

CHAPTER 22A

**SEWAGE INFRASTRUCTURE IMPROVEMENT
ACT GRANTS**

Authority

N.J.S.A. 13:1D-1 et seq., 40:55D-93 et seq., 58:10A-1 et seq., 58:11A-1 et seq., 58:25-23 et seq., P.L. 1989, c.181 and P.L. 1990, c. 28.

Source and Effective Date

R.1999 d.414, effective November 3, 1999.
See: 31 N.J.R. 2099(a), 31 N.J.R. 4012(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 22A, Sewage Infrastructure Improvement Act Grants, expires on May 2, 2005. See: 36 N.J.R. 5290(a).

Chapter Historical Note

Chapter 22A, Sewage Infrastructure Improvement Act Grants, was adopted as R.1990 d.69, effective February 5, 1990 with Subchapters 1 through 3 and 6. See: 21 N.J.R. 1948(a), 22 N.J.R. 368(a), 22 N.J.R. 563(b). Subchapter 4, Final Mapping and Monitoring Requirements, was adopted as R.1991 d.307, effective June 17, 1991. See: 22 N.J.R. 2870(a), 23 N.J.R. 1926(a). Subchapter 7, Interconnection/Cross-Connection Abatement Account Procedures and Requirements, was adopted as R.1993 d.409, effective August 16, 1993. See: 25 N.J.R. 1643(a), 25 N.J.R. 3760(a).

Pursuant to Executive Order No. 66(1978), Chapter 22A, Sewage Infrastructure Improvement Act Grants, was readopted as R.1995 d.47, effective December 22, 1994. See: 26 N.J.R. 3793(a), 27 N.J.R. 324(b).

Pursuant to Executive Order No. 66(1978), Chapter 22A, Sewage Infrastructure Improvement Act Grants, was readopted as R.1999 d.414, effective November 3, 1999. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

7:22A-1.1 Purpose

(a) This chapter prescribes the rules of the Department for the distribution of grant moneys to affected municipalities and other local government units to implement the requirements of the Act. The purpose of the rules is to prevent, control and abate water pollution caused by the discharge of untreated sewage and point and nonpoint source pollutants from stormwater sewer systems and combined sewer systems.

(b) In addition, this chapter is established to assure that the distribution and use of the moneys in the Fund is consistent with the Act and the policies of the State.

Amended by R.1991 d.307, effective June 17, 1991.
See: 22 N.J.R. 2870(a), 23 N.J.R. 1926(a).
Changed "measures" to "rules" in (a).

7:22A-1.2 Scope

(a) This chapter shall constitute the rules governing the Department's implementation of the Sewage Infrastructure Improvement Act, N.J.S.A. 58:25-23 et seq.

(b) The Act requires all affected municipalities to adopt a map of their stormwater sewer system, monitor stormwater outfall pipes and take appropriate abatement measures for interconnections, cross-connections and nonpoint sources of pollution.

(c) The Act requires any local government unit controlling or operating a combined sewer system within the State to provide appropriate pollution abatement measures at combined sewer overflow points.

(d) Any affected municipality may apply to the Department for a grant to prepare a preliminary map and inventory of their stormwater sewer system, or prepare a final map in accordance with N.J.A.C. 7:22A-4.

(e) Any local government unit authorized to control or operate a combined sewer system may apply to the Department for a grant for the planning and design of dry weather overflow elimination and/or solids/floatables reduction at combined sewer overflow points.

(f) This chapter also governs the Department's disbursement of funds from the Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989 (P.L. 1989, c.181) for the performance of activities required by the Sewage Infrastructure Improvement Act.

Amended by R.1991 d.307, effective June 17, 1991.

See: 22 N.J.R. 2870(a), 23 N.J.R. 1926(a).

Added "or prepare a final map in accordance with N.J.A.C. 7:22A-4" in (d).

Amended by R.1995 d.47, effective January 17, 1995.

See: 26 N.J.R. 3793(a), 27 N.J.R. 324(b).

7:22A-1.3 Construction of rules

This chapter shall be liberally construed to permit the Department to discharge its statutory functions under the Act and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

Amended by R.1991 d.307, effective June 17, 1991.

See: 22 N.J.R. 2870(a), 23 N.J.R. 1926(a).

Added "and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq."

7:22A-1.4 Definitions

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

"Act" means the New Jersey Sewage Infrastructure Improvement Act, N.J.S.A. 58:25-23 et seq.

"Affected municipality" means any municipality with a stormwater sewer system discharging directly into the salt waters of Monmouth, Ocean, Atlantic or Cape May counties.

"Allowable costs" means those costs that are eligible, reasonable, necessary and allocable to the project, permitted by generally accepted accounting principles, approved by the Department in the grant agreement, and/or otherwise determined to be allowable pursuant to this chapter.

"Applicant" means any local government unit or affected municipality that applies for financial assistance pursuant to the provisions of this chapter.

"Certified mail" means any means of delivery where proof of delivery is obtained and date of receipt is recorded.

“Cesspool” means a type of covered pit as defined in N.J.A.C. 7:9A-2.1.

"Combined sewer system" means a sewer system that is designed to carry sanitary sewage at all times and that is also designed to collect and transport stormwater from streets and other sources, thus serving a combined purpose.

"Combined sewer overflow" means the excess flow from a combined sewer system which is not conveyed to the plant for treatment, but transmitted by pipe or other channel directly to waters of the State.

"Combined sewer overflow abatement facilities" includes, but is not limited to, any equipment, plants, structures, machinery, or apparatus, or any combination thereof, acquired, used, constructed, or operated by or on behalf of a local government unit for storage, collection, reduction, recycling, disinfection, reclamation, disposal, separation or other treatment essential to the abatement of combined sewer overflows. Such abatement measures include the elimination of dry weather overflows and the reduction of solids/floatables at combined sewer overflow points.

"Combined Sewer Overflow Account" means the component of the Municipal Stormwater Management and Combined Sewer Overflow Abatement Assistance Fund or the Stormwater Management and Combined Sewer Overflow Abatement Fund, as determined by the Department, which will be used to provide grants to local government units for the planning and design of combined sewer overflow abatement facilities.

"Combined sewer overflow point" means a discrete point in a combined sewer system which provides for the release of combined sewer overflows.

"Cross-connection" means the permitted or unpermitted physical connection of a wastewater line to a stormwater sewer system. A cross-connection shall not include a physical connection where the wastewater line carries only stormwater.

"Department" means the New Jersey Department of Environmental Protection and its successors and assigns.

"Design" includes, but is not limited to, the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications and other action necessary to design appropriate abatement facilities.

"Discharge Allocation Certificate" (DAC) means the certificate issued by the Department pursuant to N.J.A.C. 7:14A-3.3 which designates the quantity and quality of pollutants which may be discharged by any person planning to undertake any activity which will result in a discharge to surface water or a substantial modification in a discharge to surface water.

"Domestic pollutant" means a pollutant which results from the discharge of household, commercial or other

wastes from bathrooms, toilet facilities, home laundries and kitchens which are predominantly the result of natural human waste elimination associated with bodily function and food preparation.

"Dry weather overflow" means a type of combined sewer overflow which is not the direct result of an increase in wastewater flows due to an event of precipitation.

"Economically disadvantaged individuals" as defined in 15 U.S.C. 637(a)(6) means those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged individuals.

