

**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**

In accordance with N.J.S.A. 52:14B-5.1d, Chapter 9, Water Pollution Control, expiration date was extended by gubernatorial directive from February 5, 2004 to February 5, 2006. See: 36 N.J.R. 1191(a).

**Chapter Historical Note**

Chapter 9, Water Pollution Control Rules, was adopted and became effective prior to September 1, 1969.

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

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

Subchapter 11, Allocation of Waste Lands or Point-Source Dischargers, was adopted as new rules by R.1974 d.151, effective June 18, 1974. See: 6 N.J.R. 132(c), 6 N.J.R. 263(b).

Subchapter 4, Surface Water Quality Standards, was adopted as new rules by R.1974 d.310, effective December 2, 1974. See: 6 N.J.R. 302(d), 6 N.J.R. 470(c).

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

Subchapter 14, Ground Water Quality Standards, was originally adopted by R.1978 d.20, effective January 23, 1978. See: 9 N.J.R. 68(b), 10 N.J.R. 61(a).

Subchapter 15, Grants for Restoring Publicly Owned Freshwater Lakes, was adopted as new rules by R.1980 d.374, effective August 22, 1980. See: 12 N.J.R. 310(a), 12 N.J.R. 575(c).

Subchapter 3, Location of Factory within Watershed, was repealed by R.1980 d.433, effective October 7, 1980.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).

Subchapter 4, Surface Water Quality Standards, Subchapter 5, Subchapter 8, Treatment of Wastewaters Discharged into Waters of the State, Subchapter 11, Allocation of Waste Loads or Point-Source Dischargers, and Subchapter 14, Ground Water Quality Standards, were repealed by R.1981 d.80, effective March 4, 1981. See: 12 N.J.R. 108(c), 13 N.J.R. 194(b).

Pursuant to Executive Order No. 66(1978), Subchapter 2, Standards for Construction of Individual Subsurface Sewage Disposal Systems, was readopted as R.1983 d.243, effective June 3, 1983. See: 15 N.J.R. 591(a), 15 N.J.R. 1042(a).

Subchapter 10, Installation of Sewerage Facilities in Critical Areas, was repealed by R.1983 d.423, effective October 3, 1983. See: 15 N.J.R. 1155(a), 15 N.J.R. 1654(b).

Pursuant to Executive Order No. 66(1978), Subchapter 13, Sewer Extension Ban, was readopted as R.1984 d.336, effective July 23, 1984. See: 16 N.J.R. 660(a), 16 N.J.R. 2096(a).

Pursuant to Executive Order No. 66(1978), Subchapter 15, Grants for Restoring Publicly Owned Freshwater Lakes, expired on August 22, 1985.

Subchapter 15, Grants Restoring Publicly Owned Freshwater Lakes, was adopted as new rules by R.1985 d.717, effective January 21, 1986. See: 17 N.J.R. 2182(a), 18 N.J.R. 163(b).

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

Pursuant to Executive Order No. 66(1978), Subchapter 1, Sewer Systems and Wastewater Treatment Plants, expired on April 25, 1985.

Subchapter 1, Sewer Systems and Wastewater Treatment Plants, was adopted as new rules by R.1988 d.205, effective May 2, 1988 as R.1988 d.205. See: 19 N.J.R. 2227(b), 20 N.J.R. 980(a).

Subchapter 2, Standards for Construction of Individual Subsurface Sewage Disposal Systems, was repealed by R.1989 d.450 and recodified to 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).

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).

Subchapter 6, Ground Water Quality Standards, was repealed and new rules were adopted 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).

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.

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.

The expiration date for Chapter 9, Water Pollution Control, was extended by gubernatorial directive from January 18, 2001 to January 1, 2002. See: 33 N.J.R. 553(b).

The expiration date for Chapter 9, Water Pollution Control, was extended by gubernatorial directive from January 18, 2002 to August 18, 2002. See: 34 N.J.R. 920(a).

Subchapter 2, Lake Restoration Funds, was repealed, and Subchapter 15, Grants Restoring Publicly Owned Freshwater Lakes, was recodified as Chapter 7:23, Administration of Lake Restoration Projects, by R.2002 d.410, effective December 16, 2002. See: 34 N.J.R. 2399(a), 34 N.J.R. 4436(a).

In accordance with N.J.S.A. 52:14B-5.1d, Chapter 9, Water Pollution Control, expiration date was extended by gubernatorial directive from August 18, 2002 to February 5, 2004. See: 34 N.J.R. 3079(a).

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**SUBCHAPTER 1. (RESERVED)**

**SUBCHAPTER 2. (RESERVED)**

**SUBCHAPTERS 3 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”.