Adopted Amendments: N.J.A.C. 7:7-7.2

Proposed: August 4, 2008 at 40 N.J.R. 4386(b)

Adopted: by Lisa P. Jackson, Commissioner, Department of Environmental Protection

Filed: without change.

Authority: N.J.S.A. 13:19-1 et seq.; 12:3-1 et seq. and 12:5-3

DEP Docket Number: 11-08-07/655

Effective Date:

Expiration Date: March 21, 2011

The Department is adopting amendments to the Coastal Permit Program rules, N.J.A.C. 7:7 to add a new permit-by-rule for the construction and/or installation of boat wash wastewater systems and associated infrastructure that prevent any discharge of boat wash wastewater to the waters of the State at marinas, boatyards and boat sales facilities. This new permit-by-rule, codified at N.J.A.C. 7:7-7.2(a)11, is available to any marina, boatyard or boat sales facility that installs a boat bottom wash wastewater system, including those necessary to comply with the equipment and vehicle washing provisions of the Basic Industrial Stormwater General Permit (5G2) under the NJPDES rules and those that are not subject to this general permit but that wish to voluntarily install such systems.

Summary of Hearing Officer’s Recommendation and Agency Response: The Department held a public hearing on this proposal on September 11, 2008 at the Ocean County Administration Building in Toms River, Ocean County. Kimberly Springer, the rule manager, served as the hearing officer. Four people provided oral comments at the public hearing. After reviewing the oral and written comments received during the public
comment period, the hearing officer has recommended that the proposal be adopted as proposed.

The record of the public hearing is available for inspection in accordance with applicable law by contacting:

Department of Environmental Protection
Office of Legal Affairs
DEP Docket Number: 05-07-01/477
PO Box 402
Trenton, New Jersey 08625

This rule adoption can be viewed or downloaded from the Department’s web site at http://www.state.nj.us/dep.

**Summary** of Public Comments and Agency Responses:

The Department accepted comments on the August 4, 2008 proposal through October 3, 2008. The following persons submitted written comments and/or made oral comments at one of the public hearings.

1. Melissa Danko, Marine Trades Association
2. Joseph DeLorenzo
3. Ed Harrison III, Baywood Marina

A summary of the comments and the Department’s responses follows: The number(s) in parentheses after each comment identifies the respective commenter(s) listed above.

1. COMMENT: Protecting and improving the environment should be first and foremost, and every effort should be made to ease the permitting burden on marina owners for the betterment of the environment and future sustainability of the recreational boating industry. The proposed permit-by-rule for boat wash wastewater systems will assist marinas in their efforts to comply with the NJPDES Stormwater General Permit and help
to reduce the associated permitting costs for marinas. The commenter supports this rule and requests that the Department adopt it quickly to ensure that marinas have adequate time to meet the upcoming June 1, 2009 deadline at which time marinas must eliminate the discharge of boat bottom wash wastewater to the water of the State. (1)

2. COMMENT: Two commenters supported adoption of the proposed permit-by-rule. (2, 3)

RESPONSE TO COMMENTS 1 AND 2: The Department acknowledges these comments in support of the rule.

**Federal Standards Statement**

Executive Order No. 27(1994) and P.L. 1995, c.65 (amending N.J.S.A. 52:14B-1 et seq.) require that State agencies that adopt, readopt, or amend State rules include a statement as to whether the rule contains any standards or requirements that exceed those imposed by Federal law. The permit-by-rule being adopted at this time does not exceed any Federal Standards or requirements under the Federal Coastal Zone Management Act or the Federal Clean Water Act as discussed below.

The Federal Coastal Zone Management Act (P.L. 92-583) was signed into law on October 27, 1972. The Act does not set specific regulatory standards for development in the coastal zone; rather it provides broad guidelines for states developing coastal management programs. The State’s Coastal Management Program meet the guidelines established under the Federal Coastal Zone Management Program and the State of New Jersey has obtained approval from the National Oceanic and Atmospheric Administration to implement its program under the Federal Coastal Zone Management Act. These guidelines are found at 15 CFR Part 923. They include the basic components that must be included in a state’s coastal zone management plan, but do not set forth procedures by which individual activities within a state’s coastal zone are to be regulated. Therefore, the Department has concluded that the permit-by-rule being adopted at this time does not exceed these Federal standards or requirements.
Full text of the proposed amendments follows (addition to proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*):

No change from proposal.