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In this courtesy copy, “(No change.)” means no change from the NJPDES rules that were in effect on January 5, 2004.

## SUBCHAPTER 1. ABBREVIATIONS, ACRONYMS, AND DEFINITIONS

### 7:14A-1.1 Abbreviations and acronyms

(a) As used in this chapter, the following abbreviations and acronyms shall have the following meaning:

...

“AM” means additional measure.

...

“MS4” means municipal separate storm sewer system.

...

“OM” means optional measure.

...

“SBR” means Statewide Basic Requirement.

...

### 7:14A-1.2 Definitions

As used in this chapter, the following words and terms shall have the following meanings:

...

“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. A cesspool is an injection well.

...

“Connection” means, for purposes of N.J.A.C. 7:14A-22 only, any physical or operational change, associated with an increase in projected flow, to a collection system of any building, facility, or other structure either proposed or existing for which a

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building permit or other municipal approval including site plan or subdivision approval is required, and which connects directly or indirectly to any portion of a treatment works.

...

“Co-permittee” means, for purposes of N.J.A.C. 7:14A-24.2 and 25.9 only, a permittee that is only responsible for NJPDES permit conditions relating to the discharge for which that permittee is an operating entity.

...

“Illicit connection” means, for purposes of N.J.A.C. 7:14A-25 only, any physical or non-physical connection that discharges the following to a municipal separate storm sewer system (unless that discharge is authorized under a NJPDES permit other than the NJPDES permit for discharges from that system):

1. Domestic sewage;
2. Non-contact cooling water, process wastewater, or other industrial waste (other than stormwater); or
3. Any category of non-stormwater discharges that a permittee for the MS4 identifies as a source or significant contributor of pollutants pursuant to 40 C.F.R. 122.26(d)(2)(iv)(B)(1) or 122.34(b)(3)(iii).

Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

...

“Interstate agency” means an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states.

...

“Large municipal separate storm sewer system” means all municipal separate storm sewers, other than those owned or operated by the United States, that discharge to surface water and are either:

1. Located in an incorporated place with a population of 250,000 or more as determined by the 1990 Decennial Census by the Bureau of the Census. See 40 CFR Part 122, Appendix F (Newark is listed); or

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2. Located in the counties listed in 40 CFR Part 122, Appendix H (No New Jersey counties are listed), except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or
3. Owned or operated by a municipality other than those described in paragraph 1 or 2 of this definition and that are designated by the Department as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under paragraph 1 or 2 of this definition. In making this determination the Department may consider the following factors:

i. - v. (No change.)

4. Upon petition, designated by the Department as a large municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in paragraphs 1,2, or 3 of this definition.

...

“Medium municipal separate storm sewer system” means all municipal separate storm sewers, other than those owned or operated by the United States, that discharge to surface water and are either:

1. Located in an incorporated place with a population of 100,000 or more but less than 250,000, as determined by the 1990 Decennial Census by the Bureau of the Census. (40 CFR Part 122, Appendix G) (Elizabeth, Jersey City, and Paterson are listed); or
2. Located in the counties listed in 40 CFR Part 122, Appendix I (No New Jersey counties are listed); or
3. Owned or operated by a municipality other than those described in paragraph 1 or 2 of this definition and that are designated by the Department as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under paragraph 1 or 2 of this definition. In making this determination the Department may consider the following factors:

i. - iv. (No change.)

4. The Department may, upon petition, designate as a medium municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional,

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watershed, or other appropriate basis that includes one or more of the systems described in paragraphs 1, 2, or 3 above.

...

“Municipality” means a city, town, borough, county, parish, district, association or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or a designated and approved management agency under Section 208 of the Federal Act (33 U.S.C. §1288), except as provided at N.J.A.C. 7:14A-25.1(b).

“Municipal separate storm sewer” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned or operated by the United States, an interstate agency, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe organization, or a designated and approved management agency under section 208 of the CWA (33 U.S.C. §1288) that discharges to surface water or groundwater;
2. Designed and used for collecting or conveying stormwater;
3. Which is not a combined sewer;
4. Which is not part of a POTW; and
5. Which is not either of the following:
  - i. A separate storm sewer(s) that is at an industrial facility, and that collects or conveys stormwater discharges associated with industrial activity that occurs at that facility; or
  - ii. A separate storm sewer(s) that is at a construction site, and that collects or conveys stormwater discharges associated with small construction activity that occurs at that site.

“Municipal separate storm sewer system” or “MS4” means a “large,” “medium” or “small” municipal separate storm sewer system as defined in this section.

...

[“Run-off” means, for purposes of N.J.A.C. 7:14A-10 only, any stormwater, leachate, or other liquid that drains overland from any part of a facility.] **Definition deleted**

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...

“Runoff coefficient” means the fraction of total rainfall that will appear at a conveyance as runoff.

[“Run-on” means, for purposes of N.J.A.C. 7:14A-10 only, any stormwater, leachate, or other liquid that drains overland onto any part of a facility.] **Definition deleted**

...

