

**CHAPTER 9**

**WATER POLLUTION CONTROL**

**Authority**

N.J.S.A. 13:1B-3, 13:1D-9, 58:4A-4.1 et seq., 58:10A-1 et seq. and 58:11A-1 et seq.

**Source and Effective Date**

R.1996 d.86, effective January 18, 1996.  
See: 27 N.J.R. 3519(a), 28 N.J.R. 1201(c).

**Executive Order No. 66(1978) Expiration Date**

Chapter 9, Water Pollution Control, expires on January 18, 2001.

**Chapter Historical Note**

All provisions of Chapter 9 became effective prior to September 1, 1969.

1971 Revisions: Subchapter 10, Installation of Sewerage Facilities in Critical Areas, was adopted as new rules effective January 15, 1972 as R.1971 d.208. See: 3 N.J.R. 78(a), 3 N.J.R. 255(b).

1973 Revisions: Subchapter 9, Sealing of Abandoned Wells, was adopted as new rules effective October 23, 1973 as R.1973 d.299. See: 5 N.J.R. 185(b), 5 N.J.R. 370(b).

1974 Revisions: Subchapter 11, Allocation of Waste Lands or Point-Source Dischargers, was adopted as new rules effective June 18, 1974 as R.1974 d.151. See: 6 N.J.R. 132(c), 6 N.J.R. 263(b). Subchapter 4, Surface Water Quality Standards, was adopted as new rules and amendments were made to Subchapter 7 by R.1974 d.310, effective December 2, 1974. See: 6 N.J.R. 302(d), 6 N.J.R. 470(c).

1975 Revisions: Subchapter 13, Sewer Extension Ban, was adopted as new rules effective October 16, 1975 as R.1975 d.302. See: 7 N.J.R. 147(a), 7 N.J.R. 499(e).

1977 Revisions: Amendments became effective December 16, 1977 as R.1977 d.477. See: 9 N.J.R. 461(a), 10 N.J.R. 10(c).

1978 Revisions: Amendments to Chapter 9 became effective January 23, 1978 as R.1978 d.19 and R.1978 d.21. See: 9 N.J.R. 311(a), 10 N.J.R. 60(a), 9 N.J.R. 115(b), 10 N.J.R. 61(b). Subchapter 14 concerning ground water quality standards was originally adopted and codified by R.1978 d.20, effective January 23, 1978. See: 9 N.J.R. 68(b), 10 N.J.R. 61(a). Further revisions to Chapter 9 became effective June 1, 1978 as R.1978 d.102. See: 10 N.J.R. 146(d). Amendments were adopted as R.1978 d.161, effective June 1, 1978; R.1978 d.182, effective July 1, 1978, and R.1978 d.231, effective August 10, 1978. See: 10 N.J.R. 237(b); 10 N.J.R. 279(b); 10 N.J.R. 328(c).

1979 Revisions: Amendments became effective March 29, 1979 as R.1979 d.129. See: 11 N.J.R. 9(b), 11 N.J.R. 230(a). Further amendments became effective July 19, 1979 as R.1979 d.282. See: 10 N.J.R. 476(a), 11 N.J.R. 374(c).

1980 Revisions: Section 1.98 was repealed by R.1980 d.182, effective April 25, 1980. See: 12 N.J.R. 108(b), 12 N.J.R. 313(c). Subchapter 15, Grants for Restoring Publicly Owned Freshwater Lakes, was adopted as new rules effective August 22, 1980 as R.1980 d.374. See: 12 N.J.R. 310(a), 12 N.J.R. 575(c). The original text of Subchapter 3, Location of Factory within Watershed, was repealed by R.1980 d.433, effective October 7, 1980. See: 12 N.J.R. 454(b), 12 N.J.R. 643(a).

1981 Revisions: Amendments which deleted Subchapter 4, Surface Water Quality Standards, Subchapter 5, and Subchapter 8, Treatment of Wastewaters Discharged into Waters of the State, (but recodified sections 8.4 through 8.43 as N.J.A.C. 7:9-5.11), Subchapter 11, Allocation of Waste Loads or Point-Source Dischargers, (but recodified

portions of the text at N.J.A.C. 7:9-5), and Subchapter 14, Ground Water Quality Standards, (but recodified portions of the text at 7:9-6), and substituted new text, were adopted as R.1981 d.80, effective March 4, 1981. See: 12 N.J.R. 108(c), 13 N.J.R. 194(b). Further amendments became effective July 9, 1981 as R.1981 d.224. See: 12 N.J.R. 639(b), 13 N.J.R. 402(a).

