

(f) (Reserved)

(g) The annual fee for discharges by a significant indirect user to a domestic treatment works is calculated by using the following Environmental Impact in the annual fee formula:

1. The Environmental Impact of a discharge by a significant indirect user (SIU) to a domestic treatment works (DTW) is derived by applying the formula:

$$\text{Environmental Impact} = (\text{Total Pollutant Load})$$

i. Total Pollutant Load is the sum of each limited pollutant's average loading (in kilograms per day) for the selected 12-month period, as determined in accordance with N.J.A.C. 7:14A-3.1(a)7, multiplied by its associated risk factor as listed in Table I below.

(1) Any pollutant listed in Table I will be deleted from the Total Pollutant Load, if reported as non-detectable in all samples for the monitoring period. When any of the pollutants listed in Table I is detected at least once in the monitoring period, the Department shall calculate the Total Pollutant Load using one-half the reported minimum detection limit for pollutant concentrations.

(h) The fees for exemptions for certain types of residual use or disposal operations shall be assessed as follows:

1. Permit exemptions or Letters of Land Application Management Approvals authorizing the land application of sludge-derived products at specific sites in accordance with a Department-approved distribution program shall be assessed a fee of \$250.00 for the duration of the permit exemption or Letter of Land Application Management Approval. The Department will not consider a request for a permit exemption or Letter of Land Application Management Approval complete unless the request is accompanied by the fee; and

2. General distribution permit exemptions providing Department approval of a sludge derived product distribution program which is not directly regulated for residuals handling through an individual NJPDES permit shall be assessed a fee of \$2,700 for the duration of the exemption. The Department will not consider a request for a permit

exemption complete unless the request is accompanied by the fee.

(i) (Reserved)

(j) For NJPDES Permit No. NJ0088323 (referred to as the category 5G3 "construction activity" stormwater general permit), there is no annual or minimum fee. The fee for projects that disturb less than 5.0 acres is \$450.00. The fee for projects that disturb 5.0 acres or more is \$650.00. Except as set forth in (j)1 or 2 below, the fee shall be paid to the New Jersey Department of the Treasury, and submitted to the address set forth on the request for authorization form when the request for authorization is submitted to the Department.

1. For a project that the New Jersey Department of Transportation (NJDOT) is constructing or proposes to construct for which a stormwater discharge is regulated under this general permit, the fee of \$450.00 or \$600.00, as applicable, shall be paid to the Department.

2. For a project that a Federal governmental entity is constructing or proposes to construct for which a stormwater discharge is regulated under this general permit, a fee in the amount set forth in the Soil Erosion and Sediment Control Act (N.J.S.A 4:24-39 et seq.) fee schedule for the appropriate County Soil Conservation District shall be made payable to the "Treasurer, State of New Jersey." The fee will be allocated to address the Department's administrative and enforcement responsibilities, the Department of Agriculture's administrative costs, and the appropriate Soil Conservation District's review and inspection activities.

(k) The fee for discharges to groundwater required for conducting remediation, as defined by N.J.A.C. 7:26E, of contaminated sites, and for any NJPDES discharge to groundwater permits issued by the Site Remediation Program, is calculated and billed through requirements specified in N.J.A.C. 7:26C-4.5.

(l) The Department shall assess, where applicable, the fee for laboratory certification pursuant to the schedule set forth at N.J.A.C. 7:18.

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

Table I
RISK CATEGORIES

Risk Factor 10 ⁰	10 ¹	10 ²	10 ³	10 ⁴	10 ⁵
SURFACE WATER					
TDS	TSS	Tin	Styrene	Arsenic	Lead
Chloride	Phosphorus	Aluminum	Nickel	Beryllium	Mercury
Sulfate	Phthalic	Antimony	Copper	Asbestos	Cadmium
Fluoride	Acid	Barium	Silver	Acid fraction compounds	Chromium-hex
Iron	Sulfide	Chromium-trivalent	Cobalt	Base-Neutral Compounds	Pesticides
	Molybdenum	Oil & Grease	Ammonia	Volatile Organics	PCBs
	Bismuth	Surfactants	Cyanide		PBB
	Manganese	N(nitrite, nitrate	Selenium		
	Zinc	Kjeldhal, diss			
		& 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 & Grease	Bismuth	Chromium-Trivalent	Cobalt	Arsenic	Cadmium
	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 ToxicOrganics **	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/	Vinyl Chloride	Toluene	
		Ammonia	Base Neutral	1,2-Trans-Dichloroethylene	
		Phenols	Compounds *	Trichloroethylene	
			Acid Extractable Compounds		
			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
(Reserved)

Table III
Minimum Fees

Permit Fee Category ¹	Min Fee Code	Minimum Fee
1. Major DSW Domestic Treatment Works (DTW) – Individual Permit	MMJ	\$11,150
2. Minor DSW Domestic Treatment Works (DTW) – Individual Permit	MMI	\$4,200
3. Combined Sewer Overflow – Individual Permit Component or General Permit	CSO	\$9,450
4. Major Industrial DSW – Individual Permit	IMJ	\$9,950
5. Minor Industrial DSW – Individual Permit	IMI	\$4,200
6. General Permit – Industrial DSW, DGW or both (unless otherwise listed)	IGN	\$2,300
7. General Permit – Municipal DSW (unless otherwise listed)	MGN	\$3,100
8. Industrial Stormwater – Individual Permit	IST	\$4,100
9. Stormwater – Basic Industrial General Permit (5G2)	SBG	\$800
10. Municipal Stormwater—Tier B General Permit (R10)	STB	\$500
11. 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
12. 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
13. Municipal Stormwater – Highway Agency General Permit (R12)		
(mileage range 0-9)	SH1	\$550
(mileage range 10-199)	SH2	\$2,450
(mileage range 200-399)	SH3	\$5,100
(mileage range 400+)	SH4	\$9,800

