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ENVIRONMENTAL PROTECTION

WATER RESOURCES MANAGEMENT

DIVISION OF WATER QUALITY

Notice of Readoption

New Jersey Pollutant Discharge Elimination System

Readoption with Technical Changes: N.J.A.C. 7:14A

Authority: N.J.S.A. 58:10A-1 et seq., 58:11A-1 et seq., 58:11-49 et seq., 58:10-23.11 et seq., 58:11-64 et seq., 13:1D-1 et seq., 13:1D-29 et seq., 13:1E-1 et seq., 58:12A-1 et seq., 13:1B-3 et seq., 26:2C-1 et seq., 40:55D-1 et seq., 58:11-23 et seq., and 26:3A2-21

Authorized By: Bob Martin, Commissioner, Department of Environmental Protection.

Effective Date: November 2, 2015

New Expiration Date: November 2, 2022

Take notice that the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A are readopted and shall continue in effect for a seven-year period. The rules had been scheduled to expire on December 2, 2015. The Department has reviewed the rules and has determined that the rules should be readopted with technical changes. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1.c(1), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

The NJPDES rules are developed under the National Pollutant Discharge Elimination System (NPDES) program, including surface water, sludge management and industrial

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pretreatment programs, as authorized by the Federal Clean Water Act, 33 U.S.C. § 1251 et seq., under the underground injection control program, as authorized under the Federal Safe Drinking Water Act, 42 U.S.C. § 300(f) et seq., and under ground water monitoring and corrective action portions of the municipal solid waste landfill and hazardous waste programs as authorized under the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq. The applicable Federal requirements for surface water, sludge management, industrial pretreatment, underground injection control (UIC), municipal solid waste landfills, and hazardous waste are found at 40 CFR Parts 104, 109, 110, 112, 116, 117, 121 through 125, 129, 130, 131, 133, 136, 140, 144 through 148, 239, 258, 264, 271, 40 CFR Chapter I, Subchapter N (Parts 400 through 471) and 40 CFR Parts 501 and 503. On April 13, 1982, New Jersey was delegated authority to administer the NPDES program. The requirements for delegated state programs are contained at 40 CFR 123, 145, 239, 271, 403 and 501. In accordance with 40 CFR 123, 145, 239, 271, 403 and 501, a delegated state, such as New Jersey, must include in the rules governing the permitting program specific provisions that are at least as stringent as the corresponding Federal provisions. The NJPDES rules also implement the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., which authorizes the Department to promulgate rules to prevent, control or abate water pollution (see N.J.S.A. 58:10A-4).

The readoption of N.J.A.C. 7:14A is necessary to ensure continued implementation of the NJPDES program. These rules govern the discharge of pollutants to waters of the State, including discharges to surface water and groundwater, stormwater discharges, significant indirect user (SIU) discharges and residual management. The rules also govern Treatment Works Approvals.

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Because of the limited scope of the United States Environmental Protection Agency's jurisdiction under the Federal Clean Water Act and the Federal Safe Drinking Water Act, the Federal NPDES discharge permit program is limited to discharges from point sources to "waters of the United States" as defined in 40 CFR 122.2 (most surface waters), and the Federal UIC Program is limited to underground injection through wells. In these rules proposed for re-adoption, however, the Department is continuing to exercise its broader authority under the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., to regulate not only those point source discharges and underground injection, but also certain discharges from nonpoint sources, certain discharges to other waters of the State, including groundwater with or without underground injection, indirect discharges, and building, installing, modifying, and operating treatment works.

The Department is making technical changes to correct codification, and to correct spelling and grammar. The definitions of "designated use" and "treatment works treating domestic sewage" are relocated to their correct alphabetical positions in N.J.A.C. 7:14A-1.2. At N.J.A.C. 7:14A-4, Appendix A, Table V: Toxic Pollutants and Hazardous Substances Required to be Identified by Existing Dischargers if Expected to be Present, in the list of hazardous substances the Department is correcting the spelling of dinitrobenzene. The Department is correcting grammar at N.J.A.C. 7:14A-13.3 and 23.3.

