

**Incorporation of Enforceable State Policies Developed Pursuant to the Federal  
Clean Water Act  
N.J.A.C. 7:14A and 7:8 into New Jersey's Coastal Management Program**

Pursuant to Section 307(f) of the Coastal Zone Management Act, 16 U.S.C. 1456(f), the Department has incorporated the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A Subchapters 1, 2, 5, 6, 11, 12, 13, 15, 16, 18, 19, 20, 21, 24 and 25, and the Stormwater Management rules, N.J.A.C. 7:8, into New Jersey's Federally approved Coastal Management Program. The incorporation of the NJPDES rules was effective April 13, 1982, the date the State NPDES Permit Program, Pretreatment Program, and State regulation of Federal facilities were approved by EPA, and the Stormwater Management rule, February 2, 2004, the date the rules were adopted.

Section 307(f) of the Coastal Zone Management Act provides that requirements established by the Federal government and a state or local government pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., (commonly known as the Clean Water Act) and the Clean Air Act, 42 U.S.C. 7401 et seq., shall be incorporated into any program developed pursuant to the Coastal Zone Management Act. The National Pollutant Discharge Elimination System permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Section 402(b) of the Clean Water Act provides the Governor of any State can apply to the Administrator of the Environmental Protection Agency to administer the NPDES Program in the State. On April 13, 1982, the State NPDES Permit Program, Pretreatment Program, and State regulation of Federal facilities were approved by EPA. The incorporated rules at N.J.A.C. 7:14A referenced above were adopted March 6, 1981 and amended through September 19, 2005.

The NJPDES Program protects New Jersey's ground and surface water quality by assuring the proper treatment and discharge of wastewater (and its residuals) and stormwater from various types of facilities and activities. To accomplish this, permits are issued limiting (through numeric effluent limitations and/or management practice requirements) the mass and/or concentration of pollutants which may be discharged into ground water, lakes, streams, rivers, bays, and the ocean. The types of regulated facilities

and activities can range from very small users such as campgrounds, schools, and shopping centers to larger industrial and municipal wastewater dischargers.

The NJPDES rules, N.J.A.C. 7:14A, establish the regulatory framework within which the Department regulates the discharge of pollutants to the waters of the State, with the following rules pertinent to discharges to surface waters: Subchapters 1, 2, 5, 6, 11, 12, 13, 15, 16, 18, 19, 20, 21, 24 and 25.

Subchapter 1, Abbreviations, Acronyms and Definitions sets forth the definitions used throughout the Chapter. Subchapter 2, General Program Requirements, sets forth the purpose and scope, various administrative requirements, requirement for ambient water quality studies, and specific criteria for concentrated animal feeding operations and concentrated aquatic animal production facilities. Subchapter 5, Wastewater Discharge Requirements, sets forth the rules for the protection and enhancement of surface waters of the State. Subchapter 6, Conditions Applicable to all NJPDES permits, sets forth the minimal conditions which apply to all NJPDES permits.

Subchapter 11, Procedures and Conditions Applicable to NJPDES-DSW Permits, sets forth specific conditions and procedures which are applicable only to Discharge to Surface Water permits. Subchapter 12, Effluent Standards Applicable to Direct Discharges to Surface Water and Indirect Discharges to Domestic Treatment Works, specifies Federal and State Effluent standards which may be incorporated into a permit as an effluent limitation for direct discharges to surface water including those discharges conveyed to surface water via storm sewers and indirect discharges to Domestic Treatment Works. Subchapter 13, Effluent Limitations for DSW Permits, sets forth procedures the Department will use in imposing numeric or non-numeric effluent limitations in DSW permits. Subchapter 15, Procedures for Decision Making-NJPDES Permit Processing Requirements, sets forth the procedural stages that the Department shall follow when processing an individual NJPDES permit, and general NJPDES permits. Subchapter 16, Transfer, Modification, Revocation and Reissuance, Renewal, Suspension and Revocation of Existing Permits, sets forth the causes and procedures governing the listed activities. Subchapter 18, Public Access to Information and Requirements for Determination of Confidentiality, establishes public access to any records, reports, or information obtained by the Department, or required to be developed

and retained by the permittee as a permit condition pursuant to N.J.A.C. 7:14A, and sets forth a procedure to claim confidentiality. Subchapter 19, Pretreatment Program Requirements for Local Agencies, establishes the Pretreatment Program requirements for Local Agencies.

