

as mandated by Section 11 of the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.

(b) This subchapter also establishes fees applicable to the issuance of water use registrations.

Amended by R.2005 d.311, effective September 19, 2005.

See: 36 N.J.R. 3644(a), 37 N.J.R. 3648(b).

Added "and Water Use Registrations" to the subchapter heading.

Codified section as (a), and added (b).

7:19-3.2 Purpose

The purpose of this subchapter is to establish fees for the water allocation program set forth in N.J.A.C. 7:19-1 and 2 based upon and not to exceed the estimated cost of processing, monitoring, administering and enforcing water supply allocation and temporary dewatering permits, and water use registrations. The fee schedule shall be annually reviewed with respect to any changes in the costs of processing, monitoring, administering and enforcing water supply allocation and temporary dewatering permits, and water use registrations. The expenses of public hearings to be charged to applicants by the Department pursuant to N.J.A.C. 7:19-2.8(f) shall not be included in the calculations of the fee schedule set forth in this subchapter.

Amended by R.1990 d.180, effective March 19, 1990.

See: 21 N.J.R. 3594(a), 22 N.J.R. 932(a).

Stylistic changes.

Amended by R.1995 d.162, effective March 20, 1995.

See: 26 N.J.R. 4912(a), 27 N.J.R. 1265(a).

Amended by R.2005 d.311, effective September 19, 2005.

See: 36 N.J.R. 3644(a), 37 N.J.R. 3648(b).

Added "and water use registrations" following "dewatering permits" throughout section.

7:19-3.3 Applicability

This subchapter shall be applicable to all those persons as set forth in N.J.A.C. 7:19-1.4.

Recodified from 7:19-3.4 by R.1995 d.162, effective March 20, 1995.

See: 26 N.J.R. 4912(a), 27 N.J.R. 1265(a).

Prior text at 7:19-3.3, Definitions, repealed.

7:19-3.4 Establishment of fee schedule

The Department shall review the fee schedules set forth in this subchapter prior to September 1 of each year. The figures will be adjusted up or down annually by the previous 12 month inflation factor. The inflation factor is based upon the United States Department of Labor, Bureau of Labor Statistics data published in the monthly CPI Detailed Report. The data will be taken from the most recent report available on July 1 of each year and the actual percentage used will be the past year percent change for the U.S. city average, all items, all urban consumers.

Amended by R.1990 d.180, effective March 19, 1990.

See: 21 N.J.R. 3594(a), 22 N.J.R. 932(a).

Method of adjustment of fee schedule specified.

Recodified from 7:19-3.5 by R.1995 d.162, effective March 20, 1995.

See: 26 N.J.R. 4912(a), 27 N.J.R. 1265(a).

7:19-3.5 Fees for Water Allocation Permits

(a) All applicable fees shall be paid in accordance with the fee schedule established in N.J.A.C. 7:19-3.6, and as specified below:

1. Any person who applies for a new permit or a major modification of an existing permit shall submit, along with the application, the applicable initial or modification fee set forth in N.J.A.C. 7:19-3.6(a)1, based on the class of the allocation listed in (d)1 below.

2. Each permittee shall pay the appropriate annual fee set forth in N.J.A.C. 7:19-3.6(a)2, based on the allocation class listed in (d)1 below.

(b) Each applicant for a new permit or a major modification of a permit shall pay the appropriate annual fee upon issuance of the permit or modification as follows:

1. The total annual fee, if the application is approved during the first quarter of the calendar year;

2. Three-quarters of the annual fee, if the application is approved during the second quarter of the calendar year;

3. One-half of the annual fee, if the application is approved during the third quarter of the calendar year;

4. One-quarter of the annual fee, if the application is approved during the fourth quarter of the calendar year.

(c) Any applicant who fails to complete necessary forms, fails to comply with other permit application requirements or who fails to provide information within the time frame(s) established by the Department, shall pay the annual fees which would have been due if the forms, information and application had been completed in a timely manner, except where the Department grants an extension of time prior to an associated due date.

