

ENVIRONMENTAL REGULATION

Division of Water Quality

Notice of Adoption

New Jersey Pollutant Discharge Elimination System (NJPDES)

FY2007 Annual Fee Report and Assessment of Fees

Take notice that the Department of Environmental Protection (Department) hereby adopts the Fiscal Year 2007 (FY2007) New Jersey Pollutant Discharge Elimination System (NJPDES) Annual Fee Report and Assessment of Fees (Annual Fee Report). In accordance with N.J.A.C. 7:14A-3.1, publication of this notice marks the completion of the FY2007 budgeting and fee assessment process for the NJPDES permit.

Notice of the public hearing and opportunity to comment on the proposed FY2007 budget and fee schedule was provided in the New Jersey Register on November 6, 2006, at 40 N.J.R. 4760(a). Copies of a condensed version of the NJPDES Annual Fee Report and Assessment of Fees were mailed to all NJPDES permit holders and provided to other interested parties upon request. The full version of the Annual Report and Fee Schedule was made available on the Department's website at <http://www.nj.gov/dep/dwq/njpdessfees.html>.

The Department held a public hearing on the FY2007 NJPDES Annual Fee Report and Assessment of Fees on December 7, 2006 at the Department's offices at 401 East State Street, in Trenton, New Jersey. No persons attended the hearing. Written comments on the proposed NJPDES budget and the fee schedules were received from the individuals listed below.

Name and Affiliation

1. Robert D. Neilson, Environmental Manager, Aluminum Shapes.
2. John G. Valeri, Jr, PSEG Services Corporation.

Peter Patterson, Acting Chief of the Bureau of Permit Management, Division of Water Quality, served as the hearing officer at the December 7, 2006 public hearing. After reviewing the record regarding the NJPDES Annual Fee Report and Fee Schedule, Mr. Patterson

recommended that the Department adopt the FY2007 NJPDES Annual Fee Report and Fee Schedule.

The comments submitted are available for inspection by contacting the Department as follows:

Peter Patterson, Acting Chief
Bureau of Permit Management
Division of Water Quality
PO Box 029
Trenton, New Jersey 08625

As discussed in the NJPDES Annual Report and Fee Schedule, the Department used the existing fee assessment methodology established at N.J.A.C. 7:14A-3.1 in calculating permit fees for FY2007. During the public comment period, a number of permittees made phone and/or facsimile inquiries concerning fee assessments, permit classifications and/or permit status. The Department addressed individual questions and explained the basis for the assessments directly to the inquiring permittees and made appropriate adjustments where necessary. There were no changes to the Municipal Discharge to Surface Water (DSW) fee schedule. Three DSW permits were removed from the fee schedule because the permits were no longer needed and had been revoked. Four new Industrial DSW permits were added. The resulting adjustment to the rate for the Industrial DSW category because of these revisions was minor and resulted in an average decrease of \$30.00 to the permit fees for this category, lowering the average fee to \$12,298.00. One Significant Indirect User (SIU) permit was added. The adjustment to the rate for the SIU category because of this revision resulted in an average fee reduction of \$102.00. One Land Application of Residuals permit was revoked and one Residuals Transfer General Permit was added. The resulting reduction in the fixed fees decreased the total amount billed for this category by \$10,100.00. Ten new Discharge to Groundwater (DGW) permits were added and three were revoked. The subsequent adjustment to the rate resulted in a \$17.00 average decrease in permit fees for this category with an average permit fee of \$2,240.00. There were no changes to the Operating Landfills fee schedule.

The minimum fees were also updated at N.J.A.C. 7:14A-3.1 Table III. There were no comments on this proposal. In accordance with N.J.A.C. 7:14A-3.1(b)3 the updated minimum fees will be incorporated into Table III as an administrative change.

Based on the above noted revisions, the Department has recalculated the proposed rates and/or assessments for the Industrial Surface Water, SIU Permit, Land Application of Residuals, and Municipal/Industrial Ground Water categories. The final rates and the permit category amounts to be billed for FY2007 are as follows:

<u>Category</u>	Total Environmental		<u>Proposed Rate</u>	<u>Final Rate</u>	<u>Amount Billed</u>
	<u>Impact</u>				
Municipal Surface Water	50,052.74		107.7371	107.7371	\$5,883,000
Industrial Surface Water	2,144,732.85		3.4719	3.4717	\$5,030,000
Pretreatment (SIU Permits)	25,171.23		4.0866	3.8675	\$505,600
Municipal/Industrial Ground Water	164.63		3810.4147	3689.9842	\$2,029,000
Land Application of Residuals	-		-	-	\$195,850
Operating Landfills	167,383.91		2.4658	2.4658	\$500,000
Total:					\$14,143,450

For the Stormwater Permitting Program the fixed fees and the amount to be billed for FY2007 are as follows. The only changes were the addition of thirty-four new permits and the deletion of twenty-six facilities due to permit revocations.