“Small municipal separate storm sewer system” or “small MS4” means all municipal separate storm sewers (other than “large” or “medium” municipal separate storm sewer systems as defined in this section) that are:

1. Owned or operated by municipalities described under N.J.A.C. 7:14A-25.1(b);
2. Owned or operated by county, State, interstate, or Federal agencies, and located at public complexes as described under N.J.A.C. 7:14A-25.2(a)2;
3. Owned or operated by county, State, interstate, or Federal agencies, and located at highways and other thoroughfares as described under N.J.A.C. 7:14A-25.2(a)3; or
4. Owned or operated by county, State, interstate, Federal, or other agencies, and receive special designation under N.J.A.C. 7:14A-25.2(a)4.

...

“Stormwater” means water resulting from precipitation (including rain and snow) that:

1. Runs off the land’s surface;
2. Is transmitted to the subsurface; or
3. Is captured by separate storm sewers or other sewerage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater discharge (or stormwater DSW) associated with industrial activity” means:

1. A discharge to surface water, from a point source or a nonpoint source, of stormwater that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NJPDES program under N.J.A.C. 7:14A-2.5. For the categories of industries identified in this paragraph, the term includes, but is not limited to, stormwater

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discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined in 40 CFR part 401); sites used for the storage and maintenance of material handling equipment; sites used for treatment, storage, or disposal of by-product or waste product; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. The term also excludes discharges that qualify for "Permanent No Exposure" exclusion under N.J.A.C. 7:14A-24.6. Industrial facilities include industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in subparagraphs 1i through 1xi below. The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this paragraph:

- i. (No change.)
- ii. Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, 373.
- iii. – ix. (No change.)
- x. Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. For a facility (other than an airport, powerplant, or uncontrolled sanitary landfill) that is owned or operated by a municipality with a population of less than 100,000, this subparagraph does not include construction activity that commenced prior to March 3, 2004, unless such activity required, but did not have, certification or approval issued under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., prior to March 3, 2004; and
- xi. Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25; and

2. (No change.)

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“Stormwater discharge (or stormwater DSW) associated with small construction activity” means the discharge to surface water, from a point source or a nonpoint source, of stormwater from:

1. Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include:
  - i. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility; or
  - ii. Construction activity that commenced prior to March 3, 2004, unless such activity required, but did not have, certification or approval issued under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., prior to March 3, 2004; and
2. Any other construction activity designated by the Department or the USEPA Regional Administrator, based on the potential for contribution to a violation of a surface water quality standard, or for significant contribution of pollutants to waters of the State.

...

## SUBCHAPTER 2. GENERAL PROGRAM REQUIREMENTS

### 7:14A-2.4 Activities that require a NJPDES permit

(a) (No change.)

(b) The Department shall, at a minimum, issue NJPDES permits for the following activities:

1. – 10. (No change.)

11. Discharges of stormwater to surface water and groundwater, including discharges through storm sewers, as set forth in N.J.A.C. 7:14A-24 and 25;

12. – 14. (No change.)

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(c) The Department shall determine, on a case-by-case basis, that facilities which are otherwise eligible for general permits and which do not generally require individual permits may be required to obtain an individual permit because of their contributions to water pollution. Whenever the Department determines that an individual permit is required under this section, the Department shall notify the discharger in writing of the reasons for such a determination and shall include an application form with such notice. The discharger shall apply under N.J.A.C. 7:14A-4 for a permit within 60 days of receipt of such notice, except for a discharger of stormwater under N.J.A.C. 7:14A-24.2, who shall apply within 180 days unless the Department approves a later date. In such a case, comment regarding the appropriateness of the initial determination to require an individual permit may be submitted during the public comment period under N.J.A.C. 7:14A-15.11 and in any subsequent hearing.

(d) (No change.)

#### 7:14A-2.13 Specific criteria for concentrated animal feeding operations

(a) Except for indirect discharges, a permit shall be obtained for any discharge from an animal feeding operation if the animal feeding operation meets the criteria for a concentrated animal feeding operation under (b) or (d) below.

(b) (No change.)

(c) Any animal feeding operation shall, upon the Department's written request, submit the following information:

1. – 3. (No change.)

(d) On a case-by-case basis and after conducting an on-site inspection, the Department shall designate, as a concentrated animal feeding operation, any animal feeding operation which does not meet the criteria in (b) above if (d)1 and 2 below are met:

1. The Department determines that the operation is a significant contributor of pollution to the waters of the State. In making this determination the Department shall consider the following factors:

i. – iv. (No change.)

v. Other relevant factors; and

2. The Department determines that:



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- i. Pollutants are discharged into waters of the State through a manmade ditch, flushing system, or other similar manmade device; or
- ii. Pollutants are discharged directly into waters of the State which originate outside of the facility and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

### SUBCHAPTER 3. DETERMINATION OF PERMIT FEES

#### 7:14A-3.1 Fee schedule for NJPDES permittees and applicants

(a) - (i) (No change.)

