FREQUENTLY ASKED QUESTIONS (FAQ)

Master General Farm Labor Housing (GFLH) NJPDES Permit
NJPDES Permit No. NJ0309664
Division of Water Quality
Bureau of Ground Water, Residuals and Permit Administration

Background

The New Jersey Department of Environmental Protection (Department) issued the final New Jersey Pollutant Discharge Elimination System (NJPDES) Farm Labor Housing Master General Permit (GFLH) with an effective date of June 1, 2023. This FAQ document has been developed as a companion document to aid eligible facilities in understanding the requirements of the GFLH permit. The questions and answers herein are provided for general information purposes only and are not intended to replace or alter the binding effect of any part or condition of the GFLH permit.

The permit, which is the subject of this FAQ, is available at https://www.nj.gov/dep/dwq/gp_GFLH.htm. Please refer to Appendix A for definitions of certain terms utilized in this document. For further clarification regarding this FAQ document, please contact dwq_groundwater@dep.nj.gov.

Relevant regulations, as cited throughout this document, are available through the hyperlinks below and include:

- Standards for Individual Subsurface Sewage Disposal Systems at N.J.A.C. 7:9A - the regulations that govern septic systems.

- NJPDES Regulations at N.J.A.C. 7:14A - these regulations apply to septic systems with a design volume over 2,000 gallons per day.

Questions and Answers are as follows:

1. What does this NJPDES permit regulate?

This permit regulates the discharge of sanitary sewage to individual subsurface sewage disposal systems (also known as septic systems) on farms from farm labor housing activities. In order to qualify for this permit, the aggregate design volume of sanitary sewage generated on the property from the farm labor housing must be greater than 2,000 gallons per day. Design volume is calculated in accordance with N.J.A.C. 7:9A-7.4. The disposal of wastewater into a subsurface sewage disposal system is a regulated discharge to ground water under the NJPDES regulations.

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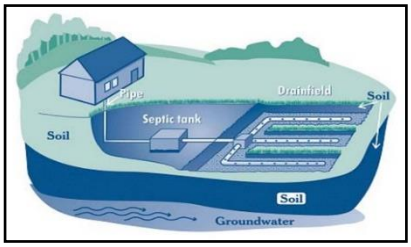
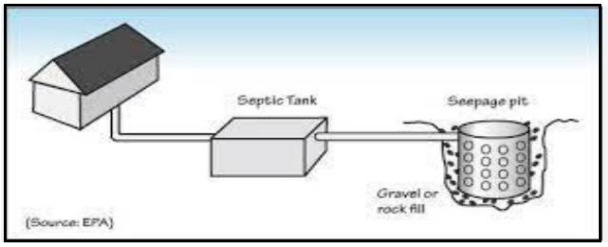
2. What are individual subsurface sewage disposal systems?

Individual subsurface sewage disposal systems are commonly known as septic systems. Septic systems are designed to treat and dispose of sanitary wastewater. A typical septic system has four main components: a pipe from the building where sanitary sewage is generated (building sewer); a solids settling tank otherwise known as a septic tank; a disposal unit in the form of either a seepage pit or disposal field; and soil for infiltration to the ground. The sanitary sewage flows from the building to the septic tank where solids are settled out. After settling has occurred, and the septic tank reaches a certain capacity, the sanitary wastewater flows from the septic tank to the seepage pit or disposal field. Here, the sanitary wastewater is dispersed and infiltrates the ground, further treating and disposing of the wastewater before reaching the ground water. Please note that all septic systems must have a settling component before discharge to ground water occurs.

Septic System



Seepage Pit



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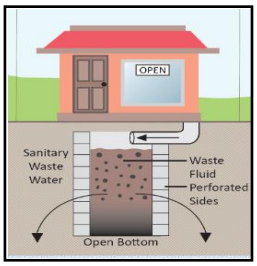
3. What is the difference between a septic system and a cesspool?

