

SIU permittees shall resample within 30 days of becoming aware of any violation if required by 40 C.F.R. Part 403); or

ii. Fails to submit a completed Discharge Monitoring Report (DMR).

2. The monthly reporting required by (d)1 above shall begin the first month after the submission of the DMR or the month in which the permittee was required to submit the completed DMR or the Baseline Report (BR) to the Department which results in the permittee becoming a serious violator. If the Department grants an affirmative defense pursuant to N.J.A.C. 7:14-8.3(i) for an effluent violation, the violation shall not be considered a serious violation and shall not be subject to monthly reporting under (d)1 above.

3. Any permittee required to adjust its monitoring and reporting pursuant to (d)1 above shall continue this monthly schedule until the permittee has submitted six consecutive monthly DMRs that show compliance with the particular serious violation parameter at the particular discharge point, at which time the permittee may resume the original schedule in its permit.

Administrative change.

See: 38 N.J.R. 1445(a).

Amended by R.2009 d.7, effective January 5, 2009.

See: 40 N.J.R. 1478(a), 41 N.J.R. 142(a).

In (b)2ii, inserted “, E. coli” and deleted the former last sentence; and in (d)3, substituted “DMRs that” for “Discharge Monitoring Reports which”.

7:14A-6.6 Recordkeeping

(a) A person shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by a NJPDES permit, records of all data used to complete the application for a NJPDES permit, and records of monitoring information required by the permit related to the permittee’s residual use and/or disposal practices for a period of at least five years, or longer as required by N.J.A.C. 7:14A-20, from the date of the sample, measurement, report, application, or record. The Department may at any time, extend this period through a written notice, and require that a person retain all records listed above for a period longer than five years for, at a minimum, any of the following reasons:

1. Enforcement action;
2. Litigation; and
3. Water quality studies.

(b) Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;

3. The date(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses.

7:14A-6.7 Notice requirements for facility alterations and additions

(a) All permittees shall give written notice to the Department of any planned physical alterations or additions to the permitted facility which meet the criteria in (b) below, or as soon as possible.

(b) Notice is required only when:

1. The alteration or addition to a permitted facility meets one of the criteria for determining whether a facility is a new source as defined in N.J.A.C. 7:14A-1.2;
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged;
3. The alteration or addition is expected to result in a significant change in the permittee’s residual use or disposal practices, and such alterations, additions, or changes may justify the application of permit conditions that are different from or absent in the existing permit. This includes notification of additional use or disposal sites not reported during the permit application process; or
4. The planned alterations or changes in the permitted facility or activity may result in noncompliance with permit requirements.

(c) Fulfillment of these notice requirements does not relieve the applicant of the responsibility to obtain any applicable approvals or permits.

Administrative correction.

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

7:14A-6.8 Reporting monitoring results

(a) The permittee shall report monitoring results in accordance with Department instructions and/or guidance documents, on the MRFs provided by the Department and/or the Baseline Reports (BR) required by the permit or the Department for the specific monitoring period at the intervals specified in the permit. The results submitted for the specific monitoring period shall be for samples taken during the specific monitoring period.

(b) All permittees with effluent limits expressed as daily maxima or minima without a monthly average for a particular parameter shall report, in addition to all other applicable reporting requirements, the average value obtained during the reporting month. However, for pH and WET, the reporting requirements of the permit shall govern.

(c) Any permittee required to adjust its effluent monitoring to monthly under N.J.A.C. 7:14A-6.5(d) shall also automatically adjust its reporting frequency to monthly.

(d) Monitoring results may be submitted to the Department electronically, provided:

1. The permittee executes and submits to the Department the NJPDES EDI Agreement, which requires:
 - i. Contact information for the facility and the facility administrator;
 - ii. The signature of the responsible official, certified in accordance with N.J.A.C. 7:14A-4.9; and
 - iii. The permittee's agreement to comply with the NJPDES rules, including timely submission of a paper monitoring report form if submission electronically is not possible.
2. The Department notifies the permittee that it is approved for participation in the NJPDES EDI program.
3. The permittee agrees to submit a monitoring report form on paper, rather than electronically, if the Department determines:
 - i. The permittee is not in compliance with the terms of the EDI Agreement;
 - ii. The data that the permittee submits to the Department electronically are not correct, as a result of input or transmission errors, or otherwise; or
 - iii. The data submitted electronically have compromised, or have the potential to compromise the Department's database system (for example, a virus is transmitted).

(e) All monitoring requirements of the permit are minimum requirements. However, if a permittee monitors any pollutant more frequently than required by the permit in accordance with the permit requirements for sample type, location, and analysis and using test procedures approved under 40 C.F.R. 136 or, in the case of residual use or disposal, approved under 40 C.F.R. 136, unless otherwise specified in 40 C.F.R. 503 or as specified in the permit, the results of this monitoring shall be included in the calculation and reported on the form specified by the Department.

(f) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit by the Department.

(g) When subject to limitations based on a measure of production, the permittee shall submit with the report the level of production that actually occurred during the reporting month and the limitations, standards, or prohibitions applicable to that level of production.

(h) The permittee shall report all instances of noncompliance not reported under N.J.A.C. 7:14A-6.10 at the time

MRFs are submitted. The reports shall contain the information required in the written submission listed in N.J.A.C. 7:14A-6.10(e) if not already submitted to the Department.

(i) All SIUs, DSW major industrial facilities, DGWs, and DSW local agencies, other than those discharging only storm-water or non-contact cooling water, required to submit MRFs to the Department shall submit the required reporting forms to the Department on a monthly basis when sampling is required on a monthly basis for one or more parameters.

Amended by R.2009 d.7, effective January 5, 2009.

See: 40 N.J.R. 1478(a), 41 N.J.R. 142(a).

Rewrote (a) and the introductory paragraph of (d); added (d)1 through (d)3; in (h) and (i), substituted "MRFs" for "DMRs"; and in (i), deleted the former last sentence.

7:14A-6.9 Signatory requirements for MRSF and BR

(a) The MRSF and the BRs shall be signed by the highest ranking official having day-to-day managerial and operational responsibilities for the discharging facility as explained below:

1. For private entities this will usually be a person identified in N.J.A.C. 7:14A-4.9(a)1; and

2. For local agencies (such as a sewerage entity, school board, or State agency), the highest ranking licensed operator having day-to-day managerial and operational responsibilities, including the responsibility to authorize capital expenditures and hire personnel for the discharging facility, shall sign the MRSF.

- i. If the highest ranking licensed operator having day-to-day managerial and operational responsibilities for the discharging facility does not have the responsibility to authorize capital expenditures and hire personnel, he or she may sign the form. However, the person having those responsibilities shall also certify that he or she has received and reviewed the MRF by signing the MRSF.

3. In those instances where a local agency has contracted with another entity to operate the treatment works, the highest ranking official who signs the MRSF shall be an employee of the contract operator and not of the local agency.

- i. If the highest ranking official of the contracted entity does not have the responsibility to authorize capital expenditures and hire personnel, he or she may sign the form. However, the person having those responsibilities at the local agency shall also certify that he or she has received and reviewed the MRF by signing the MRSF.

(b) The following certification shall be made by the above described official and shall accompany the report:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in