(j) For NJPDES Permit No. NJ0088323 (referred to as the category 5G3 “construction activity” stormwater general permit), there is no annual or minimum fee. Instead, a fee of \$300.00 shall be paid by check or money order, payable to “Treasurer, State of New Jersey,” and submitted to the applicable soil conservation district along with each request for authorization submitted under that permit, except as provided in (j)1 below. The soil conservation district shall forward all such checks and money orders to the State Soil Conservation Committee in the Department of Agriculture, which shall cause such checks and money orders to be deposited to the credit of the State. The soil conservation district shall not certify any request for authorization that is not accompanied by this fee.

1. For a project that the New Jersey Department of Transportation (NJDOT) is constructing or proposes to construct for which a stormwater discharge is regulated under this general permit, the fee of \$300.00 shall be paid to the Department.

(k) - (m) (No change.)

Tables I, II and III (No change.)

### SUBCHAPTER 4. PERMIT APPLICATION REQUIREMENTS

#### 7:14A-4.2 Application requirements

(a) - (d) (No change.)

(e) The schedule for submission of applications (or requests for authorization under a general permit) is as follows:

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1. Any person proposing a new facility or activity, which requires a NJPDES permit pursuant to N.J.A.C. 7:14A-2.4 and is not exempt pursuant to N.J.A.C. 7:14A-2.5, shall submit an application at least 180 days before the date on which the activity is proposed to commence, unless an alternative date has been established by the Department. The schedule for submitting an application for certain stormwater discharges is set forth in N.J.A.C. 7:14A-24.4 and 25.4.

2. – 6. (No change.)

(f) (No change.)

#### 7:14A-4.3 Application information requirements

(a) All applicants for an individual NJPDES permit shall provide the following information to the Department using the application form(s) provided by the Department (except as specified in N.J.A.C. 7:14A-24.7, 25.9 and 25.10 for stormwater discharges):

1. – 12. (No change.)

13. Evidence of application submission to the local agency or sewerage entity and municipality as follows. Except for stormwater discharges, all applicants for an individual NJPDES permit proposing a new discharge or activity, increase in permitted flow with or without an associated increase in loading for an existing discharge, or change in the location or method of discharge shall, prior to the submission of an application to the Department, submit a copy of the application to the affected local agency or sewerage entity and municipality along with a written notice (certified mail return receipt requested or by other means which allow verification of the fact and date of receipt) that the local agency or sewerage entity and municipality must submit to the Department written comments regarding or objections to the proposed discharge or activity within 30 days of receipt of said notice. Any written comments regarding or objections to the proposed discharge or activity submitted to the Department by an affected local agency, or sewerage entity, or municipality shall be considered by the Department in determining whether to issue a draft permit in accordance with N.J.A.C. 7:14A-15.6. The applicant may file a permit application, provided that copies of the signed and dated notices to the respective local agency or sewerage entity and municipality, and dated certified mail return receipts or other verification of delivery receipt are submitted with the application. Under this circumstance, the Department would consider an application administratively complete, provided all other application requirements have been submitted;

14. – 26. (No change.)

(b) – (e) (No change.)

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#### 7:14A-4.4 Additional application requirements for discharges to surface water

(a) An applicant for an individual NJPDES permit for a process wastewater discharge is required to provide with the application a reasonable estimate or measure of the applicant's actual maximum and average actual production. For new sources or new discharges or activities, the applicant shall provide estimates expressed in terms of production (or other measure of operation). The reported estimate or measure of production must reflect the actual production of the facility as required in N.J.A.C. 7:14A-13.13(a)1ii. If production is likely to vary, alternative estimates may be submitted in consultation with the Department. Production estimates shall be made in accordance with the following (except as specified in N.J.A.C. 7:14A-24.7, 25.9 and 25.10 for stormwater discharges):

1. – 3. (No change.)

(b) All applicants for an individual NJPDES permit shall provide as part of their application, information on the discharge of pollutants in accordance with this subsection (except information on stormwater discharges, which is to be provided as specified in N.J.A.C. 7:14A-24.7, 24.8, 25.9 and 25.10).

1. – 4. (No change.)

5. The applicant shall report the presence of pollutants that it knows or has reason to believe are present as follows:

i. – iii. (No change.)

6. – 7. (No change.)

### SUBCHAPTER 6. CONDITIONS APPLICABLE TO ALL NJPDES PERMITS

#### 7:14A-6.2 General conditions applicable to all permittees

(a) (No change.)

(b) When applicable, NJPDES-DSW permits shall include the following conditions:

1. Implementation of Best Management Practices to control or abate the discharge of pollutants, when:

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- i. Authorized under Section 304(e) of the Federal Act (33 U.S.C. §1314(e)) for the control of toxic pollutants and hazardous substances from ancillary industrial activities;
  - ii. Authorized under Section 402(p) of the Federal Act (33 U.S.C. §1342(p)) or under the State Act for the control of stormwater discharges;
  - iii. Numeric effluent limitations are infeasible; or
  - iv. The practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the State and Federal Acts;
2. – 3. (No change.)