Cesspool



Cesspools are not considered septic systems because they lack a settling component. With cesspools, raw sanitary wastewater discharges directly to the ground. Cesspools are prohibited; therefore, existing cesspools must be replaced with a new septic system.

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4. Does this permit require me to replace my septic system?

No, this permit does not require you to replace your septic system(s) as long as it is not failing. Indications of a failing system may include back-up of sewage into the building served, ponding of sewage on the ground surface, leaking system components or contamination of nearby wells.

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5. Why do I need this permit?

The discharge of pollutants from sanitary wastewater to the ground, such as from a septic system, is a regulated activity based on the NJPDES regulations at N.J.A.C. 7:14A. This regulatory requirement is in place in order to ensure that such discharges do not endanger underground sources of drinking water. Specifically, N.J.A.C. 7:14A-8.1(b)1.iv, states that sanitary discharges, with a design volume in excess of 2,000 gallons per day, as calculated in accordance with the criteria listed in N.J.A.C. 7:9A-7.4, require a NJPDES permit. The development of this permit was due in part to inspections performed by the Department where it was determined that there were unpermitted discharges to ground water.

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6. Who is eligible to obtain this permit?

Eligibility for this permit is limited to farms where the design volume of sanitary sewage generated on the property from farm labor housing is greater than 2,000 gallons per day as calculated in accordance with the design criteria at N.J.A.C. 7:9A-7.4. Design volume, not actual flows, are utilized to calculate flow capacity for discharges to ground water via septic systems as per the NJPDES Regulations.

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7. How should my facility calculate design volume in order to determine if a permit is required?

Design volumes are calculated based upon the criteria defined for the listed activities in N.J.A.C. 7:9A-7.4, Tables 7.4 (a) and (b). For the purpose of this general permit, under most circumstances, for the farm labor housing activities, the design criteria for "Congregate Living" would be applicable. Under the "Congregate Living" criteria, design volume is dependent on the number of beds associated with the farm labor housing activity. As such, the calculation of design volume for farm labor housing activities would be based on 50 gallons per day per bed. Therefore, the threshold for requiring a NJPDES permit would be based, at a minimum, on greater than 40 beds (@ 50 gallons per day per bed = 2,000 gallons per day) provided for farm labor housing.

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8. What if my actual flow is under 2,000 gallons per day, but my design volume, as calculated in accordance with the criteria listed in N.J.A.C. 7:9A-7.4, is greater than 2,000 gallons per day. Do I still need a permit?

Yes. If your facility's design volume, as calculated in accordance with the criteria listed in N.J.A.C. 7:9A-7.4, is greater than 2,000 gallons per day, a NJPDES permit is required regardless of actual discharge volume. Design volume, not actual flows, are utilized to calculate flow capacity for discharges to ground water via septic systems as per the NJPDES Regulations.

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9. Can I use portable toilets or water saving devices to reduce my flow to avoid the need for a permit?

No. Water-saving plumbing fixtures, portable toilets, temporary restrooms, or holding tanks for sanitary sewage from activities at the facility cannot be used to reduce the design volume calculated under N.J.A.C. 7:9A-7.4, as per N.J.A.C. 7:9A-1.8(c) and N.J.A.C. 7:9A-7.4(e). The design criteria are fixed within the regulation and cannot be altered based on reduced actual flows.

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10. What if my property consists of multiple blocks and/or lots? Is each block and/or lot considered a different property? Do I need to get separate permits for each?

The answer depends on the specifics of the property. Only one (1) permit is needed for each property and N.J.A.C. 7:14A-1.2 defines property as:

> *1. A single lot as defined by municipal lot and block or right of way; or*
>
> *2. The combined area contained within the legal boundaries of two or more contiguous lots where, for any part of each of those lots, there is a shared pecuniary, possessory, or other substantial common interest by one or more persons (such as common ownership and/or operation or a common plan of development or sale).*

An applicant can qualify for one (1) permit when the sewage generating activities on the property are greater than 2,000 gallons per day and the property consists of:

- *A single lot with one labor housing unit;*
- *A single lot with multiple labor housing units that reside on the same lot and block, where the design volume shall include the combined sewage generating activities from all labor housing units that reside on that lot; or*
- *Separate lots and blocks that meet the definition of property as noted above in "2," where the calculation of the design volume includes the combined sewage generating activities from all labor housing units that reside on the separate lots and/or blocks.*

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11. How do I apply for this permit?

