



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Mail Code 401-02B
Division of Water Quality

SHAWN M. LATOURETTE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

Bureau of Ground Water, Residuals, and Permit Administration
P.O. Box 420 – 401 E State St
Trenton, NJ 08625-0420
Phone: (609) 984-4428
www.state.nj.us/dep/dwq/

Email Only
April 28, 2023

To: Permit Distribution List

Re: Ground Water Master General Permit - New
Category: GFLH - Discharge to Ground Water - Farm Labor Housing (GP)
NJPDES Permit No.: NJ0309664; Program Interest No.: 50577
NJPDES Master General Permit Program Interest
Trenton City, Mercer County

Dear Interested Parties:

Enclosed is a **final** New Jersey Pollutant Discharge Elimination System (NJPDES) permit action identified above which has been issued in accordance with N.J.A.C. 7:14A. This action authorizes the discharge of sanitary sewage to ground water from farm labor housing activities that take place on farms that utilize individual subsurface sewage disposal systems.

Comments were received on the draft permit issued on January 18, 2023. The public notice was published in the DEP Bulletin on January 18, 2023, the Press of Atlantic City on January 21, 2023, and the Star-Ledger and the Times of Trenton on January 24, 2023. In accordance with N.J.A.C. 7:14A-15.10(c)1i the public comment period shall close no sooner than thirty (30) days after the last newspaper publication. Therefore, the public comment period ended on February 23, 2023. All comments received on the draft action during the public comment period, the Department's responses, and an explanation of any changes from the draft action have been included in the Response to Comments document attached hereto as per N.J.A.C. 7:14A-15.16.

Any requests for an adjudicatory hearing shall be submitted in writing by certified mail, or by other means which provide verification of the date of delivery to the Department, within 30 days of receipt of this Ground Water Master General Permit in accordance with N.J.A.C. 7:14A-17.2. You may also request a stay of any contested permit condition, which must be justified as per N.J.A.C. 7:14A-17.6 et seq. The adjudicatory hearing request must be accompanied by a completed Adjudicatory Hearing Request Form; the stay request must be accompanied by a completed Stay Request Form. A copy of this form can be downloaded from the Department's website at https://www.nj.gov/dep/dwq/forms_adjudicatory.htm.

Pursuant to N.J.A.C. 7:14A-6.13, persons seeking authorization under a general permit shall submit to the NJDEP a written request for authorization. This request shall be submitted for new authorizations only and is not required for renewal of existing authorizations provided that the most recent application for authorization on file with the NJDEP remains true, accurate, and complete. Upon reissuance of this general permit, existing authorizations shall be automatically renewed as allowed pursuant to N.J.A.C. 7:14A-6.13(d)9. The renewal of an authorization either requires a notice to the NJDEP that there are no changes or a new request for authorization to be submitted to update any information that is no longer true, accurate and/or complete.

Questions or comments regarding the final action should be addressed to dwq_groundwater@dep.nj.gov.

Sincerely,

Brian K. Sage

Brian K. Sage, Supervisor
Ground Water Permitting and Onsite Unit
Bureau of Ground Water, Residuals, and Permit Administration (BGRPA)

Enclosures

cc: Michele Christopher, NJDEP, Bureau Chief (BGRPA), michele.christopher@dep.nj.gov
Stephen Boyer, NJDEP, Section Chief (BGRPA), stephen.boyer@dep.nj.gov
Steve Kumpf, NJDEP, Environmental Specialist 2 (BGRPA), steve.kumpf@dep.nj.gov

Table of Contents for the Final Permit

This permit package contains the items below:

- 1. Cover Letter – Final Permit**
- 2. Table of Contents for the Final Permit**
- 3. Response to Comments**
- 4. NJPDES Permit Authorization Page for Master General Permit No. NJ0309664**
- 5. Fact Sheet**
- 6. Part I – General Requirements: NJPDES**
- 7. Part II – General Requirements: Discharge Categories**
- 8. Part III – Limits and Monitoring Requirements**
- 9. Part IV – Specific Requirements: Narrative**

New Jersey Department of Environmental Protection
Division of Water Quality
Bureau of Ground Water, Residuals, and Permit Administration

RESPONSE TO COMMENTS

Comments were received on the draft NJPDES Discharge to Ground Water New Master General Permit No. NJ0309664 issued on January 18, 2023. The Public Notice was published in the following newspapers:

Newspaper	Date Published
The Press of Atlantic City	January 21, 2023
The Star-Ledger	January 24, 2023
The Times, Trenton	January 24, 2023

The Public Notice was also published in the January 18, 2023 issue of the *DEP Bulletin*. In accordance with N.J.A.C. 7:14A-15.10(c)1i, the public comment period shall close no sooner than thirty (30) days after the last newspaper publication (January 24, 2023). Therefore, the public comment period ended on February 23, 2023.

During the public comment period, the New Jersey Department of Environmental Protection (the Department or NJDEP) accepted comments from interested parties and individuals. As prescribed in N.J.A.C. 7:14A-15.17, the administrative record includes, but is not limited to, copies of all written comments, and any documents identified in this Response to Comments document. The administrative record is on file and available for review and inspection at the offices of the Department, located at 401 E. State Street, Trenton, NJ. Appointment for inspection of the administrative record may be requested through the Office of Record Access. Details are available online at www.nj.gov/dep/opra or by calling (609) 341-3121. The full draft permit is available at www.nj.gov/dep/dwq and was posted on January 18, 2023.

A summary of the timely and significant comments received, the Department's responses to these comments, and an explanation of any changes from the draft action have been included below. Comments were received from the following persons as identified by the commenter numbers below:

Person	Title / Affiliation	Commenter Number
John Galaida	Pleasantdale Farms Inc.	1
Louis Penza	Variety Farms	2
Joseph D. Berenato	Stony Creek Blueberries, LLC	3
Michael J. Ward	Treasurer, Camden County Board of Agriculture (CCBA)	4
John Vannini	President, Atlantic County Board of Agriculture (ACBA)	5
Michael J. Malinsky	Fox Rothschild, solicitor for the Township of Hammonton *	6
Keith MacIndoe	President, Cumberland County Board of Agriculture *	7

* While these letters were not received within the comment period, the Department has summarized these comments and prepared responses.

To the extent practicable, the Department has grouped the comments into the following categories:

Topic	Response Numbers
General and Procedural Issues	1 to 12
Design Flows	13 to 27
Wells	28 to 35
Reporting	36 to 41
Inspections	42 to 43
Specific Questions on Permit Conditions	44 to 50
Provision for Funding and Technical Assistance	51 to 52

1. COMMENT:

With respect to the title of the Permit, we submit that it is unduly pejorative. The Permit does not authorize the discharge of sanitary sewerage to ground water; rather, it authorizes the discharge of sanitary sewerage to inground disposal fields and/or existing functioning seepage pits that are proximately located near farm housing structures. [4]

RESPONSE 1:

Individual subsurface sewage disposal systems (commonly called septic systems) are designed to treat and dispose of sanitary wastewater (i.e., sanitary sewage). A typical septic system has four main components: a pipe from the building where sanitary sewage is generated; a solids settling tank, otherwise known as a septic tank; a disposal unit in the form of either a seepage pit or disposal field; and soil for infiltration to the ground. The sanitary sewage flows from the building to the septic tank where solids are settled out. After settling has occurred, and the septic tank reaches a certain capacity, the sanitary wastewater flows from the septic tank to the seepage pit or disposal field. Here, the sanitary wastewater is dispersed and infiltrates the ground, further treating and disposing of the wastewater. A New Jersey Pollutant Discharge Elimination System (NJPDES) permit is issued to authorize the discharge of this wastewater to the ground water to ensure that the Ground Water Quality Standards (GWQS) at N.J.A.C. 7:9A are not violated.

This NJPDES - Discharge to Ground Water (NJPDES-DGW) new Master General Permit (NJ0309664) for Farm Labor Housing (Category GFLH) is issued in accordance with the NJPDES Regulations at N.J.A.C. 7:14A-1 et seq. This permit authorizes the discharge of sanitary sewage to ground water from the wastewater generating activities associated with the housing of farm laborers utilizing individual subsurface sewage disposal systems. Eligibility for this permit is limited to farms where the aggregate design volume of sanitary sewage generated on the property from farm labor housing is greater than 2,000 gallons per day (gpd) as calculated in accordance with N.J.A.C. 7:9A-7.4.

Additionally, in accordance with N.J.A.C. 7:14A- 8.1(b)1.iv, the disposal of wastewater into a subsurface disposal system is a regulated discharge to ground water. The discharge of sanitary sewage from farm labor housing to “inground disposal fields and/or existing functioning seepage pits” falls within this regulated category. Therefore, the title of the permit, “Discharge to Ground Water – Farm Labor Housing” is appropriate.

2. COMMENT:

According to the New Jersey Farm Bureau, the proposed General Permit will affect approximately ninety percent (90%) of the established farm labor housing facilities in the State of New Jersey. Therefore, the Camden County Board of Agriculture (CCBA) is requesting that the NJDEP hold a non-adversarial public hearing on the draft Permit to enable hundreds of affected parties to express their concerns regarding both the economic and practical impact of the permit process. It is significant and relevant that the conditions set forth in the draft Permit could pertain to hundreds of agricultural producers and will entail installation and annual monitoring costs which could collectively total tens of millions, if not hundreds of millions, of dollars. [4]

3. COMMENT:

We request that the Department hold a non-adversarial public hearing on the general permit. [5]

RESPONSE 2 - 3:

The Department acknowledges that this is a new group of applicants and is committed to providing outreach and assistance to facilitate the permitting process. Because the design volume of these septic systems is greater than 2,000 gallons per day, these facilities are required to be permitted as per the NJPDES regulations. The development of this general permit was due in part to inspections performed by the Department where it was determined that there were existing unpermitted discharges to ground water. Part of the purpose behind the development of this general permit was to minimize the cost to the farmer by issuing a general permit to this group of applicants as a separate permit category. A general permit is advantageous over an individual permit with respect to streamlined permit conditions and costs.

Based on the other comments received by these commenters, it appears that these groups are interested in obtaining additional information regarding implementation and compliance assistance for this new NJPDES general permit. Please note that a public hearing is utilized to gather oral testimony and does not involve a back-and-forth dialogue where questions can be posed and answered. Accordingly, the Department organized an informal meeting, as opposed to a public hearing, to enable the Department to address the concerns and questions raised. The Department is pleased to note that the April 24, 2023 meeting was well attended, including by these commenters and several other individuals and organizations.

In order to provide further information about the permit and how to achieve compliance, the Department will be posting a Frequently Asked Question document on the Department's Division of Water Quality website. This document will be tailored to new applicants that may not be familiar with the NJPDES permitting process and will address various implementation and compliance topics. The Department is also committed to participating in future meetings with applicants to answer any questions on implementing the permit. Given the ongoing enforcement concerns regarding the existing unpermitted discharges, the Department has an interest in facilitating the permitting process with the regulated community in an amicable way while bringing such discharges into compliance.

The Department has denied these commenters' requests for a public hearing due to the limited number of people that requested a public hearing. The Department's decision has been provided to these commenters via letters dated April 28, 2023.

4. COMMENT:

The 30-day comment period for the above noted permit does not allot enough time to gather sufficient information and should be extended. Farmers may have many skills, but I could not guess the percentage that are engineers. Reading through the proposal, there are requirements that need verification as to what is meant and questionable methods of calculation are used. Engineers are not sitting by the phone waiting for our call. There is no information provided as to how or if the NJDEP will provide needed assistance to growers to implement this program. [1]

5. COMMENT:

The farming community appreciates your willingness to work towards a solution. With the lack of time allotted in Atlantic City as the Ag convention, we hope that an in-person meeting would sort through most, if not all, of these concerns. [3]

6. COMMENT:

We believe that adoption of this draft permit action as final is premature. We understand that the Department has followed the minimum required procedures in advertising this action. However, that procedure clearly fell far short of a sincere effort to notify the affected farm community. Much of the farm community only learned about this permit action at the recent presentation made before the delegates to the 2023 New Jersey Agriculture Convention in Atlantic City on February 8, 2023. The notification procedure for a matter of such gravity should have involved direct notification of a variety of trade associations and other potentially affected entities. Garden State farmers have not had sufficient time to evaluate the impact of this matter before the close of the current comment period. At a minimum, a thirty-day extension of the public comment period is warranted, and we hereby formally request that you do so. [5]

RESPONSE 4 - 6:

A complete copy of the draft general permit, including the Fact Sheet, was made available on the Division of Water Quality web site at www.state.nj.us/dep/dwq on January 18, 2023. Additionally, the Department included, on the distribution list for the draft general permit, the farm facilities that received Notices of Violations and were instructed to submit an application for a NJPDES permit. Public Notice was also published in the Press of Atlantic City on January 21, 2023 and the Star-Ledger and the Times, Trenton on January 24, 2023.

Representatives of the Department's Ground Water Unit in the Bureau of Ground Water, Residuals, and Permit Administration, did attend the New Jersey Agricultural Convention & Trade Show in Atlantic City on February 8, 2023 in an effort to provide outreach during the development of this Master General Permit.

As detailed in the public notice for the draft permit, the public comment period closed on February 23, 2023 which is thirty (30) calendar days after the last newspaper publication (January 24, 2023). As noted above, in the interest of facilitating the process of implementing this general permit given enforcement concerns, the Department has not extended the public comment period. The Department notes, as referenced above, an informal meeting was held on April 24, 2023 to address the questions and concerns surrounding this permit. The Department remains available to answer any questions or clarify any conditions of the permit as described in the previous response. Responses to specific questions on flow calculations and other topics will be provided in the forthcoming Frequently Asked Questions document, as well as within this Response to Comments document.