#### 7:14A-6.13 General permits

(a) – (b) (No change.)

(c) General permits may be issued, modified, revoked and reissued, suspended, or revoked in accordance with applicable requirements of N.J.A.C. 7:14A-15, 16 and 17. The Department shall publish in the New Jersey Register a notice of administrative change revising the list of general permits in the table below to reflect any of these general permit actions. The list in this table is for informational purposes only. The Department advises prospective applicants to obtain a copy of the most recent general permit list from the Department's Division of Water Quality at P.O. Box 029, Trenton, New Jersey 08625, or from the Division's website (<http://www.state.nj.us/dep/dwq>). A copy of any general permit on the list may be obtained from the same address.

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| <u>NJPDES Permit No.</u> | <u>Category</u> | <u>Name of General Permit</u>                             | <u>Discharge Type<sup>1</sup></u> | <u>Year Issued</u>     |
|--------------------------|-----------------|---|-----------------------------------|------------------------|
| NJ0108308                | I1              | Stormwater Basins at Sanitary Landfills                   | DGW                               | 2001                   |
| NJ0108642                | I2              | Filter Backwash Water from Potable Water Treatment Plants | DGW                               | 2003                   |
| NJ0130281                | T1              | Existing Sanitary Septic Systems                          | DGW                               | 2003                   |
| NJ0142051                | LSI             | Lined Surface Impoundment                                 | DGW                               | 2003                   |
| NJ0138631                | R8              | Concentrated Animal Feeding Operation (CAFO)              | DGW/DSW                           | 2003                   |
| NJ0107671                | SM              | Scrap Metal Stormwater                                    | DGW/DSW                           | 1999                   |
| NJ0088315                | 5G2             | Basic Industrial Stormwater                               | DGW/DSW                           | 2002                   |
| NJ0141852                | R9              | Tier A Municipal Stormwater                               | DGW/DSW                           | 2004                   |
| NJ0141861                | R10             | Tier B Municipal Stormwater                               | DGW/DSW                           | 2004                   |
| NJ0141879                | R11             | Public Complex Stormwater                                 | DGW/DSW                           | 2004                   |
| NJ0141887                | R12             | Highway Agency Stormwater                                 | DGW/DSW                           | 2004                   |
| NJ0088323                | 5G3             | Construction Activity Stormwater                          | DSW                               | 2002, modified in 2004 |
| NJ0108456                | CPM             | Concrete Products Manufacturing Stormwater                | DGW/DSW                           | 2003                   |
| NJ0134791                | R5              | Newark Airport Complex Stormwater                         | DSW                               | 2000                   |
| NJ0070203                | CG              | Non-contact Cooling Water                                 | DSW                               | 2000                   |
| NJ0102709                | B4B             | Groundwater Petroleum Product Clean-up                    | DSW                               | 2003                   |
| NJ0105023                | CSO             | Combined Sewer Overflow                                   | DSW                               | 2000                   |
| NJ0128589                | B6              | Swimming Pool Discharges                                  | DSW                               | 1998                   |
| NJ0132993                | BG              | Hydrostatic Test Water                                    | DSW                               | 1999                   |
| NJ0134511                | B7              | Construction Dewatering                                   | DSW                               | 1999                   |
| NJ0105767                | EG              | Land Application Food Processing Residuals                | RES                               | 2003                   |
| NJ0132519                | ZG              | Residuals Transfer Facilities                             | RES                               | 1999                   |
| NJ0132501                | 4G              | Residuals - Reed Beds                                     | RES                               | 2002                   |

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<sup>1</sup>Acronyms identifying “Discharge Type” have the following meanings:

DGW Discharge to Groundwater

DSW Discharge to Surface Water

RES Residual Use or Disposal

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(d) An authorization under a general permit shall be obtained as follows:

1. – 6. (No change.)

7. Discharges from DTWs, combined sewer overflows, municipal separate storm sewer systems, primary industrial facilities, and stormwater discharges associated with industrial activity shall submit a request for authorization to the Department. Other discharges may, at the discretion of the Department, be authorized under a general permit without submission of a request for authorization where the Department finds that a request for authorization requirement is inappropriate. The Department shall provide in the public notice of the general permit the reasons for not requiring a request for authorization. In making such a finding, the Department shall consider:

i. – vi. (No change.)

8. – 9. (No change.)

(e) – (o) (No change.)

## SUBCHAPTER 7. REQUIREMENTS FOR DISCHARGES TO GROUND WATER (DGW)

### 7:14A-7.4 Exemptions

(a) Persons responsible for the following discharges are exempt from the requirement to obtain a discharge to groundwater permit:

1. – 2. (No change.)

