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SUBCHAPTER 3. DETERMINATION OF PERMIT FEES

7:14A-3.1 FEE SCHEDULE FOR NJPDES PERMITTEES AND APPLICANTS

(a) Except as provided in (j) and (l) below, the general conditions and applicability of the fee schedule for NJPDES permittees and applicants are as follows:

1. Except as provided by (k) below, the Department shall collect an annual fee for the billing year July 1 to June 30 from all persons that are issued a NJPDES permit or authorization to discharge under a NJPDES general permit or submit a NJPDES permit application or request for authorization.
2. The Department shall not assess any fee to public schools or religious or charitable institutions.
3. All NJPDES permittees/applicants that are issued a draft or final NJPDES permit, or that are issued an authorization to discharge under a final NJPDES general permit, shall submit payment within 30 days of assessment of the fee by the Department.
 - i. Upon receipt of a completed application or request for authorization, the Department shall assess the minimum fee as set forth in Table III below.
 - ii. Upon issuance of the final permit or of an authorization to discharge under a final NJPDES general permit, the annual fee shall be calculated and pro-rated for the period of the fee year remaining. The minimum fee already paid shall then be subtracted from the pro-rated assessment. In no case, however, will such payment of a pro-rated fee result in a fee that is less than the minimum fee for the category of discharge. The permittee may request a fee recalculation as provided at (a)6 below, once the first required monitoring report has been completed.
4. Payment of all fees shall be made by check or money order, payable to "Treasurer, State of New Jersey" and submitted to:

New Jersey Department of the Treasury

Division of Revenue

PO Box 417

Trenton, New Jersey 08625-0417

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5. If the permittee/applicant fails to submit payment to the Department of the Treasury within 30 days of assessment of the fee, the Department may, in its discretion, take one or more of the following actions:
 - i. Return the NJPDES permit application or request for authorization to the applicant;
 - ii. Deny issuance of a final permit or authorization under a final general permit;
 - iii. Revoke a final permit (including revocation of a permittee's authorization to discharge under a general permit); and/or
 - iv. Assess penalties pursuant to N.J.S.A. 58:10A-10 and N.J.A.C. 7:14-8.
6. If the permittee objects to the assessment, the Department shall recalculate a permit fee upon receipt of a request from the permittee in writing within 30 days of assessment of the fee. The Department shall not recalculate a fee where the permittee has failed to submit information in compliance with its NJPDES permit.
 - i. A permittee may only contest a fee imposed pursuant to (k) below based on the following:
 - (1) The Department has no factual basis to sustain the charges assessed in the fee;
 - (2) The activities for which the fee was imposed did not occur;
 - (3) The charges are false or duplicative; or
 - (4) The charges were not properly incurred because they were not associated with the Department's oversight or remediation of the case.
 - ii. A permittee may not contest a fee imposed pursuant to (k) below if the challenge is based on the following:
 - (1) An employee's hourly salary rate;
 - (2) The Department's salary additive rate, indirect rate, or fringe benefit rate; or
 - (3) Management decisions of the Department, including decisions regarding who to assign to a case, how to oversee the case or how to allocate resources for case review.