7. **COMMENT:**

I thought I heard someone from NJDEP mention that this action is helping the environment. Farmers are committed to environmental sustainability and NJDEP's commitment is unquestionable. However, neither group is infallible. Both sides need to sit at the table and understand the other's situation. Farmers are in a unique position and are at the mercy of the weather throughout the year. Market conditions and quality issues can make or break you. Competing against areas of the country where input costs are far less is a no-win situation. And all of this is while working with perishable products with limited shelf life. Farmers cannot slow down a harvest and hope markets or the weather improves. Finally, a farm's income is not fixed where a good or bad year may have nothing to do with a decision a grower made.

Requiring the farmer to follow the Draft as written would likely create a burden on the farm's ability to move forward. More discussions are needed. [1]

8. **COMMENT:**

The hardships and difficulties New Jersey farmers face due to the nature of the business are hard for somebody to understand unless they are a farmer. Belonging to a "dying" industry in terms of support, compassion, understanding, and appreciation, it upsets me whenever the farming community feels that they are being treated with unfairness. I appreciate the NJDEP job role in environmental sustainability.

Sustainability is a farmer's day to day job. They sustain their labor, crops, soil, (and sanity) in order to make the funds they need to operate every year. We are price takers, not price makers. Weather dictates our crop, as labor dictates our production. Both tend to not cooperate as much as they should, especially labor. [2]

9. **COMMENT:**

Due to the nature of the farming industry, the implementation of this to its fullest is near "impossible" to execute. With the tremendous lack of labor that farmers are experiencing, accompanied by the difficulty competing with the influx of imported fruit, implementation doesn't seem feasible in many ways. Labor housing is utilized in some cases for only 4 weeks and spending the time and money to "fix" a problem that in most cases doesn't even exist seems a bit extensive. With that being said, I hope there is middle ground to appease both parties. [3]

RESPONSE 7 - 9:

The Department understands and acknowledges that farmers are in a unique position given the unpredictable nature of the farming industry. However, the Department does not have the ability to exempt farming facilities from the regulatory requirement to obtain a NJPDES permit for discharges to ground water from septic systems based on N.J.A.C. 7:14A-8.1(b)1.iv. The development of this general permit was due in part to inspections performed by the Department where existing unpermitted discharges to ground water from these facilities were identified.

Additionally, part of the impetus behind the development of this general permit was to minimize the cost to the farmer, to the maximum extent practicable, by issuing a general permit to this group of applicants in an industry where the wastewater discharges are the result of the same or substantially similar types of operations. The issuance of a general permit is a permitting mechanism used by the

Department as an alternative to issuing individual discharge to ground water permits. This general permit serves to: 1) streamline the NJPDES permit application process, 2) eliminate the need for a more costly and time intensive individual permit, 3) remove the requirement to obtain an amendment to the area-wide water quality management plan, and 4) reduce the annual NJPDES permit fee.

As stated previously, the Department is available to assist individual applicants and permittees to address any questions regarding application and/or permit requirements. To schedule a meeting, please contact the Bureau of Ground Water, Residuals, and Permit Administration's Ground Water Unit at dwq_groundwater@dep.nj.gov.

10. COMMENT:

I received a packet requesting our water usage information and I filled the packet out with honesty and willingness. I heard no word for quite some time until the letter I received on 1/18/23. The packet was extensive with information that seemed a bit "Greek" to me and understood that there was only 30 days to comment on something that I did not fully understand. To be honest, this was a curveball, and I became overwhelmed with trying to understand it with the short amount of time given.

I talked to numerous growers across the state and learned that mass confusion existed. Most growers thought that by attending the NJDEP session at Atlantic City at the convention that they would get some clarification. Well, the exact opposite occurred, and where meeting was short and rushed, it left no opportunity for questions from the growers. I think you have to understand that even though it was not your intention, growers were left feeling threatened and pushed around. It felt like there was a rush to push some sort of agenda or regulation that we felt didn't relate to us.

Fast forward to today, and after spending most days out of the last few weeks trying to understand this, I'm still a little confused about how to approach this. How much is this going to cost? Can I even afford it? How much work is involved with this monitoring? Maybe I can change my situation where I can legally comply with regulation, but not fall under this permit. How come this is occurring now? I've been testing all of our wells my whole life with no issues, how come things are changing? Again, I'm not criticizing the NJDEP here, but there needs to be clarification on this permit in addition to what was provided at the Atlantic City Convention meeting. Whether it's workshops, FAQ sheets, or individual consultation, we need some more information.

I hope the Department recognizes from these comments that there is a need for more discussion in transitioning to the new regulation. I also hope that our fast approaching growing season can be taken into consideration for whatever happens next, and it be understood that farmers are under a lot of pressure already. Implementation will take time and funds, some of which there is a lack of sufficient amounts. [2]

11. COMMENT:

What is the time frame on the implementation of this regulation? Farmers feel that with the season fast approaching, and with so many questions remaining, major changes would require many months to comply. [2] [3]

RESPONSE 10 - 11:

The Department is not promulgating new regulations and it appears that these questions pertain to the draft permit. This permit will be effective June 1, 2023.

As stated in RESPONSE 4 – 6 above, representatives of the Department’s Ground Water Unit in the Bureau of Ground Water, Residuals, and Permit Administration, did attend the New Jersey Agricultural Convention & Trade Show in Atlantic City on February 8, 2023 in an effort to provide outreach during the development of this Master General Permit. The development of this general permit was part of the Department’s response to the concerns identified during inspections, including the presence of unpermitted discharges to ground water. The purpose behind the development of this general permit was to minimize the cost to the farmer, to the maximum extent practicable, by issuing a general permit to this group of applicants in an industry where the wastewater discharges are the result of the same or substantially similar types of operations.

Once the master general permit is issued, the Department will issue individual permit authorizations to applicants who apply for and meet the eligibility requirements of this permit. Those authorizations will include implementation timelines where the permittee will be required to implement all conditions of the permit. As previously stated, the Department will be posting a Frequently Asked Questions document to its website and will remain available to assist individual applicants with understanding permit conditions and compliance timelines. This could take the form of individual meetings with applicants or on-site visits.

12. COMMENT:

The Public Notice and the draft General Permit provide no information concerning the content and scope of the filed administrative record that is mentioned in the third paragraph of the Public Notice. As with any new General Permit process, we submit that potential applicants and parties-in-interest should be afforded a period of time to comment on the administrative record as part of the rule making process before the General Permit rule is finalized and formally implemented. [4]

RESPONSE 12:

The Department is not promulgating new regulations and assumes that this comment pertains to the draft permit.

As noted in the Public Notice section of the draft permit, the administrative record was available for inspection by appointment during the public comment period. Further, the contents of the administrative record were noted in the permit summary table on page 7 of the Fact Sheet and included the following items, by reference, which were used to formulate the basis of the permit:

1. N.J.S.A. 58:10A-1 et seq., New Jersey Water Pollution Control Act.
2. N.J.A.C. 7:14A-1 et seq., New Jersey Pollutant Discharge Elimination System Regulations.
3. Statewide Water Quality Management Planning Rules (N.J.A.C. 7:15).
4. Ground Water Quality Standards (N.J.A.C. 7:9C).
5. The Standards for Individual Subsurface Sewage Disposal Systems (N.J.A.C. 7:9A -1 et sec.).
6. Pinelands Comprehensive Management Plan (N.J.A.C. 7:50).

These regulations are shown as items 1 through 5 and are available on-line on the Department’s Division of Water Quality website at [NJDEP-Division of Water Quality - Water Pollution Control](#). Additional information regarding the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50 is available at [New Jersey Pinelands Commission | The Comprehensive Management Plan \(nj.gov\)](#).

Potential applicants and parties-in-interest are afforded a 30-day public comment period during which they can review and submit comments on the draft permit action. Potential applicants, known to the Department, were emailed the draft permit on January 18, 2023. The Public Notice indicated that

the draft general permit could be viewed or downloaded on the Department's Division of Water Quality website at www.state.nj.us/dep/dwg. A complete copy of the permit, including the Fact Sheet, was made available on the website and listed the contents of the administrative record that were used to formulate the basis of the permit. In accordance with N.J.A.C. 7:14A-15.10(c)1i the public comment period closed on February 23, 2023. As such, the Department provided a minimum of thirty (30) days from the date of the last publication for potential applicants and parties-in-interest to comment on the permit.

13. COMMENT:

On Page 1 of the draft Fact Sheet, we note that the total volume of sanitary sewerage calculated for a property should include "all activities associated with farm labor housing", without defining that term. The CCBA desires confirmation that for the purpose of design calculations, the specific activities identified later in the same section of the Fact Sheet include general sanitary sewerage that results from congregate residential living or dormitory type housing. [4]

RESPONSE 13:

The Department confirms that the specific activities associated with farm labor housing identified in the Fact Sheet include general sanitary sewerage that results from congregate residential living or dormitory type housing. The following definitions are included within the NJPDES permit at Part IV, Notes and Definitions:

"Congregate Living" means those activities at structures such as dormitories, motels, nursing/rest homes, group homes, assisted living facilities, boarding houses. These structures typically have one or more amenities and/or activities that service the establishment and not typically an individual unit, such as common bathrooms, kitchens, dining areas and/or laundry facilities.

"Farm Labor Housing" means structures located on farm operation property that are being inhabited by the employees of the farm. These structures are typically dormitory style housing that may include amenities such as common bathrooms, kitchens, or laundry facilities.

In accordance with N.J.A.C. 7:9A-7.4, Table 7.4(a), the calculation of design flow volume for farm labor housing activities shall be based, at a minimum, on the primary design criteria of "congregate living" which prescribes 50 gallons per day per bed.

In sum, the specific activities and associated definitions are already defined within the NJPDES permit.

14. COMMENT:

We understand that the Department's rules (N.J.A.C. 7:14A) require that discharges to ground water exceeding 2,000 gallons per day have a NJPDES permit and understand that this draft general permit action is an effort by the Department to ease the burden of that process as compared to obtaining an individual NJPDES permit. However, our greater concern is that the proposed draft general permit specifies that the discharge flow from a facility be calculated in accordance with N.J.A.C. 7:9A-7.4. The effect for the type of housing that exists on farms affected by this permit action is that the calculation of flow will be at a rate of 50 gpd/bed. Thus, a farm housing unit with 40 or more beds will be required to obtain a NJPDES permit.

This requirement to obtain a permit is grossly unfair to the farm community for several reasons including: 1) these farm housing units do not generate 50 gallons per day of wastewater per bed; 2) farm housing units are unoccupied for most of the year since workers reside only during peak harvest periods which is 8 to 10 weeks per year for most farms; 3) a significant portion of the beds are often not occupied even if a farm housing unit does have 40 or more beds; and 4) many of the facilities rely on portable toilets where the contents are trucked off-site and do therefore not enter the septic system at the facility.

Thus, there are several reasons why the discharge flow calculated in accordance with N.J.A.C. 7:9A will be inflated. We do not believe it is the intent of the Department to regulate small discharges that should come under the purview of the local board of health. Consequently, there must be some adjustment in the calculation of discharge flow for the purposes of triggering a NJPDES permit requirement. The method included in the proposed draft general permit will pose an unnecessary hardship to many farm operators. [5]

15. COMMENT:

How does the NJDEP calculate gallons per day per worker? Farm workers use significantly less amounts than the standard resident or household. Many factors play into this calculation such as pull chain showers, no washing machines, water savers on the sinks, and portable toilets which significantly decrease the amount of water/waste. This needs to be considered. Portable toilets are a huge water/waste saver, and we believe they should not be calculated towards the 2,000 gallons a day. If they are, it should be changed so that they do not count towards what is being discharged into a septic system. [2] [3]

16. COMMENT:

The CCBA suggests that an exemption be granted for portable toilets, temporary restrooms and/or holding tanks that are used to address seasonal sanitary sewerage disposal needs. This exemption would be similar to the way that these sanitary sewerage volumes are exempted from design volume calculation during the construction of a realty improvement, under N.J.A.C.7:9A-7.4(e). [4]

RESPONSE 14 - 16:

Design flows, not actual flows, are utilized to calculate flow capacity for discharges to ground water via septic systems as per the NJPDES Regulations. In accordance with N.J.A.C. 7:14A-8.1(b)1.iv, septic systems with a sanitary wastewater design volume in excess of 2,000 gallons per day, as calculated in accordance with the criteria listed in the design tables at N.J.A.C. 7:9A-7.4, require a NJPDES permit. Septic systems with a sanitary wastewater design volume less than 2,000 gallons per day are regulated by the local board of health.

The criteria listed in the design tables at N.J.A.C. 7:9A-7.4 are fixed numbers which contain the primary and additional design criteria that shall be used to calculate sanitary wastewater design volume. The calculation of design flow volume for farm labor housing activities shall be based, at a minimum, on the primary design criteria of "congregate living". Congregate living prescribes 130 gallons per sleeping unit or 50 gallons per bed, whichever results in the greater volume. For example, in calculating the design flow of congregate living for the purposes of this permit, the baseline criteria of 130 gallons per sleeping unit (that is, bedroom) would apply assuming no more than two beds (that is, individuals) would be using each unit. If there are three or more beds per sleeping unit/bedroom, then 50 gallons per bed would apply. Given that most applicants that will utilize this permit typically

have more than two individuals per sleeping unit/bedroom; therefore, the 50 gallons per bed criteria (e.g., one individual per bed) would be applicable.

In addition, N.J.A.C. 7:9A-7.4(e) does not provide a gallonage exemption based on the use of portable toilets since the regulation is premised on design flow and the number of beds. This regulation states in part:

- (e) When facilities with activities generating sanitary sewage use portable toilets, temporary restrooms or holding tanks on a regular basis, the total design volume from all activities shall be used to determine the total volume for the facility... The use of portable toilets, temporary restrooms or holding tanks for sanitary sewage from activities at any facility shall not be used to reduce the total design volume. The only exception to this requirement is for sanitary sewage volume associated with the use of portable toilets, temporary restrooms or holding tanks during the construction of a realty improvement.