Permit Fee Category ¹	Min Fee Code	Minimum Fee
14. DGW – Initial Individual Permit ²	GWN	\$6,000
15. DGW – Renewed or Continued Individual Permits ²	GWE	\$2,750
16. DGW – General Permit (I1, I2 and LSI)	GGN	\$900
17. DGW – General Permit (T1)	GT1	\$450
18. DGW – Operating Landfill Individual Permit	LND	\$6,900
19. Residuals Use or Disposal Operations (unless otherwise listed)	RES	\$10,600
20. Residuals—Food Processors/WTPs ³ Individual Permit	RFP	\$4,000
21. Residuals—Category Z Individual Permit ⁴	RTZ	\$2,050
22. Residuals—General Permit (ZG and 4G)	RTG	\$500
23. Residuals—Category 04 Individual Permit ⁵	RPH	\$850
24. Residuals—Land Application General Permit (unless otherwise listed)	RSG	\$800
25. Significant Indirect User (SIU) (Pretreatment)	SIU	\$5,750
26. Landfills operating or terminated after January 1, 1982 without an approved closure plan	6	\$2,500
27. Terminated Landfills properly closed or closed prior to January 1, 1982	6	\$500
28. Emergency Permit issued pursuant to N.J.A.C. 7:14A-6.14	7	

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

²For a domestic or industrial facility issued an individual NJPDES Discharge to Groundwater permit, the minimum fee is \$6,000 for the first five years of that permit, and \$2,750 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 \$2,750.

³WTPs refer to potable water treatment plants.

⁴Refers to a Residuals Transfer Facilities individual permit.

⁵Refers to a Residuals—Reed Beds individual permit.

⁶This permit is issued and administered by the Division of Solid and Hazardous Waste.

⁷Fee 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)1i, 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).

Public Notice: Adoption and Administrative Changes and Corrections: NJPDES Annual Fee Report, 2007.

See: 39 N.J.R. 381(b).

Public Notice: Adoption: NJPDES Annual Fee Report, FY2008.

See: 40 N.J.R. 813(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 (a)7, deleted “Discharge Monitoring Reports (DMRs) and/or Monitoring Report Forms” following “on”, deleted the parentheses around “MRFs” and substituted “12-month” for “12 month”; rewrote (b)2ii and (c)1i; in the introductory paragraph of (d), deleted “and landfills” following “residuals” and “and (f)” following “(e)”; rewrote (d)1; repealed (f); rewrote (g)1i and (j); and repealed Table II.

Public Notice: Adoption: NJPDES Annual Fee Report, FY2009.

See: 41 N.J.R. 680(a).

Administrative change.

See: 41 N.J.R. 2789(a).

Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).

See: 41 N.J.R. 4467(a).

In (k), updated the second N.J.A.C. reference.

Public Notice: Adoption: NJPDES Annual Fee Report, FY2010.

See: 42 N.J.R. 552(a).

Public Notice: Adoption: NJPDES Annual Fee Report, FY2011.

See: 43 N.J.R. 748(a).

Readoption of special amendment, R.2011 d.251, effective September 8, 2011.

See: 43 N.J.R. 1077(a), 43 N.J.R. 2581(b).

Provisions of R.2009 d.361 readopted without change.

Administrative change.

See: 44 N.J.R. 227(b).

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).

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. The application forms can be obtained by writing to the address cited in (b) below, or from the Department's web site, <http://www.state.nj.us/dep/dwq/>.

(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. If the Department revokes the industrial pretreatment program of a delegated local agency, the Department will notify each affected facility or activity that discharges under that industrial pretreatment program of the deadline for submitting an application for an individual NJPDES-SIU permit from the Department.

6. All existing facilities or activities which require an individual NJPDES-SIU permit due to promulgation of new Categorical Pretreatment Standards under 40 CFR

SUBCHAPTER 7. REQUIREMENTS FOR DISCHARGES TO GROUNDWATER (DGW)

7:14A-7.1 Purpose

This subchapter establishes NJPDES permit requirements for persons who discharge pollutants to ground waters of the State. The purpose of the NJPDES discharge to ground water permit is to restore, enhance, and maintain the ground water quality of the State, in accordance with N.J.S.A. 58:10A-1 et seq. and the Ground Water Quality Standards (GWQS) in N.J.A.C. 7:9C.

Administrative correction.
See: 37 N.J.R. 4245(a).

7:14A-7.2 Requirement to discharge in compliance with a valid NJPDES permit

(a) Persons responsible for discharges to ground water shall comply with all applicable NJPDES regulations.

(b) Except as otherwise provided in N.J.A.C. 7:14A-7.4 and 7.5, no person shall discharge to ground water prior to obtaining a discharge to ground water permit.

(c) All discharges to ground water permits existing on May 5, 1997 shall continue in full force and effect until renewed or terminated in accordance with the provisions of this chapter.

7:14A-7.3 Scope and applicability

(a) Persons responsible for discharges to ground water shall comply with all the requirements of this subchapter, except those persons listed under (c), (d), and (e) below, and in N.J.A.C. 7:14A-7.4.

