

		& Total) Oxidizable Matter Petroleum Hydrocarbons			
		INDIRECT USERS			
BOD	TDS	1,1 Dichloroethylene	Nickel	Beryllium	Carbon
TSS	Iron	Copper	Silver	1,1,1-Trichloroethane	Tetrachloride
COD	Antimony	Zinc	Asbestos	Lead	Mercury
Oil	Bismuth	Chromium-Trivalent	Cobalt	Arsenic	Cadmium
Grease	Tin	Barium	Selenium	Bis(2-ethylhexyl)phthalate	Chromium, hex
	Manganese	Cyanide	Benzene	Dichlorodifluoromethane	Total
	Inorganic	Dimethyl phthalate	1,2-Dichloroethane	Trichlorofluoromethane	Pesticides
	Sulfur	Surfactants	Chloroform	Total Toxic Organics **	PCBs
	Compounds	Petroleum	Ethylbenzene	Volatile Organics	Dioxin
		Hydrocarbons	1,2,4-Trichlorobenzene	TVOS as in N.J.A.C. 7:27-17.3**	
		Total Toxic Metals	Naphthalene	Chlorobenzene	
		Nitrogen Compounds/ Ammonia	Vinyl Chloride	Toluene	
		Phenols	Base Neutral Compounds*	1,2-Trans-Dichloroethylene	
			Acid Extractable Compounds	Trichloroethylene	
			1,1,2,2- Tetrachloroethane		
			Bromoethane		
			1,2-Dichloropropane		
			1,1-Dichloroethane		
			1,1,2-Trichloroethane		
			Dichlorobenzene		
			Di-n-butyl Phthalate		
			Anthracene		
			Tetrachloroethylene		
			Pentachlorophenol		
			Butyl Benzyl phthalate		
			Di-n-octyl Phthalate		

\* Unlisted  
\*\* Not Itemized

Table II  
FORMATION RATINGS

<u>System</u>	<u>Formation</u>	<u>Potential</u>	<u>Points</u>	
Quaternary Pleistocene	Glacial drift			
	Mercer, Middlesex	Poor	2	
	Other Counties	Mod to Very Good	10	
	Cape May	Moderate to Good	8	
	Pennsauken	Moderate to Minor	6	
Tertiary Pleistocene Pleistocene Miocene Eocene	Bridgeton	Moderate to Minor	6	
	Beacon Hill	Poor	2	
	Cohansey	Very Good	10	
	Kirkwood	Good to Moderate	8	
	Piney Point	Minor	4	
	Shark River	None	1	
	Manasquan	Poor	2	
	Vincentown	Poor to Good	8	
	Hornerstown	None to Poor	2	
	Cretaceous	Tinton	None to Poor	2
Red Bank		None to Minor	4	
Navesink		None to Poor	2	
Mount Laurel		Moderate	6	
Wenonah		Minor	4	
Marshalltown		None to Poor	2	
Englishtown		Good to Moderate	8	
Woodbury		None	1	
Merchantville		None	1	
Raritan-Magothy		Very Good	10	
Triassic		Watchung	Minor	4
		Diabase	Minor	4
		Brunswick	Minor to Good	8
		Lockatong	Poor	2
		Stockton	Moderate to Good	8
	Border Conglomerates	Minor	4	
	Devonian	Skunnemunk	Poor	2

<u>System</u>	<u>Formation</u>	<u>Potential</u>	<u>Points</u>
	Bellvale	Poor to Minor	4
	Cornwall/Pequanac	Poor	2
	Kanouse	Poor	2
	Marcellus	Poor	2
	Onondaga	Moderate	6
	Schoharie	Minor	4
	Esopus	Poor	2
	Oriskany (includes Glenerie and Port Ewen)	Poor	4
	Becraft (Minisink)	Poor	2
	New Scotland	Minor	4
	Kalkberg (Stormville)	Minor	4
	Coeymans	Minor	4
Silurian	Manlius	Minor	4
	Rondout	Minor	4
	Decker	Minor	4
	Bossardville	Minor	4
	Poxono Island	Minor	4
	High Falls	Minor	4
	Longwood	Minor	4
	Shawangunk and Green Pond	Poor	2
Ordovician	Jacksonberg	Minor	4
	Ontelaunee	Minor	4
	Epier	Minor	4
	Rickenback	Moderate	6
Cambrian	Allentown Upper	Minor	4
	Allentown Lower	Moderate to Very Good	10
	Leithsville	Very Good	10
	Hardystown	Poor	2
Precambrian	Franklin	Minor to Moderate	6
	Crystalline Rocks	Minor to Moderate	6