Based on the above, the use of portable toilets, temporary restrooms or holding tanks for sanitary sewage from activities at the facility shall not be used to reduce the total design volume. In addition, portable toilets, temporary restrooms or holding tanks for congregate living do not qualify as a realty improvement (e.g., adding permanent buildings or structures) and therefore cannot be exempted as part of the design criteria estimation.

17. COMMENT:

It is my understanding that the NJDEP believes that even if you are discharging only a few hundred gallons a day, I fall under this general permit because the septic was originally designed for 2,000 gallons. I don't think that is fair and NJDEP should re-visit the rules. [2]

RESPONSE 17:

As stated above, the criteria for needing this permit is dependent upon a calculated design volume of greater than 2,000 gallons per day. The size of the existing septic system is not a factor used in determining permit applicability.

18. COMMENT:

Based upon the criteria set forth in N.J.A.C.7:9A-7.4, it appears unlikely, if not impossible, for a hypothetical twenty (20) farm laborers to generate an average of 100 gallons of sanitary sewerage wastewater each day for the purposes of meeting the 2,000 gallon permit threshold. The CCBA believes that a gallonage exemption is warranted to the extent that farms have historically utilized either portable toilets or regularly emptied holding tanks for collecting sanitary sewerage. [4]

RESPONSE 18:

As described in **RESPONSE 15 - 16**, N.J.A.C. 7:9A-7.4 requires the use of the criteria listed in the primary and additional design tables to calculate design flow as set within the NJPDES Regulations; therefore, actual discharge data cannot be used to determine if a NJPDES permit is required. In addition, a criterion of 100 gallons per day per farm laborer, as referenced in this comment, is not established pursuant to N.J.A.C. 7:9A-7.4.

19. COMMENT:

The CCBA desires confirmation that the 2,000 gallons per day shall be determined in accordance with the primary design criteria and the additional design criteria set forth in N.J.A.C. 7:9A-7.4, with one recommended exception. Many farms employ portable toilets, temporary restrooms and/or holding tanks to address their seasonal sanitary sewerage disposal needs. The CCBA submits that the use of such measures utilized during the relatively short harvest periods suggest that the total design volume should not include those sewerage disposal methods or activities. Instead, the CCBA suggests that their use should be excluded from the total design volume. [4]

20. COMMENT:

NJDEP stated that 50 gallons per person/2,000 gallons per day was a fixed figure. I question that gallons per day/person figure as I know our numbers are below that. There are reduced flow showerheads and sinks and most toilets and urinals are also water conserving units. There are also many portable toilet and sink units that are used to reduce the amount of water being discharged into the ground. These are located throughout the farm property to satisfy the requirements of the Department of Labor and Occupational Safety and Health Administration.

Is NJDEP willing to adjust those numbers if new flow figures are proven? Is it possible to fall under the limit by reducing housed labor if that option is available? [1]

21. COMMENT:

What is NJDEP's calculation for gallons per day per worker? All farmers are aware that the workers use a significant amount less than the residential or household standards. Regarding portable toilets, some believe they are calculated towards the 2,000 gallons per day and some do not. If they are, it doesn't seem that they should count towards what is being discharged into a septic system. [2] [3]

RESPONSES 19 - 21:

The Department understands that the use of farm labor housing can be seasonal in nature based on the needs of the harvest period. However, as described in the previous response, sanitary wastewater design volume in excess of 2,000 gallons per day requires a NJPDES permit and the criteria at N.J.A.C. 7:9A-7.4 shall be used to calculate sanitary wastewater design volume.

N.J.A.C. 7:14A-8.1(b)1.iv, states that sanitary discharges, with a design volume in excess of 2,000 gallons per day, as calculated in accordance with the criteria listed in the design tables at N.J.A.C. 7:9A-7.4, require a NJPDES permit. In accordance with N.J.A.C. 7:14A-7.4(a), design volumes must be calculated based on the "maximum use day", not on average usage. This is to ensure that the septic system is designed to adequately receive and dispose of the maximum volume of sanitary wastewater that can be anticipated on any given day. This "maximum use day" is calculated using the criteria listed in the design tables at N.J.A.C. 7:14A-7.4(a).

The criteria are "fixed" within the regulation and cannot be altered based on actual flow data. In addition, water-saving plumbing fixtures such as reduced flow showerheads cannot be used to reduce the design volume calculated under N.J.A.C. 7:9A-7.4 based on N.J.A.C. 7:9A-1.8(c). In other words, actual discharge data cannot be used to determine the need for a NJPDES permit, even if actual data reveals discharges of 2,000 gallons per day or less.

N.J.A.C. 7:9A-7.4(e) does not provide a gallonage exemption based on the use of portable toilets since the regulation is premised on design flow and the number of beds. While the use of portable toilets, temporary restrooms or holding tanks for sanitary sewage may reduce the actual flow to a septic system, they cannot be used to reduce the total design volume calculated, N.J.A.C. 7:9A-7.4(e), to determine if a NJPDES permit is required and to comply with this regulation.

22. COMMENT:

Farm labor housing is only utilized anywhere between 1 to 5 months out of the entire year. To calculate the 2,000 gallons per day flow rate based only on a 1 to 5 month operation period, is not an accurate representation of the gallons per day utilized throughout the year and thus would have an unfair impact on the farm for the remaining 11 to 7 months out of the year. As such, Hammonton requests that the 2,000 gallon per day calculation be calculated as an average over the course of a year to give an accurate portrayal of the actual gallons per day generated as calculated by N.J.A.C. 7:9A-7.4.

By NJDEP utilizing the more accurate calculation of an average throughout the year, this would lessen the impact this new permitting requirement would have on the farming industry. Specifically, not averaging out the calculation for the year could require a farm that only operates farm labor housing 1 month out of the year to now be required to perform monthly, quarterly and annually monitoring/reporting and also to put out the expense for the NJPDES General Permit and renewal every 5-years all based on its very limited operation of only 1 month. This makes no sense. This would put a significant, unnecessary financial burden on the farmers located within the Town of Hammonton and throughout the State. In essence, this will lead to a significant decrease in farmers utilizing farm labor and moving more towards machines to pick their crop. This will also have a devastating effect on the local economies that rely upon the income realized in the 1 to 5 months that farm labor is utilized. [6]

RESPONSE 22:

The Department acknowledges that septic systems that are used as a result of activities generated by farm labor housing are largely utilized during the growing season. However, the impacts to the ground water during this time of high volume use must be tracked and assessed. It would therefore be inappropriate to average these flows over the year since this would mask the flow contributions to ground water during that peak period and monitoring must be representative of the ongoing discharges at the farm. The NJPDES Regulations also require use of a maximum use day. In accordance with N.J.A.C. 7:14A-7.4(a), design volumes must be calculated based on the “maximum use day”, not on average usage. This is to ensure that the septic system is designed to adequately receive and dispose of the maximum volume of sanitary wastewater that can be anticipated on any given day. This “maximum use day” is calculated using the criteria listed in the design tables at N.J.A.C. 7:14A-7.4(a).

The Department further acknowledges that there will be financial expenditures associated with this permit. However, the Department is required to abide by the NJPDES regulations which require issuance of a NJPDES discharge to ground water permit for facilities with a design flow in excess of 2,000 gallons per day.

23. COMMENT:

While it is understood that the Department's rules require a permit when ground water discharge is over 2,000 gallons per day, farm labor housing is unlikely to generate the 50 gallons per day per bed necessary to hit the threshold. In addition, the facility will not be occupied on a yearly basis as most are only used during the 8-10 week harvest season. Many of these facilities are using portable toilets, while the workforce is in the field, and this must be taken into consideration when figuring the gallons per day. The disposal from these holding tanks should be exempted when taking into consideration the design volume. [7]

24. COMMENT:

We would be willing to discuss decreasing worker capacity to fall under the 2,000 gallons to avoid the extremely high cost of monitoring well installation. [2]

25. COMMENT:

Can farmers decrease worker capacity to fall under the 2,000 gallons to avoid the extremely high cost of monitoring well installation? [3]

RESPONSE 23 - 25:

In accordance with N.J.A.C. 7:9A-7.4(a), the calculation of design flow volume for farm labor housing activities shall, at a minimum, be based on the primary design criteria of "congregate living." Congregate living prescribes 130 gallons per sleeping unit or 50 gallons per bed, whichever results in the greater volume. For example, in calculating the design flow of congregate living for the purposes of this permit, the baseline criteria of 130 gallons per sleeping unit (that is, bedroom) would apply assuming no more than two beds (that is, individuals) would be using each unit. If there exists three or more beds per unit/bedroom, then 50 gallons per bed would apply.

The removal or reduction of sewage generating activities from farm labor housing that result in a design flow less than 2,000 gallons per day, as calculated in accordance with the above, would fall under the eligibility criteria for this permit and threshold specified in the regulation. If a facility has 40 beds or less, the design flow would be below the threshold for generating 2,000 gallons per day and a permit would not be required.

26. COMMENT:

Regarding the 2,000-gallon assumption, many farmers feel (and some have verified) that many of the septic systems in question fall below the 2,000 gallon a day discharge. We would like to take a closer look and calculate how many gallons a day are being discharged. Obviously, this isn't the case for all the systems, so it would need to be looked at farm by farm. But if we in-fact fall under the 2,000-gallon threshold and have passed all annual water tests and already meet EPA potable water standards, is there a need to move forward? It seems that we are chasing a problem that may not even exist. [2] [3]

RESPONSE 26:

As described in previous responses, sanitary discharges with a design volume in excess of 2,000 gallons per day, as calculated in accordance with the criteria listed in N.J.A.C. 7:9A-7.4, require a NJPDES permit pursuant to N.J.A.C. 7:14A-8.1(b)1.iv. Since N.J.A.C. 7:9A-7.4 requires the use of

the criteria listed in the design tables to calculate design volume, actual discharge data cannot be used to determine if a NJPDES permit is required. Please refer to RESPONSE 14 - 16 for additional information as to how design flow is calculated.

This comment also refers to annual water tests and EPA potable water standards. This permit requires the installation of ground water monitoring wells to ensure the discharge of sanitary wastewater to the ground is not contravening the Ground Water Quality Standards. Note that ground water monitoring wells are not potable (drinking water) wells and serve a different function. Comments regarding potable wells and annual water testing are outside the scope of this permit, and questions regarding potable wells should be forwarded to the Division of Water Supply and Geoscience at watersupply@dep.nj.gov.

27. COMMENT:

Can growers collect the discharge instead of putting it through their septic system? If so, where can it go? Can it be used in the farming operation? Can a third party dispose of it? [2]

RESPONSE 27:

It is presumed that collecting the discharge as stated in this comment refers to the use of wastewater holding tanks. In cases of a failed septic system, wastewater holding tanks as a permanent means of sewage disposal may be approved if all conditions in N.J.A.C. 7:14A-22.13 for non-industrial (including sanitary) holding tanks are met. In the event that the conditions of N.J.A.C. 7:14A-22.13 are met, and Department approval for a holding tank is obtained, the sanitary wastewater would be required to be pumped and hauled by a third-party licensed waste hauler and sent to an approved wastewater management facility.

The land application of raw (untreated) sanitary wastewater onto farmland as part of farming operations is a prohibited discharge. In accordance N.J.A.C. 7:14A-2.4(b)3., the land application of treated municipal wastewaters requires a NJPDES permit and could be permitted under an individual Discharge to Ground Water permit; however, the discharge must be treated to meet the Ground Water Quality Standards. This subject NJPDES general permit does not authorize this type of discharge.

28. COMMENT:

NJDEP had inspected farms over the past several years. I would assume if any major issues were found, they have been addressed and corrected on an individual basis. Most issues were minor and not an environmental threat. Considering that, can the primary well installation be sampled over time to determine if a second well is needed? Finally, what is the time frame NJDEP is considering for implementing the requirements? [1]

29. COMMENT:

The proposed draft general permit requires both upgradient and downgradient monitoring wells. If the Department's intent for this requirement is to demonstrate whether the discharge is resulting in exceedances of the ground water quality criteria, then the only really necessary monitoring well is the downgradient well. An upgradient well could be installed at the discretion of the permittee to demonstrate that the facility discharge is not causing a significant change in ground water quality between upgradient and downgradient locations. But the upgradient well is not needed to determine if ground water quality criteria are being exceeded downgradient of the facility discharge. [5]

RESPONSE 28 - 29:

As described previously, the development of this general permit was part of the Department's response to the concerns identified during inspections, including the presence of unpermitted discharges to ground water. The installation of at least one (1) upgradient and one (1) downgradient monitoring well is required for each disposal area and necessary to ensure that discharges are adequately monitored and confirm that Ground Water Quality Standards are being met.

The purpose of the upgradient monitoring well is to provide a point of monitoring prior to the point of discharge, in relation to the flow of ground water. This well will therefore enable monitoring of ground water at a location not impacted by the discharge and allow for both a point of neutral monitoring (as compared to the downgradient well) and the identification of ground water quality issues that are not a result of the discharge. This control point will allow the Department to assess the impact that the regulated discharge may be having on ground water quality.

As such, the installation of a minimum of two monitoring wells are required to adequately monitor ground water quality. The monitoring program associated with this permit is being done to satisfy the Department's statutory requirement to ensure the protection of underground sources of drinking water and is similar to requirements found in other sanitary discharge permits.

This permit will be effective June 1, 2023. Once the master general permit is issued, the Department will issue individual permit authorizations to applicants who apply for this permit. Those authorizations will include implementation timelines where the permittee will be required to implement all conditions of the permit. The Department is available to meet with individual applicants to aid in understanding permit conditions and compliance timelines.

