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November 29, 2019

Re: Stormwater Discharge Master General Permit Renewal
R12 -Highway Agency Stormwater General Permit
NJPDES: NJ0141887 PI ID #: 50577
NJPDES MASTER GENERAL PERMIT PROGRAM INTEREST
Trenton City, Mercer

Dear Interested Party:

Enclosed is a **final** New Jersey Pollutant Discharge Elimination System (NJPDES) permit action identified above which has been issued in accordance with N.J.A.C. 7:14A. The Highway Agency Municipal Stormwater General Permit Renewal authorizes discharges from small Municipal Separate Storm Sewer Systems (MS4s) that are owned or operated by a county, State, interstate, or Federal agency at a highway or other thoroughfare (including a maintenance or service facility or rest area for such a thoroughfare). The permit was issued in response to USEPA's Phase II rules.

A summary of the significant and relevant comments received on the draft action during the public comment period, the Department's responses, and an explanation of any changes from the draft action have been included in the Response to Comments document attached hereto as per N.J.A.C. 7:14A-15.16.

The final Highway Agency MS4 NJPDES permit and supporting documents are also posted at <https://www.nj.gov/dep/dwq/highway.htm>

Questions or comments regarding the final action should be addressed to Stephen Boyer at (609) 633-7021.

Sincerely,

Gabriel Mahon, Chief
Bureau of Nonpoint Pollution Control

Enclosures
c: Permit Distribution List

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New Jersey Department of Environmental Protection
Division of Water Quality
Bureau of Nonpoint Pollution Control

RESPONSE TO COMMENTS

Comments were received on the draft NJPDES Stormwater Discharge MS4 Master General Permit Renewal No. NJ0141887 for Highway Agencies issued on 08/21/2019. The Public Notice was published in the following newspapers:

| Newspaper | Date Published |
|----------------------------|-----------------------|
| The Press of Atlantic City | 08/24/2019 |
| The Star-Ledger | 08/26/2019 |
| The Times, Trenton | 08/26/2019 |

The Public Notice was also published in the 08/21/2019 issue of the *DEP Bulletin*. In accordance with N.J.A.C. 7:14A-15.10(c)1i the public comment period shall close no sooner than thirty (30) days after the last newspaper publication. Therefore, the public comment period ended on 09/25/2019. A summary of the timely and significant comments received, the New Jersey Department of Environmental Protection's (Department) responses to these comments, and an explanation of any changes from the draft action have been included below.

The following persons commented during the public comment period:

A. William P. Minervini, in an email dated 09/15/2019.

1. COMMENT: Part II.C.3.a.i - Expand the clause “except as otherwise specifically provided in this permit” to cross-reference the provision(s) of this permit that “specifically” authorizes “stormwater discharge associated with industrial activity” as defined in N.J.A.C. 7:14A-1.2. I have not found any provision of this permit that unambiguously meets this criterion.

If this permit will authorize any “stormwater discharge associated with industrial activity,” this authorization must be stated clearly and expressly, and the permit conditions for such discharge must conform to NJPDES rule provisions that pertain to such discharge rather than to small MS4 discharges. See, for example, N.J.A.C. 7:14A-24.9 provisions pertaining to “stormwater discharge associated with industrial activity.”

The response to this comment should identify at least one specific example of “stormwater discharge associated with industrial activity” authorized by this permit.

RESPONSE A.1: The Department disagrees that Part II.C.3.a.i needs to be expanded to cross-reference the provision(s) of the permit that “specifically” authorizes “stormwater discharge associated with industrial activity”. The Department maintains that the Fact Sheet along with Attachment E appropriately identifies relevant information regarding Maintenance Yards and Other Ancillary Operations and “stormwater discharge associated with industrial activity.” The following is an excerpt from the Fact Sheet:

“Consistent with 40 CFR 122.34(b)(6) and N.J.A.C. 7:14A-25.6, each iteration of New Jersey’s Highway Agency MS4 NJPDES permit since 2004 has included requirements related to maintenance yard operations. N.J.A.C. 7:14A- 25.6(b)7 states:

“Maintenance yards and highway service areas: The permittee shall develop and implement an operation and maintenance program that prevents or reduces pollutant runoff from maintenance yards and highway service areas owned or operated by the permittee.”

At Part IV.B.5.c of this permit, these requirements are presented and renamed “Maintenance Yards and Other Ancillary Operations.” This permit condition presents a simple (but expanded) list of activities to better represent common activities at maintenance yards and unifies all applicable BMPs and control measures in Attachment E (Best Management Practices for Maintenance Yards and Other Ancillary Operations). Based on information garnered from site inspections as well as input from field inspectors, the 2009 Highway Agency MS4 NJPDES permit does not accurately represent all the activities at maintenance yard locations. This permit proposes to remedy this gap by expanding this section as well as by including BMPs or control measures that must be implemented to minimize or eliminate pollutant exposure to stormwater for each activity in Attachment E, which is written so that it can be distributed to and utilized by employees that work at or use the maintenance yard.

The Department has determined that expanding coverage under this permit for additional activities commonly occurring at maintenance yards is appropriate since such activities can be a significant contributor of pollutants to surface water if not managed properly (see N.J.A.C. 7:14A-24.2(a)). These activities could be otherwise regulated under individual permits, but the Department has determined that this general permit is the most efficient and appropriate means by which the Department can regulate a large number of similar dischargers (see also N.J.A.C. 7:14A-6.13).

The Department maintains that it is appropriate and reasonable to include conditions for Maintenance Yards and Other Ancillary Operations yet continue the exclusion for “stormwater discharge associated with industrial activity” as included in Part II.C.3.a.i.

Part II.C.2.a.ii does specifically authorize all new and existing stormwater discharges to surface water and groundwater from maintenance yards and other ancillary operations (see Part IV.B.5.c) that are owned or operated by a “Highway Agency.” As described in Part IV.B.5.c, ancillary operations include but are not limited to impound yards, permanent and mobile fueling locations, and yard trimmings and wood waste management sites. The Department maintains that issuing an individual NJPDES permit to permittees for discharges from maintenance yards and other ancillary operations would not necessarily result in any substantial water quality benefit as compared to a general NJPDES permit. The recordkeeping and reporting requirements and fees involved with a separate permit would impose an extra burden on permittees, while providing water quality benefits equivalent to the level of protection under the Highway Agency MS4 NJPDES permit. Therefore, the Department has determined that due to the limited scope of these operations, utilizing the Highway Agency MS4 NJPDES permit is the most efficient and appropriate means by which the Department can regulate maintenance yards and other ancillary operations and that this is in the best interest of both the Department and permittees. Also, a permittee is not exempt from the requirement to apply for another separate stormwater permit for any activity at maintenance yards or other ancillary operations if required to do so, for due cause, by the Department.

No changes have been made to the final permit as a result of this comment.

2. COMMENT: Part II.C.3.a.v - The phrase “such a discharge” is unclear. Does it refer just to the discharge of stormwater from certain Yard Trimmings and Wood Waste Management Sites identified in Part II.C.3.a.iv, or does it refer to **all** “stormwater discharge associated with industrial activity” as defined in N.J.A.C. 7:14A-1.2?

RESPONSE A.2: The phrase “such a discharge” must be read in the context of the section of the permit where it appears. Specifically, Part II.C.3 states the following, with the referenced text highlighted,

“3. Discharges Not Authorized Under the Highway Agency MS4 NJPDES Permit

- a. Stormwater Discharges Associated with Industrial Activity.
 - i. The Highway Agency MS4 NJPDES Permit does not authorize “stormwater discharge associated with industrial activity” as defined in N.J.A.C. 7:14A-1.2 except as otherwise specifically provided in this permit.
 - ii. Types of facilities that a permittee might operate and that are considered to be engaging in “industrial activity” include but are not limited to certain: 1) landfills; 2) transportation facilities (including certain local passenger transit and air transportation facilities); 3) facilities handling domestic sewage or sewage sludge; and 4) steam electric power generating facilities.
 - iii. Yard Trimmings and Wood Waste Management Sites that are not owned and operated by the permittee.
 - iv. The Highway Agency MS4 NJPDES Permit does not authorize the discharge of stormwater that comes in contact with source material from Yard Trimmings and Wood Waste Management Sites that are owned or operated by the Highway Agency to storm sewer inlets or to surface waters of the State.
 - v. Any permittee that operates an industrial facility with such a discharge must submit a separate Request for Authorization (RFA) or individual permit application for that discharge. An RFA submitted for the Highway Agency MS4 NJPDES Permit does not qualify as an RFA for *such a discharge*.”

The phrase ‘such a discharge’ refers to the topic of this section of the permit at Part II.C.3., i.e. ‘Discharges Not Authorized Under the Highway Agency MS4 NJPDES Permit.’ Reading paragraph v. in the context of the preceding language in this section clearly refers to the ‘Discharges Not Authorized Under the Highway Agency MS4 NJPDES Permit.’ This means that any permittee that operates an industrial facility with “such a discharge”, or in other words, a “stormwater discharge associated with industrial activity” that is not authorized under Part II.C.2.a.ii must submit a separate Request for Authorization (RFA) or individual permit application for that discharge.

No changes have been made to the final permit as a result of this comment.

3. COMMENT: Notes and Definitions Part IV.B.1.i - This new definition of “Major development” will presumably be changed if the N.J.A.C. 7:8-1.2 definition of “Major development” is amended as

a consequence of proposed changes to N.J.A.C. 7:8 published in the December 3, 2018 New Jersey Register (50 N.J.R. 2375(a)). Therefore, commenting on this new definition is difficult.

In any event, however, add the following sentence at this new definition's end: "For purposes of this general permit, only projects owned or operated by the permittee may be considered 'major development,' 'development,' or 'redevelopment'." This addition would help to clarify that Part IV.B.4 **in its entirety** ("Minimum Standards for Post Construction Stormwater Management in New Development and Redevelopment") applies **only** to projects owned or operated by the permittee. This restriction haphazardly appears (see comment 5 below) in some Part IV.B.4 provisions (e.g., Part IV.B.4.a) but not in others (e.g., Part IV.B.4.d, which could be read as being completely independent of Part IV.B.4.a).

RESPONSE A.3: The Department disagrees that an additional sentence needs to be added to the definition of "Major development" to clarify that this definition applies only projects owned and operated by the permittee since the first condition of the Post Construction SBR at Part IV.B.4.a states "The permittee shall develop, update, implement and enforce its stormwater management program to address post construction stormwater runoff in new development and redevelopment projects owned or operated by the permittee, and to ensure compliance with the Stormwater Management rules at N.J.A.C. 7:8 et seq." In addition, the definition of "Major development" in this permit has not been changed since it is consistent with the current definition at N.J.A.C. 7:8-1.2, and this permit has been finalized prior to the final decision regarding the proposed changes to N.J.A.C. 7:8. Further, this permit does not contain any conditions that provide for, or require, the permittee to ensure compliance for projects that are not owned or operated by the permittee. Therefore, the commenter's recommended additional sentence is not needed.

No changes have been made to the final permit as a result of this comment.

4. COMMENT: Part IV.A.2.iii - In the reference to "an individual Form 10 (Maintenance Yards and Other Ancillary Operations)," make sure that "Form 10" is not incorrectly copied from the Tier A Permit "Form 10 – Municipal Maintenance Yards and Other Ancillary Operations." In current Highway Agency Permit guidance, the analogous form has a different number, and SPPP "Form 10" pertains instead to "Improper Disposal of Waste."

RESPONSE A.4:

The Department agrees and is currently updating the SPPP Template for this permit and will ensure that the form regarding Maintenance Yards and Other Ancillary Operations is labeled Form 10 and does not contain the word "Municipal" in its title.

No changes have been made to the final permit as a result of this comment.

5. COMMENT: Part IV.B.4 - In Part IV.B.4.a, insert "(as set forth in b. through k. below)" immediately after "The permittee", or otherwise rewrite Part IV.B.4 (or the Part IV.B.1.i new definition of "Major development"; see comment 3 above) to make it clear that this provision, in its entirety, is restricted to new development and redevelopment projects owned or operated by the permittee. In the Draft Permit, this important restriction is stated in Parts IV.B.4.a.1, b.i, 4.g, and 4.i,

but is not stated or implied in Parts IV.B.4.b.ii, 4.c, 4.d, 4.f, and 4.h (where this restriction would also be relevant).

RESPONSE A.5: See response A.3 above.

No changes have been made to the final permit as a result of this comment.

6. COMMENT: Part IV.B.4 - Part IV.B.4.e conflicts with N.J.A.C. 7:8 and N.J.A.C. 7:14A-25.6(b)3, which have no provision that authorizes a Highway Agency (as distinct from a “municipality” as defined in N.J.A.C. 7:8-1.2) to grant a variance or exemption from the design and performance standards in N.J.A.C. 7:8-5 (except in the limited circumstances set forth in N.J.A.C. 7:8-5.2(e)). N.J.A.C. 7:8-4.6 authorizes only such a “municipality” to grant such a variance or exemption (and this would be the case even if the proposed amendments to N.J.A.C. 7:8-4.6 published in the December 3, 2018 New Jersey Register are adopted).

Nor do N.J.A.C. 7:8-5.1(b), N.J.A.C. 7:8-2.5, N.J.A.C. 7:14A-25.6(b)3, or N.J.A.C. 7:1B authorize Part IV.B.4.e. N.J.A.C. 7:8-5.1(b) is limited to alternative standards applicable under a regional stormwater management plan or other water quality management (WQM) plan adopted in accordance with N.J.A.C. 7:15. Only NJDEP may grant exemptions under N.J.A.C. 7:8-2.5 (which also includes exemption criteria not found in Part IV.B.4.e or N.J.A.C. 7:8-4.6). The NJPDES MS4 permit rules at N.J.A.C. 7:14A-25.6(b)3ii require compliance with the standards established under N.J.A.C. 7:8 unless those standards do not apply because of a variance or exemption under N.J.A.C. 7:8 (which as discussed above does not authorize Part IV.B.4.e), or because alternative standards are applicable under an adopted WQM plan. Finally, only NJDEP may approve waivers requested under N.J.A.C. 7:1B.

In short, Part IV.B.4.e cannot be included in this permit unless N.J.A.C. 7:8 or N.J.A.C. 7:14A-25.6(b)3 is changed to authorize Part IV.B.4.e. The Draft Permit’s Fact Sheet did not assert that any specific provision in N.J.A.C. 7:8 or N.J.A.C. 7:14A-25.6(b)3 authorizes Part IV.B.4.e.

RESPONSE A.6: Part IV.B.4.e doesn’t state that a variance can be granted by a Highway Agency in accordance with N.J.A.C. 7:8-4.6, it states that the permittee shall only grant a variance or exemption from the design and performance standards if the permittee has a mitigation plan which satisfies the same criteria that a mitigation plan prepared in accordance with N.J.A.C. 7:8-4.6 satisfies. The required mitigation plan will ensure that the standards are met within the same drainage area, albeit at an alternative location or by alternative means. Since this section of the permit additionally requires a written report be submitted to the Department within 30 days, the Department will have an opportunity to object to any mitigation projects that do not adequately meet the design and performance standards prior to their construction. However, the Department agrees that the use of the terms “variance or exemption,” which were used since they appear at N.J.A.C. 7:8-4.6, incorrectly imply that the design and performance standards would not be met by the project. As such, Part IV B.4.e.i-ii is revised as follows:

“e. The ~~permittee shall only grant a variance or exemption from the design and performance standards for stormwater management measures~~ can be met at an alternative location or by alternative means provided ~~if the permittee has a mitigation plan which meets the following requirements:~~”

- “i. The mitigation plan shall identify measures that are necessary to offset the deficit created by ~~the alternate location or design granting the variance or exemption~~. The mitigation plan must satisfy the same criteria that a mitigation plan prepared in accordance with the Stormwater Management Rule N.J.A.C. 7:8-4.6 must satisfy. See Chapter 3 of the NJ Stormwater BMP Manual at <https://www.njstormwater.org> for guidance; and”
- “ii. The permittee submits, within 30 days after ~~approving an alternate location or design the grant of a variance or exemption~~, a written report to the Department describing the ~~alternate location or design variance or exemption~~ and the required mitigation. Submit the written report to the Department at:...”

These changes affect Part IV B.4.e.i-ii of the final permit.

7. COMMENT: Part IV.B.6.b.v - Delete this provision. One problem with it is that there will be much room for argument about how much the Highway Agency must reduce stormwater rate or volume, and about how to determine whether and how much such reduction is “feasible.”

In my comments on a similar provision in the February 2017 draft renewal of the Tier A MS4 NJPDES Permit, I indicated that the more fundamental problem is that if, for existing and projected stormwater flows **absent** such reduction, the MS4 permittee (such as a municipality or Highway Agency) modifies the outfall pipe area (the pipe and its environs) to remediate identified localized stream scouring in accordance with MS4 permit requirements (mainly Conduit Outlet Protection standards established under the Soil Erosion and Sediment Control Act), then requiring the MS4 permittee to reduce stormwater rate or volume will require the MS4 permittee to incur costs and achieve little or no additional control of localized stream scouring. In its Response 169 to my comment, NJDEP stated in part:

“Because stream scouring is caused by excessive stormwater flow rate, addressing the sources of stormwater is often a more effective long-term solution than only remediating the scouring. Remediation measures often require long-term maintenance similar to other stormwater facilities. Addressing the sources of stormwater can often reduce the required maintenance as well as reduce future stream scouring and is an improvement over the 2009 Tier A MS4 NJPDES permit requirements... Therefore, the Department maintains that the terms and conditions in the Tier A MS4 NJPDES permit constitute reasonable further progress toward the standard of reducing the discharge of pollutants to the maximum extent practicable.

This response is inadequate for the following reasons:

- Local stream scouring “is caused by excessive stormwater flow rate” only in the sense that the flow rate is excessive relative to the capacity of the outfall pipe area to prevent localized stream scouring. If remediation measures increase that capacity to accommodate the stormwater flow rate, then the stormwater flow rate is no longer “excessive.”
- Corrective measures taken by the MS4 permittee to reduce stormwater rate or volume themselves “often require long-term maintenance similar to other stormwater facilities.” Thus, the total required maintenance may in many instances remain the same or even increase.

- To lower construction costs, the MS4 permittee may lawfully scale back its remediation measures in the outfall pipe area in light of the expected reduced stormwater rate or volume. This scaling back may eliminate much or all of any reduction of the required maintenance of those measures, and of any reduction of local stream scouring.
- There is no environmental justification for requiring reduction of stormwater rate or volume for outfall pipes where local stream scouring remediation is initiated under this renewed permit, but **not** requiring such reduction for outfall pipes where such remediation was initiated under the 2004 or 2009 MS4 permits (or before 2004, for that matter). More broadly, however, because such reduction may have important benefits separate from control of such scouring, the limited resources available for such reduction should be allocated to projects deemed likely to have the best relation of benefits to costs, including benefits separate from such control, even if such scouring has been absent.
- The engineering methods used in the outfall pipe area for control of local stream scouring are squarely within the ambit of the Conduit Outlet Protection standards established under the Soil Erosion and Sediment Control Act. In locations where these standards are met, requiring reduction of stormwater rate or volume “when feasible” implies that these standards are generally inadequate, which is an odd position for NJDEP to take because these standards require NJDEP approval or participation (see N.J.S.A. 4:24-42 and -43). If NJDEP believes these standards are generally inadequate, NJDEP should discuss them with the State Soil Conservation Committee and NJDOT and then, if appropriate, seek to strengthen these standards using NJDEP’s authority under that Act. As compared against unpredictable case-by-case determinations of reduction (if any) of stormwater rate or volume, such strengthening (if appropriate) would be a more reliable and predictable way of improving control of local stream scouring.

Adding to the current Conduit Outlet Protection standards a requirement for reduction of stormwater rate or volume “when feasible” contravenes a decades long NJDEP policy of using the standards established under the Soil Erosion and Sediment Control Act as the primary standards for erosion and sediment control in NJPDES stormwater permits and programs. See, for example, Part I.E.1 of the current NJDEP Construction Activity Stormwater General Permit (NJPDES Permit No. NJ0088323), and current N.J.A.C. 7:8-5.4(a)1 and 7:14A-24.10(a)1. Although the NJDEP may appropriately impose stricter standards for erosion and sediment control in unusual circumstances (for example, highly contaminated soil or exceptionally sensitive receiving surface waters), requiring (for control of local stream scouring) reduction of stormwater rate or volume “when feasible” does not correspond to such circumstances, and may conflict with the Soil Erosion and Sediment Control Act.

RESPONSE A.7: The Department disagrees that the condition at Part IV.B.6.b.v of the permit should be deleted because there will be room for argument about how much the Highway Agency must reduce stormwater rate or volume, and about how to determine whether and how much such reduction is “feasible.” The Department recognizes that localized stream scouring is not only inadequate erosion control BMPs at the outfall but the volume of stormwater being directed to the outfall, which ultimately results in localized stream scouring. When stream scouring is detected and identified sources are located on permittee owned property, the Department is requiring a permittee to evaluate their MS4 system and reduce the flow of stormwater entering its MS4 where feasible. As specified in this permit condition, corrective action will not be feasible in all situations and factors which make the reduction of rate or volume of stormwater feasible will not be the same in all

situations. It is possible that due to constraining factors, which may be unique to individual permittees, it will not be possible to reduce the rate or volume of stormwater discharged from sources located on permittee owned property. The Department does not have the ability to identify all possible scenarios in which corrective action will be feasible and as such, has left the **initial** determination of feasibility to the permittee. The Department will be able to review the documentation and reasoning for the feasibility determination if necessary. This requirement shows reasonable progress towards reducing localized stream scouring to the maximum extent practicable.