"Excessive bacteria level" means a bacteria level above the standards set forth in N.J.A.C. 7:22A-4.7.

"Facilities" means any component or appurtenance of any sanitary or stormwater sewer system.

"Federal grant" means a grant awarded pursuant to section 201 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.) and any amendments or supplements thereto.

"Final map" means the map, required by N.J.S.A. 58:25-25, adopted by the affected municipality that locates, lists and numbers all stormwater sewer and sanitary sewer lines within the geographical boundaries of the municipality, which are part of any stormwater sewer system that discharges into surface waters. The map shall also identify all cross-connections and known interconnections between stormwater and sanitary sewer systems, and indicate whether the cross-connections have received a permit from the Department.

"Force account work" means the use of the recipient's own employees or equipment for approved planning or design related activities.

"Fund" means the Municipal Stormwater Management and Combined Sewer Overflow Abatement Assistance Fund established by the Sewage Infrastructure Improvement Act, N.J.S.A. 58:25-23 et seq., or the Stormwater Management and Combined Sewer Overflow Abatement Fund established by the Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989 (P.L. 1989, c.181).

"Grab sample" means a single sample collected at a particular time and place.

"Grant agreement" means a legal instrument executed between the State and a grant recipient which authorizes financial assistance and establishes the terms and conditions thereof to implement the provisions of this chapter.

"Grant modification" means any written alteration of the terms or conditions, budget or project method or other

administrative, technical or financial provisions of the grant agreement.

“Ground water” means water below the land surface in a zone of saturation.

“Governing body” means chief legislative body of a local government unit or affected municipality.

“Hazardous waste facility” means a facility used for treating, storing, or disposing of hazardous waste as defined in N.J.A.C. 7:26-1.4.

“Individual subsurface sewage disposal system” means a type of septic system as defined in N.J.A.C. 7:9A-2.1.

“Industrial establishment” means any place of business or real property as defined in N.J.A.C. 7:26B-1.3.

“Industrial pollutants” means any non-domestic pollutants, including but not limited to, those pollutants regulated under Section 307(a), (b) or (c) of the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq. and any amendments thereto.

“Interconnection” means the non-physical connection of sanitary sewer system with a stormwater sewer system. Interconnections may include, but are not limited to, leaks, flows or overflows from the sanitary sewer system into the stormwater sewer system, or vice versa.

“Interconnection/cross-connection abatement facilities” includes, but is not limited to, any equipment, plants, structures, machinery, or apparatus, or any combination thereof, acquired, used, constructed or operated by, or on behalf of, an affected municipality for storage, collection, reduction, recycling, disinfection, reclamation, disposal, separation or other treatment essential to the abatement of interconnections and/or cross-connections.

“Interconnection/Cross-Connection Abatement Account” means the component of the Municipal Stormwater Management and Combined Sewer Overflow Abatement Assistance Fund or the Stormwater Management and Combined Sewer Overflow Abatement Fund, as determined by the Department, which will be used to provide grants to affected municipalities for the planning or design of interconnection/cross-connection abatement facilities.

“Local government unit” means a county, municipality, or county sewerage or utility authority, municipal sewerage or utility authority, municipal sewerage district, joint meeting, or any other political subdivision of the State or public entity authorized to control or operate a combined sewer system.

“Municipality” means a city, town, borough, county, village, parish, district, association or other public body created by or under State law.

“NJPDES” means the “New Jersey Pollutant Discharge Elimination System” as defined in N.J.A.C. 7:14A-1.9.

“Nonpoint source” means a contributing factor to water pollution as defined in N.J.A.C. 7:14A-1.9.

“Person” means an individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, Federal or interstate agency, or an agent or employee thereof.

“Planning” includes, but is not limited to, the preliminary planning to determine the economic and engineering feasibility of appropriate abatement facilities.

“Pollutant” means the same definition of pollutant at N.J.A.C. 7:14A-1.9.

“Preliminary map” means the map which identifies the locations of stormwater outfalls and stormwater management basins within the geographical boundaries of an affected municipality in accordance with the requirements in N.J.A.C. 7:22A-3.10.

“Priority System, Intended Use Plan and Project Priority List” means the document through which projects are evaluated and ranked for funding eligibility by the Department in conformance with State law and the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.) and any amendatory or supplementary acts thereto.

“Project” means the defined services as approved by the Department in the grant agreement.

“Recipient” means any applicant which has received financial assistance pursuant to this chapter.

“Recycling center” means a facility designed to process recyclable materials as defined in N.J.A.C. 7:26-1.4.

“Salt waters” means waters having salinities generally greater than 3.5 parts per thousand at mean high tide.

“Sanitary sewer system” means a network of pipes, conduit or other physical facilities used to carry wastewater to a wastewater treatment facility. A sanitary sewer system shall not include a system which carries only stormwater.

“Scope of work” means the detailed description of the extent of services required to complete the project as specified in the grant agreement.

“Socially disadvantaged individuals” as defined in 15 U.S.C. 637(a)(5) means those individuals who have been subjected to racial and ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities. 15 U.S.C. 637(d)(3) presumes that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities.

“Solids/floatables” means any wastes or debris floating, suspended or otherwise contained in wastewater or waters of the State.

“Solid waste facility” means any system, site, equipment or building which is utilized for the storage, collection, processing, transfer, transportation, separation, recycling, recovering or disposal of solid waste but shall not include a recycling center.

“State” means the State of New Jersey.

“Stormwater” means waters which result primarily from surface runoff and includes street wash water and drainage.

“Stormwater management basin” means a basin which temporarily impounds stormwater runoff and discharges it through a hydraulic outlet structure or through infiltration to the surrounding soil. A stormwater management basin shall include but not be limited to detention basins, retention basins and infiltration basins.

“Stormwater outfall” means the endpoint of a stormwater sewer system, or any portion thereof, where there is a direct discharge to surface waters.

“Stormwater sewer” means a sewer intended to carry only stormwater.

“Stormwater sewer system” means the designed features within a municipality which collect, convey, channel, hold, inhibit or divert the movement of stormwater.

“Subagreement” means a written agreement between a recipient and another party and any lower tier agreement for services or supplies necessary to complete the project.

“Surface waters” means any waters of the State which are not ground water.

“Value engineering” means a specialized cost control technique which uses a systematic and creative approach to identify and to focus on unnecessarily high costs in a project in order to arrive at a cost saving without sacrificing the reliability or efficiency of the project.

“Viral indicator test” means an analytical methodology using the F+ RNA coliphages to distinguish between human and non-human contamination by serotyping the phages detected.

“Wastewater” means residential, commercial, industrial, or agricultural liquid waste, septage, stormwater runoff or any combination thereof, or other residue discharged or collected into a sanitary or stormwater sewer system, or any combination thereof.

“Wastewater treatment facilities” includes, but is not limited to, any equipment, plants, structures, machinery, apparatus, or land that shall be an integral part of the

treatment process or used for the ultimate disposal of residues resulting from such treatment, or any combination thereof, acquired, used, constructed, or operated by or on behalf of a local government unit for the storage, collection, reduction, recycling, reclamation, disposal, separation or other treatment of wastewater, wastewater sludges, septage or industrial wastes, including but not limited to, pumping and ventilating stations, treatment systems, plants and works, connections, extensions, outfall sewers, combined sewer overflows, intercepting sewers, trunklines, sewage overflows, sewage collection systems, and other equipment, personal property and appurtenances necessary thereto.