(d) An applicant for a permit or permittee shall be placed in the appropriate class below based on the total amount of the approved monthly allocation, based upon a 31-day month:

1. Initial Application, Major Modification and Annual Permit Fee Classes:

i. Class 1: 3.1 million gallons per month (mgm) to less than 15.5 mgm;

ii. Class 2: 15.5 mgm to less than 31.0 mgm;

iii. Class 3: 31.0 mgm to less than 62.0 mgm;

iv. Class 4: 62.0 mgm to less than 155.0 mgm;

v. Class 5: 155.0 mgm to less than 310.0 mgm; and

vi. Class 6: 310.0 mgm and above.

(e) For the purpose of assessing the fees under this subchapter, the following shall apply:

1. If any groundwater diversion in excess of 3.1 million gallons per month is included in a permit, the initial application or major modification fee for the permit shall be computed using the groundwater schedule set forth in N.J.A.C. 7:19-3.6(a)1, accounting for the total monthly

allocation from all sources within the scope of the permit. The annual fee shall be computed using the groundwater schedule set forth in N.J.A.C. 7:19-3.6(a)2; and

2. A diversion from a pond fed primarily by ground water is considered a groundwater diversion.

(f) Any hearing costs shall be paid by the applicant in full upon issuance of the permit. If the application has been withdrawn after the public hearing or if the application is denied, the hearing costs shall be paid by the applicant on or before the specified due date of the invoice.

(g) If a water supply allocation permit application is withdrawn after the notice of application has been published, the applicant shall be responsible for payment of the cost of publication of the notice.

(h) Any fee under this subchapter that is subject to N.J.A.C. 7:1L shall be payable in installments in accordance with N.J.A.C. 7:1L.

Amended by R.1990 d.180, effective March 19, 1990.
 See: 21 N.J.R. 3594(a), 22 N.J.R. 932(a), N.J.R.
 Fee due at time application is submitted; refund provision added.
 Recodified from 7:19-3.8 and amended by R.1995 d.162, effective March 20, 1995.
 See: 26 N.J.R. 4912(a), 27 N.J.R. 1265(a).
 Amended by R.1995 d. 205, effective April 17, 1995.
 See: 26 N.J.R. 3922(a), 27 N.J.R. 1576(b).
 Amended by R.2005 d.311, effective September 19, 2005.
 See: 36 N.J.R. 3644(a), 37 N.J.R. 3648(b).
 Rewrote (a) and (d)-(f).

7:19-3.6 Fee schedule

(a) Fees shall be charged for water supply allocation and dewatering permits issued under this chapter pursuant to the following schedule:

1. Initial application and permit modification fees (\$):

	<u>Class 1</u>	<u>Class 2</u>	<u>Class 3</u>	<u>Class 4</u>	<u>Class 5</u>	<u>Class 6</u>
i. Surface water diversions	5,745	6,470	8,345	14,385	15,715	17,050
ii. Groundwater diversions	7,190	8,070	10,425	17,980	19,585	20,915
iii. Ground and surface water diversions in which waters are returned undiminished to the source	3,430	4,590	5,745	6,905	7,970	9,040
iv. Dewatering diversions	6,985	6,985	6,985	17,850	17,850	17,850

2. Annual fees (\$):

	<u>Class 1</u>	<u>Class 2</u>	<u>Class 3</u>	<u>Class 4</u>	<u>Class 5</u>	<u>Class 6</u>
i. Surface water diversions	2,770	3,245	5,560	9,585	12,250	14,915
ii. Groundwater diversions	3,725	4,305	6,945	11,990	14,655	17,320
iii. Ground and surface water diversions in which waters are returned undiminished to the source	1,215	1,990	3,830	4,605	5,380	6,145
iv. Dewatering diversions	3,620	3,620	3,620	11,900	11,900	11,900

(b) Fees for water use registrations issued under this chapter shall be charged as follows:

1. Any person who is required to apply for a water use registration pursuant to N.J.A.C. 7:19-2.18 shall, along with a completed registration form, submit an initial registration fee of \$400.00.