(b) Persons responsible for the activities, pollution sources, or regulated units listed at (b)1 through 7 below shall comply with the requirements of this subchapter. Persons responsible for discharges not listed below are not exempt from the requirement to obtain a discharge to ground water permit. The list is intended only to be illustrative and is not exhaustive:

1. Surface impoundments;
2. Spray irrigation;
3. Overland flow;
4. Infiltration/percolation lagoons;
5. Residuals surface impoundments;
6. Injection wells; and
7. Land disposal of dredged spoil.

(c) Persons responsible for discharges to ground water from sanitary landfills as provided for in N.J.A.C. 7:26 shall conduct ground water monitoring in accordance with N.J.A.C. 7:14A-9.

(d) Persons responsible for discharges to ground water from hazardous waste facilities as defined in N.J.A.C. 7:26G, shall conduct ground water monitoring in accordance with N.J.A.C. 7:14A-10.

(e) Persons responsible for discharges to ground water associated with land application of residual shall comply with N.J.A.C. 7:14A-20.

Administrative correction.
See: 29 N.J.R. 3822(a).
Amended N.J.A.C. references.
Administrative correction.
See: 38 N.J.R. 5153(a).

7:14A-7.4 Exemptions

(a) Persons responsible for the following discharges are exempt from the requirement to obtain a discharge to ground-water permit:

1. Discharges from single family residential subsurface sewage disposal systems that are designed, constructed, installed and operated in compliance with the Realty Improvement Sewerage and Facilities Act, N.J.S.A. 58:11-23 et seq., and Standards for Individual Subsurface Sewage Disposal Systems, N.J.A.C. 7:9A;

2. Return flows from irrigated agriculture;

3. Discharges that occurred prior to May 5, 1997, except existing permitted discharges identified in N.J.A.C. 7:14A-7.2(c);

4. Any discharge not to exceed 60 calendar days and in compliance with the instructions of a Department on-scene coordinator or remedial project manager pursuant to 40 CFR 300 (the National Oil and Hazardous Substances Contingency Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances), and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11; and

5. The following stormwater discharges, if such discharges are not through underground injection regulated under N.J.A.C. 7:14A-8, and do not require a permit under N.J.A.C. 7:14A-24.2(a)9:

i. Stormwater discharges from municipal separate storm sewers that are not identified under N.J.A.C. 7:14A-25.2(a) or (b);

ii. Stormwater discharges from residential areas (including residential streets, parking lots, easements, and open space), or from commercial areas (other than areas of high pollutant loading), unless N.J.A.C. 7:14A-25.2(a) or (b) requires the operating entity to apply for a NJPDES permit for the discharge. For purposes of this subparagraph and N.J.A.C. 7:14A-8.5(b)9 and 24.2(c)3, high pollutant loading areas are commercial areas where solvents and/or petroleum products are loaded/unloaded, stored, or applied; commercial areas where pesticides are loaded and/or unloaded or stored; commercial areas where hazardous materials are expected to be present in

greater than "reportable quantities" as defined by the USEPA at 40 C.F.R. 302.4; commercial areas where recharge would be inconsistent with a remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or a Department approved landfill closure plan; and commercial areas where the risk for spills of toxic material is high, such as gas stations and vehicle maintenance facilities; and

iii. Stormwater discharges from animal feeding operations that do not require NJPDES permits under N.J.A.C. 7:14A-2.5(d) or 2.13.

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).

In (a), added 5.

Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).

See: 41 N.J.R. 4467(a).

In (a)5ii, deleted "Department approved" preceding "remedial", inserted "approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C," and inserted "a" preceding "landfill".

Administrative correction.

See: 42 N.J.R. 778(a).

Readoption of special amendment, R.2011 d.251, effective September 8, 2011.

See: 43 N.J.R. 1077(a), 43 N.J.R. 2581(b).

Provisions of R.2009 d.361 readopted with changes incorporated at 42 N.J.R. 778(a).

7:14A-7.5 Authorization of discharges to ground water by permit-by-rule

(a) Any person responsible for any of the following discharges to ground water is deemed to have a permit-by-rule:

1. Discharges to ground water from underground injection activities that are eligible for a permit-by-rule under N.J.A.C. 7:14A-8.5;

2. Discharges to ground water from activities associated with the flushing or cleaning of potable water mains and fire water systems, including hydrants and sprinklers;

3. Discharges to ground water from activities associated with the development of potable water wells;

4. Discharges to ground water from activities associated with the installation, development and sampling of monitoring wells in accordance with a NJPDES permit or, for activities not included in a NJPDES permit, in accordance with the Technical Requirements for Site Remediation, including, but not limited to, the requirements of N.J.A.C. 7:26E-3.7(c)2 and 6.4(d)3; and

5. Discharges to ground water from wells, other than discharges that occur during the course of a remediation pursuant to (b)3 below, that occur during aquifer tests for the purpose of obtaining hydrogeologic data, provided that such discharges do not exceed 30 calendar days in duration.