No changes have been made to the final permit as a result of this comment.

8. COMMENT: Part IV.C.1.b - This provision requires the Stormwater Facilities Map to be, among other things, “populated and maintained in an electronic format provided by the Department.” To give interested parties adequate notice of the substance of this provision, the Draft Permit or its fact sheet should have identified the specific kind(s) of “electronic format” being considered by NJDEP, which should now include this information in the Final Permit or in NJDEP’s response to this comment. The resources and time needed to prepare this map may vary greatly depending on the required format.

Of particular concern in this regard is the requirement to include “an annotated map of roadways and thoroughfares owned or operated by the permittee.” Would maps available from NJDOT's Geographic Information System suffice? (See <https://www.nj.gov/transportation/gis/map.shtm/#statemaps>.) The applicability (or nonapplicability) of the NJDEP Mapping and Digital Data Standards (N.J.A.C. 7:1D, Appendix A) must be specifically addressed.

RESPONSE A.8: EPA has released 40 CFR part 127 Appendix A, or the Electronic Reporting Rule, which requires the electronic reporting and sharing of NPDES program data. However, at the time of finalization of this permit, EPA has not specified what electronic format will be required for maps related to MS4 permitting. The Department anticipates the requirement will be a Geographic Information System (GIS) format, and that the permittees may use the mapping application developed by the Department to assist with this requirement, which is also referenced in the section of the permit at Part C.1.c. When NJDEP is notified of the required format, authorized permittees will be notified if any additional requirements will apply, and submission dates may be extended where applicable.

Maps available from NJDOT's Geographic Information System would satisfy the requirement to include an annotated map of roadways and thoroughfares provided the map specifically identified the roadways and thoroughfares owned or operated by the permittee.

No changes have been made in response to this comment.

9. COMMENT: Attachment C – In the second line of the “Application of Design Standard” box, delete “in an adopted regulatory mechanism”. Referencing this mechanism is inappropriate because Attachment C should apply to permittee owned or operated storm drain inlets **only**. The permittee does not need a “regulatory mechanism” to design its own storm drain inlets.

Make it clear that **all** of Attachment C (not just the third bullet in the “Application of Design Standard” box) applies to permittee owned or operated storm drain inlets **only**.

Delete the “; and” at the end of the third bullet in the “Application of Design Standard” box.

RESPONSE A.9: While the Department agrees that the permittee does not need a “regulatory mechanism” to design its own storm drain inlets, the permittee could adopt a more stringent regulatory mechanism (i.e., internal procedure) regarding the application of the design standard for storm drain inlets. No changes have been made to the final permit as a result of this comment.

The Department agrees there is a typographical error at the end of the third bullet in the “Application of Design Standard” box of Attachment C. As such the third bullet is revised to replace the “; and” with a period. This change affects Attachment C of the final permit.

- B.** Virginia Wong, Chief, NPDES Section, Water Division - USEPA Region II, in an email dated 09/18/2019.

- 1. COMMENT:** Part II.B.2.a - Is this section of the permit used as a shield? (GS)

RESPONSE B.1: The commenter’s question regarding the Department using a permit condition as a shield is vague and unclear. Part II.B.2.a indicates that stormwater discharges authorized by the permit are exempt from N.J.A.C. 7:14A-6.2(a)2. This referenced paragraph of the NJPDES regulations states: “*The discharge of any pollutant not specifically regulated in the NJPDES permit or listed and quantified in the NJPDES application or request for authorization shall constitute a violation of the permit, unless the permittee can prove by clear and convincing evidence that the discharge of the unauthorized pollutant did not result from any of the permittee's activities which contribute to the generation of its wastewater.*” The Department contends that this paragraph is applicable to wastewater not stormwater, and the intent of the permit condition is to clarify its applicability, not to use it as a shield.

No changes have been made to the final permit as a result of this comment.

- 2. COMMENT:** Part II B.3.a - For clarity EPA believes adding the weblink in this section would be beneficial to permittees. (RU)

RESPONSE B.2: Since the submission date in Part II B.3.a is required by EPA’s National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, the Department agrees that an EPA weblink would be beneficial to permittees. As such, Part II B.3.a is revised as follows:

“Unless already required by this permit to be submitted electronically by an earlier date, effective December 21, 2020 ([for information on the NPDES eRule, see www.epa.gov/compliance/npdes-ereporting](http://www.epa.gov/compliance/npdes-ereporting)), the below identified documents...”

This change affects Part II B.3.a of the final permit.

- 3. COMMENT:** Part II.C.2.b - NJDEP’s categories are not consistent with EPA 40 CFR 122.34(b)(3)(iii). Specifically, Part II.C.2.b.ix – xi. For example, this section authorizes flows from “firefighting activities including the washing of fire fighting vehicles.” Washing of fire fighting

vehicles is not considered “firefighting activities.” The NPDES regulations also only authorize water from residential car washings. See § 122.34(b)(3)(ii). Please remove the language that permits the “washing of fire fighting vehicles”. Please explain the addition of C.2.b.ix-xi not found in the above referenced EPA regulation. (KM)(RU)

RESPONSE B.3: The commenter indicated that NJDEP’s categories at Part II.C.2.b of the permit are not consistent with EPA 40 CFR 122.34(b)(3)(iii). However, this federal citation references guidance for detecting and addressing illicit discharges and does not include non-stormwater discharge categories. It appears the commenter meant to reference EPA 40 CFR 122.34(b)(3)(ii).

The Department does not consider the washing of firefighting vehicles to be a significant source of pollutants to MS4 discharges and has previously determined that washing of firefighting vehicles is a necessary measure undertaken to ensure their proper operation, thus fitting into the category of “firefighting activities.” However, since this type of non-stormwater discharge is not applicable to Highway Agencies the Department agrees to remove the language that authorizes the “washing of fire fighting vehicles” from the final permit. As such, Part II.C.2.b.viii is revised as follows:

“Flows from firefighting activities ~~including the washing of fire fighting vehicles;~~”

This change affects Part II.C.2.b.viii of the final permit.

The categories of non-stormwater discharges at Part II.C.2.b.ix – xi are not additions and were included in the previous permit at Part I.A.2.d.ix. The Department considers clean water rinsing of beach maintenance equipment and equipment and vehicles used in the application of salt and de-icing materials a necessary measure undertaken to ensure their proper operation and not to be significant source of pollutants to MS4 discharges when done in accordance with Part II.C.2.b.ix–xi of the permit.

No changes have been made to Part II.C.2.b.ix–xi of the final permit as a result of this comment.

4. COMMENT: Part II D.1 - Are the permittees notified that of the reissued permit? How else would the permittee be aware that changes to the RFA are warranted? This section should state that the permittee will be notified of this permit’s reissuance. (SV)(GS)

RESPONSE B.4: As described in Section 5.C of the Fact Sheet, once a final determination is made on the permit the Department will then issue individual authorizations to each eligible permittee consistent with the terms and conditions of the permit. Part II.D.2.a of the permit requires a permittee to provide a corrected RFA within 90 days of the effective date of a renewed authorization if any information in its most recently submitted RFA is no longer true, accurate, and/or complete. Existing permittees are notified of the status of the permit renewal process throughout the entire process from the predraft through the final permit issuance and are invited to permit outreach sessions conducted by the Department.

No changes have been made to the final permit as a result of this comment.

5. COMMENT: Part II D.1 - It is understood that N.J.A.C. 7:14A-6.13(d)9 and 24.4(a)3 allow for automatic administrative renewal based on the original RFA. Is this still valid in light of the Remand

Rule and the time that has elapsed since the submittal of the last RFA on file (~15 years)? Is the information in the RFA still accurate? N.J.A.C. 7:14A-6.13(d)2 states that RFAs “shall require the submission of information necessary for adequate program implementation, including, at a minimum, the legal name and address of the owner and operating entity, the facility name and address, the type of facility or discharges, the receiving surface or ground water(s) or DTW, and the certification required under (d)3 below.” In EPA’s review of RFAs obtained through audits of numerous MS4s over the years, EPA has not seen a complete RFA that includes the information in accordance with N.J.A.C. 7:14A-6.13(d).

In addition, N.J.A.C. 7:14A-6.13(d)9 does not state that, as part of the automatic renewal, the NJDEP will automatically renew existing authorizations using the information provided in the permittee’s most recently submitted RFA and “the information collected by the Department in each permittee’s Annual Report and Certification received electronically through the Department’s Regulatory Services Portal.” (*see last paragraph on page 5 of the Fact Sheet*). (KM)

RESPONSE B.5: N.J.A.C. 7:14A-6.13(d)9 does not indicate that automatic renewal of an authorization is based on the original RFA. This paragraph of the NJPDES regulations indicates that the most recently submitted RFA shall be considered a timely and complete request for authorization under the reissued permit. N.J.A.C. 7:14A-6.13(d)9 also does not state how the information required in the RFA is to be submitted to the Department. RFA information required by N.J.A.C. 7:14A-6.13(d)2 is updated through the MSRP Annual Report or by modification requests such as a transfer of ownership.

No changes have been made to the final permit as a result of this comment.

6. COMMENT: Part II D.3.c - What possible scenarios does NJDEP envision a stormwater discharge without the submittal of the proper RFA? (SV)

RESPONSE B.6: While the Department does not envision issuing an authorization without an RFA, a new Highway Agency that is eligible for the permit and fails to submit an RFA could be issued an authorization so that the Department could begin enforcing the conditions of the permit on this entity. This condition is found in rule at N.J.A.C. 7:14A-6.13(d)8, which states,

“The Department may notify a person that the discharge is authorized by a general permit, even if the person has not submitted a request for authorization. A person so notified may nonetheless request an individual permit under (i) below. and is applicable to all general permit authorizations.”

No changes have been made to the final permit as a result of this comment.

7. COMMENT: Part III - EPA suggests that NJDEP include a detailed list of records to be kept, a designation of where the record should be kept and that NJDEP should also establish a period of time for record retention. The period of retention should be no less than the three years as required by 40 CFR § 122.34(g)(2). (KM)

RESPONSE B.7: Attachment A of the permit details which records need to be kept, and that the permittee is required to identify the location of said records in its SPPP. The Department agrees that

Part III should reference the recordkeeping requirements at Part IV.F of the permit which requires records to be kept by this permit for a period of at least 5 years and be made available to the Department upon request. As such, Part III is revised as follows:

“The permittee shall keep records necessary to document, in the Annual Report and Certification, the status of compliance with the conditions of this permit. The requirement to keep records is found at Part IV.F of this permit, and the requirement to submit an Annual Report and Certification is found at Part IV.G of this permit.

This change affects Part III of the final permit.

8. COMMENT: Part IV A.1.a - NJDEP uses the acronym RFA prior to the spelling the acronym out in Part II C.3.a.v. EPA suggests including RFA in this section. Also suggested is the inclusion of EPA and EDPA. (SV)

RESPONSE B.8: Although the acronym RFA is spelled out in Section 12 of the Fact Sheet, which precedes the permit document set, the first time the acronym RFA appears in the permit document set is at Part II.B.2.a. As such, Part II.B.2.a is revised to spell out the acronym RFA. This change affects Part II.B.2.a of the final permit.

In addition, Part IV Notes and Definitions A.1.a is revised to include RFA in the list of acronyms. This change affects Part IV Notes and Definitions A.1.a of the final permit.

The suggestion to include the acronym EDPA is not needed since it is already included in the permit at Part IV Notes and Definitions A.1.a.iii., and this is the first time it appears in the permit. No changes have been made to the final permit as a result of this suggestion.

Although the acronym EPA is spelled out in Section 12 of the Fact Sheet, Part IV Notes and Definitions A.1.a. is revised to include EPA in the list of acronyms. This change affects Part IV Notes and Definitions A.1.a of the final permit.

9. COMMENT: Part IV B.1 - EPA recommends including definitions for “Stormwater Pollution Prevention Plan” (SPPP), “pollutant”, “outfall”, “measurable goal”, “surface water body” and “waters of the State”. The NJDEP should also clarify that a connection from one MS4 to another is considered an outfall for the upstream community. (KM)

RESPONSE B.9: Regarding “Stormwater Pollution Prevention Plan” (SPPP), there are extensive descriptions for this document within Part IV.A.2 under “Stormwater Pollution Prevention Plan (SPPP) Requirements” This serves the same purpose as a definition. No changes have been made to the final permit as a result of this recommendation.

Regarding “measurable goal”, the Department chose not to define “measurable goal” in this permit (as well as the recently issued Tier A and Public Complex MS4 NJPDES permits). The Department notes that this term is not defined in state or federal regulations. However, Page 12 of the Fact Sheet states that “the Department considers a “measurable goal” to be a specific action taken to implement a BMP, rather than a specific condition of stormwater or receiving water quality that is supposed to

result from implementing a BMP.” No changes have been made to the final permit as a result of this recommendation.

There is a cross reference within Notes and Definitions Part IV B.1.a of the permit to definitions within the NJPDES Regulations at N.J.A.C. 7:14A where “pollutant,” “outfall,” “surface water,” and “waters of the State” are defined. Because these terms are already defined within regulations, a cross reference is appropriate to ensure that the permits are current in the event of any regulatory changes. No changes have been made to the final permit as a result of this recommendation.

The Department disagrees with the commenter’s recommendation that the NJDEP should clarify that a connection from one MS4 to another is considered an outfall for the upstream community since this is inconsistent with the definition of “outfall” at N.J.A.C. 7:14A-1.2. This definition means any point source which discharges directly to waters of the United States not another MS4. No changes have been made to the final permit as a result of this recommendation.

10. COMMENT: Part IV B.1 – Green Infrastructure: In 2018, Congress amended Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) to define green infrastructure as "the range of measures that use plan or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to sewer systems or to surface waters. Please use the above language in the state definition. (RU)

RESPONSE B.10: While the definition of “Green infrastructure” in the permit does not match “word for word” the definition in Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362), the Department contends it has essentially the same meaning. In addition, modifying the definition in this permit would make the definition different from the recently issued Tier A, Tier B, and Public Complex MS4 permits.

No changes have been made to the final permit as a result of this comment.

11. COMMENT: Part IV Highway GP A.1.a - It’s problematic to tie the implementation of the stormwater program to the MS4 permit standard (i.e., MEP, etc.), as NJDEP does here. In the preamble to the Remand Rule EPA specifically indicates that use of language as in this NJDEP section does not constitute a clear, specific, and measurable permit condition. See page 89335 of the Remand Rule Federal Register Notice (1st column, 2nd bullet): <https://www.govinfo.gov/content/pkg/FR-2016-12-09/pdf/2016-28426.pdf>. EPA recommends instead that the program be required to comply with the terms and conditions of the permit. (GS)

RESPONSE B.11: The Department disagrees that the preamble to the Remand Rule specifically indicates that use of language to tie the implementation of the stormwater program to the MS4 permit standard (i.e., MEP, etc.) does not constitute a clear, specific, and measurable permit condition. The first page (89320), first column of the Remand Rule regarding option 1 (New Jersey’s selected option) states “The first option is to establish all necessary permit terms and conditions **to require the MS4 operator to reduce the discharge of pollutants from its MS4 to the MEP**, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act (“MS4 permit standard”) upfront in one comprehensive permit. This reiterates the federal permit requirements for regulated small MS4 permits (which the Remand Rule did not change) at EPA 40

CFR 122.34(a), which states “For any permit issued to a regulated small MS4, the NPDES permitting authority must include permit terms and conditions to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The intent of Part IV A.1.a is to describe the overall objective of the permit, which is to create an MS4 stormwater program that reduces the discharge of pollutants from the MS4 to the maximum extent practicable through the implementation of best management practices and other measures required by the permit.

In addition, Part IV.A.1.c of the permit requires the permittee to develop, update, implement, and maintain a written SPPP, and Part IV.A.2.a.iv requires the SPPP to describe the processes the permittee will establish and the actions they will undertake to achieve compliance with all components of the permit.

No changes have been made to the final permit as a result of this comment.

12. COMMENT: Part IV Highway GP A.2.a.iii - NJDEP should include the noting of water bodies that the maintenance yard might discharge to in the geographic region. (SV)

RESPONSE B.12: Part IV.A.2.a.iii requires a permittee to identify, in its SPPP, each individual maintenance yard to be covered, including the geographic region and site specific details of each yard. This would include any segment of surface water wholly or partially within or bordering the maintenance yard, and any approved or adopted TMDL’s. This information will be specifically required on Form 10.

No changes have been made to the final permit as a result of this comment.

13. COMMENT: Part IV Highway GP A.2.a.vi - References to "measurable goals" are problematic in this and other parts of the permit. The Remand Rule removed references to measurable goals in the regulations, except in connection with proposed measurable goals for Two-Step type general permits, which this isn't. Measurable goals give the impression that the permittee is developing its own set of requirements that it can assess compliance by. Recommend that the state remove references to "measurable goals" in the permit, and in Attachment A. Instead the permit should refer to the specific required permit criteria or standard. (GS)

RESPONSE B.13: The Department disagrees with the recommendation to replace “measurable goals” with permit criteria or standard in the permit. While “measurable goals” is the same terminology used in Option 2 of the Remand Rule, it is clear in this permit that it means a clear, specific, and measurable permit criterion, not a proposed BMP to be submitted by the permittee and reviewed by the Department.

No changes have been made to the final permit as a result of this comment.

14. COMMENT: Part IV Highway GP B.1.a.ii - DOTs do not enact "ordinances." NJDEP could refence other regulatory mechanisms and procedures. (RU)

RESPONSE B.14: Counties do in fact enact “ordinances” and are 21 of the 33 existing permittees under this General permit. Part IV.B.1.a.ii states “...for the enactment of ordinances or other regulatory mechanisms”, so the requested reference to “other regulatory mechanisms” is already contained in the permit for permittees that do not enact ordinances.

No changes have been made to the final permit as a result of this comment.

15. COMMENT: Part IV Highway GP B.3.a - EPA believes DOT permittees need to comply with 122.34(b)(4)(D), (E), and (F). Are these requirements in the NJDEP permit? (GS)

RESPONSE B.15: EPA 40 CFR 122.34(b)(4) is one of the six federal Minimum Control Measures and requires construction site storm water runoff control. As indicated in Part IV.B.3.a, construction site stormwater runoff activities are authorized under a separate NJPDES permit, generally the Construction Activity Stormwater General Permit No. NJ0088323 (commonly referred to as the 5G3 permit) pursuant to N.J.A.C. 7:14A-25.6(b)2 (or an individual permit pursuant to N.J.A.C. 7:14A-24.7(a)2). DOT permittees are not exempt from the requirement to apply for and obtain the 5G3 permit. The 5G3 permit controls stormwater discharge to surface water from certain construction activities, including clearing, grading, and excavation. Generally, this includes construction activities that disturb at least one acre, or disturb less than one acre but are part of a larger common plan of development or sale that ultimately disturbs more than one acre. The 5G3 permit is administered by the Department’s BNPC in coordination with the New Jersey Department of Agriculture and the State Soil Conservation Committee through its 15 Soil Conservation Districts located throughout the State (see <https://www.nj.gov/agriculture/divisions/anr/nrc/njdep.html>).

No changes have been made to the final permit as a result of this comment.

16. COMMENT: Part IV Highway GP B.4.e - The NJDEP should be the only authority in New Jersey granting variances or exemptions. Is “grant” in this section supposed to read “be granted”? (SV)

RESPONSE B.16: See response to comment A.6 above. Since not all major development projects are under Departmental review, this permit allows the design and performance standards for stormwater management measures to be met at an alternative location or by alternative means provided the permittee has a mitigation plan which meets the conditions at Part IV.B.4.e.i. Since this requires mitigation, the permittee will still be providing equivalent stormwater management in the watershed, it will just be provided at an alternative location or through alternative means due to an inability for it to be provided at the site or through standard means. Additionally, the requirement to submit the information to the Department within 30 days after approving an alternate location or design will provide the Department an opportunity to ensure the selected mitigation is adequate.

In addition, the use of “grant” in Part IV.B.4.e.ii has already been revised in response to comment A.6 above.

No changes have been made to the final permit as a result of this comment.

17. COMMENT: Part IV Highway GP B.4.g - Is "adequate" defined somewhere in this permit: perhaps in Part IV.C.2? Otherwise EPA believes "adequate" this is left open to interpretation of the permittee. (GS)

RESPONSE B.17: The word "adequate" is not defined in the permit nor does the Department believe that it needs to be defined. "Adequate" is an adjective that describes something that is acceptable or satisfactory.

No changes have been made to the final permit as a result of this comment.

18. COMMENT: Part IV Highway GP B.5.a.iv - EPA believes the use of "improper" in this section is vague and open to interpretation. NJDEP should define or tighten this section with more specifics. (GS)

RESPONSE B.18: The word "improper" is not defined in the permit nor does the Department believe that it needs to be defined. "Improper" is an adjective that describes that something is unsuitable or illicit. EPA's own regulations at 40 CFR 122.34(b)(3)(D) uses this adjective in the same way and states "Inform public employees, businesses, and the general public of hazards associated with illegal discharges and *improper* disposal of waste."

No changes have been made to the final permit as a result of this comment.

19. COMMENT: Part IV Highway GP B.5 - The NJDEP should consider incorporating requirements in this section regarding the use of pesticides, similar to those included for herbicides, as applicable to those permittees that apply pesticides. (KM)

RESPONSE B.19: The suggestion to incorporate a new requirement regarding the use of pesticides is too substantive a change to make from the draft permit to the final permit for a recommendation not required by regulation. The Department will evaluate this suggestion during the outreach for the next iteration of the permit.

No changes have been made to the final permit as a result of this comment.