“Water Quality Management Plans” means the plans prepared pursuant to Section 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.).

“Waters of the State” means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of this State or subject to its jurisdiction.

Amended by R.1991 d.307, effective June 17, 1991.
See: 22 N.J.R. 2870(a), 23 N.J.R. 1926(a).

Added definitions—“Cesspool”; “Domestic pollutant”; “Excessive bacteria level”; “Grab sample”; “Hazardous waste facility”; “Individual subsurface sewage disposal system”; “Industrial establishment”; “Industrial pollutants”; “NJPDES”; “Nonpoint source”; “Person”; “Pollutant”; “Recycling center”; “Solid waste facility”; “Viral indicator test”.

Amended by R.1993 d.409, effective August 16, 1993.
See: 25 N.J.R. 1643(a), 25 N.J.R. 3760(a).

Amended by R.1995 d.47, effective January 17, 1995.
See: 26 N.J.R. 3793(a), 27 N.J.R. 324(b).

7:22A-1.5 Fund procedures

(a) The moneys appropriated pursuant to the Sewage Infrastructure Improvement Act and any interest earned thereon shall be deposited in a separate interest bearing account known as the Municipal Stormwater Management and Combined Sewer Overflow Abatement Assistance Fund. The moneys available pursuant to the Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989 shall be deposited in a separate interest bearing account known as the Stormwater Management and Combined Sewer Overflow Abatement Fund.

(b) The Department may provide grants to affected municipalities and other local government units to implement the requirements of this chapter.

(c) Prior to awarding any grant money from the Municipal Stormwater Management and Combined Sewer Overflow Abatement Assistance Fund pursuant to the Sewage Infrastructure Improvement Act, the Department shall, in writing, notify the presiding officers of both houses of the State Legislature of the applications received, the grant recipients, the amounts requested, the amounts to be awarded and the purposes for which the grants shall be used.

(d) The Department shall not award any grant money from the Stormwater Management and Combined Sewer Overflow Abatement Fund pursuant to the Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989 unless the expenditure is authorized pursuant to an appropriations act.

Amended by R.1993 d.409, effective August 16, 1993.
See: 25 N.J.R. 1643(a), 25 N.J.R. 3760(a).
Amended by R.1995 d.47, effective January 17, 1995.
See: 26 N.J.R. 3793(a), 27 N.J.R. 324(b).

7:22A-1.6 Administration and performance of grant agreements

The grant recipient is responsible for the administration and success of the project, notwithstanding any subagreements made by the recipient for accomplishing grant objectives. Although recipients are encouraged to seek the advice and opinion of the Department on problems that may arise, the giving of such advice shall not shift the responsibility for final decisions from the recipient to the Department. Moneys awarded pursuant to this chapter shall be used in conformance with the Act, this chapter and the provisions of the grant agreement to achieve the grant objectives and to insure that the purposes set forth in the Act are fully executed.

7:22A-1.7 Enforcement

(a) Failure by any person to comply with any requirement of the Act including, but not limited to, a violation of any rule, grant agreement, license, permit, or administrative order may result in a penalty assessed by the Department in accordance with N.J.A.C. 7:14-8 or any other enforcement action provided in the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

(b) Any municipality or public entity controlling or operating a stormwater sewer system with an unpermitted interconnection or cross-connection may bring an action in their name to require the elimination of these connections to their stormwater sewer systems in accordance with the penalty provisions of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

(c) In order to implement this chapter, all affected municipalities shall ensure that they have access to stormwater and sanitary sewer systems that are not municipally owned and operated. Affected municipalities may ensure such access by adopting an ordinance in accordance with N.J.S.A. 40:48-2; by adopting an ordinance, through their local board of health, in accordance with N.J.S.A. 26:3-33 or 3-64; by entering into agreements with private parties; or by other means that provide municipal access.

Amended by R.1993 d.409, effective August 16, 1993.
See: 25 N.J.R. 1643(a), 25 N.J.R. 3760(a).

7:22A-1.8 Noncompliance

(a) In addition to any other remedies as may be provided by law or by the grant agreement, in the event of noncompliance with any provision of the Act, any condition of the grant agreement or any requirement of this chapter, the Department may take any of the following actions or combinations thereof:

1. Issue a notice of noncompliance pursuant to N.J.A.C. 7:22A-1.9;
2. Withhold grant moneys pursuant to N.J.A.C. 7:22A-1.10;
3. Order suspension of project work pursuant to N.J.A.C. 7:22A-1.11;
4. Terminate the grant agreement or rescind the grant moneys pursuant to N.J.A.C. 7:22A-1.12 or N.J.A.C. 7:22A-1.13; and/or
5. Issue administrative orders of enforcement pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

7:22A-1.9 Notice of noncompliance

Where the Department determines that the recipient is not in compliance with any provision of the Act, any condition of the grant agreement, or any requirement of this chapter, it will notify the recipient of the noncompliance. The Department may require the recipient, its engineer and/or contractor to take and complete corrective action within 10 working days of receipt of notice. If the corrective action is not taken or the action taken is inadequate, then the Department may issue a stop-work order, withhold disbursement or seek other relief. The Department may, however, withhold disbursement or issue a stop-work order pursuant to N.J.A.C. 7:22A-1.10 and 1.11 without the prior issuance of a notice pursuant to this section.

7:22A-1.10 Withholding of funds

The Department may withhold, upon written notice to the recipient, grant disbursements or any portion thereof where it determines that a recipient has failed to comply with any provision of the Act, any condition of the grant agreement or any requirement of this chapter.

7:22A-1.11 Stop-work orders

(a) The Department may order work to be stopped for good cause, which shall include, but not be limited to the following:

1. Default by the recipient; or
2. Noncompliance with any provision of the Act, any requirement of this chapter or any provision of the grant agreement.

3. A description of the steps the applicant plans to take before receiving grant moneys that shall guarantee that at the time of signing of the grant agreement that the applicant shall be irrevocably committed to pay its share of the project costs;

4. An estimated budget of the applicant's project costs;

5. A list of the salt waters into which the applicant's stormwater sewer system discharges; and

6. Any other supplementary materials the Department requires.

(c) Each applicant shall submit a certified true sealed copy of a resolution passed by the applicant. The resolution shall:

1. Authorize the filing of an application for grant moneys for preliminary mapping and inventory;

2. Specify the individual, by name or title, authorized to sign the application on behalf of the applicant;

3. Commit the applicant to providing at least 10 percent of the project costs; and

4. Commit the applicant to comply with the Department's standards for the preliminary mapping and inventory as specified in N.J.A.C. 7:22A-3.

(d) The governing body of any applicant may contract with the county health department or other county health agency to conduct the inventory and prepare the preliminary map in accordance with the requirements of this subchapter.

7:22A-3.6 Application evaluation

(a) Each application shall be subject to:

1. Preliminary administrative review to determine the completeness of the application. Incomplete applications will be returned to the applicant with a letter detailing the deficiencies. Incomplete applications which are not amended to conform to the comments of the Department and resubmitted within the timeframe established by the Department may be denied;

2. Budget evaluation to ensure that the proposed project costs are reasonable, applicable and allowable; and

3. Final administrative evaluation.

(b) During the evaluation process, the recipient shall, upon the request of the Department, submit supplemental documents or information necessary for the Department to complete its full review of the application. The Department may suspend its evaluation until the additional information or documents have been received. Failure to submit the additional information or documents may be grounds for denial of the grant application.