A complete Request for Authorization (RFA) Application for authorization under the Farm Labor Housing General Permit includes the following documents:

- *NJPDES – 1 Form*
- *Form R – Domestic Residuals*
- *Plot Plan/Technical Information*
- *Topographic Map*
- *Farm Labor Housing Inventory Form*
- *Pinelands approvals (where applicable)*

These forms and a checklist that expands upon each item listed above can be obtained at https://www.nj.gov/dep/dwq/forms_ground.htm. The completed RFA shall be submitted to dwq_groundwater@dep.nj.gov.
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12. Can I opt out of this General NJPDES Permit and obtain an Individual NJPDES permit?

Yes, your facility has the ability to request authorization under an individual NJPDES permit rather than obtain authorization through this general permit. Information on Individual Discharge to Ground Water permits is available here: NJDEP-Division of Water Quality-Bureau of Ground Water, Residuals, and Permit Administration-Discharge to Ground Water Permitting Program.

However, part of the purpose behind the development of this general permit was to minimize the cost to the farmer by issuing a general permit to this group of applicants as a separate permit category with streamlined permit conditions.
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13. What is required as part of the Technical Information?

The following items are required to satisfy the Technical Information that must be submitted as part of your facility's RFA Application:

a. *Plot Plan: The plot plan required for the GFLH General Permit application must be signed and sealed by a New Jersey licensed Professional Engineer (P.E.), and must provide the following information:*
    i. *Measured distances between all structures, system components, wells, and property lines. This should include location of all septic systems and related components (septic tanks, pumping tanks, distribution boxes, disposal fields, seepage pits, etc.; and*
    ii. *Direction of ground water flow on the property.*
b. *Well records for any well within 100 feet of an individual subsurface sewage disposal system must be provided.*
c. *Estimated depth of seasonal high-water table (SHWT).*
    i. *Provide additional estimated SHWT in proximity of each disposal field location.*

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14. Do I require a licensed engineer to sign and seal the site plan?

Yes, the plot plan required for the GFLH General Permit application must be signed and sealed by a New Jersey licensed Professional Engineer (P.E.).
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15. What type of certification do I need from Pinelands in order to apply for this general permit?

For farms located in the Pinelands region, a certification from the Pineland's Commission must accompany the General Permit Request for Authorization stating that the property is either exempt from or meets the nitrate requirement of 2 ppm as required under N.J.A.C 7:50. Contact information regarding the required Pinelands Approval is available at https://www.state.nj.us/pinelands/home/contact/ or via phone at (609) 894-7300.

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16. Once I obtain the permit, do I need a licensed operator for my septic system?

A licensed operator is not required for a septic system that has obtained an authorization under this general permit so long as this system relies solely upon gravitational means or an automatic siphon to convey the discharge.

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17. What is the difference between ground water monitoring wells, piezometer wells, potable water wells and irrigation wells?

Ground water monitoring wells are wells that are used to measure or monitor the level, quality, quantity, or movement of subsurface water within an aquifer. Ground water monitoring data will be used to ensure the ground water is not being impacted by the discharge of sanitary wastewater to the ground.

Piezometer wells are wells that are installed and used to collect water level data from the septic disposal bed area.

Potable water wells are wells that are used for drinking water and require the most stringent specifications for installation to ensure the water recovered is safe for human consumption. Potable water wells are not regulated by this permit. Questions regarding your potable water wells should be directed to the Division of Water Supply and Geoscience at watersupply@dep.nj.gov.

Irrigation wells are wells that are used for watering crops, rather than for potable purposes, and hold less stringent requirements for installation. Irrigation wells are not regulated by this permit. Questions regarding your irrigation wells should be directed to the Division of Water Supply and Geoscience at watersupply@dep.nj.gov.