20. COMMENT: Part IV Highway GP B.5.b - Recommend including the following statement "The permittee shall maintain records of street sweeping, including the date and areas swept, number of miles of streets swept, and the total amount of materials collected in wet tons" as a requirement for each of the following control measures:

- a. Quarterly Street Sweeping (Part IV.5.b.ii)
- b. Triannual Street Sweeping (Part IV.5.b.iii)
- c. Annual Street Sweeping (Part IV.5.b.iv)

EPA notes that this requirement is reinforced as a measurable goal in Attachment A, but strongly recommends that NJDEP include recordkeeping as a requirement in the Permit itself and to be consistent with other control measures whereupon NJDEP specifically requires records to be kept and maintained. (KM)

RESPONSE B.20: As the commenter points out the recommended condition is already required in Attachment A, and Attachment A is part of the final permit, which requires the applicable records be kept and their location referenced in the SPPP. In addition, this information is required to be submitted in the permittee's MSRP Annual Report.

The commenter also recommends that NJDEP include recordkeeping as a requirement in the permit itself to be consistent with other control measures. Part IV.B.5.f of the permit is a recordkeeping requirement for the entire Statewide Basic Requirement (SBR) labeled Pollution Prevention / Good Housekeeping, which includes the street sweeping control measures.

No changes have been made to the final permit as a result of this comment.

21. COMMENT: Part IV Highway GP B.5.viii-xv: Documentation requirements should be incorporated into each item in this section of the permit to enable enforcement and ensure compliance with these requirements over time. (KM)

RESPONSE B.21: The Department assumes the commenter is referring to Part IV.B.5.b.viii-xv. As indicated in Response B.20 above, Part IV.B.5.f of the permit is a recordkeeping requirement for the entire Part IV.B.5 Section of the permit, which includes Part IV.B.5.b.viii-xv. In addition, Attachment A of the permit details the recordkeeping requirements for each permit condition in Part IV.B.5.b.viii-xv.

No changes have been made to the final permit as a result of this comment.

22. COMMENT: Part IV Highway GP B.5.ix - EPA recommends using the following language "The permittee shall *permanently* label all storm drains for those that do not have permanent wording cast into the structure of the inlet..." This will prevent the loss of labeling due to temporary labeling such as paint, chalk, or signage susceptible to weathering. This requirement should also be included in Attachment C – Design Standards for Storm Drain Inlets. (KM)

RESPONSE B.22: The Department disagrees with the commenter's recommendation that "The permittee shall *permanently* label all storm drains for those that do not have permanent wording cast into the structure of the inlet..." This recommendation would require permittees to replace every storm drain inlet that does not have permanent wording cast into the structure of the inlet, which the Department believes is costly and unnecessary. Part IV.B.5.b.x of the permit already requires a permittee to maintain the legibility of storm drain inlet labels and replace any labels that are missing or not legible. Additionally, the option to stencil storm drain inlets provides permittees an opportunity to engage members of the public in the application of the message so that the public becomes informed of the importance of allowing only stormwater into storm drain inlets.

No changes have been made to the final permit as a result of this comment.

23. COMMENT: Part IV Highway GP B.5.b.iv - This specific provision could be improved by specifying further what is meant by "proper." Alternatively, you could recommend deleting the word here, adopting a minimum deadline by which this material must be picked up, and providing for some reasonable "as soon as practicable" flexibility if there's an individual need. (GS)

RESPONSE B.23: Part IV.B.5.b.iv of the permit does not contain the word “proper”. While the word “proper” appears in numerous conditions in this section, the Department assumes the commenter is referring to the use of this word in the Roadside Vegetative Waste Management control measure at Part IV.B.5.b.xiv, which states “The permittee shall ensure the *proper* pickup, handling, storage and disposal of wood waste and yard trimmings generated by the Highway Agency.” The use of the adjective “proper” in the context of this condition means conforming to established standards for the management of wood waste and yard trimmings in the State.

No changes have been made to the final permit as a result of this comment.

24. COMMENT: Part IV Highway GP B.5.xi - EPA suggests implementing a retro-fit schedule so that retro-fits do not only occur in areas of new or redevelopment construction. (SV)

RESPONSE B.24: The suggestion to implement a schedule to retrofit all existing storm drain inlets regardless of any repaving, repairing, resurfacing, reconstruction or alteration is too substantive a change to make from the draft permit to the final permit for a recommendation not required by regulation. The Department will evaluate the need to incorporate this suggestion during the outreach for the next iteration of the permit.

No changes have been made to the final permit as a result of this comment.

25. COMMENT: Part IV Highway GP B.6.a - The NJDEP should consider clarifying that an outfall to be monitored also includes discharge points from one MS4 to another and not just direct discharges to surface waterbodies. (KM)

RESPONSE B.25: Part IV B.6.a is the outfall pipe mapping requirement. No provision of this requirement includes “monitoring.” Rather, this requires that the permittee create a map showing the location of their outfalls and the surface water bodies that receive those discharges. Including discharges from one MS4 to another is too substantive of a change to make between draft and final. The definition of outfall (in the permit?) is any point source which discharges directly to waters of the United States not another MS4. EPA’s own regulations at 40 CFR 122.26(b)(9) define “*Outfall*” as “a *point source* as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.” Additionally, requiring the mapping of any discharge from one MS4 to another would be a new additional requirement. The Department will evaluate this suggestion during the outreach for the next iteration of the permit.

No changes have been made to the final permit as a result of this recommendation.

26. COMMENT: Part IV Highway GP B.6.a.v - For NJDEP’s information, EPA is proposing to extend the Phase 2 of the NPDES electronic reporting rule implementation deadline from 12/21/2020 to 12/21/2023 (per Susan Bodine’s 8/22/2019 letter to ACWA). (KM)

RESPONSE B.26: The Department is aware that EPA is proposing to extend the Phase 2 NPDES electronic reporting rule implementation deadline from 12/21/2020 to 12/21/2023. However, since this is only a proposal, and to remain consistent with New Jersey's other recently issued MS4 permits, the Department will not currently be revising this deadline at this time.

No changes have been made to the final permit as a result of this comment.

27. COMMENT: Part IV Highway GP B.6.c.vii - EPA was unable to find a deadline for removal of illicit discharges. The permit should specify some timetable for illicit discharge removal. EPA notes the deadlines for inspection and investigations are excellent. (GS)

RESPONSE B.27: Part IV.B.6.c.vii references documenting illicit inspection investigations. The Department assumes the commenter meant to refer to Part IV.B.6.c.vi which references eliminating illicit connections. The Department agrees that Part IV.B.6.c.vi should have a prescriptive timeline and has determined that one year is a reasonable timeframe. This change ensures consistency with 40 CFR Part 122.34(a) which requires permit requirements that are "expressed in clear, specific, and measurable terms," Part IV.B.6.c.vi is revised as follows:

"Eliminate, within one year of discovery, non-stormwater discharges that are traced to their source and found to be an illicit connection; and"

This change affects Part IV.B.6.c.vi of the final permit.

28. COMMENT: Part IV Highway GP C.2.f - EPA recommends a timeline for taking corrective action. (GS)

RESPONSE B.28: The Department maintains that the language contained Part IV.C.2.f is appropriate and allows permittees the ability to prioritize preventative and corrective maintenance as needed and provides four variables to be considered that may impact repair prioritization. As each maintenance action differs depending on the variables affecting it, the Department maintains that it would be impracticable to create a definitive deadline for permittees to carry out repair activities. The Department understands that there are variables beyond the order in which facilities are inspected that will have an impact on which repair activities are to be considered a higher priority than others. Part IV.C.2.f. is written in this manner to allow permittees flexibility and the ability to implement the condition in a practical manner.

In order to provide regulatory oversight of this requirement, permittees are required to continue to log stormwater facility inspection information and keep prioritization schedules throughout the duration of the permit. These logs and schedules must be made available to the Department if requested. In sum, the Department maintains that Part IV.C.2.f is practical for the purposes of implementation yet is also consistent with the requirements of 40 CFR Part 122.34(a) as it is written in a way that is clear, specific, measurable, and enforceable.

No changes have been made to the final permit as a result of this comment.

29. COMMENT: Part IV Highway GP C.3.a - This section does not establish specific requirements for the permittee, but rather directs them to come up with appropriate steps to address pollutants of concern. Other states have written MS4 permits that require specific actions and deadlines for particular types of pollutants easing enforcement actions. See the water quality compendium on our website. As written, EPA believes that NJDEP will have issues enforcing this section. (GS)

RESPONSE B.29: The referenced permit condition states the following:

“a. The permittee shall annually review approved or adopted TMDL reports to identify stormwater related pollutants listed therein and associated with any segment of surface water wholly or partially within or bordering all: maintenance yards; rest areas; service area properties; and new "major development" projects as defined by the permittee's stormwater program. This information may be accessed at <https://www.nj.gov/dep/dwq/msrp-tmdl-rh.htm>. The permittee shall use this TMDL information to, at a minimum:

- i. Assist in the selection and design of stormwater BMPs for "major development" projects, and the prioritization of stormwater facility maintenance, including schedules for repairs required at Part IV.B.6.b.vi. (Stream Scouring) and IV.C.3. (Stormwater Facilities Maintenance), above; and
- ii. Identify and develop strategies to address specific sources of stormwater related pollutants contributing to discharges authorized under this permit. Strategies may include but are not limited to those found in the implementation section of approved or adopted TMDL reports (for examples see “Total Maximum Daily Load (TMDL) Guidance” found at <https://www.nj.gov/dep/dwq/msrp-tmdl-rh.htm>).”

This requirement is included in and consistent with the most recent renewals of the MS4 Master General Permits issued to the Tier A Municipalities and Public Complexes. As discussed in a number of the Response to Comments in the Tier A MS4 Permit, these TMDL related requirements were developed in consideration of information garnered from numerous outreach sessions. Specifically, during the development of the Tier A renewal, the Department was made aware of a general lack of awareness among municipal representatives regarding TMDLs. Consequently, the requirements in this section were developed to remedy the gap in awareness and encompasses an iterative step forward. As an iterative step forward, the relative TMDL information is required to be included in each permittee’s updated Stormwater Pollution Prevention Plan (SPPP), which is then required to be posted online on each permittee’s website. The posting of the SPPP on the websites will allow for Departmental review of deficiencies at any time.

The Department believes that this requirement is sufficient at this time and no changes have been made to the final permit as a result of this comment.

30. COMMENT: Part IV Highway GP D - NJDEP should require that “additional measures” be identified in the SPPP as required of “optional measures” in Part IV Highway GP E (Optional Measures). (SV)

RESPONSE B.30: The Department agrees that any Additional Measure(s) that are required to be included in a permittees stormwater program shall be identified in their SPPP. Part IV.D.1.b is revised as follows:

“...For any required Additional Measure(s) other than numeric effluent limitations, the required Additional Measure(s) will specify the BMPs that shall be implemented and the measurable goals. Such BMPs shall be identified in the SPPP as Additional Measure(s). The required Additional Measure(s) will also specify the implementation schedule.”

This change affects Part IV.D.1.b of the final permit.

31. COMMENT: Attachment A - Measurable Goals: As noted previously, the use of the term "measurable goals" EPA believes is problematic. Otherwise, this table is an excellent example of clear, specific, and measurable permit conditions. EPA recommends that NJDEP replace "measurable goals" here with "Permit Requirement" or "Permit Criteria" or something similar. (GS)

RESPONSE B.31: The Department disagrees with the recommendation to replace "measurable goals" with "Permit Requirement" or "Permit Criteria" or something similar. EPA's permit requirements for regulated small MS4 permits at EPA 40 CFR 122.34(a) states "*General requirements.* For any permit issued to a regulated small MS4, the NPDES permitting authority must include permit terms and conditions to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. Terms and conditions that satisfy the requirements of this section must be expressed in clear, specific, and *measurable* terms." The Department has used EPA's terminology in the naming of this column header and contends its meaning to be an objective condition rather than subjective. All conditions contained in the permit are "Permit Requirements". Attachment A includes the specific measurable goals that the Department will use to determine compliance with the permit and also includes enforceable deadlines for implementing the requirements.

No changes have been made to the final permit as a result of this comment.

C. Robert J. Fisher, P.E., Chief Engineer, NJ Turnpike, in an email from Christopher Rossi dated 09/25/2019.

1. COMMENT: The draft permit includes a grandfathering provision for the proposed amendments to the Stormwater Management Rules at N.J.A.C. 7:8. The permit language should be clarified to clearly indicate that this provision is applicable to all State agencies, including but not limited to the New Jersey Turnpike Authority and New Jersey Department of Transportation. Also, the grandfathering provision does not include projects that require any New Jersey Department of Environmental Protection (NJDEP) permits listed under N.J.A.C. 7:8-1.6(c), i.e., Land Use permits. This provision was presumably added to alleviate the need to re-design publicly funded projects which have already begun final design as of the operative date of the proposed amendments. However, we do not believe that that the provision should be limited to projects that do not require NJDEP permits. Extending the grandfathering provision to all projects that have been authorized for final design would be a more appropriate use of public funds and allow for sound planning of complex infrastructure projects. At a minimum, the provision should be revised to be consistent with that which is applied to projects subject to the Municipal Land Use Law (i.e., non-public projects), which includes projects that have submitted a technically complete application to the NJDEP prior to the operative date of the proposed amendments.

RESPONSE C.1: The grandfathering provision at Part IV.B.4.i does not need to be clarified to indicate that the provision applies to all State agencies, including but not limited to the New Jersey Turnpike Authority and New Jersey Department of Transportation since this condition is applicable to all authorized permittees under this general permit. In addition, the commenter does not believe that that the provision should be limited to projects that do not require NJDEP permits. The Department disagrees since there is no need to apply this “grandfathering” provision to projects that require Department permits under N.J.A.C. 7:8-1.6(c) because these projects are “grandfathered” by proposed N.J.A.C. 7:8-1.6(b)2, which states “Major development for which a technically complete application was submitted to the Department for one of the approvals listed at (c) below prior to (the operative date of this proposed amendment), provided that the application included a stormwater management review component.”

No changes have been made to the final permit as a result of this comment.

2. COMMENT: We recommend that the definitions of storm drain inlets and catch basins be clarified. In discussing this issue with Stephen Boyer, the intent was to define "inlets" as essentially the grates and any structure beneath the grates as the "catch basins." We recommend that the definitions be modified to clarify this intent.

RESPONSE C.2: The Department feels the definition of “storm drain inlet” in this permit has a clear meaning as the point of entry into a storm drain system and does not need clarification. The commenter previously questioned the Department on the definition of “catch basin” and asked if the Department considered the area beneath the storm drain inlet to be a catch basin if it was only comprised of a box with an outlet pipe at the base of box and did not contain a sump to collect sediment. Based on the definition of catch basin in this permit, which means “a cistern, vault, chamber or well that is usually built along a street as part of the storm sewer system to capture sediment, debris, and pollutants”, this box would not meet the definition of a “catch basin” since it was not built to capture sediment. This box would be considered a stormwater facility (part of the permittee’s stormwater conveyance system) and be required to be inspected and maintained in accordance with part IV.C.2 of the permit.

No changes have been made to the final permit as a result of this comment.



NEW JERSEY POLLUTANT DISCHARGE ELIMINATION SYSTEM

The New Jersey Department of Environmental Protection hereby grants you a NJPDES permit for the facility/activity named in this document. This permit is the regulatory mechanism used by the Department to help ensure your discharge will not harm the environment. By complying with the terms and conditions specified, you are assuming an important role in protecting New Jersey's valuable water resources. Your acceptance of this permit is an agreement to conform with all of its provisions when constructing, installing, modifying, or operating any facility for the collection, treatment, or discharge of pollutants to waters of the state. If you have any questions about this document, please feel free to contact the Department representative listed in the permit cover letter. Your cooperation in helping us protect and safeguard our state's environment is appreciated.

Permit Number: NJ0141887

Final: Stormwater Discharge Master General Permit Renewal

Permittee:

Master General Permit
Per Individual Notice of Authorization

Co-Permittee:

Property Owner:

NJDEP Division of Water Quality
401 E State St
Trenton, NJ 08625

Location Of Activity:

Master General Permit
Per Individual Notice of Authorization

| Authorization(s) Covered Under This Approval | Issuance Date | Effective Date | Expiration Date |
|---|---------------|----------------|-----------------|
| R12 -Highway Agency Stormwater General Permit | 11/29/2019 | 01/01/2020 | 12/31/2024 |

By Authority of:
Commissioner's Office

DEP AUTHORIZATION
Gabriel Mahon, Chief
Bureau of Nonpoint Pollution Control
Water Pollution Management Element

(Terms, conditions and provisions attached hereto)

PART I GENERAL REQUIREMENTS: NJPDES

A. General Requirements of all NJPDES Permits

1. Requirements Incorporated by Reference

- a. The permittee shall comply with all conditions set forth in this permit and with all the applicable requirements incorporated into this permit by reference. The permittee is required to comply with the regulations, including those cited in paragraphs b. through e. following, which are in effect as of the effective date of the final permit.
- b. General Conditions
 - Penalties for Violations N.J.A.C. 7:14-8.1 et seq.
 - Incorporation by Reference N.J.A.C. 7:14A-2.3
 - Toxic Pollutants N.J.A.C. 7:14A-6.2(a)4i
 - Duty to Comply N.J.A.C. 7:14A-6.2(a)1 & 4
 - Duty to Mitigate N.J.A.C. 7:14A-6.2(a)5 & 11
 - Inspection and Entry N.J.A.C. 7:14A-2.11(e)
 - Enforcement Action N.J.A.C. 7:14A-2.9
 - Duty to Reapply N.J.A.C. 7:14A-4.2(e)3
 - Signatory Requirements for Applications and Reports N.J.A.C. 7:14A-4.9
 - Effect of Permit/Other Laws N.J.A.C. 7:14A-6.2(a)6 & 7 & 2.9(c)
 - Severability N.J.A.C. 7:14A-2.2
 - Administrative Continuation of Permits N.J.A.C. 7:14A-2.8
 - Permit Actions N.J.A.C. 7:14A-2.7(c)
 - Reopener Clause N.J.A.C. 7:14A-6.2(a)10
 - Permit Duration and Renewal N.J.A.C. 7:14A-2.7(a) & (b)
 - Consolidation of Permit Process N.J.A.C. 7:14A-15.5
 - Confidentiality N.J.A.C. 7:14A-18.2 & 2.11(g)
 - Fee Schedule N.J.A.C. 7:14A-3.1
 - Treatment Works Approval N.J.A.C. 7:14A-22 & 23
- c. Operation And Maintenance
 - Need to Halt or Reduce not a Defense N.J.A.C. 7:14A-2.9(b)
 - Proper Operation and Maintenance N.J.A.C. 7:14A-6.12
- d. Monitoring And Records
 - Monitoring N.J.A.C. 7:14A-6.5
 - Recordkeeping N.J.A.C. 7:14A-6.6
 - Signatory Requirements for Monitoring Reports N.J.A.C. 7:14A-6.9
- e. Reporting Requirements
 - Planned Changes N.J.A.C. 7:14A-6.7
 - Reporting of Monitoring Results N.J.A.C. 7:14A-6.8
 - Noncompliance Reporting N.J.A.C. 7:14A-6.10 & 6.8(h)
 - Hotline/Two Hour & Twenty-four Hour Reporting N.J.A.C. 7:14A-6.10(c) & (d)
 - Written Reporting N.J.A.C. 7:14A-6.10(e) & (f) & 6.8(h)
 - Duty to Provide Information N.J.A.C. 7:14A-2.11, 6.2(a)14 & 18.1
 - Schedules of Compliance N.J.A.C. 7:14A-6.4
 - Transfer N.J.A.C. 7:14A-6.2(a)8 & 16.2

PART II

GENERAL REQUIREMENTS: DISCHARGE CATEGORIES

A. Additional Requirements Incorporated By Reference

1. Additional Requirements Incorporated by Reference

- a. The Stormwater Management rules at N.J.A.C. 7:8.
- b. Conditions for General Permits at N.J.A.C. 7:14A-6.13, including the Department's authority to require, for due cause, a permittee to apply for and obtain a different stormwater permit for specific activities otherwise authorized under this permit.
- c. Additional Conditions applicable to UIC permits at N.J.A.C. 7:14A-8.9, UIC Corrective Action (N.J.A.C. 7:14A-8.11) and UIC Operating Criteria (N.J.A.C. 7:14A-8.16).
- d. Conditions for reopening and modification of small MS4 permits at N.J.A.C. 7:14A-16.4(b) and N.J.A.C. 7:14A-25.7(b).
- e. Requirements for Discharges to Ground Water at N.J.A.C. 7:14A-7.
- f. National Pollutant Discharge Elimination System (NPDES) Electronic Reporting rule at 40 CFR Part 127.

B. General Conditions

1. Notification of Non-Compliance

- a. The permittee shall notify the Department of any non-compliance when required by N.J.A.C. 7:14A-6.10 by contacting the DEP Hotline at 1-877-WARN-DEP.

2. Discharge of Pollutants

- a. For discharges authorized by this permit, the permittee is exempt from N.J.A.C. 7:14A-6.2(a)2. This exemption means that the discharge of any pollutant not specifically regulated in this NJPDES permit or listed and quantified in the Request for Authorization (RFA) shall not constitute a violation of the permit.

3. Standard Reporting Requirements – Electronic Reporting of NPDES Information

- a. Unless already required by this permit to be submitted electronically by an earlier date, effective December 21, 2020 (for information on the NPDES eRule, see www.epa.gov/compliance/npdes-ereporting), the below identified documents and reports shall be electronically submitted via the Department's designated electronic submission service:
 - i. General permit authorization requests (i.e. RFAs);
 - ii. General permit termination/revocation requests; and
 - iii. Municipal separate storm sewer system (MS4) program reports (see Part IV.G).