3. Discharges that occurred prior to May 5, 1997, except existing permitted discharges identified in N.J.A.C. 7:14A-7.2(c);

4. Any discharge not to exceed 60 calendar days and in compliance with the instructions of a Department on-scene coordinator or remedial project manager pursuant to 40 CFR 300 (the National Oil and Hazardous Substances Contingency Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances), and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11; and

5. The following stormwater discharges, if such discharges are not through underground injection regulated under N.J.A.C. 7:14A-8, and do not require a permit under N.J.A.C. 7:14A-24.2(a)9:

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- i. Stormwater discharges from municipal separate storm sewers that are not identified under N.J.A.C. 7:14A-25.2(a) or (b);
- ii. Stormwater discharges from residential areas (including residential streets, parking lots, easements, and open space), or from commercial areas (other than areas of high pollutant loading), unless N.J.A.C. 7:14A-25.2(a) or (b) requires the operating entity to apply for a NJPDES permit for the discharge. For purposes of this subparagraph and N.J.A.C. 7:14A-8.5(b)9 and 24.2(c)3, high pollutant loading areas are commercial areas where solvents and/or petroleum products are loaded/unloaded, stored, or applied; commercial areas where pesticides are loaded and/or unloaded or stored; commercial areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the USEPA at 40 C.F.R. 302.4; commercial areas where recharge would be inconsistent with a Department approved remedial action work plan or landfill closure plan; and commercial areas where the risk for spills of toxic material is high, such as gas stations and vehicle maintenance facilities; and
- iii. Stormwater discharges from animal feeding operations that do not require NJPDES permits under N.J.A.C. 7:14A-2.5(d) or 2.13.

#### 7:14A-7.9 General requirements for applications for discharge to groundwater permit

(a) In addition to the information required pursuant to N.J.A.C. 7:14A-4.3, an applicant for a NJPDES Discharge to Groundwater permit shall submit information to the Department as follows:

1. All dischargers shall submit the information required pursuant to (d) below, except as provided in N.J.A.C. 7:14A-25.9(d)1 for certain stormwater discharges, or when, after consultation with the Department during pre-application conferences, it is determined that the information is not necessary to develop permit conditions for the facility.

(b) – (d) (No change.)

### SUBCHAPTER 8. ADDITIONAL REQUIREMENTS FOR UNDERGROUND INJECTION CONTROL (UIC) PROGRAM

#### 7:14A-8.3 Prohibition of unauthorized injection

Any underground injection is prohibited, except pursuant to a permit-by-rule under N.J.A.C. 7:14A-8.5, or pursuant to a UIC permit under N.J.A.C. 7:14A-8.8. The construction of any well required to have a permit (including, where applicable, a well permit) under this subchapter is prohibited, except pursuant to such permit-by-rule or UIC permit.



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7:14A-8.4 Prohibition of movement of fluid into underground sources of drinking water

(a) No UIC permit or approval under a permit-by-rule shall be issued or provided under this subchapter in the following circumstances:

1. Where a Class I, II or III well may cause or allow movement of any contaminant into underground sources of drinking water;

2. Where a Class IV or V well may cause or allow movement of fluid containing any contaminant into underground sources of drinking water, and the presence of that contaminant may adversely affect the health of persons; or

3. Where a Class V well is:

i. A large-capacity cesspool (design flow greater than 2000 gallons per day). All large-capacity cesspools authorized by this subchapter shall be closed by April 5, 2005. Large-capacity cesspools shall be closed in accordance with N.J.A.C. 7:14A-8.16(d)2. The owner or operator shall notify the Department of intent to close at least 30 days prior to closure; or

ii. Except as provided at (a)3ii(1) below, a motor vehicle waste disposal well. A motor vehicle waste disposal well is an injection well that receives or has received fluids from motor vehicle repair or maintenance activities, such as an auto body repair shop, automotive repair shop, car dealership, specialty repair shop (for example, transmission and/or muffler repair shop), or any facility that does any motor vehicle repair work.

(1) Motor vehicle waste disposal wells constructed prior to April 5, 2000 shall be authorized under a permit in accordance with N.J.A.C. 7:14A-8.8, closed in accordance with N.J.A.C. 7:14A-8.16(d)2, or converted to another type of Class V well in accordance with N.J.A.C. 7:14A-8.16(g).

(2) Motor vehicle waste disposal wells that continue to operate in accordance with a permit shall meet Ground Water Quality Standards, N.J.A.C. 7:9-6, at the last accessible sampling point prior to waste fluids being released into the subsurface environment. The owner or operator shall notify the Department of intent to close at least 30 days prior to closure.

(b) (No change.)

(c) For Class V wells, if at any time the Department learns that a Class V well may cause a violation of the State primary drinking water rules under N.J.A.C. 7:10, or any Groundwater Quality Standards under N.J.A.C. 7:9-6, the Department shall:

1. Require the owner or operator of the injection well to obtain a UIC permit pursuant to N.J.A.C. 7:14A-8.8; and

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2. (No change.)