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- iii. A permittee objecting to a fee imposed pursuant to (k) below shall include the following in a request for a fee review:
 - (1) A copy of the bill;
 - (2) Payment of all uncontested charges, if not previously paid;
 - (3) A list of specific fee charges contested;
 - (4) The factual questions at issue in each of the contested charges;
 - (5) The name, mailing address and telephone number of the person making the request;
 - (6) Information supporting the request or other written documents relied upon to support the request.
7. The Department, in calculating Environmental Impact, shall use information reported by the permittee on MRFs for the 12 month period for which data is available on the Department's computer. The selected 12 month monitoring period will be documented in the Annual NJPDES Fee Schedule Report. Where this information is not available, the Department shall use permit limitations, information submitted in permit applications, technical reports prepared by the Department or submitted by the permittee, or other permits issued by the Department.
8. Except as provided by (k) below, the Department, upon the revocation of a NJPDES permit, or revocation of a NJPDES/SIU permit in accordance with N.J.A.C. 7:14A-21.9, shall upon written request of the permittee prorate the fee for the number of days that the facility was in operation or was discharging under a valid NJPDES/SIU permit during the billing year and return to the permittee the amount that is in excess of the minimum annual fee for the specific category of discharge.
9. Except as provided by (k) below, the annual fee for all discharges is calculated by applying the formula:
$$\text{Fee} = (\text{Environmental Impact} \times \text{Rate}) + \text{Minimum Fee}, \text{ where:}$$
 - i. Environmental Impact is the Department's assessment of potential risk of discharge to the environment as derived under (c) through (g) below.
 - ii. Rate is the dollar cost for each weighted unit of Environmental Impact. Rate is calculated as follows:
$$\text{Rate} = (\text{Budget} - \text{Sum of Minimum Fees}) / \text{Total Environmental Impact}$$

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- (1) Budget is the total budget for the category of Discharge.
- (2) The Sum of Minimum Fees is the total amount of minimum fees to be paid by all dischargers in the category of discharge.
- (3) Total Environmental Impact is the sum of environmental impact for all dischargers in the category.
- (4) The budget and the total environmental impact shall be adjusted to reflect those facilities, if any, assessed a maximum permit fee.

- iii. The minimum fee is a base cost to which the product of the Environmental Impact and the Rate identified under (a)9i and ii above is added. The minimum fee for any permit category is calculated by using the following formula and rounding to the nearest \$50.00 increment:

$$\text{Minimum Fee} = \frac{\text{Hours} \times \text{Cost Per Hour}}{5}, \text{ where:}$$

Hours = Total hours allocated by the Department on the administration, including permit issuance, inspection and data management, of the permit per facility over a five year period in each category.

Cost Per Hour = Total personnel cost per hour, including fringe benefits and indirect costs.

The minimum fees are set forth in Table III below. For any new or revised category of discharge, the Department shall calculate a minimum fee and shall list it in the Annual NJPDES Fee Schedule Report for public comment under (b) below.

10. The maximum fee to be assessed for any category of discharge shall be 10 percent of the budget for the category of discharge.
 11. If a factual dispute involving a fee imposed pursuant to (k) below cannot be resolved informally, a permittee may request an adjudicatory hearing on the matter pursuant to N.J.A.C. 7:14A-17.2.
- (b) The Department shall prepare an Annual NJPDES Fee Schedule Report and provide for a public hearing on the Report.
1. The Annual NJPDES Fee Schedule Report shall include the following:
 - i. A detailed financial statement of the actual administrative cost of the NJPDES program by account title;

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- ii. A detailed financial statement of the actual revenue collected, including any surplus which can be credited or any deficit to be assessed in determining the fee schedule;
 - iii. A detailed financial statement of the anticipated cost of the NJPDES program, including:
 - (1) A breakdown of the program by account title;
 - (2) An estimate of the amount of fees that will be collected; and
 - (3) The current year's fee schedule.
 - iv. A report of the NJPDES program activities, including:
 - (1) A list of permits issued;
 - (2) A list of facilities inspected;
 - (3) A list of administrative orders and administrative consent orders issued by the Department (by type of order and discharge involved); and
 - (4) A summary of variance request activities under Section 316 of the Federal Water Pollution Control Act (33 U.S.C. §§1251 et seq.).
 - v. A list of all minimum fees calculated in accordance with (a)9iii above, and the basis for any new or revised minimum fee.
2. The Department shall provide for a hearing on the Annual NJPDES Fee Schedule Report. The Department shall provide public notice of the hearing at least 30 days prior to the date of the hearing:
 - i. In the New Jersey Register and one newspaper of general circulation; and
 - ii. By mailing a notice of availability of the Fee Report to each NJPDES applicant/permittee the Department identifies as subject to a NJPDES annual fee. The complete Fee Report will be posted on the Department's website at <http://www.nj.gov/dep/dwq/njpdesfees.html>. The Department will provide, free of charge, a paper copy of the complete Fee Report to each applicant/permittee, or any other interested person, upon request.
3. The Department shall publish a Notice of Adoption of the Annual NJPDES Fee Schedule Report, which shall include a summary of the public comments and Department responses. Upon publication of this

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Notice of Adoption in the New Jersey Register, any adopted new or revised minimum fee(s) identified in the Notice of Adoption shall be incorporated into Table III as an administrative change.