30. COMMENT:

Regarding monitoring wells, aside from the major cost this would place on farmers, how many of the monitoring wells are needed per farm. The way some farmers have their labor housing set up, monitoring wells for each septic system would be redundant due to the proximity of camps. Could farmers blanket most or all their housing under 1 set of monitoring wells? [2] [3]

RESPONSE 30:

Part IV.A.3.b. is stated as follows:

- b. The permittee shall maintain a minimum of two (2) ground water monitoring wells, one up-gradient and one down-gradient, for each disposal area as specified in Part III, unless otherwise authorized by the Department.

If the location of the proposed monitoring wells is determined to be representative of multiple disposal areas on the property, the number of wells required to be installed may be reduced by the Department on a case-by-case basis. This determination will be made during the Department's technical review of the permit application.

31. COMMENT:

Regarding continuous property, how do lot and blocks come into play with the proposed regulation? If labor housing is on separate lot and blocks, are they allotted their own 2,000 gallons day? Is acreage a factor? What if there are 2 or 3 camps on the same lot and block, but the lot and block is 50-100 acres? [2] [3]

RESPONSE 31:

Part IV Definitions of this permit, subsection p. defines Property as:

- “i. A single lot as defined by municipal lot and block or right of way; or
- ii. The combined area contained within the legal boundaries of two or more contiguous lots where, for any part of each of those lots, there is a shared pecuniary, possessory, or other substantial common interest by one or more persons (such as common ownership and/or operation or a common plan of development or sale).”

If the separate lots and blocks meet the definition of property as noted above in “2,” then the calculation of the design volume to determine if a NJPDES permit is needed shall include the combined sewage generating activities from all labor housing units that reside on the property. Where multiple labor housing units reside on the same lot and block, design flow shall likewise include the combined sewage generating activities from all labor housing units that reside on that lot. Based on this, acreage of the property is not a factor that the regulations take into consideration.

In accordance with Part IV.A.3.b, the permittee shall maintain a minimum of two (2) ground water monitoring wells, one up-gradient and one down-gradient, for each disposal area on the property. Accordingly, the number and installation of monitoring wells shall be determined by the number and spacing of disposal areas, rather than by property. If proposed monitoring wells are determined to be representative of multiple disposal areas on the property, the number of wells required to be installed may be reduced by the Department on a case-by-case basis. This determination will be made during the Department’s technical review of the permit application.

32. COMMENT:

Farmers have been testing the same wells for decades with test results meeting EPA potable water standards. Does this warrant an exemption? Could farmers increase well testing frequency to ensure this. It’s one thing if contamination is found, but if it does not exist, why should farmers endure this huge financial burden if it’s not necessary? If the wells are not being contaminated and have not been contaminated for such a long period, can we increase testing to ensure we sustain clean water, and then take further action if EPA potable water standards are not met? [2] [3]

RESPONSE 32:

The installation of ground water monitoring wells under this permit are required to ensure the discharge of sanitary wastewater to the ground is not contravening the Ground Water Quality Standards at N.J.A.C. 7:9A-1 et seq. Note that ground water monitoring wells are not potable (drinking water) wells that may already be present on the farm and regularly tested. Comments regarding potable wells and annual water testing are outside the scope of this permit, and questions regarding potable wells should be forwarded to the Division of Water Supply and Geoscience at watersupply@dep.nj.gov.

33. COMMENT:

Will NJDEP consider how installing these monitoring wells along with the accumulation of data will benefit them? As written, there will be a network of monitoring sites and data collection throughout the state at no cost to the agency. It would be prudent to offer some cost-sharing. What is the NJDEP's stance if finding that water quality issues may be coming from an external source and not a farm? Who is responsible in that scenario? [1]

RESPONSE 33:

The monitoring wells required under this permit are not part of the Department's Ambient Ground Water-Quality Monitoring Network. The monitoring wells required by this permit are site specific to ensure the discharge(s) to ground water from the permitted facility, as authorized under this permit, is not negatively impacting the ground water quality by causing a contravention of the Ground Water Quality Standards at N.J.A.C. 7:9C.

As stated previously, this permit requires the installation of one (1) upgradient and one (1) downgradient monitoring well for each disposal area. The upgradient monitoring well shall be installed in a location that is upgradient of the regulated activities on the subject property. Data from the upgradient monitoring well may assist the permittee and the Department in determining if water quality issues can be attributed to an offsite source.

34. COMMENT:

We understand little about the facts surrounding a situation about where an "irrigation" well is being used for a packing facility or potable water and how it is an issue. If the result is sustaining clean potable water, can farmers utilize a certified well driller to scope a well to inspect the well casing screen to conclude if it suffices? Well tests are completed year after year to allow us to continue sourcing our water from the same wells because there are no contamination issues present. [2] [3]

RESPONSE 34:

The purpose of the monitoring wells required in this NJPDES permit is to ensure that the discharge to sanitary wastewater to ground water via the septic system(s) is not negatively impacting the ground water quality by causing a contravention of the Ground Water Quality Standards at N.J.A.C. 7:9C. These monitoring wells serve a different purpose than irrigation or potable water wells.

Comments regarding irrigation and/or potable water wells are outside the scope of this permit. Questions regarding potable wells should be forwarded to the Division of Water Supply and Geoscience at watersupply@dep.nj.gov.

35. COMMENT:

Has NJDEP run a factual cost analysis to determine what this monitoring system will cost to install, along with a yearly recordkeeping cost estimate? If recordkeeping is to be done by the farmer, estimation by hours? Will assistance and training be provided if done by the farmer? [1]

RESPONSE 35:

The overall cost to a permittee is highly individualized and dependent on multiple site-specific factors, such as the ground water depth at the site, the number of monitoring wells required, the number and sizes of septic systems on site. A cost analysis is not required by regulation and has not been performed during the development of the general permit.

This general permit has been developed to minimize the cost of preparing an NJPDES permit application, negating the need for an amendment to the area-wide water quality management plan, and reducing the annual NJPDES permit fee. As stated previously, the monitoring program associated with this permit is being done to satisfy the Department's statutory requirement to ensure the protection of underground sources of drinking water and is similar to requirements found in other sanitary discharge permit.

The Department is available to provide guidance on record keeping and the submission of monitoring data as well as general assistance.

36. COMMENT:

Notwithstanding the provisions of 7:14A-6.1 et seq. individual farm operations will need guidance regarding individual requests for deviations from the regulatory monitoring period when seasonal farm housing is not being used.

With respect to the required upgradient and downgradient disposal area monitoring wells, quarterly reporting should be suspended during any periods when the farm housing is not in use. The same should hold true for the piezometer well sampling and reporting. [4] [7]

RESPONSE 36:

Reporting is a requirement of this master general permit. Monitoring Report Forms (MRFs) required by this permit must be submitted at the frequency set forth in Part III of the permit, regardless of the seasonal nature of the activity. The general permit requires:

- Monthly submission a Discharge Monitoring Report (DMR) for flow,
- Quarterly submission of Waste Characterization Reports (WCRs) for nutrients, fecal coliform and water level measurements, and
- An annual submission of a WCR for volatile organics.

During months that the farm labor housing is not in use and no discharge is occurring, the monthly DMR requiring daily flow monitoring can be submitted with the "NODI" (No Discharge) box checked. The WCR forms requiring quarterly ground water monitoring, must be sampled and reported even when the farm labor housing is not occupied or actively discharging. This is so the Department can compare the ground water quality when there is an active discharge to periods of no discharge to determine impact on ground water. Finally, the annual WCR for volatile organics is to be conducted once per year during a period of active discharge (when the farm labor housing is occupied).

37. COMMENT:

With respect to the limits and monitoring requirements set forth in Part III of the draft Permit, we respectfully submit that the required monitoring periods should not necessarily occur from January through December, but rather, should be tailored to the period when the seasonal farm housing is actually being used. This tailoring would not be required if the farm labor housing is used on a year around basis. [4] [7]

RESPONSE 37:

The general permit requires the monthly submission of Discharge Monitoring Reports (DMR) for flow, the quarterly submission of Waste Characterization Reports (WCRs) for nutrients, fecal coliform and water level measurements, and an annual submission of a WCR for volatile organics.

This permit has a monitoring period from January through December in order to provide a wide range of monitoring intervals throughout an entire year. However, the month within the calendar quarter that the ground water monitoring samples are required to be taken will be identified in the comment section of Part III for each individual authorization as issued to permit applicants. Ground water monitoring wells must continue to be sampled and reported even when the farm labor housing is not occupied or actively discharging. This is so the Department can compare the ground water quality when there is an active discharge to periods of no discharge to determine impact on ground water.

Part III will also specify that the annual discharge sample for volatile organics shall be collected during a month when the farm labor workers are occupying the temporary (seasonal) housing.

For guidance on how to report during months of inactivity, please see the previous response.

38. COMMENT:

The proposed rule requires daily flow monitoring of the farm labor housing sanitary waste discharge yet the purpose of the daily flow monitoring is unclear. If it is demonstrated by engineering design criteria that the system will handle 2,000 gallons per day, the CCBA questions why the farm permittee must incur the additional record keeping and report expense of daily flow monitoring.

The CCBA also questions the basis for reporting the monthly maximum of daily flows, if a system is properly designed. [4]

39. COMMENT:

We question the need for continuous flow monitoring of the facility wastewater discharge. This will require advanced technology which will be unfamiliar to farmers, and which will pose an undue expense. The Department has not provided a justification for such an effort. At a minimum, the Department must specify the cost versus the benefit to be achieved from such required monitoring. It is our position that continuous flow monitoring will not provide the Department with any valuable information other than to prove that the discharge flow rate from these facilities will be far less than that calculated to be discharged in accordance with N.J.A.C. 7:9A. [5]

40. COMMENT:

If the permittee demonstrates by engineering design that the farm's system will handle 2,000 gallons per day then why should the farmer need the additional expense of daily flow monitoring when farm labor housing is not being used throughout the year? [7]

RESPONSE 38 - 40:

Continuous flow monitoring is a standard condition within NJPDES permits. The flow meter will track the actual amount of sanitary wastewater entering the septic system and ensure that maximum daily flow rate is recorded. Monitoring flow is a part of the regular system maintenance necessary to ensure that the septic system is properly sized to treat the actual volume of sanitary sewage in a manner that is protective of ground water quality. In addition, this monitoring may be crucial to discerning the cause of an improperly functioning septic system. Even if the system was properly designed based on the criteria in N.J.A.C. 7:9A-7.4, it is essential that continuous flow be monitored to verify that the actual flow does not exceed the calculated flow.

Flow meters are a commonly used device for the quantification of wastewater flows and are not typically considered to be an advanced technology. While the Department does not maintain a list of flow meters approved for use, or the associated costs of the same, flow meters are generally low in cost, depending upon the type of meter technology employed. Flow meters are easy to use and typically provide a digital readout of the gallons discharged which can then be used for reporting purposes.

During months that the farm labor housing is not in use and no discharge is occurring, daily flow monitoring is not required. However, the monthly DMR must still be submitted with the "NODI" (No Discharge) box checked.

41. COMMENT:

The CCBA seeks confirmation that the "daily flow monitoring" required in the draft Permit, does not need to be performed "by a laboratory certified by the department for the analysis of those specific parameters in accordance with N.J.A.C. 7:18". This is suggested in the Discharge to Ground Water monitoring requirements set forth on page 4 of 9 in the draft Permit. [4]

RESPONSE 41:

Daily flow monitoring does not need to be performed by a laboratory certified by the Department since flow is a meter reading and does not require analysis by a certified laboratory. The Department recommends, to the maximum extent practicable, the flow meter be read at the same time each day for consistency purposes.

42. COMMENT:

The CCBA questions the need to "schedule... maintenance and inspections of the regulated units at a frequency of once a month as established in Permit Part IV.E.2". The nature and scope of the required inspections should be explicitly stated in the individual permit. As most farmers have long been stewards of the earth, the CCBA requires clarification of what keeping "detailed records of these inspections" means. [4]

RESPONSE 42:

Part IV.E.2 is stated as follows:

- a. The immediate and surrounding area of the regulated unit(s) shall be inspected on, at least, a monthly basis for evidence of malfunctioning. Said evidence shall include, but not be limited to, breakout, ponding, wet areas, odors and an overabundance or loss of vegetative cover. The permittee shall keep detailed records of these inspections which shall be made available to the Department upon request.

In accordance with 7:14A-6.12(a).5., regularly scheduled maintenance and inspections programs are required. Regularly scheduled maintenance and inspections for evidence of system malfunction may help prevent further issues and/or complete system failure. Therefore, the Department sets monthly maintenance and inspections as the minimum frequency for all regulated units.

The Department sets forth the minimum requirements for the nature and scope of the required inspections and record keeping in Part.IV.E.2.a. so each individual farm can expand upon these minimum requirements and determine the appropriate inspection program for their facility based upon their specific operations. Part.IV.E.2.a., states that the immediate and surrounding area of the regulated unit(s) shall be inspected for evidence of malfunctioning. Evidence shall include, but not be limited to, breakout, ponding, wet areas, odors and an overabundance or loss of vegetative cover.

Detailed records refer to, at a minimum, a recorded log of the information regarding evidence of malfunction referenced in the paragraph immediately above. An example of a monthly inspection log can be found at https://www.nj.gov/dep/dwq/pdf/t1_inspectionblank.pdf.

43. COMMENT:

The CCBA submits that all monitoring and reporting requirements concerning the inspection of “regulated units” can be accomplished by individual farmers or property owners during the period that the regulated system is in use. There should not be a requirement for monitoring or reporting during periods when the systems are not being used for residential sanitary sewerage discharge purposes. [4]

RESPONSE 43:

Routine inspections can be conducted by individual farmers, property owners or their designee provided that this individual has sufficient knowledge to determine if a regulated unit is malfunctioning. These inspections should be conducted at a minimum frequency of once every month, regardless of whether the systems are being used.

For guidance on how to report monitoring requirements during months of inactivity, please see **RESPONSE 36** above.