(d) - (e) (No change.)

7:14A-8.5 Authorization of injection into Class V wells by permit-by-rule

(a) (No change.)

(b) An owner or operator of any of the Class V injection wells described in (b)1 through 10 below is deemed to have a permit-by-rule under this subsection if the owner or operator complies with the applicable requirements specified in this subsection.

1. – 5. (No change.)

6. Underground injection wells associated with the feasibility or engineering design studies necessary to obtain or comply with a water supply allocation permit pursuant to N.J.A.C. 7:19 or NJPDES permit pursuant to this chapter;

7. Underground injection of stormwater runoff from the roofs of buildings, so long as the roofs are devoid of pollutant sources and devices (for example, motors, tanks, drums) that contain pollutants;

8. Underground injection of stormwater discharges from municipal separate storm sewers that are not identified under N.J.A.C. 7:14A-25.2(a) or (b);

9. Underground injection of stormwater discharges from residential areas (including residential streets, parking lots, easements, and open space), or from commercial areas other than areas of high pollutant loading as described under N.J.A.C. 7:14A-7.4(b)5ii, unless N.J.A.C. 7:14A-25.2(a) or (b) requires the operating entity to apply for a NJPDES permit for the discharge; and

10. Underground injection of stormwater discharges from animal feeding operations that do not require a NJPDES permit under N.J.A.C. 7:14A-2.13.

(c) (No change.)

(d) The Department will notify pursuant to (e) below any owner or operator of any Class V injection well authorized by rule pursuant to this section to apply for and obtain a UIC permit pursuant to N.J.A.C. 7:14A-8.8, if:

1. - 4. (No change.)

(e) The Department shall notify in writing the owner or operator of a Class V injection well required pursuant to (d) above to apply for and obtain a UIC permit pursuant to N.J.A.C. 7:14A-8.8. The notice shall include a brief statement of the reasons for the

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decision, instructions on how to apply for the UIC permit, a statement setting a time by which the owner or operator must apply for the permit, and a statement that upon the effective date of the UIC permit authorization the permit-by-rule under which the activity had been approved shall no longer apply.

(f) Any owner or operator of a Class V injection well approved under a permit-by-rule pursuant to this section may request to be excluded from the authorization by applying for a UIC permit pursuant to N.J.A.C. 7:14A-8.8. The owner or operator shall provide reasons supporting the request to the Department. The Department shall not issue a permit for an injection well which is in violation of any other applicable statutes or regulations.

(g) Any approval for a Class V injection well under a permit-by-rule pursuant to this section shall expire upon the effective date of a UIC permit authorization issued pursuant to N.J.A.C. 7:14A-8.8 for such injection well.

(h) The owner or operator of a Class V injection well approved under a permit-by-rule pursuant to this section is prohibited from injecting into the well:

1. (No change.)
2. Upon failure to submit inventory or other information in a timely manner pursuant to this section;
3. Upon failure to comply with the provisions of an enforcement action;
4. Upon notification by the Department to cease injection.

(i) Inventory information required pursuant to (c) above shall be submitted to:

Department of Environmental Protection  
Underground Injection Control Coordinator  
PO Box 029  
Trenton, New Jersey 08625-0029

#### 7:14A-8.8 Authorization by permit

(a) (No change.)

(b) The owner or operator shall apply for a UIC permit in accordance with N.J.A.C. 7:14A-4. An application for a well-drilling permit, if applicable, shall be submitted concurrently in accordance with N.J.S.A. 58:4A-4.1.

(c) (No change.)

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#### 7:14A-8.10 Establishing UIC permit conditions

(a) In addition to the conditions established under N.J.A.C. 7:14A-6.3, each UIC permit is to include conditions meeting the following requirements, when applicable:

1. Construction requirements as set forth in N.J.A.C. 7:14A-8.13, 8.14 or 8.15. Existing wells shall achieve compliance with such requirements according to a compliance schedule established as a permit condition. The owner or operator of a proposed new injection well shall submit plans for testing, drilling, and construction when applying for the permit. Construction shall not commence until a permit has been issued containing construction requirements (see N.J.A.C. 7:14A-8.3 and N.J.S.A. 58:4A-4.1). New wells shall be in compliance with these requirements prior to commencing injection operations. Changes in construction plans during construction shall be approved by the Department as minor modifications pursuant to N.J.A.C. 7:14A-16.5(a). No such changes shall be physically incorporated into construction of the well prior to receipt of written approval of the modification from the Department;

2. - 4. (No change.)