7:22A-3.7 Department approval or disapproval

(a) After a final evaluation of a completed application, the Department shall take one of the following actions:

1. Approve the application for a grant and initiate the preparation of a grant agreement; or

2. Disapprove the application.

(b) The applicant shall be notified in writing of the Department's decision to disapprove an application.

(c) An applicant may amend and resubmit an application disapproved by the Department within the timeframe established by the Department.

7:22A-3.8 Reporting requirements

As specified in the grant agreement, the recipient shall submit a copy of the preliminary base map prepared in accordance with N.J.A.C. 7:22A-3.10, a copy of the narrative information prepared in accordance with N.J.A.C. 7:22A-3.11 and a narrative detailing the inventory information gathered in accordance with N.J.A.C. 7:22A-3.9.

7:22A-3.9 Inventory

(a) The recipient shall inventory all existing maps, where available, showing locations of stormwater and sanitary sewer systems. The maps may include tax maps, road maps, paper topographic maps, or other maps or combination of maps.

(b) The recipient shall inventory all existing studies, surveys and reports of the stormwater and sanitary sewer systems.

(c) All maps, studies, surveys, and reports gathered during the inventory shall be maintained on file at one central location that will be identified for the Department by the recipient.

7:22A-3.10 Preliminary mapping

(a) The preliminary map shall locate and number all stormwater outfalls and all stormwater management basin locations within the geographical boundaries of the affected municipality.

(b) At a minimum, stormwater outfalls and stormwater management basins shall be plotted on the March, 1986 quarter-quad mylar transparent 1:12,000 scale air photo maps and necessary overlays which are available through the Department. The recipient shall include street names for reference purposes.

(c) The recipient shall map all outfalls as a cross at the end of the pipe. Stormwater management basins shall be mapped as a cross within a circle at the outlet point.

(d) At a minimum, the locational accuracy for all outfall points and stormwater management basins shall be plus or minus 25 feet.

7:22A-3.11 Additional information

(a) The recipient shall include the following narrative information in the format provided by the Department with the preliminary map:

1. Information regarding all numbered stormwater outfall locations, including:

- i. The diameter of each outfall;
- ii. The approximate drainage area to each outfall, in acres;
- iii. Accessibility to each outfall;
- iv. The number and type of any regulating or treatment structures at each outfall (flow gauges, overflows, etc.);
- v. The pipe material of each outfall;
- vi. The presence of dry weather discharges from each outfall;
- vii. The general land use of the drainage area to each outfall;
- viii. The name of the receiving water for each outfall;
- ix. The owner of each outfall;
- x. The state plane coordinates of each outfall; and
- xi. A descriptive location of each outfall.

2. Information regarding all numbered stormwater management basins, including:

- i. The size of the basin in acre-feet;
- ii. The type of basin;
- iii. The type of spillway (if applicable);
- iv. The general land use of the drainage area to each basin;
- v. The name of the receiving water for each basin;
- vi. The owner of each basin;
- vii. The state plane coordinates of the outlet point of each basin; and
- viii. A descriptive location of each basin.

7:22A-3.12 Allowable project costs

(a) Project costs shall be allowed to the extent permitted by this chapter and the grant agreement. Allowable project costs may include:

1. Work performed by the recipient's personnel, or any party to a subagreement after the effective date of this chapter including salaries and fringe benefits for the recipient's personnel or persons hired to complete the project; and

2. Equipment and supplies necessary used solely to complete the project which shall include, but not be limited to, graphic materials, maps, vehicle operating costs, and protective clothing.

(b) Notwithstanding (a) above, the Department shall not participate in costs for work that the Department determines is not in compliance with this chapter or the specifications or requirements of subagreements or grant agreements. Costs for work not in compliance with this chapter, the subagreements or grant agreements are unallowable.

SUBCHAPTER 4. FINAL MAPPING AND MONITORING REQUIREMENTS

7:22A-4.1 Applicability

(a) All affected municipalities shall prepare and adopt a final map of their stormwater sewer and sanitary sewer system and perform monitoring of their stormwater in accordance with the requirements of this subchapter.

(b) Affected municipalities may apply for a grant to satisfy the final mapping requirements of this subchapter. However, if for any reason an affected municipality does not receive a grant, the affected municipality is not relieved of the requirement to comply with this subchapter.

7:22A-4.2 Reporting requirements

(a) On or before June 17, 1992 or within one year from the date of execution of the final mapping grant agreement, whichever comes later, all affected municipalities shall submit a copy of the final map, adopted by the governing body of the affected municipality and prepared in accordance with N.J.A.C. 7:22A-4.3, to the Department. The affected municipality shall submit any other submittals required by N.J.A.C. 7:22A-4.3 at the time of submittal of the final map.

(b) Within 12 months of the submittal of the final map in (a) above and yearly thereafter, all affected municipalities shall submit updated portions of the final map in accordance with N.J.A.C. 7:22A-4.3(g), to the Department.

(c) On or before October 17, 1991, all affected municipalities which did not receive a grant for preliminary mapping shall submit the information required under N.J.A.C. 7:22A-3.10 and 3.11 to the Department.

(d) On or before October 17, 1991, all affected municipalities shall submit an investigative priority list in accordance with N.J.A.C. 7:22A-4.4 to the Department.

(e) All affected municipalities shall submit a copy of the sampling data collected in accordance with N.J.A.C. 7:22A-4.5 to the Department within 20 working days from the date that the municipality receives the data from the laboratory. In no case shall this time period exceed 40 working days from the date of collection of the sample.

(f) All affected municipalities shall submit a priority list for quarterly monitoring in accordance with N.J.A.C. 7:22A-4.8(b) to the Department with the final map or by March 18, 1995, whichever is later.

(g) All affected municipalities shall submit a copy of the quarterly monitoring data collected in accordance with N.J.A.C. 7:22A-4.8 to the Department within 20 working days from the date that the municipality receives the data from the laboratory. In no case shall this time period exceed 40 working days from the date of collection of the sample. The submission shall note where sample analysis indicates that there are excessive levels of bacteria, as specified in N.J.A.C. 7:22A-4.7.

(h) All affected municipalities shall submit a quality assurance program plan and have the plan approved by the Department, in accordance with N.J.A.C. 7:22A-4.6(a), prior to taking any grab samples as required by N.J.A.C. 7:22A-4.5 and 4.8. The affected municipalities shall include the project specific information and submit the completed quality assurance program plan to the Department.

(i) All affected municipalities shall submit to the Department a notice of any interconnection and/or cross-connection that is found within 24 hours of the finding thereof. The notice shall include the location of the interconnection or cross-connection and the owner and operator of the system where the interconnection or cross-connection is found.

Amended by R.1993 d.409, effective August 16, 1993.
See: 25 N.J.R. 1643(a), 25 N.J.R. 3760(a).
Amended by R.1995 d.47, effective January 17, 1995.
See: 26 N.J.R. 3793(a), 27 N.J.R. 324(b).