44. COMMENT:

With respect to the “General Requirements: Discharge Categories” set forth in Part II of the Permit, the CCBA questions what constitutes “alterations or major repairs” of regulated discharge units subject to N.J.A.C. 7:14A-22 and 23. [4]

RESPONSE 44:

Part II General Requirements: Discharge Categories B.2.a. of the general permit states the following:

- a. For new construction, expansion, alterations, or major repairs of regulated discharge units subject to N.J.A.C. 7:14A-22 and 23, the permittee shall obtain a Treatment Works Approval. For new construction, the permittee shall, prior to discharge, obtain the necessary Treatment Works Approval(s) to design, construct and operate a discharge unit capable of meeting any limits set forth in this permit.

This is a standard condition that the Department includes in many NJPDES Discharge to Ground Water permits. N.J.A.C. 7:14A-22 establishes when a treatment work approval is required from the Department and N.J.A.C. 7:14A-23 establishes the requirements for the approval of the design, construction, and operation of a septic system.

Any alteration to the septic system requires a Treatment Works Approval (TWA) from the Department's Bureau of Environmental, Engineering, and Permitting (BEEP). In accordance with N.J.A.C. 7:9A - 2.1, "Alteration" is defined as any change in the physical configuration of an existing individual subsurface sewage disposal system or any of its component parts, including replacement, modification, addition or removal of system components such that there will be a change in the location, design, construction, installation, size, capacity, type or number of one or more components.

Septic systems in need of repair may require a TWA from BEEP. In accordance with N.J.A.C. 7:9A-2.1, repair is defined as follows:

“Repair” means to fix, refurbish or replace one or more components of an individual subsurface sewage disposal system in a manner that will restore, preserve and not change the original location, design, construction and installation, size, capacity, type, or number of the components of the system.

The permittee is allowed to perform "in-kind" repairs to all components, except to the disposal field, without the need to obtain a TWA approval, however, when a regulated unit is in need of repair, the permittee shall contact BEEP for a determination.

45. COMMENT:

With respect to Part II, General Conditions #5 pertaining to “Operator Notification”, the CCBA notes that these considerably smaller wastewater treatment systems are neither public nor industrial systems and therefore could never be considered exempt pursuant to N.J.A.C. 7:10A-1.1(b). What is the point of referring to the regulatory exemption?

As a result of the lack of any exemption, the General Permit would require that all permitted systems have a “licensed operator”. The CCBA respectfully submits that if a system is properly designed in accordance with acceptable subsurface engineering criteria and the required monitoring reports comply with the Permit, then the cost of the employment of a licensed operator for these systems is unnecessary. Why can't farmers and property owners be allowed to “operate” these systems? [4]

RESPONSE 45:

This comment concerns Part II.B.5.a of the permit which concerns Operator Notification. Below is that condition which has been updated in this final permit which contained an incorrect cross reference in the draft permit (deletion shown with strikethrough, addition shown with underline):

- a. Pursuant to N.J.A.C. 7:10A-1.1 et seq. every wastewater system not exempt pursuant to N.J.A.C. 7:10A-~~1.1(b)~~1.10(c) requires a licensed operator. The operator of a system shall meet the Department's requirements pursuant to N.J.A.C. 7:10-1.1 and any amendments. The name of the proposed operator, where required, shall be submitted to the Department at the address below, in order that his/her qualifications may be determined prior to initiating operation of the treatment works General Conditions.
- i. Notifications shall be submitted to:

NJDEP Bureau of Licensing and Registration
Mail Code 401-04E
P.O. Box 420
Trenton, New Jersey
08625-0420 (609) 984-6507

In accordance with N.J.A.C. 7:10A-1.10(c)6, a licensed operator is not required for the public wastewater treatment system that has obtained a NJPDES general permit authorization to discharge pursuant to N.J.A.C. 7:14A for the Class V Injection Well (septic system) which relies solely upon gravitational means or an automatic siphon to convey a discharge. It is likely that many applicants eligible for this general permit meet this criteria.

N.J.A.C. 7:10A-1.2. defines "Public Wastewater Treatment System" as follows:

“ ‘Public Wastewater Treatment System’ means any structure or structures by means of which domestic, or combined domestic and non-sanitary liquid wastes or sewage are subjected to any treatment process in order to remove or so alter the constituents as to render the wastes less offensive or dangerous to public health, safety, welfare, comfort, property or environment of the State or any inhabitants of the State before discharge of the resulting effluent either directly or indirectly into any waters of the State, and which is regulated by the Department pursuant to the authority of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.”

The septic systems regulated under this permit satisfy the definition for a Public Wastewater Treatment System. Therefore, when the conditions detailed above have been met, permittees are authorized to operate their own septic systems.

This change affects Part II of the final permit.

46. COMMENT:

The CCBA recognizes that under the terms of the General Permit, farmers and property owners are allowed to “provide/maintain a service and maintenance contract from an authorized service provider” in lieu of using a licensed operator only when the facility uses “advanced wastewater technologies”. However, that definition of that term is not set forth in the General Permit. [4]

RESPONSE 46:

Part IV Notes and Definitions of this permit defines “advanced wastewater pretreatment device”, however, Part II.B.5.c references the term “advanced wastewater technologies”. To eliminate this inconsistency, the term “advanced wastewater technologies” has been modified to “advanced wastewater pretreatment device” in Part II.B.5.c of this permit as follows:

- c. Facilities utilizing advanced wastewater pretreatment technologies may provide/maintain a service and maintenance contract from a service provider authorized by the manufacturer in lieu of a licensed operator.

This change affects Part II of the final permit.

47. COMMENT:

In the section entitled Discharge to Ground Water at subsection D, submission requirements mention “a revised Plot Plan” but the Request For Authorization process requires a submission of a “Site Plan”. Please clarify that the use of the term “Plot Plan” and “Site Plan” are equivalent. [4]

RESPONSE 47:

For purposes of this permit, the use of the terms "Plot Plan" and “Site Plan” are synonymous. To eliminate this inconsistency, the term “Site Plan” has been changed to “Plot Plan” on the 2nd page of the Fact Sheet under “Request for Authorization” for the purposes of the Administrative Record. Part II.C.3.ii should also say Plot Plan to be consistent with the reference to Plot Plan in Part IV.D.1.a. Part II.C.3.ii is modified as follows in the final permit:

- a. A Request for Authorization (RFA) under this general permit shall include the following documents:
 - i. NJPDES-1 form;
 - ii. ~~Site Plan;~~ Plot Plan;
 - iii. Topographic Map;
 - iv. Farm Labor Housing Inventory Form;
 - v. Technical Report;
 - vi. Pinelands approvals (where applicable); and
 - vii. Additional information may be required by the Department to be included as part of the RFA if the Department determines that such additional information (including other data, reports, specifications, plans, permits, or other information) is reasonably necessary to determine whether to authorize the discharge under this permit.

This change affects Part II of the final permit.

48. COMMENT:

We question the need for annual monitoring of volatile organic compounds (VOCs). This poses an undue expense on the farm community. The Department has not provided a justification for this proposed requirement and there is no reason to believe that these domestic wastewater discharges will contain VOCs. [5]

49. COMMENT:

We need some clarification as to why the proposed requirement for yearly monitoring for volatile organic compounds is necessary for domestic wastewater discharges. [7]

RESPONSE 48 - 49:

Volatile organic compounds (VOCs) should not be present in domestic wastewater discharges. However, at times, cleaning products may cause a detection of certain VOCs in the discharge. Sampling one time per year will give an indication if there are any concerns that need to be remedied. This requirement is a standard requirement of other sanitary Discharge to Ground Water Permits and thus has been included in this general permit for sanitary discharges to ground water.

50. COMMENT:

Inasmuch as many of the CCBA's members own and operate farms within the New Jersey Pinelands area, the CCBA desires assurances that the NJDEP's Treatment Works Approval standards will be utilized in assessing a system design, and that existing systems will not be subject to more stringent standards which are purportedly "derived" from the Pineland Comprehensive Management Plan. [4]

RESPONSE 50:

Septic systems located within the jurisdiction of the New Jersey Pinelands Commission are subject to the rules and regulations required by the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1 et seq.

The Pinelands consist of the Preservation Area and the Protection Area, and a nitrate requirement is likely applicable to facilities in both areas. For all farms located in the Pinelands region, a certification from the Pinelands Commission must accompany the General Permit Request for Authorization application forms.

Please note that if the structures served by the on-site wastewater system(s) pre-date the adoption of the Pinelands Comprehensive Management Plan (November 1980), the requirement to meet the Pinelands nitrate standard may not apply.

Additional questions regarding Pinelands rules and regulations shall be directed to the Pinelands Commission at (609) 894-7300.

51. COMMENT:

If adopted, this action should be accompanied by some funding mechanism (e.g., grants, loans, etc.) and technical assistance for farm owners who will be burdened with substantial compliance requirements required by this general permit. As price takers, not price makers, our fresh fruit and vegetable farmers cannot pass on production cost increases to consumers/buyers, and so, must absorb the significant cost of compliance. Those requirements include construction of monitoring wells, wastewater discharge flow monitoring, and preparation of an operation and maintenance manual. Simple assistance such as a standard template for such a manual would be a minimally supportive action. [5]

52. COMMENT:

If this permit is adopted, then there should be a funding mechanism so as to not burden the farmer with additional costs associated with the implementation of these rules. [7]

RESPONSE 51 - 52:

Replacement of septic tanks may be eligible for traditional water infrastructure funding through the New Jersey Water Bank since replacement of a septic tank could qualify as a capital improvement. This would require a local government unit (i.e., municipality) to serve as the project sponsor; the sponsor must meet New Jersey Water Bank credit worthiness requirements. However, note that this general permit is not requiring that septic system(s) be replaced but rather is requiring measures to ensure compliance with the NJPDES Regulations. Monitoring well installation and administrative costs associated with this permit do not qualify for these funding mechanisms.

The Department is available for assistance with any questions on the preparation of an operation and maintenance manual. The Department is preparing a Frequently Asked Questions document to assist with questions pertaining to monitoring and reporting.



NEW JERSEY POLLUTANT DISCHARGE ELIMINATION SYSTEM

The New Jersey Department of Environmental Protection hereby grants you a NJPDES permit for the facility/activity named in this document. This permit is the regulatory mechanism used by the Department to help ensure your discharge will not harm the environment. By complying with the terms and conditions specified, you are assuming an important role in protecting New Jersey's valuable water resources. Your acceptance of this permit is an agreement to conform with all of its provisions when constructing, installing, modifying, or operating any facility for the collection, treatment, or discharge of pollutants to waters of the state. If you have any questions about this document, please feel free to contact the Department representative listed in the permit cover letter. Your cooperation in helping us protect and safeguard our state's environment is appreciated.

Permit Number: NJ0136263

FINAL: Ground Water Master General Permit - New

Permittee:

NJPDES Master General Permit Program Interest
 Category GFLH
 Per Individual Notice of Authorization
 Division of Water Quality
 401-02B; P.O. Box 420
 401 East State Street
 Trenton, NJ 08625

Co-Permittee:

Property Owner:

NJPDES Master General Permit Program Interest
 Category GFLH
 Per Individual Notice of Authorization
 Division of Water Quality
 401-02B; P.O. Box 420
 401 East State Street
 Trenton, NJ 08625

Location Of Activity:

NJPDES Master General Permit Program Interest
 Category GFLH
 Per Individual Notice of Authorization
 Division of Water Quality
 401-02B; P.O. Box 420
 401 East State Street
 Trenton, NJ 08625

Authorization(s) Covered Under This Approval	Issuance Date	Effective Date	Expiration Date
GFLH - Sanitary Wastewater Discharges from Farm Labor Housing (GP)	4/28/2023	6/1/2023	5/31/2028

By Authority of:
 Commissioner's Office

DEP AUTHORIZATION
 Michele Christopher, Chief
 Bureau of Ground Water, Residuals, and Permit Administration
 Division of Water Quality

(Terms, conditions and provisions attached hereto)

New Jersey Department of Environmental Protection
Division of Water Quality
Bureau of Ground Water, Residuals, and Permit Administration
401 East State Street, Trenton, NJ 08625

FACT SHEET

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

Permit Action: New Ground Water Master General Permit

Category: GFLH - Discharge to Ground Water - Farm Labor Housing (GP)

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 - CATEGORY GFLH
PER INDIVIDUAL NOTICE OF AUTHORIZATION

Location of the Facility:

Statewide

Name and Classification of Receiving Water:

Ground Waters of the State
Classes I, II & III

Description of Eligible Facilities:

This New Jersey Pollutant Discharge Elimination System - Discharge to Ground Water (NJPDES-DGW) new Master General Permit (NJ0309664) is issued in accordance with N.J.A.C. 7:14A-1 *et seq.* and authorizes the discharge of sanitary sewage to ground water from the wastewater generating activities associated with the housing of farm laborers utilizing individual subsurface sewage disposal systems (commonly called septic systems). Eligibility for this permit is limited to farms where the aggregate design volume of sanitary sewage generated on the property from farm labor housing, is greater than 2,000 gallons per day as calculated in accordance with N.J.A.C. 7:9A-7.4. The total volume of sanitary sewage calculated for the property should include all activities associated with farm labor housing, in addition to all design criteria applicable as prescribed in N.J.A.C. 7:9A-7.4.

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 farm labor housing activities that fall within the N.J.A.C. 7:9A-7.4 design criteria that generate sanitary sewage include, but are not limited to: occupancy of property (workers and family members, dwelling units, beds, etc.), kitchen facilities, sinks, flush toilets, showers, washing machines, etc.

Facilities with existing septic systems, including septic tanks discharging to seepage pits, septic tanks discharging to disposal fields or other septic systems that were issued a local approval in accordance with the Standards for Individual Subsurface Sewage Disposal Systems, N.J.A.C. 7:9A or its regulatory precursors may qualify for this permit. It is important to note that cesspools are not systems. Thus, existing cesspools shall be replaced with a new system, when their existence is discovered. 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:

This General Permit authorizes the discharge of sanitary sewage to ground water on farm facilities that utilize septic systems. Eligibility for this permit is limited to farms where the aggregate design volume of sanitary sewage generated on the property from farm labor housing is greater than 2,000 gallons per day, as calculated in accordance with N.J.A.C. 7:9A-7.4.