5. A permit for any Class I, II, III or V well, or any Class IV well allowed under N.J.A.C. 7:14A-8.7, shall include conditions to ensure that plugging and abandonment of the well will not allow the movement of fluids either into an underground source of drinking water or from one underground source of drinking water to another. Each applicant for a UIC permit shall submit a plan for plugging and abandonment, taking into account the requirements of N.J.A.C. 7:14A-8.17(a). The plan shall meet, at a minimum, the requirements of N.J.A.C. 7:9-9, Sealing of Abandoned Wells, where applicable. Where the plan meets the requirements of this section the Department shall incorporate the plan into the permit as a condition. Where the Department determines that the permittee's plan is inadequate, the Department shall require the applicant to revise the plan, prescribe conditions meeting the requirements of this section, or deny permit authorization. For purposes of this section, temporary intermittent cessation of injection operations is not abandonment. Cessation of injection operations for a period of three years or more constitutes abandonment. The improper maintenance of a well may constitute abandonment of that well in accordance with N.J.S.A. 58:4A-4.1;

6. - 8. (No change.)

#### 7:14A-8.11 Corrective or preventive action

(a) (No change.)

(b) Requirements for corrective or preventive action are as follows:

1. - 2. (No change.)

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3. Where the Department determines that a more stringent corrective or preventive alternative is not feasible, the Department shall require as a permit condition that injection pressure in the injection zone does not exceed hydrostatic pressure at the site of any improperly sealed, completed, or abandoned well within the area of review, or alternatively, the Department shall require an injection pressure limitation be included as part of the compliance schedule until all other required corrective or preventive action has been taken. The Department shall only approve an injection pressure limitation in satisfaction of the corrective action requirement if the injection pressure limitation will not endanger groundwater resources. The Department reserves the right to deny permit authorization where it determines that the corrective or preventive plan is inadequate.

4. (No change.)

7:14A-8.16 Specific operating criteria and construction standards applicable to Class V injection wells

(a) (No change.)

(b) Class V wells shall, at a minimum, be constructed in accordance with the requirements and specifications set forth in N.J.A.C. 7:9 or 7:9A.

1. Well drilling permit requirements:

i. Where applicable, any owner or operator of a new Class V well shall obtain a well drilling permit before the commencement of any construction, in accordance with the Subsurface and Percolating Waters Act, particularly N.J.S.A. 58:4A-4.1. Information and applications for a well permit may be obtained from:

NJDEP  
Water Supply Administration  
Bureau of Water Allocation  
PO Box 426  
Trenton, New Jersey 08625-0426

2. - 3. (No change.)

(c) Operating requirements for Class V wells are as follows:

1. Injection wells constructed in accordance with N.J.S.A. 58:4A-4.1 shall be maintained in accordance with N.J.A.C. 7:10-12 or any other pertinent regulations, or in accordance with requirements of the UIC permit.

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2. Septic systems, disposal beds, or other subsurface sewage disposal systems shall be maintained in accordance with N.J.A.C. 7:9A or in accordance with the requirements of the UIC permit.

(d) Plugging and abandonment requirements for Class V wells are as follows:

1. (No change.)

2. Large-capacity cesspools as identified in N.J.A.C. 7:14A-8.4(a)3i and motor vehicle waste disposal wells as identified in N.J.A.C. 7:14A-8.4(a)3ii shall be closed in a manner that does not cause a violation of the State primary drinking water regulations under N.J.A.C. 7:10, or any Ground Water Quality Standards under N.J.A.C. 7:9-6. At a minimum:

i. Large-capacity cesspools and motor vehicle waste disposal wells shall be emptied of wastes. Any soil, gravel, or other loose material within two feet from the bottom and sides which were exposed to waste shall be removed (except for large-capacity cesspools that have not received industrial wastes). Following such emptying and removal, the cavity shall be filled with clean gravel, stones, or soil material;

ii. All influent and effluent lines shall be excavated, removed or sealed such that no leaching of contaminants can occur; and

iii. All wastes or other materials emptied or removed under (d)2i above shall be managed in accordance with this chapter and the State Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and its implementing rules at N.J.A.C. 7:26, 7:26A, and 7:26G.

3. Other Class V wells shall be plugged and abandoned in accordance with the terms of a UIC permit. These permit conditions shall include the following conditions:

i. – ii. (No change.)

iii. When components or residuals (for example, gravel filter material, fill material, soil) from an abandoned individual subsurface sewage disposal system are removed from the ground, such components or residuals shall be managed as follows:

(1) Any off site disposal of components and residuals from an abandoned system shall be managed in accordance with the State Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) and its implementing rules at N.J.A.C. 7:26, 7:26A, and 7:26G; and

(2) (No change.)

(e) - (f) (No change.)