7:22A-4.3 Final mapping

(a) The affected municipality shall prepare a final map which:

1. Delineates all public and private stormwater sewer lines that are located within the geographic boundaries of the affected municipality; and
2. Includes any previously mapped public and private sanitary sewage lines located within the geographical boundaries of the affected municipality.

(b) The scale of the final map shall be no larger than 1:1200 (one inch = 100 feet) and no smaller than 1:4800 (one inch = 400 feet).

(c) If the process used to develop the final map is a digital process the affected municipality shall submit to the Department a copy in digital form.

(d) All mapping shall be performed utilizing the New Jersey State plan coordinate system (feet). Either the North American Datum of 1927 or 1983 may be employed for the mapping process; however, after December of 1992 the North American Datum of 1983 shall be employed. The affected municipality shall indicate which datum was employed.

(e) The base maps used in developing the final map shall meet National Map Accuracy Standards. Tidelands maps, which have a scale of one inch = 200 feet, provide partial coverage of the coast. Affected municipalities may contact the Department to inquire about the availability of these maps for their municipality. If the tidelands maps provide full coverage of the affected municipality, these maps may be used as base maps for the final mapping.

(f) All base maps shall be certified by a licensed land surveyor or a certified photogrammetrist.

(g) Any new Global Positioning Satellite (GPS) observation shall be submitted to the Department. The coordinates of this observation and a detailed physical description of the location of this observation shall be included in this submittal.

(h) All features delineated as part of the final mapping shall be accurate to within 10 feet. A licensed professional (such as a professional planner or a professional engineer) shall certify the accuracy of the map.

(i) The affected municipality shall submit an identification of the field work (remote sensing, surveying, etc.) performed to locate the features delineated on the final map.

(j) The affected municipality shall include on the final map the following features associated with their stormwater sewer system:

1. The location of stormwater sewer pipes, including the lengths, sizes and types of pipes;
2. The location of stormwater outfalls, including the surface water classification, as set forth in the Surface Water Quality Standards, N.J.A.C. 7:9B, of the receiving water body at each outfall;
3. The location of any interconnection or cross-connection, including the access points where grab samples were taken in accordance with N.J.A.C. 7:22A-4.5(c) and (d);
4. Arrows indicating direction of flow within the pipe;
5. All stormwater sewer appurtenances, such as man-holes, siphons, pumping stations, catch basins, stormwater management basins, and inlet structures. These shall be

designated on the final map by suitable symbols and referenced by a legend near the title;

6. Elevations of street surfaces, sewer inverts, man-hole rims and inlet structures, if known;

7. The delineation of all lots presently served by individual subsurface sewage disposal systems or cesspools;

8. The location of all industrial establishments. The affected municipality shall designate on the final map by suitable symbols and referenced by a legend near the title, those industrial establishments that have floor drains or other conveyance facilities that discharge into the stormwater sewer system, and those industrial establishments where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products or industrial machinery are exposed to stormwater;

9. The location of all hazardous waste facilities, solid waste facilities and recycling centers; and

10. Street names.

(k) The affected municipality shall include on the final map the following features, associated with the sanitary sewer system:

1. The location of previously mapped sanitary sewage pipes, including the lengths, grades, sizes and types of pipes;

2. Arrows indicating direction of flow within the pipe;

3. All sanitary sewer manholes whether previously mapped or not;

4. All previously mapped sanitary sewer appurtenances, such as siphons and pumping stations. These shall be designated on the final map by suitable symbols and referenced by a legend near the title;

5. Elevations of street surfaces, sewer inverts, man-hole rims and inlet structures, if known; and

6. Street names.

(l) The affected municipality shall establish a numerical reference system for the structures located on the final map.

(m) The affected municipality shall submit the NJPDES permit number of any permitted cross-connection identified on the final map. Where an unpermitted cross-connection discharges industrial pollutants, the affected municipality shall submit the name and address of the person responsible for the cross-connection. Where an unpermitted cross-connection discharges domestic pollutants, the affected municipality shall eliminate or cause to be eliminated the cross-connection.

(n) The affected municipality shall submit the list of the potential nonpoint sources of pollution as required by N.J.A.C. 7:22A-4.5(e)2.

(o) The affected municipality may choose to produce two separate maps, one of their separate stormwater sewer system and one of their sanitary sewage system. These maps shall be produced at the same scale and shall follow the requirements of this section. These maps shall contain, at a minimum, four registration points to allow alignment of the maps when overlaid.

(p) The affected municipality shall identify all features on the final map which are neither owned nor operated by the municipality. For those features, the affected municipality shall include a separate list of the owners and/or operators.

(q) After the submission of the final map, all affected municipalities shall maintain and annually update any portion of the final map to incorporate changes or additions to the stormwater and sanitary sewer systems. The updated maps shall also incorporate any interconnections or cross-connections discovered or eliminated after adoption of the final map.

Amended by R.1995 d.47, effective January 17, 1995.
See: 26 N.J.R. 3793(a), 27 N.J.R. 324(b).

7:22A-4.4 Investigative priority listing

(a) All affected municipalities shall submit a priority list for the Department's approval which identifies the order in which the stormwater sewer systems will be investigated. The priority list shall include for each stormwater outfall the surface water classification, established in the Surface Water Quality Standards, N.J.A.C. 7:9B, for the waterbody into which the outfall discharges. The priority list shall include the stormwater outfall number established in N.J.A.C. 7:22A-3.10(a) and shall be based on the following priorities, unless the affected municipality demonstrates to the satisfaction of the Department that other priorities should be used due to site-specific conditions:

1. Dry weather discharges from stormwater outfalls discharging to ocean front waters in or adjacent to bathing areas;

2. Dry weather discharges from stormwater outfalls discharging to estuarine waters in or adjacent to bathing areas;

3. Wet weather discharges from stormwater outfalls discharging to ocean front waters in or adjacent to bathing areas;

4. Wet weather discharges from stormwater outfalls discharging to estuarine waters in or adjacent to bathing areas;

5. Dry weather discharges from stormwater outfalls discharging to estuarine waters in or adjacent to approved, seasonal or special restricted shellfish growing waters (in that order) as established in N.J.A.C. 7:12;

6. Dry weather discharges from stormwater outfalls discharging to ocean waters in or adjacent to approved, seasonal or special restricted shellfish growing waters (in that order) as established in N.J.A.C. 7:12;

7. Wet weather discharges from stormwater outfalls discharging to estuarine waters or ocean waters in or adjacent to approved, seasonal or special restricted shellfish growing waters (in that order) as established in N.J.A.C. 7:12;

8. Any other dry weather discharges from stormwater outfalls; and

9. All other wet weather discharges from stormwater outfalls.

(b) After the submission of the final map in accordance with N.J.A.C. 7:22A-4.3, the affected municipality may, based on information discovered through final mapping, submit an updated priority list.

Amended by R.1995 d.47, effective January 17, 1995.
See: 26 N.J.R. 3793(a), 27 N.J.R. 324(b).

7:22A-4.5 Identification of interconnections and cross-connections

(a) All affected municipalities shall identify all interconnections and cross-connections by investigating, in the order established in the priority list approved in N.J.A.C. 7:22A-4.4, the stormwater sewer systems within the municipality.

(b) Prior to the submission of the final map in accordance with N.J.A.C. 7:22A-4.3, all affected municipalities shall investigate at least one-third of the stormwater outfalls in accordance with (c) and (d) below. The affected municipality shall investigate the remaining stormwater outfalls by June 17, 1994 or within three years of the date of the execution of the final mapping grant agreement, whichever comes later.