Subchapter 20, Standards for the use or disposal of residuals, establishes permit application requirements and standards for: residuals applied to the land or the land to which residuals is applied; closure of sewage sludge surface disposal sites; residual transfer stations; and residual use and disposal practices consistent with 40 CFR Parts 122, 123, and 124. Subchapter 21, Requirements for Indirect Users, establishes requirements to prevent the introduction of pollutants into a local agency's treatment works; sets forth minimum discharge criteria and reporting requirements for all indirect users; and sets forth specific requirements of an individual NJPDES-SUI permit for a significant indirect user. Subchapter 24, Additional requirements for Certain Stormwater Discharges, sets forth additional requirements applicable to any stormwater discharge to surface water and stormwater discharge to ground water for which a NJPDES permit is required. Subchapter 25, Municipal Stormwater Regulation Program, establishes the requirements applicable to the Municipal Stormwater Regulation Program, which regulates discharges to surface and groundwater of stormwater from large, medium and small municipal separate sewer systems.

Within the next year, the Department be submitting a program change package to incorporate the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.; Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq; NJPDES rules, N.J.A.C. 7:14A Subchapters 7, 8, 9, 10, 14, 17, 22 and 23; Water Quality Management Planning rules, N.J.A.C. 7:15, and Surface Water Quality Standards, N.J.A.C. 7:9B.

One important and recently revised component of the NJPDES Program is the Statewide Stormwater Permitting Program. New Jersey's NJPDES Statewide Stormwater Permitting Program was established pursuant to the 1987 amendments to the Clean Water Act. Congress added Section 402(p) to the Clean Water Act in 1987 to establish a comprehensive framework for addressing certain stormwater discharges to surface waters. The Department develops and administers the Statewide Stormwater

Permitting Program within the framework of Section 402(p) of the Clean Water Act, 33 U.S.C. 1342(p), and related provisions of the NPDES rules, 40 C.F.R. 122, 123 and 124.

Discharges regulated under the NJPDES Stormwater Permitting Program include many industrial and construction site stormwater discharges, and many “municipal” (that is, publicly owned or operated) stormwater discharges. These "municipal" systems include separate storm sewer systems owned or operated by county, State, interstate, and Federal agencies at facilities that the NJPDES stormwater rules refer to as “public complexes,” and at “highways and other thoroughfares.” The Department revised its NJPDES stormwater rules on several occasions between 1992 and 2004 to implement NPDES Phase I and Phase II NPDES Stormwater Permit rules promulgated by USEPA under Section 402(p) of the Clean Water Act.

The Stormwater Management rules, N.J.A.C. 7:8, implement certain requirements of the Federal NPDES Phase II Stormwater Permit rules and NJPDES stormwater rules, and also establish design and performance standards for stormwater management measures. Compliance with these standards is required by the Coastal Zone Management rules at N.J.A.C. 7:7E-8.7. Specifically, the Stormwater Management rules set forth the required components of regional and municipal stormwater management plans, and establish the stormwater management design and performance standards for new development. The design and performance standards for new development include groundwater recharge, runoff quantity controls, runoff quality controls, and the establishment of special water resource protection areas to protect pristine and exceptional water values.

In accordance with section 1456 of the Coastal Zone Management Act, requirements of the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, shall be incorporated in any program developed pursuant to the CZMA and shall be the water pollution control and air pollution control requirements applicable to such program.

Based on the above, the NJPDES and Stormwater Management rules, N.J.A.C. 7:14A and 7:8 respectively, have been incorporated into New Jersey’s Coastal Management Program.