(g) Requirements for converting a Class V motor vehicle waste disposal well to another type of Class V well are as follows:

1. An application for an individual UIC permit shall be submitted, and shall include:

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- i. The information required under N.J.A.C. 7:14A-8.17;
  - ii. A description of how the requirements in (g)2 and 3 below will be met; and
  - iii. A description of how all motor vehicle waste will be managed in accordance with this chapter and the State Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and its implementing rules at N.J.A.C. 7:26, 7:26A, and 7:26G;
2. All motor vehicle waste is segregated from the intended discharge by physical barriers and is not allowed to enter the well. The use of a semi-permanent plug as the means to segregate waste is not sufficient to convert a motor vehicle waste disposal well to another type of Class V well;
  3. The motor vehicle waste disposal well is emptied of wastes. Any soil, gravel, or other loose material within two feet from the bottom and sides which were exposed to waste is removed. All wastes or other materials emptied or removed are managed in accordance with this chapter and the State Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and its implementing rules at N.J.A.C. 7:26, 7:26A, and 7:26G;
  4. The Department finds that injection of motor vehicle waste into the well following conversion is unlikely based on the facility's compliance history and records showing proper waste disposal; and
  5. The Department approves such conversion in writing.

7:14A-8.18 Specific operating criteria and construction standards applicable to permit by rule authorizations for underground injection into seepage pits

(a) - (c) (No change.)

(d) Requirements for the submission of certifications are as follows:

1. Any facility qualifying for this permit by rule shall submit an as-built certification from a New Jersey licensed professional engineer which certifies that the system was designed and constructed in accordance with the requirements of this section. The certification and a NJPDES-1 form shall be submitted within 30 days of the completion of construction to:

NJDEP  
Division of Water Quality  
Bureau of Nonpoint Pollution Control  
PO Box 029  
Trenton, New Jersey 08625-0029

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## SUBCHAPTER 11. PROCEDURES AND CONDITIONS APPLICABLE TO NJPDES-DSW PERMITS

### 7:14A-11.1 Purpose and scope

(a) This subchapter sets forth specific conditions and procedures which are applicable only to DSW permits. N.J.A.C. 7:14A-24 and 25 set forth additional specific conditions and procedures which are applicable to DSW or DGW permits for stormwater discharges.

(b) The DSW program requires permits for the discharge of pollutants into surface waters of the State from any point source, stormwater discharge associated with industrial activity or small construction activity, and nonpoint sources regulated under N.J.A.C. 7:14A-2.5(d) or 24.2(a)7ii.

### 7:14A-11.2 Establishing DSW permit conditions

(a) In addition to the conditions established under N.J.A.C. 7:14A-6.3, the Department shall include in DSW permits one or more conditions which meet the following requirements, as applicable:

1. – 2. (No change.)

3. For municipal separate storm sewer systems and for stormwater discharges associated with industrial activity or small construction activity that are not subject to an effluent limitation guideline that establishes monitoring requirements or numeric effluent limitations, monitoring requirements shall be established in accordance with N.J.A.C. 7:14A-24.9;

4. (Reserved)

5. – 6. (No change.)

### 7:14A-11.5 (Reserved)

### 7:14A-11.6 Federal criteria and standards for DSW permits

(a) The following Federal criteria and standards apply to DSW permits:

1. – 5. (No change.)



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6. (Reserved)

7. – 8. (No change.)

(b) (No change.)

### SUBCHAPTER 13. EFFLUENT LIMITATIONS FOR DSW PERMITS

#### 7:14A-13.3 Applicability of effluent limitations

(a) (No change.)

(b) DSW permits issued for direct discharges of industrial wastewater shall include technology based effluent limitations and standards promulgated under Section 301 of the Federal Act (33 U.S.C. §1311), new source performance standards promulgated under Section 306 of the Federal Act (33 U.S.C. §1316), or case-by-case effluent limitations determined under Section 402(a)(1) of the Federal Act (33 U.S.C. §1342(a)(1)), or N.J.A.C. 7:14A-13.4, or a combination, in accordance with N.J.A.C. 7:14A-13.4.

1. (No change.)

2. Technology based treatment requirements may be imposed through one of the following methods:

i. Application of USEPA promulgated effluent limitations developed under section 304 of the Federal Act (33 U.S.C. §1314) to dischargers by category or subcategory. A permittee may seek fundamentally different factors variances from these effluent limitations under N.J.A.C. 7:14A-11.7(b)1.

ii. – iv. (No change.)

3. (No change.)

(c) – (e) (No change.)

### SUBCHAPTER 16. TRANSFER, MODIFICATION, REVOCATION AND REISSUANCE, RENEWAL, SUSPENSION, AND REVOCATION OF EXISTING PERMITS

#### 7:14A-16.4 Causes for major modification or revocation and reissuance of a permit

(a) (No change.)

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(b) The following constitute cause for major modification or revocation and reissuance of a permit:

1. – 18. (No change.)

19. For changes in permit issuance and renewal schedules to better manage the Department's workload and optimize its resource and to facilitate issuing permits on a watershed basis;

20. For substitution of ambient monitoring for compliance monitoring in order to gather data for issuing permits on a watershed basis; or

21. For a small MS4, to include an effluent limitation requiring implementation of one or more control measures (or component(s) thereof) when:

i. The permit recognizes under N.J.A.C. 7:14A-25.7(b) that another governmental entity or the Department was responsible for implementing the measure(s), or component(s) thereof; and

ii. The other governmental entity or the Department does not implement the measure(s), or component(s) thereof.