Table III

## Minimum Fees

<u>Permit Fee Category<sup>1</sup></u>	<u>Min Fee Code</u>	<u>Minimum Fee</u>
1. Major DSW Domestic Treatment Works (DTW)—Individual Permit	MMJ	\$9,650
2. Minor DSW Domestic Treatment Works (DTW)—Individual Permit	MMI	\$3,600
3. Combined Sewer Overflow—Individual Permit Component or General Permit	CSO	\$8,150
4. Major Industrial DSW—Individual Permit	IMJ	\$8,600
5. Minor Industrial DSW—Individual Permit	IMI	\$3,600
6. General Permit—Industrial DSW, DGW, or both (unless otherwise listed)	IGN	\$2,000
7. Industrial Stormwater—Individual Permit	IST	\$3,550
8. Stormwater—Basic Industrial General Permit (5G2)	SBG	\$750
9. Municipal Stormwater—Tier B General Permit (R10)	STB	\$500
10. Municipal Stormwater—Tier A General Permit (R9)		
(population range 0–1,000)	SA1	\$600
(population range 1,001–5,000)	SA2	\$1,050
(population range 5,001–10,000)	SA3	\$2,000
(population range 10,001–15,000)	SA4	\$3,000
(population range 15,001–20,000)	SA5	\$4,050
(population range 20,001–25,000)	SA6	\$5,250
(population range 25,000+)	SA7	\$9,000
11. Municipal Stormwater—Public Complex General Permit (R11)		
(population range 1,000–2,999)	SP1	\$900
(population range 3,000–5,999)	SP2	\$1,500
(population range 6,000–8,999)	SP3	\$2,600
(population range 9,000+)	SP4	\$3,600
12. Municipal Stormwater—Highway Agency General Permit (R12)		
(milage range 0–9)	SH1	\$550
(milage range 10–199)	SH2	\$2,450
(milage range 200–399)	SH3	\$5,100
(milage range 400+)	SH4	\$9,800
13. DGW—Initial Individual Permit <sup>2</sup>	GWN	\$5,950
14. DGW—Renewed or Continued Individual Permits <sup>2</sup>	GWE	\$2,400
15. DGW—General Permit (I1, I2 and LSI)	GGN	\$750
16. DGW—General Permit (T1)	GT1	\$350
17. DGW—Operating Landfill Individual Permit	LND	\$5,950
18. Residuals Use or Disposal Operations (unless otherwise listed)	RES	\$10,100

Permit Fee Category <sup>1</sup>	Min Fee Code	Minimum Fee
19. Residuals—Food Processors/WTPs <sup>3</sup> Individual Permit	RFP	\$3,800
20. Residuals—Category Z Individual Permit <sup>4</sup>	RTZ	\$1,800
21. Residuals—General Permit (ZG and 4G)	RTG	\$450
22. Residuals—Category 04 Individual Permit <sup>5</sup>	RPH	\$700
23. Residuals—Land Application General Permit (unless otherwise listed)	RSG	\$750
24. Significant Indirect User (SIU) (Pretreatment)	SIU	\$5,450
25. Landfills operating or terminated after January 1, 1982 without an approved closure plan	6	\$2,500
26. Terminated Landfills properly closed or closed prior to January 1, 1982	6	\$500.00
27. Emergency Permit issued pursuant to N.J.A.C. 7:14A-6.14	7	

<sup>1</sup>For names corresponding to the general permit category see N.J.A.C. 7:14A-6.13(c).

<sup>2</sup>For a domestic or industrial facility issued an individual NJPDES Discharge to Groundwater permit, the minimum fee is \$5,950 for the first five years of that permit, and \$2,400 if the permit is renewed or administratively continued. All other domestic or industrial facilities issued an individual NJPDES Discharge to Groundwater permit shall be assessed a minimum fee of \$2,400.

<sup>3</sup>WTPs refer to potable water treatment plants.

<sup>4</sup>Refers to a Residuals Transfer Facilities individual permit.