4. Other Regulatory Requirements

- a. Permit conditions remain in effect and enforceable until and unless the permit is modified, renewed or revoked by the Department.
- b. The issuance of this permit shall not be considered as a waiver of any applicable federal, State or local rules, regulations and ordinances.
- c. In accordance with N.J.A.C. 7:14A-6.2(a)7, this permit does not authorize any infringement of State or local law or regulations, including, but not limited to, N.J.A.C. 7:50 (the Pinelands rules), N.J.A.C. 7:1-E (Discharges of Petroleum and other Hazardous Substances), regulations concerning threatened and endangered species and their designated critical habitat, and other Department rules. No discharge of hazardous substances (as defined in N.J.A.C. 7:1E-1.6) resulting from an onsite spill shall be deemed to be “pursuant to and in compliance with this permit” within the meaning of the Spill Compensation and Control Act at N.J.S.A. 58:10-23.11c.
- d. While the permittee is required to comply with applicable operation and maintenance requirements of N.J.A.C. 7:14A-6.12(a), the permittee is exempt from the operations and maintenance manual requirements of N.J.A.C. 7:14A-6.12(c). This exemption applies only to discharges authorized under this permit and does not alter the operation and maintenance requirements for stormwater facilities specified in this permit or N.J.A.C. 7:8.

C. Eligibility

1. Permit Scope

- a. This general permit applies to all stormwater discharges from small MS4s at highways or other thoroughfares that are owned or operated by a “Highway Agency” under N.J.A.C. 7:14A-25.2(a)3.
- b. For purposes of this permit and as described under N.J.A.C. 7:14A-25.2(a)3, a “Highway Agency” is a county, state, interstate or federal agency that operates a small MS4 at a “highway or other thoroughfare” (including a maintenance or service facility or rest area for such a thoroughfare). A “highway or other thoroughfare” does not include:
 - i. Any thoroughfare confined to the grounds of a single building, or of two or more buildings that are not a “public complex” as described in N.J.A.C. 7:14-A-25.2(a)2 (unless that building(s) is a maintenance or service facility for a highway or other thoroughfare not confined to such grounds);
 - ii. Any thoroughfare confined to the grounds of a “public complex” (each such thoroughfare is instead considered part of the “public complex”); or
 - iii. Any thoroughfare (other than the Palisades Interstate Parkway) confined to an officially designated park, forest, recreational area, natural area, wildlife management area, or area set aside for water supply protection.
- c. The short title of this permit is the “Highway Agency MS4 NJPDES permit.”

2. Authorized Discharges Under the Highway Agency MS4 NJPDES Permit

- a. Eligible Stormwater Discharges – Except as provided in Part II.C.3 below, this permit authorizes all new and existing stormwater discharges to surface water and groundwater from:
 - i. Small MS4s (as defined at N.J.A.C. 7:14A-1.2) that are owned or operated by a “Highway Agency”.

- ii. Maintenance yards and other ancillary operations (see Part IV.B.5.c) that are owned or operated by a “Highway Agency”.
- b. Eligible Non-Stormwater Discharges – Except as identified in Part II.C.3.e below, the following new and existing non-stormwater discharges from small MS4s owned or operated by Highway Agencies and from maintenance yards and other ancillary operations (see Part IV.B.5.c) owned or operated by Highway Agencies are eligible for authorization under this permit:
 - i. Potable water line flushing and discharges from potable water sources, excluding the discharge of filter backwash and first flush water from potable well development/redevelopment activities utilizing chemicals in accordance with N.J.A.C. 7:9D. The volume of first flush water, which is a minimum of three times the volume of the well water column, shall be handled and disposed of properly;
 - ii. Uncontaminated ground water (e.g. infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters);
 - iii. Air conditioning condensate (excluding contact and non-contact cooling water; and industrial refrigerant condensate);
 - iv. Irrigation water (including landscape and lawn watering runoff);
 - v. Flows from springs, riparian habitats, wetlands, water reservoir discharges and diverted stream flows;
 - vi. Residential car washing water; and dechlorinated swimming pool discharges from single family residential homes;
 - vii. Sidewalk, driveway and street wash water;
 - viii. Flows from firefighting activities;
 - ix. Flows from clean water rinsing of beach maintenance equipment immediately following use and only if the equipment is used for its intended purpose;
 - x. Flows from clean water rinsing of equipment and vehicles used in the application of salt and de-icing materials. Prior to rinsing, all equipment shall be cleaned using dry methods such as shoveling and sweeping. Recovered materials are to be returned to storage or properly discarded; and
 - xi. Rinsing of equipment in Part II.C.2.b.ix and x, above is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

3. Discharges Not Authorized Under the Highway Agency MS4 NJPDES Permit

- a. Stormwater Discharges Associated with Industrial Activity.
 - i. The Highway Agency MS4 NJPDES Permit does not authorize “stormwater discharge associated with industrial activity” as defined in N.J.A.C. 7:14A-1.2 except as otherwise specifically provided in this permit.
 - ii. Types of facilities that a permittee might operate and that are considered to be engaging in “industrial activity” include but are not limited to certain: 1) landfills; 2) transportation facilities (including certain local passenger transit and air transportation facilities); 3) facilities handling domestic sewage or sewage sludge; and 4) steam electric power generating facilities.

- iii. Yard Trimmings and Wood Waste Management Sites that are not owned and operated by the permittee.
 - iv. The Highway Agency MS4 NJPDES Permit does not authorize the discharge of stormwater that comes in contact with source material from Yard Trimmings and Wood Waste Management Sites that are owned or operated by the Highway Agency to storm sewer inlets or to surface waters of the State.
 - v. Any permittee that operates an industrial facility with such a discharge must submit a separate Request for Authorization (RFA) or individual permit application for that discharge. An RFA submitted for the Highway Agency MS4 NJPDES Permit does not qualify as an RFA for such a discharge.
- b. Stormwater Discharges Associated with Construction Activity
- i. The Highway Agency MS4 NJPDES Permit does not authorize “stormwater discharges associated with construction activity” as described in N.J.A.C. 7:14A-24.10(a). In general, this is the discharge to surface water of stormwater from construction activity that disturbs at least one acre.
 - ii. Any permittee that operates a construction site with such a discharge shall submit a separate RFA under NJPDES Permit No. NJ0088323 (General Stormwater Permit Construction Activity, see www.nj.gov/dep/dwq/5g3.htm), or an application for an individual permit for that discharge. An RFA submitted for the Highway Agency MS4 NJPDES Permit does not qualify as an RFA for such a discharge. See Part IV.B.3 of the Highway Agency MS4 NJPDES Permit.
- c. Stormwater Discharges Authorized under Another NJPDES Permit
- i. The Highway Agency MS4 NJPDES Permit does not authorize any stormwater discharge that is authorized under another NJPDES permit.
 - ii. A permittee does not have to implement measures contained in this NJPDES permit for stormwater discharges at facilities owned or operated by that Highway Agency that are regulated under a separate NJPDES stormwater permit authorizing those discharges.
- d. Stormwater Discharges that Conflict with a Water Quality Management Plan
- i. The Highway Agency MS4 NJPDES Permit does not authorize stormwater discharges from projects or activities that conflict with an adopted Areawide or Statewide Water Quality Management Plan.
- e. Non-Stormwater Discharges that are Contributors of Pollutants
- i. If any of the discharges listed in Part II.C.2.b above are identified by the permittee as a significant contributor of pollutants to or from the MS4, the permittee must address the discharge as an illicit connection or as an improper disposal of waste as specified in Part IV.B.6 of this permit.

4. Exclusions

- a. Any owner, operator, and/or discharger authorized by this general permit may request to be excluded from the coverage of the general NJPDES permit by applying for an individual permit. The owner, operator, and/or discharger shall submit an application in accordance with N.J.A.C. 7:14A-4, with reasons supporting the request, to the NJDEP. The request shall be processed under N.J.A.C. 7:14A-15, 16 and 17. The request shall be granted by the issuance of an individual permit if the reasons cited by the owner, operator and/or discharger are adequate to support the request.

- b. An owner, operator, and/or discharger excluded from this general NJPDES permit solely because of an existing individual permit, may request that the individual permit be revoked or modified, as appropriate, and that the discharge be authorized by the general NJPDES permit. Upon revocation or modification of the individual permit, the permittee shall be authorized under the general permit.

D. Administrative Process

1. Automatic Renewal of Authorizations

- a. Upon reissuance of this general permit, existing authorizations shall be automatically renewed as provided by N.J.A.C. 7:14A-6.13(d)9 and 25.4(a)3 using the information provided in the permittees' most recently submitted RFA.

2. Notification of Changes

- a. A permittee shall provide a corrected RFA to the Department within 90 days of the effective date of a renewed authorization under this general permit if any information in its most recently submitted RFA is no longer true, accurate, and/or complete.
- b. The permittee shall notify the Department of any changes of its Stormwater Program Coordinator information within 30 days of such change through the online MSRP Annual Report or using the Information Update Sheet posted at www.nj.gov/dep/dwq/pdf/msrp_update_form.pdf as specified in Part IV F.3.d. of this permit.
- c. A permittee that already has authorization to discharge from a small MS4 under the Highway Agency MS4 NJPDES permit does not need to submit an RFA for the expansion (e.g. new building, new parking lot) of an existing small MS4.

3. Requests for Authorization

- a. New RFAs under the Highway Agency MS4 permit
 - i. A single RFA is required for the entire eligible discharge from an entire small MS4 owned or operated by a Highway Agency, or the Highway Agency may divide the small MS4 into smaller regions and submit a separate RFA for each of these smaller regions.
 - ii. The Department may choose to issue single or multiple authorizations under this permit to a Highway Agency regardless of whether the Highway Agency submitted a single or multiple RFAs.
 - iii. An RFA under this general permit shall include the following: A completed NJPDES 1 Form, a completed R12 Supplemental Application Form, and any other information as required by the Department.
- b. Upon receipt of an RFA the Department may, in accordance with N.J.A.C. 7:14A-6.13, do one of the following:
 - i. Issue notification of authorization under this permit;
 - ii. Deny authorization under this permit and require submittal of an application for an individual permit; or
 - iii. Deny authorization under this permit and require submittal of an RFA for another general permit.

- c. The Department may notify a person that the discharge is authorized by a general permit, even if the person has not submitted an RFA. A person so notified may nonetheless request an individual permit under C.4 above.

PART III

Recordkeeping and Reporting

The permittee shall keep records necessary to document, in the Annual Report and Certification, the status of compliance with the conditions of this permit. The requirement to keep records is found at Part IV.F of this permit, and the requirement to submit an Annual Report and Certification is found at Part IV.G of this permit.

PART IV

SPECIFIC REQUIREMENTS: NARRATIVE

Notes and Definitions

A. Footnotes

1. Acronyms

- a. Stormwater acronyms included in this permit are as follows:
 - i. "BMP" - Best Management Practice
 - ii. "CFR" - Code of Federal Regulations
 - iii. "EDPA" - Effective Date of Permit Authorization
 - iv. "EPA" - United States Environmental Protection Agency
 - v. "GIS" – Geographic Information System
 - vi. "MS4" - Municipal Separate Storm Sewer System
 - vii. "MSRP" - Municipal Stormwater Regulation Program
 - viii. "MTD" - Manufactured Treatment Device
 - ix. "N.J.A.C." - New Jersey Administrative Code
 - x. "NJPDES" - New Jersey Pollutant Discharge Elimination System
 - xi. "N.J.S.A." - New Jersey Statutes Annotated
 - xii. "RFA" - Request for Authorization
 - xiii. "SPPP" - Stormwater Pollution Prevention Plan
 - xiv. "TMDL" - Total Maximum Daily Load

2. Internal Cross References

- a. For the purposes of this permit:
 - i. References to Part IV Notes and Definitions are preceded with the words "Notes and Definitions" (e.g. Notes and Definitions Part IV.A.1 refers to Acronyms).
 - ii. References to Part IV Highway Agency MS4 NJPDES Permit are not preceded by descriptive text (e.g. Part IV.A.1 refers to Stormwater Program).

3. Department Resources for Guidance Relating to MS4 Issues

- a. MS4 main website and related links: https://www.nj.gov/dep/dwq/msrp_home.htm

- b. MS4 Highway Agency Guidance document: https://www.nj.gov/dep/dwq/highway_guidance.htm
- c. Construction Site Stormwater Runoff: <https://www.nj.gov/dep/dwq/5g3.htm>
- d. Snow Removal and Disposal Policy: https://www.nj.gov/dep/dwq/bnpc_home.htm
- e. Green Infrastructure and related links: <https://www.nj.gov/dep/gi/>
- f. Stormwater management information and training tools: <https://www.nj.gov/dep/stormwater/>
- g. Public education for stormwater pollution: <https://www.cleanwaternj.org>
- h. Clean Communities, a statewide litter abatement program: <https://www.njclean.org>
- i. Total Maximum Daily Load (TMDL) information: <https://www.nj.gov/dep/dwq/msrp-tmdl-rh.htm>

4. EPA Resources for Guidance Relating to MS4 Issues

- a. EPA's MS4 website and related links:
www.epa.gov/npdes/stormwater-discharges-municipal-sources
- b. EPA's National Menu of Stormwater Best Management Practices:
www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater
- c. EPA's guidance for Green Infrastructure:
<http://water.epa.gov/infrastructure/greeninfrastructure/index.cfm>
- d. EPA's Trash Free Waters resource page: www.epa.gov/trash-free-waters
- e. Illicit Discharge Detection and Elimination Guidance
www3.epa.gov/npdes/pubs/idde_manualwithappendices.pdf

B. Definitions

1. Definitions

- a. All words and terms used in this permit shall have meanings as defined in the "Regulations Concerning the New Jersey Pollutant Discharge Elimination System" (N.J.A.C. 7:14A), unless otherwise stated or unless the context clearly requires a different meaning.
- b. "Catch Basin" means a cistern, vault, chamber or well that is usually built along a street as part of the storm sewer system to capture sediment, debris, and pollutants.
- c. "Effective Date of Permit Authorization" means the date the permittee's authorization to discharge under this Highway Agency MS4 NJPDES permit becomes effective. This date may be found on the permittee's Authorization to Discharge page.
- d. "Existing permittee" means a permittee that held an authorization to discharge under the Highway Agency MS4 NJPDES permit the day before the effective date of this permit.
- e. "Green infrastructure" means methods of stormwater management that reduce wet weather/stormwater volume, flow, or changes the characteristics of the flow into combined or separate sanitary or storm sewers, or surface waters, by allowing the stormwater to infiltrate, to be treated by vegetation or by soils, or to be stored for reuse. Green infrastructure includes, but is not limited to, pervious paving, bioretention basins, vegetated swales, and cisterns.

- f. "Illicit connection" means any physical or non-physical (i.e. leak, flow, or overflow into the municipal separate storm sewer system) connection that discharges the following to a municipal separate storm sewer system (unless that discharge is authorized under a NJPDES permit other than this Highway Agency MS4 NJPDES permit):
- i. Domestic sewage;
 - ii. Non-contact cooling water, process wastewater, or other industrial waste (other than stormwater);
or
 - iii. Any category of non-stormwater discharges that a permittee for the MS4 identifies as a source or significant contributor of pollutants pursuant to 40 C.F.R. 122.34(b)(3)(iii).
- g. "Limited-access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway; and includes any highway designated as a "freeway" or "parkway" by authority of law.
- h. "Maintenance plan" means a maintenance plan pursuant to N.J.A.C. 7:8-5.2(b) and 5.8 prepared by the design engineer for the stormwater management measures incorporated into the design of a major development.
- i. "Major development" means any development that provides for ultimately disturbing one or more acres of land and any additional development defined as "major development" by a permittee's stormwater program. Disturbance is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Projects undertaken by any government agency which otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."
- j. "Manufactured treatment device" means a pre-fabricated stormwater treatment structure utilizing settling, filtration, absorptive/adsorptive materials, vortex separation, vegetative components, and/or other appropriate technology to remove pollutants from stormwater runoff.
- k. "New permittee" means a permittee that obtains its first authorization to discharge under the Highway Agency MS4 NJPDES permit on or after the effective date of this permit.
- l. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (a door is recommended, but not required). A fabric frame structure is a permanent structure if it meets the following specifications:
- i. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 - ii. The design shall prevent stormwater run-on and run through and the fabric cannot leak;
 - iii. The structure shall be erected on an impermeable slab;
 - iv. The structure cannot be open sided; and
 - v. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

- m. "Regulatory mechanism" means an ordinance, permit, standard, contract language, or any other procedure, that will be enforced by the permittee.
- n. "Small MS4" means all municipal separate storm sewers systems (other than "large" or "medium" municipal separate storm sewer systems as defined in N.J.A.C. 7:14A-1.2) that are:
 - i. Owned or operated by municipalities described under N.J.A.C. 7:14A-25.1(b);
 - ii. Owned or operated by county, State, interstate, or Federal agencies, and located at public complexes as described under N.J.A.C. 7:14A-25.2(a)2;
 - iii. Owned or operated by county, State, interstate, or Federal agencies, and located at highways and other thoroughfares as described under N.J.A.C. 7:14A-25.2(a)3; or
 - iv. Owned or operated by county, State, interstate, Federal, or other agencies, and receive special designation under N.J.A.C. 7:14A-25.2(a)4.
 - v. Note that all MS4s covered under the Highway Agency MS4 NJPDES permit are "small MS4s".
- o. "Solids and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids as defined at N.J.A.C. 7:14A-25.6(b)3iii.
- p. "Storm drain inlet" means the point of entry into the storm drain system.
- q. "Stormwater" means water resulting from precipitation (including rain and snow) that runs off the land's surface; is transmitted to the subsurface; is captured by separate storm sewers or other sewerage or drainage facilities; or is conveyed by snow removal equipment.
- r. "Stormwater facility" includes, but is not limited to: catch basins, detention basins, retention basins, filter strips, riparian buffers, infiltration trenches, sand filters, constructed wetlands, wet basins, bioretention systems, low flow bypasses, and stormwater conveyances. Stormwater facilities include structural stormwater management measures.
- s. "Stormwater management basin" means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin or wet pond), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).
- t. "Stormwater management measure" means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances. Stormwater management measures include stormwater facilities.
- u. "Stormwater runoff" means water flow on the surface of the ground or in storm sewers, resulting from precipitation.
- v. "Stream scouring" means the erosion or removal of streambed or bank material by the physical action of flowing water and the sediment that it carries.
- w. "Subsurface infiltration/detention system" means a vault, perforated pipe, and/or stone bed that is located entirely below the ground surface and that temporarily stores and attenuates stormwater runoff."
- x. "Wood waste" means source separated whole trees, tree trunks, tree parts, tree stumps, brush and leaves provided that they are not composted, and lumber (non-chemically treated and unpainted).

- y. "Yard trimmings" means grass clippings, leaves, wood chips from tree parts, and brush.
- z. "Yard waste" means loose leaves and grass clippings.

Highway Agency Stormwater General Permit

A. Stormwater Management Program

1. Stormwater Program Requirements

- a. The permittee shall develop, update, implement and enforce an MS4 stormwater program. A primary objective of the MS4 stormwater program shall be to implement best management practices and other measures that are designed to reduce the discharge of pollutants from the permittee's MS4, maintenance yards and other ancillary operations, to the maximum extent practicable pursuant to N.J.A.C. 7:14A-25.6(a)1 and 40 CFR 122.34(a), to protect water quality and to satisfy the applicable water quality requirements of the Clean Water Act.
- b. The permittee shall modify its stormwater program (including necessary modification to applicable plans and appropriate regulatory mechanisms) to conform with applicable new legislation, or new or amended regulations. Such modification shall be completed and effective within 12 months of notification by the Department of the need for modification.
- c. The permittee shall develop, update, implement, and maintain a written Stormwater Pollution Prevention Plan (SPPP) for each authorization issued under the Highway Agency MS4 NJPDES permit that meets the requirements in Part IV.A.2 below (see the Highway Agency Guidance document https://www.nj.gov/dep/dwq/highway_guidance.htm).
- d. The permittee shall designate a Stormwater Program Coordinator (Stormwater Coordinator) who has overall responsibility for the operation of the permittee's stormwater facilities or environmental matters as follows:
 - i. The Stormwater Coordinator shall be either a principal executive officer or a duly authorized representative, as allowed by N.J.A.C. 7:14A-4.9(b); and
 - ii. If an assignment under i. above changes, then a new assignment of responsibility shall be submitted to the Department within 30 days of such change taking place. This is accomplished through completion of the online MSRP Annual Report (see Part IV.G Annual Report and Certification below) or the Stormwater Program Coordinator Information Update Sheet posted at https://www.nj.gov/dep/dwq/pdf/msrp_update_form.pdf.
- e. The Stormwater Coordinator shall be responsible for the following:
 - i. Coordinating the permittee's implementation of the Highway Agency MS4 NJPDES permit conditions and the SPPP;
 - ii. Signing and dating the SPPP; and
 - iii. Coordinating the completion and submittal of the MSRP Annual Report, consistent with Part IV.G.