<u>Discharge Category</u>	<u>Fee</u>	<u>Amount Billed</u>
Basic Industrial Stormwater General Permit	\$800	\$1,839,200
Stormwater (Individual Permit)	\$4,100	\$725,700
Scrap Metal Stormwater General Permit	\$2,300	\$552,000
Concrete Products Stormwater General Permit	\$2,300	\$289,800
Newark Airport Stormwater General Permit	\$2,300	\$92,000
Hot Mix Asphalt Stormwater General Permit	\$2,300	\$59,800
CAFO Stormwater General Permit	\$2,300	\$6,900
Mining & Quarrying General Permit	\$2,300	\$94,300
MSRP – Tier B General Permit	\$500	\$51,000
MSRP – Tier A General Permit (0 - 1000)	\$600	\$5,400
MSRP – Tier A General Permit (1001 - 5000)	\$1,050	\$109,200

MSRP – Tier A General Permit (5001 - 10000)	\$2,000	\$230,000
MSRP – Tier A General Permit (10001 – 15000)	\$3,000	\$207,000
MSRP – Tier A General Permit (15001 - 20000)	\$4,050	\$178,200
MSRP – Tier A General Permit (20001 - 25000)	\$5,250	\$157,500
MSRP – Tier A General Permit (25000 +)	\$9,000	\$774,000
MSRP – Public Complex General Permit (1000 - 2999)	\$900	\$36,900
MSRP – Public Complex General Permit (3000 - 5999)	\$1,500	\$19,500
MSRP – Public Complex General Permit (6000 - 8999)	\$2,600	\$15,600
MSRP – Public Complex General Permit (9000 +)	\$3,600	\$57,600
MSRP – Highway Agency General Permit (0-9)	\$550	\$3,300
MSRP – Highway Agency General Permit (10-199)	\$2,450	\$22,050
MSRP – Highway Agency General Permit (200-399)	\$5,100	\$66,300
MSRP – Highway Agency General Permit (400 +)	\$9,800	\$49,000
Total FY2007 Stormwater Billing:		\$5,642,250

Summary of Public Comments and Agency Responses:

1. COMMENT: Aluminum Shapes commented that they only discharge stormwater into their detention basin and there is no industrial wastewater discharge. Therefore, they should not have to pay a fee based upon a stormwater and industrial ground water discharge.

RESPONSE: Aluminum Shapes was issued a consolidated individual NJPDES permit on May 1, 2005 with two discharge categories, RF-Stormwater and GW-Ground Water. This permit replaced their 5G2 General Industrial Stormwater Permit because the facility was unable to meet the no exposure requirements of the 5G2 General Permit. The individual permit regulates the discharge of stormwater associated with industrial activity by establishing effluent monitoring requirements. The permit also regulates the discharge of stormwater to ground water via an infiltration/percolation (I/P) lagoon. Stormwater runoff that is associated with industrial activities at the facility is directed to a basin, which is regulated as an I/P lagoon, where it is collected prior to being discharged to surface water. Because the basin is unlined, the result is a discharge of stormwater associated with industrial activity to ground water. This permit regulates the discharge to ground water through a series of operation and maintenance requirements as well monitoring of the stormwater prior to entering the basin. In view of the above, the Department has determined that the fee assessed for the facility is correct.

2. COMMENT: PSEG Services Corporation (PSEGSC) commented on behalf of its affiliate, PSEG Fossil LLC – Burlington Generating Station, that a fee should be assessed only for its individual permit because PSEGSC submitted a revocation request for their stormwater general permit.

RESPONSE: The Department has inspected PSEGSC – Fossil Burlington Generating Station, determined that the general stormwater permit should be revoked, and has processed the revocation. Therefore, PSEGSC will not be billed for a general stormwater permit for fiscal year 2007.

Notice of Administrative Change to N.J.A.C. 7:14A-3.1 Table III

Full Text of the changed rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]);

7:14A-3.1 Determination of Permit Fees

(a) – (m) (No Change.)

Table I – Table II (No Change.)