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18. What is a ground water monitoring well and why is it important?

Ground water monitoring wells are wells that are drilled into the underlying aquifer and used to measure or monitor the level, quality, quantity, or movement of subsurface water within an aquifer. These wells are required to be sampled at regular intervals (e.g., monthly, quarterly, annually), to understand trends over time and to ensure that the regulated activity is not negatively impacting ground water quality.

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19. How many ground water monitoring wells am I required to install?
This permit requires the installation of one (1) upgradient monitoring well and one (1) down gradient monitoring well for each disposal area on the property. Accordingly, the number and installation of monitoring wells shall be determined by the number and spacing of disposal areas, rather than by property. If proposed monitoring wells are determined to be representative of multiple disposal areas on the property, the number of wells required to be installed may be reduced by the Department on a case-by-case basis. This determination will be made during the Department's technical review of the permit application.
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20. Where should the required monitoring wells be installed and what is the purpose of installing an upgradient monitoring well and a downgradient monitoring well?
The upgradient monitoring well shall be installed in a location that is upgradient of the regulated activities on the subject property and otherwise be installed in accordance with Part IV.G.1 of the permit. Data from the upgradient monitoring well may assist the permittee and the Department in determining if water quality issues can be attributed to an offsite source.

The downgradient monitoring well shall be installed in a location that is downgradient of the regulated activities on the subject property and otherwise be installed in accordance with Part IV.G.1 of the permit. Data from the downgradient monitoring well serves to ensure that the discharge activities are not causing a contravention of the Ground Water Quality Standards (GWQS).
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21. What is a piezometer well and why is it important?
Piezometer wells are wells that are installed and used to collect water level data but are not used for the collection of groundwater samples. For purposes of this permit, piezometer wells need to be drilled to the depth of the water table for each septic disposal area to gain water level measurement information.

The purpose of the piezometer measurements is to ensure an adequate unsaturated zone beneath the disposal field to allow infiltration of the wastewater through the soil to primarily treat the wastewater prior to reaching the water table and to indicate there is no standing water in the septic system disposal bed. This can be an indication of whether a disposal field is functioning appropriately. Generally speaking, piezometer wells need to be closer to the septic bed than ground water monitoring wells to ensure the drainage through the bed is not impeded.
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22. How many piezometer wells am I required to install?
This permit requires the installation of one (1) piezometer well for each disposal area on the property. Accordingly, the number and installation of piezometer wells shall be determined by the number and spacing of disposal areas, rather than by property. If proposed piezometer wells are determined to be representative of multiple disposal areas on the property, the number of wells required to be installed may be reduced by the Department on a case-by-case basis. This determination will be made during the Department's technical review of the permit application.
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23. What is the required timeframe for installing the ground water monitoring wells and piezometer well(s)?

The permit authorization issued to each facility will indicate the number and location of wells required to be installed as well as the timeframe. The Department will work with individual permittees to ensure the farms are working towards this compliance. The Department has an interest in facilitating the permitting process with the regulated community in an amicable way while bringing such discharges into compliance.

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24. What are the timelines in the permit for implementation of requirements?

Because the master general permit was issued on April 28, 2023, the Department can now start issuing general permit authorizations to applicants who apply. Those authorizations will include implementation timelines for all aspects of the permit. The Department is available to meet with individual applicants to aid in understanding permit conditions and compliance timelines.

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25. What are the monitoring requirements of this permit and where must samples be taken?