Any discharges associated with non-sanitary waste, including but not limited to, wastewater associated with the washing of crops, farm equipment, or crop packaging processes are not eligible for authorization under this General Permit.

The group of dischargers eligible for this general permit are categorized as properties that provide housing for farming operations as described above. These types of facilities involve the same or substantially similar operations with respect to the nature of the discharge activity and the type of waste discharged. This category of facilities engages in similar disposal practices, requires the same operating conditions and standards for disposal, and requires the same monitoring and/or inspections of the system as a first defense against the threat to human health and the environment. The Department has determined that this group of dischargers is more appropriately controlled under a general permit than under separate, individual permits.

Request for Authorization:

A complete application is considered to be the Request for Authorization (RFA). An RFA consists of a NJPDES-1 form, a plot plan, a topographic map, a Farm Labor Housing Facility Information form, a Technical Report, and Pinelands Certification (where applicable). Additional information may be required by the Department to be included as part of the RFA if the Department determines that such additional information (including other data, reports, specifications, plans, permits, or other information) is reasonably necessary to determine whether to authorize the discharge under this permit). 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. 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.

Summary of Permit Conditions:

Eligibility for this permit is limited to farms where the aggregate design volume of sanitary sewage generated on the property from farm labor housing is greater than 2,000 gallons per day as calculated in accordance with N.J.A.C. 7:9A-7.4. The total volume of sanitary sewage calculated for the property should include all activities associated with farm labor housing, in addition to all design criteria applicable as prescribed in N.J.A.C. 7:9A-7.4.

This permit requires daily flow monitoring of the sanitary waste discharged from the farm labor housing activities on the property. The monthly maximum of the daily flows shall be reported on Monitoring Report Forms (MRFs) and submitted to the Department. Annual monitoring for Volatile Organics is required and shall be submitted on MRFs to the Department to ensure that non-sanitary waste is not being discharged. Monitoring wells, one located upgradient of the disposal area, and one located downgradient of the disposal area, shall be sampled quarterly for Ammonia, Nitrate, and Fecal Coliform. Additionally, a piezometer well shall be sampled to determine the depth of groundwater from the infiltrative surface of the disposal field and reported on Monitoring Report Forms (MRFs) to be submitted to the Department.

All completed Monitoring Report Forms (MRF) shall be submitted via NJDEP's Electronic MRF Submissions Service. Information regarding registration for NJDEP's Electronic MRF Submissions Service can be found at <https://www.state.nj.us/dep/dwq/mrf.htm>.

For projects located within the jurisdiction of the Pinelands Commission (as defined in N.J.S.A. 13:18A-1 et seq.), either a Certificate of Compliance, a Certificate of Filing, a Development Approval, or other approval from the Pinelands Commission is required. A written statement from the Pinelands Commission that no approval is necessary also satisfies this requirement. Please contact the New Jersey Pinelands Commission at:

New Jersey Pinelands Commission
P.O. Box 359
15 Springfield Road
New Lisbon, New Jersey 08064
<https://www.state.nj.us/pinelands/home/contact/>
Phone: (609) 894-7300

Contact Information:

For further information regarding the Farm Labor Housing General Permit NJ0309664 (Discharge Category GFLH) visit the Division of Water Quality website at www.state.nj.us/dep/dwq/bpr or contact Bureau of Ground Water, Residuals, and Permit Administration_Ground Water Unit staff at dwq_groundwater@dep.nj.gov.

Permit Summary Table:

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	Statewide Water Quality Management Planning Rules (N.J.A.C. 7:15)*
4	Ground Water Quality Standards (N.J.A.C. 7:9C)*
5	The Standards for Individual Subsurface Sewage Disposal Systems (N.J.A.C. 7:9A -1 et sec.)*
6	Pinelands Comprehensive Management Plan (N.J.A.C. 7:50)*

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

The discharge described above is a regulated activity under the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 *et seq.*, and its implementing regulations, the New Jersey Pollutant Discharge Elimination System (NJPDES) N.J.A.C. 7:14A-1 *et seq.* The permit has been developed pursuant to these regulations and is based on the administrative record, which contains any permit application submitted, correspondence concerning the permit, the Fact Sheet and documents cited therein, the results of any past monitoring, the draft permit, and any past permits issued to the facility under these regulations.

PART I GENERAL REQUIREMENTS: NJPDES

A. General Requirements of all NJPDES Permits

1. Requirements Incorporated by Reference

- a. The permittee shall comply with all conditions set forth in this permit and with all the applicable requirements incorporated into this permit by reference. The permittee is required to comply with the regulations, including those cited in paragraphs b. through e. following, which are in effect as of the effective date of the final permit.
- b. General Conditions
 - Penalties for Violations N.J.A.C. 7:14-8.1 et seq.
 - Incorporation by Reference N.J.A.C. 7:14A-2.3
 - Toxic Pollutants N.J.A.C. 7:14A-6.2(a)4i
 - Duty to Comply N.J.A.C. 7:14A-6.2(a)1 & 4
 - Duty to Mitigate N.J.A.C. 7:14A-6.2(a)5 & 11
 - Inspection and Entry N.J.A.C. 7:14A-2.11(e)
 - Enforcement Action N.J.A.C. 7:14A-2.9
 - Duty to Reapply N.J.A.C. 7:14A-4.2(e)3
 - Signatory Requirements for Applications and Reports N.J.A.C. 7:14A-4.9
 - Effect of Permit/Other Laws N.J.A.C. 7:14A-6.2(a)6 & 7 & 2.9(c)
 - Severability N.J.A.C. 7:14A-2.2
 - Administrative Continuation of Permits N.J.A.C. 7:14A-2.8
 - Permit Actions N.J.A.C. 7:14A-2.7(c)
 - Reopener Clause N.J.A.C. 7:14A-6.2(a)10
 - Permit Duration and Renewal N.J.A.C. 7:14A-2.7(a) & (b)
 - Consolidation of Permit Process N.J.A.C. 7:14A-15.5
 - Confidentiality N.J.A.C. 7:14A-18.2 & 2.11(g)
 - Fee Schedule N.J.A.C. 7:14A-3.1
 - Treatment Works Approval N.J.A.C. 7:14A-22 & 23
- c. Operation And Maintenance
 - Need to Halt or Reduce not a Defense N.J.A.C. 7:14A-2.9(b)
 - Proper Operation and Maintenance N.J.A.C. 7:14A-6.12
- d. Monitoring And Records
 - Monitoring N.J.A.C. 7:14A-6.5
 - Recordkeeping N.J.A.C. 7:14A-6.6
 - Signatory Requirements for Monitoring Reports N.J.A.C. 7:14A-6.9
- e. Reporting Requirements
 - Planned Changes N.J.A.C. 7:14A-6.7
 - Reporting of Monitoring Results N.J.A.C. 7:14A-6.8
 - Noncompliance Reporting
 - Hotline/Two Hour & Twenty-four Hour Reporting N.J.A.C. 7:14A-6.10 & 6.8(h)
 - Written Reporting N.J.A.C. 7:14A-6.10(e) & (f) & 6.8(h)
 - Duty to Provide Information N.J.A.C. 7:14A-2.11, 6.2(a)14 & 18.1
 - Schedules of Compliance N.J.A.C. 7:14A-6.4
 - Transfer N.J.A.C. 7:14A-6.2(a)8 & 16.2

PART II

GENERAL REQUIREMENTS: DISCHARGE CATEGORIES

A. Additional Requirements Incorporated By Reference

1. Additional Requirements for Ground Water Discharges

- a. Conditions for General Permits at N.J.A.C. 7:14A-6.13.
- b. Requirements for Discharges to Ground Water at N.J.A.C. 7:14A-7.
- c. Additional Requirements for Underground Injection Control (UIC) Program at N.J.A.C. 7:14A-8.

B. General Conditions

1. Scope

- a. The General Permit applies to all areas of the State of New Jersey.
- b. The issuance of this permit shall not be considered as a waiver of any applicable federal, state, and local rules, regulations, and ordinances.
- c. Permit conditions remain in effect and enforceable until and unless the permit is modified, renewed, or revoked by the Department.

2. Requirements Incorporated by Reference

- a. For new construction, expansion, alterations, or major repairs of regulated discharge units subject to N.J.A.C. 7:14A-22 and 23, the permittee shall obtain a Treatment Works Approval. For new construction, the permittee shall, prior to discharge, obtain the necessary Treatment Works Approval(s) to design, construct and operate a discharge unit capable of meeting any limits set forth in this permit.

3. Access to Information

- a. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to enter upon a person's premises, for purposes of inspection, and to access/copy any records that must be kept under the conditions of this permit.

4. Notification of Changes

- a. The permittee shall give written notification to the Department of any planned physical or operational alterations or additions to the permitted facility when the alteration is expected to result in a significant change in the permittee's discharge and/or residuals use of disposal practices including the cessation of discharge in accordance with N.J.A.C. 7:14A-6.7.
- b. Prior to any change in ownership, the current permittee shall comply with the requirements set forth at N.J.A.C. 7:14A-16.2 pertaining to the notification of change in ownership.

- c. When a notification of change is necessary, the relevant administrative action form must be submitted. These forms and submission requirements are available on the Department's web site at https://www.nj.gov/dep/dwq/forms_admin.htm.

5. Operator Notification

- a. Pursuant to N.J.A.C. 7:10A-1.1 et seq. every wastewater system not exempt pursuant to N.J.A.C. 7:10A-1.10(c) requires a licensed operator. The operator of a system shall meet the Department's requirements pursuant to N.J.A.C. 7:10-1.1 and any amendments. The name of the proposed operator, where required, shall be submitted to the Department at the address below, in order that his/her qualifications may be determined prior to initiating operation of the treatment works General Conditions.
 - i. Notifications shall be submitted to:
NJDEP
Bureau of Licensing and Registration
Mail Code 401-04E
P.O. Box 420
Trenton, New Jersey 08625-0420
(609) 984-6507
- b. The permittee shall notify the Department of any changes in licensed operator within two weeks of the change.
- c. Facilities utilizing an advanced wastewater pretreatment device may provide/maintain a service and maintenance contract from a service provider authorized by the manufacturer in lieu of a licensed operator.

6. Operation Requirements

- a. The permittee shall notify the applicable Bureau of Water Compliance and Enforcement office and the Bureau of Ground Water, Residuals, and Permit Administration, prior to initiating discharges from newly constructed discharge facilities.

- i. Contact information regarding the applicable Bureau of Water Compliance and Enforcement office:

Bureau of Water Compliance & Enforcement-Northern
(Jurisdiction: Counties of Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, and Warren)
7 Ridgedale Avenue
Cedar Knolls, NJ 07927
973-656-4099

Bureau of Water Compliance & Enforcement-Central
(Jurisdiction: Counties of Mercer, Middlesex, Monmouth, Ocean, and Union)
Mail Code 44-03
401 East State Street
PO Box 420
Trenton, NJ 08625-0420
609-292-3010

Bureau of Water Compliance & Enforcement-Southern
(Jurisdiction: Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem)
2 Riverside Drive
Suite 201
Camden, NJ 08103
856-614-3655

<https://www.nj.gov/dep/easyaccess/compenf.htm>

- ii. Contact information for the Bureau of Ground Water, Residuals, and Permit Administration can be found at <https://www.state.nj.us/dep/dwq/bpr.htm>.

C. Eligibility

1. Authorized Discharges

- a. Eligibility for this permit is limited to farms where the aggregate design volume of sanitary sewage generated on the property from farm labor housing is greater than 2,000 gallons per day as calculated in accordance with N.J.A.C. 7:9A-7.4.

2. Discharges Not Authorized

- a. Ground water discharges associated with any non-sanitary waste, including, but not limited to, wastewater associated with the washing of crops, farm equipment, or crop packaging processes.
- b. Facilities which are not eligible for authorization under this permit should contact the Bureau of Ground Water, Residuals, and Permit Administration at (609) 984-4428 , or dwq_groundwater@dep.nj.gov, to discuss other permitting options.

3. Request for Authorization

- a. A Request for Authorization (RFA) under this general permit shall include the following documents:
 - i. NJPDES-1 form;

- ii. Plot Plan;
 - iii. Topographic Map;
 - iv. Farm Labor Housing Inventory Form;
 - v. Technical Report;
 - vi. Pinelands approvals (where applicable); and
 - vii. Additional information may be required by the Department to be included as part of the RFA if the Department determines that such additional information (including other data, reports, specifications, plans, permits, or other information) is reasonably necessary to determine whether to authorize the discharge under this permit.
- b. Authorizations under this permit shall become effective upon notification from the Department, as allowed pursuant to N.J.A.C. 7:14A-6.13(d)5.iii. Authorization under this permit will be issued after the Department has reviewed the application and determined eligibility.
 - c. For all facilities authorized under this general permit, the authorization expiration date is the same as the master general permit's expiration date. The effective date on each facility's authorization page is the date the authorization was individually issued to that facility.
 - d. Facilities with existing individual NJPDES-DGW permits that meet the eligibility requirements for this general permit and submit a RFA as described in 3.a. above, will have their individual NJPDES-DGW permit revoked only after a valid authorization under this general permit is issued.

4. Exclusions

- a. Any owner, operator, and/or discharger authorized under this general permit may request to be excluded from the coverage of the general NJPDES permit by applying for an individual permit. The owner, operator, and/or discharger shall submit an application in accordance with N.J.A.C. 7:14A-4, with reasons supporting the request, to the NJDEP. The request shall be processed under N.J.A.C. 7:14A-15, 16 and 17. The request shall be granted by the issuance of an individual permit if the reasons cited by the owner, operator and/or discharger are adequate to support the request.
- b. An owner, operator, and/or discharger excluded from this general NJPDES permit solely because of an existing individual permit, may request that the individual permit be revoked or modified, as appropriate, and that the discharge be authorized by the general NJPDES permit. Upon revocation or modification of the individual permit, the permittee shall be authorized under the general permit.

