

POLLUTANT DISCHARGE ELIMINATION SYSTEM

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CHAPTER 14A

POLLUTANT DISCHARGE ELIMINATION SYSTEM

Authority

N.J.S.A. 58:10A-1 et seq., 58:11A-1 et seq., 58:11-49 et seq., 58:10-23.11 et seq., 58:11-64 et seq., N.J.S.A. 4:24-39 et seq., 13:1D-1 et seq., 13:1E-1 et seq., 58:4A-5, 58:4A-4.1, and 58:12A-1 et seq.

Source and Effective Date

R.1989 d.339, effective June 2, 1989.
See: 21 N.J.R. 707(a), 21 N.J.R. 1883(a).

Executive Order No. 66(1978) Expiration Date

Chapter 14A, The New Jersey Pollutant Discharge Elimination System, expires on December 2, 1996.

Chapter Historical Note

Chapter 14A was filed and became effective as R.1981 d.84, effective March 6, 1981. See: 12 N.J.R. 569(f), 13 N.J.R. 194(c). Pursuant to Executive Order No. 66(1978), Chapter 14A was readopted as R.1983 d.260, effective June 8, 1983. See: 15 N.J.R. 606(a), 15 N.J.R. 1094(c). Pursuant to Executive Order No. 66(1978), Chapter 14A was readopted as R.1989 d.339. See Source and Effective Date. Notice of Petition to amend New Jersey Pollution Discharge Elimination System permits. See: 23 N.J.R. 222(a). Notice of Action on Petition to amend New Jersey Pollution Discharge Elimination System permits. See: 23 N.J.R. 622(b). Public Notice: Opportunity for interested party review for rule amendment. See: 25 N.J.R. 411(a). Public Notice: Revocation of NJPDES/SIU permits noticed at 24 N.J.R. 491(a). See: 25 N.J.R. 600(a).

The Executive Order No. 66(1978) expiration date for Chapter 14A was extended by gubernatorial waiver from June 2, 1994 to June 2, 1995. See: 26 N.J.R. 2462(a).

The Executive Order No. 66(1978) expiration date for Chapter 14A was extended by gubernatorial waiver from June 2, 1995 to June 2, 1996, and was further extended to December 2, 1996. See: 27 N.J.R. 2390(a), 28 N.J.R. 3330(b).

RESEARCH NOTE

The Water Quality Regulations of the Interstate Sanitation Commission appear as Appendix A to Title 7.

Law Review and Journal Commentaries

Discharge Permit Rules Encourage Prevention. Robert J. Curley, Francis X. Journick, Jr., 135 N.J.L.J. No. 8, S14 (1993).

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SUBCHAPTER 1. GENERAL INFORMATION

7:14A-1.1 Purpose

(a) It is the purpose of this chapter to:

1. Restore, enhance, and maintain the chemical, physical, and biological integrity of the waters of the State;
2. Protect public health and safety;
3. Protect potable water supplies;
4. Safeguard fish and aquatic life and scenic and ecological values;

5. Enhance the domestic, municipal, recreational, industrial, agricultural and other uses of water;

6. Prevent, control, and abate water pollution and to implement the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

7:14A-1.2 Scope

(a) This chapter prescribes procedures and guidelines for implementation and operation of the New Jersey Pollutant Discharge Elimination System (NJPDES) permit program.

(b) No person shall build, install, modify, or operate any facility for the collection, treatment or discharge of any pollutant, except in conformance with a valid final draft New Jersey Pollutant Discharge Elimination System (NJPDES) permit (or where applicable, a final NJPDES permit or treatment works approval) that has been issued by the Department pursuant to the State Act and these regulations.

(c) No person shall discharge any pollutant except in conformity with a valid NJPDES permit that has been issued by the Department pursuant to the State Act or a valid NJPDES permit issued by the Administrator pursuant to the Federal Act, as the case may be. A discharger which existed prior to the effective date of this chapter who has submitted a complete application shall be deemed to satisfy only the requirement of applying for a permit. This shall not preclude the Department from taking any appropriate enforcement action for violation of the State Act, this chapter, or other applicable law or regulation.

(d) It is the intent of the Department to regulate, at a minimum, the following by means of the New Jersey Pollutant Discharge Elimination System (NJPDES) permit program:

1. Discharge of pollutants to surface and ground waters;

2. Discharge of industrial pollutants by a significant indirect user and any other indirect discharger into a municipal or privately owned treatment works. All indirect dischargers are required to either obtain and comply with an individual NJPDES permit, or comply with the applicable NJPDES permit-by-rule provisions. No exemption, express or implied, conferred by this chapter from the requirement of obtaining an individual NJPDES permit shall be so construed as to bar criminal prosecution under N.J.S.A. 58:10A-10f of any indirect discharger who discharges in violation of the requirements of this chapter applicable to indirect dischargers who are not required to obtain individual NJPDES permits. See also N.J.A.C. 7:14A-13.4(c). Although all dischargers who discharge to privately owned treatment works may not be required to obtain a NJPDES permit, such dischargers shall comply with N.J.A.C. 7:14-3.13(a)13;

3. Land application of residuals;

4. Land application of municipal and industrial wastewaters;

5. Discharge of leachate to surface waters and into the ground water from facilities under the jurisdiction of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.;

6. Criteria for the construction and operation of treatment works;

7. The storage of any liquid or solid pollutant in a manner designed to keep it from entering the waters of the State;

8. Discharge of pollutants into wells;

9. Concentrated animal feeding operations as defined in N.J.A.C. 7:14A-3.4;

10. Concentrated aquatic animal production facilities as defined in N.J.A.C. 7:14A-3.5;

11. Discharges into aquaculture projects as defined in N.J.A.C. 7:14A-3.6;

12. Silvicultural point sources as defined in N.J.A.C. 7:14A-3.7;

13. Discharges of stormwater to surface waters, including discharges through storm sewers, as set forth in N.J.A.C. 7:14A-3.8; and

14. Treatment, storage or disposal of hazardous waste as defined in subchapter 4 of this chapter.

(e) The Department may issue, at a minimum, permits under the NJPDES permit program for:

1. Discharge of pollutants to surface water (DSW), (subchapter 3 of this chapter) including, where applicable, a discharge allocation certification (DAC) (N.J.A.C. 7:14A-3.3);

2. Discharge of pollutants into a municipal or privately owned treatment works (Significant Industrial User (SIU) (subchapter 12 of this chapter));

3. Treatment, storage or disposal of hazardous waste which is not regulated by the "Hazardous Waste Management Regulations", N.J.A.C. 7:26;

4. Discharge of pollutants into wells (Underground Injection Control (UIC) (subchapter 5 of this chapter)) in accordance with the State Act and as required to be regulated under the "Resource Conservation and Recovery Act", as amended (Industrial Waste Management Facility (IWMF) (subchapter 4 of this chapter));

5. Surface impoundments (SI);

6. Land application of sludge and septage (LAS);

7. Land application of effluents by spray irrigation (LSI);

8. Land application of effluents by overland flow (LOF);