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ENVIRONMENTAL PROTECTION

WATER RESOURCES MANAGEMENT

DIVISION OF WATER QUALITY

Notice of Readoption

New Jersey Pollutant Discharge Elimination System

Readoption without 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: Shawn LaTourette, Commissioner, Department of Environmental Protection.

Effective Date: October 3, 2022.

New Expiration Date: October 3, 2029.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, 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 November 2, 2022. The Department of Environmental Protection (Department) has reviewed these rules and has determined that the rules should be readopted without change because they 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.

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

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indirect user (SIU) discharges, and residual management. The rules also govern Treatment Works Approvals.

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 considering amendments to the fee provisions in the NJPDES rules at N.J.A.C. 7:14A-3. In anticipation of that process, the Department held a stakeholder meeting on April 20, 2022. Any further action proposing amendments to the NJPDES rules would be the subject of a separate notice in the New Jersey Register.