(b) Any person responsible for the discharges to ground water listed in (b)3i through vii below is deemed to have a permit-by-rule if the discharge occurs when:

1. A contaminated site, as defined in N.J.A.C. 7:26E-1.8, is being remediated pursuant to the rules at N.J.A.C. 7:14B implementing the Underground Storage of Hazardous Substances Act (N.J.S.A. 13:1K-6 et seq.), the requirements of the Industrial Site Recovery Act (N.J.S.A. 13:1K-6 et seq.), the requirements of the Spill Compensation and Control Act (N.J.S.A. 58:10-23.11), or the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C; and

2. The person is in receipt of written approval of the discharge from the Department;

3. The following ground water discharges are authorized by a permit-by-rule under this subsection:

i. Discharges to ground water, not to exceed 180 calendar days, from pilot treatment plants to obtain engineering design data;

ii. Discharges to ground water related to biotreatability studies where the discharge will not exceed 180 calendar days;

iii. Discharges to ground water, not to exceed 30 calendar days, from wells to test aquifers for the purpose of obtaining engineering and hydrogeologic design data;

iv. Discharges to ground water, not to exceed 180 calendar days, from any other facility or equipment associated with engineering studies, remedial action selection, or design studies and associated monitoring;

v. Discharges to ground water to remediate contamination from discharges of heating oil as defined at N.J.A.C. 7:14A-1.2, at a residential building of four units or less;

vi. Discharges to ground water, not to exceed 180 calendar days, related to dewatering at a contaminated site or regulated underground storage tank facility; and

vii. Discharges to ground water, including those listed in (b)3i through vi above, that occur during the course of a site remediation when the person responsible for conducting the remediation submits a proposal in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E, including the requirements of N.J.A.C. 7:26E-7.2.

(c) The Department shall invalidate any permit-by-rule under this section and require any person responsible for the discharge for which the permit-by-rule had been approved to apply for and obtain an individual discharge to ground water permit if:

1. The discharge is likely to contravene the ground water quality standards at N.J.A.C. 7:9C;

2. The discharge may result in violation of the Surface Water Quality Standards at N.J.A.C. 7:9B.

Amended by R.2005 d.222, effective July 5, 2005.

See: 37 N.J.R. 405(a), 37 N.J.R. 2499(a).

In (a), rewrote 4 and 5; rewrote (b).

Administrative correction.

See: 37 N.J.R. 4245(a).

Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).

See: 41 N.J.R. 4467(a).

In (b)1, updated the first N.J.A.C. reference, substituted "Administrative Requirements for" for "Procedures for Department Oversight of" and inserted "rules" following "Sites".

Administrative correction.

See: 42 N.J.R. 778(a).

Readoption of special amendment, R.2011 d.251, effective September 8, 2011.

See: 43 N.J.R. 1077(a), 43 N.J.R. 2581(b).

Provisions of R.2009 d.361 readopted with changes incorporated at 42 N.J.R. 778(a).

7:14A-7.6 Ground Water Protection Program (GWPP)

(a) Each discharge to ground water permit, except those identified in N.J.A.C. 7:14A-7.3(c), (d) and (e), and those permitted by rule pursuant to N.J.A.C. 7:14A-7.5, shall include an approved Ground Water Protection Program to ensure that the discharge does not contravene the ground

2. Injection wells used as a component of closed loop heat pump systems constructed according to any well permit condition(s)/standards adopted pursuant to N.J.S.A. 58:4A-4.1 et seq. All closed loop systems shall contain only fluids that are allowable under conditions of such well permit, and are leak proof such that the only discharge is heat content;

3. Injection wells used as components of an open loop heat pump system constructed in accordance with all applicable well construction requirements of N.J.A.C. 7:9D. Any such injection well shall discharge water into the same aquifer from which the water was drawn and with a quality that is the same as the ambient ground water, except for heat content;

4. Air conditioning or non-contact cooling water return flow injection wells that:

i. Are constructed in accordance with all applicable well construction requirements of N.J.A.C. 7:9D, or all applicable seepage pit construction requirements of N.J.A.C. 7:14A-8.18; and

ii. Discharge water into the same aquifer from which the water was drawn and with a quality that is the same as the ambient ground water, except for heat content;

5. Underground injection of swimming pool filter backwash water and water softener backwash water into seepage pits, when the activity is conducted in accordance with N.J.A.C. 7:14A-8.18;

6. Underground injection wells associated with the feasibility or engineering design studies necessary to obtain or comply with a water supply allocation permit pursuant to N.J.A.C. 7:19 or NJPDES permit pursuant to this chapter;

7. Underground injection of stormwater runoff from the roofs of buildings, so long as the roofs are devoid of pollutant sources and devices (for example, motors, tanks, drums) that contain pollutants;

8. Underground injection of stormwater discharges from municipal separate storm sewers that are not identified under N.J.A.C. 7:14A-25.2(a) or (b);

9. Underground injection of stormwater discharges from residential areas (including residential streets, parking lots, easements, and open space), or from commercial areas other than areas of high pollutant loading as described under N.J.A.C. 7:14A-7.4(b)5ii, unless N.J.A.C. 7:14A-25.2(a) or (b) requires the operating entity to apply for a NJPDES permit for the discharge;

10. Underground injection of stormwater discharges from animal feeding operations that do not require a NJPDES permit under N.J.A.C. 7:14A-2.13; and

11. Underground injection wells used during the remediation of a contaminated site where the person conducting the remediation meets the conditions set forth at N.J.A.C. 7:14A-7.5(b).

(c) The owner or operator of a Class V injection well shall submit inventory information to the Department at the address indicated in (i) below within 90 days of installation of the Class V injection well. The inventory information shall consist, at a minimum, of the following information:

1. The well drilling permit number, where applicable;
2. The facility name and location;
3. The name and address of the legal contact;
4. The ownership of the facility;
5. The nature and type of injection well(s);
6. The operating status of injection well(s); and
7. The type, quantity and quality of discharge.

(d) The Department will notify pursuant to (e) below any owner or operator of any Class V injection well authorized by rule pursuant to this section to apply for and obtain a UIC permit pursuant to N.J.A.C. 7:14A-8.8, if:

1. The injection well is no longer a Class V well;
2. The protection of underground sources of drinking water (USDW) requires that the injection shall be subject to requirements such as corrective action, monitoring and reporting, or operation not required by the permit-by-rule;
3. The injection well is likely to adversely affect the existing or potential use of the aquifer; or
4. The discharge is presumed to contravene the Ground Water Quality Standards in N.J.A.C. 7:9C.