Individual permit authorizations issued to applicants will require monitoring and reporting on monitoring report forms (MRFs). MRFs include Discharge Monitoring Report (DMR) forms and Waste Characterization Report (WCR) forms. The following table depicts which type of monitoring report form is required to be submitted in accordance with your permit:

Parameters	***Type of Form***	***Frequency of monitoring***	***Location of monitoring***	***Frequency of Form Submission***
Flow volume discharged	*Discharge Monitoring Report (DMR)*	*Daily*	*Flow meter - Prior to disposal to septic field*	*Monthly*
Nitrate, ammonia, fecal coliform bacteria	*Waste Characterization Report (WCR)*	*Quarterly*	*Ground water monitoring wells*	*Quarterly*
Water level measurements	*Waste Characterization Report (WCR)*	*Quarterly*	*Piezometer wells*	*Quarterly*
Volatile Organics	*Waste Characterization Report (WCR)*	*Annually*	*Point prior to disposal to septic field*	*Annual*

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26. When do I need to start submitting monitoring report forms?

Monitoring reports forms are required to be submitted once your facility receives their general permit authorization. Monitoring shall be conducted on a routine basis as specified in Part III of your general permit authorization.

The effective date of the general permit authorization is always the 1st of the month after issuance. Monitoring data is required to be submitted to the Department within 25 days following the end of the monitoring period. For instance, if the effective date of the permit authorization is July 1, then the monthly monitoring period sample shall be collected between July 1-July 31 and reported to the Department by August 25.

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27. My facility is only operational for a few months out of the year. Do I need to sample during the off-season?

Monitoring Report Forms required by this permit must be submitted at the frequency set forth in Part III of the individual authorization issued to the facility, regardless of the seasonal nature of the activity.

During months that the farm labor housing is not actively occupied or not in use and no discharge is occurring, the monthly Discharge Monitoring Report form requiring daily flow monitoring can be submitted with the "NODI" (No Discharge) box checked.

The ground water monitoring wells must be sampled, and results reported on a quarterly basis, on a Waste Characterization Report form, even when the farm labor housing is not occupied or actively discharging. This is so the Department can compare the ground water quality when there is an active discharge to periods of no discharge to determine impact on ground water.

Finally, the annual discharge monitoring for volatile organics must be conducted and results reported on a Waste Characterization Report form, once per year during a period of active discharge (when the farm labor housing is occupied).

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28. How should monitoring data be submitted?

The Department requests that all data be submitted via the Department's Online Portal - NJDEP Online. If your facility has not done so already, you are encouraged to register. For more information on the Department's online portal system, please visit https://www.nj.gov/dep/dwq/mrf.htm. This site provides written and video guidance on the NJPDES MRF Submission Service. Training Videos, which will walk you through the sign up and MRF submission process, include modules on the following topics:

Part 1: Registration for NJDEP Online Services
Part 2: Adding a Facility/Permit to My Workspace
Part 3: Adding a Facility/Permit to My Workspace from the MRF Service

Part 4: Overview of the Manage MRF Services Screen
Part 5: Completing an Electronic DMR
Part 6: Completing an Electronic WCR
Part 8: Notifying Responsible Officials of MRFs Awaiting Certification
Part 9: Certifying MRFs
Part 10: Correcting MRFs
Part 11: Managing Users Through Facility Administration

If you are in need of assistance, please contact the Ground Water Unit via email at dwq_groundwater@dep.nj.gov or by phone at (609) 984-4428 and reference the 'NJPDES MRF Submission Service' in your inquiry.
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29. Does the Department offer funding for septic system replacement?
Replacement of septic tanks may be eligible for traditional water infrastructure funding through the New Jersey Water Bank since replacement of a septic tank could qualify as a capital improvement. This would require a local government unit (i.e., municipality) to serve as the project sponsor; the sponsor must meet New Jersey Water Bank credit-worthiness requirements. However, note that this general permit does not require the septic system(s) to be replaced but rather requires measures to ensure compliance with the NJPDES Regulations. Monitoring well installation and administrative costs associated with this permit do not qualify for these funding mechanisms.