2. Stormwater Pollution Prevention Plan (SPPP) Requirements

- a. The permittee's SPPP shall include, at a minimum, information that:
 - i. Identifies the person designated as the Stormwater Coordinator per Part IV.A.1.d above;
 - ii. Identifies the members of the SPPP Team, which is comprised of the person or persons responsible for implementing or coordinating the SPPP activities;

Highway Agency Stormwater General Permit

- iii. Identifies each individual maintenance yard to be covered under each permit authorization, including the geographic region and site specific details of each yard. At a minimum, the SPPP for permittees with multiple yards must include an individual Form 10 (Maintenance Yards and Other Ancillary Operations) for each yard, as well as any other site specific SPPP Forms for each yard, where applicable;
 - iv. Describes the measures necessary for compliance with all components of this permit including all measures described in Parts IV.B, C, D, E and F below;
 - v. Documents the permittee's MS4 Stormwater Program including a description of shared or contracted services as allowed under Part IV.A.3 (Implementation of SPPP Conditions through Shared or Contracted Services), below; and
 - vi. Reflects the measurable goals, implementation schedules, recordkeeping and other requirements in Attachment A (Measurable Goals and Implementation Schedule).
- b. The permittee's Stormwater Coordinator shall sign and date the SPPP per Part IV.A.1.e., above.
 - c. The permittee shall review the SPPP at least annually and update it as often as necessary to reflect changes related to the permittee's MS4 Stormwater Program. Any amendments to the SPPP:
 - i. Shall continue to meet the requirements of this permit;
 - ii. Shall be incorporated into the SPPP and recorded on the SPPP revisions page; and
 - iii. Shall be signed and dated by the Stormwater Coordinator.
 - d. The SPPP shall note the location of all records / documentation required by this permit (See Attachment A- Measurable Goals and Implementation Schedule for additional detail).
 - e. The Department may notify the permittee at any time that the SPPP does not meet one or more of the minimum requirements. Within thirty (30) days after receiving such notification unless otherwise specified by the Department, the permittee shall amend the SPPP to adequately address all deficiencies.
 - f. The current SPPP shall be posted on the permittee's website no later than EDPA + 90 days with updates posted annually thereafter. The version posted on the website can exclude:
 - i. Inspection logs and other required record keeping; and
 - ii. The names of SPPP Team members, but must include the name of the Stormwater Coordinator.
 - g. The SPPP shall be made available to the Department and public upon request pursuant to N.J.A.C. 7:14A-25.6(j)2.
 - h. New Permittee: A new permittee shall develop, implement, maintain, and post on the permittee's website a written SPPP as required by this section on or before EDPA + 12 months.

3. Implementation of Permit Conditions through Shared or Contracted Services

- a. The permittee may rely on another governmental, private, or nonprofit entity to satisfy one or more of the permit conditions, or component thereof, through the implementation of best management practices or control measures, provided that:
 - i. The other entity implements the best management practice(s) or control measure(s);

- ii. The particular best management practice(s) or control measure(s), or component(s) thereof, is at least as stringent or as frequent as the corresponding permit requirement;
 - iii. The other entity agrees in writing or is required by law to implement the measure(s), or component(s) thereof, in such a manner that is in compliance with the permit on the permittee's behalf; and
 - iv. The permittee specifies in its SPPP (1) which permit conditions will be implemented by another entity and (2) the name of the responsible entity.
- b. For any projects or activities which the permittee assigns to another entity which is a private contractor, the awarded contract shall require the contractor to conduct such projects or activities in such a manner that is in compliance with this permit.
 - c. The permittee is responsible for compliance with this permit if the other entity fails to implement the measure(s) or component(s), thereof.

B. Statewide Basic Requirements and Associated Conditions

1. Minimum Standards for Public Involvement and Participation Including Public Notice

- a. The permittee shall comply with applicable State and local public notice requirements when providing for public participation in the development and implementation of an MS4 stormwater program. Requirements include but are not limited to:
 - i. The Open Public Meetings Act ("Sunshine Law," N.J.S.A. 10:4-6 et seq.); and
 - ii. Statutory procedures for the enactment of ordinances or other regulatory mechanisms (e.g., N.J.S.A. 40:49-2, 40:41A-101, or 52:14B-1 et seq., where applicable), adopted to comply with Part IV of this permit.
- b. The permittee shall make the following elements of its MS4 stormwater program available to the public:
 - i. Provide the current SPPP upon request as required by Part IV.A.2.g (SPPP); and
 - ii. Post the current SPPP on its website to the extent required by Part IV.A.2.f (SPPP); and
 - iii. Post all regulatory mechanisms required by this permit (see Part IV.B.5.a) on its website.
- c. The permittee shall meet the minimum standards of this permit, and the measurable goals (including any recordkeeping) and implementation schedules for Public Involvement and Participation Including Public Notice specified in Attachment A (Measurable Goals and Implementation Schedule).

2. Minimum Standards for Local Public Education and Outreach

- a. Highway Agencies that own or operate rest areas and/or service areas shall implement a Local Public Education and Outreach Program that focuses on educational and pollution prevention activities to involve the public in reducing pollutants in stormwater and mitigating flow. The permittee shall:
 - i. Annually conduct activities that total at least 5 (five) points as set forth in Attachment B (Points System for Public Education Activities) of this permit; and

- ii. Keep records to demonstrate compliance with this requirement, including date of activities and any other relevant documentation.
- b. All other permittees not identified in 2.a above may satisfy the educational component of the permit through the implementation of an employee training program pursuant to Part IV.B.5.d (Employee Training) of this permit.
- c. The permittee shall meet the minimum standards of this permit, and the measurable goals (including any recordkeeping) and implementation schedules for Local Public Education and Outreach specified in Attachment A (Measurable Goals and Implementation Schedule).

3. Minimum Standards for Construction Site Stormwater Runoff

- a. Construction site stormwater runoff activities are authorized under a separate NJPDES permit, generally the Construction Activity Stormwater General Permit No. NJ0088323 pursuant to N.J.A.C. 7:14A-25.6(b)2 (or an individual permit pursuant to N.J.A.C. 7:14A-24.7(a)2). See Part II.C.3.b and <https://www.nj.gov/dep/dwq/5g3.htm>. Pursuant to N.J.A.C. 7:14A-25.7(b), the permittee is not required to reference construction site stormwater runoff control in its SPPP.

4. Minimum Standards for Post Construction Stormwater Management in New Development and Redevelopment

- a. The permittee shall develop, update, implement and enforce its stormwater management program to address post construction stormwater runoff in new development and redevelopment projects owned or operated by the permittee, and to ensure compliance with the Stormwater Management rules at N.J.A.C. 7:8 et seq.
- b. The permittee shall address stormwater runoff from the following types of major development through a post construction stormwater management program, unless any additional development is defined as “major development” by the permittee’s stormwater program:
 - i. New development and redevelopment projects that disturb one acre or more and are owned or operated by the permittee; and
 - ii. All new development and redevelopment projects that are less than one acre that are part of a larger common plan of development that ultimately disturbs one acre or more.
- c. The permittee shall ensure, through a post construction stormwater management program, compliance with the applicable design, performance and maintenance standards established under N.J.A.C. 7:8 et seq. for major development as defined in this permit.
- d. The permittee shall review and analyze development plans for compliance with N.J.A.C. 7:8 et seq. The permittee’s review engineer shall be independent from the design engineer and shall not have been involved in the design of the development plans. The permittee shall review and analyze development plans for compliance with N.J.A.C. 7:8 et seq. even if a permit is required by the Department for the same or similar activity (e.g. a Land Use permit).
- e. The design and performance standards for stormwater management measures can be met at an alternative location or by alternative means provided the permittee has a mitigation plan which meets the following requirements:

- i. The mitigation plan shall identify measures that are necessary to offset the deficit created by the alternate location or design. The mitigation plan must satisfy the same criteria that a mitigation plan prepared in accordance with the Stormwater Management Rule N.J.A.C. 7:8-4.6 must satisfy. See Chapter 3 of the NJ Stormwater BMP Manual at <https://www.njstormwater.org> for guidance; and
 - ii. The permittee submits, within 30 days after approving an alternate location or design, a written report to the Department describing the alternate location or design and the required mitigation. Submit the written report to the Department at:
NJDEP-DWQ-BNPC
Mail Code 401-02B
PO Box 420
Trenton, NJ 08625-0420
- f. The permittee shall comply with the standards set forth in Attachment C (Design Standards for Storm Drain Inlets) of this permit to control passage of solid and floatable materials through storm drain inlets.
 - g. The permittee shall ensure adequate long-term cleaning, operation and maintenance of stormwater management measures, pursuant to Part IV.C.2. (Stormwater Facilities Maintenance), owned or operated by the permittee.
 - h. For each structural and non-structural stormwater measure (e.g. stormwater management basin, subsurface infiltration/detention system, manufactured treatment device, green infrastructure), the permittee shall:
 - i. Update and maintain a Major Development Project List (included as Attachment D of this permit and posted on the Department's website at <https://www.nj.gov/dep/dwq/highway.htm>); and
 - ii. Submit the Major Development Project List to the Department annually with the MSRP Annual Report.
 - i. Major development that does not require any Department permits listed under N.J.A.C. 7:8-1.6(c) and has received Federal or State authorization to initiate final design as of the operative date of amendments to the Stormwater Management Rules at N.J.A.C. 7:8, shall be subject to the Stormwater Management Rules in effect one day before the operative date of the rule amendments.
 - j. The Stormwater Management rules N.J.A.C. 7:8 apply to all areas owned or operated by the permittee.
 - k. The permittee shall meet the minimum standards of this permit, and the measurable goals (including any recordkeeping) and implementation schedules for Post Construction Stormwater Management in New Development and Redevelopment specified in Attachment A (Measurable Goals and Implementation Schedule).

5. Minimum Standards for Pollution Prevention / Good Housekeeping

- a. Regulatory Mechanisms: The permittee shall adopt and enforce the following regulatory mechanisms to address improper disposal of waste:
 - i. Pet Waste Control: Adopt and enforce an appropriate regulatory mechanism that requires pet owners or their keepers to immediately and properly dispose of their pet's solid waste deposited on any part of the Highway Agency property;

- ii. **Wildlife Feeding Control:** Adopt and enforce an appropriate regulatory mechanism that prohibits the feeding of any wildlife (e.g. Canada Geese) on any property owned or operated by the permittee. Exclusions include wildlife confined in zoos, parks, or rehabilitation centers as well the following unconfined animals: (1) wildlife at environmental education centers; (2) feral cats as part of an approved Trap-Neuter-Release program; and (3) other kinds of unconfined animals, if any, that the regulatory mechanism specifically lists and excludes for reasons set forth in the regulatory mechanism;
 - iii. **Litter Control:** Enforce the existing State litter statute at N.J.S.A 13:1E-99.3, or adopt and enforce an appropriate regulatory mechanism that is at least as stringent as the State litter statute;
 - iv. **Improper Disposal of Waste:** Adopt and enforce an appropriate regulatory mechanism prohibiting the improper spilling, dumping, or disposal of materials other than stormwater into the MS4 system excluding those discharges as allowable under Part II.C.2.b;
 - v. Model regulatory mechanism language for the above requirements can be found in the Highway Agency Guidance document at <https://www.nj.gov/dep/dwq/highway.htm>; and
 - vi. An additional requirement for the adoption and enforcement of an appropriate regulatory mechanism is found at Part IV.B.6.d (Illicit Connection Prohibition) of this permit.
- b. **Control Measures:** The permittee shall develop and continue to implement the following measures to control solids and floatables:
- i. **Litter Pick-Up Program:** The permittee shall develop and implement a litter pick up program that includes roadside clean-up of trash and debris and regular collection of refuse from litter and recycling receptacles owned and operated by the permittee, including those located at rest areas and service areas. The permittee shall maintain records of roadside clean-ups and estimates of the total amount of trash and debris collected;
 - ii. **Quarterly Street Sweeping:** The permittee shall sweep, at a minimum of once every three months, or more frequently as necessary to eliminate recurring problems, all segments of limited-access highways (including ramps and parking areas) that are owned or operated by the permittee and have storm drain inlets or discharge directly to surface water;
 - iii. **Triannual Street Sweeping:** The permittee shall sweep, at a minimum of once every four months, or more frequently as necessary to eliminate recurring problems, all segments of streets, ramps, and parking areas that are owned or operated by the permittee and have storm drain inlets or discharge directly to surface water but are not limited-access highways;
 - iv. **Annual Street Sweeping:** The permittee shall sweep, at a minimum of once per year, or more frequently as necessary to eliminate recurring problems, all segments of streets, ramps and parking areas that are owned or operated by the permittee but do not have storm drain inlets or discharge directly to surface water;
 - v. **Storm Drain Inlet Inspection:** The permittee shall inspect, at a minimum of once per year, all storm drain inlets that it owns or operates. Documentation of inspections shall include: inlet location, date visited, observations of the inlet's structural integrity, and if maintenance or repairs are required;

- vi. Storm Drain Inlet Cleaning: The permittee shall develop, update, and implement a storm drain inlet cleaning program. The program shall establish when a storm drain inlet must be cleaned and shall be implemented as frequently as necessary to ensure, at a minimum, that sediment, trash, or other debris is removed as necessary to control it from entering the waters of the State, to eliminate recurring problems and maintain proper function. This program shall be described in the written SPPP, as required in Part IV.A.2. (SPPP);
- vii. Catch Basin Inspection: The permittee shall inspect and document inspections of all catch basins that it owns or operates. At a minimum, permittees who own or operate less than 2,500 catch basins shall inspect those basins once per year. Permittees who own or operate 2,500 catch basins or more shall inspect a minimum of 20% of the total or 2,500 per year, whichever is greater, rotating the schedule in such a way that all catch basins are inspected at least once every five years on approximately the same frequency. Documentation of inspections shall include: catch basin location, date visited, observations of the catch basin's structural integrity, and if maintenance or repairs are required;
- viii. Catch Basin Cleaning: The permittee shall develop, update, and implement a catch basin cleaning program. The program shall establish when a catch basin must be cleaned, include procedures for cleaning, and shall be implemented as frequently as necessary to ensure, at a minimum, that sediment, trash, or other debris is removed as necessary to control it from entering the waters of the State, to eliminate recurring problems and maintain proper function. For guidance related to catch basin cleaning, refer to the EPA Catch Basin Technology Overview and Assessment in the Highway Agency Guidance document (https://www.nj.gov/dep/dwq/highway_guidance.htm). This program shall be described in the written SPPP, as required in Part IV.A.2. (SPPP).
- ix. Storm Drain Inlet Labeling: The permittee shall label all storm drain inlets for those drains that do not have permanent wording cast into the structure of the inlet, which are located at rest areas, service areas, maintenance facilities, and along streets with sidewalks. See the Highway Agency Guidance document (https://www.nj.gov/dep/dwq/highway_guidance.htm) for additional information;
- x. Storm Drain Inlet Label Maintenance: The permittee shall maintain the legibility of storm drain inlet labels and replace any labels that are missing or not legible. See the Highway Agency Guidance document (https://www.nj.gov/dep/dwq/highway_guidance.htm) for additional information;
- xi. Storm Drain Inlet Retrofit: The permittee shall retrofit existing storm drain inlets that are: (1) in direct contact with any repaving, repairing (excluding individual pothole repair), or resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen); or (2) in direct contact with any reconstruction or alteration of facilities. Storm drain inlet retrofits shall meet the standard in Attachment C (Design Standards for Storm Drain Inlets);
- xii. Herbicide Application Management: The permittee shall restrict the application of herbicides to prevent herbicides from being washed into the waters of the State and to prevent erosion caused by de-vegetation, as follows: (1) The permittee shall not apply herbicides on or adjacent to storm drain inlets, or on steeply sloping ground; (2) The permittee shall only apply herbicides along curb lines, highway median barriers, and unobstructed shoulders that contain unwanted vegetation; and (3) The permittee shall only apply herbicides within a 2-foot radius around structures where overgrowth presents a safety hazard and where it is unsafe to mow;

- xiii. **Excess De-icing Material Management:** The permittee shall remove, within 72 hours after the end of the storm event, conditions permitting, piles of excess salt and de-icing materials that have been deposited during spreading operations (e.g., piles resulting from accidental spillage or when spreading equipment is started or stopped) on all streets, ramps, and parking areas owned or operated by the permittee. Excess de-icing material removed from streets, ramps, and parking areas may be returned to storage or properly managed if unsuitable for reuse.
 - xiv. **Roadside Vegetative Waste Management:** The permittee shall ensure the proper pickup, handling, storage and disposal of wood waste and yard trimmings generated by the Highway Agency. Wood waste and yard trimmings shall be managed to minimize the impact of vegetative maintenance activities on stormwater discharge quality, and shall be prohibited from being blown or deposited into storm drain inlets and stormwater facilities; and
 - xv. **Refuse Containers and Dumpsters:** The permittee shall ensure that dumpsters (including tire) and other refuse containers that are outdoors or exposed to stormwater, are covered at all times. This serves to prevent the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers. This measure is not intended for permitted temporary demolition containers or containers that hold large bulky items (e.g., furniture, clean car parts, and other large items recovered from the roadway), provided they do not contain putrescible waste.
- c. **Maintenance Yards and Other Ancillary Operations:** The permittee shall implement the best management practices described in Attachment E (Best Management Practices for Maintenance Yards and Other Ancillary Operations) for maintenance yards and other ancillary operations owned or operated by the permittee. Ancillary operations include but are not limited to impound yards, permanent and mobile fueling locations, and yard trimmings and wood waste management sites. Best Management Practices shall be implemented for the following activities, whenever such activities occur:
- i. Inventory of Material and Machinery;
 - ii. Inspections and Good Housekeeping;
 - iii. Fueling Operations;
 - iv. Discharge of Stormwater from Secondary Containment;
 - v. Vehicle Maintenance;
 - vi. On-Site Equipment and Vehicle Washing and Wash Wastewater Containment;
 - vii. Salt and De-icing Material Storage and Handling;
 - viii. Aggregate Material and Construction Debris Storage;
 - ix. Street Sweepings, Catch Basin Clean Out, and Other Material Storage; and
 - x. Yard Trimmings and Wood Waste Management.
- d. **Employee Training:** The permittee shall develop, update and implement an employee training program to address permit components and SPPP requirements. All Highway Agency employees shall receive training on those stormwater topics applicable to their title and duties within 3 months of commencement of duties. In addition, follow-up training shall occur as specified below:

- i. Maintenance Yard Operations (including Ancillary Operations) - the permittee shall provide training annually on inventory of materials and machinery, inspections and good housekeeping; fueling operations; discharge of stormwater from secondary containment; vehicle maintenance; on-site equipment and vehicle washing and wash wastewater containment; salt and de-icing material storage and handling; aggregate material and construction debris storage; street sweeping and catch basin clean out material storage; yard trimmings and wood waste management sites. See Part IV.B.5.c (Maintenance Yards and Other Ancillary Operations).
- ii. Stormwater Facility Maintenance – the permittee shall provide training annually on inventory and mapping of stormwater facilities, maintenance of inventoried stormwater facilities, catch basin and inlet cleaning methods, and herbicide application management. See Part IV.C.1 and 2 (Stormwater Facilities Map and Maintenance), Part IV.B.5.b.v-viii (Storm Drain Inlets and Catch Basins), and Part IV.B.5.b.xii (Herbicide Application Management).
- iii. The permittee shall provide general training annually on the Highway Agency’s SPPP, applicable recordkeeping requirements, and detailed training on any component applicable to an employee’s title and duties. See Part IV.A.2 (SPPP).
- iv. Street Sweeping - the permittee shall provide training once every two years on sweeping schedules and proper management of materials collected. See Part IV.B.5.b.ii-iv (Street Sweeping).
- v. Illicit Connection Elimination and Outfall Pipe Mapping - the permittee shall provide training once every two years on the impacts associated with illicit connections and details of the program including investigation techniques, physical observations, field sampling, and mapping procedures. See Part IV.B.6.a and c (Outfall Pipe Mapping, and Illicit Discharge) and the National Menu of Stormwater Best Management Practices at www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater.
- vi. Outfall Pipe Stream Scouring Detection and Control - the permittee shall provide training once every two years on how to identify outfall pipe stream scouring and contributing factors. See Part IV.B.6.b (Stream Scouring).
- vii. Waste Disposal Education - the permittee shall provide training once every two years on the impacts associated with improper waste disposal, how to respond to inquiries regarding improper waste disposal, and appropriate enforcement authority.
- viii. Regulatory Mechanisms - the permittee shall provide training once every two years on the regulatory mechanisms identified in Part IV.B.5.a, above. Training shall include an overview of the requirements, enforcement, and the repercussions of non-compliance.
- ix. Construction Activity/Post-Construction Stormwater Management in New Development and Redevelopment - the permittee shall provide general training once every two years on the permitting requirements for construction activity and Post-Construction Stormwater Management in New Development and Redevelopment. See Part IV.B.3 Construction Site Runoff) and B.4 (Post Construction).
- x. Training may also be conducted on stormwater-related topics that serve an educational purpose for employees.
- xi. The location of records including sign in sheet(s), date(s) of training, and training agenda(s) shall be noted in the SPPP.

- e. Stormwater Management Design Review Training: The permittee shall ensure that all engineers, and other individuals that review the stormwater management design for development and redevelopment projects for the Highway Agency, complete the Department approved Stormwater Management Design Review Course (see <https://www.nj.gov/dep/stormwater/training.htm>) once every five years. Individuals that will review stormwater management design and have not completed this course within the past five years must attend the next scheduled course offering. If unable to attend, the permittee must notify the Department in writing no later than thirty days after the missed course explaining why attendance was not possible and what alternate arrangements are being made. Training obtained within five calendar years prior to EDPA qualifies towards this requirement. The permittee is required to maintain a list of the dates and names of training program participants.
- f. The permittee shall meet the minimum standards of this permit, and the measurable goals (including any recordkeeping) and implementation schedules Pollution Prevention / Good Housekeeping specified in Attachment A (Measurable Goals and Implementation Schedule).