- (c) The annual fee for discharges to surface water is calculated by using the following Environmental Impact in the annual fee formula:
1. The Environmental Impact of a discharge to Surface Water from an industrial treatment works (ITW) regulated under an individual NJPDES permit is derived by applying the formula:

Environmental Impact = (Total Pollutant Load + Heat Load) where:

- i. Total Pollutant Load is the sum of each limited pollutant's average loading (in kilograms per day) for the selected 12-month period, as determined in accordance with N.J.A.C. 7:14A-3.1(a)7, multiplied by its associated risk factor as listed in Table I below.
 - (1) Net loadings will be used if a net limit has been established in the NJPDES permit. If a permittee reports a pollutant load less than zero, a zero will be used to calculate the Total Pollutant Load.
 - (2) Any pollutant listed in Table I will be deleted from the Total Pollutant Load, if reported as non-detectable in all samples for the monitoring period. When any of the pollutants listed in Table I is detected at least once in the monitoring period, the Department shall calculate the Total Pollutant Load using one-half the reported minimum detection limit for pollutant concentrations.
 - ii. Heat Load is the average mBTU's (million British Thermal Units) per hour of the effluent discharged. Where Heat Load is not reported in mBTU's per hour, the Department shall estimate the Heat Load using the calculated difference between the influent and effluent temperature (in degrees celsius) multiplied by the amount (in million gallons per day) of effluent discharged and a unit conversion factor of 0.6255. The Department shall use an average influent temperature of 5.57 degrees celsius during the period November to April and 18.87 degrees celsius during the period May to October.
2. The Department shall assess an additional fee to NJPDES permittees who request a variance under Section 316 of the Federal Water Pollution Control Act (33 U.S.C. §§1251 et seq.). The annual fee shall be assessed on the basis of the administrative cost that is incurred by the Department and the cost of the technical review performed by a consultant hired by the Department.

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3. The Environmental Impact of a discharge to surface water from a domestic treatment works (DTW) regulated under an individual NJPDES permit is derived by applying the formula:

Environmental Impact = Average kilograms per day of oxygen demand discharged, as measured by Biochemical Oxygen Demand (BOD5), Carbonaceous Biochemical Oxygen Demand (CBOD5) or other oxygen demand parameter selected by the Department, as determined in accordance with (a)7 above.

4. The Environmental Impact value for any type of discharge to surface water regulated under a general permit shall be zero.

- (d) Except as provided by (k) below, the annual fee for discharges to groundwater, except for residuals covered in (e) below, is calculated by using the following Environmental Impact in the annual fee formula:

1. The Environmental Impact of a Discharge to Groundwater regulated by an individual NJPDES permit is derived by applying the formula:

Environmental Impact = (Pollution Potential Factor) x (Discharge Control Factor) where:

- i. For landfills and facilities discharging only sanitary sewage wastewater, the Pollution Potential Factor is the sum of the applicable Pollution Rating Factor set forth at (d)1iii below and the applicable Pollution Loading Factor set forth at (d)1iv below.
- ii. For facilities other than those identified in (d)1i above, the Pollution Potential Factors are set forth at (d)1v below.
- iii. The Pollution Rating Factor is a value that is a measure of the relative risk associated with the pollutant sources listed below. The Pollution Rating Factor is assigned as follows:

<u>Pollutant Source Description</u>	<u>Pollution Rating Factor</u>
Sanitary sewage wastewater	1
Sanitary landfills	20
Hazardous waste facilities including hazardous waste landfills	50