(e) The Department shall notify in writing the owner or operator of a Class V injection well required pursuant to (d) above to apply for and obtain a UIC permit pursuant to N.J.A.C. 7:14A-8.8. The notice shall include a brief statement of the reasons for the decision, instructions on how to apply for the UIC permit, a statement setting a time by which the owner or operator must apply for the permit, and a statement that upon the effective date of the UIC permit authorization the permit-by-rule under which the activity had been approved shall no longer apply.

(f) Any owner or operator of a Class V injection well approved under a permit-by-rule pursuant to this section may request to be excluded from the authorization by applying for a UIC permit pursuant to N.J.A.C. 7:14A-8.8. The owner or operator shall provide reasons supporting the request to the Department. The Department shall not issue a permit for an injection well which is in violation of any other applicable statutes or regulations.

(g) Any approval for a Class V injection well under a permit-by-rule pursuant to this section shall expire upon the effective date of a UIC permit authorization issued pursuant to N.J.A.C. 7:14A-8.8 for such injection well.

(h) The owner or operator of a Class V injection well approved under a permit-by-rule pursuant to this section is prohibited from injecting into the well:

1. Upon the effective date of denial of an application;
2. Upon failure to submit inventory or other information in a timely manner pursuant to this section;
3. Upon failure to comply with the provisions of an enforcement action; and
4. Upon notification by the Department to cease injection.

(i) Inventory information required pursuant to (c) above shall be submitted to:

Department of Environmental Protection
Underground Injection Control Coordinator
PO Box 029
Trenton, New Jersey 08625-0029

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).

In (b), in introductory paragraph substituted "10" for "7"; added (b)8 through (b)10; in (d) added N.J.A.C. reference; rewrote (e) through (g); in (h), deleted old 3 and recodified existing 4 and 5 as 3 and 4.

Amended by R.2005 d.222, effective July 5, 2005.

See: 37 N.J.R. 405(a), 37 N.J.R. 2499(a).

Rewrote (a); in (b), substituted "11" for "10" preceding "below is deemed" in the introductory paragraph and added 11.

Administrative correction.

See: 37 N.J.R. 4245(a).

Administrative correction and 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).

Rewrote (b)4; and in the introductory paragraph of (c), substituted "installation of the Class V injection well" for "a notification by the Department. Notification shall be a public notice in a local newspaper or in the New Jersey Register, or a written request".

7:14A-8.6 Identification of underground sources of drinking water

The Department may identify (by narrative description, illustrations, maps, or other means) and shall protect as an underground source of drinking water, all aquifers or parts of aquifers which meet the definition of an "underground source of drinking water" in N.J.A.C. 7:14A-1.2. Even if an aquifer has not been specifically identified by the Department as such, it is an underground source of drinking water if it meets the definition in N.J.A.C. 7:14A-1.2.

7:14A-8.7 Prohibition and elimination of underground injection of hazardous and radioactive wastes

(a) Except as provided at (b) below, any underground injection of hazardous wastes or radioactive wastes is prohibited. This specifically prohibits the operation of Class IV

injection wells, and prohibits hazardous and radioactive wastes from being injected into Class I injection wells.

(b) The Department may, at its discretion, authorize the construction and/or operation of a Class IV or Class I well to inject ground water that has been treated and is being reinjected into the same formation from which it was drawn. The Department's implementation of this injection activity shall be pursuant to provisions for cleanup of releases under CERCLA, or RCRA, as described in 40 C.F.R. 144.13(c), or when conducted under Department oversight pursuant to the Underground Storage Tanks rules at N.J.A.C. 7:14B, the Industrial Site Recovery Act (N.J.S.A. 13:1K 6 et seq., as amended), or the Procedures for Department Oversight of the Remediation of Contaminated Sites at N.J.A.C. 7:26C. These injection activities shall generally be conducted to alleviate a situation posing a substantial danger to public health or safety or when necessitated by public health or environmental considerations (for example, when injection wells are used as a component of a ground water remediation program).

(c) Abandonment and closure of any injection well that is injecting, or has ever injected, hazardous wastes (including Class IV and Class I injection wells) shall be performed in compliance with all applicable Department regulations for remediation of contaminated sites including the Procedures for Department Oversight of the Remediation of Contaminated Sites (N.J.A.C. 7:26C).

7:14A-8.8 Authorization by permit

(a) Any underground injection well not authorized by a permit-by-rule in accordance with N.J.A.C. 7:14A-8.5 requires a UIC permit in accordance with this section.

(b) The owner or operator shall apply for a UIC permit in accordance with N.J.A.C. 7:14A-4. An application for a well-drilling permit, if applicable, shall be submitted concurrently in accordance with N.J.S.A. 58:4A-4.1.

(c) The information required by the Department for a UIC permit application for a Class I, II, III or V injection well is listed in N.J.A.C. 7:14A-8.17.

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 (b).

7:14A-8.9 Additional conditions applicable to Class I, II, III and V UIC permits

(a) The following conditions, in addition to those set forth in N.J.A.C. 7:14A-2.5, apply to all UIC permits for Class I, II, III and V injection wells, and shall be incorporated into these UIC permits either expressly or by reference. If incorporated by reference, a specific citation to this subchapter shall be given in the permit.