6. Minimum Standards for MS4 Outfall Pipe Mapping, and Illicit Discharge and Scouring Detection and Control

- a. Outfall Pipe Mapping: The permittee shall develop, update and maintain an outfall pipe map showing the location of the end of all MS4 outfall pipes (in tidal and non-tidal receiving waters) owned or operated by the permittee which discharge to a surface water body. The outfall pipe map shall also:
 - i. Show the location and name of all surface water bodies receiving discharges from those outfall pipes;
 - ii. Be included in the SPPP (if providing access to map via a link, include URL address in SPPP);
 - iii. Be updated annually to include, at a minimum, the location of the end of any new or newly identified MS4 outfall pipes;
 - iv. Be provided to the Department on or before EDPA + 12 months; and
 - v. Be submitted electronically by December 21, 2020 via the Department's designated electronic submission service.
- b. Stream Scouring: The permittee shall develop, update and implement a program to detect, investigate and control any localized stream scouring from stormwater outfall pipes owned or operated by the permittee. This program shall be described in the written SPPP, as required in Part IV.A.2., above. See the Highway Agency Guidance document (https://www.nj.gov/dep/dwq/highway_guidance.htm) for additional information. The permittee shall, at a minimum:
 - i. Inspect and document inspections of each outfall pipe which discharges to a stream for localized stream scouring in the vicinity of the outfall pipe, at least once every five years, with a minimum of 20% of the total number of outfalls or 100 per year, whichever is greater;
 - ii. Inspect, within 30 days of identification, any outfall pipes newly identified per Part IV.B.6.a for localized stream scouring in the vicinity of the outfall pipe;
 - iii. When localized stream scouring is detected, identify sources of stormwater that contribute to the scouring from the outfall pipe within 3 months;

- iv. Each identified stormwater source shall be investigated;
 - v. Where identified sources are located on property owned or operated by the permittee, corrective action shall be taken by the permittee to reduce stormwater rate or volume when feasible;
 - vi. Prioritize, schedule and complete remediation of identified localized stream scouring and take action based upon the requirements of Part IV.B.6.b.iii, above. If not completed within 12 months, a schedule for completion shall be maintained as required in Part IV.C.3. (Stormwater Facilities Maintenance);
 - vii. All stream scouring restoration shall be made in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90-1 (e.g., Conduit Outlet Protection 12-1), or, for New Jersey Department of Transportation (NJDOT) projects, the NJDOT Soil Erosion and Sediment Control Standards at N.J.A.C. 16:25A (e.g., Conduit Outlet Protection 4.18), and the requirements for bank stabilization and channel restoration found at N.J.A.C. 7:13 et seq.
 - viii. All associated maintenance or repairs to stormwater facilities shall be made in accordance with N.J.A.C. 7:8; and
 - ix. Document investigations and actions taken for localized stream scouring as necessary to demonstrate compliance with this requirement. Outfall inspections shall include: outfall location, date visited, and observations of the outfall's structural integrity and if maintenance or repairs need to take place.
- c. Illicit Discharge Detection and Elimination: The permittee shall develop, update, implement and enforce an ongoing Illicit Discharge Detection and Elimination Program in accordance with this permit. This program shall be described in the written SPPP, as required in Part IV.A.2. (SPPP). See the Highway Agency Guidance document (https://www.nj.gov/dep/dwq/highway_guidance.htm) and the USEPA Guidance document (www3.epa.gov/npdes/pubs/idde_manualwithappendices.pdf) for additional information. The permittee shall, at a minimum:
- i. Conduct visual dry weather inspection of all outfall pipes owned or operated by the permittee at least once every five years, with a minimum of 20% of the total number of outfalls or 100 per year, whichever is greater to determine if dry weather flow (flow occurring 72 hours after a rain event) or other evidence of illicit discharge is present;
 - ii. Inspect, within 30 days of identification, any newly identified outfall pipes per Part IV.B.6.a to determine if dry weather flow or other evidence of illicit discharge is present;
 - iii. Investigate dry weather flows discovered during routine inspection and maintenance of other elements of the MS4;
 - iv. Investigate, within 30 days of receipt, complaints and reports of illicit connections, including those from operating entities of interconnected MS4s;
 - v. Investigate the source if evidence of illicit discharge is found;
 - vi. Eliminate, within one year of discovery, non-stormwater discharges that are traced to their source and found to be illicit connections; and
 - vii. Document investigations and actions taken using the Department's Illicit Connection Inspection Report Form. See <https://www.nj.gov/dep/dwq/highway.htm>;

- d. The permittee shall adopt and enforce an appropriate regulatory mechanism that prohibits illicit connections to the small MS4 owned or operated by the permittee. See the Highway Agency Guidance document https://www.nj.gov/dep/dwq/highway_guidance.htm).
- e. The permittee shall meet the minimum standards of this permit, and the measurable goals (including any recordkeeping) and implementation schedules for MS4 Outfall Pipe Mapping, and Illicit Discharge and Scouring Detection and Control specified in Attachment A (Measurable Goals and Implementation Schedule).

C. Other Control Measures

1. Minimum Standards for Stormwater Facilities Mapping

- a. The permittee shall develop, update and maintain a Stormwater Facilities Map, which shall include, but is not limited to, the following stormwater facilities that are owned or operated by the permittee:
 - i. Storm drain inlets constructed after EDPA;
 - ii. Stormwater management basins;
 - iii. Subsurface infiltration/detention systems;
 - iv. Manufactured treatment devices (MTDs); and
 - v. Green infrastructure.
- b. The Stormwater Facilities Map shall:
 - i. Show property boundaries of the Highway Agency maintenance yard(s), ancillary operations, rest areas, and service areas as well as an annotated map of roadways and thoroughfares owned or operated by the permittee;
 - ii. Include the type of each stormwater facility;
 - iii. Be updated annually to include, at a minimum, the location of any new or newly identified stormwater facilities;
 - iv. Be populated and maintained in an electronic format provided by the Department;
 - v. Be provided to the Department on or before EDPA + 36 months; and
 - vi. New data points subsequently added to the map shall be provided to the Department annually thereafter as an attachment to the MSRP Annual Report and Certification.
- c. The permittee may combine this map with the MS4 Outfall Pipe Map specified at Part IV.B.6.a (Outfall Pipe Mapping).
- d. The permittee may use the Department's Mapping Application to assist with this requirement. See https://www.nj.gov/dep/dwq/msrp_map_aid.htm.
- e. The permittee shall meet the minimum standards of this permit, and the measurable goals (including any recordkeeping) and implementation schedules for Stormwater Facilities Mapping specified in Attachment A (Measurable Goals and Implementation Schedule).

2. Minimum Standards for Stormwater Facilities Maintenance

- a. The permittee shall develop, update and implement a program to ensure adequate long-term cleaning, operation and maintenance of all permittee owned or operated stormwater facilities.
- b. Stormwater facility maintenance must be performed pursuant to any maintenance plans, or more frequently as needed, to ensure the proper function and operation of the stormwater facility. See https://www.nj.gov/dep/stormwater/maintenance_guidance.htm.
- c. The permittee shall maintain a log sufficient to demonstrate compliance with this section; which shall include, but is not limited to the following information:
 - i. stormwater facility inspected;
 - ii. location information of the facility inspected (location information must be specific enough to locate and identify the stormwater facility in the field; e.g. geographic coordinates);
 - iii. name of inspector;
 - iv. date of inspection;
 - v. findings; and
 - vi. any preventative and corrective maintenance performed.
- d. Example Maintenance Logs and Inspection Records forms which are sufficient to demonstrate compliance with this section are available at https://www.nj.gov/dep/stormwater/maintenance_guidance.htm.
- e. The permittee shall certify annually in the MSRP Annual Report that permittee owned or operated stormwater facilities are functioning properly.
- f. If stormwater facilities are found not to be functioning properly, necessary preventive and corrective maintenance shall be taken, which shall be documented and prioritized, and a schedule for such repairs shall be maintained. The permittee shall prioritize this schedule based upon the following:
 - i. environmental, health and safety concerns;
 - ii. the findings of catch basin and storm drain inlet inspections performed pursuant to Part IV.B.5.b.v and vii. (Storm Drain Inlet and Catch Basin Inspections), above;
 - iii. the findings of stream scouring inspections performed pursuant Part IV.B.6.b (Stream Scouring), above; and
 - iv. the findings pursuant to Part IV.C.4 (TMDL Information), below.
- g. The permittee shall maintain copies of all maintenance plans, as defined in Notes and Definitions Part IV.B.1.g (Maintenance Plan) of this permit, for stormwater facilities.
- h. The permittee shall make copies of these maintenance plans available to the Department upon request.
- i. The permittee shall meet the minimum standards of this permit, and the measurable goals (including any recordkeeping) and implementation schedules for Stormwater Facilities Maintenance specified in Attachment A (Measurable Goals and Implementation Schedule).

3. Minimum Standards for Total Maximum Daily Load (TMDL) Information

- a. The permittee shall annually review approved or adopted TMDL reports to identify stormwater related pollutants listed therein and associated with any segment of surface water wholly or partially within or bordering all: maintenance yards; rest areas; service area properties; and new "major development" projects as defined by the permittee's stormwater program. This information may be accessed at <https://www.nj.gov/dep/dwq/msrp-tmdl-rh.htm>. The permittee shall use this TMDL information to, at a minimum:
 - i. Assist in the selection and design of stormwater BMPs for "major development" projects, and the prioritization of stormwater facility maintenance, including schedules for repairs required at Part IV.B.6.b.vi. (Stream Scouring) and IV.C.3. (Stormwater Facilities Maintenance), above; and
 - ii. Identify and develop strategies to address specific sources of stormwater related pollutants contributing to discharges authorized under this permit. Strategies may include but are not limited to those found in the implementation section of approved or adopted TMDL reports (for examples see "Total Maximum Daily Load (TMDL) Guidance" found at <https://www.nj.gov/dep/dwq/msrp-tmdl-rh.htm>).
- b. The permittee shall annually update its SPPP to list information identified in a. above.
- c. The permittee shall incorporate any strategies identified in a. above as an Optional Measure. See Part IV.E (Optional Measures), below, and Part IV.A.2.c (SPPP), above.
- d. The permittee shall meet the minimum standards of this permit, and the measurable goals (including any recordkeeping) and implementation schedules for Total Maximum Daily Load (TMDL) Information specified in Attachment A (Measurable Goals and Implementation Schedule).

D. Additional Measures

1. Incorporation of Additional Measures

- a. Additional Measures are non-numeric (e.g., BMPs) or numeric effluent limitations that are expressly required to be included in a permittees stormwater program by a TMDL; a regional stormwater management plan; other elements of an adopted areawide Water Quality Management Plan; or the adopted Statewide Water Quality Management Plan.
- b. The Department will provide written notice of the adoption of any Additional Measure(s) to any affected permittee. The Department will incorporate each adopted Additional Measure in a modification to this permit. For any required Additional Measure(s) other than numeric effluent limitations, the required Additional Measure(s) will specify the BMPs that shall be implemented and the measurable goals. Such BMPs shall be identified in the SPPP as Additional Measure(s). The required Additional Measure(s) will also specify the implementation schedule.

E. Optional Measures

1. Incorporation of Optional Measures

- a. Optional Measures are BMPs, developed by the permittee, that extend beyond the requirements of this permit and that prevent or reduce pollution to waters of the State.
- b. The permittee may, at its own discretion, incorporate Optional Measures into its MS4 stormwater program. Such BMPs shall be identified in the SPPP as Optional Measures.

- c. Failure to implement an Optional Measure identified in the SPPP shall not be considered a violation of the NJPDES permit.

F. Recordkeeping

1. Standard Recordkeeping Requirements

- a. The permittee shall retain copies of the MSRP Annual Report and Certification as well as any records required to be kept by this permit for a period of at least 5 years and be made available to the Department upon request.

G. Annual Report and Certification

1. Reporting Requirements

- a. The permittee shall complete an MSRP Annual Report, including the Major Development Project List (Attachment D) and any Supplemental Questions, using the electronic format provided by the Department via the MSRP Annual Report service accessed through the Regulatory Services Portal (<https://www.njdeponline.com>).
- b. The MSRP Annual Report shall summarize the status of compliance with the conditions of this permit. Specifically, this includes compliance with the permittee's Stormwater Management Program (Part IV.A), Statewide Basic Requirements (Part IV.B), Other Control Measures (Part IV.C), Additional Measures (Part IV.D), Optional Measures (Part IV.E) Recordkeeping (Part IV.F), and any other permit conditions listed on the MSRP Annual Report form, including Supplemental Questions for the subject year between January 1 and December 31.
- c. The Stormwater Program Coordinator, or duly authorized representative pursuant to N.J.A.C. 7:14A-4.9(a)4. shall certify, sign and date the Annual Report.
- d. Submit an Annual Report and Certification: on or before May 1st annually. The permittee shall submit the Annual Report and Certification to the Department through the Regulatory Services Portal (instructions at <https://www.nj.gov/dep/dwq/highway.htm>).
- e. A copy of each Annual Report and Certification shall be made available to the Department for inspection.

NJPDES MASTER GENERAL PERMIT PROGRAM INTEREST, Trenton

Permit No.NJ0141887
DST160006 Stormwater Discharge Master General Permit
Renewal

Attachment A – Measurable Goals and Implementation Schedule

General

The following table specifies the Measurable Goals and Implementation Schedule of this Highway Agency MS4 NJPDES Permit. Each Measurable Goal and Implementation Schedule is associated with a permit citation and a summary of the associated Minimum Standard. The summary of Minimum Standard column represents a paraphrase of permit conditions. Actual Minimum Standards are found in Part IV of the permit.

An indication of whether the cited Minimum Standard is a new requirement is provided in the last column. Where a requirement is not new and not modified (and for some that are modified), the permittee is expected to be in compliance on the Effective Date of Permit Authorization (EDPA). For most new requirements (and for some modified requirements), additional time is provided for achieving compliance.

See below for specific Measurable Goals that shall be documented in the SPPP. **The permittee shall develop, update, implement, and maintain a written SPPP as required by Part IV.A.1.c., above.** The Implementation Schedule refers to the date that a Minimum Standard must be incorporated into the permittee's stormwater program, along with any ongoing requirements. In addition to the requirements of Part IV.A.2 above, the SPPP shall identify and discuss the Minimum Standard of each Statewide Basic Requirement (Part IV.B, above) and Other Control Measures (Part IV.C, above) where the following information is required for each item:

- Describe the method of implementation;
- Include an implementation schedule, consistent with permit requirements, including interim milestones;
- Include any special diagrams required by the permit (e.g., stormwater facilities map);
- Include inspection and maintenance schedules, as appropriate; and
- Maintain required records.

This table does not include Measurable Goals and an Implementation Schedule for the Notes and Definitions Part IV, Part IV.A (Stormwater Management Program), Part IV.D (Additional Measures), IV.E (Optional Measures), and IV.G (Annual Report and Certification) because these are not Statewide Basic Requirements or Other Control Measures (see N.J.A.C. 7:14A-25.6). While not included in this table, Notes and Definitions Part IV, Part IV.A, D, E, F, and G are permit requirements and compliance is required.

| Measurable Goals for Statewide Basic Requirements and Other Conditions of this Permit | | | | | |
|---|--------------|---|-------------------------|------------------|------------------|
| Summary of Minimum Standard (See Part IV for specific permit requirements) | Permit Cite | Measurable Goal (See Part IV for specific permit requirements) | Implementation Schedule | | New Requirement? |
| | | | Existing Permittee | New Permittee | |
| Public Involvement and Participation Including Public Notice | | | | | |
| Provide for public notice, as applicable, under the Open Public Meetings Act and statutory procedures for enactment of ordinances or other regulatory mechanisms when providing for public participation in the development and implementation of a stormwater program. Maintain records necessary to demonstrate compliance. | IV.B.1.a & c | Certify in each annual report that all applicable public notice requirements have been met and relevant records kept. Reference in the SPPP the location of associated records. | EDPA | EDPA | Modified |
| Provide the current SPPP to the public upon request. | IV.B.1.b.i | Certify in each annual report that the SPPP was made available to the public. | EDPA | EDPA + 12 months | No |
| Post the current SPPP on the permittee's website. | IV.B.1.b.ii | Certify in each annual report that the SPPP has been posted on the permittee's website (to the extent required by Part IV.A.2.f) and that the posted SPPP is current. | EDPA + 90 days | EDPA + 12 months | Yes |
| Post all regulatory mechanisms on the permittee's website. | IV.B.1.b.iii | Certify in each annual report that regulatory mechanisms have been posted on the permittee's website and that the posted documents are current. | EDPA + 90 days | EDPA + 12 months | Yes |
| Local Public Education and Outreach | | | | | |
| Permittees that operate rest areas and/or service areas shall implement a program focusing on activities to involve the public in reducing stormwater pollutants. | IV.B.2.a | Certify in each annual report that the permittee has developed and is implementing a Local Public Education and Outreach Program. | EDPA | EDPA+12 months | Modified |

| Summary of Minimum Standard (See Part IV for specific permit requirements) | Permit Cite | Measurable Goal (See Part IV for specific permit requirements) | Implementation Schedule | | New Requirement? |
|---|-------------------|---|-------------------------|----------------|------------------|
| | | | Existing Permittee | New Permittee | |
| Permittees that operate rest areas and/or service areas shall conduct activities that total at least 5 points as set forth in Attachment B (Points System for Public Education and Outreach Activities) of this permit. Keep records to demonstrate compliance with this requirement. | IV.B.2.a.i and ii | Certify in each annual report that the minimum point value has been met and report point totals in the Annual Report. Keep records to demonstrate compliance with this requirement. | EDPA+12 months | EDPA+12 months | New |
| Permittees not identified in IV.B.2.a shall satisfy the educational requirements through the implementation of an employee training program pursuant to IV.B.5.d. | IV.B.2.b | Certify in each annual report that employee training has been conducted, and maintain records including sign in sheet(s), date(s) of training, and training agenda(s). These records shall be kept and their location shall be referenced in the SPPP. | EDPA | EDPA+12 months | No |
| Post Construction Stormwater Management in New Development and Redevelopment | | | | | |
| Develop, update, implement and enforce its post construction stormwater management program in new development and redevelopment to ensure compliance with the Stormwater Management rules (N.J.A.C. 7:8). | IV.B.4.a-j | Certify in each annual report that the permittee has developed and is implementing and enforcing a program to address stormwater runoff from new development and redevelopment projects. Records demonstrating compliance with Part IV.B.4 shall be kept, and their location shall be referenced in the SPPP. | EDPA | EDPA | No |
| Complete, update, maintain and submit the Major Development Project List (Attachment D), which shall include information for each new development or redevelopment project that is regulated by the permit. | IV.B.4.h | Submit in each annual report the Major Development Project List (Attachment D). Records demonstrating compliance with Part IV.B.4 shall be kept, and their location shall be referenced in the SPPP. | EDPA | EDPA | Yes |

| Summary of Minimum Standard (See Part IV for specific permit requirements) | Permit Cite | Measurable Goal (See Part IV for specific permit requirements) | Implementation Schedule | | New Requirement? |
|--|--------------|--|-------------------------|------------------|------------------|
| | | | Existing Permittee | New Permittee | |
| Pollution Prevention/Good Housekeeping Regulatory Mechanisms | | | | | |
| Pet Waste Control: Adopt and enforce an appropriate regulatory mechanism that requires pet owners or their keepers to immediately & properly dispose of their pet's solid waste deposited on any part of the permittee's property. | IV.B.5.a.i | Certify in each annual report the date the regulatory mechanism was adopted and that it is being enforced. A log of enforcement actions and information distribution dates shall be kept and their location shall be referenced in the SPPP. | EDPA | EDPA + 12 months | No |
| Wildlife Feeding Control: Adopt and enforce an appropriate regulatory mechanism that prohibits wildlife feeding. | IV.B.5.a.ii | Certify in each annual report the date the regulatory mechanism was adopted and that it is being enforced. A log of enforcement actions shall be kept and their location shall be referenced in the SPPP. | EDPA | EDPA + 12 months | No |
| Litter Control: Enforce the existing State litter statute at N.J.S.A 13:1 E-99.3 or adopt and enforce a regulatory mechanism that is at least as stringent as the State litter statute. | IV.B.5.a.iii | Certify in each annual report the date the regulatory mechanism was adopted and that it is being enforced. A log of enforcement actions shall be kept and their location shall be referenced in the SPPP. | EDPA | EDPA + 12 months | No |
| Improper Disposal of Waste: Adopt and enforce an appropriate regulatory mechanism prohibiting improper disposal of waste. | IV.B.5.a.iv | Certify in each annual report the date the regulatory mechanism was adopted and that it is being enforced. A log of enforcement actions shall be kept and their location shall be referenced in the SPPP. | EDPA | EDPA + 12 months | No |
| Pollution Prevention/Good Housekeeping Control Measures | | | | | |
| Litter Pick-Up Program: Develop and implement a program that includes roadside clean-up of trash/debris and regular collection of refuse from litter and recycling receptacles on permittee property. Maintain records of clean-ups and estimates of total trash/debris collected. | IV.B.5.b.i. | Certify in each annual report that a litter pick-up program is being maintained, the estimated number of days each year pick-ups were performed, and the estimated amount of materials collected. Records demonstrating compliance shall be kept and their location shall be referenced in the SPPP. | EDPA | EDPA + 12 months | No |