(c) All affected municipalities shall investigate for the presence of interconnections and cross-connections by either:

1. Taking one grab sample of the discharge from the stormwater outfall and analyze that sample for the presence of bacterial contamination in accordance with N.J.A.C. 7:22A-4.6. If the sampling indicates excessive levels as specified in N.J.A.C. 7:22A-4.7, the affected

municipality shall identify the source of the contamination in accordance with (d) below; or

2. Taking one grab sample of the discharge from the stormwater outfall and performing a viral indicator test on that sample in accordance with N.J.A.C. 7:22A-4.6. If the test indicates that the stormwater is contaminated by a human source, the affected municipality shall identify the source of the human contamination in accordance with (d) below. If the test indicates that the stormwater is not contaminated by a human source, the affected municipality shall comply with the requirements in (e)2 below; or

3. Not performing any initial sampling or testing at the stormwater outfall, thereby foregoing the need to wait for analytical results, and assume that the discharge from the stormwater outfall would either indicate excessive levels of bacterial contamination or indicate contamination by a human source. Using this option, the affected municipality may forgo the sampling or testing of each stormwater outfall required in (c)1 or 2 above and proceed to identify any sources of contamination in accordance with (d) below. In no case shall any affected municipality forgo the sampling or testing on the assumption that the discharge from the stormwater outfall is not contaminated.

(d) The affected municipality shall, unless otherwise directed by the Department, isolate and identify the source of the contamination as follows:

1. Taking grab samples throughout the stormwater sewer system and doing one of the following:

i. Analyzing the samples for the presence of bacterial contamination in accordance with N.J.A.C. 7:22A-4.6. Where sampling has been performed in accordance with (c)1 above, the affected municipality shall continue taking grab samples at access points, such as manholes or catch-basins, upstream in the stormwater collection system until excessive levels of bacteria are no longer evident. Where outfall sampling has not been performed in accordance with (c)1 above, the affected municipality shall begin taking grab samples at the stormwater outfall; or

ii. Performing the viral indicator test in accordance with N.J.A.C. 7:22A-4.6. Where testing has been performed in accordance with (c)2 above, the affected municipality shall continue taking grab samples at access points, such as manholes or catch-basins, upstream in the stormwater collection system until the test no longer indicates human contamination. Where outfall testing has not been performed in accordance with (c)2 above, the affected municipality shall begin taking grab samples at the stormwater outfall; and

2. Using smoke testing, dye testing, video investigations, or any other analysis approved by the Department. If the tests indicate that the contamination results from an interconnection or cross-connection, the affected municipality shall comply with the requirements in (e)1 below. If the tests indicate that the contamination does not result from an interconnection or cross-connection, the affected municipality shall comply with the requirements in (e)2 below.

(e) Once the affected municipality identifies the source:

1. All affected municipalities shall eliminate, or cause to be eliminated, any interconnection or unpermitted cross-connection identified within the boundaries of the municipality. Any affected municipality or public entity controlling or operating the stormwater sewer system may require the elimination of any interconnection or unpermitted cross-connection with the use of the penalty procedures in N.J.A.C. 7:22A-1.7.

2. Contamination which does not originate from an interconnection or cross-connection (that is, nonpoint source pollution) shall be identified on a list containing the following:

- i. The isolated source area of the contamination using a narrative reference to the final map; and
- ii. A listing of the possible nonpoint sources of contamination based on observations and conclusions derived from investigating the isolated source area.

Amended by R.1993 d.409, effective August 16, 1993.
See: 25 N.J.R. 1643(a), 25 N.J.R. 3760(a).
Amended by R.1995 d.47, effective January 17, 1995.
See: 26 N.J.R. 3793(a), 27 N.J.R. 324(b).

7:22A-4.6 Sampling and testing requirements

(a) Prior to taking any grab samples as required by N.J.A.C. 7:22A-4.5 and 4.8, all affected municipalities shall submit a quality assurance program plan and have the plan approved by the Department. Any method used for sampling, testing or investigation shall be a method approved by the Department.

(b) All affected municipalities shall have all grab samples analyzed by a State certified laboratory which utilizes analytical methods approved by the Department pursuant to N.J.A.C. 7:18. For a laboratory performing the viral indicator test, the laboratory shall be certified in the microbiological category.

(c) All affected municipalities shall include the following information along with the data collected in accordance with N.J.A.C. 7:22A-4.5 and 4.8:

1. The number assigned to the outfall where the sample was collected;

2. The location of the outfall where the sample was collected;

3. The location of the grab samples taken throughout the stormwater system in accordance with N.J.A.C. 7:22A-4.5(d)1;

4. The date and time the sample was collected;

5. An identification of the sample as either a "wet weather" or "dry weather" sample. If a "dry weather" sample, include a description of the discharge, such as color, turbidity, odor, etc.; and

6. The method used to analyze the sample.

(d) All affected municipalities shall perform sampling or testing in accordance with N.J.A.C. 7:22A-4.5 and 4.8 as follows:

1. When performing sampling in accordance with N.J.A.C. 7:22A-4.5(c)1 or quarterly sampling in accordance with N.J.A.C. 7:22A-4.8, a grab sample shall be sampled for the presence of the following bacterial indicators:

- i. Total coliform;
- ii. Fecal coliform; and
- iii. Enterococci.

2. When performing sampling in accordance with N.J.A.C. 7:22A-4.5(d)1i, a grab sample shall be sampled for the presence of the following bacterial indicators:

- i. Fecal coliform; and
- ii. Enterococci.

3. When testing in accordance with N.J.A.C. 7:22A-4.5(c)2 and (d)1ii, a grab sample shall be tested using the viral indicator test, if the test is approved by the Department.

(e) When sampling or testing a stormwater outfall which is submerged or partially submerged, grab samples shall be collected at the manhole closest to the outfall which is not influenced by the receiving water.

(f) Wet weather grab samples shall be collected from the stormwater discharge resulting from a storm event that is greater than .1 inch and at least 72 hours from the previously measurable (greater than .1 inch) storm event. Grab samples shall be collected within the first 30 minutes of the storm event. Dry weather grab samples are required to be taken when an outfall is discharging stormwater 72 hours after the previously measurable (greater than .1 inch) storm event.

7:22A-4.7 Excessive bacterial levels for sample analysis

(a) Based on the surface water classification of the receiving water body as set forth in the Surface Water Quality Standards, N.J.A.C. 7:9B, bacteria levels shall be considered excessive for the purposes of this subchapter where the grab sample analysis indicates:

1. Fecal coliform levels greater than:
 - i. 50 counts/100 ml for SC waters;
 - ii. 200 counts/100 ml for FW2 and SE1;
 - iii. 770 counts/100 ml for SE2; and
 - iv. 1500 counts/100 ml for SE3;
2. Enterococci levels greater than:
 - i. 33 counts/100 ml for FW2; and
 - ii. 35 counts/100 ml for SE1 and SC; or
3. Bacterial indicator levels greater than the standard for approved shellfish waters as established by the National Shellfish Sanitation Program as set forth in its current manual of operations for all shellfish waters in N.J.A.C. 7:12.

Amended by R.1995 d.47, effective January 17, 1995.
See: 26 N.J.R. 3793(a), 27 N.J.R. 324(b).