For more information, please contact waterbankinfo@dep.nj.gov.
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30. How do I find a list of certified laboratories?
The samples shall be analyzed by a New Jersey certified laboratory certified for a non-potable water (NPW) certified method that can quantify the required parameters in wastewater. A list of certified laboratories can be obtained at https://njems.nj.gov/DataMiner. Please select "Search by Category", submit the Report Category "Certified Laboratories", and select the report entitled " Laboratories Certified by Parameter". Please be sure to select a laboratory with the matrix description of Non-Potable Water.
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31. Who should I contact if I have any questions?
If there are any further questions, please direct them to dwq_groundwater@dep.nj.gov.
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APPENDIX A

For purposes of this permit, the following definitions have been incorporated:

"Annual(ly)" *means monitoring conducted at a minimum of once every twelve calendar months.*

"Quarter(ly)" *means monitoring conducted at a minimum frequency of once every three calendar months.*

"Month(ly)" *means monitoring conducted at a minimum of once every calendar month.*

"Daily" *means monitoring conducted every calendar day, including weekends and holidays.*

"Advanced Wastewater Pretreatment Device" *means a National Sanitation Foundation (NSF) International Standard 40 or Standard 245 certified technology which may be incorporated as a part of an onsite wastewater treatment system, which bears the NSF mark and is designed, installed, operated, monitored, and maintained in accordance with that certification and this chapter. This definition also includes those technologies that are authorized for use in the Pinelands Area through the Pinelands Advanced Wastewater Treatment Systems Pilot Program at N.J.A.C 7:50-10.23.*

"Holding Tank" *means a closed water-tight structure designed and operated in such a manner as to receive and store sanitary sewage or septic tank effluent but not to discharge sanitary sewage or septic tank effluent to the surface or ground water or onto the surface of the land.*

"Cesspool" *means a covered pit with open-jointed lining into which untreated sewage is discharged, the liquid portion of which is disposed of by leaching into the surrounding soil, the solids or sludge being retained within the pit.*

"Property" *means:*

i. A single lot as defined by municipal lot and block or right of way; or

ii. ii. The combined area contained within the legal boundaries of two or more contiguous lots where, for any part of each of those lots, there is a shared pecuniary, possessory or other substantial common interest by one or more persons (such as common ownership and/or operation or a common plan of development or sale).

"Farm" *means a parcel of land, including buildings, structures, and facilities purposed for agricultural activities.*

"Farm Labor Housing" *means structures located on farm operation property that are being inhabited by the employees of the farm. These structures are typically dormitory style housing that may include amenities such as common bathrooms, kitchens, or laundry facilities.*

"Housing Unit" *means any building or portion of a building, permanent or temporary in nature, used or proposed to be used as a residence either seasonally or throughout the year.*

"Congregate Living" *means those activities at structures such as dormitories, motels, nursing/rest homes, group homes, assisted living facilities, boarding houses. These structures typically have one or more amenities and/or activities that service the establishment and not typically an individual unit, such as common bathrooms, kitchens, dining areas and/or laundry facilities.*

"Volume of Sanitary Sewage" *also referred to as design flow or design volume means the maximum volume of sanitary sewage which may reasonably be expected to be discharged from a residential, commercial, or institutional facility on any day of operation, determined as prescribed in N.J.A.C. 7:9A-7.4 and expressed as gallons or…in gallons per day.*

The volume of sanitary sewage shall not be considered as an average daily flow but shall incorporate a factor of safety over and above the average daily flow which is adequate to accommodate peak sanitary sewage flows or facilities which discharge greater than the average volumes of sanitary sewage either occasionally or on a regular basis. The use of water saving devices shall not be used as a basis for reducing estimates of the volume of sanitary sewage.

"Sanitary Sewage" *means any liquid waste containing animal or vegetable matter in suspension or solution, or the water carried wastes resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or any other source of water carried wastes of human origin or containing putrescible material. This term specifically excludes industrial, hazardous or toxic wastes and materials.*

"Non-sanitary Waste" *means any waste not considered to be from human origin or contain putrescible material and is considered to be industrial, hazardous, or toxic. Non-sanitary waste on farms is associated with the chemicals and materials used in the washing of crops and equipment.*

"New Jersey Licensed Professional Engineer (P.E.)*" means a person licensed to practice professional engineering in this State pursuant to N.J.S.A. 48:8-27 et seq.*
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