

New Jersey Department of Environmental Protection  
Division of Water Quality  
Bureau of Nonpoint Pollution Control (Ground Water)  
401 East State Street, Trenton, NJ 08625

## **FINAL FACT SHEET**

This fact sheet sets forth the principal facts and the significant factual, legal, and policy considerations examined during preparation of the final permit.

### **PERMIT ACTION: GROUND WATER MASTER GENERAL PERMIT RENEWAL**

#### **NAME AND ADDRESS OF THE APPLICANT:**

NJDEP DIVISION OF WATER QUALITY  
401 E STATE ST  
TRENTON, NJ 08625

#### **NAME AND ADDRESS OF THE FACILITY/SITE:**

NJPDES MASTER GENERAL PERMIT PROGRAM INTEREST  
401 E STATE ST  
TRENTON, NJ 08625

#### **NAME AND CLASSIFICATION OF THE RECEIVING WATER:**

Ground Waters of the State  
Classes 1, II & III

#### **DESCRIPTION OF ELIGIBLE FACILITIES:**

This New Jersey Pollutant Discharge Elimination System - Discharge to Ground Water (NJPDES-DGW) General Permit (NJ0130281) renewal is issued in accordance with N.J.A.C. 7:14A-1 *et seq.*, and authorizes sanitary discharges to ground water from facilities with existing individual subsurface sewage disposal systems (commonly called septic systems). For the purposes of this permit, a sanitary discharge means sanitary sewage discharged from an existing dwelling or other establishment having a daily design flow that exceeds 2,000 gallons per day (GPD). Sanitary sewage is defined at N.J.A.C. 7:14A-1.2 and means any liquid waste containing animal or vegetable matter in suspension or solution, or water carried wastes resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers or any other source of water carried wastes of human origin or containing putrescible material. This term specifically excludes industrial, hazardous or toxic wastes and materials. Any discharge resulting from activities other than those described is prohibited. Examples of existing individual subsurface sewage disposal systems which may qualify for this permit can include septic tanks with seepage pits, disposal fields or other systems issued in accordance with the Standards for Individual Subsurface Sewage Disposal Systems, N.J.A.C. 7:9A or its regulatory precursors. This general permit does not address and is not an approval of any past activity which was conducted at the site that has or may have adversely affected the ground waters of the State.

#### **GENERAL ELIGIBILITY CRITERIA**

The group of dischargers that can be authorized under this general permit involve the same or substantially similar operations with respect to the nature of the discharge activity, discharge the same type of wastes and engage in similar disposal practices, require the same operating conditions and standards for disposal, require the same monitoring

and/or inspections of the system as a first defense against threat to human health and the environment and, in the opinion of the Department, are more appropriately controlled under a general permit than under separate, individual permits.

### **SPECIFIC AUTHORIZATION CRITERIA**

The eligible dischargers must meet the following criteria to qualify for authorization under this general permit: 1) these facilities were designed and approved in accordance with N.J.A.C. 7:9A-1 et seq., (Standards for Individual Subsurface Sewage Disposal Systems) or its regulatory precursors, prior to January 1, 1990; 2) these facilities were in conformance with the rules, regulations and ordinances in effect at the time of construction and construction was performed in conformance with a valid approval; and 3) the original design of these facilities was not reviewed and approved by the NJPDES Program.

### **REQUEST FOR AUTHORIZATION**

A complete application is considered to be the Request for Authorization (RFA). An RFA consists of a NJPDES-1 form, a site plan, a topographic map, and a T1 facility information form. A facility which has submitted a complete application for an individual discharge to ground water permit in accordance with N.J.A.C. 7:14A-4 may, at the discretion of the Department, be authorized under this general permit without submission of a specific RFA. The decision to issue an authorization shall be based upon the applicability of the criteria, outlined in the paragraph above, to each individual facility. If it is determined that the facility meets the outlined criteria, the Department shall notify the permittee regarding authorization under this general permit in accordance with N.J.A.C. 7:14A-6.13.

### **EXISTING FACILITIES**

Some examples of the types of facilities that may be regulated by this permit include schools, day care centers, houses of worship, golf courses, campgrounds, mobile home parks, strip malls, office buildings, restaurants and catering facilities. These types of facilities are required to be regulated in accordance with NJPDES rules because they have a total design flow greater than 2000 gpd (as calculated by N.J.A.C. 7:9A-7.4). The total number of facilities currently regulated under this T1 General Permit (as of the date of this public notice) is approximately 630 facilities statewide. It is anticipated that there are more facilities that could be eligible for this permit and/or exist without the required NJPDES permit and it is the intention of the Department notify them of these requirements. If anyone is aware of any site that may need a NJPDES permit please contact us at 1-877- WARNDP.