<sup>5</sup>Refers to a Residuals—Reed Beds individual permit.

<sup>6</sup>This permit is issued and administered by the Division of Solid and Hazardous Waste.

<sup>7</sup>Fee based on category for type of discharge.

**Administrative correction.**

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

In (c)4, substituted “general permit” for “general plan”; and in (d)li, changed the rating in the table from “21” to “2”.

Public Notice: NJPDES Annual Fee Report, FY 1997.

See: 29 N.J.R. 5105(a).

Public Notice: NJPDES Annual Fee Report, FY 1998.

See: 30 N.J.R. 4078(a).

Public Notice: NJPDES Annual Fee Report, FY 1999.

See: 31 N.J.R. 2977(a).

Public Notice: NJPDES Annual Fee Report, FY 2000.

See: 32 N.J.R. 2131(a).

Public Notice: NJPDES Annual Fee Report, FY 2001.

See: 33 N.J.R. 2345(a).

Amended by R.2002 d.34, effective January 22, 2002.

See: 33 N.J.R. 3636(a), 34 N.J.R. 595(a).

Rewrote the section.

**Administrative correction.**

See: 34 N.J.R. 920(b).

Public Notice: NJPDES Annual Fee Report, FY 2002.

See: 34 N.J.R. 1859(b).

Public Notice: NJPDES Annual Fee Report, FY 2003.

See: 35 N.J.R. 2370(a).

Amended by R.2004 d.47, effective February 2, 2004.

See: 35 N.J.R. 169(a), 35 N.J.R. 1331(a), 36 N.J.R. 813(a).

Rewrote (j).

Public Notice: NJPDES Annual Fee Report, FY 2004.

See: 36 N.J.R. 2947(c).

**Administrative change.**

See: 36 N.J.R. 4131(b).

Public Notice: NJPDES Annual Fee Report, FY2005.

See: 37 N.J.R. 534(a).

Public Notice: Adoption of New Jersey Pollutant Discharge Elimination System (NJPDES); Fiscal Year 2006 Annual Fee Report and Assessment of Fees

See: 38 N.J.R. 1087(a).

**Administrative correction.**

See: 38 N.J.R. 5153(a).

Fee structure for pollutant discharge elimination system permits issued under Water Pollution Control Act did not have to be determined on a permit-specific cost-related basis; graduated fee schedule proportional to the deleterious impact of the permittee’s discharge was reasonable; use of a bioassay factor in determining toxicity and calculating the NJPDES fees was neither arbitrary nor unreasonable. *GAF Corp. v. New Jersey Dep’t of Environmental Protection*, 214 N.J.Super. 446, 519 A.2d 931 (App.Div.1986).

Fee schedule adopted to recover cost of surface water pollutant discharge permitting system proper as based on aggregate, rather than individual permit, costs: volume-based system for thermal dischargers proper: refunds due industrial users properly limited to credit on behalf of suit parties. *Public Service Electric and Gas Co. v. Dept. of Environmental Protection*, 101 N.J. 95, 501 A.2d 125 (1985).

Former regulation’s method of assessing fees for discharges to surface waters invalid as unrelated to legislative policy and not established in a reasonable manner; Department’s determination as to excess fee assessment credits supported by substantial credible evidence. *Public Service Electric and Gas Co. v. Dept. of Environmental Protection*, 193 N.J.Super. 676, 475 A.2d 665 (App.Div.1984), affirmed 101 N.J. 95, 501 A.2d 125 (1985).

**SUBCHAPTER 4. PERMIT APPLICATION REQUIREMENTS**

**7:14A-4.1 Purpose and scope**

This subchapter sets forth the minimum NJPDES permit application requirements, which apply to all applicants for NJPDES permits, unless otherwise specified.

**7:14A-4.2 Application requirements**

(a) Any person who is engaged in an activity or proposes to commence an activity that requires an individual NJPDES permit pursuant to N.J.A.C. 7:14A-2 shall submit a complete application to the Department in accordance with this subchapter. Any person wishing to be authorized under a general permit shall comply with the application requirements in the applicable general permit.

**Case Notes**

DEP could issue discharge permit to owner of closed landfill, only if Department had substantial evidential basis for believing that landfill actually was discharging pollutants that might flow or drain into State’s waters. *V. Concrete Co. v. Department of Environmental Protection*, 115 N.J. 1, 556 A.2d 761 (1989).

