

Explanation of the Permit-by-Rule Process

The New Jersey Department of Environmental Protection (NJDEP) regulates the injection of treated ground water or the addition of any other materials into groundwater by a permit process known as the Jersey Pollution Discharge Elimination System (NJPDES). On July 5, 2005, amendments to the NJPDES regulations and the Technical Requirements for Site Remediation were adopted in order to facilitate the investigation and remediation of contaminated sites under NJDEP oversight. These amendments allow the NJDEP to approve discharges to the ground waters of the State through a permit-by-rule. Prior the 2005 amendments, an individual permit was required for any long-term ground water remediation project. As existing individual permits expire they are converted to a permit by rule. Under the permit-by-rule process, the NJDEP approves a discharge to ground water by review and approval of a document, such as a Remedial Action Work Plan, that describes the nature of the discharge, monitoring schedule, etc. Once the NJDEP issues a written approval of the document, the person conducting the remediation with the ground water discharge is required to publish a public notice of the discharge that establishes a 30-day comment period. Any subsequent significant modifications to the approved discharge requirements such as the type of treatment, discharge location, cessation of the discharge or the termination of the permit-by-rule would also require a public notice and opportunity to comment. Please note that a permit-by-rule only governs a discharge to ground water; other aspects of remediation of a site are not a component of a permit-by-rule. For more details on the process the NJPDES Discharges to Groundwater Technical Manual for Site Remediation should be consulted at:

http://www.nj.gov/dep/srp/guidance/njpdess/njpdess_dgw_techman.pdf