1982 Revisions: Amendments became effective September 7, 1982 as R.1982 d.298. See: 14 N.J.R. 504(a), 14 N.J.R. 979(a).

1983 Revisions: Subchapter 2 was readopted pursuant to Executive Order No. 66(1978), effective June 3, 1983 as R.1983 d.243. See: 15 N.J.R. 591(a), 15 N.J.R. 1042(a). Further amendments became effective October 3, 1983 as R.1983 d.423 and repealed the text of subchapter 10, Installation of Sewerage Facilities in Critical Areas, as duplicative of current review procedures conducted by local boards of health and the Pinelands Commission. See: 15 N.J.R. 1155(a), 15 N.J.R. 1654(b).

1984 Revisions: Subchapter 13, Sewer Extension Ban, was readopted effective July 23, 1984 with amendments effective August 6, 1984 as R.1984 d.336. See: 16 N.J.R. 660(a), 16 N.J.R. 2096(a).

1985 Revisions: Amendments which deleted the text of Subchapters 4 and 5 and adopted new text became effective May 20, 1985 as R.1985 d.249. See: 16 N.J.R. 3080(a), 17 N.J.R. 1270(a). Subchapter 15, Grants for Restoring Publicly Owned Freshwater Lakes, expired on August 22, 1985 and new rules were adopted pursuant to Executive Order No. 66(1987) effective January 21, 1986 as R.1985 d.717. See: 17 N.J.R. 2182(a), 18 N.J.R. 163(b). Amendments became effective September 3, 1985 as R.1985 d.466. See: 17 N.J.R. 1625(a), 17 N.J.R. 2109(a).

1987 Revisions: Subchapter 13, Sewer Extension Ban, was repealed effective November 2, 1987 as R.1987 d.445. See: 18 N.J.R. 2163(a), 19 N.J.R. 2000(b).

1988 Revisions: Subchapter 1 expired, pursuant to Executive Order No. 66(1978), on April 25, 1985 and was adopted as new rules effective May 2, 1988 as R.1988 d.205. See: 19 N.J.R. 2227(b), 20 N.J.R. 980(a).

1989 Revisions: Subchapter 2, Standards for Construction of Individual Subsurface Sewage Disposal Systems, was repealed by R.1989 d.450 and replaced by N.J.A.C. 7:9A, effective August 21, 1989, (operative January 1, 1990). See: 20 N.J.R. 1790(a), 21 N.J.R. 2534(a).

1991 Revisions: Pursuant to Executive Order No. 66(1978), Chapter 9, Water Pollution Control, was readopted as R.1991 d.68, effective January 18, 1991. See: 22 N.J.R. 3297(a), 23 N.J.R. 406(c). Notice of petition to amend New Jersey Pollution Discharge Elimination System permits. See: 23 N.J.R. 236(a), 23 N.J.R. 622(b).

1993 Revisions: Subchapter 6, Ground Water Quality Standards, was repealed and replaced by new rules by R.1993 d.73, effective February 1, 1993. See: 24 N.J.R. 181(a), 25 N.J.R. 464(a). Subchapter 4 was recodified to N.J.A.C. 7:9B-1 by R.1993 d.610, effective December 6, 1993. See: 24 N.J.R. 3983(a), 24 N.J.R. 4471(a), 25 N.J.R. 404(a), 25 N.J.R. 5569(a). Public Notice: Opportunity for interested party review for rule amendment. See: 25 N.J.R. 411(a).

1994 Revisions: Subchapter 1, Sewer Systems and Wastewater Treatment Plants, was repealed by R.1994 d.278, effective June 6, 1994. See: 25 N.J.R. 3282(a), 26 N.J.R. 2413(b). See, now, N.J.A.C. 7:14A-22 and 23.