| Summary of Minimum Standard (See Part IV for specific permit requirements) | Permit Cite | Measurable Goal (See Part IV for specific permit requirements) | Implementation Schedule | | New Requirement? |
|---|--------------|---|-------------------------|------------------|------------------|
| | | | Existing Permittee | New Permittee | |
| Quarterly Street Sweeping: Develop and implement a program to sweep all segments of limited-access highways (including ramps and parking areas) <u>with storm drain inlets</u> or discharge directly to surface water. | IV.B.5.b.ii | Certify in each annual report that the quarterly sweeping schedule is being maintained as well as records including the date and areas swept, number of miles of streets swept, and the total amount of materials collected in wet tons. Include totals in the Annual Report. Records demonstrating compliance shall be kept, and their location shall be referenced in the SPPP. | EDPA | EDPA + 12 months | Modified |
| Triannual Street Sweeping: Develop and implement a program to sweep all segments of streets and parking areas that are not limited-access highways but <u>have storm drain inlets</u> or discharge directly to surface water. | IV.B.5.b.iii | Certify in each annual report that the triannual sweeping schedule is being maintained as well as records including the date and areas swept, number of miles of streets swept, and the total amount of materials collected in wet tons. Include totals in the Annual Report. Records demonstrating compliance shall be kept, and their location shall be referenced in the SPPP. | EDPA | EDPA + 12 months | Modified |
| Annual Street Sweeping: Develop and implement a program to sweep all streets, ramps, and parking areas that <u>do not have storm drain inlets</u> or discharge directly to surface water. | IV.B.5.b.iv | Certify in each annual report that the annual sweeping schedule is being maintained as well as records including the date and areas swept, number of miles of streets swept, and the total amount of materials collected in wet tons. Include totals in the Annual Report. Records demonstrating compliance shall be kept, and their location shall be referenced in the SPPP. | EDPA | EDPA + 12 months | Modified |

| Summary of Minimum Standard (See Part IV for specific permit requirements) | Permit Cite | Measurable Goal (See Part IV for specific permit requirements) | Implementation Schedule | | New Requirement? |
|---|--------------|---|-------------------------|------------------|------------------|
| | | | Existing Permittee | New Permittee | |
| Storm Drain Inlet Inspection: Develop and continue to implement storm drain inlet inspections as specified in Part IV.B.5.b.v. | IV.B.5.b.v | Certify in each annual report that the storm drain inlet inspection schedule is being maintained, that a log is being maintained indicating the number of permittee-owned or operated inlets within the permittee's property, and indicate the number of inlets inspected. Records demonstrating compliance shall be kept, and their location shall be referenced in the SPPP. | EDPA | EDPA + 12 months | Modified |
| Storm Drain Inlet Cleaning: Develop, update, and implement a storm drain inlet cleaning program as specified in Part IV.B.5.b.vi. | IV.B.5.b.vi | Certify in each annual report that a storm drain inlet cleaning program is being implemented, and that a log indicating the number of permittee-owned or operated inlets cleaned is being maintained. Maintain records documenting the amount of materials collected in wet tons during cleaning activities for the calendar year and reference the location of those records in the SPPP. Include the totals in the Annual Report. | EDPA | EDPA + 12 months | Modified |
| Catch Basin Inspection: Develop and continue to implement catch basin inspections as specified in Part IV.B.5.b.vii. | IV.B.5.b.vii | Certify in each annual report that the catch basin inspection schedule is being maintained, that a log is being maintained indicating the number of permittee-owned or operated catch basins within the permittee's property, and indicate the number of catch basins inspected. Records demonstrating compliance shall be kept, and their location shall be referenced in the SPPP. | EDPA | EDPA + 12 months | Modified |

| Summary of Minimum Standard (See Part IV for specific permit requirements) | Permit Cite | Measurable Goal (See Part IV for specific permit requirements) | Implementation Schedule | | New Requirement? |
|---|---------------|---|-------------------------|------------------|------------------|
| | | | Existing Permittee | New Permittee | |
| Catch Basin Cleaning: Develop, update, and implement a catch basin cleaning program as specified in Part IV.B.5.b.viii. | IV.B.5.b.viii | Certify in each annual report that a catch basin cleaning program is being implemented, and that a log indicating the number of permittee-owned or operated catch basins cleaned is being maintained. Maintain records documenting the amount of materials collected in wet tons during cleaning activities for the calendar year and reference the location of those records in the SPPP. Include the totals in the Annual Report. | EDPA | EDPA + 12 months | Modified |
| Storm Drain Inlet Labeling: Label all drains that do not have permanent wording cast into the structure of the inlet, which are located at rest areas, service areas, maintenance facilities, and along streets with sidewalks. | IV.B.5.b.ix | Certify in each annual report that storm drains have been properly labeled. Records tracking storm drain inlet label status shall be kept, and their location shall be referenced in the SPPP. | EDPA | EDPA | No |
| Storm Drain Inlet Label Maintenance: Maintain the legibility of storm drain inlet labels and replace labels that are missing or not legible. | IV.B.5.b.x | Certify in each annual report that storm drains have been properly maintained. Records tracking storm drain inlet label status shall be kept, and their location shall be referenced in the SPPP. | EDPA | EDPA | No |
| Storm Drain Inlet Retrofit: Retrofit existing storm drain inlets as specified at Part IV.B.5.b.xi. | IV.B.5.b.xi | Certify in each annual report that a record of the number and location of storm drain inlets retrofitted as well as the number and location of storm drain inlets exempted is being maintained. Include totals in the Annual Report. Records demonstrating compliance shall be kept, and their location shall be referenced in the SPPP. | EDPA | EDPA + 12 months | No |

| Summary of Minimum Standard (See Part IV for specific permit requirements) | Permit Cite | Measurable Goal (See Part IV for specific permit requirements) | Implementation Schedule | | New Requirement? |
|---|---------------|--|-------------------------|------------------|------------------|
| | | | Existing Permittee | New Permittee | |
| Herbicide Application Management: Implement proper herbicide application management which prevents herbicides from being washed by stormwater into the waters of the State and prevents erosion caused by de-vegetation. | IV.B.5.b.xii | Certify in each annual report that proper herbicide application management is being conducted. | EDPA | EDPA | Yes |
| Excess De-icing Material Management: Remove piles of excess salt and de-icing materials that have been deposited during spreading operations within 72 hours after the end of each storm event. | IV.B.5.b.xiii | Certify in each annual report that proper excess de-icing material management is being conducted. | EDPA | EDPA | Yes |
| Roadside Vegetative Waste Management: Implement proper management of wood waste and yard trimmings generated by the Highway Agency. | IV.B.5.b.xiv | Certify in each annual report that proper pick-up, handling, storage and disposal of wood waste and yard trimmings generated by the Highway Agency has been conducted. Records demonstrating compliance shall be kept, and their location shall be referenced in the SPPP. | EDPA | EDPA | No |
| Refuse Containers and Dumpsters: Implement the proper use of refuse containers and dumpsters. | IV.B.5.b.xv | Certify in each annual report that appropriate dumpsters and other refuse containers that are outdoors or exposed to stormwater, are covered at all times. | EDPA | EDPA | Modified |
| Pollution Prevention/Good Housekeeping – Part IV.B.5.c Maintenance Yards and Other Ancillary Operations | | | | | |
| Maintenance Yards and Other Ancillary Operations: Implement the BMPs detailed in permit Attachment E for maintenance yards and other ancillary operations owned or operated by the Highway Agency. | IV.B.5.c | Certify in each annual report that the SPPP includes all applicable requirements of Attachment E and that the requirements have been met. Keep separate, yard-specific SPPP forms for each site where applicable. Maintain required yard-specific records and note their location in the SPPP. | EDPA | EDPA + 12 months | Modified |

| Summary of Minimum Standard (See Part IV for specific permit requirements) | Permit Cite | Measurable Goal (See Part IV for specific permit requirements) | Implementation Schedule | | New Requirement? |
|--|---------------|--|-------------------------|------------------|------------------|
| | | | Existing Permittee | New Permittee | |
| BMPs shall be implemented for the inventory of materials and machinery. | IV.B.5.c.i | Certify in each annual report that BMPs in Attachment E have been implemented for the inventory of materials and machinery. | EDPA | EDPA+ 12 months | No |
| BMPs shall be implemented for inspections and good housekeeping. | IV.B.5.c.ii | Certify in each annual report that BMPs in Attachment E have been implemented for inspections and good housekeeping. | EDPA | EDPA+ 12 months | No |
| BMPs shall be implemented for fueling operations. | IV.B.5.c.iii | Certify in each annual report that BMPs in Attachment E have been implemented for fueling operations. | EDPA | EDPA + 12 months | No |
| BMPs shall be implemented for discharge of stormwater from secondary containment. | IV.B.5.c.iv | Certify in each annual report that BMPs in Attachment E have been implemented for discharge of stormwater from secondary containment. | EDPA | EDPA + 12 months | No |
| BMPs shall be implemented for vehicle maintenance. | IV.B.5.c.v | Certify in each annual report that BMPs in Attachment E have been implemented for vehicle maintenance. | EDPA | EDPA + 12 months | No |
| BMPs shall be implemented for on-site equipment and vehicle washing and wash wastewater containment. | IV.B.5.c.vi | Certify in each annual report that BMPs in Attachment E have been implemented for on-site equipment and vehicle washing and wash wastewater containment. | EDPA | EDPA + 12 months | Modified |
| BMPs shall be implemented for salt and de-icing material storage and handling. | IV.B.5.c.vii | Certify in each annual report that BMPs in Attachment E have been implemented for salt and de-icing material storage and handling. | EDPA | EDPA + 12 months | Modified |
| BMPs shall be implemented for aggregate material and construction debris storage. | IV.B.5.c.viii | Certify in each annual report that BMPs in Attachment E have been implemented for aggregate material and construction debris storage. | EDPA + 12 months | EDPA + 12 months | Yes |

| Summary of Minimum Standard (See Part IV for specific permit requirements) | Permit Cite | Measurable Goal (See Part IV for specific permit requirements) | Implementation Schedule | | New Requirement? |
|---|-------------|--|-------------------------|------------------|------------------|
| | | | Existing Permittee | New Permittee | |
| BMPs shall be implemented for street sweepings and catch basin clean-out material storage. | IV.B.5.c.ix | Certify in each annual report that BMPs in Attachment E have been implemented for street sweepings and catch basin clean-out material storage. | EDPA + 12 months | EDPA + 12 months | Yes |
| BMPs shall be implemented for yard trimmings and wood waste management sites. | IV.B.5.c.x | Certify in each annual report that BMPs in Attachment E have been implemented for yard trimmings and wood waste management sites. | EDPA + 12 months | EDPA + 12 months | Yes |
| Pollution Prevention/Good Housekeeping – Part IV.B.5.d Employee Training | | | | | |
| Provide training to Highway Agency employees on stormwater topics applicable to their title within 3 months of commencement of duties. Follow-up training shall occur as specified in IV.B.5.d. | IV.B.5.d | Certify in each annual report that employee training has been conducted, and maintain records including sign in sheet(s), date(s) of training, and training agenda(s). The location of these records shall be referenced in the SPPP. | EDPA + 12 months | EDPA + 12 months | Modified |
| Ensure that individuals who review development and redevelopment projects for compliance with N.J.A.C. 7:8 on behalf of the Highway Agency complete Department approved training once every five years. | IV.B.5.e | Certify in each annual report that individuals reviewing projects have completed the required training and maintain a list of the names and dates that individuals received training. The location of this list shall be referenced in the SPPP. | EDPA + 12 months | EDPA + 12 months | Yes |
| MS4 Outfall Pipe Mapping, and Illicit Discharge and Scouring Detection and Control | | | | | |
| Develop, update and maintain an MS4 Outfall Pipe Map showing the location of the end of all MS4 outfall pipes which discharge to a surface water body. | IV.B.6.a | Certify in each annual report that the permittee has developed and maintained an MS4 Outfall Pipe Map which includes at a minimum, the requirements identified in Part IV.B.6.a. | EDPA | EDPA + 12 months | No |

| Summary of Minimum Standard (See Part IV for specific permit requirements) | Permit Cite | Measurable Goal (See Part IV for specific permit requirements) | Implementation Schedule | | New Requirement? |
|---|--------------|--|-------------------------|---|------------------|
| | | | Existing Permittee | New Permittee | |
| Show the location and name of all surface water bodies receiving discharges from those outfall pipes. | IV.B.6.a.i | Certify in each annual report that the surface water bodies associated with the end of each outfall pipe is located on the map. | EDPA | EDPA + 12 months | No |
| Include Outfall Pipe map or link to access an electronic version of the map in the SPPP | IV.B.6.a.ii | Certify in each annual report following the implementation deadline that an up-to-date Outfall Pipe Map is referenced or included in the SPPP. | EDPA +12 months | EDPA + 12 months | Yes |
| Update Outfall Pipe Map annually with any new or newly identified MS4 outfall pipes. | IV.B.6.a.iii | Certify in each annual report that the Outfall Pipe Map is current at the end of the calendar year and include at a minimum, the location of the end of any new or newly identified MS4 outfall pipes. | EDPA | EDPA + 12 months | No |
| Submit the Outfall Pipe Map to the Department on or before the set implementation schedule. | IV.B.6.a.iv | Certify in each annual report following the implementation deadline that the Outfall Pipe Map and any new data points subsequently added to the map have been provided to the Department. | EDPA +12 months | EDPA + 12 months | Yes |
| Submit the Outfall Pipe Map information to the Department electronically by December 21, 2020 | IV.B.6.a.v | Submit the Outfall Pipe Map information to the Department using Department's designated electronic submission service by December 21, 2020. | 12/21/2020 | 12/21/2020 or EDPA + 12 months, whichever is later. | Yes |

| Summary of Minimum Standard (See Part IV for specific permit requirements) | Permit Cite | Measurable Goal (See Part IV for specific permit requirements) | Implementation Schedule | | New Requirement? |
|---|-------------|---|-------------------------|------------------|------------------|
| | | | Existing Permittee | New Permittee | |
| Develop, update and implement a program to detect, investigate and control localized stream scouring from stormwater outfall pipes as specified in Part IV.B.6. | IV.B.6.b | Certify in each annual report that outfall pipes owned or operated by the permittee have received the required visual inspection at least once every five years (with a minimum of 20% of the total number of outfalls or 100 per year, whichever is greater), and maintain a log indicating the number and location of outfall pipes inspected, repairs prioritized, and repairs scheduled or performed. Certify in the annual report that a repair schedule has been prepared for those that have not been completed. Records demonstrating compliance with Part IV.B.6.b.i-ix shall be kept, and their location shall be referenced in the SPPP. | EDPA | EDPA + 12 months | Modified |
| Develop, update, implement and enforce an ongoing Illicit Discharge Detection and Elimination Program as specified in Part IV.B.6.c. | IV.B.6.c | Certify in each annual report that the permittee has developed a program to detect and eliminate illicit discharges and has conducted inspections required at Part IV.B.6.c at least once every five years (with a minimum of 20% of the total number of outfalls or 100 per year, whichever is greater). Document all investigations and actions taken on the Department's Illicit Connection Inspection Report Form. Records demonstrating compliance with Part IV.B.6.c.i-vii shall be kept, and their location shall be referenced in the SPPP. | EDPA | EDPA + 12 months | Modified |

| Summary of Minimum Standard (See Part IV for specific permit requirements) | Permit Cite | Measurable Goal (See Part IV for specific permit requirements) | Implementation Schedule | | New Requirement? |
|--|-------------|--|-------------------------|------------------|------------------|
| | | | Existing Permittee | New Permittee | |
| Adopt and enforce an appropriate regulatory mechanism that prohibits illicit connections to the small MS4 owned or operated by the permittee at the Highway Agency. | IV.B.6.d | Certify in each annual report the date the regulatory mechanism was adopted and that it is being enforced. A log of enforcement actions shall be kept and their location shall be referenced in the SPPP. | EDPA | EDPA + 12 months | No |
| Stormwater Facilities Mapping | | | | | |
| Develop, update and maintain a map of all stormwater facilities owned or operated by the permittee at the Highway Agency. | IV.C.1.a | Certify in each annual report that the permittee has developed, updated, and maintained an inventory of stormwater facilities owned or operated by the permittee at the Highway Agency. Records required by Part IV.C.1.a.i-v shall be kept, and their location shall be referenced in the SPPP. | EDPA+36 months | EDPA+ 36 months | New |
| Map must include property boundaries of all maintenance yards, ancillary operations, rest areas, and service areas as well as an annotated map of roadways and thoroughfares owned or operated by the permittee. | IV.C.1.b.i | Certify in each annual report that the permittee has developed, updated, and maintained a map of all maintenance yards, ancillary operations, rest areas, and service areas as well as an annotated map of roadways and thoroughfares owned or operated by the permittee. | EDPA+36 months | EDPA+36 months | New |
| Map must include the type of stormwater facility. | IV.C.1.b.ii | Certify in each annual report that the permittee has included the type of stormwater facility. | EDPA +36 months | EDPA+36 months | New |

| Summary of Minimum Standard (See Part IV for specific permit requirements) | Permit Cite | Measurable Goal (See Part IV for specific permit requirements) | Implementation Schedule | | New Requirement? |
|--|--------------|---|-------------------------------|-------------------------------|------------------|
| | | | Existing Permittee | New Permittee | |
| Map must be updated annually to include, at a minimum, the location of any new or newly identified stormwater facilities. | IV.C.1.b.iii | Certify in each annual report that the permittee has included the location of any new or newly identified stormwater facilities. | EDPA + 36 Months | EDPA + 36 months | New |
| Map must be populated and maintained in an electronic format provided by the Department. | IV.C.1.b.iv | Certify in each annual report that the permittee has populated and maintained a map in an electronic format provided by the Department. | EDPA+36 months | EDPA+36 months | New |
| New data points subsequently added to the map shall be provided to the Department annually thereafter as an attachment to the MSRP Annual Report and Certification. | IV.C.1.b.vi | Certify in each subsequent annual report that new stormwater facilities have been added to inventory. | Annually after EDPA+36 months | Annually after EDPA+36 months | New |
| Stormwater Facilities Maintenance | | | | | |
| Develop, update and implement a program to ensure adequate long-term cleaning, operation and maintenance of all stormwater facilities owned or operated by the permittee. | IV.C.2.a | Certify in each annual report that the permittee has developed, updated and implemented a program to ensure adequate long-term cleaning, operation and maintenance of all stormwater facilities owned or operated by the permittee. Records required by Part IV.C.2.a-c, shall be kept, and their location shall be referenced in the SPPP. | EDPA | EDPA + 12 months | Modified |
| Stormwater facility maintenance must be performed pursuant to any maintenance plans, or more frequently as needed, to ensure proper function and maintenance of the stormwater facility. | IV.C.2.b | Certify in each annual report that inspections and maintenance were performed pursuant to any maintenance plans, or more frequently as needed, to ensure proper function and operation of stormwater facilities. | EDPA | EDPA + 12 months | Modified |

| Summary of Minimum Standard (See Part IV for specific permit requirements) | Permit Cite | Measurable Goal (See Part IV for specific permit requirements) | Implementation Schedule | | New Requirement? |
|---|--------------|---|-------------------------|------------------|------------------|
| | | | Existing Permittee | New Permittee | |
| Maintain a log sufficient to demonstrate compliance with this permit requirement. | IV.C.2.c | Certify in each annual report that, at a minimum, a maintenance log is kept that records the name & type of the stormwater facility inspected, the location information of the facility inspected (location information must be specific enough to locate and identify the stormwater facility in the field; e.g., geographic coordinates), the name of inspector, date of inspection, findings, and any preventative and corrective maintenance performed. | EDPA | EDPA + 12 months | Modified |
| Certify annually if the stormwater facilities owned or operated by the permittee are functioning properly. | IV.C.2.e | Certify in each annual report if all stormwater facilities owned or operated by the permittee are functioning properly. | EDPA | EDPA + 12 months | No |
| Preventative and corrective maintenance shall be taken to repair stormwater facilities that are not functioning properly. Prioritization schedule shall be documented and developed based on measures specified in Part IV.C.2.f. | IV.C.2.f | Certify in each annual report that a prioritized schedule of necessary preventive and corrective maintenance exists based on Part IV.C.2.f. i-iv for stormwater facilities that are not functioning properly. | EDPA | EDPA+12 months | Modified |
| Copies of all maintenance plans shall be kept for stormwater facilities approved by the permittee and shall be available to the Department upon request. | IV.C.2.g & h | Certify in each annual report that copies of all maintenance plans (as defined in Notes and Definitions Part IV.B.1.g), for stormwater facilities are kept on file, and their location shall be referenced in the SPPP. | EDPA | EDPA | Modified |

| Summary of Minimum Standard (See Part IV for specific permit requirements) | Permit Cite | Measurable Goal (See Part IV for specific permit requirements) | Implementation Schedule | | New Requirement? |
|---|-------------|--|-------------------------|------------------|------------------|
| | | | Existing Permittee | New Permittee | |
| Total Maximum Daily Load (TMDL) Info. | | | | | |
| Annually review approved or adopted TMDL reports to identify if the TMDL addresses any segment of surface water wholly or partially within or bordering all: maintenance yards; rest areas; service area properties; and new "major development" projects as defined by the permittee's stormwater program. | IV.C.3.a | Certify in each annual report that approved or adopted TMDLs have been identified and reviewed. Records required by Part IV.C.3.a.i, a.ii, and b shall be kept, and their location shall be referenced in the SPPP. | EDPA + 12 months | EDPA + 12 months | Yes |
| Use TMDL information identified in compliance with Part IV.C.3.a to identify and develop strategies to address specific stormwater sources of those pollutants addressed in the TMDL. | IV.C.3.a.i | Certify in each annual report that the permittee has used information identified in compliance with Part IV.C.3.a to assist in identifying and developing strategies to address specific stormwater sources of those pollutants addressed in the TMDL. | EDPA + 12 months | EDPA + 12 months | Yes |
| Use TMDL information identified in compliance with Part IV.C.3.a to Assist in the selection and design of stormwater BMPs for "major development" projects, and the prioritization of stormwater facility maintenance, including schedules for repairs related to Stormwater Facilities' Maintenance, and the Stream Scouring and Illicit Discharge Detection & Elimination programs. | IV.C.3.a.ii | Certify in each annual report that the permittee has used information identified in compliance with Part IV.C.3.a to assist in the prioritization of activities as required at Part IV.B.6. (Stream Scouring & Illicit Discharge Detection & Elimination) and IV.C.3.f (Stormwater Facilities Maintenance) | EDPA+12 months | EDPA+12 months | Yes |
| Update SPPP to list information identified in Part IV.C.3.a. | IV.C.3.a.b | Certify in each annual report that the permittee has updated its SPPP to list information identified in Part IV.C.3.a. | EDPA + 12 months | EDPA + 12 months | Yes |
| Incorporate any strategies identified in Part VI.C.3.a.ii(2) as an Optional Measure | IV.C.3.a.c | Certify in each annual report that the permittee has incorporated any strategies identified in Part VI.C.3.a.ii(2) as an Optional Measure. | EDPA + 12 months | EDPA + 12 months | Yes |

Attachment B – Points System for Public Education and Outreach Activities

Permittees who own and operate rest areas and/or service areas shall describe how they will educate users and employees of the Highway Agency to satisfy this minimum standard. The Public Education and Outreach Program is intended to focus on educational and pollution prevention activities that educate about the impacts of stormwater discharges on surface water and groundwater and to involve the public in reducing pollutants in stormwater runoff and mitigating flow.