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- iv. The Pollution Loading Factor is a value based on flow (Q) for a sanitary discharge, where Q is the NJPDES permitted flow limit or the facility design flow in the absence of a NJPDES permitted flow limit, or by the mass of solid waste annually deposited at a landfill. The Pollution Loading Factor is assigned as follows:

<u>Pollutant Source Description</u>	<u>Pollution Loading Factor</u>
Landfill Solid Waste	Annual Mass + 1 (where Annual Mass = Mass of solid waste annually deposited (in tons) / 400), with the result rounded to the nearest whole integer
Sanitary Waste Discharge where Q < 1.0 MGD	Q in MGD x 2000, with the result rounded to the nearest whole integer
Sanitary Waste Discharge where Q = > 1.0 MGD but < 3.0 MGD	2000
Sanitary Waste Discharge where Q = > 3.0 MGD but < 5.0 MGD	3000
Sanitary Waste Discharge where Q = > 5.0 MGD	4000

- v. The Pollution Potential Factor for facilities other than those identified in (d)1i above, is assigned as follows:

<u>Pollutant Source Description</u>	<u>Pollution Potential Factor</u>
Stormwater runoff	100
Non-contact cooling water	200
Potable water plant filter backwash	200
Food processing wastewater	250
Discharge from quarry operations including, sand and gravel operations	250

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Industrial process wastewater (not otherwise specified) 300

- vi. The Discharge Control Factor is a measure of the potential of a discharge to affect groundwater and is based on whether a pollutant source passes through to a DSW or POTW, is designed to be discharged to the ground, or is a landfill. The Discharge Control Factor is assigned as follows:

<u>Discharge Control Scenario for Pollutant Source</u>	<u>Discharge Control Factor</u>
Permitted, but not being discharged (does not apply to landfills)	0
Pass-through wastewater to DSW or POTW, lined (surface impoundment with a liner having hydraulic conductivity of at least $<10^{-7}$ cm/sec)	1
Pass-through wastewater to DSW or POTW, unlined and/or partially lined (surface impoundment or infiltration/percolation lagoon that is unlined or partially lined)	10
Designed for discharge to the ground (sanitary wastewater with at least secondary treatment)	20
Designed for discharge to the ground (all other wastewater other than sanitary wastewater with at least secondary treatment)	25
Landfills, completely lined ($<10^{-7}$ cm/sec)	30
Landfills, unlined and/or partially lined	40

- 2. The Environmental Impact value of any type of discharge to ground water regulated under a general permit shall be zero.

(e) The Environmental Impact value for facilities which land apply, handle or distribute residuals listed in Table III below shall be zero.

(f) (Reserved)

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(g) The annual fee for discharges by a significant indirect user to a domestic treatment works is calculated by using the following Environmental Impact in the annual fee formula:

1. The Environmental Impact of a discharge by a significant indirect user (SIU) to a domestic treatment works (DTW) is derived by applying the formula:

$$\text{Environmental Impact} = (\text{Total Pollutant Load})$$

- i. Total Pollutant Load is the sum of each limited pollutant's average loading (in kilograms per day) for the selected 12-month period, as determined in accordance with N.J.A.C. 7:14A-3.1(a)7, multiplied by its associated risk factor as listed in Table I below.

- (1) Any pollutant listed in Table I will be deleted from the Total Pollutant Load, if reported as non-detectable in all samples for the monitoring period. When any of the pollutants listed in Table I is detected at least once in the monitoring period, the Department shall calculate the Total Pollutant Load using one-half the reported minimum detection limit for pollutant concentrations.

(h) The fees for exemptions for certain types of residual use or disposal operations shall be assessed as follows:

1. Permit exemptions or Letters of Land Application Management Approvals authorizing the land application of sludge-derived products at specific sites in accordance with a Department-approved distribution program shall be assessed a fee of \$250.00 for the duration of the permit exemption or Letter of Land Application Management Approval. The Department will not consider a request for a permit exemption or Letter of Land Application Management Approval complete unless the request is accompanied by the fee; and
2. General distribution permit exemptions providing Department approval of a sludge derived product distribution program which is not directly regulated for residuals handling through an individual NJPDES permit shall be assessed a fee of \$2,700 for the duration of the exemption. The Department will not consider a request for a permit exemption complete unless the request is accompanied by the fee.