Table III

Minimum Fees

<u>Permit Fee Category</u> ¹	<u>Min Fee Code</u>	<u>Minimum Fee</u>
1. Major DSW Domestic Treatment Works (DTW) – Individual Permit	MMJ	[\$9,650] \$11,150
2. Minor DSW Domestic Treatment Works (DTW) – Individual Permit	MMI	[\$3,600] \$4,200
3. Combined Sewer Overflow – Individual Permit Component or General Permit	CSO	[\$8,150] \$9,450
4. Major Industrial DSW – Individual Permit	IMJ	[\$8,600] \$9,950
5. Minor Industrial DSW – Individual Permit	IMI	[\$3,600] \$4,200
6. General Permit – Industrial DSW, DGW, or both (unless otherwise listed)	IGN	[\$2,000] \$2,300
7. Industrial Stormwater - Individual Permit	IST	[\$3,550] \$4,100
8. Stormwater - Basic Industrial General Permit (5G2)	SBG	[\$750] \$800
9. Municipal Stormwater – Tier B General Permit (R10)	STB	\$500
10. Municipal Stormwater – Tier A General Permit (R9)		
(population range 0-1,000)	SA1	\$600
(population range 1,001-5,000)	SA2	\$1,050
(population range 5,001-10,000)	SA3	\$2,000
(population range 10,001-15,000)	SA4	\$3,000
(population range 15,001-20,000)	SA5	\$4,050
(population range 20,001-25,000)	SA6	\$5,250
(population range 25,000+)	SA7	\$9,000
11. Municipal Stormwater – Public Complex General Permit (R11)		
(population range 1,000-2,999)	SP1	\$900
(population range 3,000-5,999)	SP2	\$1,500
(population range 6,000-8,999)	SP3	\$2,600
(population range 9,000+)	SP4	\$3,600
12. Municipal Stormwater – Highway Agency General Permit (R12)		
([milage] mileage range 0-9)	SH1	\$550
([milage] mileage range 10-199)	SH2	\$2,450
([milage] mileage range 200-399)	SH3	\$5,100
([milage] mileage range 400+)	SH4	\$9,800
13. DGW – Initial Individual Permit ²	GWN	[\$5,950] \$6,000
14. DGW – Renewed or Continued Individual Permits ²	GWE	[\$2,400] \$2,750
15. DGW - General Permit (I1, I2 and LSI)	GGN	[\$750] \$900
16. DGW - General Permit (T1)	GT1	[\$350] \$450
17. DGW - Operating Landfill Individual Permit	LND	[\$5,950] \$6,900

18. Residuals Use or Disposal Operations (unless otherwise listed)	RES	[\$10,100]	<u>\$10,600</u>
19. Residuals - Food Processors / WTPs ³ Individual Permit	RFP	[\$3,800]	<u>\$4,000</u>
20. Residuals - Category Z Individual Permit ⁴	RTZ	[\$1,800]	<u>\$2,050</u>
21. Residuals - General Permit (ZG and 4G)	RTG	[\$450]	<u>\$500</u>
22. Residuals - Category 04 Individual Permit ⁵	RPH	[\$700]	<u>\$850</u>
23. Residuals – Land Application General Permit (unless otherwise listed)	RSG	[\$750]	<u>\$800</u>
24. Significant Indirect User (SIU) (Pretreatment)	SIU	[\$5,450]	<u>\$5,750</u>
25. Landfills operating or terminated after January 1, 1982 without an approved closure plan	⁶	\$2,500	
26. Terminated Landfills properly closed or closed prior to January 1, 1982	⁶	\$500.00	
27. Emergency Permit issued pursuant to N.J.A.C. 7:14A-6.14		⁷	

¹ For names corresponding to the general permit category see N.J.A.C. 7:14A-6.13(c).

² For a domestic or industrial facility issued an individual NJPDES Discharge to Groundwater permit, the minimum fee is [\$5,950] **\$6,000** for the first five years of that permit, and [\$2,400] **\$2,750** if the permit is renewed or administratively continued. All other domestic or industrial facilities issued an individual NJPDES Discharge to Groundwater permit shall be assessed a minimum fee of [\$2,400] **\$2,750**.

³ WTPs refer to potable water treatment plants.

⁴ Refers to a Residuals Transfer Facilities individual permit.

⁵ Refers to a Residuals - Reed Beds individual permit.

⁶ This permit is issued and administered by the Division of Solid and Hazardous Waste.

⁷ Fee based on category for type of discharge.