(b) Once an applicant has complied with N.J.A.C. 7:14A-4.3(a)13, requiring submittal of the application to the local agency or sewerage entity and municipality, the applicant shall submit two copies of all NJPDES permit applications to:

New Jersey Department of Environmental  
Protection  
Bureau of Permit Management  
Division of Water Quality  
PO Box 029  
Trenton, NJ 08625-0029  
Attn: Administrative Review Unit

(c) It is the duty of any person who is or will be an operating entity for any part of a facility which includes a discharge or activity regulated pursuant to this chapter to obtain a NJPDES permit. When a facility or activity is owned by one or more persons, but is currently operated by another person, it is the operating entity's duty to obtain a NJPDES permit. However, the property owner (record owner of fee title interest) shall sign the "Property Owner's Certification" in the NJPDES-1 Form for all DGW permits.

(d) Whenever pursuant to (c) above, more than one person is required to obtain an individual NJPDES permit for one or more discharges or activities at a specific site, the Department may issue a single permit and may list all of these persons as permittees. Such a permit may identify permit conditions that apply to one or more of those permittees.

(e) The schedule for submission of applications (or requests for authorization under a general permit) is as follows:

1. Any person proposing a new facility or activity, which requires a NJPDES permit pursuant to N.J.A.C. 7:14A-2.4 and is not exempt pursuant to N.J.A.C. 7:14A-2.5, shall submit an application at least 180 days before the date on which the activity is proposed to commence, unless an alternative date has been established by the Department. The schedule for submitting an application for certain stormwater discharges is set forth in N.J.A.C. 7:14A-24.4 and 25.4.

2. For general permits, alternate dates for submitting requests for authorization may be specified under the terms of the applicable general permits.

3. Any person planning to continue discharging after the expiration date of an existing NJPDES permit shall file an application for renewal or a request for authorization under a general permit at least 180 calendar days prior to the expiration of the existing permit, unless:

i. Otherwise required under (e)4 below;

ii. The existing permit is a general permit that provides for automatic renewal of authorization when that general permit is renewed (see N.J.A.C. 7:14A-6.13(d)9), or that provides for retroactive renewal of authorization after a new request for authorization is submitted or granted under the renewed general permit; or

iii. The existing permit is an individual permit where:

(1) The permittee has been notified by the Department prior to submitting a renewal application pursuant to N.J.A.C. 7:14A-2.7 that the permit qualifies for expedited permit renewal under N.J.A.C. 7:14A-16.3(h), and elects to participate; or

(2) The permittee has a stormwater only permit and is approved by the Department for expedited permit renewal.

4. (Reserved)

5. Any existing facility or activity which is required to obtain an individual NJPDES-SIU permit pursuant to N.J.A.C. 7:14A-2.4(b)2 and does not have an individual NJPDES-SIU permit shall apply within 180 days of the effective date of this chapter, or of a determination of the Department, that the discharge requires an individual NJPDES-SIU permit.

6. All existing facilities or activities which require an individual NJPDES-SIU permit due to promulgation of new Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subpart N, will be notified of the application date by the Department following submittal of the Baseline Report, as required pursuant to 40 CFR 403.12(b). See also N.J.A.C. 7:14A-21.3(b).

(f) The Department shall not issue a draft permit for an individual NJPDES permit before receiving a complete permit application, in accordance with N.J.A.C. 7:14A-15.4.

Administrative correction.

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

Amended N.J.A.C. references.

Amended by R.2004 d.47, effective February 2, 2004.

See: 35 N.J.R. 169(a), 35 N.J.R. 1331(a), 36 N.J.R. 813(a).

Rewrote (e)1.

#### 7:14A-4.3 Application information requirements

(a) All applicants for an individual NJPDES permit shall provide the following information to the Department using the application form(s) provided by the Department (except as specified in N.J.A.C. 7:14A-24.7, 25.9 and 25.10 for stormwater discharges):

1. The activities conducted by the applicant which require it to obtain a NJPDES permit including a brief description of the nature of the business, project, facility, or activity;

2. The name, mailing address, and location of the facility for which the application is submitted;

3. Up to four SIC codes which best reflect the principal products or services provided by the facility;

4. The expiration date of the existing permit or proposed start up date for a new source or for a new discharge or activity;