1. The permittee does not need to comply with certain provisions of N.J.A.C. 7:14A-6.10 when such noncompliance is authorized by a temporary emergency permit under N.J.A.C. 7:14A-6.14.

treatment works is nonetheless required to conform with any applicable requirements of this subchapter and N.J.A.C. 7:14A-23, Technical Requirements for Treatment Works Approvals.

(h) The Department shall determine within 20 working days of the issuance of a final NJPDES permit or NJPDES permit modification, whether the discharger shall be required to obtain approval in accordance with the subchapter.

(i) No person shall permit, approve or otherwise allow the construction, installation, modification or operation of any facility or activity that violates the terms, conditions and requirements of this subchapter.

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).

Deleted (j).

7:14A-22.3 Activities for which a treatment works approval is required

(a) Except as provided in N.J.A.C. 7:14A-22.4, no person shall engage in any of the following activities except in conformance with a valid treatment works approval from the Department:

1. Building, installing, modifying, or operating any treatment works including, but not limited to, sewer extensions, sewer interceptors, domestic and industrial wastewater treatment systems, holding tanks, equalization tanks and wastewater treatment and recycling systems.

2. Building, installing, modifying or operating any sewer line, pumping station or force main which serves more than two buildings or will convey 8,000 gallons per day or more of flow to a treatment works.

i. Increasing the projected flow in an existing sewer line by 8,000 gallons per day or more shall require a treatment works approval permit, irrespective of whether or not additional sewer line construction is involved;

3. Building, installing, operating or modifying any residuals treatment units, including, but not limited to, facilities for composting, heat drying, thickening, digestion, air drying, thermal reduction, dewatering and storage of sludge;

4. Building, installing, operating or modifying any domestic or industrial treatment works that discharges directly to the surface water or groundwater of the State; or

5. Building, installing, operating or modifying any individual subsurface sewage disposal system if required pursuant to N.J.A.C. 7:9A-3.9;

6. Building, installing, operating or modifying any industrial treatment works located in any area of the State where the Department is the control authority (non-

delegated area) for an industrial pre-treatment program pursuant to 40 CFR 403 and N.J.A.C. 7:14A-19; or

7. Building, installing, operating or modifying any process unit, storage unit or conveyance facilities that treat and/or convey RWBR. Projects utilizing RWBR shall be authorized under a NJPDES discharge permit.

(b) Industrial treatment works approval applications submitted pursuant to (a)4 and 5 above will generally be processed within 30 days of receipt of a complete application in accordance with N.J.A.C. 7:14A-22.6.

(c) Projects for which flow is the determining factor for the requirement of a treatment works approval pursuant to this section, the projected flow criteria specified in N.J.A.C. 7:14A-23.3 shall be used.

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).

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

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

In (a)4, substituted “; or” for “, with the exception of individual subsurface disposal systems exempted pursuant to N.J.A.C. 7:14A-22.4(a)3.”; added new (a)5 and (a)7; recodified former (a)5 as (a)6; and in (a)6, substituted “; or” for a period at the end.

Case Notes

Absence of allegation of continuing or continued threat of racketeering activity did not bar claim under state statute. *Maxim Sewerage Corp. v. Monmouth Ridings*, 273 N.J.Super. 84, 640 A.2d 1216 (L.1993).

Amendments were sufficient to state claims for common-law fraud and state RICO violations. *Maxim Sewerage Corp. v. Monmouth Ridings*, 273 N.J.Super. 84, 640 A.2d 1216 (L.1993).

Amendment failed to state federal RICO claim; “enterprise” requirement. *Maxim Sewerage Corp. v. Monmouth Ridings*, 273 N.J.Super. 84, 640 A.2d 1216 (L.1993).

7:14A-22.4 Activities for which a treatment works approval is not required

(a) A treatment works approval from the Department is not required for the following activities:

1. Building, installing, modifying or operating any sewer lateral (whether forced or by gravity), which will convey less than 8,000 gallons per day of projected flow;

2. Building, installing, modifying or operating any wastewater pumping equipment which utilizes a lateral force main connection, whether publicly or privately owned, to serve a facility whose projected flow is less than 8,000 gallons per day;

3. Except as provided at N.J.A.C. 7:14A-22.3(a)5, building, installing, operating or modifying an individual subsurface sewage disposal system where the aggregate projected flow of the facility, using the criteria established in N.J.A.C. 7:9A, is less than or equal to 2,000 gallons per day of sanitary sewage. Treatment works for such facilities

are regulated pursuant to N.J.A.C. 7:9A, Standards for Individual Subsurface Sewage Disposal Systems;

4. For existing facilities, and regardless of current flow, aggregate increases in the projected flow of less than 8,000 gallons per day over a five year period resulting from internal plumbing modifications, building additions, renovations or changes in use of a facility, providing that the project does not involve construction of a sewer extension or other treatment works which requires a permit pursuant to N.J.A.C. 7:14A-22.3.

i. In sewer ban areas, this exception shall not be construed to exempt the need for a sewer ban exemption prior to construction, if required pursuant to this subchapter;

ii. This exception does not apply to projects served by individual subsurface disposal systems or small treatment plants (less than 150,000 gpd) that discharge to groundwater;

5. Rehabilitation or the replacement of existing sewer lines providing that the diameter and location of the sewer line will remain unchanged and providing that the slope is either unchanged or changed only as necessary to bring an existing below-slope sewer into conformance with minimum (or greater) Department design standards.

6. The replacement of worn, damaged, defective or inoperable wastewater pumps, sewage treatment units or components of residuals treatment and storage units providing that the capacity and location of the pumps or treatment units to be replaced will not change and the replacement treatment unit or wastewater pump station will be utilized to perform the same function as the former unit;

i. Existing pumping stations whose capacity is increased through a change in impeller size only, with no other modifications, do not require a treatment works approval.