The permittee shall select activities from the list below, totaling a minimum of 5 (five) points each year:

| Activity | Description | Points |
|---|--|--------|
| Website and Social Media | Maintain a stormwater related page on the permittee’s website or on permittee’s social media site. The web page may include links to other stormwater related resources, including the NJDEP stormwater website (www.njstormwater.org) as well as the Stormwater Pollution Prevention Plan. | 1 |
| Newspaper Ad | Use Department created and approved stormwater education materials available on www.cleanwaternj.org to publish an ad in a newspaper or newsletter that serves the permittee. | 1 |
| Radio/Television | Broadcast a radio or television public service announcement from www.cleanwaternj.org on a local radio or public service channel. | 1 |
| Green Infrastructure and Stormwater Facility Signage | Post signs at green infrastructure sites, stormwater management basins or other structural stormwater-related facilities at the rest/service area that describe the function and importance of the infrastructure, contact phone number, permittee identification number, and/or website for more information. *New signs receive 0.5 credits per sign. Existing signs that are maintained or upgraded receive 0.25 credits per sign. A maximum of 5 credits are allowed. | 5* |
| Billboard/Sign | Produce and maintain (for credit in subsequent years) a billboard or sign which can be displayed at the rest/service areas. | 2 |
| Mural | Produce and maintain (for credit in subsequent years) the planning and painting of a stormwater pollution themed mural, storm drain art or other artwork at rest/service areas. | 2 |
| Stormwater Display | Present a stormwater related display or materials at rest/service areas. | 1 |
| Pet Waste Bags | Provide pet waste bags at rest/service areas. | 2 |

Permittees may request approval from the NJDEP Bureau of Nonpoint Pollution Control to earn points for alternate activities.

Attachment C - Design Standards for Storm Drain Inlets

Application of Design Standard

The below design standard applies to the following types of storm drain inlet installation or retrofit projects unless a more stringent standard is specified by the permittee in an adopted regulatory mechanism:

- Storm drain inlets installed as part of new development and redevelopment that disturb one acre or more;
- Storm drain inlets installed as part of new development and redevelopment that disturb less than one acre that are part of a larger common plan of development or sale (e.g. phased development project) that ultimately disturbs one acre or more;
- Permittee owned or operated storm drain inlets must be retrofitted where the storm drains are (1) in direct contact with any repaving, repairing (excluding individual pothole repair), or resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen); or (2) in direct contact with any reconstruction or alteration of facilities.

Design Standard

Grates in pavement or other ground surfaces shall meet either of the following standards:

- The New Jersey Department of Transportation (NJDOT) bicycle safe grate standards described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (see www.nj.gov/transportation/publicat/pdf/BikeComp/introtofac.pdf); or
- A grate where each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is not greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets; the grate portion (non-curb opening portion) of combination inlets; grates on storm sewer manholes; ditch grates; trench grates; and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads, (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors used to collect stormwater from the surface into a storm drain or surface water body.

For curb-openings inlets, including curb-opening inlets in combination inlets, the clear space in the curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches or be no greater than two (2.0) inches across the smallest dimension.

Exemptions from the Design Standard

- Where each individual clear space in the curb opening in existing curb-opening inlets does not have an area of more than nine (9.0) square inches;
- Where the review agency determines that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

A bar screen having a bar spacing of 0.5 inches;

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- Where flows are conveyed through a trash rack that has parallel bars with one inch (1”) spacing between the bars, to the elevation of the water quality design storm as specified in N.J.A.C. 7:8; or
- Where the Department determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet the standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Attachment D – Major Development Project List

Provide the following information for each approved development or redevelopment project that is regulated by the Highway Agency MS4 NJPDES Permit, and not exempted under N.J.A.C. 7:8-1.6(b).

| Highway Agency: _____ | | NJPDES#: NJG: _____ | | | PI ID#: _____ | | Calendar Year: _____ | |
|-----------------------|-----------------------|---|-------------------------------|-----------------------------------|---|---|-------------------------|---------------------|
| Project Name | Municipality / County | 5G3 Construction Stormwater Permit Auth.# | DLUR Stormwater Review? (Y/N) | Total Area of Disturbance (acres) | Water Quality Treatment Required? (Y/N) | Waiver Claimed Under N.J.A.C. 7:8-5.2(e)? (Y/N) | Project Design Engineer | Project Reviewer(s) |
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Attachment E – Best Management Practices for Maintenance Yards and Other Ancillary Operations

The permittee shall implement the following practices at maintenance yards and other ancillary operations owned or operated by the permittee. Inventory of Materials and Machinery, and Inspections and Good Housekeeping shall be conducted at all maintenance yards and other ancillary operations. All other Best Management Practices shall be conducted whenever activities described below occur. Ancillary operations include but are not limited to impound yards, permanent and mobile fueling locations, and yard trimmings and wood waste management sites.

Inventory of Materials and Machinery

The SPPP shall include separate forms listing the physical address, materials, machinery, and activities of each maintenance yard and ancillary operation where they could be a source of pollutants in a stormwater discharge. The materials in question include but are not limited to: raw materials; intermediate products; final products; waste materials; by-products; machinery and fuels; and lubricants, solvents, and detergents that are related to the maintenance yard operations and ancillary operations. Materials or machinery that are not exposed to stormwater at the maintenance yard or related to its operations do not need to be included.

Inspections and Good Housekeeping

1. Inspect the entire site, including the site periphery, monthly (under both dry and wet conditions, when possible). Identify conditions that would contribute to stormwater contamination, illicit discharges or negative impacts to the permittee's MS4. Maintain an inspection log detailing conditions requiring attention and remedial actions taken for all activities occurring at Maintenance Yards and Other Ancillary Operations. This log must contain, at a minimum, a record of inspections of all operations listed in Part IV.B.5.c. of this permit including dates and times of the inspections, and the name of the person conducting the inspection and relevant findings. This log must be kept on-site, and its location referenced in the SPPP and made available to the Department upon request. See the Highway Agency Guidance document at https://www.nj.gov/dep/dwq/highway_guidance.htm for additional information.
2. Conduct cleanups of spills of liquids or dry materials immediately after discovery. All spills shall be cleaned using dry cleaning methods only. Clean up spills with a dry, absorbent material (i.e., kitty litter, sawdust, etc.) and sweep the rest of the area. Dispose of collected waste properly. Store clean-up materials, spill kits and drip pans near all liquid transfer areas, protected from rainfall.
3. Properly label all containers. Labels shall be legible, clean and visible. Keep containers in good condition, protected from damage and spillage, and tightly closed when not in use. When practical, store containers indoors. If indoor storage is not practical, containers may be stored outside if covered and placed on spill platforms or clean pallets. An area that is graded and/or contained by berms to prevent run-through of stormwater may be used in place of spill platforms or clean pallets. Outdoor storage locations shall be regularly maintained.

Fueling Operations

1. Establish, maintain and implement standard operating procedures to address vehicle fueling; receipt of bulk fuel deliveries; and inspection and maintenance of storage tanks, including the associated piping and fuel pumps.
 - a. Place drip pans under all hose and pipe connections and other leak-prone areas during bulk transfer of fuels.
 - b. Block storm sewer inlets, or contain tank trucks used for bulk transfer, with temporary berms or temporary absorbent booms during the transfer process. If temporary berms or booms are being used instead of blocking the storm sewer inlets, all hose connection points associated with the transfer of fuel shall be within the temporarily contained by berms or boomed area during the loading/unloading of bulk fuels. A trained employee shall be present to supervise the bulk transfer of fuel.
 - c. Clearly post, in a prominent area of the facility, instructions for safe operation of fueling equipment. Include the following:
 - “Topping off vehicles, mobile fuel tanks, and storage tanks is strictly prohibited”
 - “Stay in view of fueling nozzle during dispensing”
 - Contact information for the person(s) responsible for spill response.
 - d. Immediately repair or replace any equipment, tanks, pumps, piping and fuel dispensing equipment found to be leaking or in disrepair.

Discharge of Stormwater from Secondary Containment

The discharge pipe/outfall from a secondary containment area (e.g., fuel storage, de-icing solution storage, brine solution) shall have a valve and the valve shall remain closed except as described below. The permittee may discharge stormwater accumulated in a secondary containment area if a visual inspection is performed to ensure that the contents of aboveground storage tank have not been in contact with the stormwater to be discharged. Visual inspections are only effective when dealing with materials that can be observed, like petroleum. If the contents of the tank are not visible in stormwater, the permittee shall rely on previous tank inspections to determine with some degree of certainty that the tank has not leaked. If the permittee cannot determine with reasonable certainty that the stormwater in the secondary containment area is uncontaminated by the contents of the tank, then the stormwater shall be hauled for proper disposal.

Vehicle Maintenance

1. Operate and maintain equipment to prevent the exposure of pollutants to stormwater.
2. Whenever possible, conduct vehicle and equipment maintenance activities indoors. Floor drain discharge locations shall be identified in the SPPP.
3. For projects that must be conducted outdoors, and that last more than one day, portable tents or covers shall be placed over the equipment being serviced when not being worked on, and drip pans shall be used. Use designated areas away from storm drains or block storm drain inlets when vehicle and equipment maintenance is being conducted outdoors.

On-Site Equipment and Vehicle Washing and Wash Wastewater Containment

1. Manage any equipment and vehicle washing activities so that there are no unpermitted discharges of wash wastewater to storm sewer inlets or to surface or ground waters of the State.
2. Permittee's which cannot discharge wash wastewater to a sanitary sewer or which cannot otherwise comply with 1, above, may temporarily contain wash wastewater prior to proper disposal under the following conditions:
 - a. Containment structures shall not leak. Any underground tanks and associated piping shall be tested for integrity every 3 years using appropriate methods determined by "*The List of Leak Detection Evaluations for Storage Tank Systems*" created by the National Work Group on Leak Detection Evaluations (NWGLDE) or as determined appropriate and certified by a professional engineer for the site-specific containment structure(s).
 - b. For any containment system protected by cathode, provide a passing cathodic protection survey every three years.
 - c. Operate containment structures to prevent overflowing resulting from normal or abnormal operations, overflowing, malfunctions of equipment, and human error. Overfill prevention shall include manual sticking/gauging of the tank before each use unless system design prevents such measurement. Tank shall no longer accept wash wastewater when determined to be at 95% capacity. Record each measurement to the nearest ½ inch.
 - d. Before each use, perform inspections of all visible portions of containment structures to ensure that they are structurally sound, and to detect deterioration of the wash pad, catch basin, sump, tank, piping, risers, walls, floors, joints, seams, pumps and pipe connections or other containment devices. The wash pad, catch basin, sump and associated drains shall be kept free of debris before each use. Log dates of inspection; inspector's name, and conditions. This inspection is not required if system design prevents such inspection.
 - e. Containment structures shall be emptied and taken out of service immediately upon detection of a leak. Complete all necessary repairs to ensure structural integrity prior to placing the containment structure back into service. Any spills or suspected release of hazardous substances shall be immediately reported to the NJDEP Hotline (1-877-927-6337) followed by a site investigation in accordance with N.J.A.C. 7:26C and N.J.A.C 7:26E if the discharge is confirmed.
 - f. All equipment and vehicle wash wastewater placed into storage must be disposed of in a legally permitted manner (e.g., pumped out and delivered to a duly permitted and/or approved wastewater treatment facility).
 - g. Maintain a log of equipment and vehicle wash wastewater containment structure clean-outs including date and method of removal, mode of transportation (including name of hauler if applicable) and the location of disposal. See Underground Vehicle Wash Water Storage Tank Use Log at end of this attachment.
 - h. Containment structures shall be inspected annually by a NJ licensed professional engineer. The engineer shall certify the condition of all structures including: wash pad, catch basin, sump, tank, piping, risers to detect deterioration in the, walls, floors, joints, seams, pumps and

pipe connections or other containment devices using the attached Engineer's Certification of Annual Inspection of Equipment and Vehicle Wash Wastewater Containment Structure. This certification may be waived for self-contained systems on a case-by-case basis. Any such waiver would be issued in writing by the Department.

3. Maintain all logs, inspection records, and certifications on-site. Such records shall be made available to the Department upon request.

Salt and De-icing Material Storage and Handling

1. Store material in a permanent structure.
2. Perform regular inspections and maintenance of storage structure and surrounding area.
3. Minimize tracking of material from loading and unloading operations.
4. During loading and unloading:
 - a. Conduct during dry weather, if possible;
 - b. Prevent and/or minimize spillage; and
 - c. Minimize loader travel distance between storage area and spreading vehicle.
5. Sweep (or clean using other dry-cleaning methods):
 - a. Storage areas on a regular basis;
 - b. Material tracked away from storage areas;
 - c. Immediately after loading and unloading is complete.
6. Reuse or properly discard materials collected during cleanup.
7. Temporary outdoor storage is permitted only under the following conditions:
 - a. A permanent structure is under construction, repair or replacement;
 - b. Stormwater run-on and de-icing material run-off is minimized;
 - c. Materials in temporary storage are tarped when not in use;
 - d. The requirements of 2 through 6, above are met; and
 - e. Temporary outdoor storage shall not exceed 30 days unless otherwise approved in writing by the Department;
8. Sand must be stored in accordance with Aggregate Material and Construction Debris Storage below.

Aggregate Material and Construction Debris Storage

1. Store materials such as sand, gravel, stone, top soil, road millings, waste concrete, asphalt, brick, block and asphalt-based roofing scrap and processed aggregate in such a manner as to minimize stormwater run-on and aggregate run-off via surface grading, dikes and/or berms (which may include sand bags, hay bales and curbing, among others) or three-sided storage bays. The area in front of storage bays and adjacent to storage areas shall be swept clean after loading/unloading.
2. Sand, top soil, road millings and processed aggregate may only be stored outside and uncovered if in compliance with item 1 above and a 50-foot setback is maintained from surface water bodies, storm sewer inlets, and/or ditches or other stormwater conveyance channels.
3. Road millings must be managed in conformance with the “Recycled Asphalt Pavement and Asphalt Millings (RAP) Reuse Guidance” (see www.nj.gov/dep/dshw/rrtp/asphaltguidance.pdf) or properly disposed of as solid waste pursuant to N.J.A.C. 7:26-1 et seq.
4. Cold patch shall be stored in a permanent structure or on an impervious surface and covered with a waterproof material (i.e., tarpaulin or 10-mil plastic sheeting) that is contained (e.g., contained by berms) to control leachate and stormwater run-on or run through.
5. The stockpiling of materials and construction of storage bays on certain land (including but not limited to coastal areas, wetlands and floodplains) may be subject to regulation by the Division of Land Use Regulation (see www.nj.gov/dep/landuse/ for more information).

Street Sweepings, Catch Basin Clean Out, and Other Material Storage

1. For the purposes of this permit, this BMP is intended for road cleanup materials as well as other similar materials. Road cleanup materials may include but are not limited to street sweepings, storm sewer clean out materials, stormwater basin clean out materials and other similar materials that may be collected during road cleanup operations. These BMPs do not include materials such as liquids, wastes which are removed from sanitary sewer systems or material which constitutes hazardous waste in accordance with N.J.A.C. 7:26G-1.1 et seq.
2. Road cleanup materials must be ultimately disposed of in accordance with N.J.A.C. 7:26-1.1 et seq. See the “Guidance Document for the Management of Street Sweepings and Other Road Cleanup Materials” (www.nj.gov/dep/dshw/rrtp/sweeping.htm).
3. Road cleanup materials placed into temporary storage must be, at a minimum:
 - a. Stored in leak-proof containers or on an impervious surface and covered with a waterproof material (i.e., tarpaulin or 10-mil plastic sheeting) that is contained (e.g., contained by berms) to control leachate and stormwater run-on or run through; and
 - b. Removed for disposal (in accordance with 2, above) within six (6) months of placement into storage.

Yard Trimmings and Wood Waste Management Sites

1. These practices are applicable to any yard trimmings or wood waste management site:
 - a. Owned and operated by the permittee;
 - i. For staging, storing, composting or otherwise managing yard trimmings, or
 - ii. For staging, storing or otherwise managing wood waste, and
 - b. Operated in compliance with the Recycling Rules found at N.J.A.C. 7:26A.
2. Yard trimmings or wood waste management sites must be operated in a manner that:
 - a. Diverts stormwater away from yard trimmings and wood waste management operations;
 - b. Minimizes or eliminates the exposure of yard trimmings, wood waste and related materials to stormwater;
 - c. Eliminates the discharge of stormwater that contacts source material from yard trimmings or wood waste management sites to storm sewer inlets or surface waters of the State.
3. Yard trimmings and wood waste management site specific practices:
 - a. Construct windrows, staging and storage piles:
 - i. In such a manner that materials contained in the windrows, staging and storage piles (processed and unprocessed) do not enter waterways of the State;
 - ii. On ground which is not susceptible to seasonal flooding;
 - iii. In such a manner that prevents stormwater run-on and leachate run-off (e.g., use of covered areas, diversion swales, ditches or other designs to divert stormwater from contacting yard trimmings and wood waste).
 - b. Maintain perimeter controls such as curbs, berms, hay bales, silt fences, jersey barriers or setbacks, to eliminate the discharge of stormwater runoff carrying leachate or litter from the site to storm sewer inlets or to surface waters of the State.
 - c. Prevent on-site storm drain inlets from siltation using controls such as hay bales, silt fences, or filter fabric inlet protection.
 - d. Dry weather run-off that reaches a stormwater sewer system is an illicit discharge. Possible sources of dry weather run-off include wetting of piles by the site operator; uncontrolled pile leachate or uncontrolled leachate from other materials stored at the site.
 - e. Remove trash from yard trimmings and wood waste upon receipt.
 - f. Monitor site for trash on a routine basis.
 - g. Store trash in leak-proof containers or on an impervious surface that is contained (e.g., contained by berms) to control leachate and litter;
 - h. Dispose of collected trash at a permitted solid waste facility.
 - i. Employ preventative tracking measures, such as gravel, quarry blend, or rumble strips at exits.

**ENGINEERS CERTIFICATION OF ANNUAL INSPECTION OF EQUIPMENT
AND VEHICLE WASH WASTEWATER CONTAINMENT STRUCTURE
(Complete a separate form for each vehicle wash wastewater containment structure)**

Permittee: _____ NJPDES Permit No: _____

Containment Structure Location: _____

The annual inspection of the above referenced vehicle wash wastewater containment structure was conducted on _____ (date). The containment structure and appurtenances have been inspected for:

1. The integrity of the structure including walls, floors, joints, seams, pumps and pipe connections
2. Leakage from the structure's piping, vacuum hose connections, etc.
2. Bursting potential of tank.
3. Transfer equipment
4. Venting
5. Overflow, spill control and maintenance.
6. Corrosion, splits, and perforations to tank, piping and vacuum hoses

The tank and appurtenances have been inspected for all of the above and have been determined to be:

Acceptable _____

Unacceptable _____

Conditionally Acceptable _____

List necessary repairs and other conditions: _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment (N.J.A.C. 7:14A-2.4(d)).

Name (print): _____ Seal: _____

Signature: _____

Date: _____

Underground Vehicle Wash Water Storage Tank Use Log

Name and Address of Facility _____

Facility Permit Number _____

Tank ID Number _____

Tank Location _____

Tank Volume _____ gallons

Tank Height _____ inches

95% Volume _____ gallons

95% Volume _____ inches

| <u>Date and Time</u> | <u>Inspector</u> | <u>Height of Product Before Introducing Liquid (inches)</u> | <u>Is Tank Less Than 95% Full? (Y/N)</u> | <u>Visual Inspection Pass? (Y/N)</u> | <u>Comments</u> |
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Notes: The volume of liquid in the tank shall be measured **before** each use.

Liquid **shall not be introduced** if the tank contains liquid at 95% of the capacity or greater.

A visual inspection of all exposed portions of the collection system shall be performed before each use. Use the comments column to document the inspection and any repairs.

Underground Vehicle Wash Water Storage Tank Pump Out Log

Name and Address of Facility _____

Facility Permit Number _____

Tank ID Number _____

Tank Location _____

Tank Volume _____ gallons

| <u>Date and Time of Pump Out</u> | <u>Volume of Liquid Removed</u> | <u>Waste Hauler *</u> | <u>Destination of the Liquid Disposal *</u> |
|----------------------------------|---------------------------------|-----------------------|---|
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*** The Permittee must maintain copies of all hauling and disposal records and make them available for inspection**