2. Each person who holds a valid water use registration shall pay an annual fee of \$200.00.

Amended by R.1990 d.180, effective March 19, 1990.
 See: 21 N.J.R. 3594(a), 22 N.J.R. 932(a).
 Fee schedule changed; (c) and (e) deleted; (f), (g) and (h) added.
 Public Notice: Revision to the fee schedule for water supply allocation permits.
 See: 24 N.J.R. 4121(a).
 Recodified from 7:19-3.9 and amended by R.1995 d.162, effective March 20, 1995.
 See: 26 N.J.R. 4912(a), 27 N.J.R. 1265(a).
 Prior text at 7:19-3.6, Payment of annual permit fee, repealed.
 Amended by R.2005 d.311, effective September 19, 2005.
 See: 36 N.J.R. 3644(a), 37 N.J.R. 3648(b).

Rewrote (a), increasing Water Allocation Permit fees; and added (b).
 Administrative correction.
 See: 37 N.J.R. 3814(b).

7:19-3.7 Payment of annual fee

(a) The Department will send to each permittee or water use registrant an invoice for the next subsequent calendar year's annual fee by December 31 of each calendar year.

(b) Each permittee or water use registrant shall remit the annual fee by March 1 of the calendar year for which the fee is due.

(c) Payments shall be by check or money order made payable to "Treasurer, State of New Jersey," and mailed, with the invoice, by the due date set forth in (a) above to:

NJ Department of Treasury
 Division of Revenue
 PO Box 417
 Trenton, NJ 08046-0417

(d) For each permit issued, the Department will send the permittee an invoice for the applicable annual fee for the remainder of the year in which the permit is issued pursuant to N.J.A.C. 7:19-3.5(b). Payment shall be made by the due date specified in the invoice.

Repeal and New Rule, R.1995 d.162, effective March 20, 1995.
See: 26 N.J.R. 4912(a), 27 N.J.R. 1265(a).

Formerly "Failure to submit the annual permit fee payment in a timely manner".

Amended by R.2005 d.311, effective September 19, 2005.

See: 36 N.J.R. 3644(a), 37 N.J.R. 3648(b).

In (a) and (b), added "or water use registrant" following "permittee"; in (c), rewrote address.

7:19-3.8 Failure to timely submit the annual fee payment

Failure to pay the annual fee by the due date established pursuant to N.J.A.C. 7:19-3.7 shall be considered a violation of the Act subject to the penalty provisions of N.J.A.C. 7:19-18. The Department shall deem such failure to pay the annual fee a voluntary termination and surrender of the permit by the permittee or the water use registration by the registrant. Any permittee or registrant who fails to pay their annual fee by the established due date shall terminate all diversion activity as of the established due date.

New Rule, R.1995 d.162, effective March 20, 1995.

See: 26 N.J.R. 4912(a), 27 N.J.R. 1265(a).

Amended by R.2005 d.311, effective September 19, 2005.

See: 36 N.J.R. 3644(a), 37 N.J.R. 3648(b).

Added "or the water use registration by the registrant" following "by the permittee" and added "or registrant" following "Any permittee".

SUBCHAPTER 4. PROCEDURES FOR DETERMINING, ASSESSING AND COLLECTING PAYMENTS FOR EXCESS WATER DIVERSION

7:19-4.1 Scope and authority

This subchapter shall constitute the Department's procedural rules for determining, assessing and collecting

the payments required by N.J.S.A. 58:2-1 et seq. for the diversion of waters of streams or lakes for the purpose of public water supply and the procedures for payment for subsurface, well or percolating water supplies obtained by use of the State's right of eminent domain.

7:19-4.2 Construction

(a) These rules shall be liberally construed to permit the Department to discharge its statutory functions pursuant to N.J.S.A. 58:2-1 et seq.

(b) The Commissioner may amend, repeal or rescind this subchapter from time to time in conformance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

7:19-4.3 Applicability

(a) These rules apply to all persons who divert waters of streams or lakes with outlets for the purpose of public water supply and who divert a total amount in excess of 100 gallons of water daily for each inhabitant of the municipality or municipalities supplied, as shown by the census of 1905, or in excess of such greater amount legally diverted on June 17, 1907.

(b) These rules apply to diversions from wells or ponds fed mostly from percolating groundwaters, where those waters are diverted from sources of supply which were obtained by exercising the State's right of eminent domain.