7:22A-4.8 Periodic monitoring

(a) All affected municipalities shall initiate the quarterly monitoring of their stormwater outfall lines in the first month following the approval of the final map. The affected municipality shall, on a quarterly basis, take a grab sample at all stormwater outfalls for any stormwater sewer system discharging into salt water in accordance with N.J.A.C. 7:22A-4.6(d)1.

(b) All affected municipalities shall submit a priority list, for the Department's approval, which identifies the order in which the stormwater sewer systems discharging to salt waters will be monitored on a quarterly basis. This priority list shall be based on the priorities established in N.J.A.C. 7:22A-4.4.

(c) Quarterly monitoring shall be performed in accordance with the sampling procedures outlined in N.J.A.C. 7:22A-4.6. For those outfalls where quarterly monitoring, as required in (a) above, and sampling as required by N.J.A.C. 7:22A-4.5(c)1 or (d)1i, will occur during the same quarter, only one grab sample need be taken.

(d) Quarterly monitoring shall also include monitoring of any dry weather discharges identified from the stormwater

outfalls. Outfalls having dry weather discharges shall be monitored during both dry and wet weather events.

(e) In the event that there is no sufficient rainfall to produce flow from any given outfall during the scheduled quarterly monitoring, the affected municipality shall perform the monitoring during the next storm event to produce a sufficient flow as established in N.J.A.C. 7:22A-4.6(f).

(f) The affected municipality shall submit to the Department all quarterly monitoring data and specify any excessive levels of bacteria, as set forth in 7:22A-4.7, found during quarterly monitoring as required in N.J.A.C. 7:22A-4.2(g).

(g) After the completion of the investigation of all the stormwater outfalls in the municipality, as required in N.J.A.C. 7:22A-4.5(b), the affected municipality shall identify the source of the contamination in accordance with N.J.A.C. 7:22A-4.5 whenever excessive bacterial levels are found during the quarterly monitoring events.

(h) The affected municipality, after locating the source of the contamination, shall identify the person responsible for, and promptly eliminate or seek the elimination of the contamination in accordance with N.J.A.C. 7:22A-4.5(e).

Amended by R.1993 d.409, effective August 16, 1993.
See: 25 N.J.R. 1643(a), 25 N.J.R. 3760(a).
Amended by R.1995 d.47, effective January 17, 1995.
See: 26 N.J.R. 3793(a), 27 N.J.R. 324(b).

7:22A-4.9 Applicant eligibility for final mapping grants

(a) Subject to (b) below, any affected municipality, listed in Appendix A, may apply for a grant to prepare a final map.

(b) Any municipality may challenge the Department's inclusion or omission from Appendix A by submitting documentary evidence which proves to the Department's satisfaction that the municipality's stormwater sewer system either does or does not directly discharge into the salt waters of Atlantic, Cape May, Monmouth, or Ocean counties. A municipality may contest the Department's decision on the petition in accordance with N.J.A.C. 7:22A-1.16(b).

7:22A-4.10 Funding

(a) Grant amounts from the Department for final mapping are based on the applicant's estimated project costs. The minimum grant amount available to an affected municipality for final mapping will be \$20,000 and the maximum will be \$300,000. The minimum grant amount available shall be adjusted based upon certain development factors in the following formula:

$$\text{Maximum grant amount} = \frac{\text{MF}}{\text{Sum of MFs}} \times F + \$20,000$$

$$\text{Where: Municipal Factor (MF)} = \frac{[2(R+D+P) + .5(L)]}{4}$$

R = road mileage in Appendix A of affected municipality
total road mileage of all applicant municipalities

D = $\frac{\text{developed acres of affected municipality}}{\text{total developed acres of all applicant municipalities}}$

P = $\frac{\text{population in Appendix A of affected municipality}}{\text{total population of all applicant municipalities}}$

L = $\frac{\text{developed acres of affected municipality}}{\text{land area of affected municipality in acres}}$

F = \$5,535,000.00 - \$20,000 (total applicant municipalities)

(b) The resulting amount developed pursuant to (a) above shall be rounded to the nearest 50 dollar amount and shall not exceed \$300,000. If necessary, the resulting amount shall be adjusted based on the total amount of grant funding available.

(c) The Department may provide only up to 90 percent of the allowable project costs and the applicant shall provide at least 10 percent of the allowable project costs.

Public Notice: Availability of Sewage Infrastructure Improvement Act grants.
Sec: 24 N.J.R. 2081(b).

7:22A-4.11 Pre-application meeting

Prior to submission of a grant application, applicants may request a pre-application conference to discuss application procedures. This conference is not part of the application procedures and verbal statements made by the Department during the conference shall not bind the Department.

Amended by R.1993 d.409, effective August 16, 1993.
Sec: 25 N.J.R. 1643(a), 25 N.J.R. 3760(a).

7:22A-4.12 Application procedures

(a) Applications for final mapping grant moneys shall be submitted to the Department on or before August 16, 1991 or as otherwise extended by the Department.

(b) Each applicant shall include full and complete documentation in the application, including, but not limited to:

1. A brief description of how the grant shall be used and the method of accomplishing the requirements of this subchapter;

2. A description of how the applicant plans to pay for its share of the project costs, including those costs in excess of the grant award necessary to fully complete the project;

3. A description of the steps the applicant plans to take before receiving grant moneys that shall guarantee that at the time of signing of the grant agreement that the applicant shall be irrevocably committed to pay its share of the project costs;

4. An estimated budget of the applicant's project costs;

5. If the applicant did not participate in the preliminary mapping and inventory phase of the Act, the affected municipality's developed acres, undeveloped acres and total land area in acres. Each category of acreage shall specify the land use and the density of that land use; and

6. Any other supplementary materials that the Department may require.

(c) Each applicant shall submit a certified true sealed copy of a resolution adopted by the governing body of the affected municipality. The resolution shall:

1. Authorize the filing of an application for grant moneys for final mapping;

2. Specify the individual, by title, authorized to sign the application on behalf of the applicant;

3. Commit the applicant to providing at least 10 percent of the project costs and certify that the applicant has available the 10 percent match or more, if necessary; and

4. Commit the applicant to comply with the Department's standards for the final mapping as specified in N.J.A.C. 7:22A-4.

7:22A-4.13 Application evaluation

(a) Each application shall be subject to:

1. Preliminary administrative review to determine the completeness of the application. Incomplete applications shall be returned to the applicant with a letter detailing the deficiencies. Incomplete applications which are not amended to conform to the comments of the Department and resubmitted within the time frame established by the Department may be denied;

2. Budget evaluation to ensure that the proposed project costs are reasonable, applicable and allowable; and

3. Final administrative evaluation.

(b) During the evaluation process, the recipient shall, upon the request of the Department, submit supplemental documents or information necessary for the Department to complete its full review and decision on the application. The Department may suspend its evaluation until the additional information or documents have been received. Failure to submit the additional information or documents may be grounds for denial of the grant application.

7:22A-4.14 Department approval or disapproval

(a) After a final evaluation of a completed application, the Department shall take one of the following actions:

1. Approve the application for a grant and initiate the preparation of a grant agreement; or

2. Disapprove the application.

(b) The applicant shall be notified in writing of the Department's decision to disapprove an application.

(c) An applicant may amend and resubmit an application disapproved by the Department within the time frame established by the Department.