1996 Revisions: Pursuant to Executive Order No. 66(1978), Chapter 9 was readopted as R.1996 d.86, effective January 18, 1996. See: Source and Effective Date.

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SUBCHAPTERS 1 THROUGH 4. (RESERVED)

SUBCHAPTER 5. WASTEWATER DISCHARGE REQUIREMENTS

7:9-5.1 Scope of rules

(a) Unless otherwise provided by rule or statute, this subchapter shall constitute the rules of the Department of Environmental Protection with respect to the protection and enhancement of surface waters of the State pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.

(b) This subchapter shall apply to effluent limitations and other requirements applicable to discharges into the surface waters of the State.

Petition for Rulemaking.

See: 23 N.J.R. 222(a).

Amended by R.1997 d.107, effective May 5, 1997.

See: 28 N.J.R. 380(a), 28 N.J.R. 2779(a), 28 N.J.R. 3494(a), 28 N.J.R. 3858(a), 28 N.J.R. 4697(a), 28 N.J.R. 5028(a), 29 N.J.R. 1704(a).

In (a), deleted “, disinfection, and minimum treatment requirements” following “surface waters of the State” and made a nonsubstantive change.

Administrative correction.

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

In (a), substituted “this subchapter” for “the following”.

Case Notes

Responsibilities of the Department of Environmental Protection in review of mausoleum construction plans; concurrent State and municipal jurisdiction over mausoleum construction. Cedar Park Cemetery v. Hayes, 132 N.J.Super. 572, 334 A.2d 386 (Law Div.1975).

Former regulation set forth the objective of the Water Resources Division to integrate and promote modern sanitary sewerage throughout the State. Cedar Park Cemetery v. Hayes, 132 N.J.Super. 572, 334 A.2d 386 (Law Div.1975).

7:9-5.2 (Reserved)

Repealed by R.1997 d.107, effective May 5, 1997.

See: 28 N.J.R. 380(a), 28 N.J.R. 2779(a), 28 N.J.R. 3494(a), 28 N.J.R. 3858(a), 28 N.J.R. 4697(a), 28 N.J.R. 5028(a), 29 N.J.R. 1704(a).

Section was “Construction”.

7:9-5.3 Definitions

The terms “discharge,” “discharger,” “LC<sub>50</sub>,” “EC<sub>50</sub>” and “lake, pond or reservoir” as used in this subchapter are defined in the New Jersey Pollutant Discharge Elimination System rules at N.J.A.C. 7:14A-1.

Repeal and New Rule, R.1997 d.107, effective May 5, 1997.

See: 28 N.J.R. 380(a), 28 N.J.R. 2779(a), 28 N.J.R. 3494(a), 28 N.J.R. 3858(a), 28 N.J.R. 4697(a), 28 N.J.R. 5028(a), 29 N.J.R. 1704(a).

Section was “Definitions”.

7:9-5.4 (Reserved)

Correction: N.J.A.C. 7:9-5.4(a)1i and ii should have been codified as N.J.A.C. 7:9-5.4(b)1i and ii.

See: 17 N.J.R. 1759(c).

Repealed by R.1997 d.107, effective May 5, 1997.

See: 28 N.J.R. 380(a), 28 N.J.R. 2779(a), 28 N.J.R. 3494(a), 28 N.J.R. 3858(a), 28 N.J.R. 4697(a), 28 N.J.R. 5028(a), 29 N.J.R. 1704(a).

Section was “Statements of policy”.

7:9-5.5 (Reserved)

Repealed by R.1997 d.107, effective May 5, 1997.

See: 28 N.J.R. 380(a), 28 N.J.R. 2779(a), 28 N.J.R. 3494(a), 28 N.J.R. 3858(a), 28 N.J.R. 4697(a), 28 N.J.R. 5028(a), 29 N.J.R. 1704(a).

Section was “Use of indicators of pollution levels”.

7:9-5.6 (Reserved)

Repealed by R.1997 d.107, effective May 5, 1997.

See: 28 N.J.R. 380(a), 28 N.J.R. 2779(a), 28 N.J.R. 3494(a), 28 N.J.R. 3858(a), 28 N.J.R. 4697(a), 28 N.J.R. 5028(a), 29 N.J.R. 1704(a).

Section was “Dilute industrial process wastewater”.