7. Minor modifications of treatment works including, but not limited to, chemical addition for the purpose of improving performance and/or odor control (provided no treatment unit construction is to be undertaken), and modifications to treatment units for repair, maintenance or monitoring providing that the treatment process is not altered;

8. Residuals spreading and injection equipment to be utilized to disperse residuals at NJPDES permitted and exempted operations for land application of residuals;

9. The following mobile (not stationary) residuals storage installations:

- i. Frac tanks except when fixed into position;
- ii. Tanker trailers; and
- iii. Roll-off containers;

10. Mobile street sweepers and payloaders utilized to collect and move residuals at NJPDES permitted and exempted residual operations;

11. Provisions for emergency storage of residuals provided said storage is less than 180 days in duration and in accordance with Part 4-VIII of the Statewide Sludge Management Plan;

12. Building, installing, operating or modifying handling equipment or storage units for marketable residual products; or

13. Building, installing, operating or modifying a treatment works for a groundwater recovery and reinjection system which is performed under the authority of the Procedures for Department Oversight of the Remediation of Contaminated Sites, N.J.A.C. 7:26C.

(b) In addition to (a) above, a treatment works approval or general industrial treatment works approval will not be required for the following facilities:

1. Building, installing, operating or modifying any industrial treatment works discharging into a publicly owned treatment works and located in an area of the State for which the Department is not the control authority (delegated area) for the industrial pre-treatment program pursuant to 40 CFR 403 and N.J.A.C. 7:14A-19;

i. Projects involving the construction of a sewer extension require a treatment works approval for the conveyance aspects only and are subject to the conditions of N.J.A.C. 7:14A-22.8;

ii. Projects involving additional flow through an existing sewer line of 8,000 gpd or more require a treatment works approval for the conveyance aspects only and may be considered under the provisions of N.J.A.C. 7:14A-22.6;

2. Building, installing, operating or modifying an American Petroleum Institute approved gravity oil/water separator, a retention or detention basin, sand traps or sediment traps that are installed routinely in facilities such as car washes, truck wash bays and other similar discharges, when these systems are authorized under a general NJPDES permit, have been determined not to require a NJPDES permit, or are exempted from obtaining a NJPDES permit pursuant to this chapter or are stormwater management facilities (see (b)3v below);

3. Building, installing, operating or modifying any of the following activities or facilities:

- i. Grease traps for use in restaurants;
- ii. Cooling towers for non-contact water/heat exchange units and necessary associated appurtenances;
- iii. Holding tanks for wastewater which is solely industrial in nature and the amount to be hauled to a treatment works will be less than 8,000 gallons per day,

and the tank will have a total volume of 21,000 gallons or less;

iv. Recycling systems for industrial waste only, which do not discharge directly to the surface water or ground water;

v. Stormwater management facilities, including but not limited to retention basins, detention basins, and oil/water separators that prevent, abate, reduce, collect, convey, store, treat, dispose of, or otherwise manage stormwater runoff;

vi. Any part of a separate storm sewer system; or

vii. Treatment units used for pretreatment of water for use in an on-going manufacturing process at the industrial facility;

4. Mobile treatment works to be specifically utilized for the treatment of water in relation to a short-term pump test or dewatering associated with an underground storage tank project authorized under a NJPDES category B4B General permit;

5. Building, installing, modifying or operating any system for discharges to ground water that are authorized by permit-by-rule in accordance with N.J.A.C. 7:14A-7.5 or 8.5; or

6. Process units for the sole purpose of treating effluent to achieve a higher quality RWBR than what is required by the NJPDES permit and the onsite distribution system located at the facility where the RWBR is to be utilized.

(c) Notwithstanding the terms of (a) and (b) above, the Department shall have the authority to regulate, at its discretion, any sewer connection or other domestic or industrial treatment works when a sewer connection ban exists or a health emergency so requires.

(d) The lack of a need to obtain a treatment works approval in accordance with this section does not relieve the project owner and/or sewerage authority from the responsibility to comply with all requirements of a NJPDES discharge permit. The responsibility of determining that additional flows to the treatment works will not result in any unpermitted discharge or NJPDES permit violation rests with the owner of the collection system and treatment facility.

(e) For projects in which flow is the determining factor for the requirement of a treatment works approval permit pursuant to this section, the projected flow criteria specified in N.J.A.C. 7:14A-23.3 shall be used.

Amended by R.1994 d.448, effective September 6, 1994.

See: 26 N.J.R. 158(a), 26 N.J.R. 3709(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)5, deleted “, slope” following “the diameter” and added “and providing that the slope ... Department design standards”; in (a)12, substituted “handling equipment” for “treatment” and “marketable residual products” for “sludge derived products”; added (a)13; in (b)1,

deleted “(indirect discharger)” following “treatment works” and amended N.J.A.C. reference; in (b)3ii, added “and necessary associated appurtenances”; in (b)3iii, deleted reference to discharged wastewater added 21,000 gallon total volume restriction; and in (b)5, amended N.J.A.C. reference

Amended by R.2005 d.222, effective July 5, 2005.

See: 37 N.J.R. 405(a), 37 N.J.R. 2499(a).

In (b), amended the N.J.A.C. reference in 5.

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

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

In (a)3, substituted “Except as provided at N.J.A.C. 7:14A-22.3(a)5, building,” for “Building,”; substituted “an individual” for “a septic system or other” and inserted “sewage” following “subsurface”; in (b)4, deleted “or” from the end; in (b)5, substituted “; or” for a period at the end; and added (b)6.