5. Requiring an Individual or another General Permit

- a. Pursuant to N.J.A.C. 7:14A-6.13(e) the Department may require any facility authorized under this permit to apply for and obtain an individual permit or seek and obtain authorization under another general permit.
- b. In accordance with N.J.A.C. 7:14A-6.13(g) any facility authorized under this permit may request to be excluded from authorization under this permit by applying for an individual permit or for another general permit.

6. Submission of a Request for Authorization

- a. An RFA shall be electronically submitted to the NJDEP via the Department's designated Electronic Submission Service.

- i. Completed RFAs shall be submitted electronically to: dwq_pas@dep.nj.gov.
- b. After review of the RFA, the Department will either:
 - i. Issue notification of authorization under this permit; or
 - ii. Deny authorization under this permit and require submittal of an application for an individual permit; or
 - iii. Deny authorization under this permit and require submittal of an RFA for another general permit.
- c. The Department may notify a person that the discharge is authorized under a general permit, even if the person has not submitted an RFA. A person so notified may nonetheless request an individual permit under C.5 above.

7. Automatic Renewal of Authorization

- a. Authorization under this permit will be automatically renewed when this general permit is reissued as provided by N.J.A.C. 7:14A-6.13(d)9 so long as the discharge remains eligible. The Department shall issue a notice of renewed authorization to the facility.
- b. A permittee shall provide a corrected RFA to the Department within 90 days of the effective date of a renewed authorization under this general permit if any information in its most recently submitted RFA is no longer true, accurate, and/or complete.

PART III

LIMITS AND MONITORING REQUIREMENTS

MONITORED LOCATION:
 MW-X Upgradient GW Mon.
 Well

ROCK FORMATION:

DISCHARGE CATEGORY(IES):
 GFLH - Discharge to Groundwater -
 Farm Labor Housing (GP)

Location Description

Sample point(s) at a location upgradient of the disposal area(s).

Contributing Waste Types

Sanitary

GW Mon. Well WCR - Quarterly Reporting Requirements:

Submit a Quarterly WCR: within twenty-five days after the end of every quarterly monitoring period beginning from the effective date of the permit (EDP).

Comments:

Samples shall be taken in the following months:
 February, May, August and November

Table III - A - 1: GW Mon. Well WCR - Quarterly Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
Nitrogen, Ammonia Total (as N)	Monitoring Well	REPORT	MG/L	Grab	January thru December
Nitrogen, Nitrate Total (as N)	Monitoring Well	REPORT	MG/L	Grab	January thru December
Coliform, Fecal General	Monitoring Well	REPORT	#/100ML	Grab	January thru December

MONITORED LOCATION:
 MW-X Downgradient GW Mon.
 Well

ROCK FORMATION:

DISCHARGE CATEGORY(IES):
 GFLH - Discharge to Groundwater -
 Farm Labor Housing (GP)

Location Description

Sample point(s) at a location downgradient of the disposal area(s).

Contributing Waste Types

Sanitary

GW Mon. Well WCR - Quarterly Reporting Requirements:

Submit a Quarterly WCR: within twenty-five days after the end of every quarterly monitoring period beginning from the effective date of the permit (EDP).

Comments:

Samples shall be taken in the following months:
 February, May, August and November

Table III - B - 1: GW Mon. Well WCR - Quarterly Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
Nitrogen, Ammonia Total (as N)	Monitoring Well	REPORT	MG/L	Grab	January thru December
Nitrogen, Nitrate Total (as N)	Monitoring Well	REPORT	MG/L	Grab	January thru December
Coliform, Fecal General	Monitoring Well	REPORT	#/100ML	Grab	January thru December

MONITORED LOCATION:

PZ-X GW Mon. Well

ROCK FORMATION:

DISCHARGE CATEGORY(IES):

GFLH - Discharge to Groundwater -
 Farm Labor Housing (GP)

Location Description

Sample point at a location adjacent to disposal area to determine the depth of groundwater from the infiltrative surface of the disposal area(s).

Elevation of the top of casing:

Elevation of the infiltrative surface:

Elevation of the existing ground surface:

Contributing Waste Types

Sanitary

GW Mon. Well WCR - Quarterly Reporting Requirements:

Submit a Quarterly WCR: within twenty-five days after the end of every quarterly monitoring period beginning from the effective date of the permit (EDP).

Comments:

Measurements shall be taken in the following months:

February, May, August and November

Table III - C - 1: GW Mon. Well WCR - Quarterly Limits and Monitoring Requirements

PHASE: Final

PHASE Start Date:

PHASE End Date:

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
Depth To H2o From Infiltrative Surface	Monitoring Well	REPORT	FEET	Calculated	January thru December
Depth To Water Table From Top Of Casing	Monitoring Well	REPORT	FEET	Measured	January thru December

MONITORED LOCATION:

T0XT Discharge Point

ROCK FORMATION:

DISCHARGE CATEGORY(IES):

GFLH - Discharge to Groundwater -
 Farm Labor Housing (GP)

Location Description

Sample point at a location prior to discharge to the disposal area(s) (bed, field, seepage pit, etc.).

Contributing Waste Types

Sanitary

Ground Water DMR Reporting Requirements:

Submit a Monthly DMR: within twenty-five days after the end of every month beginning from the effective date of the permit (EDP).

Table III - D - 1: Ground Water DMR Limits and Monitoring Requirements

PHASE:Final

PHASE Start Date:

PHASE End Date:

Parameter	Sample Point	Limit	Limit	Units	Limit	Limit	Limit	Units	Frequency	Sample Type
Flow Rate	Effluent Gross Value	REPORT Monthly Average	REPORT Daily Maximum	GPD	*****	*****	*****	*****	Continuous	Continuous
January thru December	QL	***	***		***	***	***			

GW Discharge WCR - Annual Reporting Requirements:

Submit an Annual WCR: within twenty-five days after the end of every 12 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The annual VOC sample shall be collected during a month when the farm labor workers are occupying the temporary (seasonal) housing.

Table III - D - 2: GW Discharge WCR - Annual Limits and Monitoring Requirements

PHASE: Final **PHASE Start Date:** **PHASE End Date:**

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
1,3-Dichloropropene	Effluent Gross Value	1.0	UG/L	Grab	January thru December
Dichlorobromomethane	Effluent Gross Value	1.0	UG/L	Grab	January thru December
Carbon Tetrachloride	Effluent Gross Value	1.0	UG/L	Grab	January thru December
1,2-Dichloroethane	Effluent Gross Value	2.0	UG/L	Grab	January thru December
Bromoform	Effluent Gross Value	4.0	UG/L	Grab	January thru December
Chloroform	Effluent Gross Value	70.0	UG/L	Grab	January thru December
Toluene	Effluent Gross Value	600.0	UG/L	Grab	January thru December
Benzene	Effluent Gross Value	1.0	UG/L	Grab	January thru December
Acrolein	Effluent Gross Value	5.0	UG/L	Grab	January thru December
Acrylonitrile	Effluent Gross Value	2.0	UG/L	Grab	January thru December
Chlorobenzene	Effluent Gross Value	50.0	UG/L	Grab	January thru December
Chlorodibromomethane	Effluent Gross Value	1.0	UG/L	Grab	January thru December
Ethylbenzene	Effluent Gross Value	700.0	UG/L	Grab	January thru December
Methyl Bromide	Effluent Gross Value	10.0	UG/L	Grab	January thru December
Methylene Chloride	Effluent Gross Value	3.0	UG/L	Grab	January thru December

GW Discharge WCR - Annual Reporting Requirements:

Submit an Annual WCR: within twenty-five days after the end of every 12 month monitoring period beginning from the effective date of the permit (EDP).

Comments:

The annual VOC sample shall be collected during a month when the farm labor workers are occupying the temporary (seasonal) housing.

Table III - D - 2: GW Discharge WCR - Annual Limits and Monitoring Requirements

PHASE: Final

PHASE Start Date:

PHASE End Date:

Parameter	Sample Point	Compliance Quantity	Units	Sample Type	Monitoring Period
Tetrachloroethylene	Effluent Gross Value	1.0	UG/L	Grab	January thru December
1,1-Dichloroethane	Effluent Gross Value	50.0	UG/L	Grab	January thru December
1,1-Dichloroethylene	Effluent Gross Value	1.0	UG/L	Grab	January thru December
1,1,1-Trichloroethane	Effluent Gross Value	30.0	UG/L	Grab	January thru December
1,1,2-Trichloroethane	Effluent Gross Value	3.0	UG/L	Grab	January thru December
1,1,2,2-Tetrachloroethane	Effluent Gross Value	1.0	UG/L	Grab	January thru December
1,2-Dichloropropane	Effluent Gross Value	70.0	UG/L	Grab	January thru December
1,2-trans-Dichloroethylene	Effluent Gross Value	100.0	UG/L	Grab	January thru December
Vinyl Chloride	Effluent Gross Value	1.0	UG/L	Grab	January thru December

PART IV

SPECIFIC REQUIREMENTS: NARRATIVE

Notes and Definitions

A. Footnotes

1. Notes

- a. All completed Monitoring Report Forms (MRF) should be submitted via NJDEP's Electronic MRF Submissions Service. Information regarding registration for NJDEP's Electronic MRF Submissions Service can be found at <https://www.state.nj.us/dep/dwq/mrf.htm>.
- b. 40 CFR Part 136-Method 624 shall be used to identify and monitor for the volatile organic compounds at N.J.A.C. 7:14A-4, Appendix A. The analyses shall include the identification of 15 unknown peaks. For tentatively identified compounds, a forward library search must be performed. If the spectra do not meet the criteria of identification of the Library, the compound shall be reported as "unknown". If possible, an additional classification of the unknown compound shall be presented (e.g. unknown aromatic, unknown hydrocarbon, etc.).

B. Definitions

1. Definitions

- a. "Advanced wastewater pretreatment device" means a National Sanitation Foundation (NSF) International Standard 40 or Standard 245 certified technology which may be incorporated as a part of an onsite wastewater treatment system, which bears the NSF mark and is designed, installed, operated, monitored and maintained in accordance with that certification and this chapter. This definition also includes those technologies that are authorized for use in the Pinelands Area through the Pinelands Advanced Wastewater Treatment Systems Pilot Program at N.J.A.C 7:50-10.23.
- b. "Aliquot" means a sample of specified volume used to make up a total composite sample.
- c. "Annual(ly)" means monitoring conducted at a minimum of once every twelve calendar months.
- d. "Authorized service provider" means an individual who maintains an advanced wastewater pretreatment device and/or drip dispersal system in accordance with N.J.A.C. 7:9A-12.3, who monitors the system remotely and who responds appropriately to alarm conditions. This individual must either hold an S2 or greater license pursuant to N.J.A.C. 7:10A; or have completed all training required by a manufacturer of an advanced wastewater pretreatment device that is listed by the Department in accordance with N.J.A.C. 7:9A-8.3; and/or be a listed system integrator of a drip dispersal system in accordance with N.J.A.C. 7:9A-10.8.
- e. "Black Water" means any sanitary sewage generated within a residential, commercial or institutional facility which includes discharges from water closets, toilets, urinals or similar fixtures alone or in combination with other wastewater. Blackwater generally does not include laundry or kitchen wastewater.

Notes and Definitions

- f. "Cesspool" 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.
- g. "Congregate Living" means those activities at structures such as dormitories, motels, nursing/rest homes, group homes, assisted living facilities, boarding houses. These structures typically have one or more amenities and/or activities that service the establishment and not typically an individual unit, such as common bathrooms, kitchens, dining areas and/or laundry facilities.
- h. "Daily" means monitoring conducted every calendar day, including weekends and holidays.
- i. "Farm" means a parcel of land, including buildings, structures, and facilities purposed for agricultural activities.
- j. "Farm Labor Housing" means structures located on farm operation property that are being inhabited by the employees of the farm. These structures are typically dormitory style housing that may include amenities such as common bathrooms, kitchens, or laundry facilities.
- k. "Flow Rate" means the volume per time unit given to the flow of gases or other fluid substance which emerges from an orifice, pump, or turbine or passes along a conduit or channel.
- l. "Grab sample" means an individual sample collected over a period not exceeding 15 minutes.
- m. "Grey Water" means that portion of the sanitary sewage generated within a residential, commercial or institutional facility which does not include discharges from water closets or urinals.
- n. "Holding Tank" means a closed water-tight structure designed and operated in such a manner as to receive and store sanitary sewage or septic tank effluent but not to discharge sanitary sewage or septic tank effluent to the surface or ground water or onto the surface of the land.
- o. "Month(ly)" means monitoring conducted at a minimum of once every calendar month.
- p. "Property" means:
 - i. A single lot as defined by municipal lot and block or right of way; or
 - ii. The combined area contained within the legal boundaries of two or more contiguous lots where, for any part of each of those lots, there is a shared pecuniary, possessory or other substantial common interest by one or more persons (such as common ownership and/or operation or a common plan of development or sale).
- q. "Non-sanitary waste" means any waste not considered to be from human origin or contain putrescible material and is considered to be industrial, hazardous, or toxic. Non-sanitary waste on farms is associated with the chemicals and materials used in the washing of crops and equipment.
- r. "Quarter(ly)" means monitoring conducted at a minimum frequency of once every three calendar months.
- s. "Regulated Unit" means any part of a wastewater disposal system, including but not limited to all toilets, piping, drains, sewers, septic tanks, grease traps, distribution boxes, dosing tanks, disposal tanks, disposal fields, etc. that is monitored under the requirements of this permit.

