effective date of the permit unless the Department determines that a compliance schedule is appropriate and is included in the permit. The site remediation limitations may be re-evaluated in conjunction with the TMDL process for the affected waterbody.

(e) For existing discharges, water quality based effluent limitations shall be incorporated into discharge permits in accordance with the following schedule:

1. All water quality based effluent limitations that have been previously included in the discharge permit shall be included in the renewal or reissuance of the discharge permit, unless the Department makes a determination that the discharge does not have the reasonable potential to cause or contribute to an excursion above the Surface Water Quality Standards, or that modification of the limitation is consistent with N.J.A.C. 7:14A-13.16 and 13.19.

2. Whenever appropriate, water quality based effluent limitations for conventional and non-conventional pollutants, including, but not limited to biochemical oxygen demand (BOD) (or any parameter serving as a surrogate for BOD), nitrogen compounds including ammonia-N,

chlorine produced oxidants, total dissolved solids, and dissolved oxygen, shall be included in the discharge permit upon renewal or reissuance.

i. When a water quality based limitation is required to control dissolved oxygen dynamics in the receiving stream, the effluent limitations shall control both the carbonaceous and nitrogenous forms of BOD as necessary based on an evaluation of the reasonable potential of the discharge to cause or contribute to an exceedance of the water quality standards.

ii. Whenever possible, carbonaceous BOD (CBOD) shall be controlled through effluent limitations on CBOD5 or CBOD20. Limitations on both CBOD5 and CBOD20 may be imposed to ensure consistency with water quality management plans and/or the requirements of other agencies.

iii. Nitrogenous BOD (NBOD) shall be controlled through effluent limitations on NBOD, ammonia-N, total N, or a combination of these measures.

3. When insufficient data are available to determine water quality based limitations for any conventional or non-conventional pollutant at the time of permit renewal or issuance, the permittee may be required to complete a water quality study to determine appropriate water quality based effluent limitations. In certain cases, the permittee may elect to participate in a watershed-based TMDL study,

if the time frame for such study is determined to be acceptable by the Department.

Administrative change.

See: 38 N.J.R. 1445(a).

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

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

In (b)1 and (c)4, substituted "may still include a whole effluent toxicity action level in accordance with N.J.A.C. 7:14A-13.18(f)" for "shall include an acute whole effluent toxicity limitation in accordance with N.J.A.C. 7:14A-5.3".

SUBCHAPTER 14. MONITORING FREQUENCY
REQUIREMENTS APPLICABLE TO DSW AND
SIU PERMITS

7:14A-14.1 Purpose and scope

(a) This subchapter sets forth the monitoring frequency requirements for parameters included in DSW and SIU permits that are either monitored and limited, or monitored only.

(b) The Department shall specify alternative monitoring requirements in a permit, other than specified in this subchapter, for cause, provided the Department justifies such alternative monitoring requirements in the fact sheet for the draft permit.