### **SUMMARY OF PERMIT CONDITIONS**

#### **Final Renewal Permit Condition Changes**

The Department is finalizing the proposed renewal permit dated 2/27/2008 permit with the following changes from the prior final permit dated 6/1/2003.

A definition of cesspools was added to the final permit.

N.J.A.C. 7:14A-8.4 was amended on July 5, 2005 to require all large capacity cesspools (defined as having a design flow of greater than 2000 gpd) to be closed. The proposed language in this renewal provides notification of this requirement and the obligation to comply. This regulatory amendment was promulgated to comply with federal Underground Injection Control regulations at 40 CFR 144-146.

The Department is proposing to require all small capacity cesspools (those under 2000 gpd) to be closed within 5 years and replaced with a system conforming with current requirements. The rationale for this new requirement is that cesspools are an antiquated form of sewage disposal which often discharges untreated sewage directly to the ground water table. It is recognized that many of the existing permittees have a number of site restrictions and may not be able to put in a conventional system. The replacement can be accomplished by replacing the outdated cesspool with a system that includes a septic tank and disposal field. Alternative disposal methods can also be proposed for consideration to the Department. Repairs are not allowed for any cesspool, privy or outhouse or other method of sewage disposal not considered to be an individual subsurface sewage disposal system. All replacements to these

methods of sewage disposal must be upgraded by installing an updated Individual Subsurface Sewage Disposal System. Will require a Treatment Works Approval (TWA) and other NJDEP approvals. Cesspool closure plans for all facilities which have cesspools is due 2 years after the effective date of permit authorization (EDPA).

In kind repairs are always allowed for all components of septic systems except for disposal fields. The Department considers disposal field malfunctions to be a serious matter that cause pollution of the waters of the State. The Department recognizes that disposal fields can malfunction due to roots from trees, crushing by vehicles, or other physical damage. These situations do not indicate improper sizing or inappropriate design, thus in-kind repairs are allowed under these circumstances. However, when a disposal field malfunctions due to soil clogging or high water table conditions, this does indicate improper sizing or inappropriate design and should be adequately addressed by redesign of the system. Consequently, the first time a disposal field malfunctions while authorized under this permit, due to soil clogging or due to the presence of a seasonal high water table, as determined by a New Jersey Licensed Professional Engineer, the permittee may perform an "in-kind" repair, but if there is no 4 foot zone unsaturated zone of treatment, the engineer will need to apply for a Treatment works approval to address the problem by employing a better design (such as a mound). If there is more than one malfunction of the disposal field within a five year period, the permit requires the permittee to install a system that complies with N.J.A.C. 7:9A, or alternatively, an NSF Standard 40 advanced technology system capable of reducing total solids and oxygen demand loading. While these remedies constitute a cost to the permittee in the short term, the Department believes there will be long term benefits for the environment and will be more cost effective for the permittee. If these alternatives are not possible, the use of a holding tank may be approved as a last resort.

When septic tanks are pumped, the permit requires the septic tank pumper or other qualified individual to inspect the septic tank in accordance with the Department's guidance. This provision ensures that improperly maintained or leaking tanks can be identified and replaced as necessary. The permit also emphasizes that when septic tanks are pumped more frequently than once per year, it indicates that the system may be at risk of malfunctioning, and in these cases, the Department can require the permittee to hire a licensed P.E. design to determine the probable cause of the frequent pumping and design a remedy to fix it properly.

The remaining permit conditions are essentially the same with some clarification. All permittees must establish an inspection schedule for all visible septic system components within 30 days of the effective date of the permit authorization. For continuously operating septic systems the inspection schedule is still monthly and for seasonal operations, it must be monthly during the season. Records must be kept of these inspection events for a 5 year period. If a system malfunctions, the system must be evaluated and a repair, alteration or complete replacement is proposed to correct the malfunction. The site owner is not permitted to use long term hauling as a solution to a malfunctioning system. Use of non-hazardous chemical or biological additives or enzymes (such as RidX) is allowable under the renewed permit, as long as proper records are maintained. For septic systems that are altered or replaced, a Treatment Works Approval (TWA) permit must be obtained and any other required NJDEP approvals. The permit does not allow for expansions or changes in use where a proposed change to the facility results in an increase in volume of sewage or a change in nature of the discharge from sanitary to industrial. In these cases, the facility will no longer be eligible for the T1 permit.

### **Specific changes from the Draft to the Final permit:**

#### **Changes to the permit based upon comments submitted during public comment period:**

**Addition of a definition for "cesspool".** The following definition was taken from N.J.A.C. 7:9A-2.1 and added to the permit.