(i) (Reserved)

(j) For NJPDES Permit No. NJ0088323 (referred to as the category 5G3 "construction activity" stormwater general permit), there is no annual or minimum fee. The fee for projects that disturb less than 5.0 acres is \$450.00. The fee for projects that disturb 5.0 acres or more is \$650.00. Except as set

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forth in (j)1 or 2 below, the fee shall be paid to the New Jersey Department of the Treasury, and submitted to the address set forth on the request for authorization form when the request for authorization is submitted to the Department.

1. For a project that the New Jersey Department of Transportation (NJDOT) is constructing or proposes to construct for which a stormwater discharge is regulated under this general permit, the fee of \$450.00 or \$600.00, as applicable, shall be paid to the Department.
 2. For a project that a Federal governmental entity is constructing or proposes to construct for which a stormwater discharge is regulated under this general permit, a fee in the amount set forth in the Soil Erosion and Sediment Control Act (N.J.S.A 4:24-39 et seq.) fee schedule for the appropriate County Soil Conservation District shall be made payable to the "Treasurer, State of New Jersey." The fee will be allocated to address the Department's administrative and enforcement responsibilities, the Department of Agriculture's administrative costs, and the appropriate Soil Conservation District's review and inspection activities.
- (k) The fee for discharges to groundwater required for conducting remediation, as defined by N.J.A.C. 7:26E, of contaminated sites, and for any NJPDES discharge to groundwater permits issued by the Site Remediation Program, is calculated and billed through requirements specified in N.J.A.C. 7:26C-4.5.
- (l) The Department shall assess, where applicable, the fee for laboratory certification pursuant to the schedule set forth at N.J.A.C. 7:18.
- (m) Any fee under this section that is subject to N.J.A.C. 7:1L shall be payable in installments in accordance with N.J.A.C. 7:1L.

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TABLE I

RISK CATEGORIES

Risk

Factor	10 ⁰	10 ¹	10 ²	10 ³	10 ⁴	10 ⁵
SURFACE WATER						
TDS	TSS	Tin		Styrene	Arsenic	Lead
Chloride	Phosphorus	Aluminum		Nickel	Beryllium	Mercury
Sulfate	Phtahalic	Antimony		Copper	Asbestos	Cadmium
Fluoride	Acid	Barium		Silver	Acid fraction compounds	Chromium-hex
Iron	Sulfide	Chromium-trivalent		Cobalt	Base-Neutral Compounds	Pesticides
	Molybdenum	Oil & Grease		Ammonia	Volatile Organics	PCBs
	Bismuth	Surfactants		Cyanide		PBB
	Manganese	N(nitrite, nitrate		Selenium		
	Zinc	Kjeldhal, diss. & Total)				
		Oxidizable Matter				
		Petroleum				
		Hydrocarbons				
INDIRECT USERS						
BOD	TDS	1,1 Dichloroethylene		Nickel	Beryllium	Carbon
TSS	Iron	Copper		Silver	1,1,1-Trichloroethane	Tetrachloride
COD	Antimony	Zinc		Asbestos	Lead	Mercury
Oil & Grease	Bismuth	Chromium-Trivalent		Cobalt	Arsenic	Cadmium
	Tin	Barium		Selenium	Bis(2-ethylhexyl)phthalate	Chromium, hex &
	Manganese	Cyanide		Benzene	Dichlorodifluoromethane	Total
	Inorganic	Dimethyl phthalate		1,2-Dichloroethane	Trichlorofluoromethane	Pesticides
	Sulfur	Surfactants		Chloroform	Total Toxic Organics**	PCBs
	Compounds	Petroleum		Ethylbenzene	Volatile Organics*	Dioxin
		Hydrocarbons				
				1,2,4-Trichlorobenzene	TVOS as in N.J.A.C. 7:27-17.3**	
		Total Toxic Metals**		Naphthalene	Chlorobenzene	
		Nitrogen Compounds/ Ammonia		Vinyl Chloride	Toluene	
				Base Neutral Compounds*	1,2-Trans-Dichloroethylene	
		Phenols		Acid Extractable Compounds	Trichloroethylene	
				1,1,2,2-Tetrachloroethane		
				Bromoethane		
				1,2-Dichloropropane		
				1,1-Dichloroethane		
				1,1,2-Trichloroethane		
				Dichlorobenzene		
				Di-n-butyl Phthalate		
				Anthracene		
				Tetrachloroethylene		
				Pentachlorophenol		
				Butyl Benzyl phthalate		
				Di-n-octyl Phthalate		