7:22A-4.15 Allowable costs

(a) Project costs shall be allowed to the extent permitted by this subchapter and the grant agreement. The quarterly monitoring requirements under N.J.A.C. 7:22A-4.8 will not be an allowable cost under the final mapping grant award. Allowable project costs may include:

1. Work performed by the recipient's personnel, or any party to a subagreement after the effective date of this subchapter, including salaries and fringe benefits for the recipient's personnel or persons hired to complete the project; and

2. Equipment and supplies used solely to complete the project which shall include, but not be limited to, video equipment, surveying equipment, vehicle operating costs, and protective clothing.

(b) Notwithstanding (a) above, the Department shall not allow costs for work that the Department determines is not in compliance with or relevant to this chapter or the specifications or requirements of subagreements or grant agreements. Costs for work not in compliance with or relevant to this chapter, the subagreements, or grant agreements are unallowable.

SUBCHAPTER 5. (RESERVED)

SUBCHAPTER 6. COMBINED SEWER OVERFLOW ACCOUNT PROCEDURES AND REQUIREMENTS

7:22A-6.1 Applicability

This subchapter constitutes the rules of the Department governing the award of grants pursuant to the Act to local government units for the planning and design of dry weather overflow elimination and solids/floatables reduction at combined sewer overflow points throughout the State. These rules prescribe the procedures for the award of grants from the Combined Sewer Overflow Account.

Amended by R.1993 d.409, effective August 16, 1993.
See: 25 N.J.R. 1643(a), 25 N.J.R. 3760(a).

7:22A-6.2 Combined Sewer Overflow Account

(a) The moneys in the Combined Sewer Overflow Account are available for the planning and design of dry weather overflow elimination and solid/floatables reduction at combined sewer overflow points pursuant to the provisions of this subchapter.

(b) Any local government unit authorized to control or operate a combined sewer system shall be eligible to receive grant moneys from the Combined Sewer Overflow Account. Grant moneys shall be provided to the extent available to local government units for the planning and design of dry weather overflow elimination and solids/floatables reduction at combined sewer overflow points based on the points awarded to the project in accordance with the Priority System ranking criteria and the submittal of the complete application within the prescribed time frames. As a component of the proposed Priority System, the Department may establish application deadlines for applicable funding cycles and a deadline by which new applications for planning and design grants for dry weather overflow elimination and solids/floatables reduction shall no longer be accepted or acted upon. Any remaining moneys in the Combined Sewer Overflow Account would be available for other authorized purposes under the Act.

(c) The consideration for a grant award from the Combined Sewer Overflow Account shall not be used as a defense by the local government unit to any action by any agency for the local government unit's failure to comply with the Act or to obtain and comply with all requisite permits, licenses and operating certificates.

Amended by R.1993 d.409, effective August 16, 1993.
See: 25 N.J.R. 1643(a), 25 N.J.R. 3760(a).

7:22A-6.3 Terms of financial assistance from the Combined Sewer Overflow Account

(a) The Department may offer grants from the Combined Sewer Overflow Account for up to 90 percent of the allowable costs for the planning and/or design of combined sewer overflow abatement facilities.

(b) Moneys will be disbursed to recipients, upon request, as work progresses and expenses are incurred and approved by the Department unless otherwise restricted by N.J.A.C. 7:22A-6.11 or unless otherwise indicated in the grant agreement. Local government units shall submit vouchers and other documentation as may be required by the Department in support of their request for disbursement of funds.

(c) The specific terms and conditions of the financial assistance shall be incorporated into the grant agreement to be executed by the recipient and the State.

Amended by R.1993 d.409, effective August 16, 1993.
See: 25 N.J.R. 1643(a), 25 N.J.R. 3760(a).

7:22A-6.4 Criteria for project priority

(a) Each year, the Department shall develop a Priority System, Intended Use Plan and Project Priority List for the forthcoming federal Fiscal Year. The Priority System shall provide the ranking methodology which evaluates wastewater treatment facilities (including combined sewer overflow abatement facilities) individually for their anticipated impacts on existing and potential water uses in combination with present water quality conditions.

(b) Each year, the proposed Priority System, Intended Use Plan and Project Priority List shall be the subject of at least one public hearing, including a public comment period. Local government units desiring to be included on the Project Priority List shall make their request for inclusion before the close of the public comment period, except as provided for in N.J.A.C. 7:22A-6.8(a). The following shall be submitted by the authorized representative of the local government unit when requesting inclusion in the Project Priority List:

1. Brief description of the project;
2. Brief description of receiving water classification, existing water quality characteristics and existing water quality deficiencies;
3. Estimated costs associated with planning and design of the project;
4. Estimated costs associated with building the project; and
5. An estimate of population served by the combined sewer.

Amended by R.1993 d.409, effective August 16, 1993.
See: 25 N.J.R. 1643(a), 25 N.J.R. 3760(a).
Amended by R.1995 d.47, effective January 17, 1995.
See: 26 N.J.R. 3793(a), 27 N.J.R. 324(b).

7:22A-6.5 State and Federal funding

Local government units which receive grants from the Combined Sewer Overflow Account shall be ineligible to receive financial assistance for the same work (planning or design) within the scope of the project in the form of a Federal grant, State Matching Funds pursuant to N.J.A.C. 7:22-2, a Wastewater Treatment Fund or New Jersey Wastewater Treatment Trust loan pursuant to N.J.A.C. 7:22-3 and 4, or a Pinelands Infrastructure Trust grant or loan pursuant to N.J.A.C. 7:22-6. Further, those local government units which receive financial assistance in the form of a Federal grant, State Matching Funds pursuant to N.J.A.C. 7:22-2, a Wastewater Treatment Fund or New Jersey Wastewater Treatment Trust loan pursuant to N.J.A.C. 7:22-3 and 4, or a Pinelands Infrastructure Trust grant or loan pursuant to N.J.A.C. 7:22-6 shall be ineligible to receive grant moneys for the same work (planning or design) within the scope of the project pursuant to this subchapter.

Amended by R.1993 d.409, effective August 16, 1993.
See: 25 N.J.R. 1643(a), 25 N.J.R. 3760(a).
Amended by R.1995 d.47, effective January 17, 1995.
See: 26 N.J.R. 3793(a), 27 N.J.R. 324(b).

7:22A-6.6 Project funding

(a) The Department shall consider a local government unit's failure to submit the complete application within the time period specified as a decision to not pursue a grant for the project during the applicable funding cycle.

(b) Grant applications will be prioritized by the Department based on the criteria set forth in the Priority System pursuant to N.J.A.C. 7:22A-6.4. The award of grant funds from the Combined Sewer Overflow Abatement Account will be based on the application's priority relative to other applications certified for funding by the Department pursuant to N.J.A.C. 7:22A-6.9 and on the amount of available funds.

Amended by R.1993 d.409, effective August 16, 1993.
See: 25 N.J.R. 1643(a), 25 N.J.R. 3760(a).
Amended by R.1995 d.47, effective January 17, 1995.
See: 26 N.J.R. 3793(a), 27 N.J.R. 324(b).

7:22A-6.7 Pre-application procedures

(a) Local government units are urged to be familiar with the requirements of this subchapter and to contact the Department prior to the initiation of the planning process so that their projects are in a position to proceed in a timely manner.