"Cesspool" for the purposes of this permit, means "a covered pit with open jointed lining into which untreated sewage is discharged, the liquid portion of which is disposed of by leaching into the surrounding soil, the solids or sludge being retained within the pit."

**The following language regarding small capacity cesspools has been amended at C.5. as follows:** "If the regulated facility has small capacity cesspools (less than or equal to 2,000 gallons per day), privies, or outhouses, the permittee

shall produce a closure plan to abandon and replace these methods of sewage disposal with systems that do not result in an increase in the volume of sanitary sewage. The closure plan shall be implemented prior to the expiration date of this permit. The permittee shall submit this plan to the Department within 2 years after the Effective Date of Permit Authorization (EDPA).”

**Clarification regarding plot plan, the language in the draft permit B.4.b.i. was changed as follows:** “The most up to date plot plan must be maintained onsite at all times. Locations of all septic tanks and disposal areas must be detailed on the plot plan and should include pump out locations. Whenever septic systems are relocated, the plot plan must be updated once the construction of the new or updated septic systems is complete. This is consistent with N.J.A.C. 7:14A-7.9.”

**Notification of Changes, Including Address Change B.5.b.** “Permittees are required to advise the Department of any changes, missing or incorrect information, including address changes per N.J.A.C. 7:14A-2.11(f);6.10(e)2 & (f)3; and 7:14A-6.13(d)9.i.”

**Renumbering B.5.b.:**

B.5.b. in the Draft permit, which began “Certain activities or changes..”, has been renumbered to B.5.c.

**Department Initiated Changes:**

**The language regarding large capacity cesspools in C.6. was moved to C.5.b.i. and modified for clarification and consistency as follows:**

“Large capacity cesspool(s) with a design flow greater than 2000 gallons per day shall be closed in accordance with the requirements of N.J.A.C. 7:14A-8.4(a)3i. These cesspools should have been closed by April 5, 2005. Any permittees with these types of sewage disposal remaining after this date must submit a closure plan. The closure plan must include an estimated timeframe for when the system is replaced with an adequate individual sewage disposal system.” Be advised that the maximum timeframe to submit and implement a closure plan for the large capacity cesspools is *not* the same as the language of the small capacity cesspools.

**The language under C.4.d. was moved to C.4.a.iv. and modified for clarification as follows:** “The permittee may use any sewage storage or disposal method subject to all NJDEP approvals.”

**The language in B.4.e. was modified for clarification as follows:** “The permittee shall maintain a written record of the septic tank inspection and pumping events (including the locations and volume removed) for each septic system as required above. All of these records are to be maintained for a 5 year period. These records shall be made available to Department personnel upon request.”

**The language in the final permit at B.5.c.i. was amended to read as follows:** "If your facility is planning to alter the system for any reason other than to conduct an "in-kind" repair, the permittee will need to apply to the Department for a Treatment Works Approval (TWA)." The Treatment Works approval process associated with a NJPDES permit is not constrained by the limitations of N.J.A.C. 7:9A. Therefore, alterations and repairs that are conducted under this permit may employ a variety of technical solutions to improve the quality of the discharge and the functionality of the system that are not afforded by N.J.A.C. 7:9A. Permittees and their consultants are advised to discuss these issues with Department staff to find out what solutions and technologies are available.

**The first sentence in the draft permit C.1. was moved to B.3.a. and clarified as follows:** “The operation of an individual subsurface sewage disposal system shall, at no time, create an unpermitted discharge to any ground or surface waters of the state.

**The remaining portions of Section C were reworded for clarification.**

## **.CONTACT INFORMATION**

For further information regarding this draft renewal permit or to obtain a copy of the draft renewal permit, visit the Division of Water Quality website at [www.state.nj.us/dep/dwq/bnpe](http://www.state.nj.us/dep/dwq/bnpe) or contact June Gazek-Harris at 609-292-0407.

## **ADMINISTRATIVE RECORD**

The following items were used to formulate the basis of the permit:

1	N.J.S.A. 58:10A-1 <i>et seq.</i> , New Jersey Water Pollution Control Act.*
2	N.J.A.C. 7:14A-1 <i>et seq.</i> , New Jersey Pollutant Discharge Elimination System Regulations.*
3	Current NJPDES-DGW Permit NJ0130281
4	Statewide Water Quality Management Planning Rules (N.J.A.C. 7:15)*
5	Ground Water Quality Standards (N.J.A.C. 7:9C)*
6	N.J.A.C. 7:9A <i>et sec.</i>

\*The document is part of the administrative record, but is not physically included in the record.

***Copies of the commenters submittals are available in the administrative record file of this NJPDES permit and available for review at NJDEP.***