- t. "Sanitary Sewage" means any liquid waste containing animal or vegetable matter in suspension or solution, or the 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.

Discharge to Groundwater - Farm Labor Housing (GP)

A. Monitoring Requirements

1. Conditions Associated with Both Discharge and Ground Water Monitoring

- a. All monitoring shall be conducted as specified in Part III.
- b. All monitoring required by this permit shall be performed by a laboratory certified by the Department for the analysis of those specific parameters in accordance with N.J.A.C. 7:18.
- c. The permittee must develop and maintain a sampling plan that details the sampling and analytical procedures for all parameters under Part III of this permit, pursuant to N.J.A.C. 7:14A-7.7 and in the latest version of the Department's Field Sampling Procedures Manual.
 - i. This sampling plan must utilize field and trip blanks as specified in the Field Sampling Procedures Manual.
 - ii. The permittee must submit the sampling plan within 30 days of a written request from the Department.
- d. Parameters with a "Report" requirement have no limit established by this permit. The permittee is still required to analyze the discharge sample for the parameter and report its value. Failure to sample and report the value is a permit violation.

2. Conditions Associated with Discharge Monitoring

- a. All discharge monitoring shall be conducted as specified in Part III.
- b. Discharge Monitoring Sample(s) shall be taken prior to discharge to the disposal area(s).
- c. A continuously recording in-line flow measuring device shall be used to determine the daily flow.
- d. The discharge of non-sanitary waste is a violation of this permit
- e. Chlorine shall not be incorporated into the treatment process

3. Conditions Associated with Ground Water Monitoring

- a. All ground water monitoring shall be conducted as specified in Part III.
- b. The permittee shall maintain a minimum of two (2) ground water monitoring wells, one up-gradient and one down-gradient, for each disposal area as specified in Part III, unless otherwise authorized by the Department.
- c. The permittee shall maintain a minimum of one (1) piezometer well per disposal area as specified in Part III.
- d. Ground Water Quality Standards (GWQS) are to be achieved in the down gradient monitoring well(s).

B. Reporting Requirements

1. Conditions Associated with Discharge and Ground Water Monitoring

- a. The frequency of reporting to the Department of the records kept under Part III shall be as specifically stated therein.

Discharge to Groundwater - Farm Labor Housing (GP)

- b. The permittee shall submit monitoring data on the applicable Monitoring Report Forms (MRFs) as set forth in Part III of this permit.
- c. Failure to submit sampling data on on the MRFs as specified in Part III is a permit violation and may subject the permittee to civil and administrative penalties pursuant to N.J.S.A. 58:10A-10 et seq.
- d. If any Volatile Organic Compound (VOC) is detected above the MDL but below the Compliance Quantity limit (GWQS) as set forth in Part III, the permittee shall investigate and eliminate the source of the VOC. The permittee shall document investigations and actions taken, which shall be recordkept and available for review upon request from the Department.
- e. If any VOC result exceeds the Compliance Quantity limit (GWQS) as set forth in Part III, the permittee must notify BGRPA within seven (7) days of receiving the analytical result. This is in addition to reporting this analytical result on the required MRF. After reviewing the analytical results, the Department may require the permittee to: increase the monitoring frequency for the substance in question; impose ground water quality monitoring for that substance; locate and remove the source of the substance from the waste stream; develop and implement measures to ensure that contamination of the system will not occur. The permittee shall comply with any deadline or requirement imposed by the Department regarding additional monitoring or removal of the substance(s) from the system.

C. Recordkeeping Requirements

1. Conditions Associated with Discharge and Ground Water Requirements

- a. The permittee shall retain records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports, and all data used to complete the application for this permit.
- b. Records of monitoring information shall include the date, locations and time of the sampling or measurements, the individual who performed the sampling or measurements, the date the samples were collected, the date the samples were analyzed, the individual who performed the analysis, the analytical method used, and the results.
- c. The permittee shall retain copies of all reports required by a NJPDES permit and records of all data used to complete the application for a NJPDES permit for a period of at least 5 years.
- d. All records shall be available for Department review during periodic inspections or submitted upon written request.

D. Submission Requirements

1. Plot Plan

- a. A revised Plot Plan shall be submitted when site conditions change. The Plot Plan shall include, at a minimum:
 - i. Property boundaries, including municipal tax block and lot information;

- ii. The location of all regulated units. The regulated unit includes any part of a wastewater disposal system, including but not limited to all toilets, piping, drains, sewers, septic tanks, grease traps, distribution boxes, dosing tanks, disposal fields, seepage pits, cesspools, etc. that are monitored under the requirements of this permit. Each regulated unit shall be identified as Unit #1, Unit #2, etc.;
- iii. The location of each discharge monitoring point. Each discharge monitoring point shall be identified as T01T for Unit #1, T02T for Unit #2, etc.;
- iv. The location of all existing and proposed wells (water supply, monitoring, piezometer, irrigation, etc.);
- v. The location of all existing and proposed structures located on the site and their associated regulated units, if applicable. Structures include, but are not limited to, residential homes, barns, commercial buildings, farm stands, sheds, garages, etc.;
- vi. The location of all surface water bodies, wetlands;
- vii. The location of all soil borings, soil test pits and permeability tests;
- viii. The location of all existing and proposed roadways;
- ix. The location of stormwater management facilities (i.e., detention/retention basins, catch basins, drainage swales, etc.);
- x. The location of all underground storage tanks; and all rock outcrops or sinkholes, gullies and other erosional features; and
- xi. The direction of ground water flow.

E. Conditions Relating to Ground Water Discharge Units

1. General Provisions

- a. Failure to operate and maintain treatment works and facilities, which are installed or used by the permittee to achieve compliance with the terms and conditions of the permit, is a violation of this permit.
- b. The permittee shall notify the Department in writing whenever there is a change in operation which could potentially affect the characteristics of a regulated discharge.
- c. When a regulated unit poses a potential health risk or hazard, measures must be taken to restrict unauthorized access to the site or unit and to minimize the potential for contact with the pollutants.
- d. When any regulated unit must be removed from service for reasons other than routine maintenance and/or scheduled rotation; or creates an unpermitted discharge; or fails hydraulically, the permittee is required to implement the contingency requirements as outlined in Part IV.F.2.

2. Requirements for Underground Injection Control (UIC) discharges

- a. The immediate and surrounding area of the regulated unit(s) shall be inspected on, at least, a monthly basis for evidence of malfunctioning. Said evidence shall include, but not be limited to, breakout, ponding, wet areas, odors and an overabundance or loss of vegetative cover. The permittee shall keep detailed records of these inspections which shall be made available to the Department upon request.

- b. The permittee shall comply with the applicable provisions of the Additional Requirements for Underground Injection Control (UIC) Program, N.J.A.C. 7:14A-8.

F. Conditions Relating to Operation and Maintenance

1. Operation and Maintenance Plan

- a. The permittee shall develop and implement an Operation and Maintenance (O&M) Plan that ensures the proper continued functioning of the regulated unit(s). The O&M Plan shall be kept onsite and available for review upon request by the Department. At a minimum, the O&M Plan shall include the following information:
 - i. A schedule of the maintenance and inspections of the regulated unit(s) at a frequency of 1/month as established in Part IV.E.2;
 - ii. A schedule of the recommended inspections and calibrations for all flow monitoring devices at the frequency prescribed by the specific device manufacturer;
 - iii. Assessment of emergency situations which may affect the discharge activities as outlined in N.J.A.C. 7:14A-6.12(d)3. Emergency procedures in the O&M Plan shall not create an unpermitted discharge or contravene any rules or regulations. If the discharge flows to the regulated units without the aid of pumps, the emergency plan only needs to address equipment and emergency procedures;
 - iv. Procedures for correcting emergency situations;
 - v. Procedures for notifying the appropriate agencies; and
 - vi. Location of any onsite temporary or permanent pollutant storage areas.
- b. After an emergency situation has been corrected, the permittee shall review the emergency procedures in place and, if necessary, update the O&M Plan.

2. Contingency Requirements

- a. When any regulated unit must be removed from service for reasons other than routine maintenance and/or scheduled rotation; or creates an unpermitted discharge; or fails hydraulically, the permittee shall:
 - i. Immediately cease any unpermitted discharge and implement the appropriate section of the facility's Operation and Maintenance (O & M) Plan as required in Part IV.F.1.
 - ii. Immediately contact the Department's Emergency Hotline at 1-877-927-6337 (or <https://www.nj.gov/dep/warndep.htm>) and contact the appropriate regional Bureau of Water Compliance and Enforcement. For details on reporting time frames, please refer to N.J.A.C. 7:14A-6.2 and 6.10.
 - iii. If a regulated unit needs to be replaced or altered, the permittee must first obtain approval from the Bureau of Ground Water, Residuals, and Permit Administration. The permittee shall demonstrate that the replacement or altered system will adequately correct the malfunction.
 - iv. The Bureau of Ground Water, Residuals, and Permit Administration can be reached at (609) 984-4428. Further information regarding the Bureau of Ground Water, Residuals, and Permit Administration can be found at <https://www.state.nj.us/dep/dwq/bpr.htm>.

- v. Upon approval from the Bureau of Ground Water, Residuals, and Permit Administration, the permittee shall notify the Bureau of Environmental, Engineering, and Permitting to determine if a Treatment Works Approval is required for the replacement or altered system.
- vi. The Bureau of Environmental, Engineering, and Permitting can be reached at (609) 984-4429. Further information regarding the Bureau of Environmental, Engineering, and Permitting can be found at https://www.state.nj.us/dep/dwq/beep_hm.htm.
- vii. For units which rely on infiltration where the probable cause of hydraulic failure is unintentional overloading of the disposal area due to unequal distribution of the discharge or heavy rain, snow melt, etc., the permittee shall continue to implement the measures outlined in the facility's O & M Manual until the failing disposal area drains and returns to operational status. If the failing disposal area is determined to be under-sized for the given flow or physically clogged, Department approved measures must be taken to rectify the situation.

3. Abandonment Requirements

- a. The permittee shall, within three (3) months of Authorization under this General Permit, abandon any existing wastewater treatment units and disposal system(s) which will not be utilized. To properly abandon the disposal system(s), the permittee shall:
 - i. Adequately seal the influent and effluent lines;
 - ii. Properly dispose of all physical facilities including the treatment units (septic tanks), outfall lines, and all mechanical and electrical equipment and piping;
 - iii. Eliminate any piping where there may be a cross-connection (receiving both sanitary and any other discharge); and
 - iv. Contact the appropriate Department Enforcement Bureau.

4. Elimination of Cesspools

- a. Any facility newly authorized under this permit that has any cesspools, outhouses or privies, operating or otherwise, is required to submit a closure plan within 3 months of the EDPA. This closure plan needs to include a beginning implementation of no later than 6 months from the EDPA. The closure plan must include an estimated timeframe for when the facility will submit a TWA to replace system(s) with an adequate individual sewage disposal system and final closure dates for all cesspools, outhouses and privies.
- b. Any permittee that discovers a cesspool structure not previously identified that is operating or not properly closed must submit a closure plan within 3 months of discovery. This closure plan needs to include a beginning implementation of no later than 6 months after submitting said closure plan. The closure plan must include an estimated timeframe for when the facility will submit a TWA to replace system(s) with an adequate individual sewage disposal system and final closure dates for all cesspools.
- c. Any facilities that need to amend or modify a cesspool closure plan may do so in consultation with the permit-issuing Bureau.
- d. Any cesspool(s) shall be closed in accordance with the requirements of N.J.A.C. 7:14A-8.4(a)3i.

G. Conditions Relating to Ground Water Monitoring Wells

1. Well Installation and Abandonment Requirements

- a. The permittee shall provide a minimum of 2 weeks notification to BGRPA prior to installing any wells required by this permit. At the permittee's option, a representative of BGRPA will assist in field locating the wells prior to the installation of the wells or, if possible, on the day the wells are to be drilled.
- b. Satisfactory ground water monitor wells are defined in N.J.A.C. 7:14A-9.4 of the NJPDES regulations and shall be subject to Departmental approval. If the wells do not meet these standards, they must be replaced with satisfactory wells.
- c. All wells must be installed by a licensed New Jersey well driller and constructed according to the specifications outlined in N.J.A.C. 7:9D for the appropriate site conditions (bedrock formation, unconsolidated, and confined unconsolidated aquifers). At the time of construction, the well driller must possess a valid well permit number for each well.
- d. Replacement wells that are installed within 10 feet of damaged wells require Department notification at the same time the well certification forms are submitted. Replacement wells installed greater than 10 feet from the damaged wells require prior written approval from the Department. The requirement to replace a damaged well does not relieve the permittee from compliance with their monitoring schedule.
- e. Inadequate or damaged wells must be properly sealed and abandoned pursuant to N.J.S.A. 58:4A-4.1 et. Seq. All sealing must be performed by a New Jersey licensed well driller of the proper class. Regulations regarding well decommissioning and a list of New Jersey licensed well drillers may be obtained by contacting the Bureau of Water Allocation and Well Permitting at (609) 984-6831.

2. Well Certifications

- a. For an existing well, if the information required on the Certifications (Forms A and B) cannot be determined or the well is not adequately constructed to meet the requirements of this permit, the Department may require its replacement. Criteria to be used by the Department in judging the adequacy of a well will be related to the well's ability to provide a representative ground water sample from the interval of the formation which the Department requires to be sampled.

3. Maintenance and Record Keeping

- a. At a minimum, each well shall be inspected on a regular basis for structural integrity and/or damage.
 - i. The permittee shall maintain a complete inspection record indicating dates of inspection, inspector's name, and conditions observed.
 - ii. These records shall be made available to the Department upon request.
 - iii. Failure to maintain complete and accurate records, or to submit them upon request, is a violation of this permit.

NJPDES MASTER GENERAL PERMIT PROGRAM INTEREST, Trenton

Permit No. NJ0309664
DGW200003 Ground Water Master General Permit New