Full text of the technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

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SUBCHAPTER 1. ABBREVIATIONS, ACRONYMS AND DEFINITIONS

7:14A-1.2 Definitions

As used in this chapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

...

["Designated use" means those surface water or ground water uses, both existing and potential, that have been established by the Department for waters of the State.]

"Design flow" means the average daily volume of wastewater which a domestic treatment works was designed to treat or convey, or the maximum permissible volume of flow to a domestic treatment works as established by a NJPDES permit or a treatment works approval, whichever is most stringent.

"Designated project area" means the portions of the waters of the State within which the permittee or permit applicant plans to confine the cultivated species, using a method or plan of operation (including, but not limited to, physical confinement) which, on the basis of reliable scientific evidence, is expected to ensure that specific individual organisms comprising an aquacultural crop will enjoy increased growth attributable to the discharge of pollutants, and be harvestable within a defined geographic area.

"Designated use" means those surface water or ground water uses, both existing and potential, that have been established by the Department for waters of the State.

...

["Treatment works treating domestic sewage" means a DTW or any other sewage sludge or wastewater treatment devices or systems, regardless of ownership (including Federal

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facilities) used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This definition does not include septic tanks or similar devices. The Regional Administrator or Commissioner may designate any person subject to the standards for sewage sludge use or disposal in 40 CFR Part 503 or N.J.A.C. 7:14A-20, as a “treatment works treating domestic sewage” through issuance of a permit where it is found that there is a potential for adverse effects on public health and the environment from sludge quality or sludge handling, or residual use or disposal practices, or where there is a finding that such designation is necessary to ensure that such person is in compliance with 40 CFR Part 503 or N.J.A.C. 7:14A-20.]

“Treatment works approval” means an approval issued pursuant to N.J.S.A. 58:10A-6 and N.J.A.C. 7:14A-22, or pursuant to former N.J.S.A. 58:12-3 (Repealed by P.L. 1977, c. 74, Section 14 effective July 24, 1977).

“Treatment works treating domestic sewage” means a DTW or any other sewage sludge or wastewater treatment devices or systems, regardless of ownership (including Federal facilities) used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This definition does not include septic tanks or similar devices. The Regional Administrator or Commissioner may designate any person subject to the standards for sewage sludge use or disposal in 40 CFR Part 503 or N.J.A.C. 7:14A-20, as a “treatment works treating domestic sewage” through issuance of a permit where it is found that there is a potential for adverse effects on public health and the environment from sludge quality or sludge handling, or residual use or disposal practices, or where there is a finding that such designation is

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necessary to ensure that such person is in compliance with 40 CFR Part 503 or N.J.A.C.

7:14A-20.

...

SUBCHAPTER 4. PERMIT APPLICATION REQUIREMENTS

7:14A-4-Appendix A

Table V: Toxic Pollutants and Hazardous Substances Required to be Identified by Existing Dischargers if Expected to be Present

Hazardous Substances

...

Dimethyl amine

[Dintrobenzene] **Dinitrobenzene**

Diquat

...

SUBCHAPTER 13. EFFLUENT LIMITATIONS FOR DSW PERMITS

7:14A-13.3 Applicability of Effluent Limitations

(a) - (b) (No change.)

(c) DSW permits shall include State effluent standards at N.J.A.C. 7:14A-12 as follows:

1. (No change.)

2. State effluent standards at N.J.A.C. 7:14A-12.5 for disinfection, N.J.A.C. 7:14A-12.6 for foam, N.J.A.C. 7:14A-12.8 for oil and grease, and N.J.A.C. 7: 14A-12.7 **for** phosphorus are the

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minimum treatment standards;

3. - 5. (No change.)

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

SUBCHAPTER 22. TREATMENT WORKS APPROVALS, SEWER BANS, SEWER BAN EXEMPTIONS

7:14A-22.3 Activities for which a treatment works approval is required

(a) Except as provided in N.J.A.C. 7:14A-22.4, no person shall engage in any of the following activities except in conformance with a valid treatment works approval from the Department:

1. - 3. (No change.)

4. Building, installing, operating or modifying any domestic or industrial treatment works that discharges directly to the surface water or ground water of the State; [or]

5. - 7. (No change.)

(b) - (c) (No change.)