

## **ENVIRONMENTAL REGULATION**

### **DIVISION OF WATER QUALITY**

#### **Notice of Adoption**

#### **New Jersey Pollutant Discharge Elimination System (NJPDES)**

#### **FY2009 Annual Fee Report and Assessment of Fees**

**Take notice** that the Department of Environmental Protection (Department) hereby adopts the Fiscal Year 2009 (FY2009) New Jersey Pollutant Discharge Elimination System (NJPDES) Annual Fee Report and Assessment of Fees (Annual Fee Report). In accordance with N.J.A.C. 7:14A-3.1, publication of this notice marks the completion of the FY2009 budgeting and fee assessment process for the NJPDES permit program.

Notice of the public hearing and opportunity to comment on the proposed FY2009 budget and fee schedule was provided in the New Jersey Register on November 3, 2008, at 40 N.J.R. 6487(c). Copies of a condensed version of the NJPDES Annual Fee Report were mailed to all NJPDES permit holders and provided to other interested parties upon request. The full version of the Annual Fee Report was made available on the Department's website at <http://www.nj.gov/dep/dwq/njpdessfees.html>.

The Department held a public hearing on the FY2009 NJPDES Annual Fee Report on December 3, 2008 at the Department's offices at 401 East State Street, in Trenton, New Jersey. There were no attendees at the hearing and no written comments on the proposed NJPDES budget and the fee schedules were received.

Peter Patterson, Acting Chief of the Bureau of Permit Management, Division of Water Quality, served as the hearing officer at the December 3, 2008 public hearing. After reviewing the record regarding the NJPDES Annual Fee Report, Mr. Patterson recommended that the Department adopt the FY2009 NJPDES Annual Fee Report.

As discussed in the NJPDES Annual Report and Fee Schedule, the Department used the existing fee assessment methodology established at N.J.A.C. 7:14A-3.1 in calculating permit fees for FY2009. During the public comment period, several permittees made phone, written or facsimile inquiries concerning their individual fee assessments, permit classifications or permit status. The Department addressed such facility specific questions and explained the basis for the assessments directly to the inquiring permittees and made adjustments where necessary. There were no changes to the Municipal Discharge to Surface Water (DSW) fee schedule. Changes to the Industrial DSW fee schedule include changing one facility's minimum fee category from major to minor due to a facility re-grade by EPA and one major facility permit being reissued as a general permit authorization. In addition, one new general remediation cleanup permit was issued and two groundwater petroleum product cleanup permits were revoked because the cleanup activity had been completed. The adjustment to the rate for the Industrial DSW category because of these revisions resulted in an average increase of \$46.00 to the permit fees raising the average fee to \$16,700. There were no changes to the Significant Indirect User (SIU) fee schedule. One Residuals permit was revoked reducing the Residuals assessment by \$4,000 to \$173,050. Five new Discharge to Groundwater (DGW) permit authorizations were added due to new permit authorizations being issued. The environmental value for one permittee was recalculated based on updated groundwater factors. The subsequent adjustment to the rate resulted in a \$12.00 average decrease in permit fees for this category, with an average permit fee of \$2,405. There were no changes to the Operating Landfill fee schedule.

Based on the above noted revisions, the Department has recalculated the proposed rates and assessments for the Industrial Surface Water and Municipal/Industrial Ground Water categories. The final rates and the permit category amounts to be billed for FY2009 are as follows:

<u>Category</u>	<u>Total</u>			<u>Amount Billed</u>
	<u>Environmental Impact</u>	<u>Proposed Rate</u>	<u>Final Rate</u>	
Municipal Surface Water	38,272.21	175.6979	175.6979	\$7,087,725
Industrial Surface Water	2,253,260.60	6.0443	6.0899	\$6,095,534
Pretreatment (SIU Permits)	28,640.00	5.5321	5.5321	\$558,142
Municipal/Industrial Ground Water	168.24	4,963.8848	5,076.0489	\$2,303,923
Land Application of Residuals	-	-	-	\$173,050
Operating Landfills	181,779.32	2.5493	2.5493	\$550,000
<b>Total:</b>				<b>\$16,768,374</b>

For the Stormwater Permitting Program, the fixed fees and the amount to be billed for FY2009 are as follows. The only amendments were the addition of 11 facilities due to new permits being issued, and the deletion of 13 facilities due to permit revocations. Additionally, one facility's category was changed from a Scrap Metal Stormwater General Permit to an individual stormwater permit because it was initially entered incorrectly.

<u>Discharge Category</u>	<u>Fee</u>	<u>Amount Billed</u>
Basic Industrial Stormwater General Permit	\$800	\$1,735,200
Stormwater (Individual Permit)	\$4,100	\$733,900
Scrap Metal Stormwater General Permit	\$2,300	\$540,500
Concrete Products Stormwater General Permit	\$2,300	\$280,600
Newark Airport Stormwater General Permit	\$2,300	\$87,400
Hot Mix Asphalt Stormwater General Permit	\$2,300	\$82,800
CAFO Stormwater General Permit	\$2,300	\$11,500
Mining & Quarrying General Permit	\$2,300	\$163,300
MSRP – Tier B General Permit	\$500	\$50,500
MSRP – Tier A General Permit (0 - 1000)	\$600	\$5,400
MSRP – Tier A General Permit (1001 - 5000)	\$1,050	\$109,200
MSRP – Tier A General Permit (5001 - 10000)	\$2,000	\$230,000
MSRP – Tier A General Permit (10001 – 15000)	\$3,000	\$207,000
MSRP – Tier A General Permit (15001 - 20000)	\$4,050	\$178,200
MSRP – Tier A General Permit (20001 - 25000)	\$5,250	\$157,500
MSRP – Tier A General Permit (25000 +)	\$9,000	\$774,000
MSRP – Public Complex General Permit (1000 - 2999)	\$900	\$36,900
MSRP – Public Complex General Permit (3000 - 5999)	\$1,500	\$19,500
MSRP – Public Complex General Permit (6000 - 8999)	\$2,600	\$15,600
MSRP – Public Complex General Permit (9000 +)	\$3,600	\$54,000
MSRP – Highway Agency General Permit (0-9)	\$550	\$3,300
MSRP – Highway Agency General Permit (10-199)	\$2,450	\$22,050
MSRP – Highway Agency General Permit (200-399)	\$5,100	\$66,300

MSRP – Highway Agency General Permit (400 +)	\$9,800	\$49,000
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Total FY2009 Stormwater Billing:		\$5,613,650
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DATE: \_\_\_\_\_

Nancy Wittenberg, Assistant Commissioner  
Environmental Regulation  
Department of Environmental Protection