

***ADJUDICATORY HEARING REQUEST CHECKLIST AND TRACKING FORM
FOR INDIVIDUAL NJPDES PERMITS***

I. Permit Being Appealed:

Facility Name: _____

NJEMS Masterfile # (if available): _____ NJEMS PI # (if available): _____

Issuance Date of Final Permit Decision: _____ NJPDES Permit #: _____

Permitting Bureau (checkone):

Barry Chalofsky, P.P., Chief
Bureau of Nonpoint Pollution Control
Department of Environmental Protection
401 East State Street, P.O. Box 029
Trenton, NJ 08625-0029

Mary Jo Aiello, Chief
Bureau of Pretreatment and Residuals
Department of Environmental Protection
401 East State Street, P.O. Box 029
Trenton, NJ 08625-0029

Pilar Patterson, Chief
Bureau of Surface Water Permitting
401 East State Street, P.O. Box 029
Department of Environmental Protection
Trenton, NJ 08625-0029

Permit Writer: _____

II. Person Requesting Hearing:

Name/Organization

Name of Attorney (if applicable)

Address

Address of Attorney

Telephone Number

Telephone Number of Attorney

III. Status of Person Requesting Hearing (Check One):

Permittee under the permit number identified above.
Complete A. and C. through I. of Section IV. below.

Person seeking consideration as a party to the action.
Complete B. through I. of Section IV. below.

IV. Include the following information as part of your request:

- A. If you are a permittee under the permit number identified above:
1. For the Office of Legal Affairs only, a copy of the permit clearly indicating the permit number and issuance date;
 2. A list of the specific contested permit condition(s) and the legal or factual question(s) at issue for each condition, including the basis of any objection;
 3. The relevance of the legal and/or factual issues to the permit decision;

* For NJPDES permits, the procedures for requesting an adjudicatory hearing on a final permit decision and for the Department's evaluation and processing of such requests are set forth in N.J.A.C. 7:14A-17.

4. Suggested revised or alternative permit conditions and how they meet the requirements of the State or Federal Act; and
 5. Information supporting the request or other written documents relied upon to support the request, unless this information is already in the administrative record (in which case, such information shall be specifically referenced in the request).
- B. If you are a person seeking consideration as a party to the action:
1. A statement setting forth each legal or factual question alleged to be at issue;
 2. A statement setting forth the relevance of the legal or factual issue to the permit decision, together with a designation of the specific factual areas to be adjudicated;
 3. A clear and concise factual statement of the nature and scope of your interest which meets the criteria set forth at N.J.A.C. 7:14A-17.3(c)4;
 4. A statement that, upon motion by any party granted by the administrative law judge, or upon order of the administrative law judge's initiative, you shall make yourself, all persons you represent, and all of your officers, directors, employees, consultants, and agents available to appear and testify at the administrative hearing, if granted;
 5. Specific references to the contested permit conditions, as well as suggested revised or alternative permit conditions, including permit denials, which, in your judgment, would be required to implement the purposes of the State Act;
 6. Identification of the basis for any objection to the application of control or treatment technologies, if identified in the basis or fact sheets, and the alternative technologies or combination of technologies which, in your judgment, are necessary to satisfy the requirements of the State Act;
- C. The date you received notification of the final permit decision;
- D. The names and addresses of all persons whom you represent;
- E. A statement as to whether you raised each legal and factual issue during the public comment period in accordance with N.J.A.C. 7:14A-15.13;
- F. An estimate of the amount of time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
- I. This form, completed, signed and dated with all of the information listed above, including attachments, to:
1. Office of Legal Affairs
ATTENTION: Adjudicatory Hearing Requests
Department of Environmental Protection
401 East State Street
PO Box 402, Trenton, New Jersey 08625-0402
 2. The permitting bureau at the address identified in Section I above.
 3. Any other person named on the permit (if you are a permittee under that permit).
 4. The permittee(s) (if you are a person seeking consideration as a party to the action). You must submit evidence that a copy of the request has been delivered to the applicant for which the permit is the subject of your hearing request (e.g. certified mail receipt).

V. Signature: _____ Date: _____

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