* Unlisted

** Not Itemized

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Table II

(Reserved)

Table III

Minimum Fees

<u>Permit Fee Category¹</u>	<u>Min Fee Code</u>	<u>Minimum Fee</u>
1. Major DSW Domestic Treatment Works (DTW) – Individual Permit	MMJ	\$11,150
2. Minor DSW Domestic Treatment Works (DTW) – Individual Permit	MMI	\$4,200
3. Combined Sewer Overflow – Individual Permit Component or General Permit	CSO	\$9,450
4. Major Industrial DSW – Individual Permit	IMJ	\$9,950
5. Minor Industrial DSW – Individual Permit	IMI	\$4,200
6. General Permit – Industrial DSW, DGW, or both (unless otherwise listed)	IGN	\$2,300
7. General Permit – Municipal DSW (unless otherwise listed)	MGN	\$3,100
8. Industrial Stormwater - Individual Permit	IST	\$4,100
9. Stormwater – Sand and Gravel General Permit (RSG)	R14	\$1,250
10. Stormwater – Basic Industrial General Permit (5G2)	SBG	\$800
11. Municipal Stormwater – Tier B General Permit (R10)	STB	\$500
12. 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
13. 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
14. Municipal Stormwater – Highway Agency General Permit (R12)		
(mileage range 0-9)	SH1	\$550
(mileage range 10-199)	SH2	\$2,450
(mileage range 200-399)	SH3	\$5,100
(mileage range 400+)	SH4	\$9,800
15. DGW – Initial Individual Permit ²	GWN	\$6,000
16. DGW – Renewed or Continued Individual Permits ²	GWE	\$2,750
17. DGW - General Permit (I1, I2 and LSI)	GGN	\$900
18. DGW - General Permit (T1)	GT1	\$450
19. DGW - Operating Landfill Individual Permit	LND	\$6,900
20. Residuals Use or Disposal Operations (unless otherwise listed)	RES	\$10,600
21. Residuals - Food Processors / WTPs ³ Individual Permit	RFP	\$4,000
22. Residuals - Category Z Individual Permit ⁴	RTZ	\$2,050
23. Residuals - General Permit (ZG and 4G)	RTG	\$500
24. Residuals - Category 04 Individual Permit ⁵	RPH	\$850
25. Residuals – Land Application General Permit (unless otherwise listed)	RSG	\$800
26. Residuals – General Permit Category SXG	RSX	\$750
27. Residuals – General Permit Category SIG	RS1	\$900

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28. Residuals – General Permit Category S2G	RS2	\$1,050
29. Residuals – General Permit Category S3G	RS3	\$1,200
30. Residuals – General Permit Categories 6 - 9	RS6	\$1,150
31. Residuals – General Permit Category S4G	RS4	\$1,350
32. Residuals – General Permit Categories 10 - 13	RSP	\$1,150
33. Significant Indirect User (SIU) (Pretreatment)	SIU	\$5,750
34. Landfills operating or terminated after January 1, 1982 without an approved closure plan	⁶	\$2,500
35. Terminated Landfills properly closed or closed prior to January 1, 1982	⁶	\$500
36. 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 \$6,000 for the first five years of that permit, and \$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 \$2,750.

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.