7:14A-22.5 Treatment works approval

(a) A treatment works approval consists of the following three stages:

1. Stage I is an optional preliminary or conceptual review of treatment works as prescribed in N.J.A.C. 7:14A-22.7. The Department recommends that a stage I review and approval be obtained for any new sewage treatment plant or plant expansion, or if the proposed treatment works involves a new or innovative design or technology.

2. Stage II is an approval to construct, install or modify a treatment works as outlined in this subchapter.

3. Stage III is an approval to operate a treatment works that has been constructed or received a stage II approval. In general, separate stage II “construct only” approvals are issued for projects located in sewer ban areas, in future sewer service areas for which no downstream sewers exist, and for construction of some treatment plants. Stage II and stage III approvals are generally issued concurrently as a single document, when operation of the treatment works can occur immediately upon completion of the project.

(b) The construction, installation, modification or operation of a treatment works in a manner inconsistent with the terms and conditions of the Department’s approval constitutes a violation of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and may be subject to penalties and fines pursuant to the above Act, the Civil Administrative Penalty Rules, N.J.A.C. 7:14-8, or other applicable statute.

(c) The Department may modify, suspend or revoke a treatment works approval in accordance with N.J.A.C. 7:14A-22.11.

(d) A preapplication review is an optional service especially recommended for large-scale development. During this review the Department will discuss the apparent strengths and weaknesses of the proposed development, as well as the procedures and policies that would apply to the particular development. The conference is intended to provide guidance and does not constitute a commitment of approval or denial of a treatment works approval application for the proposed development.

(e) The Department shall approve, condition, or deny an application for a treatment works approval pursuant to this subchapter within 90 days of receipt of an administratively complete application by the Department. This time period may be extended for one 30-day period upon the mutual consent of the applicant and the Department.

1. Within a maximum of 20 business days following the date of receipt of the application, the Department shall perform a review to determine administrative completeness of the treatment works application in accordance with N.J.A.C. 7:14A-22.6 or 22.8 as appropriate, assign an agency project number and notify the applicant in writing the administrative status of the application and any additional information required to make the application administratively complete.

i. In the case where the application has been determined to be administratively incomplete, the Department shall make a decision on the treatment works approval application within 90 days following the date of receipt of the additional information required to make the application administratively complete.

ii. In the case where the application has been determined to be administratively incomplete, the Department reserves the right to deny the application without prejudice if the additional information required to make the application administratively complete has not been received by the Department within 20 days of the date of the notice of the administrative status of the application.

2. Comments received on an application will be included in the application file and will be considered by the Department in the application review process.

3. If the Department fails to act within the 90 days of receipt of an administratively complete application, the application shall be deemed to have been approved, to the extent that the application does not violate other statutes or regulations then in effect, and subject to any standard terms and conditions applicable to such treatment works approvals.

4. For treatment works approval applications that have been denied by the Department, a subsequent application by the same applicant for a revised project of the same or reduced scope on the same site may be submitted within one year of the date of denial without additional fees. The waiving of such fees is limited to only one resubmittal request. The resubmitted application will be treated as a new application, although references may be made to the previously reviewed application.

(f) The issuance of a treatment works approval by the Department does not relieve the applicant of the continuing responsibility for the successful collection, conveyance, treatment or discharge of pollutants, nor does it relieve the applicant from the responsibility of insuring that all discharges are consistent at all times with the terms and

conditions of the applicable NJPDES permit and that no pollutant will be discharged more frequently than authorized or at a level in excess of that which is authorized by the applicable NJPDES permit. The applicant is also responsible for complying with all applicable permits, regulations, statutes, or other laws.

(g) The applicant and any owner or operator of a treatment works shall provide notice of the terms and conditions of any existing treatment works approval to a prospective purchaser of the treatment works. Upon change of ownership of the treatment works, the new owner shall assume responsibility for its proper operation and maintenance or closure. Notification to the Department of a change in ownership for the treatment works approval permit is not required.

(h) The Department's review of applications and submissions is limited to engineering (including hydraulic) features of significance to applicable discharge limits and protection of the environment. The Department will not review structural, mechanical or electrical design, except when it may be significant to achievement of discharge limitations or to the protection of the environment.

(i) A permit to construct or operate a treatment works, previously issued to the owner or operator pursuant to N.J.S.A. 58:11-10 or 58:12-3 will constitute a treatment works approval for the purpose of this subchapter. The permit and any conditions thereto will continue to be in effect until such time as the permit is revoked, amended or expired.

(j) The full responsibility for adequate design, construction and operation of the treatment works, and the full responsibility for successful collection, treatment and discharge of pollutants shall be on the applicant.

(k) Treatment works shall be constructed in a manner which is consistent with the provisions of the appropriate wastewater management plan.

(l) The Department may grant an emergency approval authorizing the construction and/or operation of a treatment works prior to issuance of a formal treatment works approval in situations such as the modification/rehabilitation of existing treatment and conveyance systems where time delays may threaten the public health or safety. Such approvals shall be subject to the following requirements:

1. The Department and the affected collection system owner and/or treatment plant owner (as appropriate) shall be informed by telephone or in writing, prior to construction, as to the project location, the extent of work to be performed, and the reason for the emergency.

2. Within 15 calendar days of commencing the activity for which an emergency approval is authorized, an application for a treatment works approval and/or sewer ban exemption shall be submitted to the Department for review and issuance of the required permit. "As-built" drawings, if applicable, shall be submitted.